

TOWN OF HORICON
COUNTY OF WARREN
ZONING AND PROJECT REVIEW



Adopted by Local Law # 4 of 2002
November 14, 2002

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SECTION 1 - PREAMBLE

Pursuant to the authority conferred by Article 16 of the Town Law, Article 27 of the Executive Law and Article 2 of the Municipal Home Rule Law of the State of New York and in order to promote the health, safety, morals and general welfare of the community by channeling and directing growth, and by regulating and restricting the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yard, courts and other open spaces, the density of population and the location and use of buildings, structures and land for trade, industry, residence and other purposes, to the maximum extent permissible within the proper exercise of the police power as delegated by the Town Law and the authority which may be exercised by towns pursuant to the Municipal Home Rule Law and the Adirondack Park Agency Act.

Further, in order to insure optimum overall conservation, protection, development and use of the unique scenic, aesthetic, wildlife, recreational, open space, historic, ecological and natural resources of the Adirondack Park, and to satisfy the criteria for approval by the Adirondack Park Agency of a local land use program pursuant to Section 807 (2) of the Adirondack Park Agency Act, the Town does hereby enact the Town of Horicon Zoning and Project Review Local Law.

SECTION 2 - SHORT TITLE

This Local Law may be known and cited as the Town of Horicon Zoning and Project Review Local Law.

SECTION 3 - INTERPRETATION

For the purpose of this Ordinance, certain terms and words shall be interpreted to have the following meaning; words used in the present tense include the future, the plural includes the singular; the word "plot" includes the word "lot"; the word "building" includes the word "structure"; the word "occupied" includes the words designed, intended or arranged for occupancy; and the word "person" may include more than one, an association, a co-partnership or a corporation.

SECTION 4 - DEFINITIONS

For the purpose of the Ordinance, certain terms and words are herewith defined as follows:

ACCESSORY STRUCTURE: Any structure or a portion of a main structure customarily incidental and subordinate to a principal land use or development and that customarily

accompanies or is associated with such principal land use or development, including a guest cottage not for rent or hire that is incidental and subordinate to and associated with a single family dwelling.

ACCESSORY USE: A use of a structure, lot or portion thereof that is customarily incidental and subordinate to and does not change the character of the principal use to which it is an accessory.

ADIRONDACK PARK: Land lying within the area described in Subdivision One of Section 9-0101 of the Environmental Conservation Laws of the State of New York including any future amendments thereto.

ADIRONDACK PARK AGENCY: The Adirondack Park Agency was created by Section Eight Hundred Three of Article 27 of the Executive Law of the State of New York.

ADVERTISING SIGN: A sign which directs attention to a business, industry, profession, commodity, service or entertainment not conducted, sold or offered upon the same premises where the sign is located. Billboards are included in this definition.

AGENT: Any person authorized by the owner of record to represent such owner in the request for a zoning action or project review.

AGRICULTURAL SERVICE USE: Any milk processing plant, feed storage supply facility, farm machinery or equipment sales and service facility; storage and processing facility for fruits, vegetables and other agricultural products or similar use directly and customarily related to the supply and service of an agricultural use.

AGRICULTURAL USE: Any management of any land primarily for agriculture, raising of cows, horses, pigs, poultry and other livestock; or orchards; including the sale of products grown or raised directly on such land, and including the construction, alteration or maintenance of fences, agricultural roads, agricultural drainage systems and farm ponds.

AGRICULTURAL USE STRUCTURE: Any barn, stable, shed, silo, garage, fruit and vegetable stand or other building or structure directly and customarily associated with an active agricultural use.

ALL WEATHER, DUSTLESS MATERIAL: Any material or treatment that serves to reduce or eliminate dust generation on road surfaces. Such material or treatment need not contain any bituminous materials, but must provide a type of surface which will remain durable through all types of climatic conditions.

ALTERATIONS: As applied to a building or structure, means a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether

by extending on a side or by increasing height, or the moving from one location or position to another.

AMUSEMENT FACILITY: An outdoor facility which may include structures and buildings where there are various devices for entertainment, including rides, booths for the conducting of games or sale of items and buildings for shows and entertainment.

ANIMATED SIGN: Any sign designed to give forth sound or movement or any portion thereof, either by the use of lights or a mechanical device that simulates movement.

ANTENNA DISH: A device, considered a structure, used to collect and focus on a receiver, telecommunication signals that have been generated at a distant location. When larger than four (4) square feet, it is considered an accessory structure and subject to Section 11.70 regulations, except for purposes of class A jurisdiction in regard to height.

APARTMENT BUILDING: A multiple family dwelling containing three (3) or more dwelling units.

AREA FLOOR: The total sum of the areas of all floors of a structure measured on a horizontal plane of the principal building on a lot, exclusive of uncovered porches, terraces and steps.

AREA LAND: The total surface area of a lot, excluding open water bodies, derived by computations based on the deeded external dimensions of said lot.

AREA REGULATIONS: The regulation of building size, setbacks or yards, parking and loading requirements and similar regulations, but excluding performance standards.

AUTO BODY SHOP: The use of an area or portion of any lot or plot whether inside or outside a building for the repair or painting of an auto body.

AUTOMOBILE SERVICE STATION: A form of commercial use which includes any building, land area or other premises, or portion thereof, used or intended to be used for the repair, storage and servicing of motor vehicles and for the retail dispensing or sales of vehicular fuels; which may include as an accessory use the sale and installation of lubricants, tires, batteries and similar accessories.

AUXILIARY USE: An accessory use or accessory structure shall be an auxiliary use.

BAR: See Tavern

BASEMENT: That space of a building that is partly below grade which has more than half of its height measured from floor to ceiling, below the average established curb level or finished grade of the ground adjoining the building. Cellars are included in this definition.

BITUMINOUS MATERIAL: Any material or treatment containing a mineral pitch or asphalt base and which provides a durable road surface able to withstand all types of climatic conditions.

BOARDING HOUSE: A form of tourist accommodation which is a dwelling or part thereof to which lodging and meals are provided for a fee by the owner or operator to one or more boarders.

BOAT: A water born vessel, either motorized or non-motorized.

BOATHOUSE: A single story structure with direct access to a navigable body of water which is used solely for the storage of boats and associated equipment and which does not have bathroom or kitchen facilities and is not designed or used for lodging or residency.

BOAT STORAGE, COMMERCIAL: Property used for the storage of boats for a fee with no service or maintenance permitted on the premises.

BUILDING: Any structure which is permanently affixed to the land and is covered by a roof supported by columns or by walls and intended for shelter, housing or enclosure of persons, animals or chattels.

BUILDING, ALTERATION OF: Any change, rearrangement or addition to the exterior of a building, other than repair.

BUILDING ASSEMBLY: A building for exhibits, stage productions, speeches and special uses, where the general public may assemble.

BUILDING COVERAGE: The percentage of the plot or lot area covered by the building area.

BUILDING, PRINCIPAL: Any single family dwelling, mobile home, tourist cabin, or similar structure for rent or hire involving three hundred (300) or more square feet of floor space; each unit of a multiple family dwelling; a commercial or industrial use structure in excess of three hundred (300) square feet; and other structure which exceeds twelve hundred fifty (1,250) square feet. In addition, each motel unit, hotel unit or similar tourist accommodation unit which is attached to a similar unit by a part wall, each accommodation unit of a tourist home or similar structure, and each tourist cabin or similar structure for rent or hire involving less than three hundred (300) square feet of floor space, will constitute one-tenth (1/10) of a principal building. An accessory structure will not be considered a principal building. In addition, all agricultural use structures and single family dwellings or mobile homes occupied by a farmer of land in agricultural use, his/her employees engaged in such use and members of their respective immediate families, will together constitute and count as a single principal building.

BUSINESS SIGN: A sign which directs attention to a business, industry, profession, commodity, service or entertainment sold or offered upon the same premises where the sign is located.

CAMP: Any area of land or water on which are located two or more cabins, tents, travel trailers, houseboats or other accommodations of a design or character suitable for seasonal or temporary recreational oriented occupancy, regardless of whether such accommodations are actually occupied on a seasonal basis or otherwise.

CAMP GROUND: A parcel of land used or intended to be used, let, or rented for campers or for occupancy or for trailers, tents or movable or temporary dwellings, rooms or sleeping quarters of any kind.

CAMP RESIDENCE: Any area of land used wholly or in part for educational and recreational purposes and accommodating individuals or groups of individuals on a seasonal basis, where room and board may be charged. This is a form of group camp.

CEMETERY: Any areas set aside for burial or interment of the dead.

CENTRAL PRIVATE UTILITY: A sewage or water system which serves a development and is paid for without public or special district administrations or funding.

CHANNEL: A natural or artificial watercourse of perceptible extent with a definite bed and banks to confine and conduct continuously or periodically flowing water.

CLASS "A" REGIONAL PROJECT: A land use or development classified and defined as such in Appendix A of this Ordinance.

CLASS "B" REGIONAL PROJECT: A land use or development classified and defined as such in Appendix B of this Ordinance.

CLEARCUTTING: Cutting all or substantially all trees over six (6") inches in diameter at breast height over any ten year cutting cycle.

CLUSTER DEVELOPMENT: A planned development in which lots are plotted with less than the minimum lot size and dimension requirements, but which shall have access to common open space which is a part of the overall development plan approved by the Planning Board.

COMMERCIAL LAUNDRY: A building for the cleaning of clothing and household goods, whose collection and return takes place on other premises.

COMMERCIAL MARINA: A commercial waterfront facility including docks, wharves and moorings which provides accommodation services for boats by engaging in any one of the following:

- [1] The sale of marine products or services and/or;
- [2] The sale, lease, rental or charter of boats of any type and/or;
- [3] The sale, lease, rental or any other provision providing for the docking, mooring or storage of more than two (2) boats or for the launching of boats. The term "commercial marina" shall include facilities with or without supply and repair services. See Section 9.70.9.

COMMERCIAL SAND AND GRAVEL EXTRACTION: Any extraction from the land of more than fifty (50) cubic yards in any two year period of sand, gravel or topsoil for the purpose of sale or use by persons other than the owner of the land or for the purpose of use by any municipality.

COMMERCIAL USE: Any use involving the sale or rental or distribution of goods, services or commodities, either retail or wholesale, or the provision of recreation facilities or activities for a fee.

COMMON OPEN SPACE: Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements as are necessary and appropriate.

COMMUNITY CENTER: A public or semi-public building and related site improvements used for recreational, social, educational and cultural activities, owned and operated by a public or not-for-profit group or agency.

CONDITIONAL USE: Any use listed in Section 8.20 of this Ordinance.

CONDOMINIUM: A building or a group of buildings in which units are owned individually and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis which meets the density requirements of this Ordinance. The purchaser has title to his/her interior space in the building and an undivided interest in parts of the interior, the exterior and other common elements. This use may involve single family or multiple family structures.

The property is identified in a master deed and recorded on a plot with the local jurisdiction.

COOPERATIVE: A multi-family project of one-family dwelling units, offices or commercial shops which may include one or more buildings on the same lot or property. These dwelling units, offices, shops or spaces, common areas and facilities which are owned by an organization, independent corporation, partnership or other enterprise are in turn owned and operated for the benefit of those using or occupying the property. This use may involve single family or multiple family structures.

COVERAGE: That percentage of a lot covered by the building area.

DECK: [a] Any and all open platforms placed above ground level excluding docks whether supported by post, concrete blocks or footings or any other means, and
[b] Any and all open platforms excluding docks, placed at natural ground level if railings, walls or other raised elements are affixed thereto.

DEVELOPER: Shall mean the legal or beneficial owner or owners of all the land proposed to be included in a development proposal. The holder of an option or contract to purchase, a leasee having a remaining term of not less than twenty (20) years or other person having an enforceable proprietary interest in such land, shall be deemed to be a developer for the purpose of the Ordinance.

DIRECTIONAL SIGN: A sign which gives directions to a business, industry, profession, commodity, service, event, activity, or entertainment not sold or offered upon the same premises where the sign is located.

DOCK: Any structure, no more than 6 feet in width built or maintained for the purpose of providing a berthing place for boats or vessels. See Section 11.60.

DOCK, MULTIPLE ACCESS: A waterfront facility which provides either docking or mooring facilities for more than four (4) boats. The term shall not include the noncommercial docking or mooring of boats which are owned or registered in the name of the owners of the waterfront facilities or their immediate family. The term shall include a waterfront facility which provides either docking or mooring for more than four (4) boats upon property owned by a corporation or association or by two (2) or more individuals not related by blood or marriage. See Section 9.70.10.

DRIVEWAY: A private way which affords a means of access to a single residence or lot.

DWELLING, DETACHED: A dwelling which is not attached to any other dwelling by any means.

DWELLING, DUPLEX: See dwelling, two-family.

DWELLING, MULTIPLE FAMILY: A single building owned by one entity consisting of three (3) or more dwelling units, which meets the density requirements of this Ordinance.

DWELLING, SINGLE FAMILY: A detached building (not including a mobile home) of one or more stories in height which is designed or used exclusively as living quarters for one family or household.

DWELLING, TWO-FAMILY: A structure on a single lot owned by one entity containing two (2) dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units. A two family dwelling is a form of a multiple family dwelling under the APA Act.

DWELLING UNIT: One (1) or more rooms with provision for living, cooking, sanitary and sleeping facilities arranged for the use of one (1) family or household.

ELECTRICAL DISTRIBUTION SUBSTATION: A place with or without a building where equipment is assembled or placed and designed to receive energy from a high voltage distribution supply system, so as to convert it to a form suitable for local distribution and to distribute the energy to feeders through switching equipment designed to protect the service from the effects of faults.

ERECT: Means to build, construct, alter, enlarge relocate, attached, hand, place, affix or maintain any sign, and includes the painting of wall signs.

EXCAVATION: Any extraction from the land of sand, gravel, clay, shale, rock, topsoil or other natural mineral deposits.

FAMILY: One or more persons occupying a dwelling unit and living as a single housekeeping unit.

FARM, FULL OR PART-TIME: Any parcel of land in excess of one (1) acre and used for the raising of agricultural products or the keeping of poultry, fowl, livestock, or domestic animals, including necessary farm structures and the storage of farm equipment.

FARMING, FARM USE OR OCCUPANCY: Any activity customarily carried on upon a farm, such as cultivation of land and animal husbandry.

FARM POND: As distinguished from swimming pool - any standing body of water used for the purposes of watering livestock, fish pond or wildlife marsh.

FLOOD: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers, or other bodies of water.

FLOOD HAZARD AREA: The area of the flood plain that is likely to be flooded as determined by the Federal Emergency Management Administration.

FLOOD PLAIN: A land area adjoining a river, stream, watercourse, or lake, which is likely to be flooded.

FLOOD PROOFING: Any combination of structural and nonstructural additional, changes or adjustments to properties and structures which reduce or eliminate flood

damage to lands, water and sanitary facilities, buildings and structures, and the contents thereof.

FLOODWAY: The channel of a river or other watercourses and the adjacent land areas required to carry and discharge a flood of a given magnitude.

FOOD STORE: A commercial use which is a self-service retail establishment, less than 10,000 square feet of floor space, offering a limited variety of food goods for sale to the general public.

FORESTRY USE: Any management, including logging, of a forest, woodland, or plantation and related research and educational activities, including the construction, alteration or maintenance of wood roads, skidways, landing, fences and forest drainage systems.

FRONT OR FACE: The term "front" or "face" of a building shall mean the outer surface of a building, which is visible from any private or public street or highway. In the case of a corner lot, the major street shall be considered as front or face building. Any conflict shall be resolved by the Planning Board.

FUNERAL HOME: A commercial use which is a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

GARDEN APARTMENTS: A building or group of buildings owned by one entity, one or two stories in height whose primary function is the containment of housing units for rent, accompanied by an unspecified amount of related open or garden space and parking within the limits of the lot occupied for that use, and which meets the density requirements of this Ordinance. This use involves single family or multiple family structures.

GARDENS AND NURSERIES, COMMERCIAL: Any exterior space whose primary function is the growing and sale of flowers or horticultural items for profit.

GOVERNMENT OFFICE OR AGENCY: Any department, commission, independent agency or instrumentality of the United States, of New York State, of Warren County, the Town of Horicon.

GRADE-MEAN FINISHED: The mean finished grade is the average grade level of the ground measured at the front wall of the building.

GREENHOUSE, COMMERCIAL: A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale.

GROUP CAMP: Any land or facility for seasonal housing and recreation, educational or business related use by private or semi-public groups, such as boy or girl scout camp, fraternal lodge or university or college conference center.

HOME OCCUPATION: Any use of a non-residential nature conducted within a residential dwelling by the occupant or his/her family for financial gain and which use is clearly incidental and secondary to the use of the dwelling for residential purposes. See Section 11.50

HOME OWNER'S ASSOCIATION: A contract agreed to by owners of homes in any area that provides regulations for the operation and maintenance of commonly owned facilities and/or open space.

HOTEL: A building or any portion thereof, which contains living and sleeping accommodations for transient occupancy and has a common exterior entrance or entrances, for at least 75% of the rooms and which may also include dining rooms, kitchens, serving rooms, ballrooms and other facilities and services intended primarily for the accommodation of the personal needs of its occupants.

INDUSTRY, LIGHT: A manufacturing or maintenance facility where any process is used to alter the nature, size or shape of articles or where articles are assembled and where said goods or services are consumed or used at another location.

INN: A commercial facility, resembling in character traditional residential construction, providing lodging and meals to transients which is characterized by common dining facilities and a common leisure room available for use by lodgers and the general public. This is a form of tourist accommodation.

INSTITUTIONAL USE: Land use or buildings under the auspices of hospitals, schools, parks and recreational facilities, cemeteries, transportation terminals, libraries, fire stations, philanthropic institutions, places of worship and related use, and community centers. Buildings which accommodate institutional uses are "public or semi-public buildings under the APA Act.

JUNK AUTOMOBILE: Any unregistered, old or second-hand motor vehicle, no longer intended or in condition for legal use on the public highways. The term "motor vehicle" shall mean all vehicles propelled or drawn by power other than muscular power originally intended for use on public highways or for use in agricultural activities.

JUNKYARD: Any open lot area for the dismantling, storage or sale, as parts, scrap or salvage, of used or wrecked motor vehicles, machinery, scrap metals, waste papers, rags, used or salvaged building materials or other discarded material.

LANDFILL: A lot or part thereof used primarily for the storage or disposal by abandonment, dumping, burying or any other means and for whatever purpose of

garbage, sewage, trash, refuse, junk, discarded, machinery, vehicles or parts of vehicles. A landfill is a 'waste disposal area' under the APA Act.

LANDSCAPING: The act of changing or enhancing the natural features a plot of ground (usually around a building) so as to make it more attractive, as by adding lawns, trees, bushes, etc.

LAND USE OR DEVELOPMENT or USE: Any construction or other activity which materially changes the use or appearance of land or a structure or the intensity of the use of land or a structure. Land use and development shall not include any landscaping or grading which is not intended to be used in connection with another land use, or ordinary repairs or maintenance or interior alterations to existing structures or uses.

LAND USE AREA: Those areas delineated on the official Adirondack Park Land Use and Development Plan Map adopted under Article 27 of the Executive Law of the State of New York and designated thereon as "Hamlet, Moderate Intensity Use, Low Intensity Use, Rural Use, Resource Management and Industrial", and such portions of those areas as are located within the Town and delineated on the Adirondack Park Land Use and Development Map incorporated in this ordinance.

LARGE SCALE PLANNED DEVELOPMENT: A tract of land which is developed as a unit with a grouping of residential, commercial or industrial buildings together with their accessory buildings, areas, open spaces and service buildings and facilities.

LAUNDROMAT: A commercial use which is a business premises equipped with individual clothes washing machines and dryers for the use of retail customers. Other personal clothes cleaning services may be available.

LEVEL OF NATURAL GROUND: Means the level of ground prior to any grading or filling.

LOADING SPACE: An off-street space, areas or berth, with an appropriate means of access to street or way, intended for the temporary parking of a vehicle while loading or unloading merchandise or materials.

LOT: A defined contiguous parcel of land considered as a unit, occupied or capable of being occupied by a building or buildings and for accessory buildings and/or uses, including such open spaces as are required by this Ordinance. The division of a lot by a public road, railroad, or right-of-way shall not create two separate parcels.

LOT, CORNER: A lot situated at the intersection of two (2) or more streets or highways.

LOT, DEPTH: The mean horizontal distance between the front and rear lot lines measured along the median between the two (2) side lot lines.

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LOT, DOUBLE FRONT: A lot situated on two (2) existing or proposed streets, but not an intersection.

LOT, FRONT LINE: The lot line which abuts upon one street or highway right-of-way boundary.

LOT LINE: The established division line between different parcels of property.

LOT, WIDTH: The mean horizontal distance measured at right angles to its depth along the front lot line.

MARINA, COMMERCIAL: See "Commercial, Marina".

MASTER PLAN: The long range plan intended to guide growth and development of the Town, expressing official contemplations on the course of its housing, public utilities, community facilities, transportation and land use distribution and intensity.

MEAN HIGH WATER MARK: The average annual high water level, except that for Schroon Lake the elevation is established at 811 feet above sea level.

MEAN LOW WATER MARK: The average annual low water level.

MEMORIALS AND MONUMENTS: Buildings, enclosures or statuary defined as memorials by an act of the Town Board, State or Federal Government. (See "Public and Semi-Public Buildings".)

MINING: The act of removing any natural resources, except water, from the land. This includes, but is not limited to, the removal of rock, gravel, sand, top soil, and underground materials.

MOBILE HOME: Any self-contained dwelling unit, but not including travel trailers, that is designed to be transported to its site on its own wheels or those of another vehicle, may contain the same water supply, kitchen facilities and plumbing, sewage disposal and electric system as immobile housing and is designed to be used exclusively for residential purposes. A modular home or other dwelling unit that is constructed in two or more main sections and transported to and permanently assembled on the site is not considered a mobile home.

MOBILE HOME LOT: A mobile home lot is a designated site of specific total land area which is located within a mobile home park for the accommodation of one mobile home and its occupants.

MOBILE HOME PARK: A mobile home park is any parcel of land which is planned and improved for the placement of two (2) or more mobile homes.

MOBILE HOME STAND: A mobile home stand is a durable surface located on a mobile home lot which is to be used for placement and capable of supporting a mobile home.

MODULAR HOUSE: A housing unit constructed off-site consisting of more than one segment and designed to be permanently anchored to a foundation to become a fixed part of the real estate.

MOORING: Any anchor, chain, buoy, pennant, or other object by which a boat is secured at one point.

MOTEL: A form of tourist accommodation providing transient accommodations containing six or more rental units with at least 25 percent of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

MOTOR FREIGHT STATION: An area or building used primarily for the maintenance and/or storage of trucks, tractor-trailer vehicles, and parts for tractor-trailer vehicles and industrial materials.

NON-CONFORMING BUILDING: A building or structure existing at the time of enactment of the Ordinance or as a result of amendments 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 existing at the time of enactment of this Ordinance or as a result of amendments thereto, which does not conform to the use regulations of the district or zone in which it is situated. The filing or approval of a map or plan prior to the effective date of the Ordinance shall not constitute a "use of land" within the meaning of this definition.

OFFICE BUILDING: A commercial use which is a building that is divided into offices, either single or suites, for the transaction of business other than for mercantile or manufacturing purposes where merchandise is on display and offered for sale.

OPEN SPACE: Land not covered by buildings, or parking lots, open storage, mining operations, or any other use that visually obscures the natural or improved landscape, except for recreational facilities.

PARKING LOT: Any space for the storage of vehicles on a continuous basis, such space either being for hire or accessory to an existing building or use of land.

PARKING SPACE, OFF-STREET: Any space for the storage of more than three vehicles on a continuing basis, such space either being for hire or accessory to an existing building or use of land.

PERSON: Any individual, corporation, partnership, association, trustee, municipality or other legal entity. This definition shall include county, town or other forms of local governmental entities but shall not include the State or any State agency.

PLAN: The design of a project including; a plot or subdivision, showing location and bulk of buildings and other structures, intensity of, use or density of development, private streets, ways and parking facilities.

PROFESSIONAL OFFICE: A commercial use which is an office or place to conduct licensed activities normally associated with their field for those engaged in a professional occupation including all members of the field of medicine, a lawyer, architect, engineer, surveyor, licensed beautician or barber, real estate broker, insurance agent, accountant or planner.

PROHIBITED USE: Any use which is not use permitted by right or conditional use in a given zoning district, or which is not an accessory use to such a use permitted by right or conditional use.

PUBLIC OR SEMI-PUBLIC BUILDING: Any component building of a college, school, hospital animal hospital, library, museum, research center, rehabilitation center, or similar facility, or municipal building for the use of federal, state and/or local governments, including memorials and monuments.

PUBLIC TRANSPORTATION TERMINAL: A building and area used by private and public operators in their function of transporting the public. This is a 'public or semi-public building' under the APA Act.

PUBLIC UTILITIES: Public utility structures and facilities, such as electric lines and poles, gas mains and telephone lines.

PUBLIC UTILITY USE: A building, structure or lot used for or in connection with the transmission, distribution or regulation of water, gas, electric, telephone or other public utility service.

RELIGIOUS BUILDINGS AND FACILITIES: A structure or portion thereof or area used by persons of a recognized sect for the conducting of activities or ceremonies associated with that sect. This is a 'public or semi-public building' under the APA Act.

RESORT: A lodging facility, charging a fee, for transient guests where the primary attraction is generally recreational features or activities primarily for patrons, such as restaurant, tennis courts, swimming or bathing, golf or convention facilities. This is a 'tourist accommodation' under the APA Act.

RESTAURANT: A commercial use which is a business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in

individual servings, or in non-disposable containers, and where the customer consumes these foods while seated at tables or counters located within the building.

RESTAURANT, FAST FOOD: A commercial use which is any establishment whose principal business is the sale of foods, frozen desserts, or beverages in ready-to-consume individual servings, for consumption either within the restaurant building or for carry-out, and where either:

- 1) foods, frozen desserts, or beverages are usually served in paper, plastic, or other disposable containers, and where customers are not served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter where the items are consumed; or
- 2) the establishment includes a drive-up or drive-through service facility or offers curb service.

RETAIL BUSINESS, GENERAL: The offering, for a fee, of goods or merchandise to the general public and where the providing of services is clearly incidental to the sale of such goods or merchandise. This is a 'commercial use' under the APA Act.

RETAIL SERVICES, COMMERCIAL: Establishments providing, for a fee, services or entertainment, as opposed to products, to the general public, where the sale of goods or merchandise is clearly incidental to the service provided. . This is a 'commercial use' under the APA Act.

RETAIL SERVICES, PROFESSIONAL: Establishments providing, for a fee, licensed professional services to individuals and where the provision of any goods or merchandise are clearly incidental to the service provided. . This is a 'commercial use' under the APA Act.

ROOMING HOUSE: A dwelling or part thereof, in which lodging is provided by the owner or operator to one or more guests. This is a 'tourist accommodation' under the APA Act.

SCREENING: Fences, bushes, trees and other natural or artificial material which obscures the visible character of any given building or use of land.

SEWAGE, COMMUNITY: An on-site method of sewage treatment usually a septic tank and a drainage field or fields designed, installed, operated and maintained by the owner or an association for more than one home/business and maintained by the owner or association for more than one premise in accordance with the requirements and standards of the State Department of Health.

SEWAGE, INDIVIDUAL: An on-site method of sewage treatment (usually a septic tank and a drainage field or fields) designed, installed, operated and maintained by the owner

of the premises in accordance with requirements and standards of the State Department of Health and the Town of Horicon Sanitary Regulations.

SEWAGE, PUBLIC: A system whereby water-borne wastes from toilets, wash laundry and/or other facilities in dwellings, accessory buildings, business or industrial establishments or any combination thereof are conducted through pipes to treatment plant (other than a septic tank) where wastes are treated, the solids and liquids separated and the effluent, which has been treated to a state approved level, is discharged through an out fall sewer into an acceptable stream or other permanent body of water.

SHOPPING CENTER: A lot used for two or more commercial units, attached or detached, which relate to a common parking area, and common points of ingress and egress and common circulation pattern.

SHORELINE: That line at which land adjoins the waters of lakes, pond, rivers and streams within the Town at mean high water.

SHORELINE BUILDING SETBACK: The shortest distance, measured horizontally, between any point of a building and the shoreline of any lake or pond, and the shorelines of any river designated to be studied as a wild, scenic or recreational river in accordance with the Environmental Conservation Law or any river or stream navigable by boat, including canoe.

SIGN: Any inscribed surface, pattern or artificial lighting, pictorial or symbolic ornament, emblematic structure, banner, flutter apparatus, or other visually communicative or expressive device that is visible from an out-of-doors position, and is used to advertise or call the public's attention to any business, activity, object for sale or lease, person, or place, or to bear any kind of message. The meaning of sign shall also include any sign currently in disuse but still visible from an out-of-doors position, and any farm or support structure erected specifically to bear or uphold a sign. The meaning of sign shall not include any sign erected by the Federal, State, or County (or) Town, government or any department or any agency thereof, any poster placed temporarily to advertise a civic event or an event sponsored by a house of worship, school, library, museum, social club, or society, or any patriotic flag or banner not used for commercial advertising purposes. The meaning of sign shall also not include any sign having a sign area not greater than three (3) square feet that is used simply to mark property boundaries, give directions regarding roads or trails, exclude hunting, fishing or other activities, offer farm products for sale, warn of any hazard or condition, denote the name and address of the occupants of the premises on which the sign is located. Real estate for sale or lease signs are not considered signs within the definition of sign, in this ordinance unless they exceed sixteen (16) square feet in area, do not exceed two (2) such signs, and are removed from the premises within thirty (30) days of the sale or lease of the premises.

SIGN AREA: The total area of all faces or surfaces of a sign anywhere upon which writing or any illustrative, emblematic or other artistic or expressive matter appears, or in the case where writing or illustrative emblematic, or other artistic or expressive matter is

not set against any face or surface, the total area within a single continuous rectangular perimeter enclosing the extreme limits of such writing or illustrative, emblematic, or other artistic or expressive matter. The sign area of a sign having more than one face or surface where writing or illustrative, emblematic, or other artistic or expressive matter appears shall be the total area of all such faces or surfaces; but if a sign consists of two such faces or surfaces placed back-to-back, the sign area of the side having the greater sign area shall constitute the total sign area. The sign area of a group of connected or related signs shall be the sum of the sign areas of the signs belonging to it.

SIGN, ILLUMINATED: The term shall mean any sign illuminated by electricity, gas or other artificial light, including reflective or phosphorescent matter.

SIGN LUMINOUS: 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 light display.

SIGN, PORTABLE FREE STANDING and/or "A" TYPE: Shall mean a sign that is designed to be movable and is not structurally attached to the ground, a building, a structure or any other sign. Such signs may or may not be in the configuration of an "A".

SIGN, ROOF: Shall mean a sign erected upon a roof or parapet of a building or structure.

SIGN, WALL: Any sign permanently or temporarily attached or affixed to any exterior wall or projection of a structure.

SIGN, WINDOW: A sign that is applied or attached to the exterior or interior of a window or located in such manner within a building that it can be seen from the exterior of a structure through a window.

SKI CENTER: Any trail or slope for alpine or cross-country skiing including lifts, terminals, base lodges, warming huts, shed, garages and maintenance facilities, parking lots and other buildings, and structures directly and customarily related thereto.

STABLE: A building or structure in which domestic livestock are housed.

STATE LAND: Any land owned and maintained by the State of New York and so filed in the Warren County Real Property Office.

STREAM IMPROVEMENT STRUCTURES FOR FISHERY MANAGEMENT PURPOSES: Structures and improvements, including, but not limited to, fish barrier dams, small rock or log dams, fish passage structures, minor diking, cribbing, bank stabilization and stream deflectors and other structures or improvements designed solely for fishery management purposes which do not materially alter the natural character of the waterway.

STREET: A public or private way which affords a means of access to abutting properties, including any "highway".

STREET, ARTERIAL: A street or road officially designated for the high speed movement of large volumes of traffic between major points of activity.

STREET, COLLECTOR: A street or road officially designated for the movement of traffic between arterial streets and local streets as well as for serving adjacent land uses.

STREET, MINOR: A street or road officially designated to provide access to abutting property, not intended for through traffic movement.

STRUCTURE: A combination of materials to form an object constructed, installed, erected and placed above or below the surface of land or water to facilitate land use and development or subdivision of land.

STRUCTURE, ACCESSORY: A structure, the use of which, is customarily incidental and subordinate to that of a principal building and located on the same lot therewith, including a guest cottage not for rent or hire. See Section 11.70.

STRUCTURE HEIGHT OF: The vertical distance from the natural or finished grade whichever is lower, to the highest point of a structure.

STRUCTURE LINE: The point from which all yard requirements are measured from and which is determined by a line formed by the intersection of a horizontal plane of average grade level and a vertical plane that coincides with the exterior surface of a building on any site. In the case of a cantilevered section of a building, the vertical plane will coincide with the most projected surface to include porches and decks.

SUBDIVISION: Any division of land into two or more lots, parcels or sites, whether adjoining or not, for the purpose of sale, lease, license or any form of separate ownership or occupancy (including any grading, road construction installation of utilities or other improvements or any other land use and development preparatory or incidental to any such division) by any person or by any other person controlled by under common control with or controlling such person or by any group of persons acting in concert as part of a common scheme or plan. Subdivision of land shall include condominium and cooperative types of ownership. Subdivision of land shall include any map, plat or other plan of the division of land, whether or not previously filed. Subdivision of land shall not include the lease of land for hunting and fishing and other open space recreation uses.

SUPERMARKET: A self-service retail establishment, greater than 10,000 square feet of floor space, offering a variety of food, convenience and household goods for sale to the general public.

SWIMMING POOL: Any body of water or receptacle for water having a depth at any point greater than two (2) feet, used or intended to be used for swimming, and

constructed, installed or maintained in or above the ground. A swimming pool shall be deemed a structure for all purposes under the provisions of this ordinance. See Section 11.80.

TAVERN: An establishment used primarily for the serving of liquor by the drink to the general public and where food or packaged liquors may be served or sold only as accessory to the primary use and where entertainment may be provided.

THEATER: A place of assembly for the showing of movies and the production of plays and special events.

THEATER, OUTDOOR DRIVE-IN: An open lot or part thereof with its appurtenant facilities, devoted primarily to the showing of movies or theatrical productions to patrons seated in automobiles or on outdoor seats.

TOURIST ACCOMMODATION: Any hotel, motel, resort, tourist cabin, bed and breakfast, inn or similar facility designed or used to house the general public excluding travel trailers, travel vehicles or motor homes.

TOWNHOUSE: A one-family dwelling in a row of a least two (2) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls. A form of multi-family dwelling.

TRAVEL TRAILER: Any operable vehicle, including a tent camper, truck camper, or motor home, which is designed to be transported on its own wheels which is designed and intended to be used for temporary living quarters for travel, recreational or vacation purposes and which may or may not include one or all of the accommodations and facilities customarily included in a mobile home. No travel trailer shall consist of any vehicle exceeding eight (8) feet in width or thirty-five (35) feet in length or any combination of vehicle exceeding eight (8) feet in width or a total of fifty-five (55) feet in length. Provided that any travel trailer used for residential purposes and not located within a travel trailer camp for more than thirty (30) consecutive days or forty-five (45) days aggregate in any one calendar year shall be considered a mobile home.

TRAVEL TRAILER CAMP: A parcel of land under single ownership which is designed and improved for use by three (3) or more travel trailers for no more than one hundred twenty (120) days per year.

USES PERMITTED BY RIGHT: Any use so listed in Section 8.20 of this Ordinance.

WAREHOUSE: A building designed or used as a wholesale distribution center.

WASTE DISPOSAL AREA: Means any area for the disposal of garbage, refuse and other wastes, including sanitary landfills and dumps, other than an on-site disposal area directly associated with an industrial use.

WATERSHED MANAGEMENT PROJECT: Any dam, impoundment, dike, rip rap, or other structures or channelization or dredging activity designed to alter or regulate the natural flow or condition of rivers or streams or the natural level or condition of lake or ponds.

WATER SUPPLY, ALL-WEATHER: A water supply which is designed and constructed to provide year-round, uninterrupted water service to individual sites within a travel trailer camp.

WATER SUPPLY, PRIVATE: A supply of potable water from reliable source adequate to meet the daily needs of a dwelling and its permitted accessory buildings or a business or an industry on a lot or parcel of land meeting the area and frontage requirements for such use in the district in which it is located, and approved as to potability and reliability and adequacy by the State Department of Health. Such private water supply may be from an on-site well or from a spring, stream, river, lake or other permanent source of water.

WATER SUPPLY AND DISTRIBUTION SYSTEM, COMMUNITY: A supply of water from a reliable source adequate to meet the daily needs of dwellings and their permitted accessory buildings or business or industrial establishments or any combination thereof on two (2) or more lots or parcels of land and having a system of intake conduits or pipes, pumps, purification mains and pipes whereby the potable water is conducted to the dwellings, accessory buildings, business or industrial establishments or any combination thereof located on the lots served by the system.

WETLANDS: Any land which is annually subject to periodic or continual inundation by water and commonly referred to as bog, swamp or marsh which are either:

- (a) one acre or more in size;
- (b) located adjacent to a body of water, including a permanent stream, with which there is free interchange of water at the surface, in which case there is no size limitation.

WHOLESALE ESTABLISHMENT: A building or buildings used as a wholesale distribution center.

YARD: An open, unoccupied space on the same lot with a building or structure.

YARD, FRONT: A space on the same lot with the principal building between the front building line of the principal building and the front line of the lot and extending the full width of the lot. In the case of a corner lot, a front yard setback shall be required for both streets. For a double front lot, a front yard setback shall be required for both streets.

YARD, REAR: A space on the same lot with the principal building, between the rear building line of the principal building and the rear line of the lot, and extending the full width of the lot. In the case of a corner lot, the rear yard of that lot shall be deemed to be opposite the front/face as defined.

YARD, SIDE: A space on the same lot with the principal building, situated between the side building line of the principal building and the adjacent side line of the lot, and extending from the rear line of the front yard to the front line of the rear yard.

ZONING ADMINISTRATOR: Individual appointed by the Town Board for the purpose of administering and enforcing the provisions of this Zoning Ordinance.

SECTION 5 - GENERAL PROVISIONS

5.10 Applicability to Land Use or Development Within the Town: No land use or development shall be undertaken or maintained except in conformity with all provisions contained in this ordinance relating to the zoning district in which the land, water, site, structure or use is located or is proposed to be located, and in conformity with the permit requirements of Sections 17.80 and 17.81. Where this ordinance is more restrictive than covenants or agreements between parties or other rules or regulations or ordinances or the Adirondack Park Agency Act, the provisions of this ordinance shall control.

5.20 Authority of the Adirondack Park Agency: Nothing in this ordinance shall be deemed to supersede, alter or impair the jurisdiction of the Adirondack Park Agency, pursuant to the Adirondack Park Agency Act, to review and approve, approve subject to conditions, and disapprove those land uses and developments and subdivisions of land defined therein as Class A regional projects, or otherwise to supersede, alter or impair the statutory function, duties and responsibilities of that Agency with regard to matters involving a town in which an Agency-approved local land use program has been validly adopted or enacted. Provided that, the Adirondack Park Agency cannot, in the context of its Class A regional project review, override a local decision not to permit a given land use or development.

SECTION 6 - ZONING MAPS

6.10 Town Zoning Map: The boundaries for each zoning district listed as part of this Local Law are the boundaries indicated by the map entitled, Town of Horizon Zoning Map, dated December 29, 1977 which accompanies this Local Law, and which is hereby adopted and declared to be part of this Local Law, and hereinafter known as the "Town Zoning Map".

6.20 Interpretation of Zoning District Boundaries: In making a determination where uncertainty exists as to boundaries of any of the zoning districts shown on the zoning map, the following rules shall apply:

1. Where zoning district boundaries are indicated as approximately following the center line or right-of-way line of streets, alleys, highways, or railroads, such lines shall be construed to be such district boundaries.

2. Where zoning district boundaries are indicated as approximately following a stream, lake or other body of water, such stream, lake or body of water shall be construed to be such district boundary.
3. Where zoning district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries.
4. Where zoning district boundaries are not indicated as approximately following the items listed in 1, 2, and 3 above, the boundary line shall be determined by the use of the scale designated on the zoning map.
5. Wherever any street, alley or other public way is vacated in the manner authorized by law, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of the former right-of-way and all of the area included in the vacated area shall then and henceforth be subject to all regulations of the extended districts.
6. Where zoning district boundaries are indicated as approximately following the boundaries between land use areas on the official Adirondack Park Land Use and Development Plan Map, the boundary line between zoning districts shall be construed to be such boundary line.
7. In the event that none of the above rules is applicable, or in the event further clarification or definition is considered necessary or appropriate, the location of a zoning district boundary shall be determined by the Zoning Board of Appeals.

6.30 Adirondack Park Land Use and Development Plan Map: The boundaries within the Town of the land use areas established by the official Adirondack Park Land Use and Development Plan Map, as may be from time to time amended, pursuant to subdivision 2 of Section 805 of the Adirondack Park Agency Act, are indicated by the separate map entitled Adirondack Park Land Use and Development Plan and Critical Environmental Areas Map dated _____, which accompanies this ordinance, and which is hereby adopted and declared to be a part of this ordinance. Any change of the boundaries within the Town of a land use area by an amendment of the official Adirondack Park Land Use and Development Plan Map pursuant to subdivision 2 of Section 805 of the Adirondack Park Agency Act shall take effect for the purposes of this ordinance concurrently with that amendment without further action, and the Park Plan Map shall be promptly changed in accordance with that amendment. The amendment provisions of Section 18 of this ordinance do not apply to the Park Plan Map, which is amended only pursuant to the provisions of the Adirondack Park Agency Act. Copies of the Park Plan Map which may from time to time be published and distributed are accurate only as of the date of their printing and shall bear words to that effect.

SECTION 7 - BASIC PROCEDURAL REQUIREMENTS

The procedure to be followed by an applicant for the purpose of obtaining a building permit under this ordinance shall be as follows:

1. Examine the map entitled "Town of Horicon Zoning Map" to determine the zoning district in which the project is located. The district name consists of two parts:

- (a) the land use designation, and
- (b) the intensity designation.

2. Refer to Section 8.20 for the pertinent land use regulations.

3. Refer to Section 8.10 for the pertinent intensity regulations.

4. Refer to the zoning map to determine if the project lies within a flood hazard area. Flood hazard area regulations are contained in Section 13.20 and in Section 9.70, Subsection 7.

5. The proposed project may involve a conditional use or uses which have special procedural and review standards, or the project may involve activities that require additional controls. Those special cases are specifically treated in Sections 9, 11, 12, and 13. Note that shoreline restrictions in Section 11 supersede the area and dimensional requirements of Section 8.

6. Refer to the map entitled "Adirondack Park Land Use and Development Plan," to the current edition of the Adirondack Park Agency "Rules and Regulations," and to Appendices "A" and "B" to this ordinance to determine whether the project is a Class A or Class B regional project. Class A regional projects are treated in Sections 10.70 and 10.80 of this ordinance. Class B regional projects are reviewed by the town planning board in accordance with Sections 10.30 through 10.60.

SECTION 8 - ZONING DISTRICT REGULATIONS

For the purposes of this ordinance the Town of Horicon is hereby divided into zoning districts as indicated on the map entitled "Town of Horicon Zoning Map." Section 8.10 deals with the intensity regulations for each district. Section 8.20 deals with the land use regulations for each district. The respective land use and intensity regulations shall be applied together in each zoning district.

8.10 Intensity Regulations: The following area and dimensional regulations apply to all projects within the Town of Horicon except as authorized in section 11 of the Subdivision Regulations (cluster development provision), and except those projects in the Industrial District, where no intensity is prescribed. (See Schedule of Intensity Regulations below)

SCHEDULE OF INTENSITY REGULATIONS

District Symbol	Intensity: Lot size per Princ. Bldg.	Minimum Frontage	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard
R1-20,000 CR-20,000	20,000 sq. ft.	100 feet	40 feet, or 55 feet from centerline of road ("CL")	10 feet	20 feet
R1 – 1.3 ac	1.3 acres	100 feet	50 feet, or 65 feet from CL	15 feet	50 feet
R1 – 2 ac R2 – 2 ac	2 acres	200 feet	50 feet, or 65 feet from CL	15 feet	50 feet
R1 – 3.2 ac R1A – 3.2 ac R2 – 3.2 ac RRD – 3.2 ac CR – 3.2 ac	3.2 acres	250 feet	50 feet, or 65 feet from CL	15 feet	50 feet
R1A – 5 ac R2 – 5 ac RRD – 5 ac	5 acres	300 feet	50 feet, or 65 feet from CL	15 feet	50 feet
R1 – 10 ac R2 – 10 ac RRD – 10 ac LC – 10 ac	10 acres	400 feet	50 feet, or 65 feet from CL	15 feet	50 feet
LC – 42 ac	42 acres	500 feet	50 feet, or 65 feet from CL	15 feet	50 feet
I – Industrial					

SECTION 8.11 Roadway Access: In the case of a proposed future street for a subdivision of back lot property, the minimum frontage regulation may be varied by the Planning Board.

- A. There must be sufficient back lot property for division into 3 or more lots.
- B. The property so designated must be 50 feet in the same ownership as the back lot property and so marked on the subdivision map.
- C. Where so designated all setbacks shall be measured from the proposed street.
- D. No structures shall be permitted on the so designated street.
- E. The location of the future street must take into account required sight distances as specified in American Association State Highway and Transportation Officials (AASHTO), Geometric Design of Highways and Streets.

SECTION 8.20 Land Use Regulations: The following land use regulations apply to all land use or development within the Town of Horicon. In addition, public utilities are permitted by right in all districts and major public utility uses are conditional uses in all districts.

RESIDENTIAL 1 (R1):

Purpose and Intent:

The purpose and intent of this district is to recognize areas within the Town where predominately conventional residential development has occurred, at relatively high densities; and to identify areas of the Town where further high density residential development is encouraged. It is further the intent of this district to promote and protect the residential character of the lake front areas; and to prohibit mobile homes, incompatible commercial uses and industrial uses.

Uses Permitted by Right:

- boathouse
- dwelling, single family

Conditional Uses:

- community center
- condominium, cooperative
- dwelling, multiple family
- dwelling, two family
- home occupation
- public or semi-public building
- religious buildings and facilities
- townhouse
- multiple access dock

ANY USES NOT LISTED ABOVE SHALL BE CONSIDERED A PROHIBITED USE

RESIDENTIAL 1A (R1A)

Purpose and Intent:

The purpose and intent of this district is to provide for and encourage residential development in areas where conventional residential growth has occurred at densities that will protect the physical and biological resources, while still providing for orderly residential growth and development of the Town.

It is further the intent of this district to promote and protect the residential character of the lake front areas; and to prohibit incompatible commercial uses and industrial uses.

Uses Permitted by Right:

- boathouse
- dwelling, single family

Conditional Uses:

- community center
- condominium, cooperative
- dwelling, multiple family
- dwelling, two family
- home occupation
- mobile home
- multiple access dock
- professional office
- public and semi-public building
- religious buildings and facilities
- townhouse

ANY USES NOT LISTED ABOVE SHALL BE CONSIDERED A PROHIBITED USE

RESIDENTIAL 2 (R2)

Purpose and Intent:

The purpose and intent of this district is to provide for and encourage residential development in near hamlet and growth area at densities that will protect the physical and biological resources, while still providing for orderly residential growth and development of the Town.

Uses Permitted by Right:

- boathouse
- dwelling, single family
- farm, full or part-time
- home occupation
- mobile home

Conditional Uses:

- community center
- condominium, cooperative
- dwelling, multiple family
- dwelling, two family
- garden apartments
- hotel, motel, boarding house, inn
- mobile home park
- multiple access dock
- professional office
- public and semi-public building
- religious buildings and facilities
- retail services, professional
- townhouse

ANY USES NOT LISTED ABOVE SHALL BE CONSIDERED A PROHIBITED USE.

COMMERCIAL/RESIDENTIAL (CR)

Purpose and Intent:

The purpose and intent of this district is to delineate centralized areas where shopping, recreational and cultural facilities exist and are encouraged within the Town. Further, the purpose of this district is to recognize the existing mixture of residences and commercial activity, and to permit and encourage such development, subject to careful site planning evaluation and regulatory controls.

Uses Permitted by Right:

- boathouse
- dwelling, single-family
- home occupation

Conditional Uses:

- auto body shop
- automobile service station
- amusement facility
- commercial marina
- condominium, cooperative
- dwelling, multiple family
- dwelling, two family
- farm, full or part-time
- garden apartments
- greenhouse, commercial
- hotel, motel, boarding house, inn
- institutional use
- laundromat
- mobile home
- multiple access dock
- office building
- public transportation terminal-restaurant
- restaurant, fast-food
- retail business, general
- retail services, commercial
- retail services, professional
- supermarket
- tavern
- theater
- townhouse
- gardens, nurseries, commercial

ANY USES NOT LISTED ABOVE SHALL BE CONSIDERED A PROHIBITED USE.

LAND CONSERVATION (LC)

Purpose and Intent:

The purpose and intent of this district is to delineate areas within the Town where the suitability of land for concentrated development is poor, where access is limited and where the proximity of development centers is remote. Further, the purpose of this district is to encourage recreational, open space, agriculture and other extensive land uses in these areas.

Uses Permitted by Right:

- agricultural use
- dwelling, single-family (conditional use in LC 42.6 zone)
- farm, full or part-time
- forestry use
- mobile home

Conditional Use:

- campground
- camp, residence
- cemetery-10 Acre Zone only
- boat storage, commercial-(10 acre zone only)
- commercial sand and gravel extraction
- dwelling, multiple family
- home occupation
- mining
- mobile home park
- multiple access dock
- Resort -10 Acre zone only
- ski center
- travel trailer camp (10 Acre Zone only)

ANY USES NOT LISTED ABOVE SHALL BE CONSIDERED A PROHIBITED USE

RECREATIONAL RIVER DISTRICT (RRD)

Purpose and Intent:

The purpose and intent of this district is to provide a framework for the management, development and preservation of lands within the recreational river corridor, as defined by the APA and consistent with the State rules and regulations governing a recreational river. It is further the intent of this district to provide sufficient land use controls and regulations to achieve Town control over land management activities.

Uses Permitted by Right:

- agricultural use

Conditional Uses:

- agricultural use structure
- dwelling, single-family
- home occupation
- mobile home
- all additional uses and activities described in Section 8.30
- multiple access dock

ANY USES NOT LISTED ABOVE SHALL BE CONSIDERED A PROHIBITED USE

October 31, 2002

INDUSTRIAL (I)

Purpose and Intent:

The purpose and intent of this district is to delineate areas in the Town where industrial activities and uses are appropriate and can take place without any detrimental effect on other land uses.

Uses Permitted by Right:

None

Conditional Uses:

- commercial sand and gravel extraction
- industry, light
- landfill
- public utility use
- junk yard

ANY USE NOT LISTED ABOVE SHALL BE CONSIDERED A PROHIBITED USE.

October 31, 2002

STATE LANDS (SL)

Activities permitted in the New York State Land Master Plan.

8.30 Additional Uses and Activities in the Recreational River District that Require a Conditional Use Permit

1. The harvesting, cutting, culling removal, thinning or other disturbance of vegetation inside the mean high water mark of the river or within 100 feet of such mean high water mark, other than the removal of the dead or diseased vegetation or of rotten or damaged trees or of other vegetation that present safety or health hazards, or the cutting of up to a maximum of five (5) percent of the total basal area of timber per acre during any ten (10) year period for the purpose of clearing the river or tributaries thereof of fallen trees or trees which pose a threat of bank undercutting or erosion, or for the undertaking of permitted activities.
2. Wood roads inside the mean high water mark of the river or within 100 feet of such mean high watermark.
3. Every new public or private road (together with necessary bridges) located inside the mean high watermark of the river or within 150 feet of such mean high watermark.
4. Boathouses.
5. Bridges over recreational rivers associated with new trails for open space recreation use which do not require a permit from the Department of Environmental Conservation pursuant to Article 15 (Water Resources) of the Environmental Conservation law.
6. Special river area utility uses not subject to review pursuant to Article VII or Article VIII of the Public Service Law which (A) constitute major public utility uses, or which (B) cross the river or are proposed to be located inside the mean high water mark of the river or within 150 feet of such mean high water mark.
7. All such subdivisions of land within resource management areas, and subdivisions of land within the following land use areas which do not meet the following areas and lot widths for each and every lot, parcel or site.
8. For the purpose of this part, the term "lot involving shoreline" shall mean any lot, parcel or site (i) including or adjoining the mean high water mark of a wild, scenic or recreational river, or (ii) located within 100 feet of such mean high watermark.
9. Stream improvement structures for fishery management purposes not constructed by or pursuant to a permit from the Department of Environmental Conservation.
10. Activities in recreational rivers which would require a permit pursuant to Article 15, Title 5 of the Environmental Conservation Law where the river in question is

a classified stream referred to in subdivision (2) of Section 15-0501 of the Environmental conservation Law.

8.31 Findings and Determinations for Conditional Use Permits for Activities and Uses within the Recreational River District.

The Planning Board shall not issue a conditional use permit unless it shall first determine that the proposed activity would be consistent with the purpose and intent of the Recreational River District.

It shall further determine that:

1. If the proposed activity is the harvesting, cutting, removal or other disturbance of vegetation inside the mean high water mark of the river or within 100 feet of such mean high water mark, such vegetative cutting is for:

(a) compelling purposes as would be consistent with recognized sound forestry practices and would cause no undue adverse environmental impact, particularly in the river shoreline, or

(b) in recreational river areas, selected and dispersed cutting of vegetation to the extent necessary to create a view of the river from any new structure or from any lawfully existing structure lacking such a view where such cutting would cause no undue adverse environmental impact, particularly in respect aesthetic character of the river shoreline, and where adequate screening of the structure from view of the river is maintained or provided for.

2. If the proposed activity is a new public or private road or a trail for motorized open space recreation uses (including necessary bridges), or a new wood road, such new road or trail will be so located, designed and constructed as to minimize its visibility from the river, minimize alteration of the natural environment and avoid undue adverse environmental impact, is reasonable and necessary, and its uses effectively will be restricted to those specified by the applicant. Any such bridges over a scenic or recreational river shall not interfere with the recreational use of the river.

3. If the proposed activity is a new structure other than a dock or boathouse, such structure will comply at a minimum with the respective restrictions and standards in Section 8.32 for activities and uses in the Recreational River District not requiring a permit, and will be so located, designed, and constructed so as to avoid undue adverse environmental impact.

4. If the proposed activity is a new dock or boathouse, such structure is reasonable and necessary, will not impede the natural flow of the river, and will be so located, designed and constructed as to minimize its intrusion into the water body and avoid undue adverse environmental impact.

5. If the proposed activity is a single family dwelling individual mobile home, or other principal building:

(a) Such activity shall meet the appropriate setback restrictions and standards for structures contained in Section 8.32 of this ordinance.

6. If the proposed activity is a bridge associated with a new trail for open space recreations use, such bridge is constructed of naturally occurring materials such as wood and stone, to the extent feasible, and does not interfere with the recreational use of the river involved.

7. The proposed activity is a new special river area utility use, such use will be located, designed, and constructed as to avoid undue adverse environmental impact and to minimize visibility from the river and the river area of support structures, lines, cables, pipes and other associated equipment and accessories.

8. If the proposed activity is an activity which would require a permit pursuant to Article 15, Title 5 of the Environmental Conservation Law were the river a classified stream referred to in subsection (2) of Section 15-0501 of the Environmental Conservation Law, such activity shall meet the criteria for the issuance of a permit set forth in that title.

For the purposes of this Part, the term "undue adverse environmental impact" shall mean an undue adverse impact upon the natural, scenic, aesthetic, ecological, botanical fish and wildlife, historic, cultural, archeological, scientific, recreational or open space resources of the river area, taking into account the commercial, industrial, residential, recreational or other benefits that might be derived from the project. In making its determination as to undue adverse environmental impact, the Planning Board shall consider those factors contained in the development objectives in Section 10 of this Ordinance which are pertinent to the activity in question.

8.32 Restrictions and Standards for Activities Not Requiring A Conditional Use Permit Within the Recreational River District.

Permitted activities not requiring conditional use permits in the Recreational River District shall be governed by the following restrictions and standards:

1. FOREST MANAGEMENT AND VEGETATIVE CUTTING.

(a) Inside the mean high water mark of the river, or within 100 feet of such mean high water mark, no trees or other vegetation shall be harvested, cut, culled, removed, thinned, or otherwise disturbed other than:

(1) the cutting and removal of up to a maximum of five (5) percent of the total base area of timber per acre during any ten (10) year period for the purpose of clearing the river or a tributary thereof of fallen trees or trees which

pose a threat of bank undercutting or erosion or for the undertaking of permitted activities or

(2) in accordance with the terms of a conditional use permit granted by the Town Planning Board pursuant to the terms of Section 9 of this Ordinance. Provided that, nothing herein shall be deemed to prevent the removal of dead or diseased vegetation or of rotten or damaged trees or of other vegetation that present safety or health hazards.

(b) Between 100 feet from the mean high-water mark of the river and the exterior boundary of the river area, the cutting and removal of trees and other vegetation shall be permitted for the undertaking of permitted activities to the extent necessary for such purposes.

(c) Between 100 feet from the mean high water mark of the river and the exterior boundary of the river area, forest management shall conform to recognized silvicultural systems as defined in "Terminology of Forest Science, Technology, Practice and Products" (Washington: Society of American Foresters, 1971) appropriate to the site, and shall be in accordance with the terms of a pamphlet entitled, "Timber Harvesting Guidelines for New York" published in June, 1975, by the New York Section of the Society of American Foresters, or any modification of either as may be approved by the Agency. These two publications, together with any modifications thereof by the Society which may be approved by the APA, are on file at the APA headquarters at Ray Brook, New York. Provided, that if an even aged stand of commercial timber species is present within this area, one recognized regeneration cutting that removes the main crown canopy of such stand shall be permitted upon not more than one-third of the total area of the stand within this portion of the river area during any ten (10) year period, if undertaken as part of a deliberate plan to regenerate the stand. In no event, however, shall more than fifteen (15) contiguous acres in the same ownership be clear-cut or more than fifty (50) percent of the basal area of timber in any tract of thirty (30) contiguous acres in the same ownership be cut during any ten (10) year period.

(d) No trees shall be felled into or across the river where avoidable, and logging debris which may enter the river shall be removed. Any logging debris which may enter the area inside the mean high water mark of the river or within 100 feet of such mean high water mark shall be removed, or shall be lopped, for hardwoods, in such fashion ground level, and for conifers, in accordance with Section 9-1113 of the Environmental Conservation Law.

(e) No new landings shall be established inside the mean high water mark of the river or within 200 feet of such mean high water mark. Adequate provisions shall be made after timber harvesting to stabilize soil on all landings, skid trails, and wood trails in the river area.

(f) All timber harvesting operations shall be subject to the requirements of Article 15 (Water Resources of the Environmental Conservation law, governing among

other things, disturbances, modification, and crossing of rivers and streams. Additionally, skidding of logs or trees across rivers shall not be permitted except where no feasible alternative exists and permit therefor has been obtained pursuant to Article 15 of the Environmental Conservation Law.

(g) Logging equipment shall not be stored within 100 feet of the river, or abandoned within the river area.

(h) Wood roads shall be located so as to minimize their visibility from the river.

2. STRUCTURES. New structures, except for fences, poles, lean-tos, docks, boathouses and bridges, shall not be permitted inside the mean high water mark of the river or within 150 feet of such mean high water mark. This provision shall not apply within those portions of the river district in hamlet and moderate intensity areas, in which areas the setback restrictions contained in Section 11.34 of this ordinance shall apply.

3. WATER QUALITY.

(a) No new direct discharge of any substance into the river shall be permitted unless consistent at a minimum with applicable water quality standards assigned by the Department of Environmental Conservation.

(b) The existing water quality of the river shall be maintained or improved.

4. STREAM IMPROVEMENT STRUCTURES FOR FISHERY MANAGEMENT PURPOSES. Stream improvement structures for fishery management purposes in the river shall be constructed principally of naturally occurring materials such as wood and stone, and shall be so designed and constructed as to avoid materially altering the natural character of the waterway.

5. BRIDGES. Any bridges associated with new open space recreation uses shall be constructed to the extent feasible of naturally occurring materials such as wood and stone, and shall not interfere with the recreational use of the river.

6. SPECIAL RIVER AREA UTILITY USES. In the river district, special river area utility uses subject to review pursuant to Article VII or VIII of the Public Service Law shall be limited to locations where support structures, lines, cables, pipes, and other associated equipment and accessories will be substantially invisible from the river and in any case, except for crossings, not inside the mean high water mark or within 150 feet of such mean high water mark, and where visually impact on other parts of the river area can be minimized. River crossings, if any, shall be minimized.

7. ROADS, TRAILS AND MOTORIZED ACCESS:

- (a) New public or private roads shall not be permitted except for wood roads for which a conditional use permit has been obtained.
- (b) New trails for non-motorized open space recreation shall be permitted.
- (c) The use of motor vehicles, shall not be permitted within the river area, except as necessary for forest management undertaken in accordance with the restrictions and standards set forth in paragraph (1) of this section.
- (d) All motor vehicles and motorized equipment shall have mufflers in good working order to minimize noise.

SECTION 9 - CONDITIONAL USES

9.10 Purpose of This Section: The purpose of this section is to allow the proper integration into the community of the conditional uses listed in Section 8 of this ordinance, which may be suitable within a zoning district only on certain conditions and only at appropriate locations. Because of their characteristics, or the special characteristics of the area in which they are to be located, conditional uses require special consideration so that they may be properly located and planned with respect to the objectives of this ordinance, their effect on surrounding properties, and the ability of the Town to accommodate the growth resulting from the proposed use without undue adverse effect on the Town and its citizens and taxpayers, and the protection of health, safety and welfare of the Town and its citizens.

9.20 Applicability of This Section:

1. A land use or development involving a conditional use listed in Section 8 hereof shall not be undertaken unless and until the Town Planning Board has approved or approved with conditions such conditional use, and the Zoning Administrator has issued a permit for such land use or development pursuant to the terms of Section 17 hereof. Provided that, no such approval or permit shall be required for a conditional use which is a Class A regional project.

2. Notwithstanding the previous paragraph, if a land use or development involving a conditional use is a Class B Regional Project, such land use or development shall not require conditional use approval under this section. However, the Planning Board, in reviewing a Class B Regional Project pursuant to Section 10 shall find, in addition to the findings required by that section, that the requirements of Section 9.50, 9.61 and 9.70 have been met before approving such regional project.

9.30 Authorization to Approve and Disapprove Conditional Uses: The Planning Board is hereby authorized to approve, approve subject to conditions, or disapprove conditional use applications pursuant to and in accordance with the requirements and procedures set forth in this article. In approving a conditional use, the Planning Board may impose, in addition to those standards and requirements expressly specified by this ordinance, any additional conditions which the Board considers necessary to protect the health, safety and welfare of the Town and its present and future citizens and the best interest of the surrounding property, the neighborhood, or the Town as a whole. These conditions may include increasing dimensional or area requirements, specifying location, character and number of vehicle access points, requiring landscaping, planting and screening, requiring clustering of structures and uses in order to minimize the burden on public services and facilities, requiring such action by the applicant as a condition to approval, to insure the completion of the development in accordance with the terms and conditions applicable thereto. In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use, any change in use or in lot area or an alteration of structure shall conform insofar as it is reasonable practicable with the requirements dealing with conditional uses.

9.40 Application for Conditional Use Approval: One or more persons may initiate a request for conditional use approval by filing an application with the Planning Board using forms supplied by the Board, and which shall include such information reasonably sufficient for the Board to make its findings under Section 9.61 of this ordinance supplied by the applicant and including a legal description of the property, a map showing the property and all properties within a radius of five hundred (500) feet of the exterior boundaries thereof and the owners thereof, plans and elevations necessary to show the proposed development, and other drawings or information, including a detailed site plan, that the Board reasonably considers necessary to an understanding of the proposed use and its relationship to surrounding properties. When required by Section 239-m of the General Municipal Law, the Board shall promptly refer an application to the county or regional planning agency having jurisdiction, for its report and recommendation. A copy of such complete application shall also be filed simultaneously with the Town Board by the Planning Board.

9.50 Conditional Use Application Hearing and Decision: Within fifteen (15) days of receipt of a complete application for conditional use approval, the Planning Board shall give notice of public hearing under Section 17.60 of this ordinance, such hearing to be held on the application not less than fifteen (15) days nor more than sixty-two (62) days after the notice. Within sixty-two (62) days of the final adjournment of a public hearing called, the Planning Board shall approve, approve subject to condition, or disapprove the proposed conditional use. The decision of the Board shall be in writing, and shall contain such findings of fact required by Section 9.61 and if applicable, Section 9.70.

9.60 General Requirements for Granting Conditional Use Approval: The Planning Board shall not approve a conditional use unless it first determines that such conditional use meets the standards and requirements of Section 9.61 and that such conditional use meets any additional standards and requirements of Section 9.70 applicable to that use.

9.61 Requirements for Conditional Use Approval Applicable to All Conditional Uses:

In order to approve any conditional use, the Planning Board shall find that:

1. The use complies with all other requirements of this ordinance including the dimensional regulations of the zoning district in which it is proposed to be located except as those may be specifically increased by the Town Board in approving the conditional use.

2. If approved, the use would be in harmony with the general purpose and intent of this ordinance specifically taking into account the location, character, and size of the proposed use and the description and purpose of the district in which such use is proposed, the nature and intensity of the activities to be involved in or conducted in connection with the proposed use, and the nature and rate of any increase in the burden on supporting public services and facilities which will follow the approval of the proposed use.

3. The establishment, maintenance or operation of the proposed use would not, under the circumstances of the particular case, create public hazards from traffic, traffic congestion, or the parking of automobiles or be otherwise detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the Town.

9.70 Special Requirements for Conditional Use Approval: In order to approve any conditional use governed by this section, the Planning Board shall find, in addition to the finding required by Section 9.61, that the applicable specific requirements set forth in the section for that use have been met.

1. JUNK YARDS. Junk Yards shall be subject to the following additional requirements:

(a) The minimum lot area necessary for any junkyard shall be 40,000 square feet, unless the minimum lot area in Section 8.10 hereof for the zoning district in which the junkyard is to be located is larger, in which case the larger area shall be the minimum area.

(b) No junkyard shall be located within 100 feet of any residential building (except that belonging to the owner of the junkyard), public park, church, educational

facility, nursing home, public building or other place of public gathering, or any stream, lake, pond, marsh, swamp or other body of water.

(c) The junkyard shall be operated so as to minimize the fire hazard therefrom and to prevent improper trespass thereon by children and others.

(d) There must be erected and maintained an eight (8) foot high fence adequate to prohibit the entrance of children and others into the area of the activity or business and to contain within such fence the materials dealt with by the operator of the junkyard. All the materials dealt with by the operator of the junkyard shall be kept within such fence at all times. Whenever the junkyard is not open for business, or temporarily not supervised, this fence, and any gate thereto, shall be secured or locked to prevent entry. Where a junkyard is or would be visible from a public highway or from neighboring properties, the fence shall be of wood or other materials sufficient to totally screen the junkyard from view. As an alternative, the Town Board may permit such screening by adequate planting of evergreen trees or shrubbery. The Board may also waive the requirement of fencing where topography or other natural conditions effectively prohibit the entrance of children and others.

(e) Adequate means of fire protection shall be maintained on the premises at all times.

(f) The junkyard shall not be used as a dump area by the public and there will be no burning of other materials except in connection with the periodic crushing and removal of other materials from such yards in compliance with applicable New York State law regarding outdoor burning.

2. MOBILE HOME COURTS. Mobile home courts shall be subject to the following additional requirements:

(a) Site.

(1) The mobile home court shall be located in an area where grades and soil conditions are suitable for use as mobile home sites. Town slope and Soil Conservation Service soil data shall provide such information.

(2) The court shall be located on a well-drained site which is properly graded to insure adequate drainage and be free at all times of stagnant pools of water.

(3) The court shall be at least two (2) acres in size, with 250 feet frontage on a public road.

(b) Mobile Home Lot.

(1) The mobile home court shall be marked off into mobile home lots.

(2) Except in the Hamlet land use intensity area where the total number of mobile home lots in a mobile home court shall not exceed four (4) per gross acre, the total number of mobile home lots in a mobile home court shall not exceed the quotient of the total area of the court divided by the minimum lot area in Section 8.10 hereof for the zoning district in which the court is proposed to be located.

(3) In no case shall a mobile home lot have a total area of less than 7,500 square feet with a minimum width of seventy-five (75) feet.

(c) Mobile Home.

(1) No mobile home shall be parked or otherwise located nearer than a distance of forty (40) feet from an adjacent mobile home in any direction, sixty (60) feet from an adjacent property line of any third party, seventy-five (75) feet from the right-of-way line of a public street or highway, and twenty (20) feet from the nearest edge of any street within the court.

(2) Only one mobile home shall be permitted to occupy any one mobile home lot.

(d) Mobile Home Stand and Skirting.

(1) Each mobile home lot shall have a mobile home stand which will provide for the practical placement on and removal from the lot of both the mobile home and its appurtenant structures, and the retention of the home on the lot in a stable condition.

(2) The stand shall be of sufficient size to fit the dimensions of the anticipated mobile homes and their appurtenant structures or appendages.

(3) The stand shall be constructed of an appropriate material which is durable and adequate for the support of the maximum anticipated loads.

(4) The stand shall be suitably graded to permit rapid surface drainage.

(5) The stand shall be equipped with an anchor or tie-down at each corner thereof to provide adequate security for the mobile home against wind loading.

(6) The mobile home shall be enclosed with a desirable and attractive skirt made of sturdy materials, which will hide all wheels, chassis, and other appurtenances under the mobile home.

(e) Accessibility.

(1) The mobile home court shall be easily accessible from an existing public highway or street.

(2) Where a mobile home court has more than fifteen (15) mobile home lots, two (2) points of entry and exit shall be provided, but in no instance shall the number of entry and exit points exceed four (4):

(i) Such entrances and exits shall be designed and strategically located for the safe and convenient movement into and out of the court, and to minimize friction with the free movement of traffic on a public highway or street.

(ii) All entrances and exits shall be approximately at right angles to the existing public highway or street.

(iii) All entrances and exits shall be free of any material which would block their visibility from the public highway or street to which they have access.

(iv) All entrances and exits shall be of sufficient width to facilitate the turning movements of vehicles with mobile homes attached.

(3) The mobile home court shall have graded and surfaced streets to provide for the convenient access to all mobile home lots and other important facilities within the court:

(i) The street system shall be so designed to permit safe vehicular circulation within the court

(ii) Streets shall be adapted to the topography and shall have suitable alignment and gradient for traffic safety;

(iii) All streets shall have the following minimum widths: one-way traffic movement - 12 feet, and two-way traffic movement - 20 feet.

(iv) except in cases of emergency, no parking shall be allowed on such streets.

(4) An improved driveway shall be provided for each mobile home lot. This driveway shall have a minimum width of nine (9) feet.

(5) Each court shall provide a system of internal walkways to provide safe, convenient pedestrian access of adequate width to common facilities, service areas and open areas.

(f) Utilities and Service Facilities.

(1) The following utilities and service facilities shall be provided in each mobile home court which shall be in accordance with the regulations and requirements of the New York State Department of Health and/or New York State Department of Environmental Conservation:

(i) An adequate supply of pure waters for drinking and domestic purposes shall be supplied by pipes to all mobile home lots and buildings within the court. Each mobile home lot shall be provided with proper water connections.

(ii) Each mobile home lot shall be provided with a sewer, which shall be connected to the mobile home situated on the lot, to receive the waste from the shower, tub, flush toilets, lavatory and kitchen sink in such homes. The sewer shall be connected to a septic tank and leach field or other suitable drainage system or public or private sewer system, so as to comply with the Town sanitary code.

(iii) Sewer connections in unoccupied lots shall be so sealed to prevent the emission of any odors and the creation of breeding places for insects.

(iv) Durable refuse containers with tight fitting covers shall be maintained in sufficient number and volume capacity to permit the disposal of all garbage and rubbish. The containers shall be kept in sanitary condition at all times. The containers shall be located no further than two hundred (200) feet from any mobile home lot. Garbage and rubbish shall be collected and disposed of by the court owner or manager as frequently as may be necessary to insure that such containers shall not overflow.

(v) If the mobile homes are to be oil heated, a fifty-five (55) gallon or greater fuel storage facility shall be provided in each mobile home lot. Where economically feasible, this storage facility shall be placed underground.

(2) Other service buildings including storage areas shall be provided as deemed necessary for the normal operation of the court, such buildings to be maintained by the owner or manager of the court in a clean, sightly, and sanitary condition.

(3) Each mobile home lot shall be provided with weatherproof electric service connections and outlets which are a type approved by the New York State Board of Fire Underwriters.

(g) Open Space.

(1) The mobile home court shall provide common open space for the use by the residents of such court for recreational and other appropriate purposes.

(2) Common open space shall be conveniently located in the mobile home court. Such space shall have a total area equal to at least ten (10) percent of the gross land area.

(h) Landscaping

(1) Lawn and/or other suitable permanent ground cover shall be provided.

(2) Planting shall be provided to the extent needed in order to provide for the year-round screening of objectionable views. Views which shall be screened include non-residential uses, garbage storage and collection areas, and fuel tanks.

(i) Existing Mobile Home Courts.

(1) Existing mobile home courts shall, within one (1) year of the date of adoption of this Ordinance, submit a site plan which shows all existing development, including utility system or be in violation of this ordinance.

3. TRAVEL TRAILER CAMPS. Travel trailer camps shall be subject to the following additional requirements.

(a) Site

(1) The travel trailer camp shall be located in an area where grades and soil conditions are suitable for use as travel trailer sites. Town Slope and Soil Conservation Service soil data shall provide the necessary information.

(2) The camp shall be located on a well-drained site which is properly graded to insure adequate drainage and be free at all times of stagnant pools of water.

(3) The camp shall be at least two (2) acres in size, with 250 feet frontage on a public road.

(4) No travel trailer camp may furnish all-weather water supply or sewage disposal connections at individual sites.

(5) Travel trailer camps shall provide sewage pump-out facilities.

(b) Travel Trailer Lot

(1) Each travel trailer camp shall be marked off into travel trailer lots.

(2) The total number of travel trailer lots in each camp shall not exceed ten (10) per gross acre.

(3) Each travel trailer lot shall have a total area of not less than 3,000 square feet with a minimum width of thirty (30) feet.

(c) Travel Trailer

(1) No travel trailer shall be parked or otherwise located nearer than a distance of:

- (i) Twenty (20) feet from an adjacent travel trailer in any direction.
- (ii) Sixty (60) feet from an adjacent property line of any third party.
- (iii) Seventy-five (75) feet from the right-of-way line of a public street or highway.
- (iv) Twenty (20) feet from the nearest edge of any street within the camp.

(2) Only one travel trailer shall be permitted to occupy any one travel trailer lot.

(3) No travel trailer camp shall permit permanent structural additions to any travel trailer.

(4) No travel trailer camp shall permit the removal of wheels from travel trailers located within the travel trailer camp.

(d) Travel Trailer Stand

(1) Each travel trailer lot shall have a travel trailer stand, which will provide for the practical placement on and removal from the lot of the travel trailer, and the retention of the trailer on the lot in a stable condition.

(2) The stand shall be of sufficient size to fit the dimensions of the anticipated travel trailers.

(3) The stand shall be constructed of an appropriate material which is durable and adequate for the support of the maximum anticipated loads.

(4) The stand shall be suitably graded to permit adequate surface drainage.

(e) Accessibility

(1) The travel trailer camp shall be easily accessible from an existing public highway or street.

(2) Where a travel trailer camp has more than fifteen (15) travel trailer lots, two (2) points of entry and exit shall be provided, but in no instance shall the number of entry and exit points exceed four (4):

(i) Such entrances and exits shall be designed and strategically located for the safe and convenient movement into and out of the camp, and to minimize friction with the free movement of traffic on a public highway or street.

(ii) All entrances and exits shall be approximately at right angles to the existing public highway or street.

(iii) All entrances and exits shall be free of any material which would block their visibility from the public highway or street to which they have access.

(iv) All entrances and exists shall be of sufficient width to facilitate the turning movements of vehicles with travel trailers attached.

(3) The travel trailer camp shall have convenient access ways to all travel trailer lots and other important facilities within the camp; such access ways shall be designed to permit safe vehicular circulation within the camp, shall be adapted to the topography and shall have suitable alignment and gradient for traffic safety, shall intersect at approximately right angles, and shall be of sufficient width.

(f) Utilities and Service Facilities.

(1) The following utilities and service facilities shall be provided in each travel trailer camp which shall be in accordance with the regulations and requirements of the New York State Department of Health, Department of Environmental Conservation and/or Town Sanitary Code:

(i) An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and to every ten (10) trailer lots within the camp to meet the requirements of such camp. Each ten (10) lots shall be provided with a cold water tap, the waste from which shall be emptied into a drain connected to an approved disposal system, such as a septic tank and drainage bed.

(ii) Toilet and other necessary sanitary facilities for males and females shall be provided in permanent structures. Such facilities shall be housed in either separate buildings or in the same building; in the latter case, such facilities shall be separated by soundproof walls. The male and female facilities shall be marked with appropriate signs and have separate entrances for each.

(iii) Such toilet and other sanitary facilities for males shall consist of not less than one flush toilet for every fifteen travel trailers and one lavatory for every ten travel trailers; female facilities shall consist of not less than one flush toilet and one lavatory for every ten travel trailers.

(iv) Lavatory facilities shall be supplied with hot and cold running water.

(v) The buildings housing such toilet and sanitary facilities shall be well-lighted at all times of the day and night, shall be well-ventilated with screened openings, shall be constructed of moisture-proof materials, and shall be clean and sanitarily maintained at all times. The floors of such buildings shall be of water impervious material.

(vi) Such buildings shall not be located nearer than fifty (50) feet from any travel trailer.

(2) Other service facilities and buildings shall be provided as deemed necessary for the normal operation of the camp, such facilities or buildings to be maintained by the owner or manager of the camp in a clean, sightly, and sanitary condition.

(3) Metal or plastic garbage cans with tight fitting covers shall be used in quantities adequate to permit the disposal of all garbage and rubbish. The cans shall be kept in sanitary condition at all times. The cans shall be located no further than two hundred (200) feet from any travel trailer lot. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary by the camp owner or manager to insure that such cans shall not overflow.

(4) Waste from all buildings and trailer lots shall be discharged into an approved septic tank and leach field or other suitable drainage field, or into a public or private sewer system, so as to comply with the Town sanitary code.

(g) Open Space

(1) The travel trailer camp shall provide common open space conveniently located within the camp for recreational and other appropriate purposes, such space to have a total area equal to at least ten (10) percent of the gross land area of the park.

(h) Landscaping

(1) Lawn and/or other suitable permanent ground cover shall be provided.

(2) Planting shall be provided to the extent needed to provide summer shade, and to provide year-round screening of objectionable views, including views of garbage and storage areas and adjacent non-residential uses. Screen planting shall be provided along those areas within the camp which front upon or are visible from public highways and streets or abutting yards of adjacent residential properties so as to substantially screen the camp from public view at all seasons of the year.

4. EXCAVATIONS. Any excavation not associated with the erection of a building shall be subject to the following additional requirements:

(a) The excavation shall not adversely affect the natural drainage of adjoining properties not in the same ownership, or the structural, safety of buildings on such adjoining properties.

(b) The top of any slope of the excavation shall not be closer than fifty (50) feet from the boundary line of any adjoining property not in the same ownership used for residential purposes, nor closer than fifty (50) feet from any such property not used for residential purposes, nor closer than seventy-five (75) feet of any public street or highway.

(c) At least fifty (50) feet of natural vegetation shall be left undisturbed adjoining any public street or highway or any adjoining property not in the same ownership used for residential purposes. The Town Board may in its discretion require additional measures to provide suitable screening of the excavation, such as planting or fencing.

(d) The applicant must submit plans for reasonable rehabilitation of the land involved, during and after cessation of removal of excavating operations. Such plans should include regrading to insure effective slope and soil stabilization with a slope no greater than one vertical foot per two horizontal feet, and seeding to provide an effective cover crop during the first growing season thereafter. The Town Board may require the posting of a performance bond of an amount sufficient to guarantee compliance with such plans.

5. MOTELS, HOTELS AND TOURIST ACCOMMODATIONS. Motels, hotels and tourist accommodations shall be subject to the following additional requirements:

(a) For each motel, hotel or similar tourist accommodation unit which is attached to a similar unit by a party wall, each accommodation unit of a tourist home or similar structure, and each tourist cabin or similar structure for rent or hire involving less than three hundred (300) square feet of floor space, the minimum land area necessary, shall be one-tenth the minimum lot area in Section 8.10 for the zoning district in which the motel, hotel or tourist accommodation is to be located, or shall be four thousand (4000) square feet, whichever is larger. The minimum land area for a tourist cabin or similar structures for rent or hire involving more than three hundred (300) square feet of floor space shall be the minimum lot area in Section 8.10 hereof for the zoning district in which the cabin or structure is to be located. Provided that, this subparagraph shall not apply to the Hamlet Intensity District where the minimum land area shall be the lot size per principal building as stated in Section 8.10.

(b) Adequate off-street parking shall be provided therefor.

(c) No portion of a motel, hotel or tourist accommodation shall be closer than fifty (50) feet from the boundary line of any adjoining property not in the same ownership, nor closer than one hundred (100) feet from the shore of any lake or pond.

(d) Where a motel, hotel or tourist accommodation involves the shoreline of any lake or pond, or any river or stream navigable by boat, including canoe, the following shoreline frontages shall be required per room or unit, unless the minimum shoreline lot width in Section 11 hereof for the zoning district involved is greater, in which case the greater lot width shall be required; one hundred (100) feet for one(1) to ten (10) accommodations units; for each additional unit, up to twenty (20) units, eight (8) additional feet; for each additional unit, up to forty (40) units, five (5) additional feet; for each additional unit thereafter, three (3) additional feet.

6. MULTIPLE FAMILY DWELLINGS. Multiple family dwellings shall be subject to the following additional requirements:

(a) The minimum land area necessary per each individual dwelling unit shall be the minimum lot area in Section 8.10 hereof for the zoning district in which the multiple family dwelling is to be located, except in the Hamlet Intensity District, where the minimum land areas necessary for the respective type multiple family dwellings shall be 7500 square feet per dwelling unit.

(b) Adequate off-street parking shall be provided therefore.

7. FLOOD HAZARD AREAS

(a) Establishment of area boundaries: The boundaries of the flood hazard areas are based on Federal Emergency Management Administration. This ordinance does not imply that lands outside the flood hazard area or land uses permitted within this area will be free from flooding or flood damages. All land uses within the flood hazard area shall conform to the provisions of this section in addition to all other requirements of this ordinance including all provisions governing land use within any zoning district created under Section 8 of this ordinance in which the land involved is located, and including the provisions of Sections 10 and 17.

(b) Special Requirements:

(1) New or replacement water supply systems shall be so designated as to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

(2) On-site waste disposal systems shall be located so as to avoid impairment or contamination from the systems during flooding.

(3) Residential structures shall have the lowest habitable floor elevated to at least one foot above the estimated flood hazard area flood level.

(4) In addition to the above, any such use shall meet the following requirements:

(i) Such use shall include flood-proofing measures consistent with the flood protection elevation and associated flood facts for the particular area in which construction is to take place; or

(ii) Any structure built on pilings shall be constructed with the lowest floor elevated to at least one foot above the estimated flood hazard areas flood level; or

(iii) Any structure built on solid fill shall be constructed at an elevation of the estimated flood hazard area flood level within the lowest floor elevated to at least one foot above the estimated flood hazard area flood level.

8. SPECIAL VEGETATIVE CUTTING PROVISIONS

(a) Nothing in this part shall be deemed to invalidate the vegetative cutting restrictions contained in Section 806 of the Adirondack Park Agency Act.

(b) The forest management and vegetative cutting restrictions and standards contained in Section 8.32 of this ordinance notwithstanding, vegetative cutting upon lands directly associated with any structure lawfully in existence on the date upon which this ordinance shall become effective, may be undertaken in any river area to the extent otherwise permissible under the vegetative cutting restrictions contained in Section 806 of the Adirondack Park Agency Act, to the extent necessary that existing view of the river from such structure may be preserved.

(c) The forest management and vegetative cutting restrictions and standards contained in Section 8.32 of this ordinance notwithstanding, the cutting of firewood inside the mean high water mark of the river or within 100 feet of such mean high watermark may be undertaken in any river area by the resident of a dwelling within such river area for personal use in such dwelling, provided that such cutting is in compliance with the vegetative cutting restrictions contained in Section 806 of the Adirondack Park Agency Act, and that alternative sites for cutting of such firewood are not readily available to such resident.

9. COMMERCIAL MARINAS: Commercial marinas shall be subject to the following additional requirements:

(a) Any and all gasoline sales and/or storage facilities shall be installed in accordance with applicable state laws.

(b) Two (2) off-street parking spaces shall be provided for each berth or mooring contained in a marina. Parking spaces shall be no less than 10' by 20' in size.

(c) No docking facility shall have a side yard setback of less than 25% of the shoreline width of the property in questions, and in any event, no less than a 15' set back.

(d) Adequate safety or traffic control devices (buoys) shall be placed to insure safe ingress and egress of boats.

(e) All docking facilities shall be in a T, L, U, F, OR straight line configuration.

(f) No dock, docking facility, or obstacle to navigation shall extend more than forty (40) feet into any body of water, measured from the mean low watermark.

(g) No dock or docking facility shall contain more than 400 square feet of surface area. A minimum of 250 feet of vacant shorefront measured at mean high water shall be required for the construction of each dock or docking facility.

(h) Four (4) commercial moorings shall be allowed per 250 feet of shoreline width with two (2) moorings permitted for each additional 100 feet of shoreline width in excess of 250 feet. In the event, however, that docking facilities are present and/or being constructed, the allowable surface area of the docking facility shall be reduced 50 square feet for each such mooring.

(i) Any owners or operators of record shall maintain said facility in a safe and clean manner and shall be responsible for the removal, clean-up and/or repair of decayed and loose materials and/or other debris.

(j) On-shore toilet facilities shall be provided and such facilities shall meet all existing New York State as well as Town statutes, ordinances and regulations.

(k) Any plans for such marina facility shall have the approval of the NYS Department of Health, the NYS Department of Environmental Conservation and any other applicable agency prior to the final approval of the Planning Board or Zoning Board of Appeals.

(l) Any facility thus approved shall comply with these and any other conditions set forth by the approving board, and shall be subject to periodic review and/or inspection by the zoning officer and the appropriate approving board and/or its authorized members.

(m) All commercial marinas shall have a land area of at least 3.2 acres.

(n) The local Planning Board or the Adirondack Park Agency can require additional distances, etc. in cases where it is deemed necessary, in order to make the required findings to grant a permit.

10. **MULTIPLE ACCESS DOCKS.** Multiple access docks shall be subject to the following special regulations:

(a) For multiple access docks proposed as part of subdivisions approved prior to adoption of the Town Subdivision Regulations (before May 3, 1963) and after the adoption of dock standards (November 12, 1987) all multiple access dock and other appropriate dock standards (Section 11.60) shall apply.

(1) Docking facilities or moorings shall be limited to seven (7) boats per 100 feet of shoreline width, measured at mean high water, but may be increased for shorefront widths in excess of 100 feet on the basis of one (1) boat for each additional 15 feet of shorefront width.

(2) The maximum width of docks and docking facilities shall not exceed fifty percent (50%) of the total shorefront measured at mean high water.

(3) Adequate safety or traffic control devices, including buoys, shall be placed to insure safe ingress and egress of boats.

(4) Any multiple access docking facility which is approved shall at all times comply with all regulations applicable thereto and with all conditions of approval established by the Planning Board and such facility shall be subject to periodic review and/or inspection by the Zoning Administrator.

(b) For multiple access docks associated with subdivisions approved after May 3, 1963 and before November 12, 1987, their design should take into account the general health, safety and welfare of the public with an emphasis on maintaining acceptable navigation. In order to ensure this the Planning Board shall consider the following general dock design parameters:

(1) Any dock design parameters specified as part of the subdivision's original approval;

(2) Width of shoreline in relation to the size of the proposed dock;

(3) Dock locations on adjacent parcels;

(4) Lake bottom conditions; and the impact the proposed dock will have on general navigation.

11. BOAT STORAGE, COMMERCIAL

(a) The area reserved for boat storage shall not exceed one (1) acre.

(b) Setbacks required for the storage area shall be one hundred (100) feet minimum from any side or rear lot line. The minimum front yard setback shall be one hundred fifty (150) feet.

(c) The property shall have four hundred (400) feet minimum road frontage.

(d) A single residential home is permitted on the property, but shall be at least one hundred fifty (150) feet from the storage area. The storage facility shall be no less than one hundred fifty (150) feet from any other structure.

(e) There must be erected and maintained an eight (8) foot high fence adequate to protect the facility from entry by children and others into the area of storage. The Planning Board may also require screening by adequate planting of evergreen trees or shrubbery. The Board may waive the requirement of fencing where topography or other natural conditions effectively prohibit the entrance of children or others. Fences are a form of structure to which the shoreline restrictions apply.

(f) Boats stored outside of a structure or building shall be stored in aisles not exceeding forty (40) feet in width. Access ways with a minimum width of fifteen (15) feet shall be provided between boat aisles. Access ways shall be provided between required fencing and boat aisles.

12. RESTAURANT, FAST FOOD

(a) Parking and exterior food consumption areas shall be located behind a fast food restaurant and should not be visible from adjacent roadways.

(b) If a "drive-in" window is proposed special consideration should be given to segregating drive-in window traffic from other internal site circulation.

(c) Landscape buffering and/or berms may be required to ensure compatibility with surrounding uses.

(d) Lighting should be low level and directed downward and into the project parcel. Lighting should not impact adjacent properties.

(e) The hours of operation of the proposed facility may be limited at the discretion of the Planning Board to ensure compatibility with adjacent uses.

SECTION 10 - REGIONAL PROJECT REVIEW

10.10 Purpose of This Section: The purpose of this section is to further the general purposes, policies and objectives of this ordinance and the Adirondack Park Agency Act setting forth the criteria for review of Class A Regional Projects by the Adirondack Park Agency and the Town of Horicon.

10.20 Applicability:

1. No person shall undertake a use permitted by right, conditional use, or non-permissible use for which a variance has been granted pursuant to Section 16.40 of

this ordinance, which use is also a Class B regional project, unless and until the Planning Board shall have reviewed and approved, or approved subject to conditions, such project, and the Zoning Administrator has issued a permit with respect thereto pursuant to the terms of Section 17 hereof.

2. No person shall undertake a Class A regional project unless and until the Agency shall have reviewed and approved, or approved subject to conditions, such project, and has issued an Agency permit with respect thereto pursuant to the terms of the Adirondack Park Agency Act and the pertinent Agency rules and regulations. If such project is also listed as a conditional use under Section 8 of this Local Law, no person shall undertake the project unless and until the Planning Board shall have reviewed and approved, or approved subject to conditions, such project and the Zoning Administrator has issued a land use and development permit with respect to the project pursuant to Section 17.

10.30 Authorization to Approve and Disapprove Class B Regional Projects:

1. The Planning Board is hereby authorized to approve, approve subject to conditions, or disapprove all Class B regional projects proposed to be located within the territory of the Town pursuant to and in accordance with the requirements and procedures set forth in this section.

2. If a Class B regional project is also a Class A regional project or Class A subdivision, the project will be deemed to be a Class A regional project or Class A subdivision in its entirety, and subject to the review authority of the Adirondack Park Agency.

10.40 Requirements for Class B Regional Project Approval: The Planning Board shall not approve a Class B regional project unless it first determines that such project meets the following criteria:

1. The project would comply with all provisions of this ordinance, including those contained in Sections 8, 9 and 11 hereof.

2. The project would not have an undue adverse impact upon the natural, scenic, aesthetic, ecological wildlife, historic recreational or open space resources of the Adirondack Park or upon the ability of the public to provide supporting facilities and services made necessary by the project taking into account the commercial, industrial, residential, recreational or other benefits that might be derived from the project. In making this determination, the Planning Board shall consider those factors pertinent to the project contained in the development considerations set forth at Appendix D hereof, and in so doing, the Planning Board shall make a net overall evaluation of the project in relation to the development objectives and general guidelines set forth in Section 10.90.

10.50 Application for Class B Regional Project Approval: Application for project approval shall be made to the Zoning Administrator, who shall review the application for

completeness, and if, in his reasonable judgment, the application is complete, shall refer it to the Planning Board. All applications shall be made on forms prescribed by the Planning Board, and furnished by the Zoning Administrator, which forms when completed shall include such information as may be reasonably necessary to determine whether the requirements for approval set out in Section 10.40 have been satisfied. In determining the content of these applications forms, the Planning Board may provide for different informational requirements for different classes or types of projects, but with each certain class or type of project, the same information shall be required of every applicant. Such information required by these various application forms may include any or all of the following: a detailed description of the natural features of the project site, a detailed description of the land use plan of the project and its components, including all proposed roads and accesses, water supply and sewage disposal systems, and their relationship to natural features, an analysis with supporting data of impact of the project on the environment both during construction and thereafter, an analysis with supporting data of the ability of the public to provide supporting services and facilities which can reasonably be anticipated to be required following the approval of the project, an analysis with supporting data of any benefits that might derive from the project, any plans the applicant may have for future development related to the project and information describing the applicant, his or its financial capacity to complete the project as planned, and any professional advisors or consultants engaged in respect to the project.

10.60 Procedures for Review and Decision Regarding Class B Regional Projects:

1. Not later than ten (10) days following receipt of a complete application for a Class B regional project, the Zoning Administrator shall notify the Adirondack Park Agency and the Zoning Board of Appeals of such receipt, shall furnish to each body a copy of the project application, and shall furnish to the Agency such further pertinent information as the Agency may deem necessary, and shall afford each body the opportunity to comment thereupon. When required by Section 139-m of the General Municipal Law, the Zoning Administrator shall also promptly refer an application to the Warren County Planning Board.

2. Not later than thirty (30) days following receipt by the Zoning Administrator of a complete application for a Class B regional project, the Planning Board shall review the said application and shall determine in its discretion whether a public hearing shall be held in regard thereto. In the exercise of its discretion, the Planning Board shall be guided by the expected level of public interest in the project, the relative size and significance of the project, and the possibility of an eventual disapproval. No Class B regional project may be disapproved unless a hearing shall have first been held on the project application. If the Planning Board determines that a public hearing shall be held, the hearing shall be scheduled for a date not less than fifteen (15) days thereafter, nor later than forth-five (45) days following receipt of a complete application. The Planning Board shall give public notice of the date, time and place of the hearing as provided by Section 17 hereof, and shall also mail a copy of the public notice to the Adirondack Park Agency and the Zoning Board of Appeals. The

Adirondack Park Agency shall be a full part in interest withstanding to participate in any and all proceedings conducted pursuant to this section.

3. If the Planning Board determines that a public hearing shall not be held, then not later than sixty (60) days following receipt by the Zoning Administrator of the complete application, the Planning Board shall approve the project or approve it subject to conditions.

4. If the Planning Board holds a public hearing pursuant to paragraph 2 of this section, then not later than forty-five (45) days after the completion of said hearing the Planning Board shall approve, approve subject to conditions, or disapprove the project.

5. Every Class B regional project decision rendered by the Planning Board shall be in writing, and shall contain such findings of fact as are required by Section 10.40 hereof. The Planning Board in conjunction with its approval of any Class B regional project, may impose such requirements and conditions as are allowable within the proper exercise of the police power, including the restriction of land against further development of principal buildings, whether by deed restriction, restrictive covenant or other similar appropriate means, to insure that guidelines as to intensity of development as provided in this ordinance shall be respected, and the imposition of reasonable conditions to insure that the project will be adequately supported by services and improvements made necessary by the project and to insure that the project will be completed in accordance with the terms of the application and any permit, and including, without limitation, the requirements and conditions authorized under Section 9 of this ordinance. In addition, the Planning Board may require that the Zoning Administrator incorporate any such requirements and conditions in any permit issued with regard to such Class B regional project.

10.70 Criteria for Review of Class A Regional Projects by the Adirondack Park Agency:

1. The Adirondack Park Agency Shall have jurisdiction to review and approve, approve subject to conditions, or disapprove all Class A Regional Projects proposed to be located within the territory of the Town, pursuant to and in accordance with Section 809 (9) of the Adirondack Park Agency Act, the applicable Agency Rules and Regulations, and the criteria hereinafter set forth.

2. The Adirondack Park Agency shall not approve a Class A Regional Project unless it first determines, after consultation with the Planning Board and receipt of the advisory recommendations of the Planning Board relative to the project, that the project would comply with all provisions of this Ordinance, and of such other ordinances or regulations as shall be components of the Town Land Use Plan.

10.80 Planning Board Authority Regarding Class A Regional Projects:

1. Class A Regional Projects shall be subject to review by both the Adirondack Park Agency and the Town of Horicon Planning Board and approval of both shall be required for project development. If either APA or the Town Planning Board deny approval, then the project may not be implemented, regardless of whether the other agency has approved it. The Town Planning Board's review of a Class A regional project shall occur in accordance with the Town's Zoning and Site Plan Review Local Law and/or subdivision regulations as either or both may be applicable. The applicant may elect to proceed with a Town Planning Board review process prior to, during or after, commencement and/or conclusion of APA project review. The Town Planning Board shall provide APA with notice of receipt of any application for approval of a Class A Regional Project and shall also provide APA with copies of any public hearing notices and its decision on the project.

2. The Planning Board is also hereby designated to consult the Adirondack Park Agency with regard to Agency review of Class A Regional Projects.

3. As soon as reasonably practicable following receipt by the Planning Board from the Adirondack Park Agency of Notice of Application Completion with regard to a Class A Regional Project, the Planning Board, or one or more designees thereof, shall consult with the Agency for the purpose of analyzing the project application and formulating advisory recommendations as to whether the project meets all the pertinent requirements and conditions of the Town Land Use Plan.

4. Not later than thirty (30) days following receipt by the Planning Board from the Agency of the Notice of Application Completion with regard to a Class A Regional Project, the Planning Board shall notify the Agency whether the project meets the pertinent requirements of the Town Land Use Plan.

5. Notwithstanding the fact that Class A regional project approval may have been granted by the Adirondack Park Agency after a finding by that body that the project would comply with all provisions of this ordinance, it must be recognized that reasonable bodies may differ.

Therefore, where the Town Planning Board finds that the project would have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Town or upon the ability of the Town to provide supporting facilities and services made necessary by the project, taking into account the commercial, industrial, residential, recreational or other benefits that might be derived from the project, or that the project would otherwise not be approvable under this ordinance, the Board may disapprove the project irrespective of any Agency approval. In such case, the reasons for Planning Board disapproval shall be specified in writing.

10.90 Development Objectives for Use in Regional Project Review:

1. The principal natural and public resource aspects of a project site to be considered in connection with the determination required by Section 10.40 (2) and referred to in Section 10.70 (3) hereof, together with representative means for avoiding undue adverse impact thereupon include the following:

(a) SOILS

(1) Soils, General

OBJECTIVE: Prevent accelerated soil erosion and the potential for earth slippage.

GENERAL GUIDELINE: Respect existing natural features such as slope, soil texture and structure; minimize removal of vegetative cover; rapidly revegetate cleared areas; limit cuts and fills; and employ such erosion control devices and measures as are necessary to promptly stabilize slopes and surfaces and to control runoff.

(2) Agricultural Soils

OBJECTIVE: Conserve viable agriculture soils.

GENERAL GUIDELINE: Avoid activities on Class I and Class II agricultural soils presently in agricultural service which would diminish or preclude continuing use thereof for agricultural purposes.

(b) TOPOGRAPHY.

OBJECTIVE: Minimize topographic alterations.

GENERAL GUIDELINE: Minimize excavation, cuts and fills and site grading by employing to advantage existing topographic features; and avoid development activities on steep slopes where environmental damage and costly development problems could result therefrom.

(c) SURFACE WATERS.

(1) Water Quality and Eutrophication.

OBJECTIVE: Maintain or enhance existing physical, chemical and biological water quality characteristics and prevent any undue acceleration of existing rates of eutrophication bodies of water.

GENERAL GUIDELINE: Maintain wide buffer strips of natural vegetation bordering water bodies; minimize channel disturbance and alterations; preserve shoreline

vegetation; minimize hydrologic changes which would result from damming or impounding; avoid introduction of nutrients from the use of fertilizers and from sewage effluent; and avoid introduction of toxic materials to water bodies.

(2) Surface Drainage.

OBJECTIVE: Retain existing surface water drainage and runoff patterns and existing flow characteristics.

GENERAL GUIDELINE: Minimize alterations to existing drainage patterns and drainage courses; preserve drainage ways in their natural state; and provide where necessary, natural ponding areas and other measures designed to provide natural retention of storm water run-off if development includes a significant area of impervious surface.

(3) Flood Plains.

OBJECTIVE: Maintain the storage capacity of flood plains and their existing ability to convey water downstream; and avoid activities in flood plains which will result in dangers to life, safety and property if subjected to flooding.

GENERAL GUIDELINE: Avoid the placement of buildings intended for human habitation, commercial use and industrial use within flood plains; avoid the use of fill to create elevated site; and within any floodable area conform all development plans to the flood hazard area regulations contained in Section 9 hereof.

(d) GROUND WATER

OBJECTIVE: Preserve quality, infiltration rate, and levels of ground water.

GENERAL GUIDELINE: Comply at a minimum with applicable governmental water pollutant discharge restrictions; particularly avoid discharges of effluent potentially degrading to ground water quality in proximity to major aquifers and aquifer recharge areas; and avoid impairment of aquifer recharge areas which could result from covering them with impervious surfaces.

(e) SHORELINES

OBJECTIVE: Maintain or enhance the existing physical, biological and aesthetic characteristics of the shoreline of all lakes ponds, rivers and streams.

GENERAL GUIDELINE: Comply at a minimum with applicable shoreline regulations, in Section 11.30, minimize construction or development of any kind near or on the shorelines; avoid physical modifications of the shorelines themselves; minimize the removal of vegetation along shorelines; locate buildings so as to be partially screened from the shorelines by natural vegetation; maximize the preservation of stretches of shoreline in a natural, unchanged and undeveloped state.

(f) MINERAL RESOURCES

OBJECTIVE: Conserve existing known mineral resources.

GENERAL GUIDELINE: Avoid activities which would preclude present or future use of important mineral resources that may be of economic significance to the region.

(g) AIR QUALITY

OBJECTIVE: Maintain or enhance existing air quality.

GENERAL GUIDELINE: Adhere to applicable governmental air quality standards; provide adequate air pollution abatement devices; and reduce dust levels caused by construction activities.

(h) NOISE LEVELS

OBJECTIVE: Limit additions to noise levels.

GENERAL GUIDELINE: Adhere at a minimum to applicable governmental noise level standards; utilize noise abatement equipment; and maintain natural buffers such as existing topographic relief and vegetation.

(i) WETLANDS

OBJECTIVE: Preserve the hydrologic, wildlife, vegetational, aesthetic, educational, open space and recreational values of wetlands.

GENERAL GUIDELINE: Avoid development in marshes, bogs, swamps and periodically inundated lands or on lands immediately adjacent thereto if such development could result in environmental damage to the marsh, bog, swamp or periodically inundated land.

(j) AQUATIC COMMUNITIES

OBJECTIVE: Protect generally the existing natural aquatic plant and animal communities and preserve rare and endangered aquatic plant and animal species.

GENERAL GUIDELINE: Preserve key spawning areas, nursery grounds, food sources and food source areas; preserve habitats of rare and endangered plant and animal species maintain adjacent vegetated areas generally as habitats and buffer zones; minimize shoreline alterations such as beach construction and emplacement of docks, and avoid introduction of toxic materials and nutrients to water bodies.

(k) TERRESTRIAL VEGETATION

(1) Vegetation, General

OBJECTIVE: Preserve or quickly restore terrestrial vegetation.

GENERAL GUIDELINE: Minimize clearing of vegetation in light of development objectives; avoid clearing vegetation where damage will result to remaining vegetation from such factors as wind, erosion and frost; and protect remaining vegetation during the construction period.

(2) Rare and Endangered Terrestrial Plant Species

OBJECTIVE: Preserve rare and endangered terrestrial plant species.

GENERAL GUIDELINE: Locate development and other intensive human activities so as to protect the location and habitats of rare and endangered plant species and allow for the continuing propagation of these species.

(3) Productive Commercial Forest Land.

OBJECTIVE: Conserve productive forest lands.

GENERAL GUIDELINES: Avoid impairment of productive forest lands for commercial forest production by employing sound forestry practices and by employing such planning techniques as clustering of development.

(l) FRAGILE ECOSYSTEMS AT HIGHER ELEVATIONS

OBJECTIVE: Minimize disturbances of fragile ecosystems at higher elevations.

GENERAL GUIDELINE: Avoid development at elevations of 2,500 feet or more.

(m) TERRESTRIAL WILDLIFE

(1) Terrestrial Wildlife, General.

OBJECTIVE: Maximize the preservation of terrestrial wildlife species.

GENERAL GUIDELINE: Preserve key wildlife habitats, such as deer wintering yards, nesting areas, productive feeding areas, and important vegetation transition areas; and maintaining wildlife diversity to the extent possible in view of project objectives by maintaining a diversity of habitat.

(2) Rare and Endangered Terrestrial Wildlife Species.

OBJECTIVE: Preserve rare and endangered terrestrial wildlife species.

GENERAL GUIDELINE: Locate development and other intensive human activities so as to protect the location and habitats of rare and endangered terrestrial wildlife species and allow continuing propagation of these species.

(n) AESTHETICS

(1) Aesthetics, General.

OBJECTIVE: Preserve and enhance, where possible, impact of the project upon the existing aesthetic qualities of the project site and its environs.

GENERAL GUIDELINES: Utilize existing vegetation and topographical features, and employ careful site methods so as to minimize the visual impact of all development activities.

(2) Scenic Vistas.

OBJECTIVE: Maintain the scenic qualities of views from vistas designated in the Adirondack Park Land Master Plan.

GENERAL GUIDELINE: Avoid visibility of buildings and other development and land use alterations generally from vista by employment of vegetative screening, existing topography and careful siting methods.

GENERAL GUIDELINE: Employ vegetative screening, existing topography, and careful siting methods to minimize the visual impact of buildings and other development and land use alterations.

(o) OPEN SPACE

(1) Open Space, General.

OBJECTIVE: Maintain the open space character of the project site, adjacent land, and surrounding areas.

GENERAL GUIDELINE: Preserve vegetative screening and existing topography and employ clustering and careful siting methods where appropriate to minimize the impact of development activities and land use alterations on open space; and preserve undeveloped areas as large as possible in view of project objectives.

(2) Outdoor Recreation.

OBJECTIVE: Maintain the quality and availability of land for outdoor and open space recreational purposes.

GENERAL GUIDELINE: Provide on the project site sufficient open space areas for outdoor recreational use by those persons who will use the proposed project, taking into account the existing recreational resources available in the area; and locate buildings and other development so as not to interfere with those areas to be used as hiking, bicycling, and cross-country skiing trails as well as trailbike, jeep, all-terrain-vehicle and horse trails, play grounds, picnic areas, campgrounds, parks, beaches, and similar uses.

(p) ADJOINING AND NEARBY LAND USES

(1) Surrounding Land Uses, General.

OBJECTIVE: Minimize incompatibility of new development with the character of adjoining and nearby land uses.

GENERAL GUIDELINE: Take into account the existing and potential land uses in the vicinity of the project site in determining what new land use activities are suitable for the project site; avoid new intensive development in open space areas; and avoid substantially altering existing residential and other land use patterns.

(2) Adjacent State Land.

OBJECTIVE: Preserve the wild and natural character of adjacent state lands designated as wilderness, primitive, or canoe by the Adirondack Park State Land Master Plan.

GENERAL GUIDELINE: Minimize development activities which would materially impair the wilderness attributes of these State Lands; design and construct development that is located within one-eighth mile of these State lands so as to minimize its visual and audial impact in these wilderness-like areas, thereby insuring the continued compatibility of State and private types of ownership.

(q) WILD, SCENIC AND RECREATIONAL STUDY RIVERS

OBJECTIVE: Protect or enhance the natural qualities of any river designated to be studied for possible inclusion in the State's wild, scenic or recreational river system.

GENERAL GUIDELINE: Maintain buffer zones and existing vegetation along designated study rivers; avoid intensive development within one-quarter mile of such rivers; minimize alterations to such rivers and their banks; and preserve the free-flowing character of such rivers.

(r) HISTORIC SITES

OBJECTIVE: Protect archeological sites, historic sites, and unique historical structures for their educational and cultural value to the area, region or State.

GENERAL GUIDELINE: Preserve and restore archeological sites, historic sites, and unique historic structures to the extent warranted by their respective significance; avoid land uses and development on adjoining and nearby lands which would be incompatible with the significance of such sites and structures.

(s) SPECIAL INTEREST AREAS

OBJECTIVE: Preserve special interest areas such as unique natural features and their surrounding environs.

GENERAL GUIDELINE: Avoid physical and aesthetic alteration and impairment of the natural condition of unique physical features such as gorges, waterfalls, and interesting geological formations; provide for their continuing protection; utilize these special interest areas as assets to development.

(t) GOVERNMENT CONSIDERATIONS

OBJECTIVE: Fully explore and assure the ability of government to provide governmental services and facilities made necessary by the project.

GENERAL GUIDELINE: Phase development activities to a level commensurate with the financial capability of the various levels of government to provide the governmental services and facilities that will be generated by the development, such as transportation systems, schools, health care, sewage and solid waste disposal systems, water supply systems, and fire and police protection; require that as nearly as possible the balance between the cost of public services required to adequately serve the development as compared with the anticipated tax and other revenues to be generated by the development be favorable at each level of government or taxing jurisdiction affected by the project; and include in development plans provisions to maintain or improve existing services and alleviate any potential adverse impact upon the ability of the government to provide services and facilities.

(u) REGULATION

OBJECTIVE: Conform development activities to all applicable governmental rules and regulations.

GENERAL GUIDELINES: Comply with all applicable ordinances, rules and regulations of all governmental agencies with responsibilities for such activities, including those of the Town and County, the State Department of Health and Environmental Conservation, and the Adirondack Park Agency.

(v) PUBLIC UTILITIES AND COMMUNITY RESOURCES

OBJECTIVE: Assure the adequacy of such public utility services and community resources as shall be necessary for the project.

GENERAL GUIDELINE: Avoid excessive demands on the capabilities of public utilities such as electricity and communication services; and avoid necessity for major uncompensated increases in community services and activities such as recreational facilities, social, cultural and health services, and transportation facilities.

2. The principal development activities associated with a project to be considered in connection with the determination required by Section 10.40 (2) and referred to in Section 10.70 (3) hereof, together with representative means for avoiding undue adverse impact include the following:

(a) STREETS AND ROADS

OBJECTIVE: Design and construct roads and streets to provide safe and convenient access without causing undue adverse impacts on natural and public resources.

GENERAL GUIDELINE: Conform street and road alignments with existing topography and vegetation; avoid steep slopes, abrupt curves and excessive cuts and fills; provide adequate road surfacing and road bed drainage; preserve existing drainage patterns; and design streets and roads so as to minimize the impacts of construction and maintenance practices.

(b) SITING AND CONSTRUCTION OF BUILDINGS

OBJECTIVE: Design, site and construct buildings to best serve their intended functions and to minimize impact on existing natural and public resources.

GENERAL GUIDELINE: Blend buildings with existing topography and their surrounding environs; avoid steep slopes; minimize grade alterations; and avoid complex and costly engineering solutions of site problems with potentially excessive environmental impacts.

(c) SEWAGE DISPOSAL.

OBJECTIVE: Select, design and locate sewage disposal systems to provide adequate treatment of effluent and to avoid contamination of surface or ground water.

GENERAL GUIDELINE: Comply with all County and Town health standards; adhere at a minimum to the setback requirements for water bodies of Section 11.34; employ proven design criteria for sewage disposal systems in proper working order.

(d) STORM DRAINAGE.

OBJECTIVE: Design, locate and construct storm drainage systems so as to maintain existing drainage patterns in a natural state and to minimize adverse hydrologic effects.

GENERAL GUIDELINE: Provide adequate drainage for building sites and roads; avoid altering drainage patterns to the extent possible; utilize natural drainage ways for handling storm water runoff and preserve all natural surface water retention areas such as wetlands bogs and marshes; and minimize runoff by such other methods as preserving vegetative cover and avoiding the creation of unnecessary or extensive impervious surfaces.

(e) WATER SUPPLY

OBJECTIVE: Locate, design and construct water supply systems so as to provide an adequate supply of potable water without adversely affecting existing water usage patterns or creating adverse effects with regard to aquifers and subsurface drainage patterns.

GENERAL GUIDELINE: Comply with all County and Town Health standards with regard to the design, location, construction and maintenance of water supply systems.

(f) SOLID WASTE DISPOSAL

OBJECTIVE: Provide for the storage, collection, transportation and disposal of solid waste in a manner which will minimize air, water and visual pollution and in a manner which will not create hazards to the health and welfare of people or wildlife.

GENERAL GUIDELINE: Comply with all applicable State and Town standards for the disposal of solid waste; utilize community solid waste disposal areas and recycling facilities; adequately screen disposal areas; locate disposal areas on deep, moderately permeable, well drained soils and at sufficient distances from water bodies so as to prevent contamination thereof; and avoid locating disposal areas on steep slopes.

(g) PESTICIDES AND HERBICIDES

OBJECTIVE: Avoid all use of pesticides, herbicides and other biocides potentially detrimental to natural systems.

GENERAL GUIDELINE: Strictly adhere to applicable regulations regarding type, quantity and techniques of application of pesticides, herbicides and other biocides; and prevent direct application of pesticides, herbicides and other biocides to surface waters or wetlands or in a manner which may cause contamination thereto.

(h) SHORELINE DEVELOPMENT.

OBJECTIVE: Design and construct development along shorelines so as to maintain existing aesthetic and ecological characteristics thereof and to avoid all significant impairment of these qualities.

GENERAL GUIDELINE. Adhere at a minimum to the shoreline restrictions of Section 11.34. Maximize preservation of undeveloped shorelines by such methods as clustering and preservation of shoreline vegetation; minimize construction of docks and boathouses on shorelines; minimize aesthetic alterations to shorelines as viewed from water bodies and surrounding areas.

(i) NOISE

OBJECTIVE: Minimize noise insofar as practicable.

GENERAL GUIDELINE: Employ such measures as appropriate site selection, appropriate construction methods and maintenance of natural cover for a buffering effect; adhere at a minimum to applicable governmental noise level standards.

(j) SIGNS.

OBJECTIVE: Avoid signage that detracts from aesthetic and scenic qualities.

GENERAL GUIDELINE: Limit signs to the extent necessary to adequately inform viewers concerning the activities to which they relate; utilize signs which are appropriate to the character of the area in which they are located; avoid use of signs of excessive size, of signs that are insufficiently set back from natural and man-made travel corridors, and of signs containing moving parts of flashing lights.

(k) UTILITIES.

OBJECTIVE: Locate, design, construct and maintain utilities so as to efficiently accomplish project objectives and preserve natural and public resources.

GENERAL GUIDELINE: Where required, locate utilities underground if feasible and in such a way that alignments are compatible with existing topography and vegetation; minimize visual impacts on surrounding areas by maintaining and preserving as much vegetative cover as possible and utilizing existing topography; and minimize maintenance practices such as herbicide spraying which could have adverse environmental impact on terrestrial and aquatic ecosystem.

SECTION 11 - SPECIAL REGULATIONS

11.01 General: These regulations apply to all zoning districts in the Town.

11.10 Signs: The purpose of these regulations is to promote and protect the public health, welfare, and safety, and to insure optimum over-all preservation and enjoyment of the scenic, aesthetic, and open space resources of the Town and of the Adirondack Park. These regulations are intended to safeguard property values, create a more attractive climate for tourism and other business, protect open country scenery along highways, and generally provide a more aesthetically pleasing community and region.

These regulations are further intending to reduce obstructions and distractions that may contribute to traffic accidents, and to minimize hazards that may be caused by signs hanging or projecting over public rights of way.

11.11 Permit Requirement: The provisions contained in this section shall apply to all signs, including illuminated, luminous, portable, free standing, roof, wall, or window signs, regardless of their location with respect to any zoning district;

1. No sign shall be illuminated by or contain flashing intermittent, rotating, or moving light or lights. All luminous signs, illuminated signs, and lighting devices shall employ only lights emitting light of constant intensity, except in the case of digital street clocks and temperature indicators.
2. No luminous sign, illuminated sign, or lighting device shall be placed or directed so as to cause glaring or non-diffuse beams of light to be cast upon any public street, highway, sidewalk, or adjacent premises, or otherwise cause glare or reflection that may constitute a traffic hazard or nuisance. No sign shall in its construction employ any mirror or mirror-like surface, nor any day-glowing or other fluorescent paint or pigment.
3. No sign or part thereof shall contain or consist of any banner, pennant, ribbon, streamer, spinner, or other similar moving, fluttering, or revolving device. The said devices, as well as strings of lights, shall not be used for advertising or attracting attention whether or not they are part of any sign. No sign or part thereof may rotate or move back and forth.
4. No sign shall be placed upon or be supported by any tree, rock, or natural object other than the ground.
5. No sign shall be erected or maintained upon the roof of any building or structure.
6. No motor vehicle on which is placed or painted any sign shall be parked or stationed in a manner primarily intended to display the sign.

7. Not more than one pole sign may be erected or maintained upon the premises of any gasoline or other automotive service station; and no such pole sign shall have a sign area greater than 15 square feet.

8. No sign shall exceed 20 feet in overall height, measured from the highest level of natural ground immediately beneath the sign to the highest point of the sign or the supporting structure thereof.

9. No sign shall project more than 3 feet from the wall of any building, nor shall any sign project from the roof of any building or into any public way.

10. No sign shall be erected or maintained having a sign area greater than 40 square feet. No luminous sign shall be erected or maintained having a sign area greater than 15 square feet.

11. No sign shall be erected or maintained within the right-of-way, nor within 10 feet of the road bed of any public street or highway; nor shall any sign exceeding 20 square feet in the sign area be erected or maintained within 20 feet of the road bed of any public street or highway. But these minimum setback distances shall not apply to signs erected upon any building entirely housing the business or activity with which the signs are principally associated. For the purposes of this provision, the road bed shall mean the trafficable portion of a road, street, or highway, bounded on either side by the outer edge of the shoulder or guardrail, whichever extends farthest. Where there is no shoulder or guardrail, there shall be deemed to be a shoulder extending four feet from the outer edge of the pavement or unpaved traffic lanes.

12. No sign shall be erected or maintained more than 200 feet from the business or activity with which it is principally associated. For the purposes of this provision, the location of a business or activity shall include all of the principal private access road connecting the actual place of that business or activity with a public street or highway.

13. Not more than 2 signs may be erected or maintained advertising or otherwise relating to a single business or activity, except for directional signs that do not exceed 2 square feet in sign area and are limited to such texts as "Office", "Entrance", "Parking", and "No Parking". The total sign area of these 2 signs shall not exceed 60 feet. For the purposes of this provision, a single business or activity shall include all businesses or activities subordinate to or integrated with that business or activity, located on the same premises as that business or activity.

14. No off-premise sign shall have a sign area of more than 10 square feet, nor shall any such sign be a luminous sign. All off-premise signs shall conform to all applicable requirements of the State Department of Environmental Conservation for off-premise signs within the Adirondack Park.

11.12 Special Provisions Pertaining to Certain Zoning Districts: No sign may be erected or maintained associated with residential land uses within the Residential R1 zoning district, other than the following permitted signs:

1. Professional name plates that do not exceed three feet in sign area.
2. Signs denoting the architect, engineer, or contractor, placed upon premises where construction, repair, or renovation is in progress, provided that the sign does not exceed three square feet in sign area.
3. Signs or bulletin boards customarily incident to places of worship, libraries, museums, social clubs, and societies, provided that the sign does not exceed 15 square feet in sign area.
4. Signs advertising commercial or other enterprises legally permitted to be carried on, provided that the sign does not exceed 15 square feet in sign area.

11.20 Shorelines: The following regulations shall be applicable in all zoning districts.

11.21 Minimum Setback for On-Site Sewage Facilities: In the case of all ponds, rivers and streams, or any swamp, marsh or wetland, the minimum setback of any on-site sewage drainage field or seepage pit shall be one hundred (100) feet from the mean high-water mark irrespective of zoning district. The local body or officer having jurisdiction, or the Adirondack Park Agency in it review of a Class A regional project, shall have authority to require a greater setback of any on-site sewage drainage field or seepage pit than the minimum hereinabove set forth, if it or he shall determine that soils or other pertinent conditions require such greater setback to reasonably protect the water quality of the water body involved.

11.22 Cutting Restrictions: In the case of the shorelines of all lakes and ponds and the shorelines of any river designated as a wild, scenic, or recreational river in accordance with the Environmental Conservation Law or any river or stream navigable by boat, including canoe, the removal of vegetation, including trees, shall be permitted on shorefront lots provided the following standards are met:

1. Within thirty-five (35) feet of the mean high water mark not more than thirty percent of the trees in excess of six (6) inches diameter at breast height existing at any time may be cut over any ten-year period.
2. Within six (6) feet of the mean high-water mark no vegetation may be removed, except that up to a maximum of thirty percent of the shorefront may be cleared of vegetation on any individual lot. This provision shall be adhered to in addition to (1) above.

3. The above cutting standards shall not be deemed to prevent the removal of diseased vegetation or of rotten or damaged trees or of other vegetation that present safety or health hazards.

11.23 Minimum Shoreline Frontage for Deeded or Contractual Access: In the case of the shorelines of all lakes and ponds and the shorelines of any river designated to be studied as a wild, scenic, or recreational river in accordance with the Environmental Conservation Law or any river or stream navigable by boat, including canoe, the following minimum shoreline frontages and minimum lot areas shall be required for deeded or contractual access to all such lakes, ponds, rivers, or streams for three (3) or more lots, parcels or sites or multiple family dwelling units not having separate and distinct ownership of shore frontage.

A shorefront lot intended to remain undeveloped and to serve as a waterfront access area (for beach, boating, and/or other recreational facilities) (a) for a larger portion of the same parcel or an undivided adjoining parcel containing three (3) to seven (7) dwelling units or (b) for three (3) to seven (7) each containing one (1) dwelling unit and not having separate and distinct ownership of shore frontage, shall be at least 1.3 acres in size and have at least 100 feet of shorefront measured at mean high water. In all cases the acreage of this area shall not include any other determinations. Such a lot shall have at least 1,000 square feet of additional area and at least 15 feet of additional contiguous waterfront for each additional dwelling unit served in excess of seven (7). No development or vegetative cutting shall occur within ten (10) feet of any boundary of any such lot lateral to the shoreline. The Planning Board may require additional measures or combinations thereof to include planting, fencing, the creation of a berm, so as to protect adjoining property.

The provisions of this section shall not be modified by the fact of availability of a private community or public water supply and distribution system and/or a private community or public sewerage system.

11.24 Shoreline Dimensional Requirements: In order to determine the appropriate dimensional requirements, refer to the Town Zoning Map and locate the area in which the project is located.

SHORELINE DIMENSIONAL REQUIREMENTS

Intensity	Minimum Shoreline Lot Width	Minimum Shoreline Building Setback
20,000 feet	50 feet	50 feet
1.3 acres	100 feet	50 feet
2.0 acres	100 feet	75 feet
3.2 acres	125 feet	75 feet
5.0 acres	125 feet	75 feet
10.0 acres	150 feet	100 feet
42.6 acres	200 feet	100 feet

NOTE: In Recreational River Districts, minimum shoreline building setback is 150 feet (See Section 8.32)

11.25 Measuring Distances:

1. All distances specified in the shorefront restrictions shall be measured horizontally. Shorefront lot widths are to be measured along the shoreline as it winds and turns at the mean high water mark.
2. Building or structural setbacks shall be measured along the shortest line between any point of the structure and any point on the mean high water mark.
3. Sewage setbacks shall be measured along the shortest line between any point of the drainage field or leaching facility thereof and the mean high water mark.

11.26 Structures Subject to Building Setback Regulations:

1. Except as provided for herein, all building setback requirements apply to all principal buildings and to all unattached accessory structures including garages, sheds, porches, decks, gazebos, tennis courts, guest cottages and permanent swimming pools but not including boathouses or docks.
2. Decks, porches or other structures which are attached to single family dwellings or other structures shall be considered part of the structure for the purpose of complying with all setback restrictions. Decks and patios which are not attached to other structures shall comply with all setback restrictions.
3. All decks and patios flush on all sides with the natural ground level without raised elements such as railings or walls do not have to comply with setback restrictions.

11.30 Individual Junk Automobiles: No individual junk automobiles shall be so located as to be visible from public roads, trails, or boat or canoe routes, or from neighboring properties.

11.40 Special Travel Trailer Regulations:

1. No travel trailer shall be parked or located overnight within the Town except:
 - a. On the property of the owner; or upon the property owner's consent;
 - b. In a travel trailer park, or;

- c. On the premises of a travel trailer sales or rental establishment

11.50 Home Occupation, Special Regulations: The office of a physician, dentist, lawyer, architect, engineer, realtor, insurance agent, or other professional person who offers skilled services to clients and is not professionally engaged in the purchase or sale of economic goods shall be deemed to be home occupations; as well as the occupations of seamstress, tailor, child care, barber, beautician, tutoring, the giving of music or dance instruction limited to two (2) pupils at one time. Occupations such as cabinet making, furniture repair, animal hospital, or kennel, florist, auto repair shop, vehicle sales, restaurant, tavern, store, funeral home, mortuary, or other similar uses shall not be deemed to be home occupations.

Furthermore:

1. No more than one-half of the floor area of the principal building shall be used.
2. In the conduct of said activity no more than one(1) person outside of the family residing on the premises shall be employed.
3. In the conduct of such activity, there shall not be any exterior storage of materials or equipment.
4. No exterior sign or display shall be permitted except as permitted by this Ordinance and in any case shall be less than five square feet.

11.60 Docks: The following regulations shall be applicable in all zoned districts unless more stringent requirements for docks are identified in other sections of this ordinance. (See Section 9.70.10.2 for multiple access docks)

1. No dock or docking facility shall contain more than three (3) square feet of surface area for each foot of shoreline width up to a maximum of 400 square feet of surface area. Dock width shall not exceed six (6) feet in width.
2. No dock shall be constructed having a side yard setback of less than twenty percent (20%) of the shoreline width of the lot in question and in no event shall the side yard setback be less than five (5) feet.
3. All docks or docking facilities shall be in a T, L, U, F or straight line configuration.
4. In general, no dock, docking facility or obstacle to navigation shall extend more than 40 feet into any body of water, measured from the MEAN LOW WATER MARK. However, if lake bottom conditions are such that adequate water depth cannot be provided for boat mooring at a dock 40 feet in length, the owner may request an

extension of the specified dock length. In making their determination regarding the extension of the specified dock length, the Planning Board shall consider the following:

- a. Survey information provided by the applicant that shows lake bottom conditions in relation to the MEAN LOW WATER level of the lake and ownership thereof.
- b. Locations and lengths of other docks within 500 feet of the owner's property lines as provided by the owner.
- c. The potential that the proposed dock will create an obstacle to navigation.
- d. If the dock extends more than 40 feet from the MEAN LOW WATER MARK, the maximum depth of water at the furthest end of the dock should not exceed 3 feet when compared to the MEAN LOW WATER elevation of the lake. In no case shall a dock extend more than 100 feet from the MEAN LOW WATER MARK in accordance with the provisions of the NYSDEC.

e. In the event the width of any body of water measured at the shortest distance from shoreline to shoreline from the mean low water mark is less than 500 feet, then and in that event, no dock docking facility or obstacle to navigation or any part thereof shall be located beyond a point measured from the mean low water mark of either shoreline equal to twenty percent (20%) of the measured distance from the mean low water mark of the one shoreline to the mean low water mark of the other shoreline.

5. One mooring shall be allowed per 50 feet of shorefront width measured at mean high water with one (1) additional mooring allowed for each additional 50 feet of shorefront measured at mean high water in excess of 50 feet. In the event that docks or docking facilities are present and/or being constructed upon the parcel of real property, the allowable surface area of the dock or docking facility shall be reduced by 30 square feet for each such mooring.

11.70 Special Accessory Building Regulations: The following regulations shall be applicable in all zoned districts. Also See 11.26.

1. All accessory buildings and structures shall meet the minimum side yard setbacks as called for in these regulations in Section 8.10.
2. The rear yard setback for an accessory building or structure shall be one and a half (1.5) times the side yard setbacks. Where the rear yard line is bounded by water, the rear yard setback as shown in Section 11.24 shall prevail.
3. Any accessory building or structure must meet the minimum front yard setbacks called for in Section 8.10.

4. Any guest house must meet all setbacks required of any principal building.
5. In no case can a guest house be a mobile home.
6. In all cases, the square footage of the buildings shall determine which is the principal building, with the principal building having the greater square footage.
7. More than one accessory building or structure shall require a conditional use permit.

11.80 Swimming Pools: The following regulations shall be applicable in all zoned districts.

1. All swimming pools must meet all setbacks in Section 8.10 of this ordinance.
2. All swimming pools must be enclosed by fencing no less than six (6) feet in height and all gates shall be equipped with a child proof locking device.
3. Except where located in the rear yard, the street sides of the pool shall be shielded from public view.
4. No pool shall contain water until the fence is completely installed.

11.90 Public Utilities

1. Public utility uses shall be fenced from public view with a six (6) foot minimum fence.
2. Electrical distribution substations shall be fenced with a ten (10) foot minimum fence and screened.
3. All public utility uses and electrical distribution substation locations shall meet all the setback requirements of Section 8.10, regardless of size.
4. Notwithstanding the above, pole mounted equipment and terminals used in conjunction with underground facilities not in excess of twenty (20) cubic feet are excluded from these regulations.

11.100 Fencing and Screening:

1. All fencing erected or placed in the Town shall be of wood, metal or masonry construction.
2. All screening planted in lieu of fencing shall be approved by the Planning Board and shall consist of native varieties.

3. These regulations shall apply to the whole Ordinance unless specifically exempted.
4. Fencing or screening shall not be placed in the right of way of any road or 25 feet from center of any road, whether State, County, Town or Subdivision unless specifically approved by the proper Highway Department.
5. Fencing, not exceeding four (4) feet in height is exempt from setback requirements except the shoreline requirements, but requires a permit.
6. In no event may a fence exceed ten (10) feet in height.
7. Finished side of fence shall face neighboring property and/or right of way.
8. Any fence within forty (40) feet of the center line of any road shall be of see-through design.

SECTION 12 - OFF-STREET PARKING AND LOADING

12.10 Off-Street Parking: Off-street parking space shall be required for all buildings constructed, altered, extended and engaged in use after the effective date of this Ordinance. Each off-street space shall consist of at least two hundred (200) square feet and shall be at least 10 feet wide by 20 feet long and shall be reached by an access driveway at least 20 feet clear in width. In addition, space necessary for aisles, maneuvering and drives shall be provided. Parking requirements are specified in Section 12.20.

For uses not specified in Section 12.20, The Board of Appeals may on appeal, and after recommendation of the Planning Board, establish parking requirements consistent with those specified in Section 12.20.

1. For any structure having more than one (1) use, parking space shall be required as provided for each use.
2. Parking spaces required in all districts shall be located in the side or rear yard on the same lot as the principal use.
3. Floor areas for the purposes of computing parking requirements shall be the sum of the horizontal area within exterior walls of the several floors of a structure, excluding basement, cellar and attic areas used primarily for storage or service.
4. Any parking lot or parking area that will contain more than 100 cars shall be effectively divided by planted divider strips or curbing fixed in place so as to effectively divide each parking area of 100 cars from other driveways and parking areas

for the purpose of insuring safety of vehicles moving within the entire parking area and to control speed.

5. Ingress and egress to parking areas in commercial and industrial developments shall be no closer to one another than 150 feet along Town streets and access to individual uses and parking areas shall be from a service road.

6. Off-street parking areas located within 50 feet of a residential use shall be shielded by wall, fencing or other suitable material which shall serve to screen noise and uncontrolled entrance.

7. All parking shall be adequately lighted.

12.20 Off-Street Parking Schedule:

USE AND MINIMUM SPACES REQUIRED

1. Dwelling - Two (2) spaces for each dwelling unit
2. Rooming house, motel - One (1) space for each guest room
3. Church or temple - One (1) space for each five (5) seating spaces in main assembly room
4. School - Three (3) spaces for each classroom
5. Theater or other - One (1) space for each five (5) seating spaces
6. Retail store or bank - One (1) space for each one hundred(100) sq. ft. of gross floor area.
7. Clubs and restaurant - One (1) space for each one hundred(100) sq. ft. of gross floor area
8. Wholesale, storage - One (1) space for each Freight terminal or one hundred (100) sq. ft. Utility use of gross floor area
9. Industrial use or manufacturing use - One (1) space for each two (2) employees on the maximum working shift plus one (1) space for each company vehicle
10. Home Occupation - One (1) space for each one hundred (100) sq. ft. of floor areas devoted to such use
11. Drive-in Restaurant One - (1) space for each twenty-five (25) sq. ft. of gross floor area

12. Commercial or shopping center - Five and one-half (5.5) parking spaces per one thousand (1,000) sq. ft. of gross leasable floor area

12.30 Off-Street Loading: At least one (1) off-street loading space shall be provided for each commercial or industrial establishment hereafter erected or substantially altered to have a gross floor area in excess of 5000 square feet, computed as described below. Space for off-street loading shall be in addition to space for off-street parking.

Each off-street loading space shall be subject to the following minimum requirements:

1. Each berth shall be not less than twelve (12) feet wide, forty (40) feet long and fourteen (14) feet in height when covered.
2. Off-street loading space (or spaces) located within 50 feet of a residential property shall be shielded by wall, fencing, or other suitable material which shall serve to screen noise and uncontrolled entrance.

SECTION 13 - ADDITIONAL REGULATIONS

13.10 Public Utilities: Major installations of public utilities shall be reviewed by the Planning Board where proposed in any residential district. The Planning Board shall have the power to require any reasonable change in the site plan in order to protect the residential nature of adjoining properties. Underground utilities including telephone and electric facilities are encouraged. Developers may be asked to provide justification if underground utilities are not provided in the site plan. Major installations are not to include the installation of standard electric and telephone poles, lines, underground cables, or electric connections.

13.20 Flood Hazard Area: All proposed uses that occur in the flood hazard area as designed on the official zoning map require conditional use approval prior to the issuance of a land use and development permit, according to the provisions of Section 9.

13.30 Double Frontage: For any through lot, fronting on parallel or abutting streets, both frontages shall comply with the front yard requirements of the district in which it is located.

13.40 Abandoned Vehicles: No motor vehicle, automobile, automobile trailer or other vehicle shall remain outside of a fully enclosed structure, upon any property, within the Town when such vehicle has been so dismantled or parts removed therefrom or otherwise abandoned so that such vehicle may be incapable of operation of use under its own power, for a period of thirty (30) continuous days, except that travel trailers not used for dwelling purposes may be stored in rear yards when not in use.

13.50 Unregistered Vehicles: No more than one (1) unregistered motor vehicle may be stored in an unenclosed area in any district for more than three (3) months unless otherwise restricted by this Ordinance.

13.60 Storage and Dumping:

1. On any lot or plot, no storage of junk shall be permitted in front, side or rear yards.

2. All spaces between structures shall be kept sufficiently free and clear of materials of every nature for the purpose of providing adequate light, air, and protection against fire.

3. Dumping of refuse or waste material at places other than the Town Landfill is absolutely prohibited in all districts with the Town except for the purpose of filling to establish grades.

13.70 Obstructions at Street Intersections: On a corner lot in any district, any fence or wall built within fifty (50) feet of the intersecting street lines shall be of open construction, such as wire, wood, picket, or iron and shall not exceed four (4) feet in height, except for such fences as may be installed as a safety precaution surrounding swimming pools.

13.80 Commercial Garages: In any district where permitted; unless the regulations of that district are more restrictive, service station shall be subject to the following regulations:

1. No fuel pump shall be located within forty (40) feet from any street line or side lot line, measured from the outside edge of the fuel island.

2. No access drive shall be within two hundred (200) feet of and on the same side of the street as a public or semi-public use as defined herein, unless a street lies between the commercial garage and the public or semi-public use.

3. All major repair work shall be done within a completely enclosed building.

4. Curbing to regulate the location of a vehicular traffic shall be installed at the street line of the lot, except for access drives.

13.90 Site Considerations-Road Access:

1. A certificate of compliance shall be issued by the Zoning Enforcement Officer with the stipulation written upon the compliance form that proper access will be provided from an existing town road onto any lot, parcel or tract of land before any construction authorized by the certificate of compliance may commence. All access

roads, driveways or ways shall be planned and installed to logically relate to the existing town highway and the soils, topography and vegetation of the site. All access roads, driveways and ways shall include the installation of a culvert at the point of intersection of town road and the access route. A culvert shall be provided under the access roads, driveways and ways to provide a continuous water way so that collected water is not ponded above the obstruction.

2. All culverts shall be corrugated metal (minimum 16 gauge) or equal, and shall consist of a minimum diameter of twelve (12) inches and a maximum diameter of thirty (30) inches unless waived by the specific written approval of the highway superintendent. There shall be required the installation of head walls, the construction of which shall be approved by the highway superintendent. All access road, driveways and ways must be constructed so as to meet at grade with the shoulder of the existing town highway at the point of the culvert installation. All culverts shall be placed a minimum of one (1) foot below the surface and shall be set with item #4 gravel or as approved by the highway superintendent.

SECTION 14 - GENERAL EXCEPTION TO MINIMUM LOT AREA REQUIREMENTS

14.10 Pre-Existing Lots and Subdivisions: Any lot on record as of December 29, 1977 which does not meet the minimum lot area and/or lot width requirement of this ordinance for the zoning district in which such lot is situated shall be considered as complying with such minimum lot requirements, and no variance shall be required. For the purpose of this exemption, such a lot must not adjoin other lots in the same ownership, provided however, that all such adjoining lots in the same ownership, except lots in a pre-existing subdivision, shall be deemed to have merged into one undivided lot.

"Pre-existing subdivision of land" or "pre-existing subdivision" means any subdivision or portion of a subdivision lawfully in existence prior to the December 29, 1977, effective date of this Ordinance. For the purposes hereof, "lawfully" means in full compliance with all applicable laws, rules and regulations, including without limitation, possession of and compliance with any permit or other approval required under the Public Health Law, the Environmental Conservation law and any local or other governmental regulation. "In existence" means that such subdivision or portion has been substantially commenced and that substantial expenditures have been made for structures or improvements directly related thereto.

No permit is required under this Ordinance for the conveyance of a lot or lots in a pre-existing subdivision provided no individual lot is subdivided. The shoreline building and sewage disposal system setbacks and the vegetative cutting restrictions of Section 11.22 of this Ordinance apply to all new land uses or developments on lots in pre-existing subdivisions; the minimum shoreline lot width requirements of Section 11.24 apply to pre-existing subdivisions which have not received Department of Health approval.

For the purpose of determining whether a subdivision or portion thereof was in existence as of December 29, 1977, the following will be considered among other relevant factors; (i) the number of lots sold prior to such date relative to the total number of lots in the subdivision; (ii) the locations of such lots sold; (iii) the nature, extent and cost of structures and improvements directly related to the subdivision completed or commenced prior to such date relative to all such necessary improvements related to the subdivision; (iv) the location of such completed or commenced improvements; and (v) demonstrated efforts to sell such lots prior to such date.

The determination as to whether a subdivision qualifies as "pre-existing" under this Ordinance will be made by the Town Planning Board.

14.20 Gifts, Devises and Inheritances: The mere division of land resulting from bona fide gift, devise or inheritance by and from natural persons shall not be subject to review by the town.

1. A subdivision map shall be presented to the Chairman of the Planning Board without Planning Board Review for his signature to facilitate record keeping of all subdivisions.

2. In no case shall the use of this regulation create substandard frontage, or minimum lot size for the remaining parcel.

New land use or development on lots, parcels or sites conveyed by individuals, who on December 29, 1977, owned such land, to members of their immediate families by bona fide gift, devise or inheritance, shall be exempt from the minimum lot size criteria specified in Section 8.10 for the purpose of constructing one single family dwelling or mobile home on any such lot, parcel or site. The minimum lot size to be 1.3 acres in all areas except hamlet where the minimum lot size will be 20,000 sq. ft.

SECTION 15 - NON-CONFORMING USES AND STRUCTURES

15.10 Continuation: Subject to the provisions of this section, a nonconforming structure or use or a structure containing or constituting a nonconforming use which was lawfully in existence on December 29, 1977 and has not been discontinued for any period of one (1) year since that date may be continued and maintained in a reasonable repair but may not be altered, enlarged or extended. This article shall not be construed to permit any unsafe use or structure, or to affect all proper procedures to regulate or prohibit the unsafe use or structure.

15.20 Discontinuance of Non-Conforming Use: If a non-conforming use is discontinued for a period of one (1) year, further use of the property shall conform to this ordinance.

15.30 Change of Non-Conforming Use: If a non-conforming use is replaced by another use, the new use shall conform to this ordinance.

15.40 Destruction of Non-Conforming Use: If a non-conforming structure or a structure containing or constituting a non-conforming use is destroyed by any cause to an extent exceeding 90 percent of its fair market value as indicated on the latest assessment records of the Town, the future structure or use on the site shall conform to this ordinance. These requirements shall not apply to agricultural or residential structures.

15.50 Completion of Structure: Nothing contained in this ordinance shall require any change in plans, constructions, alteration or designated use of a structure for which substantial construction work has lawfully commenced prior to December 29, 1977.

SECTION 16 - ZONING BOARD OF APPEALS

16.10 Zoning Board of Appeals: Pursuant to the provisions of Section 267 of the Town Law, a Zoning Board of Appeals is hereby created and is referred to in this ordinance as the "Zoning Board of Appeals." Said Zoning Board of Appeals shall consist of five (5) members to be appointed by the Town Board which shall also designate one of the members as chairman thereof, and for such term as provided by the Town Law and any amendments thereto. The Zoning Board of Appeals shall have all the powers and perform all the duties prescribed by statute and by this ordinance. The Zoning Board of Appeals shall establish such rules and regulations as are necessary for the transaction of their business and as are not inconsistent with the terms and provisions of this ordinance, and the Board may amend, modify and repeal the same.

16.20 Authorization to Grant or Deny Variance: Any variance to this ordinance shall be granted by the Zoning Board of Appeals in accordance with the standards and procedures set forth in this section. In granting a variance, the Zoning Board of Appeals may impose conditions similar to those provided in Section 9 of this ordinance for conditional uses, to protect the best interests of the surrounding property, the neighborhood and the Town as a whole.

16.30 Variances: A property owner(s) or his agent(s) may initiate a request for a variance by filing an application with the Zoning Board of Appeals using forms supplied by the Board, which shall include all information reasonably considered by the Board as necessary to make its findings under Section 16.40 of this ordinance, supplied by the applicant and including a legal description of the property, a map showing the property and all properties within a radius of five hundred (500) feet of the exterior boundaries thereof, plans and elevations necessary to show the proposed variance, and other drawings or information reasonably considered necessary by the Board to an understanding of the proposed use and its relationship to surrounding properties.

16.40 Requirements for Granting Variances:

1. **Area Variances:** A variance to allow land use or development or subdivision to be located on a lot or property which does not conform to the intensity

dimensional requirements for that district listed in Section 8.10 may be granted by the Zoning Board of Appeals. In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighted against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board shall also consider the following:

- (a) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
- (b) whether the benefits sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
- (c) whether the requested area variance is substantial;
- (d) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- (e) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

The Zoning Board of Appeals, in granting an area variance, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

2. Use Variances: A variance to allow a use within a district other than a use allowable as a permissible use to conditional use listed in Section 8.20 may be granted by the Zoning Board of Appeals. No such use variance shall be granted by the Board without the showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Board of Appeals that for each and every permitted use under the Zoning Regulations for the particular district where the property is located, (a) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence; (b) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood; (c) that the requested character of the neighborhood; and (d) that the alleged hardship has not been self-created.

The Zoning Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

3. Density and Shoreline Restriction Variances, Etc. Any density or shoreline restriction variance or other variance which involves the provisions of the Adirondack Park Land Use and Development Plan shall be in conformance with Sections 806 and 808 of the Adirondack Park Agency Act.

4. Imposition of Conditions: The Zoning Board of Appeals shall, in the granting of both Use and Area Variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the Zoning Ordinance and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

16.50 Referrals:

1. The Zoning Board of Appeals shall refer all completed variance applications to the Planning Board for its report and recommendation, and where required by Section 239-m of the General Municipal Law, to the Warren County Planning Board, having jurisdiction for its report and recommendation. In no case shall final action under Section 16.60 (2) be taken until said planning board and county planning board have submitted their reports, or until thirty (30) days have passed since the date of referral, whichever occurs first.

2. In the case of any variance application involving land, buildings, or structures in any land use area, except hamlet, or any variance involving the shoreline restrictions, the Zoning Board of Appeals shall submit a copy of the application to the Adirondack Park Agency, together with such pertinent information as the Agency shall deem necessary.

16.60 Variance Application Hearing and Decision:

1. Within fifteen (15) days of receipt of a completed application for a variance, the Zoning Board of Appeals shall give notice of a public hearing to be held on the application of not less than fifteen (15) days nor more than thirty (30) days after the notice. The Adirondack Park Agency shall be a full party in interest, with standing to participate in any and all proceedings under this section for which the Agency was required to be sent notice under Section 16.50(2) of this ordinance.

2. Within (62) days of the final adjournment of a public hearing called and held under paragraph (1) of this section, or by extension of the time limit by mutual consent of applicant and board, the Zoning Board of Appeals shall grant, grant with conditions, or deny the variance applied for. The decision of the Board shall be in

writing and shall contain each of the findings specified in Section 16.40 of this Ordinance, and the factual basis for each finding from the record of the hearing, which shall support the decision of the Board. The Board shall notify the Adirondack Park Agency, by certified mail, of such decision. Any variance granted or granted with conditions shall not be effective until thirty (30) days after such notice to the Agency. If, within such thirty day period, the Agency determines that such variance involves the provisions of the land use and development plan as approved in local land use program, including any shoreline restriction, and was not based upon the appropriate statutory basis of practical difficulties or unnecessary hardships, the Agency may reverse the local determination to grant the variance.

SECTION 17 - ADMINISTRATION

17.10 Zoning Administrator: The Zoning Administrator shall have the power and duty to administer and enforce the provisions of this ordinance. The Zoning Administrator shall be appointed and may be removed at pleasure by the Town Board. An appeal from action, omission, decision or rule by him regarding a requirement of the ordinance may be made only to the Zoning Board of Appeals.

17.20 Required Records: The original or a certified copy of all decisions, approvals, rulings and findings of any board under this ordinance, and of all permits and certificates issued under this article, shall be promptly furnished by the Zoning Administrator to the Town Clerk and retained as a permanent Town public record.

17.30 Appeal from Action of Planning Board or Zoning Board of Appeals: An action, omission, decision or ruling of the Planning Board or Zoning Board of Appeals pursuant to this ordinance may be reviewed at the instance of any aggrieved person in accordance with Article 78 of the Civil Practice Law and Rules, but application for such review must be made not later than sixty days from the effective date of the decision or ruling or the date when the action or omission occurred.

17.40 Form of Petitions, Applications and Appeals: Unless otherwise stated, all petitions, applications and appeals provided for in this ordinance shall be made on forms prescribed by the Planning Board and the Zoning Board of Appeals. Completed forms shall be accompanied by whatever further information, plans or specifications as may be required by such forms. Any person, upon satisfactory written proof of authority to the Town, may act as an agent on behalf of such owner of record under this ordinance provided, however, that applications submitted by an agent of the owner must contain the signature of the owner of record of the land involved as coapplicant.

17.50 Fees: In order for the Town (Planning Board, Zoning Board of Appeals and/or Zoning Administrator) to defray the costs for review, the owner/developer will be required to deposit with the Town a sum of money as estimated by the Town Engineer. The Town will then escrow the money and be authorized to pay the costs for review from the money on deposit in the account. The money must be deposited with the Town prior

to the Planning Board determining that the application for the project is complete. Upon final approval, should monies remain in the account following the Town engineer's final billing for the project, they shall be returned to the owner/developer. If monies on deposit prove to be insufficient for the review cost, the owner/developer shall deposit monies in an amount sufficient to cover the costs of such additional review as may be required.

17.60 Notice of Public Hearing: When the Town Planning Board or Zoning Board of Appeals is required to hold a public hearing, as provided for by the terms of this ordinance, notice of the hearing shall be given in the following manner:

1. Each notice of hearing upon an application for Class B regional project approval, for conditional use approval, or for the granting of a variance, or upon an appeal to the Zoning Board of Appeals from an action of the Zoning Administrator shall be published once in a newspaper of general circulation in the Town at least five (5) days prior to the date of the hearing. In addition, at least ten (10) days prior to the date of the hearing, notices shall be mailed to all owners of the property within five hundred (500) feet of the exterior boundary of the property for which the application is made, as may be determined by the latest assessment records of the Town.

2. Any hearing may be recessed by the Board holding the hearing in order to obtain additional information or to serve further notice upon other property owners, or to persons it decides may be interested in the proposal being considered. Upon recessing the time and date when the hearing is to be resumed shall be announced. No further notice or publication will be necessary.

17.70 Site Inspections: The filing of an application for regional project approval under Section 10 hereof, an application for a variance under Section 16 hereof, and application for conditional use approval under Section 9 hereof, or an application for a land use and development permit under this section by a person shall be deemed a granting of approval by such person to the Planning Board, the Zoning Board of Appeals, and the Zoning Administrator, and to such persons as they may designate, to conduct such examinations, tests, and other inspections of the sites which are the subjects of such applications, as the body or officer having jurisdiction deems necessary and appropriate for the purposes of this ordinance. However, entrance upon the site, where practicable, shall be made only after reasonable prior notice to the applicant and, if the owner of record is not the applicant, the owner of record of the site.

17.80 Land Use and Development Permits: No person shall undertake any new land use or development unless and until the Zoning Administrator has issued a land use and development permit.

17.81 Issuance and Form of Land Use and Development Permits:

1. Land use and development permits shall be issued in accordance with the standards and procedures, set forth in this section.

2. The Zoning Administrator shall issue a land use and development permit if he determines:

(a) The new land use or development complies with the Town sanitary code, if applicable.

(b) The new land use and development meets the area, bulk and height controls set forth in Section 8.10 hereof, and the special shoreline restrictions set forth in Section 11.30 hereof, unless an area variance has been granted pursuant to Section 16 hereof, or clustering has been approved pursuant to authority granted the Town Planning Board.

(c) The new land use or development is one of the following:

(1) It is permissible use which is not a Class B regional project;

(2) It is a conditional use for which conditional use approval has been obtained pursuant to the terms of Section 9 hereof, and if such approval was subject to conditions to be met prior to the granting of a permit, that all such conditions have been met;

(3) It is an auxiliary use;

(4) It is a non-permissible use which is not a Class B regional project, for which a use variance has been granted pursuant to the terms of Section 16 hereof, and if such grant was subject to conditions to be met prior to the granting of a permit, that all such conditions have been met;

(5) It is a Class B regional project for which Class B regional project approval has been obtained pursuant to the terms of Section 10 hereof, and if such approval was subject to conditions to be met prior to the granting of a permit, that all such conditions have been met;

(6) It is a sign, as defined in Section 4 and such sign complies with the provisions of Sections 11.20 through 11.23.

3. Land use and development permits shall be issued on forms prescribed by the Planning Board, and shall contain such requirements and conditions as shall have been included in any related approval or variance decision.

17.82 Recording or Expiration of Permits for Class A and B Regional Projects: A land use and development permit issued for a Class A or B Regional Project shall expire within sixty (60) days from the date thereof unless within such sixty day period such permit shall have been duly recorded by the project sponsor in the Adirondack Park Agency Regional Project Permit Book in the office of the Warren County Clerk wherein

the land use and development is proposed to be located. This requirement is in addition to that imposed on the Zoning Administrator by Section 17.20.

17.83 Expiration of Land Use and Development Permits: Generally. If a project for which a land use and development permit has been issued is not in existence within two (2) years after the issuance of such permit, said permit shall expire, and the project may not thereafter be undertaken or continued, unless a new permit has been applied for and issued in the same manner and subject to all provisions governing the initial application for and issuance of a permit, unless the terms of the initial land use and development permit for the project provide for a longer period of time, in which case the permit shall expire at the end of that longer period.

17.84 Certificate of Occupancy: Upon the completion of a building erected or materially altered, for which a land use and development permit has previously been issued, a certificate permitting the occupancy of the building and the use designated in the land use and development permit shall be required, and the building may not be occupied until such certificate of occupancy has been issued. The Warren County Building and Codes Enforcement Officer shall issue such certificate of occupancy within ten (10) days of a written request for inspection, if he shall determine that all conditions of the land use and development permit pertaining to that building, if any, have been fulfilled.

17.90 Enforcement: Any person owning, controlling or managing any building, structure, land, or premises therein or whereon there shall be placed on or there exists or is practiced or maintained anything or any use in violation of any of the provisions of this ordinance, and any person who shall assist in the commission of any violation of this ordinance or any conditions imposed by a land use and development permit, or who shall build, erect, construct, or attempt the same, any structure contrary to the plans or specifications submitted to the authorized official and by him certified as complying with this ordinance, and any person who shall omit, neglect or refuse to do any act required by this ordinance, shall be guilty of offense and subject to a fine of not more than two hundred fifty (\$250.00) dollars to be imprisoned for a period of not more than six (6) months, or both such fine and imprisonment, or by penalty of two hundred fifty (\$250.00)dollars to be recovered by the Town in a civil action. Every such person shall be deemed guilty of a separate offense for each week such violation, disobedience, omission, neglect or refusal shall continue. Where the person committing such violation is a partnership, association or corporation, the principal executive officer, partner, agent or manager may be considered to be the person for the purposes of this section.

17.91 Alternative Remedy: In case of any violation or threatened violation of any of the provisions of this ordinance, or conditions imposed by a land use and development permit, in addition to other remedies herein provided, the Town may institute any appropriate action or proceeding to prevent such unlawful erection, structural alteration, reconstruction, moving and/or use, to restrain, correct or abate such violation to prevent the occupancy of such building structure or land or to prevent any illegal act, conduct, business or use in or about such premises.

17.92 Misrepresentation: Any permit or approval granted under this ordinance which is based upon or is granted in reliance upon any material misrepresentation, or failure to make a material fact or circumstance known, by or on behalf of an applicant, shall be void. This section shall not be construed to affect the remedies available to the Town under Section 17.90 and 17.91 of this ordinance.

SECTION 18 - AMENDMENTS

18.10 Purpose: The purpose of this section is to allow for amendment to this ordinance whenever the public necessity and convenience and the general welfare require such amendment, by the following the procedures of this section. Such amendments may be initiated by the Town Board, Town Planning Board or Town residents.

18.20 Referrals: The Town Clerk shall submit a copy of a proposed amendment to the Adirondack Park Agency for a determination as to whether the proposed amendment is subject to Agency approval under Section 807 of the Adirondack Park Agency Act; the Town Clerk shall simultaneously refer such proposed amendment to the Planning Board, and where required by Section 239-m of the General Municipal Law, to the Warren County Planning Board, for the report and recommendations by those bodies to the Town Board.

18.30 Hearing and Decision on Proposed Amendment: The procedure as to notice of public hearing, public hearing on, and enactment of a proposed amendment shall follow and be governed by Section 265 of the Town Law, and Section 239-m of the General Municipal Law, including all subsequent amendments thereto. Notice of the decision of the Town Board shall be sent promptly to the Adirondack Park Agency.

18.40 Records of Amendments: The Zoning Administrator and Town Clerk shall each maintain records of amendments to the text of this ordinance and of the official Zoning Map and Park Plan and Critical Environmental Areas map.

SECTION 19 - DOMINANCE

Where the conditions imposed by any provision of this ordinance are less restrictive than comparable conditions imposed by any other provisions of this ordinance or of any other ordinance, resolution or regulation or of Article 27 of the Executive Law of the State of New York, the provisions which are more restrictive shall govern.

SECTION 20 - SEVERABILITY

The provisions of this ordinance are severable. If any section, subsection or provision of this ordinance shall be invalid, such invalidity shall apply only to the section, subsection

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or provisions adjudged invalid, and the rest of this ordinance shall remain valid and effective.

SECTION 21 - SAVINGS CLAUSE

The adoption of this ordinance shall not affect or impair any act done, offense committed or right occurred or acquired or liability, penalty, forfeiture or punishment incurred prior to the time this ordinance takes effect under the ordinance relative to districts in the Town.

SECTION 22 - EFFECTIVE DATE

This local law shall take effect and be in force upon filing in the office of the New York State Secretary of State or as otherwise prescribed by Municipal Home Rule Law.

APPENDIX A - CLASS "A" REGIONAL PROJECTS

I. HAMLET AREAS

- A. All land uses and development, except subdivisions of land, involving wetlands.
- B. All land uses and development, except subdivisions of land, involving one hundred or more residential units, whether designed for permanent, seasonal or transient use.
- C. All structures in excess of forty feet in height, except residential radio and television antennas.
- D. Commercial or private airports.
- E. Watershed management and flood control projects.
- F. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

2. MODERATE INTENSITY AREAS

- A. All land uses and development, except subdivision of land, located in the following critical environmental areas:
 - (1) within one-quarter mile of rivers navigable by boat designated to be studied as wild, scenic or recreational in accordance with the Environmental Conservation Law during the period of such designation;
 - (2) involving wetlands;
 - (3) at elevations of twenty-five hundred feet or more;
 - (4) within one-eighth mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of State lands, except for an individual single family dwelling and accessory uses or structures thereto.

Provided, however, that the above shall not include forestry uses (other than clearcutting as specified in h. below), agricultural uses, open space recreation uses, public utility uses, and accessory uses or structures (other than signs) to any such use or to any pre-existing use.