

TOWN OF PARISHVILLE

LAND USE

AND

DEVELOPMENT CODE

TOWN OF PARISHVILLE
ST. LAWRENCE COUNTY, NEW YORK

LAND USE AND DEVELOPMENT CODE

TOWN OF PARISHVILLE ST. LAWRENCE COUNTY, NEW YORK

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**LAND USE AND DEVELOPMENT CODE
TOWN OF PARISHVILLE ST. LAWRENCE COUNTY, NEW YORK**

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ARTICLE I
General Provisions

Sec.-1.01. Title.

The title of this local law is the "Town of Parishville Land Use and Development Code" and shall include this text and Zoning Map. By reason of enactment of this Local Law, Local Law Number 1 for the Year 2002 of the Town of Parishville, New York.; Local Law Number 1 for the Year 1999 of the Town of Parishville, New York; Local Law Number 1 for the Year 1996 of the Town of Parishville, New York and Local Law Number 1 for the Year 1981 of the Town of Parishville, New York, are superseded by this Local Law and are thereby expressly repealed.

Sec.-1.02. Purpose.

The Objectives of the Zoning Law are to:

- A. Protect the open and natural character of the land.
- B. Provide for planned growth of agricultural, residential, commercial and industrial use of the land consistent with the economic and social needs of the community and its development policies.
- C. Preserve the town's natural resources and habitats.
- D. Encourage the use of alternate energy systems and protect solar and wind access.
- E. Promote the health, safety and general welfare of the town consistent with the objectives of New York State Town Law §261 through 265 and Article 2, § 10 of the Municipal Home Rule Law.

Sec.-1.03. Conflict with Other Laws.

- A. Whenever the requirements of this local law are at variance with the requirements of any lawfully adopted rules, regulations or ordinances, such as the New York State Uniform Fire Prevention and Building Code, the most restrictive or those imposing the highest standards shall govern.
- B. All applicants should review the current New York State Uniform Fire Prevention and Building Code with the assistance of the Code Enforcement Officer for regulations applicable to their project.
- C. The most recently adopted New York State Rules & Regulations shall supersede

Sec.-1.04. Fees.

Permit fees and application fees shall be paid to the Town Clerk according to the fee structure in effect at the time of application. The Town Board shall set and amend the permit fees and application fees by resolution duly passed by such Town Board.

Sec-1.05. Enforcement.

Specific authorization is granted to the Town to commence special proceedings pursuant to Article 4 of the Civil Practice Law and Rules of the State of New York to enforce any provision of this Local Law and/or claimed violation of the Local Law.

- A. Penalties. Any person, corporation, partnership, association or any other entity owning, controlling or managing any building, structure, land, or premises therein or whereon there shall be placed on or there exists or is practiced or maintained anything or any use in violation of any of the provisions of this local law; any person who shall assist in the commission of any violation of this local law or any conditions imposed by a Permit or approval pursuant hereto or who shall build, erect, construct, subdivide or initiate the same, or cause to be initiated, any structure or facility contrary to the plans or specifications submitted to the Town Authorities herein named; and any person who shall omit, neglect or refuse to do any act required by this local law, shall be guilty of a misdemeanor and subject to a fine of not more than five hundred dollars (\$500) or by penalty of five hundred dollars (\$500) to be recovered by the Town in a civil action. Every person or entity shall be deemed guilty of a separate offense for each week such violation, disobedience, omission, neglect or refusal shall continue. Where the person committing such violation is a partnership association or corporation, the principal executive officer, partner, agent or manager may be considered to be the person for the purposes of this section.
- B. Restraining orders. In case of any violation or threatened violation of any of the provisions of this local law, or conditions imposed by a Permit or approval pursuant hereto, in addition to other remedies herein provided, the Town may institute any appropriate action or proceeding to prevent such unlawful activity, to restrain, correct or abate such violation, to prevent the occupancy of such building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises.
- C. Revocation of permit. Any permit or approval granted under this local law which is based upon or is granted in reliance upon any material
- D. Misrepresentation, or failure to make a material fact or circumstance known, by or on behalf of an applicant, shall be void.
- E. Performance bonds. The Planning Board, in connection with any approval granted a site plan or final subdivision plan under these regulations, may establish as a condition of approval the posting by the applicant of a performance bond to insure the construction, installation or maintenance of improvements in a satisfactory manner. The bond shall be in an amount equal to the estimated cost of any or all of the improvements as requested above. Any such bond and all associated documents shall bear the certification of the Town Attorney, or of an attorney otherwise, satisfactory to the Town, as to their sufficiency in accomplishing the purpose or purposes intended.
- F. Further regulations. The Town Board may adopt further regulations pursuant to Article XIV Section 14.04 (Amendment Procedures).

Sec.-1.06. Violations and Penalties for Offenses; Injunctions.

- A. Upon determination by the Code Enforcement Officer that a violation of this Local Law exists, he shall send written notice to the last known owner of record of the property, as determined by the assessment records, informing said owner of violations of specific provisions of this Local Law and stating that action is to be taken by said owner to remove such violation in twenty (20) days, or proceedings to compel compliance with this local law will be instituted. Any violation of this local law may also be enjoined pursuant to law.
- B. Excepting penalties prescribed in other sections of this local law, any person, firm or corporation who violates, disobeys, neglects or refuses to comply with any provision of this local law shall be in violation of an offense and, upon conviction thereof, shall be subject to a fine of not more than five hundred dollars (\$500) or imprisonment for a period of not more than fifteen (15) days, or both. Each week a violation is continued it shall be deemed a separate offense.
- C. The Town may maintain any action or proceeding to restrain by injunction any violation of this Law or any failure to comply with any of the provisions of this Law.

Sec.-1.07. Nonconforming Structures or Uses.

Any building or structure erected or any use conducted without a building permit or certificate of compliance, where required, or not in conformity with the provisions of this local law may be removed, closed or halted at once by the Code Enforcement Officer with the issuance of a stop order, with the assistance, if deemed necessary, of any appropriate town officer or employee.

ARTICLE II

Word Usage and Definitions

Sec.-2.01. Word Usage.

For the purpose of this , certain terms or words used here-in shall be interpreted as follows:

- A. The word "person" includes a firm, association, trust, organization, partnership, company or corporation as well as an individual.
- B. Words used in the present tense include the future tense.
- C. The singular includes the plural.
- D. The words "will", "shall" and "must" are mandatory.
- E. The words "used" or "occupied" include the words intended, designed or arranged to be used or occupied.
- F. The words he and she can refer to either he or she.
- G. "Distance" refers to Horizontal measurement. Slope distances shall be reduced to Horizontal distances.
- H. Frontage set back distances shall be measured from Road centerline, Side and Rear set back shall be measured from property boundary. The edge of perennial vegetation shall be used as mean high water mark for shoreline setbacks.

Sec.-2.02 Definitions.

Except as may be specifically defined within Appendix A of this local law, all terms and phrases shall be as defined in the publication "GLOSSARY OF ZONING, DEVELOPMENT, AND PLANNING TERMS", edited by Michael Davidson and Fay Dolnick; published by the American Planning Association, Planning Advisory Service Report Nos. 491/492, for this Local Law. Copies are available in the Town Clerk's Office, The Code Enforcement Officer's Office, The St. Lawrence County Planning Board's Office, and the Town Attorney's Office .

ARTICLE III

Permits

Sec.-3.01. Permit Required.

No use or structure shall be established or erected on land developed until a permit has been issued by the Code Enforcement Officer, who shall issue such permits in accordance with this local law. Permit applications shall be obtained from and filed with the Town Clerk. All new buildings and structures in the Town of Parishville will require a building permit from the Town Code Enforcement Officer, even those excepted from New York State Law 19NYCRR "Building Code of New York State" including buildings used for agriculture, to insure the building complies with this Land Use and Development Code.

Only the following categories of work will NOT require Building Permits:

- A. construction or installation of one story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses) which are used for tool and storage sheds, playhouses or similar uses, provided the gross floor area does not exceed 144 square feet ;

- B. installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings;
- C. installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;
- D. installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);
- E. installation of partitions or movable walls or book cases less than 5'-9" in height;
- F. painting, wallpapering, tiling, carpeting, or other similar finish work;
- G. installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
- H. replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications;
- I. repairs, provided that such repairs do not involve:
 - 1. the removal or cutting away of a load bearing wall, partition, or portion thereof, or of any structural beam or load bearing component;
 - 2. the removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress;
 - 3. the enlargement, alteration, replacement or relocation of any building system;
 - 4. the removal from service of all or part of a fire protection system for any period of time

Sec.-3.02. Conference with Planning Board.

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

Sec.-3.03. Application Procedure; Required Information.

Application must be made with the Town Clerk on forms approved by the Town. All information on the application form must be completed. In addition, the following information is also required to constitute a complete application:

- A. Map required: Two (2) copies of a property map shall be submitted with all applications. The map shall be either:
 - 1. Sketch map: A sketch map is required with all applications for one- or two-family dwellings, their customary accessory uses or farm uses. The sketch map shall be drawn to approximate scale and show to the satisfaction of the Code Enforcement Officer the dimensions and location of the lot, exact size and location of all existing and proposed buildings on the lot, proposed location of water and sewage disposal systems, parking areas and driveway locations, natural watercourses, ponds, surface drainage patterns and location of existing or proposed easements.
 - 2. Site plan: A site plan is required with applications for uses specified as special permit uses in each zone. Requirements and procedures for site plan approval are in Article VIII.
- B. Approval of Water and Sewage Disposal Systems: The Code Enforcement Officer must approve the water supply and the sewage disposal system for a structure which requires these types of systems. Plans for both must be submitted at the time of application. Applications lacking such information shall not be accepted.
- C. Evidence of property ownership or intent to purchase.
- D. Licenses: Any use currently licensed by federal, state, county or town agencies and already operating within the Town shall present evidence or currently valid licenses before any expansion permits are considered.
- E. Fee: The appropriate non-refundable fee established by the Town Board shall be collected at the time of application.

Sec- 3.04. Provisions for the Removal of Unsafe Buildings and Collapsed Structures.

- A. Purpose. Unsafe buildings pose a threat to life and property in the Town of Parishville. Buildings and structures may become unsafe by reason of damage by fire, the elements, age or general deterioration. Vacant buildings not properly secured at doorways and windows also serve as an attractive nuisance for young children who may be injured therein, as well as point of congregation by vagrants and transients. A dilapidated building may also serve as a place of rodent infestation thereby creating a health menace to the community. It is the purpose of this local law to provide for the safety, health protection and general welfare of persons and property in the town of Parishville by requiring such unsafe buildings be repaired or demolished and removed.
- B. Fee: No permit fee is required for Removal of Unsafe Buildings or Collapsed Structures.
- C. Definitions are referenced in Appendix A of this document.
- D. Investigation and Report: When in the Code Enforcement Officer's opinion or upon receipt of information that a building:
 - 1. Is or may become dangerous or unsafe to the general public.
 - 2. Is open at the doorways or windows making it accessible to and an object of attraction minors under eighteen years of age, as well as to vagrants and other trespassers
 - 3. Is or may become a place of rodent infestation
 - 4. Presents any other danger to the health, safety, morals and general welfare of the public

5. Is unfit for the purposes for which it may lawfully be used, he shall cause or make an inspection thereof and report in writing to the Town Board his findings and recommendations in regard to its repair
- E. Town Board Order. The Town Board shall thereafter consider such report and by resolution determine, if in its opinion the report so warrants, that such building is unsafe and dangerous and order its repair if the same can be safely repaired or its demolition and removal, and further order that a notice be served upon the persons and in the manner provided herein.
- F. Notice Contents. The notice shall contain the following.
 1. A description of the premises.
 2. A statement of the particulars in which the building is unsafe or dangerous.
 3. An order outlining the manner in which the building is to be made safe and secure, or demolished and removed.
 4. A statement that the securing or removal of such building shall commence within 30 days of the service of the notice and shall be completed within 60 days thereafter, unless for good cause shown such time shall be extended.
 5. A date, time and place for a hearing before the Town Board in relation to such dangerous or unsafe building, which hearing shall be scheduled not less than five business days from the date of service of the notice.
 6. A statement that in the event of neglect or refusal to comply with the order to secure or demolish and remove the building, the Town Board is authorized to provide for its demolition and removal, to assess all expenses thereof against the land on which it is located and to institute a special proceeding to collect the costs of demolition, including legal expenses or demolition and removal.
- G. Service of Notice. The said notice shall be served:
 1. By personal service of a copy thereof upon the owner, executor, administrator, agent, lessee, or any person having a vested or contingent interest in such unsafe building as shown by the records of the receiver of taxes (or tax collector) or of the County Clerk; or if no such person can be reasonably found by mailing such owner by registered mail a copy of such notice directed to his last known address as shown by the above records
 2. By personal service of a copy of such notice upon any adult person residing in or occupying said premises if such person can be reasonably found.
 3. By securely affixing a copy of such notice upon the unsafe building.
- H. A copy of the notice served as provided herein shall be filed in the office of the County Clerk of the County of St. Lawrence.
- I. Refusal to Comply. In the event of the refusal or neglect of the person so notified to comply with said order of the Town Board and after the hearing, the Town Board shall provide for the demolition and removal of such building or structure either by town employees or by contract. Except in emergency as provided in Section 11 hereof, any contract for demolition and removal of a building in excess of \$5,000, shall be awarded through competitive bidding.
- J. Assessment of Expenses. All expenses incurred by the Town in connection with the proceedings to repair and secure or demolish and remove the unsafe building, including the cost of actually removing such building, shall be assessed against the land on which such building is located and shall be levied and collected in the same manner as provided in Article Fifteen of the Town Law for the levy and collection of a special ad valorem levy.
- K. Emergency Cases. Where it reasonably appears that there is present a clear and imminent danger to the life, safety or health of any person or property, unless an unsafe building is immediately repaired and secured or demolished, the Town Board may by resolution authorize the Code Enforcement Officer to immediately cause the repair or demolition of such unsafe building. The expenses of such repair or demolition shall be a charge against the land on which it is located and shall be assessed, levied and collected as provided in Section 10 thereof.

Sec.-3.05. Permit Classes; Issuance; Termination.

- A. Under the terms of this local law, the following classes of permits may be issued:
 1. Permitted use. A standard permit or Building Permit for a permitted use shall be issued by the Code Enforcement Officer of his own authority provided the proposed use meets the standards of these regulations.
 2. Special permit. A special use permit pursuant to Article VII may be issued by The Code Enforcement Officer after special permit approval from the Planning Board.
 3. Building permit, after an appeal or request for variance. A building permit may be issued by the Code Enforcement Officer upon order of the Zoning Board of Appeals after a public hearing as more fully described in Article XII (Sec.12.09: Permit Classes Issuance and Termination).
- B. When all requirements of this local law have been met, the Code Enforcement Officer shall issue to the applicant a permit no later than fifteen (15) days after approval. The Code Enforcement Officer shall file one (1) copy of the approved permit in the Town Clerk's Office.

- C. Any permit for which construction does not have a certificate of compliance one (1) year after issuance shall expire. The code enforcement officer may extend the duration of an expired permit for up to twelve (12) months for good reason when requested by the applicant.
- D. All new buildings and structures in the Town of Parishville will require a building permit from the Town Code Enforcement Officer, even those excepted from New York State Law 19NYCRR "Building Code of New York State" including buildings used for agriculture, to ensure the building complies with this Land Use and Development Code.

Sec.-3.06. Certificate of Compliance.

The applicant shall notify the Code Enforcement Officer when the structure is ready for final inspection. The Code Enforcement Officer shall then make a final inspection. If satisfied that the regulations pertaining to the project have been completed as specified on the approved application, the Code Enforcement Officer shall issue a certificate of compliance with the zoning laws, granting permission to occupy or use the structure.

Sec.-3.07. Mobile Home Park Conformity.

Mobile home park operators are required to notify the Town Code Enforcement Officer within five (5) days each time a different mobile home is moved into the park.

ARTICLE IV Establishment and Designation of Zones

Sec.-4.01. Establishment of Zones.

For the purpose of promoting the public health, safety and general welfare of the Town of Parishville, the Town is hereby divided into the following types of zones:

Residential (R)); Rural (RU); Wild Forest (WF); Hamlet (H); Central Business Zone (CBZ); Wild Forest (WF); Adirondack Park Moderate Intensity (AP-MI); Adirondack Park Rural Use (AP-RU); Adirondack Park Resource Management (AP-RM); Planned Unit Development (PUD); and Aquifer Protection Overlay (AQP).

Sec.-4.02. Zoning Map.

Said zones are bounded as shown on the map entitled the "Zoning Map of the Town of Parishville" as amended, which accompanies and which, with all explanatory material, is hereby made a part of this local law.

Sec.-4.03. Designation of Boundaries; Determination of Location.

The zoning map shall be used to determine zone boundaries. In case of uncertainty as to the true location of a zone boundary line in a particular instance, the Code Enforcement Officer shall render a determination. The determination of the Code Enforcement Officer may be appealed to the Zoning Board of Appeals, which shall render a final determination.

ARTICLE V Zone Regulations

Sec.-5.01. Residential Zone [R].

- A. Purpose. The purpose of this district is to protect and enhance existing residential use, while providing for orderly residential growth and development in the town.
- B. Permitted uses.
 - 1. Single family dwelling units
 - 2. Class A mobile homes only.
 - 3. Agriculture
- C. Permitted accessory uses.
 - 1. Uses and structures customarily incidental to permitted, special permit & site plan review uses and structures.
- D. Special Permit: (subject to special permit use regulations, Article VII).
 - 1. Church.
 - 2. Conversion of one-family dwelling into two (2) units, one (1) of which is owner occupied. The minimum square footage for the second dwelling is 350 square feet.
 - 3. Home occupations.
 - 4. Institutional uses.

5. Bed and Breakfast
- E. Specifications.
 1. Setbacks:
 - a) Front: seventy-five (75) feet from the center line of the road right-of-way.
 - b) Side: minimum fifteen (15) feet - total thirty (30) feet.
 - c) Rear: Thirty (30) feet.
 - d) Water Front: twenty five (25) feet from shore.
 2. Frontage: one hundred-fifty (150) feet.
 3. Height: maximum thirty five (35) feet..
 4. Minimum lot size: one (1) acre.

Sec-5.02. Hamlet Zone (H).

- A. Purpose. The purpose of the Hamlet Zone is to recognize that a crossroads community is a unique area where private homes and small business uses exist in harmony.
- B. Permitted uses:
 1. One and two family dwellings.
 2. Mobile homes class A only.
- C. Permitted accessory uses:
 1. Uses and structures customarily incidental to permitted and special permit & site plan review uses and structures.
- D. Special Permit: (subject to special permit use regulations. Article VII).
 1. Funeral Home.
 2. Day-care centers.
 3. Home Occupation.
 4. Public and quasi-public buildings and grounds.
 5. Bed and Breakfast
 6. Multiple Family Dwelling
 7. Agriculture
 8. Tavern, restaurant
- E. Specifications:
 1. Setbacks.
 - a. Front: thirty (30) feet unless this visually conflicts with the general setback of adjacent structures.
 - b. Side: minimum of fifteen (15) feet with a combined total of thirty (30) feet.
 - c. Rear: twenty (20) feet
 - d. Water Front: twenty five (25) feet from shore
 2. Frontage: seventy five (75) feet.
 3. Height: maximum thirty five (35) feet.
 4. Minimum Lot Size: three quarter (0.75) Acres

Sec.-5.03. Central Business Zone (CBZ).

- A. Purpose: To delineate areas appropriate for retail commercial and business activity and to encourage this use in the Hamlet.
- B. Permitted Uses:
 1. One and two family dwellings.
 2. Mobile Homes Class A only.
- C. Permitted accessory uses.
 1. Uses and structures customarily incidental to permitted and special permit & site plan review uses and structures.
- D. Special Permit Use (Require Special Permit; subject to Special Permit Use Regulations Article VII)
 1. Hotel, Motel, Bed and Breakfast, Funeral Home
 2. Retail store, personal service shop
 3. Convenience Store with Gas Station
 4. Tavern, restaurant
 5. Bank, post office
 6. Business office, professional office
 7. Laundromat
 8. Public building, public use
 9. Accessory building, use
 10. Day care center
 11. Public utility structure, use
 12. Home Occupations

13. Parking Lot
- E. Specifications:
 1. Setbacks.
 - a. Front: thirty (30) feet unless this visually conflicts with the general setback of adjacent structures.
 - b. Side: minimum of ten (10) feet with a combined total of twenty (20) feet.
 - c. Rear: twenty (20) feet.
 2. Frontage: seventy five (75) feet.
 3. Height: maximum thirty five (35) feet.
 4. Minimum Lot Size: one half (0.50) acre

Sec.-5.04. Rural Zone (RU).

- A. Purpose: The purpose of the Rural Zone is to delineate agriculture, rural and open land areas and to provide acceptable compatible growth and diversity, yet maintain a rural character.
- B. Permitted uses.
 1. Agricultural and Agri-business.
 2. One- and two-family dwellings.
 3. Mobile homes, Classes A & B.
- C. Permitted accessory uses.
 1. Uses and structures customarily incidental to permitted uses and special permit & site plan review uses and structures.
 2. Accessory uses are not to be used on a commercial basis except for home occupations.
- D. Special Permit Uses:
 1. Home occupations.
 2. Camping grounds.
 3. Small rural businesses (retail, personal and professional services, professional offices...), compatible with the surrounding character and aesthetics of the neighborhood.
 4. Mobile home park.
 5. Multiple family dwellings.
 6. Kennels and Animal hospitals.
 7. Institutional Uses.
 8. Recreational Facilities.
 9. Alternate Energy Systems
 10. Golf Course
 11. Airports.
 12. Helicopter Landing Sites.
 13. Recycling Facilities
 14. Bed and Breakfast
 15. Tavern, restaurant
 16. Gravel Quarry
- E. Specifications:
 1. Setbacks.
 - a. Front: seventy-five (75) feet.
 - b. Side: Minimum of twenty five (25) feet - with a combined total of fifty (50').
 - c. Rear: thirty (30) feet.
 2. Frontage: two hundred (200) feet.
 3. Height: Maximum thirty five (35) feet.
 4. Minimum lot size: two (2) acres.

Sec.-5.05. Commercial Zone {c}.

- A. Purpose: The purpose of this zone is to delineate areas appropriate for general commercial uses.
- B. Permitted uses:
 1. One and two family dwellings.
 2. Mobile homes, Classes A & B.
- C. Permitted accessory uses.
 1. Uses and structures customarily incidental to permitted uses, special permits and site plan review uses and structures.
 2. Private garage space for the storage of commercial vehicles used in conjunction with a permitted business use.
- D. Special Permit Uses:
 1. Business services, including warehousing and storage.
 2. Retail and wholesale businesses.

3. Professional offices.
 4. Manufacturing
 5. Manufacturing, light
 6. Kennels and Animal Hospitals.
 7. Airports.
 8. Helicopter Landing Sites.
 9. Gravel Quarry
 10. Alternate Energy System
 11. Adult Entertainment Facility
 12. Recycling Facilities
 13. Bed and Breakfast
- E. Specifications.
1. Setbacks:
 - a. Front: one hundred (100) feet.
 - b. Side: minimum of twenty five (25) feet - with a combined total of fifty (50').
 - c. Rear: twenty five (25) feet.
 2. Frontage: one hundred fifty (150) feet.
 3. Height: Maximum forty (40) feet.
 4. Minimum lot size: two (2) acres.

Sec.-5.06. Adirondack Park Moderate Intensity (AP-MI).

- A. Purpose: The purpose of the Adirondack Park Moderate Intensity Zone is to delineate the areas of and provide for concentrated residential development within the Adirondack Park Blue Line.
- B. Permitted uses.
 1. Agricultural and Agni-business.
 2. One- family dwellings.
 3. Class A Mobile homes.
- C. Permitted accessory uses.
 1. Uses and structures customarily incidental to permitted uses and special permit and site plan review uses and structures.
 2. Accessory uses are not to be used on a commercial basis except for home occupations.
- D. Special Permit Uses:
 1. Home occupations.
 2. Airports.
 3. Helicopter Landing Sites.
 4. Camping grounds.
 5. Small rural businesses (retail, personal and professional services, professional offices...), compatible with the surrounding character and aesthetics of the neighborhood.
 6. Mobile home park.
 7. Multiple family dwellings.
 8. Kennels and Animal hospitals.
 9. Institutional Uses.
 10. Recreational Facilities.
- E. Specifications:
 1. Setbacks:
 - a. Front: seventy-five (75) feet.
 - b. Side: Minimum of fifteen (15) feet - with a combined total of thirty (30) feet.
 - c. Rear: thirty (30) feet.
 2. Frontage: two hundred (200) feet.
 3. Height: maximum thirty five (35) feet.
- F. Minimum lot size: one and three tenths (1.30) acre.
- G. Jurisdiction:
 1. All projects in this district shall be referred to the Adirondack Park Agency for purposes of determining compliance with the Adirondack Park Land Use and Development Plan.

Sec.-5.07. Adirondack Park Resource Management Zone (AP-RM).

- A. Purpose: The purpose of the Adirondack Park Resource Management Zone is to Protect the open space character of these areas within the Adirondack Park Blue Line, and provide for forestry, agriculture, and outdoor recreation.
- B. Permitted uses.
 1. Agricultural and forestry management.
 2. One- and two-family dwellings.
 3. Class A Mobile homes.

4. Seasonal hunting and fishing camps less than 500 sq. feet in size.
- C. Permitted accessory uses.
 1. Uses and structures customarily incidental to permitted uses and special permit, site plan review uses and structures
 2. Accessory uses are not to be used on a commercial basis except for home occupations.
- D. Special Permit Uses:
 1. Home occupations.
 2. Airports.
 3. Helicopter Landing Sites.
 4. Camping grounds.
 5. Small rural businesses (retail, personal and professional services, professional offices...), compatible with the surrounding character and aesthetics of the neighborhood.
 6. Mobile home park.
 7. Multiple family dwellings.
 8. Kennels and Animal hospitals.
 9. Institutional Uses.
 10. Recreational Facilities.
- E. Specifications:
 1. Setbacks.
 - a. Front: seventy-five (75) feet.
 - b. Side: Minimum of fifteen (15) feet - with a combined total of thirty (30) feet.
 - c. Rear: thirty (30) feet.
 2. Frontage: two hundred (200) feet.
 3. Height: Maximum thirty five (35) feet.
 4. Minimum lot size: forty two and seven tenths (42.70) acres.
- F. Jurisdiction:

All projects in this district shall be referred to the Adirondack Park Agency for purposes of determining compliance with the Adirondack Park Land Use and Development Plan.

Sec.-5.08. Adirondack Park Rural Use Zone (AP-RU).

- A. Purpose: The purpose of the Adirondack Park Rural Use Zone is to preserve and protect the rural character of these areas within the Adirondack Park Blue Line, and to provide for lower intensity development.
- B. Permitted uses.
 1. Agricultural and forestry management.
 2. One- and two-family dwellings.
 3. Class A Mobile homes.
 4. Seasonal hunting and fishing camps less than 500 sq. feet in size.
- C. Permitted accessory uses.
 1. Uses and structures customarily incidental to permitted uses and special permit and site plan review uses and structures.
 2. Accessory uses are not to be used on a commercial basis except for home occupations.
- D. Special Permit Uses:
 1. Home occupations.
 2. Airports.
 3. Helicopter landing sites.
 4. Camping grounds.
 5. Small rural businesses (retail, personal and professional services, professional offices...), compatible with the surrounding character and aesthetics of the neighborhood.
 6. Mobile home park.
 7. Multiple family dwellings.
 8. Kennels and Animal hospitals.
 9. Institutional Uses.
 10. Recreational Facilities.
- E. Specifications:
 1. Setbacks.
 - a. Front: seventy-five (75) feet.
 - b. Side: Minimum of fifteen (15) feet - with a combined total of thirty (30) feet.
 - c. Rear: thirty (30) feet.
 2. Frontage: two hundred (200) feet.
 3. Height: Maximum thirty five (35) feet.
 4. Minimum lot size: eight and five tenths (8.50) acres
- F. Jurisdiction:

All projects in this district shall be referred to the Adirondack Park Agency for purposes of determining compliance with the Adirondack Park Land Use and Development Plan.

Sec.-5.09. Wild Forest (WF).

State owned sovereign immunity. The Town of Parishville has no jurisdiction.

Sec.-5.10. Planned Unit Development Zone (PUD).

Residential, commercial or industrial development is allowed in any area of the Town by approval of a PUD.

- A. Purpose: The purpose of the Planned Unit Development Zone shall be:
 - 1. To provide for new residential, commercial or industrial districts in which economies of scale or creative architectural or planning concepts may be utilized by the developer without departing from the spirit and intent of the Zoning Law.
 - 2. To ensure that regulations of this section are so interpreted and applied that the benefits of this chapter to the residents or occupants of the PUD or the residents or occupants of adjacent properties will be protected.
- B. Projects for a Planned Unit Development Zone may be established in accordance with the procedure specified as follows: Application for designation of a planned unit development zone shall be made to the Town Board. Since this involves approval of the development plan and an amendment to the Zoning Map, the applicant should hold a sketch plan review with the Planning Board. The applicant shall furnish basic data pertaining to the boundaries of the proposed zone, existing zoning, topography, drainage and soil conditions, existing uses and such preliminary plans as may be required for an understanding of the proposed development. The Town Board shall refer the application to the Planning Board for preliminary review within ten (10) days after receipt of the application. The purpose will be to give both the municipality and the applicant an opportunity to gain a better perspective on the ramifications of the proposal. This step is beneficial to both parties because the community will gain knowledge of the developer's intent and the developer will learn his responsibilities before either is committed to significant outlays of time and money.
- C. Specifications. The calculation of area for a planned zone shall not include existing streets or otherwise dedicated land; or land undesirable by reason of topography for that specific PUD, drainage or adverse subsoil conditions.
 - 1. A planned residential PUD shall have a minimum area of five (5) acres.
 - 2. A planned commercial or industrial project shall have a minimum area of ten (10) acres and may not be located in a Residential Zone.
- D. Planning Board review of Planned Unit Development Zone. The Planning Board shall review any planned unit development application and may require such changes in the preliminary plans as are found to be necessary to meet the requirements of established or permitted uses in the vicinity and to promote the orderly growth and sound development of the community.
- E. Preliminary Plan Review. In reaching its decision on the proposed application and/or changes, if any, in the preliminary plans, the Planning Board shall consider, among other things the following:
 - 1. The existing character of the neighborhood.
 - 2. The location of principal buildings on the site in relation to one another and to other structures and uses in the vicinity.
 - 3. The pedestrian circulation and open space in relation to the structures.
 - 4. The traffic circulation, including impact of the PUD on state and local roads as well as within the PUD, and the amount, location and access to automobile parking areas and loading areas.
 - 5. The height and bulk of buildings.
 - 6. The proposed location, type and size of display signs, driveways and landscape plan.
 - 7. The safeguards provided to minimize possible detrimental effects of the proposed use on adjacent properties and the neighborhood in general.
 - 8. Sanitary waste disposal in and adjacent to the development.
 - 9. Also, if applicable, all information that is requested under Article VII 8.04 and Article IX, Site Plan Review.
- F. Preliminary approval. The Planning Board shall approve, approve with modifications or disapprove the application and shall report its findings to the Town Board within sixty-two (62) days following the date of referral to the Planning Board. Planning Board approval of the preliminary plans shall not constitute or imply a permit for or approval of construction plans.
- G. Final Approval. The Town Board shall approve, approve with modifications or disapprove of the proposed Planned Unit Development zone. In addition to the referral to the Town Planning Board, the Town Board shall conduct a public hearing on the proposed zone change prior to rendering its decision. Such public hearing may be conducted during the same time as the Town Planning Board review. The Town Board shall render its decision within 30 days of receipt of the Town Planning Board recommendation. In the event that the Planning Board recommends disapproval of the proposed planned development zone, or approves it with modifications, which the developer is unwilling to comply with an affirmative vote of not less than three-fourths (3/4) of the members of the Town Board shall be required to approve the said project.

- H. Public hearing. The Town Board shall hold a public hearing on any proposal to create or change a Planned Unit Development Zone, with public notice as provided by law and as in the case of any amendment to the Zoning Law, to establish and define the type and boundaries of the Planned Zone after a public hearing.
- I. Building permit. A building project within a planned district shall conform substantially to the plans approved by the Planning Board and or Town Board. A building permit may be issued by the Code Enforcement Officer only after construction plans and specifications have been filed and approved. If construction work on the proposed building project is not begun within time limits specified by the building permit or such work is not completed within the period of time specified by such permit, approval of the project application shall become void and all rights therein shall cease, unless the Town Board for good cause authorizes an extension.
- J. Application for construction of a building project within an existing PUD zone. (NOTE: Because some proposed development projects are very complex, a developer may want to hold a pre-submission conference with the Planning Board. The purpose will be to give both the municipality and the applicant an opportunity to gain better perspective on the ramifications of the proposal. The step is beneficial to both parties because the community will gain knowledge of the developer's intent and the developer will learn his responsibilities before either is committed to significant outlays of time and money.)
 - 1. Application for construction of a building project within an established PUD Zone shall be referred to the Planning Board by the Code Enforcement Officer. The applicant shall furnish the necessary data as required in Article VIII - 8.04.
 - 2. The Planning Board shall hold a public hearing within sixty (60) days of referral of application on a proposed building project, as provided by law.
 - 3. The Planning Board will approve, approve with modifications or disapprove the proposed building project. The Code Enforcement Officer may issue a building permit for the project upon written approval or approval with modifications from the Planning Board.
 - 4. If the developer is unwilling to agree to modifications or the project is disapproved, he/she may make appeal to the Zoning Board of Appeals.

5.11 Aquifer Protection Zone:

- A. Purpose: To provide supplemental land use and development protections to the immediate area of recharge for the municipal water source for Parishville Water District No. 1, located on White Hill Road. It is recognized the Town of Parishville water source is developed in an unconfined sand and gravel aquifer located on the southern edge of the Hamlet of Parishville.

The aquifer extent is not precisely known, but generally extends in a southerly to southeasterly direction from the well site a minimum of several hundreds of feet. Based on production records, pump tests, test bores and geologic maps, the aquifer is variable in thickness and characteristics. To accurately determine the full extent of the aquifer, the cone of depression, travel times to the well and the precise boundaries of the immediate recharge area would require extensive bores, numerous pump tests, observation wells and remote sensing surveys. These procedures could yield more information on the aquifer, but any attempt to define the full extent of the aquifer recharge area would also require estimates and approximations.

The water source has been used to supply high quality drinking water to some or all of the Hamlet of Parishville since the late 1800's.

Replacement of the water source would be costly (in excess of \$500,000 in 2005 dollars), time consuming (Typically a year or more) and may involve site acquisition for landowners unwilling to sell.

The Aquifer Protection Zone will overlay approximately 420 acres, 60 of which is currently zoned Hamlet, 190 is zoned Rural and 170 acres is located within the Adirondack State Park and is zoned "Adirondack Park – Rural Use".

- B. Effective Means: Protection will be provided by means of an overlay district known as the Aquifer Protection Zone. The overlay zone does not change the current zoning of any parcels within the overlay zone. However, the Aquifer Protection Zone imparts supplemental restrictions on land use and development within zone.
- C. Permitted Uses:
 - 1. Any land use permitted by the existing zone will be permitted, provided the requirements of Section 5.11 (G) are met.
- D. Permitted Accessory Uses: These uses shall be governed by the existing zoning, provided the supplementary restrictions contained in Section 5.11 (G) are met.
- E. Special Permit: The following land uses will require a special permit, issued by the Town Planning Board, after a Public Hearing is held pursuant to the Hearing Provisions contained in this local law.
 - 1. Commercial or industrial operations of any sort,
 - 2. Land application of any waste, including agricultural animal wastes,
 - 3. Clear-cutting of any area larger than one and one-half acres on any single land parcel,

4. Construction of more than eight thousand (8,000) square feet of impervious area including buildings, patios, gravel or paved driveways, or parking lots, or any other area not covered with natural vegetation,
5. Bulk storage of any commodity that could pose a risk to groundwater quality,
6. Altering the ground surface by digging, excavating or grading over any area larger than twenty thousand (20,000) square feet,
7. Applying fertilizer to any area larger than One (1) Acre in any one year,
8. Installation of an underground storage tank for any purpose, excluding a septic tank installed in accordance with section 5.11(E) (2) of this code, and,
9. Other conditions, uses, or facilities as described in this Article (V).
10. Special permits issued by the Planning Board shall be subject to periodic reporting requirements described herein. The Permit shall be automatically suspended, at any time, if the Permit conditions are not met, the periodic report(s) are not acceptable to the Water System Operator and the Code Enforcement Officer, or if conditions develop which represent a significant threat to the Municipal water source.

F. Specifications:

1. Setbacks: Setbacks specified in this overlay zone shall be measured as straight-line Horizontal distances from the municipal well building for Parishville Water District No. 1
2. NYSDOH Concurrence and Approval:
 - a. Written comments from the District Director of the New York State Department of Health (NYSDOH) District Office shall be required prior to the granting of any special permit, waiver, subdivision or variance within this zone.
 - b. Written approval from the Water System Operator and the District Director of the New York State Department of Health (NYSDOH) District Office shall be required prior to the granting of any special permit, waiver, subdivision or variance within this zone if said approval is within the department's jurisdiction.
3. Extent of Zone: Said zone is bounded as shown on the map entitled the "Zoning Map of the Town of Parishville" as amended, which accompanies and which, with all explanatory material, is hereby made a part of this local law

G. The following supplemental restrictions shall apply to this zone:

1. Non-conforming uses, lots and structures:
 - a. In addition to the requirements of Section 6.02 of this code, the continuance of any right or privilege for any non-conforming use shall cease upon discontinuing the non-conforming use for more than one year, or upon transfer of ownership of any land parcel within this zone.
 - b. Issuance of a Use Variance or an area Variance within the Aquifer Protection Zone requires submission to NYSDOH for approval or comment pursuant to section 5.11G(2)(a) and (b) above
2. On-Site Sewage Treatment and Disposal Systems:
 - a. All on-site disposal systems serving single family residences with flows of less than one thousand (1,000) gallons per day shall be designed, installed and maintained in accordance with the New York State sanitary code and the standards promulgated in 10 NYCRR 75. County sanitary codes and Town ordinances shall apply if they contain standards that are more stringent.
 - b. A permit is required for the installation of any subsurface disposal system. This permit must be obtained from the Code Officer. Applications for a permit shall include a certified engineering plan, verification of the seasonally high groundwater level and percolation rate by a disinterested party, and provisions for inspection of the installation prior to backfilling
 - c. The applicable standards and permit requirements of the New York State Department of Environmental Conservation (NYSDEC) shall apply to on-site wastewater systems with flows in excess of one thousand (1,000) gallons per day or any system that treats non-residential wastewater.
 - d. New on-site wastewater system shall not be permitted within five hundred (500) feet of the well site.
 - e. All septic tanks within the Aquifer Protection Zone two thousand (2,000) feet of the well site shall be pumped clean every four (4) years or more often if conditions warrant. The cost of this cleaning shall be paid by the Town Water District.
 - f. The use of sewage system cleaners or additives is prohibited.
 - g. Water conservation plumbing fixtures are required for any remodeling, renovation or new construction in this zone.
 - h. Where sink mounted garbage disposal units are used, they shall discharge to a separate "kitchen" septic tank installed in the kitchen drain line. No sanitary (toilet discharge) sewage shall be connected to this Kitchen" septic tank. The flow from the kitchen septic tank shall discharge into the sanitary septic tank. prior to discharging to the absorption field.

- i. Where there is evidence that chlorides and/or nitrates are increasing at an undesirable rate, as determined by the Town Board, the use of new or expanded onsite wastewater systems may be prohibited or limited by requiring larger lot sizes for future development.
 - j. Floor drains in garages shall be installed only when an NYSDEC approved oil-water separator is also installed, a SPDES Permit is issued by the NYSDEC, and a special permit, in accordance with this code, is issued.
 - k. All on-site wastewater systems within this zone shall be periodically inspected by the Chief Water System Operator or his designee. The Water System Operator shall be granted free and full access for these inspections after giving proper notice to the landowner. Proper notice, for the purposes of this Clause, shall mean ten (10) days prior written notice mailed to the landowner's address as recorded in the Real Property Tax Office.
 - l. On-site wastewater systems found to be operating in an improper manner shall be promptly repaired or replaced in accordance with Appendix 75A of the New York State Sanitary Code. In the event the improper operation of an on-site wastewater system poses an imminent environmental threat to the municipal well, the Water Operator shall order the septic tank to be pumped at intervals sufficient to minimize the threat to the municipal well. The cost of these septic tank pump-outs shall be the responsibility of the landowner.
- 3. Prohibited Activities:
 - a. Land application of wastewater is prohibited.
 - b. Disposal wells are prohibited.
 - c. Use of recharge basins is prohibited.
 - d. The stockpiling of snow removed from offsite areas within this zone is prohibited.
 - e. Refuse disposal areas and junkyards are prohibited.
 - f. Land application of septage, industrial and municipal sludge is prohibited.
 - g. use of wastewater lagoons or pits for storage of wastewater, septage, sludge or similar materials is prohibited. Any permitted storage facility shall be watertight and above ground, and acceptable to the Town and NYSDEC.
 - h. Disposal of radioactive material is prohibited.
 - i. Transportation of radioactive material is prohibited except under a special permit from the U. S. Department of Transportation
 - j. Storage of chlorine salts is prohibited except in waterproof buildings or in watertight vessels.
 - k. Storage of coal is prohibited except in watertight buildings or in a watertight surface that presents seepage and runoff
 - l. No cemeteries shall be developed in this district, and no dead animals or persons shall be buried in this zone.
- 4. Groundwater Monitoring:
 - a. A comprehensive monitoring program is required for any existing or abandoned refuse disposal area, regardless of size, in accordance with 6 NYCRR 360 is required.
 - b. In any case where groundwater contamination is suspect, a complete groundwater monitoring plan shall be implemented by the Town.
 - c. In the event groundwater contamination is found, the party responsible for the contamination shall be liable for all costs of investigations, monitoring and remediation.
- 5. Animal Wastes:
 - a. Farm animal wastes shall not be concentrated except where provision has been made to prevent seepage to the groundwater. Suitable watertight storage facilities are required for when it is not permissible to spread waste.
 - b. Land application of manure from animals harbored on land located within this zone and numbering less than 10 animals per 100 acres shall not require a special permit
 - c. Land application of Liquid manure or manure other than that permitted in 5 (b) above shall be by special use permit only
 - d. Liquid manure shall not be applied to frozen ground, saturated ground, or ground covered with snow or ice
 - e. Land application of manure shall be conducted only during May, June, July and August.
 - f. Liquid manure shall be plowed, or otherwise incorporated, into the soil on the same day it is applied.
 - g. A completed and certified nutrient management plan for the area proposed for manure application shall be submitted with the request for a special use permit. The nutrient management plan shall meet NYSDEC requirements. Meeting of NYSDEC requirements shall not mean automatic approval of the special permit by the Town.
 - h. The Nutrient management plan shall be reviewed and approved by a second nutrient management planner selected by the water system operator and paid for by the water district

- i. Nutrient management plans shall be prepared using actual nutrient test results from the manure and/or fertilizers proposed for use and soil test results no older than six (6) months.
 - j. Land application of manure or liquid manure, other than that permitted in 5(b) above, shall not be permitted within five hundred (500) feet from the municipal well site.
 - k. Application rates for areas within 1,000 feet of the well site, and within the aquifer protection zone, shall not be greater than one half of the application rates that would be permitted in a certified nutrient management plan prepared for an identical area outside this zone.
 - l. Application rates for areas at least 1,000 feet from, but within 2,000 feet of the well site, and within the aquifer protection zone shall not be greater than two thirds of the application rates that would be permitted in a certified nutrient management plan prepared for an identical area outside this zone.
 - m. Application rates for areas more than 2,000 feet from the well site, and within the aquifer protection zone, shall not be greater than the application rates permitted in the certified nutrient management plan.
6. Industrial Sludge and Toxic Chemicals:
 - a. No toxic chemical identified by the U.S. Environmental Protection Agency or the NYSDEC shall be stored in, or disposed of, within this zone.
 - b. Disposal of toxic chemicals, industrial sludge, or similar materials is prohibited.
 - c. Toxic chemicals shall not be buried in the soil, spread upon the surface of the ground, or allowed to enter ground-waters.
 - d. Transportation of toxic chemicals is prohibited within the zone, except under special permit of the U.S. Department of Transportation.
7. Chemical (or Artificial) Fertilizer Use:
 - a. Open storage of artificial fertilizers for any use is prohibited.
 - b. Agricultural use of fertilizers shall be in conformance with best management practices as developed by the State Soil and Water Conservation Committee and implemented in accordance with a certified farming plan and Nutrient Management Plan developed in accordance with Soil and Water Conservation District Guidelines and best management practices.
 - c. The nutrient management plan shall be reviewed and certified by a second certified nutrient management planner, selected by the water system operator, and paid for by the Town.
 - d. The nutrient management plan shall be prepared using actual soil test results no older than six (6) months.
 - e. Fertilizer use for non-farm (residential) application shall be in accordance with best management practices as developed under Item 7 (b).
 - f. Application of fertilizer to more than one (1.0) acre of land on any one parcel in any one calendar year shall require a special permit.
 - g. Application rates for areas within the aquifer protection zone, and within 1,000 feet of the well site, shall not be greater than one half of the application rates that would be permitted in a certified nutrient management plan prepared for an identical area outside this zone.
 - h. Application rates for areas at least 1,000 feet from, but within 2,000 feet of the well site and within the aquifer protection zone shall not be greater than two thirds of the application rates that would be permitted in a certified nutrient management plan prepared for an identical area outside this zone.
 - i. Application rates for areas more than 2,000 feet from the well site and within the aquifer protection zone shall not be greater than the application rates permitted in the certified nutrient management plan.
8. Pesticide and Herbicide Use:
 - a. All pesticide and herbicide storage, use, and application shall be as provided in Environmental Conservation Law, in accordance with 6-NYCRR Part 325.
 - b. Application of any Pesticide, Herbicide or similar compound regulated under 6 NYCRR Part 325 shall be by a Certified Pesticide Applicator, registered pursuant to 6-NYCRR Part 325.
 - c. Disposal of containers and washing of equipment used in conjunction with pesticides and herbicides within the zone is prohibited.
 - d. Application of any pesticides or herbicides is STRONGLY discouraged within one thousand (1,000) feet of the well site..
9. Accidental Spills:
 - a. The Town Supervisor and the District NYSDOH Office shall be notified of any accidental spills within two (2) hours.
 - b. Oil spills shall be reported immediately to the Town, the NYSDEC, and the NYSDOH within two (2) hours and shall be and immediately contained, excavated and removed from this Zone. Final clean-up and restoration shall be completed within thirty (30) days, pursuant to all applicable laws, rules and regulations.

- c. Spills of any other harmful material shall be immediately reported and completely cleaned up as required in 9(b) above in full compliance with the Environmental Conservation Law. Clean up of spills is the responsibility of the owner; in case of material in transit, clean up shall be the responsibility of the carrier.
- 10. Deicing Salt Application:
 - a. Deicing salt use is restricted to the minimum amount needed for public safety in accordance with best management practices as developed by the NYSDEC.
 - b. Calcium chloride shall be used instead of sodium chloride, where possible, to limit sodium input to waters.
- 11. Storage Tanks and Pipelines:
 - a. Underground storage of petroleum products or any other toxic chemicals or other potentially harmful material is prohibited unless allowed by special permit and suitable measures have been taken to insure that leakage will not occur.
 - b. Buried tanks, when permitted and regardless of sized or capacity, shall be double contained and both the tanks and the lines leak tested yearly.
 - c. The owner of any underground storage tank or pipeline is legally responsible for prompt reporting of any spills or leaks and for the costs of cleanup.
 - d. Above ground storage tanks for petroleum products or harmful chemicals (excluding butane, LP or LNG gas) shall be enclosed in a weather-tight, durable and substantial structure, complete with roof, floor and walls. Tanks larger than five hundred and fifty one (551) gallons, or any combination of smaller tanks with a total capacity of five hundred and fifty one (551) gallons or more, shall have secondary containment as defined by the NYSDEC Petroleum storage regulations.
- 12. Operating Reports for Special Use Permits:
 - a. General: When the Planning Board issues a Special Land Use Permit pursuant to Section 5.11(E) of this Code, the Permittee shall submit periodic operating reports for the permitted land use to the Water System Operator and the Code Officer. The report shall describe, in detail, the activity allowed by the Permit, any unusual events which may have occurred, any actions taken to prevent groundwater contamination and any future actions planned for the next period.
 - i. The periodic operating reports shall be acceptable to the Water System Operator and the Code Officer.
 - ii. If the report is not acceptable, the Permittee shall revise and resubmit the report within 30 days.
 - iii. If no re-submission is made, or the re-submission is still inadequate, the Special Permit shall be suspended and the permitted land use activities shall be halted until an acceptable operating report is approved by the Water System Operator and the Code Enforcement Officer.
 - iv. The content and format of operational reports shall be varied by the Water System Operator and the Code Enforcement Officer, in consultation with the Permittee, to suit the particular land use permit. The following clauses shall be used as a guide in establishing the reporting requirements for each particular permit.
 - v. The report frequency shall, in general, be an annual or seasonal submission, or as otherwise determined by the Water System Operator and the Code Officer.
 - b. For commercial or industrial facilities Permitted by 5.11(E)(1), the report shall include:
 - i. Daily wastewater flows and water use.
 - ii. Any and all test results.
 - iii. Inventory of any potential contaminants stored or generated onsite including location, quantities, usage and any disposal.
 - iv. Inventory of all storage containers over five (5) gallons in capacity, including contents, use and disposal.
 - v. Accidents, spills or failure of any primary or secondary containment systems, and
 - vi. Any changes proposed to be made for the facility and/or process.
 - c. For agricultural or other fertilizer use Permitted by 5.11(E)(2) or 5.11(E)(7):
 - i. Daily application records for limes, manures, liquid manure, fertilizer, or other substance broken down by areas 10 acres or less in size and including quantities, soil and material test results.
 - ii. Proposed modifications to certified nutrient plans.
 - iii. Planting and fertilizing schedules with crop list(s), areas and actual and proposed time schedules.
 - iv. Actual and projected harvest quantities by area.
 - v. Amount of irrigation used (daily quantities, area, application rates, etc.).
 - vi. Planned schedule and application rates for the next period.

- d. For large scale clearing Permitted by 5.11(E)(3):
 - i. The actual area cleared including a sketch.
 - ii. The restoration schedule including plantings, details, and timing.
 - iii. Runoff controls that were implemented, Planned operations for the next period, and,
 - iv. Proposed runoff controls for the next period.
 - e. For large scale earthwork or paving Permitted by 5.11(E)(4) or 5.11 (E)(6):
 - i. Actual area disturbed or made impervious.
 - ii. Quantity of material (soil, rock, etc.) brought onto or removed from the site.
 - iii. The NYSDEC Notice of Intent and Storm Water Pollution Prevention Plan (SWPP) if more than one acre is disturbed.
 - iv. A restoration schedule including type of surfacing, timing and erosion control details.
 - v. Instances where groundwater is encountered, and,
 - vi. Proposed areas for future work and details of the proposed work.
 - f. For bulk storage Permitted by 5.11(E)(5):
 - i. An inventory (quantity, description, location) of materials currently or proposed to be stored on the site.
 - ii. Disposition of any material not consumed.
 - iii. Measures taken to minimize groundwater contamination.
 - iv. Details of any accidents, spills or contaminants released.
 - v. Proposed changes in operation.
 - g. For underground storage tanks Permitted by 5.11(E)(8):
 - i. Leakage test report.
 - ii. Inventory by tank to include size, contents, usage of product, leakage control and contaminant measures.
 - iii. Results of any groundwater or soil tests.
 - iv. Proposed changes in operation.
13. Land Use Management:
- a. Full and complete environmental assessments and a hazard mitigation plans shall be prepared for the following Land Uses and submitted to the Town, the NYSDOH and the NYSDEC for review and approval before any permits are issued:
 - i. Excavations or cut-ins which exceed nine (9) feet in depth, expose groundwater or significantly reduce the thickness of the soil cover and thereby promote the entrance of contaminants into ground-waters, and/or promote increased run-off,
 - ii. The establishment of sand and gravel mining operations covering more than five hundred (500) square feet or extending to a depth of more than nine (9) feet, and
 - iii. Pipelines, culverts, or drainage ditches which alter the natural flow of ground or surface waters for a length of two hundred (200) feet or more.
 - iv. Industrial activity of any sort.
14. Improperly Constructed, Artesian (flowing), or Abandoned Wells:
- a. All water supply wells shall be constructed in accordance with the requirements of the NYSDOH appendix 5-B.
 - b. All abandoned or wells, or wells that have not been used for a period of two (2) years or longer, shall be sealed in accordance with State and Federal requirements for oil and gas wells and the NYSDOH appendix 5-A requirements.
 - c. Any water supply well or similar facility, which allows water contaminated with salt or other harmful constituents shall be immediately taken out of service and permanently sealed in a prompt manner.
 - d. Artesian (flowing) wells shall be sealed within five (5) days of the development of artesian (flowing) conditions.

5.12 Wind Overlay Zone:

- A. Purpose: To promote the effective and efficient use of the Town's wind energy resource through Wind Energy Conversion Systems (WECS), and to regulate the placement of such systems so that the public health, safety, and welfare will not be jeopardized.
- B. Compliance: Any structure, facility, or Wind Energy Conversion Systems (WECS), must comply with Local Law No. 2 of 2012 of the Town of Parishville entitled "Wind Energy Facilities".
- C. Each WECS shall be setback from Site boundaries, measured from the center of the WECS a minimum of:
 - 1. Five hundred feet (500') or one-and-one-half (1.5) times the total height of the WECS, whichever is greater, from the nearest non-participating property line.
 - 2. Five hundred feet (500') or one-and-one-half (1.5) times the total height of the WECS, whichever is greater, from the nearest public road.

3. Five Hundred feet (500') or one-and-one-half (1.5) times the total height of the WECS, whichever is greater, from the nearest edge of the Wind Overlay District.
4. Twelve Hundred feet (1,200') from the nearest off-site residence existing at the time of application, measured from the exterior of such residence. One-and-one-half (1.5) times the Total Height of the WECS from any non- WECS structure or any above-ground utilities.
5. One-and-one-half (1.5) times the Total Height of the WECS from any non- WECS structure or any above-ground utilities.
6. Five hundred feet (500') from state-identified wetlands or bodies of water. This distance may be adjusted to be greater at the discretion of the Town Planning Board, based on topography, land cover, land uses and other factors that influence the flight patterns of resident birds, bats or other creatures.

ARTICLE VI Regulations Applicable to All Zones

Sec- 6.01. Accessory Buildings.

- A. On any lot intended or used for residential purposes, accessory buildings may include a garage, non-commercial home workshop or other accessory building for use in connection with principal dwelling and use.
- B. Height: as allowed in the zone.
- C. Location. Accessory buildings in residential zones which are not attached to a principal building may be erected in accordance with the setback requirements for that particular zone:
- D. Attached accessory building in residential zone. When an accessory building is attached to the principal building, it shall comply in all respects with the requirements for this applicable to the principal building.
- E. Non-Residential accessory building. Nonresidential accessory buildings shall comply with front, rear and side yard requirements.
- F. Truck bodies, trailers, buses, campers, mobile homes etc. shall not be used as accessory buildings.
- G. When an Accessory Building is proposed and anticipated to be built prior to the building of the parcel's Primary structure or main building; the site plan must show the location of both the Primary and Accessory buildings. The type of construction, location of utilities, proposed well, septic system, and anticipated dates of construction and completion of the Primary Building shall be specified.

Sec.-6.02. Nonconforming Uses, Lots and Structures.

Lots, structures, uses of land and structures and characteristics of use which lawfully existed prior to July 28, 1999, and which would be prohibited or restricted under the terms of this local law may be continued subject to the following provisions.

- A. Intent. It is the intent of this local law to permit legal nonconforming uses to continue until they are removed, but not to encourage their survival or expansion.
- B. Unsafe structures. Any nonconforming structure or portion thereof declared unsafe, shall be restored to safe condition or removed.
- C. Alterations. A nonconforming structure may not be reconstructed or structurally altered to an extent exceeding in aggregate cost fifty percent (50%) of the replacement costs of said structure, unless the structure shall be changed to a conforming structure.
- D. Enlargement. Nonconforming uses and structures shall not be enlarged or increased or extended to occupy a greater area of land or increased in height than was occupied at the effective date of the adoption of this local law.
- E. Restoration. Nonconforming structure damaged by fire, or other causes, to the extent of more than seventy-five percent (75%) of its replacement cost shall not be repaired or rebuilt except in conformity with the requirements of this local law.
- F. Discontinuance. Whenever a nonconforming use has been discontinued for a period of one (1) year, the use shall not thereafter be reestablished, and any future use shall conform to the provisions of this local law.
- G. Changes. Once changed to a conforming use, no structure or land so changed shall be permitted to revert to a nonconforming use.
- H. Displacement. No nonconforming use shall be extended to displace a conforming use.
- I. Moving. Should any structure be moved for any reason for any distance, it shall thereafter conform to the requirements for the zone in which it is located after it has been moved.
- J. Existing undersized lots of record.
 1. Any recorded lot held in private ownership prior to July 28, 1999, by a previous party or by the current owner, and whose area and/or width and/or depth are less than the minimum requirements specified herein for the zone may be considered as complying with this local law, and no area variance therefore shall be required, provided that:

- a. Such lot does not adjoin any other lot or lots held by the same owner, the aggregate area of which lot is equal to or greater than the minimum lot area required for that zone.
 - b. The minimum yard setback requirements set by this local law are met.
 - 2. In any zone where residences are permitted, such undersized nonconforming lots may be used for not more than one (1) single-family dwelling.
- K. Projections in required yards.
 - 1. The space in any required yard shall be open and unobstructed except for accessory buildings in a side or rear yard and except for the ordinary projections of window sills, cornices and eaves; provided, however, that such features shall not project more than four (4) feet into any required yard.
 - 2. A paved terrace shall not be considered as part of a building in the determination of yard sizes or lot coverage, provided that such terrace is un-roofed and without walls, parapets or other form of enclosure.
 - 3. In determining the percentage of building coverage or the size of yards for the purpose of this, enclosed porches open at the side, but roofed, shall be considered a part of the building.
 - 4. Unenclosed entrance steps or stairways providing access to the first story of a building may extend into any required yard a distance not to exceed six (6) feet.
 - 5. Ramps for access by handicapped persons are exempt from projection regulations.
- L. Side yards.
 - 1. Side yards setbacks may be varied where the side wall of a building is not parallel to the side lot line or is broken or otherwise irregular. In such case, the average width of the setback at any one point of the side yard shall not be less than ½ of the required minimum width. Refer to corner lots (Sec. 6.05).
- M. Farms and holding areas.
 - 1. In any Residential Zone, existing farms and holding areas, may continue at the general scale of operations existing at the time of adoption of the Zoning Law.

Sec.-6.03. Parking.

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

- A. Off Street Parking.
 - 1. All uses shall provide off-street parking for all vehicles parked during typical peak use periods. Parking shall be designed to eliminate the need to back out onto any public or private road. Multiple dwellings and commercial developments must comply with general requirements for facilities for physically handicapped in the New York State Uniform Fire & Building Code.
- B. Parking Spaces. A parking space shall not be less than ten by twenty (10 X 20) feet, exclusive of access ways and driveways. Single-family residences need not exclude driveway area.
- C. Access to Parking. Off-street parking areas for nonresidential uses shall provide access to parking spaces.
- D. Minimum Parking Standards.
 - 1. Minimum standards supplementary to the basic standard cited above are as follows:
 - a. One (1) parking space for every four (4) seats in a public meeting place, including Restaurant, Bar, or Tavern.
 - b. One (1) parking space for every two (2) employees in the largest shift at places of employment.
 - c. Two (2) parking spaces for the first one-thousand (1000) square feet of gross floor area plus one (1) parking space for every two hundred (200) square feet over the 1000 sq. ft. of gross floor area in business and professional offices.
 - d. Two (2) parking spaces per dwelling unit must be provided.

Sec.-6.04. Maximum Buildings per Lot Size.

Residential uses in all zones shall be limited to one residential building per lot, with the exception of Planned Unit Developments (PUDS).

Sec.-6.05. Corner Lots.

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

Sec.-6.06. Fences.

Fences erected in the Town shall adhere to the following unless otherwise specified:

- A. Fences may be erected, altered or reconstructed to a maximum height of eight (8) feet.
- B. No fence shall cause an obstruction to vision at an entrance or exit on a road at an intersection.
- C. Razor wire is not allowed.
- D. Fences may be erected on common property lines but shall not encroach on neighboring properties.

Sec.-6.07. State, Federal or Local Government-Designated Historic Buildings.

The Town Board may designate buildings that it deems to be of historic significance to the Town of Parishville, only upon request by owner. For any building determined to be of historic significance:

- A. All building permits shall require site plan approval from the Planning Board as outlined in Article VIII.
- B. No demolition or substantial exterior alteration resulting in an essential change in the building is allowed without site plan review.
- C. The Town Planning Board must demonstrate the following additional requirements in its findings.
 1. The building or use must be consistent with the architecture style and historic significance of the site.
 2. The building or use may not encroach, diminish or otherwise lessen the significance of other structures or uses within the area.
 3. To demolish, evidence of construction or structural problems must be shown to preclude any reasonable effort at rehabilitation, restoration or preservation.

Sec.-6.08. Logging Practices.

In order to prevent problems caused by soil erosion, siltation, and in attention to aesthetics :

- A. A 100 foot wide Buffer Strip is required, along all Town , County and State Highways and along all River, Lakes and Ponds. Buffer strips shall be cut lightly keeping at least a basal area of 50 sq. ft. per acre of residual trees, including large diameter trees (six (6) inches or larger). Trees shall be felled so that tops land away from roads. All hung-up, partly fallen, bent or broken trees shall be removed.
- B. Further all landings shall have a 100 foot setback from any Town , County or State Highways and a 200 foot setback along all Rivers, Lakes, Ponds or designated wetlands.
- C. The Code Enforcement Office may request assistance from professionals in the enforcement of these regulations, in accordance with Section 13.01 F of this Local Law.

Sec.-6.09. Signs.

Signs shall be permitted only according to standards listed as follows, unless otherwise stated in this local law.

- A. No sign shall contain lights which flash or move or appear to move.
- B. No sign attached to a building shall be higher than the principal building, and shall not exceed 25 ft. in height above average finished grade of the site.
- C. No free standing sign shall be higher than ten (10) feet above the finished grade of the site.
- D. No general advertising signs unrelated to the authorized use of the premises are allowed.
- E. No sign shall project into a public right-of-way.
- F. No sign shall be erected on a public utility pole or traffic control structure.
- G. All existing signs at the enactment of this local law shall be allowed to remain as long as they are properly maintained and their use remains current.
- H. Temporary unlighted signs erected by and for non-profit organizations, such as churches, American Legion, scouts, political organizations, etc. advertising suppers, banquets, benefits, fund-raising sales, etc. may be erected for a forty-day period without permit in any zone, provided that the sign will not constitute a traffic hazard, and the property owner has given permission. Said sign shall be removed within forty-eight (48) hours after the advertised event.
- I. Signage per site permitted: two (2) free standing signs with a total of sixty (60) square feet with no side to exceed thirty (30) square feet. In lieu of one (1) freestanding sign, sign/signs on the building, not to exceed a total of forty (40) square feet are permitted.
 1. Home Occupation: One attached or one free standing sign having no more than six (6) square feet per side with a maximum of two (2) sides and a maximum height of eight (8) feet.
- J. Any sign adjacent to a residentially used property must be at least fifteen (15) feet from the adjoining property line.

Sec.-6.10. Noxious, Nuisance and/or Hazardous Conditions.

- A. Uses or structures deemed to be Noxious, Nuisance or Hazardous Conditions may be determined by the Code Enforcement Officer or the Town Board:
- B. Whatever is determined to be a noxious or a nuisance condition is hereby declared to be illegal and every person having aided in or contributed to the same shall be in violation of this Article and shall be liable for the expense of the abatement or remedy required.
- C. The time specified for correction of the noxious or nuisance condition shall be determined by the Code Enforcement Officer depending on the severity of the situation.
- D. If a noxious or nuisance condition is not abated in the time specified by the Code Enforcement Officer, a citation for court appearance shall be issued.
- E. Whenever any person required by this Article to abate a noxious or nuisance condition shall fail to abate said noxious or nuisance condition, the Town of Parishville shall remove and abate said noxious or nuisance condition within the specified time. All costs and expenses incidental to such abatement, removal and storage shall be billed to said owners and if not paid in thirty (30) days then added to said owner's Town tax.
- F. Notice of violations can be initiated by the Code Enforcement Officer observing the noxious or nuisance condition or by the Code Enforcement Officer receiving a written complaint.

- G. Penalties: Any person who shall violate the provisions of this Article shall be punishable by a fine of not less than 50 dollars nor more than 500 dollars. If such offending person shall have received notice to abate any nuisance and shall neglect to do so, the continuance of the same, each day after notice, shall constitute a separate violation of this Article.

Sec.-6.11. Storage Restrictions.

No boats, campers, travel trailers, recreational vehicles, unregistered motor vehicle or unlicensed motor vehicle shall be parked or stored in a front yard. These stored vehicles must be placed at least a minimum of ten (10) feet from any principal or other accessory building or property line.

Sec.-6.12. Existing Conforming Junkyards, Scrap and/or Salvage Operations (with or without recycling operations).

The provisions of General Municipal Law § 136 are hereby adopted by reference and shall apply to all automobile salvage operations in the Town of Parishville. No person shall establish, operate or maintain a junkyard, scrap or salvage operation (either with or without a recycling component) in any zone of the Town. Any pre-existing, conforming junkyards and/or salvage/scrap operations prior to adoption of this local law shall obtain an *annual operating permit* and comply with the following requirements:

- A. Size. The minimum lot size shall be ten (10) acres.
- B. Location. Unless specifically varied by the Board of Appeals, the setback requirements shall apply to existing junkyard: Said use shall not be located within one hundred (100) feet from any highway, body of water, or property line, nor within five hundred (500) feet from any existing dwelling, church, school, hospital, public building or place of public assembly.
- C. Fencing. Every junkyard shall be completely surrounded with a fence which substantially screens it and shall have a gate which shall be closed and locked except during the working hours of said use. Such fence shall not be erected nearer than one hundred (100) feet from the center line of a public highway. All junk and dumping materials stored or deposited at the site shall be kept within the enclosure, except during transportation of same in the reasonable course of the business.
- D. Natural Screening. Where the topography, land forms, natural growth of trees or similar considerations accomplish the fencing and screening purposes of this subsection, the fencing requirements hereunder may be reduced by the Town Planning Board, provided, however, that such a natural barrier effectively controls access to and views of said junkyard.
- E. Established Junkyards. Within sixty days of the effective date of this subsection, the owner of any existing, non-permitted junkyard in the Town shall submit to the Town Planning Board an application for an initial special use permit. Existing junkyards shall be brought into compliance with the requirements set forth above in regard to screening, fencing, and required setbacks. The Town Planning Board, at the time of the application, shall designate the maximum allowable time to comply with the screening, fencing, and required setbacks, requirements. The Town Planning Board shall authorize the initial special use permit for any existing junkyards only if it finds that the use will not constitute a detriment to the public health, safety, welfare, convenience or property values.
- F. Junkyard Annual Operating Permits.
 1. No junkyard shall be established in the Town.
 2. An application for renewal of an Annual Operating Permit shall be made to the Code Enforcement Officer thirty (30) days prior to the expiration date of the previous permit. The CEO will inspect the junkyard and will ensure that the junkyard is in compliance with requirements set forth in the initial special use permit (granted by the Town Planning Board in compliance with above section 6.12E) and with the requirements listed above. The CEO may not renew the Annual Operating Permit of any junkyard that is not in compliance with the above requirements and any additional requirements established in the initial special use permit by the Planning Board. The CEO shall approve or deny the renewal of such Annual Operating Permit using the standards in effect in these and other applicable regulations and any conditions in the initial special use permit, after payment of the required fee.
- G. Revocation for Non-Compliance. Lack of compliance with the above requirements and any of the requirements stipulated in the initial special use permit shall constitute a violation of this Ordinance. Upon a finding that a junkyard is not complying with terms of its initial special use permit, the Town Planning Board may, after a public hearing thereon, revoke the initial special use permit and the Town may seek an action to cause the junkyard to cease operation.

Sec.-6.13. Waterfront Lots.

On lots located on water bodies, the side facing the water body shall be considered the front yard. The side of the lot facing the street or road accessing the lot shall be considered the rear yard. The edge of the perennial vegetation shall be considered the shoreline from which measurements shall be taken.

Sec.-6.14. Open Burning.

No person shall burn, allow or permit to be burned openly or in containers, including barrels, any: Rubbish, Paper Products, Household Trash, Garbage, Plastics, Tires, Chemicals, Garbage, Litter, or other Materials which would create noxious, toxic, smoke or fumes in the Town of Parishville.

**ARTICLE VII
Special Permits****Sec.-7.01. Purpose.**

It is the intent of this local law to use special permits to control the impact of certain uses upon areas where they could be incompatible unless conditioned in a manner suitable to a particular location. Special permits bring needed flexibility and individuality to the otherwise rigid controls of zoning regulations. Any uses not specifically addressed in this Local Law shall be subject to Review by the Town Planning Board and may be denied as not permitted after Site Plan Review (Article VIII).

Sec.-7.02. Administration.

Pursuant to Town Law, § 274-b, The Town Planning Board will administer the review and granting of special permit requests.

Sec.-7.03. Procedure.

- A. Each application for a special permit shall be on forms approved by the Town Planning Board and shall meet all requirements and conditions set forth in Article VIII (Site Plan Review).
- B. The Code Enforcement Officer shall refer the submitted special permit application to the Town Planning Board within ten (10) days after receiving the complete application.
- C. At its next regular or special meeting, the Town Planning Board shall designate a public hearing date, not to exceed sixty two (62) days from the date application was received by the Planning Board. The applicant or agent for the applicant should attend the Planning Board meeting to answer questions concerning the application.
- D. The Town Planning Board shall send a notice of the public hearing to the applicant and publish a hearing notice in the official newspaper. The applicant is required to notify any agricultural operator within an Agricultural District and within five-hundred (500) feet of a proposed project. The applicant must supply the Planning Board with notification letters post paid at least ten (10) days before the public hearing.
- E. The notice of the public hearing shall be published at least five (5) calendar days prior to the date of the public hearing and shall contain sufficient information so as to identify the property involved and the nature of the proposed action.
- F. The Town Planning Board shall make a factual record of all its proceedings involving the granting of a special permit. The decision of the Planning Board shall contain the reasons for its decision.
- G. The Town Planning Board shall render its decision, either approving, approving with conditions or denying within sixty-two (62) days after the hearing, unless an extension is mutually agreed upon. All special use permit decisions shall be filed with the Town clerk no later than five (5) business days from the date of decision and a copy of the decision shall be mailed to the applicant.

Sec.-7.04. Findings.

- A. The Town Planning Board shall grant a special permit for uses identified as needing one in this Article, provided that all requirements and conditions set forth in Article VIII (Site Plan Review) are complied with.
- B. The Planning Board shall make written findings for each special permit decision. Findings shall state the decision, the basis for the decision and the evidence relied upon to reach the decision. Compliance with the requirements of Article VIII shall be substantiated.
- C. All decisions shall be made by at least a majority of the full membership of the Town Planning Board. In those cases of a referral disapproved or approved with conditions by the County Planning Board, a majority plus one shall be required to override the County Planning Board decision. A simple majority may always disapprove a County Planning Board recommendation, made under the Town-County Memorandum of Understanding (MOU).

Sec.-7.05. Airports.

A Special Permit is needed in any zone.

- A. An application for the establishment, construction, enlargement or alteration of an airport shall include, in addition to requirements for Special Permit and Site Plan Review as set forth in Article VIII, the following statements and information:
 1. Name and address of the proponent.
 2. Classification of the proposed airport (commercial, non-commercial or restricted).

3. Type of aviation activities proposed (aircraft sales and service, flight instruction, crop dusting, air taxi, etc.).
4. Number of aircraft expected to be based at the airport initially and within five (5) years.
5. Type of aircraft expected to be based at the airport (single engine, multi-engine, turboprop, etc.).
6. Whether an instrument approach procedure will be offered.
7. Statement as to the anticipated number of daily operations.
8. Copy of the airspace clearance granted by the Federal Aviation administration for this airport, including United States Geological Survey topographic map.
9. Copy of the New York State Commissioner of Transportation's determination concerning this airport in accordance with the provisions of § 249 of the New York State General Business Law.
10. A site plan of the airport, as approved by the Planning Board, which includes the following, in addition to other site plan requirements given in Article VIII:
 - a. Scale no smaller than one (1) inch equals one hundred (100) feet.
 - b. Location of existing and proposed structures.
 - c. Alignment of existing and/or proposed runways shall be shown in exact location and magnetic bearing to the nearest thirty (30) minutes.
 - d. Existing and proposed contours at five-foot intervals.
 - e. Location of aircraft parking and tie-down areas.
 - f. Provisions for access and off-street parking.
 - g. Provisions for sanitary waste disposal and water supply.
 - h. Location and method of fuel storage.
11. An area map at a scale of no less than one (1) inch equals five hundred (500) feet showing:
 - a. Distances, power lines or other possible obstructions within two thousand (2,000) feet of the ends of runways shall be accurately plotted in an area extending out from each side of the runway at a 45 degree angle.
 - b. Properties within five hundred (500) feet shall be plotted and identified.
12. Proof of Compliance with all applicable Federal Aviation Administration requirements and a copy of the New York State Commissioner of Transportation's determination that this facility is in accordance with the provisions of § 249 of the New York State General Business Law.

Sec.-7.06. Helicopter Landing Sites.

Helicopter landing sites will be allowed in the Town of Parishville in all zones. Applicants must obtain a special permit that shall be accompanied by a site plan that meets additional site plan requirements Article VIII. Proof of Compliance with all applicable Federal Aviation Administration and a copy of the New York State Commissioner of Transportation's determination that this facility is in accordance with the provisions of § 249 of the New York State General Business Law. Landings are permitted in all zones for emergency situations.

Sec.-7.07 Kennels and Animal Hospitals.

Not allowed in Residential and Hamlet Zones. Requires a special permit in all other zones.

- A. Kennels and animal hospitals must meet these specific regulations:
 1. Adequate landscaping or fencing shall be provided to create a visual, sound and odor buffer between such facility and adjacent properties.
 2. All buildings, pens, runs, structures or other accessory uses shall be at least seventy-five (75) feet from any property line.
 3. All animals shall be kept within a totally enclosed building between 8:00 P.M. and 7:00 A.M..
 4. Buildings and runs shall not occupy more than fifty percent (50%) of the lot.

Sec.-7.08. Home Occupation.

- A. The Town Planning Board may upon application and a Public Hearing thereon, permit a Home Occupation in any zone subject to the provisions of this definition and subject to the applicant's ability to provide reasonable evidence that all of the following conditions will be met. Home Occupations shall be limited to one such use per single family dwelling. The following standards shall also apply:
 1. The occupation will be conducted entirely within a dwelling or existing accessory structure.
 2. The occupation must clearly be incidental and subordinate to the principal use of the dwelling.
 3. The establishment and conduct of Home Occupation shall not change the principal character or use or the dwelling unit involved.
 4. No more than one (1) person other than members of the immediate family residing on the premises may be employed.
 5. Not more than twenty-five percent (25%) of the first floor area, not to exceed 500 sq. ft., of the residence may be devoted to such Home Occupation in either the dwelling or an accessory structure.
 6. No storage or display materials, goods, supplies or equipment related to the operation of a Home Occupation shall be visible from the outside of any structure located on the premises.

7. Such occupation shall not require extensive internal or external alteration or invoke construction features not customarily in a dwelling.
 8. The use shall not generate noise, vibrations, glare, fumes, odors or electrical interference above the ambient levels of the neighborhood.
 9. No traffic shall be generated by such Home Occupation in significantly greater volume than would normally be expected in the zone, and any need for parking generated by the conduct of such Home Occupation shall be met off the street and other than in a required front yard.
 10. See Sec. 6.09 in reference to sign regulations.
- B. Voiding of Permit.
1. On the recommendation of the Code Enforcement Officer the Town Planning Board may void any Home Occupation Permit for non-compliance with the conditions set forth in approving the Permit.
 2. A Home Occupation Permit is not transferable from the holder to another person or entity. Upon any sale of the premises where a Home Occupation Permit has been authorized, that Permit shall be void as of the date of transfer of title.
 3. A Home Occupation Permit that remains inactive for one (1) year shall be void.

Sec.-7.09. Small Rural Business.

- A. In addition to meeting the minimum yard and lot coverage requirements, any Small Rural Business shall be subject to the following limitations:
1. The Town Planning Board shall, in addition to the site plan review criteria specified elsewhere in Section VIII, shall specifically consider the following in evaluating a small rural business proposal. Evidence of such additional consideration shall be set forth in writing as part of the determination record issued by the Town Planning Board for the proposed use.
 - a. Compatibility. The use shall be of such location, size and character that will be in harmony with the appropriate and orderly development of the neighborhood in which it is situated and will not be detrimental to the orderly development of adjacent districts and uses.
 - b. Effect on Adjacent Uses. The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the proper development and use of adjacent land and buildings or impair the value thereof.
 2. The owner of the business shall be the same as the owner of the lot of record.
 3. The total number of employees, including owner(s) shall not exceed four (4) persons.
 4. Businesses that will emit State-threshold levels of dust, smoke or fumes shall obtain air quality permits from the Regulatory Affairs Office of the NYS Department of Environmental Conservation prior to submitting an application.
 5. Off-street parking shall be provided for all residents, customers and/or employees in compliance with the provisions of Sec.6.03 of this local law. As may be required, such uses shall make adequate provisions for any necessary off-street loading.
 6. Signage shall meet the standards set forth in Sec. 6.09 of this local law.
 7. As may be applicable petroleum bulk storage permits shall be obtained from the NYS Department of Environmental Conservation prior to submitting an application for Small Rural Business.
 8. Hours of operation may be specified in the Special Use Permit.

Sec.-7.10. Institutional Uses.

- A. In addition to meeting the minimum yard and lot coverage requirements, any Institutional Use shall be subject to the following limitations:
1. The Town Planning Board shall, in addition to the site plan review criteria specified elsewhere in Section VIII, shall specifically consider the following in evaluating an institutional use proposal. Evidence of such additional consideration shall be set forth in writing as part of the determination record issued by the Town Planning Board for the proposed use.
 - a. Compatibility. The use shall be of such location, size and character that will be in harmony with the appropriate and orderly development of the neighborhood in which it is situated and will not be detrimental to the orderly development of adjacent districts and uses.
 - b. Effect on Adjacent Uses. The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the proper development and use of adjacent land and buildings or impair the value thereof.
 2. Businesses that will emit State-threshold levels of dust, smoke or fumes shall obtain air quality permits from the Regulatory Affairs Office of the NYS Department of Environmental Conservation prior to submitting an application.

3. Off-street parking shall be provided for all residents, customers and/or employees in compliance with the provisions of Sec.6.03 of this local law. As may be required, such uses shall make adequate provisions for any necessary off-street loading.
4. Signage shall meet the standards set forth in Sec. 6.09 of this local law.
5. Hours of operation may be specified in the Special Use Permit.

Sec.-7.11. Recreational Facilities.

- A. In addition to meeting the minimum yard and lot coverage requirements, any Recreational Facility shall be subject to the following limitations:
 1. The Town Planning Board shall, in addition to the site plan review criteria specified elsewhere in Section VIII, shall specifically consider the following in evaluating an institutional use proposal. Evidence of such additional consideration shall be set forth in writing as part of the determination record issued by the Town Planning Board for the proposed use.
 - a. Compatibility. The use shall be of such location, size and character that will be in harmony with the appropriate and orderly development of the neighborhood in which it is situated and will not be detrimental to the orderly development of adjacent districts and uses.
 - b. Effect on Adjacent Uses. The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the proper development and use of adjacent land and buildings or impair the value thereof.
 2. Businesses that will emit State-threshold levels of dust, smoke or fumes shall obtain air quality permits from the Regulatory Affairs Office of the NYS Department of Environmental Conservation prior to submitting an application.
 3. Off-street parking shall be provided for all residents, customers and/or employees in compliance with the provisions of Sec.6.03 of this local law. As may be required, such uses shall make adequate provisions for any necessary off-street loading.
 4. Signage shall meet the standards set forth in Sec. 6.09 of this local law.
 5. Hours of operation may be specified in the Special Use Permit.

Sec.-7.12. Gravel Quarry.

- A. Allowed in Commercial Zone and Rural Zone
- B. Requires Site Plan Review
- C. Must obtain a New York State D.E.C. Mining Permit.
- D. Quarries must comply with New York's Mined Land Reclamation Law ("MLRL"), Environmental Conservation Law ("ECL") Article 23, Title 27.

Sec.-7.13. Alternate Energy Systems and External Outdoor Wood or other solid fuel Burning Furnaces.

This section is intended to reduce impacts on neighboring property owners and health and safety problems which may accompany external alternate energy systems.

- A. Requirements.
 1. Any alternate energy source system shall require a building permit and may be subject to special permit review.
 2. Applicants for building permits for alternate energy systems shall indicate the potential effect on neighboring properties from noise, odor, aesthetic, and health or safety considerations of the system.
 3. This impact shall not exceed generally acceptable engineering standards.
- B. They will be required to be structurally and aesthetically maintained in an acceptable condition. All new Outdoor Wood Boilers must be equipped with a permanent stack extending a minimum of 18 feet above ground level. If a new OWB is subject to a valid nuisance complaint, the DEC may require that the permanent stack extend up to two feet above the peak of any roof structure within 150 feet of the OWB.
- C. All new OWBs must meet minimum setback requirements. Residential-size new OWBs (thermal output ratings of 250,000 British thermal units per hour (Btu/h) or less) must be sited 100 feet or more from the nearest property boundary line. Commercial-size new OWBs (thermal output ratings greater than 250,000 Btu/h) must be sited 200 feet or more from the nearest property boundary line, 300 feet from the nearest property boundary line of a residentially-zoned property and 1,000 feet or more from a school.
- D. The setback requirements for a new OWB sited on contiguous agricultural lands larger than five acres are based on the distance to the nearest residence not served by the OWB. Therefore, in such a case, a residential-size new OWB must be sited 100 feet or more from the nearest residence not served by the OWB and a commercial-size new OWB must be sited 300 feet or more from the nearest residence not served by the OWB and 1,000 feet or more from a school
- E. External Outdoor Wood or other solid fuel Burning Furnaces shall be constructed and operated in compliance with the following:

1. The Stack Height shall be no lower than 18 feet and no lower than the eaves of any structure within 50 feet of the Stack.
2. Shall have a minimum setback of 150 feet from side and rear property boundaries in all Zones.
3. Shall have a minimum setback of 75 feet from the center of a public road in all Zones.
4. Shall not be operated between May 01 through September 01 within the Residential Zone (Sec. 5.01), Hamlet Zone (Sec.5.02) and Central Business Zone (Sec. 5.03).

Sec.-7.14. Campgrounds.

Campgrounds shall be occupied only by travel trailers, pick-up camper, motor homes, camping trailers, recreational vehicles and tents suitable for temporary habitation and used for travel, vacation and recreational purposes. The removal of wheels or placement of a unit on a foundation in a camping ground is prohibited. Campgrounds must meet these specific regulations:

- A. Minimum gross site area: Five (5) acres.
- B. Not more than eight (8) travel trailers, campers, tents, recreational vehicles or motor homes shall be permitted per acre of gross site area.
- C. Minimum site: There shall be a minimum of 10,000 square feet per campsite and a minimum of 10% open space per campsite.
- D. Minimum site width is fifty (50) feet. Setbacks for the frontage shall be the normal setbacks for the zone the campground is in. No site shall be within fifty (50) feet of a property line.
- E. There shall be a seventy-five (75) foot buffer area between the outside boundaries of the campsite area and adjacent property lines which shall meet setback requirements.
- F. Conditions of soil, groundwater level, drainage and topography shall not create hazards to the property or the health and safety of the occupants. The site shall not be exposed to objectionable smoke, odors or other adverse influences, and no portion of the campgrounds subject to flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazards.
- G. Management headquarters, recreational facilities, toilets, dumping stations, showers, coin-operated laundries and other uses and structures customarily incidental to the operation of campgrounds are permitted as accessory uses to the campgrounds. In addition, retail stores and other convenience establishments shall be permitted as accessory uses in campgrounds in such zones where such uses are not allowed as principal uses; however, such establishments shall present no visible evidence from any street outside the campground of their commercial character.
- H. Potable water and sewage disposal: Potable water and sewage disposal must meet Department of Health standards.
- I. Campgrounds shall conform to the rules for on-site sewerage for commercial users as listed in the most current edition of DEC publication "Design Standards for Wastewater Treatment Works".

Sec.-7.15. Multiple-Family Dwellings.

Multiple-family dwellings must meet these specific regulations:

- A. The maximum gross density shall not exceed eight (8) units per acre providing all health and State Building Code requirements are met.
- B. The building lot coverage of multiple-family dwelling developments shall not exceed thirty percent (30%) of the total lot area.
- C. Minimum habitable floor area requirements:
 1. Efficiency: three hundred fifty (350) square feet.
 2. One (1) bedroom: five hundred fifty (550) square feet.
 3. Two bedrooms: eight hundred (800) square feet.
 4. Three bedrooms or more: nine hundred (900) square feet.
- D. Setback requirements:
 1. Front setbacks shall be whatever the zone setback requirements are.
 2. The side and rear setbacks shall be fifty (50) feet from all other lot lines.
 3. Minimum distance between buildings in a multiple-family dwelling development shall be eighty (80) feet.
- E. Off-street parking shall be provided in the amount of two (2) spaces for each unit. Additional visitor parking of 0.25 parking spaces per dwelling unit shall be required. (One (1) additional parking space for each four (4) units.)
- F. Plans submitted for site plan approval shall include: sewage disposal, water supply, storm drainage, recreation area, landscaping, lighting and any other requirements of site plan review.
- G. Any residence rented to persons other than the owner of record including single, double, and multi-family buildings shall be inspected by the Code Enforcement Officer between tenant changes or at least every three (3) years to ensure they comply with New York State Law 19NYCRR "Building Code of New York State" and with this Town's Land Use and Development Local Law

Sec.- 7.16. Motorized Vehicle and Equipment Sales and Service and Commercial Fuel Outlets, with or without Convenience Store.

- A. Lot requirements: Same as requirements for zone in which located.

- B. Entrance and exit driveways shall have an unrestricted width of not less than twenty (20) feet and shall be located not nearer than twenty (20) feet from any property line and shall be designed to avoid the necessity of any vehicle backing out into any public right-of-way.
- C. All buildings and above ground storage tanks shall be set back from the major or secondary road line a distance of not less than seventy-five (75) feet.
- D. Fuel pumps shall be located not less than forty (40) feet from the road centerline and not less than thirty (30) feet from all other property lines.
- E. Except in the commercial zone, no such establishment shall be located within a distance of two hundred (200) feet of a school, church, hospital, nursing home, senior citizen housing or other place of public assembly designated for occupancy of more than fifty (50) persons or within five hundred (500) feet of another gasoline station or repair garage on the same side of the street. Said distance shall be measured in a straight line between the nearest points of each lot.
- F. The entire area of the site traveled by motor vehicle shall be hard-surfaced.
- G. Motor vehicles and equipment shall be stored in a neat and orderly manner. Partially dismantled or wrecked vehicles or equipment shall be screened to avoid visual unattractiveness.

Sec.-7.17 Mobile Home Parks.

A mobile home park must meet the following:

- A. The park shall meet the setbacks of the zone in which the mobile park is located.
- B. The minimum site area of proposed mobile home parks shall not be less than five (5) acres.
- C. Mobile home lots shall have an area of not less than ten thousand (10,000) square feet.
- D. Each mobile home lot shall front on an interior park roadway and have minimum width of seventy-five (75) feet.
- E. Minimum interior setbacks.
 - 1. Minimum front setback for mobile homes: twenty (20) feet.
 - 2. Minimum side setback: twenty (20) feet.
 - 3. Minimum rear setback: twenty (20) feet.
- F. All mobile homes must be anchored to the ground as per New York State Code.
- G. Not more than one (1) mobile home shall be located on any one (1) mobile home lot and shall have a New York State approved foundation. Every mobile home within a mobile home park shall be located on a mobile home lot or in a designated storage area shown on the approved site plan for said park.
- H. All mobile homes must bear a Housing and Urban Development certification seal and shall have a minimum 3 / 12 pitch sloped roof.
- I. At least one (1) service building may be constructed in each mobile home park which shall be adequate to provide for storage of all equipment, tools and materials necessary for the maintenance of the park, and all such equipment, tools and materials shall be stored within said building when they are not in use.
- J. Each mobile home lot must have no less than two (2) off-street parking spaces. Such parking spaces shall be connected to the entrance of the mobile home by an improved walkway.
- K. A complete water distribution system approved by the New York State Health Department shall exist for each mobile home park if there is not a municipal water system. It must have a water service pipe for each mobile home lot.
- L. A sanitary sewage disposal system approved by the New York State Department of Health and other appropriate agencies shall be installed and maintained if there is not a municipal sewage system. It shall include a sewer connection for each mobile home lot.
- M. All public utility, electric, cable television and telephone lines to each individual dwelling unit shall be installed underground.
- N. Appropriate street lighting shall be installed on interior roadways with the minimum number of lights being one (1) at each intersection of interior roadways with each other or with abutting public roads and at most two hundred (200) feet where such intersections are more than two hundred (200) feet apart.
- O. A landscape plan shall be prepared and carried out which will assure the Planning Board that an appropriate planting of trees and shrubs will be included in the park design, including screening where necessary.
- P. No mobile home shall be located on a mobile home lot until the roadways, sanitary sewage disposal system, water supply system and storm drainage system serving said mobile home lot have been installed in accordance with the approved site plan for the mobile home park.
- Q. All fuel tanks used for heating within mobile home park, including all systems used for heating within mobile homes, shall be installed in accordance with appropriate New York State standards.
- R. The park owner or tenant shall provide for the regular collection and disposal of garbage, trash and rubbish.
- S. No more than one (1) accessory building shall be permitted on any mobile home lot.
- T. Each mobile home shall have a skirt constructed of generally accepted exterior materials of uniform appearance with proper venting, within thirty (30) days after the placement of the mobile home on its foundation.
- U. No enclosure or addition with the exception of carports, decks, roofs, door porches and patios shall be constructed on or added or attached to the exterior of any mobile home.

- V. No mobile home shall be offered for sale, displayed for sale or sold within a mobile home park unless such mobile home is located on a mobile home lot and is connected to an electric public utility supply and to a sewer and water supply.
- W. Each roadway shall be named and noted upon signs at each roadway intersection. Each mobile home lot shall be assigned a permanent 911 locator number which shall be noted on the mobile home lot in a location clearly visible from the roadway.
- X. Every roadway within a mobile home park shall have a minimum pavement width of twenty-two (22) feet and a minimum cleared width of fifty (50) feet. If Cul-de-sac exists, they shall have a minimum diameter of seventy (70) feet.
- Y. Every roadway within a mobile home park shall be maintained in good repair and shall be open at all times and reasonably passable for travel by occupants of the park and necessary fire, police, ambulance, public utility maintenance and fuel supply vehicles. The park owner shall be responsible for providing and paying the cost of such maintenance and all necessary snow removal. The provision of this subsection shall apply to mobile home parks hereafter established within the town.

Sec.-7.18 Adult Entertainment Facilities

In addition to meeting the minimum yard and lot coverage requirements, any such establishment shall be subject to the following regulations:

- A. No adult use shall be located within one thousand (1,000) feet of any residentially zoned area or municipal boundary.
- B. No adult use shall be located within one thousand (1,000) feet of any church, school, park, playground youth center or location where children and youth traditionally congregate.
- C. No adult use shall be located within one thousand (1,000) feet of any other such adult use.
- D. Sexually suggestive photographic or artistic representations shall not be visible from outside. All signage shall be in compliance in all other respects with the existing sign regulations of the Town of Parishville.
- E. All openings to an adult use facility shall be located and screened in such a manner as to prevent a view into the interior from the exterior.

Sec.-7.19 Recycling Facilities

In addition to meeting the minimum yard and lot coverage requirements, any Recycling Facility shall be subject to the following limitations:

- A. The Town Planning Board shall, in addition to the site plan review criteria specified elsewhere in Article VII, shall specifically consider the following in evaluating a recycling facility proposal. Evidence of such additional consideration shall be set forth in writing as part of the determination record the Town Planning Board for the proposed use.
 - 1. Compatibility. The use shall be of such location, size and character that will be in harmony with the appropriate and orderly development of the neighborhood in which it is situated and will not be detrimental to the development of adjacent districts and uses.
 - 2. Effect on Adjacent uses. The location and height of Buildings, the location, nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the proper development and use of adjacent land and buildings or impair the value thereof.
- B. The business and the real property on which the facility is situate shall both be under the central control of the owner of the lot of record.
- C. Applicants for permits for recycling facilities shall indicate the potential effect on neighboring properties regarding noise, odor, aesthetic, health or safety considerations as may be determined by the Planning Board.
- D. Businesses that will emit State-threshold levels of dust, smoke or fumes shall obtain air quality permits from the Regulatory Affairs Office of the NYS Department of Environmental Conservation prior to submitting an application.
- E. Off-street parking shall be provided for all customers and/or employees in compliance with the provisions of Sec. of this local law. As may be required, such uses shall make adequate provisions for any necessary off-street loading.
- F. Signage shall meet the standards set forth in Sec. 6.09 of this local law.
- G. Hours of operation may be specified in the Special Use Permit.
- H. Such facilities shall be required to be structurally and aesthetically maintained in an acceptable condition.
- I. Annual Operating Permits; an application for renewal of an Annual Operating Permit shall be made to the Code Enforcement Officer thirty (30) days prior to the expiration date of the previous permit. The CEO will inspect the Facility and will ensure that the Facility is in compliance with the requirements listed above. The CEO may not renew the Annual Operating Permit of any Facility that is not in compliance with the above requirements and any additional requirements established in the initial special use permit by the Planning Board. The CEO shall approve or deny the renewal of such Annual Operating Permit using the standards in effect in these and other applicable regulations and any conditions in the initial special use permit, after payment of the required fee.

- J. Revocation for Non-Compliance. Lack of compliance with the above requirements and any of the requirements stipulated in the initial special use permit shall constitute a violation of this Ordinance. Upon a finding that a Facility is not complying with terms of its initial special use permit, the Town Planning Board may, after a public hearing thereon, revoke the initial special use permit and the Town may seek an action to cause the recycling facility to cease operation.

Sec.-7.20 Bed and Breakfast

- A. The Town Planning Board may upon application and a Public Hearing thereon, permit a Bed and Breakfast in any zone subject to the provisions of this definition and subject to the applicant's ability to provide reasonable evidence that all of the following conditions will be met. The following standards shall also apply:
1. The occupation will be conducted entirely within a dwelling or existing accessory structure.
 2. The occupation must clearly be incidental and subordinate to the principal use of the dwelling.
 3. The establishment and conduct of Bed and Breakfast shall not change the principal character or use or the dwelling unit involved.
 4. No storage or display materials, goods, supplies or equipment related to the operation of a Bed and Breakfast shall be visible from the outside of any structure located on the premises.
 5. Such occupation shall not require extensive internal or external alteration or invoke construction features not customarily in a dwelling.
 6. The use shall not generate noise, vibrations, glare, fumes, odors or electrical interference above the ambient levels of the neighborhood.
 7. Off-street parking shall be provided for all residents, customers and/or employees in compliance with the provisions of Sec.6.03 of this local law. As may be required, such uses shall make adequate provisions for any necessary off-street loading.
 8. See Sec. 6.09 in reference to sign regulations.
 9. The business and the real property on which the facility is situate shall both be under the central control of the owner of the lot of record.
- B. Voiding of Permit.
1. On the recommendation of the Code Enforcement Officer the Town Planning Board may void any Bed and Breakfast Permit for non-compliance with the conditions set forth in approving the Permit.
 2. A Bed and Breakfast Permit is not transferable from the holder to another person or entity. Upon any sale of the premises where a Bed and Breakfast Permit has been authorized, that Permit shall be void as of the date of transfer of title.
 3. A Bed and Breakfast Permit that remains inactive for one (1) year shall be void.

Sec.-7.21. Restaurant, Bar, or Tavern.

- A. In addition to meeting the minimum yard and lot coverage requirements for its specific Zone; any Restaurant, Bar, or Tavern shall be subject to the following limitations:
1. The Town Planning Board shall, in addition to the site plan review criteria specified elsewhere in Section VIII, shall specifically consider the following in evaluating a Restaurant, Bar, or Tavern proposal. Evidence of such additional consideration shall be set forth in writing as part of the determination record issued by the Town Planning Board for the proposed use.
 2. Off-street parking shall be provided for all residents, customers and/or employees in compliance with the provisions of Sec.6.03 of this local law. As may be required, such uses shall make adequate provisions for any necessary off-street loading.
 3. Signage shall meet the standards set forth in Sec. 6.09 of this local law.
 4. Applicable Federal, New York State and St. Lawrence County Rules and Regulations for such facilities must be complied with.

ARTICLE VIII

Site Plan Review

Sec.-8.01. Site Plan Review.

The intent of this section is to set forth general standards applying to the review of certain land uses and activities. The nature of these uses and activities requires special consideration of their impacts upon surrounding properties, the environment, community character and the ability of the Town to accommodate development consistent with the objectives of this local law and the Town Plan.

Sec-8.02. Uses Requiring Site Plan Approval.

Uses requiring site plan approval are listed for each zone in Article V. All uses requiring a special permit also require site plan approval.

Sec.-8.03. Pre-Application Conference.

A pre-application conference may be held between the Planning Board and applicant to review the basic site design concept and generally determining what additional information (if any) to be required on the site plan including landscaping materials, if any.

Sec.-8.04. Planning Board Site Plan Review. (Application Criteria).

- A. A Non-Refundable Fee shall be paid by the applicant at the time of application for a Site Plan Review.
- B. All Fees shall be set by the Town Board in accordance with Section 13.01-E.
- C. An application for site plan approval shall be made in writing to the Code Enforcement Officer and shall be accompanied by information drawn from the following checklist. The Planning Board may require additional information if necessary to complete its review.
 - Plan checklist for all site plans:
 - 1. Title of drawing, including the name and address of the owner, the applicant and the person responsible for preparation of such drawing; it shall also include the Tax Map Number.
 - 2. North arrow, scale and date.
 - 3. Boundaries of property plotted to scale.
 - 4. Existing water course and bodies of water and designated wetlands.
 - 5. A United States Geographic Survey (USGS) map or equivalent of the area shall be provided.
 - 6. Proposed grading and drainage and storm water management system, if any.
 - 7. Location, purposed use and height of all buildings and site improvements, including culverts, drains, retaining walls and fences.
 - 8. Location, design and construction materials of all parking and truck loading areas, showing points of entry and exit from the site.
 - 9. Location of outdoor storage, if any.
 - 10. Description of the method of sewage disposal and location of the facilities.
 - 11. Identification of water source; If a well, locate it.
 - 12. Location and size of all proposed signs.
 - 13. Location and proposed development of all buffer areas including landscaping materials, if any.
 - 14. Location and design of outdoor lighting facilities.
 - 15. Location of essential services.
 - 16. General Landscaping plan.
- D. In some cases, the Planning Board may require the following:
 - 1. Provision for pedestrian access.
 - 2. Location of fire lanes and hydrants.
 - 3. Designation of the amount of building area proposed for retail sales or similar commercial activity.
 - 4. Other elements integral to the proposed development as considered necessary by the Planning Board.

Sec.-8.05. Review by Planning Board.

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

- A. The Planning Board's review of the site plan may include, as appropriate, the following:
 - 1. General Considerations.
 - 2. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
 - 3. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
 - 4. Location, arrangement, size and design and general site compatibility of buildings, lighting and signs.
 - 5. Location, arrangement, appearance and sufficiency of off-street parking and loading.
 - 6. Adequacy of storm water 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 feasible retention of existing vegetation.
 - 9. Protection of adjacent or neighboring properties against noise, glare, unsightliness or noxious condition.
 - 10. In cases of an apartment complex or other multiple dwelling, the adequacies of usable open space for play areas and informal recreation.
 - 11. Adequacy of fire lanes and other emergency zones and the provision for fire hydrants, where feasible.
 - 12. Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
- B. Consultant review.

1. The Planning Board may consult with the Town Code Enforcement Officer, Fire Department, Highway Department, County Planning Office and other local county officials, in addition to representatives of federal and state agencies, including but not limited to, the Soil Conservation Service, the State Department of Transportation and the Department of Environmental Conservation or other professional consultants as needed. Expenditures for professional consultations require the approval of the Town Board.
- C. All decisions shall be made by at least a majority of the full membership of the Town Planning Board. In those cases of a referral recommended for approval or approval with conditions, disapproved or approved with conditions by the County Planning Board, a majority plus one shall be required to override the County Planning Board decisions.

Sec.-8.06 Waiver of Requirements.

Planning Board may waive, at its discretion and subject to any conditions it deems appropriate, the conformance, by any applicant, with any of the requirements, of this Article, when, in its judgment based on the special circumstances presented by a particular plat, such waiver would be in the best interests of the applicant and would have no negative effect on the public health, safety and general welfare.

ARTICLE IX Subdivisions

Sec.- 9.01. Definition - From the effective date of this local law, the division of any parcel of lands into four (4) or more lots, plots, sites, or any other division of land for the purpose of transfer of ownership or for building development in any five (5) year period.

Sec.-9.02. Planning Board Approval.

No subdivision or portion thereof shall be sold, leased, rented or otherwise disposed of by any corporation, company, or person until a plan or map of such subdivision shall be submitted to the Planning Board for approval and either approved or deemed approved by failure of the Planning Board to render a decision within the time specified in Section 9.05.

Sec.-9.03. Sketch Plan Conference.

The subdivider should request a conference with the Planning Board ten (10) days in advance of its regular monthly meeting, for the purpose of reviewing a sketch plan. Such request shall include a statement and sketch plan. This conference, which may occur at the regular monthly meeting of the Planning Board, is intended to assist the subdivider in the planning and preparation of the subdivision plan and to provide the applicant with subdivision design criteria. This step does not require formal application or fee. The fee structure will be presented at this time, as set by the Town Board pursuant to Section 9.07.

Sec.-9.04. Referrals.

- A. Certain subdivision applications shall be referred to the county for review.
- B. New York State Department of Health Approval shall be required for any subdivision containing five (5) or more lots of less than five (5) acres each subdivided in a three-year period.

Sec.-9.05. Subdivision Approval.

- A. The subdivider shall file an application for approval of the subdivision on forms available from the Town Clerk accompanied by a preliminary subdivision plan, all requested documents specified in Section 9.05 herein, and the subdivision application fee.
- B. Following a review of the preliminary subdivision plan and requested supplementary material (if any), and following negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by said subdivider, the Planning Board shall hold a public hearing. This hearing shall be held within forty-five (45) days of the date of submission date of all required forms, information and fees to the Planning Board. The subdivider or agent thereof shall attend the public hearing. This hearing shall also fulfill the requirements of the State Environmental Quality Review Act on the draft environmental impact. Within forty-five (45) days from the public hearing, the Planning Board shall approve, approve with modifications, or disapprove the preliminary subdivision plan and state its reason for disapproval. This hearing shall be held in accordance with regulations in Section 7.03 of this law.
- C. The decision(s) of the Planning Board shall be noted on two copies of the preliminary subdivision plan and reference made to any modifications determined. One copy shall be returned to the subdivider and one retained by the Planning Board.
- D. SEQR. The lead agency in the state environmental quality review process shall be responsible for completion of all requirements of the State Environmental Quality Review Act. A statement of findings must accompany approval of the preliminary subdivision plan.

- E. The subdivider shall file the final subdivision plan to the Planning Board at least ten (10) days prior to the meeting at which it is to be considered by the Planning Board and no later than six (6) months after the date of the preliminary subdivision plan approval by the Planning Board.
- F. If the final subdivision plan is substantially different from the preliminary subdivision plan, the Planning Board shall hold a Public Hearing in accordance with regulations in Section 7.03 (procedures) of this local law within forty-five (45) days of the official submission date of the final subdivision plan and prior to rendering a decision. The subdivider shall attend the hearing. The Planning Board shall approve, conditionally approve, or disapprove the final submission plan within forty-five (45) days of the public hearing. If disapproved, the grounds of disapproval shall be stated in the record of the Planning Board. Failure of the Planning Board to render a decision within the stated forty-five-day period shall be deemed final approval of the final subdivision plan.
- G. If the final subdivision plan is in substantial agreement with the preliminary subdivisions plan, the Planning Board may waive the public hearing, and shall render a decision within forty-five (45) days of the official submission date of the final subdivision plan.
- H. The subdivider shall be notified of the final action of the Planning Board. The subdivider shall record the final subdivision plan in the office of the Clerk of St. Lawrence County within sixty (60) days after the date of approval; otherwise it shall be considered void and must again be submitted to the Planning Board for approval. The subdivider shall send two copies of the approved final subdivision plan to the Parishville Planning Board. The Parishville Planning Board shall file on copy with the Town Clerk pursuant to the NYS Town Law.

Sec.-9.06. Information and Documents.

- A. In addition to any or all of the information included in the site plan application criteria (Section 8.04), the following documents and/or information may be requested for consideration of subdivision approval.
 - 1. Subdivision name.
 - 2. Contiguous properties and names and addresses of all adjoining property owners within five hundred (500) feet.
 - 3. Proposed pattern of lots, including lot widths and depths, road layout and open space.
 - 4. Copy of tax map(s).
 - 5. Existing restrictions on the use of the land, if any.
 - 6. Total acreage of subdivision and number of lots proposed.
 - 7. Identification of all parcels of land proposed to be dedicated to public use and conditions of such use.
 - 8. The width and location of and roads, bridges or public ways and the width, location, grades and road profiles of all roads or public ways proposed by the developer.
 - 9. An actual field survey of the boundary lines of the tract, giving complete descriptions by bearings and distances, made and certified by a licensed surveyor. The corners of the tract shall also be marked by monuments.
 - 10. A copy of all covenants or deed restrictions intended to cover all or part of the tract.
 - 11. A completed SEQR form.
 - 12. Additional information as deemed necessary by the Planning Board.

Sec.-9.07. Fees.

Fees related to the approval of subdivisions shall be established by the Town Board.

Sec.-9.08. Building Permits for Subdivided Lots.

Building Permits for subdivided lots shall be issued pursuant to and in accordance with the standards and procedures set forth in this local law.

Sec.- 9.09. Subdivision Standards.

All standards set forth herein are required minimum standards where conditions warrant, the Planning Board may call for such additional measures as are reasonable and appropriate under the circumstances.

- A. Lot Size:
 - 1. All lots shall have area and width equal to minimum requirements of the Zoning Regulations, local and State Department of Health Regulations applying to the district or zone in which they are located.
 - 2. Lots may not be more than a maximum of six (6) times their width in depth
- B. Road Standards:
 - 1. The arrangement , width, location and extent of subdivision roads should conform to and be in harmony with the general development policies of the Town. Roads not specifically provided for in such policies should conform to the recommendation of the Planning Board based on existing and planned roads, topography, public safety, convenience and proposed uses of lands.
 - 2. Roads within a subdivision shall be designed and constructed to the current standards practiced by the Town Highway Department, The St. Lawrence County Highway Department, New York State Department of Transportation and as set forth by The American Association of State Highway Transportation Officials (AASHTO).

ARTICLE X
Administration and Enforcement

Sec.-10.01. Enforcement.

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

Sec.-10.02. Duties of the Code Enforcement Officer.

- A. Administer the zoning law.
 - 1. The Code Enforcement Officer shall review all applications for permitted uses, and, if the minimum requirements of this local law are met, he shall issue a standard permit. If the application does not meet the requirements of this local law, he must deny the permit. The Code Enforcement Officer may not use discretionary judgment. His duties are of a ministerial nature. He must enforce the letter of the law.
- B. Administer the Official Compilation of Code, Rules, and Regulations of the State of New York Title 9 Executive Volume B or Subsequent Building Codes approved by New York State. The Code Enforcement Officer shall review all applications for building permits and, if the minimum requirements of the Compilation of Code, Rules, and Regulations of the State of New York Title 9 Executive Volume B or Subsequent Building Codes approved by New York State are met, shall issue a building permit.
- C. Referral to the Zoning Board of Appeals.
 - 1. An applicant, after he has been denied a building permit, may appeal the Code Enforcement Officer's action to the Zoning Board of Appeals (ZBA) for an interpretation or a variance. Should a decision be appealed, the Code Enforcement Officer shall notify the Chairperson of the Zoning Board of Appeals of the request and forward all necessary supporting information to the Zoning Board of Appeals.
- D. Referral to Town Board and Planning Board.
 - 1. Any application for a special permit, site plan approval or amendment of zoning districts shall be forwarded by the Code Enforcement Officer to the Town Board or the Chairperson of the Town Planning Board, whichever is appropriate, along with all supporting information.
- E. Certificate of compliance.
 - 1. No land shall be occupied and no building hereafter erected, altered or extended or shall be used or changed in use until a certificate of compliance shall have been issued by the Code Enforcement Officer. For previously existing construction, the Code Enforcement Officer may, upon request, issue such a certificate if he determines that the use of the building in question meets the requirements of this local law.
 - 2. A certificate of compliance shall be issued only if the proposed use of the building or land conforms to the provisions of this local law and to the plot or site plan, and the purpose and description of which the permit was issued. The Code Enforcement Officer shall make or cause to have made an inspection of each building or lot for which a certificate of compliance has been applied before issuing such certificate. Such inspection shall be made within ten (10) working days, upon notification from the applicant that the project for which a permit was granted is completed.
- F. Hazardous situation.
 - 1. Upon determination by the Code Enforcement Officer that a hazardous situation exists, the Code Enforcement Officer has the authority to declare that such exists and that it is illegal and shall be abated by securing, repairing or rehabilitating or by demolishing in accordance with Section 3.04 of this Local Law (Provision for the Removal of Unsafe Buildings or Collapsed Structures).
- G. Enforcement procedures.
 - 1. Upon determination by the Code Enforcement Officer that a violation of this local law exists, he/she shall send written notice to the last known owner of record of the property, as determined by the assessment records, informing said owner of the violation of specific provisions of this local law and stating that action is to be taken by said owner to remove such violation in twenty (20) days or time stated in Section 6.12 (Noxious and Nuisance Offenses); or proceedings to compel compliance with the local law will be instituted. Each week a violation continues shall constitute a separate additional violation. Note: see Section 1.05 (Violations and penalties) for penalties for offenses.
- H. Report to Town Board.
 - 1. A monthly report to the Town Board describing and enumerating actions taken and permits issued shall be given.
- I. Public record.
 - 1. The Code Enforcement Officer shall file all permit actions with the Town Clerk. per Sec 3.05 B of this local law.
- J. Environmental review. The Code Enforcement Officer shall conduct an initial screening of all applications for environmental impact and shall, where indicated, refer applications to the appropriate agency for state environmental quality review compliance processing.
- K. Any residence rented to persons other than the owner of record including single, double, and multi-family buildings shall be inspected by the Code Enforcement Officer at least every three (3) years to ensure they comply with New

ARTICLE XI

Planning Board

Sec.-11.01. Appointment of Members.

The Town Board authorizes the appointment of a seven member Planning Board as more fully described in Town Law, § 271. Terms of all Planning Board members shall be staggered as the law requires.

Sec.-11.02. Chairman; Rules; Expenses.

- A. The Town Board may select a Chairperson of the Planning Board or, on failure to do so, the Planning Board shall elect a Chairperson from its own members.
- B. The Planning Board may adopt rules or bylaws for its operation pertaining to: meeting date, frequency of meetings, time of meetings, etc.
- C. The Town Board shall provide an appropriation to the Planning Board to cover necessary expenses, including the means for the Planning Board to maintain a written record of its meetings and public hearings.
- D. All decisions shall be by at least a majority of the full membership [four (4)]. In those cases involving a referral recommendation by the County Planning Board, a majority plus one vote of the full membership [five (5)] shall be required to override the County Planning Board decision.
- E. The Planning Board may petition the Town Board to replace a member due to excessive absence or inactivity.

Sec.-11.03. Functions.

The function of the Planning Board shall be to:

- A. Prepare or change a Comprehensive Land Use and Development Plan for the Town.
- B. Review and comment on all proposed amendments to this local law.
- C. Conduct site plan review as authorized by Town Law § 274-A and presented in Article VIII of this local law.
- D. Review and grant or deny applications for special permits and impose reasonable conditions.
- E. Render assistance to the Zoning Board of Appeals on its request.
- F. Research and report on any matter referred to it by the Town Board.
- G. Make investigations, maps, reports and recommendations in any matter related to planning and development as it seems desirable, provided that expenditure of the Board does not exceed appropriations (Town Law, § 275).
- H. SEQR compliance as required in section 14.02.
- I. Referral to County Planning Board as required by 239-m of the General Municipal Law.

Sec.-11.04. Power to Modify or Waive.

When, in the opinion of the Planning Board, undue individual hardship may result from the strict compliance with this Local Law, it may, at its discretion, modify the application of its provisions with regard to the specific matter under consideration so that substantial justice may be done and the public interest secured, provided that such modifications will not have the effect of nullifying the intent and purpose of this Law. The Planning Board may waive, subject to appropriate conditions, the provisions of any or all improvements and requirements, consistent with the public health, safety or general welfare, or which are inappropriate because of the inadequacy or lack of community facilities available to serve the site or subdivision. In the event any improvement and or requirements are waived they shall be specifically listed as waived in any special use permit, site plan review, or in any Planning Board resolution approving or conditionally approving a subdivision.

ARTICLE XII

Zoning Board of Appeals

Sec.-12.01. Appointment of Members.

The Town Board authorizes the appointment of a five member Zoning Board of Appeals as more fully described in Town Law § 267. Terms of the Zoning Board of Appeals shall be staggered five year (5) terms appointed by the Town Board.

Sec.-12.02. Chairman; Rules; Expenses.

- A. The Town Board may select a chairperson of the Zoning Board of Appeals or, on failure to do so, the Zoning Board of Appeals shall elect a Chairperson from its own members.
- B. The Zoning Board of Appeals may adopt rules and bylaws for its operation pertaining to: meeting date, frequency of meetings, time of meeting, etc.
- C. The Town Board shall provide an appropriation to the Zoning Board of Appeals to cover necessary expenses, including the means for the Zoning Board of Appeals to maintain a written record of its meetings.
- D. All decisions shall be by at least a majority of the full membership [three (3)]. In those cases of a referral recommendation by the County Planning Board, a majority plus one vote of the full membership [four (4)] shall be required to override the County Planning Board decision.
- E. The Zoning Board of Appeals may petition the Town Board to replace a member due to excessive absence or inactivity.

Sec.-12.03. Functions.

Functions of the Zoning Board of Appeals shall be:

- A. Interpretation. Upon appeal from a decision by the Code Enforcement Officer, the Zoning Board of Appeals shall decide any question involving interpretation of any provision of this local law.
- B. The Board of Appeals, on appeal from the decision or determination of the code enforcement officer as provided for in Sec.274-a and Sec.277 of New York State Town Law, shall have the power to grant either use or area variances, as defined herein.

Sec.-12.04. Requests for Variances.

- A. All requests for variances shall be made to the Zoning Board of Appeals after denial of a certificate of compliance by the Code Enforcement Officer.
- B. A Non-Refundable Fee shall be paid by the applicant at the time of application for a variance.
- C. All Fees shall be set by the Town Board in accordance with Section 13.01-E.

Sec.-12.05. Area Variance.

- A. "Area Variance" shall mean the authorization by the Zoning Board of Appeals for the use of land in a manner which is normally not allowed by the dimensional or physical requirements of the applicable zoning of regulations.
- B. In making its determination, the Zoning Board of Appeals 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 consider:
 - 1. whether an undesirable change will be produced in the character of the neighborhood or a determinant 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 on 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 not necessarily preclude the granting of the area variance.
- C. The Board of Appeals, 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.

Sec.-12.06. Use Variance.

- A. "Use Variance" shall mean 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.
- B. No such use variance shall be granted by the Zoning Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such hardship the applicant shall demonstrate to the Zoning Board of Appeals that for each and every permitted use under the zoning regulations for the particular district in which the property is located, all of the following tests are met:
 - a. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
 - b. That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
 - c. That the requested use variance, if granted, will not alter the essential character of the neighborhood; and
 - d. That the alleged hardship has not been self-created.
- C. The Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary 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

Sec.-12.07. Imposition of Conditions.

The Zoning 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, and/or the period of time such variance shall be in effect. Such conditions shall be consistent with the spirit and intent of the zoning local law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

Sec.-12.08. Variance Procedure.

- A. A decision of the Code Enforcement Officer is required before a variance may be applied for.
- B. Applications for variances shall be in writing on forms established by the Zoning Board of Appeals. They shall be available from the Code Enforcement Officer.

- C. Every application shall refer to the specific provision of the law involved and establish the details of why the variance should be granted.
- D. Upon receipt of the completed application, the Zoning Board of Appeals shall:
 - 1. Schedule a public hearing.
 - 2. Arrange publication of notice of the public hearing as described in §70-84 (Check Section Number) below.
 - 3. Refer the application the County Planning Board as required by General Municipal Law § 239, if required.
 - 4. Within sixty-two (62) days of the public hearing, the Zoning Board of Appeals shall render a decision. A copy of the Zoning Board of Appeal's findings and decision must be sent to the County Planning Board

Sec.-12.09. Public Hearing.

The Zoning Board of Appeals shall fix a reasonable time for the hearing of appeal not to exceed sixty (62) days from date of receipt of application by the Zoning Board of Appeals, or sixty-two (62) days where cases are referred to the County Planning Board, and shall give due notice of the time set for the hearing to the applicant. Public notice shall be by the publication of a notice, at least five (5) days prior to public hearing, in the official newspaper of the Town pursuant to law, and shall briefly describe the nature of the appeal and the time and place of the hearing.

Sec.-12.10. Meetings of Board.

- A. The Zoning Board of Appeals shall hold meetings at the call of the Chairperson or at the request of three (3) or more members.
- B. All votes of the Zoning Board of Appeals shall be taken by roll call.
- C. In accordance with General Municipal Law, § 809, a member of the Zoning Board of Appeals having a conflict of interest shall abstain from any discussion or voting on that matter.
- D. The Zoning Board of Appeals may require the Code Enforcement Officer to attend its meetings to present any facts relating to any matter before the Board.
- E. The Zoning Board of Appeals may request and obtain any advice or opinions on the law relating to any matter before the Board from the Town Attorney and request the Town Attorney to attend its meetings.
- F. All meetings of the Zoning Board of Appeals shall be open to the public.
- G. The Zoning Board of Appeals shall keep minutes of all of its meetings. The Town Board shall provide a secretary for the Zoning Board of Appeals.
- H. The Zoning Board of Appeals shall make factual record of all its proceedings, including the reading of the case, public hearing, deliberation, voting and decisions of the Board. These factual records shall be accurate but not necessarily a verbatim transcript, but may be in narrative form. The factual record shall be taken by the Secretary to the Board.

ARTICLE XIII

Town Board

Sec. 13.01. Authority of Town Board.

- A. The Town Board may on its own motion, and after public hearing, amend or supplement this local law, as in accordance with Section 14.04 A, and in accordance with Section 5.10 Planned Unit Development Zone (PUD).
- B. The Town Board authorizes the appointment of the Code Enforcement Officer and thereby confers upon the Code Enforcement Officer the duties of administering and enforcing the provisions of this local law, as in accordance with Section 10.01 of this local law.
- C. The Town Board authorizes the appointment of a seven member Planning Board as more fully described in Town Law, § 271, as in accordance with Section 11.01 of this local law.
- D. The Town Board authorizes the appointment of a five member Zoning Board of Appeals as more fully described in Town Law § 267, as in accordance with Section 12.04 of this local law.
- E. The Town Board shall set all permit fees, application fees, and penalties.
- F. The Town Board may at its discretion hire a professional, (such as an Engineer, Electrician, Forester, Plumber, Architect, etc) for technical advice to assist the Code Enforcement Officer, Planning Board, and Zoning Board of Appeals in the enforcement of this Local Law.
- G. All decisions shall be by at least a majority of the full membership [three (3)]. In those cases of a referral recommendation by the County Planning Board, a majority plus one vote of the full membership [four (4)] shall be required to override the County Planning Board decision.

ARTICLE XIV

New York State Required Regulations

Sec.-14.01. Referral of Actions to County Planning Board

- A. Required referrals.
 - 1. The Zoning Enabling Laws, under General Municipal Law Section 239-m, require that any of the following local zoning actions must be referred to the County Planning Board prior to action by the local board. Any proposal for a special permit, variance, site plan approval, change in the Zoning Law text or Map (re-

zoning, amending the Zoning Law) which would affect real property lying within a distance of five hundred (500) feet from the boundary of:

- a. any city, village or town; or
 - b. the boundary of any existing or proposed county or state park or any other recreation area; or
 - c. the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway; or
 - d. the existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines; or
 - e. the existing or proposed boundary of any county or state-owned land on which a public building or institution is located; or
 - f. the boundary of a farm operation located in an agricultural district, as defined by article twenty-five-AA of the agriculture and markets law.
2. These actions must be referred to the County Planning Board, which shall have thirty (30) days from the date of county receipt of a full statement to take action on the matter. By mutual agreement of the county and the municipality, such a thirty (30) day period may be extended.
- B. Effect of review.
1. If the county approves a referral, then the Zoning Board of Appeal's or other local board's decision is governed by a majority vote.
 2. If the county disapproves or approves subject to stated conditions or modifications, the local board shall not act contrary to the county except by a majority-plus-one vote.
- C. Final decision of local board.
1. The local board must send a copy of its final decision and reasons for such decision on a county referral case to the County Planning Board within thirty (30) days after final action by the local board.

Sec.-14.02. State Environmental Quality Review. (SEQR)

- A. The State Environmental Quality Act requires that local governments examine the environmental impact of all actions they permit, fund or construct. Article VIII and Part 617 of Title 6 of the New York Codes, Rules and Regulations (6 NYCRR Part 617) are hereby adopted by reference.
- B. For zoning actions reviewed by the town, the following bodies shall be lead agency.
1. Zoning text amendments: the Town Board.
 2. Zoning district amendments: the Town Board.
 3. Special permits and Site Plans: the Planning Board.
 4. Variances: the Zoning Board of Appeals.
- C. If in the opinion of the lead agency, after review of the environmental assessment form, there appears the potential for a significant environmental impact, the lead agency shall cause the applicant to prepare a draft environmental impact statement. Review, notice and action on the Environmental Impact Statement shall be conducted according to Part 617.

Sec.-14.03. Agricultural Data Statement.

- A. Agricultural data statement; submission, evaluation. Any application for a special use permit, use variance, or subdivision approval requiring municipal review and approval by the Town Board, Planning Board, or Zoning Board of Appeals pursuant to this article, that would occur on property within an agricultural district containing a farm operation or on property with boundaries within five hundred (500) feet of a farm operation located in an agricultural district shall include an agricultural data statement. The Town Board, Planning Board, or Zoning Board of Appeals shall evaluate and consider the agricultural data statement in its review of the possible impacts of the proposed project upon the functioning farm operations within such agricultural district. The information required by an agricultural data statement may be included as part of any other application form required by local law, ordinance or regulation.
- B. Agricultural data statement; notice provision. Upon the receipt of such application by the Planning Board, Zoning Board of Appeals, or Town Board, the clerk of such board shall mail written notices of such 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, and may be sent in conjunction with any other notice required by state or local law, ordinance, rule or regulation of the said project. The cost of mailing said notice shall be borne by the applicant.
- C. Agricultural data statement; content. An agricultural data statement shall include the following information: the name and address of the applicant; a description of the proposed project and its location; the name and address of any owner of land within the agricultural district, which land contains farm operations and is located within five hundred (500) feet of the boundary of the property upon which the project is proposed; and a tax map or other map showing the proposed project relative to the farm operations identified in the agricultural data statement.

Sec.-14.04. Amendment; Required Referral

- A. **Authority of Town Board.** The Town Board may on its own motion, and after public hearing, amend, supplement, this local law.
- B. **Planning Board Role.** The Planning Board may, by resolution, propose an amendment to the Town Board suggesting a change or repeal of specific portions or applicable standards of this local law.
- C. **Hearing.** Before any amendment, supplement or change is made to this local law, there shall be a public notice and hearing. Written notice of the hearing shall be provided to all owners of land located within 500 feet of real property affected by such amendment except where such land affected is outside the town. Such hearing may be held by the Town Board, or jointly with the Town Planning Board on request of the Town Board. A majority vote of the members of the Town Board shall be required to amend this local law except in the instance of a Protest Petition as described following.
- D. **Protest.** If a protest against a proposed amendment, supplement or change is presented to the Town Board, duly signed and acknowledged by the owners of twenty (20) percent or more of the area of the land included in such proposed change, or by the owners of twenty (20) percent or more of the land immediately adjacent extending one hundred (100) feet therefrom, or by the owners of twenty (20) percent or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such amendment shall not become effective except by the favorable vote of at least a majority plus one of the members of the Town Board.
- E. **Referral of Proposed Amendments to Town Planning Board.** All proposed amendments, supplements or changes originating by petition, or by motion of the Town Board, shall be referred to the Town Planning Board for a report and recommendation thereon. The Planning Board shall submit its report within thirty (30) days after receiving such referral. Failure of the Planning Board to report within the required time shall be deemed to be a recommendation of approval of the proposed amendment.
- F. **Referral of Amendments to County Planning Board.** All amendments that would affect real property within the jurisdictional area set forth in § 239-m of General Municipal Law shall be referred to the County Planning Board before final action is taken, as set forth in Section 38 of this Ordinance.

ARTICLE XV

Miscellaneous Provisions

Sec.-15.01. Article 78 Review.

Any person or persons, jointly or severally aggrieved by any decision any officer, department, board or bureau of the town, may apply to the Supreme Court for review by a proceeding under article seventy-eight of the Civil Practice Law and Rules. Such proceeding must be instituted within thirty (30) days after the filing of a decision of the board in the office of the Town Clerk.

Sec. -15.02. Effective Date.

This Law shall take effect immediately upon filing with the Secretary of State. The date upon which this filing is made shall be deemed the "Effective Date."

Sec. -15.03. Severability.

If any article, section, paragraph or provision of this Law shall be deemed invalid by any authority of competent jurisdiction, such determination shall apply only to the article, section, paragraph or provision adjudged invalid and the rest of this Law shall continue valid, effective and in force.

Sec. -15.04. Provision of Notice Deemed to have Occurred.

Unless otherwise specifically provided herein, any notice, letter or other written communication furnished to an applicant under any provision of this Law shall be deemed furnished on such date as it is postmarked. Any notice, letter or other written communication to be furnished by an applicant under any provision of this Law shall be deemed furnished on the date that it is actually received by the person or entity specified in such provision.

APPENDIX A

Definitions

For the purposes of this Town of Parishville Land Use and Development Code, certain terms or words used herein shall be interpreted as follows:

- A. Words used in the present tense shall include the future.
- B. The singular number includes the plural, and the plural the singular.
- C. The word "lot" includes the word "plot" or "parcel".
- D. The word "person" includes a corporation, partnership, association or organization as well as an individual.
- E. The word "building" includes the word "structure".
- F. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "built, arranged or designed to be used or occupied".
- G. The word "shall" is mandatory.

Except as may be specifically defined below, all terms and phrases shall be as defined in the publication "GLOSSARY OF ZONING, DEVELOPMENT, AND PLANNING TERMS", edited by Michael Davidson and Fay Dolnick; published by the American Planning Association, Planning Advisory Service Report Nos. 491/492, for this Local Law. Copies are available in the Town Clerk's Office, The Code Enforcement Officer's Office, The St. Lawrence County Planning Board's Office, and the Town Attorney's Office.

In addition, the following words and terms are to be interpreted as defined hereunder:

ACCESSORY BUILDING: A building or structure subordinate to the principal building on a lot and used for purposes customarily incidental to those of the principal building.

ACCESSORY USE: A use customarily incidental and subordinate to the principal use and located on the same lot with such principal use.

ADULT ENTERTAINMENT FACILITY: Any facility or establishment that has as a substantial portion of its stock-in-trade and offers for sale or rent, for any form of consideration, any one or more of the following:

- A. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact disks, slides or other visual representations that are characterized by an emphasis upon the depiction or description of specified sexual activities or special anatomical areas, or
- B. instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

AGRICULTURE: The raising of crops, animals, forestry limited to orchards fruit, nut or similar trees numbering 20 trees or more, and any other commonly accepted agricultural operations. Incidental mechanical processing and sale of products grown on the premises are included in this definition. Specifically excluded from this definition are residential vegetable, flower or fruit gardens less than 20,000 square feet in size, or the raising of domesticated animals (dogs, cats, etc.)

ALTERATION: A change or rearrangement in the structural parts, or in the entrance and exit facilities, or an enlargement whether by expanding on a side or by increasing in height, or the moving from one location or position to another.

ALTERNATE ENERGY SYSTEM: A use of wind turbine, small hydro facility, waste management, resource recovery, refuse-derived fuel, agricultural crops or residues, or wood burning facility that creates power other than heat.

ANIMAL HOSPITAL: A place where animals are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

AQUIFER: The water-saturated subsurface geologic formations which are now or may subsequently be developed for use as public water supply sources.

AQUIFER RECHARGE AREA: The land area where precipitation, snow and rain percolates directly through the ground into an aquifer. The Immediate Aquifer Recharge Area shall mean the area within 1,000 feet of an existing public water supply source

AUTO WASH: A structure designed or intended primarily for the washing of automobiles, including conveyor, drive-through and self-service types.

BASEMENT: A space of full story height partly below grade and having at least half of its clear floor-to-ceiling height above the established grade of the street center line, or if no grade has been officially established on the street, measured from the average level of the proposed finished grade across the front of the building, and which space is not designed or used primarily for year-round living accommodations.

BED AND BREAKFAST/TOURIST HOME: An establishment in a private dwelling that supplies temporary accommodations to overnight guests for a fee.

BUILDING: Any roofed structure intended for the shelter, housing or enclosure of persons, animals or property, specifically excepting tractor trailer bodies. When a building is divided into entirely separate parts extending from the ground up, each part so divided is deemed a separate building.

BUILDING AREA: The total ground floor area of a principal building and accessory buildings exclusive of uncovered porches, steps and terraces.

BUILDING COVERAGE: That portion of the plot or lot area covered by a building.

BUILDING, DETACHED: A building surrounded by open space on all sides on the same lot.

BUILDING, FLOOR AREA: The sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same lot, including basement areas devoted to residential use and the area of the bays, dormers, roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

BUILDING, HEIGHT OF: The vertical distance measured from the established grade at the street center line or if no grade has been officially established on the street, measured from the average level of the proposed finished grade across the front of the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING LINE: A line parallel with the front, side and rear property lines, respectively, beyond which structure may not extend as determined by this Code.

BUILDING, PRINCIPAL: A building in which is conducted the main or principal use of the lot on which said building is situated.

CAMPGROUND: A parcel of land designed to accommodate two or more tents, recreational vehicles or other accommodation for seasonal or other more or less temporary or transitory living arrangements; or buildings and facilities thereon, used for the assembly of children or adults for what is commonly known as "day camp" purposes; or for overnight, weekend or longer periods of camping by organized groups.

CELLAR: That space of a building that is partly or entirely below grade, which has more than half its height, measured from floor to ceiling, below the established grade at the street center line or if no grade has been officially established on the street, measured from the average level of the proposed finished grade across the front of the building, and which space is not designed or used primarily for year-round living accommodations.

CHEMICAL (OR ARTIFICIAL) FERTILIZER: Any commercially produced mixture generally containing phosphorous, nitrogen and/or potassium which is applied to the ground to increase the amount of nutrients available to plants.

CODE ENFORCEMENT OFFICER: The duly designated official responsible for enforcing this Code as prescribed herein. The duties of such Code Enforcement Officer may be assigned to the Highway Superintendent, Town Engineer, Sewer and Water Superintendent or others, as directed by the Town Board.

COMMERCIAL EXCAVATION/MINING: Removal or recovery, for gain, by any means whatsoever of soil, rock, minerals, mineral substances or organic substances other than vegetation, from water or land on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged. The term also includes quarrying; well operation; milling, such as crushing, screening, washing and flotation; and other preparation customarily done at the mine site or as part of a mining activity, so as to make them suitable for commercial, industrial, or construction use.

COMMERCIAL RECREATION: A recreation facility operated as a business and open to the public for a fee.

DAY CARE: the regular care, for a consideration, of three or more children away from their homes. Where authorized in this local law, "day care centers" (more than six (6) children under regular care) require special permits and also are regulated in 18 NYCRR Part 418. Paid "day care in a family home" of 3-6 non-resident children is regulated as a home occupation under this Ordinance and also is regulated in 18 NYCRR Part 417. Paid care of one or two non-resident children in a private home is considered a permitted accessory use under this ordinance. Care of children in their own home by a paid employee is an exempt activity.

DIVISION FENCE: As set forth in §300 of NYS Town Law, a division fence separates two adjoining tracts of land for the purpose of keeping animals off the other's lands. The owners must share equitably in making and maintaining the fence, except where they otherwise agree. The owner of an adjoining tract of land who does not keep animals thereon within five years of erection or repair is not obligated or liable for erecting, maintaining or repairing a division fence. Town Law provides further details concerning each adjoining owner's rights and responsibilities.

DRIVE-IN/DRIVE-THROUGH RESTAURANT OR REFRESHMENT STAND: Any place or premises used for sale, dispensing, or serving of food, refreshments or beverages to persons in automobiles or out-of-doors, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on the premises.

DRIVEWAY: A privately owned and privately maintained drive or roadway providing access from a public street to a single lot. A driveway shall not be considered for lot frontage specifications.

DWELLING, CONDOMINIUM: Any apartment, town house or other residential building or portion thereof, involving a combination of two kinds of ownership of real property:

- A. fee simple ownership of the individual dwelling unit; and
- B. undivided ownership together with other purchasers of the common elements of the structure, land and appurtenances, the management thereof controlled by a property owners' or like association.

DWELLING, GUEST HOUSE: An accessory seasonal dwelling unit built on the same lot with the principal dwelling and not for rent.

DWELLING, MULTIPLE-FAMILY: A building or portion thereof designed for year-round occupancy, containing separate apartments or condominium dwelling units for three or more families living independently of each other, other than hotels, motels, campsites and rooming houses.

DWELLING, ONE-FAMILY: A detached building designed for year-round occupancy by one family only, other than a mobile/manufactured home, recreational vehicle, or any temporary structure.

DWELLING, TOWN HOUSE: A multiple-family dwelling consisting of three or more attached dwelling units, each having a ground floor, designed for year-round occupancy and containing separate dwelling units for occupancy by one family per unit.

DWELLING, TWO-FAMILY: A detached building designed for year-round occupancy by two families living independently of each other, other than a mobile/manufactured home, recreational vehicle, or rooming house.

DWELLING UNIT: A building or portion thereof, providing complete housekeeping facilities for one family, including living, cooking, sanitary and sleeping facilities.

EASEMENT: A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

ENVIRONMENTAL IMPACT ASSESSMENT: Shall be as defined in 6 NYCRR 615.1(c) as follows: a detailed written evaluation prepared by a permit applicant and includes a description of the proposed project, development, action, or change in use or scale of use and a detailed analysis of the potential environmental effects of the proposed project, development, action, or change in use or scale of use.

FAMILY: One or more persons occupying the premises, whether or not related by blood, marriage or adoption, and living as a single housekeeping unit.

FARM: A parcel of land containing at least ten (10) acres which is used for the raising of agricultural, dairy or livestock products, except where such is an accessory and non-commercial garden to a principal residential use on the same lot. The term includes the necessary farm structures within the prescribed limits and the storage of equipment used on the premises. It excludes the raising of fur-bearing animals, riding academies, boarding stables, harboring wild animals, and dog kennels. It also excludes a holding area where cattle, livestock or poultry are held and fed commercially in a restricted area as distinguished from a traditional farm.

FINAL PLAT/PLAN: Means the final map or drawing on which the plan of subdivision or planned development is presented for approval.

FRONTAGE, STREET: That portion or side of a lot situate adjacent to a public street (or private drive which provides access to two (2) or more lots). Measurements shall be taken from the center of the traveled way.

FRONTAGE, WATER: That portion or side of a lot located on a water body. Water frontage must be considered to meet the Zone Regulation frontage widths and frontage setback specifications. The side of the lot facing the street or road accessing the lot shall be considered the rear yard. The edge of the perennial vegetation shall be considered the shoreline from which measurements shall be taken.

GARAGE, PRIVATE: A roofed building for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein or space for more than one car is leased to a non-resident of the premises.

GARBAGE: Animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GARAGE, PUBLIC: A building or part thereof operated for gain and used for the storage, hiring, selling, greasing, washing, servicing, or repair of motor-driven vehicles.

GASOLINE STATION: Any area of land, including structures thereon, that is used or design to be used for the sale of gasoline or oil or other motor vehicle fuel and which may include facilities for lubricating, washing, cleaning or otherwise servicing motor vehicles, but not including the painting or major repair thereof. The term Gasoline Station shall be deemed to include filling station and service station.

GRAVEL QUARRY: Any excavation from which 1,000 tons or 750 cubic yards of minerals, including sand and stone, are to be removed from the earth within 12 successive calendar months for sale or exchange, or for commercial, industrial or municipal use. Quarries must comply with New York's Mined Land Reclamation Law ("MLRL"), Environmental Conservation Law ("ECL") Article 23, Title 27.

GROUNDWATER: Any water beneath the land surface in the saturated or vadoze zones and enters or will enter wells, springs or other sources of water

HERBICIDE: Any substance used to destroy or inhibit plant growth

HOME OCCUPATION: Any use customarily conducted entirely within a dwelling and operated only by a resident of the premises and in which not more than one (1) non-resident is employed or engaged, and which use is clearly incidental to the use of the dwelling as a place of residence; and further provided that no article is sold or offered for sale except such as may be produced by a resident of the premises. In particular, the term home occupation includes, but is not limited to, the following:

- A. Professional or business service
- B. Art, craft or photographic studio
- C. Dressmaker or seamstress
- D. Barber or beauty shop
- E. Day care in a family home

However, a home occupation shall not be interpreted to include a commercial stable or kennel; harboring wild animals for gain; animal hospital, restaurant; tourist or boarding house; convalescent home; funeral home; nor stores, trades or businesses of the kind herein excepted.

HOTEL OR MOTEL: A building or group of buildings where transient guests are lodged for hire.

INDUSTRIAL SEWAGE OR WASTEWATER: Any treated, semi-treated, or untreated liquid or semi-liquid wastes from an industrial source an agricultural facility with onsite processing or generates liquid manure or any other source that uses chemical processes and likely contains chemical compounds of a nature and or concentration unlike a domestic sewage source.

INSTITUTIONAL USE:

- A. The use of land, buildings or structures for a public or non-profit purpose and without limiting the generality of the foregoing, may include such uses as schools (public, private, nursery), places of religious worship (including churches), indoor recreation facilities, community centers, public hospitals and government buildings.
- B. Designed, adapted or used for medical, surgical, charitable, or other treatment or care of persons, or for detaining persons for correctional, disciplinary or other purpose, and shall include a children's home for the aged or infirm, a monastery, nunnery or religious retreat, a jail, reformatory or training school, and all other such uses.

JUNK: Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition.

JUNKYARD: A lot, land, or structure, or part thereof, used for the collecting, storage and/or sale of waste paper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles, and for the sale of the parts thereof. It shall mean any place of storage or deposit, whether in connection with another business or not, where two or more unregistered, old or second-hand motor vehicles, no longer intended or in condition for legal use on the public highways, are held, whether for the purpose of resale of used parts therefrom; or reclaiming for use of some or all of the materials therein, whether metal, glass, fabric or otherwise; or disposing of the same; or for any other purpose. Such term shall include any place of storage or deposit for any such purposes of used parts or waste materials from motor vehicles which, taken together, equal in bulk, two or more such vehicles.

KENNEL: Any structure or premises in which more than six dogs are kept, boarded, bred or trained for commercial gain, or where any number of wild (feral) animals are harbored, kept, boarded, bred or trained, whether or not for commercial gain.

LANDFILL, SANITARY: The depositing of refuse in a natural or manmade depression or trench, or dumping it at ground level, compacting to the smallest practical volume, and covering with earth or other material in a systematic and sanitary manner.

LAUNDERETTE: A business premises equipped with individual clothes washing or cleaning machines for use by retail customers, exclusive or laundry facilities provided in an apartment, fraternity, sorority, residential or resort hotel or club.

LAND APPLICATION OF WASTEWATER: The distribution of treated, semi-treated, or untreated liquid or semi-liquid wastes or waste waters into, or onto the land surface by injection, spray, dumping or direct flow, except the application of domestic wastewater using an approved on-site wastewater system as defined herein.

LOT: A parcel of land considered as a unit, occupied or capable of being occupied by a principal building or use and accessory buildings or uses, or by a group of buildings united by a common use or interest; and including such open spaces as are required by this Code, and having its principal frontage on a public street or an officially approved place.

LOT AREA: The total area included within side and rear lot lines and the street or highway right-of-way.

LOT, CORNER: A lot located at the intersection of and fronting on two or more intersecting streets, and having an interior angle at the corner of intersection of less than 135 degrees.

LOT DEPTH: The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINES: The property lines bounding the lot, including:

- A. Lot Line, Front - The lot line separating the lot from the street right-of-way. Regardless of the ownership deed call (road Boundary or road Center) Set back distance shall be measured from the Road Center.
- B. Lot Line, Rear - The lot line opposite and most distant from the front lot line.
- C. Lot Line, Side - Any lot line other than a front or rear lot line.

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 setback as specified for the district.

MANUFACTURED HOUSING: A factory-finished, moveable dwelling unit designed and built on a frame, or a frame and wheels, to be transported in one or more sections to its destinations, and bearing a seal certifying that the unit meets the US Department of Housing and Urban Development's Manufactured Home Construction and Safety Standards.

MANUFACTURING: The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, resins or liquors.

MANUFACTURING, LIGHT: The Manufacture, predominantly from previously prepared materials of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing.

MANURE: Animal feces and urine or a mixture of animal feces and urine and dirt, soil, hay, bedding or other similar material and having a moisture content of 15% or less. **LIQUID MANURE** shall mean Manure having a moisture content more than 15%.

MOBILE/MANUFACTURED HOME, CLASS A: A new or used "double wide" manufactured housing unit certified as meeting the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development and bearing the seal of that Department, and meeting the following compatibility standards:

- A. The minimum width of the mobile/manufactured home at its narrowest point shall be not less than 20 feet when erected on site.
- B. The exterior material of the mobile/manufactured home shall be similar to that customarily used in site-built residential structures. Siding materials shall be non-reflective in nature.
- C. The mobile/manufactured home shall have a sloping roof with eave projections of at least ten inches. The roof shall be constructed with composition shingles or other materials customarily used in site-built residential structures. Such roof shall be non-reflective in nature.
- D. The mobile/manufactured home shall be attached to a permanent foundation approved by the Code Enforcement Officer.

- E. The exterior covering material of the mobile/manufactured home shall extend to the ground, except that where a permanent perimeter foundations is to be used, the exterior covering material need not extend below the top of the foundation.

MANUFACTURED HOME, CLASS B: A 12 (twelve) foot or greater width "single wide" mobile/manufactured home certified as meeting the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development and bearing the seal of that Department. Each unit shall be inspected by the Code Enforcement Officer and determined to be in good condition and safe for residential occupancy.

- A. The mobile home shall have a minimum 3/12 pitch sloped roof. Roof design shall be compatible with conventionally built homes in the surrounding area. Gable, hip or shed style roofs are acceptable. The roofing material shall be shake, tile, asphalt, composition shingle, or other material customarily used in site-built residential structure.
- B. The mobile home shall be attached to a permanent foundation approved by the Code Enforcement Officer.
- C. The exterior covering material of the mobile home shall extend to the ground, except that where a permanent perimeter foundation is to be used, the exterior covering material need not extend below the top of the foundation.

MOBILE HOME PARK: A parcel of land which has been planned and improved for the placement of two or more mobile homes for dwelling purposes. The term shall include mobile home court or other area planed and improved for two or more mobile homes.

MODULAR HOME: A HUD-approved manufactured housing unit designed and constructed to be transported to a building site, removed from its towing chassis, and placed on a permanent foundation.

NON-CONFORMING LOT: Any lot in single ownership, which does not conform with the minimum area and/or dimensions required in the district in which it is situated and where the owner of said lot does not own any adjoining property, the subdivision of which could create one (1) or more conforming lots.

NON-CONFORMING SITUATION: Use of a building or of land that does not comply with the regulations for the district in which it is situated and where such use or building existed and/or was used legally at the time of adoption of this Code.

NUISANCE: Any public or private condition that would constitute a "nuisance"; any physical condition existing in or on the exterior of any premises which is potentially dangerous, detrimental or hazardous to the health or safety of persons, on, near, or passing in the proximity of the premises where said condition exists.

NURSING HOME: A proprietary facility, licensed or regulated by the State of New York for the accommodation of convalescents or other persons (who are not acutely ill and not in need of hospital care, but) who require skilled nursing and related medical services which are prescribed by or performed under the direction of a person or persons licensed to provide such care or services in accordance with the laws of the State of New York.

NURSERY SCHOOL: Facilities for the daytime care or instruction of two or more children from two to five years old inclusive, and operated on a regular basis, for pay.

OFFICIAL MAP: The map established by the Town of Parishville, if any, pursuant to § 270 of NYS Town Law showing the streets, highways and parks theretofore laid out, adopted and established by law and any amendments thereto adopted by the Town or additions thereto resulting from the approval of subdivision plats by the Planning Board and the subsequent filing of such approved plats. Streets not accepted by the Town as public streets may be shown thereon, but shall be marked as private streets.

ONSITE WASTEWATER SYSTEM: A conventional septic tank and soil absorption system constructed in accordance with the New York State Sanitary code and or the NYSDEC Standards for wastewater treatment for the purpose of treating non-Industrial wastewater generated on the land parcel on which the system is constructed.

PARKING SPACE: A space designated for the parking of one motor vehicle and having an area of not less than two hundred (200) square feet, exclusive of passageways and driveways thereto.

PESTICIDE: Any substance used to destroy, kill, inhibit or impair pests such as rodents or insects.

PLANNED UNIT DEVELOPMENT DISTRICT: A tract of land designed for and capable of being used for one or more residential, commercial, industrial or recreational uses which have certain facilities in common and which have been designed as an integrated unit; after such land has been so designated by amendment to this Code.

PRELIMINARY PLAT/PLAN: Means the preliminary drawing or drawings indicating the proposed manner or layout of the subdivision or planned development submitted for consideration.

PRINCIPAL USE: The primary or predominant use of any lot.

PRIVATE DRIVE: A privately owned and privately maintained drive or roadway providing access from a public street to two (2) or more lots not owned by the same party. Measurements shall be taken from the center of the traveled way.

PUBLIC UTILITY USE: A closely regulated private or publicly-owned enterprise with an exclusive franchise for providing a public service. Such uses shall include utility substations, transformers, switches and auxiliary apparatus serving a distribution area, and water and sewage pumping stations and like facilities. Any public utility use, equipment or structure, including a municipal garage, which is not a major public utility use. A public utility does not include any use which is subject to the jurisdiction of the Public Service commission pursuant to Article VII or Article VIII of the Public Service Law.

PUBLIC WATER SUPPLY: Shall be as defined in part 5-1 of the New York State Sanitary Code.

RECREATIONAL FACILITY: A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities.

RECREATIONAL VEHICLE: A mobile recreational unit including travel trailer, pickup camper, converted bus, tent-trailer, camper trailer or similar device used for temporary, portable housing, and bearing a valid, current license and inspection sticker.

RECYCLING FACILITY. Any structure or collection of structures and the real property attendant thereto or any part thereof which is in common ownership and/or legal control, the principal use of which is for the collection, sorting, salvage, storage, and/or sales of non-toxic waste materials including but not limited to wood, wood products, waste paper, textiles, scrap, glass, plastics, and/or metals and any other such like and similar materials but specifically excluding any and all old or second hand automobiles and /or motor vehicles of any kind, description or sort and/or parts thereof no longer intended or in condition for legal use on public highways, the regulation of which is and continues to be governed and controlled by the provisions of Section 6.12 of this Land Use and Development Code.

REFUSE: All putrescible and non- putrescible wastes including garbage, manure, rubbish, trash, ashes, sludge, incinerator residue, street cleaning debris, dead animals, offal and commercial, industrial household or other wastes.

REFUSE DISPOSAL AREA: Land or buildings used for the depositing of refuse or the storing of refuse for any period exceeding 30 calendar days

RESIDENTIAL STRUCTURE: A structure containing one or more dwelling units of any type defined in this Ordinance.

RESTAURANT: An establishment where food and drink are prepared, served and consumed primarily within the principal building.

RETAIL STORE: Establishment engaged in selling goods or merchandise to the general public for personal or household consumption.

RIGHT-OF-WAY:

- A. A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, cross-walk, railroad, electric transmission line, oil or gas pipeline, water line, sanitary storm sewer and other similar uses.
- B. Generally, the right of one to pass over the property of another.

ROAD: Means a public or private way for vehicular traffic, including the following:

- A. Major streets and highways are those principal through traffic arteries.
- B. Collector streets are those which carry traffic from minor streets to major streets.
- C. Minor streets are those which are used primarily for access to abutting residential properties. A 'Cul-de-sac' is a minor street with only one outlet and having a turning loop or wye at the closed end.
- D. Frontage roads are generally parallel with and adjacent to major streets and highways; and provide access to abutting properties and protection from through traffic.
- E. Alleys are minor ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

ROADSIDE STAND/TEMPORARY SALE: A semi-permanent structure, stand or location for the sale of any product or material for a total period of less than one year. Roadside sales limited to garden produce raised on the premises are exempt from regulation under this Ordinance. Temporary sales of the "garage sale" or "yard sale" variety are exempt from regulation if they take place for no longer than three consecutive days nor more than ten days' total in any calendar year.

RUBBISH: All combustible and noncombustible waste materials other than garbage; and the term shall include paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, and the residue from burning wood, coal, coke or other combustible material and solid commercial and industrial waste. No chemicals such as those used in swimming pools, oil, gasoline, or any other chemical which could cause a fire, explosion, or obnoxious gas shall be considered "rubbish".

SEPTAGE: The residue removed from any portion of an onsite wastewater disposal system

SEWAGE OR WASTEWATER : Any treated, semi-treated, or untreated liquid or semi-liquid wastes from a domestic, commercial, private or agricultural establishment that is generated by washing, used for sanitary purposes and is normally carried in sewers, waste pipes or ditches.

SEWAGE SYSTEM CLEANER OR ADDITIVE: Shall be as defined in article 39 of the New York State Environmental Conservation Law.

SHORE: The edge of the perennial vegetation shall be used as the defining line for waterfront setback measurements.

SIGN: Any device affixed to, painted, or represented directly or indirectly upon a building, structure or land and which directs attention to an object, product, place, activity, person, institution, organization or business; except that this Code shall not apply to any flag or insignia of a government or government agency, school or religious group, nor any official traffic control device. Each display surface shall be considered to be a "sign".

SIGN, ADVERTISING: A sign which directs attention to a business, commodity, service or entertainment sold or offered elsewhere than upon the premises where such sign is located, or to which it is affixed and only incidentally on the premises, if at all. A commercial billboard shall be construed to be an advertising sign.

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

SIGN, FLASHING: Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color when such sign is in use. For the purpose of this Code, any revolving illuminated sign shall be considered a "flashing sign".

SMALL RURAL BUSINESS: A retail business, personal or professional service operation or commercial offices of limited size which is primarily designed to meet the immediate and occasional needs of the neighboring community. In particular, the term Small Rural Business includes, but is not limited to, the following:

- A. Small sawmill, averaging less than 6,000 Board feet of lumber per week.
- B. Art, craft or photographic studio and sales shop of goods made on site
- C. Bookshop
- D. Auto Repair shop, not including car sales

Does not include commercial retail or wholesale store or businesses of goods made off the subject property.

SPECIAL USE: A use that would not be appropriate generally or without restriction throughout the zoning district, but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such use may be permitted in certain zoning districts as a special use, if specific provision for such use is made in the Zoning Ordinance of this Code.

STATE ENVIRONMENTAL QUALITY REVIEW (SEQR): The regulations under Title 6 of the New York Codes, Rules and Regulations (6 NYCRR Part 617) provide for incorporating environmental review within the decision-making of any agency of any governmental unit in the State of New York. The terms "action", "agency", "applicant", "Coastal Area", "Directly undertaken action", "Environmental Assessment Form", or "EAF", "Environmental Impact Statement" or "EIS", "excluded action", "type I action", "type II action", and "unlisted action shall have the meaning set forth in Section 617.2 of SEQR.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

STORY, HALF: That part of a building between a pitched roof and the uppermost full story, and having a floor area at least half as large as the floor below. Space with less than five (5) feet clear headroom shall not be considered as floor area.

STREET: Means a public or private way for vehicular traffic, including the following:

- A. Major streets and highways are those principal through traffic arteries.
- B. Collector streets are those which carry traffic from minor streets to major streets.
- C. Minor streets are those which are used primarily for access to abutting residential properties. A 'Cul-de-sac' is a minor street with only one outlet and having a turning loop or wye at the closed end.
- D. Frontage roads are generally parallel with and adjacent to major streets and highways; and provide access to abutting properties and protection from through traffic.
- E. Alleys are minor ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. An assembly of materials forming a construction framed component parts for use or occupancy, including but not limited to buildings.

STRUCTURAL ALTERATION: Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

SUBDIVIDER: Means any person, firm, corporation, partnership or association, who shall layout any subdivision or part thereof as defined herein, either for himself or others.

SUBDIVISION: Means the division of any parcel of land into four (4) or more lots, plots, sites or other division of land, for the purpose, whether immediate or future, for transfer of ownership or for building development, of one or more of the parcels in any five (5) year period. If a parcel of land is retained by the owner, said retained parcel shall be considered and counted as a separate lot.

SWIMMING POOL: A structure intended for bathing or swimming purposes made of concrete, masonry, metal, or other impervious material, having a depth of more than three (3) feet and owned and maintained by an individual for exclusive use by his family and friends.

TAVERN: An establishment licensed by the State. A State Licensed establishment used primarily for the serving of alcoholic beverages by the drink to the general public and where food or packaged liquors may be served or sold as accessory to the primary use.

TOWN PLAN: Means a comprehensive plan prepared for and by the Town pursuant to Section 272-a of NYS Town Law which plan indicates the general locations recommended for the various public works, places and structures and for the general physical development of the Town, and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

TOXIC SUBSTANCE: Any toxic substance defined by subdivision two of section 4801 of the New York State Public Health Law.

USE: The purpose or activity for which land or buildings are designed, arranged, or intended, or for which land or buildings are occupied or maintained.

VARIANCE: An authorized departure by the Board of Appeals from the terms of this Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Code would result in unnecessary hardship.

WATERCOURSE: Any spring, ditch, swamp, stream, marsh, wetland, or channel of water of any kind which flows or may flow into the aquifer recharge area.

WATERSHED: That land area that contributes water to the aquifer or the aquifer recharge area.

WELL: Any excavation used as a source of water, including dug wells, drilled wells, springs and driven points.

WELL HEAD PROTECTION AREA: shall mean the area within a circle that has a radius of 100 feet from a private well.

WIND ENERGY CONVERSION SYSTEM (WECS) Any structure, or facility, that develops energy from wind; such as a wind tower or wind mill.

YARD, FRONT: An open space extending across: a) the principal street side or b) the waterfront side, of a lot measured between the side lot lines, the depth of which yard is the minimum horizontal distance between a) the street center line or b) shoreline at normal water level, and the building line or any projection thereof other than steps, extending not more than six (6) feet from the front of the building, except as otherwise provided in this Code.

YARD, REAR: An open space extending across the rear of a lot measured between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projection thereof other than steps, extending not more than six (6) feet from the rear of the building, except as otherwise provided in this Code. The rear yard shall in all cases be at the opposite end of the lot from the front yard. On corner lots, where there are two front yards, the owner shall designate one rear yard.

YARD, SIDE: An open space from the front yard to the rear yard between the building and the nearest side lot line unoccupied and unobstructed from the ground upward, except for steps and as otherwise specified in this Code

