

Town of Adams
Zoning Law

1986

ARTICLE VI	SITE PLAN REVIEW	31
	Section 605 Purpose and Scope	31
	Section 610 Application for Site Plan Review	31
	Section 615 Review Criteria	33
	Section 620 Reasonable Conditions	34
	Section 625 Guarantees For Installation And Maintenance of Improvements	34
	Section 630 General Requirements	35
	Section 635 Specific Use Regulations	36
ARTICLE VII	NON-CONFORMITIES	40
	Section 705 General.....	40
	Section 710 Site Plan Review For Change of Nonconforming Use.....	41
ARTICLE VIII	ADMINISTRATION AND ENFORCEMENT.....	42
	Section 805 Zoning Permits.....	42
	Section 810 Zoning Officer.....	43
	Section 815 Certificate of Occupancy.....	44
	Section 820 Zoning Board of Appeals.....	44
	Section 825 Planning Board	46
	Section 830 Fees.....	46
	Section 835 Violations and Penalties.....	46
	Section 840 Amendments.....	47
	Section 845 Interpretation and Separability.....	47
	Section 845 Effective Date.....	47

ARTICLE I

PURPOSE, TITLE, AND APPLICATION OF REGULATIONS

Section 105 Purpose and Title

- A. The purpose of this local law is to promote and guide development in an orderly and efficient manner. It is intended to provide adequate light and air; to prevent the overcrowding of land; to avoid the undue concentration of population; to lessen congestion on the highways; to ensure adequate transportation, water, sewage, school, fire, police, and other facilities; to conserve property values; to encourage the development of land for its most appropriate use within the town, and to promote the general welfare and best interests of the town.
- B. This law shall be known as "The Town of Adams Zoning Law."

Section 110, Application of Regulations

- A. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

Section 115, Prior Existing Mobile Home and Travel Trailer Law

- A. This law will replace and supercede the prior existing Mobile Home and Travel Trailer Law.

ARTICLE II

DEFINITIONS

Except where specifically defined herein all words used in this law shall carry their customary meaning. Words in the present tense include the future, the singular number includes the plural and the plural the singular; and the word "lot" includes the word "plot". Doubt as to the precise meaning of any word used in this law shall be clarified by the Board of Appeals under their powers of interpretation.

Accessory Structure: A subordinate structure located on the same lot with the main structure, occupied by or devoted to an accessory use. Where an accessory structure is attached to the main structure in a substantial manner, as by a wall or roof, such accessory structure shall be considered part of the main structure.

Accessory Uses: A use incidental and subordinate to the principal use and located on the same lot with such principal use, but not including home occupations.

~~Adult Entertainment Use: Any person, establishment, business, or use if such establishment, by the nature of its operation, (excluding the sale of alcoholic beverages) is not or would not be open to the public generally due to the exclusion of any minor by reason of age or by operation of New York statute law.~~

Agricultural Business: A business engaged in performing agricultural or animal husbandry services on a fee or contract basis including corn shelling; sorting, grading and packing fruits and vegetables for the grower; agricultural produce milling and processing; crop dusting; grain cleaning.

Agricultural Structure: Barns, silos, storage buildings, equipment sheds, and other structures customarily used for agricultural purposes.

Agriculture: The raising of crops, the selling of products grown on premises, dairy farming, and any other commonly accepted agricultural operations, including incidental mechanical processing of products.

Aquifer: A geologic formation composed of rock or sand and gravel that contains significant amounts of potentially recoverable groundwater.

Aquifer Recharge Area: The area of land directly over an aquifer, where water from precipitation percolates directly through the soil to the aquifer and then passes through the aquifer to the Adams water sources.

Automobile Service Station: Any lot or building or portion thereof used or occupied for the sale or supply of gasoline or motor vehicle fluids, oils, or lubricants, or for the polishing, greasing, washing or servicing (but not painting) of motor vehicles.

Building: Shelter having a roof supported by column or walls and intended for the shelter or enclosure of persons, animals, or property.

Dwelling Unit: Building or part thereof used as living quarters for one family. The terms "dwelling", "one-family dwelling", "two-family dwelling", or "multi-family dwelling" shall not include a motel/hotel, or mobile home.

Dwelling, One-Family: Detached building designed for or occupied exclusively by one (1) family.

Dwelling, Two-Family: Building designed for, or occupied by two (2) families living independently of each other.

Dwelling, Multi-Family: A building designed for, or occupied by, three (3) or more families living independently of each other.

Erosion: The natural process by which the surface of the land is worn away by the action of water, wind or chemical action.

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

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

Family: One (1) or more persons living, sleeping, cooking or eating on the same premises as a single housekeeping unit, provided that unless all members are related by blood, marriage or adoption, no such single housekeeping unit shall contain more than five (5) members.

Funeral Home: An establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body and for the observances held for a dead person as an incident to burial or cremation.

General Plan: The goals, objectives and policies of the Town which are embodied by the planning process upon which these

zoning regulations are based pursuant to Section 263 of the Town Law.

Gross Density: The number of dwelling units on a lot, divided by its total acreage.

Gross Floor Area (GFA): The total area of a building measured by adding the outside dimensions of the building at each floor.

Gross Leasable Area (GLA): The Gross floor area designed for the exclusive use of tenants, clients, and customers, not including public or common areas, such as public toilets, corridors, stairwells, elevators, lobbies or enclosed atrium.

Groundwater: All waters found beneath the surface of the ground.

Height: The vertical distance measured from the average elevation of the main grade at the front of the building/structure to the highest point of the roof.

Home Occupation: Any use of a service character conducted within a dwelling by the resident thereof which is clearly secondary to the use of the dwelling for living purposes.

Impervious Surfaces: The impermeable or non-porous surfaces of roads, buildings, and other structures or materials on or above the ground that do not allow precipitation to be absorbed into the underlying soil.

Institutional Uses: Any one (1) or more of the following uses, including grounds and accessory building necessary for their use:

1. Religious Institutions.
2. Public parks, playgrounds and recreational area when authorized or operated by a governmental authority.
3. Schools.
4. Public Libraries.
5. Not-for-profit fire, ambulance and public safety buildings.
6. Public or private meeting halls, or places of assembly, not operated primarily for profit.

Leachable Wastes: Waste materials, including but not limited to solid wastes, septic and other sludge, and pesticide, herbicide, and fertilizer residues and wastes, capable of releasing water-borne or soluble contaminants into the environment by leaching.

Light Industrial Operations: A light industry is a facility which manufactures a product for wholesale or retail sale, does not produce high volumes of pollution and is compatible with the surrounding neighborhood.

Lot: A parcel of land occupied or designed to be occupied by one (1) building and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this law.

Lot, Corner: A lot bounded on at least two (2) sides by streets, whenever the lines of such streets, extended, from an interior angle of one hundred thirty-five degrees (135) or less.

Lot Frontage: The distance between the boundaries of a lot measured at their points of intersection with the street center line.

Lot Line: Property lines bounding a lot.

1. Front Lot Line: The property line separating a plot or parcel of property from a public street or highway center line. If a lot adjoins two (2) or more streets or highways, it shall be deemed to have a front lot line respectively on each.
2. Rear Lot Line: That lot line which is opposite and most distant from the front lot line. A rear lot line shall not be adjacent to a front lot line. In the case of a corner lot, there might be no rear lot lines.
3. Side Lot Line: A lot line not a front lot line or a rear lot line.

Manufactured Building: A building which is:

1. Mass-produced in a factory;
2. Designed and constructed for transportation to a site for installation and use when connected to required utilities;
3. Either an independent, individual building or a module for combination with other elements to form a building on the site.

Manufactured Housing: a manufactured building or portion of a building designed for long-term residential use.

Mobile Home: Manufactured housing built on a chassis. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are

removed and regardless of the nature of the foundation provided. A mobile home shall not be construed to be a travel trailer or other form of recreational vehicle.

Mobile Home Park: A lot with two or more occupied mobile homes on it.

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

Nonconformity: A lot, building, structure, or use of land legally and substantially existing at the time of enactment of this law which does not conform to the regulations of the district in which it is situated.

Offices: The use of offices and related spaces for such services as are provided by medical practitioners, attorneys, architects, engineers, real estate agents and similar uses.

Open Space: Land not covered by impervious surfaces, except recreational areas, such as tennis or basketball courts.

Open Space, Useable: Open space not in flood plains, wetlands, nor exceeding a 10% slope.

Person: An individual person, copartnership, voluntary association or corporation.

Recreational Vehicle: Shall include motor homes, truck campers, camping trailers, travel trailers and pop-up trailers used for recreational, travel, and living purposes.

Recreation, Outdoor: Commercial Facilities for the enjoyment of the out-of-doors.

Religious Institution: Includes church, temple, parish house, convent, seminary and retreat house.

Restaurant: Any establishment, however designated, at which food and/or alcoholic beverages are sold for consumption to patrons seated within an enclosed building or on the premises. However, a snack bar or refreshment stand at a public or semi-public community pool, playground or park operated by the agency or group or an approved vendor operating the recreational facilities and for the convenience of the patrons of the facility shall not be deemed to be a restaurant.

Retail, Large-Product: Include sales and service for new and used automobiles, trucks, mobile homes, boats, recreational vehicles, and farm implements, auctioneers where auctions take place on-site, retail tree nurseries and garden shops, furniture and large appliance sales and self-storage units.

Retail, Small: A commercial activity characterized by the direct on-premise sale of goods and services to the ultimate consumer, including on-premise manufacturing, processing, and servicing and preparation customarily associated therewith and generally involving either stock in trade such as are normally associated with department stores, food markets and similar establishments, or services such as barbers, hair-dressers, shoe repair, laundry, or similar uses. Small retail shall not include large-product retail.

School: Includes parochial, private, public and nursery school, college, university, and accessory uses; and shall exclude commercially operated schools of beauty culture, business, dancing, driving, music and similar establishments.

Sediment: Soils or other surficial materials transported by surface water as a product of erosion.

Sedimentation: The process by which sediment is deposited on stream bottoms.

Setback: Distance measured between the building line and the street center line.

Street: Public way for vehicular traffic which affords the principal means of access to abutting properties.

Structure: Any object constructed, installed, or placed on land to facilitate land use and development or subdivision of land, such as building, sheds, signs, satellite dishes, septic tanks, and any fixtures, additions, and alterations thereto.

Toxic or Hazardous Materials: Any substance or mixture of such physical, chemical, or infectious characteristics that it could pose a significant actual or potential hazard to water supplies, or other hazard to human health, if it were discharged onto the land or into the waters of this town. Toxic or hazardous materials include but are not limited to: organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalies; and include such products as pesticides, herbicides, solvents and thinners.

Travel trailer: See Recreational Vehicle.

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

1. Use, Site Plan Review: A use requiring site plan approval by the Planning Board prior to the issuance of a zoning permit by the Zoning Officer.
2. Use, Permitted: A use not requiring Planning Board review, but requiring a zoning permit issued by the Zoning Officer.
3. Use, Temporary: An activity conducted for a specified limited period of time. Examples of such uses are buildings incidental to new construction which are removed after the completion of the construction work, and seasonal produce stands.

Variance: A variance is any departure from the strict letter of this law granted by the Zoning Board of Appeals as it applies to a particular piece of property. Variances run with the land and are not particular to any one landowner.

1. Area Variance: a variance of the dimensional requirements of this law.
2. Use Variance: a variance of the use requirements of this law.

Warehouse: A facility that stores goods for future transport, including self-storage units, truck terminals and distribution centers.

Yard: Space on a lot not occupied with a building or structure. Porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required yard.

1. Yard, Front: The space within and extending the full width of the lot from the center line of the street to the part of the principal building which is nearest to such center line. If a lot adjoins two (2) or more streets or highways, it shall be deemed to have a front yard respectively on each.
2. Yard, Rear: The space within and extending the full width of the lot from the rear lot line to the part of the principal building which is nearest to such lot line.
3. Yard, Side: The space within the lot extending the full distance from the front yard to the rear yard and from the side lot line to the part of the principal building which is nearest to such side lot line.

Zoning Officer: A person appointed by the Town Board to carry out the regulations of this law.

ARTICLE III

ESTABLISHMENT OF DISTRICTS

Section 305 District Names.

A. For the purpose of this law, the Town of Adams is hereby divided into eight (8) districts, as follows:

1. AR Agricultural Residential District
2. R - 1 Residential District
3. R - 2 Residential District
4. R - 3 Residential District
5. C - 1 Commercial District
6. H Hamlet District
7. LI Light Industry District
8. ARA Aquifer Recharge Area Overlay District

Section 310 Adoption of Zoning Map

Said districts are shown, defined and bounded on the map accompanying this law entitled "Town Zoning Map", dated August, 1986 and filed in the office of the Town Clerk, which map and all explanatory matter thereon is by this reference incorporated into this law.

Section 315 Interpretation of District Boundaries on Zoning Map

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

- A. The zone boundaries are street centerlines unless otherwise shown, and where the designation on the zoning map indicates a boundary approximately upon a street centerline such line shall be construed to be the boundary.
- B. Where the designation on the Zoning Map indicates a boundary approximately upon a lot line, such lot line shall be construed to be the boundary.
- C. Distances shown on the Zoning Map are perpendicular distances from street centerlines measured back to the zone boundary line, which lines in all cases where distances are given are parallel to the street centerline.

D. In other cases the boundary line shall be determined by the use of the scale on the Zoning Map.

DISTRICT REGULATIONS

Section 405 AR, Agricultural-Residential District

- A. Intent: It is the intent of this district to protect agriculture, to preserve the rural character of the zone and to minimize the conflicts between agricultural and residential uses.

- B. Permitted Uses: In the AR Agricultural-Residential District a lot may be used or occupied for the following purposes and no other:
 - 1. Agriculture.
 - 2. Agricultural Structure.
 - 3. One-family dwelling.
 - 4. Two-family dwelling.
 - 5. Individual mobile home in accordance with the provisions of Section 520.
 - 6. Home occupation in accordance with the provisions of Section 505.
 - 7. Accessory use/structure of the above listed uses.

- C. Site Plan Review Uses: The following uses require Planning Board review and approval of a site plan in accordance with the provisions of Article VI.
 - 1. Essential Services.
 - 2. Institutional Uses.
 - 3. Junkyard.
 - 4. Agricultural Business.
 - 5. Outdoor Recreation.
 - 6. Excavation.
 - 7. B & B

- D. Dimensional (Area) Regulations:*
 - 1. Minimum Lot Area 1 Acres
 - 2. Minimum Lot Frontage 200 Feet
 - 3. Minimum Front Yard 75 Feet/50 Feet**

see notes

4. Minimum Rear Yard 75 Feet/3 Feet***
5. Minimum Side Yard 25 Ft. min. ea./100 Ft. agg./3***

* Site Plan Review uses may have different dimensional requirements. See Article VI.

** Agricultural Structures

*** Accessory Uses/Structures of 150 square feet or less.

Section 410 R-1, Residential District

- A. Intent: It is the intent of this district to accommodate agricultural uses while providing for and encouraging low density residential growth. This district is intended to be the primary area for low density residential development in the Town.
- B. Permitted Uses: In the R-1 Residential District a lot may be used or occupied for the following purposes and no other.
1. Agriculture
 2. Agricultural Structure
 3. One-family dwelling
 4. Two-family dwelling
 5. Individual mobile home in accordance with the provisions of Section 520.
 6. Home occupations in accordance with the provisions of Section 505.
 7. Accessory use/structure of the above listed uses.
- C. Site Plan Review Uses: The following uses require Planning Board review and approval of a site plan in accordance with the provisions of Article VI.
1. Essential Services.
 2. Institutional Uses.
 3. Outdoor Recreation
- D. Dimensional (Area) Regulations:*
- | | |
|-------------------------|---|
| 1. Minimum Lot Area | 1 Acre |
| 2. Minimum Lot Frontage | 200 Feet |
| 3. Minimum Front Yard | 75 Feet/50 Feet** |
| 4. Minimum Rear Yard | ²⁵
75 Feet/3 Feet*** |
| 5. Minimum Side Yard | 25 Ft. min. ea./100 Ft. agg./3*** |
- * Site Plan review uses may have different dimensional requirements. See Article VI.
** Agricultural Structures
*** Accessory uses/Structure of 150 square feet or less.
- See Appendix*

Section 412 R-1A, Residential District

A. Intent:

This district is intended to provide areas for medium density residential subdivision development designed to encourage a community-like atmosphere and environment with amenities intended to create a highly desirable place in which to live. Because of the deep concern for the Town of Adams in protecting fragile land areas and, where applicable of this zoning district classification shall be limited to those areas where all structures will be served by connection to a public sewer system and public water supply system.

It is further the intent that all lots in an R-1A District shall have driveway access to interior roads.

B. Permitted Uses:

The following uses are permitted in R-1A, Residential District and no others:

1. One-family dwelling.
2. Accessory uses and structures-providing such uses or structures do not include any business activity.
3. Parks, playgrounds and recreation areas.

C. Prohibited Uses:

All other uses.

No building permit or zoning permit shall be issued for any use not connected to public sewer and water service.

D. Dimensional (Area) Regulations:

- | | |
|--|--|
| 1. Minimum Lot Area | 20,000 square feet |
| 2. Minimum Lot Frontage | 100 feet |
| 3. Minimum Front Yard
Depth From Nearest
Street Margin | 35 feet |
| 4. Minimum Rear Yard | 25 feet |
| 5. Minimum Side Yard | 25% of building line width with
minimum on either side of 10% |
| 6. Maximum Building
Height | 35 feet |

Section 415 R-2, Residential District

- A. Intent: It is the intent of this District to encourage infill development of traditional single family residences in an established moderate density neighborhood. The regulations herein are meant to reflect existing conditions so that future development will blend easily with the area character.
- B. Permitted Uses: In the R-2 Residential District a lot may be used or occupied for the following purposes and no other:
1. One-family dwelling.
 2. Home Occupation, according to the provisions of Section 505.
 3. Accessory use/structure of the above listed uses.
- C. Site Plan Review Uses: The following uses require Planning Board review and approval of a site plan in accordance with the provisions of Article VI.
1. Essential Services.
 2. Institutional Uses.
 3. Outdoor Recreation.
- D. Dimensional (Area) Regulations:*
- | | |
|-------------------------|--------------------------------|
| 1. Minimum Lot | 1/2 Acre |
| 2. Minimum Lot Frontage | 100 Feet |
| 3. Minimum Front Yard | 75 Feet |
| 4. Minimum Rear Yard | 25 75 Feet/3 Feet** |
| 5. Minimum Side Yard | 10 Feet/3 Feet** |
- * Site Plan Review uses may have different dimensional requirements. See Article VI.
- ** Accessory Use/Structure of 150 square feet or less.
- See Article VI*

Section 420 R-3, Residential District

- A. Intent: It is the intent of this District to provide opportunities for higher density and affordable housing.
- B. Permitted Uses: In the R-3 Residential District a lot may be used or occupied for the following purposes and no other:
1. One-family dwelling
 2. Two-family dwelling
 3. Individual Mobile Home, according to the provisions of Section 520.
 4. Home Occupation, according to the provisions of Section 505.
 5. Accessory use/structure of the above listed uses.
- C. Site Plan Review Uses: The following uses require Planning Board review and approval of a site plan in accordance with the provisions of Article VI.
1. Multi-Family Dwelling
 2. Mobile Home Park
 3. Essential Services
 4. Institutional Uses
 5. Outdoor Recreation
- D. Dimensional (Area) Regulations:*
1. Minimum Lot Area 1/2 Acre
 2. Minimum Lot Frontage 100 Feet
 3. Minimum Front Yard 75 Feet
 4. Minimum Rear Yard 25 ~~75~~ Feet/3 Feet**
 5. Minimum Side Yard 10 Feet/3 Feet**
- * The site plan review uses may have different dimensional requirements. See Article VI.
- ** Accessory Use/Structure of 150 square feet or less.

Section 425 C-1, Commercial District

- A. Intent: It is the intent of this district to promote commercial growth.
- B. Permitted Uses: In the C-1 Commercial District a lot may be used or occupied for the following purposes and no other:
1. Agriculture.
 2. Agricultural Structure.
 3. One-family dwelling.
 4. Two-family dwelling.
 5. Individual mobile home in accordance with the provisions of Section 520.
 6. Home occupation in accordance with the provisions of Section 505.
 7. Accessory use/structure of the above listed uses.
- C. Site Plan Review Uses: The following uses require Planning Board review and approval of a site plan in accordance with the provisions of Article VI.
1. Essential Services.
 2. Institutional Uses.
 3. Outdoor Recreation.
 4. Funeral Home.
 5. Motel/Hotel.
 6. Offices.
 7. Restaurant.
 8. Automobile Service Station.
 9. Small Retail
 10. Large Product Retail
 11. *B & B*
- D. Dimensional (Area) Regulations: *
- | | |
|-------------------------|-------------------|
| 1. Minimum Lot Area | 1/2 Acre |
| 2. Minimum Lot Frontage | 100 Feet |
| 3. Minimum Front Yard | 75 Feet/50 Feet** |

4. Minimum Rear Yard 75 Feet/3 Feet***
5. Minimum Side Yard 10 Feet/3 Feet***
6. Maximum Impervious Surface Area 65% of the lot

* Site Plan Review uses may have different dimensional requirements. See Article VI.

** Agricultural Structures.

*** Accessory Uses/Structures of 150 square feet or less.

Section 430 H, Hamlet District

- A. Intent: It is the intent of this District to provide a mix of medium density residential and commercial development similar in size and character to the existing neighborhood.
- B. Permitted Uses: In the H - Hamlet District a lot may be used or occupied for the following purposes and no other:
1. One-family dwelling.
 2. Two-family dwelling.
 3. Home Occupation, according to the provisions of Section 505.
 4. Accessory use/structure of the above listed uses.
- C. Site Plan Review Uses: The following uses require Planning Board review and approval of a site plan in accordance with the provisions of Article VI.
1. Essential Services.
 2. Institutional Uses.
 3. Outdoor Recreation.
 4. Funeral Home
 5. Motel/Hotel
 6. Offices
 7. Restaurant.
 8. Automobile Service Station.
 9. Small Retail.
- D. ^{10 B>B} Dimensional (Area) Regulations: *
- | | |
|-------------------------|--------------------------------|
| 1. Minimum Lot | 1/2 Acre |
| 2. Minimum Lot Frontage | 75 Feet |
| 3. Minimum Front Yard | 50 Feet |
| 4. Minimum Rear Yard | 25 75 Feet/3 Feet** |
| 5. Minimum Side Yard | 10 Feet/3 Feet** |

6. Maximum Impervious Surface
Area 65% of the Lot.

- * Site Plan Review uses may have different dimensional requirements. See Article VI.
- ** Accessory Use/Structure of 150 square feet or less.

Section 435 LI, Light Industry District

A. Intent: It is the intent of this district to provide areas for industrial development which are well suited for such development, are ill suited for residential development, and are naturally shielded from residential areas.

B. Site Plan Review Uses: The following uses require Planning Board review and approval of a site plan in accordance with the provisions of Article VI.

1. Essential Services.
2. Funeral Homes.
3. Motel/Hotel.
4. Offices.
5. Restaurant.
6. Automobile Service Station.
7. Small Retail.
8. Large Product Retail.
9. Agricultural Business.
10. Light Industry.
11. Warehouse.
12. ~~Adult Entertainment Use.~~

C. Dimensional (Area) Regulations: *

- | | |
|------------------------------------|----------------|
| 1. Minimum Lot Area | 3 Acres |
| 2. Minimum Lot Frontage | 300 Feet |
| 3. Minimum Front Yard | 75 Feet |
| 4. Minimum Rear Yard | 25 Feet |
| 5. Minimum Side Yard | 25 Feet |
| 6. Maximum Impervious Surface Area | 65% of the Lot |

* Site Plan review uses may have different dimensional requirements. See Article VI.

Section 440 ARA, Aquifer Recharge Area Overlay District

- A. Intent: It is the intent of this Overlay District to protect the health, safety, and general welfare of the users of the Village of Adams water supply by protecting and preserving the primary aquifer recharge areas in the town.

The Aquifer Recharge Area Overlay District shall be superimposed on other underlying districts. All uses, dimensional regulations, and other provisions of the Town of Adams Zoning Law applying to the underlying districts shall remain in force and effect, except that where the Aquifer Recharge Area Overlay District imposes greater or additional restrictions and requirements, those restrictions and requirements shall prevail.

- B. Permitted Uses: In the ARA Overlay District a lot may be used or occupied for the following purposes and no other:
1. Agriculture.
 2. Agricultural Structure.
 3. One-family dwelling.
 4. Two-family dwelling.
 5. Individual mobile home in accordance with the provisions of Section 520.
 6. Accessory Use/Structure of the above listed uses.
- C. Site Plan Review Uses: The following uses require Planning Board review and approval of a site plan in accordance with the provisions of Article VI and Section 440E.
1. All other permitted uses and site plan review uses in the underlying district which are not prohibited in Section 440E.

- D. Dimensional (Area) Regulations: *

The more stringent of the underlying district's dimensional regulations or the following shall apply:

1. Minimum Lot Area with on-site wastewater disposal, 2 acres.
2. Maximum impervious surface area, 20% of the Lot.

E. Prohibited Uses:

1. Without Public Sewers

- a. Funeral Homes.
- b. Dry cleaning shops.
- c. Laundromats.
- d. Industrial or commercial uses which involve the onsite disposal of process wastes from operations other than personal hygiene and food preparation for residents, patrons and employees.
- e. The use of septic system cleaners which contain toxic chemicals.

2. The following uses are prohibited in this district regardless of the availability of public sewer.

- a. Automobile service stations.
- b. Commercial uses which manufacture, process, store or dispose of hazardous materials.
- c. Trucking or busing terminals.
- d. Wood preserving and furniture stripping operations.
- e. Junkyards.
- f. Solid waste landfills.
- g. Underground storage and/or transmission of oil, gasoline or other petroleum products, excluding liquified petroleum gases.
- h. Outdoor storage of salt, de-icing materials, pesticides, or herbicides.

ARTICLE V

GENERAL REGULATIONS

Section 505 , Home Occupations

- A. No home occupation shall be permitted that:
1. Changes the outside appearance of the dwelling.
 2. Generates traffic, parking, sewerage or water use in excess of what is normal in the residential neighborhood;
 3. Creates a hazard to person or property, results in electrical interference, or becomes a nuisance;
- B. The following are permitted home occupations provided they do not violate any of the provisions of the previous paragraph:
1. Dressmaking, sewing, and tailoring;
 2. Painting, sculpturing, or writing;
 3. Telephone answering;
 4. Home crafts, including model making, rug weaving, lapidary work, cabinet making, ceramics, and similar crafts.
 5. Tutoring;
 6. Home cooking and preserving;
 7. Computer programming.
- C. The following are prohibited as home occupations:
1. Animal hospitals;
 2. Dancing studios or exercise facilities;
 3. Mortuaries;
 4. Private clubs;
 5. Restaurants;
 6. Stables or kennels;
 7. Motel/Hotel;

- 8. Automobile repair or paint shops.
- 9. Tadoo parlors.
- D. Any proposed home occupation that is neither specifically permitted by paragraph B nor specifically prohibited by paragraph C shall be considered a site plan review use, and shall be granted or denied site plan approval by the Planning Board in accordance with paragraph A and Article VI.

Section 510 Parking:

A. General

- 1. All uses shall be provided with off-street parking for all vehicles during typical peak use periods. Off-street parking may be located off-site but must be within 300 feet of the site. Off-street loading spaces shall be provided as required in Section b.
- 2. A parking space shall not be less than nine (9) feet by twenty (20) feet exclusive of access ways and driveways.
- 3. Existing uses need not provide additional off-street parking unless the use expands its gross floor area by twenty (20) percent or more.
- 4. To the greatest extent possible the size of all parking areas other than those for dwelling units and dwellings units with a home occupation shall be based on gross leasable area. Where gross leasable area figures are unavailable, the same standards will be used with the phrase "gross floor area" substituted for "gross leasable area."
- 5. Minimum standards are:
 - a. Dwelling unit (per) 2
 - b. Dwelling unit with a home occupation (per)
 - (i) One space/each two hundred fifty (250) square feet of the floor space devoted to the home occupation in addition to the two (2) residential spaces required.
 - c. Offices and business service 1 space/250 sq. ft. GLA.
 - d. Retail and services 1 space/250 sq. ft. GLA.
 - e. Large product retail & service 1 space/400 sq. ft. GLA.

f. Shopping Centers

(1) Shopping Center Site (sq. ft. GLA)	Spaces
25,000 - 400,000	1 space/250 sq. ft. GLA.
400,000 - 600,000	1 space/225 sq. ft. GLA.
600,000 +	1 space/200 sq. ft. GLA.

(2) Office Space occupying greater than ten (10) percent GLA must meet office standards.

g. Facilities with Drive-Up Service Windows

In addition to the required parking for the GLA of the facility three twenty (20) feet car length waiting spaces for each drive-up lane shall be required. Where multiple drive-up windows exist there shall be one additional waiting space which shall be a common lane.

h. Public Facilities (churches, municipal buildings)	1 per 4 seats
i. Funeral Homes	1 per 50 sq. ft. of space used for funerals
j. Industrial Facilities	1 per 250 sq. ft. GLA.
k. Restaurant or Bar	1 per 50 sq. ft. G.L.A.

6. All fractional portions of parking spaces as calculated by Gross Leasable AREA shall be deleted if the fraction is less than .50; otherwise one additional parking space is required.

7. Where the use, traffic generation or function of a site is such that the applicant can show that the number of parking spaces is not justified, the Planning Board may modify these requirements.

B. Off Street Parking

1. All uses other than dwelling units or dwelling units with home occupations must comply with the following off street loading standards;

First 5,000 sq. ft. GLA 1 berth
Each additional 10,000 sq. ft. 1 berth

2. With the exception of funeral homes, each loading berth shall be a minimum of twelve (12) feet wide, fifty (50) feet long and fourteen (14) feet in height.
3. Loading area berths for funeral homes shall be a minimum of ten (10) feet wide, twenty-five (25) feet long and eight (8) feet in height.
4. Where the use, traffic generation or function of a site is such that the applicant can show that the number of berths required is not justified, the Planning Board may modify these requirements.

Section 515 Antennae and Satellite Dishes

- A. No antenna or satellite dish shall be located in a front yard.

Section 520 Individual Mobile Homes

- A. Each mobile home shall meet all requirements of the New York State Uniform Fire Prevention and Building Code.
- B. To ensure that all mobile homes comply with applicable Federal Mobile Home Construction and Safety Standards, each mobile home shall have been manufactured after June 15, 1976.
- C. Mobile Home Skirting.
 1. Each mobile home shall be provided with a skirt to screen space between the mobile home and the ground.
 2. Such skirts shall be of permanent material similar to that used in the mobile home and providing a finished exterior appearance.
 3. The material used shall be fire resistant.
- D. Mobile Home Stand
 1. Each mobile home site shall be provided with a stand which will give a firm base and adequate support for the mobile home.
 2. Such stand shall have a dimension approximately the width and length of the mobile home and any expansions or extensions thereto.
 3. Well anchored tie-downs shall be provided at least on each corner of the stand.

4. Stands shall be either
 - a) ten (10) inches of compact gravel; or
 - b) A full concrete slab at least six (6) inches thick; or
 - c) Six (6) inches of compacted gravel with a reinforced concrete runner on each side of the stand to provide support. Such runner shall be a minimum of four (4) feet wide, sixty-five (65) feet long, and six (6) inches thick.
- E. The stand area shall be graded to ensure adequate drainage but in no event shall the difference in grade exceed six (6) inches from one end of the stand to the other.
- F. Each mobile home shall have a minimum gross floor area of 720 square feet.
- G. On a lot used for agricultural purposes, where an additional dwelling is needed for a farm employee, or family member, a mobile home is permitted in addition to an existing single family dwelling if:
 1. The mobile home shall not be occupied by persons other than employee or family members; and
 2. The mobile home shall be removed within six (6) months from the date when the mobile home is no longer needed.

Such a mobile home is not required to have been constructed after June 15, 1976, but must meet all other requirements of Section 520.

ARTICLE VI

SITE PLAN REVIEW

Section 605 Purpose and Scope

- A. The purpose of the site plan review procedure is to allow the Planning Board to attach reasonable safeguards and conditions to those uses which might otherwise produce deleterious effects on the environment, the neighborhood character, or the Town residents' health, safety and welfare. Furthermore, it is the purpose of the site plan review procedure to authorize the Planning Board to disapprove a plan for any use, the deleterious effects of which cannot be mitigated because of the particular site it is to occupy.
- B. In addition to the regulations which apply to permitted uses in each district, site plan review uses shall be controlled by the regulations in this Article. In the event of conflicting regulations, the regulations in this Article shall apply to site plan review uses.
- C. No zoning permit shall be issued for any such use until it has been granted site plan approval by the Planning Board.
- D. The Planning Board shall review and approve, approve with conditions, or disapprove site plan review applications for all uses which require site plan review under the terms of this law.

Section 610 Application for Site Plan Review

All applications for site plan review shall be submitted to the Planning Board.

- A. Presubmission Conference: If the applicant so requests, a presubmission conference between the applicant and the Planning Board shall be held to review the proposed development in light of existing conditions and to generally determine the information to be required on the site plan. At the conference the applicant shall provide a statement and a rough sketch describing what is proposed and showing the location of the tract and its relationship to surrounding area.
- B. Application Requirements: The Planning Board may require at the presubmission conference that any or all of the following elements be included in the special permit application. If no presubmission conference is held, then all of the following elements shall be included in the site plan review application.

1. Name and address of applicant and owner, if different, and of the person responsible for preparation of such drawings;
 2. Date, northpoint, written and graphic scale;
 3. Boundaries of the area plotted to scale, including distances, bearings, and areas;
 4. Location and ownership of all adjacent lands as shown on the latest tax records;
 5. Location, name, and existing width and right-of-way of adjacent roads;
 6. Location, width, and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to public use or adjoining the property;
 7. Location, size, design of the following: existing and proposed buildings, driveways, parking, outdoor storage, sidewalks or pedestrian paths, drainage facilities, sewage facilities, water facilities, signs, outdoor lighting, landscaping or screening, snow storage.
 8. Plans for controlling soil erosion and sedimentation during the development.
 9. Plans for grading and drainage showing existing and proposed contours of five foot intervals;
 10. Designation of the amount of gross floor area and gross leasable area proposed for each non-residential use;
 11. A Environmental Assessment Form (EAF) or draft Environmental Impact Statement (E.I.S.), where required;
 12. Other elements integral to the proposed development as considered necessary by the Planning Board including identification of any federal, state, or county permits required for the project's execution.
- C. Once a completed application has been formally received by the Planning Board, the Board shall have a maximum of 90 days (from the date of receipt) to review and approve, approve with conditions, or disapprove the proposal.
- D. Within 45 days from the date the Planning Board has received the completed application, a public hearing shall be held on the proposal to entertain public comment. At least five (5) days advance public notice of the hearing shall be published in the official newspaper.

- E. The final decision by the Planning Board must be made within 45 days following the hearing, in writing, specifying any conditions that may be attached to an approval, the reasons that the Planning Board approved or denied the proposal and the motions/vote by the Planning Board members. All decisions shall be filed in the Office of the Town Clerk and a copy mailed to the applicant.
- F. The Planning Board shall refer all site plan matters that fall within those areas specified under General Municipal Law, Article 12 B, Section 239-m to the County Planning Board prior to their final vote thereon. The Planning Board shall follow the procedure outlined in Section 820D.

Section 615 Review Criteria

The Planning Board's basis for approving, disapproving, or requiring modifications of the site plan shall include, where appropriate, the following considerations:

- A. Status of any federal, state, or county permits required.
- B. Environmental (including physical, social and economic factors) impact on community and adjacent areas.
- C. Compatibility with the General Plan.
- D. Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.
- E. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, roads widths, pavement surfaces, dividers and traffic controls.
- F. Location, arrangement, appearance and sufficiency of off-street parking and loading.
- G. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
- H. Adequacy of stormwater and drainage facilities.
- I. Adequacy of water supply and sewage disposal facilities.
- J. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.

- K. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
- L. Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
- M. Conformance with all other provisions of this law.

Section 620, Reasonable Conditions

The reasonable safeguards and conditions that the Planning Board may attach to any site plan may include, but not be limited to, approval of any required federal, state or county permits; redesign of building access, parking, pedestrian path location or arrangement; additional landscaping or screening; intersection improvement or traffic controls; and redesign or additional facilities for drainage, water provision and sewage disposal.

Section 625, Guarantees For Installation and Maintenance of Improvements

A. Installation Guarantee

In order that the Town has the assurance that the construction and installation of such improvements as storm sewer, water supply, sewage disposal, landscaping, road signs, sidewalks, parking, access facilities, and road surfacing will be constructed, the Planning Board shall require that the applicant complete said improvements before final approval is granted or that the applicant shall enter into one of the following agreements with the Town.

1. Furnish bond executed by a surety company equal to the cost of construction of such improvements as shown on the plans and based on an estimate furnished by the applicant and approved by the Planning Board. such bond shall require the approval of the Town Board and the Town Attorney as to form, sufficiency, manner of execution and surety.
2. In lieu of the bond, the applicant may deposit cash, certified check, an irrevocable bank letter of credit, a certificate of deposit, or other forms of financial security acceptable to the Town. Acceptable substitutes, if furnished, shall be kept on deposit with the Town for the duration of the bond period.

B. Maintenance Guarantee

In order that the Town has the assurance that the improvements mentioned above function properly for a reasonable period, the applicant shall enter into an agreement with the Town upon completion of the work required under the installation guarantee so that:

1. Such work is guaranteed for a minimum of two (2) years after it is completed and inspected;
2. Such work is guaranteed for a minimum of ten (10) percent of the total improvement costs or \$5,000, whichever is greater.

A maintenance bond shall be the preferred guarantee, but other methods are permitted, provided they are acceptable to the Town Attorney and the Town Board.

C. Acceptance of Road and Facilities

When the Town Highway Superintendent and the Zoning Officer, following final inspection of the improvements, certify to the Town Board that all installation and improvements have been completed in accordance with the contract, the Town Board may, by resolution, proceed to accept the facilities for which bond has been posted or check deposited.

Section 630 General Requirements

A. Traffic:

A traffic impact study, conducted by a qualified traffic engineer for any development of 50 or more dwelling units or 50,000 or more square feet of non-residential floor area shall be required. Such study shall show current and projected levels of service of public roads within 1 mile of the development, and shall describe any on or off-site improvements required to offset any significant traffic impact. Such study shall be conducted at the developer's expense. The Town may, at its own expense, retain a consultant to perform a second traffic impact study.

The Planning Board may require that the applicant shall enter into an agreement with the Town to provide improvements or funds for improvements needed to mitigate the adverse traffic impact of his development according to the findings of the study or studies, whichever recommends the most extensive improvements.

- B. Screening: Where an industrial or commercial use will be adjacent to a residential use or where a multi-family dwelling will be adjacent to a single or two-family dwelling, the Planning Board may require that an opaque

screen be provided from the ground to a minimum height of 6 feet. Such a screen may be comprised of living plants, walls of wood or brick, landforms (berms, mounding), or combinations of the above.

C. Drainage:

1. Drainage shall be based on a 25-year frequency rain-storm.
2. The peak discharge of storm water resulting from the development shall not exceed the peak discharge calculated prior to the development.
3. Provisions for storm drainage shall be designed to safely retain storm water or adequately carry and discharge accumulated runoff into drainage channels, storm sewers or natural water courses so it does not cause increased damage or increased flooding downstream.

Section 635 Specific Use Regulations

A. Mobile Home Park:

1. Each mobile home in a mobile home park shall meet the requirements of Section 520.
2. A mobile home park shall have a minimum area of 3 acres.
3. Each mobile home park shall have adequate access to a public road. Such access shall be at a reasonable grade and have a sight distance commensurate with the public road speed limit.
4. Each mobile home park consisting of 5 or more mobile homes shall have a minimum of two public access points.
5. The following setbacks shall apply to all buildings and mobile homes in a mobile home park:
 - a. from the centerline of a public road - 75 feet.
 - b. from the centerline of a private road - 30 feet.
 - c. from side and rear lot lines - 20 feet.
6. The minimum distance between mobile homes shall be 40 feet.
7. A mobile home lot shall be a minimum 7,500 square feet in size, excluding private roads or common open space.

8. The owner or manager of a mobile home park shall maintain an office in the immediate vicinity of the park and shall maintain accurate records of the names of park residents; home address; and the make, description, year and license or identification number of the mobile home. These records shall be available to any law enforcement official, the Town Zoning Enforcement Officer, and/or Town Assessor of the Town of Adams.
9. Private, interior roadways shall be of durable construction, adequately lighted, and not less than 20 feet in width. All mobile homes shall be served from such interior roadways. Lesser roadway widths may be permitted, depending on the specific site design of the mobile home park. The owner or operator shall be responsible for constructing, maintaining and plowing such roads.
10. Each mobile home lot shall provide off-street parking spaces large enough to accommodate two standard sized automobiles.
11. Sewer, water and other utilities shall be provided in accordance with the requirements of Chapter 1, Part 17 of the New York State Sanitary Code, which is adopted herein by reference.
12. A minimum of 5% of the total area of the mobile home park, not including the required setback, shall be dedicated to a recreation area and shall be fully maintained by the park owner.
13. Wherever a mobile home park is adjacent to a single family use, the screening requirements of Section 630 shall be followed.
14. A mobile home park shall be screened from any public road to the satisfaction of the planning board.
15. Each site shall be identified by a prominently displayed numbered sign. Such numbering shall be according to a logical sequential order.

B. Multi-Family Dwellings

1. Multi-family Dwelling Development shall not exceed a gross density of 12 dwelling units per acre.
2. Multi-family dwellings shall have a maximum of 3 stories.

3. 50% of the land in a multi-family dwelling development shall be open space.
4. 25% of the land in a multi-family dwelling development shall be usable open space.
5. To the greatest extent possible, the site design shall provide for the maximum solar access.
6. To the greatest extent possible, each dwelling unit shall have at least two exterior walls.
7. There shall be adequate snow storage areas.
8. Buildings and parking areas shall be a minimum distance of 50 feet from any lot line.
9. Buildings and parking areas shall be a minimum of 75 feet from the center line of a public road.
10. There shall be a minimum of two access points to an existing public road.

C. Junkyards and Excavations

1. No junkyard or excavation shall be located within two hundred (200) feet of any adjoining property line, or within five hundred (500) 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, wetland, or other body of water.
2. The junkyard or excavation shall be set back at least one hundred fifty (150) feet from the road line of any public highway.
3. There must be erected and maintained an eight (8) foot high fence adequate to prohibit and entrance of children and others into the area of the activity or business to contain within such fence the materials dealt with by the operator of a junkyard. All the materials dealt with by the operator of a 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. The Planning Board may waive the requirement of fencing where topography or other natural conditions effectively prohibit the entrance of children or others.

See
Amendment
Attached

4. 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. In addition, the Planning Board shall require planting of evergreen trees or shrubbery between the fence and road line.
5. A junkyard shall not be used as a dump area by the public and there will be no burning of automobiles or other materials except in connection with the periodic crushing and removal of automobiles or other materials from such yards in compliance with the New York State open burning law (see 6 NYCRR 215).

D. Adult Entertainment Uses

1. All such uses shall be at least 1,000 feet from the nearest district line of any zone in which adult entertainment is not a permitted use or any institutional use (excluding not-for-profit fire, ambulance, and public safety buildings.)
2. All such uses shall be at least 1,000 feet from any municipal boundary.
3. All such uses shall not be located within a 1,000 foot radius of any other such use.
4. All building openings, entries, windows, doors, etc., shall be located, covered, or screened in such a manner as to prevent a view into the interior from any public or semi-public place.

ARTICLE VII

NONCONFORMITIES

Section 705, General

- A. A nonconforming use or structure may be continued subsequent to adoption of this law but the structure shall not be enlarged in a way which increases its non-conformity, and the use shall not be enlarged or increased to occupy a greater land area.
- B. A nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption of this law.
- C. A nonconforming use that has ceased for a consecutive period of twelve months, may not be resumed.
- D. Nothing under the provisions of this local law shall prevent the repair, restoration, or reconstruction of a nonconforming structure provided that its owner or owners can demonstrate to the Zoning Officer that construction, erection or location of a conforming structure is physically impractical due to the size, configuration, or condition of the lot. In addition, the owner must demonstrate that such repair, restoration, or reconstruction is undertaken only on the premises and to the extent previously occupied by the non-conforming structure, and within one (1) year from the date on which the damage or destruction occurred.

E. Non-Conforming Lots

Any non-conforming lot held under separate ownership prior to the enactment of this local law and having lot width or lot depth or both less than the minimum area requirements set forth in this local law may be developed with any compatible use listed for the zone in which such non-conforming lot is located without requiring a variance provided that such lot:

- 1. Does not adjoin other property held by the same owner where sufficient land could be transferred to eliminate the non-conformity without reducing such other property to non-conforming dimensions.
- 2. Has sufficient area, width, and depth to undertake development which will:
 - a. Maintain the required minimum front setback,
 - b. Meet or exceed at least 1/2 of the required minimum side and rear setbacks,

- c. Not exceed the maximum permitted lot coverage; and
3. Otherwise satisfies all applicable provisions of this local law.

Section 710, Site Plan Review for Change of Nonconforming Use

- A. A nonconforming use may be changed to a less noxious nonconforming use if such change is granted site plan approval by the Planning Board pursuant to Article VI.
- B. The Planning Board shall apply the standards and follow the procedure contained in Article VI, SITE PLAN REVIEW for any application for a site plan approval for a change of nonconforming use.
- C. The Planning Board shall not grant site plan approval for such a change unless it finds that the new nonconforming use will be more compatible with the surrounding neighborhood than the existing nonconforming use.
- D. In order for the Planning Board to determine that the new nonconforming use will be more compatible with the surrounding neighborhood, the Board shall consider the following criteria:
 1. Traffic;
 2. Number of parking spaces;
 3. Noise, dust, or other air pollution, and glare;
 4. Percentage of building or lot occupied by the use, and
 5. Amount of outside storage or display of goods.

ARTICLE VIII

ADMINISTRATION AND ENFORCEMENT

Section 805, Zoning Permits

- A. No building or structure shall be erected, or use instituted, until a zoning permit for it has been issued. The exterior structural area of a building shall not be enlarged until a zoning permit therefore has been issued.
- B. A zoning permit shall not be required for:
 - 1. Construction of a fence, or a wall.
 - 2. Routine maintenance and improvement (e.g., roofing, window replacement, siding replacement, etc.) that does not expand the exterior dimensions of the structure;
 - 3. Chimneys, placement of posts, and other similar accessory uses; or
 - 4. Television antennae and satellite dishes, placed in accordance with Section 515.
- C. When establishing measurements to meet the required front yards and structure setbacks, the measurements shall be taken from the street center line or lot line, to the furthestmost protruding part of the structure. This shall include such projecting facilities as cornices, eaves, porches, carports, attached garages, etc.
- D. No such zoning permit or certificate of occupancy shall be issued for any building or structure where said construction, addition, and exterior expansion or use thereof would be in violation of any of the provisions of this law.
- E. A zoning permit issued under this law shall expire six (6) months from the date of issue if construction is not started.
- F. Any use that has been discontinued for a period of twelve (12) months or longer shall be termed abandoned and may not be reinstated without applying for a new zoning permit.
- G. Applications for zoning permits shall be submitted to the Zoning Officer or Town Clerk and shall include two (2) copies of a layout or plot plan showing the actual dimensions of the lot to be built upon; the size and location on the lot of the structures and accessory structures to be; the distance from the building line to all lot lines, street right-way-lines, streams, and any

other features of the lot; and such other information as may be necessary to determine and provide for the enforcement of this law. This information, and other relevant application data, shall be provided on a form issued by the Town.

- H. Temporary permits may be issued by the Zoning Officer, for a period not exceeding one (1) year, for conforming and nonconforming uses. Such temporary permits are conditioned upon agreement by the owner or operator to remove the nonconforming structures or equipment upon expiration of the temporary permit or to bring the use into compliance by a specific time.
- I. Parking lots for places of public assembly and commercial or business uses shall require a zoning permit for placement. They shall meet the requirements of Section 510.

Section 810, Zoning Officer

- A. This law shall be enforced by the Zoning Officer, who shall be appointed by the Town Board.
- B. The Zoning Officer shall:
 - 1. Approve and/or deny zoning permits within 30 days of receipt of application.
 - 2. Scale and interpret zone boundaries on Zoning Maps.
 - 3. Approve and/or deny Certificates of Occupancy.
 - 4. Refer appropriate appeal matters to the Zoning Board of Appeals.
 - 5. Revoke a zoning permit where there is false, misleading or insufficient information. Revoke a zoning permit and/or certificate of occupancy where the applicant has not done what was proposed on the application.
 - 6. Issue stop work orders for noncompliance with this zoning law.

Section 815, Certificate of Occupancy

- A. No land shall be occupied or used and no building or structure hereafter used, or changes made in the use until a certificate of occupancy shall have been issued by the Zoning Officer stating that the building, structure, or proposed use thereof complies with the provisions of this law.
- B. All certificates of occupancy shall be applied for at the same time as the application for a zoning permit. Said certificate shall be issued within ten (10) days after the erection and alteration shall have been inspected and approved by the Zoning Officer as complying with the provisions of this law.
- C. The Zoning Officer shall maintain a record of all certificates and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building affected.
- D. No certificate of occupancy shall be issued for a site plan review use until all required improvements, such as storm sewer, water supply, sewage disposal, landscaping, traffic controls, sidewalks, curbs, parking, access facilities, etc., have been constructed or installed in accordance with the approved plan, including all conditions the Planning Board may have required in accordance with Section 625.

Section 820, Zoning Board of Appeals

- A. Creation, appointment, and organization: a Zoning Board of Appeals is hereby created. Said Board shall be appointed in conformance with the Town Law, Section 267. The Board shall appoint a Chairman and Vice-Chairman. The Board of Appeals shall select a Secretary and shall prescribe rules for the conduct of its affairs.
- B. Powers and duties: The Board of Appeals shall have all the powers and duties prescribed by Section 267 of the Town Law and by this law, which are specified as follows:
 1. Interpretation: Upon appeal from a decision by an administrative official to decide any question involving the interpretation of any provision of this law, including determination of the exact location of any zone boundary if there is uncertainty with respect thereto.
 2. Variances: To vary the strict application of any of the requirements of this law as outlined below.
 - (a) Area Variance - where the strict application of the area requirements of this law would cause

the owner practical difficulty.

- (b) Use Variance - where the strict application of the use requirements of the law would deprive the owner of a reasonable return on his land, and that this deprivation is due to unique circumstances and not to general conditions in the neighborhood.
 - (c) No variance shall be granted unless it:
 - 1. Observes the spirit of this law and would not damage the character of the district in which it is requested; and
 - 2. Observes the intent of the general plan.
 - (d) In granting any variance, the Zoning Board shall prescribe any conditions that it deems necessary or desirable.
- C. Procedure: The Zoning Board of Appeals shall act in strict accordance with the procedure specified by law. All appeals and applications made to the Board shall be in writing and on a form prescribed by the Town. Every appeal or application shall refer to the specific provisions of the law being appealed and shall exactly set forth the interpretation that is claimed, or the details of the appeal that is applied for and the grounds on which it is claimed that the appeal should be granted, as the case may be. A hearing shall be held for all variance actions or interpretive appeals in conformance with the requirements of Town Law. Every decision of the Board of Appeals shall contain a full description of the reasons for its action. The reasons for the action shall be set forth in minutes of the Zoning Board of Appeals meeting at which the action was taken. A tally of each member's vote shall be recorded. All meetings and hearings of the Board shall be public.
- D. County Referrals: Prior to taking action on any matter which would cause any change in the regulations or use of land or building on real property as specified in section 239-m of the General Municipal Law, the Board shall make referrals to the County Planning Board in accordance with section 239 m of the General Municipal Law.

If within thirty (30) days after receipt of a full statement of such referred matter, the County Planning Board disapproves the proposal or recommends modification thereof, the Zoning Board shall not act contrary to such disapproval or recommendations except by a vote of a majority plus one of all the members thereof and after the adoption of a resolution fully setting forth the reasons for such contrary action. The Chairperson shall read the

report of the County Planning Board at the public hearing on the matter under review. If such a planning agency fails to report within such period of thirty (30) days or such longer period as may have been agreed upon by it and the referring agency, the Board may act without such report. The Zoning Board shall notify the County Planning Board of its final action within seven (7) days of such final action.

Section 825 Planning Board

- A. Powers and duties: The Planning Board shall have the following powers and duties with respect to this law.
1. Approval, approval with conditions, or disapproval of site plans.
 2. Advisory opinions, when requested by the Zoning Board or Town Board.
 3. Referral to the County Planning Board of all site plans which fall under the requirements of Section 239-m of the General Municipal Law. The Planning Board shall act according to the same procedure as that outlined in Section 820D.

Section 830, Fees

A schedule of fees shall be adopted by the Town Board, by resolution. The fee schedule shall include fees for zoning permits, interpretive appeals, variance appeals and site plans. The fees shall bear a reasonable relationship to the actual administrative, legal and consultant costs the Town will incur.

Section 835, Violations And Penalties

- A. Complaints of Violations: Whenever a violation of this law occurs, the Zoning Officer, Town, or any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Zoning Officer who shall properly record such complaint and immediately investigate and if warranted, issue a stop work order, or an order to correct the violation. If the violation is not corrected within the time specified on the order, the Town shall take action to compel compliance.
- B. The penalties set forth for a violation of this law are those prescribed by Town Law, Section 268. A violation of this zoning law shall be punishable by a fine not exceeding three hundred fifty dollar (\$350), or imprisonment for a period not exceed six months, or both, for conviction of a first offense; for a second offense, both of which were

committed within a period of five years, by a fine not less than three hundred fifty dollars (\$350) nor more than seven hundred dollars (\$700), or imprisonment for a period not to exceed six months or both; and for a third or subsequent offense, all of which are committed within a period of five years, by a fine not less than seven hundred dollars (\$700) nor more than one thousand dollars (\$1,000), or imprisonment for a period not to exceed six months, or both. Each week's continued violation shall constitute a separate additional violation.

- C. In addition to the penalties provided above, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of this law.

Section 840, Amendments

- A. The Town Board may from time to time amend, supplement, or repeal the regulations and provisions of this law after public notice and public hearing. all proposed changes shall be referred to the Jefferson County Planning Board for their recommendation and for a report thereon prior to final action. The Town Board, by resolution adopted at a stated meeting, shall fix the time and place of a public hearing on the proposed amendment and cause notice to be given as required by Town Law, Sections 264 and 265.

Section 845, Interpretation And Separability

- A. Interpretation: Interpretation and application of the provisions of this law shall be held to be minimal requirements, adopted for the promotion of the public health, safety, or the general welfare. Whenever the requirements of this law differ from the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.
- B. Separability: Should any section or provision of this law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 850, Effective Date

The provisions of this law shall take effect upon filing with the Secretary of State.