

# TOWN OF SHELDON ZONING REGULATIONS

Mod 7

With Addendums:  
Zoning Laws, Minimum Yard Requirements &  
Table of Permitted Uses

Prepared by  
Town Planning Board  
8/12/09

## TABLE OF CONTENTS

### ARTICLE 1 ENACTMENT AND INTENT

Section 1000 Title .....	3
Section 1010 Intent .....	3
Section 1020 Applicability .....	4
Section 1030 Validity and Severability.....	4
Section 1040 Interpretation, Conflict with Other Laws .....	4
Section 1050 Effective Dater .....	4
Section 1060 Supersession.....	4
Section 1070 OPEN .....	5
Section 1080 Violations and Penalties .....	5
Section 1090 Fees .....	5

### ARTICLE 2 WORD USAGE AND DEFINITIONS

Section 2000 Word Usage (Administration Agencies Defined) .....	7
Section 2010 Definitions.....	8

### ARTICLE 3 PERMITS AND PROCEDURES

Section 3000 Permits Required.....	31
Section 3010 Zoning Permits for Types of Uses.....	31
Section 3020 Application Procedure and Required Information.....	32
Section 3030 Zoning Permit Granted .....	33
Section 3040 Termination of Permit .....	33
Section 3050 Certificate of Compliance.....	33

### ARTICLE 4 ESTABLISHMENT AND DESIGNATION OF LAND USE DISTRICTS

Section 4000 Zoning Map and District.....	35
Section 4010 Zoning Map .....	35
Section 4020 Interpretation of Boundaries.....	35
Section 4030 Application of Registration .....	36
Section 4040 District Purposes and Objectives .....	36

### ARTICLE 5 REGULATIONS APPLICABLE TO PERMITTED AND ACCESSORY USES

Section 5000 Access Control .....	39
-----------------------------------	----

Section 5010 Alternative Energy Systems .....	39
Section 5020 Bed and Breakfast Establishments .....	40
Section 5030 Clear View of Intersection Streets.....	40
Section 5040 Cluster Development .....	41
Section 5050 Fences.....	42
Section 5060 Habitation, Size and Width of Dwellings.....	43
Section 5070 Home Occupations .....	43
Section 5070a Home Occupation - Minor .....	44
Section 5070b Home Occupation Major .....	45
Section 5080 Manufactured (Mobile) Homes.....	47
Section 5090 Non-Conforming Uses, Lots and Structures.....	48
Section 5100 OPEN .....	50
Section 5110 Outdoor Storage of Junk.....	50
Section 5120 Seasonal Use District .....	52
Section 5130 Recreational Vehicles .....	53
Section 5140 Satellite Dish Antennae .....	54
Section 5150 Signs .....	54
Section 5160 Storage of Building Materials .....	59
Section 5170 Stripping of Soil .....	59
Section 5180 Swimming Pools .....	60
Section 5190 Lighting.....	60

**ARTICLE 6 SPECIAL USE PERMIT REGULATIONS AND PROCEDURES**

Section 6000 General Provisions .....	61
Section 6010 Administration.....	61
Section 6020 General Standards.....	61
Section 6030 Procedures .....	62
Section 6040 Adult Bookstores and Adult Entertainment Establishments.....	65
Section 6050 Airports and Airstrips .....	66
Section 6060 Animal Waste Management System .....	67
Section 6070 Campgrounds .....	69
Section 6080 Cemeteries .....	71
Section 6090 Civic and Social Club.....	72
Section 6100 Communication Towers .....	72
Section 6110 Drive-In Businesses.....	73
Section 6120 Essential Services and Utilities .....	74
Section 6130 Excavation Operations.....	75
Section 6140 Farm Labor Housing .....	77
Section 6150 Farm Markets .....	78
Section 6160 Animals Owned for Recreation .....	78
Section 6170 Grocery Stores, Meat Markets, and Baked Goods Stores.....	79
Section 6180 OPEN .....	79

Section 6190 Kennels (Commercial and Private) .....	79
Section 6200 Mobile Home Park .....	80
Section 6210 OPEN .....	83
Section 6220 Motor Vehicle Sales/Farm Equipment Sales .....	83
Section 6230 Motor Vehicle Service Stations and Auto Repair Shops.....	84
Section 6240 Multiple Family Dwellings.....	85
Section 6250 Pinball and Video Game Arcades .....	88
Section 6260 Ponds .....	88
Section 6270 Planned Residential Development.....	89
Section 6280 OPEN .....	90
Section 6290 Recreation and Amusement Establishments.....	91
Section 6300 Stables and Riding Academies .....	91
Section 6310 Home Based Businesses.....	93
Section 6320 Motor Vehicle Race Tracks.....	95

**ARTICLE 7 SITE PLAN REVIEW**

Section 7000 Purpose .....	97
Section 7010 Uses Requiring Site Plan Review .....	97
Section 7020 Procedure.....	97
Section 7030 Site Plan Review Elements.....	99
Section 7040 Site Plan Review Criteria .....	101
Section 7050 OPEN .....	102
Section 7060 Action on Site Plan .....	103
Section 7070 Supplemental Regulations Pertaining to Site Plan Approval .....	103

**ARTICLE 8 ADMINISTRATION AND ENFORCEMENT**

Section 8000 Violations and Penalties .....	105
Section 8010 Enforcement .....	105
Section 8020 Duties and Procedures of the Zoning Officer .....	105
Section 8030 Planning Board .....	107
Section 8040 Zoning Board of Appeals .....	109
Section 8050 Permitted Actions on Area or Use Variances .....	111
Section 8060 Procedures for Appeals and Variances.....	113
Section 8070 Lapse of Authorization .....	115
Section 8080 Violation of Conditions or Restrictions.....	115
Section 8090 Article Seventy-Eight (78) Proceeding .....	116
Section 8100 State Environmental Quality Review (SEQR).....	116

**ARTICLE 9 SPECIAL DEVELOPMENT STANDARDS**

Section 9000 Erosion and Sedimentation Control .....	119
--	-----

Section 9010 Junkyards .....	119
Section 9020 Parking of commercial Vehicles .....	119
Section 9030 Off Street Parking .....	119
Section 9040 Height Regulations .....	119
Section 9050 Floor Space Regulations .....	120
Section 9060 Local Laws .....	120
Section 9070 Care Centers and Facilities.....	121
Section 9080 Golf Courses.....	121

**ARTICLE 11 LAND SEPARATION**

Section 11000 Purpose .....	123
Section 11010 Procedure .....	123

<b>ADDENDUM 1 - History of Zoning Laws.....</b>	<b>125</b>
---	------------

<b>ADDENDUM 2 – Minimum Yard Requirements (Primary Building).....</b>	<b>126</b>
---	------------

<b>ADDENDUM 3- Minimum Yard Requirements (Accessory Building) .....</b>	<b>130</b>
---	------------

<b>ADDENDUM 4 – Table of Permitted Uses .....</b>	<b>133</b>
---	------------

<b>ADDENDUM 5- Preservation of Greenspace .....</b>	<b>136</b>
---	------------

**To:**           **Town of Sheldon's:**  
                  **Town Board**  
                  **Zoning Board of Appeals**  
                  **Zoning Officer**  
                  **Town Clerk**

**From:**       **Sheldon Planning Board**

**Mike Armbrust, Chairman**  
**Barbara Farrant**  
**Elaine Almeter**  
**Robert Kolodziej**  
**Brian W. Becker**

**Subject:**    **Sheldon's Zoning Law**

**Date:**       **8/12/2009**

LOCAL LAW NUMBER 2 OF THE YEAR 2009. EFFECTIVE

**A LOCAL LAW ESTABLISHING A COMPREHENSIVE ZONING PLAN FOR THE TOWN OF SHELDON, NEW YORK, AND FOR SAID PURPOSES DIVIDING THE TOWN INTO APPROPRIATE ZONING DISTRICTS.**

End of cover page

**ARTICLE 1**  
**GENERAL PROVISIONS**

**1000. TITLE**

**The Town Board of the Town of Sheldon does hereby repeal the Town of Sheldon Zoning Law adopted on 1977, and all amendments thereto and does hereby establish a revised comprehensive zoning plan for the Town of Sheldon, Wyoming County, New York, which plan is set forth below in the form of text, maps, and schedules, that collectively shall be known and cited as the “Town of Sheldon Local Law Number \_\_ of 2009.”**

**1010. INTENT**

Subject Local Law is adopted pursuant to the authority and power granted by Municipal Home Rule Law, Article 2, Section 10 et seq., of the Consolidated Laws of New York State with intent to promote the public health, welfare, safety, convenience, order, and prosperity of the community of the following respects:

- A. To guide the growth and development of the Town in accordance with the goals and objectives of the Town’s Comprehensive Plan.
- B. To protect farming and farming-related land uses and economic activities.
- C. To follow Comprehensive Plan recommendations for land use, population density and intensity of development. To conserve the value of land and buildings in accordance with the character of the district and its suitability for particular uses; protect the economic stability of the entire Town and encourage complementary industrial and commercial economic activities; and provide for orderly and beneficial growth commensurate with the availability and capacity of public facilities and services, and the ability of land and natural resources to accommodate such growth.
- D. To ensure adequate and appropriate sites for a diverse mix of housing opportunities.
- E. To encourage flexibility in the design and development of land in such a way as to promote the most appropriate use of lands, to facilitate the adequate and economical provision of streets and utilities and to preserve the natural scenic qualities of open space.
- F. To safeguard natural, historic and scenic resources; prevent the contamination of public and private drinking wells and aquifers, air quality, lakes and ponds, and freshwater wetlands, and watercourses; and preserve the integrity, stability, and beauty of the community.
- G. To establish the most beneficial relationship between land use, buildings, and the circulation of traffic throughout the Town with particular regard to the lessening of congestion, the safe and efficient movement of vehicles and pedestrians, the provision of adequate parking facilities, and convenient access appropriate to the prospective use.
- H. To secure safety from fire, flood, panic, and other dangers; provide adequate light and air and land.
- I. To guide public policy so as to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other community facilities and infrastructure; and guide

private enterprise in building development, investment, and other economic activity relating to land use and buildings.

- J. To assure privacy for residences and freedom from nuisances and harmful, unsightly uses; protect the community against obtrusive and incompatible land uses and operations; and protect property values.
- K. To enhance the rural character and appearance of the Town of Sheldon as a whole.

#### **1020. APPLICABILITY**

Upon adoption of this local law by the Town Board, no use, building or structure shall be constructed or authorized on any property in the Town until the location and extent thereof conform to this local law.

#### **1030. VALIDITY, SAVING AND SEVERABILITY**

Should any section, paragraph, sentence, clause, word, part, or provision of this local law be declared void, invalid or unenforceable, for any reason, such declaration shall not affect the validity of any other part of this local law which can be given effect without the part(s) declared void, invalid, or unenforceable.

#### **1040. INTERPRETATION, CONFLICT WITH OTHER LAWS**

In their interpretation and application, the provisions of this local law shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. It is not intended to interfere with, abrogate, or annul other rules, regulations or ordinances. Whenever the requirements of this local law are inconsistent with the requirements of any other lawfully adopted rules, regulations, ordinances, or local laws, the more restrictive provisions, or those imposing the higher standards, shall govern.

#### **1050. EFFECTIVE DATE**

This local law shall take effect immediately upon filing with the Office of the Secretary of State in accordance with state law.

#### **1060. SUPERCESSION**



The "Zoning Law of the Town of Sheldon, Wyoming County, New York," enacted by the Town Board in 2009, together with all changes and amendments thereto, is hereby comprehensively revised and superseded by this local law.

**1070. (OPEN)**

**1080 VIOLATIONS AND PENALTIES**

Any person, firm or corporation who violates, disobeys, neglects or refuses to comply with any provision of this Local Law shall be guilty of an offense, and upon conviction thereof, shall be subject to a fine of ~~not more than~~ \$350.00 or imprisonment for a period not more than five (5) months or both. Each day a violation is continued shall be deemed a separate offense.

**1090 FEES**

- A. Each application for a permit provided for by this Local Law shall be accompanied by a fee, payable in cash or other form of security approved by the Town Attorney, according to the fee structure in effect at the time of application. Fees shall be established and/or amended from time to time by resolution of the Town Board.
- B. A fee schedule shall be posted at the Town Clerk's office.

\*The words "not more than" were deleted by the Sheldon Town Board on 5/17/2011

End of article 1

## ARTICLE 2

### WORD USAGE AND DEFINITIONS

#### 2000 WORD USAGE: ADMINISTRATIVE AGENCIES DEFINED

For the purpose of this Local Law, certain words and terms used herein shall be defined as follows:

A. Word Usage

1. All words used in the present tense include the future tense.
2. All words in the plural number include the singular number and all words in the singular number include the plural number, except as to the number of permitted structures, unless the natural construction of the wording indicates otherwise.
3. The word "person" includes an association, partnership or corporation.
4. Unless otherwise specified, all distances shall be measured horizontally along the ground.
5. The word "building" includes the word "structure".
6. "Lot" includes the words "plot", "parcel", "tract" or "site".
7. The word "premises" includes a lot and all buildings or structures thereon.
8. To "erect", "to construct" and "to build" a building or structure each have the same meaning and also include "to excavate" for a building and "to relocate" a building by moving it from one location to another.
9. "Used" shall be deemed also to include "designated, intended or arranged to be used or occupied".
10. "Shall" is mandatory and not discretionary; "may" is permissive.

B. Administrative Agencies Defined

**BOARD OF APPEALS** - The Zoning Board of Appeals of the Town of Sheldon.

**COUNTY PLANNING BOARD** - The Planning Board of the County of Wyoming.

**DEPARTMENT OF HEALTH** - The New York State Department of Health and/or the Wyoming County Department of Health pursuant to the laws of the State of New York and having authority for the regulation of matters pertaining to the public health of the Town.

**TOWN PLANNING BOARD** - The Planning Board of the Town of Sheldon.

**TOWN BOARD** - The Town Board of the Town of Sheldon.

**ZONING OFFICER** - The official or officials designated by the Town Board of the Town of Sheldon to enforce the provisions of this Local Law.

**DEPARTMENT OF ENVIRONMENTAL CONSERVATION** - The New York State Department of Environmental Conservation.

## 2010 DEFINITIONS

**ACCESSORY BUILDING OR STRUCTURE:** A detached building or structure which: (1) is customarily incidental and subordinate to, and serves a principal building; (2) is subordinate in area, extent or purpose to the principal building served; (3) contributes to the comfort, convenience or necessity of occupants of the principal building use; and, (4) is located on the same parcel as the principal building. This definition shall include private garages.

**ACCESSORY USE:** A use incidental and subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building.

**ADULT BOOKSTORE:** Any business enterprise having as a substantial portion of its stock-in-trade books, magazines, pamphlets, pictures, drawings, photographs, and audio/visual material of any kind, which are characterized by their emphasis on the description or depiction of areas of the anatomy customarily associated with sexual

activities; or any business enterprise having a substantial area of its establishment devoted to the sale, rental and display of such material. Adult bookstores customarily exclude minors by reason of age.

**ADULT ENTERTAINMENT ESTABLISHMENT:** Any business enterprise having as a substantial portion of its activity the presentation of live shows, motion-picture films or sound recordings, or similar visual or audio material, which are characterized by their emphasis on the description or depiction of areas of the anatomy customarily associated with sexual activities; or any business enterprise serving food and beer, wine or liquor whose entertainers or waiters and waitresses appear in a state that displays areas of the anatomy customarily associated with sexual activities; or any business enterprise that offers services requiring the client or customer to display said anatomical areas, except medical and health services establishments. Adult entertainment establishments customarily exclude minors by reason of age.

**AGRICULTURE, INTENSIVE:** Agricultural uses that include but are not limited to: (a) slaughter areas, (b) areas for the storage and processing of manure or garbage or (c) structures housing more than 50,000 pounds of animals by weight.

**AWNING:** A cover or hood that projects from a wall or roof of a structure.

**AGRICULTURE (FARMING):** The use of land for agricultural production purposes including, but not limited to: tilling of the soil, dairying, pasturage, animal and poultry husbandry, apiculture, arboriculture, horticulture, floriculture, viticulture, aquaculture, and accessory uses for packing or storing of products, provided that the operation of any such accessory uses shall be secondary to that of the principal agricultural production activities.

**AIRPORT:** Any area of land designed for the operation of general aviation aircraft, including hangars for storage and servicing, taxiways, landing strips and accessory uses.

**AIRSTRIP, PRIVATE:** An airport, as defined above, used solely for the benefit of the landowner and for emergency landing when necessary.

**ALTERATIONS:** As applied to a building or structure; (1) an enlargement of a building or structure, whether by extending on a side or by increasing in height; (2) the moving from one location or position to another; and (3) any alteration whereby a structure is adapted to another or different use.

**ANIMALS OWNED FOR RECREATION:** Any animal, other than a dog or cat, that is owned as a pet and not used for profit such as a horses, cows, goats, pigs, llamas, sheep, etc.

**ANTENNA:** A structure or mount supporting a system of wires, rods, discs, dish, horns, or similar devices used for the transmission and/or reception of electromagnetic waves.

**ANTIQUÉ AUTOMOBILE:** Any motor vehicle which is twenty-five (25) or more model years old and which can be economically restored to a value which is greater than the cost of restoration.

**APARTMENT:** A dwelling unit that is intended to be leased or rented. This term shall not be deemed to include a motel, hotel, boarding house or travel trailer.

**APARTMENT BUILDING:** A building arranged / intended or that is designed to be occupied by three (3) or more families living independently of each other. Such dwelling units may be offered as rental units or as condominiums.

**APPLIANCE:** Any stove, refrigerator, washing machine, dryer, freezer, television set, radio or other household device or equipment.

**ALTERNATIVE ENERGY SYSTEMS:** Structures, equipment, devices or construction techniques used for the production of heat, light, cooling, electricity or other forms of energy on site and may be attached to or separate from the principal structure. Current examples include windmills, solar collectors and solar greenhouses, heat pumps, or other related devices. For the purposes of this Local Law, this definition shall apply to individual residences, farms and businesses.

**ANIMAL HOSPITAL:** A place used for the care, grooming, diagnosis and treatment of sick, ailing, infirm or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

**ANIMAL WASTE MANAGEMENT SYSTEM:** A pre-designed system to facilitate long-term environmental distribution and composting of animal waste that conforms to the most current Natural Resources Conservation Service (NRCS) standards and procedures.

**AUTOMOBILE OR MANUFACTURED HOME SALES:** An open area, other than a street, used for the display, sale, lease or rental of new or used motor vehicles or manufactured homes in operable condition and where no repair work is done.

**AUTOMOBILE REPAIR, MAJOR** - General repair, rebuilding or reconditioning of engines, motor vehicles, or trailers, such as collision services, body repair and frame straightening, painting and upholstery, vehicle steam cleaning and undercoating, or where minor repair service and vehicle state inspections may be rendered.

**AUTOMOBILE REPAIR, MINOR** - Minor repairs, incidental replacement of parts and motor services to passenger automobiles and trucks that do not exceed one and one-half (1-1/2) ton capacity, but to not include any operation included in the definition of "automobile repair, major" above, or where minor repair service and vehicle state inspections may be rendered.

**AUTOMOBILE SERVICE STATION OR FILLING STATION:** A building or place of business where gasoline, oil and greases, batteries, tires and automobile accessories are supplied and dispensed directly to the motor vehicle trade at retail, or where minor repair service and vehicle state inspections may be rendered.

**BAKED GOODS STORE:** A place on which baked goods are produced and sold on the premises.

**BARN:** A large accessory building used exclusively for the storage of grain, hay, and other farm products, and/or the sheltering of livestock or farm equipment.

**BASEMENT:** That space of a building that is partly below grade that has more than half of its height measured from floor to ceiling, above the average established curb level or finished grade of the ground adjoining the building.

**BED AND BREAKFAST:** Owner-occupied one-family dwelling used for providing overnight accommodations and a morning meal to not more than 10 transient lodgers, containing at least three but not more than five bedrooms for such lodgers.

**BILLBOARDS:** Any sign over the size of thirty-two (32) sq. ft. per side, not including support structure.

**BUFFER AREA:** A continuous strip of land area covered with grass, vegetation, trees, fencing, embankments or berms, and designed to provide a physical screen preventing visual access from one use to another and to reduce the escape and/or intrusion of litter, glare, fumes, dust, noise, or other noxious or objectionable elements.

**BUILDING:** Any structure that is permanently affixed to the land, has one or more floors and a roof, and is intended for the shelter, housing or enclosure of persons, animals, or property.

**BUILDABLE AREA:** That portion of a lot remaining after required setbacks have been provided.

**BUILDING COVERAGE:** The maximum horizontal area measured from the exterior walls of all principal and accessory buildings on the lot.

**BUILDING CODE:** The New York State Uniform Fire Prevention and Building Code.

**BUILDING GROUP:** Any building, such as a store group, which is divided into separate parts by one (1) or more solid walls extending from the ground up.

**BUILDING HEIGHT:** The vertical distance measured from the average elevation of the proposed finished grade of the building to the highest point of the roof for flat roofs and to the mean height between the eaves and the ridge of gable, hip, mansard, pitch or gambrel, roofs. For the purpose of determining the maximum permitted height for principal buildings, such measurement shall be made from the average finished grade at the front building line.

**BUILDING LINE:** A line formed by the intersection of a horizontal plane at an average grade level and a vertical plane that coincides with the exterior surface of the building or a projected roof or porch. The vertical plane will coincide with the most projected surface, excluding steps and overhanging eaves. All yard and setback requirements are measured to the building lines.

**BUILDING PERMIT:** A written permit issued by the Wyoming county Code Enforcement Officer authorizing construction in compliance with the Building Code.

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

**BUSINESS:** Includes the purchase, sale or any other transaction involving the handling, servicing or disposition of any article, substance, commodity, or service, tangible or intangible, and includes offices, recreational and amusement enterprises and any operation where the above-described activities are conducted in return for remuneration of any type. For the purpose of this Chapter, "business" shall have the same meaning as commercial, and reference to commercial districts or zones shall be interpreted as referring to business districts.

**CAMPGROUND:** A parcel of land used or intended to be used, let or rented for transient, vacation and recreational occupancy by travel trailers, campers, tents, recreational vehicles, motor homes and the motor vehicles propelling or carrying the same, but excluding mobile homes designed for year-round occupancy or as a place of residence.

**CAR WASH:** A structure or building designed for the washing, waxing, or similar treatment of automotive vehicles as its principal function. An Automobile Service Station or Filling Station having portable washing equipment shall not be deemed to be a car wash where such is an accessory service to the principal service of the Automobile Service Station or Filling Station.

**CARPORT:** A roofed structure without enclosing walls, used for the storage of one or more motor vehicles.

**CELLAR:** That space of a building that is partly or entirely below grade, which has more than half its height, measured from floor to ceiling, below the average established curb level or finished grade of the ground adjoining the building.



**CEMETERY:** Churchyard, burial ground, burying ground, necropolis, memorial park / garden.

**CERTIFICATE OF COMPLIANCE:** A certificate issued by the Zoning Officer stating that a structure or the use thereof is in compliance with this Local Law.

**CHURCH:** Any structure used for worship or religious instruction including social and administrative rooms accessory thereto.

**CLEAR SIGHT TRIANGLE:** An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of street right-of-way lines.

**CLUB:** Any organization catering to members and their guests, or a building or premises used for recreational, general, social, or athletic purposes not open to the general public. Clubs shall not be conducted primarily for gain, and vending stands, merchandising, or commercial activities shall not be conducted except as required for membership and purposes of such club. For the purpose of this Local Law, this term shall include religious organizations, lodges, fraternal organizations, mutual benefit societies, and other similar organizations.

**CLUSTER DEVELOPMENT:** A development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space, or the preservation of environmentally sensitive features.

**COMMERCIAL USE:** A business use as defined herein.

**COMPREHENSIVE PLAN OR MASTER PLAN:** The Comprehensive Plan or Master Plan as adopted by the Town of Sheldon, as amended from time to time.

**COMMERCIAL:** See "**BUSINESS**."

**COMMON AREA:** Space reserved for use by any and all residents of a housing development including open space or recreation areas.

**COMMUNICATION TOWER:** See "**TOWER**".

**CONDOMINIUM:** An ownership arrangement in which the interior of a housing unit is individually owned, while the exterior, including land and facilities (common elements), is owned in common by all homeowners in the development. The owner has title to the interior individual dwelling and a shared interest in the common elements.

**DAY CARE CENTER:** A place other than an occupied residence which provides day care of children; or, an occupied residence which provides group care for five (5) or more children away from their own homes.

**DEBRIS:** An accumulation of any broken or destroyed material, rubble or fragments having no economic value.

**DENSITY:** The number of dwelling units that are allowed on an area of land, which area of land shall be permitted to include dedicated streets contained within the development.

**DESIGN STANDARD:** Required elements of building plans.

**DEVELOPMENT AREA:** An area of land permitted by this local law to be developed by a single owner or group of owners, acting jointly, which may consist of a parcel or assembled parcels planned and developed as an entity.

**DEVELOPMENT COVERAGE:** All impervious surface areas on a lot including but not limited to building coverage as defined herein, interior roads, parking areas, sidewalks, and loading areas.

**DIMENSIONAL REQUIREMENTS:** Standards and controls that establish the maximum size of buildings and structures on a lot, and the building area within which the building can be located, including coverage, setbacks, height, floor area ratio, and setback/ yard requirements.

**DEVELOPMENT:** Any change made to improved or unimproved real estate including but not limited to buildings or other structures, mining, filling, grading, paving, excavation, excluding normal maintenance to farm roads.

**DOCK:** Any structure, whether affixed to land or floating, placed in or upon a lake, stream or brook where a boat is or may be moored or provides access for swimming, fishing or for any other use recreational or otherwise. The term shall include piers, wharves, crib docks, stake docks, floating docks and all such similar structures.

**DRIVE-IN BUSINESS:** A business providing service or delivery of goods to persons in a vehicle, the vehicle being driven to a position designed to provide that service or goods from inside a building. This term shall include drive-in outdoor theaters, drive-in banking, drive-in photo processing, fast food establishments, auto washing facilities, refreshment stands, and similar uses. This term shall not include retail fuel outlets or filling stations.

**DRIVEWAY:** A roadway providing a means of access from a street to a property or off-street parking area. An access way may also be deemed a driveway.

**DWELLING:** Any building or portion thereof designed or used principally as a residence or sleeping place for one (1) or more persons. Structures that do not have permanent or approved sanitary facilities shall not be considered a residential dwelling.

**DWELLING - SINGLE FAMILY:** A detached residential dwelling designed for and occupied by one family only.

**DWELLING - TWO-FAMILY:** A detached building containing two dwelling units, designed for occupancy by not more than two families. A duplex is a two-family dwelling that is designed with a common wall.

**DWELLING - MULTIPLE FAMILY:** A residential building designed for or occupied by three or more families with the number of families in residence not exceeding the number of dwelling units provided. This definition includes apartment buildings and townhouses.

**DWELLING - SEASONAL DWELLING:** A dwelling unit intended for occupancy only during certain seasons of the year, principally for recreational use by the owner, including hunting cabins, vacation cottages, summer cottages, and vacation lodges.

**DWELLING - DWELLING UNIT:** One room or rooms connected together for owner occupancy or rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure and containing independent cooking and sleeping facilities, designed for occupancy by one family.

**EASEMENT:** That portion of land or property reserved for present or future use by a person or agency other than the legal fee owners(s) of the property.

**ENLARGEMENT:** An increase in floor area of an existing building or structure.

**EXTENSION:** An increase in the amount of existing area used for an existing use in an existing building or structure.

**ENVIRONMENTAL ASSESSMENT FORM (EAF):** The form used by an agency to assist it in determining the environmental significance or non-significance of actions.

**ENVIRONMENTAL IMPACT STATEMENT:** A written: "draft" of "final" document prepared in accordance with sections 617.9 and 617.10 of 6 NYCRR Part 617 of the State Environmental Quality Review regulations.

**ESSENTIAL SERVICES:** Erection, construction, alteration, operation or maintenance by municipal agencies or public utilities of telephone dial equipment centers, electrical or

gas substations, water treatment or storage facilities, pumping stations and similar facilities, or public receiving and retransmission of communications signals.

**EXCAVATION (See MINING AND EXCAVATION)**

**FAMILY:** One or more persons, usually but not necessarily related by blood, marriage or adoption, living together as a single, not-for-profit housekeeping unit.

**FARM:** Any parcel of land having a minimum of five acres that is worked for gain in the growing of agricultural products or the raising of animals (See **AGRICULTURE**). It includes necessary farm structures within the prescribed limitations and the storage of equipment used. It excludes riding academies and livery or boarding stables and kennels.

**FARM BUILDING:** Any building used for the housing of agricultural equipment, produce, livestock or poultry or for the incidental or customary processing of farm products, and provided that such building is located on, operated in conjunction with, and necessary to the operating of the farm as defined by this Article.

**FARM LABOR HOUSING.** - A property which consists of a tract of land and all vehicles, manufactured homes, buildings or other structures pertaining thereto, any part of which may be used or occupied by persons employed as migrant farm workers including sleeping facilities, provided in whole or in part by the employer of such persons, owner, lessee, or operator thereof, with or without stipulated agreement as to the duration of their stay, whether or not they are supplied with meals but who are supplied with such utility services as are necessary for their habitation of such property.

**FARM MARKET:** Retail outlet consisting of permanent structure(s) for the display and sale of agricultural and nursery products principally imported for sale and not grown by the operator. (See also “**ROADSIDE STAND**”)

**FENCE:** A structure of wood, masonry, wire mesh or other material, which prohibits or inhibits unrestricted travel or view between properties or portions of properties or between the street or public right-of-way and a property.

**FLOOD HAZARD DISTRICT:** The land in the floodplain subject to a one percent or greater chance of flooding in any given year. It is also commonly referred to as the base floodplain or 100-year floodplain.

**FLOOR AREA, HABITABLE:** The sum of the gross horizontal areas of the floor or floors of a building that is enclosed and usable for human occupancy or the conduct of business. A floor used only for storage purposes is not a "habitable floor". All dimensions shall be measured from the interior faces of exterior walls or from the centerline of the base of walls separating two dwelling units.

**FORMAL OFFER TO SELL:** Any offer to sell land which involves a form of public offering including but not limited to, real estate listings, auction listings, media advertising printed, radio, television, etc.) or use of signs.

**FRONTAGE:** All of the property abutting one side of a road, street, or thoroughfare, measured along the road, street or thoroughfare line.

**GARAGE, PRIVATE:** An accessory building which provides for the storage of motor vehicles or household items by the occupants on the lot upon which it is erected, with no provision for repairing or servicing such vehicles for profit. A garage cannot serve as the principal use on any lot.

**GARAGE, PUBLIC:** Any garage other than a private garage, operated for gain, available on a rental basis for the storage of motor vehicles, recreational vehicles, boats and other tangible personal property.

**GRADE, FINISHED:** Natural surface of the ground, or surface of ground after completion of any change in contour.

**GOLF COURSE:** A tract of land improved with trees, greens, fairways and hazards used for playing golf. A golf course may include clubhouses and shelters. Facilities commonly referred to as “putt-putt” golf, “miniature golf,” etc. are specifically excluded from this definition.

**GREENHOUSE:** Any building or structure constructed principally of glass or other transparent or translucent material and used for the propagation, growing or protection of flowers and plants.

**GROCERY STORE:** A retail outlet selling foodstuffs and daily essential items, which may include but not be limited to canned goods, vegetables, meats, dairy products, condiments and paper goods.

**HAMLET:** A community of people smaller than a village that can include homes, businesses, churches, schools, etc. located within the town ship and is unincorporated.

**HOME BASED BUSINESS:** A business, profession, occupation or trade conducted for gain or support, other than a home occupation as defined herein, conducted within or on the same lot as an occupied single-family dwelling by the inhabitants thereof. The home business may involve the provision of services or the manufacture and/or sale of goods on the premises, except that the following types of business shall not be considered to be home businesses: motor vehicle repair; motor vehicle, boat, and manufactured home sales and rental; fuel outlets including gas stations and mini-marts); drive-in businesses; scrap and salvage material storage and sales (including junkyards); laundries and dry-cleaning establishments; recreation, entertainment, or amusement enterprises (including adult entertainment or other adult uses); restaurants and tearooms; tourists homes and bed and breakfast establishments; biological or medical testing laboratories, clinics, hospitals and

convalescent homes, funeral homes; kennels, stables, animal hospitals and veterinarian offices; and building supply and farm equipment stores. Yard sales, garage sales and any similar type of sales exceeding four (4) consecutive weeks shall be considered to be a home business and subject to the provisions therefore.

**HOME OCCUPATION - MINOR:** A minor home occupation is a business, profession, occupation or trade conducted for gain or support entirely within a residential building, or a structure accessory thereto, which is incidental and secondary to the use of such building for dwelling purposes and which does not change the essential residential character of such building. The minor home occupation shall be owned and operated by the occupant of the residential structure and only by the person or persons maintaining their primary residence in said dwelling unit. For purposes of this section, primary residence is defined as the location of an individual's residence for more than six (6) months or the year. The following types of businesses shall not be considered to be a home occupation: motor vehicle repair; motor vehicle, boat, and manufactured home sales and rental; fuel outlets (including gas stations and mini-marts); drive-in businesses; scrap and salvage material storage and sales (including junkyards); laundries and dry-cleaning establishments, recreation, entertainment, or amusement enterprises (including adult entertainment or other adult uses); restaurants and tearooms, tourist homes and bed and breakfast establishments, biological or medical testing laboratories, clinics, hospitals, and convalescent homes; funeral homes; kennels, stables, animal hospitals and veterinarians offices; and building supply and farm equipment stores.

**HOME OCCUPATION - MAJOR:** A major home occupation is a business, profession, occupation or trade conducted for gain or support conducted within a residential building, or a structure accessory thereto, which is incidental and secondary to the use of such building for dwelling purposes and which does not change the essential residential character of such building. The major home occupation shall be owned and operated by the occupant of the residential structure and only by the person or persons maintaining their primary residence in said dwelling unit. For the purposes of this section, primary residence is defined as the location of an individual's residence for more than six (6) months of the year. The following types of business shall not be considered to be a home occupation: motor vehicle repair; motor vehicle, boat, and manufactured homes sales and rental; fuel outlets (including gas stations and mini-marts); drive-in businesses; scrap and salvage material storage and sales (including junkyards); laundries and dry-cleaning establishments; recreation, entertainment, or amusement enterprises (including adult entertainment or other adult uses); restaurants and tearooms, tourist homes and bed and breakfast establishments; biological and medical testing laboratories, clinics, hospitals, and convalescent homes; funeral homes; kennels, stables, animal hospital and veterinarian offices; and building supply and farm equipment stores.

**HOUSEHOLDER:** An individual who resides in a dwelling unit and who owns, rents or otherwise has legal possession of such unit.

**INDUSTRIAL USE:** Activity related to manufacture, assembly, resource recovery, storage, or processing of materials, marketed off the premises, or marketed to other than the ultimate consumer.

**JUNK:** Any non-operating, dismantled, wrecked or abandoned appliance, vehicle, lawnmower, motorized yard equipment or other property, which has no value other than nominal salvage value, if any, and which has been left unprotected from the elements. This definition shall include, but is not limited to, the following:

**JUNK APPLIANCE:** Any stove, refrigerator, washing machine, dryer, freezer, television set, radio or other household device or equipment which has been placed outside for a period of at least one (1) month and been exposed to the elements.

**JUNK MOTOR VEHICLE:** Any motor vehicle which is unlicensed, wrecked, stored, discarded, dismantled or which is not intended or in any condition for legal use upon the public highway

**JUNK YARD:** A lot, land or structure or part thereof used for the collection, storage, dismantling, disassembly, packing, sorting, salvage, buying, selling or exchange of waste paper, rags, scrap, or discarded materials, motor vehicles, manufactured homes, farm equipment or machinery, or parts of any sort. More than two (2) abandoned, unregistered, disabled, dismantled, or partly dismantled vehicles, or pieces of equipment, allowed to remain un-housed on a premises for a period of more than thirty (30) days shall constitute a junkyard. Also, the un-housed storage, sale, or abandonment of waste paper, rags, scrap metal, discarded materials, or the collecting, dismantling, storage, salvaging or abandonment of machinery, appliances or vehicles not in operating condition shall constitute a junkyard. Automobile junkyards as defined in General Municipal Law; Section 136 shall be included within this definition.

**KENNEL:** Any lot or premises on which five (5) or more domestic animals more than six (6) months of age are housed, groomed, bred, boarded, trained, or sold, for compensation of any kind.

**LANDSCAPING:** The finishing and adornment of unpaved yard areas

**LAND SEPARATION:** Any division of land into lots where all developable lots or parcels front on an existing public street. Any division of agricultural land for the purpose of continued agricultural use shall be considered a land separation.

**LOADING SPACE, OFF-STREET:** Space logically and conveniently located for public pickups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles.

**LOT:** A parcel of land considered as a unit, devoted to a certain use and occupied, or capable of being occupied, by a building or group of buildings that are united by a common interest or use, and the customary accessory uses and open space belonging to it.

**LOT (CORNER):** A parcel of land at the junction of, and fronting on two or more intersecting street, roads, or thoroughfares.

**LOT (THROUGH):** An interior lot having frontage on two parallel or approximately parallel streets, roads, or thoroughfares.

**LOT AREA:** The square footage or acreage contained within the boundaries of a lot. Any portion of a lot included in a public road, street or highway right-of-way shall not be included in calculating lot area.

**LOT DEPTH:** The mean distance from the front lot line to the rear lot line measured in the general direction of the sidelines of the lot.

**LOT FRONTAGE:** The linear distance along a lot line that adjoins the road or highway that provides access to the lot.

**LOT LINE:** The property lines bounding the lot:

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

**LOT OF RECORD:** A lot that is part of an approved subdivision recorded in the Office of the County Clerk or a lot de-scribed by metes and bounds, the description of which has been so recorded.

**LOT WIDTH:** The width of the lot between side lot lines at the front building line as prescribed by the front yard regulations.

**MANUFACTURED (MOBILE) HOME:** A factory-manufactured home, built on a permanent steel-framed chassis in compliance with federal HUD standards and containing a HUD seal certifying such compliance or a manufactured home manufactured prior to 1976 predating HUD standards, but which complies with the New York State Uniform Fire Prevention and Building Code, which is designed to be transported to a site in one or more sections, and which is intended to be used as permanent living quarters by a single family unit when connected to the required plumbing, heating and electrical utilities. For the purposes of this Local Law, the removal of transport wheels and/or the anchoring of the home to a permanent foundation shall not remove it from this definition. This term shall include doublewide manufactured homes.

**MANUFACTURED (MOBILE) HOME PARK:** Any site, lot, field, plot, parcel or tract of land on which two (2) or more manufactured homes are parked or located and are occupied or intended for occupancy on the premises, and for which either the said premises or manufactured homes are offered to the public for a fee of any type, including cost sharing. This includes the rental of the said premises and/or the manufactured homes.



**MEAT MARKET:** An establishment selling meat and meat products.

**MIGRANT FARMWORKER:** An individual who is employed in farm activities of a seasonal or temporary nature.

**MINING AND EXCAVATION:** The excavation, removal, handling and processing of stone, sand, gravel, clay, earth, top soil or other surface or subsurface material extracted from the premises, including the transportation, storage, crushing, grinding, pulverizing or mixing of the extracted raw materials and all uses and operations accessory thereto. The extraction of gas and oil through wells shall be included within this definition.

**MIXED USE:** A combination of two or more principal uses.

**MODULAR HOME:** A factory-manufactured home having no permanent support frame and designed to be transported to a site in one or more sections for erection, construction, or installation as a permanent structure. Modular Homes shall be affixed to a permanent site-built foundation and shall meet the requirements of the New York State Uniform Fire Prevention and Building Code. For the purposes of this Local Law, Modular Homes shall be regulated as a dwelling.

**MOTEL:** A building or group of buildings, whether detached or in connected units, containing sleeping units or lodging facilities for transient guests. Accessory facilities such as restaurants, meeting rooms, retail business activities and other similar services, which solely accommodate the motel patrons and not the general public, are allowed. The term motel includes buildings designated as auto cabins, auto courts, motor lodges, tourist courts, hotels and similar terms.

**MOTOR VEHICLE:** Any vehicle designed to be propelled or drawn by power other than muscle power, except electrically driven wheelchairs being operated or driven by an invalid. This term shall include automobiles, trucks, buses, motorcycles, tractor-trailers, boats, motor homes, snowmobiles, all-terrain vehicles, utility vehicle and garden and lawn tractors.

**MOTOR VEHICLE REPAIR SHOP:** A building, or portion of a building, arranged, intended or designed to be used for making repairs to motor vehicles for compensation.

**NON-CONFORMING BUILDING OR STRUCTURE:** A building or structure legally existing at the time of enactment of this Local Law or any amendment thereto, and which does not conform to the area or dimensional regulations of the district or zone in which it is situated.

**NON-CONFORMING LOT:** A lot of record existing at the date of the enactment of the Local Law which does not have the minimum width, depth or area for the district in which it is located.

**NON-CONFORMING USE:** Any use of land, buildings or structures, legally existing at the time of enactment of this Local Law, which does not legally conform to the regulations of the district or zone in which it is located.

**OFFICE BUILDING:** A building in which office use comprises more than fifty (50) percent of the total floor area. This does not include home occupations, where offices are a secondary or incidental use.

**OPEN SPACE:** Area unoccupied by any building, structure or parking area, whether paved or unpaved.

**OPEN STORAGE:** An unenclosed area used for temporary or seasonal storage of vehicles, materials, building supplies, stock, or supplies for later use in conjunction with a permitted principal use, accessory use, or special permitted use.

**OUTDOOR ACTIVITIES:** Consists of the following: (1) outdoor restaurants, and (2) outdoor sales or display of goods on the same lot on which the same use is located within an enclosed structure.

**PARKING SPACE:** Space available for the parking of one motor vehicle and having an area of not less than 180 square feet (9 by 20 feet), exclusive of passageways and driveways providing access thereto.

**PARKING OFF-STREET:** An off-street area with an appropriate means of vehicular access to a street, intended for the temporary storage of vehicles.

**PATIO:** A level surfaced area directly adjacent to a principal building that has an average elevation of not more than 30 inches, and without walls or a roof

**PERMITTED USE:** A use listed in the Zoning District regulations of this Local Law as permitted.

**PLACE OF WORSHIP:** Any church, synagogue, temple, mosque or similar structure use for worship or religious instruction including social and administrative rooms accessory thereto.

**PLANNED RESIDENTIAL DEVELOPMENT:** A residential development of land, based on an overall development plan approved by the Town Planning Board in accordance with special permit procedures in which the development is intended to be maintained and operated as a unit in single ownership or controlled by an individual, partnership, corporation, cooperative or association and which has certain facilities in common, such as open space and recreation areas, utilities, and parking facilities. The density of development of a Planned Residential Development may exceed the density otherwise permitted within the zoning district in which the land is located.

**PLANNED UNIT DEVELOPMENT:** A residential or commercial development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, shall be permitted to be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines.

**PLOT PLAN OR SITE PLAN:** A plot of a lot, drawn to scale, showing the actual measurements, the size and location or any existing buildings or buildings to be erected, the location of the lot in relation to abutting streets, and other such information.

**POND:** Any naturally occurring impounded body of water or man-made impounded body of water having a depth at any point greater than two (2) feet and being constructed by the removal of soil and/or the construction of a dam or embankment intended to impound water. For purposes of this definition, Swimming Pools shall be excluded.

**PORCH:** A covered by unenclosed projection from the main wall of a building that may or may not use columns or other ground supports for structural purposes.

**PROPERTY OWNER:** The holder or proprietor of land.

**PUBLIC IMPROVEMENT:** Any drainage ditch, storm sewer or drainage facility, sanitary sewer, water main, roadway, parkway, park, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or for which the local government responsibility is established.

**PUBLIC UTILITY:** One or more persons or corporations operating an agency or agencies for public service.

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

**PRINCIPAL USE:** The main or primary purpose for which a building, structure or lot is to be used.

**PROFESSIONAL OFFICES:** The office or place of business where professional services are offered and does not involve, as a principal use, the sale of goods or the keeping of a stock in trade. Professional offices include but are not limited to, medical

doctors, dentists, surgeons, attorneys, architects, engineers, planners, accountants, real estate brokers, insurance brokers, psychologists and chiropractors.

**PROFESSIONAL SERVICES:** A specific activity performed by a qualified person(s) that requires training and/or specialized study.

**PUBLIC AND QUASI-PUBLIC BUILDING AND GROUNDS:** This definition is intended to include, but not be limited to, any one (1) or more of the following uses, including grounds and accessory buildings necessary for their uses:

1. Churches, places of worship, parish houses and convents.
2. Public or semi-public parks, playgrounds and recreational areas when authorized or operated by a governmental authority, school, or religious institution.
3. Nursery schools, elementary schools, high schools, colleges, or universities.
4. Public libraries and museums.
5. Not-for-profit fire, ambulance and public safety buildings.
6. Administrative office buildings and related facilities operated by public agencies.
  
7. Proprietary or not-for-profit hospitals for the care of human beings, nursing homes, convalescent homes for adults, or homes for the aged as the same are defined under the Public Health Law or the Social Services Law of the State of New York, provided that they are duly licensed by the State of New York.
8. Day care centers approved by the New York State Department of Social Services.

**RECREATION AND AMUSEMENT, INDOOR:** Includes, but is not limited to, such uses as bowling alley, theater, table tennis and pool hall, skating rink, gymnasium, swimming pools, hobby workshop and similar places of indoor commercial recreation. Also included under this definition is pinball and video arcades in which operate or offer for the amusement, patronage, or recreation of the public, three (3) or more coin controlled amusement devices, including the types commonly known as pinball, video games, and foosball.

**RECREATION AND AMUSEMENT, OUTDOOR:** Includes, but is not limited to, golf driving range, if not accessory to a golf course, pitch and putt golf course, miniature golf course, outdoor amusement park, hunting preserve, trap, skeet, shooting and archery range, skating rink, tennis court, recreation stadium, race tracks, and go-cart tracks.

**RECREATION AREA:** Recreation area is the sum of all open or covered areas used for recreation purposes.

**RECREATIONAL VEHICLE:** A vehicle type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic types are: travel trailer, camping trailer, truck trailer, and motor home.

**RENOVATION:** Interior or exterior remodeling of a structure, other than ordinary repair.

**RESIDENTIAL CLUSTER DEVELOPMENT:** A subdivision plat or plats, approved pursuant to Section 278 of the New York State Town Law, to provide an alternative permitted method for the layout configuration and design of lots, buildings, and structures, roads, utility lines and other infrastructure, parks, and landscaping in order to preserve the natural and scenic qualities of open lands.

**RESIDENTIAL CONVERSION:** The conversion of the use of a building from non-residential to residential use or the structural alteration of an existing residential structure to increase the number of residential units in the structure.

**RESTAURANT, SIT-DOWN:** An establishment that prepares and sells food and beverages for consumption on the premises.

**RESTAURANT, FAST FOOD:** An establishment that sells food prepared for consumption, in packages prepared to leave the premises. Food is sold on a self-serve or semi self-serve basis. Customer orders and/or service may be by means of a walk-up counter and/or window designed to accommodate automobile traffic. Food consumption may be on or off premises.

**RESTAURANT, TAKE-OUT:** An establishment that prepares and sells food only for consumption off the premises.

**RESTAURANT:** Any establishment, however designated, at which food or drink is sold for consumption to patrons seated within an enclosed building or on the premises.

**RETAIL FUEL OUTLET:** Any establishment that sells gasoline, diesel, kerosene, propane, or similar fuels to the public. This includes service stations, convenience stores, car washes or any other facility that sells fuels.

**RIDING STABLE:** Any use housing animal livestock, such as horses, and providing such livestock to the public for riding on a pay per use or fixed fee basis.

**RIGHT-OF-WAY:** Land set aside for use as a street, alley, or other means of travel.

**RIGHT-OF-WAY LINE:** The line determining the street or highway limit of public ownership. For the purposes of this Local Law, the right-of-way line and the street line shall have the same meaning.

**ROADSIDE STAND:** Retail outlet, consisting of non-permanent structures (movable and temporary), for the sale of agricultural products grown principally by the operator during the harvest season. (See also "**FARM MARKET.**")

**RUBBISH:** Household trash or store trash consisting of things such as barrels, cartons, boxes, crates, furniture, rugs, clothing, rags, mattresses, blankets, rubber tires, lumber, stone, brick and other building materials or any and all other tangible personal property no longer intended or no longer in condition for ordinary use

**SATELLITE DISH ANTENNA:** Shall mean a combination of: 1) an antenna whose purpose is to receive communications or other signals from orbiting satellites and other extraterrestrial sources; and 2) a low noise amplifier whose purpose is to carry signals into the interior of a building.

**SEASONAL USE DISTRICT:** Structures for occupancy and use during specific limited periods of any calendar year. Permanent residence shall not be established within the boundaries of a seasonal cottage use district.

**SETBACK:** The horizontal distance between the street line, rear or sidelines of the lot and the front, rear or side lines of the structure. All measurements shall be made at right angles to or radially from the lot lines to the building lines. Setbacks from street lines to building lines are defined as "front setbacks". Setbacks from side lot lines are "side setbacks". Setbacks from rear lot lines are "rear setbacks".

**SHOPPING CENTER:** A group of stores, shops and similar establishments occupying adjoining structures or two (2) or more commercial buildings located on a single lot or adjacent lots, with such buildings developed as part of a single integrated development with a common architectural design.

**SIGHT DISTANCE:** The maximum extent of unobstructed vision along a street from a vehicle located at any given point on the street.

**SIGN:** Any device, structure, or object for visual communication that is used for the purpose of bringing the subject thereof to the attention of others.

**SIGN, DIRECTIONAL:** A permanent sign that is designed for the purpose of directing vehicular or pedestrian traffic to the location of an activity or business. A logo or advertising is not permitted.

**SIGN, OFF PREMISE:** A sign unrelated to a business or a profession conducted, or to a commodity or service sold or offered, upon the premises where such sign is located.

**SIGN, ON PREMISE DIRECTIONAL:** A sign on the premises where a business or profession is conducted or a commodity or service sold or offered that is provided for the convenience of the general public for the purposes of identifying parking areas, fire zones, entrances and exists and the like.

**SIGN, OUTDOOR ADVERTISING:** A sign which is visible from a public right of way, neighboring property, or parking area, and contains an advertising message relating to a business.

**SIGN, NON-COMMERCIAL SPEECH:** A sign that contains a message that is not related to any business purpose, but which expresses an opinion, political message or other non-commercial statement.

**SIGN, FREESTANDING:** A self-supporting sign not attached to any building, wall or fence, but in a fixed location. This definition includes pole signs, pylon signs, and masonry wall-type signs.

**SIGN, VISUALLY DISTRACTING:** Any sign that in whole or in part revolves, moves, flashes or blinks or appears to be in motion or contains banners, pennants, ribbons, streamers, spinners, or revolving devises.

**SIGN, WALL:** A sign that is painted on or is attached to the outside wall of a building with the face of the sign in the plane parallel to such wall, and not extending more than 15 inches from the face of such wall.

**SIGN SURFACE AREA:** The area defined by the frame or edge of a sign. Where there is no geometric frame or edge of the sign, the area shall be defined by a projected, enclosed, four-sided (straight sides) geometric shape that most closely outlines the said sign. Supports, uprights or structures on which any sign is supported shall not be included in the sign area unless it/they are an integral part of the sign.

**SITE PLAN:** A rendering, drawing, or sketch prepared to specifications and containing necessary elements, as set forth in this Local Law, which shows the arrangement, layout, and design of the proposed use of a single parcel of land as shown on said plan.

**SITE PLAN REVIEW:** A review and approval process, conducted by the Town Planning Board, whereby Site Plans are reviewed utilizing criteria stated in this Local Law.

**SPECIAL USE PERMIT:** A permit allowing a use beyond the prescribed use of the building, lot, or structure in a district or area, pursuant to "special use permit" restrictions established in this local law, or by the Planning Board, or the Zoning Board of Appeals.

**STORY/STORIES:** That portion of building included between the upper surface of any floor and the upper surface of the floor next above, except that the

topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than 6 feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such usable or unused under-floor shall be considered as a story, not a basement or cellar.

**STABLE:** A building where five (5) or more horses are kept for remuneration, hire or sale.

**STREET:** Any exiting public or private way open to general public use which affords the principal means of access to abutting properties and is suitably improved or a proposed by shown on a plan approved by the Town Board or the Town Planning Board and/or on a map filed in the office of the County Clerk.

**STREET LINE:** The dividing line between a street and the abutting lot.

**STRUCTURE:** Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. For example, structures include buildings, mobile homes, walls, fences, signs, sheds, billboards and poster panels, docks, and/or similar construction types.

**SUBSTANTIAL IMPROVEMENT:** Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the assessed value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred.

**SWIMMING POOL:** Any artificial pool or structure made of concrete, masonry, metal, vinyl or other impervious material used for or intended to be used for swimming or bathing whether installed or maintained in or above the ground and having a depth at any point greater than two (2) feet. For purposes of this definition, Swimming Pool does not include natural or artificial ponds that have dirt and/or gravel sides and bottoms.

**TAVERN:** Any establishment, licensed by the State of New York, that engages in the sale for on premise consumption of alcoholic and non-alcoholic beverage(s).

**TEMPORARY USE:** An activity or use conducted for a specified limited period of time, not exceeding six (6) months within any twelve (12) month period. This term shall include those uses incidental to construction projects, festival tents/refreshments stands, temporary real estate sales offices incidental to a subdivision project, and similar uses.

**TOWER:** Includes any structure, including dish antennae, whether attached to a building or freestanding and whether guyed or self-supporting, designed to be used as or for the support of devices to be used for the transmission and/or reception of radio frequency signals, such as, but not limited to broadcast, short-wave, citizens band, cellular telephone,



FM or television signals or wind-driven devices such as energy converters and wind speed and/or direction indicators.

**TOWNHOUSE:** An independent single family dwelling unit within a multiple-family dwelling sharing a minimum of one (1) and a maximum of two (2) common party walls with adjoining dwelling units and having private entrances and exists to exterior yards independent of such other dwelling units.

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

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

**WINDMILL:** An alternate energy device that converts wind energy by means of a rotor to mechanical or electrical energy. A wind generator may also be deemed a windmill.

**YARD:** An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein. (See also, **SETBACK**).

**YARD, FRONT:** The space within and extending the full width of the lot from the front lot line to the part of the principal building which is nearest to such front line.

**YARD, REAR:** An open space extended across the entire width of the lot between the rear wall of the principal building and the rear line of the lot, and unoccupied except for accessory building and open porches.

**YARD, SIDE:** An open space on the lot with a principal building between the principal building and the side line of the lot extending through from the front yard to the rear yard, into which space there shall be no extension of building parts other than two (2) feet for rain water leaders, window sills, and other such fixture and open steps.

**YARD SALE:** The temporary displaying of household items and clothing for sale on a yard, porch or in a barn or garage not exceeding four (4) consecutive weeks per year. This term shall include garage sales, barn sales, porch sales, tag sales and other sales similar in nature. Yard sales in excess of four (4) calendar weeks duration shall be considered home businesses.

**ZONING OFFICER:** The official designated to administer and enforce this Local Law by granting or denying zoning permits in accordance with its provisions.

**ZONING PERMIT:** A document issued by the Zoning Officer authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses in conformity with this Local Law.

End of article 2

## ARTICLE 3

### PERMITS AND PROCEDURES

#### 3000 PERMITS REQUIRED

- A. No use or structure shall be established, erected, demolished nor land developed until a Zoning Permit has been issued by the Zoning Officer, who shall issue such permits in accordance with regulations in the Local Law. A Building Permit may also be required pursuant to the NYS Uniform Fire Prevention and Building Code.
- B. To preserve green space, only Ten (10) new residential dwelling building permits will be issued per calendar year. (See Addendum 5)
- C. A Zoning Permit shall not be required for buildings under 50sq. ft.
- D. A Zoning Permit is required where a Building Permit may not.

#### 3010 ZONING PERMIT FOR TYPES OF USES

Under the terms of this Local Law, Zoning Permits may be issued pursuant to the following procedures:

- A. Permitted Use - The Zoning Officer on his own authority may issue a zoning permit for a permitted use.

- B. Site Plan Approval - A zoning permit for a permitted use, other than a one or two family dwelling, agriculture use, or an accessory use associated with a one or two family dwelling or agriculture use, may be issued by the Zoning Officer after site plan approval from the Town Planning Board as more fully described in Article 7 of this Local Law. A site plan review is required for business and industrial uses located adjacent to a state highway.
  
- C. Special Permit Uses - A zoning permit for a special use permit use may be issued by the Zoning Officer after special use permit approval and site plan approval from the Town Planning Board as more fully described in Article 6 of this Local Law.
  
- D. Zoning Permit After a Request for Variance - A Zoning Permit for a use or structure which requires a variance may be issued by the Zoning Officer after receiving a copy of the Zoning Board of Appeals decision with regard to the appeal as more fully described in Article 8 of this Local Law.

## 3020 APPLICATION PROCEDURES AND REQUIRED INFORMATION

- A. Application - Application for a zoning permit shall be made with the Zoning Officer on forms approved by the Town Board. Forms shall be made available at the Offices of the Zoning Officer and the Town Clerk.
- B. Information
1. All information on the application form shall be completed.
  2. In addition, either sketch maps or site plans shall be submitted with applications as specified below:
    - a. Sketch Map - Five (5) copies of a sketch map are required with all applications for a zoning permit for one or two family dwellings, their customary accessory uses, or farm use. The sketch map shall be drawn to scale and show the dimensions and location of the lot, exact size and location of all existing and proposed buildings on the lot, proposed location of water and sewage disposal systems, parking areas and driveway location, natural water courses, ponds, surface drainage patterns and location of existing or proposed easements; or
    - b. Site Plan – Five (5) copies of a site plan are required with applications for all other uses. The requirements and procedures for site plan approval are contained in Article 7 of this Local Law.
- C. Approval of Water and Sewage Disposal System - Evidence of approval of the water supply and the sewage disposal system plans by the Wyoming County Health Department or its agent, or design plans signed by a licensed engineer, shall be submitted at the time of application. Applications lacking such information shall not be accepted.
- D. Evidence of Property Ownership or Intent to Purchase - Copies of deeds, titles, purchase agreements, or other proof of ownership or intent to purchase shall be attached to an application before it will be accepted.
- E. Licenses - Any use currently licensed by Federal, State, County or Town Agencies and already operating within the Town shall present evidence of currently valid licenses before any expansion permits are considered.
- F. Fee - The appropriate non-refundable fee established by the Town Board in its fee structure shall be collected at the time of application. This fee structure shall be filed and posted at the Office of the Town Clerk.

**3030 ZONING PERMIT GRANTED**

When all requirements of this Local Law have been met and all required Planning Board and Zoning Board of Appeals approvals have been obtained, the Zoning Officer shall issue a Zoning Permit. The Zoning Officer shall file one copy of the approved permit in his office.

**3040 TERMINATION OF PERMIT**

- A. Permits issued pursuant to this Article shall expire in twelve (12) months unless the project is completed.
- B. The Zoning Officer may grant an extension for time of completion and include any conditions or requirements deemed necessary or desirable. Applicants shall justify the need for the proposed extension. Unless such an extension is requested and approved, further work as described in the canceled permit shall not proceed until a new permit has been obtained.
- C. If a project is not initiated within one (1) year of the issuance of the permit, the permit issued shall be considered null and void, and a new application shall be required in order to obtain a new permit.

**3050 CERTIFICATE OF COMPLIANCE**

- A. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a Certificate of Compliance shall have been issued therefore by the Zoning Officer stating that the proposed use of the building or land conforms to the requirements of this Local Law. A Certificate of Compliance shall not be granted unless a Certificate of Occupancy has been issued pursuant to the NYS Uniform Fire Prevention and Building Code.
- B. Failure to obtain a Certificate of Compliance shall be a violation of this Local Law and punishable in accord with the provisions specified in Article 8 of this Local Law.

- C. Within seven (7) days after the completion of the change in use of a building or parcel of land, the applicant shall so notify the Zoning Officer stating that such action has been completed. Within fifteen (15) days of the receipt of this letter, the Zoning Officer shall conduct a final inspection of the premises to determine whether the new use complies with the requirements of this Local Law. If the Zoning Officer determines that said building or use complies with the provisions herein, he shall issue a Certificate of Compliance. If it is determined that the provisions specified herein are not fully complied with, the Zoning Officer shall specify the violations and the terms and conditions for remedying these violations. A Certificate of Compliance shall not be issued until such violations are corrected.
- D. No non-conforming building or use shall be maintained, renewed, changed or extended without a Certificate of Compliance having first been issued by the Zoning Officer. The Certificate of Compliance shall state specifically wherein the non-conforming use differs from the provisions of this Local Law.

End of article 3

## ARTICLE 4

### ZONING DISTRICT REGULATIONS

#### ~~4000 ZONING MAP AND DISTRICTS~~

~~The Zoning Map officially entitled “Town of Sheldon Zoning Map” is hereby adopted as part of this chapter. In order to classify, regulate, and restrict the locations of uses and development designated for specific areas, and to regulate and determine the dimensional requirements for such development, property in the Town of Sheldon is hereby divided into the following Zoning Districts:~~

<del>Symbol</del>	<del>Districts</del>
<del>A</del>	<del>Agricultural</del>
<del>RR</del>	<del>Rural Residential</del>
<del>B</del>	<del>Business</del>
<del>I</del>	<del>Industrial</del>
<del>H</del>	<del>Hamlet</del>
<del>S</del>	<del>Seasonal</del>

#### ~~4010 ZONING MAP~~

~~The boundaries of said Districts are hereby established as shown on the Zoning Map of the Town of Sheldon, dated \_\_\_\_\_2009\_\_\_\_\_, as amended, which accompanies this law and which, with all explanatory matters thereon, is hereby adopted and made part of this chapter. Said map indicating the latest amendments, shall be kept up to date at the office of the Town Clerk for the use and benefit to the public. A copy of said map shall be kept on file in the office of the Town Zoning Officer.~~

#### **Section 4000 and Section 4010 were amended by Local Law 1-2020 on 12/31/20**

The Town Board of the Town of Sheldon has enacted Local Law No. 1 of 2020 in accordance with the New York State Municipal Home Rule Law. The purpose of this local law is to amend the Zoning Map of the Town of Sheldon, so identified and designated as part of Article IV of the Zoning Law of the Town of Sheldon, by rezoning various parcels to conform to surrounding properties and to better reflect the use of some of the parcels, all of which further the goals and objectives of the Town’s Comprehensive Plan. The Town Board of the Town of Sheldon hereby adopts the following changes to the Town of Sheldon Zoning Law as follows:

#### *4000 Zoning Map and Districts*

Symbol	Districts
A	Sheldon Agriculture District (Future Low Density District)
RR	Sheldon Rural Residential District (Future Medium Density District)
H	Sheldon Hamlet District
B	Sheldon Business District
I	Sheldon Industrial District



S Sheldon Trailer Park District (Future High Density District)  
 Sheldon Seasonal Use District (Future Limited Use District)

4010 *Zoning Map*

The boundaries of said Districts are hereby established as shown on the Zoning Map of the Town of Sheldon, dated ~~2009~~ 2019 , as amended, which accompanies this law and which, with all explanatory matters thereon, is hereby adopted and made part of this chapter. Said map indicating the latest amendments, shall be kept up to date at the office of the Town Clerk for the use and benefit to the public. A copy of said map shall be kept on file in the office of the Town Zoning Officer.

#### 4020 INTERPRETATION OF BOUNDARIES

Interpretation of District Boundaries shown on the Zoning Map, the following rules shall apply:

- A. District boundary lines are intended to follow streets, municipal boundaries, rights-of-way, railroad rights-of-way or watercourses, or to be parallel or perpendicular thereto.
- B. Where district boundaries are shown approximately following streets, rights-of-way, railroad rights-of-way or watercourses, such boundaries are intended to be the centerlines thereof.
- C. Where dimensions are shown on the Zoning Map between a street and a district boundary line, such dimension indicates that the district boundary line runs parallel with the street line at the distance so indicated by such dimension.
- D. Where district boundary lines do not fit within the descriptions provided above, the location of any such boundary should be determined by use of the map scale appearing thereon.
- E. If the district classification of any property or portion thereof is in question, it shall be deemed to be in the most restrictive of the districts.
- F. Where a portion of the lot not located within the Town of Sheldon is required to be maintained in conjunction with the Sheldon portion in order to meet the use or dimensional requirements applicable in the Town of Sheldon, a deed restriction or other suitable legal agreement which will assure such continuation to the satisfaction of the Town Attorney's office of the Town of Sheldon shall be required. In such case, setback requirements shall be measured from the lot line of the lot that is to be maintained and not from the municipal boundary.
- G. Where uncertainty exists in determining the precise location of any district boundary line, the Zoning Board of Appeals with advice from the Planning Board shall interpret the intent and purpose of the Zoning Map.

#### 4030 APPLICATION OF REGULATIONS

- A. Conformity required. No structure shall be erected, constructed, moved, altered, rebuilt or enlarged, nor shall any property be used, designed or arranged to be used, for any purpose except in conformity with this chapter.
- B. Minimum requirements. In interpreting and applying this chapter, the requirements contained herein are declared to be the minimum requirements necessary for the protection and promotion of the public health, safety, morals, comfort, convenience and general welfare.
- C. Conflicting standards. Where this chapter imposes a different restriction upon the use of property, or upon the erection, construction, establishment, movement, alteration or enlargement of buildings or other structures, than are imposed by other applicable codes, rules, regulations, licenses, certificates, easements, covenants, agreements or other authorizations, the more restrictive requirements shall prevail.
- D. Where a lot falls in an overlay district, the requirements of both the base zoning district and the overlay district shall apply. When requirements differ, the more restrictive shall apply.

**4040 DISTRICT PURPOSES AND OBJECTIVES** (Refer to Addendum 4 pg. 131)

- A. Agricultural (A). The purpose of the A zone is to assure a proper economic and physical environment for continued agricultural use of land to maintain an open, rural character to viable agricultural areas which have many sensitive natural features such as streams and wetlands to assure compatible types and densities of development, and to assure low densities of development in areas without sanitary sewer service or public water service. Development in this district is designed to assure the continued viability of the agricultural industry and economy in the Town. The A district is mapped on lands in Wyoming County Agricultural Districts 1 and 4 that contain active farming uses, prime agricultural soils, and little residential development.
- B. Rural Residential (RR). The RR District is intended to provide for low-density single-family residential neighborhood development compatible with surrounding agricultural uses at a density not to exceed approximately one (1) dwelling unit per acre. Accessory and incidental uses are limited to those appropriate to a single-family neighborhood environment.
- C. Business (B). Areas for commercial activities are provided to supplement hamlet areas in the town, especially to serve those businesses that are highway-oriented and those requiring large areas, such as farm equipment dealers.
- D. Industrial (I). This provides locations for the establishment of appropriate industrial facilities to provide employment opportunities and a broadening of the tax base in Sheldon. A variety of types of manufacturing and offices are permitted. This area does not conflict with agricultural and residential areas. The type and number of businesses allowed will be determined at the time of the site plan review, consideration being given to traffic flow, parking, sewage disposal and availability of utilities.
- E. Hamlet (H). A community of people smaller than a village that can include homes, businesses, churches, schools, etc. located within the township and is unincorporated.



End of article 4

## **ARTICLE 5**

### **REGULATIONS APPLICABLE TO PERMITTED PRINCIPAL AND ACCESSORY USES**

#### **5000 ACCESS CONTROL**

In order to encourage the sound development of street frontage, the following special regulations shall apply to all non-residential buildings and uses:

- A. Each separate use, grouping of attached buildings or groupings of permitted uses shall not have more than two (2) points of access.
- B. The use of common access points by two or more permitted uses shall be encouraged by the Town Planning Board during Site Plan Review in order to reduce the number and closeness of access points along the streets and to encourage the fronting of significant traffic generating uses upon a parallel access street and not directly upon a primary road.

- C. Access points for industrial uses shall not be less than twenty-four (24) feet nor more than forty (40) feet in width. All other access points shall not be less than twenty (20) feet nor more than thirty (30) feet in width.

## **5010 ALTERNATIVE ENERGY SYSTEMS**

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

- A. Towers - All wind energy towers shall be located so as to allow an open zone around the tower on the owner's property and of a radius at least equal to the height of the tower.
- B. Collection/Storage - All energy collection/storage facilities and appurtenant electrical equipment shall cause no undue interference or noise, or glare.
- C. Windmill Blades - Windmill blades shall clear the ground at their lowest point by at least twenty (20) feet.
- D. Height Exemption: The height limitations of this Local Law shall not apply to wind energy towers or solar collectors provided that such structures are erected only to such height as is necessary to accomplish the purpose for which they are intended, and that such structures do not obstruct solar access to neighboring properties.

## **5020 BED AND BREAKFAST ESTABLISHMENTS**

- A. The building proposed for occupancy as a bed and breakfast establishment shall contain no more than five lodging rooms for hire.
- B. The operator of the bed and breakfast establishment shall reside on the premises.
- C. The dwelling shall not be altered in a manner that would cause the premises to differ from its residential character, nor shall any extensions or additions to the dwelling be made for the purpose of renting such space for overnight accommodations.
- D. The use of out buildings detached from the principal dwellings shall not be used for the purpose of a bed and breakfast establishment.
- E. A minimum of one (1) off-street parking space shall be provided for each rentable unit, in addition to the two (2) spaces required for a single-family dwelling. No such parking space shall be located in the front yard area and each space shall not be less than nine by twenty (9x20) feet.

- F. The dwelling may display a sign not to exceed two by two (2x2) feet in size.
- G. No bed and breakfast establishment shall be permitted where a shared driveway provides access with a neighbor.
- H. No bed and breakfast establishment shall be permitted in an individual manufactured home or manufactured housing park.
- I. Each rentable unit in a bed and breakfast establishment shall have a working smoke detector.
- J. Such uses shall comply in full with the Wyoming County Sanitary Code and the New York State Uniform Fire Prevention and Building Code.

### **5030 CLEAR VIEW OF INTERSECTING STREETS**

No obstruction to view in excess of four feet in height, measured perpendicular from the street grade, shall be maintained on the premises in the angle formed by intersecting streets (and on the main structure thereon) so as to interfere with the view of traffic approaching the intersection within the distance of seventy-five (75) feet measured along the center lines of each street from the intersection thereof.

### **5040 CLUSTER RESIDENTIAL DEVELOPMENTS**

The purpose of Cluster Development is to permit all the development that could occur on a particular tract of land to be built on a portion of the tract, instead of being distributed evenly across the entire tract. Cluster Development enables and encourages flexibility of design and development of land in such a manner as to preserve the natural and scenic qualities of open land while maintaining the same density of development that could occur if the tract were to be developed conventionally.

### **TOWN PLANNING BOARD APPROVAL AUTHORITY**

#### **A. DENSITY**

The number of dwelling units the Town Planning Board may permit in a Cluster Residential Development shall not exceed the number of dwelling units that would be permitted if the plat were to be developed conventionally on the smallest lots permitted and provided that the development complies with all other applicable zoning requirements of the District or Districts in which the Cluster Development is located.

If the entire plat is located within one District, the maximum number of dwelling units the Town Planning Board may approve is determined by calculating the number of dwelling units that would be permitted if the plat were to be subdivided into the minimum sized lots permitted in the District.

If the plat falls within two or more contiguous Districts, the maximum number of dwelling units the Town Planning Board may approve is determined by summing the number of dwelling units that would be permitted on each portion of the plat that falls within a separate District if each portion of the plat within a separate Districts were to be subdivided into the minimum lot sizes permitted in their respective Districts. The Town Planning Board may authorize construction of all Cluster Residential dwelling units within all or any portion of one or more of the Districts in which the plat is located.

**B. MAINTENANCE OF OPEN SPACE**

The Town Planning Board, as a condition of subdivision plat approval, may establish such conditions on the ownership, use, and maintenance of open lands shown on the plat as the Town Planning Board deems necessary to assure the preservation of the natural and scenic qualities of the open lands. The Town Board must approve said conditions before the Town Planning Board may approve the subdivision plat for filing.

**C. SUBDIVISION PLAT CONTENTS**

Plats for cluster residential development shall show the areas in which structures may be located, the height and spacing of buildings, opens spaces and their landscaping. Off-street open and enclosed parking spaces, streets, driveways, and any other features as may required at the discretion of the Town Planning Board. The residential dwelling units permitted in cluster residential development may be, at the discretion of the Town Planning Board, detached, semi-detached, attached, or multi-story structures.

**D. PUBLIC HEARING REQUIREMENT**

Proposed cluster residential developments are subject to the same public hearing requirements as all other proposed subdivisions are pursuant to Section 276 of the New York State Town Law.

**E. CONDITIONS FOR CLUSTER RESIDENTIAL APPROVAL**

The approval of Cluster Residential Development shall be subject to the following conditions:

1. Minimum Tract Size - Projects shall encompass a minimum land area of forty (40) acres.
2. Dimensional Requirements - All structures shall comply with the minimum lot line setback requirements, minimum floor areas, and maximum building height set forth in Addendum – 2.

## **5050 FENCES**

- A. Before a fence shall be erected, altered or reconstructed a zoning permit must be obtained from the Zoning Officer. A sketch that shall show the height and location of the fence in relation to all streets, property lot lines, and yards shall accompany a request for a permit.
- B. Any fence erected along a lot line shall be set back from six (6) inches or more from the lot line. And neither the fence itself nor any supporting accessory components thereof shall encroach upon the adjoining properties.
- C. All fencing shall have a finished side fronting neighboring properties.
- D. Plant material and fences may be planted, erected, altered or reconstructed to a height not to exceed two (2) feet above ground level when located within twenty-five (25) feet of the street line.
- E. Fences erected, altered or reconstructed for the purposes of retaining earth shall be exempt from the provisions of these fence regulations with the exception of the building permit and site plan requirements.
- F. Plant material and fences erected, altered or reconstructed in connection with the agricultural use of property shall be exempted from the provisions of these fence regulations so long as the fences do not adversely affect the public safety.

## **5060 HABITATION, SIZE AND WIDTH OF DWELLINGS**

- A. All residential habitation shall be in residential dwellings as defined in these regulations.
- B. No basement sited independently of a structure shall be used exclusively as a dwelling.
- C. The minimum gross habitable floor area shall not be less than one thousand seventy five (1075) square feet for any one-story dwelling and 1,200 for any two-story dwelling.



- D. The minimum width of a dwelling, at its narrowest dimension, not including porches or patios, shall be twenty (20) feet.
- E. The construction and installation of all structures and appurtenant utilities shall conform to provisions of the NYS Uniform Fire Prevention and Building Code and all other applicable standards.
- F. An accessory storage building or garage must be constructed for any minimum-sized dwelling without a basement.
- G. Attached accessory apartments may be smaller than the unit they are accessory to, but not less than 400 sq ft. They must be in compliance with state building codes.

### **5070 HOME OCCUPATIONS (PERMIT REQUIRED)**

Purpose and Intent - Recognizing the fact that many residents of the Town of Sheldon currently maintain home occupations and home businesses, or may choose to do so at some point in the future, the town has determined to provide a mechanism for permitting such uses, subject to appropriate review and the implementation of mitigation measures where appropriate.

The Town Board recognizes that the residents historically have operated small businesses from their homes which provide services to the community and finds that these businesses have not impacted negatively on the appearance and character of these agricultural and residential zones. Conversely, the town recognizes that unrestricted use of residentially zoned properties for nonresidential purposes carries with it the potential for conflicts with and detrimental impacts on the purposes and character of the areas zoned for residential and agricultural uses. In the Board's judgment, it finds that in order to maintain the economic viability of the town, to maintain the rural quality of life and in the interests of the welfare of the residents, home occupations and home businesses should be permitted.

In order to further the benefits of home occupations while mitigating the potential detrimental off-site impacts of home occupations, the town has enacted these regulations. Recognizing that different home occupations exhibit varying potentials for generating off-site impacts, the Town adopts three (3) tiers of home occupations for the purposes of establishing review procedures and approval conditions. The three tiers are: Home Occupations - Minor (Section 5070), Home Occupations-Major (Section 5070), and Home Based Businesses (Section 6310). The applicable review procedure and approval conditions for the use shall be that of the tier in which all of said conditions are met.

**5070a HOME OCCUPATION – MINOR**

- A. Permitted locations - Minor home occupations are permitted as an accessory use to a single-dwelling unit. No more than one (1) minor home occupation shall be permitted for each property, not to exceed more than one third (1/3) of square footage of dwelling.
- B. Required procedures - None; use is permitted as an accessory use.
- C. Limitations or Thresholds - In addition to all of the limitations applicable to the district in which it is located, no minor home occupation shall be permitted unless it complies with the following restrictions:
1. Evidence of use and maintenance of residential character - The appearance of the structure shall not be altered and the occupation within the residence shall not be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, or the emission of noises, odors or vibrations. No mechanical, electrical or other equipment that produces noise, electrical or magnetic interference, vibration, heat, glare or other nuisance outside the residential or accessory structure shall be used. No outdoor display of goods or outside storage of equipment or materials used in the home occupation or profession shall be permitted.
  2. Employees on site - No employees other than the residents of the property shall be employed on site. No other partner, principal or professional may be employed on site.
  3. Number of clients - The home occupation shall be conducted in such a manner that at any one (1) time the maximum number of clients, customers and others at the site of the home occupation is not greater than two (2) persons.
  4. Hours of operation - The home occupation shall be conducted in such a manner that all the deliveries, clients, customers and others coming to do business at the site of the home occupation, shall arrive and depart between the hours of 7:00 a.m. and 9:00 p.m.
  5. Signage - One unanimated, non-illuminated flat or window sign, not to exceed four (4) square feet in area per side, shall be permitted to identify the home occupation. No sign shall have more than two printed sides.
  6. Commercial vehicles - Not more than one (1) commercial vehicle shall be permitted in connection with any minor home occupation and such vehicle shall be parked in the driveway or stored in an enclosed garage. No construction vehicles, construction equipment, or heavy vehicles may be used in connection with a minor home occupation. Not to exceed 18000# GVW.

**5070b HOME OCCUPATIONS - MAJOR**

- A. Permitted locations - Major home occupations are permitted within a single-dwelling unit, or in a building or structure accessory to a dwelling unit, located in any district. Major home occupations cannot exceed more than one third (1/3) of square footage if in dwelling. Accessory buildings are allowed for business.
- B. Required procedures - Site plan review required by the Town Planning Board. No public hearing shall be required, unless the Town Planning Board determines that there is a need to hold such a hearing. The site plan must show the location of the business, including floor plans indicating the portion of the principal and accessory buildings to be used for the business, the location of any vehicles and equipment to be parked outdoors, and any outdoor areas proposed for storage or display of goods or supplies.
- C. Limitations or Thresholds - Recognizing that the primary purposes of residential and agricultural districts is not the accommodation of business uses, the burden of proof in demonstrating compliance with these regulations in order to develop and maintain a home occupation shall be upon the applicant. In addition to all of the limitations applicable to the district in which it is located, no major home occupation shall be permitted unless it complies with the following restrictions. The applicant shall bear the burden of satisfactorily demonstrating that the major home occupation will conform with the following eight items:
1. Employees on site - No more than one (1) employee or assistant in addition to the members of the family occupying such dwelling may be engaged on the premises in the home occupation at any given time. One other partner, principal or professional may be employed on site.
  2. Outdoor storage - materials and equipment - Materials and equipment actively used in connection with the home occupation shall be stored indoors to the extent practicable. Where such storage cannot be reasonably provided, the materials and equipment shall be screened from public rights-of-way and neighboring properties by intervening landforms, fencing and/or vegetation through all seasons of the year and stored in a manner such that they do not pose a nuisance to adjacent property owners. No outdoor storage of materials or equipment shall be permitted in the front yard of the premises or less than fifty (50) feet from any property boundary.
  3. Commercial vehicles and construction equipment - Not more than two (2) commercial vehicles may be used in connection with the home occupation.

4. Heavy vehicles and Construction Equipment under 18000#GVW- No more than one (1) heavy vehicle used in connection with the home occupation may be stored outside. No such vehicles shall be parked in the required front yard (25 feet of the R.O.W.) or side yards (within 10 feet of side lot lines) of the property. Additional heavy equipment may be stored in an enclosed garage.
5. Signage - One sign, not to exceed four (4) square feet in area per side, shall be permitted to identify the home occupation. No sign shall have more than two printed sides. This sign may not be animated and may be illuminated only during business hours.
6. Parking - Any need for parking generated by the home occupation shall not include any vehicle over 18000#GVW.
7. Number of clients - The home occupation shall be conducted in such a manner that at any one (1) time the maximum number of clients, customers and others at the site of the home occupation is not greater than four (4) persons.
8. Hours of operation - The home occupation shall be conducted in such a manner that the majority of the deliveries, pickups, clients, customers and others coming to do business at the site of the home occupation, shall arrive and depart between the hours of 7:00 a.m. and 9:00 p.m.

## **5080 MANUFACTURED (MOBILE) HOMES**

- A. For purposes of this section, a factory built dwelling unit shall be defined as a structure or component designed for one or two family residential occupancy, constructed by a method or system of construction whereby the structure or component is wholly or in substantial part manufactured in a manufacturing facility and is intended for permanent installation on a building site. Singlewide mobile homes are disallowed, other than in trailer parks.  
Factory built dwelling units shall include:
  1. Manufactured homes bearing applicable federal HUD Certifying label;
  2. Modular homes bearing applicable state DHCR seal;
  3. Double Wide sectional homes bearing applicable federal HUD certifying label.
- B. Any and all factory built dwelling units shall have a minimum of 1075 square feet of living space.

- C. Any and all factory built dwellings units shall comply with any and all manufactures specifications relating to tie downs and center supports.
- D. All factory built dwelling units are required to contain skirting along the lower perimeter of the unit that must conform to state codes. Skirting for aesthetic looks only must be added for all single-family homes.
- E. Any and all factory built dwelling units shall be placed directly upon a permanent and continuous foundation. The foundation shall consist of any of the following:
  1. Reinforced poured concrete pad which must be equal in size to the outside perimeter of the dwelling unit and meet all conditions otherwise prescribed by the code enforcement officer;
  2. Eight inch cement block placed upon a poured concrete footer that is not less than sixteen inches wide and eight inches in depth. This particular foundation shall extend a minimum of forth two inches below finished grade;
  3. A cellar or basement area meeting the requirements set forth in the Uniform Fire Prevention and Building Code of the State of New York. Each of the foundations described above shall be properly vented as prescribed by New York State regulations and/or manufactures specifications.
- F. Any and all axles and hitches must be removed prior to occupancy.

## **5090 NON-CONFORMING USES, LOTS AND STRUCTURES**

Lots, structures, uses of land, and characteristic of uses which lawfully existed at the time of the enactment of this Local Law and which would be prohibited or restricted under the terms of these regulations may be continued subject to the following provisions:

### **A. INTENT**

It is the intent of this Local Law to permit non-conforming uses to continue, but to not encourage such non-conforming uses.

### **B. GENERAL REGULATIONS**

All existing uses, lots and structures that are legal at the time of the enactment of these regulations, but do not conform hereto shall be allowed to remain as long as they are properly maintained and their use remains current

### **C. RESTORATION AND ALTERATIONS**

1. Repair and Replacement of Non-Conforming Structures - A non-conforming structure destroyed by fire or other causes or which is demolished for any reason may be repaired, rebuilt or replaced without conforming with the requirements of these regulations, provided that the horizontal area occupied by the foundation or base of the repaired, replaced or rebuilt structure does not exceed the horizontal area occupied by the base or foundation of the structure formerly occupying the lot and furthermore provided that:
  - a. The property owner provides the Zoning Officer an instrument survey demonstrating that the foundation lies totally within the property boundaries.
  - b. The owner provides County Health Department approval for the new construction.
  - c. All other applicable laws are in compliance with the new construction.
2. Normal Maintenance of Non-Conforming Structures - Normal maintenance repairs and incidental alteration of a building or other structure containing a non-conforming use shall be permitted, provided it does not extend the area or volume of space occupied by the non-conforming use. Nothing in this Local Law shall prevent the strengthening or restoring to a safe condition any wall or roof which has been declared unsafe by the County Code Enforcement Officer.
3. Non-Conformance Due to Setback and Area Deficiencies - Any building that is non-conforming due to insufficient yard distances or lot area shall not be considered a non-conforming use. Any alterations or structural changes may be accomplished within the existing frame of said building, but any additions shall conform to the specific setback and yard distance requirements of this Local Law.

#### **D. DISCONTINUANCE OF USE**

Determination of Discontinuance of Use - In any district, whenever a non-conforming use of land, premises, building or structure, or any part or portion thereof, has been discontinued for a period of one (1) year, such non-conforming use shall not thereafter be re-established, and all future uses shall be in conformity with the provisions of this Local Law. Such discontinuance of the active and continuous operation of such non-conforming use, or part of portion thereof, for such period of one (1) year, is hereby construed and considered to be an abandonment of such non-conforming use, regardless of any reservation of an intent not to abandon same or of an intent to resume active operations. If the removal of buildings, structures, machinery, equipment and other evidences of such non-conforming use of the land and premises in fact evidence actual abandonment, the abandonment shall be construed and considered to be completed and all rights to re-establish or continue such non-conforming use shall thereupon terminate.

Notwithstanding the foregoing, the discontinued use of a non-conforming structure or any part or portion thereof destroyed by fire or other causes shall not be construed or considered an abandonment of such non-conforming structure unless and until the discontinuance of use exceeds a period of three (3) years and the destroyed structure has not been repaired, rebuilt or replaced in accordance with Section 2900 C.1 above.

#### E. **EXISTING UNDERSIZED LOTS OF RECORD**

F. Conditions When Variances Are Required - Any lot of record held in single and separate ownership prior to the adoption of this Local Law and whose area and/or width and/or depth are less than the minimum requirements specified herein for the district, may be considered as complying with this Local Law and no variance therefore shall be required provided that:

G. Such lots do not adjoin any other lot or lots held by the same owner, the aggregate area of which lots is equal to or greater than the minimum lot area required for the district;

2. Limitations on Residential Dwellings - In any district where residences are permitted, such undersized non-conforming lots may be used for not more than one single-family dwelling.

3. Subdivision of Undersized Lots of Record - A lot of non-conforming size may be subdivided if the owner or owners of the adjoining properties to increase the size of said owner's property purchase each and every subdivision of such lot.

#### **5100 (OPEN)**

#### **5110 OUTDOOR STORAGE OF JUNK**

A. Purpose - The purpose of these regulations is to provide for a clean, wholesome, attractive environment, thereby safeguarding the inhabitants of the Town of Sheldon of their material rights against unwarrantable invasion, and, in addition, such environment is deemed essential to the maintenance and continued development of the economy of the Town of Sheldon and the general welfare of its citizens. It is further declared that the unrestrained accumulation of junk, such as but not limited to junk motor vehicles, junk appliances, junk lawnmowers, junk motorized lawn equipment, junk farm equipment and implements old parts, rubbish and debris upon privately owned property within the Town of Sheldon constitutes a hazard to the health, safety and welfare of the citizens of the Town of Sheldon, necessitating the regulation, restraint and elimination thereof.

B. Outdoor storage on public or private property restricted

1. No person shall cause or permit the outdoor storage of two or more un-registered or junk motor vehicle, junk appliance, junk lawnmower, junk motorized yard equipment, rubbish or debris on property owned by such person in such a manner that the said junk is visible from public roadways or abutting properties, except that junk motor vehicles being repaired for use may be stored for a period of time not exceeding six (6) months in duration in such a manner that they are visible from public roadways or abutting properties.
2. No person shall store any appliance in the front or side yard visible to the public from any public roadway or any front or side porch for a period of more than two (2) weeks.
3. No person shall store an un-restored antique automobile out of doors except in a location not in the front or side yard of any premises and not visible to the public from any public roadway

C. Enforcement

1. The Zoning Officer of the Town of Sheldon or any other agency or official authorized from time to time by the Town Board of the Town of Sheldon by resolution shall inspect property and file a written report of violations by owners. The Zoning Officer will prepare a written notice and shall cause the same to be served upon the owner personally or by certified mail. The notice shall contain the following:
  - a. The name of the owner to whom the notice shall be addressed.
  - b. The location of the premises involved in the violation.
  - c. A statement of the facts that, it is alleged, violate this chapter.
  - d. A demand that the junk motor vehicle, junk appliance, junk lawnmower, junk motorized yard equipment, rubbish or debris be removed from the premises which are alleged to violate this chapter within ten (10) days after service or mailing of this notice.
  - e. A statement that failure to comply with the demand may result in prosecution.
  - f. A copy of these regulations.
2. Upon application of the alleged owner showing reasonable cause, the Town Board of the Town of Sheldon may grant an extension of up to ninety (90) days for the owner to comply with the demands.



- D. Placement on other property restricted - No person shall willfully place a junk motor vehicle, junk appliance, junk lawnmower, junk motorized yard equipment, junk farm equipment or implements, rubbish or debris on premises which such person does not own without the permission of the owner thereof.
- E. Exception - This chapter shall not apply to any junkyard permitted under other provisions of the Code of the Town of Sheldon.
- F. Penalties for offenses - A violation of any provision of this chapter is an offense, and any person committing an offense shall be guilty of a violation pursuant to the Penal Law punishable by a fine of ~~not exceeding~~\* three hundred fifty dollars (\$350) or by imprisonment for a term not exceeding five (5) months. Or both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense there under.

\*The Town Board set the fine at \$350.00 at the 5/17/2011 Board meeting

## **5120 SEASONAL USE DISTRICT**

No new seasonal use district will be permitted as of the date of adoption of this ordinance. These permitted uses apply only to existing seasonal districts.

- A. Structures for occupancy and use during specific limited periods of any calendar year. Permanent residence shall not be established within the boundaries of a seasonal cottage use district.
- B. Special Provisions
  - 1. Any use not specifically permitted herein shall be a prohibited use
  - 2. Temporary Occupancy - The zoning permit shall have printed or typed thereon a statement to the effect the facilities are for temporary occupancy of not to exceed eight (8) months in any one calendar year, and that the premises are not located on or adjacent to a public highway and that the town of Sheldon is not liable for establishment or maintenance or repair of the private right of way. This statement shall be signed and acknowledged by the owner of owners of the

premises in the same manner as required for the recording of a deed; the board of Appeals may further conditions the authorization of such safeguards as the Board of Appeals deems necessary for the protection and preservation of the safety, health and general welfare of the people of the town of Sheldon.

3. Winter Occupancy - The occupancy of the premises located in a seasonal cottage use district shall be limited in any calendar year to the period of April 1 to Nov 30, both dates being inclusive. Temporary occupancy shall be permitted for not to exceed fifty percent (50%) of the winter season and an acknowledgement shall also be made to the effect that personal permanent residence cannot be acquire or maintained within a Seasonal Use District.
4. Certificate of Occupancy - No building or structure on premises in a seasonal cottage use district shall be used or occupied until a Certificate of Occupancy had been issued by Wyoming County to the effect that the use of the premises is in compliance with the provisions of this section and with the provisions of any other applicable laws, ordinances or regulations.
5. Height Limit - Seasonal cottages and accessory structures shall not exceed one and one-half story in height, or an overall vertical height of eighteen feet measured at the surface of the front yard at the front building line.
6. Require Lot Width and Lot Area – Seasonal Use Cottages shall not be established on lots having a width of less than one hundred (100) feet or an area of less than one-half of one acre, exclusive of any area of ponds or waterways.
7. Percentage of Lot Coverage – The sum of the areas of all structures measured at the outside of the foundation walls shall not exceed ten percent (10%) of the lot area.
8. Yard Requirement – No Seasonal Use Cottage or any of its accessory structures and usages shall be located within twenty (20) feet of any property line or any right of way unless previously reviewed and approved by the Zoning Officer. Accessory structures shall be located at least twenty (20) feet distant from any other structure on the same lot.
9. Vehicle Storage and Parking – Vehicle storage and Parking space shall be provided on the premises and not less than ten (10) feet from any structure, property line or right of way.
10. Living Space Requirements – Any building or structure for use as a Seasonal Cottage shall have at least three hundred twenty (320) square feet of living space.
11. Foundation Requirements – The foundation of any Seasonal Cottage shall be built according to the County Building Code Specifications.

**5130 RECREATIONAL VEHICLES**

- A. Recreational vehicles shall not be occupied outside of an approved campground for more than ninety-six (96) hours on any basis, without a town permit allowing for longer use.
- B. Recreational vehicles shall be occupied outside of an approved campground for more than ninety-six (96) hours with a town permit issued to the landowner. The town issued permit requires the following:
  - 1. UL approved electric hook up.
  - 2. Wyoming County Health Department approved Septic system
  - 3. Permit available from May 1 through September 30.
  - 4. Permits must be renewed annually.
  - 5. Must be on parcel with occupied dwelling.
  - 6. Limit one recreational vehicle, per permit, per parcel at a time.
  - 7. Recreational vehicles must have current registration.
- C. Placement of occupied recreational vehicles shall be in accordance with the setbacks required for principal buildings in the respective zone of the property.

**5140 SATELLITE DISH ANTENNA**

This section is intended to provide the minimum level of control necessary to accomplish the health, safety, and aesthetic objectives of the town.

- A. Antenna's smaller than one (1) meter 39.54 in diameter in Agricultural-Residential Districts and smaller than two (2) meters in diameter in General Business Districts or Industrial Districts shall not be subject to these regulations.
- B. All parabolic antennae larger than one (1) meter in diameter in Agricultural-Residential Districts and larger than two (2) meters in diameter in General Business Districts or Industrial Districts shall be located on the ground at natural grade only and shall not be installed on or above any buildings.
- C. All parabolic antennae larger than one (1) meter in diameter in Agricultural-Residential Districts and larger than two (2) meters in diameter in General Business Districts or Industrial Districts shall be located in rear or side yards, except they may be placed in a front yard if a 200 foot setback from the front lot line can be obtained.

## 5150 SIGNS

The purpose of these regulations is to provide comprehensive time, place, and manner restrictions on signage including, but not limited to, controls on size, height, quantity, location, spacing, shape, lighting, motion, design, and appearance toward the basis of promoting community aesthetics, traffic safety, economic development, and the protection of property values.

### A. SIGN PERMIT REQUIRED

A Sign Permit is required for all outdoor advertising signs except for those signs specifically exempted below.

### B. PERMITTED SIGNS

Signs are permitted in all districts as accessory structures or uses conditioned on a sign permit being issued and subject to the following conditions:

1. Dimensions - In all Districts, no freestanding sign shall have a surface area that exceeds thirty-two (32) square feet per face. In all Districts, no wall sign shall have a surface area that exceeds fifteen percent (15%) of the surface area of the wall on which the sign is attached or displayed. The total combined surface area of wall signs attached or displayed on buildings containing more than one occupant shall not exceed fifteen percent (15%) of the surface area of the wall on which the sign or signs are attached or displayed.
2. Number of Sides - No sign shall have more than two printed sides.
3. Number of Permitted Signs - Each permitted business or use on a premises may have either one (1) freestanding sign or one (1) wall sign for each permitted business or use except that in the B-1 General Business and I-1 Industrial Districts each permitted business or use may have both one (1) freestanding sign and one (1) wall sign. Freestanding signs may be one-sided or two-sided.
  - a. Exception for Motor Vehicle Service Stations
    - i. In addition to the above permitted sign, motor vehicle service stations shall be permitted to have one (1) freestanding or pylon sign setting forth the name of the station and for the principal products sold on the premises, including special company or brand name, insignia or emblem, provided that the area of such sign shall not exceed thirty-six (36) square feet per face. Such signs shall be erected no less than ten (10) feet above the ground nor more than twenty-five (25) feet above the ground as measured to the bottom of the sign.

- ii. Motor vehicle service stations may also exhibit one (1) temporary sign specifically setting forth special seasonal servicing of motor vehicles, provided that the area of such sign does not exceed seven (7) square feet per face.
- iii. Lot Line Setback - All permanent and temporary free standing signs shall be situated on the premises within the property line and shall have a minimum lot line set back of fifteen (15) feet.

### C. PROHIBITED SIGNS

The following signs are prohibited:

1. Off-Premise Signs - No sign shall be used to attract attention to an object, product, place, activity, institution, organization or business not available or located on the premises on which the sign is located except that temporary signs erected by or for not-for-profit organizations such as churches, civic groups, youth organizations and the like to advertise or promote community-wide special events, suppers, banquets, benefits, fundraising sales and similar functions may be located off the premises subject to the permission of the property owner.
2. Visually Distracting Signs - No sign shall be illuminated by or contain a flashing, intermittent, rotating, or moving light or lights. In no event shall any illuminated sign or lighting device be placed so as to permit the beams and illumination therefrom to be directed upon a public road or street, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
3. Mechanical Sign - No sign shall be installed that moves or revolves or has parts that move or revolve or that contains pennants, ribbons, streamers, spinners or other moving or fluttering devices intended to draw attention to the sign through their movement.
4. Signs in Public Road Rights-of-Way - No sign shall be installed or placed in the right-of-way of any public road or street.
5. Roof Signs - No signs, except such directional devices as may be required by the Federal Aviation Agency, shall be placed, inscribed or supported upon the roof or above the highest part of the roofline.
6. Signs Obstructing Line of Site - No sign shall create a traffic hazard by obstructing the view at any road or street intersection.
7. Signs Resembling Traffic Devices - No sign shall through color, shape, or other features resemble traffic control devices.

8. Non-conforming Signs - No sign shall be erected or installed that does not conform to the requirements of these regulations.
9. Billboards – No Billboards are allowed in the Town of Sheldon.

**D. EXEMPT SIGNS**

The following signs are exempt from permit requirements:

1. Historical or Memorial Signs - Historical markers, tablets and statues, memorial signs or plaques; emblems installed by governmental agencies, religious or not-for-profit organizations not exceeding an area of six (6) square feet per face.
2. On-Premise Directional Signs - On-premise directional signs for the convenience of the general public, identifying parking areas, fire zones, entrances and exists and similar such signs, not exceeding an area of four (4) square feet per face and not exceeding a height of four (4) feet as measured to the bottom of the sign.
3. Non-Illuminated Warning Signs - Non-illuminated warning, private drive, posted or no trespassing signs, not exceeding an area of two (2) square feet per face.
4. Residential Number Signs -- Number and nameplates identifying residents situated within the property line and not exceeding an area of one and one-half (1-1/2) square foot.
5. For Sale (Private Owner) - Private owner merchandise sale signs for yard and garage sales and auctions with a surface area not exceeding four (4) square feet and temporary business window signs and posters. Such signs and posters shall not be displayed in excess of 45 calendar days.
6. For Sale (Real Estate) - “For Sale” and “For Rent” real estate signs. Such signs shall not exceed an area of six (6) square feet per face except in the B - General Business and I- Industrial Districts in which such signs shall not exceed an area of 32 square feet per face.
7. Signs Identifying Contractors, Engineers or Architects Working on the Premises Signs identifying contractors, engineers or architects working on the premises not to exceed an area of 12 square feet per face in the agricultural, resource conservation rural residential, business, industrial, hamlet and seasonal district.

8. Events Signs - Temporary signs advertising or promoting community-wide events or erected by and for not-for profit organizations such as churches, civic groups, youth organizations and the like to advertise suppers, banquets, benefits, fundraising sales and similar functions. Said signs shall be displayed for a period not exceeding forty-five (45) days and shall be removed immediately following said event.
9. Political posters and non-commercial speech signs

**E. MAINTENANCE OF SIGNS AND REMOVAL OF DETERIORATED OR ABANDONED SIGNS**

All signs and sign structures shall be maintained in good repair and condition. Signs and their supporting structures that are no longer in use, that have been abandoned or that have deteriorated due to lack of adequate maintenance shall be removed by the owner, lessee or user thereof, the permit holder or the owner, lessee or user of the premises upon which said sign is located within 60 days of notification by the Zoning Officer except that deteriorated signs may be repaired rather than removed provided such repair occurs within the same 60 day time period.

**F. NON-CONFORMING SIGNS**

All existing signs that are legal at the time of the enactment of these regulations, but do not conform hereto shall be allowed to remain as long as they are properly maintained and their use remains current. Any non-conforming sign replaced for any cause shall conform to these regulations.

**G. PROCEDURE FOR OBTAINING A SIGN PERMIT**

Except as otherwise provided, no person shall erect, alter, or relocate any sign without first obtaining a permit from the Zoning Officer. Subsequent to this initial application, no permit shall be required to repaint or repair a sign.

1. Application Procedure - Application shall be made to the Zoning Officer on the form prescribed and provided by the Town of Sheldon, accompanied by the required fee, and shall contain the following information:
  - a. Identification - Name, address and telephone number of:
    - i. Applicant,
    - ii. Owner of the property; and

- iii. Contractor installing the sign.
- b. Location - Location of the building, structure or land upon which the sign now exists or is to be erected.
- c. Signage - If a new sign is to be erected, elevation and plan drawings, to scale, shall be included. In addition, a full description of the placement and appearance of the proposed sign shall be included and shall address the following:
  - i. Location - Location on the premises, specifically, its position in relation to adjacent buildings, structures, and property lines;
  - ii. Illumination - The method of illumination, if any, and the position of lighting or other extraneous devices;
  - iii. Design - graphic design including symbols, letters, material and colors;
  - iv. Message - the visual message, text, copy or content of the sign.
- d. Property Owner's Permission - The owner's written consent or a copy of the agreement made with the owner of the property upon which the sign is to be erected, if the applicant is not the owner of the property.

## 2. Permit

- a. Upon the filing of a completed application for a sign permit and the payment of the required fee, the Zoning Officer shall examine the plans, specifications, and other information submitted and the premises on which the sign is to be erected or now exists. If it shall appear that the sign is in compliance with all of the requirements of these sign regulations, the Zoning Officer shall then, within ten (10) working days of receiving the application, issue a permit for the erection of the proposed sign, or for the alterations of an existing sign. The issuance of the permit shall not excuse the applicant from conforming to the other laws, rules, and regulations of the Town of Sheldon.
  - b. If the erection of the sign authorized under any such permit has not commenced within six (6) months from the date of issuance, the permit shall become null and void, but may renewed for good cause within thirty (30) days prior to expiration for an additional six (6) months, upon payment of one-half (1/2) of the original fee.
3. Permit Fee - Fees for the sign permits shall be fixed by the Town Board and listed in fee schedule.



**5160 STORAGE OF BUILDING MATERIALS**

No building materials of any kind shall be stored un-housed on any premises in any district, except during construction of a structure to be erected on the premises upon which said materials are stored for a period of not more than one year from the date of commencement of such storage.

**5170 STRIPPING OF TOP SOIL**

The stripping and/or sale of topsoil shall not be permitted except that the stripping of topsoil shall be permitted on parcels only to the extent necessary to accommodate the construction occurring on said parcels.

**5180 SWIMMING POOLS**

Private swimming pools shall be permitted in any District provided that there is an existing residence on said lot and the following regulations are complied with.

A. Setbacks

1. Outdoor swimming pools shall be located in the rear or side yards and shall conform to the minimum setback requirements for an accessory structure in the district. Aprons and decks that are accessory to a pool shall not be within the minimum setback area specified in the Schedule for accessory uses.
2. No swimming pool shall be closer to the street or front lot line than the front of the building or structure to which the pool is an accessory use.

B. Drainage - No permit shall be issued for such pool unless the applicant can show that the proposed drainage of such pool is adequate and will not interfere with the property of others with public highways or area drainage facilities.

- C. Permits - Zoning permits shall be required for all swimming pools having an area greater than one hundred (100) square feet or a depth greater than eighteen (18) inches regardless of whether the pool is above or below ground.
- D. Fences and Gates - Fences and gates shall be required pursuant to the requirements of the NYS Uniform Fire Prevention and Building Code. Shall be kept securely closed and locked when owner not present at pool
- E. Ladders - Ladders on all above ground pools shall be retractable or capable of being locked during all times the owner or occupant of the premises is not present at such pool.
- F. Ponds - This section does not apply to ponds or other natural or artificially made bodies of water located in residential areas. Refer to Section 6260 for regulations governing ponds and other natural or artificially made bodies of water.

## **5190 LIGHTING**

Lighting must be at average levels of illumination and/or that are non-intrusive to either neighbors or traffic.

End of article 5

## **ARTICLE 6**

### **SPECIAL USE PERMIT REGULATIONS AND PROCEDURES**

(Applied for by owner of record)

## **6000 GENERAL PROVISIONS**

It is the intent of this Local Law to use Special Use Permits to control the impact of certain uses upon areas where they will be incompatible unless conditioned in a manner suitable to a particular location. Special uses possess unique characteristics requiring that the Town Planning Board as an individual case shall consider each proposal for any such use.

## **6010 ADMINISTRATION**

- A. The Town Planning Board is authorized to review and recommend Special Use Permits, as provided for by this Local Law. Upon written recommendation of the

- Town Planning Board, the town board is hereby empowered to issue a special use permit as provided for by this Local Law.
- B. Uses permitted by special use permit shall be deemed to be permitted uses in their respective districts, subject to the satisfaction of the special use requirements and standards and all other applicable requirements and standards set forth in this Local Law. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.
  - C. The landowner is responsible for applying for and holding the Special Use Permit.
  - D. A special use permit shall authorize only one particular special use. The special use permit shall expire if the use shall cease for more than one (1) year for any reason.
  - E. No person shall be issued a special use permit for a property where there is an existing violation of this Local Law.

## **6020 GENERAL STANDARDS**

- A. Upon application complying with the requirements of this Local Law, the Town Planning Board may recommend a special use permit and a special use permit issued by the Town Board in accordance with the administrative procedures set forth herein. After issuance of a special use permit, the Zoning Officer shall ensure compliance with the special use permit requirements set forth under the pertinent Section of this Local Law that specifically addresses the special use being considered as well as ensure compliance with the following general requirements.
  - 1. The proposed special use is consistent with the specific purposes set forth in this Local Law.
  - 2. The proposed use will serve a community need or convenience and will not adversely affect the public health, safety, and general welfare.
  - 3. The location and size of the proposed use, the nature and intensity of the operations involved in or conducted in connection with the proposed use, the size of the site in relation to its proposed use and the location of the site with respect to existing or future streets giving access to the site are such that the proposed use will be in harmony with the existing or future characteristics of the neighborhood and will not discourage the appropriate development of adjacent land and buildings or impair the enjoyment or value thereof.
  - 4. Operations in connection with the proposed use shall not be more objectionable to nearby properties by reason of dust, smoke, fumes, emission, odors, noise, vibrations, increased vehicular traffic or parking demand, lighting, unsightliness or other characteristics than would be the operations of any permitted use within the zoning district not requiring a special use permit.

5. The proposed use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, police and fire protection, storm sewers, water and sanitary sewers and schools. In areas not serviced by public storm sewers and/or sanitary sewers, adequate provisions must exist or be made for the collection and disposal of sewage and storm water runoff and any other liquid, solid or gaseous waste that the proposed use will generate.
6. The characteristics of the proposed use are not such that its proposed location would be unsuitably near a place of worship, school, public recreational area or park or other place of public assembly.
7. The natural characteristics of the site are such that the proposed use may be introduced on the site without undue disturbance or disruption of important natural features, system or processes, and without significant negative impact to groundwater and surface waters on and off the site.

## **6030 PROCEDURES**

- A. Filing Application - All applications for special use permits shall be made in quadruplicate to the Town Clerk on forms provided by him/her and forward to the zoning officer.
- B. Transmittal of Application - The Zoning Officer, after determining that an application is in proper form, shall transmit copies of the application and all supporting documents to the Town Planning Board for recommendation in accordance with the procedures specified below. Concurrently, the Town Clerk shall transmit a copy of the complete application and supporting documents to the County Planning Board for review when such County Planning Board review is required pursuant to Article 12-B, Section 239-m of the General Municipal Law.
- C. Public Hearing
  1. Prior to taking action on an application for a special use permit, the Town Board shall conduct a public hearing on the proposed request. Said hearing shall be conducted within sixty-two (62) days following the receipt of a complete application and supporting documents from the Zoning Officer.
  2. The Town Clerk shall mail a notice of the public hearing to the applicant at least ten (10) days prior to the date of the public hearing and shall also publish a public notice of such hearing in a newspaper of general circulation in the Town at least five (5) days prior to the date of the public hearing. Said notice shall include sufficient information so as to identify the property involved and the nature of the proposed action.

D. Town Board Decision

1. The Town Board shall make written findings for each special use permit decision. The findings shall state the reasoning behind, the basis for, and the evidence relied upon to reach the decision.
2. The Town Board shall render its decision, approving, approving with conditions, or denying the special use permit, within sixty-two (62) days after the public hearing unless an extension is mutually agreed upon by the Town Board and the applicant. If the application was transmitted to the County Planning Board pursuant to Article 12-B, Section 239-m of the General Municipal Law, the Town Board shall not act within the first thirty (30) days following the referral of the application to the County Planning Board unless the County Planning Board provides a written reply to the Town within the thirty (30) day period
3. The decision of the Town Board shall be filed in the office of the Town Clerk within five (5) business days after said decision is rendered and a copy provided to the Zoning Officer and a copy mailed to the applicant. If the application had been referred to the County Planning Board, the decision of the Town Board shall also be filed with the County Planning Board within thirty (30) days after the decision.

E. Imposition of Conditions - In approving an application, the Town Board may impose any reasonable modifications or conditions directly related to and incidental to the proposed special use permit it deems necessary to protect the health, safety or general welfare of the public.

F. Permit Approval - If the Town Board approves an application, the Zoning Officer shall be furnished with a copy of the approving resolution of the Town Board concurrent with the resolution being filed with the Town Clerk and he shall issue the zoning permit applied for in accordance with the conditions imposed by the Board.

G. Permit Disapproval - If the Town Board disapproves any application, the reasons for such denial shall be set forth in the Board resolution and a copy of such resolution shall be transmitted to the Zoning Officer. The Zoning Officer shall deny the zoning permit application accordingly by providing the applicant with a copy of the Board's resolution containing the reasons for disapproval.

H. Annual Compliance Inspection - The Zoning Officer shall inspect the premises of a use authorized and approved with a special use permit not less than one time every two calendar years. The inspection shall determine that the use is being operated consistent with the terms and conditions established by the Town Board in ap-

proving the permit. If the Zoning Officer determines that the conditions are not in compliance with the permit, the Zoning Officer shall nullify the Special Use Permit and set forth the procedures and requirements for re-establishing the use. The use may not be operated until a new application is submitted and approved.

- I. Compliance with SEQR Requirements - The Town Board shall comply with the provisions of the State Environmental Quality Review Act (SEQR) under Article 8 of the Environmental Conservation Law and its implementing regulations when reviewing special use permits.
- J. Variations - Notwithstanding any provisions of law to the contrary, where a proposed special use permit contains one or more features that do not comply with the zoning regulations, application may be made to the Zoning Board of Appeals for an area variance without the necessity of a decision or determination of the Zoning Officer.

## **6040 ADULT BOOKSTORES AND ADULT ENTERTAINMENT ESTABLISHMENTS**

See Local Law No. 1 – 1999.

### **A. GENERAL REGULATIONS**

- 1. Compliance with NYS Penal Law - The proposed use shall be operated in a manner that is consistent with the New York State Penal Law relating to exposure, obscenity or lewdness.
- 2. Setbacks
  - a. An adult bookstore or adult entertainment establishment use shall not be operated within five hundred (500) feet of:
    - i. A boundary of any A-C, A-R, A-1 or L-R zoning district;

- ii. A public park, municipal building or community center;
  - iii. Another adult bookstore or adult entertainment establishment.
- b. An adult bookstore or adult entertainment establishment use shall not be operated within one half (.5) mile of:
- i. A church, synagogue, temple, mosque or other place of worship;
  - ii. A public or private elementary or secondary school, day care, pre-school or other uses of similar nature.
3. Method for Measuring Setback Distances - For the purpose of this Local Law, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structures as part of the premises where an adult bookstore or adult entertainment establishment is conducted, to the nearest property line of the premises of any of the uses specified in B. 1. And B. 2., identified above.
4. Density of Adult Uses - An adult bookstore or adult entertainment establishment shall not be operated in the same building, structure, or portion thereof, containing another adult bookstore or adult entertainment establishment. No more than one (1) of the adult uses as defined above shall be located on any lot or parcel of land.
5. Exterior Signage and Displays - No exterior sign shall contain any photographic or artistic representation of the human body.
6. Requirement to Block or Screen View From Exterior of Building - All adult bookstores or adult entertainment establishments shall be conducted in an enclosed building, regardless of location. All building openings, entries, windows, doors, etc. associated with an adult bookstore or adult entertainment establishment shall be located, covered or screened in such a manner as to prevent a view into the interior of the building from any public right-of-way or adjacent property.
7. Prohibition Against Mixed Uses - No adult bookstore or adult entertainment use shall be established in any building that is used, in part, for residential purposes. No residential use shall be established in any building that contains an approved adult bookstore or adult entertainment use.

## **6050 AIRPORTS AND AIRSTRIPS**

The Town Board may approve a special use permit for private or commercial airports in the A- Agricultural, B- Business and I- Industrial Districts provided the following standards and provisions are maintained:

- A. An application for the establishment, construction, enlargement or alteration of an airport shall include, in addition to requirements for special use permits set forth in Article 6 of this Local Law, the following statements and information:
1. Name and address of the proponent.
  2. Classification of the proposed airport, such as commercial or restricted.
  3. Number and type of aircraft expected to be based at the airport initially and within five years. Whether an instrument approach procedure will be offered.
  4. Statement as to the anticipated number of daily operations.
  5. Copy of the airspace clearance granted by the Federal Aviation Administration for this airport, including USGS topographic map.
  6. A copy of the New York State Commissioner of Transportation's determination that the airport is in compliance with the provisions of Section 249 of the New York State Business law.
  7. A site plan of a scale no smaller than one inch equals one hundred feet (1" = 100') and in accord with the site plan requirements set forth in Article 7 of this Local Law.
  8. An area map at a scale of no less than one inch equals five hundred feet (1" = 500') showing:
    - a. Distances to power lines, or other possible obstructions, within two thousand (2,000) feet of the ends of runways shall be accurately plotted.
    - b. Properties within five hundred (500) feet shall be plotted and owners identified by name.
- B. The Town Planning Board may, at its discretion, exclude from the requirements of paragraph A. 8. Above, any private airport established, constructed or maintained by an individual on his property for his personal or hobby use; provided, however, that the following conditions are met:
1. The average number of hours that the airport is in use each week does not exceed twelve hours.
  2. The individual owns no more than three planes none of which is designed to accommodate more than six persons, including the pilot.



3. The airport is not utilized for any industrial or commercial purposes.
  4. The Town Planning Board may, at its discretion, require the applicant to submit proof that the requirements of Section 249 of the General Business Law are otherwise complied with, depending on the proposed airports proximity to highways and other airports.
- C. The Town Planning Board, in considering a request for a special use permit or the extension of a permit to operate an airstrip, may recommend any conditions it deems necessary to protect the health, safety and public welfare of the Town.

## **6060 ANIMAL WASTE MANAGEMENT SYSTEM**

The Town Board may approve a Special Use Permit in the A- agricultural, for Animal Waste Management Systems (AWMS) provided the standards and provisions specified below are followed.

### **A. STANDARDS**

1. Engineering and specifications for waste storage systems shall conform to the most current Natural Resources Conservation Service (NRCS) standards and procedures.
2. AWMS shall be designed only for waste produced on the premises.
3. The appropriate location will address the following considerations:
  - a. The overall system shall include sufficient land for property use or disposal of waste at locations, times, rates and volumes that maintain desirable water soil, plan, and other environmental conditions. Appropriate waste-handling equipment shall be available for effective operation of the system.
  - b. No manure or waste associated with such a system shall be stored outside of a fully enclosed building within two hundred (200) feet of any public street or property line or four hundred (400) feet from any residence.
  - c. Waste management systems shall not be located in areas of special flood hazard unless it is protected by dikes, levees, or other approved means.
  - d. Wherever possible, waste management systems shall be located where prevailing winds will carry odors away from residences and public cares.
4. The owner or operator shall be responsible for operating and maintaining the Animal Waste Management System in accord with a nutrient management plan and Animal Waste Management System plan that have been prepared by the

NRCS or by a qualified professional consultant. The AWMS plan shall include the following items:

- a. A description of all system components or practices planned.
  - b. The sequence and schedule of component installation.
  - c. Engineering design and layout information on location, size and amounts of animal waste to be managed.
  - d. A waste spreading plan including an accounting of the nutrients available, crops and fields where applied, and amount and timing of applications. Information showing the relationship between the AWMS and other management systems.
  - e. Operation and maintenance requirements explaining the methods for filling and emptying the storage facility.
  - f. A description of the emergency plan covering procedures for potential spills.
5. No component of an AWMS shall be installed until an overall AWMS has been designed and approved. Site borings and test pit data must be submitted with the construction plans engineered and signed by a licensed professional engineer. Costs of engineers and consultants shall be borne by the applicant.
6. Compliance with SEQR Requirements - The Town Board shall comply with the provisions of the State Environmental Quality Review Act (SEQR) under Article 8 of the Environmental Conservation Law and its implementing regulations when reviewing special use permits.

## **B. PROCEDURES**

1. All applications for special use permits for animal waste management systems, shall be submitted to the Town Planning Board for review and referral. The Town Planning Board shall not consider an application for establishing an animal management storage system unless the NRCS or a qualified engineer and a letter to that effect have reviewed the proposal and engineered design is transmitted as part of the application for the special permit.
2. The Town Board may request periodic and random inspections of the system and operation plan. Any monitoring required by the Board will be to assure compliance with standards and conditions of the permits. Costs of such inspections and monitoring shall be borne by the owner.
3. The special permit issued shall become null and void if the system is operated in a manner that is contrary to any of the conditions or the provisions for either the issuance of the permit or the operations plan.

## 6070 CAMPGROUNDS

The Town Planning Board may approve a special use permit for camping grounds in the A-Agricultural, RR- Rural Residential and provided that the following standards and provisions are maintained:

- A. Use Restrictions - camping grounds shall be occupied only by travel trailers, pick-up coaches, motor homes, camping trailers, recreational vehicles, and tents suitable for temporary habitation and used for travel, vacation and recreation purposes. No permanent external appurtenances such as carports, cabanas or patios may be attached to any travel trailer or other vehicular accommodation parked in a camping ground. The removal of wheels and placement of a unit on a foundation in a camping ground is prohibited.
- B. Tract Size - Minimum site area: Ten (10) acres.
- C. Lot Size - Minimum sizes for individual campsites: twenty-five (25) feet by eighty (80) feet to accommodate areas with travel trailers and campers; and, twenty-five (25) feet by fifty (50) feet for areas to be occupied exclusively with tents.
- D. Density - Not more than ten (10) travel trailers, campers, tents, recreational vehicles or motor homes shall be permitted per acre of gross site area.
- E. Entrances and Exits
  - 1. Entrances and exits to camping grounds shall be designed for safe and convenient movement of traffic into and out of the camping ground and to minimize friction with movement of traffic on adjacent streets. All traffic into or out of the camping ground shall be through such entrances and exits. No entrance or exit shall require a turn at an acute angle for vehicles moving in the direction intended. Road curbs shall have a minimum radius of fifty (50) feet and shall be designed for "Drive-through" campsite parking.
  - 2. A camping ground shall be so located that no entrance or exits from a site shall discharge traffic into any residential area nor require movement of traffic from the camping ground through a residential area.
- F. Natural Features - Conditions of soil, groundwater level, drainage and topography shall not create hazards to the property or to the health or safety of the occupants. Natural vegetation shall be retained wherever possible. The site shall not be exposed to objectionable smoke, noise, odors, or to other adverse influences, and no portion of the camping grounds subject to flooding, subsidence or erosion shall be used for any purpose that would expose persons or property to hazards.
- G. Accessory Buildings

1. Management headquarters, recreational facilities, toilets, dumping stations, showers, coin-operated laundries, and other uses and structures customarily incidental to the operation of camping grounds are permitted as accessory uses to the camping grounds. In addition, retail stores and other convenience establishments shall be permitted as accessory uses in camping grounds in such districts where such uses are not allowed as principal uses, subject to the following restrictions.
  - a. Such establishments and the parking areas primarily related to their operations shall not occupy more than five (5) percent of the gross area of the camping ground. Such establishments shall be restricted in their use to occupants of the camping ground.
  - b. Such establishments shall present no visible evidence from any street outside the camping ground of their commercial character that would attract customers other than occupants of the camping ground.
  - c. The structures housing such facilities shall not be directly accessible from any public street, and shall only be accessible from a street within the camping ground.
  
- H. Water Supply/Sanitary Sewage Disposal - Plans for sewage disposal and water supply shall be designed in accordance with standards promulgated by the New York State Department of Health and/or Environmental Conservation, and shall receive approval from said agencies.
  
- I. Interior Streets - Streets in camping grounds shall be private, but shall be constructed with a stabilized travel way and shall meet the following minimum stabilized travel way width requirement:
  1. One Way with no parking on either side 12 feet
  2. One Way with parking on one side 24 feet
  3. Two Way with no parking on either side 24 feet
  4. Two Way with parking on one side 36 feet
  5. Two Way with parking on both sides 48 feet.

All roadways and public parking areas shall either be paved or dust treated.
  
- J. Recreation Facilities - A minimum of eight (8) percent of the gross site area for the camping ground shall be set aside and developed as common use areas for open or enclosed recreation facilities. No travel trailer site required buffer strip, street right-of-way, storage area or utility site shall be counted as meeting recreational purposes.

- K. Lighting and Walkways - An adequate lighting system shall be provided for the camping ground. Pedestrian walkways shall be provided to lead to all parking areas, rest rooms or other service buildings. All walkways shall have adequate lighting.
- L. Utilities - All utilities shall be underground.
- M. Refuse Collection and Disposal - Not less than one (1) covered twenty (20) gallon garbage receptacle shall be provided for each campsite. No campsite shall be situated further than one hundred (100) feet from a garbage receptacle. Garbage and rubbish shall be collected and disposed of as often as may be necessary to insure sanitary conditions.
- N. Compliance with Sanitary Regulations - All applicable sanitation standards promulgated by the State of New York, County of Wyoming, or the Town of Sheldon, shall be met.
- O. Setbacks
1. Campsites and buildings shall be set back not less than fifty (50) feet from any stream which carries water more than six (6) weeks per year.
  2. No building, structure, travel trailer, camper, tent, motor home, or motor vehicles propelling or carrying the same may be located closer than within three hundred (300) feet of any residence or closer than one hundred (100) feet of any lot line.

## **6080 CEMETERIES**

The Town Planning Board may approve special use permits for cemeteries in the A- Agricultural, RR- Rural Residential, B-Business, I- Industrial and H- Hamlet Districts provided the following standards and provisions are maintained:

- A. Minimum site area: 20 contiguous acres
- B. Minimum lot width: 200 feet
- C. Mausoleums, crematoria, caretaker's cottages, chapels, and storage facilities which are incidental to the cemetery shall be permitted as accessory uses provided that any such structure shall not be located closer than 75 feet to any lot line.
- D. No crematoria shall be permitted within or considered accessory to a cemetery.
- E. No internment shall be within 50 feet of any street or lot line.
- F. Memorials and monuments may not exceed six (6) feet in height.

G. Landscaping shall be provided suitable to screen the cemetery from view in so far as practicable.

H. Off-street parking: A minimum of one (1) space for each two (2) acres.

## **6090 CIVIC AND SOCIAL CLUBS**

The Town Planning Board approve special use permits for civic and social clubs in the A-Agricultural, RR- Rural Residential, B-Business, I- Industrial and H- Hamlet Districts provided the following standards and provisions are maintained:

A. Minimum lot size: Two (2) acres

B. Minimum frontage: Two hundred (200) feet

C. Minimum lot line set back: Fifty (50) feet from side and rear lot lines and seventy-five (75) feet from road right-of-way.

D. Minimum amount of off-street parking: Off-Street parking must comply with the Building Code.

## **6100 COMMUNICATION TOWERS**

The Town Planning Board may approve a special use permit for the creation and maintenance of communication towers within any zone district provided that the following standards and provisions are maintained,

Reference Local Law No. 1- 2002

## **6110 DRIVE-IN BUSINESS**

The Town Planning Board may approve a special use permit for a drive-in restaurant in the B-Business District provided that the following standards and provisions are maintained:

- A. Application Requirements - The following information shall be submitted as part of the application for site plan approval and for a special use permit for a drive-in business, in addition to that information required in other sections of the Local Law.
1. The location and dimensions of all structures including buildings, screened trash areas, fencing and lighting (show direction and level of illumination).
  2. The locations and dimensions of all off-street parking areas and driveways.

3. Proposed landscaping of site.
- B. Setback Requirements/Density Restrictions - All drive-in businesses shall be a minimum of 200 feet from other such businesses, which distances shall be computed as follows:
1. For such businesses on the same side of the street, 200 feet measured between the two (2) closest property lines.
  2. For such businesses on opposite sides of the street, 200 feet measured diagonally between the two closest property corners.
  3. For four-corner intersections, one (1) such business may be located on a diagonally opposite corner exclusive of the 200-foot distance requirement.
- C. Drive-in facilities must provided at least five (5) car length spaces in the approach drive within the property line of the lot for each drive-in window. Such spaces shall be exclusive of required off-street parking spaces.
- D. Refuse Storage - All drive-in businesses shall provide suitable storage of trash in areas which are so designated and constructed as to allow no view of the trash storage from the street, to prevent waste paper from blowing around the site or adjacent properties or public right-of-way, and to permit safe, easy removal of trash by truck or hand.
- E. The minimum distance from any driveway to a property line shall be twenty (20) feet.
- F. The minimum distance between driveways on the site shall be fifty (50) feet measured from the two (2) closest driveway curbs.
- G. The minimum distance into the site from a street intersection shall be 30 feet measured from the intersection of the street right-of-way to the nearest end of the curb radius.
- H. Drive-in businesses adjacent to or integrated in a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center.
- I. Exterior lighting proposed for the site shall be planned, erected and maintained so it will not cast direct light or glare upon adjacent properties or public right-of-way. The light source shall not be higher than twenty (20) feet.
- J. Sufficient landscaping and fencing shall be provided in order to minimize visual impacts and minimize conflicts with adjacent land uses.

- K. Water supply and sewage disposal systems shall be reviewed by the Wyoming County Health Department.
- L. Any outdoor eating area associated with a drive-in restaurant shall be maintained, landscaped and physically separated from any off-street parking area or driveway. Outdoor eating shall be allowed only if all parking and vehicular travel areas have a dust-free (paved) surface.

## **6120 ESSENTIAL SERVICES AND UTILITIES**

The Town Planning Board may approve a Special Use Permit for Essential Services in all zoning districts provided that the following standards and provisions are maintained:

- A. The Town Planning Board may allow essential services and utilities as special permit uses in all districts. The Town Planning Board shall determine the following prior to approving a special use permit:
  1. Necessity of Site - The proposed installation in a specific location is necessary and convenient for the efficiency of the essential services or the satisfactory and convenient provision of service to the area in which the particular use is located.
  2. Building Design - The design of any building in connection with such facility shall conform to the general character of the area and will not adversely affect the safe and comfortable enjoyment of property rights in the district in which it is to be located.
  3. Landscaping - Adequate landscaping will be provided to create a visual and sound buffer between such facilities and adjacent property.
  4. Parking - Adequate off-street parking shall be provided.
  5. Underground Installation of Distribution System - All new and replacement electric distribution, telephone, cable TV and other lines shall be placed underground.
  6. Underground Installation of Service Connections - All service connections from distribution lines to consumers shall be placed underground.
  7. Security and Safety
    - a. Adequate and attractive fences and other safety devices will be provided.
    - b. All points of necessary access, or transformers, shall be placed in secure structures at ground level.



- c. All major electrical transformer facilities or substations, if above ground, shall be secured by an outer and inner fence, each ten feet from each other at any point; also no transformer or associated switches shall be closer than 100 feet from any lot line.

**6130 EXCAVATION OPERATIONS –permit required from NYSDEC, conservation pursuant to title 27 article 23 Environmental Conservation Law**

The Town Planning Board may issue Special Use Permits in the A- Agricultural District for excavation operations, including the extraction of sand, gravel and processing or other operations for the preparation of sand and gravel provided that the following condition and standards are observed:

- A. Tract Size - The minimum lot area for any such use shall be ten (10) acres.
- B. Setbacks - All buildings and excavation operations shall be located or shall occur not less than one hundred (100) feet from any street or property lines.
- C. Fencing - The Town Planning Board will require fencing or some similarly effective barrier six (6) feet in height where excavations exceed a depth of four (4) feet.
- D. Removal of Structures - All buildings and structures used in such operations shall be dismantled and removed within twelve (12) months following the termination of the operations; shall be made at the expense of the operator; and shall be a condition of approval of the Special Use Permit.
- E. Maintenance of Structures and Plants - All buildings, structures, and plants used for processing of excavated materials shall be maintained so as to assure that such buildings, structures, and plants shall not become dangerously dilapidated.
- F. Maintenance of Equipment - All equipment used for the excavation of sand and gravel and processing thereof shall be constructed, maintained, and operated in such a manner as to eliminate, as far as practicable, noises and vibrations and dust conditions that are injurious or substantially annoying to all persons living in the vicinity.
- G. Hours of Operation - All operations shall be conducted between the hours of six (6) o'clock in the morning and six (6) o'clock in the evening except Sundays and except in the case of public or private emergency or wherever any reasonable or necessary repairs to equipment are required to be made.
- H. Land Reclamation/Restoration - All land that has been excavated must be rehabilitated within one (1) year after the termination of operations in accordance with standards set and at the expense of the operator and shall be a condition of the approval of the Special Use Permit. It is further provided that where an excavation

operation has lasted longer than one year; rehabilitation of land in accordance with standards set must be begun and completed within one (1) year's time. The Zoning Officer shall require the operator to cease excavation operations when the above standard is violated until the operator complies.

1. All excavations must be graded or back-filled.
  2. Excavations made to a water-producing depth shall be properly sloped to the water line with banks surfaced with soil of an equal quality to adjacent land area topsoil; such topsoil required under this section shall be planted with green, shrubs, legumes, or grasses upon the parts of such areas where re-vegetation is possible.
  3. Excavation not made to a water producing depth must be graded or back-filled with non-noxious, non-flammable, non-combustible solid material and in a topographic character which will result in substantial general conformity to adjacent lands; such grading or back-filling shall be designed to minimize erosion and shall be surfaced with a soil equal in quality to that of adjacent land area and planted with trees, shrubs, legumes, or grasses upon the parts of such areas where re-vegetation is possible.
- I. Residential Character Defined - The Town Planning Board shall not grant a Special Use Permit for any excavation operation when the area in which the operation is proposed exhibits a residential character. The Town Planning Board shall consider an area to have residential character when a circle with a radius of two thousand nine hundred eighty (2,980) feet is drawn around the center of the proposed use contains one-third (1/3) of the homes in the area (approximately one (1) square mile) of the circle would have if developed to the density allowed by this zoning Local Law.
- J. Performance Guarantee - The Town Planning Board may require a performance bond or some other financial guarantee that the conditions of the granting of the Special Use Permit are carried out.

## 6140 FARM LABOR HOUSING

The Town Planning Board may approve a special use permit for farm labor housing in the A-Agricultural, RR- Rural Residential, B-Business, I- Industrial and H- Hamlet Districts provided that the following standards and provisions are maintained:

- A. The applicant shall obtain a Department of Health permit to operate a migrant farm worker housing facility and shall comply fully with all of the standards for such housing as specified in Chapter 1, Part 15 of the New York State Sanitary Code, Public Health Law 225 as amended.

- B. In situations in which the number of migrant farm workers to be housed in a farm labor housing is below the threshold requiring a Department of Health permit for operation of a migrant housing facility, the applicant shall fully comply with the standards as specified in Chapter 1, Part 15 of the New York State Sanitary Code, Public Health Law 225 as amended.
- C. The applicant shall fully comply with all applicable County and Town codes, local laws, ordinances, and regulations.
- D. Occupancy of farm labor housing shall be limited to employees and the family of employees of the property owner while employed in agricultural production on the property owners' farm. Rental of farm labor housing facilities for any purpose is prohibited.
- E. The owner of the property on which farm labor housing is located must be actively and principally engaged in commercial agricultural production in the Town of Sheldon.
- F. State, County, and Town officials shall have access to farm labor housing at all reasonable times.
- G. Failure of the applicant to comply with any of the stipulations enumerated herein shall be cause for revocation of the special use permit after a duly noticed hearing before the Town Board.
- H. The applicant shall maintain order; assume responsibility for the day-to-day operations, maintenance of the camp and the conduct of camp employees. The applicant shall appoint an agent who is a resident of the Town of Sheldon shall assume the responsibility of the owner in the owner's absence for the day-to-day operations, maintenance of the camp and the conduct of camp employees. The applicant shall provide the Town Clerk in writing with the name, address, and telephone number of his agent.

## **6150 FARM MARKETS**

The Town Planning Board may approve special use permits for farm markets in the RR-Rural Residential and H- Hamlet Districts provided the following standards and provisions are maintained:

- A. Such structures shall not exceed 2,000 square feet.

- B. Such structures shall conform to the minimum setback requirements for accessory buildings in the District in which they are situated.
- C. Sufficient land area shall be provided to accommodate off-street parking for not less than three (3) vehicles.

#### **6160 ANIMALS OWNED FOR RECREATION**

The Town Planning Board may approve special use permits for animals owned for recreation in the RR- Rural Residential, B- Business, I- Industrial and S-Seasonal Districts provided the following standards and provisions are maintained:

- A. A landowner would need 3 acres minimum in order to own one (1) animal, with one (1) acre additional for each additional animal.
- B. Property may be owned or leased to house these animals. If leased, the applicant must have a legal contract as proof and the property must be adjacent to the zoned property.
- C. If animal is not present for one (1) year, the Special Use permit expires.

#### **6170 GROCERY STORE, MEAT MARKET, BAKED GOODS STORE**

The Town Planning Board may approve a special use permit for grocery stores, meat markets, and baked goods stores in the B- Business and I- Industrial District provided that the following standards and provisions are maintained.

- A. No merchandise shall be displayed or sold from any setback area or sidewalk
- B. Minimum lot line set back: Buildings shall be setback, at least seventy-five (75) feet from front lot line and fifty (50) feet from the side and rear lot lines.
- C. Parking lots shall be designed and/or fences installed or screening materials planted so as to prevent the headlights of motor vehicle using the parking lot from shining on adjacent lots.
- D. Lighting and Signage - Illuminated signs and other lights shall be controlled and arranged so as to not shine on to any adjacent property or roadway. Refer to 5150.

- E. Public Address System - No exterior public address system shall be permitted except where such system is inaudible at any property line.

## 6180 OPEN

## 6190 KENNELS (COMMERCIAL AND PRIVATE)

The Town Planning Board may approve a special use permit for kennels in the A-C Agricultural-Conservation, A-R Agricultural-Residential, and L-R Low Density Residential Districts provided that the following standards and provisions are maintained:

- A. Buffer - Adequate landscaping or fencing shall be provided to create a visual, sound and smell buffer between such facilities and adjacent properties.
- B. Setbacks - Shelters for animals within kennels shall not be closer than one hundred (100) feet to any street or property line. No outdoor area enclosed by fences for the use of animals shall be permitted within a front yard. Fenced areas shall be setback not less than one hundred (100) feet from any side or rear property line.
- C. Waste Disposal - Adequate provisions shall be made for disposing of animal waste.
- D. Sheltering Animals at Night - All animals shall be kept within a totally enclosed building between 8:00 p.m. and 6:00 a.m.
- E. Noise and Odor - Noise and odors shall not become a nuisance to adjacent property owners.

## 6200 MOBILE HOME PARK

The Town Planning Board may approve a special use permit for Mobile home parks in the A-R Agricultural-Residential District provided that all related State and County regulations are filed and accepted.

- A. Tract Size - The minimum site area of proposed manufactured home parks shall not be less than twenty (20) acres.
- B. Lot Size and Frontage - Individual Mobile home lots shall have an area of not less than 10,000 square feet. Each individual lot shall front on an interior park roadway and have a minimum width of 75 feet.
- C. Setbacks for Individual Manufactured Home Lots Within the Park

Minimum Front Setback: 25 feet

Minimum Side Setback: 20 feet

Minimum Rear Setback: 10 feet

- D. Setbacks from Streets and Property Abutting Park - The minimum setbacks of every Mobile home, building or other structure in a park from the nearest public street line shall be seventy (70) feet, and from every other lot line of the park shall be forty (40) feet.
- E. One Manufactured Home Per Lot - Not more than one (1) manufactured home shall be located on any one (1) individual lot. Every manufactured home within a park shall be located on a Mobile home lot shown on the approved site plan for said park.
- F. Accessory Buildings for Individual Lots - At least one (1) framed service building shall be constructed in each Mobile home park which shall be adequate to provide for storage of all equipment, tools and materials necessary for the maintenance of the park, and all such equipment, tools, and materials shall be stored within said building when they are not in use. No more than one (1) accessory building shall be permitted on any individual manufactured home lot.
- G. Parking - Each individual lot shall have not less than two (2) off-street parking spaces. Such parking spaces shall be connected to the entrance of the manufactured home by a paved sidewalk having a minimum width of thirty-six (36) inches.
- H. Storage of Other Vehicles, Trailers, Boats, Etc. - No boats, campers, travel trailers, recreational vehicles, or unregistered and unlicensed motor vehicles shall be parked or stored at any place within a manufactured home park except in areas designated and approved for such storage as part of the site plan approval. All-Weather dustless driveways shall be provided for each drive way.
- I. Interior Streets
1. Every travel lane and parking lane within a manufactured home park shall have a minimum pavement width of twelve (12) feet and each roadway shall have a minimum right-of-way width of fifty (50) feet. If cul-de-sacs exist, they shall have a minimum diameter of eighty (80) feet.
  2. Each roadway shall be named and noted upon signs at each roadway intersection. Each manufactured home lot shall be assigned a permanent number that shall be noted on the manufactured home lot in a location clearly visible from the roadway.
  3. All streets shall be surfaced with a dustless coating.
- J. Water Distribution System and Fire Flow - A complete water distribution system approved by the Wyoming County Health Department and other appropriate

agencies, including a water-service pipe for each manufactured home lot and appropriately spaced fire hydrants, shall be installed.

- K. Sanitary Sewer System - A public sanitary sewage disposal system approved by the Wyoming County Health Department and other appropriate agencies shall be installed, including a sewer connection for each manufactured home lot. Sewer connection when not in use will be sealed.
- L. Utilities - All public utility, electric, gas, cable television and telephone lines shall be installed underground.
- M. Street Lighting - Appropriate street lighting shall be installed on interior roadways with the minimum number of lights being one at each intersection interior roadways or with abutting public road, and at least every two hundred (200) feet where such intersections are more than two hundred (200) feet apart.
- N. Sidewalks - Pedestrian walkways shall be provided along at least one side of all interior streets and shall be five (5) feet in width.
- O. Landscaping and Screening - A landscape plan shall be prepared and carried out which will assure the Town Planning Board that an appropriate planting of trees and shrubs will be included in the park design, including screening where necessary.
- P. Prerequisites for Locating Manufactured Homes - No manufactured home shall be located on a manufactured home lot until the roadways, sanitary sewage disposal system, water supply system, storm drainage system, street lighting, landscaping, recreation areas, framed service buildings, and accessory vehicular storage buildings serving the manufactured home park have been installed in accordance with the approved site plan for the park.
- Q. Fuel Tanks - All fuel tanks used for heating within a manufactured home park, including all fuel tanks used for heating within individual homes, shall be installed in accordance with NFPA standards.
- R. Recreational Area - Every manufactured home park shall have a recreational area or open space area for use by the occupants of the park. Such areas shall be as centrally located as the topography and design of the park permit. Such areas shall not be less than one (1) acre for the first 20 manufactured home lots, with an additional 1,000 square feet provided for each additional manufactured home lot established thereafter.
- S. Refuse and Recycling Collection and Disposal - The park owner/operator shall provide for the regular collection and disposal of garbage, trash, and rubbish for all residents of the park.

- T. Skirting - Each manufactured home shall be enclosed at the bottom with a fire resistant skirt or enclosure within thirty days after the placement of the home on the lot.
- U. Enclosures and Additions - No enclosure or addition, with the exception of carports, door porches, and patios, shall be constructed on, added to, or attached to the exterior of any manufactured home.
- V. Prerequisites for Sale of Manufactured Homes - No manufactured home shall be offered for sale, displayed for sale, or sold within a park unless such manufactured home is located on an individual manufactured home lot and is connected to electric, sewer and water services.
- W. Interior Roadway Maintenance - Every roadway within a manufactured home park shall be maintained in good repair and shall be open at all times reasonably possible for travel by occupants of the park and necessary fire, police, ambulance, public utility maintenance and fuel supply vehicles. The park owner/operator shall be responsible for providing and paying the cost of such maintenance and for all necessary snow removal.
- X. Sale of Lots Prohibited - Any sale of a manufactured home lot or lots, or a portion of a manufactured home park, other than the entire manufactured home park, as shown on the plan of such park approved by the town, shall thereupon immediately invalidate the special use permit for such park approved by the Town Planning Board. Any use of any of the premises within the manufactured home park other than as a manufactured home park shall thereupon immediately invalidate the special use permit of such park approved by the Town Planning Board.
- Y. Home Occupations and Home Base Businesses Prohibited - Home occupations and home-based businesses shall not be permitted in any individual manufactured home located within a park.

## **6210 (OPEN)**

## **6220 MOTOR VEHICLE SALES/FARM EQUIPMENT SALES**

The Town Planning Board may approve a special use permit for the sales of motor vehicles and farm equipment in the General Business (B) District provided that the following standards and provisions are maintained:

- A. Building Requirements - Such sales shall be conducted in a fully enclosed building located on the same lot, and having a building area of not less than 5,000 square feet devoted to the sales and services of automobiles or farm equipment; or



- B. Exceptions to Building Requirements - The sale of new and/or used automobiles or farm equipment may be carried on in an unenclosed area provided that:
1. Such unenclosed area shall be dust-free, shall be suitably drained, and shall be maintained in a neat and orderly manner.
  2. All exterior illumination shall be approved by the Town Planning Board and shall be shielded from the view of all surrounding properties and streets.
  3. Suitable landscaping and/or fencing of such unenclosed area shall be required.
  4. No establishment for the sale of new and used automobiles or farm equipment shall be opened, conducted, or maintained except as provided above. None of the provisions of this section, however, shall be deemed to prohibit the continuance of the present use of any property for the sale of new and used automobiles or farm equipment, provided that any such continued use shall be subject to all of the provisions of this section. Plans for any changes required to bring about such conformance shall be submitted to and approved by the Town Planning Board before any such change shall be made. The Town Planning Board may approve, modify, or disapprove such plans and may impose reasonable and appropriate conditions to such approval so that the spirit of this Local Law shall be observed.
- C. Area Specifications - No motor vehicles or farm equipment shall be displayed for sale or rent within 25 feet of any property line.
- D. Prohibition of Fuel Sales - No retail sale of fuels shall occur on the site at any time.
- E. Signs - All signage shall comply with Section 5150 of these zoning regulations.
- F. Exterior Lighting - No exterior light source shall be erected in excess of 50 feet above the ground surface and all lighting shall be placed to eliminate the casting of direct light or glare upon adjacent properties.

## **6230 MOTOR VEHICLE SERVICE STATIONS AND AUTO REPAIR SHOPS**

The Town Planning Board may approve a special use permit for motor vehicle service stations and motor vehicle repair shops in the A- Agricultural, R- Residential and B-General Business Districts provided that the following standards and conditions are maintained:

- A. Site Plan Review - Site plan approval shall be required in accord with the site plan requirements set forth in Article 7 this Local Law.

- B. Buffer and Screening - Such uses shall be screened from adjacent uses by a buffer area not less than ten (10) feet in depth composed of densely planted evergreen shrubbery, solid fencing, or a combination of both which, in the opinion of the Town Planning Board, will be adequate to prevent the transmission of headlight glare across the district boundary line. The Town Planning Board shall determine on an individual case basis how close to the right-of-way the landscaped buffer shall be required to be installed. Such buffer screen shall have a minimum height of six (6) feet above the ground. If said shrubbery becomes decayed and fails to provide an adequate screen, the Code Enforcement Officer shall direct the property owner to replace said shrubs.
- C. Paved Surface - The entire area of the site traveled by motor vehicles shall be hard surfaced.
- D. Exterior Repair Work and Storage Prohibited - All repairs of motor vehicles, except for minor servicing, shall be performed in a fully enclosed building. No motor vehicle parts, or partially dismantled motor vehicles shall be stored outside of an enclosed building.
- E. Sale of Food and Household Items - Motor vehicle service stations may include facilities for the sale of food, household items and convenience merchandise, provided that the sale of such items takes place entirely within an enclosed building.
- F. Commercial Parking Prohibited - No commercial parking shall be allowed on the premises of a motor vehicle service station or auto repair shop.
- G. Sale of Accessory Goods - Accessory goods for sale may be displayed on the pump island and the building island only. The outdoor display of oil cans and/or antifreeze and similar products may be displayed on the respective island if provided for in a suitable stand or rack.
- H. Setbacks
1. No gasoline pump or automotive service appliances shall be erected within fifty (50) feet of any street line.
  2. No driveway shall be closer than fifty (50) feet to the intersection of two street lines, or within twenty (20) feet of an adjacent lot line.
  3. No motor vehicle service station or auto repair shop and no driveway to any such use shall be established within two hundred (200) feet of the boundary line of the R-1 Residential District, or of any school, church, park, playground, public library, or any place of public assembly designed for occupancy by fifty (50) persons or more, regardless of the district where the subject premises are located. For the purposes of this Section, the distance

shall be measured along the street line on the side of the street where such use is proposed or such driveway would cross.

- I. Display of Vehicles - Limitations - No motor vehicle service station or auto repair shop may display more than five (5), unregistered vehicles for sale or repair outside of an enclosed building at any one time. All licensed motor vehicles being serviced or repaired shall be stored in a neat, orderly manner.
- J. Driveway Limitations - No motor vehicle service station or auto repair shop shall have more than two (2) driveways on any public street fronting the site. The driveway width on any street shall not exceed one third of the total site frontage on each street.

## **6240 MULTIPLE FAMILY DWELLINGS**

The Town Planning Board may approve a special use permit for multiple-family dwelling development in the Residential District provided that the following standards and provisions are maintained:

- A. The maximum gross density shall not exceed eight (8) dwelling units per acre.
- B. Minimum Habitable Floor Area Requirements:
  - 1. Townhouse units with two bedrooms or less: 850 square feet
  - 2. Townhouse units with three bedrooms or more: 1,000 square feet
  - 3. Apartment unit with one bedroom: 550 square feet
  - 4. Apartment unit with two bedrooms: 700 square feet
  - 5. Apartment unit with three bedrooms: 900 square feet
- C. Unit Distribution see section 6240 d
  - 1. No more than thirty (30) percent of the total units within a Multiple-family dwelling development shall be three (3) or more bedroom units.
- D. Setback Requirements
  - 1. Front Setback - The minimum front setback from any public street shall be 50 feet.
  - 2. Side and Rear Setbacks - The side and rear setbacks shall be 30 feet from all other lot lines.

3. Separation - Minimum distance between buildings in a multiple family dwelling development shall be 60 feet.
  4. Line of Sight - Direct line of sight visibility from one building to another shall not be less than one hundred (100) feet.
  5. Interior Setback - Every building shall have a minimum setback of twenty (20) feet from all interior roads, driveways and parking areas.
  6. Open Space - A strip of land at least six (6) feet in width surrounding each building shall be kept completely open except for foundation plantings of less than six (6) feet in height.
  7. Courtyards - Courtyards bounded on three sides by the wings of a single building or by the walls of separate buildings shall have a minimum court width of two (2) feet for each one (1) foot in height of the tallest adjacent building.
- E. No exterior wall shall exceed one hundred (100) feet in length unless there is a lateral offset of at least eight (8) feet in its alignment not less frequently than along each one hundred (100) feet of length of such exterior wall.
- F. Stairways - All stairways to the second floor or higher shall be located inside the building.
- G. Access to public road
1. All multiple-family dwelling developments shall have direct access to public roads.
  2. If there are more than twelve (12) dwelling units in a multiple-family development, direct access shall be provided to a public road by a private driveway or a road dedicated to the Town by the developer.
  3. If there are more than fifty (50) ft. dwelling units in a multiple-family development, or if in the opinion of the Town Planning Board the location or topography of the site indicates the need for additional access, the Town Planning Board may require such additional access as a condition of special use permit approval.
- H. The location of off street parking lots will conform to the approved site plan, provided that such lots shall not be located within the front yard or the required side yard setback. Paved pedestrian walkways, with appropriate lighting, shall be

provided from off-street parking areas to all living units each parking area is intended to serve.

- I. Off-street parking shall be provided in the amount of two (2) spaces for each unit.
- J. The aggregate of lot coverage of multiple-family dwelling development shall not exceed thirty (30) percent of the total lot area.

K. Services

- 1. Each dwelling unit shall contain complete kitchen facilities, toilet, bathing and sleeping facilities.
- 2. There shall be a minimum common storage area in each building for bicycles, perambulators and similar type equipment of forty (40) square feet in area, a minimum of seven feet, six inches (7 feet, 6 inches) in height and not less than four (4) feet in width per dwelling unit.
- 3. Sufficient laundry, drying, garbage pick-up and other utility areas shall be provided and shall be located with a view both to convenience and to minimizing the detrimental effect on the aesthetic character of the building(s) and shall be enclosed and shielded from view by fencing, walls or shrubbery of at least six (6) feet in height around the perimeter. Fencing and walls shall be not more than fifty (50) percent open on the vertical surface.

L. Recreation, open space, maintenance

- 1. Multiple family dwelling complexes shall be designed to create usable private open space. A minimum of ten (10) percent of the total tract area, exclusive of the required setback areas, buffer strip and parking areas shall be designated for common recreational purposes.
- 2. No recreational area shall be less than ten thousand (10,000) square feet in area or less than one hundred (100) feet in width. Areas designated for recreation purposes shall be approved by the Town Planning Board.
- 3. Multiple family dwelling complexes shall be attractively shrubbed and properly maintained. Open space adjacent to, around, or between driveways, parking areas, structures or other required improvements shall be graded and seeded to provide a thick stand of grass or other plant material.

M. Utilities

1. All public utility, electric, gas, cable television and telephone lines shall be installed underground.
2. Multiple family developments shall be connected to and served by public water supply and sanitary sewer systems.

## **6250 PINBALL AND VIDEO GAME ARCADES**

The Town Planning Board may approve special use permits for pinball and video game arcades in the Business District, provided the following standards and provisions are maintained:

- A. Pinball and video games arcades shall not be permitted as home occupations.
- B. Arcades shall be closed between the hours of 12:00 midnight and 8:00 a.m.
- C. An owner or responsible person over the age of eighteen (18) shall be on the premises during all hours of operations.

## **6260 PONDS**

The Town Planning Board may approve special use permits for ponds in the A-C Agricultural-Conservation and A-R Agricultural-Residential Districts provided the following standards and provisions are maintained:

- A. No pond shall be constructed until the Town Planning Board has conducted a site plan review and has approved said site plan. The Town Planning Board may request further review by the Natural Resources Conservation Service.
- B. All ponds must conform to county and DEC regulation:
  1. Minimum lot size: four (4) acres.
  2. Maximum pond size: ten percent (10%) of lot area, but no greater than five (5) acres of surface area.
  3. Minimum front lot line setback: three hundred fifty (350) feet.
  4. Minimum side and rear lot line setbacks: one hundred (100) feet.
  5. Minimum street line set back: one hundred (100) feet.
  6. Minimum setback from any building - The minimum setback from any building, including the applicant's: one hundred (100) feet.

7. Maximum side slope - The maximum slope for at least twenty (20) feet from the waterline in both directions (into and out of the water): three to one (3:1)
8. Maintenance - Maintain at least annually to prevent the pond from becoming unsightly or objectionable.

## **6270 PLANNED RESIDENTIAL DEVELOPMENT**

The Town Planning Board may approve a special use permit for a Planned Residential Development, provided that the following standards and provisions are maintained.

### **A. PURPOSE**

The purpose of the planned residential development regulations is to achieve the following:

1. Provide a maximum choice of housing environment and type, occupancy, tenure (e.g. cooperatives, individual ownership, condominium, leasing) lot sizes, and common facilities.
2. Provide more useable opens space and recreation areas.
3. Provide a development pattern that preserves the natural topography and geologic features, scenic vistas, and trees and prevents the disruption of natural drainage patterns.

### **B. GENERAL REQUIREMENTS**

1. Permitted Uses - Planned residential developments shall for residential purposes and customary accessory uses only. Customary accessory uses shall include recreational and community activity centers.
2. Permitted Types of Dwelling Units - The planned residential development may include single-family dwellings, two-family dwellings, townhouses and apartments exclusively or in combination.
3. Minimum Project Area - The minimum project area for a planned residential development shall be ten acres of contiguous land.
4. Project Ownership - The land for the planned residential development may be owned or controlled by a single person or by a group of individuals or public or private corporations. The approved project shall be binding on the project land and owner(s).

5. Density - The number of dwelling units shall in no case exceed the number that could be permitted, in the judgment of the Town Planning Board, if the land were to be subdivided into lots conforming to the minimum lot size and density requirements of the district or districts in which such land is situated and conforming to all other applicable requirements.
6. Open Space - Open space shall be set aside and developed for the common use and enjoyment of all residents of the planned residential development. Open space shall comprise a minimum of twenty-five percent (25%) of the total land area of the development. For the purposes of calculation, streets, sidewalks, or land lying within ten (10) feet of any dwelling shall not be considered as open space. Common areas maintained privately shall be covenanted, subject to the review and approval of the Town Planning Board, to insure that such areas shall be maintained in a manner specified in the covenant.
7. Other Requirements - The Town Planning Board shall require such additional standards as are applicable to the proposed site and any development thereon at the Town Planning Board deems appropriate.

## 6280 (OPEN)

## 6290 RECREATION AND AMUSEMENT ESTABLISHMENTS

The Town Planning Board may approve special use permits for outdoor recreational and amusement uses, provided the following standards and provisions are maintained:

- A. Public Address Systems - No public-address system shall be permitted except where such system is inaudible at any property line.
- B. Lighting and Signage - Illuminated signs and other lights shall be controlled and arranged so as not to shine on to any adjacent residential property or adjacent highway or road.
- C. Buffers - Visual and noise buffering shall be provided to the satisfaction of the Town Planning Board. Such buffering shall include a minimum of a twenty-foot-wide perimeter vegetative buffer along all side and rear lot lines, but may include additional vegetative buffering, fencing, earthen berms, other materials or some combination thereof, as determined necessary by the Town Planning Board to mitigate off-site impacts associated with the subject use.



- D. Minimum Lot Size - The minimum lot size shall be 2 acres.
- E. Building Setback Requirements - No building shall be located within fifty (50) feet of any property line.

### **6300 STABLES OR RIDING ACADEMIES**

The Town Planning Board may approve a special use permit for the use of land and buildings for stables for the commercial boarding of horses or riding academies, provided that the following standards and provisions are maintained:

- A. No site preparation or construction shall commence nor shall existing structures be occupied until final site plan approval has been granted by the Town Planning Board and permits have been issued by all governmental agencies involved.
- B. The permitted use may include any of the following:
  1. Storage of horse vans for conveying or transporting of horses, as may be accessory to the principal use.
  2. Sale or rental of horses for use by the public by the hour, day, month or year.
  3. Rides on horses by the public.
  4. Rental of horse vans.
  5. Riding lessons to the public.
  6. Sale of horse supplies and/or equipment.
- C. The land devoted to this use shall not be less than ten (10) contiguous acres.
- D. One principal single-family dwelling may be located on the land devoted to this use provided that it complies with the requirements of these zoning regulations. The land area on which the principal single family dwelling is located
- E. The number of horses that may be boarded and/or trained at such property shall not exceed 25 horses for the first 10 acres of land devoted to this use, plus one horse for each additional half acre of land available for such purpose.
- F. The stable shall be located not less than 100 feet from any boundary line. The storage of manure shall be located on land not less than 200 feet from any boundary

line. The Town Planning Board may require manure storage areas to be screened and/or buffered from adjacent areas.

- G. Any riding ring shall be at least 50 feet from any boundary line.
- H. Accessory buildings such as barns (not housing horses), sheds and the like, may be located on the land devoted to this use provided that they are set back a minimum of fifty (50) feet from the street line and from each boundary, and provided further that they are not used for the storage of manure.
- I. Structures on the land devoted to this use (not including the principal dwelling) shall not be in the aggregate cover more than five percent of the area of the land devoted to this use.
- J. No structure shall exceed 35 feet in height.
- K. Suitable and adequate off-street parking shall be provided in accordance with the requirements established by the Town Planning Board.
- L. Exterior lighting shall be permitted only to the extent necessary to prevent injury to the public and shall be so installed and arranged as to reflect light away from the adjoining streets and prevent any nuisance to adjoining property.
- M. Exterior loudspeakers shall be installed or used on the premises so as to minimize potential nuisances to adjacent properties.

## **6310 HOME BASED BUSINESSES**

The Town Planning Board may approve a special use permit for home based businesses, A- Agricultural, RR- Rural Residential, and B- Business Districts provided that the following standards are satisfied:

- A. Permitted locations - Home based businesses are permitted within a single-dwelling unit, or in a building or structure accessory to a dwelling unit, with frontage along any State, County or Town Road that is not designated for “seasonal use.” A private road may not provide access. No more than one (1) home based business shall be permitted on each property.
- B. Required procedures - Special use permit and site plan review required from the Town Planning Board.
- C. Limitations or Thresholds - Recognizing that the primary purposes of residential and agricultural districts is not the accommodation of business uses, the burden of proof in demonstrating compliance with these regulations in order to develop and

maintain a home based business shall be upon the applicant. The applicant shall bear the burden of satisfactorily demonstrating that the home based business will conform with the following standards:

1. Lot size - The minimum required lot size for a home-based business is five (5) acres.
2. Extent of use - The total gross floor area of the home-based business in an accessory building shall not exceed five thousand (5000) square feet in area.
3. Neighborhood character - The appearance of the property shall not be altered and the occupation within the residence shall not be conducted in a manner that would cause the premises to differ significantly from other properties in the neighborhood either by the use of lighting or by the emission of noises, odors or vibrations. All accessory buildings shall be of a building type that is consistent with the appearance of the principal dwelling and the surrounding area or neighborhood.
4. Employees on site - No more than four (4) employees or assistants in addition to the members of the family occupying such dwelling may be engaged on the premises in the home based business at any given time. One other partner, principal or professional may be employed on site.
5. Hours of operation - The home based business shall be conducted in such a manner that the majority of the clients, customers and others coming to do business at the site of the home based business, shall arrive and depart between the hours of 7:00 a.m. and 9:00 p.m.
6. Outdoor storage - materials and equipment - Materials and equipment actively used in connection with the home based business shall be stored outdoors shall be screened from public rights-of-way and neighboring properties by intervening landform and/or vegetation or fencing through all seasons of the year and stored in a manner such that they do not pose a nuisance to adjacent property owners. No outdoor storage of materials or equipment shall be permitted in the front yard of the premises or less than fifty (50) feet from any property boundary.
7. Commercial vehicles - Not more than four (4) commercial vehicles may be used in connection with the home-based business. No such vehicles shall be parked in the required front or side yards of the property.
8. Construction vehicles and equipment - Not more than four (4) construction vehicles or pieces of construction equipment may be used in connection with the home based business. No such vehicles shall be parked in the

required front or side yards of the property. Additional commercial vehicles may park in an enclosed structure.

9. Heavy vehicles GVW over 18000#. - No more than two (2) heavy vehicles may be used in connection with the home-based business. No such vehicles shall be parked in the required front or side yards of the property. Additional heavy vehicles may be parked in an enclosed structure.
10. Signage - One sign, not to exceed ten (10) square feet in area per side, shall be permitted to identify the home-based business. No sign shall have more than two printed sides. This sign may not be animated and may be illuminated only during business hours.
11. Parking - The need for parking generated by the home based business shall be met on-site and not in the required front yard. Off-street parking, turnarounds, and loading spaces shall be provided as required in Section 3000 of these regulations. The off-street parking for the home-based business shall be in addition to the parking required for the residence.
12. Deliveries and shipping - No more than ten (10) pickups or deliveries per week, other than regular mail, commercial mail service and overnight delivery service, shall be permitted. All pickups and deliveries shall occur between the hours of 7:00 a.m. and 9:00 p.m.

### **6320 MOTOR VEHICLE RACE TRACKS (commercial or private)**

The Town Planning Board may approve a special use permit for motor vehicle race tracks in the A-C Agriculture-Conservation and I-1 Industrial Districts provided the following standards and provisions are maintained:

- A. Public Address Systems - No public-address system shall be permitted except where such system is inaudible at any property line.
- B. Lighting and Signage - Illuminated signs and other lights shall be controlled and arranged so as not to shine on to any adjacent residential property or adjacent highway or road.
- C. Buffers - Visual and noise buffering shall be provided to the satisfaction of the Town Planning Board. Such buffering shall include a minimum of a twenty-foot-wide perimeter vegetative buffer along all side and rear lot lines, but may include additional vegetative buffering, fencing, earthen berms, other materials or some

combination thereof, as determined necessary by the Town Planning Board to mitigate off-site impacts associated with the subject use.

- D. Minimum Lot Size - The minimum lot size shall be 30 acres.
- E. Building Setback Requirements - No building shall be locate within one hundred (100) feet of any property line. No racetrack shall be located within 300 feet of any property line.

End of section 6

## **ARTICLE 7**

### **SITE PLAN REVIEW**

#### **7000 PURPOSE**

The intent of this section is to set forth additional general standards applying to certain uses and activities. The nature of these uses and activities require special consideration of their impacts upon surrounding properties, the environment, community character and the ability of the Town to accommodate development consistent with the objectives of these zoning regulations.

#### **7010 USES REQUIRING SITE PLAN REVIEW**

The following uses are exempt from site plan review except as noted:

- A. Single-family dwellings and their permitted accessory uses are exempted from site plan review.
- B. Two-family dwellings and their permitted accessory uses are exempted from site plan review.
- C. Agricultural uses and their permitted accessory uses are exempted from site plan review.
- D. Minor & Major Home Occupations are exempted from site plan review, but home-based businesses are subject to site plan review.

All applications for zoning permits, zoning variances, and special use permits are subject to site plan review and shall be accompanied by a site plan except for the uses specifically exempted as noted above. No zoning permit shall be issued until all the requirements of this Article and all other applicable provisions of these zoning regulations have been met.

## **7020 PROCEDURE**

- A. Pre-application Conference - A pre-application conference may be held between the Planning Board and applicant to review the basic site design concept and to determine the information to be submitted with the site plan.
- B. Filing of Application
  - 1. The application shall be made to the Planning Board by filing it with the Town Clerk. The Town Clerk shall present it to the Planning Board at its next regularly scheduled meeting. The Planning Board, upon review of the application shall determine if the application is complete. If the application is incomplete, the Town Clerk shall return it to the applicant and inform the applicant of its deficiencies. If the application is complete, the Town Planning Board will review the application and render a decision in accordance with paragraph C or D below. The applicant should attend the Planning Board meeting to answer questions the Board may have about the application.
  - 2. If County Planning Board review is required pursuant to Article 12-B, Section 239-m of the General Municipal Law, the Planning Board shall transmit a copy of the site plan to the County Planning Department as soon as possible after determining that the application is complete. The Planning Board shall not act within the first thirty (30) days following the referral of the site plan to the County Planning Board unless the County Planning

Board provides a written reply to the Town within the thirty (30) day period.

- C. Review and Decision With No Public Hearing - Within sixty-two (62) days of receipt of the complete application, the Planning Board shall render a decision to approve, approve with conditions, or deny the site plan unless the Planning Board determines to conduct a public hearing pursuant to paragraph D below or unless an extension is mutually agreed upon by the Town Planning Board and the applicant. If no public hearing is conducted and if the Town Planning Board does not render a decision within the allotted sixty-two (62) day period or within the extension period to which the parties have mutually agreed, the site plan shall be considered approved.
- D. Review and Decision With Public Hearing
1. The Town Planning Board may conduct a public hearing of the site plan at the Town Planning Boards discretion. If a public hearing is considered desirable by a majority of the Planning Board, such public hearing shall be conducted within sixty-two (62) days of the receipt of the completed application.
  2. The Town Clerk shall mail notice of the public hearing to the applicant at least ten (10) days prior to the date of the hearing and shall also publish a public notice in the official newspaper of the Town at least five (5) days prior to the date of such hearing. If the site plan was referred to the County Planning Board for review pursuant to Article 12-B, Section 239, the Planning Board shall also mail a notice of the public hearing to the County Planning Board at least ten (10) days prior to the date of the public hearing.
  3. If a public hearing is held, the Town Planning Board shall render a decision on the site plan within sixty-two (62) days after the public hearing unless the Town Planning Board and the applicant mutually agree upon an extension. If the Town Planning Board does not render a decision within the allotted sixty-two (62) day period or within the extension period to which the parties have mutually agreed, the site plan shall be considered approved.
- E. Disposition of Written Record - A full written record of the Planning Board minutes and decisions together with all documents pertaining to the Site Plan Review shall be prepared and filed in the Office of the Town Clerk within five (5) business days after such decision is rendered. A copy of the decision and, if disapproved, the reasons for disapproval shall be mailed to the applicant. If the site plan was referred to the County Planning Board for review, a copy of the decision shall also be filed with the County Planning Board within 30 days after the decision.



- F. State Environmental Quality Review - The Planning Board shall comply with the provisions of the State Environmental Quality Review Act (SEQR) under article eight (8) of the Environmental Conservation Law and its implementing regulations when conducting site plan reviews.
- G. Variances - Notwithstanding any provisions of law to the contrary, where a proposed site plan contains one or more features that do not comply with the zoning regulations, application may be made to the Zoning Board of Appeals for an area variance without the necessity of a decision or determination of the Zoning Officer.

### **7030 SITE PLAN REVIEW ELEMENTS**

An application for site plan approval shall be made in writing to the Zoning Officer and shall include or be accompanied by information drawn from the following list of review elements. The Planning Board may require additional information, if necessary, to complete its review.

A. Review Elements

1. Title of drawing, including name and address of applicant and person responsible for preparation of such drawing;
2. North arrow, scale and date;
3. Boundaries of the property plotted to scale; location and dimensions of setbacks;
4. Existing watercourses and bodies of water;
5. Grading and drainage plan showing existing and proposed contours and location of any proposed storm sewer drains, culverts, retaining walls or fences;
6. Type of construction materials and exterior dimensions of all buildings;
7. Location of any outdoor storage and parking or truck loading areas showing points of entry and exits from the site;
8. Description of the method of sewage disposal and location of sewage disposal facilities;
9. Pedestrian access if any;
10. Identification and description of the method, location, design and source of securing public or private potable water;

11. Location, size and design of any and all proposed signs;
12. Location and proposed development of all buffer areas, including existing vegetation cover;
13. Location and design of any and all outdoor lighting facilities;
14. General landscaping and/or screening plan and planting schedule;
15. Location of fire lanes and hydrants;
16. Identification of the location and amount of building area proposed for retail sales or similar commercial activity;
17. Location and design of all energy distribution facilities, including electric, gas and solar energy;
18. Record of application for and approval status of all necessary permits from state or local county agencies or officials;
19. Identification of any state or county permits required for the project's execution;
20. Map or aerial identifying adjacent parcels and land usages;
21. Part I and Part II State Environmental Quality Review (SEQR) completed.

B. Additional Review Elements for Animal Waste Management Systems/Manure Storage Facilities

As necessary, the Planning Board may require the following:

1. Arrow showing the direction of the prevailing wind.
2. Topography of proposed grading, if applicable, with contours.
3. Location of access points to roads and highways.
4. Review of possible restrictive fencing.

**7040 SITE PLAN REVIEW CRITERIA**

The Planning Board shall apply the following criteria in its review of the site plan. The Planning Board may approve the site plan only if it determines that the proposed development substantially complies with the review criteria.

- A. Vehicular Access and Circulation - Vehicular traffic access and circulation including intersections, road widths, pavement surfaces, dividers and traffic controls shall be adequate for the volume of traffic anticipated to prevent traffic circulation problems. Private drives shall be designed to conform to existing public access and rights-of-way.
- B. Pedestrian Access and Circulation - Pedestrian traffic access and circulation walkway structures, control of intersections with vehicular traffic shall be adequate and convenient for the volume of anticipated pedestrian traffic.
- C. Off-Street Parking and Loading - Off-street parking and loading facilities shall be sufficient to accommodate the anticipated number of vehicles requiring parking space or utilizing the loading facilities. The location, arrangement, and appearance of off-street parking and loading facilities shall be such so as to minimize adverse impacts on surrounding properties.
- D. Design, Size, Arrangement, and Location - The design, size, arrangement and location of buildings, lighting, and signage shall be compatible within the site and compatible with surrounding sites.
- E. Views and Vistas - Significant views and vistas from adjoining properties shall not be eliminated or substantially reduced, to the extent practicable, due to the height, bulk or orientation of proposed structures on the site.
- F. Grading and Drainage - Grading and Drainage facilities shall be adequate to remove storm water without displacing the water on to neighboring properties and without causing pond flooding, and/or soil erosion on the site where structures, roadways, and landscaping are located.
- G. Water Supply - The water supply shall be adequate to meet anticipated water needs.
- H. Sewage Disposal - The sewage disposal system shall be adequate to dispose of the volume of sewage to be generated without environmental degradation.
- I. Existing Trees - Existing trees shall be preserved and integrated into the landscape to the extent practicably possible.
- J. Open and Recreational Space - The amount of useable open space and play areas on sites on which apartment complexes or other multiple family dwellings are

proposed shall be adequate for the informal recreational needs for the number of persons anticipated to live in the apartments or other multiple family dwellings.

- K. Site and Noise Buffers - The site shall have adequate sight and noise buffers and/or screening to protect adjacent and neighboring properties from noise, glare, unsightliness or nuisances arising from the site. Trees, shrubs, and other landscaping constituting a visual and/or noise buffer shall adequately screen the view and muffle noise between the site and adjoining properties.
- L. Solar Access - The proposed development shall not encroach on the solar access of adjacent or neighboring properties.
- M. Fire Lanes and Other Emergency Zones - Fire lanes and other emergency zones shall be adequate to accommodate fire and emergency vehicles and apparatus. Fire hydrants shall be sufficient in number and shall be properly located to allow for appropriate fire suppression.
- N. Refuse Storage - On-site refuse storage shall be adequate to accommodate the volumes and type of refuse and recyclable materials anticipated to be generated on the site without environmental degradation.
- O. Rear of Site Use and Access - The site plan shall take into consideration the possible future productive use of the rear of the site and the potential need to access it in the future.

## **7050 OPEN**

## **7060 ACTION ON SITE PLAN**

- A. Approval/Disapproval

The Planning Board may:

1. Approve the Site Plan;
2. Approve the Site Plan with modifications; or,
3. Disapprove the Site Plan.

- B. Imposition of Conditions/Restrictions - The Planning Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to a proposed Site Plan. Upon Site Plan approval, any such conditions must be met in connection with the issuance of applicable permits.

**7070 SUPPLEMENTAL REGULATIONS PERTAINING TO SITE PLAN APPROVAL**

- A. Expiration of Site Plan Approval - Such site plan approval shall automatically terminate one (1) year after the same is granted unless work has begun on the project.
- B. Reimbursable Costs - Reasonable costs incurred by the Town for consultation fees or other extraordinary expenses associated with the review of a proposed site plan shall be charged to the applicant in accordance with the fee schedule.
- C. Performance Guarantee - As an alternative to the installation of required infrastructure and improvements, prior to approval by the Town Board, a performance bond or other security sufficient to cover the full cost of the same, as estimated by the Town Board or a Town department designated by the Town Board to make such estimate, where such departmental estimate is deemed acceptable by the Town Board, shall be furnished to the Town by the property owner. Such security shall be provided to the Town pursuant to the provisions of subdivision nine of section two hundred seventy-seven of New York State Town Law.
- D. Inspection of Site Improvements - The Zoning Officer shall be responsible for the overall inspection of site improvements, including coordination with the Town officials and agencies, as appropriate.
- E. Integration of Site Plan Approval Procedure with Other Planning Board Approvals - Whenever the particular circumstances of a proposed development require compliance with either the special use permit procedures or other requirements of this Local Law, the Planning Board shall attempt to integrate, as appropriate, site plan review as required by this Section with the procedural and submission requirements for such other compliances. In any case, all state permits and local land use control approvals shall be procured prior to the issuance of a Zoning Permit for a development project.
- F. Conflicts With Other Land Use Regulations - If any conflicts exist between this site plan review procedure and other land use regulations of the Town, this Article shall control.

End of section 7

## **ARTICLE 8**

### **ADMINISTRATION AND ENFORCEMENT**

#### **8000 VIOLATIONS AND PENALTIES**

Whenever a violation of this ordinance occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Zoning Officer, who shall properly record such complaint and immediately investigate the report thereon to the town board.

#### **8010 ENFORCEMENT**

The duty of administering and enforcing the provisions of this local law is hereby conferred upon the Zoning Officer, who shall be appointed by the Town Board and shall carry out

any directives from the Board relative to the duties of the position set forth below. The Zoning Officer shall receive such compensation, as the Town Board shall determine.

## **8020 DUTIES AND PROCEDURES OF THE ZONING OFFICER**

- A. The Zoning Officer of the Town of Sheldon shall enforce this local law. The Zoning Officer shall issue no zoning permit until compliance is achieved with all provisions of this local law. In turn, the Building Code Enforcement Officer of the County of Wyoming can issue no building permit or certificate of occupancy until a zoning permit is issued.
- B. Except as provided in this Local Law, no building or structures, including accessory buildings and signs, shall be erected, moved, enlarged, or extended, nor shall any land or building and pool be used or their use changed, nor shall any excavation for any building or structure or for the removal of natural deposits be begun unless and until a Zoning Permit therefore has been issued by the Zoning Officer charged with the enforcement of this Local Law.
- C. The Zoning Officer prior to foundation construction must approve excavation. If the Zoning Officer shall find that any of the provisions of this local law are being violated, he shall notify, in writing, the person responsible for such violations, indicating the nature of the violation and order the action to correct it. In his efforts to attain compliance the Zoning Officer shall have the authority to order discontinuance of illegal uses of land, buildings or structures; removal of illegal buildings or structures, or of illegal additions, alterations or structural changes; stop work; or, discontinuance of any illegal work being done. On the serving of notice by the Zoning Officer to the owner of any property violating any of the provisions of this local law, the Certificate of Compliance for such building or use shall be held null and void. A new Certificate of Compliance shall be required for any further use of such building or premises.
- D. The Zoning Officer shall maintain a permanent and current record of all applications for permits and certificates, his action upon same, any conditions relating thereto, and any other matters considered and action taken by him. Such records shall form a part of the records of his office and shall be available for use by Town officials and for inspection by the public. The records to be maintained shall include the following:
  - 1. Application File. An individual permanent file for each application for a permit or certificate provided for by this local law shall be established at the time the application is made. Said file shall contain one (1) copy of the application and all supporting documents and plans; notations regarding pertinent dates and fees and the like; as appropriate, one (1) copy of any resolutions or actions of the Town Board, Planning Board or Zoning Board

of Appeals in acting on the application; and the date the permit or certificate applied for was issued or denied.

2. Monthly Report. The Zoning Officer shall prepare a monthly report for the Town Board. Said report shall cite all actions taken by the Zoning Officer, including all referrals made by him; all permits and certificates issued and denied; all complaints of violation received and all violations found by him, and the action taken by him consequent thereon; and the time spent and mileage used. The Zoning Officer shall also provide the Planning Board with one copy of said monthly report.
- E. Whenever the Zoning Officer denies a permit or certificate he shall, in writing, inform the applicant of the specific reasons for denial and instruct the applicant on the proper methods to apply for relief.
  - F. The Zoning Officer shall maintain a current list and a map of non-conforming uses to determine if discontinuance or destruction, or change in use or vacancy has taken place.
  - G. The Zoning Officer shall maintain a current list and a map showing the variances and special use permits to determine if the conditions and safeguards placed on variances and special use permits are being complied with.
  - H. Upon approval of a special use permit by the Town Planning Board and after receiving written direction from the Town Planning Board, the Zoning Officer shall issue a zoning permit. Upon approval of a variance by the Zoning Board of Appeals, the Zoning Officer shall be empowered to issue the necessary zoning permit with the specific conditions to be imposed.
  - I. The Zoning Officer shall be authorized and empowered to issue appearance tickets pursuant to the New York State Criminal Procedure Law.

## **8030 PLANNING BOARD**

- A. General provisions. Pursuant to New York State Town Law Section 271, the Town of Sheldon has created a Planning Board with all the powers to perform all the duties prescribed by New York State statute and by this Local Law including the review and approval or denial of site plans and land subdivisions.
  1. The Town Board shall appoint a Planning Board consisting of five (5) members, shall designate its chair and deputy chair and may also provide for compensation to be paid to said members, experts, clerks and a secretary and provide for such other expenses as may be necessary and proper, not exceeding in all the appropriations that may be made by the Town Board for such Planning Board. No member of the Town Board or Zoning Board of Appeals and no Town employee shall be eligible for membership on such Planning Board.



2. Members shall serve terms of five (5) years. Such terms shall expire at the end of the calendar year. Any current members with terms that do not expire at the end of the calendar years shall serve until the end of the calendar year in which their terms are due to expire. At the expiration of any member term, such member may be reappointed or a new member may be appointed to a term that shall be equal to the number of members on the board.
3. The Town Board shall have the power to remove any member of the Planning Board for cause and after a public hearing. Such cause may include failure of a member to gain a minimum level of training or minimum meeting attendance as established by the Town Board. If a vacancy occurs for any reason other than expiration of the term, the Town Board may fill the vacancy for the period of the unexpired term.
4. The Town Board may designate an alternate member to substitute for a member when such member is unable to participate on an application or matter before the Planning Board. Such alternate member shall have all the powers and responsibilities of a Board member for the term defined by the Board.
5. The Town Board should make an effort to include on the Planning Board a mix of members including resident landowners, and those who represent the commercial, industrial and agricultural fields.
6. The Town Board may compensate members of the Planning Board on a per meeting basis at a rate to be established by the Town Board.

B. Conduct of business

1. The Planning Board shall follow all rules, procedures and forms established by the Town in order to fulfill its responsibilities under this Law.
2. All meetings of the Planning Board shall be held at the call of the chair and at such other times as a majority of the Board may determine. All meetings of the Board shall be open to the public. Such chair, or in his or her absence, the acting chair, may administer oaths and compel the attendance of witnesses. A concurring vote of a majority of all the members shall be necessary to take action on any matter before it.
3. The Planning Board shall keep minutes of its proceedings showing the vote of each member on every decision. If a member is absent or fails to vote, the minutes shall so indicate. Every decision or official action of the Planning Board shall be a public record and shall be filed in the office of the Town Clerk within five business days.
4. The Planning Board may review and make recommendations on a proposed comprehensive plan or amendment thereto. In addition, the planning board shall have full power and authority to make investigations, maps, reports, and recommendations in connection with planning and development of the Town providing any expenditure does not exceed the appropriation provided.
5. To make referrals to other Town Departments, Boards and/or officials to request advisory opinions to assist the Planning Board in making decisions which affect the development of the Town.

6. The Planning Board shall have the authority to review and approve, approve with conditions, or deny all site plans and subdivisions and any other land use permits as authorized by Articles 7 of this local law.
7. To review applications for Special Use Permits as authorized by Articles 3 and 6 of this local law.
8. All such powers and duties as are conferred upon Town Planning Boards and subject to the limitations set forth in Sections 272, 272-a, 274, 274-a, 275, 276, 277, 278, and 281 of the New York State Town Law, as the same may be amended, modified, or changed from time to time, or any sections subsequently adopted pertaining to Planning Boards.

C. Office Of Planning Board

1. The Office of the Town Clerk shall be the Office of the Planning Board. Every rule, regulation, amendment or repeal thereof and every order, requirement, decision or determination of the Board shall immediately be filed in said office as required by the Town Law of the State of New York. The Planning Board shall keep minutes of its proceedings, showing the vote, indicating such fact, and shall keep records of its environmental reviews and determination, its examinations and other official actions.

## **8040 ZONING BOARD OF APPEALS**

A. General Provisions

1. Pursuant to New York State Town Law Section 267, the Town of Sheldon has created a Zoning Board of Appeals with all the duties prescribed by New York State statute and by this Local Law including the review and approval or denial of zoning variances and appeals for interpretation of this Local Law.
2. The Town Board shall appoint a Zoning Board of Appeals consisting of five (5) members, shall designate its chair and deputy chair and may also provide for compensation to be paid to said members, experts, clerks and a secretary and provide for such other expenses as may be necessary and proper, not exceeding in all the appropriations that may be made by the Town Board for such Zoning Board of Appeals. No member of the Town Board or Planning Board and no Town employee shall be eligible for membership on such Zoning Board of Appeals.

3. Members shall serve terms of five (5) years. Such terms shall expire at the end of the calendar year. Any current members with terms that do not expire at the end of the calendar years shall serve until the end of the calendar year in which their terms are due to expire. At the expiration of any member term, such member may be reappointed or a new member may be appointed to a term that shall be equal to the number of members on the board.
4. The Town Board shall have the power to remove any member of the Zoning Board of Appeals for cause and after a public hearing. Such cause may include failure of a member to gain a minimum level of training or minimum meeting attendance as established by the Town Board. If a vacancy occurs for any reason other than expiration of the term, the Town Board may fill the vacancy for the period of the unexpired term.
5. The Town Board may designate an alternate member to substitute for a member when such member is unable to participate on an application or matter before the Zoning Board of Appeals. Such alternate member shall have all the powers and responsibilities of a Zoning Board of Appeals member for the term defined by the Town Board.
6. The Town Board may compensate members of the Zoning Board of Appeals on a per meeting basis at a rate to be established by the Town Board.

#### B. Conduct of Business

1. The Zoning Board of Appeals shall follow all rules, procedures and forms established by the Town in order to fulfill its responsibilities under this Law.
2. All meetings of the Zoning Board of Appeals shall be held at the call of the chair and at such other times as a majority of the Board may determine. The chair or in his or her absence, the acting chair may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. A concurring vote of a majority of all the members shall be necessary to take action on any matter before it.
3. The Zoning Board of Appeals shall keep minutes of its proceedings showing the vote of each member on every decision. If a member is absent or fails to vote, the minutes shall so indicate. Every rule and regulation, every amendment or repeal thereof, and every order, requirement, decision, interpretation or determination of the Zoning Board of Appeals shall be a public record and shall be filed in the office of the Town Clerk within five (5) business days.
4. The Zoning Board of Appeals shall decide upon any appeal within sixty-two (62) days after conducting a properly noticed hearing. This time for a decision may be extended by mutual consent of the applicant and the board.

#### C. General powers of interpretation.

1. The Zoning Board of Appeals shall perform all duties and powers prescribed by the Laws of New York State and by this Local Law in connection with appeals to review any order, requirement, decision, interpretation, or determination made by an administrative official charged with the enforcement of this Local Law,

generally the Zoning Officer. Any officer, department, board, or bureau of the Town may take by any person aggrieved or an appeal. Such appeal must be taken within sixty (60) days after the filing in the Town Clerk's office of such order; requirement, decision, interpretation or determination and such appeal must specify the grounds thereof and the relief sought.

2. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from, and shall make such order, requirement, decision, interpretation, or determination as in its opinion ought to have been made in the matter by the Zoning Officer. In so doing, the Zoning Board of Appeals shall have all the powers of the administrative official from whose order, requirement, decision, interpretation, or determination the appeal is taken.

D. Zoning Board of Appeals Office

1. The Office of the Town Clerk shall be the office of the Board of Appeals. Every rule, regulation, amendment or repeal thereof and every order, requirement, decision or determination of the Board shall immediately be filed in said office as required by Section 267 of the Town Law of the State of New York. The Board of Appeals shall keep minutes of its proceedings, showing the vote, indicating such fact, and shall keep records of its environmental reviews and determination, its examinations and other official action.

## **8050 PERMITTED ACTIONS ON AREA OR USE VARIANCES**

A. Area Variances

1. The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of such Local Law or local law, or in conjunction with an application for Site Plan Review or subdivision approval, to grant area variances as defined herein.
2. In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:

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

B. Use Variances

1. The Board of Appeals, on appeal from the decision or determination of the administrative official charged with the enforcement of this Local Law, shall have the power to grant use variances, as defined herein.
2. No such use variance shall be granted by a Board of Appeals without showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Board of Appeals that, for each and every permitted use under the zoning regulations for the particular district where the property is located:
  - a. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
  - b. The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;

- c. The requested use variance, if granted, will not alter the essential character of the neighborhood; and
  - d. The alleged hardship has not been self-created.
3. The Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

C. Imposition of Conditions

1. The Board of Appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this Local Law, and shall be imposed for the purpose of minimizing any adverse impact that such variance may have on the neighborhood or community.

**8060 PROCEDURES FOR APPEALS AND VARIANCES**

A. Variance procedures

1. The applicant may arrange an informal discussion with the Board of Appeals to determine any and all of the data to be included in the application.
2. All applications for variances shall be made in quadruplicate to the Zoning Officer on forms provided by the Zoning Officer and shall be accompanied by plans and supporting documents to sufficiently describe the proposal. All applications shall refer to the specific provision of the law involved and establish the details of why the variance should be granted. The Board of Appeals may request additional information it deems necessary in order to act on the application.

3. The Zoning Officer, after determining that an application is in proper form, shall transmit copies of the application and all supporting documents to the Board of Appeals for action thereon.
4. Use Variance within Agricultural District - Where an application for a use variance involves land lying within certain distances prescribed in Section 283-a of Town Law, an agricultural data statement shall be prepared and proper notice thereof given to all affected property owners.

5. Public Hearing on Appeal

- a. The Board of Appeals shall fix a reasonable time for the public hearing of the appeal, variance, or other matter referred to it and give public notice of such hearing by publication in a paper of general circulation in the Town at least five (5) days prior to the date thereof. The cost of sending or publishing any notices relating to such appeal, or a reasonable fee relating thereto, shall be borne by the appealing party and shall be paid to the Board of Appeals prior to the hearing of such appeal. Upon the hearing, any party may appear in person, or by agent or attorney.
- b. The Board of Appeals shall also, at least seven (7) days prior to the date of the hearing, give notice in writing by certified mail to all property owners within one thousand (1000) feet of the property to be affected by said appeal or to all property owners of contiguous land or properties adjoining said property to be affected, ~~the Town Planning Board~~, and other interested property owners as may be designated by the Board of Appeals.

\*the words “the Town Planning Board” were deleted by the Town Board on April 22, 2014

6. Referral to County Planning Board - A copy of the complete variance application and supporting documents shall also be transmitted to the County Planning Board for review when required either under Article 12-B, Sections 239-1 and -m of the General Municipal Law, or Section 283-a of the New York State Town Law.
7. Time of Decision - The Board of Appeals shall decide upon the appeal or variance within sixty-two (62) days after the conduct of said hearing. The time within which the Board of Appeals must render its decision may be extended by mutual consent of the applicant and the Board.
8. Filing of Decision and Notice - The decision of the Board of Appeals on the appeal shall be filed in the Office of the Town Clerk within five (5) business

days after the day such decision is rendered, and a copy thereof mailed to the applicant.

9. The Zoning Officer shall, upon receipt of the notice of approval and upon application by the applicant, issue the appropriate zoning permit or such other approval permitted by the variance, subject to all conditions imposed by the Zoning Board of Appeals.

B. Appeals Procedures

1. An appeal, including any request for an interpretation or determination, and specifying the grounds for the appeal, shall be filed with the officer, or body, from whom the appeal is taken and with the Board of Appeals. All appeals and applications shall be made to the Board of Appeals within sixty (60) days of the date on which the order, requirement, decision or determination appealed from was rendered and shall be on forms prescribed by the Board.
2. An officer, department, board or bureau of the Town may take by any person aggrieved or such appeal.
3. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any such administrative official.
4. The officer from whom the appeal is taken shall, within thirty (30) days of the filing of the appeal, transmit all papers constituting the record upon which the appeal is taken to the Board of Appeals.
5. An appeal stays all proceedings in furtherance of the action appealed from, unless the 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 facts 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.
6. The Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it and gives public notice such hearing by publication in a newspaper of general circulation in the Town at least five days prior to the date thereof. The cost of sending or publishing any notices relating to such appeal, or a reasonable fee relating thereto, shall be borne by the appealing party and shall be paid to the Zoning Board of Appeals prior to the hearing of such appeal. Upon the hearing, any party may appear in person, or by agent or attorney.



7. The Board of Appeals shall render a decision on each appeal within sixty-two (62) days of the close of the public hearing on said matter. The time within which the Board of Appeals must render its decision may be extended by mutual consent of the applicant and the board.
8. Any action by the Board of Appeals shall be stated in writing and communicated to the person bringing the appeal within five (5) business days after the decision has been made.

#### **8070 LAPSE OF AUTHORIZATION**

Any variance or modification of this Local Law authorized by the Board of Appeals shall be automatically revoked unless a zoning permit, conforming to all the conditions and requirements established by the Board of Appeals, is obtained within six (6) months of the date of approval by the Board of Appeals and construction commenced within one (1) year of such date of approval.

#### **8080 VIOLATION OF CONDITIONS OR RESTRICTIONS**

Failure to comply with any condition or restriction prescribed by the Board of Appeals in approving any appeal for a variance, or a modification of regulations shall constitute a violation. Such violation may constitute the basis for revocation of a variance or modification or for imposing penalties and other applicable remedies.

#### **8090 ARTICLE SEVENTY-EIGHT (78) PROCEEDING**

- A. Application to Supreme Court by Aggrieved Persons - Any person or persons, jointly or severally aggrieved by any decision of the Board of Appeals or any officer, department or board of the Town, may apply to the Supreme Court for review by a proceeding under Article Seventy-Eight (78) of the Civil Practice Law and Rules. Such proceeding shall be instituted within thirty (30) days after the filing of a decision of the Board in the Office of the Town Clerk or in the office designated by resolution of the Town Board. The court may take evidence or appoint a referee to take such evidence as it may direct and report the same with his or her findings of fact and conclusions of law, if it shall appear that testimony is necessary for the proper disposition of the matter. The court, at special term, shall itself dispose of the cause on the merits, determining all questions that may be presented for determination.

- B. Costs of Appeal - Costs shall not be allowed against the Board of Appeals unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.
- C. Preference of Appeal to Court - All issues in any proceeding under this Section shall have preference over all other civil actions and proceedings.
- D. Power of Court - If, upon the hearing at a special term of the Supreme Court, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his or her findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may specify the decision brought up for review.

#### **8100 STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)**

- A. The State Environmental Quality Review (SEQR) Act requires that local governments examine the environmental impact of all actions they permit, fund or construct. Article 6 and Part 617 of Title 6 of the New York Code of Rules and Regulations (SEQR regulations) are hereby adopted by reference.
- B. As soon as possible after the Town receives a zoning application it must do the following:
  - 1. Determine whether the action is subject to SEQR. If the action is a Type II action, the agency has no further responsibilities under SEQR.
  - 2. Determine whether the action involves a Federal agency. If the action involves a Federal agency, the provisions contained in Section 617.15 of the SEQR regulations apply.
  - 3. Determine whether the action may involve one or more other agencies.
  - 4. Make a preliminary classification of the proposed action as Type I or Unlisted using the information available and comparing it to the thresholds set forth in Section 617.4 of the SEQR regulations.
  - 5. If the proposed action is a Type I or Unlisted action, determine if the proposed action is located in an agricultural district and, if so, comply with the provisions of Subdivision (4) of Section 305 of Article 25-AA of the Agriculture and Markets Law, if applicable.

- C. All Type I actions shall require the submission and review of a full Environmental Assessment Form to determine the environmental significance of the proposed action.
- D. Unlisted actions shall require the submission and review of a short Environmental Assessment Form to determine the environmental significance of the proposed action. The Town may require the submission of a full Environmental Assessment Form for proposed Un-listed actions if the short Environmental Assessment Form would not provide sufficient information on which to make a determination of environmental significance of the proposed action.
- E. The Town may waive the requirement of the submission of an Environmental Assessment Form if a draft Environmental Impact Statement has been prepared and submitted. The draft Environmental Impact Statement may be treated as an Environmental Assessment Form for the purposes of determining environmental significance.
- F. If more than one agency is involved, the Town shall comply with Section 617.6 of the SEQR regulations for the purposes of determining what agency shall serve as lead agency.
- G. For zoning action reviewed by the Town in which the Town is the only agency involved, the following bodies shall serve as the lead agency for the following types of actions.
- |                            |    |                         |
|----------------------------|----|-------------------------|
| Zoning Text Amendments     | -- | Town Board              |
| Zoning District Amendments | -- | Town Board              |
| Special Use Permits        | -- | Town Board              |
| Variances                  | -- | Zoning Board of Appeals |
- H. If in the opinion of the local lead agency, after review of the Environmental Assessment Form, there appears the potential for a significant environmental impact, the lead agency shall cause the applicant to prepare a Draft Environmental Impact Statement. Review, notice and action on the Environmental Impact Statement shall be conducted in accord with Sections 617.9 through 617.11 of the SEQR regulations.
- I. The local lead agency shall make a written determination of environmental significance for all Type I and Unlisted actions in accord with the provisions set forth in Section 617.6 of the SEQR regulations.

- J. The local lead agency shall maintain files that are open for public inspection of all notices of proposed actions, environmental assessment forms, draft and final environmental reports.

End of article 8.

## ARTICLE 9

### SPECIAL DEVELOPMENT STANDARD

#### 9000 EROSION AND SEDIMENTATION CONTROL

Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the principles outlined the NYSDEC. Soil erosion and sediment control plans shall result in a development that minimizes erosion and sedimentation during construction is stabilized and protected from erosion when completed, and does not cause off-site erosion and/or sedimentation.

#### 9010 JUNKYARDS

Junkyards shall be prohibited in all districts. No display, storage, or collection of junk or junk cars, and no more than one unregistered vehicle, shall be permitted in a location visible from adjoining properties or public roads.

#### 9020 PARKING OF COMERCIAL VEHICLES

No commercial vehicles exceeding twelve thousand (12,000) pounds gross vehicle weight or fourteen (14) feet in box length shall be parked overnight in any district other than the I District and those with special use permits, except in connection with agricultural uses. Such vehicles shall be parked only in locations that are not visible from adjoining properties or public roads.

#### 9030 OFF STREET PARKING AND LOADING

Off-street loading shall be spaced logically and conveniently located to-be used and accessible to such vehicles when required off-street parking spaces are filled and shall be provided for all commercial and industrial uses. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking spaces.

#### 9040 HEIGHT REGULATIONS

In all districts, structures shall not exceed the height limits specified in Addendum 2, "Dimensional Regulations," unless approved by the Zoning Board of Appeals.

Maximum height limitations shall not apply to telecommunication towers, church spires, belfries, monuments, tanks, water and elevator bulkheads,

smokestacks, solar heating equipment, satellite dishes, silos, barns and other farm structures, flagpoles and wind-towers (local law 1 of 2003) except as specifically defined elsewhere in this Local Law.

#### **9050 FLOOR SPACE REGULATIONS**

- A. In all districts there shall be a required minimum of 1075 sq ft of floor space per one story dwelling and 1200 sq ft for any two-story dwelling. This measurement does not include the basement.
- B. Accessory apartments may be smaller than the unit they are accessory to while remaining in compliance with all applicable state building code requirements.
- C. No basement sited independently of a structure shall be used exclusively as a dwelling.
- D. The minimum width of a dwelling at its narrowest dimension, not including porches and patios, shall be twenty (20) feet.
- E. The construction and installation of all structures and appurtenant utilities shall conform to provisions of the NYS uniform fire prevention and building code and all other applicable standards.
- F. An accessory storage building or garage must be constructed for any minimum sized dwelling without a basement.
- G. No single commercial building or structure may exceed Twenty Thousand (20,000) sq ft.

#### **9060 LOCAL LAWS**

All local laws need to be observed, both in the present list and any future laws to be adopted.

**LOCAL LAW NO. 1 - 2003. Regulation of Wind Energy Conversion Systems**

**LOCAL LAW NO. 1 – 2001. Regulation of Meteorological Test Towers**

**LOCAL LAW NO. 2 – 2001. Regulation of Telecommunication Facilities**

**LOCAL LAW NO. 1 – 2000. Solid Waste Disposal Law**

**LOCAL LAW NO. 1 – 1999 Adult Use**

**LOCAL LAW NO. 2 - 2009 Land Sep**

**9070 CARE CENTERS AND FACILITIES**

- A. All day care centers and facilities must comply to Wyoming County and NYS regulations, as defined by this local law, shall be required to obtain an operating permit from the New York State Department of Social Services pursuant to the New York State Social Services Law.
- B. An appropriately fenced outdoor play area providing adequate room for the size of the proposed day-care center shall be provided on site. If said outdoor play area is not directly adjacent to the indoor day-care center, a supervised crosswalk shall be provided between the two areas. A minimum distance shall be provided between any paved or impervious surface being a portion of said outdoor play area and all lot lines, said minimum distance being equal to the minimum distance otherwise required between off-street parking areas and lot lines. A minimum distance of (10) feet shall be provided between all portions of said outdoor play area and all off-street parking areas. A landscaped buffer area with a minimum width of ten (10) feet shall be provided between all portions of said outdoor play area and all lot lines.
- C. No portion of said day-care center shall be located in a cellar.
- D. All areas used for day-care shall be provided with windows and adequate light and air.

**9080 GOLF COURSES**

- A. The centerline of a golf hole shall be a minimum of One Hundred Fifty (150) feet from any road, right-of-way, boundary, clubhouse, or maintenance building and a minimum of Two Hundred Twenty (220) feet from any residential dwelling.
- B. If night activities are to be held at the golf facility, the parking lot shall be lighted. Said lighting shall be arranged and shielded as to reflect the light downward and prevent any light from shining directly on adjoining streets, residential zones and residential buildings.
- C. Any public address system shall be designed and operated in a manner that will not disturb adjacent landowners.
- D. Adequate space for off-street parking shall be provided in accordance with zoning laws established according to state and county regulations.

End of article 9



## ARTICLE 11

### LAND SEPARATION

#### **11000 PURPOSE.**

It is declared to be the policy of the Town of Sheldon to consider land separations as part of a plan for the orderly, efficient, and economical development of the town. This means, among other things, that lots created by land separations shall be of such character that they can be used safely for building purposes without danger to health, or peril from fire, flood, or other menace; that proper provision shall be made for drainage, water supply, wastewater treatment and other needed improvements; that all proposed lots shall be so laid out and of such size as to be in compliance with the Town of Sheldon Zoning Law and in harmony with the development pattern of the neighboring properties.

#### **11010 PROCEDURE.**

Whenever any land separation is proposed, before any formal offer to sell any lots in such land separation, or any other part thereof, is made, and before any contract for sale is executed by the property owner, the property owner shall submit a sketch plan and obtain written approval of such sketch plan in accordance with the procedures set forth in Section 1, 2 and 3 of this Article. Before any land is transferred or any permit for the erection, construction, alteration or movement of any building or structure is issued for such land, final authorization of said land separation shall be obtained and filed in the Wyoming County Clerk's Office as set forth in Sections 4 and 5 of this Article.

##### **A. Submission of Sketch Plan**

A property owner shall, prior to undertaking a land separation, submit to the Zoning Enforcement Officer at least seven days prior to any regular meeting of the Board, a completed application for and seven (7) copies of a sketch plan of the proposed land separation. The sketch plan shall show:

1. the entire original parcel being divided.
2. all proposed new lot lines and/or new lots, and
3. any existing easements, deed restrictions or covenants affecting the property.

**B. Discussion of Requirements and Classification**

The property owner shall attend the meeting of the Planning Board to discuss his/her proposal as set forth in the sketch plan.

Classification of the sketch plan will be made at this time by the Planning board as to whether the proposal qualifies as a land separation,

**C. Study of Sketch Plan**

The Planning Board shall review the sketch plan to determine whether it meets the purpose of this Local Law as set forth in Article I. The Planning Board shall, where it deems necessary, make specific recommendations in writing to be incorporated by the applicant into the proposal prior to final authorization by the Planning Board.

**D. Final Authorization**

Within one hundred eighty (180) days of Planning Board approval, the property owner shall provide the Planning Board Chairperson, or his/her designee, three (3) prints of a property survey prepared by the NYS Licensed Land Surveyor. This survey shall meet all the recommendations made by the Planning Board relative to the sketch plan. Upon determination that the survey complies with the Planning Board's recommendation, the Chairperson, or other duly designated Officer of the Planning Board, will sign application and provide the property owner with a copy of such application. Failure of the property owner to submit the required survey documentation to the Planning Board Chairperson, or his/her designee, within the one hundred eighty (180) day time period will render the Planning Board's approval null and void.

**E. Filing of Survey(s) with Wyoming County Clerk**

Within sixty (60) days of obtaining final authorization from the Planning Board Chairperson, or his/her designee, the property owner shall file the survey(s) at the Wyoming County Clerk's Office. Failure of the property owner to file such documentation with the Wyoming County Clerk within the specified time period will render both the Planning Board's approval and final authorization null and void.

## ADDENDUM 1

### HISTORY OF ZONING LAWS

- 1978 Amendments:  
Article 4 - Minimum Yard Requirements  
Article 5 - Subdivisions  
Article 6 - Abandoned and Restoration
- 1982 Fee increase for a variance or special use application
- 1983 Flood damage prevention amendments - National Flood Program
- 1983 The county will be responsible for the enforcement of the town Building and Fire Codes
- 1984 Mobile Home Amendment (not a local law)
- 1987 Flood damage prevention amendments - National Flood Program
- 1993 Fee for flood zone letter
- 1996 Amendments:  
Satellite Dish Requirements  
Article 4- Section B2 - Increase in minimum lot size in agricultural district  
Increase in Zoning Fees
- 1999 Adult Use Local Law
- 2000 Solid Waste Disposal Law
- 2001 Meteorological Test Towers
- 2002 Telecommunications Facilities
- 2003 Regulations for Wind Energy Conversion Systems

**ADDENDUM 4**  
**Table of Permitted Uses**  
**Town Of Sheldon Zoning Law**  
Revised 11-16-2016 by Sheldon Town Board

Principal Uses	Zoning District					
	A	RR	B	I	H	S
<b>AGRICULTURAL</b>						
agriculture	P	P	P	P	P	NP
agriculture related industry	SP	NP	NP	SP	NP	NP
slaughter house	SP	NP	SP	SP	NP	NP
agriculture sales and service	P	SP	P	P	SP	NP
animal waste treatment system	SP	NP	NP	NP	NP	NP
greenhouse plant nursery, wholesale	P	SP	P	P	P	NP
horse farm, riding stable	SP	SP	SP	SP	SP	SP
hunting and fishing club	SP	SP	SP	SP	SP	NP
feed lot operation	P	NP	NP	NP	NP	NP
ponds	SP	SP	SP	SP	SP	NP
recreational animals	P	SP	SP	SP	NP	SP
stripping of top soil	NP	NP	NP	NP	NP	NP
<b>RESIDENTIAL</b>						
1-family dwelling detached	P	P	P	P	P	NP
2-family dwelling	P	P	P	P	P	NP
multi family dwelling	NP	NP	SP	SP	SP	NP
mobile home park	SP	SP	NP	NP	NP	NP
subdivision	SP	SP	SP	SP	SP	NP
<b>PUBLIC, INSTITUTIONAL COMMUNITY FACILITY</b>						
airport and related use	SP	NP	SP	SP	NP	NP
cemetery	P	P	P	P	P	NP
child care center group: A,B	SP	SP	SP	SP	SP	NP
child care family home up to 6	P	P	P	P	P	NP
club or lodge	SP	SP	SP	SP	SP	NP
community facility	P	P	P	NP	P	NP
golf course	SP	SP	SP	SP	NP	NP
group care facility	SP	SP	SP	NP	SP	NP
hospital	NP	SP	SP	SP	SP	NP
medical care facility	NP	SP	SP	SP	SP	NP
nursing home	NP	SP	SP	SP	SP	NP
office, government	NP	NP	P	NP	P	NP
<b>Park or Recreational Facility</b>						
public	P	P	P	P	P	NP
private	SP	SP	SP	SP	SP	NP
place of worship	P	P	P	P	P	NP
public safety facility	P	P	P	P	P	NP

## ADDENDUM 4

### Table of Permitted Uses

Principal Uses	A	RR	B	I	H	S
<b>School</b>						
public	NP	P	P	NP	P	NP
private	NP	P	P	NP	P	NP
pre-school/nursery	SP	SP	P	NP	P	NP
trade	NP	NP	P	P	NP	NP
<b>Utility</b>						
major	SP	NP	SP	SP	SP	NP
minor	P	P	P	P	P	NP
wind energy	SP	SP	SP	SP	SP	NP
telecommunication facility	SP	SP	SP	SP	SP	NP
<b>COMMERCIAL</b>						
<b>Bakery</b>						
retail	SP	SP	SP	SP	P	NP
wholesale	NP	NP	SP	SP	P	NP
motorized vehicle-race track	SP	SP	SP	SP	NP	SP
bank,lending institution	SP	SP	P	P	SP	NP
bar,tavern	NP	NP	SP	SP	SP	NP
bed and breakfast	SP	Sp	SP	NP	SP	NP
campground	SP	SP	NP	NP	NP	NP
equipment service and rental	NP	NP	P	P	NP	NP
funeral home	NP	NP	P	P	P	NP
gas station	NP	NP	SP	SP	NP	NP
health club	NP	NP	P	NP	P	NP
hotel or motel	NP	SP	SP	NP	SP	NP
ice rink commerical	NP	SP	SP	SP	SP	NP
kennels	SP	SP	SP	SP	NP	NP
motor vehical repair and service	SP	SP	SP	SP	NP	NP
motor vehical sales and service	NP	NP	SP	SP	NP	NP
<b>Office</b>						
general administraton	NP	NP	P	P	P	NP
professional	SP	SP	P	P	P	NP
medical and dental	NP	NP	P	P	P	NP
contractor	SP	SP	SP	P	SP	NP
parking lot and garage	NP	NP	P	P	P	NP
personal service shop	SP	SP	P	P	P	NP
printing and photo copy	SP	SP	P	P	P	NP
<b>Restaurant</b>						
sit down	NP	NP	P	SP	P	NP
drive in	NP	NP	SP	NP	NP	NP
<b>Quick Stop Retail Store</b>						
with gasoline service	NP	NP	SP	SP	NP	NP
with out gasoline service	NP	NP	SP	SP	NP	NP

## ADDENDUM 4

### Table of Permitted Uses

<b>Principal Uses</b>	<b>A</b>	<b>RR</b>	<b>B</b>	<b>I</b>	<b>H</b>	<b>S</b>
shopping center community	NP	NP	SP	SP	NP	NP
studio visual performing arts	NP	NP	P	NP	SP	NP
theater performing arts center	NP	NP	P	NP	SP	NP
veterinary hospital clinic	SP	NP	P	P	SP	NP
video rental establishment	NP	NP	P	P	P	NP
wholesale sales	NP	NP	P	P	NP	NP
lumber yard	SP	NP	SP	SP	NP	NP
 <b>Manufacturing</b>						
custom	NP	NP	SP	P	NP	NP
light	NP	NP	SP	P	NP	NP
medium	NP	NP	SP	SP	NP	NP
research or testing laboratory	NP	NP	NP	SP	NP	NP
storage outdoor and mini storage	SP	NP	P	SP	NP	NP
terminal truck	NP	NP	NP	SP	NP	NP
ware house small less 150 sq ft (2)	P	P	P	P	P	NP
ware house over 150 sq ft	SP	SP	P	P	SP	NP
 <b>ACCESSORY USES</b>						
agricultural stands seasonal	P	P	P	P	P	NP
farm stays	SP	SP	SP	SP	SP	NP
fences	P	P	P	P	P	NP
garages residential	P	P	P	P	P	NP
home occupation	SP	SP	SP	SP	SP	NP
housing farm employment	SP	SP	SP	SP	SP	NP
satellite antenna residential	P	P	P	P	P	NP
shed	P	P	P	P	P	P

- A- Agriculture
- RR- Rural Residential
- B- Business
- I- Industrial
- H- Hamlet
- S-Seasonal
  
- P- Permitted
- NP- Not Permitted
- SP- Special Permit

## ADDENDUM 2

### MINIMUM YARD REQUIREMENTS Primary Building

ZONING DISTRICT	PERMITTED USES	Minimum Acres	Minimum Ft. road frontage	Minimum Ft. from Front	Minimum Ft. from side	Minimum ft. from rear	Maximum Height Story	Feet	Minimum Sq. Ft.
RR- Rural Residential	1 family dwelling 1 story	2	200	50	25	25	1	35	1075
	1 family dwelling 2 story	2	200	50	25	25	2	35	800 1 <sup>st</sup> fl. 1200 total
	2 family dwelling 1 story	2	200	50	25	25	1	35	720/unit
	2 family dwelling 2 story	2	200	50	25	25	2	35	720/unit 800 1 <sup>st</sup> 1440 total
	Multi-family Dwelling	See Section 6240					2	35	
	Above grade public utility and Tele-communications facility	See Section 6100							
I- Industrial	Office	2	200	75	25	25	2	35	2000
	Laboratory	2	200	75	25	25	2	35	2000
	Manufacturing	2	200	75	25	25	2	35	2000
B- Business	1 family dwelling 1 story	2	200	50	25	25	1	35	1075
	1 family dwelling 2 story	2	200	50	25	25	2	35	800 1 <sup>st</sup> fl. 1200 total
	2 family dwelling 1 story	2	200	50	25	25	1	35	720/unit

## ADDENDUM 2

### MINIMUM YARD REQUIREMENTS Primary Building

ZONING DISTRICT	PERMITTED USES	Minimum Acres	Minimum Ft. road frontage	Minimum Ft. from Front	Minimum Ft. from side	Minimum ft. from rear	Maximum Height Story Feet		Minimum Sq. Ft.
B-Business	2 family dwelling 2 story	2	200	50	25	25	2	35	720/unit 800 1 <sup>st</sup> 1440 total
	Multi-family Dwelling	See Section 6240					2	35	
	Mixed dwelling non-dwelling	2	200	50	25	25	1	35	720 R 1075 B
	Housing for the elderly	2	200	50	25	25	2	35	1075
	Nursing Homes	2	200	50	25	25	2	35	1075
	Religious and Quasi Public	2	200	50	25	25	2	35	1075
	Restaurant	2	200	50	25	25	2	35	1075
	Retail & Service	2	200	50	25	25	2	35	1075
	Room & Boarding	2	200	50	25	25	2	35	1075
	Gas service station	2	200	50	25	25	2	35	1075
	Automotive Repair	2	200	50	25	25	2	35	1075
	Commercial Recreation	2	200	50	25	25	2	35	1075
	Motel	2	200	50	25	25	2	35	1075
	Veterinarian Office	2	200	50	25	25	2	35	1075
	Animal Kennels	2	200	50	25	25	2	35	1075



## ADDENDUM 2

### MINIMUM YARD REQUIREMENTS Primary Building

ZONING DISTRICT	PERMITTED USES	Minimum Acres	Minimum Ft. road frontage	Minimum Ft. from Front	Minimum Ft. from side	Minimum ft. from rear	Maximum Height Story	Feet	Minimum Sq. Ft.
B- Business	Animal Hospitals	2	200	50	25	25	2	35	1075
A- Agriculture	1 family dwelling 1 story	2	200	50	25	25	1	35	1075
	1 family dwelling 2 story	2	200	50	25	25	2	35	800 1 <sup>st</sup> fl. 1200 total
	2 family dwelling 1 story	2	200	50	25	25	1	35	720/unit
	2 family dwelling 2 story	2	200	50	25	25	2	35	720/unit 800 1 <sup>st</sup> 1440 total
	Mixed: Dwelling and non-dwelling	2	200	50	25	25	1	35	720 R 1075 B
	Nursing Homes	2	200	50	25	25	2	35	1075
	Housing for the elderly	2	200	50	25	25	2	35	1075
	Religious and quasi-public use	2	200	50	25	25	2	35	1075
	Farms	2	200	50	25	25	2	35	1075
	Veterinarian Office	2	200	50	25	25	2	35	1075
	Animal Kennels	2	200	50	25	25	2	35	1075
	Animal Hospitals	2	200	50	25	25	2	35	1075
Outdoor Commercial Recreation	2	200	50	25	25	2	35	1075	

## ADDENDUM 2

### MINIMUM YARD REQUIREMENTS Primary Building

ZONING DISTRICT	PERMITTED USES	Minimum Acres	Minimum Ft. road frontage	Minimum Ft. from Front	Minimum Ft. from side	Minimum ft. from rear	Maximum Height Story Feet	Minimum Sq. Ft.	
A- Agriculture	Above Grade public utility and Tele-communications facility	See section 6100							
S-Seasonal	Cottage	1/2	100	20	20	20	1.5 18	320	

## ADDENDUM 3

### MINIMUM YARD REQUIREMENTS Accessory Building

ZONING DISTRICT	PERMITTED USES	Small Accessory Under 144 Square Ft.			Large Accessory Over 144 Square Ft.		
		Ft. from front	Ft. from sides	Ft. from rear	Ft. from front	Ft. from sides	Ft. from rear
RR- Rural Residential	1 family dwelling	70	5	25	50	25	25
	2 family dwelling	70	5	25	50	25	25
	Multi-family Dwelling	70	5	25	50	25	25
	Above grade public utility and Tele-communications facility	See Section 6100					
I- Industrial	Office	100	25	25	75	25	25
	Laboratory	100	25	25	75	25	25
	Manufacturing	100	25	25	75	25	25
B- Business	1 family dwelling	70	20	50	50	25	25
	2 family dwelling	70	20	50	50	25	25
	Multi-family Dwelling	70	20	50	50	25	25
	Mixed dwelling non-dwelling	70	20	50	50	25	25
	Housing for the elderly	70	20	50	50	25	25
	Nursing Homes	70	20	50	50	25	25
	Religious and Quasi	70	20	50	50	25	25
	Restaurant	70	20	50	50	25	25
	Retail & Service	70	20	50	50	25	25

### ADDENDUM 3

## MINIMUM YARD REQUIREMENTS Accessory Building

ZONING DISTRICT	PERMITTED USES	Small Accessory Under 144 Square Ft.			Large Accessory Over 144 Square Ft.		
		Ft. from front	Ft. from sides	Ft. from rear	Ft. from front	Ft. from sides	Ft. from rear
B- Business	Room & Boarding	70	20	50	50	25	25
	Gas service station	70	20	50	50	25	25
	Automotive Repair	70	20	50	50	25	25
	Commercial Recreation	70	20	50	50	25	25
	Motel	70	20	50	50	25	25
	Veterinarian Office	70	20	50	50	25	25
	Animal Kennels	70	20	50	50	25	25
	Animal Hospitals	70	20	50	50	25	25
A- Agriculture	1 family dwelling	70	20	50	50	25	25
	2 family dwelling	70	20	50	50	25	25
	Mixed: Dwelling and non-dwelling	70	20	50			
	Nursing Homes	70	20	50	50	25	25
	Housing for the elderly	70	20	50	50	25	25
	Religious and quasi-public use	70	20	50	50	25	25
	Farms	70	20	50	50	25	25
	Veterinarian Office	70	20	50	50	25	25
	Animal Kennels	70	20	50	50	25	25
	Animal Hospitals	70	20	50	50	25	25

# ADDENDUM 3

## MINIMUM YARD REQUIREMENTS Accessory Building

ZONING DISTRICT	PERMITTED USES	Small Accessory Under 144 Square Ft.			Large Accessory Over 144 Square Ft.		
		Ft. from front	Ft. from sides	Ft. from rear	Ft. from front	Ft. from sides	Ft. from rear
A- Agriculture	Outdoor Commercial Recreation	70	20	50	50	25	25
	Above Grade public utility and Tele-communications facility	See Section 6100					
S- Seasonal	Shed	30	5	5	NP	NP	NP

**Addendum 5-** To explain article 3, section 3000, paragraph B.

## A RESOLUTION

### To preserve Greenspace in the Town of Sheldon

The Town of Sheldon has a long proud history in the Agricultural Industry. This industry has supplied economic security to its residents for the Two Hundred (200) years of its history.

The town is located in the County of Wyoming, State of New York. In 2007 Wyoming County was ranked first in the state and twentieth in the nation in the production of dairy.

The Agriculture Industry, in all its various aspects, requires large tracts of land, Partnered with the Right to Farm Law and the Wyoming County Comprehensive Plan of 2001 (Target Tomorrow), in an effort to promote and secure the Agricultural Industry in the Town of Sheldon, we the Town Board of Sheldon, set forth a resolution limiting the amount of new residential house permits to a maximum of Ten (10) per year.

As seen in the chart below, limiting new house permits to a maximum of ten (10) per year, is not impeding the growth of the town, but will insure it remains at the constant rate of growth it has seen over the last Thirty-Three (33) years.

#### New Buildings per Year

					1975	1976	1977	1978	1979
					13	12	13	13	5
1980	1981	1982	1983	1984	1985	1986	1987	1988	1989
6	4	9	5	11	7	8	5	10	3
1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
5	13	11	9	11	14	8	7	7	7
2000	2001	2002	2003	2004	2005	2006	2007		
6	5	6	5	7	7	2	4		

- Most in one year – 14 in 1995
- Least in one year – 2 in 2006

- Average for 33 years – 8.2

Building permits issued due to the loss of a residence from fire, flood or other disaster are **not** to be included in the calculation of, maximum of new housing permits of Ten (10) per year.

Calendar year for this local law is from January 1 to December 31.

Variances to this local law may be issued on a case-by-case discretion of the Zoning Board of Appeals.