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TO

TOWN OF CAROGA'S ZONING ORDINANCE

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March, 2016

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ARTICLE 1

TITLE AND PURPOSE

I. TITLE:

A. This Ordinance shall be known as the Town of Caroga Zoning Ordinance and is adopted pursuant to Article 16 of the Town Law and Article 27 of the Executive Law of the State of New York.

II. PURPOSE:

A. The Zoning Districts and Regulations set forth herein are hereby established in accordance with the Town of Caroga's Comprehensive Plan.

B. The purpose of establishing Zoning Districts and Regulations is to:

1. Implement the Town of Caroga Comprehensive Plan adopted on January 22, 2013.
2. Promote the health, safety and general welfare of the community.
3. Protect and enhance property values and aesthetics 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 a lot that may be occupied, the size of yard, courts and other open spaces, the density of population and the location of buildings, structures and land for trade, industry, residence or other purposes to the maximum extent permissible within the proper exercise of the police power as delegated by Town Law.
4. Ensure the optimum overall conservation, protection, development and use of unique scenic, aesthetic, wildlife, recreation, open space, historic, ecological and natural resources of the Adirondack Park.
5. 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.
6. Promote orderly development within the Town.
7. Prevent the overcrowding of land.
8. Provide adequate light and air.
9. Protect and preserve the value of buildings.
10. Encourage the most appropriate use of land and buildings in the Town.

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ARTICLE 2

DEFINITIONS

I. GENERAL:

A. For the purpose of this Ordinance, words used in the present tense include the future; the singular number includes the plural and the plural, the singular; the word "lot" includes the word "plot"; the word "structure" includes the word "building"; the word "occupied" includes the words "designated or "intended" to be occupied"; the word "used" includes the words "arranged", "designed" or "intended to be used." "Shall" is used in the mandatory and not in the discretionary sense.

B. Unless otherwise specifically denoted below, words or phrases used in this Ordinance shall be interpreted so as to attribute to them the meaning they have in common usage and to accord this Ordinance its broadest and most reasonable application.

II. DEFINITIONS:

Accessory Compost Bin	• A container less than 50 sq. ft. in area and less than 4 ft. in height used solely to compost organic materials.
Accessory Dwelling Unit	• A separate additional single-family dwelling unit, including separate kitchen, sleeping and bathroom facilities, either attached or detached from a principal, single-family dwelling unit on a lot that shall not be used to rent or lease to non-family members except for a caregiver serving the needs of the occupant of the Accessory Dwelling Unit.
Accessory Pet Kennel	• An accessory structure used for the safekeeping of up to 2 dogs or cats.
Accessory Use	• Any use of a structure, lot or portion thereof that is customarily incidental and subordinate to and does not change the character of a principal land use or development, including the case of residential structures, professional, commercial and artisan activities carried on by the residents of such structures.
Accessory Structure	• Any structure or a portion of a main structure customarily incidental and subordinate to a principle 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 or subordinate to and associated with a single-family dwelling or a structure greater than 120 sq. ft. in size used for storage.
Adirondack Park or Park	• Any land lying within the area described in Subdivision One of Section 9-0101 of the Environmental conservation Law of the State of New York, including any future amendments thereto.
Adirondack Park Agency or Agency	• The Adirondack Park Agency created by Section 803 of Article 27 of the Executive Law of the State of New York.
Adirondack Park Agency Act	• Article 27 of the Executive Law.
Adjoining	• When used in reference to land, lots, districts, uses, buildings or other structures on the land, shall mean only those which are contiguous and in contact at some point or line and shall not include those separated by a street.
Adult Use Business	• Shall be defined as any business which:

i. Is the use of land, structures or location for an "adult use business" or as

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an "adult physical contact establishment" as herein defined;

ii. Is the use of land, structure or location which, by the provision of the Penal Law, is required to restrict the access thereto by minors;

iii. Is an establishment, location, building or structure which features topless dancers, nude dancers or strippers, male or female;

iv. Is a location, building or structure used for presenting, lending or selling motion picture films, video cassettes, cable television or any other visual media, or used for presenting, lending or selling books, magazines, publications, photographs or any other written materials distinguished or characterized by an emphasis on matter depicting, describing or relating to 'specific sexual activities' or 'specific anatomical areas' as defined below.

v. Adult use businesses, including adult book stores, adult video stores, adult motion picture theaters, adult mini-motion picture theaters, adult cabarets, and adult drive-in theaters shall be defined as follows:

1. An adult book store is defined as an establishment having a substantial or significant portion of its stock in trade books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to 'specific sexual activities' or 'specific anatomical areas as defined below.

2. An adult video store is defined as an establishment having as a substantial or significant portion of its stock in trade films, video cassettes or other formats of electronic media for sale or rental which are distinguished or characterized by their emphasis on matter depicting, describing or relating to 'specific sexual activities' or 'specific anatomical areas' as defined below.

3. An adult motion picture theater is defined as a building with a capacity of fifty (50) persons or more used for presenting material distinguished or characterized by their emphasis on matter depicting, describing or relating to 'specific sexual activities' or 'specific anatomical areas' as defined below for the observation of patrons therein;

4. An adult mini-motion picture theater is defined as an enclosed building with a capacity of less than fifty (50) persons used for presenting material distinguished or characterized by their emphasis on matter depicting, describing or relating to 'specific sexual activities' or 'specific anatomical areas' as defined below for the observation of patrons therein;

5. An adult cabaret is defined as an establishment which features live go-go dancers, exotic dancers, strippers, male or female, male or female impersonators or similar entertainers whose performances are characterized by partial or full nudity;

6. An adult drive-in theater is a drive-in theater utilized for the presentation of materials distinguished or characterized by their emphasis on matter depicting or describing or relating to 'specific sexual activities' or 'specific anatomical areas' as defined below for the observation of patrons therein;

7. An adult physical contact establishment is defined as any establishment, which offers or purports to offer massage or other physical contact to patrons of either gender by employees or staff

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of either gender. Medical offices, offices of persons licensed or authorized under Educational Law to practice massage therapy, offices of persons licensed or otherwise authorized under Education Law as a physical therapist or physical therapist assistant and electrolysis karate, judo and dance studios are not to be considered adult physical contact establishments under this section.

8. As used hereinabove, the words "having substantial or significant portion of its stock in trade" shall mean that such establishment devotes more than twenty-five (25%) percent of its business to the sale, rental or display of adult materials as determined by any of the following;

a. the number of different titles of adult materials or
b. the number of different copies of adult materials, or
c. the amount of floor space devoted to adult materials, or
d. the amount of on-site advertising or cost of other advertising of adult materials.
e. as used above, the words "adult materials" shall include any things referred to or labeled as sex toys or sexual novelty items.

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 Style Fencing	• A fence made of chicken, barbed, smooth, high-density, woven, electric or similar type of wire.
Agricultural Use	• Any management of any land for agriculture; raising of cows, horses, pigs, poultry and other livestock; horticulture 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 Structure	• Any barn, stable, shed, silo, garage, fruit and vegetable stand or other building or structure directly and customarily associated with agricultural use.
Alcoholic Beverage	• Any beverage containing alcohol including but not limited to beer, liquor or wine.
Alley	• A public way providing a secondary public means of access to abutting properties.
Alteration	• As applied to a structure, 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 in height, or the moving from one location or position to another.
Antenna	• A structure or device used for the transmission or reception of radio or electromagnetic frequency signals, lights, sound or other communication signals. Antennas shall not include TV/radio transmission towers licensed by the FCC.
Antique	• An old item that is collectible due to its age, beauty, rarity, condition or other unique feature.
APA Land Use	• 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," "Industrial" and such portions of those areas as are located within the town.
Apartment	• A dwelling unit used for lease or rent as a residence.

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Appeal	• A request for review of the Code Enforcement Officer's interpretation of any provisions of this Ordinance or a request for a variance from the requirements of this Ordinance.
Applicant	• The person, persons, partnership, corporation, association or other entity named as applicant in an application for a Zoning/Building Permit, zone change, variance, or other approval required by this Ordinance. An Applicant must either: own the real property, have a signed purchase contract, hold an executed written contract giving the applicant the right to purchase, hold an executed lease or possess some other means of property control acceptable to the Code Enforcement Officer.
Area of Special Flood Hazard	• Lands in the Town of Caroga located in a floodplain, subject to a one-percent or greater chance of flooding in any given year. It is also commonly known as the "base floodplain" or "one-hundred-year floodplain."
Area, Building	• The total area of a lot covered by all structures thereon, both principal and accessory, measured by the exterior dimensions of such structures, including uncovered porches, steps and terraces.
Attic	• Any area under a roof, with or without a finished floor, which does not meet other requirements for livable floor area.
Aquaculture	• The production of aquatic plants or animals under controlled conditions for harvesting and processing of food for human consumption.
Barn	• A structure, often found on a farm, used for storage or keeping animals such as cattle, or for storing grain, animal feed, or equipment.
Base Flood	• The flood having a one-percent chance of being equaled or exceeded in any given year.
Basement	• A story partly underground but having at least ½ of its height above the average level of the adjoining ground. A "basement" shall be counted as a story for the purposes of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or if it is used for business or dwelling purposes.
Berm	• A man-made mound of earth designed for decorative, screening or buffering purposes.
Boarding Home	• A structure in which more than two (2) but less than ten (10) rooms are used, rented or hired out as dwelling units for pay, with or without meals, over an extended period of time. The term "Boarding Home" shall include "rooming house," "lodging house," and "tourist house."
Boathouse	• A covered structure with direct access to a navigable body of water which: (1) Is used only for the storage of boats and associated equipment; (2) Does not contain bathroom facilities, sanitary plumbing, or sanitary drains of any kind; (3) Does not contain kitchen facilities of any kind; (4) Does not contain a heating system of any kind; (5) Does not contain beds or sleeping quarters of any kind; (6) Does not exceed a single story in that the roof rafters rest on the top plate of the first floor wall, and all rigid roof surfaces have a minimum pitch of 4 on 12, or, alternatively, 1 flat roof covers the entire structure; and (7) Has a footprint of 1,200 square feet or less measured at the exterior walls (or in the absence of exterior walls, at the perimeter of the roof), and a height of 15 feet or less. For the purpose of this definition, the height of a boathouse shall be measured from the surface of the floor serving the boat berths to the highest point of the structure.
Building	• See Structure.
Building Height	• The vertical distance measured from the highest point of a structure to the lowest point of either the natural or finished grade.
Building Line	• The line or setback beyond which a building shall not extend (see setback definition).
Building, Detached	• A structure surrounded by open space on the same lot.

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Building, Principal	• A structure in which is conducted the main or principal use of the lot on which said building is situated.
Building, Semidetached	• A structure attached by a party wall to another building on another lot but having one side yard.
Bulk	• A term used to describe the size, volume, area, and shape of buildings and structures and the physical relationship of their exterior walls or their location to lot lines, other buildings and structures, or other walls of the same building, and all open spaces required in connection with a building, other structures, or tracts of land.
Campground	• Any area designated for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes, or similar facilities designated for temporary shelter. For the purpose of this definition, camp trailers, travel trailers, motor homes or similar equipment designed for temporary shelter shall not include any single vehicle exceeding eight feet in width or 35 feet in length or vehicles, including a trailer or semi trailer or any combination exceeding eight feet in width or a total of 55 feet in length, nor shall any campground permit structural additions to or removal of wheels from vehicles admitted or furnish all weather water supply or sewage disposal connections at individual sites.
Carport	• An open-sided accessory structure usually formed by an extension of a roof attached to the side of a building.
Cemetery	• A place used for the interment of the dead.
Church or Place of Worship	• A structure or group of structures used for regular public worship by members or representatives for conducting religious services and accessory uses.
Class A Regional Project	• A land use or development classified and defined by in Section 810.1 of the APA Act.
Class B Regional Project	• A land use or development classified and defined by in Section 810.2 of the APA Act.
Clear-cutting	(1) any cutting of trees over six inches in diameter at breast height over any l0-year cutting cycle where the average residual basal area of such trees after such cutting is less than 30 square feet per acre, measured within the area harvested. (2) Where regeneration is assured by stand conditions such that after such cutting the average residual basal area of trees at least one inch in diameter at breast height is at least 30 square feet per acre, measured within the area harvested, clearcutting will not be deemed to have taken place unless the average residual basal area of trees over six inches in diameter at breast height is less than 10 square feet per acre, similarly measured
Code Enforcement Officer	• The Code Enforcement Officer or one of his staff of the Town of Caroga.
Commercial Use	• Any land use or structure involving the sale or rental or distribution of goods, services or commodities, either retail or wholesale, or the provision of recreational facilities or activities for a fee. **[NOTE: The specific individual commercial uses listed below are listed solely to assist the Code Enforcement Officer in interpreting proposed land uses. These individual commercial uses are not listed in the Use Table. Only the term "Commercial Use" is listed in the Use Table. If the Code Enforcement Officer interprets a proposed use to not meet the definition of one of these individual Commercial Uses, the Code Enforcement Officer can still interpret the proposed use as a Commercial Use based upon the definition of Commercial Use.]**

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- The following are specific individual commercial uses:
  - Animal Hospital – A structure were animals or pets are given medical or surgical treatment, including veterinary clinics and offices. May include an incinerator.
  - Antique Shop – A retail store specializing in the selling of antiques.
  - Arcade – A structure or area used to store and utilize computer/other games for retail use.
  - Art Gallery – A place where works of art, such as paintings and sculptures are exhibited, loaned, appraised or sold.
  - Artist Studio – A working place of one or more painters, print makers, photographers, jewelry makers, sculptors or artisans working with paper, ceramics, clay and/or other fine art or craft materials, of persons working in the graphic or computer arts, or performing artists such as musicians, dancers or theater artists. Tattoo appliers and body piercers shall not be considered artists for the purpose of this use.
  - Automobile Dealership – A place authorized by applicable state regulations where new or used motor vehicles, including recreational vehicles, are sold, leased, displayed and maintained for commercial sale.
  - Automobile Parts Dealership - A retail structure used for the display and sale of new parts and supplies for motor vehicles.
  - Automobile Rental Facility – A structure used for the storage and rental of automobiles and trucks.
  - Automobile Shop – Any structure which provides repair services for collision and other repairs to the auto body including body frame straightening, replacement of damaged parts, undercoating, and painting.
  - Automobile Service Station – A structure where gasoline, oil and greases, batteries, tires and automobile accessories are supplied and dispensed directly to the motor vehicle trade, at retail, and where minor repair service is rendered.
  - Bakery – A structure used either for the preparation of or retail sale of baked products or goods for consumption on or off-site.
  - Bank or Financial Institution – A structure open to the public that is utilized for making deposits, loans, investments and similar financial transactions.
  - Banquet Hall – A structure leased or rented for private parties or functions.
  - Bar, Night Club or Tavern – A business establishment licensed by the State of New York to serve alcoholic beverages which serves such beverages for consumption on the premises and may include the serving of food and other beverages along with entertainment as accessory uses.
  - Barber Shop – An establishment used for the practice of barbering.
  - Beauty Salon – An establishment wherein cosmetology is offered or practiced for compensation.
  - Bed and Breakfast – Means a tourist accommodation located within a single-family dwelling or multiple-family dwelling. Bed and Breakfast shall be considered an accessory use and not tourist accommodation if the following criteria are met:
    (1) The guest rooms are located within a structure that has been used as a single-family dwelling for a period of five (5) years or more prior to conversion to a bed and breakfast;
    (2) The single-family dwelling is the owner's primary residence and at least one bedroom is reserved for the owner's exclusive personal use;

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(3) No meals (except breakfast) are served to paying guests and no meals are served to the general public;
(4) In a structure containing more than three (3) existing bedrooms, no more than 50 percent of the bedrooms and no more than five (5) bedrooms total are available for paying lodgers;
(5) The use also meets all the criteria of accessory use as defined in 9 NYCRR 570.3(b), except that no accessory structure or guest cottage shall be used as a bed and breakfast;
(6) The sewage treatment system complies with all applicable New York State Department of Health and local standards; and
(7) At least one off-street parking space is provided on premises for each room for rent.

- Body Painting Studio – An establishment wherein persons apply paint or similar matter onto another person for compensation.
- Bookstore – An establishment used for the sale, rental or other distribution of books, magazines, newspapers, greeting cards, video tapes, computer software and similar materials for compensation.
- Bowling Alley – An establishment providing bowling alleys, equipment and playing area.
- Brew Pub – A bar or restaurant, as defined herein, that includes as an accessory use the brewing of malt beverages for consumption on premises. The area used for brewing, including bottling and kegging, shall not exceed 30% of the gross floor area of the commercial space and shall not produce more than 5,000 barrels of beverage per year.
- Brewery/Microbrewery – A structure used to produce, and/or sell brew beer, ales and similar beverages. A brewery produces more than 5,000 barrels annually. A microbrewery produces less than 5,000 barrels annually.
- Business Services - An establishment primarily engaged in the use of providing services to businesses for a fee including advertising, mailing, building maintenance, employment services, consulting services, protective services, equipment rental and leasing, copying, photo finishing and personal supply services.
- Car Wash – A structure, lot, or portions thereof where vehicles are washed either by the patron or others using machinery and mechanical devices specifically designed for washing motor vehicles.
- Child Day Care Center – In accordance with Social Services Law, Section 390 as may be amended from time to time, a program or facility caring for children for more than three (3) hours per day per child in which child day care is provided by a child day care provider for more than ten (10) children.
- Commercial Extraction – Any extraction from the land of more than fifty (50) cubic yards in any two-year period of sand, gravel or topsoil:
  (1) For the purpose of sale or use by persons other than the owner of land.
  (2) For the purpose of use by any municipality.
- Convenience Store – A use/structure used as a retail establishment of less than 5,000 sq. ft. of free-standing gross floor area or located within another use where groceries, convenience and household goods are sold and may include the sale of gasoline.
- Dancing Studio – An establishment used to provide dancing instruction.
- Day Spa – See Health Club.
- Distillery- A structure in which alcoholic beverages are made by distilling.
- Drugstore - An establishment engaged in the retail sale of prescription medicines, non-prescription medicines and related supplies.

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- Dry Cleaner – An establishment used for cleaning fabrics, textiles and clothing.
- Flea Market – A lot or parcel, or portion thereof, with outdoor stalls, booths, or selling spaces used for the display of used or new goods, wares, merchandise, antiques, collectibles and arts and crafts. Includes craft fairs.
- Florist – An establishment used for selling plants and flowers which are not grown onsite.
- Funeral Home – A structure used for furnishing funeral supplies and services to the public, including facilities intended for the preparation of the dead human body for interment or cremation.
- Greenhouse, Commercial – A structure used for growing flowers, plants, shrubs, trees and similar vegetation, used for retail or wholesale sales.
- Health Club – A structure designed and equipped for the conduct of sports, exercise, leisure time activities or other recreational uses open only to members or for a fee. A day spa shall be a Health Club.
- Home Improvement Center – A structure utilized for retail sale of basic hardware, building materials and supplies, tools, equipment, garden supplies, appliances and similar materials.
- Jewelry Store - An establishment used to buy, sell and repair new and used jewelry.
- Junk Business - An establishment where junk, waste, discarded or salvaged materials are bought, sold, exchanged, sorted, stored, baled, packed, disassembled, handled or abandoned, but not including pawnshops, or establishments for the sale, purchase or storage of used furniture, household equipment, clothing, or used motor vehicles capable of being registered or machinery to be reused for the purpose for which originally manufactured.
- Junk Yard –Means any open lot or area for the dismantling, storage or sale, as parts, scrap or salvage, of used or wrecked motor vehicles, machinery, scrap metals, waste papers, rages, used or salvaged building materials or other discarded materials. The outdoor storage or deposit of any of the following, whether in connection with another business or not shall be deemed a junkyard:
  a. 3 or more junk motor vehicles.
  b. 2 or more junk mobile homes.
  c. 4 or more junk appliances
  d. 5 or more pieces of junk furniture.

- Kennel – A structure used for the safekeeping, breeding, boarding or training of more than four (4) dogs, cats six (6) months and older for which a fee is charged.
- Laboratory - A structure used for scientific research, investigation, testing or experimentation but not for manufacturing or sale of products except as an accessory use to the laboratory.
- Laundromat - A structure or use where laundry machines are made available to the public for the purpose of cleaning and drying.
- Liquor Store - An establishment used to store, display and sell alcoholic beverages.
- Marina – A facility providing boat docks or moorings for a fee or other consideration and often offering supply, storage, repair and other services.
- Massage Establishment - Any establishment having a fixed place of business where massages are administered by licensed therapists for pay, including but not limited to massage parlors, sauna baths or steam baths. This definition shall not be construed to include a hospital,

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nursing home or medical clinic or the office of a physician, surgeon, chiropractor, osteopath, duly licensed physical therapist or duly licensed massage therapist or barbershop or beauty salon, athletic club, health club, school, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental accessory service.

- Mineral Extraction – Any extraction, other than specimens or samples, from the land of stone, coal, ore, talc,, granite, petroleum products or other materials, except for commercial sand, gravel or topsoil extractions, including the construction, alteration or maintenance of mine roads, mine tailing piles or dumps and mine drainage.
- Nursery – Any place used as a garden for the open cultivation, growing and sale of trees, shrubs and other plants, including the replanting of said plants grown at places other than the nursery.
- Nursery School – A place or structure designed or utilized to provide regular care or instruction for six or more children under six years of age.
- Office - A business, office or agency providing service to the general public.
- Paintball Business - A use or structure in which persons compete by using capsules containing water soluble dye and shell propelled from a device.
- Print Shop - A business that provides graphic design services or prints, reproduces or copies documents, cards, magazines or similar products for customers. Includes copy store.
- Recreation, Commercial – An outdoor or indoor use or structure that provides recreational activities such as bowling, skating rinks, miniature golf, arcade and other similar activities for which fees are charged or tickets sold to use or participate in any recreational activity.
- Recreational Vehicle Sales and Service – A use or structure where recreational vehicles are displayed, sold, rented or leased, parts and supplies are sold and/or where repair and maintenance services are provided.
- Restaurant - An establishment that prepares and sells food and beverage to onsite customers not defined as a fast food restaurant.
- Restaurant, Fast Food - An establishment, where the menu is posted and not printed, that sells food and beverages to customers for both on and off-site consumption , where customers wait on themselves and where drive-thru service may be available.
- Retail – A use or structure that provides goods and/or services directly to consumers where said goods and/or services are available for immediate purchase and removal.
- Sawmill – A facility where logs or partially processed cants are sawn, split, shaves, stripped, chipped, planed or otherwise processed to produce wood products, not including the processing of timber for private, on-premise, non-commercial activities.
- Second Hand Store - An establishment that sells second hand merchandise at reduced prices.
- Shoe Repair - An establishment used to perform repairs on shoes and footwear.
- Shopping Center – a group of three or more retail stores in a single structure, depending mostly on customers coming by automobile, and having parking facilities which are integrated with the site plan and the design of the stores.
- Storage Facility - A structure or group of structures, designed and constructed for short or long-term storage of individual or business property for a fee. A storage facility does not include a warehouse/distribution center, truck terminal or other transfer facility

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for goods, wares or merchandise.

- Supermarket – A structure containing more than 5,000 sq. ft. of gross floor area used for the retail sale of food and perishable and non-perishable goods.
- Tailor - An establishment in which a person or persons make repairs and alterations to suits, coats, dresses and other articles of clothing.
- Tanning Studio - An establishment that utilizes artificial lighting to provide a tan to an individual's body. Tanning studio's exclude day spas and health clubs.
- Tattoo Parlor - An establishment that creates tattoos using inks or other substances.
- Theater - A place used for the commercial showing of films or presentations of live entertainment, specifically not including adult entertainment as defined in this code.
- Tourist Accommodation – Any hotel, motel, resort, tourist cabin or similar facility designed to house the general public. Excludes recreational vehicles.
- Truck Stop - A place for the storage and transfer of goods, wares or merchandise by truck transport that may include refueling, eating, and sleeping facilities.
- Veterinary Hospital/Office - The use of a structure or lot for the treatment and/or examination of animal illnesses, including facilities for boarding animals receiving examination or treatment.
- Winery – A wine production facility located on a farm which also produces grapes for such wine production. A not insignificant portion of the production shall consist of agricultural products produced onsite. Such use shall conform to applicable New York State rules, regulations and licensing requirements. Includes fruit wines and mead.

Community Residential Facility
- A structure used for a dependent population sponsored by a charitable, religious or government agency providing a home like environment and supervision for dependent persons within a setting that is integrated within the community. It shall be established similar to a single-family dwelling unit with shared living areas, kitchen and bathroom facilities.

Composting Facility
- A facility where organic material is processed by composting for use at another site.

Comprehensive Plan
- The Town of Caroga Comprehensive Plan adopted on January 22, 2013.

Condominium
- A structure or groups of structures wherein each unit is individually owned and is able to be sold, mortgaged or exchanged independent of the other units and the owner owns the structure and common areas. Each condominium unit shall be considered as a single-family dwelling.

Corner Lot
- A lot located at the junction of and fronting a 2 or more intersecting streets.

Coverage, Lot
- That percentage of the lot area covered by the combined footprint of all structures on the lot.

Deck
- A structure, without a roof, either free standing or attached to a structure.

Cantilevered Deck
- A floating platform extending out from a structure that is not supported by uprights.

Distribution Center
- A structure where goods and products are received and/or stored for distribution to other locations.

Dock
- A floating or fixed structure that:
  (1) Extends horizontally (parallel with the water surface) into or over a lake, pond or navigable river or stream from only that portion of the immediate shoreline or boathouse necessary to attach the floating or fixed structure to the shoreline or boathouse;
  (2) Is no more than eight feet in width, or in the case of interconnected structures intended to accommodate multiple watercraft or other authorized use, each element of which is no more than eight feet in

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width; and

(3) Is built or used for the purposes of securing and/or loading or unloading water craft and/or for swimming or water recreation. A permanent supporting structure located within the applicable setback area which is used to suspend a dock above water level for storage by means of a hoist or other mechanical device is limited to not more than one hundred square feet, measured in the aggregate if more than one such supporting structure is used. A dock must remain parallel with the water when suspended for storage, unless the size of the total structure does not exceed one hundred square feet. Mechanisms necessary to hoist or suspend the dock must be temporary and must be removed during the boating season.

Dormitory	• A structure with rooms used for sleeping, having either individual or common bathroom facilities but no kitchen facilities.
Driveway	• A designated portion of a lot used primarily as a means for motor vehicle ingress and egress from said lot and the temporary parking of one or more vehicles which are generally associated with the owner of said lot.
Dwelling Unit	• A building designed and used as a habitable place for one or more families.
Dwelling Unit, Attached	• A dwelling unit having common walls with two or more other dwelling units.
Dwelling Unit, Detached	• A dwelling unit having no common walls, floors or ceiling with another dwelling unit.
Educational, Private	• A structure or use dedicated primarily to teaching/education but not defined as public that may include business, trade, artist, evening or similar types of uses.
Extraction Structure	• Any mine hoist ore reduction concentration, sintering or similar facilities and equipment, administrative buildings, garages or other mine buildings or structures.
Extraction, Private Sand, Gravel or Topsoil	• Any extraction from the land of sand, gravel or topsoil for the purpose of use, but not sale, by the owner of the land, or any extraction for the purpose of sale of less than fifty (50) cubic yards in any two-year period.
Family	• One or more persons occupying the premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, club, fraternity or hotel.
Farm	• A parcel or tract of land which is used for the production or raising of agricultural products, inclusive of crops, livestock, and livestock products as defined in Article 25AA of the New York State Agriculture and Markets Law, except where such production is an accessory and noncommercial garden to a principle residential use on the same lot.
Family Day Care Home	• In accordance with Social Services Law, Section 390, as may be amended from time to time, shall mean a program caring for children for more than three (3) hours per day per child in which child daycare is provided in a family home for three (3) to six (6) children. A family daycare provider may, however, care for seven (7) or eight (8) children at any one time if no more than six (6) of the children are less than school age and the school-aged children receive care primarily before or after the period such children are ordinarily in school, during school lunch periods, on school holidays or during those periods of the year in which school is not in session.
Farmers Market	• A market, held in either indoor or outdoor public spaces, where farmers can sell produce to the public.
Fence	• Any hedge, wall planting or artificially constructed barrier made of wood, vinyl, metal, chain link, stone or stone like materials or combination of these materials erected or maintained to enclose or screen areas of land, to divide a piece of land into distinct portions or for use as a boundary.
Filed Map	• A map, survey or plat filed in the County Clerk's office of Fulton County.
Flood	• A temporary increase in stream flow or stage that results in water inundating areas adjacent or near to the usual channel.

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Flood, One-Hundred-Year	• The highest level of flood that, on the average, is likely to occur every 100 years or that which has a one-percent chance of occurring in any year.
Flood-prone Areas or Floodplain	• The channel of a watercourse and its adjacent areas subject to inundation by the one-hundred-year recurrence interval flood.
Floor Area	• The sum of the gross horizontal areas of all floors of a building or buildings, measured from the exterior face of exterior walls or from the center line of walls separating two buildings, excluding breezeway, garage areas, basements and attic floor areas used only for accessory uses.
Forestry Use	• Any management, including logging of forest, woodland, or plantation and related research and educational activities, including the construction, alteration or maintenance of woodroads, skidways, landings, fences and forest drainage systems.
Forestry Use Structure	• Any barn, shed, garage, research, educational or administrative building or cabin directly and customarily associated with forestry use.
Fraternal Organization	• An establishment used by a body of people associated with a common interest or purpose.
Frontage	• The extent of a structure or a lot along a street as defined herein.
Garage, Residential	• An enclosed accessory structure or portion of a main structure used primarily for the storage of one or more motor vehicles, owned by the occupants of the principal structure, provided that no business, occupation, or service is conducted therein.
Garage or Rummage Sale	• A sale of personal or household items held on the seller's premises or a sale of assorted secondhand objects contributed by donors to raise money for a charity or a charitable purpose for a maximum period of five (5) consecutive days.
Gazebo	• A freestanding, roofed, open-sided accessory structure used in a garden, lawn or park, or for aesthetics.
Golf Course	• A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course includes a clubhouse and shelters as accessory uses. A golf course may also include a practice green and driving ranges, but shall not include a miniature golf course or other similar enterprise.
Grade, Established	• The permanently established grade of a lot based on the highest elevation of the center line of a street in front of the midpoint of the lot.
Grade, Finished	• The elevation at which the finished surface of the surrounding lot intersects the walls or supports of a structure. If the line of intersection is not reasonably horizontal, the finished grade, in computing height of a structure, shall be the lowest elevation of all finished grade elevations around the periphery of the structure.
Greenhouse, Residential	• An accessory structure used for growing flowers and plants.
Group Camp	• Any land or facility for seasonal housing and recreational, educational or business related use by private groups or semi-public groups, such as Boy or Girl Scout camps, fraternal lodges or universities or college conference centers.
Group Family Day Care Home	• In accordance with Social Services Law, Section 390, as may be amended from time to time, shall mean a program caring for children for more than three (3) hours per day per child in which child daycare is provided in a family home for sever (7) to ten (10) children of all ages, or up to twelve (12) children where all of such children are over two (2) years of age, except for those programs operating as a family daycare home which care for seven (7) or eight (8) children. A group family daycare provider may provide child daycare services to two (2) additional children if such additional children are of school age and such children receive services only before or after the period such children are ordinarily in school or during school lunch periods, or school holidays, or during those periods of the year in which school is not in session.

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Guest Cottage

- Not more than one residential structure which is associated with a single-family dwelling and which:
  (1) Is used only on an occasional basis.
  (2) Is used only by guests of the resident(s) of the single-family dwelling;
  (3) Is not for rent or hire separately from the single-family dwelling;
  (4) Contains one-half or less of the enclosed floor space of the associated single-family dwelling or 2,000 square feet, whichever is less; and
  (5) Otherwise meets the definition of accessory structure.

Health Care Facility

- A structure where medical, dental, vision, nutrition, physical therapy, chiropractic, and other similar health care services are furnished to persons on an out-patient basis by physicians or medical professionals who have common offices in a structure which may also offer laboratory/testing facilities, medical or surgical procedures, and similar health care services.

Hedge

- A type of fence using shrubs, bushes or similar plantings.

Historic Property

- A place listed in the local, State or National Register of Historic Places.

Home Occupation

- A business conducted entirely within a dwelling, garage or accessory structure by the residents of said dwelling which business is clearly secondary to the use of the dwelling for living purposes and which said business does not change or impact the character of the neighborhood. 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.

Hospital

- A structure licensed by the State of New York and for the diagnosis, treatment or other care of physical or mental health ailments, including inpatient care and/or outpatient treatment programs and clinics, and which may offer a variety of services such as laboratories, physical therapy, medication education, health screening and referral, rehabilitation programs, day treatment programs and private doctors' offices. The term shall not include a rest home, nursing home or convalescent home.

House Trailer

- See Manufactured Home.

Hunting and Fishing Cabin

- A cabin, camp or lean-to or other similar structure designed and used only for occasional occupancy and primarily for hunting or fishing that:
  (1) Is a one-story structure but may include a sleeping loft;
  (2) Is built on posts or piers and does not have a permanent foundation;
  (3) Is served by a sanitary pit privy or chemical toilet and does not have a conventional, onsite wastewater treatment system;
  (4) Does not have pressurized or indoor plumbing (this prohibition does not preclude a kitchen sink with appropriate grey water leach pit); and
  (5) Is not connected to any public utilities (such as electric, phone, cable, water or sewer systems).

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Industrial	• A use whereby the mechanical or chemical transformations of materials or substances into new products, including the assembling, fabrication, finishing, manufacturing, packaging, blending or processing of component parts, materials, substances, or a combination thereof, including but not limited to oils, plastics, resins, etc. An industrial use that sufficiently meets the terms of a permitted use more specifically defined than Industrial Use, such as Agricultural Processing, shall be deemed said specific use. This term does not include mineral extractions, private and commercial sand and gravel extractions, sawmills, chipping mills, pallet mills and similar wood using facilities.
In Existence	• Any land use or structure that has been substantially commenced or completed. (a) with respect to any land use or development, including any structure, that such land use or development has been substantially commenced or completed, and (b) with respect to any subdivision or portion of a subdivision, that such subdivision or portion has been substantially commenced and that substantial expenditures have been made for structures or improvements directly related thereto.
Junk	• Items, whether or not having any value, including the following examples but not limited to: any scrap, waste, reclaimable material or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, bailed, disposed of, or for other use or disposition such as inoperative boats, inoperable motor vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, machinery, brush, lumber, garbage and solid waste.
Junk Automobile/Motor Vehicle	• Any motor vehicle or junk motor boats, or used parts or waste materials from motor vehicles or boats which, taken together, equal in bulk one or more such vehicle or boat, which is: (1) Unlicensed or unregistered; or (2) Abandoned, wrecked (stored), discarded, dismantled, or partly dismantled; or (3) Vehicle is in such a condition that it is economically infeasible to restore the vehicle to an operating condition. "Economically infeasible" means the cost of restoring the vehicle to an operating condition exceeds the market value of the vehicle. (4) Not in condition for legal use upon the public highways, waterways or trails. (5) Non-motorized boat not used after extended period of time. A motor vehicle not displaying a current motor vehicle registration or license plate or current valid motor vehicle inspection sticker shall be presumptive evidence that such motor vehicle is not in condition for legal use upon highways. With respect to any motor vehicle not required to be licensed or a motor vehicle not usually used on public highways, the fact that such motor vehicle is not in condition to be moved under its own power shall be presumptive evidence that such motor vehicle is a junk motor vehicle unless refuted by verifiable and credible proof. Motor Vehicles as set forth in Section 302.8 of the Property Maintenance Code of New York State shall be further defined to include and is not limited to the following: All vehicles propelled or drawn by power originally intended for use on public highways, trails, and waterways including but not limited to automobiles, buses,

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trailers, trucks, tractors, motor homes, motorcycles, and mini-bicycles, boats, personal water craft, all-terrain vehicles, snowmobiles, camping trailers, construction and farm equipment..

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.

Landmark
- A notable building or place with architectural, historical, cultural, aesthetic or geographical significance.

Landowner
- A person, firm, partnership or other legal entity owning a parcel of land.

Landscaped Area
- An area that is permanently devoted and maintained for the growing of shrubbery, grass and other planted material.

Landscaping
- The improvement of a lot, parcel or tract of land with grass and shrubs, trees, and/or other planted material. Landscaping may include pedestrian walks, flower beds, ornamental objects such as fountains, statuary, and other similar natural objects designed and arranged to produce an aesthetically pleasing effect.

Line, Street
- The dividing line between the street and the lot.

Loading Space
- Any off-street space available and used for the loading or unloading of materials, goods and products.

Lot
- The land, including plot, occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this ordinance, having not less than the minimum area and width required by this ordinance for a lot in the district in which such land is situated and having its principal frontage on a street or on such other means of access as may be determined in accordance with the provisions of the law to be adequate as a condition of the issuance of a building permit for a building on such land.

Lot Area
- The total horizontal area included within lot boundaries. Lot area shall exclude areas within a public right-of-way.

Lot Coverage
- The percentage of the lot area covered by structures and accessory structures.

Lot Setback
- The least horizontal distance from an existing or proposed building or structure to the nearest point in an indicated lot line or street line.

Lot Line, Front
- In the case of a lot abutting upon only one street, the line separating the lot from the street; in the case of any other lot, the street lot line as selected by the property owner.

Lot Line, Rear
- The lot line which is generally opposite the front lot line. If the rear lot line is less than 10 feet in length or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a line parallel to the front line not less than 10 feet long, lying wholly within the lot and farthest from the front lot line.

Lot Line, Side
- The property line extending from the front lot line to the rear lot line.

Lot Lines
- The property lines bounding a lot.

Lot Width
- The distance between side lot lines measured parallel to the front lot line at a distance from the front lot line equal to the front yard specified for the district. For purposes of new building construction and in the case the lot width as measured above is substandard and in the case all other dimensional requirements of the lot as prescribed by this Article are satisfied, the lot width shall be measured at a length defined as parallel to and 15 feet from the face of the proposed structure as it is oriented to the front lot line.

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Lot, Interior	• A lot other than a corner lot.
Lot, Nonconforming	• Any lot, which does not conform to the minimum width, depth and area dimensions specified for the district in which said lot is located.
Lot of Record	• Any lot which has been established as such by plat, survey record, or deed prior to the date of this Article as shown on the records in the Office of the County Clerk.
Lot, Through	• A lot which faces on two streets at opposite ends of the lot and which is not a corner lot.
Major Public Utility Use	• (1) Any electric power transmission or distribution line and associated equipment of a rating of more than 15 kilovolts which is one mile or more in length; any telephone inter-exchange or trunk cable or feeder cable which is one mile or more in length; any telephone distribution facility containing 25 or more pairs of wire and designed to provide initial telephone service for new structures; any television, cable television, radio, telephone or other communication transmission tower; any pipe or conduit or other appurtenance used for the transmission of gas, oil or other fuel which is one mile or more in length; any electric substation, generating facility or maintenance building and any water or sewage pipes or conduits, including any water storage tanks, designed to service 50 or more principal buildings. (2) Any use which is subject to the jurisdiction of the Public Service Commission pursuant to article seven or eight of the Public Service Law or other prior approval by the Public Service Commission pursuant to the Public Service Law is not a major public utility use for the purpose of these regulations except for the shoreline restrictions in which case the bodies having jurisdiction over such uses under such article or other provision shall have the authority of the agency or a local government under these regulations.
Light Manufacturing	• The manufacture from previously prepared materials, of finished products or parts including processing, fabrication, assembly, treatment and packaging of such products, as well as the incidental storage, sale and distribution of such product or parts. Light manufacturing shall be allowed only in structures less than 5,000 sf in size.
Manufactured Home	• Any self-contained dwelling unit that has either a permanent steel chassis or is designed to be transported on its own wheels or those of another vehicle may contain the same water supply, sewage disposal and electrical systems as immobile housing and may be used for either permanent or seasonal occupancy. A dwelling unit that is constructed in sections and transported to and assembled on the site is not considered a mobile home.
Manufactured Home Park	• Any parcel of land under single ownership which is designated and improved for the placement of two (2) or more manufactured/mobile homes.
Mean High Water Mark	• The average annual high water level.
Mixed Use	• A combination of permitted uses within a Zoning district and whereby specified uses may be co-located in the same structure.
Modular Home	• A dwelling unit assembled on site in accordance with New York State Building Code and municipal codes and bearing the insignia of approval by the Secretary of State of New York which is composed of components substantially assembled in a manufacturing plant and transported to a building site for final assembly on a permanent foundation.

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Motor Homes	• See recreational vehicle.
Multiple Family Dwelling	• 1. Any apartment, town house, condominium or similar building, including the conversion of an existing single-family dwelling, designed for occupancy in separate dwelling units therein by more than one family, but excludes a boarding home. 2. Any such building containing two or more separate dwelling units used on a time-sharing, leased time or other similar basis whereby more than one person, group of persons or family has a legal right of occupancy at differing times.
Museum	• A structure serving as a repository and display for a collection of natural, scientific, cultural or literary curiosities, objects of interest or works of art, and arranged for public observation and appreciation, with or without an admission charge, together with customary accessory uses including, for example, retail sale of goods to the public; café food service; art, dance and music performances; literary readings and showing of videos.
Nonconforming Structure	• A structure that was lawfully erected prior to the adoption of Town of Caroga's Zoning Ordinance on _____ or any amendments but that no longer complies with all regulations applicable to the zoning district in which the structure/building is located.
Nonconforming Lot	• A lot lawfully in place prior to the adoption of the updated Town of Caroga Zoning Ordinance on _____ or any amendments which does not comply with the area, space, frontage, location or other provisions of the Zoning District in which the lot is located.
Nonconforming Use	• A use of land lawfully in place prior to the adoption of the updated Town of Caroga Zoning Ordinance on _____ or any amendments which does not conform to the use regulations for the zoning district in which such use is located.
Nursing or Adult Home	• A structure, other than a hospital, licensed for nursing care by the State of New York, where persons are habitually housed, furnished with meals and nursing care for remuneration for more than five but not more than 16 occupants, excluding staff .
Occupied	• To occupy, utilize or live in a structure or parcel of land.
Open Space	• An unoccupied space open to the sky on a lot with or without a structure.
Open Space Recreation Use	• Any recreation use particularly oriented to and utilizing the outdoor character of an area, including a snowmobile, trail bike, jeep or all-terrain vehicle trail; cross-country ski trail; hiking and backpacking trail; bicycle trail; horse trail; picnic area, public park, public beach or similar use. A use involving the filling of wetlands or substantial construction or land disturbance is not Open Space Recreation Use.
Outdoor Wood Boiler or Furnace	• A wood-fired furnace located outdoors or in a location that is separate from the space to which it provides heat. The furnace heats water or air that heats a structure.
Parcel	• An individual lot of land with its own legal description.
Parking Lot	• An off-street, ground-level open area for the temporary storage of motor vehicles. Does not include an area used exclusively for the display of motor vehicles for sale as part of a motor vehicle sales establishment.
Parking, Shared	• Two or more land uses or a multi-tenant structure that merges parking needs based on different operating hours to gain a higher efficiency in vehicular and pedestrian circulation, economize space, reduce impervious surface and result in a superior grouping of building(s).
Parking Space	• A stall or berth which is arranged and intended for parking a vehicle in a garage or parking lot.

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Patio	• A paved concrete, brick, flagstone, etc. outside area used for dining, recreation or similar purposes that is flush to the ground..
Person	• An individual, corporation, partnership, association, trustee, municipality or other legal entity but shall not include the State of New York or any State agency.
Planning Board	• The Town of Caroga Planning Board.
Playhouse	• A small accessory structure that children play inside of.
Porch	• An accessory structure consisting of a roofed-over structure, projecting out from the wall or walls of a main structure and often open to the weather.
Portable Structure	• A portable structure constructed of a tubular frame with synthetic or canvas skin covering commonly used for storage or as a greenhouse. Such a structure shall not be used for human or animal habitation.
Principal Building	• A principal building may be any one of the following: (1) A single-family dwelling constitutes one principal building; (2) A mobile home constitutes one principal building; (3) A tourist cabin or similar structure for rent or hire involving three hundred square feet or more of floor space constitutes one principal building; (4) Each dwelling unit of a multiple family dwelling constitutes one principal building; (5) Each motel unit, hotel unit 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 feet of floor space, constitutes one-tenth of a principal building. (6) Each commercial use structure and each industrial use structure in excess of three hundred square feet constitutes one principal building, except that for a commercial use structure which involves the retail sale or rental or distribution of goods, services or commodities, each eleven thousand square feet of floor space, or portion thereof, of such commercial use structures constitutes one principal building; (7) All agricultural use structures and single-family dwellings or mobile homes occupied by a farmer of land in agricultural use, his employees engaged in such use and members of their respective immediate families, will together constitute and count as a single principal building; (8) Up to four community housing dwelling units which qualify pursuant to §802-17(a) of the APA Act and are located on a contiguous parcel meeting the overall intensity guidelines constitute one principal building (9) Any other structure which exceeds twelve hundred fifty feet of floor space constitutes one principal building; (10) A structure containing a commercial use which is also used as a single-family dwelling constitutes one principal building An accessory structure does not constitute a principal structure.
Principal Use	• The main or primary purpose of which a structure and/or lot is designed, arranged or intended, or for which they may be used, occupied or maintained. The use of any other structure and/or land on the same lot and incidental or supplementary thereto and permitted under this Article shall be considered an accessory use.
Private Club or Lodge	• A structure used by a group of people organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings and a constitution and bylaws.

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Professional Offices	• A business office or agency providing services to the general public by one or more professionals such as a lawyer, engineer, architect, accountant, licensed medical professional, chiropractor, therapist, dentist, or similar licensed occupation.
Public Uses and Structure	• Federal, state, county or city buildings, educational facilities, police stations, fire stations, libraries, churches, playgrounds, and city parks.
Public Park	• A lot, or portion thereof, owned by any public agency, used or intended to be used for recreation purposes including parks, playgrounds, play fields or other outdoor recreation facilities.
Public Utility	• Any public utility use, equipment or structure which is not a "major public utility use." A public utility use does not include any use which is subject to the jurisdiction of the public service commission pursuant to article seven or article eight of the public service law.
Recreational, Public	• An outdoor or indoor use or structure that provides recreational activities such as swimming, tennis courts, playground, basketball, baseball and other similar activities for which no fees are charged or tickets sold to use or participate in any recreational activity.
Recreational Vehicle (RV)	• Any portable vehicle including a pop-up, camper, motor home, a travel trailer which is self propelled or 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 all of the accommodations and facilities customarily included in a mobile home.
Recreational Vehicle Park	• A parcel of land under single ownership which is designed and improved for the placement of two (2) or more Recreational Vehicle/Travel Trailers thereon to be used for temporary living quarters and for occupancy of not more than one hundred twenty (120) consecutive days.
Regulatory Floodway	• The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study.
Repair	• Replacement or renewal, excluding additions, of any part of a building, structure, device or equipment with like or similar materials or parts for the purpose of maintenance of such building, structure, device or equipment.
Retaining Wall	• A permanent structure of cribbing, wood, masonry, stone, concrete or other material that supports a mass of soil; thus, rip rap constitutes a retaining wall. Retaining walls shall be measured either in elevation (face) view or plan (top) view, whichever is larger..
Riding Stable and Academies	• A school for instruction in equestrianism or for hiring of horses for pleasure riding.
Road/Street	• A public or private way accepted by the Town for public use which affords the principal means of access to abutting properties, including the sidewalks.
Road/Street Line, Maintained	• A line separating a lot from a street that is used for the purposes of determining lot area and setback requirements.
Road/Street Width	• The width of the right-of-way or the distance between property lines on opposite sides of a street.
Satellite Dish	• A dish used to receive or transmit data programming services, including but not limited to direct broadcast satellite programming services or high-speed internet access.
Seasonal	• A time period not to exceed 180 days.
Shed	• A structure less than 120 sq. ft. used for storage.
Shoreline	• The line at which land adjoins the waters of lakes, ponds, rivers and streams at mean high water within the Town.

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Shoreline Structure Setback	• The shortest line, measured horizontally, between any point of a structure and any point on the shoreline at the mean high water mark.
Shoreline Lot Width	• The distance measured along the shoreline as it winds and turns between the boundary lines of a lot as they intersect the mean high water mark of any pond or lake and the shorelines of any river defined as wild, scenic or a recreational river in accordance with the Environmental Conservation Law or any river or stream navigable by boat, including by canoe.
Sidewalk	• A hard surfaced path along the side of a street or road.
Sign	• Any sign, billboard, advertising structure or inscribed surface, pattern of artificial lighting, pictorial or symbolic ornament, emblematic structure, banner, fluttering apparatus, statue, model, ornamental figure 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, commercial, industrial, tourist or any other activity, object for sale or lease, person or place, or to bear any kind of message. It includes any surface on which a name text, device, signal, ornament, logotype or advertising matter is made visible. The meaning of "sign" shall also include any sign currently in disuse but still visible from an out-of-doors position, and any frame 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, county or local government or any department or 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 advertisement purposes. The meaning of "sign" shall also not include any sign having a sign area no greater than 3 square feet that is used simply to mark property boundaries, give direction regarding roads or trails, exclude hunting, fishing, or other activities, warn of any hazard or condition, if for a residence, denote the name and address of the occupants of the premises on which the sign is located, or advertise the availability of the premises or some portion thereof for sale or lease.
Single-Family Dwelling	• Any detached structure containing one dwelling unit, not including a mobile home.
Site Plan	• A drawing, containing necessary elements, prepared by a NYS licensed engineer, architect or land surveyor to specifications and, as set forth in this Article, which shows the arrangement, layout and design of the proposed use of a single parcel of land.
Ski Center	• Any trail or slope for alpine skiing, including lifts, terminals, base lodges, warming huts, sheds, garages and maintenance facilities, parking lots and other buildings and structures directly and customarily related thereto.
Solar Farm	• The use of land where a series of one (1) or more solar panels are placed in an area on a parcel of land for the purpose of generating photovoltaic power and said series of one (1) or more solar panels placed in an area on a parcel of land collectively has a nameplate generation capacity of at least 15 kilowatts (kW) direct current (dc) or more when operating at maximum efficiency.
Solar Panels and Arrays	• Panels located on the ground, on support pole(s), or roofs of a structure, which use either the sun's energy directly to heat water or to produce electricity.
Special Event Use	• The use of one's property for the temporary placement, which shall be for less than 72 hours in duration, of travel trailers, travel vehicles, tents, motor homes or any other form of temporary residence, on an

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individual lot that is required as part of a certain event allowed under the Town's Zoning Ordinance.

Special Use	• A use which, because of its unique characteristics, requires individual consideration in each case by the Planning Board before it may be permitted in a District. Designated by a "C" in the Use Table contained in Article 4.
Square Feet of Floor Space of a Structure	• The area in square feet measured from the exterior walls of a structure, including the sum total of all floor areas, and including all attached covered porches and covered decks, and all other attached components with a roof or cover. The area shall also include any finished attic or basement. For the purposes of this definition, a finished basement or attic is one which contains walls, flooring, and ceiling suitable for use as a bedroom, living room, playroom or office area, or if a non-residential use, suitable for storage, work area, or office.
Story	• That portion of a structure included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between any floor and the ceiling next above it.
Structure	• Any object constructed, installed or placed on land to facilitate land use and development or subdivision of land, such as buildings, sheds, single-family dwellings, mobile homes, signs, tanks, fences and poles, and any fixtures, additions and alterations thereto.
Subdivision	• Any division of land into two (2) 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 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.
Swimming Pools	• Any private outdoor artificial body of water or receptacle for water having a depth at any point greater than two feet and used or intended to be used for swimming or bathing and constructed, installed or maintained in or above the ground including hot tubs and spas.
Telecommunications Facility	• A structure that houses any or all of the physical elements of the central cell facility including receivers, transmitters, and other apparatus needed for cellular/pc's operation (also known as a Base Transceiver Station (BTS).
Telecommunications Tower	• A structure on which one or more antennae will be located, that is intended for transmitting and/or receiving radio, television, telephone, wireless or microwave communications for an FCC licensed carrier.
Tourist Attraction	• Any manmade or natural place of interest open to the general public and for which an admittance fee is usually charged, including but not limited to, animal farms, amusement parks, replicas of real or fictional places, things or people and natural geological formations.
Townhouse	• A structure consisting of a series of one-family attached dwelling units having common party walls between each dwelling unit and each unit is separated from another by one or more vertical, common, fire-resistant walls.
Tree House	• A Tree House is a building constructed above the ground among the branches, around or next to the trunk of one or more mature trees. .

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Undertake	• (1) Any commencement of a material disturbance of land, including the commencement of road construction, grading, the installation of utilities, clearing of building sites, excavation (including excavation for the installation of foundations, footings and septic systems), or any commencement of landscaping or any other material disturbance of land preparatory or incidental to a proposed land use or development or subdivision. (2) Undertake also means in the case of a subdivision to execute and to deliver any contract, mortgage or conveyance which actually or constructively transfers possession of or title to land. (3) Preliminary field survey work unaccompanied by more than minimal vegetative clearing necessary for such purposes, the digging of soil test pits, the performing of soil percolation tests and other minor site inspections, the staking of lots or the securing of other approvals or permits required by law, shall not be considered undertaking a project.
Use	• The specific purpose, for which land or structure is designed, arranged or intended or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any "nonconforming" use.
Use, Prohibited	• A use of a structure, lot or land, or part thereof, which is not listed as an allowable permitted use or a use requiring a special permit.
Variance	• A grant of relief from one or more of the requirements of this Article.
Variance, Area	• The authorization by the Zoning Board of Appeals to vary the dimensional or physical requirements of the applicable zoning regulations.
Variance, Use	• The authorization by the Zoning Board of Appeals for the use of land for a purpose, which is otherwise not allowed or is prohibited by the applicable zoning regulations.
Wall	• A structure of wood, stone or other materials or combination thereof intended for security, screening or enclosure
Warehouse	• The use of a structure or lot for the storing of goods, wares, and merchandise, whether for the owner or for others, prior to shipment elsewhere.
Waste Disposal Area	• 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 or Flood Control Project	• Any dam, impoundment, dike, rip rap or other structure 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 rivers or streams or the natural level or condition of lakes and ponds.
Wetlands	• Any land which is annually subject to periodic or continual inundation by water and commonly referred to as a bog, swamp, or marsh, which is either (a) one acre or more in size; or (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 Distribution	• A place of business primarily engaged in selling merchandise, distributing merchandise, or both to (1) retailers, (2) industrial, commercial institution, or professional business users or (3) other wholesalers, or acting as agents or brokers of merchandise to such individuals or companies.
Wind Energy System, Large	• A wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronic, which has a rated capacity of more than 100kw.

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Wind Energy System, Small	• A wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics, which has a rated capacity of not more than 100kw and which is intended primarily to reduce onsite consumption of utility power.
Windmill	• A unit that converts wind energy into rotational energy through the use of vanes called blades or sails.
Yard	• An unoccupied space open to the sky on the same lot between a structure and a lot line.
Yard, Front	• A yard extending between the side lot lines of the lot and is situated between the front line of the structure or use and the maintained edge of the road or highway. The depth of the front yard shall be measured between the front line of the structure or use and the maintained edge of the road or highway. Covered porches, whether or not enclosed, shall be considered as part of the main building and shall not project further than the allowed front line setback.
Yard, Rear	• A yard extending between the side lot lines of a lot and situated between the rear lot line and the rear line of the principal structure or use projected to the side lot lines; or, on a corner lot, a yard extending between the interior side lot line and the exterior side yard and situated between the rear lot line and the rear line of the principal structure or use projected to such interior side lot line and exterior side yard.
Yard, Side	• A yard extending between the front yard and the rear yard of a lot and situated between the side lot line and the adjacent side line of the principal structure or use; or, on a corner lot where a side lot line abuts a street, a yard extending between the front yard and the rear lot line and situated between the side lot line and the side line of the principal structure or use projected to the rear lot line. (1) Exterior side yard means a side yard abutting on a street line. (2) Interior side yard means a side yard abutting on a lot line of an adjoining lot.
Zoning Board of Appeals	• The entity charged with carrying out the requirements delegated to it by this Zoning Ordinance, including but not limited to: interpreting the provisions of the Zoning Ordinance; reviewing actions of the Code Enforcement Officer; and the granting or denial of variances.
Zoning District	• A classification within which the regulations specified in this Ordinance are uniform and which are assigned to particular areas of the Town by delineation upon the Zoning District Map.
Zoning Map	• The map identified by the signature of the Town Supervisor and dated and attested to by the Town Clerk following the words: "This is to certify that this is the Official Zoning Map of the Town of Caroga".

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ARTICLE 3

ZONING DISTRICTS

I. ZONING DISTRICTS:

A. There are hereby established the following Zoning Districts that are intended to promote the public health, safety and general welfare of the Town of Caroga:

TC	Town Center: 25,000 sq. feet per principal building.
RT	Resort: 25,000 square feet per principal building.
H	Hamlet: 25,000 square feet per principal building
ODA	Open Development Area: 42 acres per principal building
C	Conservation: 2.0 acres per principal building
LF-1	Lakefront Residential: 1 acre per principal building
LFA	Lakefront Residential: 25,000 square feet per principal building
LFB	Lakefront Residential: 1 acre per principal building
LF-2.5	Lakefront Residential: 2.5 acres per principal building
R-1.5	Residential: 1.5 acres per principal building.
R-3	Residential: 3 acres per principal building
R-8.5	Residential: 8.5 acres per principal building
R-10	Residential: 10 acres per principal building
R-15	Residential: 15 acres per principal building
HC	Highway Commercial/Residential: 25,000 square feet per principal building
HC-1	Highway Commercial/Residential: 1 acre per principal building
HC-2.5	Highway Commercial/Residential: 2.5 acres per principal building

II. ZONING MAP:

A. The aforesaid Zoning Districts are bounded and defined as shown on a map titled Town of Caroga Zoning Map. This map accompanies this Article and is hereby determined to be a part hereof.

B. The Town of Caroga Zoning Map may be amended from time to time by the Town Board. All amendments to the Zoning map shall be incorporated into and made a part of this Article.

C. The Town Board shall, upon authorizing or approving any change to the boundary of a Zoning District, immediately have the Zoning Map for the Town of Caroga updated and reprinted.

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III. LOCATION OF ZONING DISTRICT BOUNDARIES:

A. Where uncertainty exists as to the location of any boundaries shown on the Town's Zoning Map, the following rules shall apply:

1. Where such boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries.
2. District boundary lines are intended to follow center lines of street or alleys, rights-of-way, watercourses, lot lines, or be parallel or perpendicular thereto, unless such boundary lines are fixed by dimension as shown on the zoning maps.
3. Where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions shown on the map, shall be determined by the use of the distance or measuring scale appearing thereon.
4. If after the application of the forgoing rules, uncertainty exists as to the exact location of a district boundary, the Board of Appeals shall determine and fix the location of said line.
5. Building rights may be transferred from contiguous districts which have the same density and are of one ownership.

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ARTICLE 4

DISTRICT REGULATIONS

I. APPLICABILITY OF REGULATIONS:

A. No building, structure or use shall hereinafter be erected, constructed, utilized, established, created or altered unless in conformity with all regulations contained within this Ordinance that are applicable to the Zoning District said building, structure or use is located within.
B. No building or structure shall hereinafter be erected, constructed or altered to exceed the density standards of the Zoning District said building or structure is located within.
C. Any use not specifically listed in the Use Table as an allowed use in a Zoning District shall be prohibited in that District.
D. No yard or lot existing at the time of passage of this Article shall be reduced in dimension or area below the minimum requirements set forth herein.
E. Yards or lots created after the effective date of this Article shall meet the minimum requirements established by this Article.

II. REGULATIONS OF USE BY TYPE:

A. **Uses Permitted by Right (R):** A use listed in the Use Table shall be allowed by right in a district if it is listed in the Use Table as a use Allowed by Right. Such use shall also be required to obtain a Building Permit.

B. **Uses Allowed with Site Plan Approval (SPR):** A use listed in the Use Table as subject to site plan review for a given zoning district shall be allowed in that district when approved in accordance with Article 6 hereof, provided all other requirements of this Zoning Ordinance are met.

C. **Uses Allowed with Special Use Approval (SUP):** A use listed in the Use Table as subject to Special Use Permit approval for a given zoning district shall be allowed in that district when approved in accordance with Article 7 hereof, provided all other requirements of this Zoning Ordinance are met.

D. **Prohibited Uses.** Any use which is not an allowed use by right, by Site Plan Approval, or by Special Use Permit, in a given zoning district or which is not an accessory use shall be a prohibited use in that zoning district. Any applicant wishing to undertake any such prohibited use shall always have the right to either:

1. Seek a use variance.
2. Seek authorization from the Town Board through appropriate amendment of the Zoning Ordinance, which the Town Board shall review with consideration for the economic opportunities, health, safety, and general welfare of the residents of the Town.

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III. USE TABLE:

LAND USE	TOWN CENTER	RT	H	ODA	CONSER VA- TION	C (AU)	LF-1	LFA	LFB	LF-2.5	R-1.5	R-3	R-8.5	R-10	R-15	HC	HC-1	HC-2.5
Accessory Compost Bin		R	R	R			R	R	R	R	R	R	R	R	R	R	R	R
Accessory Dwelling Unit		SUP	SUP	R			SUP	SUP	SUP	SUP	SUP	R	R	R	R	SUP	SUP	SUP
Accessory Pet Kennel																		
Accessory Use	R	R	R	R			R	R	R	R	R	R	R	R	R	R	R	R
Accessory Structure	SUP	SUP	SUP	R			SUP	SUP	SUP	SUP	SUP	R	R	R	R	SUP	SUP	SUP
Adult Use Business						SPR												
Agricultural Service Use			SUP	SUP									SUP	SUP	SUP			
Agricultural Use				R							R	R	R	R	R			
Agricultural Structure				R							R	R	R	R	R			
Apartment	SPR																	
Aquaculture																SPR	SPR	SPR
Barn				R							R	R	R	R	R			
Boarding Home																SPR	SPR	SPR
Boathouse							R	R	R	R								
Campground			SPR	SPR									SPR	SPR	SPR			
Carport	R	R	R	R			R	R	R	R	R	R	R	R	R	R	R	R
Cemetery			SUP	SUP								SUP			SUP			
Church or Place of Worship			SPR								SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR
Commercial	SPR	SPR	SPR						SPR		SPR					SPR	SPR	SPR
Community Residential Facility											SPR	SPR						
Composting Facility																SPR	SPR	SPR
Condominium	SPR	SPR	SPR					SPR		SPR								
Deck	R	R	R				R	R	R	R	R	R	R	R	R	R	R	R
Deck, Cantilevered	R	R	R				R	R	R	R	R	R	R	R	R	R	R	R
Distribution Center																		
Dock							R	R	R	R	R							
Dormitory																SPR	SPR	SPR
Educational, Private		R	SPR													SPR	SPR	SPR
Extraction Structure													SUP	SUP	SUP			
Extraction, Private Sand, Gravel or Topsoil													SUP	SUP	SUP			
Family Day Care Home	R	R	SPR	R			R	R	R	R	R	R	R	R	R	R	R	SPR
Farm				SPR									SPR	SPR	SPR			
Farmers Market	R		SPR													R	R	SPR
Fence	R	R	R	R	R	R					R	R	R	R	R	R	R	R
Forestry Use				R	R								R	R	R			
Forestry Use Structure				R	R								R	R	R			
Fraternal Organization	SPR	SPR	SPR													SPR	SPR	SPR
Garage, Residential	R	R	R	R			R	R	R	R	R	R	R	R	R	R	R	R

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LAND USE	TOWN CENTER	RT	H	ODA	CONSER VA- TION	C (AU)	LF-1	LFA	LFB	LF-2.5	R-1.5	R-3	R-8.5	R-10	R-15	HC	HC-1	HC-2.5
Garage or Rummage Sale	R	R	R	R			R	R	R	R	R	R	R	R	R	R	R	R
Gazebo	R	R	R	R			R	R	R	R	R	R	R	R	R	R	R	R
Golf Course					SPR													
Greenhouse, Residential	R	R	R	R			R	R	R	R	R	R	R	R	R	R	R	R
Group Camp													SPR	SPR	SPR			
Group Family Day Care Home	R	R	SPR	R			R	R	R	R	R	R	R	R	R	R	R	SPR
Guest Cottage							R	R	R	R	R	R	R	R	R	R	R	R
Health Care Facility	SPR		SPR													SPR	SPR	SPR
Home Occupation	R	R	R	R			SPR	SPR	SPR	SPR	R	R	R	R	R	R	R	R
Hospital	SPR		SPR													SPR	SPR	SPR
Hunting and Fishing Cabin and Private Club Structure				SPR									SPR	SPR	SPR			
Industrial																		
Junk Automobile/Motor Vehicle																		
Light Manufacturing			SPR													SPR	SPR	SPR
Major Public Utility Use	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR
Manufactured Home				R							R	R	R	R	R	R	R	R
Manufactured Home Park		SUP	SUP													SUP	SUP	SUP
Modular Home	R	R	R	R			R	R	R	R	R	R	R	R	R	R	R	R
Multiple Family Dwelling	SPR	SPR	SPR	SPR							SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR
Museum	SPR	SPR	SPR													SPR	SPR	SPR
Nursing or Adult Home	SPR	SPR	SPR													SPR	SPR	SPR
Open Space Recreation Use	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Outdoor Wood Boiler or Furnace				R	R						R	R	R	R	R	R	R	R
Patio	R	R	R	R	R		R	R	R	R	R	R	R	R	R	R	R	R
Porch	R	R	R	R	R		R	R	R	R	R	R	R	R	R	R	R	R
Portable Structure	R	R	R	R	R		R	R	R	R	R	R	R	R	R	R	R	R
Private Club or Lodge	SUP	SUP	SUP	SUP									SUP	SUP	SUP	SUP	SUP	SUP
Professional Offices	SPR		SPR	SPR									SPR			SPR	SPR	SPR
Public Uses and Structures	SPR		SPR	SPR									SPR			SPR	SPR	SPR
Public Park	R	R	R	R	R		R	R	R	R	R	R	R	R	R	R	R	R
Public Utility	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Recreational, Public	R	R	SPR	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Recreational Vehicle		R	R	R			R	R	R	R	R	R	R	R	R	R	R	R
Recreational Vehicle Park	SPR		SUP	SUP									SUP	SUP	SUP	SUP	SUP	SUP
Riding Stable and Academies													SPR	SPR	SPR	SPR	SPR	SPR
Satellite Dish	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R

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LAND USE	TOWN CENTER	RT	H	ODA	CONSER VA-TION	C (AU)	LF-1	LFA	LFB	LF-2.5	R-1.5	R-3	R-8.5	R-10	R-15	HC	HC-1	HC-2.5
Shed	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Sign	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Single-Family Dwelling	R	R	R	R			R	R	R	R	R	R	R	R	R			
Ski Center				SPR														
Solar Farm				SUP									SUP	SUP	SUP	SUP	SUP	SUP
Solar Panels and Arrays	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Special Event Use	SPR			SPR								SPR					SPR	
Swimming Pools	SPR	R	R	R			R	R	R	R	R	R	R	R	R			
Telecommunications Facility													SPR	SPR	SPR			
Telecommunications Tower													SPR	SPR	SPR			
Tourist Attraction	R	R	SPR	R	R						SPR	SPR	SPR	SPR	SPR	R	R	SPR
Tourist Home	SPR		SPR						SPR				SPR	SPR	SPR	SPR	SPR	SPR
Townhouse	SPR		SPR	SPR														
Warehouse																SPR	SPR	SPR
Wholesale Distribution																SPR	SPR	SPR
Wind Energy System, Large																		
Wind Energy System, Small											SUP	SUP	SUP	SUP	SUP			SUP
Windmill				SPR							SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR

NOTE: The specific individual commercial uses listed in Article II Definitions following the term "Commercial Use" are listed solely to assist the Code Enforcement Officer in interpreting proposed land uses. These individual uses are not listed in the Use Table. Only the term Commercial Use is listed in the Use Table. If the Code Enforcement Officer interprets a proposed use to not meet the definition of one of these individual Commercial Uses, the Code Enforcement Officer can still interpret the proposed use as a Commercial Use based upon the definition of Commercial Use.

R: Use Allowed by Right
SPR: Use Allowed by Site Plan Review
SUP: Use Allowed by Special Use Permit

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IV. DIMENSIONAL STANDARDS:

DENSITY STANDARDS	TOWN CENTER	RT	H	ODA	C	LF-1	LFA	LFB	LF-2.5	R-1.5	R-3	R-8.5	R-10	R-15	HC	HC-1	HC-2.5
Minimum Lot Size (Acres)	25,000 sq. ft.	25,000 sq. ft.	25,000 sq. ft.	42 acres		1 acre	25,000 sq. ft.	1 acre	2.5 acres	1.5 acres	3 acres	8.5 acres	10 acres	15 acres	25,000 sq. ft.	1 acre	2.5 acres
Minimum Lot Size (Lot Width)	100’	100'	100'	500'		100'	100'	100'	125'	125'	200'	200'	300'	500'	100'	100'	200'
Minimum Yard Dimensions Front Yard Setback	25’	25'	25'	100'	50'	25'	25'	25'	25'	25'	25'	25'	50'	50'	30'	30'	35'
Minimum Yard Dimensions Side Yard Setback	20’	20'	20'	75'	30'	20'	20'	20'	20'	20'	35'	35'	35'	35'	20'	20'	20'
Minimum Yard Dimensions Rear Yard Setback	20’	20'	20'	75'	30'	20'	20'	20'	20'	20'	35'	35'	35'	35'	20'	20'	20'
Maximum % of Lot to be Covered	35%	25%	25%	10%		25%	25%	25%	10%	10%	10%	10%	10%	10%	35%	35%	20%
Maximum Building Height	35’	25'	35'	35'		35'	35'	35'	35'	35'	35'	35'	35'	35'	35'	35'	35'
Shoreline Restrictions:																	
Minimum Lot Width at Shore	50’	50'		200'		125'	50'	50'	125'			125'	125'		50'	125'	
Structure Setback	50’	50'		100'		75'	50'	50'	75'			75'	75'		50'	75'	75’

1. Maximum height of accessory buildings shall not be more than 25’.
2. No detached building shall be closer than 10’ to the principal building or another accessory building.
3. Accessory buildings on commercial properties shall comply with front and side yard requirements to the principal building to which they are accessory and shall not be closer to any rear property line than 20’.
4. Yard setbacks apply to all structures with the exception of fences. Setbacks for fences are stipulated in Article 5 Section V.
5. APA shoreline setbacks and lot widths:

APA Land Use Type	Min. Structure Setback (Ft.)	Min. Lot Width (Ft.)
Hamlet	50	50
Moderate Intensity Use	50	100
Low Intensity Use	75	125
Rural Use	75	150
Resource Management	100	200
Industrial	N/A	N/A

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V. ADDITIONAL AREA REGULATIONS:

A. Reduction of Lot Size:

1. No lot area of any parcel shall be reduced below the minimum lot size for the Zoning District the parcel is located in.

B. Corner Lot:

1. All corner lots shall provide a front and rear yard which is designated by the owner in the application for a building permit. A side yard along a street shall be a minimum of 25 feet.
2. Nothing in this regulation shall be so interpreted as to reduce the building width of a corner lot and of record at the time of the passage of this Article to less than 25 feet.

C. Visibility at Street Corners:

1. On a corner lot in any district where a front yard is required, no fence, wall, hedge or other structure or planting more than 3 feet in height shall be erected, placed or maintained so as to obstruct visibility of vehicular traffic within the triangular area formed by the intersecting street right-of-way lines and a straight line joining said lines at points 20 feet distant from the point of intersection, measured along said lines.

VI. ADDITIONAL HEIGHT REQUIREMENTS:

A. The height limitations of this Article shall not apply to barns, silos and other farm buildings, belfries, church spires, cupolas, penthouses and domes which are not used for human occupancy.
B. Such features, however, shall be erected only to such height as is necessary to accomplish the customary purpose for which they are intended.
C. Chimneys, water towers, mechanical appurtenances, flag poles, monuments, transmission towers and cables, radio, small wind energy systems, television and telephone antenna or towers and similar structures exceeding the zone height limitation are subject to site plan review.

VII. FRONT YARD SETBACKS:

A. Front yard setbacks shall be measured from the edge of the road.

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ARTICLE 5

SUPPLEMENTARY REGULATIONS

I. SIGN REGULATIONS

A. Purpose:

1. The purpose of these sign regulations is to

   a. Promote and protect the public health, safety and welfare and ensure optimum overall preservation and enjoyment of the scenic, aesthetic and open space resources of the Town and of the Adirondack Park.
   b. 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.
   c. 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.

B. Definitions:

1. "Sign" means any sign, billboard, advertising structure or inscribed surface, pattern of artificial lighting, pictorial or symbolic ornament, emblematic structure, banner, fluttering apparatus, statue, model, ornamental figure 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, commercial, industrial, tourist or any other activity, object for sale or lease, person or place, or to bear any kind of message. It includes any surface on which a name text, device, signal, ornament, logotype or advertising matter is made visible. The meaning of "sign" shall also include any sign currently in disuse but still visible from an out-of-doors position, and any frame 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, county or local government or any department or 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 advertisement purposes. The meaning of "sign" shall also not include any sign having a sign area no greater than 3 square feet that is used simply to mark property boundaries, give direction regarding roads or trails, exclude hunting, fishing, or other activities, warn of any hazard or condition, if for a residence, denote the name and address of the occupants of the premises on which the sign is located, or advertise the availability of the premises or some portion thereof for sale or lease.

2. "Sign Area" means 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 cases 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 on which writing or illustrative, emblematic or other artistic or expressive matter appears

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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 belonging to it.

3. "Erect" means to build, construct, alter, enlarge, relocate, attach, hang, place, affix, or maintain any sign, and includes the painting of wall signs.

4. "Luminous sign" means an 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.

5. "Indirectly Illuminated Sign" means any sign illuminated by a lighting device or reflecting the light thereof, but not emitting any light and, therefore, not a luminous sign.

6. "Level of natural ground" means the level of ground prior to any grading or fill done primarily for the purpose of erecting any sign or raising the level of a sign's allowable height.

7. "Off-Premise Sign" means any sign advertising or calling attention to any business or activity not located on the same continuous parcel or real estate, as the sign or any sign advertising or calling attention to any commodity or service not sold or offered upon the same continuous parcel of real estate as the sign.

8. "On Premise Sign" means a sign that is erected and maintained only on the same parcel of land where the subject of the sign is located.

9. "Temporary Sign" shall mean any poster, placard, sign or banner placed temporarily to advertise a civil or special event.

C. <u>Sign Permit:</u>

1. No sign shall be erected, placed, installed attached, hung, altered, enlarged or relocated without first obtaining a Sign Permit from the Code Enforcement Officer in accordance with this Article.

D. <u>Nonconforming Signs:</u>

1. Any sign which after the adoption of this Article becomes nonconforming due to lack of compliance with the signage requirements of this Article, said signs shall be considered a nonconforming sign.

2. No nonconforming sign shall be enlarged, altered or modified that would result in an increase in its nonconformity.

3. If a nonconforming sign is to be replaced, the new sign shall conform to all requirements of this Article.

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E. Exempt Signs:

1. The following signs may be erected and maintained without a Sign Permit provided that they comply with NYSDOT standards and are non-illuminated (unless indicated otherwise below). These signs shall be erected and maintained only on the same parcel of land where the subject of the sign is located.

   a. Signs advertising the name of a real estate firm or person and the sale or rental of the premises upon which the sign is located. There shall be no more than two per property. All signs shall be removed within 30 calendar days of closing of sale or rental. These signs shall only be placed upon the property for sale or rent.
   b. Signs advertising the name of a real estate firm or person and the sale or rental of a property located on a dead-end or private road may be placed at an off-premises location along the nearest public road to the property for sale or rent.
   c. Except for Paragraph B above, no real estate type signs shall be placed or located on any property not for sale or rental.
   d. Signs denoting the architect, engineer, or contractor where construction, repair, or renovation is in progress, limited to one per property, and that are removed within 30 days of completion of project.
   e. Professional and trade name plates and home business signs. Such signs may be illuminated by external white light only and shall be limited to one per person or business.
   f. Signs that mark property boundaries, give directions for roads or trails, prohibit trespassing, hunting, fishing, or off-road vehicles, or warn of hazards.
   g. Any sign erected by the federal, state, county, or town government or any department or agency thereof. Such signs are not limited in size.
   h. Signs giving the name of the residents of a dwelling and/or its 911 address. Such signs may be illuminated by external white light only and shall be limited to one per dwelling and be no greater than 3 sq. ft.
   i. Signs placed temporarily to advertise a garage sale, yard sale, tag sale, or similar sale on the site of the sale. Such signs may be placed no earlier than 2 days prior to the event, and shall be removed by the sponsor within one day after the close of the event.
   j. Temporary signs, including banners or pennants, relating to garage, lawn, or other individual, non-recurring sales, or for a church bazaar, political campaign, fund drive, parade, fair, fireman's field day, or other event or undertaking conducted by a political, civic, religious, charitable, or educational organization. Temporary signs shall not be displayed for more than 14 calendar days. Such signs shall be removed by the sponsor within one day after the close of the event. Temporary signs shall have a maximum area of 15 sq. ft.
   k. Temporary signs, customarily of paper or cardboard, placed in the windows of grocery stores and supermarkets to advertise weekly specials. Such temporary signs are not limited in size or number.

F. On-Premises Signs:

1. No on-premise sign shall be erected anywhere within the Town until a Sign Permit has been issued by the Code Enforcement Officer.

2. On-premise signs meeting the standards in Sections H and I below are allowed after the issuance of a Sign Permit by the Code Enforcement Officer.

G. Off-Premises Signs:

1. No off-premise sign shall be erected anywhere in the Town until a Sign Permit has been issued by the Code Enforcement Officer.

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2. All off-premise signs shall conform with the following standards:

   a. Shall have a sign area of no more than ten square feet, nor shall any such sign be a luminous sign.
   b. 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.
   c. Is a non-illuminated shared sign with each sign being a maximum of 4 sq. ft. and a maximum of four (4) individual signs mounted on an individual structure. The applicant for each individual sign shall be responsible for its maintenance and removal. The applicant for the structure upon which the signs are mounted shall be responsible for its maintenance and removal.
   d. Meets all the applicable standards of Paragraphs J and K below.
   e. Will be useful in providing information not otherwise reasonably available to the public.
   f. Will be visually compatible with its surroundings.
   g. Will not pose a traffic hazard or otherwise endanger the health, safety, or welfare of the public.
   h. Has been subject to a jurisdictional determination by the Adirondack Park Agency.

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H. <u>Design and Location of Signs:</u>

1. The provisions contained in this section shall apply to all signs, regardless of their locations with respect to any zoning district.

2. No sign shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights. All luminous signs, indirectly illuminated signs and lighting devices shall employ only lights emitting light of constant intensity.

3. No luminous sign, indirectly 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 to 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.

4. 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 device, 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.

5. No sign shall be placed upon or be supported by any water body or tree.

6. No exterior freestanding sign shall contain any neon or similar lighting.

7. No sign shall be erected or maintained upon the roof of any building or structure.

8. No motor vehicle on which is placed or painted any sign intending to advertise the premises subject to Agency jurisdiction shall be parked or stationed, on such premises in a manner primarily intended to display the sign.

9. 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.

10. 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.

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11. 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.

12. 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 to be erected or maintained within 20 feet of the road bed of any public street or highway. Provided, however, that 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 the 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.

13. 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.

I. <u>Size, Height and Components of Signs:</u>

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

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

3. If two signs are erected or maintained with respect to a given activity, the total sign area of the two signs shall not exceed 60 square feet.

4. No pole sign erected or maintained upon the premises of any gasoline or other automotive service station shall have a sign area greater than 15 square feet.

5. 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.

J. <u>Unsafe, Illegal and Obsolete Signs:</u>

1. In any case where the Code Enforcement Officer shall find any sign unsafe and a potential danger to persons or property, or if he/she shall find any sign which in his judgment has been erected, installed, attached, established, painted or otherwise created in violation of this Article, he shall follow the procedures in respect to violations set forth in Article 10 herein, and the provisions of said Article shall apply in respect to prosecution, penalties and punishment for such violations.

2. In the case of an unsafe sign that the Code Enforcement Officer believes to be an immediate peril to persons or property, he/she may order and arrange for the removal of such sign, without notice to the owner thereof.

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3. Such sign shall be declared obsolete and in violation of this Article, and the Code Enforcement Officer shall forthwith follow the procedures in respect to violations as set forth in Article 10 and the provisions of the said Article shall apply in respect to prosecution, penalties and punishment for such violation.

4. In any case where the Code Enforcement Officer finds it necessary to cause the removal of a sign because of the failure to do so by the owner thereof or of the premises on which such sign is located, the cost of any other expense incidental thereto shall be charged against the owner of the property and such charge shall be a lien against the property until paid.

II. SHORELINE REGULATIONS

A. Purpose:

1. The purpose of these shoreline regulations is to promote and protect the public health, welfare and safety and to protect economic property values, aesthetic and recreational values and other natural resource values associated with all lakes, ponds, streams, swamps or wetlands.

2. It is the further purpose of these regulations to:

   a. Provide for the protection, preservation, proper maintenance and use of Township watercourses and wetlands in order to minimize disturbance to them and to prevent damage from erosion, turbidity or siltation, a loss of fish or other beneficial aquatic organisms, a loss of wildlife and vegetation and/or from the destruction of the natural habitat thereof.
   b. To provide for the protection of the Township's potable freshwater supplies from the dangers of drought, overdraft, pollution or mismanagement.

B. Shoreline Regulations: General:

1. Pursuant to Section 806 of the Adirondack Park Agency Act, APA Shoreline Restrictions apply to all lakes and ponds in the Town of Caroga, to all rivers being studied for inclusion into the Wild, Scenic and Recreational Rivers System and all other rivers and streams navigable by boat including canoe.

C. Shoreline Setbacks and Lot Widths:

1. Structures greater than 100 sf, except docks and boathouses, shall be setback the following distances from the mean high water mark of all lakes, ponds and navigable waters and streams:

Land Use Type	Min. Structure Setback (Ft.)	Min. Lot Width (Ft.)
Hamlet	50	50
Moderate Intensity Use	50	100
Low Intensity Use	75	125
Rural Use	75	150
Resource Management	100	200
Industrial	N/A	N/A

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2. Shoreline setbacks shall be measured horizontally along the shortest line between any point of the structure and any point on the shoreline at the mean high water mark. Individual structures that are attached to each other are considered a single structure for the purpose of implementing these restrictions.
3. Retaining walls greater than 100 square feet in size are subject to the shoreline structure setbacks.

D. <u>Docks and Boathouses:</u>

1. A structure that constitutes a dock or boathouse is not subject to the shoreline setback requirements.

2. Docks and boathouses that lawfully existed before September 21, 2010, may be replaced in-kind without a variance. Lawfully existing docks and boathouses may also be expanded, provided the structures remain within the parameters established by the definitions of docks and boathouses in Article II.

E. <u>Dock Permits:</u>

1. Any property owner proposing to install a new dock and/or boat hoist on a dock after effective date of this Ordinance shall obtain a Dock Permit from the Code Enforcement Officer.

2. Applications for a Dock Permit shall be on a form approved by the Code Enforcement Officer.

3. All Applications for a Dock Permit shall be submitted and signed by the property owner. Applications shall include a copy of the property deed and a survey prepared by a NYS Licensed Land Surveyor.

4. The Code Enforcement Officer shall review the Application for a Dock Permit to verify that:

   a. The property owner has legal access to the Lake to install a dock.
   b. The dock and boat hoist shall be located on the property owner's property.
   c. The dock and boat hoist shall be constructed in accordance with applicable codes.
   d. An APA Permit is required or not.

5. The Code Enforcement Officer shall have the authority to waive the requirement for a property survey.

6. Any property owners desiring to expand, alter or replace a dock shall obtain a Dock Permit from the Code Enforcement Officer per this section.

F. <u>Sewage System Setbacks:</u>

1. Any new leaching facility (including a seepage pit, drainage field, outhouse, or pit privy) receiving any form of household effluent must be set back at least 100 feet from any water body, including an intermittent stream with a defined bed and bank or 200' if soil

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percolation rates are greater than 3 minutes per inch. The setback is measured horizontally along the shortest distance from the mean high water mark to the closest point of the leaching facility.

2. New York State Department of Health standards also require that the absorption field (leaching facility) of any new on-site sewage disposal system be installed at least 100 feet from the source of any water supply system.

3. Alteration or replacement of a lawfully existing leaching facility located within 100 feet of a water body must occur in conformance with the setback requirements to the greatest extent possible, with the leaching facility located no closer to the mean high water mark, and must provide enhanced treatment.

4. Upon the expansion of any structure to allow for an actual or potential increase in occupancy, the leaching facility serving the structure must be located at least 100 feet from all water bodies.

G. Shoreline Cutting:

1. Except to allow for the removal of diseased vegetation and rotten or damaged trees, all vegetative cutting on a parcel with shoreline on a lake, pond, or navigable river or stream must comply with the following restrictions:

   a. Within 35 feet of the mean high-water mark, no more than 30 percent of the trees in excess of six inches diameter at breast height (42 inches above ground) may be cut over a 10-year period.
   b. Within 6 feet of the mean high-water mark, no more than 30 percent of any vegetation may be removed.

III. TOURIST ACCOMMODATIONS

A. A tourist accommodation unit attached to another unit by party wall constitutes one-tenth of a principal building regardless of each unit's size. Ten (10) units therefore constitute a single principal building.

B. Each tourist cabin or similar structure constitutes one-tenth of a principal building if it involves less than 300 square feet of floor space. A tourist cabin involving 300 sq. ft. or more of floor space constitutes one principal building.

C. The minimum land area for the tourist cabin or similar structure for rent or hire involving more than 300 square feet of floor area shall be the minimum lot area in Article 4 hereof for the zoning district in which the cabin or structure is located.

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IV. ADULT USE BUSINESS

A. Introduction:

1. There are adverse secondary impacts associated with the establishment and operation of adult use businesses within a community.

2. Among these adverse secondary impacts are a deterioration in the local quality of life, an adverse effect upon local property values, an adverse effect upon the local economic viability, an imposition, whether intentional or unintentional, of exposure to adult-oriented expression undesired by neighbors, pedestrians and passersby, an increase in traffic, noise, litter and nuisance, criminal and illicit sexual behavior, a threat to the health and safety of children and young adults and an undermining of the established sense of community.

3. These adverse secondary impacts of the establishment and operation of adult-oriented businesses are a threat to the general health, safety and economic viability of the community.

4. The unregulated establishment and operation of adult-oriented businesses would lead to the wide-spread imposition of adverse secondary impacts upon residents, businesses, economic viability, property values, and quality of life of the Town and would, therefore, be detrimental to the general health, safety and economic viability of the community.

5. The U.S. Constitution, and the Constitution and laws of the State of New York grant to the Town of Caroga the power, especially police powers, to enact reasonable legislation and measures to regulate the location and operation of adult-oriented businesses, hereinafter defined, in order to protect the general health, safety and economic viability of the community.

B. Intent:

1. It is the express intent of the Town of Caroga to:

    a. Ameliorate, mitigate, reduce or prevent the wide-spread and unregulated imposition of the adverse secondary impacts of adult use businesses upon the residents, businesses, economic viability, property values, quality of life and general health, safety and welfare of the community.
    b. To protect the right of free expression, guaranteed by the U.S. Constitution and the State of New York Constitution, as may be expressed and presented in the form of goods and services offered by adult use businesses.

2. It is not the intent of the Town of Caroga to:

    a. Deny any person the right of free expression, guaranteed by the U.S. Constitution and the State of New York Constitution, as may be expressed and presented in the form of goods and services offered by adult use businesses; or
    b. To impose upon any person any additional limitations or restrictions upon the right of free expression, guaranteed by the U.S. Constitution and the State of New York Constitution, as may be expressed and presented in the form of goods and services offered by adult use businesses, beyond those granted to the Town under the U.S. Constitution, the New York State Constitution and the laws of the State of New York regarding the time, place and manner of that free expression. These constitutionally protected rights are understood to include the right to sell, distribute and exhibit the legal goods and services offered by adult use businesses; or

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c. To impose upon any person any additional limitations or restrictions upon the right to obtain, view and partake of any communications guaranteed by the U.S. Constitution and the New York State Constitution, as may be expressed and presented in the form of goods and services offered by adult use businesses, beyond those granted to the Town under the U.S. Constitution, the New York State Constitution and the laws of the State of New York regarding the time, place and manner of that free expression; or

d. To estimate, decide, determine, resolve, consider, conclude, judge or qualify in any manner or fashion the quality or value of the content, nature, message, form, format, appearance, substance or presentation of the free expression guaranteed by the U.S. Constitution and the New York State Constitution, as may be expressed and presented in the form of goods and services offered by adult use businesses.

3. The Town of Caroga is aware that, according to numerous decisions by both Federal Courts and Courts of the State of New York, the regulation of the location of adult use businesses must be based upon a finding of the adverse secondary impact of these businesses upon the community and must be directed solely toward the mitigation of these impacts, not be directed toward any form of speech or expression, be no broader than necessary and must provide alternative locations within the Town for adult use businesses.

C. <u>C (AU) – Conservation with an Adult Use Overlay Zone:</u>

1. An Overlay Zone is hereby established for adult use businesses on two (2) Town-owned parcels of Conservation District land on Lane Road.

2. The two (2) parcels are:

   Parcel A – Tax Map Number 115.-1-48.1 (having 50.0 acres)
   Parcel B – Tax Map Number 115.-1-66 (having 98.16 acres)

3. This overlay zone shall be known as C (AU) District (Conservation with an Adult Use Overlay Zone).

4. Adult use businesses are allowed in the C (AU) District by the issuance of a Special Permit by the Planning Board. No other form of development is allowed in this District.

5. Procedure for obtaining the Special Use Permit for the C (AU) District:

   a. Submit a plan for a lot ownership:

      1) The Town of Caroga is the current owner of the parcels in the C (AU) District. An (AU) Business applicant gains title to a lot in this District through a land swap.
      2) The applicant shall come before the Planning Board with a proposal for the swap. The applicant must either own or have an option to buy a vacant parcel of land in the Town having any zoning except "Conservation". The swap shall be restricted to parcels within the same APA land use areas, in accordance with provisions of the Adirondack Park Agency Act.
      3) The Planning Board shall have the right to approve or disapprove the applicant's lot based on its suitability for conservation land.
      4) The land area of the parcel shall be as large as or larger than the land needed for the AU business in the overlay zone.
      5) The applicant's parcel shall be deeded over to the Town with a deed restriction "for conservation use only". In return, the AU applicant shall be given title to the parcel needed for his business within the overlay zone.
      6) The deed to this parcel shall have a deed restriction "for AU use only". Both deed restrictions shall be written to "follow the land" (as opposed to applying to just the current owners). The zoning for

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the applicant's lot shall remain as it was before the swap. The zoning for the AU business lot shall remain C (AU) District. Once provisions for the land swap are completed to the satisfaction of the Planning Board, the applicant shall proceed to the second step below. The preparation, execution, and filing of the deeds for the lot swap shall not occur in this step of the procedure.

b. Subdivision Approval:

1) The applicant must obtain approval for a two-lot subdivision in accordance with the Town's Subdivision Regulations in the Zoning Ordinance. This action creates the parcel needed for the AU business.

c. Site Plan Review Approval:

1) The applicant must obtain a Site Plan Review approval from the Planning Board. The proposed site development plan for the AU business is the subject of this Site Plan Review.

d. Prepare, execute and file deed:

1) Once the deeds are properly recorded with the County Clerk, the Planning Board shall issue the Special Use Permit.

6. Administrative Requirements for the C (AU) District:

a. All provisions of Article 10 – Administration and Enforcement shall apply to the C (AU) District.

D. <u>Locational Requirements:</u>

1. Any private booths or areas within such Adult Use Businesses, either for the viewing of motion pictures or live performances, shall be subject to the following requirements:

a. Any and all such booths, cubicles, studios, studies and rooms for the private viewing of adult motion pictures and/or live performances or areas shall be open to public view from the common areas of the establishments and that there shall not be any doors, curtains, blinds or other structures or devices that shall obstruct observation of the viewing areas from the common area of the establishment;
b. That such private viewing areas be well lighted and readily accessible at all times and shall continuously be open to view.
c. Lighting throughout the adult establishment shall be sufficient to illuminate every area which patrons are permitted access.

2. All Adult Use Businesses shall be conducted in an enclosed building. It shall be a violation to display or exhibit in the open air (outside of the establishment), through a window, or by means of depiction or decoration or to allow to be displayed or exhibited, any specified anatomical areas or specified sexual activities.

3. The exterior appearances of any building containing an adult use business shall be consistent with the character of surrounding structures and shall not detract from the appearance of the neighborhood.

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4. Adult Use Businesses shall conform to all existing applicable sign regulations in addition to the following specific requirements:

    a. Signs which are illuminated in neon or which contain flashing lights shall be prohibited.
    b. Exterior signs, displays, or other advertisements which contain nude, semi-nude or provocative pictures or silhouettes shall be prohibited.
    c. Interior signs, displays, posters or other advertisements which contain nude, semi-nude or provocative pictures shall be located a minimum of six (6) feet away from any window or door, and shall not be visible from the exterior of the establishment.
    d. Permanent and/or temporary window and door signs shall not occupy more than twenty percent (20%) of each window or door.

5. Adult Use Businesses shall be required to meet all zoning and construction standards and requirements of the laws of the Town of Caroga, including, but not limited to, lot and bulk regulations, parking requirements, signage, façade and screening regulations.

E. <u>Violations:</u>

1. All violations of these Regulations shall be subject to the penalties identified in Article 10 – Administration and Enforcement.

V. <u>FENCING</u>

A. All fencing erected or placed in the Town shall comply with the following standards and requirements:

1. All fencing totaling a minimum of 200 sq. ft. shall require a Zoning/Building Permit issued by the Code Enforcement Officer.
2. All fencing erected or placed in the Town shall be made of wood, vinyl, metal, chain link, stone or stone-like materials.
3. All fencing shall be erected a minimum of 1' from the property line of property owner erecting the fence.
4. Fencing shall not be placed in the right-of-way of any road, whether State, County, Town or Subdivision unless specifically approved by the Town Highway Superintendent. In no situation shall fencing be constructed in any manner that would impair traffic safety.
5. Any fence within 40 feet of the center line of any road shall be of see-through design.
6. In no event shall fencing exceed 6 feet in height.
7. The finished side of all fencing shall face neighboring property and/or right-of-way.
8. The property owner proposing to erect a fence shall provide the Code Enforcement Officer a property survey prepared by a NYS Licensed Surveyor or a written agreement between said property owner and the adjoining property owner consenting to the erection of any fence within 5 feet of a property line. The Code Enforcement Officer may require a property survey to ensure the place of a fence does not trespass on neighboring property.
9. All side and rear yard fences, walls and hedges shall be maintained so they do not encroach upon or over adjacent property lines.
10. No fence and/or plantings more than 4 feet in height shall be erected, placed or maintained so as to obstruct visibility of vehicular traffic within the triangular area formed by the intersecting street right-of-way lines and a straight line joining said lines at points 20 feet from the point of intersection, measured along said lines.
11. All fencing shall be maintained in a good condition and not allowed to become a public health or safety hazard.
12. No agricultural style fencing shall be allowed in Residential Zoning Districts.
13. All fencing shall comply with the Shoreline Restrictions identified in Article V, Section II, Subsection C.
14. No fences are allowed in LF Districts except for fences around swimming pools as required by the Residential Code of New York State Appendix G, Swimming Pools, Spas and Hot Tubs.

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VI. OFF-STREET PARKING STANDARDS

A. Off-Street Parking Requirements:

1. Off-street parking shall be required for all uses identified in the Off-Street Parking Standards Table included in this section.

2. Each off-street parking space shall consist of at least 200 square feet, shall be 10 feet wide, 20 feet long and shall be reached by an access driveway at least 20 feet in width.

3. For uses allowed by Site Plan Review, the Planning Board shall determine the exact number of off-street parking spaces shall be provided based upon the Off-Street Parking Standards Table included in this section. The Planning Board shall also determine the location and configuration of all off-street parking for uses requiring a Site Plan Review.

4. All off-street parking shall be provided in accordance with the following requirements:

   a. For any structure having more than one use, parking space shall be required as provided for each use.
   b. Parking spaces required in all districts shall be located in the side or rear yard on the same lot as the principal use.
   c. 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.
   d. Any parking lot or parking area that will contain more than 20 cars shall be effectively divided by planted divider strips or curbing fixed in place so as to effectively divide each parking area of 20 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.
   e. 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.
   f. 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, light and uncontrolled entrance.
   g. All parking shall be adequately lighted and said lighting shall not overflow into residential areas..

B. Off-Street Parking Standards Table:

USE	MINIMUM OFF-STREET PARKING REQUIREMENTS
Accessory Dwelling Unit	1 per unit
Adult Use Business	1/50 sf
Animal Hospital	1/400 sf
Apartment	1 per unit
Automobile Shop	1/400 sf
Bakery	1/400 sf
Bank or Financial Institution	1/400 sf
Banquet Hall	1/50 sf
Bar, Night Club or Tavern	1/50 sf
Bed-and-Breakfast	2 spaces/dwelling unit plus 1 for each Guest Room
Boarding Home	1 per every 2 occupants
Bowling Alley	2 spaces/lane
Brew Pub	1/50 sf
Brewery/Microbrewery	1/400 sf
Campground	1 per space

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Church or Place of Worship	1/5 seats
Community Residential Facility	1/each staff plus 1 per 5 residents
Condominium	1.5/dwelling unit
Convenience Store	1/300 sf
Day Care Center	1 per each staff plus 1 per 8 children
Day Spa	1/100 sf
Distribution Center	1/10,000 sf plus 1/employer/shift
Dormitory	1/dwelling unit
Drugstore	1/200 sf
Dry Cleaner	
Dwelling Unit	2 spaces for each dwelling unit
Educational, Private	1/2 staff plus 1/10 classroom seats
Family Day Care Home	1 per each staff plus 1 per 8 children
Fraternal Organization	1/300 sf
Funeral Home	1/5 seats
Group Family Day Care Home	1 per each staff plus 1 per 8 children
Guest Cottage	1/dwelling unit
Health Care Facility	1/400 sf of ambulatory space
Health Club	1/400 sf
Home Improvement Center	1/400 sf
Home Occupation	1 space for each 100 sf of floor area devoted to each use
Hospital	1/2 beds
Industrial Use	1 space for each 2 employees on maximum work shift plus 2 spaces
Jewelry Store	1/400 sf
Laboratory	1/400 sf
Laundromat	1/4 machines
Light Manufacturing	1/1,000 sf
Liquor Store	1/400 sf
Manufactured Home Park	See Article 7(XII)(A)(7)
Massage Establishment	1/400 sf
Medical Clinic	1/300 sf
Museum	1/500 sf
Nursery	1/500 sf
Nursery School	1 per each staff plus 1 per 8 children
Nursing or Adult Home	1/bed or 1/100 sf
Office	1/400 sf
Private Club or Lodge	1/300 sf
Professional Offices	1/400 sf
Restaurant	1/150 sf
Restaurant, Fast Food	1/150 sf
Retail	1/300 sf
Shopping Center	1/300 sf
Supermarket	1/300 sf
Theater	1/4 seats
Tourist Attraction	1 space/unit and 1 additional space/5 units
Tourist Home	1/dwelling unit
Townhouse	1.5/dwelling unit
Veterinary Hospital/Office	1/400 sf
Warehouse	1/10,000 sf plus 1/employee
Wholesale Distribution	1/10,000 sf plus 1/employee

NOTE: For any use not listed, the Planning Board shall determine the minimum off-street parking requirements for each such use.

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VII. SUPPLEMENTARY REGULATIONS FOR SPECIFIC USES AND STRUCTURES:

A. Accessory Structures:

1. All accessory structures shall meet the minimum front, rear and side yard setbacks for the Zoning District they are located in.

2. Guest cottages must meet all setbacks required of any principal building. In no case can a guest house be a manufactured home.

3. More than two (2) residential accessory structures of at least 200 sf/structure on a single lot shall require a Site Plan Approval.

B. Automobile Service Station:

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

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

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

4. Lighting shall be low level and directed downward and onto the project parcel. Lighting should not impact adjacent properties.

C. Dwellings, Multiple Family:

1. The minimum land area necessary per each individual dwelling unit shall be the minimum lot area for the zoning district in which the multiple family dwelling is to be located, except in the Town Hamlet Zoning District, where the minimum land areas necessary for multiple family dwellings shall be 7,500 square feet per dwelling unit.

D. Guest Cottage:

1. The deed to property improved by a guest cottage should include a covenant which runs with, touches and concerns the land, is expressly enforceable by the Town, which restricts the use of the guest cottage and prohibits the conveyance of the guest cottage as a separate principal building without prior Town approval.

E. Home Occupations:

1. Home Occupations shall comply with the following requirements:

   a. **Maximum Floor Area.** No more than 33 percent of the total floor area of a dwelling unit.
   b. **Conduct of Services.** The use shall be conducted wholly within the enclosing walls of the dwelling unit, garage or accessory structure.
   c. **Signage.** There shall be no external evidence of such use except for 1 sign not exceeding 2 square feet. The area of such signage shall count towards the total aggregate signage are for the premise. Such signs shall not emit any flashing or intermittent illumination.

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d. **Residential Appearance.** No external structural alterations, which are not customary to a residential building, shall be allowed.

e. **Onsite Wholesaling and Retailing Prohibited.** Any form of business whose primary function is the wholesale or retail sale of goods or articles from the premises shall not be considered a home occupation.

f. **Traffic.** The use shall not result in or cause vehicular traffic that will create a nuisance to abutting properties or be detrimental to the residential character of the neighborhood.

F. Keeping of Livestock:

1. Livestock shall mean horses, cows, pigs, sheep, goats, deer, llamas, alpacas, emus, ostriches, chickens, ducks, geese and similar animals and birds.

2. Buildings, pens and other structures used to house or contain livestock shall be located at least 50 feet from any lot line or roadway (as measured from the edge of the driving surface), and at least 100 feet from any well or waterway.

3. Any refuse pile, compost or waste material pile from livestock shall be located at least 50 feet from any lot line or roadway (as measured from the edge of the driving surface), and at least 100 feet from any well or waterway.

G. Major Public Utility Use:

1. Major Public Utility Uses 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.

2. 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 cable, or electric connections.

3. Major Public Utility Uses shall be fenced from public view with a 6-foot minimum fence. This excludes transmission lines.

4. Electrical distribution substations shall be fenced with a 10 foot minimum fence and screened.

5. All Major Public Utility Uses and electrical distribution substation locations shall meet all the setback requirements regardless of size. This excludes transmission lines.

6. Major Public Utility Uses also require a permit from the Adirondack Park Agency as a Class A regional project.

H. Restaurant:

1. If a “drive-in” window is proposed, special consideration should be given to segregating drive-in window traffic from other internal site circulation.

2. Landscape buffering berms may be required to ensure compatibility with surrounding uses.

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

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

I. <u>Swimming Pools, Spas and Hot Tubs:</u>

1. All swimming pools must meet all structure setbacks of the Zoning District the swimming pool is located in.

2. No fences are allowed in LF Districts except for fences around swimming pools as required by the Residential Code of New York State Appendix G, Swimming Pools, Spas and Hot Tubs.

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.

5. Each pool shall comply with the "Residential Code of New York State," Appendix G, Swimming Pools, Spas, and Hot Tubs.

K. <u>Telecommunications Facility/Tower:</u>

1. Each applicant for a telecommunications facility and/or tower shall provide the Town Code Enforcement Officer with an inventory of existing towers, antennas, or sites approved for towers or antennas that are either within the jurisdiction of the Town or within one (1) mile of the border thereof including specific information about the location, height and design of each tower. The applicant must show that no existing towers or structures are located within the geographic area which meet the applicant's engineering requirements.

2. Towers shall either maintain a galvanized steel finish or subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

3. At a tower site, the design of the buildings or related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.

4. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment shall be of a neutral color that is identical to or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

5. The tower shall not be artificially lighted unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen shall cause the least disturbance to surrounding views.

6. No signs shall be allowed on a telecommunications facility and/or tower.

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7. Telecommunications Facilities and Towers must be setback a distance equal to at least 100% of the height of the tower from any adjoining lot line and/or leased area.

8. Guys and accessory buildings must satisfy the minimum zoning district setback requirements.

9. Towers shall be enclosed by security fencing not less than 6 feet in height and shall also be equipped with an appropriate anti-climbing device provided, however, that the Planning Board shall waive such requirements as it deems appropriate.

10. Telecommunications facilities and towers shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from any adjacent residential properties. The standard buffer shall consist of a landscaped strip at least 4 feet wide outside the perimeter of the compound. In locations where the visual impact of the telecommunications tower would be minimal, the landscaping requirement may be reduced or waived.

11. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as when telecommunication facilities or towers are sited on large wooded lots, natural growth around the property perimeter may be a sufficient buffer.

L. <u>Forestry Use:</u>

1. All logging operations shall commence a minimum of 50 feet back from the front lot line to maintain a buffer and preserve the visual character of the property.

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ARTICLE 6

SITE PLAN REVIEW

I. PURPOSE:

A. The purpose of this Article is to identify the procedures for conducting Site Plan reviews for those uses identified in the Ordinance as requiring a Site Plan review.

B. These uses require special consideration so that they may be properly located, planned and developed taking into consideration:

1. The objectives of this Article and Ordinance.
2. The proposed uses effect on surrounding properties.
3. The ability of the Town to accommodate the growth resulting from the proposed use without undue, adverse effect on the Town, the Town's infrastructure and the Town's citizens and taxpayers.
4. The protection of the health, safety and general welfare of the Town and its citizens.
5. The objectives of the Town Comprehensive Plan.

C. It is the Town's policy to balance the allowance of a variety of uses of land and to foster economic opportunities, provided that such uses do not unreasonably and adversely affect neighboring properties, the natural environment, the rural and historic character of the Town or the long-term development of the Town. Certain uses, therefore, shall hereby require review and approval of a Site Plan by the Planning Board before such uses and site development is permitted. The primary purposes of Site Plan review and approval is to ensure that the site can accommodate the proposed use without unduly affecting neighboring properties and the environment and that the site is appropriately designed.

II. APPLICABILITY:

A. Site Plan approval is required for certain uses identified in Articles 3 and 4 of this Ordinance.

B. For such uses, the Code Enforcement Officer shall not issue a Zoning/Building Permit, Certificate of Occupancy or Certificate of Compliance Permit until a Site Plan has been approved in accordance with this Article.

C. Until such Site Plan has been approved and a Zoning/Building Permit issued, no building shall be erected, moved, structurally altered, added to or enlarged and no excavation or site preparation activities shall commence.

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III. APPLICATION PROCEDURES:

A. Placement on Agenda:

1. In order for a Site Plan application to be placed on the Planning Board's meeting agenda, ten (10) copies of all required application materials pursuant to Section IV, "Application for Site Plan Approval," below shall be submitted to the Chairman of the Planning Board in care of the Town Clerk at least seven (7) calendar days prior to the date of the Planning Board's meeting.

B. Complete Application:

1. At the first meeting at which a Site Plan application is first presented, the Planning Board shall determine whether the application is complete for purposes of commencing the review process.
2. If an application is determined to be incomplete, the Planning Board shall notify the Applicant in writing as to what aspects of the application are lacking or are otherwise insufficient to start the process.
3. The timeframes for Planning Board action during the review process shall commence on the date the Planning Board determines the application is complete.

C. Multiple Uses:

1. If an application is for a parcel or parcels on which more than one use requiring Site Plan approval is proposed, the Applicant may submit a single application for all such uses.
2. The Planning Board may grant the application with respect to some proposed uses and not others. For purposes of reviewing an application (and for SEQR compliance) all proposed uses on a single parcel or on contiguous parcels shall be considered together.

IV. APPLICATION FOR SITE PLAN APPROVAL:

A. An application for Site Plan approval shall be made in writing to the Planning Board on forms supplied by the Town and shall be accompanied by the required fee and all of the following applicable information:

1. A Site Plan prepared and stamped by a NYS licensed engineer, architect or land surveyor that includes: title, the name and address of applicant, and property owner and person responsible for preparation of the Site Plan.
2. North arrow, scale bar and date.
3. Boundaries of the property plotted to scale of one inch to 50 feet and all property boundary dimensions and setbacks in feet (if the property is located in more than one zoning district, the boundaries of the districts shall also be shown).
4. Existing contours (unless otherwise indicated by the Planning Board, two-foot contours shall be required showing the topography for all disturbed areas of the parcel and land within 100 feet of such areas).
5. Existing watercourses and wetlands.
6. Grading and drainage plan, showing existing and proposed final contours.
7. Location, design, types of construction, proposed use and exterior dimensions of all buildings. Identify finished floor elevation.
8. Location and widths of existing and proposed driveways for the site and access to existing roads and highways. Location to nearest intersection of public roads.

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9. Location, design and type of construction of all parking and truck loading areas, showing access and egress.
10. Provision for pedestrian access, if applicable.
11. Location of outdoor storage, if any.
12. Location, design and construction materials of all existing or proposed site improvements including water and sewer lines, roads, drains, culverts, retaining walls and fences.
13. A plan, prepared by a licensed professional engineer, identifying the onsite water and wastewater disposal systems and that includes a certification that the plan complies with NYSDEC and NYSDOH required setbacks for existing water sources and onsite wastewater disposal systems and that the onsite wastewater disposal system is designed to properly collect and treat all wastewater to be generated on the site in accordance with all application State and local sanitary laws and codes.
14. Location of fire and other emergency zones, including the location of fire hydrants.
15. Location, design and construction materials of all energy distribution facilities, including electrical, gas and alternative energy.
16. Location, size and design and type of construction of all proposed signs.
17. Location and proposed development of all buffer areas, including existing vegetative cover.
18. Location, design, type and uses of exterior lighting and signs including illumination levels and patterns.
19. The type, location and hours of activities likely to generate noise or ground vibrations of a magnitude as to be a public concern.
20. Location and design of outdoor lighting facilities.
21. Identification of the location and amount of building area proposed for retail sales or similar commercial activity.
22. General landscaping plan and planting schedule.
23. An estimated project construction schedule.
24. Identification of any federal, state or county permits required for the project's execution.
25. Record of application for and approval status of all necessary permits from federal, state and county officials.
26. Description of the proposed use or uses, including hours of operation, number of employees, expected volume of business and type and volume of traffic expected to be generated.
27. Stormwater Pollution Prevention Plan (SWPPP) for all land development activities (excluding agricultural activities) on the site that results in land disturbance of 1 acre or more. A SWPPP shall comply with NYSDEC requirements for stormwater discharges from construction activities. It shall be at the discretion of the Planning Board as to whether a SWPPP shall be required for disturbances of less than 1 acre and which are not otherwise subject to such regulations.
28. Other elements or information integral to the proposed development as considered necessary by the Planning Board.
29. Completed Part I Environmental Assessment Form (EAF).

B. If the Planning Board finds that any of the information requirements as set forth above are not necessary to conduct an informed review, it may waive such information requirements as it deems appropriate. The Planning Board may grant such waivers on its own initiative or at the written request (that sets forth the specific requirements that are requested to be waived and the reasons for the requested waiver) of an applicant.

V. REVIEW OF SITE PLAN:

A. The Planning Board shall review the Site Plan to ensure that it promotes the health, safety, and general welfare of the Town and its citizens.

B. In doing so, the Planning Board shall consider the following general considerations when reviewing all Site Plans:

1. Location, arrangement, size, design and general site compatibility of buildings, lighting and signs. Signs and lights will be compatible and in scale with building elements and will not dominate the overall visual impact of the project and neighborhood.
2. If outdoor lighting is proposed, all lighting shall be so located as not to be visible at the source from any adjoining property.

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3. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
4. Location, arrangement, appearance and sufficiency of off-street parking and loading.
5. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
6. Adequacy of stormwater and drainage facilities.
7. Adequacy of water supply and sewage disposal facilities.
8. 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 the existing vegetation.
9. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
10. Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
11. Adequacy of open space areas, if any, for its intended use.
12. Protection of adjacent or neighboring properties against noise, glare, unsightliness, odors, smoke, dust or other objectionable features.
13. Adequacy of setbacks in regard to achieving maximum compatibility and protection to adjacent properties and residential districts.
14. Compatibility of structures with existing and planned uses of adjacent properties.
15. Consistency with policies, goals and objectives of the Town's Comprehensive Plan.

C. The Planning Board shall consider the following guidelines when reviewing all Site Plans:

1. Layout and Design:

   a. All structures identified in the Site Plan shall be integrated with each other and with adjacent structures, shall have convenient pedestrian and vehicular access to and from adjacent properties.
   b. Individual structures on the site shall be compatible with each other and with traditional structures in the surrounding area in architecture, design, massing, materials, and placement.
   c. Where feasible, setbacks shall maintain and continue the existing setback pattern of surrounding properties.
   d. The Planning Board shall encourage the creation of landscaped parks or plazas easily accessible by pedestrians.

2. Landscaping:

   a. Landscaping shall be an integral part of the entire project area, and shall buffer the site from and/or integrate the site with the surrounding areas, as appropriate.
   b. Primary landscape treatment shall consist of shrubs, ground cover, shade trees, or other comparable items and shall combine with appropriate walks and street surfaces to provide an attractive development pattern. Landscaping materials should be appropriate to the growing conditions of the Town's environment.
   c. Where feasible, existing trees and other vegetation shall be conserved and integrated into the landscape design plan.
   d. If deemed appropriate for the site by the Planning Board, shade trees at least six feet tall shall be planted and maintained at 25-50 foot intervals along roads, at a setback distance acceptable to the Town Highway Superintendent.

3. Traffic:

   a. The Site Plan shall, to the greatest extent practical:

      1) Minimize vehicle traffic entering existing roads.
      2) Maximize distance from existing intersections new traffic shall enter existing roads.
      3) Not allow an existing road to reach failing "level of service" due to additional traffic that will be entering existing roads.

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4. Parking, Circulation, and Loading:

   a. Roads, driveways, sidewalks, off-street parking, and loading space shall be safe, and shall encourage safe and efficient vehicular and pedestrian movement.
   b. Vehicular and pedestrian connections between adjacent sites shall be provided to encourage pedestrian use and to minimize traffic entering existing roads. The construction of service roads and new public streets to connect adjoining properties shall be required by the Planning Board, where appropriate.
   c. Access from and egress to public highways shall be approved by the appropriate Highway Department, including Town, County, and State, to the extent that said Highway Department has jurisdiction over such access.
   d. All structures shall be accessible by emergency vehicles.

5. Drainage:

   a. A Stormwater Pollution Prevention Plan shall be prepared and implemented to ensure that post development runoff from the site does not exceed predevelopment runoff.
   b. Surface water leaving the site shall not negatively disturb adjacent parcels, structures, facilities or public roads.
   c. Drainage of the site shall recharge ground water to the extent practical.

6. Miscellaneous Standards:

   a. Materials and design of paving, water and sewer systems, light fixtures, retaining walls, fences, curbs, benches, etc. shall be attractive and easily maintained.
   b. The site lighting shall limit glare on adjacent roads and properties.
   c. Disposal of construction and demolition wastes shall meet all applicable local, county, state and federal requirements.

7. Reservation of Parkland:

   a. For any Site Plan containing residential units, the Planning Board may require the reservation of parkland or payment of a recreation fee pursuant to NYS Town Law, Section 274-a(6), or its successor legislation.

8. Town Highway Superintendent

   a. The Planning Board shall seek the input and recommendations from the Town Highway Superintendent on all Site Plan review applications involving Town road right-of-ways and setbacks from the maintained edge of a Town Road. The Town Highway Superintendent shall respond to the Planning Board within thirty (30) days.

VI. PUBLIC HEARING AND NOTICES:

A. The Planning Board shall have the discretion to hold a public hearing on all Site Plan applications. The Planning Board's determination shall be based on whether there are factors involved (such as, but not limited to, potential public controversy, the desirability of input from adjoining property owners or the public at large) that may warrant a public hearing.

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B. If the Planning Board determines to hold a public hearing on a Site Plan application, it shall do so within 62 days from the determination of the Planning Board that the application is complete. The time in which a public hearing shall be held may be lengthened only upon consent of the Applicant and Planning Board.

C. The Planning Board shall mail the public hearing notice to the Applicant at least ten (10) days prior to the public hearing.

D. At least five (5) days prior to the date of a public hearing, the Planning Board shall give public notice by causing the publication of a notice of such hearing in the Town's official newspaper.

E. The Planning Board may mail the notice of public hearing to all adjoining property owners and to any other owners of property located within 500 feet from the parcel for which the Site Plan is proposed. Said notice shall be mailed at least five (5) days prior to the public hearing. The Planning Board may notify other owners of other parcels as it deems appropriate.

F. In the case of a hearing held on an application on a property that is located within 500 feet of an adjacent municipality, the Planning Board shall give notice of the hearing to the clerk of the adjacent municipality, by either mail or electronic transmission, at least ten (10) days prior to the hearing pursuant to General Municipal Law Section 239-m.

VII. SEQR:

A. Upon receipt of an Application for Site Plan Review it deems complete, the Planning Board shall conduct a New York State Environmental Quality Review (SEQR) on the proposed Site Plan.

B. No Planning Board action shall be taken until a SEQR Review has been completed.

VIII. PLANNING BOARD ACTION:

A. Action:

1. The Planning Board shall approve, approve with modifications, or disapprove the Site Plan within either:

    a. Sixty-two (62) days after the determination by the Planning Board that the Site Plan and accompanying application is complete.
    b. Sixty-two (62) days after the close of the public hearing.

2. In approving a Site Plan, with or without modifications, the Planning Board may impose conditions which it considers necessary to protect the health, safety, and welfare of the Town and to achieve the purposes contained in Section I of this Article. These conditions may include:

    a. Increasing dimensional or area requirements.
    b. Specifying location, character and number of vehicle access points.
    c. Requiring landscaping, planting and screening.

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d. Requiring clustering of structures and uses in order to minimize the burden on public services and facilities and protect open space.
e. Requiring the protection of open space of conservation value using conservation easements.
f. Requiring action by the applicant (including the posting of performance bonds and furnishing of guarantees) to insure the completion of the project in accordance with the terms and conditions applicable thereto.
g. Minimizing traffic impacts.
h. Minimizing parking, circulation and loading impacts.
i. Minimizing stormwater impacts.

B. Findings Required:

1. All decisions by the Planning Board shall contain written findings explaining the rationale for the decision in light of the general considerations and guidelines contained in Section V of this Article.

C. Disapproval of Site Plan:

1. Upon disapproval of a Site Plan, the Planning Board shall so inform the Code Enforcement Officer and the Code Enforcement Officer shall deny a Zoning/Building Permit to the applicant.
2. The Planning Board shall also notify the applicant, in writing, within five (5) business days, of its decision and its reasons for disapproval.

D. Filing of Decisions:

1. The written decision and findings of the Planning Board on an application for Site Plan review shall be filed within five (5) business days from the date the decision was rendered in the office of the Town Clerk, with the Code Enforcement Officer and a copy mailed to the applicant.
2. All approved Site Plans shall be signed as approved by the Chairman of the Planning Board and filed and mailed together with the written decision and findings.
3. A copy of the written decision and signed Site Plan shall be kept on file in the office of the Code Enforcement Officer.

IX. ISSUANCE OF ZONING/BUILDING PERMIT:

A. Upon approval of the Site Plan, the Code Enforcement Officer has the authority to issue a Zoning/Building Permit provided any predevelopment conditions have been met and to issue a Certificate of Compliance upon completion of the development of the site in strict accordance with the approved Site Plan and any conditions attached thereto.

X. EXPIRATION, CHANGE OF USE, REVOCATION, AND ENFORCEMENT:

A. An approved Site Plan shall expire if:

1. The Site Plan use or uses cease for any reason for more than 12 consecutive months.
2. The applicant fails to obtain a Zoning/Building Permit within 24 months of Site Plan approval.
3. The applicant fails to comply with the conditions of the Site Plan.

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B. A Site Plan shall apply to the use for which it has been granted, as well as to any subsequent similar use of the property which complies with all terms and conditions of the Site Plan (as determined by the Code Enforcement Officer in issuing a Zoning/Building Permit or Certificate of Compliance) and which does not involve any new construction, enlargement, exterior alteration of existing structures, or changed use of outdoor areas. Any change to a use allowed by Site Plan shall require the Planning Board approval of a new Site Plan or an amendment to an existing Site Plan.

C. A Site Plan approval may be revoked by the Code Enforcement Officer if the applicant or applicant's successor or assign violates the conditions of the Site Plan approval or engages in any construction or alteration not authorized by the Site Plan approval.

D. Any violation of the conditions of a Site Plan shall be deemed a violation of this Ordinance, and shall be subject to enforcement action included in Article 10.

XI. OTHER:

A. Reimbursable Costs:

1. If Planning Board determines it needs or requires the services of a professional consultant to assist in the review of an application for Site Plan Review, the Planning Board shall:

   a. Contact a consultant to obtain a quote for the required services.
   b. Notify the applicant, in writing, of this determination and the projected cost to retain the consultant.

2. The applicant shall deposit with the Town Clerk an amount anticipated to fully reimburse the Town for the cost of hiring the consultant.
3. The Town shall utilize these funds to pay for the cost and fees of the consultant.
4. The consultant shall submit regular invoices to the Town detailing the number of hours expended by all staff and expenses. The Town shall afford the applicant the opportunity to review all invoices prior to the Town paying the invoice.
5. If additional funds are needed to complete the work the Town desires of the consultant, the applicant shall deposit additional funds with the Town.
6. At the completion of the consultant's work, all funds remaining from the applicant's deposits shall be returned to the applicant.

B. Performance Guarantee:

1. No Certificate of Compliance shall be issued until all improvements shown on the Site Plan are installed or a sufficient performance guarantee, such as a Performance Bond or other security sufficient to cover the full cost of the improvements as determined by the Planning Board, has been posted for improvements not yet completed.
2. The Planning Board shall, as part of a Site Plan approval, stipulate when a Performance Guarantee shall be provided to the Town.
3. The sufficiency of such performance guarantee shall be determined by the Planning Board and it may consult with the Code Enforcement Officer, Town Attorney and other appropriate parties in making such determination.

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C. Inspection of Improvements:

1. The Code Enforcement Officer shall be responsible for the overall inspection of site improvements including coordination with the Planning Board and other officials and agencies, as appropriate.
2. If the site is not being developed in strict compliance with the approved Site Plan and any conditions attached thereto, the Code Enforcement Officer may issue a stop work order and demand compliance with the approved Site Plan and any conditions attached thereto.
3. An approved Site Plan may not be modified except by the Planning Board upon application for such modification from the applicant.

D. Application for Area Variance:

1. Where a proposed Site Plan contains one or more features that do not comply with the dimensional regulations of this local law, application may be made to the Zoning Board of Appeals for an area variance pursuant to this Code without a decision or determination by the Code Enforcement Officer.
2. The Planning Board shall decide whether such area variance application and Zoning Board of Appeals' decision on same shall occur as a condition to the approval of the Site Plan, as a prerequisite for a complete Site Plan application, or in conjunction with the Site Plan process.

E. Section 239-m of the General Municipal Law:

1. All applications for Site Plan Review meeting the requirements of Section 239-m of General Municipal Law shall be referred to the Fulton County Planning Board for a 239-m review.
2. No action shall be taken by the Planning Board until it has received back a written recommendation from the Fulton County Planning Board or thirty (30) calendar days have elapsed unless the Planning Board and Fulton County Planning Board have agreed to extend this 30-day requirement.
3. If the Fulton County Planning Board recommends modification or disapproval to a proposed Site Plan, the Planning Board shall not act contrary to such recommendation except by a vote of a majority plus one of all members thereof.

F. Agricultural Data Statement:

1. An agricultural data statement is required where the proposed use is located in, or within 500 feet of, the boundaries of an agricultural district.

    a. If an agricultural data statement has been submitted, the Town Clerk shall, upon receipt of the application, mail written notice of the Site Plan application to the owners of land as identified by the applicant in the agricultural data statement. Such notice shall include a description of the proposed project and its location.
    b. The cost of mailing the notice shall be borne by the applicant.

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G. <u>Referred to Zoning Board of Appeals (ZBA):</u>

1. If a proposed Site Plan contains one or more features which do not comply with the Zoning Ordinance, an application can be made to the ZBA for an area or use variance without the necessity of a decision or determination of the Code Enforcement Officer.

H. <u>Amendments:</u>

1. The terms and conditions of any Site Plan approval may be amended in the same manner as required to approve a Site Plan, following the criteria and procedures in this Article.
2. Any enlargement, alteration or construction of accessory structures not previously approved shall require a Site Plan amendment.

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ARTICLE 7

SPECIAL USE PERMITS

I. PURPOSE:

A. The Town of Caroga desires to encourage and balance a variety of land uses in the Town while promoting economic growth provided that certain land uses do not unreasonably and adversely affect neighboring properties, the natural environment, the historic character of the Town or the long-term development of the Town.

B. The Town of Caroga has determined that certain land uses shall be permitted only upon the issuance of a Special Use Permit by the Planning Board.

C. The issuance of a Special Use Permit shall ensure that certain land uses are appropriate to their surroundings, the natural environment, the historic character of the Town and the long-term development of the Town.

II. APPLICABILITY:

A. Special Use Permits shall be required for all uses identified in the Use Table in Article IV requiring said permit.

B. For such uses, the Code Enforcement Officer shall not issue a Zoning/Building Permit, Certificate of Occupancy or Certificate of Compliance Permit until a Special Use Permit has been approved in accordance with this Article.

C. Until a Special Use Permit has been approved and a Zoning/Building Permit issued, no building shall be erected, moved, structurally altered, added to or enlarged and no excavation or site preparation activities shall commence.

III. APPLICATION PROCEDURES:

A. Placement on Agenda:

1. In order for a Special Use Permit Application to be placed on the Planning Board's meeting agenda, ten (10) copies of all required application materials pursuant to Section V, "Application for Special Use Permit Approval," below shall be submitted to the Chairman of the Planning Board in care of the Town Clerk at least seven (7) calendar days prior to the date of the Planning Board's meeting.

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B. Complete Application:

1. At the first meeting at which a Special Use Permit Application is first presented, the Planning Board shall determine whether the application is complete for purposes of commencing the review process.
2. If an application is determined to be incomplete, the Planning Board shall notify the Applicant in writing as to what aspects of the application are lacking or are otherwise insufficient to start the process.
3. The timeframes for Planning Board action during the review process shall commence on the date the Planning Board determines the application is complete.

C. Multiple Uses:

1. If an application is for a parcel or parcels on which more than one use requiring Special Use Permit is proposed, the Applicant may submit a single application for all such uses.
2. The Planning Board may grant the application with respect to some proposed uses and not others. For purposes of reviewing an application (and for SEQR compliance) all proposed uses on a single parcel or on contiguous parcels shall be considered together.

D. Application for Area Variance:

1. Where a Special Use Permit application contains one or more features which do not comply with the dimensional regulations of the Zoning District, application may be made to the Zoning Board of Appeals for an Area Variance pursuant to this Ordinance without a decision or determination by the Code Enforcement Officer.
2. The Planning Board shall decide whether such area variance application and Zoning Board of Appeals decision on same must occur as a condition to the issuance of the Special Use Permit, as a prerequisite for a complete Special Use Permit application, or in conjunction with the Special Use Permit process.

IV. APPLICATION FOR SPECIAL USE PERMIT:

A. An application for Special Use Permit approval shall be made in writing to the Planning Board on form supplied by the Town and shall be accompanied by the required fee and all of the following applicable information:

1. A Town of Caroga Special Use Permit application form.
2. A plot plan drawn to scale with accurate dimensions providing information sufficient to enable the Board to make an informed decision, and an agricultural data statement as defined below.
3. A narrative describing the proposed use and operation.
4. A short-form or long-form SEQR Environmental Assessment Form (EAF) with Part 1 fully completed by the applicant. A long-form EAF shall be required for all SEQRA Type 1 Actions, but the Planning Board may require a long-form EAF for Unlisted Actions if the Board deems that the additional information contained on the long-form would be helpful and appropriate under the circumstances of the project proposal.
5. The application fee as established by the Town Board.
6. The Planning Board may waive or add any requirements for an application submission if it deems appropriate in order to accomplish the purposes set forth herein.

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B. SEQR:

1. Upon receipt of an Application for Site Plan Review it deems complete, the Planning Board shall conduct a New York State Environmental Quality Review (SEQR) on the proposed Special Use Permit Application.
2. No Planning Board action shall be taken until a SEQR Review has been completed.

V. REVIEW OF APPLICATION FOR SPECIAL USE PERMIT:

A. Referral to County Planning Board:

1. The Planning Board shall adhere to the Section 239-m of General Municipal Law.

B. Agriculture Data Statement:

1. An Agriculture Data Statement is required where the proposed use is located in, or within 500 feet of, the boundaries of an agricultural district.
2. If an Agricultural Data Statement has been submitted, the Planning Board shall, upon receipt of the application, mail written notice of the Special Use Permit application to all owners of land within five hundred (500) feet of the project property within an agricultural district and containing farm operations as identified by the applicant in the agricultural data statement.
3. Such notice shall include a description of the proposed project and its location.
4. The cost of mailing the notice may be borne by the applicant.

C. Public Hearing and Notice:

1. The Planning Board shall hold a public hearing on a complete Special Use Permit application within 62 days from the determination of the Planning Board that the application is complete. The time in which a public hearing must be held may be lengthened only upon mutual consent of both the Applicant and Planning Board.
2. At least 5 days prior to the date of such hearing, the Planning Board shall give public notice by causing the publication of a notice of such hearing in the official newspaper and by mailing a notice thereof to all adjoining property owners and to any other property owners in the affected area that the Planning Board may require to be notified.
3. In the case of a hearing held on an application on a property that is located within 500 feet of an adjacent municipality, the Planning Board must give notice of the hearing to the clerk of the adjacent municipality, by either mail or electronic transmission, at least 10 days prior to the hearing pursuant to General Municipal Law §239-m.

VI. REVIEW CRITERIA:

A. In considering and acting on uses requiring a Special Use Permit, the Planning Board shall consider the public health, safety, and general welfare. The Board shall also consider potential environmental impacts and the comfort and convenience of the public in general, the residents of the proposed development, and the residents of the immediate surrounding area.

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B. The Planning Board may prescribe such appropriate conditions and safeguards as may be necessary in order that the results of its action shall, to the maximum extent possible, further the accomplishment of the criteria set forth below.

C. A Special Use Permit shall not be granted until the Planning Board finds that the following criteria, as well as any special criteria, if any, for the particular type of use set forth as a Special Use Permit Condition have been met.

1. Conformance with Comprehensive Plan:

   a. The use shall be in harmony with and promote the goals and objectives of the Town's current Comprehensive Plan, shall be in compliance with this Article and shall promote the health, welfare and safety of the public.

2. Compatibility:

   a. The proposed use shall be compatible with the character of neighborhood, the area, the zoning district and the community surrounding the location of the proposed use and will not unduly prohibit or discourage future panned growth in the area.

3. Access, Circulation and Parking:

   a. The proposed use shall have safe and efficient access for pedestrians and vehicles, shall provide for appropriate off-road parking and loading areas.
   b. The interior circulation system shall be adequate to provide safe accessibility to all parking spaces and that adequate and safe integration of pedestrian and vehicular movement is provided.

4. Infrastructure and Services:

   a. There shall be sufficient infrastructure and services, including utilities, public facilities and services, available for the proposed use or that the project extends or provides infrastructure and services for the area where the proposed use is located.
   b. There shall also be facilities and services implemented by the applicant to appropriately control any potential nuisances from the operation of the use such as control of litter or trash, loitering and crime prevention, and any other features or aspects of the operation of the proposed use that may affect the public safety, health and general welfare.

5. Environment and Natural Features:

   a. The proposed use shall be compatible with, and appropriately protect environmental and natural resources, including the environmental and physical suitability of the site for development and the general landscaping, screening and buffering shall be in character with the surrounding areas, and the risk of fire, flood or erosion and impacts such as emissions of electrical charges, dust, light, vibration or noise detrimental to the public health, safety and welfare shall be minimized to the maximum extent practicable.

6. Long-Term Effects:

   a. The proposed use shall provide positive or beneficial effects on the long-term economic stability, environmental integrity and community character of the town and surrounding properties, districts and uses.

7. Compliance with Supplementary Regulations:

   a. The proposed use shall be compliant with any applicable Special Use Permit criteria or Supplementary Regulations established in Article 5.

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VII. PLANNING BOARD ACTION:

A. The Planning Board shall grant, deny, or grant subject to conditions the application for a Special Use Permit within 62 days after the hearing.

B. In granting a Special Use Permit, the Planning Board may impose conditions that it considers necessary to protect the health, safety and welfare of the Town and to achieve the purposes contained in this Article and the Town's Comprehensive Plan. Conditions may include:

1. Increasing dimensional or area requirements.
2. Specifying location, character and number of vehicle access points.
3. Requiring landscaping, planting and screening.
4. Requiring clustering of structures and uses in order to minimize the burden on public services and facilities and protect open space.
5. Requiring the protection of open space of conservation value using conservation easements.
6. Requiring action by the applicant (including the posting of performance bonds and furnishing of guarantees) to insure the completion of the project in accordance with the terms and conditions applicable thereto.
7. Any other condition to protect the public health, safety and welfare and to achieve the purposes of this Article and the Town's Comprehensive Plan.

VIII. EXPIRATION, CHANGE OF USE, REVOCATION, AND ENFORCEMENT:

A. A Special Use Permit shall expire if:

1. The Special Use Permit use or uses cease for more than 12 consecutive months for any reason.
2. The Applicant fails to obtain the necessary Certificate of Compliance or fails to comply with the conditions of the Special Use Permit within 12 months of its issuance.
3. Its time limit specified in the Special Use Permit expires without renewal.

B. A Special Use Permit shall apply to the use for which it has been granted, as well as to any subsequent similar use of the property which complies with all terms and conditions of the Special Use Permit as determined by the Code Enforcement Officer in issuing a Certificate of Compliance and which does not involve any new construction, enlargement, exterior alteration of existing structures, or changed use of outdoor areas. Any other change to a use allowed by Special Use Permit shall require the granting of a new Special Use Permit or a Special Use Permit amendment.

C. A Special Use Permit may be revoked by the Code Enforcement Officer if the permittee violates the conditions of the Special Use Permit or engages in any construction or alteration not authorized by the Special Use Permit.

D. Any violation of the conditions of a Special Use Permit shall be deemed a violation per Article 10 and shall be subject to enforcement action as provided herein.

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IX. FINDINGS REQUIRED:

A. All decisions by the Planning Board shall contain written findings explaining the Planning Board's rationale for its decision in light of the general criteria contained in this Article as well as any special criteria for the particular type of use as established in Article 5 Supplementary Conditions.

X. ISSUANCE OF ZONING/BUILDING PERMIT:

A. Upon approval of the Special Use Permit, the Code Enforcement Officer has the authority to issue a Zoning/Building Permit provided any predevelopment conditions have been met and to issue a Certificate of Compliance upon completion of the development of the site in strict accordance with the approved Site Plan and any conditions attached thereto.

XI. AMENDMENTS:

A. The terms and conditions of any Special Use Permit may be amended in the same manner as required to grant a Special Use Permit, following the criteria and procedures in this Article.

B. Any enlargement, alteration, or construction of accessory structures subject to a valid Special Use Permit shall require a Special Use Permit amendment.

XII. SPECIFIC CRITERIA/PROCEDURES FOR REVIEWING CERTAIN SPECIAL PERMIT APPLICATIONS:

A. Manufactured Home Parks:

1. The following standards and requirements shall be adhered to or secured by permittee:

a. Site

1) The park shall be located in areas where grades and soil conditions are suitable for use as manufactured home sites.
2) The park shall be located on a well-drained site which is properly graded to ensure rapid drainage and be free at all times from stagnant pools of water.
3) The park shall be free from heavy or dense growth of brush and woods.
4) The park shall be at least 2 acres in size and shall have 100 feet of frontage on a public road.

b. Manufactured Home Lot

1) Each Manufactured Home Park shall be marked off into manufactured home lots.
2) The total number of Manufactured Home Lots in a Manufactured Home Park shall not exceed 6 per gross acre.
3) Each manufactured home lot shall have a total area of not less than 5,000 square feet with a minimum dimension of 50 feet.

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c. Manufactured Home Setbacks

1) No Manufactured Home shall be parked or otherwise located nearer than a distance of:

i. At least 25 feet from an adjacent Manufactured Home in any direction.
ii. At least 30 feet from an adjacent property line.
iii. At least 100 feet from the right-of-way line of a public street or highway.
iv. At least 10 feet from the nearest edge of any roadway located within the park.

d. Manufactured Home Foundations

1) Foundation Systems for all manufactured homes shall comply with the NYS Uniform Fire Prevention and Building Code, Residential Code of New York State and all other laws and regulations.
2) Foundation Systems for all manufactured homes shall be frost protected meaning the use of a standard pier and footing system at or below the frost line.
3) Non frost protected foundations shall be allowed in the Town when the foundation is designed by a NYS licensed architect or engineer. When a foundation system is designed by a NYS licensed architect or engineer to be otherwise protected from the effects of frost, such foundation system is not required to extend below the frost line.

e. Manufactured Home Stand

1) Each Manufactured Home Lot shall have a Manufactured Home Stand which will provide for the practical placement on and removal from the lot of both the Manufactured 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 Manufactured Homes and their appurtenant structures or appendages.
3) The stand shall be constructed of an appropriate nonporous material which is durable and adequate for the support of the maximum anticipated loads. Minimum accepted standard would be a 6" concrete monolithic pad reinforced per American Concrete Institute Standards.
4) The stand shall be suitably graded to permit proper surface drainage.
5) All manufactured homes to be provided with fill skirting or equal per National Manufacturers Home Standards.

f. Accessibility

1) Each Manufactured Home Park shall be easily accessible from an existing public highway or street.
2) Where a Manufactured Home Park has more than 16 Manufactured Homes, 2 points of entry and exit shall be provided, but in no instance shall the number of entry and exit points exceed 4. Such entrances and exits shall be designed and strategically located for safe and convenient movement into and out of the park and to minimize friction with the free movement of traffic on a public highway or street.

i. All entrances and exits shall be essentially at right angles to the existing public highway or street.
ii. All entrances and exits shall be free of any material which would impede the 2visibility of the driver on a public highway or street.
iii. All entrances and exits shall be of sufficient width to facilitate the turning movements of vehicles with Manufactured Homes attached.
iv. Each park shall have improved streets to provide for the convenient access to all Manufactured Home Lots and other important facilities within the park. Streets shall be improved to at least meet the Town Highway Department's specifications less pavement. Shoulders on both sides shall be widened to not less than 5 feet and adequate drainage facilities shall be provided.
v. The street system shall be so designed as to permit safe and convenient vehicular circulation within the park.
vi. Streets shall be adapted to the topography and shall have suitable alignment and gradient for traffic safety.

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vii All streets shall intersect essentially at right angles.

viii. All streets shall have the following minimum widths:

- One-way traffic movement, 12 feet.
- Two-way traffic movement, 20 feet.

ix. Except in cases of emergency, no parking shall be allowed on such streets.

g. Parking

1) 1 off-street parking space shall be provided on each manufactured home lot. The parking space shall be of similar construction and grading as the manufactured home park streets. Such space shall have a minimum width of 9 feet and a minimum length of 20 feet.
2) Additional off-street parking spaces shall be provided at strategic and convenient locations for guests and delivery and service vehicles.
3) There shall be 1 such parking space for each 2 manufactured home lots within the park.
4) Such parking space shall be provided in bays which shall provide for adequate maneuvering space.

h. Utilities and Service Facilities

1) The following utilities and service facilities shall be provided in each manufactured home park, which shall be in accordance with the regulations and requirements of the Town of Caroga, the New York State Department of Health, the New York State Department of Environmental Conservation and the NYS Sanitary Code:

i. Each Manufactured Home Lot shall be provided with an adequate supply of pure water for drinking and domestic purposes. Each Manufactured Home Lot shall be provided with proper water connections.

ii. Each Manufactured Home Lot shall be provided with a sewer, which shall be connected to the Manufactured Home situated on the lot, to receive the waste from the shower, tub, flush toilets, lavatory and kitchen sink in each home. The sewer shall be connected to a public or private sewer system so as not to present a health hazard. Sewer connections in unoccupied lots shall be so sealed as to prevent the emission of any odors and the creation of breeding places for insects.

iii. Each Manufactured Home Lot shall be provided with weatherproof electrical service connections and outlets which are a type approved by the New York State Board of Fire Underwriters.

iv. Metal garbage cans with secure and snug covers shall be provided 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 Manufactured Home Lot. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to ensure that such cans shall not overflow.

v. Service buildings shall be provided as deemed necessary for the normal operation of the park; however, such buildings shall be maintained by the owner or manager of the park in a clean, tidy and sanitary condition.

i. Open Space

1) Each Manufactured Home Park shall provide common open space for use by the occupants of such park. Such open space shall be conveniently located in the park.

2) Such space shall have a total area equal to at least 10 percent of the gross land area of the park.

j. Landscaping

1) Lawn and ground cover shall be provided on those areas not used for the placement of Manufactured Homes and other buildings, walkways, roads and parking areas. Planting shall be provided to the

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extent needed in order to provide for the screening of objectionable views, adequate shade and a suitable setting for the manufactured homes and other facilities.

2) Screen planting shall be provided to screen objectionable views. Views which shall be screened include laundry facilities, other non-residential uses, garbage storage and collection areas and all abutting yards of adjacent properties.

3) Other planting may be required along those areas within the park which front upon existing public highways and streets to reduce glare and provide pleasant outlooks for the living units.

k. Property Maintenance

1) Each stand or lot shall be maintained in an orderly manner. The use of a storage shed not to exceed 144 SF on each stand or lot shall be required for the storage of equipment and other personal property.

B. <u>Recreational Vehicle Parks:</u>

1. The following standards and requirement standards shall be adhered to:

a. **Driveways.** All Recreational Vehicle Parks shall have interior driveways service each Recreational Vehicle space, such driveways being not less than 24 feet in width

b. **Minimum space.** Each Recreational Vehicle lot shall contain a minimum of 1,800 square feet of area, and shall be at least 45 feet in width, shall front upon a driveway.

c. **Separation distances.** Recreational Vehicles shall be placed on a designated lot in such a manner that there will be a minimum of 15 feet of separation between Recreational Vehicles on adjacent lots.

d. **Connections and Facilities.** Each Recreational Vehicle Park shall provide, at a minimum, the following:

1) An electrical outlet capable of supplying 4,000 watts at 110 – 220 volts at each Recreational Vehicle lot.
2) Hookup apparatus for connection to sewerage or disposal system within the Park;
3) Faucet or bibcock connected to a water supply system within the Park; and
4) At a minimum, a public restroom containing a toilet, sink and shower shall be provided at each Park.

e. **Service Buildings.** Service buildings that house sanitation and/or laundry facilities or any other such facilities shall be permanent structures constructed in accordance will all applicable codes and law of the Town of Caroga.

f. **Lighting.** Each Recreational Vehicle Park shall be provided with a means of security lighting. All toilet and shower buildings and facilities shall be provided with sufficient lighting facilities, which shall be kept lighted during the time one-half hour after sunset and one-half hour before sunrise. All lights on the premise shall be fully shielded fixtures and no light shall be visible from the source by abutting parcels.

g. **Management.**

1) The name of the person with direct management responsibility of the Recreational Vehicle Park shall be filed for reference with the Code Enforcement Officer, who shall be notified within 10 days of any changes of said person. It shall be the responsibility of the owner and operator of the Park to take such measures as may be deemed to be necessary by the Code

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Enforcement Officer to protect and promote the health, safety, and welfare of patrons and the general public.

h. Other.

1) Not more than 1 Recreational Vehicle shall occupy a space within such park.
2) No permanent addition or structure shall be built onto or become part of any Recreational Vehicle located within the park.
3) The maximum duration of stay by any Recreational Vehicle or individual shall be 6 months. This shall not apply to a permanent on-premise residence for management and the owner of record for the parcel.
4) All facilities, connections, and travel surfaces shall be maintained in good operating condition.

C. Accessory Dwelling Unit:

1. Where permitted, a maximum of one (1) accessory dwelling unit per lot is allowed.

2. The primary residence or accessory dwelling shall be owner occupied. Alternatively, the owner may designate a family member as a resident caretaker of the principal house and manage the accessory dwelling.

3. No accessory dwelling shall be deemed fit for occupancy by the Town until the owner has demonstrated water supply and sewage disposal facilities are adequate for the projected number of residents. Additionally, the owner shall acquire all required approvals from the NYS Department of Health.

4. Unless otherwise specified herein, a lot on which an accessory dwelling is located shall meet the minimum lot size requirements of the zoning district in which the accessory dwelling is located. Such minimum lot size requirement shall be satisfied in addition to the minimum lot size required for the primary dwelling.

5. An accessory dwelling unit shall only be created through the following methods:

   a. Adding floor area to the principal dwelling unit.
   b. Constructing a detached accessory dwelling on a site with an existing house, attached house or modular home.
   c. Constructing a new primary house, attached house or modular home with an internal or detached accessory dwelling unit.

6. The floor area of an accessory dwelling shall not exceed 750 sq. ft. or 1/3 of the floor area of the primary dwelling, whichever is less.

7. Detached accessory dwellings shall either be recessed behind or flush with the front elevation of the principal dwelling.

8. The building height of a detached accessory building shall not exceed the height of the primary building.

9. All applicable setbacks within the Zoning District in which the accessory unit is proposed shall apply likewise for the detached accessory dwelling.

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10. The orientation of the proposed accessory dwelling to the maximum extent practical must maintain the privacy of residents and adjoining dwellings as determined by the character of the surrounding neighborhood, including landscaping, screening, fencing and window and door placement.

11. Exterior finishing materials, roof pitch, eaves, trim, doors and windows of accessory dwellings shall be similar in kind, style and in proportion to the principal dwelling.

12. The owner shall demonstrate that sufficient and suitable space is available for one (1) additional vehicle on the property. Parking space must be in a driveway or to the rear or side of the accessory dwelling unit.

13. Where a detached accessory dwelling is within 20' of a lot line, a minimum 6' high hedge or fence between the detached accessory dwelling and a lot line shall be required to abate noise, light and other disturbances arising from residential occupancy.

14. The primary dwelling unit and accessory dwelling unit shall have separate outdoor entrances. No more than one (1) entrance shall be readily visible from the street.

15. No detached accessory dwelling unit shall be subdivided from portions of the parcel where the principal dwelling is located, if such subdivision results in a lot or residence that fails to meet applicable minimum bulk requirements in the zoning district.

D. <u>Accessory Structure:</u>

1. Only Accessory Structures greater than 144 square feet shall require a Special Use Permit.

2. There shall not be more than three (3) accessory structures on each lot used for residential purposes.

3. For garages, tool sheds or similar storage, such structures shall be located no closer than 6' from side or rear lines except when abutting a road or alley when the setback shall be 12'.

4. For poultry house, rabbit hutch, kennel or other type of shelters for domestic animals exclusive of livestock, such structures shall be located no closer than 50' from any lot line.

5. For stables and shelter of horses, ponies and other livestock, such structures shall be located no closer than 50' from any lot line.

6. Detached accessory structures located within side yards on the street side of a corner lot shall not exceed such setbacks established for the principal building.

7. An accessory building attached to the principal building in a residential district shall comply with the requirements of this Article applicable to the principal building.

E. <u>Agricultural Service Use:</u>

1. The hours and days of operations shall be established by the Planning Board taking into consideration the facility's location and surrounding uses.

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2. Any structures or outside storage areas shall be adequately screened from view of abutting properties.

3. Gravel parking areas are permitted provided that the business operator defines a plan for implementing appropriate measures for dust control on a continuing basis.

4. Deliveries and shipments associated with the business shall be kept to a minimum and should not exceed four (4) deliveries and shipments per day. Impacts on local roads and residential areas shall be avoided or mitigated to the maximum extent practical.

5. Any agricultural service use must be located a minimum of 200' from an abutting residential structure not owned by the business owner.

F. <u>Cemetery:</u>

1. Harmony with Town Comprehensive Plan. The use shall be in harmony with and promote the goals and objectives of the current Town Comprehensive Plan, and shall be in compliance with this Article and shall promote the health, welfare and safety of the public.

2. Compatibility. The proposed use shall be compatible with the character of the neighborhood, the area, the zoning district and the community surrounding the location of the proposed use and will not unduly prohibit or discourage future planned growth in the area.

3. Access, Circulation and Parking. The proposed use shall have safe and efficient access for pedestrians and vehicles, shall provide for appropriate offroad parking and loading areas. The interior circulation system must be adequate to provide safe accessibility to all parking spaces and that adequate and safe integration of pedestrian and vehicular movement is provided.

4. Infrastructure and Services. There shall be sufficient infrastructure and services, including utilities, public facilities and services, available for the proposed use or that the project extends or provides infrastructure and services for the area where the proposed use is located. There shall also be facilities and services implemented by the applicant to appropriately control any potential nuisances from the operation of the use such as control of litter or trash, loitering and crime prevention, and any other features or aspects of the operation of the proposed use that may affect the public safety, health and general welfare.

5. Environment and Natural Features. The proposed use shall be compatible with, and appropriately protect environmental and natural resources, including the environmental and physical suitability of the site for development and the general landscaping, screening and buffering shall be in character with the surrounding areas, and the risk of fire, flood or erosion and impacts such as emissions of electrical charges, dust, light, vibration or noise detrimental to the public health, safety and welfare shall be minimized to the maximum extent practicable.

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6. Long Term Effects. The proposed use shall provide positive or beneficial effects on the long-term economic stability, environmental integrity and community character of the town and surrounding properties, districts and uses.

G. <u>Extraction Structure/Extraction Private Sand, Gravel and Topsoil:</u>

1. A Site Plan prepared by a New York State licensed Professional engineer showing the slope of material in such top soil, sand, gravel, clay or other pit area based on detailed soils analysis.

2. The top and the base of such slope shall not be nearer than 50 feet to any property line nor nearer than 100 feet to the right-of-way line of any street or highway.

3. All commercial excavation will require the construction and maintenance of a security fence a minimum of 40 feet from all operations. Also any excavation with 250 feet of a high wall, street or road are to be protected with highway control barriers, a minimum of 40 feet from the excavation.

4. Restoration and rehabilitation of the commercial excavation area shall be a continuing operation during each year and the area quarried shall be re-graded and drained so as to assure conformance with the public health, safety and welfare. All approvals and permits issued by the New York State Department of Environmental Conservation for all phases of the permit shall be provided to the Town.

5. A copy of the required performance bond is to be provided for the Town records.

6. Shall be in compliance with the New York State Mining Reclamation Act.

H. <u>Private Club or Lodge:</u>

1. The applicant must provide the written legal provisions ensuring the maintenance of the proposed facility so as to prevent the use from becoming a public liability. A narrative should also be provided by the applicant identifying the club membership size and the geographic area to be served by the club.

2. The lot size for a private club shall conform to that of the district in which the development is located.

3. Lot coverage shall be the same as the district in which the private club or lodge is located.

4. All outdoor intensively used recreation facilities (i.e.; swimming pools, tennis courts, lawn bowling courts and similar uses) shall be setback 35 feet from all property lines not abutting a public street.

5. All off-street parking spaces shall be located on the same site as the principal use.

6. No amplifiers or loudspeakers of any kind shall be installed outside of the buildings.

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7. Fencing and screening shall be provided in order to obstruct the use from any abutting residential property owners.

I. Solar Farms:

1. Purpose:
   a. The purpose of these requirements is to allow the development of solar farms in the Town and to provide standards for the placement, design, construction, operation, monitoring, modification and removal of these systems.
   b. These standards are applicable to "Solar Farms" as defined in Article 2. The term "Solar Farm" shall not be construed to include, so as to prohibit, or have the effect of prohibiting, the installation of solar panels and arrays that gathers solar radiation as a substitute for traditional energy for water heating, active space heating and cooling, passive heating or generating electricity for a residential property. The term "Solar Farm" shall also not be construed in such a way as to prohibit the installation or mounting of a series of one (1) or more solar panels upon the roofs of residential and/or commercial structures regardless of whether the said series of one (1) or more solar panels collectively has a total nameplate generation of at least 15 kilowatts (kw) direct current (dc) or more when operating at maximum efficiency.

2. Application Information:
   a. Blueprints or drawings of the solar photovoltaic installation signed by a NYS licensed Professional Engineer showing the proposed layout of the system and any potential shading from nearby structures.
   b. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures.
   c. A description of the solar farm facility and the technical, economic and other reasons for the proposed location and design shall be prepared and signed by a NYS licensed professional engineer.
   d. Confirmation, prepared and signed by a NYS licensed professional engineer, that the solar farm complies with all applicable Federal and State Codes and standards.
   e. One or three line electrical diagram detailing the solar farm layout, solar collector installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over-current devices.
   f. Documentation of the major system components to be used, including the PV panels, mounting system and inverter.
   g. An operation and maintenance plan which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.
   h. Information on noise (Inverter) and reflectivity/glare of solar panels and identify potential impacts to abutters.
   i. Information on potential visual impacts of solar farms from adjoining and nearby public and private lands and roads.
   j. Any other information the Planning Board deems necessary to conduct its review of the application.

3. Minimum Requirements:
   a. A Special Use Permit shall be required for a Solar Farm.
   b. The development of any Solar Farm shall conform to the following standards which shall be regarded as minimum requirements:
      1) Solar Farms of less than 26 (kW) shall be on a parcel of not less than five (5) acres, otherwise a minimum of ten (10) acre parcel shall be required.
      2) All ground-mounted panels shall not exceed eight (8) feet in height, measured from the mean ground elevation before construction.
      3) All mechanical equipment on a Solar Farm, including any structure for batteries or storage cells, are completely enclosed by a minimum 8' high fence with a self-locking gate.
      4) The total surface area of all ground-mounted and freestanding solar collectors, including solar voltaic cells, panels and arrays, shall not exceed 80% of the total parcel area.
      5) The installation of a vegetated perimeter buffer to provide year round screening of the system from adjacent properties.

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6) Because of neighborhood characteristics and topography, the Planning Board shall examine the proposed location on a case by case basis. Ensuring the potential impact to its residents, business or traffic are not a detriment.
7) All solar energy production systems are designed and located in order to prevent reflective glare toward any habitable buildings, as well as streets and rights-of-way.
8) All onsite utility and transmission lines are, to the extent feasible, placed underground.
9) The installation of a clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
10) The system is designed and situated to be compatible with the existing uses on adjacent and nearby properties.
11) All solar energy system components shall have a 50 foot setback, unless abutting residential uses. Whereby it shall be located a minimum of 200' from property lines.
12) All appurtenant structures including but not limited to equipment shelters, storage facilities, transformers and substations shall be architecturally compatible with each other and shall be screened from the view of persons not on the parcel.
13) Lighting of "Solar Farms" shall be consistent with State and federal law. Lighting of appurtenant structures shall be limited to that required for safety and operational purposes and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cutoff fixtures to minimize light pollution.
14) There shall be no signs except announcement signs, such as "no trespassing" signs or any signs required to warn of danger. A sign is required that identifies the owner and operator with an emergency telephone number where the owner and operator can be reached on a 24-hour basis.
15) There shall be a minimum of one (1) parking space to be used in connection with the maintenance of the solar photovoltaic facility and the site. However, it shall not be used for the permanent storage of vehicles.
16) The Town Code Enforcement Officer shall have the right to inspect a Solar Farm for compliance with plans approved by the Planning Board for a Solar Farm. When possible, the Code Enforcement Officer shall provide 48 hours advance notice of conducting an inspection to the owner of the Solar Farm.

4. Additional Conditions:
   a. The solar farm owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. Upon request, the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar farm facility shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
   b. No solar farm shall be approved or constructed until evidence has been given to the Planning Board that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar farm owner's or operator's intent to install an interconnected customer-owned generator.
   c. A solar farm owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the solar farm and any access road(s), unless accepted as a public way.
   d. A valid performance bond assigned to the Town of Caroga for 10 acres and larger systems with dates and monetary amounts to be determined by the Planning Board for decommissioning purposes.

5. Decommissioning/Removal:
   a. All applications for a solar farm shall be accompanied by a Decommissioning Plan to be implemented upon abandonment and/or in conjunction with removal of the facility.
   b. Prior to removal of the solar farm, a permit for removal activities shall be obtained from the Town Code Enforcement Officer. The Decommissioning Plan shall include the following provisions:
      1) The owner, operator, his successors in interest shall remove any ground-mounted solar collectors which have reached the end of their useful life or have been abandoned. The owner or operator

shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Town Code Enforcement Officer by certified mail of the proposed date of discontinued operations and plans for removal.

2) Physical removal of all ground-mounted solar collectors, structures, transformers, equipment, security barriers and transmission lines from the site.

3) Disposal of all solid and hazardous waste in accordance with local, State and federal waste disposal regulations.

4) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

5) Absent notice of a proposed date of decommissioning and written notice of extenuating circumstances, the solar farm shall be considered abandoned when it fails to operate for more than one (1) year without the written consent of the Planning Board. If the owner or operator of the solar farm fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove the installation.

6. Estimate and Financial Surety:
   a. In addition to the Decommissioning Plan, the applicant shall also provide an estimate, prepared by a qualified engineer, setting forth the costs associated with decommissioning the solar farm at issue.
   b. In the event the Planning Board grants a Special Use Permit pursuant to this Chapter, it must also establish the amount of such surety to be established by the applicant prior to the issuance of a Building/Zoning Permit. The surety may be in the form of escrowed funds, bonds or otherwise, but it is the intention of this provision to ensure that the Town has sufficient funds available to remove the installations and restore landscaping in the event the applicant fails to comply with its decommissioning obligations.
   c. If the Town has to decommission the solar farm as outlined in Article 2F paragraph 5, the Town will also have the right to acquire said property for the sum of $1.00 (one dollar).

J. <u>Wind Energy Systems, Small:</u>

1. Purpose:
   a. A small wind energy system shall only be used to reduce consumption of off-site energy and shall be used primarily to power onsite facilities and uses.
   b. Unused surplus electricity generated through a small wind energy system may be lawfully supplied, with or without compensation, to an offsite electric grid.

2. Noise:
   a. The small wind energy system shall not exceed a noise level of 60 decibels as measured at the closest property line and under typical operating conditions.
   b. The noise level may be exceeded during short-term events such as utility outages and/or severe wind storms.

3. Minimum Distance:
   a. The distance between any blades utilized on a small wind energy system and the ground shall be a minimum of 15 feet as measured at the lowest point of the arc of the blades.
   b. The distance between the lowest point of the arc of the blades and the peak of any structure within 150 feet of the blade arc shall be a minimum of 10 feet.

4. Appearance:
   a. The small wind energy system shall maintain a galvanized neutral finish or be painted to conform to the system color to the surrounding environment to minimize adverse visual effects.
   b. No small wind energy system shall have any signage, writing, pictures, or decorations placed on it at any time other than warning, equipment, and ownership information.
   c. No small wind energy system shall have any flags, streamers, banners, and other decorative items that extend from any part of the system placed on it at any time.

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5. Fencing:
   a. The tower shall be enclosed with a fence of at least 6 feet in height or the base of the tower shall not be climbable for a distance of 12 feet measured from the base of the tower.

6. Height:
   a. The applicant shall provide evidence that the proposed height does not exceed the height recommended by the manufacturer or distributor of the system.

7. Required Safety Features:
   a. The small wind energy system shall have an automatic overspeed control to render the system inoperable when winds are blowing in excess of the speeds for which the system is designed and a manually operable method to render the system inoperable in the event of a structural or mechanical failure of any part of the system.

8. Removal of Small Wind Energy System:
   a. When a small wind energy system reaches the end of its useful life and can no longer function as originally designed, or the system has not been operated for at least one (1) year, the owner of the system shall remove the system within 120 days of notification by the Code Enforcement Officer.
   b. The owner shall be responsible for the removal of the system and all costs, financial or otherwise, of system removal.

9. Building Code Compliance:
   a. Building permit applications shall be accompanied by standard drawings of the system structure, including the tower, base, footings, and guy cables.
   b. An engineering analysis of the tower showing compliance with the New York State Uniform Fire Prevention and Building Code and certified by a licensed professional engineer also shall be submitted. This analysis may be supplied by the manufacturer.

10. Electric Code Compliance:
   a. Building permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components of the system showing compliance with National Electric Code and certified by a licensed professional engineer.
   b. This information may be supplied by the manufacturer.

11. Local Utility Company Notifications:
   a. If a small wind energy system is to be connected to an off-site utility service provider, the applicant shall notify the electric utility service provider of the applicant's intent to install an interconnected customer-owned electricity generator no later than five (5) business days prior to submitting a building permit application.
   b. Copies of letters must be included in the building permit application.

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ARTICLE 8

CLASS A AND B REGIONAL PROJECT REVIEW

I. PURPOSE:

A. The purpose of this Article is to further the general purposes, policies and objectives of the Town's Zoning Ordinance and the Adirondack Park Agency Act setting forth the criteria for review of Class A and B Regional Projects by the Adirondack Park Agency and the Town of Caroga.

B. This Section establishes requirements and administrative procedures for the review of Class A and B Regional Projects by the Planning Board or the Adirondack Park Agency, and sets forth the Town's role when Class A or B Regional Projects are reviewed by the Adirondack Park Agency.

II. APPLICABILITY:

A. Class A Regional Project. No person shall undertake a Class A regional project unless and until the Adirondack Park 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.

B. Class B Regional Project. No person shall undertake a use permitted by right, Site Plan Approval, Conditional Use Approval, or prohibited use for which a variance has been granted pursuant to Article 11, 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 Code Enforcement Officer has issued a permit with respect thereto pursuant to the terms of Article 10 hereof.

III. CLASS A REGIONAL PROJECTS:

A. 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.

B. The Adirondack Park Agency shall not approve a Class A regional project unless it first determines, after seeking consultation with the Planning Board and upon consideration of any advisory recommendations of the Planning Board relative to the project, that the project would comply with the Town local land use program. The Agency will accept and adopt as its own findings any recommendations made by the Planning Board as to compliance with the dimensional and other technical requirements of the local land use program, unless such recommendation are inconsistent with the express terms of the Town local land use program.

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C. In making the determination required by Section 809(9) of the Adirondack Park Agency Act as to the impact of the proposed Class A regional project upon the resources of the Adirondack Park, including the ability of all levels of government to provide supporting facilities and services made necessary by the project, the Agency shall consider those factors pertinent to the project contained in the development considerations set forth in Section 805-4 of the APA Act.

D. 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 all 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 necessary by the project, taking into account the commercial, industrial, residential, recreational and other benefits that might be derived from the project, or that the project would otherwise be approved 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.

E. The Planning Board, or its designee, is hereby designated to consult with the Adirondack Park Agency with regard to Agency review of Class A regional projects.

F. Within thirty (30) days following receipt by the Planning Board from the Adirondack Park Agency of a Notice of Application completion with regard to a Class A regional project, the Planning Board or its designees shall provide the Agency with advisory recommendations as to whether the project would comply with the Town local use program.

IV. CLASS B REGIONAL PROJECTS:

A. 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.

B. The Town Planning Board shall identify any project proposed in a Town Hamlet Zoning District that lies within an APA's Low Intensity Use or Rural Use Area.

C. Upon receipt of an Application for a Class B Regional Project, a copy of the application shall be forwarded to the APA per Section 808.2 of the Act and Section of 582.7 of the APA's regulations.

D. 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.

E. 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 the Town's Zoning Ordinance.

2. The use would be in harmony with the general purpose and intent of the Town's Zoning Ordinance and Comprehensive Plan, 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 on the burden of 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 create public hazards from traffic, traffic congestion, or parking of automobiles or be otherwise detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of the proposed use, or be detrimental or injurious to the property and improvements in the neighborhood or the general welfare of the Town.

4. 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 in Section 805.4 of the APA Act.

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ARTICLE 9

NON CONFORMING USES, BUILDINGS, STRUCTURES AND LOTS

I. PURPOSE:

A. The general purpose of regulating nonconforming uses, buildings, structures and lots is to allow for the continued existence of such uses, building or structure and lots after a zoning change which would otherwise prohibit such use, structure or lot while gradually bringing everything into conformance by regulating how such uses and building or structure can be reestablished, repaired and restored.

B. This Article shall allow nonconforming uses and structures to be physically maintained, and encourage their upkeep so as to preserve safety, functionality and appearance within the Town.

II. CONTINUATION:

A. Any nonconforming use, building, structure or lot which existed lawfully at the time of enactment of this Ordinance and any amendment approved thereof may be continued, subject to the requirements in this Article.

III. NON-CONFORMING USES OF LAND:

A. A nonconforming use of land shall not be enlarged or extended beyond the area of land occupied by such use at the time of the adoption of this Ordinance and any amendment approved thereof.

B. A nonconforming use of land may not be moved in whole or in part to any other portion of the lot or parcel of land occupied by such nonconforming use at the time of adoption of this Ordinance and any amendment approved thereof.

C. A nonconforming use of land shall not be changed to another nonconforming use.

D. A nonconforming use of land, which is discontinued shall not be lawfully reestablished as a nonconforming use. Subsequent uses shall conform to the regulations of the district in which the use is located.

E. A nonconforming use of land shall be deemed to have been discontinued if the use has been discontinued for a period of 12 consecutive months.

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IV. NON-CONFORMING USE OF BUILDINGS:

A. A nonconforming use of a building shall be subject to the following requirements:

1. Additions:

   a. Additions or enlargements to a building occupied by a nonconforming use shall not be allowed unless the use thereon is made to conform to all use regulations of the district in which it is located.

2. Change of Nonconforming Use:

   a. A nonconforming use of a building may be continued, discontinued, or changed to a conforming use. When so changed, the nonconforming use may not be resumed.
   b. In no case shall a nonconforming use be changed to a different nonconforming use.

3. Discontinuance:

   a. A nonconforming use of a building or a portion thereof which is discontinued shall not be lawfully reestablished as a nonconforming use. Subsequent use shall conform to the use regulations of the district in which the building is located.
   b. A nonconforming use of a building shall be deemed to have been discontinued if the building has been vacant or not utilized for a period of 12 consecutive months.

4. Restoration:

   a. A nonconforming use of a building which is more than 50 percent destroyed as measured as a percent of floor area and as certified by either the Code Enforcement Officer or their designee shall be rebuilt, repaired, restored, or rehabilitated in full conformance with the requirements of the Zoning District the building is located in.
   b. Eligible or duly registered federal or state historic structures may be exempt from the strict application of rules pertaining to nonconforming uses. Such structures may be rehabilitated pursuant to a plan reviewed by a historic preservation architect who certifies that the proposed rehabilitation plan will restore the historical character of the structure. However, damaged interior spaces and future interior uses shall be made to conform to all regulations of the district in which it is located.

5. Removal:

   a. If any building in which any nonconforming use is conducted is hereafter removed, the subsequent use of the land on which such building was located and the subsequent use of any building erected thereon shall conform to the regulations of the district.

B. Validity of Permit:

1. Any building for which a permit has been lawfully granted and on which the construction has been started and diligently pursued before the effective date of this Ordinance may be completed.

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V. NON-CONFORMING BUILDINGS OR STRUCTURES:

A. An existing building or structure that was legally constructed, but which no longer conforms to the dimensional requirements of this Ordinance, shall be considered a legal nonconforming building or structure.

B. Any addition or enlargement shall be in conformance with all applicable setback, height and lot coverage requirements for the District in which it is located.

C. A nonconforming building or structure may be added to or enlarged if the proposed addition or enlargement does not increase the degree of nonconformity with the setback, height or lot coverage requirements for the District.

D. No structural alterations shall be made to any nonconforming building or structure unless such alterations are required by law; provided, however, that such maintenance and repairs as are required to keep a nonconforming building or structure in sound condition shall be permitted.

E. A nonconforming building may be torn down and rebuilt with the same bulk dimensions either on its existing foundation or at a different location on a lot that does not increase the building's nonconformance and is approved by the Code Enforcement Officer subject to the submission of an engineered plan prepared by a NYS licensed engineer certifying to and accepted by the Code Enforcement Officer that the new building shall have an on-site wastewater collection and treatment system capable of properly handling the wastewater to be generated by the new building.

VI. NON-CONFORMING LOTS:

A. If a lot of record, duly existing prior to the adoption of this Ordinance or any applicable amendment thereto, fails to meet applicable density, set back or lot size standards as set forth herein, the lot may be developed with any allowable use listed for the zoning district in which such nonconforming lot is located provided that such lot has sufficient width, depth, and area to undertake development that will meet at least two-thirds of the current minimum yard setbacks, and other dimensional requirements.

B. Where two-thirds of current minimum yard setbacks and other dimensional requirements cannot be met, the owner shall have the right to apply for one or more area variances.

C. All other provisions of this Zoning Law or other laws or regulations, which may be applicable, must also be met.

D. The development of a nonconforming lot shall require site plan approval from the Planning Board and comply with the following conditions:

1. All New York State Department of Health and APA regulations shall be satisfied.
2. Any residential use of such a nonconforming lot shall be limited to a one-family dwelling.

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ARTICLE 10

ADMINISTRATION AND ENFORCEMENT

I. CODE ENFORCEMENT OFFICER:

A. This Article shall be administered and enforced by the Code Enforcement Officer, his/her assistants or deputies as authorized and directed by the Code Enforcement Officer as well as the Planning Board and Zoning Board of Appeals as specified herein.

B. The Code Enforcement Officer shall have the following powers, duties and responsibilities:

1. Applications:

a. Receive and process all applications for Zoning/Building and Sign Permits.

2. Permits:

a. Issue, revoke and renew all permits, including but not limited to:

1) Building/Zoning Permit
2) Sign Permits
3) Dock Permits
4) D. Manufactured Home Permits
5) Recreational Vehicle Permit
6) Certificate of Occupancy and Certificate of Compliance Permits

3. Inspections:

a. The Code Enforcement Officer shall have the right to enter and inspect any building or land at any reasonable hour as necessary in the execution of these duties, subject to the following conditions:

1) The Code Enforcement Officer should make efforts in good faith to notify the Applicant, owner, owner representative or tenant before coordinating and conducting any inspection.
2) The Code Enforcement Officer should display proper identification upon commencing an inspection.
3) Inspections should be conducted in the presence of the Applicant, owner, owner's representative or tenant if he/she checks the contact person(s) for the inspection on the Application.
4) Details of each inspection and its findings shall be prepared and kept in the Owner's file in the office of the Code Enforcement Officer. The Code Enforcement Officer (or representative) will advise the Applicant, owner, owner's representative or tenant of the outcome of the inspection.
5) The Applicant, property owner, owner's representative or tenant, shall make good faith effort to timely schedule with the Code Enforcement Officer all required inspections for duration of Zoning/Building Permit.

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4. Violations:

a. Issue Notices of Violation.

5. Stop Work Orders:

a. Whenever the Code Enforcement Officer has reasonable grounds to believe that work on any building, structure or sign or any use of land is occurring either in violation of the provisions of this Ordinance, not in conformity with any application made, Zoning/Building or Sign Permit granted or other approval issued hereunder, or in an unsafe or dangerous manner, the Code Enforcement Officer shall issue a Stop Work Order to the appropriate person responsible to stop work on any such building, structure, sign or land.
b. All Stop Work Orders shall be in writing, shall state the reasons why the work shall be stopped and shall state the conditions under which the work or use may be resumed.
c. All Stop Work Orders shall be served upon the person to whom it is directed either by delivering it personally to that person or by posting the Stop Work Order upon a conspicuous portion of the building or structure under construction or on the land in use and additionally sending a copy of the same by certified mail to the appropriate, responsible person.

6. Emergency Actions:

a. If in the opinion of the Code Enforcement Officer, a violation exists which requires immediate action to avoid a direct hazard or imminent danger to the health, safety or welfare of occupants of a building or to the public or the environment, the Code Enforcement Officer may direct that such violation be immediately remedied or may take direct action on his/her own initiative to abate the hazard or danger. Any costs incurred by such action shall be paid for by the owner, occupant or person responsible for the violation.
b. The Code Enforcement Officer shall keep on file an affidavit stating the items of expense and date of execution of action taken and is furthermore authorized to institute a suit, if necessary, against the person liable for such expenses, or place a lien against the property, in order to recover the said costs.

7. Consultants:

a. Retain the services of a professional consultant to assist in the review of an application for a Zoning/Building or Sign Permit per Section XI herein.

8. Records:

a. The Code Enforcement Officer shall maintain files of all Applications for Zoning/Building and Sign Permits, Special Use Permits, Site Plan Review approvals, Zoning Board of Appeals decisions, Certificate of Compliance Permits, Certificate of Occupancy Permits, Inspection Reports, complaints and violations.

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9. **Complaints:**

a. The Code Enforcement Officer shall investigate all written complaints received.

II. ZONING/BUILDING AND SIGN PERMITS:

A. No building or use shall be allowed on a property or sign erected without the property owner first applying for and receiving a Zoning/Building or Sign Permit under this Ordinance from the Code Enforcement Officer as provided herein.
B. Any building being converted from a seasonal to year round use shall first obtain a Zoning/Building Permit from the Code Enforcement Officer.
C. No Zoning/Building or Sign Permit shall be issued by the Code Enforcement Officer unless the Code Enforcement Officer has determined that the proposed building, use or sign complies with all provisions of this Ordinance, the NYS Uniform Fire Prevention and Building Code and all other applicable State and local laws, codes, rules and regulations.

III. APPLICATION FOR ZONING/BUILDING PERMIT:

A. Any person, firm or corporation owning property seeking a Zoning/Building Permit under this Ordinance shall file an application with the Code Enforcement Officer. The Application shall be on a form provided by the Code Enforcement Officer.
B. Each Application shall, at a minimum, contain the following information:

1. A surveyed plot plan prepared by a New York State licensed land surveyor, showing the actual shape, dimensions, radii, angles and area of the lot which a use is proposed, on which a building is proposed to be constructed, or if an existing building, of the lot on which it is situated as well as the size and location of all proposed new and existing buildings and accessory structures on the lot. The dimensions, in feet, of all sides of the lot shall be provided.
2. The section, block, lot number (SBL) and acreage of the lot.
3. The exact dimensions, height and location on the lot, in feet, of the proposed building or buildings or alternation of an existing building, and the location and dimensions on the lot, in feet, of other existing buildings and accessory structures, if any on the same lot.
4. The location, nature and dimensions, in feet, of all yards, access driveways, off-street parking, planting and screening.
5. The exact dimension, in feet, of the minimum distance between all sides of the subject building and all property lines and other existing buildings on the same lot.
6. The existing and intended use of all buildings, existing or proposed, the use of land and the number of dwelling units the building is designed to accommodate.
7. Such topographic or other information with regard to the building, the lot or neighboring lots as may be necessary to determine that the proposed construction will conform to the provisions of this Ordinance.
8. For projects involving an onsite water source and/or onsite wastewater disposal systems, a plan, prepared by a NYS licensed professional engineer demonstrating that all NYS Department of Health (DOH) required setbacks from all existing water sources and onsite wastewater disposal systems shall be met.
9. For projects involving the conversion of an existing seasonal structure to a year round use, a Plan, prepared by a licensed professional engineer, for an onsite wastewater disposal or other system to properly handle all wastewater to be generated by the year round use.

10. If the proposed project shall involve the physical alteration of land:

    a. Submit a grading plan showing existing and proposed grades.

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b. Submit a Stormwater Pollution Prevention Plan to the Code Enforcement Officer if the physical alteration of land shall be less than 1 acre as determined by the Code Enforcement Officer.
c. Obtain a Stormwater Permit from NYSDEC if the proposed project shall involve the physical alteration of more than 1 acre of land as determined by the Code Enforcement Officer.

11. The Application Fee.
12. Such other information as requested by the Code Enforcement Officer.

C. Upon receipt of an Application for a Zoning/Building Permit, the Code Enforcement Officer shall sign and date the application to signify its receipt. The Code Enforcement Officer shall review the Application to determine if it is complete or if additional information may be required from the applicant. If additional information is required, the Code Enforcement Officer shall notify the applicant, within seven (7) working days, of what additional information will be required to complete the Application.

D. Once an Application is determined to be complete, the Code Enforcement Officer shall, within fourteen (14) calendar days, notify the applicant that either:

1. The proposed building or use complies with all requirements of this Ordinance and all other applicable State and local laws, codes, rules and regulations, no other approvals are required and that a Zoning/Building Permit is issued.
2. The proposed building or use does not comply with one or more of the requirements of this Ordinance and a Zoning/Building Permit is denied. The Code Enforcement Officer shall advise the applicant of the specific requirements of this Ordinance with which the application did not comply with.
3. The proposed building or use requires one or more reviews or approvals before a final decision can be made. In this case, the Code Enforcement Officer shall notify the applicant of:

a. The reviews and approvals that the Application must receive.
b. The information and/or additional fees that will be required for the conduct of these reviews.

E. If and when the required reviews and approvals have been completed and obtained, the Code Enforcement Officer shall, within seven (7) calendar days of receiving notice of these approvals, issue a final decision on said Application.

IV. APPLICATION FOR SIGN PERMIT:

A. Any person, firm or corporation owning property seeking a Sign Permit shall file an Application with the Code Enforcement Officer. The Application shall be on a form provided by the Code Enforcement Officer.

B. Each Application shall, at a minimum, contain the following information:

1. The section, block and lot number of the tax parcel upon which the sign is proposed to be installed.
2. The specific location of the sign on the parcel.
3. The design of the sign including:
   - Size: length, width and height
   - Material
   - Colors
   - Wording
   - Type of Illumination, if any
   - Method of installation/attachment
   - Location of installation/attachment

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- For freestanding signs, identify the height of the top of sign above finish grade

4. Any other information as requested by Code Enforcement Officer.

C. Upon receipt of an Application for a Sign Permit, the Code Enforcement Officer shall sign and date the Application to signify its receipt. The Code Enforcement Officer shall review the Application to determine if it's complete or if additional information may be required from the applicant. If additional information is required, the Code Enforcement Officer shall notify the applicant, in writing, within seven (7) working days, of what additional information will be required to complete the Application.

D. Once an Application is determined to be complete, the Code Enforcement Officer shall, within seven (7) calendar days, notify the applicant, in writing, that either:

1. The proposed sign complies with all requirements of this Article and that a Sign Permit is issued,
2. The proposed sign does not comply with one or more of the requirements of this Article and therefore a Sign Permit is denied. The Code Enforcement Official shall advise the applicant of the specific requirements of this Article that the Application did not comply with.

V. INSPECTIONS:

A. All approved Zoning/Building and Sign Permits shall specify the types of inspections that applicants must request from the Code Enforcement Officer prior to the commencement or continuation of work.

B. Applicants must contact the Code Enforcement Officer at least 48 hours in advance to request any inspection by the Code Enforcement Officer required by a Zoning/Building or Sign Permit to complete a project.

VI. CERTIFICATE OF OCCUPANCY AND CERTIFICATE OF COMPLIANCE PERMITS:

A. Zoning and Building Permit:

1. No building or use for which a Zoning/Building Permit is issued by the Code Enforcement Officer shall be occupied, utilized or maintained until a Certificate of Occupancy Permit or Certificate of Compliance is issued by the Code Enforcement Officer.
2. Once a building or use is ready to be occupied, utilized or maintained, the applicant who applied for the Zoning/Building Permit shall notify the Code Enforcement Officer, in writing, and request, per Section IV of this Article, that a final inspection be conducted to verify compliance with the Zoning/Building Permit.
3. The Code Enforcement Officer shall inspect the building or use to verify that all conditions and stipulations in all approvals and permits have been complied with and satisfied.
4. Based upon the inspection, the Code Enforcement Officer shall notify the Applicant, within ten (10) calendar days of conducting the inspection that:

a. All work was completed in complete compliance with all requirements of the Zoning/Building Permit and that a Certificate of Occupancy or Certificate of Compliance Permit has been issued. A

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copy of the Certificate of Occupancy or Certificate of Compliance Permit shall be transmitted to the Owner with a copy to the Owner's file in the Code Enforcement Officer's Office.

b. All work required by the Zoning/Building Permit has not been completed. The Code Enforcement Officer shall advise the applicant of the specific requirements of the Zoning/Building Permit that are non-compliance.

B. <u>Sign Permit:</u>

1. Once a sign has been erected, placed, installed, attached, hung, altered, enlarged or relocated, the applicant who applied for the Sign Permit shall notify the Code Enforcement Officer, in writing, and request that a final inspection be conducted to verify compliance with the Sign Permit.

2. The Code Enforcement Officer shall inspect the sign to verify that all conditions and stipulations attached to the Sign Permit have been satisfied and complied with.

3. Based upon the inspection, the Code Enforcement Officer shall notify the applicant, within seven (7) calendar days of conducting the inspection that:

   a. The sign is in complete compliance with all requirements of the Sign Permit and that a Certificate of Occupancy Permit has been issued. A copy of the Certificate of Occupancy Permit shall be transmitted to the Applicant.
   b. The sign is not in compliance with the Sign Permit. The Code Enforcement Officer shall advise the applicant of the specific requirements of the Sign Permit that have not been complied with.

VII. <u>COMPLAINTS:</u>

A. Any person, firm or corporation may file a written complaint with the Code Enforcement Officer alleging a violation of this Ordinance and request an enforcement action by the Code Enforcement Officer.
B. The Code Enforcement Officer shall record the receipt of all complaints and conduct the necessary investigations regarding the complaint to verify whether a Violation of this Ordinance exists and should be processed in accordance with Section VIII of this Article.

VIII. <u>VIOLATIONS:</u>

A. It shall be a Violation of this Ordinance if any building, structure, development sign or land use is:

   1. Erected, occupied, utilized or maintained prior to the issuance of a Certificate of Occupancy Permit.
   2. Not erected, occupied, utilized or maintained in strict accordance with any provision of this Ordinance and any condition or stipulation in an approved Zoning/Building Permit, Sign Permit, Certificate of Occupancy Permit, Special Use Permit, Site Plan approval, Subdivision approval, Zoning Board of Appeals variance or SEQR approval.

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B. Upon determining a Violation exists, the Code Enforcement Officer shall:

1. Issue a Notice of Violation to the property owner/applicant that a violation exists. The Notice of Violation shall identify the specific reason(s) for the violation and order the property owner/applicant to correct the Violation.
2. Afford the property owner/applicant up to thirty (30) calendar days to correct the violation unless there is imminent danger of public health and safety.

C. At the end of the time period designated, the Code Enforcement Officer shall inspect the Violation to verify if it has been corrected:

1. If the Code Enforcement Officer verifies the Violation has been satisfactorily corrected, the property owner/applicant shall be notified in writing.
2. If the Code Enforcement Officer verifies the Violation was not corrected, the Code Enforcement Officer may:

   A. Issue a Stop Work Order.
   B. Issue an appearance ticket directing the property owner/applicant to appear in the designated local criminal court.

IX. PENALTIES FOR OFFENSES:

A. Penalty:

1. A Violation of any provision or requirement of this Ordinance or Violation of any statement, plan, application, permit or certificate approved under this Ordinance shall be considered an Offense punishable as follows:

Offense	Fine	Imprisonment
1st	Up to $350	Up to 6 months
2nd within 5 years	$350-$700	Up to 6 months
3rd within 5 years	$700-$1,000	Up to 6 months

2. The owner, general agent or contractor of a use, building, sign, or part thereof, where such Violation has been committed or does exist, and any agent, contractor, architect, builder, corporation or other person who commits, takes part or assists in such violation, shall be liable for such an offense.
3. Each and every week that any such Violation continues after notifications that such Violation exists shall constitute a separate offense.

B. Court Action:

1. The imposition of penalties herein prescribed shall not preclude the Town or any person from instituting appropriate legal action or proceeding to prevent an unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, or to restrain, correct or abate a violation or to prevent the illegal occupancy of a building, land or premises.

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X. EXPIRATION OF ZONING/BUILDING AND SIGN PERMITS:

A. Use, structure or sign for which a Zoning/Building or Sign Permit has been issued, shall be erected or used within one (1) year of the date said permit was approved by the Code Enforcement Officer.

B. The Code Enforcement Officer may renew a Zoning/Building or Sign Permit for a period to not exceed one (1) additional year from the date said Permit would have expired as long as said renewal includes all of the conditions and stipulations contained in the original Zoning/Building or Sign Permit along with all appropriate fees.

XI. REVOCATION OF ZONING/BUILDING AND SIGN PERMITS:

A. If the Code Enforcement Officer determines that an application for a Zoning/Building or Sign Permit contained false or misleading information, or that work being done on a building, use or sign differs materially from what is allowed by the approved Zoning/Building or Sign Permit, the Code Enforcement Officer shall revoke the Zoning/Building or Sign Permit.

B. The Code Enforcement Officer shall, within three (3) calendar days, notify the property owner/owner's representative, in writing, that:

1. Their Zoning/Building or Sign Permit has been revoked and the reason(s) why.
2. All work activity in use on the property shall cease immediately.
3. Failure to comply shall constitute a Violation and be subject to a fine under Section VII and VIII of this Article.

XII. FEES:

A. The Town Board, by resolution, shall establish and may, from time to time, amend a fee schedule for all applications, permits, inspections, consultants or other Town actions stipulated in this Article.

B. All fees shall be paid with the filing of applications and prior to the issuance of permits.

C. All fees shall be paid to the Code Enforcement Officer, who shall transmit said fees to the Town Budget Officer/Bookkeeper.

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ARTICLE 11

ZONING BOARD OF APPEALS

I. ORGANIZATION:

A. Creation, Membership, Terms:

1. A Zoning Board of Appeals ("Board") is hereby established in accordance with Section 267 of New York State Town Law.
2. The Town Board shall designate the members of the Board and shall designate the Chairperson thereof.
3. The Board shall consist of five (5) members, each to serve a term of five (5) years and the terms shall be fixed as specified in Section 267 of the Town Law of New York State so that one member's term expires each year.
4. The Board shall have one Alternate member, as designated by the Town Board. The Alternate member shall serve a term of one (1) year. The chairperson of the Board may designate an alternate to substitute for a member when such member is unable to participate on an application or matter before the Board. When so designated, the Alternate member shall possess all the powers and responsibilities of such member of the Board. Such designation shall be entered into the minutes of the initial Board meeting, at which the substitution is made. Said alternate shall continue to sit for any adjourned dates for applications presented to the Board for consideration when initially heard by the alternate board member so as to provide continuity with the application.

B. Meetings:

1. All meetings of the Board shall be held at the call of the Chairman and at such other times as a majority of the members of the full Board may determine.
2. All meetings shall be open to the public per Article 7 of the Public Officers Law and shall be conducted in accord with the guidelines established by the Board.

C. Records/Voting:

1. The Board shall keep minutes of its proceedings, including its examinations, findings and official actions.
2. The Board shall record the votes of each member upon every question put to vote or, if absent or failing to vote, indicating such fact.
3. The Board's minutes shall fully set forth the reasons for the decisions of the Board and the findings of fact on which the decision was based.
4. The Board's minutes shall be on file in the Office of the Town Clerk, together with all documents pertaining thereto.
5. The Board shall notify applicants, Town Clerk and the Planning Board of all official actions. All decisions of the Board must be filed with the Town Clerk within five (5) business days of the meeting and shall become a public record.

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D. Voting:

1. The concurring vote of a majority of the full membership of the Board shall be required to constitute an official action.

II. POWERS AND DUTIES:

A. The Board shall have the following powers and duties prescribed by the Town Law and this Article.

1. General Authority:

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

2. Interpretations:

a. The Board shall decide all appeals involving the interpretation of any provision of these regulations, including the determination of the exact location of any zoning district boundary, if there is uncertainty with respect thereto, or any other determination made in the administration or application of these regulations.
b. All interpretations shall be considered and rendered by the Board only upon appeal following and based upon a determination made by the Code Enforcement Officer.

3. Variances:

a. The Board, on appeal from a decision or determination of the Code Enforcement Officer, shall have the power to grant variances, as follows:

1) Use Variances:

i. A use variance is an authorization by the Board that allows a specified use in a zoning district where such specified use is not allowed.
ii. No use variance shall be granted by the Board without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship.
iii. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Board that for each and every permitted use under the zoning regulations for the particular district where the property is located:

1. That applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
2. That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
3. That the requested use variance, if granted, will not alter the essential character of the neighborhood; and

4. That the alleged hardship has not been self-created.

iv. The Board, when granting a use variance, shall grant the minimum variance 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.

2) Area Variances:

i. An area variance is an authorization by the Board that allows a departure from the density requirements of the Zoning Ordinance.

ii. In making its determination, on an area variance application the Board shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board shall also consider:

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

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

3) Adirondack Park Agency (APA) Review Notification:

i. The following variances shall be subject to Adirondack Park Agency review pursuant to Section 808(3) of the "Adirondack Park Agency Act" when outside a Hamlet area:

1. Variances from local shoreline restrictions;
2. Variances from the local controls governing intensity of development, such as minimum lot areas;
3. Variances from use restrictions which would allow a use other than those on the classification of compatible use lists in the Adirondack Park Agency Act for the official map land use area in which it would be located; and
4. Any other variances which involve the provision of the land use and development plan except variances from front, side or rear yards not involving shoreline.

ii. The Code Enforcement Officer shall provide written notice to the APA of any application for a variance subject to APA review (referred to in subdivision (A) of this section) within fifteen (15) days of receipt or within such period as may be agreed upon. The agency may request additional pertinent information.

iii. In reviewing applications for variances which are subject to Agency review, the Zoning Board of Appeals shall consider the criteria in Sections 808.3 and 806.3 of the Adirondack Park Agency Act and 9 NYCRR Part 576 (Standards for the Review of Variances Pursuant to the Adirondack Park Agency Act), in addition to the criteria for variance approval set forth above.

iv. The Code Enforcement Officer shall submit a copy to the Adirondack Park Agency together with such pertinent information as the Agency reasonably deems necessary. Any variance granted or granted with condition(s) subject to Agency review in accordance with subdivision a above shall not be effective until thirty (30) days after such notice to the Agency. If within such thirty (30) day

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period the Agency determines that such variance involves the provisions of the Adirondack Park Land Use and Development Plan as approved I the local land use program, including the shoreline restriction of the Adirondack Park Agency Act and was not based on the appropriate statutory basis of practical difficulties or unnecessary hardships, the Agency may reverse the Zoning Board of Appeals' determination to grant the variance. The Zoning Board of Appeals may seek an advisory opinion of the Agency on any such variance prior to acting thereon.

4. Imposition of Conditions:

a. The Board of Appeals shall, in the granting of both use variances 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.
b. Such conditions shall be consistent with the spirit and intent of this Law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

III. APPEAL PROCEDURE:

A. Who Can Appeal:

1. Appeals may only be taken by:

   a. Any person aggrieved by a written decision, determination, order, requirement or interpretation made by the Code Enforcement Officer.
   b. The Town Code Enforcement Officer or any other officer, department, board or bureau of the Town charged with administering and enforcing the Zoning Ordinance.

2. The determination of whether an applicant is aggrieved shall be determined by the Board, after hearing, as part of the appeal process set forth below.

B. Appeal Process:

1. Time to Appeal:

   a. An appeal from an order, requirement, decision, interpretation or determination of the Code Enforcement Officer, shall be taken within 60 days after the filing in the Town Clerk's office of such order, requirement, decision, interpretation or determination of the Code Enforcement Officer.
   b. In the case of an application for an area variance from a Site Plan, Special Use Permit or Subdivision Application before the Planning Board, the appeal shall be taken within 60 days of the date that the Planning Board determined that an area variance is required.

2. Placement on Board Agenda:

   a. In order for an appeal to be placed on the Board's meeting agenda, the required application materials shall be submitted to the Town Clerk at least seven (7) calendar days prior to the date of the Board's meeting.

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3. Application:

a. In order for an appeal to be commenced, the applicant shall submit at least 1 original and 5 copies of an Appeal Application containing the following information:

1. The Zoning Board of Appeal Application Form.
2. A Plot Plan drawn to scale with accurate dimensions providing information sufficient to enable the Board to make an informed decision.
3. A narrative describing the existing and/or proposed use and operation together with the justification for the requested an interpretation or variance using the criteria identified in Section II, (c)(1) and (2) of this Article.
4. A short-form or long-form SEQRA Environmental Assessment Form (EAF) with Part 1 fully completed by the applicant (a long-form EAF is required for all SEQRA Type I actions. However, the Board may require a long-form EAF for Unlisted Actions if the Board deems that the additional information contained on the long-form would be helpful and appropriate under the circumstances of the appeal).
5. The Application Fee as established by the Town Board.

b. The Board may waive or add any requirements for an application submission it deems appropriate in order to accomplish the purposes set forth herein.

4. Determining Completeness of Appeal Application:

a. At the first meeting at which an Appeal Application is first presented, the Board shall determine whether the Appeal Application is complete for purposes of commencing the review process.
b. If an Appeal Application is determined to be incomplete, the Board shall notify the applicant, in writing, as to what aspects of the Application are lacking or insufficient or what additional information will be required to deem the Application complete.
c. The time-frames for Board action on an Appeal Application shall not commence until the Board determines that an Application is complete.

5. Code Enforcement Officer's File Information:

a. Upon submission of an Appeals Application, the Code Enforcement Officer shall forward to the Board a complete copy of the file on the property that is the subject of the appeal and all the papers constituting the record upon which the action appealed from was taken.

6. Stay Upon Appeal:

a. An Appeal Application shall stop all proceedings relating to the action appealed from, unless the Code Enforcement Officer certifies, in writing, to the Board that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property.
b. In that case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a Court of competent jurisdiction.
c. The application for a stay shall be on notice to the Code Enforcement Officer and with due cause shown.

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7. State Environmental Quality Review Act (SEQR):

   a. The Board shall comply with the provisions of SEQR.
   b. The following actions do not require review under SEQR:

      - Granting of individual setback and lot line variances
      - Appeals involving only interpretations of the Zoning Law and not variances other than those area variances previously mentioned.

8. Town Planning Board Referral:

   a. The Board, in its discretion, may request the Planning Board make a recommendation on an Appeal Application. Such recommendation shall become part of the record but shall not be binding upon the Board.

9. Town Highway Superintendent Referral:

   a. The Board shall seek the input and recommendation of the Town Highway Superintendent on any appeal application that may impact a Town Road or the setback from the maintained edge of a Town Road. The Town Highway Superintendent shall respond to the Board within thirty (30) days.

10. County Planning Board Referral:

    a. All completed use variance applications shall be referred to the County Planning Board pursuant to General Municipal Law, Section 239-m.
    b. No action shall be taken on applications referred to the County Planning Board until its recommendation has been received, or 30 days have elapsed after its receipt of the complete application, unless the County and Town agree to an extension beyond the 30-day requirement for the County Planning Board's review.
    c. A majority-plus-one vote of the Board shall be required to grant any use variance which receives a recommendation of disapproval from the County Planning Board because of the referral process specified above, along with a resolution setting forth the reasons for such contrary action.

11. Public Hearing:

    a. Schedule:

       1) The Board shall schedule and hold a public hearing on the complete Appeal Application within 62 days of the date the application was deemed complete by the Board.
       2) The time in which a public hearing shall be held may be lengthened only upon consent of the Applicant and the Board.

    b. Public Notice:

       1) At least five days prior to the date of such hearing, the Board shall give public notice by causing the publication of a notice of such hearing in the official newspaper and by mailing a notice thereof to all adjoining property owners and to any other property owners in the affected area that the Board may require to be notified.

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c. §239 Review:

1) In the case of a hearing held on an Appeal Application on a property that is located within 500 feet of an adjacent municipality, the Board shall give notice of the hearing to the clerk of the adjacent municipality, by either mail or electronic transmission, at least 10 days prior to the hearing pursuant to General Municipal Law § 239.

d. Expenses:

1) The cost of sending or publishing any notices relating to Appeal Applications, or a reasonable fee relating thereto, shall be borne by the appealing party and shall be paid to the Board prior to the hearing of such appeal.

e. Testimony:

1) Any party may appear in person, or by agent or attorney, at a public hearing. The Board may require testimony to be made under oath.

f. Time of Decision:

1) The Board shall decide all appeals within sixty-two (62) days after the conduct of a public hearing. The timeframe may be extended by mutual consent of the Applicant and the Board.

g. Filing of Decision:

1) The decision of the Board shall be filed in the Office of the Town Clerk within five (5) business days after the day such decision is rendered, and a copy thereof mailed to the applicant.

h. Rehearing:

1) A motion for the Board to hold a rehearing to review any order, decision or determination of the Board not previously reheard may be made by any member of the Board.
2) A unanimous vote of all members of the Board then present is required for such rehearing to occur. Such rehearing is subject to the same notice provisions as an original hearing.
3) Upon such rehearing the Board may reverse, modify or annul its original order, decision or determination upon the unanimous vote of all members then present, provided the board finds that the rights vested in persons acting in good faith in reliance upon the reheard order, decision or determination will not be prejudiced thereby.

i. Default Denial of Appeals:

1) In exercising its appellate jurisdiction only, if an affirmative vote of a majority of all members of the Board is not attained on a motion or resolution to grant a variance or reverse any order, requirement, decision or determination of the Code Enforcement Officer within the time allowed by paragraph (f) of this Section, the appeal is denied.
2) The Board may amend the failed motion or resolution and vote on the amended motion or resolution within the time allowed without being subject to the rehearing process as set forth in Paragraph (h) of this Section.

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C. Expiration of Appeal Decision:

1. Termination or Lapse of Variance.

   a. Unless otherwise specified by the Board, all Board decisions including variances shall expire if the appellant fails to obtain any necessary building or other permit or approval within 1 year of the date of the Board's decision.
   b. An appellant may receive one, 1-year renewal of any Board decision including variances. The appellant must:

      1) Apply, in writing, to the Code Enforcement Officer within 30 calendar days of the expiration date of a Board's decision.
      2) Pay fee to the Town Clerk.

2. Interpretations Binding:

   a. Interpretations made by the Board shall not lapse unless reconsidered by the Board and shall be binding on all Boards and officials of the Town.

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ARTICLE 12

AMENDMENTS

I. PURPOSE:

A. The purpose of this Article is to allow for amendments to this Ordinance.

II. INITIATION:

A. The Town Board may amend provisions of this Ordinance including the Zoning Map upon:

1. Its own motion.
2. A resolution submitted to it by the Planning Board or Zoning Board of Appeals requesting a specific Amendment.
3. A petition signed by one or more property owners.

B. A Petition for amending the Ordinance shall be submitted in triplicate to the Town Clerk with an application approved by the Town Board and any fee as may be established by the Town Board. All Petitions shall include:

1. Name of property owner.
2. If the Petition requests a change to the Zoning Map, a map accurately drawn to an appropriate scale showing the proposed zone district boundary changes, property lines, the calculated areas affected in acres or square feet, the road rights-of-way in the immediate vicinity, and the lands and names of owners immediately adjacent to and extending within 500 feet of all boundaries of the property to be rezoned.
3. If the Petition requests a change in the Zoning Regulations, the existing language to be changed and the proposed new language.
4. Written evidence that the Petitioner has notified by certified mail, return receipt request, all the property owners within 500 feet of all boundaries of all properties affected by a proposed zoning change.

III. REFERRALS:

A. Adirondack Park Agency:

1. The Town Board shall refer all proposed amendments to the Adirondack Park Agency (APA) for a determination as to whether the proposed amendment is subject to APA approval under Section 807 of the APA's regulations.
2. If the amendment is found to be subject to APA review and approval, it shall not be enacted until such approval is granted by the APA.

B. Planning Board:

1. The Town Board shall refer all proposed Amendments to the Zoning Ordinance to the Planning Board for a recommendation except for those proposed amendments that are initially submitted to the Town Board by the Planning Board.

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2. No action shall be taken by the Town Board until it has received back a written recommendation from the Planning Board or 30 calendar days have elapsed unless the Town Board and Planning Board have agreed to extend this 30-day requirement.

C. <u>Fulton County Planning Board: 239-m Review:</u>

1. Any proposed amendment affecting real property within 500' of the boundary of the following shall be referred to the Fulton County Planning Board in accordance with Section 239-m of General Municipal Law:

   - The Town of Caroga.
   - The right-of-way of an existing or proposed County or State road.
   - The boundary of a County or State Park or other recreational area.
   - The boundary of any existing or proposed right-of-way for a stream or drainage channel owned by the County for which the County has established channel lines.
   - The boundary of any existing or proposed County or State-owned land on which a public building or institution is situated.

2. No action shall be taken by the Town Board until it has received back a written recommendation from the Fulton County Planning Board or 30 calendar days have elapsed unless the Town Board and Fulton County Planning Board have agreed to extend this 30-day requirement.
3. If the Fulton County Planning Board does not submit back to the Planning Board a written recommendation within 30 calendar days and no extension had been agreed to, a default approval of the proposed amendment shall have been granted.
4. If the Fulton County Planning Board recommends modification or disapproval of a proposed amendment, the Town Board shall not act contrary to such recommendation except by a vote of a majority plus one of all the members thereof.

IV. <u>STATE ENVIRONMENTAL QUALITY REVIEW (SEQR):</u>

A. All proposed amendments to this Ordinance shall be classified as Type I Actions under SEQR.

B. Upon receipt of a proposed amendment, the Town Board shall conduct and complete a SEQR Review.

V. <u>PUBLIC HEARING:</u>

A. The Town Board shall conduct a public hearing on all proposed amendments prior to taking any action.

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B. The Town Board shall set, by resolution, at a duly called meeting, the date, time and place for a public hearing and shall cause public notice of said public hearing to be published, posted and circulated as noted below:

1. Publication of Notice in Official Newspaper:

   a. Notice of the time and place of the public hearing shall be published at least ten (10) days in advance of such hearing in the Town's official newspaper.
   b. This notice shall provide a summary of the proposed amendment in such reasonable detail as will give adequate notice of its contents, indicating the place where a copy of the proposed amendment may be examined and the date, time and place of the public hearing.

2. Notice to Adjacent Municipalities:

   a. Written notice of any proposed amendment affecting property lying within 500 feet of an adjacent town shall be served in person or by mail upon the Town Clerk of such municipality at least ten (10) days prior to the date of public hearing.
   b. Representatives of neighboring municipalities receiving notification of a proposed amendment shall have the right to appear and be heard at the public hearing thereon, but shall not have the right to review by a court.

3. Notice to Adjacent Property Owners:

   a. Where a proposed amendment involves a rezoning of a particular parcel or parcels of property, written notice of any proposed amendment affecting such property shall be mailed to the owners of parcels of property adjacent to the property that is subject of the proposed rezoning.

4. Other Notices:

   a. Written notice of any proposed amendment affecting property lying within 500 feet of the following shall be served personally or by mail to each person or entity listed below:

      1) The property of a housing authority, erecting or owning a housing project authorized under the Public Housing Law, upon the executive director of such housing authority and the chief executive officer of the municipality providing financial assistance thereto.
      2) The boundary of a County, upon the clerk of the Board of Supervisors or other person performing like duties.
      3) The boundary of a state park or parkway, upon the Regional State Park Commission having jurisdiction over such state park or parkway.

C. If a proposed amendment is initiated by a petition, the petitioner shall be responsible for the circulation of these required notices and the costs of publication.

VI. TOWN BOARD DECISION:

A. The Town Board, in deliberating on whether to adopt a proposed amendment to this Ordinance, shall consider the proposed amendment in relation to the Town's Comprehensive Plan and shall adopt the proposed amendment only if it is determined by the Town Board to be consistent and in accordance with the Town's Comprehensive Plan.

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B. The Town Board may approve or disapprove all proposed amendments by a majority vote of its total membership except in the case of local protest as stipulated in Section VII or disapproval by the Fulton County Planning Board as stipulated in Section III(3)(c).

VII. LOCAL PROTEST:

A. If a written protest against a proposed amendment, supplement or change is presented to the Town Board, duly signed and acknowledged, by the owners of 20 percent or more of the area of the land included in such proposed change, or by the owners of 20 percent or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not be passed except by the favorable vote of a majority plus one of the Town Board.

VIII. RECORD OF DECISION:

A. All amendments approved by the Town Board to the Ordinance (excluding any map changes) shall be entered in the minutes of the Town Board. The minutes shall describe and refer to any map adopted in connection with such change, amendment or supplement.

B. A copy, summary or abstract thereof (exclusive of any map incorporated therein) shall be published once in a newspaper of the Town and affidavits of the publication thereof shall be filed with the Town Clerk.

C. The Town Clerk shall maintain a record of the zoning map and all amendments made to it in connection with the Ordinance.

IX. EFFECTIVE DATE OF AMENDMENTS:

A. All amendments shall take effect upon filing in the office of the Town Clerk.

X. PERIODIC REVIEW:

A. Not later than March 31 of each year, the Planning Board, in consultation with the Code Enforcement Officer and Board of Appeals, shall reexamine the provisions of this Ordinance and the location of district boundary lines and shall submit a report to the Town Board recommending such changes or amendments, if any, which may be desirable in the interest of public safety, health, convenience, necessity or general welfare.

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ARTICLE 13

MANUFACTURED HOMES AND RECREATIONAL VEHICLES

I. PURPOSE:

A. The purpose of this Section shall be to promote the health, safety, and general welfare of the community, including the protection and preservation of the property of the Town of Caroga and its inhabitants, by establishing specific requirements and regulations governing the occupancy and maintenance of manufactured homes, manufactured home parks, recreational vehicles and recreational vehicle parks.

II. MANUFACTURED HOMES OUTSIDE OF MANUFACTURED HOME PARKS:

A. Restriction of Manufactured Homes:

1. No manufactured home shall be parked or allowed to remain upon any street, highway or other public place, except that emergency stopping or parking when caused by mechanical failure, for a period of not more than 72 hours, subject, however, to any prohibition or limitation imposed by other regulations or laws.

B. Multi-Section Manufactured Home:

1. A double-wide (or larger) manufactured home can be erected in any Zoning District where manufactured homes are allowed by right, Site Plan Review or Special Use Permit.

C. Manufactured Home Permits:

1. A Manufactured Home Permit is required to place and occupy a manufactured home on individual lots outside of manufactured home parks.

2. A Manufactured Home Permit shall be issued by the Town Code Enforcement Officer if:

   a. A completed Application is submitted.
   b. The required fee is paid.
   c. The proposed manufactured home conforms to all requirements of Zoning Ordinance.
   d. The proposed manufactured home conforms to all requirements of the current edition of the NYS Uniform Fire Prevention and Building Code and Residential Code of New York.

D. Application for Manufactured Home Permit:

1. All applications for a Manufactured Home Permit shall, at a minimum, include the following:

   a. Name and address of Applicant.
   b. Address and SBL of parcel of land upon which manufactured home is proposed to be located.

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c. A plan drawn to scale showing:

1) All property lines.
2) Location for manufactured home.
3) Location of water supply.
4) Location of onsite wastewater disposal system.
5) Type of foundation anchoring system and skirting to be provided.

d. The required Sitting Fee.

E. Manufactured Home Requirements:

1. Foundations:

a. Foundation Systems for all manufactured homes shall comply with the NYS Uniform Fire Prevention and Building Code, Residential Code of New York State and all other laws and regulations.
b. Foundation Systems for all manufactured homes shall be frost protected meaning the use of a standard pier and footing system at or below the frost line.
c. Non frost protected foundations shall be allowed in the Town when the foundation is designed and stamped by a NYS licensed architect or engineer. When a foundation system is designed and stamped by a NYS licensed architect or engineer to be otherwise protected from the effects of frost, such foundation system is not required to extend below the frost line.

2. Manufactured homes shall be provided with potable water and a sewage disposal system designed and operated according to NYS Department of Health Regulations and any other local and State regulating agencies.

3. No occupied manufactured home outside a duly permitted manufactured home park shall be parked or placed nearer to a lot line than stated in the setback requirements as established for each zoning district.

4. Not more than 1 occupied manufactured home shall be placed or parked on any parcel of land.

5. All manufactured homes shall be installed on a manufactured home stand.

6. All additions to a manufactured home shall require the issuance of a Zoning/Building Permit by the Code Enforcement Officer.

7. Any expansion of a legal non-conforming manufactured home shall be required to first obtain a Site Plan Review approval by the Planning Board.

8. Manufactured homes heated with oil shall have a conventional tank erected and enclosed. Barrels are not permitted.

F. Existing Manufactured Homes:

1. A manufactured home lawfully in existence prior to the enactment of this Article but not located in a manufactured home park or zoning district that permits manufactured homes may continue to be used as living quarters provided it meets the requirements of this Article, including the securing of a permit.

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2. The owner of record for the parcel on which the manufactured home is situated shall adhere to all applicable State and local requirements for sanitation, sewerage, tidiness, and public health, safety, and welfare as they pertain to the residential occupancy of permitted manufactured homes not located in a manufactured home park.

G. Revocation of Permits:

1. If the Code Enforcement Officer finds that any manufactured home located outside a permitted manufactured home park is not being maintained in accordance with the provisions of this Article, the Code Enforcement Officer may serve a written order upon the owner of the premises, directing that the condition or conditions therein specified be remedied within 30 days after the date of service of the order.

2. If such condition or conditions are not corrected within the 30 days, the Code Enforcement Officer may revoke such permit. Upon revocation of the permit, the manufactured home shall be removed from the premises within 10 days.

H. Sitting Fee:

1. There is a one time Sitting Fee for the placement of a manufactured home anywhere in the Town as established by the Town Board.

III. MANUFACTURED HOME PARKS:

A. Permit Required:

1. No person, partnership, association or corporation being the owner or occupant of any land within the Town of Caroga shall use or allow the use of such land for a manufactured home park unless a permit has been obtained as herein provided.

B. Issuance of Permit:

1. The Code Enforcement Officer shall issue a permit, to be effective from the day of issuance.

2. This permit shall not be issued by the Town Code Enforcement Officer until the CEO has received:

   a. A written application from the applicant on forms approved by the Town.
   b. The required fee as herein provided.
   c. Approval of the application by the New York State Department of Health District
   d. Office.
   e. Approval of the Special Use Permit by the Planning Board.

C. Non-Transferable:

1. A Manufactured Home Park Permit shall not be transferable or assignable.

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D. Supplemental Permit:

1. Any person holding a permit for manufactured home park and desiring to add additional lots to such park shall file an application with the Code Enforcement Officer for a Supplemental Permit.

2. The application for such Supplemental Permit shall be accompanied by 10 complete sets of plans and specifications as required by the Application Data Section, hereafter.

3. The application for a Supplemental Permit shall be filed and handled according to the procedure established in this Section.

4. Once the application for a Supplemental Permit has been amended or approved by the NYS Department of Health and Planning Board and upon receipt of the required fee, the Code Enforcement Officer of the Town shall issue a Supplemental Permit, which shall be effective from the date of issuance.

E. Permit Fees:

1. The annual fee for a Manufactured Home Park Permit shall be set by the Town Board.

F. Enforcement:

1. The Code Enforcement Officer shall enforce all of the provisions of this Article.

2. The Code Enforcement Officer shall have the right, at all times, to enter and inspect any manufactured home park and other premises used for the parking or placement of a manufactured home.

G. Application for Manufactured Home Park:

1. Upon receipt of an application for a Manufactured Home Park, the Code Enforcement Officer shall refer the application to the Planning Board to review in accordance with Article 7: Special Use Permits.

H. Application for Manufactured Home Park:

1. The following information shall be provided by the applicant for a Manufactured Home Park Permit:

   a. The name and address of the applicant.

      i. Individual:
         - Name, address, phone and e-mail address.

      ii. Partnership:
         - The name of the partnership.
         - Name and address and contact information of all partners.

      iii. Corporation:
         - The name of the corporation.

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- Address and contact information of corporation.
- Name, address and contact information of all officers and directors of corporation.

b. The location and description of the land that is proposed to be used as a Manufactured Home Park.

c. A Site Plan, prepared by a NYS Licensed Professional Engineer, showing the location, total number and layout of all Manufactured Home Park lots, and items 4-20 below.

d. Topographic contours at two-foot intervals.

e. Location of watercourses, NYSDEC classified streams, marches, legal wetlands and areas subject to flooding.

f. Wooded areas.

g. A location map which shows all land within 300 feet of the proposed park and all structures on the land which abuts the proposed park.

h. The location, name and widths of all adjacent streets.

i. A plan prepared and stamped by a NYS Licensed Professional Engineer identifying the design and layout of the water supply and distribution system and the wastewater collection and treatment system for the Park and how water and wastewater service shall be supplied to each lot in the Park.

j. The location and widths of all entrances, exits, streets and walkways.

k. The location, size and arrangement of each lot within the park.

l. The location and design of the Park's water and wastewater collection and treatment systems.

m. The method and plan for electric lighting.

n. The location and plan of all proposed structures and improvements.

o. Any proposed grading and plans for landscaping.

p. Stormwater Pollution Prevention Plan (SWPPP) for all land development activities (excluding agricultural activities) on the site that results in land disturbance of 1 acre or more. A SWPPP shall comply with NYSDEC requirements for stormwater discharges from construction activities. It shall be at the discretion of the Planning Board as to whether a SWPPP shall be required for disturbances of less than 1 acre and which are not otherwise subject to such regulations.

q. Any proposed utilities.

r. Any public improvements proposed by the Town in or adjoining the proposed park.

s. Existing zoning.

t. Any proposed signage.

u. Completed Part I Environmental Assessment Form (EAF).

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IV. RECREATIONAL VEHICLES OUTSIDE OF RECREATIONAL VEHICLE PARKS:

A. Purpose:

1. The temporary placement of occupied and unoccupied recreational vehicles outside of recreational Vehicle Parks shall be permitted in the Town of Caroga in accordance with the requirements of this Article.
2. No occupied or unoccupied recreational vehicle shall be placed, parked, located or stored on any private parcel of land in the Town of Caroga unless done so in strict compliance with this Article.

B. Unoccupied Recreational Vehicles:

1. An unoccupied recreational vehicle shall be an uninhabited vehicle without occupants. The vehicle shall remain uninhabited and without occupants while on the parcel.
2. An unoccupied recreational vehicle may be temporarily placed on a private parcel of land subject to the following requirements:

    a. Only one (1) unoccupied recreational vehicle may be placed, parked, located or stored on any one (1) private parcel.
    b. The unoccupied recreational vehicle shall be placed, parked, located or stored so as to comply with the setback requirements of the Zoning District the parcel is located in as identified in the Density Standards Table in Article 4.

C. Occupied Recreational Vehicles:

1. General Requirements:

    a. An occupied recreational vehicle shall be any recreational vehicle that is inhabited or occupied at any time the vehicle shall be placed, parked, located or stored on any private parcel of land in the Town of Caroga.

    b. An occupied recreational vehicle may be placed, parked, located or stored on a private parcel of land subject to the following requirements:

        1) A permit shall be obtained from the Town Code Enforcement Officer in accordance with the requirements of this Article.
        2) Only one (1) occupied recreational vehicle shall be placed on any one (1) private parcel.
        3) The occupied recreational vehicle shall be placed, parked, located or stored so as to comply with the setback requirements of the Zoning District the parcel is located in as identified in the Density Standards Table in Article 4.
        4) All occupied recreational vehicles shall be permitted to be placed, parked, located or stored on a private parcel for a maximum of 28 nights in any calendar year.
        5) Wastewater generated in an occupied recreational vehicle placed, parked, located or stored on a private parcel shall not dispose of its wastewater into the property's onsite wastewater treatment system unless done so in accordance with Section IV(4) of this Article.

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2. Occupied Recreational Vehicle Permits:

a. Application for Permit:

1) Any property owner desiring to temporarily place an occupied Recreational Vehicle on their property shall submit an Application to the Code Enforcement Officer.
2) The Application shall, at a minimum, include the following information:

i. Name of Property Owner.
ii. Property upon which Recreational Vehicle shall be placed: Mailing Address and Tax Parcel #.
iii. Name and address, phone and e-mail address of owner of Recreational Vehicle.
iv. Make, model and color of Recreational Vehicle.
v. Sketch showing where Recreational Vehicle will be parked on property. Sketch shall identify the distances the recreational vehicle shall be setback from the front, rear and side yards lines.
vi. Date(s) Recreational Vehicle will be parked on property.
vii. Date(s) Recreational Vehicle will be removed from property.
viii. Where septic will be disposed of.

3) The Code Enforcement Officer shall review the Application for completeness.

b. Permits:

1) Permits shall be issued to the Property Owner upon which the Recreational Vehicle shall be placed, parked, located or stored.
2) The Town Code Enforcement Officer shall issue permit if the recreational vehicle complies with the requirements identified in IV (3)(A)(2) of this Article.
3) All permits issued shall be publicly displayed on the Recreational Vehicle.
4) All permits shall stipulate the date when the occupied Recreational Vehicle shall be removed from the private parcel.
5) The Code Enforcement Officer may impose conditions on the permit as deemed necessary to protect the public's health, welfare and safety.
6) It shall be the responsibility of the Permit holder to ensure compliance with the Permit and all conditions.
7) Violations of a permit shall be enforced per Article 10.

D. On-Site Wastewater Collection and Disposal System for an Occupied Recreational Vehicle:

1. The owner of a vacant parcel of land may design and install an on-site wastewater collection and treatment system specifically for an occupied recreational vehicle.
2. To do so, the owner of a vacant parcel shall submit to the Town Code Enforcement Officer, as part of an application for an occupied recreational vehicle permit, a design plan, prepared and stamped by a NYS Licensed Professional Engineer, for an on-site wastewater collection and treatment system for a certain size recreational vehicle. Perk tests shall be performed and the results included on the design plan.
3. As part of the permit, a property owner may be authorized to utilize this on-site wastewater collection and treatment system subject to any conditions included in the Permit by the Town Code Enforcement Officer.

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E. On-Site Wastewater Collection and Disposal System for Single-Family Dwelling Unit and an Occupied Recreational Vehicle:

1. The owner of a vacant parcel of land may install an on-site wastewater collection and treatment system designed to treat the combined wastewater flows from both a single-family dwelling unit and a recreational vehicle.
2. To do so, a property owner shall submit to the Code Enforcement Officer as part of an application for a Zoning/Building Permit for a single-family dwelling unit a design plan, prepared by a NYS licensed engineer, for an on-site wastewater collection and treatment system sized to handle the maximum wastewater to be generated from the single-family dwelling and recreational vehicle. Perk tests shall be performed and the test results included on the design plans.

V. RECREATIONAL VEHICLE PARKS:

A. Permit Required:

1. No person, partnership, association or corporation being the owner or occupant of any land within the Town of Caroga shall use or allow the use of such land for a Recreational Vehicle Park unless a permit has been obtained as herein provided.

B. Issuance of Permit:

1. The Code Enforcement Officer shall issue a permit, to be effective from the day of issuance.

2. This permit shall not be issued by the Town Code Enforcement Officer until the CEO has received:

   a. A written application from the applicant on forms approved by the Town.
   b. The required fee as herein provided.
   c. Approval of the application by the New York State Department of Health District
   d. Office.
   e. Approval of the Special Use Permit by the Planning Board.

C. Non-Transferable:

1. A Recreational Vehicle Permit shall not be transferable or assignable.

D. Supplemental Permit:

1. Any person holding a permit for Recreational Vehicle Park and desiring to add additional lots or amend existing lots to such park shall file an application with the Code Enforcement Officer for a Supplemental Permit.

2. The application for such Supplemental Permit shall be accompanied by 10 complete sets of plans and specifications as required by the Application Data Section, hereafter.

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3. The application for a Supplemental Permit shall be filed and handled according to the procedure established in this Section.

4. Once the application for a Supplemental Permit has been approved by the NYS Department of Health and Planning Board and upon receipt of the required fee, the Code Enforcement Officer of the Town shall issue a Supplemental Permit, which shall be effective from the date of issuance.

E. <u>Permit Fees:</u>

1. The annual fee for a Recreational Vehicle Park Permit shall be set by the Town Board.

F. <u>Enforcement:</u>

1. The Code Enforcement Officer shall enforce all of the provisions of this Article.

2. The Code Enforcement Officer shall have the right, at all times, to enter and inspect any Recreational Vehicle Park and other premises used for the parking or placement of a Recreational Vehicle.

G. <u>Application for Recreational Vehicle Park:</u>

1. The following information shall be provided by the applicant for a Recreational Vehicle Park Permit:

   a. The name and address of the applicant.

      i. Individual:
         - Name, address, phone and e-mail address

      ii. Partnership:
         - The name of the partnership.
         - Name and address and contact information of all partners.

      iii. Corporation:
         - The name of the corporation.
         - Address and contact information of corporation.
         - Name, address and contact information of all officers and directors of corporation.

   b. The location and description of the land that is proposed to be used as a Recreational Vehicle Park.

   c. A Site Plan, prepared by a NYS Licensed Professional Engineer, showing the location and arrangement of lots and items 4-19 below.

   d. Topographic contours at two-foot intervals.

   e. Location of watercourses, NYSDEC classified streams, marches, legal wetlands and areas subject to flooding.

   f. Wooded areas.

   g. A location map which shows all land within 300 feet of the proposed park and all structures on the land which abuts the proposed park.

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h. The location, name and widths of all adjacent streets.

i. A plan prepared and stamped by a NYS licensed professional engineer identifying the design and layout of the water supply and distribution system and the wastewater collection and treatment system for the Park and how water and wastewater service shall be supplied to each lot in the Park.

j. The location and widths of all entrances, exits, streets and walkways.

k. The location, size and arrangement of each lot within the park.

l. The location and design of the Park's water and wastewater collection and treatment systems.

m. The method and plan for electric lighting.

n. The location and plan of all proposed structures and improvements.

o. Any proposed grading and plans for landscaping.

p. Stormwater Pollution Prevention Plan (SWPPP) for all land development activities (excluding agricultural activities) on the site that results in land disturbance of 1 acre or more. A SWPPP shall comply with NYSDEC requirements for stormwater discharges from construction activities. It shall be at the discretion of the Planning Board as to whether a SWPPP shall be required for disturbances of less than 1 acre and which are not otherwise subject to such regulations.

q. Any proposed utilities.

r. Any public improvements proposed by the Town in or adjoining the proposed park.

s. Existing zoning.

t. Any proposed signage.

u. Completed Part I Environmental Assessment Form (EAF).

H. Processing an Application for Recreational Vehicle Park:

1. Upon receipt of an application for a Manufactured Home Park, the Code Enforcement Officer shall refer the application to the Planning Board to review in accordance with Article 7: Special Use Permits.

VI. RECORDING:

A. The owner or operator of each Manufactured Home Park and Recreational Vehicle Park shall keep a written record of all persons occupying or using the facilities of such Park. This record shall be available for a period of at least 1 year from date of occupancy.

B. This record shall include:

1. The name and address of the occupant of each Manufactured Home and Recreational Vehicle.
2. The name and address of the owner of each Manufactured Home and Recreational Vehicle not occupied by same owner.

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VII. REVOCATION OF PERMITS:

A. **Written Order.** If the Code Enforcement Officer finds and reports to the Town Board that a Manufactured Home Park or Recreational Vehicle Park for which a permit has been issued is not being maintained in a clean and sanitary condition or is not being operated in accordance with the provisions of this Article, the Town Board may, by resolution, authorize the delivery to the holder of the permit of a written order which will require said holder to correct the conditions specified in such order within 10 days after the service of such order.

B. **Revocation of Permit.** If the holder of such permit refuses or fails to correct the condition or conditions specified in such order within 10 days after the personal service of such order, the Town Board may, by resolution, revoke such permit and the holder of the permit shall thereupon terminate the operation of such Manufactured Home Park or Recreational Vehicle Park.

C. **Correction of Violations.** However, if the owner or operator of such Manufactured Home Park or Recreational Vehicle Park shall thereafter correct such conditions and bring the Manufactured Home Park or Recreational Vehicle Park into compliance with this Article, such owner may then apply for the issuance of a new permit for such park, and if the application is approved and a permit is granted, the applicant shall pay to the Town Clerk the fee required by this Article without any credit for the fee paid for the permit which was revoked.

VIII. EXCEPTIONS:

A. No provision of this Article shall apply to the following activities or uses:

1. **Sales.** The business of Manufactured Home or Recreational Vehicle sales, except that where units are used as living quarters, shall conform to the provisions of this Section.

2. **Garaging.** The garaging of an unoccupied Recreational Vehicle within a building or structure.

3. **Field office.** A manufactured home or recreational vehicle located on the site of a construction project, survey project or other similar work project and which is used solely as a field office or work or tool house in connection with such project, provided that such manufactured home or recreational vehicle is removed from such site within thirty (30) days after the completion of such project.

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ARTICLE 14

SUBDIVISION REGULATIONS

I. STATEMENT OF POLICY:

A. By the authority of the resolution of the Town Board of the Town of Caroga adopted pursuant to the provisions of Section 276 of the Town Law of the State of New York, the Planning Board is authorized and empowered to approve plats showing lots, blocks or sites with or without streets or highways, to approve the development of entirely or partially undeveloped plats already filed in the office of the County Clerk and to approve, modify or disapprove preliminary and final plats within the Town of Caroga.

B. It is declared to be the policy of the Planning Board to consider land subdivision plats as part of a plan for the orderly, efficient and economical development of the town. This means, among other things, that land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health and peril from fire, flood or other menace; that proper provision shall be made for drainage, water supply, sewerage and other needed improvements; that all proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties; that the proposed streets shall compose a convenient system conforming to the Official Map, if such exists, and shall be properly related to the proposals shown on the Town's Comprehensive Plan and shall be of such width, grade and location as to accommodate the prospective traffic, to facilitate fire protection and to provide access for fire-fighting equipment to buildings.

II. ADIRONDACK PARK AGENCY STATUTORY AUTHORITY:

A. Upon receipt of an Application for Subdivision Approval, the Planning Board shall submit a Jurisdictional Inquiry Form to the APA to verify if the Application shall be classified as a Class A or B Regional Project. The APA's definitions of Class A and B Subdivisions is as follows.

APA LAND USE AREA	CLASS A* REGIONAL PROJECT	CLASS B* REGIONAL PROJECT
	If Number of Lots in Subdivision is	If Number of Lots in Subdivision is
Hamlet	100 or more	
Moderate Intensity	75 or more	15 to 74
Low Intensity	35 or more	10 to 34
Rural Use	20 or more	5 to 19
Resource Management	2 or more	

*Any development in critical environmental areas are Class A Projects.

*Critical environmental areas in the Town of Caroga are the areas designated as wetlands by the Adirondack Park Agency as well as elevations over 2500 feet, within 1/8 mile of Wilderness, Primitive or Canoe Areas, within certain distances of State or federal highways.

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III. DEFINITIONS:

A. For the purpose of this Article, certain words and terms used herein in addition to those contained in Article 2 and are defined as follows:

1. Applicant:
   The owner, lessee or contract vendee of land, including the authorized representative of such owner, lessee or contract vendee, who submits a Preliminary Plat or Final Plat to the Planning Board for the purposes of subdividing such land and who receives approval of a Final Plat.

2. Collector Street:
   A street which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major street.

3. Comprehensive Plan:
   The Comprehensive Plan adopted by the Town of Caroga Town Board per Section 272-a of the Town Law of the State of New York.

4. Dead-End Street or Cul-de-Sac:
   A street or portion of a street with only one vehicular traffic outlet.

5. Easement:
   Authorization by a property owner for the use by another, and for a specified purpose, or any designated part of his property.

6. Engineer or Licensed Professional Engineer:
   A person licensed as a professional engineer by the State of New York.

7. Final Plat:
   A drawing, in final form, showing a proposed subdivision containing all information or detail required by law and by these regulations, to be presented to the Planning Board for approval and which, if approved, may be duly filed or recorded by the applicant in the office of the County Clerk.

8. Lot:
   The land, including plot, occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this ordinance, having not less than the minimum area and width required by this ordinance for a lot in the district in which such land is situated and having its principal frontage on a street or on such other means of access as may be determined in accordance with the provisions of the law to be adequate as a condition of the issuance of a building permit for a building on such land.

9. Lot Line Amendment:
   A modification of lot boundaries in which a portion of one (1) or more lots is added to an adjoining lot without increasing the total number of buildable lots.

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10. Major Subdivision:
    Any subdivision involving five or more lots, or any size subdivision requiring any new street or extension of municipal facilities.

11. Minor Subdivision:
    Any subdivision containing not more than four (4) lots fronting on an existing street, not involving any new street or road or the extension of municipal facilities and not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any provision or portion of the Comprehensive Plan, Official Map or Zoning Ordinance,

12. Monument:
    A concrete, stone, or iron pin permanently set into the ground that delineates the corners or sides of individual property boundaries.

13. Open Space:
    Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

14. Performance Bond:
    An obligation in writing, under seal, issued by a surety company satisfactory to the Planning Board binding the surety to pay a sum of money to the Town, if the Applicant fails to satisfactorily install and/or maintain improvements as may be required by the Planning Board as part of its approval.

15. Preliminary Plat:
    A drawing or drawings clearly marked "preliminary plat" showing the salient features of a proposed subdivision submitted to the Planning Board for purposes of consideration prior to submission of the plat in final form and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

16. Private Road:
    A privately-owned and maintained road that does not require a turnaround and is governed by a shared maintenance agreement among all owners. A private road may serve up to three (3) residences without a private Homeowners Association or more than three (3) residences with a private homeowner's Association which shall maintain the road. For purposes of this law, a shared driveway is a private road.

17. Public Facility:
    A public facility is deemed to be: a new street, an extension of an existing street, a bridge, culvert in excess of 24 inches or sewer facilities or drainage facilities.

18. Street:
    Includes streets, roads, avenues, lanes or other trafficways between right-of-way lines.

19. Street Width:
    The width of the right-of-way, measured at right angles to the centerline of the street.

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20. Submission Date:
For purposes of these Regulations, the submission date shall be the first regularly scheduled Planning Board meeting after receipt by the Planning Board of a sketch plan, preliminary plat or final plat.

21. Surveyor:
A person licensed as a land surveyor by the State of New York.

IV. GENERAL REQUIREMENTS:

A. Adherence to Procedures:

1. Whenever any subdivision of land is proposed to be made and before any contract for the sale of or any offer to sell any lots in such subdivision or any part thereof is made, and before a permit for the erection of a structure in such proposed subdivision shall be granted, the Applicant or his/her duly authorized agent shall apply in writing for approval of such proposed subdivision in accordance with the procedures established in this Article.

B. Preparation of Preliminary and Final Plats by NYS Licensed Professionals:

1. All Preliminary and Final Plats submitted to the Planning Board shall be prepared and stamped by a New York State licensed professional engineer or surveyor. Any plat drawings that have not been prepared by a licensed professional engineer or surveyor shall be returned to the Applicant.

2. The scale on all plats shall not be less than 1 inch equals 100 feet.

C. Lot Line Amendments:

1. An applicant may request that the subdivision review process be waived and that a proposed property transaction be considered a lot line amendment if the transaction meets the following criteria:

   a. It would not create an additional lot.
   b. It involves a minor modification of an existing lot line; or is the conveyance and/or merger of a portion of one parcel to an adjoining parcel.
   c. It would not create a nonconforming parcel or cause any other parcel to become nonconforming under this Law or the New York State Adirondack Park Agency Act and Adirondack Park Land Use and Development Plan.
   d. It would comply with all applicable zoning requirements of this Law and applicable New York State Department of Health regulations pertaining to well and septic system distances from parcel boundaries.

2. To request a lot line amendment, the applicant shall submit to the Code Enforcement Officer:

   a. A letter signed by the parcel owners, or their duly authorized agents, of both affected parcels consenting to the lot line amendment.
   b. A plat or map of the parcels affected by the proposed lot line amendment showing:

      1) All existing buildings, utilities or other easements or rights-of way of wells and of septic systems.

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2) The correct lot lines and the location of the proposed new lot line, along with the existing and new setback distances to any existing buildings, wells and septic systems.
3) The title "LOT LINE AMENDMENT between properties of (name) and (name)", and shall include a restriction to the effect that the land added to the existing parcel, and the existing parcel are combined to form a single, undivided lot.

3. Upon submission of the letter and map/plat, the Planning Board shall, within 62 days, review the request and issue its approval or denial. Approval may be granted when the Planning Board determines that the proposed amendment:

   a. Meets all requirements for a Lot Line Amendment.
   b. Would not adversely affect the site's development or neighboring properties.
   c. Would not alter the essential characteristics of the neighborhood or adversely affect the health, safety or welfare of Town residents.

4. No public hearing shall be required on requests for lot line amendments.

5. All approved lot line amendments shall be filed by the Applicant:

   a. With the Fulton County Clerk within 30 days of the approval date. The map shall be signed by the Chairperson of the Planning Board.
   b. Town Clerk.

6. No person shall file plat or map for any lot line amendment with the County Clerk without first obtaining the Planning Board Chairperson's signature on the plans.

7. If the Planning Board denies the request for a lot line amendment waiver, the applicant may proceed with the review procedures for a Minor Subdivision as set forth in Section V.

V. REVIEW OF MINOR SUBDIVISIONS:

A. Application Requirements:

1. To obtain approval of a Minor Subdivision, the Applicant shall have prepared a Preliminary Plat.

2. In order to have a Preliminary Plat for a minor subdivision application reviewed by the Planning Board, the applicant or his/her duly authorized agent must submit ten (10) copies of the preliminary plat to the Code Enforcement Office at least seven (7) days in advance of a regularly-scheduled monthly Planning Board meeting.

3. The Preliminary Plat must include the following information:

   a. An actual field survey of the boundary lines of the tract giving complete descriptive data by bearings and distances showing the location of that portion which is to be subdivided in relation to the entire tract and the distance to the nearest existing street intersection.
   b. The proposed subdivision name and the name of the Town and County in which it is located must be identified along with the date, north arrow, map scale, name and address of record owner and subdivider.
   c. All existing structures, wooded areas, streams and other significant physical features within the portion to be subdivided and within 200 feet thereof. If topographic conditions are significant, contours shall also be indicated at intervals of not more than five (5) feet.

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d. The name of the owner(s) and all adjoining property owners as disclosed by the most recent municipal tax records.
e. The tax map sheet, block and lot number, if available.
f. All available utilities and all existing streets.
g. The proposed pattern of lots including lot width and depth, street layout, recreation areas, systems of drainage, sewer and water supply within the subdivided area.
h. All existing restrictions on the use of land including easements, covenants, and zoning lines. A copy of such covenants or deed restrictions that are intended to cover all or part of the tract shall be included.
i. A Short Environmental Assessment Form with Part I completed by the applicant. The Planning Board may require a Full Environmental Assessment Form if circumstances are warranted.

4. The Planning Board reserves the right to waive any of the above-mentioned requirements where appropriate.

5. Following its review of the Preliminary Plat for a minor subdivision, the Planning Board shall cause a letter to be forwarded to the applicant or his or her duly authorized representative advising:

   a. The additional information or changes the Planning Board wishes to see on the plat before it is submitted to the Planning Board as a final plat.
   b. The Preliminary Plat is acceptable and can be submitted as the Final Plat.

B. <u>Public Hearing:</u>

1. Within 62 days from the time the Planning Board determines that a Preliminary Plat can be considered a Final Plat, it shall hold a public hearing on the application. Said hearing shall be advertised in a newspaper of general circulation in the Town at least five (5) days before such hearing.

C. <u>Decision:</u>

1. The Planning Board shall, within 62 days from the date the public hearing is closed, approve, conditionally approve with or without modification or disapprove an Application for a Minor Subdivision. This time may be extended by mutual consent of the subdivider and the Planning Board. Failure of the Planning Board to act within such time frame shall constitute approval of the Final Plat. If the Planning Board approves the Final Plat, the Applicant or his or her duly authorized representative shall be notified in writing of the decision.

2. If the Planning Board approves the Final Plat, the Planning Board Chairman is authorized and empowered to sign the Final Plat.

3. In the event of a conditional approval, with or without modification, the Planning Board Chairperson is authorized and empowered to sign the Final Plat upon compliance with such conditions and requirements as may be stated in its conditional approval of the Final Plat. Within five (5) days of the granting of a conditional approval, a letter shall be forwarded to the applicant or his or her duly authorized representative outlining the conditions that must be met in order for the Planning Board Chairperson to sign the Final Plat.

4. Conditional approval of a Final Plat shall expire 180 days after the date of the conditional approval unless the requirements have been certified as complete within that timeframe. The Planning Board may, however, extend the time within which a conditionally approved Final Plat

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may be submitted for signature if, in its opinion, such extension is warranted under the circumstances for two (2) additional ninety (90) day periods each.

5. In the event that the Planning Board disapproves a Final Plat, the Applicant or his or her duly authorized representative shall be notified in writing of the reasons for such disapproval.

D. Final Plat void if revised after approval:

1. No changes, erasures, modifications or revisions shall be made to any Final Plat after approval has been given by the Planning Board.

2. In the event that a Final Plat when recorded contains any such changes, the Final Plat shall be considered null and void and the Planning Board shall institute proceedings to have said plat stricken from the record of the County Clerk.

E. Filing of Approved Final Plat:

1. Approval of an approved Final Plat shall expire within sixty-two (62) days from the date of such approval unless, within such sixty-two (62) day period, the Final Plat shall have been duly recorded by the Applicant in the office of the Fulton County Clerk.

2. If the Final Plat is not filed within this period, the approval shall expire as provided for in Section 276 of Town Law.

VI. REVIEW OF MAJOR SUBDIVISIONS:

A. Submittal Requirements:

1. To obtain approval of a major subdivision, the Applicant shall have prepared a Preliminary Plat.

2. An Applicant shall submit ten (10) copies of the Preliminary Plat together with a completed Full EAF Form and such other documents and information as specified below, to the Code Enforcement Office at least one (1) week prior to a regularly scheduled Planning Board meeting.

3. The Preliminary Plat submission shall include the following information:

   a. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances and the proposed subdivision name; with the Town of Caroga and Fulton County clearly noted; a true North arrow; scale; the name and address of the record owner, the subdivider's engineer or surveyor, including his/her license number and seal.
   b. The plat must be clearly marked "Preliminary Plat" and drawn to a scale not less than 100 feet to the inch showing the proposed lot lines and dimensions of each lot.
   c. A summary table listing the number of lots proposed to be created, the size of each lot, the total acreage of the parcel, the linear feet of streets and acreage devoted to streets and any other right of ways, and the acreage devoted to parks, recreational areas and/or open space areas.
   d. The name of all owners of record of all adjacent properties.
   e. The Zoning District, including the exact boundary lines of the district if more than one (1) district is involved and any proposed changes in the zoning district lines and/or the Zoning Law text that is applicable to the area to be subdivided.
   f. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.

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g. The location of existing property lines, easements, buildings, watercourses, marshes, rock outcrops, wooded areas, and other significant existing features, for the property to be subdivided and all adjacent properties.
h. The location of existing septic systems, wells, culverts and drains on the property and adjacent parcels with pipe sizes, grades and direction of flow and, where applicable, the location and size of existing sewers and water mains.
i. Contours at intervals of five (5) feet or less must be shown, including elevations of existing roads; the approximate grading plan for the site if natural contours are to be changed by more than two (2) feet.
j. The width and location of all existing and proposed new streets or public ways within the area to be subdivided, and the width, location, grades and street profiles for all streets or public ways proposed by the applicant. The Preliminary Plat shall identify any proposed new street the Applicant desires to have the Town of Caroga take over ownership of.
k. The approximate location of septic systems and wells for each of the parcels or, if applicable, the approximate location and size of any proposed water lines, valves, hydrants and sewer lines.
l. The location of all utilities.
m. A Stormwater Drainage Plan for the site.
n. Plans and cross sections showing, where applicable, the proposed location and type of sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, and the size and type thereof; the character, width and depth of pavements and subbase to show conformity with current Town of Caroga road specifications, bridges, culverts, manholes, basins and underground conduits.

4. The applicant or his/her duly-authorized representative must attend a meeting of the Planning Board to discuss the Preliminary Plat.

5. The Planning Board shall examine the Preliminary Plat with the applicant, taking into consideration the arrangement and location of lots, the location and width of streets, the topography of the land, water supply, sewage disposal, drainage, lot sizes, the future development potential of adjoining lands as yet undeveloped and the goals and objectives outlined in the Town's Comprehensive Plan, the requirements of this law and the Town's Zoning Law, as well as Sections 276 and 277 of the Town Law.

B. <u>State Environmental Quality Review Act (SEQRA) Coordination:</u>

1. The Planning Board shall comply with the provisions of the State Environmental Quality Review Act (SEQRA).

2. A Preliminary Plat submittal shall not be considered complete until a Negative Declaration has been filed or until a Notice of Completion of a Draft Environmental Impact Statement has been filed in accordance with the provisions of the State Environmental Quality Review Act.

3. The time period for review of a Preliminary Plat shall begin upon filing of such Negative Declaration or such Notice of Completion.

C. <u>Public Hearing:</u>

1. The Planning Board shall schedule and hold a public hearing on the Preliminary Plat within sixty-two (62) days after the Preliminary Plat is determined to be complete by the Planning Board.

2. The public hearing shall be advertised in the Town's official newspaper at least five (5) days before such hearing. The Town shall mail a copy of the public hearing notice, by certified mail, to all owners of property which abuts or is adjacent to or situated across an established road from the proposed boundary lines of the property, which is the subject of the hearing and shall also provide notice to such other persons as the Chairperson of the Planning Board may direct.

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3. In accordance with Section 239-nn of the General Municipal Law, the Town Clerk shall also send a notice to the clerk of an adjacent municipality for any Preliminary Plat which is located within 500' of a municipal border. This notice must be given at least ten (10) days prior to the public hearing.

D. <u>Decision on Preliminary Plat:</u>

1. The Planning Board shall approve with or without modifications, or disapprove such Preliminary Plat within sixty-two (62) days of the close of the public hearing.

2. The grounds for any modification that is required or the grounds for disapproval shall be stated in the records of the Planning Board.

3. Failure of the Planning Board to act within such sixty-two (62) day period shall constitute approval of the Preliminary Plat.

4. A Preliminary Plat that is approved with modifications shall not be considered an approved Final Plat, but rather it shall be deemed an expression of approval of the design submitted on the Preliminary Plat as a guide to the preparation of the Final Plat, which will be submitted for approval of the Planning Board for recording upon fulfillment of the requirements of these regulations and the conditions of the approval with modifications, if any.

5. As part of its review of the Preliminary Plat, the Planning Board may require additional changes as a result of further studies of the subdivision in final form or as a result of new information obtained during or after the public hearing.

E. <u>Submission of Final Plat:</u>

1. Within six (6) months from the date the Planning Board approves with or without modifications, the Preliminary Plat, the Applicant must submit the Final Plat to the Planning Board. If the applicant fails to submit a Final Plat within six (6) months, approval of the Preliminary Plat may be revoked by the Planning Board.

2. The Applicant shall be required to submit ten (10) copies of the Final Plat with supporting material to the Code Enforcement Office at least one (1) week prior to a regularly scheduled Planning Board meeting.

3. The Final Plat submission must include the following information:

    a. The plat must be clearly marked "Final Plat" and drawn to a scale not less than 100' to the inch showing all of the information and detail required to be shown on the preliminary plat and any modifications required by the Planning Board during the review of the preliminary plat.
    b. A final summary table listing the number of lots proposed to be created, the size of each lot, the total acreage of the parcel, the linear feet of streets and acreage devoted to streets and any other right-of-ways and the acreage devoted to parks, recreation areas and/or open space areas.
    c. A grading, drainage, and/or erosion control plan as required by the Planning Board.
    d. A final landscaping plan and planting schedule.
    e. The final design of all proposed on-site septic and water supply facilities as approved and endorsed by the NYS Department of Health.

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f. Final construction detail sheets which show the following information:

1) Plans and street profiles of the location and a typical section and cross section of street pavements, including shoulders, curbs, drainage facilities, culverts, proposed bridges, if any, and such other facilities as may be applicable.
2) Where steep slopes exist, 2' contour lines shall be delineated in all proposed right-of-ways and any areas of proposed grading within 50' of the centerline of all streets.
3) Final designs of any bridges, culverts or other such structures.

g. An offer of cession in a form approved by the Planning Board and the Town Attorney of all land included in public right-of-ways, easements and streets not specifically reserved by the applicant.
h. Letters of recommendations or approvals with respect to the adequacy of the proposed water supply, septic systems and stormwater management system as required by the public health law, NYS Department of Health and/or the Department of Environmental Conservation of New York State.
i. Deed, easement or other required descriptions and proof of ownership and title insurance of any lands to be ceded to the Town at no cost or expense to the Town.
j. Protective covenants and restrictions in proper form for recording if applicable.
k. Any other information required by the Planning Board during its review of the preliminary plat.

4. The Planning Board reserves the right to waive any of the above-mentioned Final Plat submission requirements as it deems appropriate.

F. <u>Final Plat in Substantial Agreement with Approved Preliminary Plat:</u>

1. When the Planning Board determines that a submitted Final Plat does not have significant changes, and is in substantial agreement with a Preliminary Plat approved pursuant to this Article, the Planning Board shall, by resolution, conditionally approve, with or without modifications, disapprove or grant final approval and authorize the signing of the Final Plat within sixty-two (62) days of its receipt by the Board.

2. Upon notification of final approval or conditional approval, with modification, the applicant shall submit at least four (4) copies of the Final Plat to the Town Code Enforcement Office as so approved for purposes of signing and filing.

G. <u>Final Plat not in Substantial Agreement with Approved Preliminary Plat:</u>

1. If the Planning Board determines that a submitted Final Plat is not in substantial agreement with the approved Preliminary Plat, the Planning Board may either:

a. Issue a new determination of significance.
b. Require a Draft or Supplemental Environmental Impact Statement, whichever may be appropriate under the circumstances of the SEQR process that was originally conducted on the subdivision proposal.

2. If the Planning Board determines that no further SEQR action is necessary, the Planning Board shall schedule and hold a public hearing within sixty-two (62) days of its receipt of the Final Plat.

3. When the Planning Board or other Lead Agency feels that the original SEQR process needs to be revisited, the requirements for holding a public hearing and issuing a decision on the Final Plat will be governed by the provisions of Section 276 of the Town Law of New York State.

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4. Within five (5) business days of the Planning Board's decision on a Final Plat, the applicant or his/her duly-authorized representative will be notified in writing of the Board's decision.

5. If a conditional approval of the Final Plat is issued by the Planning Board, the letter shall outline the conditions that must be met in order for the Planning Board Chairperson to sign the final plat. A conditional approval of the Final Plat shall expire 180 days after the date of the conditional approval unless the requirements have been certified as complete within that timeframe.

6. The Planning Board may, however, extend the time within which a conditionally-approved Final Plat may be submitted for signature if, in its opinion, such extension is warranted under the circumstances for two (2) additional ninety (90) day periods each. Failure of the Planning Board to act within such 62-day period shall constitute approval of the Final Plat.

H. <u>Final Plat Void if Revised after Approval:</u>

1. No changes, erasures, modifications or revisions shall be made to a Final Plat after approval has been given by the Planning Board.

2. In the event that any plat when recorded contains any such changes, the Final Plat shall be considered null and void and the Planning Board shall institute proceedings to have said Final Plat stricken from the record of the County Clerk.

I. <u>Filing of Approved Plat:</u>

1. Approval of the Final Plat shall expire within sixty-two (62) days from the date of such approval unless within such 62 day period the plat shall have been duly recorded by the Applicant with the Fulton County Clerk.

2. If the Final Plat is not filed within this period, the approval shall expire as provided for in Section 276 of the New York State Town Law.

J. <u>General Requirements and Design Standards for Major Subdivisions:</u>

1. Improvements and Performance Bond (optional).

   a. The Planning Board may require an Applicant to file with the Town Clerk either a certified check to cover the full cost of the required improvements or a performance bond to cover the full cost of the required improvements. Any such bond shall comply with the requirements of Section 277 of the Town Law and, further, shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety. A period of one year [or such other period as the Planning Board may determine appropriate, not to exceed three (3) years] shall be set forth in the bond within which required improvements must be completed.

2. The Applicant shall complete all required improvements to the satisfaction of the Code Enforcement Officer, who shall file with the Planning Board a letter signifying the satisfactory completion of all improvements required by the Planning Board. For any required improvements not so completed, the Applicant shall file with the Town Clerk a bond or certified check covering the costs of such improvements and the cost of satisfactorily installing any improvement not approved by the Town Code Enforcement Officer. Any such bond shall

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be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety.

3. The required improvements shall not be considered to be completed until the installation of the improvements has been approved by the Code Enforcement Officer and a map satisfactory to the Planning Board has been submitted indicating the location of monuments, marking all underground utilities as actually installed. If the Applicant provides a bond or certified check for all required improvements, such bond or check shall not be released until such a map is submitted.

4. Modification of design of improvements. If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the Code Enforcement Officer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Code Enforcement Officer may, upon approval by a previously delegated member of the Planning Board, authorize modifications, provided these modifications are within the spirit and intent of the Planning Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The Code Enforcement Officer shall issue any authorization under this subsection in writing and shall transmit a copy of such authorization to the Planning Board at its next regular meeting.

5. Inspection prior to construction. At least five (5) days prior to commencing construction of required improvements, the Applicant shall notify the Code Enforcement Officer in writing of the time when he proposes to commence construction of such improvements so that the Code Enforcement Officer may cause inspection to be made to assure that all Town of Caroga specifications and requirements shall be met during the construction of required improvements and to assure the satisfactory completion of improvements and utilities required by the Planning Board.

6. Proper installation of improvements. If the Code Enforcement Officer shall find, upon inspection of the improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the Applicant, the Code Enforcement Officer shall so report to the Town Board and Planning Board. The Town Board then shall notify the subdivider and take all necessary steps to preserve the Town's rights under the bond. No plat shall be approved by the Planning Board as long as the Applicant is in default on a previously approved plat.

K. <u>Streets:</u>

1. Public acceptance of streets.

   a. The approval by the Planning Board of a Final Plat shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement or other open space shown on such Final Plat.

2. Width, location and construction.

   a. Streets shall be of sufficient width, suitably located and adequately constructed to conform to the Town Comprehensive Plan and to accommodate the prospective traffic and afford access for fire-fighting, snow removal and other road maintenance equipment.

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b. The arrangement of streets shall be such as to cause no undue hardship to adjoining properties and shall be coordinated so as to compose a convenient system.

3. Arrangement.

a. The arrangement of streets in the subdivision shall provide for the continuation of principal streets of adjoining subdivisions and for proper projection of principal streets into adjoining properties which are not yet subdivided in order to make possible necessary fire protection, movement of traffic and the construction or extension, presently or when later required, of needed utilities and public services such as sewers, water and drainage facilities. Where, in the opinion of the Planning Board, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.

4. Provision for future resubdivision.

a. Where a tract is subdivided into lots substantially larger than the minimum size required in a zoning district in which a subdivision is located, the Planning Board may require that streets and lots be laid out so as to permit future resubdivision in accordance with the requirements contained in these regulations.

5. Dead-end streets.

a. The creation of dead-end or loop residential streets may be allowed if the Planning Board finds that such type of development will not interfere with normal traffic circulation in the area.
b. In the case of dead-end streets, where needed or desirable, the Board may require the reservation of a twenty-foot (20') wide easement to provide for continuation of pedestrian traffic and utilities to the next street.
c. A turnaround shall be provided at the end of a dead end street for emergency vehicles.

6. Relation to topography.

a. The street plan shall bear a logical relationship to the topography of the property, and all streets shall be arranged so as to obtain as many of the building sites as possible at or above the grade of the streets.
b. Grades of streets shall conform as closely as possible to the original topography.

7. Emergency Vehicle Access.

a. Driveways shall facilitate passage of fire apparatus.
b. Bridges and other supporting structures, shall be constructed to support fire apparatus in all weather conditions.
c. When a proposed structure is located more than 300 feet from a fire apparatus access road or Public Street, driveways shall be provided at a width of 12 feet and a minimum unobstructed height of 13 feet, 6 inches.
d. If it is in excess of 500 feet in length, the overall width shall be increased to a minimum of 20 feet.
e. Turnouts shall be placed at intervals not to exceed 500 feet along the driveway and a turnaround shall be provided suitable for use by the corresponding fire department.

8. Widths of rights-of way.

a. Streets shall have the following widths. When not indicated on the Comprehensive Plan, the classification of streets shall be determined by the Planning Board.

Street Classification	**Minimum Right of Way (feet)**	**Minimum Pavement Width (feet)**
Major	66	24
Collector	60	20
Local	50	18

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9. Improvements.

a. Streets shall be graded and improved with pavements, gutters, storm drainage facilities and signage.
b. Street trees, fire hydrants, and sidewalks may also be required and, when available, water mains and sewerlines may also be required by the Planning Board.

10. Utilities in streets.

a. The Planning Board shall, wherever possible, require that underground utilities be placed in the street right-of-way between the paved roadway and street right-of-way to simplify location and repair of lines when they require attention.
b. The subdivider shall install underground service connections to the property line of each lot within the subdivision for such required utilities before the street is paved.

11. Utility easements.

a. Where topography is such as to make impractical the inclusion of utilities within the street rights-of-way, perpetual unobstructed easements at least 20 feet in width shall be otherwise provided with satisfactory access to the street.
b. Wherever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. Such easements shall be cleared and graded where required.

12. Grades.

a. Grades of all streets shall conform in general to the terrain and not be more than 6% for major collector street or 10% for minor streets in residential zones, but in no case more than 3% within 50 feet of any intersection.

13. Changes in grade.

a. All changes in grade shall be connected by vertical curves of such length and radius as meet with the approval of the Town Highway Superintendent so that clear visibility shall be provided for a safe distance.

14. Curve radii at street intersections.

a. All street right-of-way lines at intersections shall be rounded by curves or at least 20 feet radius.

15. Steep grades and curves: visibility at intersections.

a. A combination of steep grades and curves shall be avoided.
b. In order to provide visibility for traffic safety, that portion of any corner lot (whether at an intersection entirely within the subdivision or of a new street with an existing street) shall be cleared of all growth (except isolated trees) and obstructions above the level three feet higher than the center line of the street. If directed, ground shall be excavated to achieve visibility.

16. Dead-end streets (cul-de-sac).

a. Where dead-end streets are allowed by the Planning Board, they should, in general, terminate in a circular turnaround having a minimum right-of-way radius of 60 feet and pavement radius of 50 feet.
b. At the end of temporary dead-end streets, a temporary turnaround with a pavement radius of 50 feet shall be provided, unless the Planning Board approves an alternate arrangement.

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17. Watercourses.

a. Where a watercourse separates a proposed street from abutting property, provision shall be made for access to all lots by means of culverts or other structures of design approved by the Town Highway Superintendent.

18. Type of name.

a. All street names shown on a preliminary plat or subdivision plat shall be approved by the Planning Board. In general, streets shall have names and not numbers or letters.

19. Names to be substantially different.

a. Proposed street names shall be substantially different so as not to be confused in sound or spelling with present names, except that streets that join or are in alignment with streets of an abutting or neighboring property shall bear the same name. Generally, no street should change direction by more than 90° without a change in street name.

L. <u>Lots:</u>

1. Lots to be buildable.

a. The lot arrangement shall be such that in constructing a building in compliance with the Zoning Ordinance, there will be no foreseeable difficulties for reasons of topography or other natural conditions.
b. Lots should not be of such depth as to encourage the later creation of a second building lot at the front or rear.

2. Corner lots.

a. In general, corner lots should be larger than interior lots to provide for proper building setback from each street and provide a desirable building site.

3. Access from private streets.

a. Access from private streets shall be deemed acceptable only if such streets are designed and improved in accordance with these regulations.

4. Lots subject to flooding.

a. Lots subject to flooding or land deemed by the Planning Board to be uninhabitable shall not be platted for residential occupancy nor for such other uses as may increase danger to health, life or property or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or improved in a manner satisfactory to the Planning Board to remedy said hazardous conditions.

M. <u>Parks, Open Spaces and Natural Features:</u>

1. Before the Planning Board may approve a Final Plat containing residential units, such Final Plat shall also show, when required by the Planning Board, a park or parks suitably located for playground or other recreational purposes.

2. Land for park, playground or other recreational purposes may not be required until the Planning Board has made a finding that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the Town. Such findings shall

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include an evaluation of the present and anticipated future needs for park and recreational facilities in the town based on projected population growth to which the particular subdivision plat will contribute.

3. In the event the Planning Board makes a finding pursuant to paragraph (2) above that the proposed subdivision plat presents a proper case for requiring a park or parks suitably located for playgrounds or other recreational purposes, but that a suitable park or parks of adequate size to meet the requirement cannot be properly located on such subdivision plat, the Planning Board may require a sum of money in lieu thereof, in an amount to be established by the Town Board. In making such determination of suitability, the Board shall assess the size and suitability of lands shown on the subdivision plat which could be possible locations for park or recreational facilities, as well as practical factors including whether there is a need for additional facilities in the immediate neighborhood. Any monies required by the Planning Board in lieu of land for park, playground or other recreational purposes, pursuant to the provision of this section, shall be deposited into a trust fund to be used by the Town exclusively for park, playground or other recreational purposes, including the acquisition of property.

N. <u>Cluster Development:</u> (Optional)

1. Whereas pursuant to a resolution of the Town Board, the Planning Board has been empowered to modify the minimum lot area, minimum lot width and minimum shoreline lot width requirements of the zoning ordinance in accordance with the provisions of Section 278 of the Town Law of New York State, in order to enable and encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate use of land, to facilitate the adequate and economic use of streets and utilities and to preserve the natural and scenic qualities of open lands, the following shall be the standards and procedures:

   a. Standards

      1) The Planning Board may make such modifications only with respect to lands within all Residential zoning districts.

      2) The minimum acreage to which this section may be applicable shall be (2) times the minimum lot area for the zoning district involved.

      3) No such modification by the Planning Board shall result in a greater overall density of lots or dwelling units or a greater number of shoreline lots or sites than is permitted in the zoning district wherein such lands lie, as specified in the zoning ordinance and as shown on the official zoning map.

      4) No subdivision shall be approved by the Planning Board pursuant to this section which shall not reasonably safeguard the appropriate use of adjoining land.

      5) In the event that the utilization of this section results in a plat showing lands available for park, recreation, or other municipal purposes directly related to the plat, or in a plat showing lands to be retained in open space in order to comply with the average density of lots or dwelling units that is permitted in the zoning district wherein such lands lie, the Planning Board, as a condition of plat approval, may establish in the case of lands for park, recreation or other municipal purpose, such conditions on the ownership, use, and maintenance of such lands as it deems necessary to assure the preservation of such lands for their intended purposes, and may further, in the case of lands to be retained in open restrictive covenant, conveyance of a scenic easement or other conservation restriction to the Town, or other appropriate means against any development or land use inconsistent with their retention in open space.

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6) The provisions of this section shall not be deemed to authorize a change in the permissible use of such lands as provided in the zoning ordinance.

VII. REGIONAL SUBDIVISIONS – CLASS A AND CLASS B PROJECT REVIEW:

A. When a proposed subdivision is a regional subdivision, the provisions of this Article shall apply in addition to all other provisions of these regulations.

1. Class A – Subdivisions:

   a. The Adirondack Park Agency shall not approve a Class A regional project unless it first determines, after seeking consultation with the Planning Board and upon consideration of any advisory recommendations of the Planning Board relative to the project, that the project would comply with the Town local land use program. The Agency will accept and adopt as its own findings any recommendations made by the Planning Board as to compliance with the dimensional and other technical requirements of the local land use program, unless such recommendation are inconsistent with the express terms of the Town local land use program.
   b. The Planning Board shall consult with the Adirondack Park Agency to analyze the project, as soon as possible, upon receipt of project application completion notice from Agency.
   c. Within 30 days of project completion notice, the Planning Board, via certified mail, shall provide the Adirondack Park Agency with its advisory recommendations regarding pertinent requirements and conditions of the Town Land Use Program.
   d. The Adirondack Park Agency shall not approve Class A regional subdivisions without Planning Board consultations and advisory recommendations subject to 2 above. The Adirondack Park Agency shall determine that the subdivision meets all pertinent requirements and conditions of Town's Land use Program, including ability of all levels of government to provide supporting facilities and services.
   e. The Planning Board may establish whatever joint procedures with the Adirondack Park Agency for review of Class A Subdivisions which the Board in its discretion deems desirable to minimize duplication and expedite the review process.

2. Class B – Subdivisions:

   a. Upon receipt of an Application for a Class B Regional Project, a copy of the application shall be forwarded to the APA per Section 808.2 of the Act and Section of 582.7 of the APA's regulations.
   b. The Planning Board shall furnish the Adirondack Park Agency a complete copy of application and Plat and other pertinent data within ten (10) days of the official Plat submission.
   c. A public hearing notice shall be mailed to the Park Agency at least five (5) days prior to hearing.
   d. The Planning Board shall not approve, approve with modifications, or approve with conditions any Class B Subdivision unless Planning Board determines that the subdivision would not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Town or the Adirondack Park or upon the ability of the public to provide supporting facilities and services to the subdivision, taking into account the commercial, industrial, recreational or the other benefits which might be derived from the subdivision.
   e. In making the determination required by the preceding paragraph, the Planning Board shall consider the pertinent development considerations established in Section 805(4) of Article 27 of the Executive Law.

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