

**Zoning
Regulations**

for the

Town

of

Madrid, NY

2008

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Zoning Regulations for the Town of Madrid, NY / 2008

LOCAL LAW, NO. _____

TOWN OF MADRID, ST. LAWRENCE COUNTY, NEW YORK

A LOCAL LAW PROVIDING FOR THE ESTABLISHMENT OF COMPREHENSIVE ZONING REGULATIONS GOVERNING THE LOCATION, DENSITY AND CHARACTERISTICS OF PERMITTED LAND USES THROUGH THE DELINEATION OF ZONING DISTRICTS IN ACCORDANCE WITH THE TOWN PLAN; AND PROVIDING FOR UNIFORM ADMINISTRATION AND ENFORCEMENT, INCLUDING PENALTIES FOR THE VIOLATION THEREOF.

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ARTICLE I- TITLE

Section 1 - Title

- A. This Local Law shall be known and may be cited as **ZONING REGULATIONS FOR THE TOWN OF MADRID.**
- B. This law is adopted pursuant to New York State Town Law, Section 261.

ARTICLE II- GENERAL PROVISIONS

Section 2 - Purpose

- A. The purpose of this Local Law is to establish minimum requirements designed to promote the health, safety and general well-being of the residents of the Town of Madrid; and more specifically:
1. To protect the character and maintain the stability of residential, recreational, commercial and agricultural areas within the Town, and to promote the orderly and beneficial development of such areas;
 2. To regulate the intensity of use of lots, and to determine the area of open spaces surrounding buildings necessary to provide adequate light and air, privacy and convenience of access to property;
 3. To establish building lines and the location of buildings designed for residential, recreational, commercial, agricultural or other uses within such lines;
 4. To prohibit uses, buildings or structures which are incompatible with the existing or desirable character of development within specified zoning districts;
 5. To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed hereunder;
 6. To limit congestion in the public streets and so protect the public health, safety, convenience, and the general well-being by providing for off street parking of motor vehicles and for the loading and unloading of commercial vehicles; and
 7. To conserve and enhance the taxable value of land and buildings throughout the Town through an enlightened approach to land development and building location.

Section 3 - Scope

- A. This Local Law shall apply to the construction, installation or alteration of any building, structure or appurtenant system, and any lot, plot or parcel of land used, occupied or otherwise maintained as herein provided for in the Town of Madrid.

Section 4 - Definitions

- A. The words and terms used in these Regulations shall be as defined in **Appendix A** of this Code, which is hereby, made a part of this Local Law.

Section 5 - Relationship Of This Law To Other Laws And Regulations

- A. Conflict with other laws. 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. Requirement for New **York State General Municipal Law 239-m** Referral to County Planning Board. Section 239-m requires that certain matters be referred to the St. Lawrence County Planning Board by the Town Board, the Town Planning Board, or the Town Zoning Board of Appeals, as appropriate, and that the referring board shall not take final action until it has received a recommendation within 30 days from the County Planning Board. The following matters shall be referred to the St. Lawrence County Planning Board:
1. Adoption or amendment of a comprehensive plan pursuant to Section 272-a of town law;
 2. Adoption or amendment of a zoning ordinance or local law;
 3. Issuance of special use permits;
 4. Approval of site plans;
 5. Granting of use and area variances;
 6. Other authorizations that a referring body may issue under the provisions of any zoning ordinance or local law.

The proposed actions set forth above shall be subject to referral to the County Planning Board if they apply to real property within five hundred feet of the following:

1. The boundary of any city, village or town; or
2. The boundary of any existing or proposed county or state park or any other recreation area; or

3. The right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway; or
4. 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
5. The existing or proposed boundary of any county or state owned land on which a public building or institution is situated; or
6. The boundary of any farm operation located in an agricultural district, as defined by article Twenty-five-AA of the **Agriculture and Markets Law**, except this subparagraph shall not apply to the granting of area variances.

Section 6 - Agricultural Districts

Notwithstanding any other provision of this Local Law, “farm operations” as defined in Article 25-AA of the **New York State Agriculture and Markets Law**, shall be a permitted principal use in all areas located in the Town of Madrid within an agricultural district adopted by St. Lawrence County and certified by the Commissioner of Agriculture pursuant to said Article 25-AA, regardless of what zoning district such areas are located within. This provision shall supersede any conflicting provision of this Local Law.

Section 7 – Separability

Should any section(s) or provisions of this Local Law be decided to be unconstitutional or invalid by a court of competent jurisdiction, such a decision shall not affect the validity of the Local Law as a whole or any part thereof other than the part decided to be unconstitutional or invalid.

Section 8 – Fees

Permit fees shall be paid according to the fee schedule as may, from time to time, be established by resolution of the Town Board.

Section 9 - State Environmental Quality Review (SEQR)

- A. The **State Environmental Quality Review Act** requires that local government examine the environmental impact of all actions they permit, fund, or construct. Article (VIII) and Part 617 of Title 6 of the **New York Code of Rules and Regulations** (6 NYCRR Part 617) are hereby adopted by reference.

- B. All “Type I” and unlisted actions (6 NYCRR Part 617) shall require the submission and review of an Environmental Assessment Form.
- C. The Board that is empowered to approve the action shall be the lead agency.
- D. If the opinion of the lead agency after review of the Environmental Assessment form is that there appears to be the potential for a significant environmental impact, such lead agency shall cause the applicant to prepare a Draft Environmental Impact Statement (DEIS). Review, notice, and action on the DEIS shall be conducted according to 6 NYCRR, Part 617.

Article III – Establishment of Districts

Section 10 - Designation of Districts

- A. For the purposes of this Local Law, the Town of Madrid is divided into the following districts:

Residential- Hamlet (R-H) District
Residential- Agricultural (R-A) District
Commercial- Business (C-B) District
Commercial- Industrial (C-I) District
Open Space (O-S) District;

And with provision for an overlay district as follows:

Land Conservation Overlay (L-C) District

- B. Provision is also made for the creation of the following district:
Planned Development (P-D) District

Section 11 – Districts and Their Permitted Uses

A. Residential – Hamlet (R-H) District:

1. Purpose: To delineate those areas where predominantly single-family residential development has occurred or is likely to occur in accordance with the Town Plan; to maintain the quality of residential areas by requiring lot and building standards which accurately reflect existing conditions and service potential; and to protect the integrity of residential areas by prohibiting the intermixture of residential and incompatible non-residential uses.
2. Permitted Uses:
 - a. Existing farm
 - b. One-, two-family dwelling
 - c. Funeral home (site plan review required)
 - d. School, church, cemetery (site plan review required)
 - e. Public park, playground, golf course (site plan review required)
 - f. Public building or use (site plan review required)
 - g. Service, fraternal organization, club or lodge (site plan review required)
 - h. Accessory building use (see Section 17 – L)

3. Special Uses Permitted Upon Authorization of Planning Board (all applications for special uses shall be required to undergo site plan review):
 - a. Mobile home
 - b. Conversion of existing residential structure by increasing or decreasing the number of dwelling units
 - c. Home occupation
 - d. Public utility structure, use
4. See **Appendix C** for a summary of permitted uses, dimensional and other requirements for **Residential – Hamlet (R-H) District**.

B. Residential – Agricultural (R-A) District:

1. Purpose: To delineate those areas of the Town which are appropriate for agricultural and open space purposes and for low-density residential uses and to preserve the integrity of such areas for these purposes.
2. Permitted Uses:
 - a. One-, two-family dwelling
 - b. Farm
 - c. School, church, cemetery (site plan review required)
 - d. Public park, playground, golf course (site plan review required)
 - e. Public building, use (site plan review required)
 - f. Seasonal dwelling, camp (site plan review required)
 - g. Accessory building, use (see Section 17 – L)
 - h. Outdoor wood boilers (see Section 25)
3. Special Uses Permitted Upon Authorization of Planning Board (all applications for special uses shall be required to undergo site plan review):
 - a. Mobile home
 - b. Commercial recreation
 - c. Drive – in restaurant
 - d. Commercial excavation
 - e. Livestock holding area, animal hospital, kennel, stable
 - f. Commercial logging
 - g. Refuse disposal area, lagoon, sanitary landfill
 - h. Home occupation
 - i. Roadside stand
 - j. Telecommunication Towers (see **Article VII** for regulations)
 - k. Public utility structure, use

4. Keeping of Farm Animals for Non-Commercial Purposes. In a Residential-Agricultural (R-A) District, it shall be permissible to keep and maintain animals commonly considered to be farm animals, such as horses, cows, pigs, goats, sheep, etc., under the following conditions:
 - a. Farm animals that create a nuisance due to noise or odor, or that may be considered an imminent danger to human health, life or safety, shall be prohibited.
 - b. No owner or occupant may keep or maintain farm animals on a lot smaller than two acres, with at least one acre of usable pasture. For each 1,000 pounds of live animal weight kept or maintained, an additional acre of usable pasture shall be required. Usable pasture shall be defined as completely open space without buildings, storage areas, or other obstructions, used solely for the pasture and grazing of farm animals.
 - c. All farm animals shall be kept within an enclosure, such as a fence, so as to be unable to come within fifty feet of any adjoining property line, boundary line or residential structure.
 - d. Suitable barns and shelters shall be provided on-premises for the overnight keeping of all farm animals. Such barns and shelters shall be enclosed and weather tight.
5. See **Appendix C** for a summary of permitted uses, dimensional and other requirements for **Residential – Agricultural (R-A) District**. See **Article VII** for dimensional and other requirements for telecommunications towers.

C. Commercial-Business (C-B) District:

1. Purpose: To delineate areas for retail commercial and business activity and to reserve them for this use.
2. Permitted Uses:
 - a. Existing one-, two family dwelling
 - b. Retail store, personal service shop
 - c. Bank
 - d. Hotel, motel
 - e. Tavern, restaurant
 - f. Business, professional office
 - g. Laundromat
 - h. Accessory building, use

3. Special Uses Permitted Upon Authorization of Planning Board (applications for special uses shall be required to undergo site plan review):
 - a. Home occupation
 - b. Dwelling unit
 - c. Public utility structure, use
4. See **Appendix C** for a summary of permitted uses, dimensional and other requirements for **Commercial-Business (C-B) District**.

D. Commercial- Industrial (C-I) District:

1. Purpose: To delineate areas appropriate for general commercial and light industrial uses and to reserve them for these uses.
2. Permitted Uses:
 - a. Existing one-, two family dwelling
 - b. Retail store, personal service shop
 - c. Bank
 - d. Hotel, motel
 - e. Tavern, restaurant
 - f. Business, professional office
 - g. Laundromat
 - h. Accessory building, use
 - i. Building supply, material sales (site plan review required)
 - j. Feed store, farm supply sales (site plan review required)
 - k. Auto, farm implement, mobile home, recreational vehicle sales and services (site plan review required)
 - l. Gasoline station, auto wash (site plan review required)
 - m. Fabrication and assembly plant (site plan review required)
 - n. Truck terminal, warehouse (site plan review required)
 - o. Municipal highway garage, equipment storage (site plan review required)
 - p. Fuel oil, gasoline, bulk storage (site plan review required)
 - q. Outdoor wood boilers (site plan review required)
3. Special Uses Permitted Upon Authorization of Planning Board (applications for special uses shall be required to undergo site plan review):
 - a. Public garage
 - b. Adult entertainment
 - c. Public utility structure, use
4. See **Appendix C** for a summary of permitted uses, dimensional and other requirements for **Commercial-Industrial (C-I) District**.

E. Open Space (O-S) District:

1. Purpose: To delineate those essentially open, natural and forested areas in the Town and to insure that the uses permitted therein are compatible with and do not destroy or detract from these important natural qualities.
2. Permitted Uses:
 - a. Forest practices, nursery, reforestation area
 - b. Reservoir, watershed area, wetlands preserve
 - c. Fish or game club, wildlife management area
 - d. Seasonal dwelling
 - e. Camp, fishing, hunting lodge
 - f. Public park, recreation area (site plan review required)
 - g. Existing farming operations
 - h. Accessory buildings, use
3. Special Uses Permitted Upon Authorization of Planning Board (applications for special uses shall be required to undergo site plan review):
 - a. Commercial logging, pulp
 - b. Christmas tree harvesting
 - c. Commercial recreation
4. Keeping of Farm Animals for Non-Commercial Purposes. In an Open Space (O-S) District, it shall be permissible to keep and maintain animals commonly considered to be farm animals, such as horses, cows, pigs, goats, sheep, etc., under the following conditions:
 - a. Farm animals that create a nuisance due to noise or odor, or that may be considered an imminent danger to human health, life or safety shall be prohibited.
 - b. No owner or occupant may keep or maintain farm animals on a lot smaller than two acres, with at least one acre of usable pasture. For each 1,000 pounds of live animal weight kept or maintained, an additional acre of usable pasture shall be required. Usable pasture shall be defined as completely open space without buildings, storage areas, or other obstructions, used solely for the pasture and grazing of farm animals.
 - c. All farm animals shall be kept within an enclosure, such as a fence, so as to be unable to come within fifty feet of any adjoining property line, boundary line or residential structure.
 - d. Suitable barns and shelters shall be provided on-premises for the overnight keeping of all farm animals. Such barns and shelters shall be enclosed and weather tight.
5. See **Appendix C** for a summary of permitted uses, dimensional and other requirements for **Open Space (O-S) District**.

F. Land Conservation Overlay (L-C) District:

1. Purpose: To enhance community appearance; to promote the use of scenic resources for the pleasure and welfare of the citizens of, and visitors to, the Town; and to safeguard against damage due to natural causes such as flooding and water pollution.
2. Permitted Uses: Those otherwise permitted in the underlying districts in accord with the regulations applicable thereto.
3. Procedure: Within this Land Conservation Overlay District, which includes that area two hundred (200) feet on either side of the shoreline at normal water level of those streams and waterways as delineated on the map, all development will be approved by the Planning Board. The Planning Board shall require such information as may be needed by it for an understanding of the type, location and construction details of the project; at a minimum, the Planning Board shall require site plan review of any proposed development.

The Planning Board shall make a determination with forty-five (45) days from the time of application after review of each proposal based on its satisfactory accommodation of sanitary waste disposal and an otherwise satisfactory relationship to the waterfront and the neighboring area.

4. See **Appendix C** for a summary of permitted uses, dimensional and other requirements for **Land Conservation Overlay (L-C) District**.

Section 12 - Planned Development (P-D) District

A. Purpose: To provide a means of developing those land areas within the community considered appropriate for new residential, recreational, commercial or industrial use - or a satisfactory combination of these uses - in an economic and compatible manner, while encouraging the utilization of innovative planning and design concepts or techniques in these areas without departing from the spirit and intent of these Zoning Regulations.

B. Procedure

1. For the establishment of Planned Development Districts:
 - a. Application for designation of a P-D District shall be referred to the Town Board who shall in turn refer the application to the Planning Board within ten (10) days of receipt.

- b. The applicant shall furnish basic data pertaining to the proposed development as set forth under **Appendix B: Required Plat/Plan and Supplemental Data** of this Code, which is hereby made a part of this Local Law.
- c. The Planning Board and its professional planning consultant, if any, shall review such application. The Planning Board may require such changes in the Preliminary Plans as are found to be necessary to meet the requirements of this Section, to protect the established permitted uses in the vicinity, and to promote the orderly growth and sound development of the community.

In evaluating the proposal and in reaching its decision regarding the Preliminary Plans, the Planning Board shall consider and make findings regarding those considerations set forth under paragraphs 2-c. of this Section.

All applications for creation of a Planned District shall be referred to the St. Lawrence County Planning Board, which may review and comment on the referral with thirty (30) days.

- d. The Town Planning Board shall report its findings and render its recommendation to the Town Board within forty-five (45) days. It may recommend approval, disapproval, or conditional approval subject to modification, regarding the proposed development.
 - e. The Town Board shall hold any public hearing after public notice as required for any amendment to these Regulations and shall consider the report and recommendations of the Planning Board, and all other comments, reviews and statements pertaining thereto. It may amend the Zoning Map(s) to establish and define the type and boundaries of the Planned Development District, and in so doing may state specific conditions in addition to those provided by these Regulations, further restricting the nature or design of the development.
 - f. Notification of action taken will be given to the St. Lawrence County Planning Board within seven (7) days of such action on matters previously referred to and reviewed by such Board in accord with General Municipal Law 239-M.
2. For the approval of development within an established Planned Development District:
- a. Amendment of the Zoning Map(s) shall not constitute authorization to develop in the district.

- b. Such authorization, after a Planned District has been established, shall require that the applicant submit to the Planning Board such plans and specifications, supporting documents and data as required under **Appendix B: Required Plat/Plan and Supplemental Data** of this Code and such further documentation as may be required by the Board.

- c. The Planning Board, and its professional planning consultant, if any, shall set forth the particular ways in which the proposed development would or would not be in the public interest, including, but not limited to findings of fact and conclusions on the following:
 - 1.) The need for the proposed project.
 - 2.) In what respects the plan is or is not consistent with the stated purposes of a Planned Development District.
 - 3.) The extent to which the plan departs from zoning regulations formerly applicable to the property in question (if not originally designated as a Planned Development District), including but not limited to bulk, density and permitted uses.
 - 4.) The existing character of the neighborhood and the relationship, beneficial or adverse, of the proposed development to this neighborhood.
 - 5.) The location of principal and accessory buildings on the site in relation to one another and to other structures and uses in the vicinity, including bulk and height.
 - 6.) The provision for pedestrian circulation and open space in the planned development, the reliability of the proposal for maintenance and conservation of common open space and pedestrian circulation as related to the proposed density and type of development.
 - 7.) The traffic circulation features within the site including the amount of, location of, and access to automobile parking and terminal loading areas.
 - 8.) The amount of traffic generated at peak hours and the provisions for adequately handling such volumes, with particular reference to points of ingress and egress, potential hazards such as inadequate site sight distances and intersection design, and the nature and suitability of the connecting street or highway system to absorb the anticipated changes.
 - 9.) The provision for storm, sanitary and solid waste disposal and other utilities on and adjacent to the site.
 - 10.) The proposed location, type and size of signs and landscape features.
 - 11.) The physical design of the plan and the manner in which said design does or does not make adequate provision for service demands (water, sewer, fire, etc.), provide adequate control over vehicular traffic, and further the amenities of light, air and visual enjoyment.

- d. No permit shall be issued until the Planning Board has made its determination based on the foregoing considerations and the Town Board has considered this determination, and authorized issuance of a Permit by resolution.
- e. All conditions imposed by the Planning Board or Town Board in their review of the final plans, including any the performance of which may be conditions precedent to the issuance of any Permit, shall run with the land and shall not lapse or be waived as a result of any change in tenancy or ownership of any or all of the designated district.
- f. If construction of the development in accordance with the approved plans and specifications has not begun within one (1) year after the date of the resolution authorizing issuance of the Building and Zoning Permit, all permits shall become null and void, the approval shall be deemed revoked and vacated, and the Town Board, after consultation with the Planning Board, shall have the authority to again amend the map to restore the zoning designation for the district to that which it had been prior to the application, or any other district.

C. Special Applicability – Mobile Home Courts and Campgrounds. All mobile home courts and campgrounds will be considered under this process according to the following guidelines:

- 1. Mobile Home Court - Creation, expansion, extension or alteration of any mobile home court shall be in accord with the following minimum requirements:
 - a. All existing mobile home courts of record shall be exempt from these Regulations, except that they shall comply with them whenever any addition, expansion or alteration of the use or operation is proposed, and that they shall be required to obtain an annual Operating Permit.

All existing mobile home courts shall be limited to the number and size of mobile homes presently accommodated at the time of adoption of these Regulations, except as they shall meet the minimum requirements set forth herein. In addition, existing courts shall comply in every regard with minimum New York State standards for health, sanitation and cleanliness.

- b. A mobile home court shall have a minimum parcel size of five (5) acres.

- c. Within the mobile home court, minimum lot size for individual mobile homes shall be 6,000 square feet; and within the individual mobile home lot, minimum yard requirements shall be as follows:
- 1.) Front yard 20 feet
 - 2.) Side yards (each) 15 feet
 - 3.) Rear yard 15 feet
- d. Sanitary Facilities:
- 1.) Water and Sewer- All water supply and sewage disposal systems will comply with those standards set forth in Local Law I and shall furthermore be approved by the State or County Health Department before any Permit is issued.
 - 2.) The following shall comply in every regard with those standards set forth in the **Construction and Maintenance Regulations for the Town of Madrid** (Local Law I, 1973), as amended, and with the specifications and regulations of the **New York State Uniform Fire Prevention and Building Code**:
 - Storm and Surface Drainage
 - Open Areas, Yards and Drives
 - Garbage and Refuse Disposal
- e. Utility and Fuel Installations:
- 1) All wiring, fixtures and appurtenances shall be installed and maintained in accordance with Local Law I, 1973 as amended, and with the specifications and regulations of the **New York State Uniform Fire Prevention and Building Code** and the local utility company. Whenever possible, electrical transmission and other utility lines shall be placed below ground.
 - 2) Fuel tanks, where used, shall be placed at the rear of the mobile home and at a distance at least five (5) feet from any exit and shall have a safety shut-off at the tank. Fuel tanks and fuel supplies shall be installed and maintained in accordance with the **New York State Uniform Fire Prevention and Building Code Act**.
- f. Roadways:
- No individual mobile home, within a mobile home court, will have access to an existing street. Internal roadways within a mobile home court shall have a minimum right-of-way and paved or stone course in accordance with the standards established in, **Subdivision Regulations for the Town of Madrid** (Local Law III, 1973), as amended. There shall be no dead-end streets in any court, except that a cul-de-sac may be provided in accordance with those provisions set forth in the **Subdivision Regulations** referenced above.

- g. Off-Street Parking:
One off-street parking space shall be provided for each mobile home lot in the mobile home court outside the established right-of-way and shall otherwise comply with off-street parking requirements as set forth elsewhere in these Regulations.
- h. Open-space areas, up to ten (10) percent of the land area, suitable for recreation and play purposes shall be designated on the site plan and shall be an integral part of any proposed mobile home court.
- i. Improvements:
 - 1.) Each mobile home owner/tenant shall be required to enclose the bottom portion of the mobile home with a metal, wood or other suitable 'skirt', properly ventilated, within sixty (60) days after location in the mobile home court. Notification of such requirement shall be the responsibility of the mobile home court operator.
 - 2.) Sidewalks, lighting and landscaping shall be in keeping with surrounding development, the unique features of the site, and the health and safety of the occupants of the mobile home court as determined by the Planning Board. Attractive site development and landscaping shall be a consideration in determining the adequacy of the proposed mobile home court.
- j. Permits
 - 1.) No mobile home court shall be established in the Town until a Zoning and Building Permit has been applied for and granted in compliance with these regulations. All Operating Permits for a mobile home court shall be approved by the Town Board after referral to and recommendation by the Enforcement Officer and Planning Board.
 - 2.) All Operating Permits shall be effective until December 31 of the calendar year of their issuance. An application for a renewable Operating Permit shall be made to the Town Clerk sixty (60) days prior to the expiration date of the previous Permit. Upon recommendation of the Enforcement Officer and the Planning Board, the Town Board shall issue or deny such Permit in accord with the requirements set forth in these Regulations, other applicable portions of the Town Land Use and Development Code and the established fee schedule.

k. Campground - Creation, expansion, extension or alteration of any campground shall be in accord with the following minimum regulations:

1.) All existing campgrounds of record shall be exempt from these Regulations, except that they shall comply with them whenever any addition, expansion or alteration of the use or operation is proposed and that they shall be required to obtain an annual Operating Permit. In addition, existing campgrounds shall comply in every regard with minimum NYS standards for health, sanitation and cleanliness.

2.) Any campground shall have a minimum parcel size of five (5) acres and have minimum individual campsite areas as determined by the Planning Board.

3.) Sanitary Facilities

a.) Water and Sewer- All water supply and sewage disposal systems will comply with those standards set forth in **Construction and Maintenance Regulations for the Town of Madrid** (Local Law I, 1973), as amended, and shall furthermore be approved by the State or County Health Department before any Permit is issued.

Each campground will provide potable water.

Each campground will contain adequate and suitability-located rest room facilities including one or more of the following:

- Toilet and urinal closets
- Lavatory or washing sinks
- Bath or shower stalls

The number and type of each shall be determined by the Planning Board as part of their recommendation to the Town Board. In addition, a dumping station will be provided for those recreational vehicles which have self-contained toilet facilities.

b.) The following shall comply in every regard with those standards set forth in **Construction and Maintenance Regulations for the Town of Madrid** (Local Law I, 1973), as amended:

- Storm and Surface Drainage
- Open Areas, Yards, Drives
- Garbage and Refuse Disposal

c.) Each campground shall provide means for emergency vehicles to access all areas of the campground.

4.) Roadways and Parking:

Access roads shall have a minimum right-of-way and paved or stone course in accord with the standards established in **Subdivision Regulations for the Town of Madrid** (Local Law III, 1973), as amended. There shall be no dead-end streets in any campsite, except that a cul-de-sac may be provided in accord with those provisions set forth in Local Law III. Individual traveler-trailer or recreational campsites shall not be located in the required right-of-way.

5.) Improvements

a.) Lighting, landscaping and buffer areas shall be as required by the Planning Board and shall be in keeping with surrounding development, the unique features of the site and the health and safety of occupants of the campground. Attractive site development shall be a consideration in determining the adequacy of the proposed campground.

b.) Open-space areas suitable for recreation and play purposes shall be designated on the site plan and shall be an integral part of any proposed campground. At least one acre or up to ten (10) percent of the land area shall be required for open-space purposes in any campground designed for twenty (20) or more recreational vehicles.

6.) Permits:

a.) No campground shall be established in the Town until a Building and Zoning Permit has been applied for and granted in compliance with these Regulations. All Operating Permits for a campsite shall be approved by the Town Board after referral to and recommendation by the Enforcement Officer and Planning Board.

b.) All Operating Permits shall be effective until December 31 of the calendar year of their issuance. An application for a renewable Operating Permit shall be made sixty (60) days prior to the expiration date of the previous Permit. Upon recommendation of the Enforcement Officer and Planning Board, the Town Board shall issue or deny such Permit in accord with the requirements set forth in these Regulations, other applicable portions of the Town Land Use and Development Code and established fee schedule.

D. Special Applicability – Junk Yards. All junk yards will be considered under this process according to the following guidelines:

1. No junk yard, including an automobile junk yard, shall be established hereafter in any area of the Town unless a Permit shall have been authorized by the Town Board for such use. Before a Permit for a junk yard is authorized, the Town Board shall find that such use will not constitute a detriment to the public health, safety, well-being, convenience and property values by reason of dust, smoke, fumes, noise, traffic, odors, vermin or other conditions and may specify any reasonable requirements to safeguard the public interest including the following:
 - a. Said use shall not be located within two hundred (200) feet from any highway, right-of-way, body of water or property line; or five hundred (500) feet from any existing dwelling, church, school, hospital, public building or place of public assembly.
 - b. Any new junk yard shall be completely surrounded with a fence that substantially screens said area and shall have a suitable gate that shall be closed and locked except during the working hours of said use.
 - c. Such fence shall not be erected nearer than two-hundred (200) feet from the right-of-way of public highway. All junk and other materials stored or deposited at the site shall be kept within the enclosure of the fence and below the top of the fence, except during transportation of same in the reasonable course of the business. All storage shall be accomplished within the area enclosed by the fence.
 - d. Where the topography, landforms, natural growth of trees or other considerations accomplish the purpose of this Section in whole or in part, the fencing requirements hereunder may be reduced by the Planning Board, provided, however that such natural barrier conforms with the purposes of this Section. Where the topography, land forms, natural growth of trees or other considerations are such as to prevent effective screening, other means shall be designed or the use shall not be allowed in the particular location.
 - e. All junk yard existing at the time of adoption of these Regulations shall be limited to the size, area and scale of the present use and operations unless a Permit is issued in accordance with these Regulations.
 - f. In addition, an annual Operation Permit shall be required for all junk yards. All permits shall be effective until December 31 of the calendar

year of their issuance. An application for a renewable Operating Permit shall be made to the Town Clerk ninety (90) days prior to expiration date

of the previous Permit. Upon recommendation of the Enforcement Officer and Planning Board, the Town Board shall issue or deny such Permit in accord with the requirements set forth in these Regulations, the Town Land Use and Development Code, and the established fee schedule.

Section 13 - Zoning Maps

The location and boundaries of the above-defined districts are hereby established on **Zoning Maps of the Town of Madrid** as shown in **Appendix D**. Said Zoning Maps with all notations, references and designations shown thereon are hereby made a part of this Local Law.

Section 14 - Interpretation of District Boundaries

- A. The district boundary lines are intended generally to follow the center line of streets and highways; the center line of railroad rights-of-ways; existing lot lines; the center line of rivers or streams, water or sewer district boundaries, and Town boundary lines. Where a district boundary line does not follow such a line, its position shall be shown on the Zoning Maps by a dimension expressing its distance in feet from a street line or other boundary line as indicated; or by use of the scale appearing on the Zoning Maps.
- B. Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be constructed to be said boundary. Where district boundaries are so indicated that they are approximately parallel to the center line of streets or highways, such district boundaries shall be construed to be parallel thereto and at such distance there from as indicated on the Zoning Maps.
- C. Where a district boundary line divides a lot in single ownership at the time of the passage of these Regulations, the standards for the less restricted portion of such lot shall extend not more than fifty (50) feet into the more restricted portion, provided the lot has frontage on a street in the less restricted district.
- D. In case of uncertainty as to the true location of a district boundary line in a particular instance, the Board of Appeals shall render a determination with respect thereto.

ARTICLE IV – DISTRICT REGULATIONS

Section 15 - Application of Regulations

- A. No building shall be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land or building be designed or used for any purpose or in any manner other than as specified herein under ‘Uses Permitted’, ‘Special Uses Permitted Upon Authorization of the Planning Board’ or the “Planned Development District” procedure for the district in which such building or land is located.
- B. No building shall be erected, reconstructed or structurally altered to exceed in height the limit herein designated for the district in which such building is located.
- C. No building shall be erected and no existing buildings shall be altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity to the yard, lot area, and building location regulations hereinafter designated for the district in which such building or open space is located.
- D. No yard or other open space provided about any building for the purpose of complying with the provisions of these Regulations shall be considered as providing a yard or open space for any other buildings, and no yard or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot.

Section 16 - Lot Area and Width, Yards, Building Coverage and Height

- A. Regulations governing lot area and lot width; front, side and rear yards, lot coverage, building height and off-street parking are specified in **Appendix C: Summary of Districts, Permitted Uses and Regulations**, subject to the additional standards of these Regulations. **Appendix C** accompanies and, with all explanatory matter thereon, is hereby made a part of this Local Law.

Section 17 - Additional Area Regulations

- A. **Accessory Building:** Number, Height and Location. On any lot one accessory building or use in connection with the principal structure and use may be constructed and located subject to the following:

1. There shall be no number or height limitation on barns, silos and other farm structures. Other height limitations are as for the principal structure or as otherwise shown in **Appendix C**.
 2. Accessory buildings which are not attached to a principal building may be erected in accordance with the following requirements:
 - a. Rear or side yard-at least fifteen (15) feet from side or rear property line.
 - b. Side yard, street side of corner lot-same as for principal building.
 3. When an accessory building is attached to the principal building, it shall comply in all respects with the requirements of these Regulations applicable to the principal building.
- B. Corner Lot.** On a corner lot in any district where a front yard is required, a yard shall be provided on each street equal in depth to the required front yard on each such street. One rear yard shall be provided on each corner lot and the owner shall designate the rear yard on his application for a Permit
- C. Existing Lots of Record.** A permitted building or use may be placed on any lot of record in any district even if said lot is less than the minimum area required for building lots in the district in which it is located, providing the following conditions exist or are met:
1. The owner of said lot owns no adjoining vacant land which would create a conforming lot if combined with the lot which is deficient in area;
 2. Any structure erected on a nonconforming lot shall have front, side and rear yards conforming to the minimums required for the district in which said lot is located, except where conditions made this impossible; and then
 3. Any structure erected on a non-conforming lot shall have a minimum side yard of ten (10) feet, except that it shall be twenty (20) feet adjacent to any street; or as may be otherwise established by the Board of Appeals.
- D. Farm Woodlot.** The cutting of pulp or other wood products on a farm woodlot as part of the farm operation shall be considered an accessory use to the farm operation and shall not require a Permit as called for in the case of a commercial logging or pulp operation.

E. Front Yard Exception. When a vacant lot in any district is situated between two improved lots, the front yard of the vacant lot shall have a depth equal to the average depth of the front yards of the two adjoining improved lots, but not less than twenty (20) feet from the street right-of-way.

F. Number of Dwellings on Lot. No more than one (1) residential structure on any lot, other than under Planned Development, shall be permitted unless lot area and yard requirements are met for each dwelling, including required street frontage.

G. Projections into 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, belt courses, cornices, eaves and other architectural features, provided, however, that such features shall not project more than two (2) 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 unroofed and without walls, parapets, or other form of enclosure exceeding six (6) feet in height.
3. In determining the percentage of building coverage or the size of yards for the purpose of these Regulations, enclosed porches, or porches open at the side but roofed, shall be considered a part of the building.
4. An open fire escape may extend into any required yard not more than six (6) feet provided that such fire escape shall not be closer than nine (9) feet at any point to any lot line.
5. Unenclosed entrance steps or stairways providing access to the first story, cellar or basement of a building may extend into any required yard a distance not to exceed six (6) feet.

H. Screen Planting.

1. Enclosed Uses- Any use required by these Regulations to be screened shall provide a fence, screen or landscaping sufficient to obscure such uses from view from abutting properties or from the public right-of-way.
2. Unenclosed Uses- Any commercial or industrial use which is not conducted within a building, including, but not limited to junk yards, storage yards, building material yards, and which is in, abuts or is adjacent to a residential district or fronts on a public right-of-way, shall be obscured from view from such residential district and public right-of-way in an effective manner. This Section shall not apply to nurseries, and the display for sales purposes of new or used cars, trucks, recreational vehicles, or farm equipment if set back at least fifty (50) feet from the edge of the pavement.

3. Approval by the Planning Board- Plans and site design for the installation of such fencing or screening as are required by these Regulations shall be reviewed and approved by the Planning Board prior to issuance of a Permit. Any fencing or screening installed in accordance with this Section shall be maintained in good order to achieve the objectives of this Section. Failure to maintain fencing or to replace dead or diseased plant materials shall be considered a violation of these Regulations.

I. Swimming Pool. The construction or assembly of all private swimming pools, hot tubs or outdoor spas over 18-inches in depth in a Residential-Hamlet District will be subject to site plan review by the Planning Board. In addition:

1. All swimming pools will be properly fenced and screened as may be required by the Planning Board.
2. All pools will be situated, constructed, or assembled in such a manner that all water, either overflowing or emptying from same, shall be disposed of on the owner's land.
3. No pools shall be located in any minimum required front, side or rear yard as such dimension is listed Appendix C.
4. Lights used to illuminate pools or pool areas shall be shielded or installed so as to prevent said lights from shining directly upon the property of any adjacent property owner.
5. Should the owner abandon a pool, s/he shall arrange to remove the depression and return the surface of the ground to its original grade and approximately the same condition as before the pool was constructed.

J. Through Lots. Where a single lot under individual ownership extends from one street to another parallel or nearly parallel street or alley, the principal structure shall be erected to face the street on which those adjoining structures face. The building height shall be measured from the grade of the street designated as the street on which the building fronts.

K. Transition Yard Requirements. Where a residential district abuts a non-residential district on a street line, there shall be provided in the non-residential district for a distance of fifty (50) feet from the district boundary line, a front yard at least equal in depth to that required in the residential district. Where the side or rear yard in a residential district abuts a side or rear yard in a nonresidential district, there shall be provided along such abutting line or lines in the non-residential district, a side or rear yard at least equal in depth to that required in the residential district. In no case, however, shall the abutting side or rear yard be less than ten (10) feet; except as may be otherwise established by the Board of Appeals.

L. Visibility at Street Corners. On a corner lot in any district where a front yard is required, no fence, wall, hedge or other structure or planting more than three (3) feet in height shall be erected, placed or maintained which obstructs visibility of vehicular traffic within the triangular area formed by the intersecting street right-of-way lines and a straight line joining said lines at points thirty (30) feet distant from the point of intersection, measured along said lines.

M. Walls, Fences and Hedges. The yard requirements of these Regulations shall not prohibit any retaining wall nor any fence, wall or hedge otherwise permitted, providing that in a Residential-Hamlet district:

1. Such fence, wall or hedge shall be no closer to any-lot line than two (2) feet.
2. Such fence, wall or hedge proposed to be erected in residential districts shall be subject to site plan review by the Planning Board.
3. Such fence, wall or hedge shall comply with visibility at street corners as provided in this Section.
4. The good or finished side of any fence erected in a residential district shall face the neighboring lots.

N. Width of Side Yard May Be Reduced. The width of one side yard may be reduced, provided that the sum of the width of the two side yards is not less than the required minimum for both side yards, and further provided that the distance between the proposed structure, and any structure, existing or proposed, on an adjacent lot is not less than the required minimum sum of the width of the two side yards and where such is warranted by the location of existing buildings or conditions or where it is conducive to the desirable development of two or more lots; as may be approved by the Board of Appeals.

Section 18 - Additional Height Requirements

A. No building or structures shall have a greater number of stories, nor have an aggregate height of a greater number of feet than is permitted in the district in which such building or structure is located, except that:

1. The height limitations of these Regulations shall not apply to belfries, church spires, cupolas, penthouses and domes which are not used for human occupancy;
2. Nor to chimneys, ventilators, skylights, water tanks and necessary mechanical appurtenances usually carried above the roof level;

3. Nor to flag poles, monuments, silos, transmission towers and cables, radio and television antennae or towers and similar structures.
4. Such features, however, shall be erected only to such height necessary to accomplish the purpose for which they are intended.
5. No advertising device of any kind whatsoever shall be inscribed upon or attached to that part of any chimney, tower, tank, or other structure that extends above the height limitations.

ARTICLE V- SUPPLEMENTARY REGULATIONS

Section 19 - Special Uses Permitted Upon Authorization of the Planning Board

- A. General. On application, the Planning Board may authorize the Enforcement Officer to grant a Special Use Permit for any use for which approval of the Board is required by these Regulations. **All applications for Special Use permits will be required by the Planning Board to undergo site plan review, as described in Article VI – Site Plan Review.**
- B. The Board shall, pursuant to law, hold a public hearing on any such applications prior to acting thereon.
- C. In authorizing such Special Use Permit, the Board may designate appropriate conditions in harmony with the following standards:
1. The use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of adjacent districts and uses.
 2. The location and size of the use, the nature and intensity of the operations involved in or conducted in connection therewith, its site layout, and its relation to streets giving access to it shall be such that traffic to and from the use and the assembly of persons in connection with it will not be hazardous or inconvenient to the neighborhood. In applying this standard, the Board shall consider, among other things, convenient routes of pedestrian traffic, particularly of children, relation to main traffic thoroughfares and to street and road intersections, and the general character and intensity of development of the neighborhood.
 3. 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.

Section 20 - Special Use Permits to be Considered by the Planning Board

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

1. 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.
2. No adult use shall be located within five hundred (500) feet of any other such adult use.
3. 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 Madrid.
4. 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.

B. Auto Wash. In addition to meeting the minimum yard and lot coverage requirements, any auto wash establishment shall be subject to the following regulations:

1. Such establishment shall not be closer than two hundred (200) feet to a residential district.
2. The wash water shall not pollute any body of water nor create hazardous or unsightly conditions because of surface drainage.
3. The number and location of driveways shall be subject to review and approval of the Planning Board.
4. Such establishment, in addition to meeting the off-street parking requirements of **Appendix C**, shall provide four (4) stacking spaces per bay on the lot to prevent the waiting of automobiles in the public street.

C. Commercial Excavation. Except when incidental to the construction of a building on the same lot, the excavation, processing or sale of topsoil, earth, sand, gravel, clay or other natural mineral deposits is subject to the following conditions:

1. Such excavation shall not endanger the stability of adjacent land or structures nor constitute a detriment to public well-being, convenience or safety by reason of excessive dust, noise, traffic or other condition. The Planning Board shall specify any reasonable requirements to safeguard the public health, safety and well-being in granting such Permit.
2. The slope of such topsoil, sand, gravel, clay or other earth material shall not exceed the normal angle of repose of such material.

3. The top and the base of such slope shall not be nearer than two hundred (200) feet to any property line nor nearer than two hundred (200) feet to the right-of-way line of any street or highway.
4. A plan for restoration and rehabilitation of a commercial earth excavation area or borrow pit shall accompany the application for a Permit to assure conformance with the public health, safety and well-being.

The Planning Board, upon approval of such plan, shall require a performance bond to assure rehabilitation of commercial excavation sites in conformity with the plan.

If the applicant has submitted a Mined Land Use Plan, furnished financial security and received a Mined Lands Reclamation Permit from the NYS Department of Environmental Conservation, the Planning Board may accept these as proof of compliance with this section.

D. Commercial Logging, Pulp, Christmas Tree Harvesting. In order to prevent problems caused by erosion, siltation, and in attention to aesthetics, a one hundred-foot (100') wide buffer strip is required along all Town, County and State highways and along all rivers, lakes, ponds or designated wetlands. Buffer strips shall be cut lightly keeping at least a basal area of fifty (50) square feet per acre or 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. Further, all landings shall have a one hundred (100) foot setback from any Town, County, or State highways and a two hundred (200) foot setback along all rivers, lakes ponds or designated wetlands.

E. Commercial Recreation. Commercial recreation uses shall not be permitted within two hundred (200) feet of any adjoining residential lot line or any existing dwelling, and shall further be permitted only when the proposed use is compatible with and does not distract from surrounding uses, and where the Planning Board determines that any traffic, noise, light, or the assembly of person likely to be generated by any such activity will not create a hazard or nuisance.

F. Drive-In Restaurant or Refreshment Stand. In addition to meeting the minimum yard and lot coverage requirements, such business shall be subject to the following regulations:

1. Such use shall not be closer than two hundred (200) feet to an adjacent residential lot line.
2. It shall have frontage on a public street.
3. Ingress and egress shall be so designed as to minimize traffic congestion, and for this purpose, the number and location of driveways shall be subject to review and approval of the Planning Board.

4. Such use shall be adequately fenced and screened from any adjacent residential property, and lighting shall be directed away from adjacent property.

G. Gasoline Station, Vehicle Fueling Station, Public Garage. In addition to the minimum yard and lot coverage requirements, any such establishment shall be subject to the following regulations:

1. Such use shall not be located within 200 feet of any lot occupied by a residence, school, hospital or religious institution.
2. Bulk fuel shall be stored at least seventy-five (75) feet from any property line and shall meet all county and state requirements, in accordance with the Bulk Storage Program operated by the NYS Department of Environmental Conservation (DEC).
3. No exterior storage of dismantled vehicles, vehicle parts or salvage materials shall be permitted for a period of more than ten (10) days.
4. No exterior storage of disabled vehicles shall be permitted for more than thirty (30) days.
5. If such use ceases operation, all fuel storage tanks shall be removed within one year of such cessation.

H. Home Occupations. A home occupation may be approved only if it complies with the following:

1. It shall not display or create outside the building any evidence of the home occupation, except that one sign having an area of not more than four (4) square feet shall be permitted.
2. Such use is clearly incidental and secondary to the use of the dwelling unit for residential purposes and does not utilize more than twenty (20) percent of the gross floor area of the dwelling or its accessory buildings.
3. Off-street parking shall be provided for all clients, customers, or patients in the side or rear yard. Such off-street parking shall be located at least ten (10) feet from any side or rear property line, shall be paved, screened or fenced as directed by the Board, and shall be so lighted that there will be no direct light into adjacent properties or streets.
4. No dwelling shall include more than one (1) home occupation.

I. Livestock Holding Area, Kennel, Riding Stable, Animal Hospital. No such use shall be located within two hundred (200) feet of any adjoining residential lot line or any existing dwelling other than the principal residence on the same parcel. The Planning Board shall determine that any such proposed use shall not jeopardize the health, well-being or useful enjoyment of any surrounding property before any Permit is authorized.

J. Mobile or Manufactured Home

1. One individual mobile home may be located on a farm of at least twenty-five (25) acres as an accessory dwelling unit and in the Residential-Agricultural District according to the conditions outlined below:
 - a. Adequate water and sewer installations shall be provided for each mobile home in accord with the **Construction and Maintenance Regulations for the Town of Madrid** (Local Law 1, 1973), as amended.
 - b. A Building and Zoning Permit shall be obtained for any addition or alteration to the mobile home, and such Permit shall include a provision for removing the structural addition at such time as the mobile home may be removed or relocated.
 - c. Special landscaping and screening may be required to achieve a satisfactory residential environment and prevent detrimental impact to adjacent property in accord with **Article IV, Section 17-H** of these Regulations.
 - d. An approved metal, wood or other suitable 'skirt,' properly ventilated and attached, shall enclose that area from the bottom of the mobile home to the ground.
 - e. All mobile homes shall be satisfactorily anchored, shall be placed on an approved foundation, and shall be located on a designated and identifiable parcel or lot in accordance with the **New York State Uniform Fire Prevention and Building Code**.
2. Individual mobile homes may be located in the Residential Hamlet District according to the conditions outlined above and, in addition, the following:
 - a. A mobile home shall be a minimum of six hundred (600) square feet in size and shall be located on a permanent foundation with its undercarriage removed.

K. Public Utility Structure, Use. Such uses shall include utility transmission lines, substations, transformers, switches and auxiliary apparatus serving a distribution area, and water and sewage pumping stations, and natural gas transmission lines, and shall be subject to the following regulations:

1. Such facility shall not be located on a residential street (unless no other site is available), and shall be so located as to draw a minimum of vehicular traffic to and through such streets.
2. The location, design and operation of such facility shall not adversely affect the character of the surrounding residential area.
3. Adequate fences, barriers and other safety devices shall be provided, and the facility shall be screen-planted in accordance with the provisions of **Article IV, Section 17-H**.

L. Refuse Disposal Area, Lagoon, Sanitary Landfill. No refuse disposal area, lagoon (other than those permitted on farms per Ag & Markets regulations), or sanitary landfill shall be established hereafter in any area of the Town unless a Permit shall have been authorized by the Planning Board for such use. Before a Permit for a refuse disposal area, lagoon, or sanitary landfill is authorized, the applicant shall demonstrate compliance with all applicable NYS regulations. In addition, the Planning Board shall find that such use will not constitute a detriment to the public health, safety, well-being, convenience and property values by reason of dust, smoke, fumes, noise, traffic, odors, vermin or other conditions and may specify any reasonable requirements to safeguard the public interest including the following:

1. Said use shall not be located within two hundred (200) feet from any highway, right-of-way, body of water or property line; or five hundred (500) feet from any existing dwelling, church, school, hospital, public building or place of public assembly.
2. Any new refuse disposal area, lagoon, or sanitary landfill shall be completely surrounded with a fence which substantially screens said area and shall have a suitable gate which shall be closed and locked except during the working hours of said use.
3. Such fence shall not be erected nearer than two-hundred (200) feet from the right-of-way of public highway. All materials stored or deposited at the site shall be kept within the enclosure of the fence and below the top of the fence, except during transportation of same in the reasonable course of the business. All storage shall be accomplished within the area enclosed by the fence.
4. All refuse disposal areas, lagoons, or sanitary landfills existing at the time of adoption of these Regulations shall be limited to the size, area and scale of the present use and operations unless a Permit is issued in accordance with these Regulations.
5. In addition, an annual Operation Permit shall be required for all refuse disposal areas, lagoons, or sanitary landfills. All permits shall be effective until December 31 of the calendar year of their issuance. An application for a renewable Operating Permit shall be made to the Town Clerk ninety (90) days prior to expiration date of the previous Permit. Upon recommendation of the Enforcement Officer and Planning Board, the Town Board shall issue or deny such Permit in accord with the requirements set forth in these **Regulations**, the Town **Land Use and Development Code**, and the established fee schedule.

M. Roadside Stand. In addition to meeting the minimum yard and lot coverage requirements, such business shall be subject to the following regulations:

1. Only items such as fresh vegetables, fruit and other farm produce, or other items including but not limited to baked goods, jellies and jams, honey and maple syrup, traditional craft goods may be sold at a roadside stand.
2. Such use shall be not closer than two hundred (200) feet to an adjacent residential lot line.
3. It shall have frontage on a public street.
4. Ingress and egress shall be so designed as to minimize traffic congestion, and for this purpose, the number and location of driveways shall be subject to review and approval of the Planning Board.
5. Adequate off-street parking shall be provided.
6. In addition, an annual Operation Permit shall be required for all roadside stands. All permits shall be effective until December 31 of the calendar year of their issuance. An application for a renewable Operating Permit shall be made to the Town Clerk ninety (90) days prior to expiration date of the previous Permit. Upon recommendation of the Enforcement Officer and Planning Board, the Town Board shall issue or deny such Permit in accord with the requirements set forth in these **Regulations**, the Town **Land Use and Development Code**, and the established fee schedule

N. Temporary Uses. The following temporary uses are allowed without a Building and Zoning Permit, provided that they meet the requirements established for each of the following:

1. Garage Sales. Sales of tangible personal property shall be held on the premises of an owner of goods for sale or on the property of a charitable organization. Such retail sales shall be conducted for no more than four (4) days in any calendar year.
2. Town-sponsored or –approved uses. Temporary uses or events sponsored or approved by the Town Board shall be permitted on a temporary basis.
3. Sale of a single motor vehicle. The display and sale of not more than one (1) motor vehicle at any one time is permitted as a temporary use.

Section 21 - Parking

A. Off-street parking space shall be required for all principal buildings constructed or substantially altered after the effective date hereof. Each off-street space shall consist of at least one hundred and eighty (180) square feet with a minimum width of nine (9) feet. In addition, space necessary for aisles, maneuvering and drives

- shall be provided and shall be so arranged as not to interfere with pedestrian or motor traffic on the public street or highway.
- B. Parking requirements are specified in **Appendix C**, which has previously been made a part of these Regulations.
 - C. For any building having more than one use, parking space shall be required for each use.
 - D. Parking space in **Residential-Hamlet Districts** shall be located in the side or rear yard only. Overnight parking or storage out-of-doors in a **Residential-Hamlet District** of any vehicle licensed for commercial purposes having more than two axles and four wheels shall be prohibited. Parking or storage in any **Residential-Hamlet District** of mobile homes, recreational vehicles, utility trailers or boats out-of-doors shall be confined to the rear or side yard and not within ten (10) feet of any property line.
 - E. For Home Occupations, off-street parking shall be provided for all clients, customers or patients in the side or rear yard. Such off-street parking shall be located at least ten (10) feet from any side or rear property line, and shall be paved, screened or fenced as directed by the Planning Board, and shall be so lighted that there will be no direct light into adjacent properties or streets.
 - F. The Enforcement Officer shall have the power to cause the removal and disposition of any vehicle left unattended for more than twenty-four hours within the right-of-way of any Town highway or on any other public property of the Town, and on any highway cleared of snow and ice by the Town. This shall include the power to cause the immediate removal, from the right-of-way of any Town highway, of any vehicle which obstructs or interferes with the use of such highway for public travel; or which obstructs or interferes with the construction, reconstruction or maintenance of such highway; or which obstructs or interferes with any operation of the Town Highway Department during a public emergency. The owner of a vehicle moved under any of the provisions of this Section shall be charged the cost of removal, disposition and storage thereof.

Section 22 - Loading

- A. Off-street loading facilities shall be provided for each commercial or industrial establishment hereafter erected or substantially altered to have a gross floor area in excess of one thousand five hundred (1,500) square feet and shall be so arranged as not to interfere with pedestrian or motor traffic on the public street or highway. Any required off-street loading berth shall have a clear area not less than twelve (12) feet in width by twenty-five (25) feet in length.

- B. An off-street loading space may occupy any part of any required side or rear yard, except no such berth shall be located closer than one hundred (100) feet to any adjacent residential lot unless wholly within a completely enclosed area or within a building.

Section 23 - Signs

- A. General. The following regulations shall apply to all permitted signs:
1. A Zoning and Building Permit shall be required for the installation, alteration or reconstruction of any sign other than an official traffic sign.
 2. Signs must be constructed of durable materials, maintained in good condition and not allowed to become dilapidated.
 3. Signs, other than an official traffic sign, shall not be erected within the right-of-way lines of any street or highway, nor project beyond the authorized property lines.
 4. All temporary signs erected for a special event or property sale, rental or repair shall be removed by the property owner or his agent when the circumstances leading to their installation no longer apply.
 5. Home Occupations, except in **Residential – Hamlet Districts**, shall be permitted to have one sign having an area of not more than four (4) square feet.
 6. In any **Planned, Land Conservation or Open Space District**, the Planning Board shall review and approve any proposed sign.
- B. In **Residential - Hamlet Districts**, non-advertising signs are permitted, as follows:
1. One nameplate, identification or professional sign not to exceed two (2) square feet of sign area, showing the name and address of the resident or a permitted home occupation of the resident of the premises. In the case of a corner lot, such sign shall be located on the principal street frontage.
 2. One non-illuminated sale or rental sign not to exceed six (6) square feet of sign area during and pertaining to the sale, lease, or rental of the land or building. Such sign shall be of a temporary nature.
 3. One artisan's sign not to exceed six (6) square feet of sign area during and pertaining to construction, repairs or alterations on the property. Such sign shall be removed promptly upon completion of the work.
 4. Institutional or religious identification sign not to exceed twelve (12) square feet in area.

5. Sign advertising the sale or development of a tract of land may be erected upon the tract by the developer, builder, contractor or owner. The size of sign shall not exceed twenty (20) square feet and not more than two (2) signs shall be placed upon the tract along any highway frontage. Such signs must be at least fifty (50) feet from the edge of the pavement.
- C. In the **C-B and C-I Districts** the applicable signs above are permitted and, in addition, the following:
1. Business signs erected hereafter in the **C-B and C-I District** shall not project into a public street right-of-way and shall not be closer than ten (10) feet to any lot line except where such is attached to and flush with the face of any building. No sign attached or unattached shall be higher than the principal building to which it is accessory, and no sign shall be erected upon the roof any building. The gross surface area of business signs in the **C-B and C-I Districts** shall not exceed two (2) square feet per lineal foot of building frontage for non-illuminated signs, or one (1) square foot per lineal foot of building frontage for illuminated signs.

Section 24 - Nonconforming Situations

- A. The lawful use of any land or principal or appurtenant structure or use requiring a Permit under these **Regulations** and existing at the time of their adoption may be continued although such use or structure does not conform with the provisions of these **Regulations** and any such use or structure may be reconstructed, altered or changed in use subject to the following:
1. Additions. A nonconforming structure or use shall not be added to or enlarged unless such nonconforming structure or use is made to conform to the regulations of the district in which it is located.
 2. Alterations. A nonconforming structure or use may not be reconstructed or structurally altered during its life to an extent exceeding in aggregate cost twenty-five (25) percent of the assessed value of the structure or use unless the use of structure is made to conform with the requirements of these **Regulations** for the district in which it is located. Alterations involving more than twenty-five (25) percent of the assessed value of a structure shall require a site plan review.
 3. Changes. A nonconforming structure or use shall not be changed or altered except in conformity with these **Regulations**.
 4. Discontinuance. Whenever a nonconforming structure or use has been discontinued, vacated or abandoned for a period of one (1) year, any future structure or use shall be in conformity to the provisions of these **Regulations**.

5. Restoration. A nonconforming structure or use which has been damaged by fire or other natural causes may be restored, reconstructed or used as before provided the bulk, height and area requirements shall not exceed that which existed before said damage, if either of the two following criteria are met:
 - a. Not more than twenty-five (25) percent of its assessed value is destroyed.
 - b. The owner, occupant, or tenant of record at the time of such destruction proposes to rebuild or reconstruct such use. Said reconstruction shall be completed within one (1) year of such occurrence, unless otherwise provided by the Planning Board, or the use of the building and/or land as a legal nonconforming use shall thereafter be terminated.
6. Removal. If any nonconforming structure or use is hereafter removed, the subsequent use of the land or structure shall conform with the requirements of the district in which it is situated.
7. Validity of Permit. Any nonconforming structure or use for which a permit has been lawfully granted and on which construction, installation or location has been started and diligently prosecuted before the effective date of these **Regulations** may be completed.

Section 25 – Outdoor Wood Boilers

- A. It is generally recognized that the types of fuel used, and the scale and duration of burning by outdoor wood boilers, creates noxious and hazardous smoke, soot, fumes, odors and air pollution, can be detrimental to citizens' health, and can deprive neighboring residents of the enjoyment of their property or premises. Therefore, restrictions are placed upon the construction and operation of outdoor wood boilers furnaces within the Town of Madrid for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity of the Town and its inhabitants.
- B. The construction and operation of outdoor wood boilers are permitted in the **Residential-Agricultural (R-A)** and **Commercial-Industrial** districts. Such boilers are not permitted in any other district within the Town.
- C. Nonconforming uses. Except as hereinafter provided, the lawful use of any outdoor wood boiler existing at the time of the adoption of this Local Law may be continued, although such use does not conform with the provisions of this article.
 1. No outdoor wood boilers existing at the time of the adoption of this Local Law shall thereafter be extended or enlarged.

2. Any existing outdoor wood boiler which is abandoned or discontinued for a period of seven consecutive months shall not be permitted to be re-established as a nonconforming use, and must be removed by the property owner from the subject premises.
 - a. If the property owner fails to remove the outdoor wood boiler by the end of said seven-consecutive-month period, the Code Enforcement Officer shall give written notice by certified mail or personal service to the owner of the property upon which the outdoor wood boiler is located. Such notice shall provide that said owner shall remove the outdoor wood boiler within 15 days of the date the notice is either postmarked or personally served upon the owner.
 - b. Should the outdoor wood boiler not be removed within the time specified, the Code Enforcement Officer shall take reasonable steps to effect its removal.
 - c. The costs incurred by the Town to effect said removal (including any attorneys' fees incurred by the Town to effect the removal), plus an amount equal to 50% of said costs of removal, shall be charged to the owner of said premises. Said expenses shall be paid by the owner of the property so affected within 30 days from the date said costs are presented to the owner. If said expense is not paid within said 30-day time frame, then said expense shall be charged to the property so affected by including such expense in the next annual Town tax levy against the property.
3. No existing outdoor wood boiler which has been damaged by any reason to the extent of more than 75% of its assessed value shall be repaired or rebuilt.

ARTICLE VI - SITE PLAN REVIEW

Section 26 - Planning Board Review and Decision

- A. **Uses Requiring Site Plan Review.** All uses requiring a special permit require site plan review.
- B. **Procedure.** Within 62 days of receipt of a complete preliminary application as defined in **Article VI, Section 28** of this Local Law, the Planning Board may approve the preliminary application or schedule a public hearing. If a public hearing is held, the Planning Board shall approve, approve with modifications or disapprove the preliminary application within 62 days of the completion of the hearing.

In the event that the parcel boundaries are within the 500 foot threshold referenced in **Article I, Section 5-B** of this Local Law, the Planning Board may not take final action on the application until a copy of the application has been forwarded to the St. Lawrence County Planning Board and that Board has taken action on it pursuant to **Section 239-m of New York State General Municipal Law**. If a preliminary application is approved, the applicant and the Enforcement Officer shall be notified in writing by the Planning Board and a building permit issued within ten (10) days of receipt thereafter of a request from the applicant. The applicant shall not have to file a final site plan if the preliminary site plan is approved without modifications.

If the Planning Board approves the preliminary application with modifications the applicant shall submit a final detailed site plan to the Planning Board for approval according to the requirements set forth in **Article VI, Section 29** of this Local Law.

Within 62 days of receipt of the application for final site plan approval, the Planning Board shall render a written decision to the applicant and the Code Enforcement Officer, and such decision shall be signed by the Chairperson of the Planning Board.

- C. **Time Limitations.** The time periods of this Local Law within which Planning Board actions are required are the maximum times allowable. The Planning Board shall make every effort to act as quickly as possible in reviewing applications in order to minimize delays to the applicant. If the Planning Board does not complete their review within the times specified in this Local Law, this will constitute approval of the application, except where the review period has been extended by mutual consent of the applicant and the Planning Board.

D. Justification and Notice

1. The Planning Board shall apply all of the review standards described in this Local Law in reviewing site plans.
2. Decisions of the Planning Board shall be in writing and may include reasonable conditions to further the intent of this Local Law. Reasons for disapproval shall be clearly stated.
3. Decisions of the Planning Board shall be filed within five (5) days in the office of the Town Clerk and a copy mailed to the applicant by certified mail, with return receipt requested.
4. Approval of a Site Plan by the Planning Board shall be valid for a period of one (1) year from the date thereof for the purpose of obtaining a building permit. Failure to secure a building permit during this one-year period shall cause the Site Plan approval to become null and void. No building permit shall be issued and no site work shall commence until all necessary permits and approvals from Town, County, and State agencies are obtained and any required performance bond is filed with the Town Clerk.

Section 27 - Sketch Plan Conference

- A. **Purpose.** Prior to submission of an application as defined in **Article VI, Section 28** of this Local Law an applicant has the option to request an informal Sketch Plan Conference with the Planning Board. The purpose of this conference is to save time and money and to make the most of opportunities for desirable development. This conference may be used to review the basic site design concept, discuss site characteristics (advantages and limitations), determine the information to be required by the Planning Board on the preliminary site plan, and address environmental concerns as required by the **New York State Environmental Quality Review Act** (6 NYCRR 617) previously referred to in **Article II, Section 9**.
- B. **Sketch Plan Submission.** Prior to the Sketch Plan Conference, the applicant shall submit in as much detail as possible a written letter to the Code Enforcement Officer including, as a minimum, the following:
 1. A statement describing the proposed use.
 2. A sketch map of the proposed activity, and adjacent property owners' boundaries, including north arrow, scale, and the locations of any easements of record.

3. A copy of the deed for the lot.

Upon receipt of the Sketch Plan, the Code Enforcement Officer, in conjunction with the applicant, shall schedule a time for the Sketch Plan Conference which is mutually convenient to the applicant and the Planning Board, but not to exceed 30 days from the date of submission of the Sketch Plan.

C. Sketch Plan Conference Actions. After the Sketch Plan Conference has been held, the Planning Board shall take the following actions:

1. With regard to SEQR, determine if the applicant's proposal for site plan is a Type I, Type II, or unlisted action, and determine the lead agency for SEQR review.
2. Do one of the following:
 - a. Require a Preliminary Site Plan to be prepared by the applicant. The Planning Board may at this time and at its discretion, waive any preliminary requirements which are clearly not relevant to the proposed activity.
 - b. Declare the Sketch Plan to be incomplete. The applicant may resubmit it with the addition of the indicated missing information.

Section 28 - Preliminary Application Requirements

A. Application. An application for Preliminary Site Plan Approval shall be submitted in writing to the Code Enforcement Officer who shall then forward it to the Planning Board within 15 days after ensuring that it is complete. The application shall be accompanied by information drawn from the list in Section B below. The application for Site Plan approval shall be on a form adopted by the Planning Board.

B. Required Documents. The following shall be required, unless specifically waived by the Planning Board or otherwise indicated and shall constitute application for a Site Plan review:

1. Application form (as approved by the Planning Board and available from the Code Enforcement Officer and Town Clerk).
2. Location map with scale, north arrow, boundaries and dimensions of the parcel of property involved, and identification of adjacent properties including ownership and roads and any known easements or rights-of-way.

3. Map showing existing features of the site including structures, roads, bodies of water, flood-prone areas, wooded areas, land uses, water and sewer lines, paved areas, wells, and on-site sewage disposal facilities.
4. On the same or a separate map, indicate the location, dimensions, and arrangement of any proposed buildings or uses on the site, including roads, pathways, etc., providing ingress and egress.
5. Sketch of any proposed building or structure including exterior dimensions and elevations of front, side, and rear.
6. Name and address of applicant and any professional advisors.
7. Copy of deed to the property.
8. Authorization of the owner to apply for a permit if the applicant is not the owner of the property in question.

Section 29 - Final Application

- A. **Submission of Final Site Plan.** After receiving approval with modifications from the Planning Board on a preliminary site plan, the applicant shall submit a final, detailed site plan to the Planning Board for approval.

If more than sixty (60) days has elapsed since the date of the Planning Board's action on the preliminary site plan, and if the Planning Board finds that conditions have changed significantly in the interim, the Planning Board may require re-submission of the preliminary site plan for further review and possible revisions prior to accepting the final site plan for review.

Upon approval by the Planning Board, an applicant may apply for up to three thirty (30) day extensions in order to submit a final, detailed site plan to the Planning Board for approval.

- B. **Final Application Requirements.** The following additional information shall accompany an application for final site plan approval:

1. Record of application for and approval status of all necessary permits from Federal, State, and County agencies.
2. Detailed sizing, location, and materials specifications for all modifications specified in the initial conditional approval by the Board.
3. An estimated project construction schedule.

Section 30 - Site Plan Review Standards

A. General Standards. The proposed land use activity should not be in conflict with the Town's intent as expressed in **Article II, Section 2** of this Local Law and community goals and objectives as expressed in the Town Plan or in future community planning documents.

B. Specific Standards. The Planning Board's review of the site plan shall include and evaluate, at a minimum, each of the following criteria:

1. Compatibility of development with natural features of the site and with surrounding land uses. The proposed use should not be located in such a manner on the site so as to:
 - a. Create a traffic hazard by limiting site distance.
 - b. Be located in a poorly drained area.
 - c. Be located on soils, which according to the USDA Soil Conservation Service criteria, are unsuitable for the particular proposed use.
 - d. Substantially obstruct an existing view of a river, stream, lake, historic structure, or other identified scenic vista.
 - e. Disturb existing bodies of water that contribute to the natural beauty of the site.
 - f. Be located on slopes too steep to accommodate roads, walkways, riding trails, or bike paths, as appropriate.
2. On a corner lot, no fence, wall, hedge, sign, or other structure or planting more than three feet in height shall be erected, placed, or maintained within the triangular area formed by the intersecting street lines and a straight line joining said street line at points which are 30 feet distance from the point of intersection.

All buildings on corner lots shall be located no less than 50 feet from the edge of a pavement or road. Buildings on corner lots shall be set back 50 feet from both road edges.

3. Measures to prevent damage from floods. Uses shall be located in areas outside of designated flood hazard areas. Uses shall not be situated in such a manner that they would endanger life or property if carried away by a flood.
4. Landscaping arrangements and the retention of existing vegetation for aesthetic qualities. Existing stone walls, mature trees, and roads should be retained, insofar as it is possible, to the extent that they will enhance the visual and aesthetic appeal of the site.

5. Buffers to protect neighboring properties against noise, glare, or other nuisances. If a proposed use is likely to generate noise, odor, vibration, or other emissions, the feasibility of using the following should be considered:
 - a. Berms
 - b. Fences
 - c. Mufflers
 - d. Limited hours of operation
 - e. Vegetation for screening

All berms, fences, mufflers and vegetation should fit with the character of the surrounding area. They must be constructed of quality material and maintained in good repair.

All buildings shall conform to the setback requirements of the zoning district as stated in **Appendix C**. No dwelling unit or multiple dwelling unit structure shall be located less than 30 feet from an adjacent dwelling unit or multiple dwelling unit structure.

Signs shall be designed so as not to be confused with any traffic sign or signal. Signs may be illuminated by a steady light provided the lighting does not directly illuminate the adjacent properties or road.

6. Vehicular traffic access and circulation, including intersections, road widths, pavement surface dividers, and other traffic controls. Uses generating traffic should be reviewed for the following possible negative impacts:
 - a. Poor access off a State, County, or Town road.
 - b. Poorly designed parking arrangement that forces vehicles to back into a public roadway or block entrances or exits.
 - c. Unclear or confusing traffic control signs.
 - d. Traffic flow that creates hazards to pedestrians.
7. Parking Provisions. Adequate off-street parking facilities shall be provided for the use of occupants, employees, and patrons of all structures and facilities so that parking does not obstruct the flow of traffic. All parking lots shall be designed so that vehicles will be traveling forward when exiting onto the road. A minimum number of parking spaces are required for certain uses and structures as shown in **Appendix C**.
8. Exterior lighting. Exterior lighting shall be neither too poor, nor excessively bright. Lighting should be directed at those areas where people are likely to come into contact with vehicles, machinery, etc. Site illumination should not be directed at residences adjacent to the site so as to create a nuisance.

9. Fire protection provisions. The **Fire Code of New York State** regulates fire protection. The Planning Board shall consult with the Code Enforcement Officer regarding Code compliance.
10. Erosion control methods during and after construction. Existing vegetation should be retained insofar as possible. Hay bales, netting, retaining structures, sediment ponds, and timely seeding of ground cover should be considered depending on the erodability of the site.
11. Storm water and drainage facilities. Provisions for control of storm water and drainage should be consistent with requirements of the “Subdivision Regulations of the Town of Madrid”.
12. Water Supply. Water supply must be clearly identified in the application and must comply with the **Building Code of New York State**.
13. Sewage disposal facilities. Sewage disposal facilities must comply with the **Plumbing Code of New York State**, or the **Residential Code of New York State**.
14. Preservation of scenic vistas. The Planning Board will evaluate the potential for adverse visual and aesthetic impacts on scenic areas and resources in the Town. The Planning Board may require preparation of a visual assessment, as applicable, and in the case where significant adverse impacts are identified, the Planning Board may require the applicant to employ reasonable and necessary measures to eliminate, mitigate or compensate for adverse aesthetic impacts.

ARTICLE VII - TELECOMMUNICATIONS TOWERS REGULATIONS

Section 31 – General. Recent advances in wireless communications technology have resulted in a new generation of telecommunication services. These new services transmit electromagnetic waves of such a frequency and power that will likely require numerous antenna locations. These antennas may be located on buildings, water towers and other similar structures but will also frequently be located on new or enlarged towers. This requires that the Town of Madrid regulate these wireless communication system facilities in a different manner than conventional television and radio transmission towers which are able to transmit their signals at much greater distances.

Section 32 – Purpose. The intent of this regulation is to provide for the establishment and/or expansion of wireless telecommunication services within the Town of Madrid while protecting neighborhoods and minimizing the adverse visual and operational effects of wireless telecommunications facilities through careful design, siting and screening. More specifically this regulation has been developed in order to:

- Maximize use of existing and approved towers and other structures to accommodate new antennas and transmitters in order to reduce the number of communication towers needed to serve the town.
- Encourage providers to co-locate their facilities on a single tower.
- Preserve property values and development opportunities.
- Minimize the visual impact of towers.
- Minimize the number of towers and their heights.
- Promote safety, general welfare and quality of life.
- Assure adequate access to wireless communication service for the community.

Section 33 – Application Procedure

- A. No communication installation, transmission tower, telecommunication tower, communication tower, accessory facility or structure, free-standing tower and/or pole or transmission reception antenna shall henceforth be erected, moved, changed or altered other than replacement in kind except after the approval in conformance with the provisions of these regulations.
- B. No existing structure shall be modified to serve as a transmission tower, telecommunication tower, communication tower accessory facility or structure freestanding tower, antenna and/or pole unless in conformity with this Local Law and other laws of the Town.

- C. Applicant must provide a copy (in applicant's name) of the certificate of need OR appropriate FCC License issued by the FEDERAL COMMUNICATIONS COMMISSION to provide the telecommunication services that the proposed tower is designed to support. If the appropriate applicant FCC license has not been issued, applicant must show proof that the application has been filed and accepted by the Federal Communications and is under review for the granting of applicants license. "Speculative" applications of any type shall not be considered or acted upon by the Planning Board.
- D. All applications for installation of a new telecommunications tower shall be accompanied by a report containing the information hereinafter set forth. The report, shall be signed by the tower operator, and contain the following information:
1. Name (s) and address (s) of person(s) preparing the report.
 2. Name (s) and address (s) of the property owner, operator and the applicant.
 3. Postal address and tax map page, block and lot or parcel number of the property.
 4. Zoning District in which the property is situated.
 5. Size of the property on which the proposed construction is to occur and the location of all adjoining lot lines within 500 feet.
 6. Location of nearest residential structure measured in feet.
 7. Location of nearest occupied residential structure measured in feet.
 8. Location of all structures existing and proposed on the property, which is the subject of this application.
 9. Location, size and height of all proposed and/or existing antennae and all appurtenant structures.
 10. Type, size and location of all proposed and existing mitigating landscaping.
 11. The number, type, and design of the tower and antenna (e) proposed and the basis for the calculations of tower and system capacity.
 12. The make, model and manufacturer of the Communications Tower and antenna(e) with supporting construction details.

13. A description of the proposed tower and antenna(e) and all related fixtures, structures, appurtenances and apparatus, including but not limited to, height above grade, materials, color and lighting.
 14. The frequency, modulation and class of service of radio equipment.
 15. Applicant's proposed tower maintenance and inspection procedures and records systems.
 16. Certification that NIER levels at the proposed site are within threshold levels adopted by the FCC.
 17. Certification to the Town that the tower and attachments both are designed and constructed ("As Built") to meet all State and Federal structural requirements for loads, wind, ice, etc.
 18. A professionally prepared contour radio propagation map showing anticipated coverage from the site proposed.
- E. The applicant shall submit a complete long EAF, pursuant to SEQR, Type I/II and a complete Visual Environmental Assessment form (visual EAF addendum). The Town Planning Board, as lead agency, may require submission of a more detailed visual analysis based on the results of the Visual EAF. In addition the applicant shall address the environmental flight path of area species.

Section 34 – Siting Preferences

- A. **Shared use of existing towers.** At all times, shared use of existing towers shall be preferred to the construction of new towers. An applicant shall be required to present an adequate report inventorying existing towers within a reasonable distance of the proposed site and outlining opportunities for shared use of existing facilities as an alternative to a proposed new tower.
1. An applicant proposing to share use of an existing tower shall be required to document intent from an existing tower owner to allow shared use.
 2. The Board shall consider a new telecommunication tower where the applicant adequately demonstrates that shared usage of an existing tower or other structure is impractical. The applicant shall be required to submit a report demonstrating good-faith efforts to secure shared use from existing towers as well as documentation of the physical and/or financial reasons why shared usage is not practical. Written requests and responses for shared use shall be provided.

- B. Shared usage of site with new tower (clustering).** Where shared usage of an existing tower is found to be impractical, the applicant shall investigate shared usage of an existing tower site for its ability to accommodate a new tower and accessory uses.
1. An applicant proposing to share use of an existing tower site shall be required to document intent from an existing tower owner to allow shared use of that site.
 2. The Board shall consider a new telecommunication tower where the applicant adequately demonstrates that shared usage of an existing tower site is impractical. The applicant shall be required to submit a report demonstrating good-faith efforts to secure shared use of sites as well as documentation of the physical and/or financial reasons why shared site usage is not practical. Written requests and responses for shared site use shall be provided.
- C. New tower at a new location.** The Board shall consider a new telecommunications tower on a site not previously developed with an existing tower. The applicant shall adequately demonstrate that shared usage of an existing tower site is impractical and shall submit a report demonstrating good-faith efforts to secure shared use from existing tower, as well, as documentation of the physical and/or financial reasons why shared usage is not practical. (Written requests and responses for shared use inquiries shall be provided.) Information regarding the required need for the new telecommunications tower shall be required to the form of empirical data illustrating said need.
- D. Future shared usage of new towers.** The applicant must examine the feasibility of including a telecommunication tower in his proposed plan that will accommodate future demand for reception and transmitting facilities.

The Board reserves the right to impose reasonable conditions regarding reservation of tower space for future antennae including height, orientation and power and restriction or elimination of restrictive use covenants as part of tower use contracts and preservation of reasonable fee structures as part of the contract.

Section 35 - Standards Applicable To New Towers

- A. Siting Considerations.** There will be no approval granted to proposals to construct new telecommunications towers and/or accessory structures or facilities within 1,500 feet of the following areas of county-wide and inter-community significance:
1. NYS Wildlife Management Areas (measurement made from property line or official designation boundary).

2. State or County Forests (measurement made from property line or official designation boundary.)
3. Federal/State designated Historic Districts (measurement made from property line or official designation boundary), as may be established.
4. Shorelines of the Grasse River, Trout Brook, Lime Creek, Brandy Brook, (measurement made from the shoreline, as determined on USGS 7.5" quadrangle topographic maps.)

B. Lot size and setbacks for new towers

1. All proposed telecommunication tower and accessory structures shall be located on a single parcel and a set back from abutting residential parcels, public property or street lines a distance sufficient to contain on-site substantially all ice-fall or debris from tower failure and preserve the privacy of the adjoining residential properties.
2. Lot size of parcels containing a tower shall be determined by the amount of land required to meet the setback requirements. If the land is to be leased, the entire lot required shall be leased from a single parcel.
3. All tower bases shall be located at a minimum setback from any property line a minimum distance equal to one and one half (1-1/2) time the height of the tower.

Accessory structures shall comply with the minimum setback requirements in the underlying zoning district.

C. Visual impact assessment. The Board shall require the applicant to undertake a visual impact assessment of any proposed new towers or any proposed modification of an existing tower. The visual impact assessment shall include:

1. A "Zone of Visibility Map ", provided in order to determine location(s) where the tower may be seen.
2. Pictorial representatives of "before and after" views from key viewpoints both inside and outside of the town, including but not limited to state highways and other major roads, state and local parks, and areas of aesthetic interest.
3. Alternative tower designs and color schemes.
4. Description of visual impact of the tower base, guy wires and foundations, accessory buildings and overhead utility lines from abutting properties and streets/roads.

D. New tower design. Alternative designs shall be considered for new towers, including lattice and single pole structures. The design of a proposed new tower shall comply with the following:

1. Towers and antennas shall be designed to withstand the effects of the wind according to the standards designated by the American National Standards institute as prepared by the engineering departments of the Electronics Industry Association and Telecommunications Industry Association.
2. Unless specifically required by FAA or APA regulations, all towers shall have a finish compatible with the surrounding area that shall minimize the degree of visual impact.
3. The maximum height of any tower intended to be used as a telecommunication tower, shall not exceed that which shall permit operation without artificial lighting of any kind or nature in accordance with municipal, state and/or federal law and/or regulation.
4. The Board may request a review of the application by a qualified engineer for the evaluation of need for the design of any new tower; the cost of such review shall be borne by the applicant.
5. Facilities shall maximize the use of building materials, colors and textures designed to blend with the ambient surroundings.
6. No portion of any tower or related structure shall be used for advertising purposes

E. Screening. Deciduous or evergreen tree plantings may be required to screen portions of the tower and accessory structures from nearby residential property as well as from public sites known to include important views or vistas. Where a site abuts a residential property or public property, including streets, screening shall be required.

F. Access. Adequate emergency and service access shall be provided. Maximum use of existing roads, public or private, shall be made. Road construction shall, at all times, minimize grounds disturbance and vegetation cutting to within the toe of fill, the top of cuts or no more than ten (10) feet beyond the edge of any pavement. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.

G. Fencing. Sites of proposed new towers and sites where modifications to existing towers are proposed shall be adequately secured to prevent unauthorized access by the general public.

Specifically:

1. All antennae communication towers, antenna towers, monopoles and other supporting structures including guy wires, shall be made inaccessible to children and constructed or shielded in such a manner that they cannot be climbed or run into; and
2. Transmitters and communication control points shall be installed such that they are accessible only to persons authorized by the licensee to operate or service them.

H. Signage

1. Telecommunication towers/facilities shall be required one sign no larger than two (2) square feet to provide adequate notification to persons in the immediate area of the presence of an antenna that has transmit capabilities. The sign shall also contain the names (s) of the owner(s) and operator (s) of the antenna(e) as well as emergency phone number(s). The sign shall be located so as to be visible from the primary access point to site.
2. Additional warning signs shall be affixed to the perimeter/boundary fence so as to be visible to all approaching the tower site from any direction.
3. No other signage shall be permitted on any antenna(e), antenna(e) supporting structure, monopole, or communication tower, structure unless required by Federal or State regulation.

I. Color, Shape and Camouflage

1. In scenic or historic area, companies are required to camouflage each tower, for example by putting it inside an artificial tree, a clock tower, a church steeple, silos or a flag pole.
2. Wireless towers are required to paint wireless devices or supporting structures in a neutral color designed to blend in with the background. Existing trees must be left as a buffer and additional trees may be required to be planted around the entire facility in order to provide screening.

J. Health Concerns – Testing and Reporting. Section 704 of the federal Telecommunications Act of 1996 allows localities to regulate wireless facilities on the basis of environmental or health effects. The tower company may be required to pay for regular inspections (annually) if such structure is located within 1000 feet of a residence or occupied structure and provide the local governments with a copy of the inspection report to assure continued compliance with FCC emissions standards.

- K. Notification.** Applicants must notify all landowners within one mile of proposed towers and/or antennas.

Section 36 - Review Process And Decisions

- A. Procedure.** Within 62 days of receipt of a complete preliminary application as defined above, the Planning Board may approve the preliminary application or schedule a public hearing. If a public hearing is held, the Planning Board shall within 62 days of the completion of the hearing approve, approve with modifications or disapprove the preliminary application. Under the referral provisions of Section 239 of General Municipal Law, the Planning Board may not take final action on the application until a copy of the application has been forwarded to the St. Lawrence County Planning Board and that Board has taken action on it pursuant to Section 239-m of New York State General Municipal Law.

If a preliminary application is approved, the applicant and the Enforcement Officer shall be notified in writing by the Planning Board and a building permit issued within 10 days of receipt thereafter of a request from the applicant. The applicant shall not have to file a final site plan if the preliminary site plan is approved without modifications.

If the Planning Board approves the preliminary application with modifications the applicant shall submit a final detailed site plan to the Planning Board for final approval. Within 62 days of receipt of the application for final site plan approval, the Planning Board shall render a written decision to the applicant and Enforcement Officer, and such decision shall be signed by the Chairperson of the Planning Board.

- B. Public hearings.** All public hearings shall be conducted in compliance with the provisions of the NYS Open Meeting Laws.
- C. Time limitations.** The time periods within which Planning Board actions are required to act are the maximum times allowable. The Planning Board shall make every effort to act as quickly as possible in reviewing applications in order to minimize delays to the applicant.
- D. Justification and notice.** The Planning Board shall apply all of the review standards described in this Local Law in reviewing site plans.
1. Decisions of the Planning Board shall be in writing and may include reasonable conditions to further the intent of this Local Law. Reasons for disapproval shall be clearly stated.

2. Decisions of the Planning Board shall be filed within five days in the office of the Town Clerk and a copy mailed to the applicant by certified mail, with return receipt requested.
3. Approval of a Site Plan by the Planning Board shall be valid for a period of one year from the date thereof for the purpose of obtaining a building permit. Failure to secure a building permit during the period shall cause the Site Plan approval to become null and void. No building permit shall be issued and no site work shall commence until all necessary permits and approvals from Town, County and State agencies are obtained and any required performance bond is filed with the Town Clerk.

Section 37 - Compatibility With Applicable State Or Federal Laws. All towers approved must comply with all other regulations of the State or Federal government, including Federal Communications Commission (FCC) regulations applicable to environmental and health effects of both transmitters and receivers.

Section 38 - Removal Of Towers. The applicant will provide a bond equal to the estimated cost of construction for the removal of such tower(s) due to nonuse for a period of six months or for noncompliance or discontinuance of use as determined by the municipality.

Section 39 – Exceptions. Residential accessory uses (e.g. television antennae, satellite dishes, ham radio, citizens band radio) under 50 feet in height are not affected by these regulations. Specifically, exceptions to these regulations are:

- A. New use that are accessory to residential uses; and
- B. Approved uses existing prior to the effective date of these regulations.

Such residential accessory uses shall be required to obtain a Special Use Permit.

Section 40 - Penalty For Non-Compliance. The burden will be placed upon the applicant to prove the facility clearly meets all the requirements of this Local Law. Monetary penalties for noncompliance will be imposed according to regulations at **Article VIII, Section 48**. In addition the facility could be subject to closure after due process. Any modifications to the use or configuration of a tower shall constitute the need to obtain a new permit (this includes increases in tower height or installation of bulky antennas or work platforms on a tower). The company must provide evidence of general liability and property damage insurance.

ARTICLE VIII- ADMINISTRATION AND ENFORCEMENT

Section 41 - Code Enforcement Officer

- A. **Creation.** The Town Board has previously established the Office of Code Enforcement Officer in the Town of Madrid. This Local Law ratifies the continuance of this Office. The Code Enforcement Officer shall be appointed by the Supervisor with the approval of the Town Board and be compensated at a rate to be fixed by said Board. In the absence of the Code Enforcement Officer, or in the case of the inability of the Code Enforcement Officer to act for any reason, the Supervisor shall have the power, with the consent of the Town Board, to designate a person to act in this capacity.
- B. **Duties and Powers.** The Code Enforcement Officer shall perform all of the functions identified in this Local Law and shall otherwise assist the Town Board in the administration and enforcement of this and other local laws. The Code Enforcement Officer shall provide regular reports of activities to the Planning Board.
- C. **Certificates and Training.** The Code Enforcement Officer shall obtain the required State certification for the position and attend training workshops and courses, as they become available.

Section 42 - Planning Board

- A. **Creation.** The Town of Madrid Planning Board has been previously established by the Town Board. This Local Law ratifies the continuance of this Board. The Town of Madrid Planning Board, pursuant to Section 271 of New York State Town Law, shall consist of five (5) members, each of whom shall reside in the Town of Madrid. Appointments shall be made by the Town Board.
- B. **Duties and Powers.** The Planning Board shall have the following duties:
1. Develop its official procedures and maintain records of its actions.
 2. Review subdivision plats and approve, approve with conditions, or disapprove them.
 3. Review special permits where applicable and approve, approve with conditions, or disapprove them.
 4. Review site plans and approve, approve with conditions, or disapprove them.

5. Conduct studies, planning, or surveys as needed to further the purposes of this Local Law.
- C. **Meetings.** All meetings of the Planning Board shall be held at the call of the chairman and at such other times as such Board may determine. Meetings of the Planning Board shall be open to the public. The Planning Board shall keep minutes of its proceedings, and shall also keep records of its examinations and other official actions.
- D. **Quorum.** A quorum for the conduct of business shall be defined as a majority of members of the Planning Board.
- E. **All decisions of the Planning Board shall be by resolution,** and a copy of each decision shall be sent to the applicant, to the Town Clerk and to the Code Enforcement Officer. Every decision or determination of the Planning Board shall be filed in the Town office and shall be a public record.
- F. **Compensation.** Compensation of Planning Board members, as well as provision for expenses associated with their duties, may be fixed, from time to time, by resolution of the Madrid Town Board.

Section 43 – Board of Appeals

- A. **General.** The Town of Madrid Zoning Board of Appeals has been previously established by the Town Board; the Zoning Board of Appeals consists of five (5) members who shall function in the manner prescribed by law. The members of the Board of Appeals shall be residents of the Town of Madrid and shall be appointed by the Town Board to serve as prescribed by law.

The Town Board shall designate the chairman. Vacancies occurring in said Board by expiration of term or otherwise shall be filled in the manner as provided by law.

The Board of Appeals shall adopt such rules and regulations as it may deem necessary to carry into effect the provisions of these regulations, and all its resolutions and orders shall be in accordance therewith.

- B. **Procedure.** The Board of Appeals shall act in strict accordance with the procedure specified by law and by this Code. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board. Every appeal shall refer to the specific provision of this code involved, and shall set forth the interpretation that is claimed or the details of the Variance that is applied for, and the basis thereof.

At least ten (10) days before the date of the hearing required by law on an application or appeal to the Board of Appeals, the Board shall transmit to the Planning Board a copy of said appeal, together with a copy of the notice of the

aforesaid hearing and shall request that the Planning Board submit to the Board of Appeals its opinion on said appeal, and the Planning Board shall submit a report of such advisory opinion prior to the date of said hearing. Upon failure to submit such report, the Planning Board shall be deemed to have approved the application or appeal.

- C. **Meetings.** All meetings of the Board of Appeals shall be held at the call of the chairman and at such other times as such Board may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. Meetings of the Board shall be open to the public. Such Board shall keep minutes of its proceedings showing the vote of each member upon every question, or if absent or failing to vote indicating such fact, and shall also keep records of its examinations and other official actions.
- D. **Reports.** All decisions of the Board shall be by resolution and a copy of each decision shall be sent to the applicant, to the Town Clerk and to the Enforcement Officer. Every rule, regulation, amendment or repeal thereof and every order, requirement, decision or determination of the Board shall immediately be filed in the Town office and shall be a public record. Each decision shall set forth fully the reasons for the decision of the Board and the findings of fact on which the decision was based. Such findings and reasons shall include references to the standards pertaining thereto where applicable.
- E. **Appeal.** The Board of Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by the Enforcement Officer. It shall also hear and decide all matters referred to it upon which it is required to pass under this Code. The concurring vote of a majority of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Enforcement Officer, or to decide in favor of the applicant on any matter upon which it is required to pass under this Code, or to effect any variation in the regulations thereof. Such appeal may be taken by any persons aggrieved, or by an officer, department, board or bureau of the Town.

Such appeal shall be taken within 30 days or such additional time as shall be prescribed by the Board of Appeals by general rule, by filing with the Enforcement Officer and with the Board of Appeals a notice of appeal specifying the grounds thereof. The Enforcement Officer shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken.

- F. **Stay.** An appeal stays all proceedings in furtherance of the action appealed from unless the Enforcement Officer, from whom the appeal is taken, certifies to the Board of Appeals after the notice of appeal shall have been filed with him, that by reason of acts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed, otherwise

than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.

- G. **Hearing and Determination.** The Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties, and by publication at least once in the official newspaper five (5) days before the date of the hearing, and shall decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

The applicant shall bear the cost of advertising as required in connection with hearings. The Town Board shall establish and post a schedule of fees.

- H. **Jurisdiction.** The Board of Appeals shall have the following powers and duties prescribed by statute and by this Code:

1. Interpretation. On appeal from a determination of the Enforcement Officer, to hear and decide on questions where it is alleged there is an error in any order, requirement, decision, or determination made by the Enforcement Officer involving the interpretation of any provision of this Code.

2. Variance. On appeal from a determination of the Enforcement Officer and in conformity with law, to vary the requirements as they apply to a particular lot where the property owner can show that his property was acquired in good faith and where the strict application of this code would result in practical difficulty or unnecessary hardship. No application for a variance shall be acted on until the required public hearing has been held. The Board of Appeals shall prescribe appropriate conditions and safeguards to carry out the requirements of this subsection and shall not grant any variance unless it shall make a finding of fact based upon the evidence as presented to it in each specific case that:

- a. **Area Variance** –In making such determination the board shall consider:
 - 1.) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
 - 2.) Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;

- 3.) Whether the requested area variance is substantial;
- 4.) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- 5.) Whether the alleged difficulty was self-created, which consideration shall be relevant to the discussion of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

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.

In any case, the granting of the variance will be in harmony with the intent and purpose of these regulations, will not constitute, in effect, an amendment of any district regulations or boundaries, or uses, and will not be injurious to the neighborhood.

- b. **Use Variance.** No use variance shall be granted without a showing by the applicant that the zoning regulations have caused unnecessary hardship. In order to prove such hardship the applicant shall demonstrate to the Board of Appeals that that for each and every permitted use under the zoning regulations for the particular district where the property is located:
 - 1.) The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
 - 2.) That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
 - 3.) That the requested use variance, if granted, will not alter the essential character of the neighborhood; and
 - 4.) That the alleged hardship has not been self-created.

The Board of Appeals, in the granting of use 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.

In any case, the granting of the variance will be in harmony with the intent and purpose of these regulations, will not constitute, in effect, an amendment of any district regulations or boundaries, or uses, and will not be injurious to the neighborhood.

- I. **Compensation.** Compensation of Zoning Board of Appeals members and secretary, as well as provision for expenses associated with their duties, may be fixed, from time to time, by resolution of the Madrid Town Board.

Section 44 - Building and Zoning Permit

- A. There shall be submitted an application for a Building and Zoning Permit which shall include two (2) copies of a layout or plot plan drawn to scale showing the actual dimensions of the lot to be built upon, the exact size and location on the lot of the building and accessory buildings to be erected, the location and type of water supply and sewage disposal facilities and such other information as may be necessary to determine and provide for the enforcement of this law.
- B. No building, structure or appurtenant system shall be erected, added to, or structurally altered until a Permit therefore has been issued by the Code Enforcement Officer. Except upon written order of the Board of Appeals, no such Building and Zoning Permit or Certificate of Compliance shall be issued for any building, structure or system where said construction, addition, alteration or use thereof would be in violation of any of the provisions of this Local Law.
- C. The Code Enforcement Officer will review the application and notify the applicant of the approval, disapproval, or such further review or other procedures as may be necessary within ten (10) days.
- D. If the Permit is denied, reasons for denial will be explicitly set forth in writing.
- E. In any instance where the Enforcement Officer determines the need for review, comment of determination by the Planning Board, the time within which the application must be reviewed and notification given is automatically extended, upon written notice to the applicant, to ten (10) days following the regularly scheduled monthly meeting of the Planning Board.
- F. One copy of the layout or plot plan together with the Permit shall be returned to the applicant when approved by the Code Enforcement Officer upon payment of a fee to be established by the Town Board.
- G. In the event that development authorized by the Permit has not been commenced and diligently prosecuted within one (1) year from the date of issuance, the Permit shall automatically lapse and be null and void, except that the one year limitation provided herein, upon written application stating reasons for delay, may be extended by the Board of Appeals for such additional periods of time as deemed appropriate.
- H. Nothing herein shall require any change in the plans, construction or designated use of a building or system actually under construction at the time of the effective date of these Regulations, so long as all improvements shall be completed within one (1) year from such effective date.

Section 45 - Certificate of Compliance

- A. No land shall be occupied or used and no building, structure or system hereafter erected, altered or exhausted shall be used or changed in use until a Certificate of Compliance shall have been issued by the Enforcement Officer, stating that the building, structure or system and proposed use thereof comply with the provisions of this Law.
- B. No permit for excavation for, or the erection or alteration of, or repairs to, any building, structure, or system shall be issued unless or until an application has been made for a Certificate of Compliance and the required fee paid.
- C. All Certificates of Compliance shall be applied for coincident with the application for the Building Zoning Permit. Said Certificate shall be issued within ten (10) days after the erection or alteration shall have been approved as complying with the provisions of this Law.
- D. The Town Clerk shall maintain a record of all Certificates and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building affected.

Section 46 - Fees

- A. Fees for a Building and Zoning Permit and Certificate of Compliance shall be as established by the Town Board.

Section 47 - Enforcement

- A. This local Law shall be administered and enforced by the Code Enforcement Officer appointed by, and acting as the duly authorized agent of, the Town Board. No Building and Zoning Permit or Certificate of Compliance shall be issued by him or continue in force and effect, except when all provisions of these Zoning Regulations and other applicable portions of the Town Land Use and Development Code have been complied with.
- B. Any building, structure, appurtenant system or use of land found to be in violation of this Law shall be so recorded by the Enforcement Officer and official notice to this effect shall be given to the owner and/or tenant, user or occupant thereof. The owner, tenant, user or occupant shall correct such violation within sixty (60) days from the date of notification. If any such violation is not corrected within this sixty (60) day period, the Town may institute proceedings to compel compliance.

Section 48 - Violations; Penalties

- A. Any person or persons who commit or permit any acts contrary to the provisions of this Law shall be guilty of a violation thereof and, upon conviction, shall be subject to a fine not exceeding \$250 or imprisonment for a period not to exceed thirty (30) days, or both. Each week the violation continues shall constitute a separate and additional offense.
- B. In addition to the above provided penalties and punishment, the Town Board may also maintain an action of proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with, or to restrain by injunction, the violation of this Local Law.

Section 49- Appeal; Judicial Review

- A. All appeals from this Law shall be directed to the Board of Appeals in writing within thirty (30) days from receipt of any decision by the Enforcement Officer. The Board of Appeals shall make a determination in accordance with their established procedures as set forth in Article **VIII, Section 43** of this Code.
- B. Any person or persons jointly or severally aggrieved by any final order under this Law may seek to have such order reviewed in the manner prescribed by Article 78 of the New York Civil Practice Law and Rules.

Section 50- Amendment; Required Referral

- A. The Town Board may on its own motion, amend, supplement, repeal or change the regulations and applicable standards of this Local Law.
- B. The Planning Board may, by resolution, propose an amendment to the Town Board suggesting a change or repeal specific portions or applicable standards of these Regulations. Within sixty (60) days from the time such resolution is filed with the Town Clerk, it shall be the duty of the Town Board to hold the requisite public hearing and vote on such proposed amendment.
- C. Before any amendment, supplement or change in this Local Law, there shall be a public notice and hearing as required by Law. Such hearing may be held by the Town Board, by a committee of the Board, or by the Planning Board on request of the Town Board. After the public hearing, and referral to and report by the Planning Board, a majority vote of the members of the Town Board shall be required to amend the Zoning Regulations, except in the instance of a Protest Petition which process is described below.

- D. 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 the twenty (20) percent or more of the land immediately adjacent 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. 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 approved of the proposed amendment.

- F. Whenever any amendment to this Local Law or any Special Use or Variance would change the district classification or regulation applying to, or otherwise affect, real property within a distance of five hundred (500) feet from any boundary line of properties in a neighboring municipality or upon any county or state property, said proposed amendment, Special Use or Variance shall be referred to the St. Lawrence County Planning Board.

The County Planning Board shall have thirty (30) days in which to report its recommendations to the Town Board and Planning Board. Failure of the Country Planning Board to report within thirty (30) days may be construed to be approval by the Planning Board and the Town Board.

If the Country Planning Board recommends disapproval or modifications not made, the Planning Board, Board of Appeals or Town Board shall not approve the application except by a vote of a majority plus one of all the members of the respective Board, after adoption of a resolution setting forth their reasons. Whatever the final action of the respective Board, the County Planning Board will be notified of the same within seven (7) days following such action.

Section 51 - Interpretation

- A. In their interpretation and application, the provisions of these Regulations shall be held to be minimum requirements, adopted for the promotion of the public health, safety and the general well-being. Whenever the requirements of these Regulations are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing the higher standard shall govern.

Section 52 -Repealer

A. Local Law No. IV (1973), the Zoning Regulations for the Town of Madrid, shall be repealed upon the filing of this Local Law with the New York Secretary of State.

Section 53 - Effective Date

A. This Local Law shall take effect immediately upon filing with the New York Secretary of State and publication of an abstract in the official newspaper of the Town of Madrid.

Appendix A: Definitions

A. GENERAL. For the purpose of this Local Law, certain terms or words used herein shall be interpreted as follows:

1. Words used in the present tense shall include the future.
2. The singular number includes the plural and the plural the singular.
3. The word “lot” includes the word “plot” or “parcel”.
4. The word “person” includes a corporation, partnership, association or organization as well as an individual.
5. The word “building” includes the word “structure”.
6. 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”.
7. The word “shall” is mandatory.

B. DEFINITIONS

ACCESSORY BUILDING: A building 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 or building and located on the same lot with such principal use or building.

ALLEY: A service way which affords public means of vehicular access to abutting property.

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

ANTENNA: A system of electrical conductors that transmit or receive radio frequency waves. Such waves shall include, but not be limited to, radio, television, cellular, paging, personal communication services, and microwave communications.

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

BASEMENT: That portion of a building that is partly or completely below grade.

BED AND BREAKFAST: A dwelling occupied by a family and used incidentally to provide accommodation and meals to transient travelers for commercial purposes.

BOARD: Means the duly appointed Planning Board of the Town of Madrid.

BTS (Base Transceiver Station): the central cell facility that contains all the receivers, transmitters and other apparatus needed for cellular/PCS operation.

BUILDING: Any roofed structure intended for a shelter, housing or enclosure of persons, animals or property. When a building is divided into entirely separate parts extending from the ground up, each part 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, 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 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 or rear property lines, respectively, beyond which a structure may not extend as determined by these regulations.

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

CAMP: Any one or more of the following:

A tent, trailer, shelter, cottage or other accommodation for seasonal or other more or less temporary living accommodations; **OR**

A parcel of land on which is located two or more cottages, shelters, recreational vehicles, tents or other accommodation for seasonal or other more or less temporary living arrangements; **OR**

A parcel of land, including buildings and facilities thereon, used for the assembly of children or adults for what is commonly known as “day camp” purposes; **OR**

A parcel of land, including buildings and facilities thereon, used for overnight, weekend or longer periods of camping by organized groups.

CAMPGROUND: A lot used for the parking and use on individual camping sites by travel trailers, tent-trailers, tents or similar transportable accommodations, together with all yards, sanitary facilities, roadways, open space and other requirements as defined by this Local Law. A campground shall not include use by mobile homes or other residential appurtenances on a permanent year-round basis, except where required for operation, maintenance or security of the campground **OR**

A parcel of land designed to accommodate two or more camp sites, recreational vehicles or other accommodations 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.

CAPACITY: The number of mobile users that can realistically be serviced by a BTS.

CELLAR: That space of a building that is partly or entirely below grade, and which space is not designed or used primarily for year-round living accommodations.

CODE ENFORCEMENT OFFICER: The duly designated official responsible for enforcing this Code as prescribed herein.

CO-LOCATION means locating wireless communications facilities from more than one wireless communications services provider on a single site.

COMMERCIAL RECREATION: Any establishment whose main purpose is to provide the general public with amusing or entertaining activity and where tickets are sold or fees are collected for the activity. Such establishments shall include those whose activities are conducted entirely within a building, and also those whose activities are conducted in open or partially enclosed or screened facilities.

COVERAGE: The general term that describes the ability of a BTS to send and receive wireless signals of sufficient strength to provide reliable cellular/PCS service

DAY CARE CENTER: A place other than an occupied dwelling that provides for the care of children or adults. Those receiving care are not all related to each other by blood or marriage and are not legal wards or foster children of the attendant adults, and for which care a payment, fee or grant is made.

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

DRY CLEANING ESTABLISHMENT: An establishment which launders or dry-cleans articles dropped off on the premises directly by the customer or where articles are dropped off, sorted, and picked up but where laundering or cleaning is done elsewhere.

DWELLING, CONDOMINIUM: Any apartment, town house or other residential building 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' association.

DWELLING, GUEST HOUSE: An accessory 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 dwelling units for three or more families living independently of each other, other than hotels, motels, camps and rooming houses.

DWELLING, ONE-FAMILY: A detached building designed for year-round occupancy by one family only, including a sectional dwelling or a modular home located on a permanent continuous masonry foundation, other than a mobile home, recreational vehicle, camp or any temporary structure.

DWELLING, SEASONAL: A detached dwelling unit providing complete housekeeping facilities for one family designed for seasonal or non-year-round occupancy other than a mobile home, camp or recreational vehicle.

DWELLING, SECTIONAL: Two or more factory-finished units which are transported to the site, by means other than their own chassis, where they are placed on a permanent foundation and are joined to make a dwelling unit for year-round living. The term Sectional shall include the term "Modular".

DWELLING, TOWN HOUSE: Three or more attached dwelling units 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 home, recreational vehicle, camp or rooming house.

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

EAF: Environmental Assessment Form

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

EPA: The Environmental Protection Agency

FAA: The Federal Aviation Administration

FAMILY: One or more persons occupying the premises related by blood, marriage, legal guardianship or adoption, living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, club, fraternity, hotel or commune.

FARM: The land and on-farm buildings, equipment, manure processing and handling facilities, and practices that contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

FCC: The Federal Communications Commission

FINAL PLAT, OR PLAN: The final map or drawing and supplementary information as required in **Appendix B**; which plan of subdivision or planned development is presented to the Board for approval.

GARAGE, PRIVATE: A roofed space 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.

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

GUYED TOWER: A construction technique that uses stabilizing cable to provide lateral support for a tower.

HEIGHT OF TOWER: means the vertical distance measured in feet from the average existing level of the ground surrounding the tower and within 10 feet thereof to the top point of the tower including any antenna or other appurtenances. The existing elevation shall mean the actual or approved elevation of the property at the time of application.

HOME OCCUPATION: Any use customarily conducted entirely within a dwelling or its accessory buildings and operated only by a resident of the premises and in which no non-residents are employed or engaged, 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, a home occupation includes, but is not limited to, the following:

- Professional office of a physician, dentist, lawyer, engineer, architect, and other similar professions
- Art or photographic studio
- Dressmaker or seamstress
- Barber or beauty shop

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

HOSPITAL: A building or structure for the diagnosis and medical or surgical care of human sickness or injuries.

HOSPITAL, ANIMAL: A building or structure for the diagnosis and medical or surgical care of sick or injured animals.

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

INTERFERENCE: Any electromagnetic radiation or noise that is not the desired signal.

JUNK YARD: 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, vehicles, appliances, furniture, mobile homes, etc., 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 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 of any such purposes of used parts or waste materials from motor vehicles which, taken together, equal in bulk, two or more such vehicles.

KENNEL: A commercial establishment for the keeping, breeding, boarding or training of four or more mature dogs, cats or other domestic animals, excluding common farm animals (horses, cows, pigs, goats, sheep, etc.).

LATTICE TOWER: Description of the type of tower construction typified by cross-bracing between three posts that constitutes a rigid antenna support structure.

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

LIVESTOCK HOLDING AREA: A farm where cattle or other livestock are held and bulk fed commercially in a restricted area as distinguished from a pasture and other parts of an operating farm.

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 required by this Local Law, 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 COVERAGE: That portion of the plot or lot area covered by a building, including all roofed porches and accessory structures.

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.

- Lot Line, Front- The lot line separating the lot from the street right-of-way.
- Lot Line, Rear- The lot line opposite and most distant from the front lot line.
- Lot Line Side- Any lot line other than a front or rear lot line.

LOT, THROUGH: A lot having frontage on two approximately parallel or converging streets other than a corner lot.

LOT, WIDTH: The distance between side lot lines measured parallel to the front lot line at a distance from the front lot line equal to the front yard specified for the district.

MOBILE HOME: A factory-finished movable dwelling unit (having a minimum floor area of 600 square feet) designed and built on frame and wheels to be towed on its own chassis and designed for and providing housekeeping facilities for year-round occupancy including living, and sleeping accommodations, a flush toilet, tub or shower, and kitchen facilities, and with plumbing and electrical connections provided for attachment to outside systems; after being transported to the building site. It does not include a recreational vehicle.

MOBILE HOME COURT: 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 Park or other area planned and/or improved for two or more mobile homes.

MOBILE HOME SITE: A parcel of land occupied by a single mobile home.

MONOPOLE TOWER: A unified self-supporting structure typified by a smooth tapered steel pole similar to roadway light supports.

NEIGHBORHOOD GROCERY OR CONVENIENCE STORE: A retail commercial establishment that supplies groceries and other daily household necessities to the immediate surrounding area.

NETWORK: The general term used to describe all the BTS facilities and equipment required to provide cellular/PCS services.

NIER: Non-Ionizing Electromagnetic Radiation

NON-CONFORMING LOT: Any zone lot in single ownership, which does not conform with the minimum area and/or dimensions required in the district in which it is situated or for any special use as the case may be 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 existed and/or was used legally at the time of adoption of these regulations.

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 or 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.

OFFICIAL MAP: Means the map established by the Town of Madrid, if any, pursuant to Town Law showing the streets, highways and parks thereto 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 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.

OUTDOOR WOOD BOILER: An accessory structure, designed and intended, through the burning of wood, for the purpose of heating the principal structure or any other site, building, or structure on the premises.

PARKING SPACE: A space designated for the parking of one motor vehicle and having an area of not less than 180 square feet, exclusive of passageways and driveways thereto.

PATH LOSS: The attenuation experienced by the radio waves as they propagate from the BTS to the mobile phone or from the mobile phone to the BTS. Path loss will be the same for either direction over short periods of time.

PERSONAL SERVICE SHOP: A business where professional or personal services are provided for gain and where the sale of retail goods, wares, merchandise, articles or things is only accessory to the provision of such services, including but not limited to the following: barber shops, beauty shops, tailor shops, laundromats, shoe repair shops, etc.

PLANNED DEVELOPMENT DISTRICT: A tract of land in single ownership, or controlled by an individual, partnership, cooperative or corporation 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.

PRELIMINARY PLAT OR PLAN: Means the preliminary drawing or drawings and supplemental information as required in Appendix 'B' indicating the proposed manner or layout of the subdivision or planned development to be submitted to the Board for its consideration.

PRIVATE CLUB OR LODGE: Building and facilities owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

RECREATIONAL VEHICLE: A mobile recreational unit including travel trailer, pickup, camper, converted bus, tent-trailer, camper trailer, tent or similar device used for temporary portable housing.

RESTAURANT: A building where food and beverages are offered for sale to the public for consumption at tables or counter either inside or outside the building on the lot. As an accessory use, take-out service of food and beverages for off-site consumption may be provided.

RIDING STABLE: A farm where land and buildings are used to house horses and for their exercise and training, which may include a school, boarding stables, tack shop or other related uses.

ROADSIDE STAND: A semi-permanent structure, stand or location for the sale of any product or material on a temporary, part-time or seasonal basis.

SATELLITE ANTENNA: Shall be any parabolic dish, antenna or other device or equipment of whatever nature or kind, the primary purpose of which is to receive television, radio, light, microwave, or other electronic signals, waves and/or communications from space satellites.

SEQR: State Environmental Quality Review as described in 6 NYCRR Part 617.

SETBACK: The horizontal distance measured at right angles to the boundary of the parcel, lot or block of land, between the main wall of the building and the main boundary.

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. (These regulations shall not apply to any flag insignia of a government or government agency, school or religious group, or 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. A “For Sale” or “To Let” sign relating to the lot on which it is displayed shall be deemed to be a business sign.

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 these regulations, any revolving illuminated sign shall be considered a “flashing sign”.

SKETCH PLAN: An informal plan or plat indicating salient existing features of a tract and its surroundings, and the general layout of the proposed subdivision or planned development and such additional information as required in **Appendix B**.

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 special use is made in these Zoning Regulations.

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 portion 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 feet clear headroom shall not be considered as floor area.

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

- Major streets are those principal through traffic arteries.
- Collector streets are those that interconnect, and carry traffic between, minor residential and major streets.
- 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 at the closed end.
- Frontage or access roads are generally parallel with and adjacent to a major street or highway designed to provide access to abutting properties and protection from through traffic.

STRUCTURE: Anything constructed or erected, the use of which required location on the ground or attachment to something having location on the ground.

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 lay out any subdivision or part thereof as defined herein, either for himself or others.

SUBDIVISION: Means the division of any parcel of land into five (5) or more lots, plots, sites or other division of land, for the purpose, whether immediate or future, for transfer of ownership or building development, of one or more of the parcels and shall include resubdivision in whole or in part of any plat, filed or unfilled, which is entirely or partially undeveloped.

TAVERN: A building or part thereof where, in consideration of payment therefor, liquor, beer, or wine or any combination thereof are served for consumption on the premises, with or without food.

TELECOMMUNICATIONS: The transmission and reception of audio, video, data, and other information by wire, radio, light, and other electronic or electromagnetic systems.

TELECOMMUNICATION TOWER: A structure intended to support wireless communications equipment used to receive and/or transmit electron magnetic waves. Design examples of towers might include but may not be limited too (a) self-supporting lattice (b) guyed and (c) monopoles structures (d) water towers.

THEATRE, OUTDOOR: An open lot or part thereof, with its appurtenant structures and facilities, devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis.

TOWER OPERATOR: The owner, manager and/or management firm of a telecommunication tower.

TOWN ENGINEER: A licensed professional engineer duly designated by the Town Board to carry out his duties.

TOWN PLAN: A comprehensive plan prepared for and by the Board setting forth the objectives and policies with regard to that 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.

TRUCK TERMINAL: The use of land, buildings or structure for the purpose of maintenance, servicing, storage or repair of commercial vehicles, but does not include automobile service stations or transportation sales or rental outlets.

USGS: United States Geological Survey

VARIANCE: A departure granted by the Zoning Board of Appeals from the terms of this Local Law 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 these regulations would result in unnecessary and undue hardship.

VEHICLE FUELING STATION: Any area of land, including structures thereon, that is used or designed 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 Vehicle Fueling Station shall be deemed to include filling station and service station.

WIRELESS TELECOMMUNICATION SERVICES means licensed wireless telecommunications services including, but not necessarily limited to: cellular, personal communications services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and other types of telecommunications services that are or may be marketed to the general public.

WIRELESS TELECOMMUNICATION SITE means a facility operated by a licensed wireless telecommunication service provider which consists of the equipment and structures involved in receiving or transmitting electromagnetic waves associated with wireless telecommunications services.

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
 - i. The edge of the street right-of-way or
 - ii. Shoreline at normal water leveland the building line or any projection thereof other than steps and unenclosed porches, extending not more than six feet from the front of the building, except as otherwise provided in these regulations.

All waterfront lots shall have front and rear yards as approved by the Planning Board.

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 and unenclosed porches extending not more than six feet from the rear of the building, except as otherwise provided in this Local Law. On both corner and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

YARD, SIDE: An open space from the front yard to the rear yard between the building and the nearest side lot line unobstructed from the ground upward, except for steps and unenclosed porches and as otherwise specified in these regulations.

Appendix B: Required Plat/Plan and Supplemental Data

Plans and data to be submitted in accord with the procedures as outlined in Local Laws for a Subdivision and for a Planned Development District include:

1. Sketch Plan

A. Site Plan – to scale

1. Location map showing location of proposed subdivision or planned development in the Town, boundaries of the tract, contiguous properties and zoning districts and easements.
2. Existing features including existing land use, land and water areas, topographical features and other important elements of the site.
3. General layout showing possible lot and street arrangement.

B. Development data

1. Total acreage of tract.
2. Proposed timetable or stages for sale or development.
3. Type of project, i.e., sale of lots, buildings, etc.
4. Existing and proposed utilities and service facilities.
5. Proposed number of lots and typical lot size.

C. Legal Data

1. Names and addresses of owner, subdivider, developer and professional advisors.

2. Preliminary Plat or Plan

A. Site Plan – Minimum scale of 1”=100’; Preferred scale of 1”=40’ to include:

1. Title, scale, north arrow and date.
2. Tract boundaries and owners of record of adjoining properties.
3. Topographic data based on USGS or equivalent, and other site characteristics including soils, drainage, and tree cover.
4. Existing land use on and immediately adjacent to the parcel.
5. Lot layout, including number to identify each lot and letter to identify each block, minimum setback or building line.
6. Street layout, including right-of-way and improved surface widths, street names and typical cross-sections of proposed roadways.
7. Location and description of utilities on and adjacent to the tract and proposed connection thereto, or alternative means of water supply, sewage disposal, electric, telephone and other service facilities.
8. Location, dimension and purpose of any easement.
9. Existing drainageways and provision for collecting and discharging surface drainage and runoff.
10. Location, dimension and description of land or facilities to be dedicated or reserved for public use.

B. Development Data

1. As required for Sketch Plan, as it may have been amended.
2. Feasibility data on sewer, water and storm water drainage, including documentation from on-site investigation.
3. Lineal feet of streets, acres in park or recreation areas.

C. Legal Data

1. Application
2. As required for Sketch Plan.
3. Required fee, if any.

3. Final Plat or Plan

A. Site Plan – Scale to be same as for Preliminary Plat or Plan

1. As required for Preliminary Plat or Plan.
2. Tract boundary lines, right-of-way lines, easements and individual lot lines with accurate dimensions, bearings, radii, arcs, and central angles of all curves and location and description of all monuments.
3. Reference to adjoining platted land or names of owners of record of unplatted lands.
4. Topographic data showing contours at a minimum of two (2) foot intervals for developed areas and at five (5) foot intervals for undeveloped areas, related to USGS or other permanent bench mark.
5. All trees to be removed or within fifty (50) feet of any area where the natural contour is to be altered which are of eight (8) inch caliper or more as measured three (3) feet above ground level.
6. Typical cross-sections of streets, including pavement, shoulders, ditches, and walks and cross sections of drainage easements, as necessary.
7. Profiles of street center lines showing vertical curve data, slopes of tangents and elevations of street intersections and other critical points.
8. Profiles of storm and sanitary sewers, if any, showing diameter of pipe, and distance between manholes.

B. Development Data

1. As required for Preliminary Plan.
2. Detailed drawings and specifications for water supply, storm water disposal, sanitary sewage disposal, and any other required facilities, services or installations.

C. Legal Data

1. As required for Preliminary Plat or Plan.
2. Certification of title showing that applicant is the land owner.
3. Certification by surveyor or engineer of survey and plat accuracy.

4. Protective covenants in form for recording, including covens governing the maintenance of unceded public space or reservations.
5. Offers of cession dedicating streets, easements, open space and other facilities.
6. Endorsement and approval by the State or County Health Department as applicable of sewer and water facility drawings and proposals.
7. Sufficient building dimensions and data to assure that applicable provisions of Local Law 1, Construction and Maintenance Regulations, will be complied with.
8. Copies of agreements showing the manner in which areas reserved by the subdivider or developer are to be maintained.
9. Certificate by a licensed professional engineer and/or landscape architect that required facilities have been designed to meet the minimum standards of this Land Use Code or as otherwise required by law.
10. Any other data as may be required by the Planning Board for the enforcement of this Code.
11. Required fee.

4. As-Built Drawings

Construction drawings will be filed upon completion of any required improvements. No certified check or performance bond shall be released until the drawings and documents listed below have been filed with and approved by the Planning Board.

1. Facilities and improvements as located and constructed in accord with the Final Plat or Plan, certified to by a licensed land surveyor, professional engineer, and/or landscape architect, as is appropriate.
2. All offers of cession, deeds, abstracts and easements for any street, sewer, water or other facilities as approved and certified to by the Town Attorney.