ZONING REGULATIONS

Town of Yates

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ARTICLE I: ENACTMENT AND INTENT

SECTION 101 TITLE

The title of this code is the "Zoning Local Law of the Town of Yates, Orleans County, New York", and shall include this text, and zoning map. All existing Zoning Ordinances and Local Laws of the Town of **Yates,** Orleans County, New York, are hereby repealed upon the effective date of this Local Law.

SECTION 102 PURPOSE

This Zoning Local Law is adopted pursuant to the Town Law of the State of New York, to promote and protect the public health, safety and general welfare and in furtherance of the following related and more specific purposes:

A. To protect the open, rural and natural character of the land.

B. To preserve the town's natural resources and habitats.

C. To guide and regulate the orderly growth, development and redevelopment of the Town of Yates in accordance with a well-considered plan and with long-term objectives, principles and standards deemed beneficial to the interest and welfare of the people.

D. To encourage the use of alternative energy systems and protect solar and wind access.

E. To encourage the use of the Lake Ontario Waterfront in the Town of Yates, as a unique resource and to protect it from incompatible uses that may compromise the aesthetic quality of the area, increase the potential for flooding and erosion, or damage the natural environment in a way that restricts its use and enjoyment by the residents of the Town.

SECTION 103 APPLICATION OF REGULATIONS

The regulations set by this Local Law shall be the minimum regulations within each district and shall apply uniformly to each class or kind of structure or use of land, except as hereinafter provided:

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

B. No building or structure shall hereafter be erected or altered which:

1. Exceeds the height limitation for any structure within a specified district;

2. Accommodates or houses a greater number of dwelling units than is permitted within a specified zoning district;

3. Occupies a greater percentage of lot area than is permitted by the zoning schedule; or

4. Has narrower or smaller yards or other open spaces than herein required, or in any other manner contrary to the provisions of this Local Law or the requirements of the Codes of New York State.

C. No part of a yard or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with the regulations set forth herein, shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building except as provided in Sections 601 and 602.

D. No yard or lot existing at the time of enactment of this Local Law shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Local Law shall meet or exceed the minimum requirements established herein.

E. There shall be no more than one principal building on a single lot of record.

SECTION 104 CONFLICTS WITH OTHER LAWS

Whenever the requirements of this Local Law are in conflict with the requirements of any other lawfully adopted rules, regulations, codes, s or local laws, the most restrictive of such rules, regulations, codes, or s or those imposing the higher standards shall govern.

SECTION 105 VALIDITY AND SEVERABILITY

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

SECTION 106 FEES

Permit fees shall be collected and paid according to the fee structure in effect at the time of application. A fee schedule is posted at the Town Clerk's Office and Zoning Officer's Office**.**

SECTION 107 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 $250.00 or imprisonment for a period not more than six (6) months or both. Each week a violation is continued shall be deemed a separate offense.

SECTION 108 ACTIONS

A. If the Zoning Enforcement Officer discovers a project commencing or operating without the required permits, he shall undertake enforcement actions as authorized by this Local Law and other provisions of NYS Law.

B. The Town may maintain an action for a temporary restraining order, temporary injunction, or injunction to restrain, correct, or abate any violation of this Local Law or any failure to comply with any of the provisions of this Local Law.

SECTION 109 ENFORCEMENT OF ZONING LOCAL LAW

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

SECTION 110 CONSISTENCY WITH COMPREHENSIVE PLAN

The provisions and regulations of this zoning Local Law and interpretations thereof, shall be made in accordance with the objectives of the Town's Comprehensive Plan **and shall be consistent with the comprehensive Local Waterfront Development Policy (LWDP). The LWDP is a document available for public review during normal business hours.**

SECTION 111 EFFECTIVE DATE

This Local Law shall take effect 30 days after the adoption and filing with the Department of State as provided by the NYS Town Law and Municipal Home Rule Law.

SECTION 112 AMENDMENTS TO ZONING

A. Procedure

The Town Board may from time to time on its own motion, on petition or on recommendation of the Planning Board, and in accordance with the laws of the State of New York, amend, supplement or repeal the regulations, provisions or district boundaries of this Local Law, after public notice and hearing.

B. Filing of Petition

A petition to amend, change or supplement the text of this Local Law or any zoning district as designated on the Zoning Map established herein shall be filed with the Town Clerk and accompanied by the appropriate fees. The Clerk shall transmit the documentation to the Town Board. A petition for a change to the Zoning Map shall contain a map which clearly describes the affected property and its boundaries and shall

indicate the existing zoning district and the requested zoning change. In addition, every petition for a change to the Official Zoning Map shall contain an environmental assessment form completed and signed by the petitioner, or agent, in accordance with the procedures set forth in State Environmental Quality Review (SEQR) regulations.

C. Referral to Planning Board

Every such proposed amendment or change, whether initiated by the Town Board or by petition, shall be referred to the Planning Board for report thereon before the public hearing and within 45 days after the date of referral by the Town Board. If the Planning Board shall fail to file such a report, it shall be conclusively presumed that the Planning Board has approved the proposed amendment, supplement or change.

D. Public Hearing; Notice; Referrals; Recording of Actions

The Town Board by resolution adopted shall fix the time and place of a public hearing on the proposed amendments and cause notice to be given as provided by Town Law or Municipal Home Rule Law.

Unless otherwise provided, the provisions of the Town Law of the State of New York pertaining to public hearings, official notices, referrals to the County Planning Board, and proper recording of zoning actions taken by the Town Board shall apply to all amendments to this Local Law.

E. Notification of Property Owners

For zoning map amendments initiated by petition, all property owners within a distance of 500 ft. of any proposed change or amendment shall be notified by mail.

The applicant shall place one (1) sign on the property for which a rezoning is requested. Said sign shall be provided by the Zoning Officer. The sign shall be placed in a location which is easily read from a public street. The sign shall specify the date, time and place of the public hearing and a telephone number to call for more specific information. Such sign shall be placed on the site not less than ten (10) days prior to the public hearing and shall be brought to the hearing by the applicant or his designated representative.

F. Disposition Final; Rehearing on Petition

The disposition of a petition for amendment by the Town Board shall be final and disapproval or denial of the proposed amendment shall void the petition. No new petition for an amendment which has been previously denied by the Town Board shall be considered by it, except for a vote to table or to receive and file, and no public hearing shall be held on such amendment within a period of one (1) year from the date of such previous denial unless the Planning Board shall submit a recommendation, with reasons stated therefore, certifying that there have been substantial changes in the situation which would merit a rehearing by the Town Board. Such rehearing may be granted only upon a favorable vote of a majority of the Town Board plus one (1).

ARTICLE II: DEFINITIONS

SECTION 200 WORD USAGE

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

A. The word "person" includes a firm, association, partnership, trust, company or corporation as well as an individual.

B. Words used in the present tense include the future tense.

C. 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.

D. The word "building" includes the word "structure".

E. The words "shall" and "must" are mandatory and not discretionary; "may" is permissive.

F. The words "used" or "occupied" include the words intended, designed or arranged to be used or occupied".

G. The word "lot" includes the words "plot", "parcel", "tract" or "site".

H. The word "premises" includes a lot and all buildings or structures thereon.

I. 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.

SECTION 210 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 detached decks and docks. This definition shall exclude devices previously used for highway use, such as truck trailers.

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.

AGRICULTURAL PRODUCT PROCESSING FACILITY: A facility in which agricultural products, which are not produced on the premises, are altered for the purpose of canning, freezing, or other packaging, or are converted or incorporated into other products.

AGRICULTURAL PRODUCT DISTRIBUTION CENTER: A facility in which agricultural products, which are not produced on the premises, are graded, sorted, and/or packaged for the purpose of distribution by truck, rail, or other means.

AGRICULTURE/ (FARMING): The use of land for agricultural production purposes including, tilling of the soil, dairying, pasture, animal and poultry husbandry, apiculture, arboriculture, horticulture, floriculture, viticulture, and accessory uses for packing, storing, processing and retail sales 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. For the purpose of this Local Law, Private Airports shall meet the same regulations as "Airport."

ALTERATION: As applied to a building or structure; (1) the change or rearrangement in the supporting members of a building or structure such as bearing walls, columns, beams or girders or in the exit facilities; (2) an enlargement of a building or structure, whether by extending on a side or by increasing in height; (3) the moving from one location or position to another; or (4) any alteration whereby a structure is adapted to another or different use, including any separation into rooms or spaces by the installation of non-bearing partitions; or (5) the installation, replacement or alteration of mechanical systems.

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 and businesses. Commercial generating plants, the prime function of which is selling energy, are excluded.

AMUSEMENT CENTER: Any indoor place or enclosure in which is maintained or operated for the amusement, patronage, or recreation of the public three (3) or more coin-controlled amusement devices, including the type commonly known as bagatelle, baseball, football, pinball, and video games.

ANIMAL HOSPITAL OR VETERINARY CLINIC -- The premises or buildings used for the diagnosis, treatment or other care of the ailments of domesticated, household or farm animals, which may include related facilities, such as laboratories, offices and temporary quarters for such animals.

ANIMAL HUSBANDRY - The raising or keeping of one (1) or more cows, cattle, horses, mules, hogs, sheep, goats, donkeys, oxen, or other similar animals, or the raising or keeping of more than four (4) ducks, chickens, rabbits, geese, quail, chinchillas, mink, or any similar small animals, but not including dogs and cats. Such uses include the pasturing, feeding, and sheltering of such animals.

ANIMAL UNIT – The equivalent of 1000 pounds of farm animal.

ANTENNA(E) - A system of electrical conductors that transmit or receive electronic frequency signals. Such signals shall include, but not be limited to radio, television, cellular, paging, and personal communication services (PCS).

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

AUTOMOBILE WRECKING: The dismantling or disassembling of used motor vehicles, mobile homes or manufactured housing; or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

BAIT AND TACKLE SHOP: Store for retail sales of live bait, fishing equipment and small fishing accessories.

BED AND BREAKFAST: A single-family dwelling where overnight lodging, with or without the service of meals, is offered to transient guests for compensation. Such use shall be clearly incidental and secondary to the principal use of the dwelling. This term includes hostels and Tourist Homes establishments but does not include hotels, tourist courts, motor lodges, tourist cabins or similar terms.

BUFFER AREA: A continuous strip of land area covered with grass, vegetation, trees, fencing, embankments or berms, designed to provide a physical screen to limit visibility between uses and reduce the escape and/or intrusion of litter, 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.

BUILDING CODE: The Codes of New York State, which govern building construction, renovation and property maintenance.

BUILDING COVERAGE, PERCENT OF: The percent of building coverage of any lot shall be equal to one hundred (100) times the ratio of the gross horizontal area of all principal and accessory buildings that have roofs on them (including covered breezeways, covered porches, covered cantilevered structures, etc.) measured from the exterior faces of the exterior walls but shall not include any structure (such as a patio or deck) that does not have a roof, divided by the horizontal area of the lot.

BUILDING HEIGHT - The vertical distance measured from the mean level of the ground surrounding the structure to the highest point of the structure, but not including chimneys, spires, tanks, and similar projections

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 less than two (2) feet in width. All yard and setback requirements are measured to the building lines.

BUILDING PERMIT: A document issued by the Code Enforcement Officer authorizing the construction and occupancy of structures in accordance with the Codes of New York State.

BUILDING, PRINCIPAL: A building in which is conducted the main or principal use of the lot on which said building is situated. In any residential district any dwelling shall be deemed to be a principal building on the zone lot on which the same is located.

BUSINESS: Includes the purchase, sale or any other transaction involving the handling, servicing or disposition of any article, substance or commodity, 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 Local Law, "business" shall have the same meaning as commercial, and reference to commercial districts or zones shall be interpreted as referring to business districts.

BUSINESS, DRIVE-IN: A traffic-generating facility where a product is sold or a service performed for customers while they are in or near their motor vehicles in off-street parking or service areas. This term includes convenience store, drive-in banking, restaurant, fast food service, drive-in photo processing, drive-in outdoor theatres, autowash or similar use. This term shall not include retail gasoline services.

BUSINESS, GENERAL: Any establishment engaged in the sale of goods or services not otherwise identified in this section.

BUSINESS, NEIGHBORHOOD: Small commercial establishments, containing less than 10,000 square feet in gross floor area, catering primarily to nearby residential areas or tourists and providing convenience and/or specialty goods and services including but not limited to grocery stores, gift shops, drug stores, beauty salons, barber shops, carryout dry cleaning and laundry pickup stations.

BUSINESS, RETAIL: A commercial activity designed for and primarily characterized by the on-premises sale of goods directly to the ultimate individual and household consumer, but also including servicing, preparation, storage and wholesale business transactions related to such goods and customarily associated therewith but clearly incidental thereto. This term shall not include commercial activity which may also be similarly characterized, but which is separately identified as a use permitted within a zoning district.

BUSINESS, SERVICE: A business primarily involved in the provision of services, rather than goods, to other businesses or to the general public. This term shall not include any service activity which may also be similarly characterized, but which is separately identified as a use permitted within a zoning district.

CAMPING UNITS: See Recreational Vehicle

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 or manufactured housing 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. A GAS 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 GAS STATION.

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

CEMETERY OR BURIAL GROUND: A tract of land for the disposal or burial of deceased human beings or remains in a grave, mausoleum, vault, columbarium or other receptacle. The provisions of this Local Law shall apply to all cemeteries and burial grounds including those owned by a religious corporation, municipal corporation, or a cemetery corporation owning a cemetery operated, supervised or controlled by or in connection with a religious corporation.

CERTIFICATE OF COMPLIANCE: A certificate issued by the Zoning Enforcement Officer upon completion of the change in use of an existing building or upon the completion of a project requiring site plan approval. Said certificate shall acknowledge compliance with all requirements of the Town's Code, Ordinances, Local Laws, Variances and Special Permits in existence as of the date of the issuance of the Certificate of Compliance.

CERTIFICATE OF OCCUPANCY: A certificate issued by the Code Enforcement Officer upon completion of construction or alteration of a building. Said Certificate shall acknowledge compliance with all of the requirements of the Codes of New York State.

CHARTER BOAT SERVICES; A waterfront facility having docks and moorings for small boats, where engagement of services include a boat, crew, and captain for a fee, or other remuneration.

CHURCH: See PLACE OF WORSHIP

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 the 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; snowmobiling, archery or hunting clubs; and other similar organizations.

CLUSTER DEVELOPMENT: A development of residential lots, some of which may contain less area than the minimum lot area required for the zone within which such development occurs, while maintaining the density limitation imposed by said minimum lot area through the provision of open space as part of the site development plan.

COMMERCIAL USE – Includes the purchase, sale or any other transaction involving the handling, servicing or disposition of any article, substance or commodity, tangible or intangible, and includes retail or wholesale trade, services, offices, recreational and amusement enterprises and any operation where the above-described activities are conducted in return for remuneration of any type.

COMMERCIAL VEHICLE -- Any vehicle in excess of twenty (20) feet in length carrying a valid commercial New York State registration license plate, which is used for the transportation of persons, animals or goods, primarily for profit, or carries a permanently affixed business identification sign exceeding one (1) square foot in area; or any vehicle used for earthmoving or construction purposes.

COMMERCIAL VEHICLE: Every type of motor vehicle driven or used for commercial purposes on the highways, such as the transportation of goods, wares and merchandise, motor coaches carrying passengers, and trailers and semi-trailers, including tractors when used in combination with trailers and semi-trailers.

COMMON AREA: Space reserved for use by any and all residents of a housing development including, but not limited to, halls, stairways and landings in apartment houses.

COMMUNICATION TOWER**:** See "TELECOMMUNICATIONS FACILITY".

CONFERENCE/ RESORT COMPLEX: Grounds or facilities used or designed for use by the public or for groups for meetings, conferences or recreational purposes. This definition shall not include membership clubs or public parks and playgrounds, as defined under "Public and Semi-Public Buildings and Grounds."

CONVENIENCE STORE – A retail store containing less than 3,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages and household supplies to customers who purchase relatively few items. Such an establishment may include the sale of prepared foods, such as sandwiches, soups, ice cream, etc. for consumption on or off the premises and may include indoor seating for such purposes. A convenience store shall meet all of the requirements for a "gas station" if it includes the retail sale of gasoline or other vehicular fuels.

COUNTY PLANNING BOARD - The Planning Board of the County of Orleans.

CORNER LOTS: See LOT, CORNER.

COVERAGE - That percentage of the plot or land area covered by the building area.

CURB CUT - The opening along a street at which point vehicles may enter or leave the roadway.

DAY CARE, CHILD – The care for a child on a regular basis provided away form the child's residence for less than twenty-four (24) house per day by someone other than the parent, step-parent, guardian or relative within the third degree of consanguinity of the parents or step-parents of such child

DAY CARE HOME, FAMILY – A residence in which child day care is provided on a regular basis for more than three (3) hours per day per child for three to six children for compensation or otherwise.

DAY CARE HOME, GROUP FAMILY – A residence in which child day care is provided on a regular basis for more than three (3) hours per day per child for seven (7) to twelve (12) children for compensation or otherwise.

DAY CARE CENTER, CHILD – A program or facility which is not a residence in which child dare care is provided on a regular basis to more than six (6) children for more than three (3) hours per day per child for compensation or otherwise.

DEPARTMENT OF ENVIRONMENTAL CONSERVATION - The New York State Department of Environmental Conservation (NYS DEC)

DEPARTMENT OF HEALTH - The New York State Department of Health and any other health board or department established 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.

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

DISTRIBUTION CENTER -- A truck terminal facility at which any storage of goods or chattels is minor, transitory and merely incidental to the purpose of facilitating the transportation of goods or chattels.

DOG - Any member of the species "canis familiaris", regardless of age, sex or breed. (As defined by NYS Department of Agriculture & Markets)

DRIVE-IN SERVICE: See BUSINESS, DRIVE-IN

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

DWELLING: Any building or portion thereof designed or used exclusively as a residence or sleeping place for one (1) or more persons.

> SINGLE FAMILY: A detached residential dwelling designed for and occupied by one family only.
>
> TWO-FAMILY: A detached or semi-detached building where not more than two (2) individual family or dwelling units are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or to a common cellar.
>
> MULTI-FAMILY: A building or portion thereof used or designed as a residence for three (3) or more apartment or dwelling units.

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: A specified (limited) use of private land for a public or quasi-public purpose.

EFFICIENCY APARTMENT - A multiple dwelling unit in which the sleeping area and living room are one.

ESSENTIAL SERVICES AND PUBLIC UTILITIES: 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, but shall not include telecommunications facilities as defined herein, and shall not include landfills, waste transfer stations or other facilities with the primary purpose of handling or disposing of household or industrial waste.

EXCAVATION (Quarry, Sand Pit, Gravel Pit, Topsoil Stripping**:** A lot or land or part thereof used for the purposes of extracting stone, sand, or gravel for sale, as an industrial or commercial operation, but does not include the process of grading a lot preparatory to the construction of a building which has an approved zoning permit.

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

FAMILY DAY CARE HOME: See DAY CARE, HOME (FAMILY)

FARM: See AGRICULTURE

FARM ANIMAL: This term shall include horses, cows, goats, sheep, pigs, rabbits, fowls, llamas, and other similar animals.

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 herein.

FARMER: Any person who grosses an income of $10,000 from agriculture and who files a Schedule F, IRS Farm Income Form, with their Federal Tax Return.

FARM LABOR CAMP

> PRIVATE: Any structure or combination of structures, building or buildings in which people are housed on a farmer's own land who are employed in the individual farmer's personal farming operation, on that farmer's land or land that he has under his control by a valid and existing lease.

COMMERCIAL: Any structure or combination of structures designed or intended to be used for the housing of persons engaged in casual or per diem labor on a profit basis for farmers other than the owner of the camp.

FARM MARKET**:** A structure with more than 120 square feet of gross floor area intended for the display and sale of farm produce and other agricultural products or crafts.

FARM PRODUCE STAND OR SEASONAL 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.")

FENCE: A barrier, as of wooden or metal posts, rails, wire mesh, etc. , used as a boundary, decorative enclosure, means of protection or confinement.

FENCING, FARM: Any barrier, fencing , screening or buffering that specifically meets the needs of agricultural land use.

FLAG LOT: A type of lot (commonly flag-shaped in configuration) in which street frontage is provided by a strip of land which is narrow in relation to the remainder of the lot and which extends from the main body of the lot to the street. A lot which does not physically front on or abut a street, but which has access to a street by means of an easement over other property, shall be deemed to be included in this definition. The portion of the lot that provides access to the interior portion of the lot shall not be less than twenty (20) feet in width, shall not be considered buildable and shall not be used in the calculation of the minimum lot area requirements for the zone district. The interior portion of the lot shall meet the minimum lot area requirements for the zone district.

FLAG LOT, ACCESS PORTION: The panhandle portion of a flag lot having at least twenty (20) feet in lot width and which provides an access corridor between a public road, street or highway right-of-way to the interior portion of a flag lot.

FLAG LOT, INTERIOR PORTION: That portion of a flag lot having sufficient lot area, width and depth to meet the minimum requirements of the zone district, and which excludes the access portion of the lot.

FLOOD HAZARD AREA: Areas subject to a 1% or greater chance of flooding in any given year as shown on the FEMA Flood Insurance Rate Map. Refer to Town of Yates - Flood Hazard Ordinance.

FLOOR AREA, GROSS: The sum of the gross horizontal areas of the floor(s) of a building or buildings, measured from the inside faces of exterior walls or from the center line of walls separating two uses or dwelling units.

FLOOR AREA, HABITABLE**:** The sum of the gross horizontal areas of the floor or floors of a building which are enclosed and usable for human occupancy or the conduct of business, as defined in the Codes of New York.

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

FUEL OIL STORAGE -- Premises used for the storage of fuel oil, kerosene or other combustible fuel in tanks for the sale by motor vehicle or other means of conveyance to purchasers at some other location, and excluding gasoline storage tanks used at gasoline stations for retail sales or tanks used by individuals when fuel is not sold.

FUNERAL HOME -- A building or portion thereof, with or without an accessory dwelling unit, used principally for preparing cadavers for interment, including embalming, holding wakes or conducting funeral services. The term shall include a mortuary, but shall not include a crematorium.

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 or other tangible personal property.

GASOLINE STATION -- Any building, land area or other premises or portion thereof used or intended to be used primarily for the retail dispensing or sales of vehicular fuels and which may include, as an accessory use, the sale and installation of lubricants, tires, batteries and similar accessories. A convenience store shall meet all of the requirements of a "gasoline station" if it includes the retail sales of gasoline or other vehicular fuels.

GRAVEL OR SAND PIT - See "Extraction of stone and other mining operation."

GREEN SPACE -- Land areas covered only by grass, trees or other vegetation.

HARD SURFACE: Minimum 3 inches of asphalt, 4 inches of concrete or 6 inches of crushed stone.

HISTORIC DISTRICT OR LANDMARK Any area in the Town identified as a site of historical or cultural significance with certain rules and regulations governing both land and structures therein.

HOME BUSINESS – An accessory use, other than a "Home Occupation" as defined herein, that is conducted within a single family, occupied dwelling or an attached or detached accessory structure (including a barn) for gainful employment and involves the manufacture, provision or sale of goods and/or services principally on the premises.

HOME OCCUPATION -- Any occupation or profession conducted as an accessory use entirely within a dwelling or accessory building by the occupants of the dwelling, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. By definition, a home occupation involves no client or customer visits to the dwelling, is not evident by observation from the street or any of the adjoining properties, and meets all of the criteria specified in Section 695 of this Local Law. (See also "Home Business.")

HOSPITAL -- An institution providing health services and medical or surgical care, primarily for temporary inpatients, to persons suffering from illness, disease, injury, deformity or other abnormal physical or mental condition, and including as an integral part of the institution related facilities such as laboratories, outpatient facilities or training facilities.

HUNTING/ FISHING CLUB – A facility, whether open to the public or limited to members of a group, which offers such activities as game hunting, fishing, trap or skeet shooting, target shooting, target practice, game farms, and related uses such as assembly halls or sales of bait or equipment. The term includes rod & gun clubs and sportsmen's clubs.

INDUSTRY, HEAVY -- A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials or a use engaged in storage of or manufacturing processes using flammable or explosive materials or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

INDUSTRY, LIGHT -- A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but exclusive of basic industrial processing and storage of flammable or toxic materials. "Light industry" is also exclusive of uses that require heavy, noisy or otherwise objectionable disturbances, such as vibration, dust and odors.

JUNK YARD: A lot, land or structure or part thereof used for the collection, storage, disassembly, packing, sorting, salvage, buying, selling or exchange of waste paper, rags, scrap, or discarded materials 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 unhoused on a premises for a period of more than thirty (30) days shall constitute a junkyard. Also, the unhoused 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 premises, and/or structure in or on which four (4) or more dogs, or ten (10) or more cats or a comparable number of other domestic animals which may be considered to be household pets of at least four (4) months of age, are housed and maintained for commercial or non-commercial purposes for a continuous period of 24 hours or more. A kennel is a separate dwelling and/or building and not part of a residence occupied by a person or human

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.

LOCAL WATERFRONT DEVELOPMENT AREA: The area along the Town's Lake Ontario Coastline to the north, boundary line with the Town of Somerset to the west, the boundary line with the Town of Carlton on the east and the Lakeshore Road to the south; the property known as "The Morrison Site" and the Johnson Creek floodplain upstream to the Woodworth Road. This area is defined on the Maps that are included in the town's Local Waterfront Development Policy (LWDP).

LOT: A parcel or area of land, the dimensions and extent of which are determined by the latest official records or recordings.

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

THROUGH LOT: 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 right of way line of the street to the rear lot line measured in the general direction of the side lines of the lot.

LOT FRONTAGE: The linear distance along a lot line which adjoins the road or highway which 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 parcel of land properly recorded with the County Clerk and assigned a unique tax parcel identification number at the time of passage of this Local Law.

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

MANUFACTURED HOME: A factory-manufactured home, built on a permanent steel-framed chassis in accordance with federal Department of Housing and Urban Development (HUD) standards and designed to be transported to a site in one section, 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 purpose 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. A "Single-Wide Manufactured Home" is a manufactured home with a width at its narrowest dimension of less than 20 feet.

MANUFACTURED 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 home is offered to the public for a fee of any type, including cost sharing. This includes the rental of the premises and/or the manufactured homes.

MANURE STORAGE FACILITY – A facility constructed as an accessory use to an animal husbandry use, riding stable, or kennel, intended to collect, hold, process, store, treat, or distribute animal solid and liquid waste. Included within this definition are storage tanks, lagoons, seepage pits, drains, and collection systems intended to handle animal waste. Not included within this definition are systems designed and constructed to handle human waste.

MARINA: A lot, building, structure, pier, dock or portion thereof located with shoreline frontage and access to navigable water and used for the launching, mooring, rental, sale, fueling and/or repair of watercraft and including such boat storage, boat launch facilities, and such sales of bait, tackle and marine supplies as may be accessory to such marinas. The term "marina" shall include "yacht club," but shall exclude non-commercial facilities that are accessory to a single or two-family residence.

MEDICAL OFFICES/CLINICS -- A facility or institution, whether public or private, where medical or dental care is furnished to persons on an outpatient basis by one (1) or more doctors or dentists; a place for the care, diagnosis and treatment of sick, ailing, infirm or injured persons and those who are in need of medical or surgical attention but who are not provided with board or room or kept overnight on the premises; a facility for human ailments operated by a group of physicians, dentists, chiropractors or other licensed practitioners for the treatment and examination of outpatients.

MINING: The use of an area of land to remove minerals, metals or other items of value from the ground for a profit, including gas and oil wells.

MODULAR HOME A factory-manufactured dwelling 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 Codes of New York State. 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, used as individual sleeping or dwelling units, designed primarily for transient automobile travelers and providing accessory off-street parking facilities. A restaurant, tearoom or similar establishment located on the same premises as a motel shall be considered as an accessory use. The term motel includes facilities designated as tourist courts, motor lodges and similar uses.

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, motorhomes, snowmobiles, all-terrain vehicles 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.

MOTOR VEHICLE SALES -- Any area of land, including structures thereon, the principal use of which is the display or sale of new and/or used automobiles, motorcycles, trucks, cargo trailers, boats, recreational vehicles or other vehicles, and which may or may not include the repair of vehicles as an accessory use. Enclosed showrooms and open display areas are included in this definition. The sale of motor fuels is not included in this definition.

MOTOR VEHICLE SALES AREA - An open area, other than a street, used for the display, sale or rental of new or used motor vehicles or trailers in operable condition where no repair work is done.

NON-CONFORMING BUILDING, STRUCTURE OR USE: A building, structure, or use of land which was lawfully existing prior to the adoption or amendment of this Local Law, but which fails to conform to the regulations of the zoning district in which it is now located by reason of such adoption or amendment.

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

NURSING OR CONVALESCENT HOME -- A structure designed or used for residential occupancy and providing limited medical or nursing care on the premises for occupants, but not including a hospital.

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 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.

PARK, PRIVATE, NON-COMMERCIAL: Outdoor recreation facilities, operated by a non-profit organization and open only to bona fide members of such non-profit organization.

PARK OR RECREATION AREAS, PUBLIC: Outdoor recreation facilities or other entertainment facilities operated as a non-profit enterprise by the Town of Yates, any other governmental entity or any non-profit organization and open to the general public.

PERCOLATION RATE - The rate in minutes per inch as determined by following the test procedure as set forth in the most recent edition of the New York State Waste Treatment Handbook as published by the New York State Department of Health. Said percolation rates must be obtained from the area of the site on which a septic system leach bed is intended to be constructed, or would normally be constructed. For the determination of minimum lot sizes in accordance with this Local Law, such percolation tests must be taken in native soil.

PARKING SPACE: Space available for the parking of one motor vehicle and having an area of not less than 200 square feet (10 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.

PERMITTED USE (or USE OF RIGHT): A land use listed in the Zoning District regulations of this Local Law as permitted.

PINBALL AND VIDEO GAME ARCADE: See "Amusement Center."

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

PLANNING BOARD - The Planning Board of the Town of Yates.

POND, AESTHETIC: Any artificially constructed body of water less than 1.0 acre in surface area

POND, FARM: Any artificially constructed body of water greater than 1.0 acre in surface area whose use is to enhance the agricultural process, or for protection, conservation water supply, of flooding or drainage control.

PRINTING/PUBLISHING ESTABLISHMENT -- A business for the printing of books, magazines or other publications, excluding retail sales of such products on the premises.

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 do not involve the sale of goods, or the keeping of a stock in trade. Professional offices include but are not limited to, medical doctors, dentists, attorneys, architects, engineers, planners, accountants, real estate brokers, insurance brokers, psychologists and chiropractors.

PUBLIC AND SEMI-PUBLIC USES: 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 use:

1. Cemeteries and associated uses.
2. Churches, places of worship, parish houses and convents.
3. Public or semi-public parks, playgrounds and recreational areas when authorized or operated by a governmental authority, school, or religious institution.
4. Nursery schools, elementary schools, high schools, colleges, or universities.
5. Public libraries and museums.
6. Not-for-profit fire, ambulance and public safety buildings.
7. Administrative office buildings and related facilities operated by public agencies.
8. 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.
9. Not-for-profit membership corporation or club established for cultural, social, or recreational purposes.
10. Day care centers approved by the New York State Department of Social Services.

RECREATION, COMMERCIAL INDOOR -- A building, structure or portion thereof used principally for indoor recreation, sports or leisure activity, conducted as a commercial enterprise or otherwise as a principal use. The term includes, but is not limited to, billiard parlors, bowling halls, live or motion-picture theaters, amusement or video game centers,

indoor sports facilities, gymnasiums, physical fitness centers, martial arts schools and dance schools. The term does not include adult entertainment establishments, special events facilities or indoor recreation as a community facility or as an accessory use for an institutional use, membership club or nonprofit organization.

RECREATION FACILITY, OUTDOOR -- Land developed by a private sponsor with facilities for passive recreation, e.g., trails and picnic areas, and/or with facilities for active outdoor

individual or organized recreation, e.g., ball fields, tennis courts, swimming pools, ski trails, and ice-skating areas. This definition includes golf courses, hunting and/or fishing clubs, and open air theaters or drive-in theaters. This definition does not include arenas, stadia or other facilities for the accommodation of more than 200 spectators, campgrounds, or racetracks or other facilities featuring activities involving motorized vehicles.

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:

A. Travel Trailer

A vehicular portable unit, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle, and of a body width of no more than eight feet and six inches (8'6"), excluding awnings, and a body length of no more than forty (40) feet when factory equipped for the road.

B. Tent Camper

A portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle.

C. Truck Camper

A portable unit, designed to be loaded onto, or affixed to, the bed or chassis of a truck. Truck campers are of two basic types:

1. Slide-in camper - A portable unit designed to be loaded onto and unloaded from the bed of a pickup truck.
2. Chassis-mount camper - A portable unit designed to be affixed to a truck chassis.

D. Motorhome

A vehicular unit built on a self-propelled motor vehicle chassis.

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

RESERVOIR SPACE: Any temporary storage space for a vehicle waiting for service or admission. Such space shall be in addition to drives, aisles or parking space required by this Local Law. One (1) reservoir space shall be twenty-four (24) feet long and ten (10) feet wide.

RETAIL BUSINESS: See BUSINESS, RETAIL.

RIDING STABLE: A horse stable used for the purpose of renting horses or ponies for rides, riding lessons, or for training of horses for specific purposes.

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.

ROAD

MAJOR:	Streets or highways connecting through roads with each other and also handling internal movement within the town.
SECONDARY:	Streets serving to connect major roads with each other and also to handle internal movement within the town.
LOCAL:	Streets which primarily function to give direct access to abutting property. Local roads are the internal part of the system to provide movement within residential or to other land use areas.
PRIVATE:	Roads, streets, or highways whose primary function is to serve private needs on private property. Private roads for commercial purposes shall be built to Town Standards. Example: Road for manufactured home parks, subdivisions, campgrounds.

ROADSIDE STAND: (See FARM PRODUCE STAND):

ROOMING or BOARDING HOUSE: A dwelling other than a hotel, motel or tourist home, where more than two (2) persons are housed or lodged for hire with or without meals. A rooming house is distinguished from a bed and breakfast or tourist home in that it is designed to be occupied by longer term residents as opposed to overnight or weekly guests.

SATELLITE DISH ANTENNA: Shall mean a combination of: an antenna whose purpose is to receive communications or other signals from orbiting satellites and other extraterrestrial sources; and a low noise amplifier whose purpose is to carry signals into the interior of a building, but shall not include a telecommunications facility as defined herein.

SCHOOL OR COLLEGE -- An institution or place of learning, including private, public and parochial facilities that provide a curriculum of elementary and secondary academic instruction, as well as higher education, including kindergartens; elementary, middle, junior and senior high schools; and two-year, four-year and advanced degree institutions. This definition shall not include day care centers (nursery schools) or specialized, trade, professional or business schools as defined below.

SCHOOL, SPECIALIZED, TRADE, PROFESSIONAL OR BUSINESS -- A school giving regular instruction in: trades or specialized skills such as welding, hair dressing, cosmetology, or massage; or professional subjects, such as the dramatic or graphic arts, business, dancing, languages, music, or sciences; or business skills such as computer programming, stenography and secretarial courses. For the purpose of these regulations, such schools shall be deemed to be commercial service establishments.

SEASONAL SERVICE RESTAURANT: A restaurant which operates only seasonally. Included are coffee shops, lunch counters, and ice cream parlors.

SERVICE ESTABLISHMENT: See Business, Service

SETBACK: The horizontal distance between the street line, rear or side lines of the lot and the front, rear or side lines of the building. For the purpose of measuring setbacks, the building shall include an enclosed porch, but shall not include any open porch, patio, deck or steps that are no higher than four (4) feet above ground level. 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.

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.

AWNING SIGN: Any visual message incorporated into an awning attached to a building.

BANNER SIGN: Any sign intended to be hung either with or without frames, possessing characters, letters or illustrations applied to paper, plastic or fabric of any kind, stretched across or hung over a public right-of-way.

BILLBOARD SIGN: Any sing that attracts attention to an object, product, service, place activity, institution, organization or business not available or located on the lot where the sign is located.

CHANGEABLE LETTER SIGN: A sign where the supporting frame or structure is permanent and only the letters, displays or illustrations thereon are changeable or temporary.

CONSTRUCTION SIGN: Any sign giving the name or names of principal contractors, architects and lending institutions responsible for construction on the site where the sign is placed, together with other information included thereon.

DIRECTIONAL SIGN: A sign limited to providing information on the location of an activity, business or event.

FREESTANDING SIGN: Any sign not attached or part of any building but separate and permanently affixed by any other means in or upon the ground. Included are pole signs, pylon signs and masonry wall-type signs.

ILLUMINATED SIGN: Any sing illuminated by electricity, gas or other artificial light either from the interior or exterior of the sign which includes reflective and phosphorescent light.

OFF-PREMISES SIGN: 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.

PORTABLE SIGN: A sign where on its own trailer wheels or otherwise designed to be moveable and not structurally attached in the ground or to a building, a structure or another sign.

PROJECTING SIGN: A sign which is attached to the building wall or structure and which extends horizontally from the place of such wall or structure.

REAL ESTATE SIGN: Any sign which is used to offer for sale, lease or rent the property upon which the sign is placed.

REPRESENTATIONAL SIGN: A three-dimensional sign built so as to physically represent the object advertised.

ROOF SIGN: Any sing erected or constructed wholly upon and over the roof of any building and supported solely on the roof structure.

DIRECTORY SIGN: A listing of two (2) or more business enterprises, consisting of a matrix and sign components.

TEMPORARY SIGN: A sign related to a single activity or event having a duration of no more than thirty (30) days.

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

WINDOW SIGN: A sign visible from a sidewalk, street or other public place, painted or affixed on glass or other window material, or located inside within four (4) feet of the window, but not including graphics in connection with customary window display of products.

SIGN 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 which most closely outlines the said sign.

SIGN STRUCTURE: The support, uprights, bracing and framework for the sign. In the case of a sign structure consisting of two (2) or more sides where the angle formed between any two (2)

of the sides or the projections thereof exceed thirty degrees (30^{o}), each side shall be considered a separate sign structure.

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

SITE PLAN: A plan of a lot or subdivision on which is shown topography, location of all buildings, structures, roads, right-of-ways, boundaries, all essential dimensions and bearings and any other information deemed necessary by the Planning Board.

SITE PLAN, FINAL: A complete and exact subdivision or site plan, prepared for official recording as required by statute, to define property rights and proposed streets and other improvements.

SITE PLAN, PRELIMINARY: A tentative subdivision or site plan, in lesser detail than a final plan, showing approximate proposed streets and lot layout as a basis for consideration prior to preparation of a final plan.

SITE PLAN, SKETCH: An informal plan, not necessarily to scale, indicating salient existing features of a tract and its surroundings, and the general layout of the proposed subdivision or site.

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

SOLAR ACCESS: Space open to the sun and clear of overhangs or shade.

SPECIAL PERMIT USES: Those uses that are specifically permitted in a given district only when conditioning criteria enumerated in this Local Law are met.

STORAGE FACILITY, SELF-SERVICE -- Any building or group of buildings on a single parcel made of individual storage compartments, which are rented or leased to individuals or businesses for storage of nonhazardous materials, personal property and equipment.

STREETLINE: The limit of the street width or highway right-of-way, whichever is greater.

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, manufactured homes, walls, fences, signs, sheds, billboards and poster panels, docks, and/or similar construction types. For the purpose of regulating setbacks and other zoning requirements, a shed or other assembly of materials that is not a motor vehicle, is larger than 120 square feet in gross floor area and is placed on wheels or skids shall be included in the definition of "structure."

SUB-DIVISION: The division of a parcel of land into two or more parcels, which is subject to approval by the Town Planning Board pursuant to adopted Subdivision Regulations.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 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 body of water, or receptacle for water, with a surface area less than 1920 square feet having a capability of a depth of twenty-four (24) inches or more at any point, used or capable to be used for swimming, bathing, or wading, and permanently installed or constructed either above or below ground.

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).

TELECOMMUNICATIONS FACILITY: Any commercial equipment used in connection with the provision of wireless communication services, including cellular telephone services, personal communications services, radio and television broadcast communications and private radio communications services, and are regulated by the Federal Communications Commission, both in accordance with the Telecommunications Act of 1996 and other federal laws. A Telecommunication Facility shall include monopole, guyed, or latticework tower(s), as well as antenna(s), switching stations, principal and accessory telecommunication equipment and supporting masts, wires, structures, and buildings.

TEMPORARY USE: An activity or use conducted for a specified limited period of time, which may not otherwise be permitted by the provisions of this Local Law not exceeding six months. 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 type uses.

TOURIST FACILITIES: Uses and amenities including rest rooms, snack bars, information areas, public cultural and recreational facilities, places of public assembly and self service laundries.

TOWN BOARD - The Town Board of the Town of Yates.

TOWNHOUSE: An independent single family dwelling unit which is one (1) of a series of dwelling units, having a common party wall between each adjacent unit, each with private outside entrance.

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

UTILITY SHED: Wood, metal or masonry building for the storage of personal property. This excludes any devices previously used for highway use, such as truck trailers or manufactured homes.

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.

> AREA VARIANCE: A variance which permits deviation from strict compliance with the dimensional requirements of the zoning regulations, as long as the purposes for which the premises area intended to be used are permitted by the Zoning Local Law.

USE VARIANCE: A variance which permits a use of land not permitted by the Zoning Local Law.

WATER DEPENDENT USES: Land uses, structures and/or economic activities that would not exist without a waterfront location.

WATER ENHANCED USES: Land uses that receive added value or importance because of proximity to a shoreline, often functioning as support services for water uses and water dependent uses.

WAREHOUSE -- A building or part of a building used or intended to be used primarily for the storage of goods or products that are to be sold retail or wholesale from other premises or sold wholesale from the same premises; for the storage of goods or products to be shipped on mail order; for the storage of equipment or materials to be used or installed at other premises by the owner or operator of the warehouse; or for similar storage purposes, or stored for use in connection with industrial assembly operations. The term "warehouse" shall not include a retail establishment whose primary purpose is for the sale of goods or products stored on the premises. However, this definition is may include purely incidental retail sales as an accessory use.

WHOLESALE ESTABLISHMENT: A business which is primarily involved in sales to other businesses, either directly or as a broker, rather than to the general public.

WINDMILL: An alternative energy device, which 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. Corner lots and through lots shall have two (2) front yards.

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. Corner lots and through lots do not have a rear yard.

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 fixtures and open steps.

YARD SALE: The temporary displaying, for no more than three (3) consecutive days in the same location, of household items and clothing for sale on a yard, porch or in a barn or garage. This term shall include garage sales, barn sales, porch sales, tag sales and other sales similar in nature.

ZONING BOARD OF APPEALS - The Zoning Board of Appeals of the Town of Yates.

ZONING CERTIFICATE OF COMPLIANCE: See "Certificate of Compliance."

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

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

ARTICLE III: PERMITS AND PROCEDURES

SECTION 300 PERMITS REQUIRED

A. No building or structure shall be erected, enlarged, structurally altered or moved, no new use shall be established, and no building permit shall be granted pursuant to the Codes of New York State, until a zoning permit therefore has been issued by the Zoning Officer. No alterations to an existing building shall be made without a zoning permit, unless such alterations are exempt from a building permit pursuant to the Codes of New York State. No zoning permit, nor any certificate of occupancy or compliance pursuant to the Codes of New York State, shall be issued for any building where said construction, addition, alteration, moving or use thereof would be in violation of any of the provisions of this Zoning law, or where any necessary Town Planning Board Subdivision approval has not been granted.

B. Permit applications shall be filed with the Zoning Enforcement Officer.

SECTION 301: PRE-APPLICATION CONFERENCE

Pre-application conferences with the Town's Planning Board are encouraged for all applications seeking permits for uses that may require a special use permit and/or site plan review (most nonresidential uses or nonfarm uses.)

SECTION 302 APPLICATION PROCEDURE AND REQUIRED INFORMATION

A. Application for a zoning permit shall be made with the Zoning Enforcement Officer on forms approved by the Town Board**.** Forms shall be made available at the Offices of the Zoning Enforcement Officer and the Town Clerk.

For proposed actions that are located within the Town's LOCAL WATERFRONT DEVELOPMENT POLICY (LWDP) area, applications for permits shall be reviewed by the Planning Board in accordance with the approved LWDP and any amendments thereto, to insure unified development, enhance water-related uses, preserve public access to the waterfront and promote the overall improvement of the waterfront and its attractiveness. A certificate of consistency with the LWDP will be issued by the Planning Board prior to the issuance of a permit.

B. Information

All information on the application form shall be completed.

C. Map required

One copy of a property map shall be submitted with all applications. The map shall be either:

1. Sketch Map: A sketch map is required with all applications for 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 or location of existing or proposed easements.

2. Site Plan: A site plan is required with applications for all other uses**,** including application for residential uses in a Historic Zone. The requirements and procedures for site plan approval are in Article X.

D. Approval of Water and Sewage Disposal Systems: Evidence of approval of the water supply and the sewage disposal system plans by the Orleans 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.

E. Approval of the County Highway Superintendent or Town Highway Superintendent is required for any driveway pipes or culverts on County or Town roads.

F. 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.

G. 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.

H. 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 Offices of the Town Clerk and the Zoning Enforcement Officer.

SECTION 303 ZONING PERMIT TYPES

Under the terms of this Local Law, the following types of Zoning Permits may be issued:

A. Permitted Use. A zoning permit for a permitted use may be issued by the Zoning Enforcement Officer on his own authority.

B. Site Plan Approval. A zoning permit for a permitted or special permit use that requires Site Plan Review may be issued by the Zoning Enforcement Officer after special permit and/or site plan approval from the Planning Board, as more fully described in Article X.

C. 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 Enforcement Officer upon order of the Zoning Board of Appeals, after a public hearing, as more fully described in Article VIII.

SECTION 304 ZONING PERMIT GRANTED

When all requirements of this Local Law have been met, the Zoning Enforcement Officer shall issue a Zoning Permit and return one approved copy of the map to the applicant no later than five (5) days after approval . The Zoning Enforcement Officer shall file one copy of the approved permit in the Town Clerk's office.

SECTION 305 TERMINATION OF PERMIT

A. Any zoning permit for which construction or use has not commenced within one (1) year after issuance shall be automatically revoked.

B. The Zoning Enforcement Officer may grant an extension for time of completion. 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 six (6) months of the issuance of the extension, the permit issued shall be considered null and void.

SECTION 306 CERTIFICATE OF ZONING COMPLIANCE

A. The applicant shall notify the Zoning Enforcement Officer when the structure or use is ready for final inspection. The Zoning Enforcement Officer shall then make a final inspection. If satisfied that the regulations pertaining to the project have been complied with and that the project has been completed as specified on the approved application, the Zoning Enforcement Officer shall issue a certificate of Zoning Compliance granting permission to occupy or use the structure. Permission to occupy a building or structure also requires approval from the Code Enforcement Officer.

B. The Certificate of Zoning Compliance may be issued at the same time, and may be administered using the same form as, the Certificate of Occupancy or Compliance issued pursuant to the Codes of New York State.

SECTION 307 FLOOD PLAIN CERTIFICATE

The applicant shall notify the Zoning Enforcement Officer for inspection. The Applicant shall comply with Local Flood Hazard Law before any permit(s) are approved.

SECTION 308 STOP WORK ORDER

A stop work order may be issued when the Zoning Enforcement Officer discovers a project commencing without required permits. A fee will be charged for the removal of any structure erected without the proper permits stop work order.

ARTICLE IV: ESTABLISHMENT AND DESIGNATION OF ZONING DISTRICTS

SECTION 400 ESTABLISHMENT OF DISTRICTS

The Town of Yates is hereby divided into zoning districts as hereinafter set forth and as the same may, from time to time, be amended.

HA Hamlet
AR Agricultural/ Residential
RR Rural Residential
WD Waterfront Development
WR Waterfront Residential
GB General Business
LI Light Industrial
I Industrial
F Flood Hazard Overlay District
HD Historic District
PD Planned Development District
A Adult Business Overlay

SECTION 401 ZONING MAP

A. Said districts are bounded as shown on the map entitled "Zoning Map of the Town of **Yates** adopted by the Town Board and certified by the Town Clerk which accompanies, and which, with all explanatory matter, is hereby made a part of this Local Law.

B. Changes made in zoning district boundaries, or other matters portrayed on the zoning map under the provisions set forth herein, shall be permanently affixed to the zoning map promptly after an amendment has been approved by the Town Board and shall convey information as to the date and nature of the change. No amendment to this Local Law, which involves matters portrayed on the zoning map, shall become effective until such change and entry has been made on said zoning map and has been attested to by the Town Clerk.

SECTION 402 INTERPRETATION OF DISTRICT BOUNDARIES

A. District boundaries indicated as approximately following the center lines of streets or highways shall be construed as following such center lines.

B. District boundaries indicated as approximately following lot lines shall be construed as following such lot lines.

C. District boundaries indicated as being approximately parallel to the center lines or right-of-way lines of streets or highways shall be construed as being parallel thereto and at such

distances therefrom as indicated on the zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on said zoning map.

D. District boundaries indicated as approximately following a stream, lake or other body of water shall be construed to follow the center lines of such stream or other body of water.

E. Boundaries indicated as parallel to or extensions of features indicated in subsections A through D above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.

F. In case of uncertainty as to the true location of a district boundary line in a particular instance, the Zoning Enforcement Officer shall request the Zoning Board of Appeals to render its determination.

SECTION 403 APPLICATION OF REGULATIONS

The regulations set by this Local Law shall be the minimum regulations within each district and shall apply uniformly to each class or kind of structure or use of land, except as hereinafter provided:

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

B. No building or structure shall hereafter be erected or altered which:

1. Exceeds the height limitation for any structure within a specified district;
2. Accommodates or houses a greater number of dwelling units than is permitted within a specified zoning district;
3. Occupies a greater percentage of lot area than is permitted by the zoning schedule; or
4. Has narrower or smaller yards or other open spaces than herein required, or in any other manner contrary to the provisions of this Local Law or the requirements of the Codes of New York State.

C. No part of a yard or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with the regulations set forth herein, shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building except as provided in Sections 601 and 602.

D. No yard or lot existing at the time of enactment of this Local Law shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Local Law shall meet or exceed the minimum requirements established herein.

ARTICLE V: DISTRICT REGULATIONS

SECTION 500 HAMLETS (HA)

A. PURPOSE

The purposes of the Hamlet Zone are to recognize the crossroads community as a unique area where residences and businesses co-exist in close proximity, providing necessary basic services and other small business uses as well as a distinct residential environment.

B. PERMITTED USES

1. One and Two Family Dwellings subject to the requirements of Section 619
2. Farm Produce Stands
3. Agriculture, except for animal husbandry

C. CONDITIONAL USES REQUIRING A SPECIAL PERMIT ISSUED BY THE PLANNING BOARD (SUBJECT TO SPECIAL PERMIT USE REGULATIONS. ARTICLE VII.)

1. Bed & Breakfast
2. Farm Market
3. Home Business (**Class A)**
4. Multi-Family Dwelling
5. Neighborhood Business
6. Professional Offices
7. Motor Vehicle Repair Shop
8. Gasoline Station
9. Essential Services and Public Utilities
10. Public and Semi-Public Buildings and Grounds
11. **Telecommunications facilities**
12. **Motor Vehicle Sales/ Rental**

D. PERMITTED ACCESSORY USES

1. Home occupations
2. Farm produce stands
3. Signs as regulated in Section 600.
4. Private garages; Off-street parking and loading areas
5. Private recreational facility (swimming pool, etc.)
6. Other uses and structures customarily incidental to permitted principal uses.

Accessory uses shall not be used on a commercial basis except home occupations and approved home businesses.

E. SPECIFICATIONS

Minimum Setback Requirements	
Front (1):	35 Feet from Town roads; 50 feet from County and State highways
Side:	15 feet
Rear:	30 feet (principal uses) 5 feet (accessory uses)
Lot Width:	**125 feet**
Road Frontage:	**125 feet**
Minimum Lot Size:	25,000 sq. ft.
Building Height:	35 Feet (except Agricultural Storage Facilities and Airport Structures.
Maximum Building Coverage:	30%
Minimum "Green Space":	20%

(1) Front setbacks are to be measured from the right-of-way. If measured from the center of the roadway, add 50 feet for State highways, 40 feet for County highways, and 30 feet for Town roads.

F. OTHER PROVISIONS AND REQUIREMENTS

1. Buffer Strip

   Commercial structures shall provide a natural buffer strip to be perpetually maintained so as to provide visual screening and separation between commercial and residential uses.

2. Refuse Containers

   Commercial refuse containers shall be placed on concrete slabs and visually screened, while providing rodent control.

SECTION 510 AGRICULTURAL/ RESIDENTIAL DISTRICT (AR)

A. PURPOSE

The purpose of the Agricultural/ Residential (AR) District is to protect agricultural lands and uses from incompatible uses and development; to maintain an open rural character of the community; to assure compatible types and densities of development; to provide for low density, rural development; and to protect the natural environment.

B. PERMITTED USES

1. Agriculture
2. One and Two Family Dwellings subject to the requirements of Section 619
3. Farm Produce Stands
4. Public Park or Recreation Area
5. Pond, Aesthetic

C. PERMITTED ACCESSORY USES

1. Home occupations
2. Family Home Day Care
3. Signs, as regulated in Section 600.
4. Private garages; Off-street parking and loading areas
5. Private recreational facility (swimming pool, tennis court, etc.)
6. Farm Produce Stands
7. Sawmills
8. Other uses and structures customarily incidental to permitted principal uses.

Accessory uses shall not be used on a commercial basis except home occupations, approved home businesses and other conditional uses, and agricultural services.

Permitted accessory structures may be erected and/or maintained in the rear corner of the yard at least 20 feet from the rear and side lines of the lot.

D. CONDITIONAL USES REQUIRING A SPECIAL PERMIT ISSUED BY THE PLANNING BOARD (SUBJECT TO SPECIAL PERMIT REGULATIONS, ARTICLE VII)

1. Agricultural Processing or Distribution facility
2. Animal Hospital
3. Farm Market
4. Farm Labor Camp
5. Bed and Breakfast Inn
6. Home Business **(Class A or B)**

7. Private airport
8. Campground
9. Excavation and Mining
10. Kennel
11. Essential Services and Utilities
12. Junk Yards**,** subject to a license from the Town Board, and subject to the following dimensional requirements:

Minimum Lot Size:	**15 acres**
Minimum Lot Width:	**600 feet**
Minimum Front Setback:	100 feet
Minimum Side and Rear Setbacks:	**100 feet**

13. Public and Semi-Public Uses
14. Outdoor Commercial Recreation Facilities
15. Riding Stable
16. Ponds, Farm
17. Conference/ Resort complex
18. Manufactured home parks
19. Telecommunications Facility

E. SPECIFICATIONS

Minimum Setback Requirements:	
Front: (1)	75 Feet from Town roads 75 feet from County and State highways
Side:	30 Feet (principal buildings) 30 feet (accessory buildings)
Rear:	30 Feet (principal and accessory buildings)
Lot Width:	150 feet
Road Frontage:	150 feet
Minimum Lot Size:	30,000 sq. ft., or larger size if necessary to meet Health Department Specifications for adequate sewage/ septic tank disposal
Building Height:	35 Feet (except Agricultural Storage Facilities and Airport Structures)
Maximum Building Coverage:	30%
Minimum "Green Space":	25%

(1) Front setbacks are to be measured from the right-of-way. If measured from the center of the roadway, add 50 feet for State highways, 40 feet for County highways, and 30 feet for Town roads.

SECTION 520 RURAL RESIDENTIAL DISTRICT (RR)

A. PURPOSE

The purpose of the R-R Rural Residential District is to provide a stable environment for rural residential development, free from incompatible uses. Uses in this district are either served by public water and/or sewer or are areas with densities high enough to support such facilities if growth is likely or encouraged.

B. PERMITTED USES

1. Agriculture, except that farm animals shall comply with the regulations in Section 697.
2. One and Two Family Dwellings, subject to the requirements of Section 619.
3. Public Park or Recreation Area
4. Pond, Aesthetic

C. PERMITTED ACCESSORY USES

1. Home occupations
2. Family Home Day Care
3. Farm Produce stands, in connection with a principal farm use on the same lot
4. Signs, as regulated in Section 600.
5. Private garages; Off-street parking and loading areas
6. Private recreational facility (swimming pool, tennis court, etc.)
7. Other uses and structures customarily incidental to permitted principal uses.
8. The keeping, breeding, and raising of farm animals in association with a residential use, subject to the provisions of Section 697.

Permitted accessory structures may be erected and/or maintained in the rear corner of the yard at least ten (10') feet from the rear and side lines of the lot.

Accessory uses shall not be used on a commercial basis except home occupations, approved home businesses and other conditional uses

D. CONDITIONAL USES REQUIRING A SPECIAL PERMIT ISSUED BY THE PLANNING BOARD (SUBJECT TO SPECIAL USE REGULATIONS, ARTICLE VII)

1. Home Business **(Class A)**
2. Multiple Family Dwellings
3. Essential Services and Utilities
4. Bed and Breakfast
5. Public and Semi-Public Buildings and Grounds
6. Outdoor Commercial Recreation Facilities
7. Ponds, Farm
8. **Manufactured Home Parks**
9. **Telecommunications Facility**

E. SPECIFICATIONS

Minimum Setback Requirements:	
Front: (1)	75 Feet from Town roads 75 feet from County and State highways
Side:	30 Feet (principal and accessory buildings)
Rear:	30 Feet (principal and accessory buildings)
Lot Width:	150 feet
Road Frontage:	150 feet
Minimum Lot Size:	30,000 sq. ft. or larger size if necessary to meet with Health Department specifications for adequate sewage/ septic tank disposal
Building Height:	35 Feet (except Agricultural Storage Facilities and Airport Structures)
Maximum Building Coverage:	30%
Minimum "Green Space":	25%

(1) Front setbacks are to be measured from the right-of-way. If measured from the center of the roadway, add 50 feet for State highways, 40 feet for County highways, and 30 feet for Town roads.

SECTION 530 GENERAL BUSINESS DISTRICT (GB)

A. PURPOSE

The purpose of the General Business District is to provide for business establishments serving the needs of area residents, especially retail and service businesses. Permitted uses are intended to create a business districts free from conflicting land uses.

B. PERMITTED USES

1. Single Family Dwellings, subject to the requirements of Section 619

2. Two-Family Dwellings
3. Agriculture, except that farm animals shall comply with the regulations in Section 697.
4. Retail, Service and General Business, including Farm Markets and Roadside Stands
5. Professional Offices
6. Restaurants and Taverns
7. Custom shops, including but not limited to printing, electrical, heating, plumbing, or woodworking.
8. Assembling, converting, altering, finishing, cleaning, or any other processing of products, provided that:
    a. Goods so produced or processed are to be sold at retail on the premises;
    b. Space used for such purposes shall not occupy more than 20 percent of the area devoted to retail sales, shall be clearly incidental to such retail use and shall be fully concealed from any street;
    c. Not more than two (2) persons shall be engaged in such production/ processing at any one time.
9. Hotels and Motels
10. Newspaper Printing
11. Commercial storage
12. Indoor commercial recreation facilities
13. Funeral homes
14. Other business uses that, in the opinion of the Zoning Board of Appeals, are similar in nature and scale to those permitted above.

C. PERMITTED ACCESSORY USES

1. Private garage space for the storage of commercial vehicles used in conjunction with a permitted business use.

2. Off-street parking, loading and unloading facilities subject to the provisions of Sections 601 and 602 of this Local Law.

3. Signs, subject to the provisions of Section 600 of this Local Law.

4. Other uses and structures that are customarily incidental to and that are subordinate in size and extent to permitted uses and structures.

5. Other uses that, in the opinion of the Zoning Board of Appeals, are similar in nature and scale to those permitted above.

D. USES REQUIRING A SPECIAL PERMIT ISSUED BY THE PLANNING BOARD (SUBJECT TO SPECIAL PERMIT USE REGULATIONS, ARTICLE VII)

1. Motor Vehicle Repair
2. Motor Vehicle Sales/ Rental
3. Gasoline Station
4. Outdoor commercial recreation facilities
5. Riding Stable
6. Agricultural Distribution and Processing Facilities
7. Home Business
8. Bed & Breakfast Inn
9. Essential Services and Public Utilities
10. Multiple Family Dwelling
11. Public and Semi-Public Buildings and Grounds
12. Drive-In Business
13. Telecommunication Facility
14. Veterinarian/ Animal Hospital, with indoor facilities only

E. OTHER PROVISIONS AND REQUIREMENTS

1. Buffer Strip: Commercial uses shall provide a natural buffer strip to be perpetually maintained so as to provide visual screening and separation between commercial and residential uses.

   A solid or woven fence min. 8' to max 10' may be used to shield the residential area. If a living barrier is used, a 6' strip is required per row of plantings.

2. Refuse Containers:

   Commercial structures shall provide a commercial type refuse container on site. Such containers shall be placed on concrete or stone areas and visually screened, and shall provide rodent control.

3. Residential Lot Line: No commercial structure shall be permitted within fifty (50) feet of the nearest lot line of any residential district.

F. SPECIFICATIONS

Setback Requirements	
Front (1):	75 Feet from Town roads 75 feet from County and State highways
Side:	30 Feet (principal and accessory structures)
Rear:	50 Feet (principal and accessory structures)
Lot Width:	150 feet
Road Frontage:	150 feet
Minimum Lot Size:	30,000 sq. ft., or larger size if necessary to meet with Health Department specifications for adequate sewage/ septic tank disposal
Building Height:	35 feet (except Agricultural Storage Facilities)
Maximum Building Coverage:	30%
Minimum "Green Space":	25%

(1) Front setbacks are to be measured from the right-of-way. If measured from the center of the roadway, add 50 feet for State highways, 40 feet for County highways, and 30 feet for Town roads.

SECTION 540 LIGHT INDUSTRIAL DISTRICT (LI)

A. PURPOSE

The purpose of the Light Industrial District is to provide for manufacturing, assembly, storage facilities, and other compatible business uses, and to ensure that these uses will not be detrimental or hazardous to the surrounding community.

B. PERMITTED USES

Any light industrial or agri-industrial nature is permitted which involves only the processing, assembly, or packaging of previously prepared or refined materials, provided that at no time will such use result in or cause:

- Dust, smoke, smog, observable gas, fumes or odors, or other atmospheric pollution, objectionable noise, glare or vibration shall not be discernable beyond the property lines of the industry.
- Hazard of fire or explosion or other physical hazard to any adjacent building or to any plant growth on any land adjacent to the site of the uses.

The following uses are indicative of those that are intended to be permitted:

1. Agriculture
2. Scientific or research laboratories devoted to research, design and/or experimentation and processing and fabrication incidental thereto.
3. Administrative, educational and other related activities and facilities in conjunction with a permitted use.
4. Manufacture or assembly of electric, electronic or optical instruments or devices.
5. Light manufacturing, assembling, fabricating or packaging of products from previously prepared materials such as cloth, plastic, paper, leather, precious or semi-precious metals, wood, metal, or stone.
6. Agricultural product processing, including manufacturing of food products, pharmaceuticals, cosmetics and the like.
7. Precision machining, tool and die work.
8. The warehousing or storage of goods and products such as building materials, farm supplies and the like, which may be sold from the premises to the general public. The bulk storage of fuel or petroleum products, nuclear or radioactive products, toxic waste chemicals is specifically excluded from the intent of the above.
9. Newspaper printing
10. Essential services and public utilities
11. Custom shops, including but not limited to printing, electrical, heating, plumbing, or woodworking.
12. Self-service storage facility
13. Motor Vehicle Repair Shop
14. Other uses that, in the opinion of the Zoning Board of Appeals, are similar in nature and scale to those permitted above.
15. Pond, Aesthetic

C. PERMITTED ACCESSORY USES

1. Signs shall be permitted for advertising industrial activities on the premises. Such signs shall not exceed, in aggregate, 15% of the area of the front façade of the building. Such signs may be illuminated but shall not be of the flashing type. Signs shall be otherwise subject to the provisions of Article VI, Section 600, SIGNS of this Local Law.

2. Private garages and storage buildings which are necessary to store any vehicles, equipment or materials on the premises and which are used in conjunction with a permitted use.

3. Off-street parking space subject to the provisions of Article VI, Sections 601 of this Local Law.

4. Off-street loading and unloading facilities, subject to the provisions of Section 602 of this Local Law.

5. Other accessory uses that, in the opinion of the Zoning Board of Appeals, are incidental to and subordinate in scale and extent to a permitted use.

D. USES REQUIRING A SPECIAL PERMIT ISSUED BY THE PLANNING BOARD (SUBJECT TO SPECIAL PERMIT USE REGULATIONS, ARTICLE VII)

1. Telecommunications Facility

2. Ponds, Farm

E. PROVISIONS AND REQUIREMENTS

1. Residential uses shall be prohibited except for a caretaker's residence on-site.

2. All manufacturing, assembly, research, engineering, administration, storage and all other non-agricultural related activities shall be conducted wholly within enclosed buildings.

   Incidental storage out of doors may be permitted provided that such materials are shielded from view from public streets and adjacent off-street parking areas by fencing, landscaping or other appropriate measures.

3. The architectural treatment and general appearance of all buildings and grounds shall be in keeping with the purpose of this district and shall be of such quality and design as to be a visual asset to the area in which they are located as well as to adjacent development.

4. All uses permitted shall set aside not less than 10 percent of the lot area to be devoted to seeding, planting, retention of tree cover, or other landscaping. This area shall not be used for any other industrial, storage, or commercial purposes.

5. Each use shall provide truck loading and unloading areas in an amount sufficient to permit the transfer of goods and products in other than a public street, off-street parking area or front yard.

6. Parking or loading areas may be located in any of the required yard areas provided they are not less than 50 feet from a right-of-way line or 20 feet from a property line. Off-street loading facilities shall be subject to the additional provisions of Section 602 of this Local Law. Off-street parking space shall be subject to the provisions of Section 601 of this Local Law.

7. Industrial structures and outdoor storage areas shall be located a minimum of 75 feet from any non-industrial district. A natural buffer strip shall be placed and maintained so as to provide visual screening and separation between industrial and non-industrial uses.

8. Refuse containers shall be placed on concrete slabs and visually screened, while providing rodent control.

F. SPECIFICATIONS

Setback Requirements:	
Front (1):	75 Feet (measured from right-of-way line)
Side:	50 Feet
Rear:	50 Feet
Height:	35 Feet
Lot Width:	150 Feet
Minimum Lot Size:	One (1) acre.
Maximum Building Coverage:	30%
Minimum "green space"	25%

(1) Front setbacks are to be measured from the right-of-way. If measured from the center of the roadway, add 50 feet for State highways, 40 feet for County highways, and 30 feet for Town roads.

SECTION 541 INDUSTRIAL (I) DISTRICT

A. PURPOSE

To accommodate a variety of industrial uses that may not be permitted in the LI District.

B. PERMITTED USES

All uses that are permitted in the LI District

C. PERMITTED ACCESSORY USES

Accessory uses shall be permitted as described in Section 540.C (Accessory uses in the LI district).

D. USES REQUIRING A SPECIAL PERMIT ISSUED BY THE PLANNING BOARD (SUBJECT TO SPECIAL PERMIT USE REGULATIONS, ARTICLE VII)

1. Heavy industry as defined in Article II, Section 210 herein.
2. Telecommunications Facility
3. Ponds, Farm

E. PROVISIONS AND REQUIREMENTS

1. Residential uses shall be prohibited except for a caretaker's residence on-site.
2. All uses permitted shall set aside not less than 10 percent of the lot area to be devoted to seeding, planting, retention of tree cover, or other landscaping. This area shall not be used for any other industrial, storage, or commercial purposes.

3. Each use shall provide truck loading and unloading areas in an amount sufficient to permit the transfer of goods and products in other than a public street, off-street parking area or front yard.

4. Parking or loading areas may be located in any of the required yard areas provided they are not less than 50 feet from a right-of-way line or 20 feet from a property line.

5. Off-street loading facilities shall be subject to the additional provisions of Section 602 of this Local Law.

6. Off-street parking space shall be subject to the provisions of Section 601 of this Local Law.

7. Industrial structures and outdoor storage areas shall be located a minimum of 75 feet from any non-industrial district. A natural buffer strip shall be placed and maintained so as to provide visual screening and separation between industrial and non-industrial uses.

8. Refuse containers shall be placed on concrete slabs and visually screened, while providing rodent control.

F. SPECIFICATIONS

Setback Requirements:	
Front (1):	75 Feet
Side:	50 Feet
Rear:	50 Feet
Height:	35 Feet
Lot Width:	150 Feet
Minimum Lot Size:	One (1) acre.
Maximum Building Coverage:	35%
Minimum "green space"	25%

(1) Front setbacks are to be measured from the right-of-way. If measured from the center of the roadway, add 50 feet for State highways, 40 feet for County highways, and 30 feet for Town roads.

SECTION 550 FLOOD HAZARD OVERLAY (F)

A. The Flood Hazard District is established to conform with the "Flood Insurance Rate Map" and Flood Boundary-Floodway Map prepared by the Federal Emergency Management Agency (FEMA).

B. Such areas shall be subject to the provisions of Town of Yates Local Law # ___ in addition to the use regulations and other provisions of this Zoning Local Law.

C. The provisions of such Local Law shall take precedence over any other zoning article, or to the extent that the provisions of this zone are inconsistent with such other provisions.

SECTION 560 HISTORIC DISTRICT OR LANDMARK (HD)

The purpose of the Historic District or Landmark is to preserve certain areas or sites of historical or cultural significance in the Town of **Yates**. Development in these areas should be consistent with the architectural, cultural, or historic character of the area.

A. Applicability

Any lot or parcel designated as a Historic District or Landmark as herein after provided shall be subject to the provisions and requirements of this Section in addition to those of the zone in which the lot or parcel is located. If there shall be any conflict or inconsistency between such provisions and requirements, the provisions and requirements of this Section shall take precedence and prevail.

B. Designation Procedure

The Planning Board may designate any lot or parcel as a Historic District or Landmark only after a public hearing held on at least 10 days notice, published in the official newspaper of the Town and served by personal delivery or certified mail upon the owner of such lot or parcel as shown on the last completed assessment roll of the Town; and only after receiving evidence at such hearing and finding that such lot or parcel has historic significant; (1) because of the historic importance of the present or former owner, or (2) because of historic events or happenings that occurred upon the latter parcel, or (3) because of the unusual or classic nature of the architecture or construction of a building or another structure thereon. The Planning Board must make a written designation specifying the finding or findings or grounds upon which it relied in making its designation.

C. Other provisions and requirements

1. All building permits, including residential exterior alteration resulting in an essential change in the building, shall require Site Plan Approval.

2. All demolition or substantial exterior alteration resulting in an essential change in the building shall require Site Plan Approval.

3. The Town Planning Board Site Plan Review must demonstrate the following additional requirements in its findings.
   a. The building or use is consistent with the architecture and historic significance of the area.
   b. The building or use does not encroach, diminish or otherwise lessen the significance of other structures or uses within the area.
   c. For demolition permits, evidence of overwhelming construction or structural problems must be shown to preclude any reasonable effort at rehabilitation, restoration, or preservation. Evidence must be in the form of a written contractor's estimate.
4. The Planning Board may consult historic experts to aid in demonstrating the requirements of Part C., above.

SECTION 570 WATERFRONT RESIDENTIAL (WR)

A. Purpose

The purpose of the WR Waterfront Residential District is to recognize the **Lake Ontario Shoreline and** its tributaries, as a unique resource and to control future growth in a manner which respects the environmental limitations of the waterfront and affords maximum public enjoyment of the area.

B. Permitted Uses.

1. One and Two Family Dwellings, subject to the requirements of Section 619.

2. Pond, Aesthetic

C. PERMITTED ACCESSORY USES

Uses and structures customarily incidental to permitted uses and structures. Accessory uses are not to be used on a commercial basis except for home occupations.

D. CONDITIONAL USES REQUIRING A SPECIAL PERMIT ISSUED BY THE PLANNING BOARD (SUBJECT TO SPECIAL PERMIT USE REGULATIONS, ARTICLE VII)

1. Multiple Family Dwellings
2. Essential Services and Utilities, including flood and erosion protection structures
3. Bed & Breakfast Inn
4. Ponds, Farm

E. SPECIFICATIONS

Minimum Setback Requirements:	
Lake Shore Property	
Setback from mean high water mark	Principal Structures: 75 feet Accessory Structures: 20 feet
Setback from private lane (1):	20 feet (principal and accessory)
Non-Lakeshore Property (Lake View Property)	
Front (roadside) (1):	35 feet from private lane 35 feet from Town roads 75 feet from State or County Roads
Rear:	20 Feet (principal and accessory structures)
All Properties	
Side:	15 Feet (principal and accessory structures)
Lot Width:	100 feet
Road Frontage:	100 feet
Minimum Lot Size:	30,000 sq. ft., or larger size if necessary to meet Health Department specifications for adequate sewage/ septic tank disposal
Building Height:	35 Feet (except Agricultural Storage Facilities)
Maximum Building Coverage:	30%
Minimum "Green Space":	25%

(1) Front or roadside setbacks are to be measured from the right-of-way. If measured from the center of the roadway, add 50 feet for State highways, 40 feet for County highways, and 30 feet for Town roads.

F. Other Provisions and Requirements

A. Site plans for development in this district shall be designed to preserve scenic qualities of the shoreline and vistas.

B. The use of common easements and cluster development area encouraged to maximize public access to and enjoyment of the lakeshore.

C. Roadways shall be planned to provide the most effective access to individual parcels and lots and the land area devoted to roadways should utilize the minimum land area required to provide such access.

D. No new roadways or an extension of an existing roadway shall be permitted within three hundred (300) feet of Lake Ontario shoreline.

SECTION 571 WATERFRONT DEVELOPMENT (WD)

A. Purpose

The purpose of the Waterfront Development Zone is to promote that particular mix of residential and commercial uses which make up a waterfront recreational area, recognizing that certain business are desirable to service the seasonal recreational needs of both residents and tourists.

B. Permitted Uses

1. **Uses which depend on proximity, access and/or utilization of the water, including but not limited to the following:**

    a. **Marinas, boat launch, and docks**
    b. **Marine service, repair, rental and accessories**
    c. **Fishing and tackle equipment**
    d. **Public recreation and swimming**
    e. **Flood and erosion protection structures**
    f. **Charter Boat Services**

2. **Pond, Aesthetic**

3. **Uses which are enhanced by a waterfront location and proximity to water-dependent uses including, but not limited to, the following:**

    a. **One and Two Family Dwellings, subject to the requirements of Section 619.**

    b. **Tourist facilities (restrooms, snackbars, information areas, public, cultural and recreation facilities, places of public assembly, and self-service laundries)**

    c. **Restaurants and eating establishments**

    d. **Retail and service facilities and professional offices that are complimentary to the above uses, provided that no manufacturing or processing shall take place anywhere on the premises**

    e. **Mixed uses and facilities that are consistent with the above uses, and which are approved by the Planning Board as being consistent with the adopted Local Waterfront Development Policy**

C. PERMITTED ACCESSORY USES

Uses and structures customarily incidental to permitted uses and structures. Accessory uses are not to be used on a commercial basis except for home occupations.

Permitted accessory structures may be erected an/or maintained in the rear yard at least ten (10′) feet from the rear and side lines of the lot.

D. CONDITIONAL USES REQUIRING A SPECIAL PERMIT ISSUED BY THE PLANNING BOARD (SUBJECT TO SPECIAL PERMIT USE REGULATIONS ARTICLE VII)

1. **Campgrounds**
2. **Essential Services and Utilities**
3. **Multiple family dwellings**
4. **Bed & Breakfast**
5. **Home Business**
6. **Public and semi-public buildings and grounds, including golf courses and country clubs; Excluding clubs whose activities include the maintenance, storage or takeoffs or landings of aircraft**
7. **Motels and Hotels**
8. **Ponds, Farm**
9. **Any other use which in the opinion of the Zoning Board of Appeals is similar in nature and effect to the conditional uses prescribed in this Section.**

E.

Minimum Setback Requirements:	
Lake Shore Property	
Setback from mean high water mark	**Principal Structures: 75 feet** **Accessory Structures: 20 feet**
Setback from road (1):	**50 feet from Town or County roads** **75 feet from State Highways**
Non-Lakeshore Property (Lake View Property)	
Front (roadside) (1):	**50 feet from Town or County roads** **75 feet from State Highways**
Rear:	**20 feet (principal and structures)**
All Properties	
Side:	**15 Feet (principal and accessory structures)**
Lot Width:	**100 feet**
Road Frontage:	**100 feet**
Minimum Lot Size:	**30,000 sq. ft., or larger size if necessary to meet Health Department specifications for adequate sewage/ septic tank disposal**
Building Height:	**35 Feet (except Agricultural Storage Facilities)**
Maximum Building Coverage:	**30%**
Minimum "Green Space":	**25%**

(1) Front or roadside setbacks are to be measured from the right-of-way. If measured from the center of the roadway, add 50 feet for State highways, 40 feet for County highways, and 30 feet for Town roads.

All other uses shall have no yard, area or height restrictions except as may be imposed by the Planning Board in accordance with approved plans and programs for the Local Waterfront Development Policy and as are approved through special permit and site development review procedures.

Permitted accessory structures may be erected and/or maintained in the rear yard at least ten (10') feet from the rear and side lines of the lot.

F. OTHER PROVISIONS AND REQUIREMENTS

1. Site Plans

a. All applications for development within a WD District must be accompanied by a Coastal Assessment Form and a Site Plan indicating, in addition to the requirements of Article IX, Site Plan Review, that development will not create erosion or flooding or damage and reduction of the aesthetic quality of the Waterfront, and will preserve the scenic qualities and vista of the shorelines within the adopted LWDP area. The application to establish a use or reuse in a WD District shall be accompanied with three (3) copies of the Site Plan, building or buildings, entrances and exists, parking, landscaping, signs and adjacent uses and a completed Coastal Assessment Form evaluating the plan's consistency with

the Local Waterfront Development Policy. The Site Plan, as approved and/or modified by conditions, shall become part of the record.

b. Site Plans for development in this district shall be designed to preserve the scenic qualities of the shoreline and vistas.

2. Cluster Development

The use of common easements and cluster development shall be encouraged to maximize public access to, and enjoyment of, the shoreline.

3. Access

a. Roadways shall be planned to provide the most effective access to individual parcels and lots and the land area devoted to roadways should utilize the minimum land area required to provide such access.

b. No application for development of the waterfront or adjacent areas shall limit access to the water or to publicly controlled lands along the waterfront.

4. Buffer Strip

Commercial structures shall provide a natural buffer strip to be perpetually maintained so as to provide visual screening and separation between commercial and residential uses.

5. Refuse Containers

Commercial refuse containers shall be placed on concrete slabs and visually screened, while providing rodent control.

6. Residential Lot Line

No commercial structure shall be permitted within fifty (50) feet of the nearest lot line of any residence or residential district.

SECTION 585 ADULT BUSINESS OVERLAY DISTRICT

The provisions of the Town of Yates' Adult Business Local Law apply.

SECTION 590 PDD - PLANNED INDUSTRIAL/ COMMERCIAL DEVELOPMENT DISTRICT

A. Purpose

The PD - Planned Industrial/ Commercial Development District has been designed to encourage commercial and industrial development that conforms to a coordinated site development plan for a relatively large area. Such development should represent the most efficient and productive use of the land area so zoned. Individual uses permitted in this zone shall be designed and constructed so as not to preclude further industrial or commercial development within the PD zoning district.

B. Objectives

1. The proposed industrial and/ or commercial development shall be in harmony with the general purpose, goals and objectives of the Comprehensive Plan and this Local Law.

2. The proposed development shall comply with all applicable regulations of this Local Law except as modified by the authority of this Section.

3. The proposed development shall not have a substantial adverse effect upon adjacent properties, utility facilities, traffic conditions and other matters that would affect the public health, safety and general welfare.

4. The proposed development shall be constructed, arranged and operated so as to not interfere with the development and use of neighboring properties.

5. The proposed development shall be adequately served by essential public facilities and services, such as but not limited to sanitary sewers, public water supply, stormwater drainage facilities and highway capacity.

6. The proposed development shall make appropriate provisions for the preservation of trees, streams, wetlands, natural topography and geological features and the prevention of soil erosion.

C. General Requirements

1. All industrial and commercial uses permitted in the I - Industrial and B - General Business zoning districts are permitted in this district, except for residential uses.

2. Accessory uses permitted in the commercial and industrial district are permitted as accessory uses in the PD District.

3. The minimum area required for a Planned Development shall be forty (40) contiguous acres of land. However, if an applicant can demonstrate that the characteristics of the property proposed for such use can meet the objectives of this Section, projects with less acreage will be considered.

4. Where an applicant proposes the use of a portion of the site as common property, satisfactory arrangements shall be made for the improvement, operation and maintenance of such common property and facilities. For the purpose of this Section, the term "common property" shall be defined as a parcel of land, together with improvements thereon, the use and enjoyment of which is shared by the owners and occupants of the Planned Development.

5. Individual buildings within a Planned Development shall be related to each other in design, mass, materials, placement and connections to provide a visually and physically integrated development.

6. Utility lines providing electric, telephone, television or other services shall be installed underground.

D. Application Procedures

Approval of a Planned Development shall be made by the Town Board, following review and recommendation from the Planning Board.

1. Planning Board Review

The applicant shall meet with the Planning Board to describe the intent of the proposed development, to discuss design and development objectives and to submit a concept plan which depicts the manner in which the proposed project is to be developed. At this meeting, the applicant shall describe how the proposed development would be integrated with neighboring land uses, community features and public facilities and services. The concept plan shall be to scale and shall include the following information:

a. The principal physical characteristics of the site, including an analysis of the soils and sub-soils and the location of major stands of trees, streams, floodplains and rock outcropping.

b. The topography of the site with contour intervals of not more than five (5) feet of elevation; areas of the site where grades exceed three percent (3%); portions of the site with a moderate to high susceptibility to erosion, flooding or ponding; and, a preliminary grading plan with five-foot contour intervals.

c. An analysis of the relationship of the site to the surrounding community, including significant parcels of vacant land and the character of nearby built-up areas.

d. A conceptual site development plan which presents: a proposed lotting pattern, including the number and general sizing of individual lots; estimates of vehicular traffic volumes to be generated; a suggested internal street system, suggested sidewalks and circulation flows; a description of how the site will be tied to the existing street and pedestrian network; estimated demands for water and sewer services; a suggested layout of water, sanitary sewer and storm sewer facilities with proposed points of interconnection to existing systems; and, the proposed storm water drainage system and its relation to existing systems.

e. A generalized description of how the site is to be buffered from adjacent areas. This shall include the retention of existing trees as well as new plantings to accomplish this objective.

f. A description of the manner in which areas that are not proposed to become publicly owned are to be maintained, including but not limited to open space, streets and lighting.

g. If the development is expected to be phased, a general description of the phasing plan, including the anticipated timeframes for development.

h. A description of any covenants, grants of easements or other restrictions proposed to be imposed upon the use of the land, buildings or structures, including proposed easements for public utilities.

i. A written statement by the applicant setting forth the reasons why, in his opinion, the proposed rezoning would be advantageous to and in the best interests of the Town of Yates.

j. An Environmental Assessment Form (EAF) or a Generic Draft Environmental Impact Statement (DEIS) to comply with the State Environmental Quality Review Act (SEQR).

k. Any other information or documentation which the applicant deems necessary to support his application.

2. Planning Board Report

Within sixty (60) days of the receipt of a complete application, the Planning Board shall review the concept plan and supporting documents and provide a written report to the Town Board. The Planning Board shall hold a public hearing on the concept plan to assist it in the preparation of its report. If no report has been rendered within the sixty (60) day period, unless such time limit has been extended by formal action of the Planning Board, the applicant may proceed on the basis that the report is favorable. The Town Board shall be so informed on this matter.

a. A favorable report from the Planning Board shall be based on the following findings which shall be included as part of the report:

i) The proposal implements the goals and policies of the Comprehensive Plan of the Town of Yates.

ii) The concept plan meets all of the requirements of this Local Law.

iii) The proposal is conceptually sound in that it meets a community need and conforms to accepted design standards for the proposed roadway system, land use configuration, open space and drainage systems.

iv) Adequate services and utilities are available or proposed to be made available in order to properly serve the proposed development.

b. An unfavorable report shall state clearly the reasons therefore and, if appropriate, point out to the applicant the conditions under which a favorable report may be issued.

3. Town Board Consideration

Upon receipt of a report from the Planning Board, the Town Board shall consider the application for the Planned Development and may establish a date for and conduct a public hearing for the site plan as provided by Town Law.

4. Final Site Plan Approval

In the approval of the Site Plan, the Town Board may establish a maximum aggregate gross floor area for all buildings in the District and may, if it feels it necessary in order to fully protect the public health, safety and welfare of the community, attach to its resolution additional requirements for the applicant to meet. Such requirements may include, but shall not be limited to: visual and acoustical screening; the order of construction and/or occupancy; vehicular and pedestrian circulation systems; protection of natural resources; and, other physical or community needs.

Local Law Introduction No. 1 of 2008

Local Law No. 1 of 2008

A LOCAL LAW GOVERNING WIND ENERGY FACILITIES IN THE TOWN OF YATES

Be it hereby enacted by the Town Board of the Town of Yates as follows:

Section 1: Title

This Local Law shall be known as the "Wind Energy Facilities Law of the Town of Yates."

Section 2: Section 210, Definitions , of the Zoning Local Law of the Town of Yates, Orleans County, New York, is amended by amending the definition of Essential Services and Public Utilities, to read in its entirety as follows:

ESSENTIAL SERVICES AND PUBLIC UTILITIES: Erection, construction, 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, but shall not include telecommunications facilities as defined herein, and shall not include wind energy facilities (including infrastructure supporting wind energy facilities), landfills, waste transfer stations or other facilities with the primary purpose of handling or disposing of household or industrial waste.

Section 3: The following is added at the end of Section 591, Establishment of Districts, of the Zoning Local Law of the Town of Yates, Orleans County, New York

Wind Energy Overlay Zone

Section 4: The following Section 591 is hereby added of the Zoning Local Law of the Town of Yates, Orleans County, New York, to read in its entirety as follows:

Section 591 WIND ENERGY OVERLAY ZONE

SECTION 591.1 WIND ENERGY OVERLAY ZONE

The Town Board of the Town of Yates hereby adopts the rules and procedures for creating Wind Energy Overlay Zones to allow consideration of the effective and efficient use of the Town's wind energy resource through wind energy conversion systems (WECS), and to regulate or prohibit the placement of such systems so that the public health, safety, and welfare will not be jeopardized.

SECTION 591.2 AUTHORITY.

A. The Town Board of the Town of Yates adopts this Section under the authority granted by:

1. Article IX of the New York State Constitution, § 2(c)(6) and (10).
2. New York Statute of Local Governments, § 10 (1), (6), and (7).
3. New York Municipal Home Rule Law, § 10 (1)(i) and (ii) and § 10 (1)(a)(6), (11), (12), and (14).
4. The supersession authority of New York Municipal Home Rule Law, § 10 (2)(d)(3).
5. New York Town Law, Article16 (Land Use).
6. New York Town Law § 130(1)(Building Code), (3)(Electrical Code), (5)(Fire Prevention), (7)(Use of streets and highways), (7-a)(Location of Driveways), (11)(Peace, good order and safety), (15)(Promotion of public welfare), (15-a)(Excavated Lands), (16)(Unsafe buildings), (19)(Trespass), and (25)(Building lines).
7. New York Town Law § 64(17-a)(protection of aesthetic interests) and (23)(General powers).

SECTION 591.3 FINDINGS.

A. The Town Board of the Town of Yates finds and declares that

1. Wind energy is an abundant, renewable, and nonpolluting energy resource of the Town and its conversion to electricity may reduce dependence on nonrenewable energy sources and decrease the air and water pollution that results from the use of conventional energy sources.

2. The generation of electricity from properly sited wind turbines, including small systems, can be cost effective, and in many cases existing power distribution systems can be used to transmit electricity from wind-generating stations to utilities or other users, or on-site consumption can be reduced.

3. Regulation of the siting and installation of wind turbines is necessary for the purpose of protecting the health, safety, and welfare of neighboring property owners and the general public.

4. Wind Energy Facilities represent significant potential aesthetic impacts because of their large size, lighting, and shadow flicker effects.

5. If not properly regulated, installation of Wind Energy Facilities can create drainage problems through erosion and lack of sediment control for facility sites and access roads, and harm farmlands through improper construction methods.

6. Wind Energy Facilities may present a risk to bird and bat populations if not properly sited.

7. If not properly sited, Wind Energy Facilities may present risks to the property values of adjoining property owners.

8. Wind Energy Facilities can be a significant source of noise, which, if unregulated, can negatively impact adjoining properties.

9. Construction of Wind Energy Facilities can create traffic problems and damage local roads.

10. Wind Energy Facilities can cause electromagnetic interference issues with various types of communications.

SECTION 591.4 DEFINITIONS.

A. As used in this Section 591, the following terms shall have the meanings indicated:

1. AGRICULTURAL OR FARM OPERATIONS — means the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation, and marketing of crops, livestock, and livestock products as a commercial enterprise, including a commercial horse boarding operation," as defined in New York Agriculture and Markets Law § 301 and "timber processing," as defined in subdivision fourteen of New York Agriculture and Markets Law § 301. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

2. EAF — Environmental Assessment Form used in the implementation of the SEQRA as that term is defined in Part 617 of Title 6 of the New York Codes, Rules and Regulations.

3. RESIDENCE — means any dwelling suitable for habitation existing in the Town of Yates on the date a specific application is deemed completed, including seasonal homes, hotels, hospitals, motels, dormitories, sanitariums, nursing homes, senior housing, schools or other buildings used for educational purposes. A residence may be part of a multi-dwelling or multipurpose building, but shall not include correctional institutions.

4. SOUND PRESSURE LEVEL — means the level which is equaled or exceeded a stated percentage of time. An L_{10} - 50 dBA indicates that in any hour of the day 50 dBA can be equaled or exceeded only 10% of the time, or for 6 minutes. The measurement of the sound pressure level can be done according to the International Standard for Acoustic Noise Measurement Techniques for Wind Generators (IEC 61400-11), or other accepted procedures.

5. SMALL WIND ENERGY CONVERSION SYSTEM ("Small WECS") — A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-Site consumption of utility power.

6. SITE — The parcel(s) of land where the Wind Energy Facility is to be placed. The Site could be publicly or privately owned by an individual or a group of individuals controlling single or adjacent properties. Where multiple lots are in joint ownership, the combined lots shall be considered as one for purposes of applying setback requirements. Any property which has a Wind Energy Facility or has entered into an agreement for said Facility or a setback agreement, shall be considered as part of the Site.

7. TOTAL HEIGHT — The height of the tower and the furthest vertical extension of the WECS.

8. WIND ENERGY CONVERSION SYSTEM ("WECS") — A machine that converts the kinetic energy in the wind into a usable form (commonly known as a "wind turbine" or "windmill").

9. WIND ENERGY FACILITY — Any Wind Energy Conversion System, including Small Wind Energy Conversion Systems, or Wind Measurement Tower, including all related infrastructure, electrical lines and substations, access roads, and accessory structures.

10. WIND MEASUREMENT TOWER — a tower used for the measurement of meteorological data such as temperature, wind speed, and wind direction.

11. WIND ENERGY OVERLAY DISTRICT — a district which encompasses part or parts of one or more underlying districts and that establishes requirements for Wind Energy Facilities.

SECTION 591.5 PERMITS AND REZONING REQUIRED, EXEMPTIONS, TRANSFER.

A. No Wind Energy Facility shall be constructed, reconstructed, modified, or operated in the Town of Yates except in compliance with this Section.

B. No WECS, except a Small WECS, shall be constructed, reconstructed, modified, or operated in the Town of Yates, except in a Wind Energy Overlay District, pursuant to an application for rezoning and for special use permit approved pursuant to this Section.

C. No Wind Measurement Tower shall be constructed, reconstructed, modified, or operated in the Town of Yates except pursuant to a Special Use Permit issued pursuant to this Section.

D. Notwithstanding any other provision of this Zoning Local Law, Special Use Permits for Wind Energy Facilities shall be issued by the Town Board.

E. Exemptions. No permit or other approval shall be required under this Section for WECS utilized solely for agricultural operations in a state or county agricultural district, as long as the facility is set back at least one and a half times its Total Height from a property line, and does not exceed 120 feet in height. Towers over 120 feet in Total Height utilized solely for agricultural operations in a state or county agricultural district shall apply for a special use permit in accordance with this Section, but shall not require a height variance. Prior to the construction of a WECS under this exemption, the property owner or a designated agent shall submit a sketch plan or building permit application to the Town to demonstrate compliance with the setback requirements.

F. This Section shall apply to all areas of the Town of Yates.

G. Transfer. No transfer of any Wind Energy Facility or Special Use Permit, nor sale of the entity owning such facility including the sale of more than 30% of the stock of such entity (not counting sales of shares on a public exchange), will occur without prior approval of the Town, which approval shall be granted upon written acceptance of the transferee of the obligations of the transferor under this Section, and the transferee's demonstration, in the sole discretion of the Town Board, that it can meet the technical and financial obligations of the transferor. No transfer shall eliminate the liability of the transferor nor of any other party under this Section unless the entire interest of the transferor in all facilities in the Town is transferred and there are no outstanding obligations or violations.

H. Notwithstanding the requirements of this Section, replacement in kind or modification of a Wind Energy Facility may occur without Town Board approval when (1) there will be no increase in Total Height; (2) no change in the location of the WECS; (3) no additional lighting or change in facility color; and (4) no increase in noise produced by the WECS.

SECTION 591.6 APPLICABILITY.

A. The requirements of this Section shall apply to all Wind Energy Facilities proposed, operated, modified, or constructed after the effective date of this Section.

B. Wind Energy Facilities for which a required permit has been properly issued and upon which construction has commenced prior to the effective date of this Section, shall not be required to meet the requirements of this Section; provided, however, that

1. Any such preexisting Wind Energy Facility which does not provide energy for a continuous period of twelve (12) months shall meet the requirements of this Section prior to recommencing production of energy.

2. No modification or alteration to an existing Wind Energy Facility shall be allowed without full compliance with this Section.

3. Any Wind Measurement Tower existing on the effective date of this Section shall be removed no later than twenty-four (24) months after said effective date, unless a Special Use Permit for said Wind Measurement Tower is obtained.

C. Wind Energy Facilities may be either principal or accessory uses. A different existing use or an existing structure on the same Site shall not preclude the installation of a Wind Energy Facility or a part of such facility on such Site. Wind Energy Facilities constructed and installed in accordance with this Section shall not be deemed expansions of a nonconforming use or structure.

SECTION 591.7 WIND ENERGY OVERLAY DISTRICT RULES.

A. Wind Energy Overlay District may be created in the Agricultural/Residential (AR) and Industrial (I) Districts only.

B. Initial requests for Wind Energy Overlay Districts shall be submitted with applications for WECS Special Use Permits. No Wind Energy Overlay District may be initially created without specific requests for special use permits for individual WECSs.

C. Once a Wind Energy Overlay District has been created, new WECSs or accessory structures or facilities may be added in that District by grant of a Special Use Permit pursuant to the requirements of this Section.

SECTION 591.8 APPLICATIONS FOR WIND ENERGY CONVERSION SYSTEMS SPECIAL USE PERMITS AND WIND ENERGY OVERLAY DISTRICT

A. A joint application for creation of a Wind Energy Overlay District and Special Use Permit for individual WECS shall include the following:

1. Name, address, and telephone number of the applicant. If the applicant is represented by an agent, the application shall include the name, address, and telephone number of the agent as well as an original signature of the applicant authorizing the representation.

2. Name and address of the property owner. If the property owner is not the applicant, the application shall include a letter or other written permission signed by the property owner (i) confirming that the property owner is familiar with the proposed applications and (ii) authorizing the submission of the application.

3. Address, or other property identification, of each proposed tower location, including Tax Map section, block, and lot number.

4. A description of the project, including the number and maximum rated capacity of each WECS.

5. A plot plan prepared by a licensed surveyor or engineer drawn in sufficient detail to clearly describe the following.

   (a) Property lines and physical dimensions of the Site.

   (b) Location, approximate dimensions, and types of major existing structures, including all residences, and uses on Site, public roads, and adjoining properties within five hundred (500) feet of the boundaries of the proposed Wind Energy Overlay Zone.

   (c) Location and elevation of each proposed WECS.

   (d) Location of all above ground utility lines on the Site or within one radius of the Total Height of the WECS, transformers, power lines, interconnection point with transmission lines, and other ancillary facilities or structures.

   (e) Location and size of structures above 35 feet within a five-hundred-foot radius of the proposed WECS. For purposes of this requirement, electrical transmission and distribution lines, antennas, and slender or open lattice towers are not considered structures.

   (f) The Land Use designation of the subject and adjacent properties as set forth on the official Town Land Use Map.

   (g) Proposed boundaries of the Wind Energy Overlay Zone.

   (h) To demonstrate compliance with the setback requirements of this Section, circles drawn around each proposed tower location equal to:

   (i) One and a half times the tower height radius.

   (ii) Five-hundred foot radius.

   (iii) One-thousand foot radius.

   (i) Location of residential structures within one thousand feet of each proposed tower. The distance from the center of the tower to any off-site residence within one thousand feet shall be noted.

   (j) All proposed facilities, including access roads, electrical lines, substations, storage or maintenance units, and fencing.

6. Vertical drawing of the WECS showing Total Height, turbine dimensions, tower and turbine colors, ladders, distance between ground and lowest point of any blade, location of climbing pegs, and access doors. One drawing may be submitted for each WECS of the same type and Total Height.

7. Landscaping Plan depicting vegetation describing the area to be cleared and the specimens proposed to be added, identified by species and size of specimen at installation and their locations.

8. Lighting Plan showing any FAA-required lighting and other proposed lighting. The application should include a copy of the determination by the Federal Aviation Administration to establish required markings and/or lights for the structure, but if such determination is not available at the time of the application, no building permit for any lighted facility may be issued until such determination is submitted.

9. List of property owners, with their mailing addresses, within 500 feet of the boundaries of the proposed Wind Energy Overlay Zone. The applicant may delay submitting this list until the Town Board calls for a public hearing on the application.

10. Decommissioning Plan: The applicant shall submit a decommissioning plan, which shall include: 1) the anticipated life of the WECS; 2) the estimated decommissioning costs in current dollars; 3) how said estimate was determined; 4) the method of ensuring that funds will be available for decommissioning and restoration; 5) the method, such by annual re-estimate by a licensed engineer, that the decommissioning cost will be kept current; and 6) the manner in which the WECS will be decommissioned and the Site restored, which shall include removal of all structures and debris to a depth of three feet, restoration of the soil, and restoration of vegetation (consistent and compatible with surrounding vegetation), less any fencing or residual minor improvements requested by the landowner. The Plan shall include the Decommissioning Bond required by this Section.

11. Complaint Resolution: The application will include a complaint resolution process to address complaints from nearby residents. The process may use an independent mediator or arbitrator and include a time limit for acting on a complaint.

12. An application shall include information relating to the construction/installation of the wind energy conversion facility as follows:

    (a) A construction schedule describing commencement and completion dates; and

    (b) A description of the routes to be used by construction and delivery vehicles, the gross weights and heights of those loaded vehicles.

13. Completed Part 1 of the Full EAF.

14. Applications for Special Use Permits for Wind Measurement Towers subject to this Section may be jointly submitted with the WECS.

15. For each proposed WECS, include make, model, picture, and manufacturer's specifications, including noise decibels data. Include Manufacturers' Material Safety Data Sheet documentation for the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants, and coolants.

16. If the applicant agrees in writing in the application that the proposed WECS may have a significant adverse impact on the environment, the Town Board shall issue a positive declaration of environmental significance.

17. If a positive declaration of environmental significance is determined by the SEQRA lead agency, the following information shall be included in the Draft Environmental Impact Statement ("DEIS") prepared for a Wind Energy Facility. Otherwise, the following studies shall be submitted with the application:

(a) Shadow Flicker: The applicant shall conduct a study on potential shadow flicker. The study shall identify locations where shadow flicker may be caused by the WECSs and the expected durations of the flicker at these locations. The study shall identify areas where shadow flicker may interfere with residences and describe measures that shall be taken to eliminate or mitigate the problems.

(b) Visual Impact: Applications shall include a visual impact study of the proposed WECS as installed, which may include a computerized photographic simulation, demonstrating any visual impacts from strategic vantage points. Color photographs of the proposed Site from at least two locations accurately depicting the existing conditions shall be included. The visual analysis shall also indicate the color treatment of the system's components and any visual screening incorporated into the project that is intended to lessen the system's visual prominence.

(c) A fire protection and emergency response plan, created in consultation with the fire department(s) having jurisdiction over the proposed Zone.

(d) Noise Analysis: a noise analysis by a competent acoustical consultant documenting the noise levels associated with the proposed WECS. The study shall document noise levels at property lines and at the nearest residence not on the Site (if access to the nearest residence is not available, the Town Board may modify this requirement). The noise analysis shall provide pre-existing ambient noise levels and include low frequency noise.

(e) Property value analysis prepared by a licensed appraiser in accordance with industry standards, regarding the potential impact of values of properties adjoining WECS Sites, including properties across public roads from the Site.

(f) An assessment of potential electromagnetic interference with microwave,

radio, television, personal communication systems, and other wireless communication.

18. Tower design information sufficient to demonstrate compliance with wind-loading requirements.

19. Analysis of potential ice-throwing and damage from blade throw impacts.

20. A statement, signed under penalty of perjury, that the information contained in the application is true and accurate.

SECTION 591.9 APPLICATION REVIEW PROCESS

A. Applicants may request a pre-application meeting with the Town Board, or with any consultants retained by the Town Board for application review

B. Twelve copies of the application shall be submitted to the Town Clerk. Payment of all application fees shall be made at the time of application submission. If any variances are requested, variance application fees shall be paid at the time of the receipt of the application.

C. Town staff or Town-designated consultants shall, within 30 days of receipt, or such longer time if agreed to by the applicant, determine if all information required under this Section is included in the application.

D. If the application is deemed incomplete, the Town Board or its designated reviewer shall provide the applicant with a written statement listing the missing information. No refund of application fees shall be made, but no additional fees shall be required upon submittal of the additional information unless the number of WECSs proposed is increased.

E. Upon submission of a complete application, including the grant of any application waiver by the Town Board, the Town Clerk shall transmit the application to the Town Board. The applicant shall post the completed application and any accepted environmental impact statements on the Internet. The application shall be referred to the Planning Board in accordance with this Local Law.

F. The Town Board shall hold at least one public hearing on the application. Notice shall be given by first class mail to property owners within 500 feet of the boundaries of the proposed Wind Energy Overlay District, and published in the Town's official newspaper, no less than ten nor more than twenty days before any hearing, but, where any hearing is adjourned by the Town Board to hear additional comments, no further publication or mailing shall be required. The applicant shall prepare and mail the Notice of Public Hearing prepared by the Town, and shall submit an affidavit of service. The assessment roll of the Town shall be used to determine mailing addresses.

G. The public hearing may be combined with public hearings on any Environmental Impact Statement or requested variances.

H. Notice of the project shall also be given, when applicable, to (1) the Orleans County Planning Board, if required by General Municipal Law §§ 239-l and 239-m, and (2) to adjoining Towns under Town Law § 264.

I. SEQRA Review. Applications for WECS (Wind Energy Conversion Systems) are deemed Type I projects under SEQRA. The Town shall conduct its SEQRA review in conjunction with other agencies, and the record of review by said agencies shall be part of the record of the Town's proceedings. The Town may require an escrow agreement for the engineering and legal review of the applications and any environmental impact statements before commencing its review. At the completion of the SEQRA review process, if a positive declaration of environmental significance has been issued and an environmental impact statement prepared, the Town shall issue a Statement of Findings, which Statement may also serve as the Town's decision on the applications.

J. Upon receipt of the report of the recommendation of the County Planning Board (where applicable), and the report of the recommendation of the Town Planning Board (where applicable), the holding of the public hearing, and the completion of the SEQRA process, the Town Board may approve, approve with conditions, or deny the applications.

SECTION 591.10 STANDARDS FOR WECS.

A. The following standards shall apply to all WECS and related infrastructure, unless specifically waived by the Town Board as part of a permit.

1. All power transmission lines from the tower to any building or other structure shall be located underground to the maximum extent practible.

2. No television, radio, or other communication antennas may be affixed or otherwise made part of any WECS, except pursuant to the telecommunications provisions of the Town Land Use Code. Applications may be jointly submitted for WECS and telecommunications facilities.

3. No advertising signs are allowed on any part of the Wind Energy Facility, including fencing and support structures.

4. Lighting of tower. No tower shall be lit except to comply with FAA requirements. Minimum security lighting for ground level facilities shall be allowed as approved on the Site plan. Security lighting shall be designed to minimize light pollution, including the use of light hoods, low glare fixtures, and directing lights at the ground.

5. All applicants shall use measures to reduce the visual impact of WECSs to the extent possible. WECSs shall use tubular towers. All structures in a project shall be finished in a single, non-reflective matte finished color or a camouflage scheme. Individual WECSs within a Wind Energy Overlay Zone shall be constructed using wind turbines whose appearance, with respect to one another, is similar within and throughout the Zone, to provide reasonable uniformity in

overall size, geometry, and rotational speeds. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades.

6. The use of guy wires is prohibited.

7. No WECS shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antenna for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception. No WECS shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation. If it is determined that a WECS is causing electromagnetic interference, the operator shall take the necessary corrective action to eliminate this interference including relocation or removal of the facilities, or resolution of the issue with the impacted parties. Failure to remedy electromagnetic interference is grounds for revocation of the Special Use Permit for the specific WECS or WECSs causing the interference.

8. All solid waste and hazardous waste and construction debris shall be removed from the Site and managed in a manner consistent with all appropriate rules and regulations.

9. WECSs shall be designed to minimize the impacts land clearing and the loss of open space areas. Land protected by conservation easements shall be avoided when feasible. The use of previously developed areas will be given priority wherever possible.

10. WECSs shall be located in a manner that minimizes significant negative impacts on rare animal species in the vicinity, particularly bird and bat species.

11. WECS and related infrastructure shall be located in a manner consistent with all applicable state and Federal wetlands laws and regulations.

12. Storm-water run-off and erosion control shall be managed in a manner consistent with all applicable state and Federal laws and regulations.

13. The maximum Total Height of any WECS shall be 420 feet.

14. Construction of the WECS shall be limited to the hours of 7 a.m. to 8 p.m. except for certain activities that require cooler temperatures than possible during the day, subject to approval from the Town.

15. Substations required to serve WECS are an Essential Public Service under this Land Use Code. Substations shall be screened from public view to the extent possible.

16. The Town of Yates shall be named as an additional insured under the general liability policy of the applicant, the amount of which insurance shall be no less than an amount to be determined by the Town Board given the nature and scope of the project proposed by the applicant.

17. Any construction or ground disturbance involving agricultural land shall be done in according to the NYS Department of Agriculture and Markets' publication titled Guidelines for Agricultural Mitigation for Wind Power Projects.

SECTION 591.11 REQUIRED SAFETY MEASURES

A. Each WECS shall be equipped with both manual and automatic controls to limit the rotational speed of the rotor blade so it does not exceed the design limits of the rotor.

B. If the property owner submits a written request that fencing be required, a six-foot-high fence with a locking portal shall be required to enclose each tower or group of towers. The color and type of fencing for each WECS installation shall be determined on the basis of individual applications as safety needs dictate.

C. Appropriate warning signs shall be posted. At least one sign shall be posted at the base of the tower warning of electrical shock or high voltage. A sign shall be posted on the entry area of fence around each tower or group of towers and any building (or on the tower or building if there is no fence), containing emergency contact information, including a local telephone number with 24 hour, 7 day a week coverage. The Town Board may require additional signs based on safety needs.

D. No climbing pegs or tower ladders shall be located closer than twelve (12) feet to the ground level at the base of the structure for freestanding single pole.

E. The minimum distance between the ground and any part of the rotor or blade system shall be twenty (20) feet.

F. WECSs shall be designed to prevent unauthorized external access to electrical and mechanical components and shall have access doors that are kept securely locked.

G. Accurate maps of the underground facilities shall be filed with the town and with "Dig Safely New York (1-800-962-7962)" or its successor.

SECTION 591.12 TRAFFIC ROUTES

A. Construction of WECS poses potential risks because of the large size construction vehicles and their impact on traffic safety and their physical impact on local roads. Construction and delivery vehicles for WECS and/or associated facilities shall use traffic routes established as part of the application review process. Factors in establishing such corridors shall include (1) minimizing traffic impacts from construction and delivery vehicles; (2) minimizing WECS related traffic during times of school bus activity; (3) minimizing wear and tear on local roads; and (4) minimizing impacts on local business operations. Permit conditions may require remediation during construction, limit

WECS-related traffic to specified routes, and include a plan for disseminating traffic route information to the public, and all applicable state, county, and municipal highway authorities and superintendents whose roads are included in the WECS traffic routes plan. Notification to all applicable highway authorities and superintendents will include the number and type of vehicles and their size, their maximum gross weight, the number of round trips, and the dates and time periods of expected use of designated traffic routes.

B. The applicant is responsible for remediation of damaged roads upon completion of the installation or maintenance of a WECS. A public improvement bond shall be posted prior to the issuance of any building permit in an amount, determined by the Town Board, sufficient to compensate the Town for any damage to local roads.

C. If the applicant uses any seasonal use highway in the off-season, it shall be solely responsible for the maintenance of said highway including but not limited to snow plowing. No act of maintenance on a seasonal use highway by an applicant shall be considered as Town maintenance of that highway for purposes of determining the seasonal use status of the highway.

SECTION 591.13 SETBACKS FOR WIND ENERGY CONVERSION SYSTEMS

A. The statistical sound pressure level generated by a WECS shall not exceed L_{10} - 50 dBA measured at the closest exterior wall of any residence existing at the time of completing the SEQRA review of the application. If the ambient sound pressure level exceeds 50 dBA, the standard shall be ambient dBA plus 5 dBA. Independent certification shall be provided before and after construction demonstrating compliance with this requirement.

B. In the event audible noise due to WECS operations contains a steady pure tone, such as a whine, screech, or hum, the standards for audible noise set forth in subparagraph 1) of this subsection shall be reduced by five (5) dBA. A pure tone is defined to exist if the one-third (1/3) octave band sound pressure level in the band, including the tone, exceeds the arithmetic average of the sound pressure levels of the two (2) contiguous one third (1/3) octave bands by five (5) dBA for center frequencies of five hundred (500) Hz and above, by eight (8) dBA for center frequencies between one hundred and sixty (160) Hz and four hundred (400) Hz, or by fifteen (15) dBA for center frequencies less than or equal to one hundred and twenty-five (125) Hz.

C. In the event the ambient noise level (exclusive of the development in question) exceeds the applicable standard given above, the applicable standard shall be adjusted so as to equal the ambient noise level. The ambient noise level shall be expressed in terms of the highest whole number sound pressure level in dBA, which is exceeded for more than five (5) minutes per hour. Ambient noise levels shall be measured at the exterior of potentially affected existing residences. Ambient noise level measurement techniques shall employ all practical means of reducing the effect of wind-generated noise at the microphone. Ambient noise level measurements may be performed when wind velocities at the proposed project Site are sufficient to allow Wind Turbine operation,

provided that the wind velocity does not exceed thirty (30) mph at the ambient noise measurement location.

D. Any noise level falling between two whole decibels shall be the lower of the two.

E. Each WECS shall be setback from Site boundaries, measured from the center of the WECS, a minimum distance of:

1. 500 feet from the nearest Site boundary property line, except the setback shall be 500 feet where the boundary is with state, county, town, or village-owned property.

2. 500 feet from the nearest public road.

3. 1,000 feet from the nearest off-Site residence existing at the time of application, measured from the exterior of such residence.

4. 100 feet from state-identified wetlands. This distance may be adjusted to be greater or lesser at the discretion of the reviewing body, based on topography, land cover, land uses, and other factors that influence the flight patterns of resident birds.

F. Other Wind Energy Facility structures and improvements shall comply with the underlying Land Use district regulations.

SECTION 591.14 NOISE AND SETBACK EASEMENTS; VARIANCES

A. In the event the noise levels resulting from a WECS exceed the criteria established in this Section, or a setback requirement is not met, a waiver is hereby granted from such requirement where the adjoining owner's property is considered part of the Site.

1. Written consent from the affected property owners shall be obtained stating that they are aware of the WECS and the noise and/or setback limitations imposed by this Section, and that they wish to be part of the Site as defined herein, and that consent is granted to (1) allow noise levels to exceed the maximum limits otherwise allowed or (2) allow setbacks less than required; and

2. In order to advise all subsequent owners of the burdened property, the consent, in the form required for an easement, shall be recorded in the County Clerk's Office describing the benefited and burdened properties. Such easements shall be permanent and may not be revoked without the consent of the Town Board, which consent shall be granted upon either the completion of the decommissioning of the benefited WECS in accordance with this Section, or the acquisition of the burdened parcel by the owner of the benefited parcel or the WECS.

3. In any case where written consent is not obtained, and therefore a property is not part of the Site, a variance from the Board of Appeals shall be required.

SECTION 591.15 CREATION OF WIND ENERGY OVERLAY DISTRICTS AND ISSUANCE OF SPECIAL USE

A. Upon completion of the review process, the Town Board shall, upon consideration of the standards in this Section and the record of the SEQRA review, issue a written decision setting forth the reasons for approval, conditions of approval, or disapproval.

B. If approved, the Town Board will direct the Town Clerk to modify the Official Map to reflect the creation of the Wind Energy Overlay Districts, and authorize Town staff to issue a Special Use Permit for each WECSs upon satisfaction of all conditions for said Permit, and direct the building inspector to issue a building permit, upon compliance with the Uniform Fire Prevention and Building Code and the other conditions of this Section.

C. The decision of the Town Board shall be filed within five days in the office of the Town Clerk and a copy mailed to the applicant by first class mail.

D. If any approved WECS is not substantially commenced within two years of issuance of the permit, the special use permit shall expire.

SECTION 591.16 ABATEMENT

A. If any WECS remains non-functional or inoperative for a continuous period of 1 year, the applicant agrees that, without any further action by the Town Board, it shall remove said system at its own expense. Removal of the system shall include at least the entire above ground structure, including transmission equipment and fencing, from the property. This provision shall not apply if the applicant demonstrates to the Town that it has been making good faith efforts to restore the WECS to an operable condition, but nothing in this provision shall limit the Town's ability to order a remedial action plan after public hearing.

B. Non-function or lack of operation may be proven by reports to the Public Service Commission, NYSERDA, or by lack of income generation. The applicant shall make available (subject to a non-disclosure agreement) to the Town Board all reports to and from the purchaser of energy from individual Wind Energy Conversion Systems, if requested necessary to prove the WECS is functioning, which reports may be redacted as necessary to protect proprietary information.

C. Decommissioning Bond or Fund. The applicant, or successors, shall continuously maintain a fund or bond payable to the Town for the removal of non-functional towers and appurtenant facilities in an amount to be determined by the Town for the period of the of the life of the facility. This fund may consist of a letter of credit from a State of New York-licensed financial institution. All costs of the financial security shall be borne by the applicant.

SECTION 591.17 LIMITATIONS ON APPROVALS; EASEMENTS ON TOWN PROPERTY

A. Nothing in this Section shall be deemed to give any applicant the right to cut down surrounding trees and vegetation on any property to reduce turbulence and increase wind flow to the Wind Energy Facility. Nothing in this Section shall be deemed a guarantee against any future construction or Town approvals of future construction that may in any way impact the wind flow to any Wind Energy Facility. It shall be the sole responsibility of the Facility operator or owner to acquire any necessary wind flow or turbulence easements, or rights to remove vegetation.

B. Pursuant to the powers granted to the Town to manage its own property, the Town may enter into noise, setback, or wind flow easements on such terms as the Town Board deems appropriate, as long as said agreements are not otherwise prohibited by state law or this Section.

SECTION 591.18 TESTING FUND; PERMIT REVOCATION

A. Testing fund. A Special Use Permit shall contain a requirement that the applicant fund periodic noise testing by a qualified independent third-party acoustical measurement consultant, which may be required as often as every two years, or more frequently upon request of the Town Board in response to complaints by neighbors. The scope of the noise testing shall be to demonstrate compliance with the terms and conditions of the Special Use Permit and this Section and shall also include an evaluation of any complaints received by the Town. The applicant shall have 90 days after written notice from the Town Board, to cure any deficiency. An extension of the 90 day period may be considered by the Town Board, but the total period may not exceed 180 days.

B. Operation. A WECS shall be maintained in operational condition at all times, subject to reasonable maintenance and repair outages. Operational condition includes meeting all noise requirements and other permit conditions. Should a WECS become inoperable, or should any part of the WECS be damaged, or should a WECS violate a permit condition, the owner or operator shall remedy the situation within 90 days after written notice from the Town Board. The applicant shall have 90 days after written notice from the Town Board, to cure any deficiency. An extension of the 90 day period may be considered by the Town Board, but the total period may not exceed 180 days.

C. Notwithstanding any other abatement provision under this Section, and consistent with Section 591.16 and Section 591.18(B), if the WECS is not repaired or made operational or brought into permit compliance after said notice, the Town may, after a public meeting at which the operator or owner shall be given opportunity to be heard and present evidence, including a plan to come into compliance, (1) order either remedial action within a particular timeframe, or (2) order revocation of the Special Use Permit for the WECS and require the removal of the WECS within 90 days. If the WECS is not removed, the Town Board shall have the right to use the security posted as part of the Decommission Plan to remove the WECS.

WIND MEASUREMENT TOWERS

SECTION 591.20. WIND SITE ASSESSMENT

The Town Board acknowledges that prior to construction of a WECS, a wind Site assessment is conducted to determine the wind speeds and the feasibility of using particular Sites. Installation of Wind Measurement Towers, also known as anemometer ("Met") towers, shall be permitted as Special Use in the Agricultural/Residential (AR) District and the Industrial District.

SECTION 591.21. APPLICATIONS FOR WIND MEASUREMENT TOWERS

A. An application for a Wind Measurement Tower shall include

1. Name, address, and telephone number of the applicant. If the applicant is represented by an agent, the application shall include the name, address, and telephone number of the agent as well as an original signature of the applicant authorizing the representation.

2. Name, address, and telephone number of the property owner. If the property owner is not the applicant, the application shall include a letter or other written permission signed by the property owner (i) confirming that the property owner is familiar with the proposed applications and (ii) authorizing the submission of the application.

3. Address of each proposed tower Site, including Tax Map section, block, and lot number.

4. Site plan.

5. Decommissioning Plan, based on the criteria in this Section for WECS, including a security bond or cash for removal.

SECTION 591.22. STANDARDS FOR WIND MEASUREMENT TOWERS

A. The distance between a Wind Measurement Tower and the property line shall be at least the Total Height of the tower. Sites can include more than one piece of property and the requirement shall apply to the combined properties. Exceptions for neighboring property are also allowed with the consent of those property owners.

B. Special Use permits for Wind Measurement Towers may be issued by the Town Board for a period of up to two years. Permits may be renewed if the Facility is in compliance with the conditions of the Special Use Permit.

SMALL WIND ENERGY CONVERSION SYSTEMS

SECTION 591.30. PURPOSE AND INTENT

The purpose of this Section is to provide standards for small wind energy conversion systems designed for on-site home, farm, and small commercial use, and that are primarily used to reduce on-site consumption of utility power. The intent of this Section is to encourage the

development of small wind energy systems and to protect the public health, safety, and community welfare.

SECTION 591.31. PERMITTED AREAS

Small Wind energy systems may be permitted in any District upon issuance of a Special Use Permit.

SECTION 591.32. APPLICATIONS

A. Applications for Small WECS special use permits shall include:

1. Name, address, and telephone number of the applicant. If the applicant will be represented by an agent, the name, address, and telephone number of the agent as well as an original signature of the applicant authorizing the agent to represent the applicant.

2. Name and address of the property owner. If the property owner is not the applicant, the application shall include a letter or other written permission signed by the property owner (i) confirming that the property owner is familiar with the proposed applications and (ii) authorizing the submission of the application.

3. Address of each proposed tower Site, including Tax Map section, block, and lot number.

4. Evidence that the proposed tower height does not exceed the height recommended by the manufacturer or distributor of the system.

5. A line drawing of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the Electric Code**.**

6. Sufficient information demonstrating that the system will be used primarily to reduce on-site consumption of electricity.

7. Written evidence that the electric utility service provider that serves the proposed Site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator, unless the applicant does not plan, and so states so in the application, to connect the system to the electricity grid.

8. A visual analysis of the Small WECS as installed, which may include a computerized photographic simulation, demonstrating the visual impacts from nearby strategic vantage points. The visual analysis shall also indicate the color treatment of the system's components and any visual screening incorporated into the project that is intended to lessen the system's visual prominence.

SECTION 591.33. DEVELOPMENT STANDARDS

All small wind energy systems shall comply with the following standards. Additionally, such systems shall also comply with all the requirements established by other sections of this Section that are not in conflict with the requirements contained in this section.

1. A system shall be located on a lot a minimum of one acre in size, however, this requirement can be met by multiple owners submitting a joint application.

2. Only one small wind energy system tower per legal lot shall be allowed, unless there are multiple applicants, in which their joint lots shall be treated as one lot for purposes of this Section.

3. Small Wind energy systems may be used primarily to reduce the on-Site consumption of electricity.

4. Tower heights may be allowed as follows:

   (a) 65 feet or less on parcels between one and five acres.
   (b) 120 feet or less on parcels of five or more acres.
   (c) The allowed height shall be reduced if necessary to comply with all applicable Federal Aviation Requirements, including Subpart B (commencing with Section 77.11) of Part 77 of Title 14 of the Code of Federal Regulations regarding installations close to airports.

5. The maximum turbine power output is limited to 100 kW.

6. The system's tower and blades shall be painted a non-reflective, unobtrusive color that blends the system and its components into the surrounding landscape to the greatest extent possible and incorporate non-reflective surfaces to minimize any visual disruption.

7. The system shall be designed and located in such a manner to minimize adverse visual impacts from public viewing areas (e.g., public parks, roads, trails). To the greatest extent feasible a small wind energy system:

   (a) Shall not project above the top of ridgelines.

   (b) If visible from public viewing areas, shall use natural landforms and existing vegetation for screening.

   (c) Shall be screened to the maximum extent feasible by natural vegetation or other means to minimize potentially significant adverse visual impacts on neighboring residential areas.

8. Exterior lighting on any structure associated with the system shall not be allowed except that which is specifically required by the Federal Aviation Administration.

9. All on-site electrical wires associated with the system shall be installed underground except for "tie- ins" to a public utility company and public utility company transmission poles, towers and lines. This standard may be modified by the decision-maker if the project terrain is determined to be unsuitable due to reasons of excessive grading, biological impacts, or similar factors.

10. The system shall be operated such that no disruptive electromagnetic interference is caused. If it has been demonstrated that a system is causing harmful interference, the system operator shall promptly mitigate the harmful interference or cease operation of the system.

11. At least one sign shall be posted on the tower at a height of five feet warning of electrical shock or high voltage and harm from revolving machinery. No brand names, logo, or advertising shall be placed or painted on the tower, rotor, generator, or tail vane where it would be visible from the ground, except that a system or tower's manufacturer's logo may be displayed on a system generator housing in an unobtrusive manner

12. Towers shall be constructed to provide one of the following means of access control, or other appropriate method of access:

    (a) Tower-climbing apparatus located no closer than 12 feet from the ground.

    (b) A locked anti-climb device installed on the tower.

    (c) A locked, protective fence at least six feet in height that encloses the tower.

13. Anchor points for any guy wires for a system tower shall be located within the property that the system is located on and not on or across any above-ground electric transmission or distribution lines. The point of attachment for the guy wires shall be enclosed by a fence six feet high or sheathed in bright orange or yellow covering from three to eight feet above the ground.

14. Construction of on-site access roadways shall be minimized. Temporary access roads utilized for initial installation shall be re-graded and re-vegetated to the pre-existing natural condition after completion of installation.

15. To prevent harmful wind turbulence from existing structures, the minimum height of the lowest part of any horizontal axis wind turbine blade shall be at least 30 feet above the highest structure or tree within a 250 foot radius. Modification of this standard may be made when the applicant demonstrates that a lower height will not jeopardize the safety of the wind turbine structure.

16. All small wind energy system tower structures shall be designed and constructed to be in compliance with pertinent provisions of the Uniform Building Code and National Electric Code.

17. All small wind energy systems shall be equipped with manual and automatic over-speed controls. The conformance of rotor and over-speed control design and fabrication with good engineering practices shall be certified by the manufacturer.

SECTION 591.34. STANDARDS

A Small Wind Energy System shall comply with the following standards:

1. Setback requirements. A Small WECS shall not be located closer to a property line than one and a half times the Total Height of the facility.

2. Noise. Except during short-term events including utility outages and severe wind storms, a Small WECS shall be designed, installed, and operated so that noise generated by the system shall not exceed the 50 decibels (dBA), as measured at the closest neighboring inhabited dwelling.

SECTION 591.35. ABANDONMENT OF USE

A. Small WECS which is not used for twelve (12) successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner. Failure to abide by and faithfully comply with this section or with any and all conditions that may be attached to the granting of any building permit shall constitute grounds for the revocation of the permit by the Town.

B. All Small WECS shall be maintained in good condition and in accordance with all requirements of this section.

MISCELLANEOUS

SECTION 591.40. FEES

A. There shall be non-refundable Application fees for the following:

1. Wind Energy Overlay Zone.

2. WECS Special Use Permit.

3. Wind Measurement Towers.

4. Wind Measurement Tower Special Use Permit Renewals.

5. Small WECS.

6. The cost of all legal notices and mailings shall be assessed to the applicant.

7. The fee schedule is located in the Town Clerk's office.

B. Building Permits.

1. The Town believes the review of building and electrical permits for Wind Energy Facilities requires specific expertise for those facilities. Accordingly, the permit fees for such facilities shall be increased by administrative costs which shall be $100 per permit request, plus the amount charged to the Town by the outside consultant hired by the Town to review the plans and inspect the work. In the alternative, the Town and the applicant may enter into an agreement for an inspection and/or certification procedure for these unique facilities. In such case, the Town and the applicant will agree to a fee arrangement and escrow agreement to pay for the costs of the review of the plans or certifications, or to conduct inspections as agreed by the parties.

2. The applicant shall, prior to the receipt of a building permit, demonstrate that the proposed facility meets the system reliability requirements of the New York Independent System Operator, or provide proof that it has executed an Interconnection Agreement with the New York Independent System Operator and/or the applicable Transmission Owner.

C. Nothing in this Section shall be read as limiting the ability of the Town to enter into Host Community agreements with any applicant to compensate the Town for expenses or impacts on the community. The Town shall require any applicant to enter into an escrow agreement to pay the engineering and legal costs of any application review, including the review required by SEQRA.

D. The Town Board may amend these fees, by resolution after a properly noticed public hearing.

SECTION 591.41. TAX EXEMPTION

The Town hereby exercises its right to opt out of the Tax Exemption provisions of Real Property Tax Law §487, pursuant to the authority granted by paragraph 8 of that law.

SECTION 591.42. ENFORCEMENT; PENALTIES AND REMEDIES FOR VIOLATIONS

A. In addition to the Code Enforcement Officer, the Town Board may appoint such Town staff or outside consultants as it sees fit to enforce this Section.

B. Any person owning, controlling, or managing any building, structure, or land who shall undertake a wind energy conversion facility or wind monitoring tower in violation of this Section or in noncompliance with the terms and conditions of any permit issued pursuant to this Section, or any order of the enforcement officer, and any person who shall assist in so doing, shall be guilty of an offense and subject to a fine of not more than $350 or to imprisonment for a period of not more than fifteen days, or subject to both such fine and imprisonment for a first offense, for a Second offense (both within a period of five years), a fine not less than $350 nor more than $700, or imprisonment not to exceed six months, or both, and for a Third or more offense (all of which occurred within five years), a fine

not less than $700 nor more than $1,000, or imprisonment not to exceed six months, or both. Every such person shall be deemed guilty of a separate offense for each week such violation shall continue. The Town may institute a civil proceeding to collect civil penalties in the amounts set forth herein for each violation and each week said violation continues shall be deemed a separate violation.

C. In case of any violation or threatened violation of any of the provisions of this Section, including the terms and conditions imposed by any permit issued pursuant to this Section, in addition to other remedies and penalties herein provided, the Town may institute any appropriate action or proceeding to prevent such unlawful erection, structural alteration, reconstruction, moving, and/or use, and to restrain, correct, or abate such violation, to prevent the illegal act.

SECTION 5: **SEVERABILITY**

Should any provision of this Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

SECTION 6: EFFECTIVE DATE

This Local Law shall be effective upon its filing with the Secretary of State in accordance with the Municipal Home Rule Law.

ARTICLE VI: REGULATIONS APPLICABLE TO ALL ZONING DISTRICTS

SECTION 600 SIGNS

A. PURPOSE

The purpose of these sign regulations is to promote and protect the public health, welfare and safety by regulating existing and proposed advertising signs and signs of all types. It is intended to protect the property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, preserve the scenic and natural beauty and provide a more enjoyable and pleasing community. It is further intended hereby to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more visual open space and curb the deterioration of the community's appearance and attractiveness.

These sign regulations are also intended to promote attractive signs which clearly present the visual message in a manner that is compatible with its surroundings. The appearance, character and quality of a community are affected by the location, size, construction and graphic design of its signs. Therefore, such signs should convey their messages clearly and simply to enhance their surroundings.

B. GENERAL REGULATIONS

1. General advertising signs related to the permitted use of the premises are allowed, as well as secondary advertisement of products or services.

2. Off premises signs unrelated to the use are allowed as long as permission of the property owner is obtained.

3. The total number of permitted signs on a single lot shall not exceed two (2), of which only one (1) may be freestanding.

4. The total cumulative area of all signs permitted on a lot shall not exceed: the greater of thirty-two (32) square feet or an amount calculated at the rate of one (1) square foot of sign area per lineal foot of building frontage, plus one (1) square foot of sign area for every four (4) lineal feet setback of the principal building on the property, but in no such case shall the total sign area allowed exceed sixty-four (64) square feet.

C. PERMIT PROCEDURES

Except as otherwise provided, no person shall erect, alter, or relocate any sign without first obtaining a sign permit from the Town of Yates.

1. Application Procedure

Applications shall be made in writing to the Zoning Enforcement Officer or the Town Clerk on forms prescribed and provided by the Town of Yates, and shall contain the following information:

a. Name, address and telephone number of:

(i) Applicant

(ii) Owner of the property

b. Location of the building, structure or land upon which the sign now exists or is to be erected.

c. If a new sign is to be erected, elevation and plan drawings to scale should be included. In addition, a full description of the placement and appearance of the proposed sign should be included and should cover the following:

(i) Type of sign

(ii) Location on the premises, specifically its position in relation to adjacent buildings, structure and property line.

(iii) The method of illumination, if any, and the position of lighting or other extraneous devises.

(iv) Graphic design, including symbols, letters, materials and colors.

(v) The visual message, text, copy or content of the sign.

(vi) Written consent, or a copy of the contract made with the owner of the property upon which the sign is to be erected, if the applicant is not the owner.

2. Site Plan Review

Upon the filing of a completed application for a sign permit and the payment of the required fee, the Planning Board shall examine the plans, specifications and other data submitted and the premises on which the sign is to be erected or now exists. If the sign is in compliance with all the guidelines and requirements of this Local Law the Planning Board shall, within 45 days, direct the Zoning Enforcement Officer to issue a permit for the erection of the proposed sign or for an existing sign. The issuance of a permit shall not excuse the applicant from conforming to the other laws and ordinances of the Town or with the Codes of New York State. 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.

D. EXEMPT SIGNS THAT REQUIRE NO PERMIT

The following types of signs may be erected and maintained without permits or fees, provided that such signs comply with the general requirements of this Section:

1. Historical markers, tablets and statues, memorial signs an plaques; name of buildings and dates or erection when cut into masonry surface or when constructed of bronze, stainless steel or similar material; and emblems installed by government agencies, religious or non-profit organizations. Such signs shall not exceed six (6) square feet.

2. Flags and insignia of any government, except when displayed in connection with commercial promotion.

3. On-premises directional signs not exceeding four (4) square feet per face and six (6) feet in height. Business and personal names shall be allowed, excluding advertising messages.

4. Non-illuminated warning, private drive, posted or no trespassing signs not exceeding two (2) square feet per face.

5. Temporary non-illuminated "for sale," "for rent," real estate signs and signs of similar name, concerning the premises on which the sign is located, not exceeding sixteen (16) square feet per side. All such signs shall be removed within seven (7) days after the sale, lease or rental of the property.

6. Private-owner merchandise sale signs for garage sales and auctions, not exceeding four (4) square feet in area per side.

7. One (1) temporary sign for a roadside stand selling produce grown on the premises in season, provided that such sign not exceed twenty-four (24) square feet and not be set on the public right-of-way.

8. Temporary non-illuminated window signs and posters not exceeding twenty-five percent (25%) of the window surface.

9. One (1) sign, not exceeding sixteen (16) square feet, listing the architect, engineer, contractor and/or owner on premises where construction, renovation or repair is in progress. All such signs shall be removed within 30 days following completion of the construction or repair.

10. "Non-commercial speech" signs, also known as "free speech" signs, which express an opinion or a statement unrelated to a business venture, are allowed without a permit subject to the following conditions:

    a. The maximum number of non-commercial speech signs per lot shall be two (2)

b. Such signs shall not exceed a total of twenty (20) square feet in area for all signs on a single lot.

c. Freestanding non-commercial speech signs shall not exceed six (6) feet in height above grade level.

d. Non-commercial speech signs shall not be illuminated, except indirectly.

e. Political candidacy signs shall be removed within seven days following the election.

11. Temporary illuminated or non-illuminated signs, posters, banners or other similar devices erected by not-for-profit community organizations to advertise suppers, banquets, benefits, fund raising events and similar functions, and directional signs for meetings, conventions and other assemblies may be erected without a permit for a period not to exceed 40 days.

12. Holiday decorations, including lighting, are exempt for the provisions of this Local Law and may be displayed in any district without a permit.

13. Integral graphics or attached price signs on fuel pumps at gas stations.

E. PROHIBITED SIGNS

1. No sign shall be illuminated by or contain flashing intermittent, rotating or moving lights except to show time and temperature.

2. No sign shall create a traffic hazard or impair or cause confusion or unduly distract motorists or pedestrians traffic in its design, color or placement. No sign shall impair visibility for the motorist at a street corner or intersection by placement and location within twenty-five (25) feet of the intersection of the street or highway lines.
3. No sign shall be attached to a public utility pole or traffic control structures nor reduce the effectiveness of traffic control devices and signs needed to direct the public.

4. No sign or sign supports shall be placed on the roof of any building.

5. No sign shall consist of banner, pennants, ribbons, streamers, spinners or similar fluttering or revolving devices.

F. EXISTING SIGNS

All existing signs that are legal at the time of the enactment of this Local Law shall be allowed to remain as long as they are properly maintained and their use remains current. Replacement of any existing sign for any cause shall be in accordance with the more restrictive requirements of this Local Law.

G. ABANDONED SIGNS

Except as otherwise provided in this Local Law, any sign which is located on property which becomes vacant and unoccupied for a period of six (6) months or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of twelve (12) months or more. An abandoned sign is prohibited and shall be removed by the owner of the sign or owner of the premises. Failure to remove an abandoned sign shall be a violation of this Local Law. The reuse of an abandoned, non-conforming sign, shall be prohibited unless said sign is modified in such a way to bring it into compliance with this Local Law.

H. MAINTENANCE OF SIGNS

Every sign shall, at all times, be in a safe and structurally sound condition and maintained by replacement of defective or worn parts, painting, repainting and cleaning. The Zoning Enforcement Officer shall require compliance with all standards of this Local Law. If a sign does not comply with adequate safety standards, it shall be removed.

I. DANGEROUS OR HAZARDOUS SIGNS

No person shall maintain or permit to be maintained on any premises owned, occupied or controlled by him any sign which is either not structurally sound or creates an electrical hazard. Any such sign shall be removed or repaired by the owner or user of the sign or the owner of the premises.

J. CONSTRUCTION STANDARDS

1. All internally illuminated signs shall he constructed in conformance with the Standards for Electric Signs (UL48) of Underwriters' Laboratories, Inc., or an equivalent standard, and bear the seal of Underwriters' Laboratories, Inc., or another acceptable service.

2. If such sign does not bear the Underwriters' Laboratories, Inc. label, the sign shall be inspected and certified by the New York Board of Fire Underwriters. All transformers, wires and similar items shall be concealed. All wiring to freestanding signs shall be underground.

3. All freestanding signs shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of surface area.

4. All signs, including wall-mounted and projecting signs, shall be securely anchored, free from all hazards and employ acceptable safety materials.

K. SPECIFIC REGULATIONS OF SIGN TYPES

The following are descriptions of signs varying in construction and type which shall comply with the additional conditions set forth herein:

1. Wall Signs

   a. Wall signs shall not extend beyond the ends or over the top of the walls to which attached and shall not extend above the level of the second floor of the building.

   b. Wall signs shall not extend more than nine (9) inches from the face of the buildings to which attached except that copy-change signs may extend fifteen (15) inches therefrom.

b. Projecting Signs

   a. Projecting signs shall not have more than two (2) faces.

   b. The exterior edge of a projecting sign shall extend not more than five (5) feet from the building face or one-third (1/3) the width of the sidewalk, whichever is less.

   c. No part of a projecting sign shall extend into vehicular traffic areas, and any part extending over pedestrian areas shall have a minimum clearance of eight (8) feet.

   d. Projecting signs shall not extend above the level of the second floor of the buildings to which attached or in any case be higher than twelve (12) feet.

   e. No projecting sign shall be closer than fifteen (15) feet to the corner of a building located at a street intersection.

3. Freestanding Signs

   a. No freestanding sign shall be located less than (10) feet from a side or rear lot line nor closer than 25 feet from the edge of the pavement or main traveled portion of the road or street bordering the lot. No sign shall obstruct the view or constitute a safety hazard.

   b. If, for any reason, the property line is changed at some future date, any freestanding sign made nonconforming thereby must be relocated within ninety (90) days to conform to the minimum setback requirements.

   c. Except as otherwise provided herein, no freestanding sign shall be more than thirty-two (32) square feet per side for a double-faced sign.

   d. No freestanding sign shall be more than thirty (30) feet in height above finished grade. Such height shall be measured vertically from the established average grade directly below the sign or entry level of the building or structure, whichever is lower, to the highest point of the sign, including supporting structures.

e. No freestanding sign stall extend over or into the public right- of-way nor shall it overhang the property lines.

f. Freestanding signs under which a pedestrian walkway or driveway passes shall have a ten-foot vertical clearance.

g. Masonry wall-type signs shall not exceed four (4) feet in height and shall not be placed so as to impair visibility for motorists.

4. Awning signs

a. No sign shall project from an awning.

b. Awning graphics may be painted or affixed flat to the surface of the front or sides and shall indicate only the name and/or address of the enterprise or premises.

L. DESIGN GUIDELINES

The purpose of this section is to encourage appropriate and compatible graphic design, material, colors, illumination and placement of proposed signs.

1. Signs shall be informative, enhance the rural character of the community, and shall be consistent with the Western Orleans Comprehensive Plan. Signs should be designed to be compatible with the surroundings and appropriate to the architectural character of the buildings on which they are placed. Sign panels and graphics should relate with and not cover architectural features and should be in proportion to them.

2. Signs that are manufactured from plastic, wood, or wood simulated products, or stone, wood or stone simulated products (with the appearance of natural wood or stone) may be considered as in compliance with this Local Law**.** Illuminated plastic signs are permitted only in the General Business, Industrial and Hamlet Districts.

3. Signs should be appropriate to the types of activities they represent.

4. Layout should be orderly and graphics should be of simple shape, such as rectangle, circle or oval.

5. No more than two (2) typefaces should be used on anyone (1) sign or group of signs indicating one (1) message.

6. The number of colors used should be the minimum consistent with the design.

7. Illumination should be appropriate to the character of the sign and surroundings.

8. Groups of related signs should express uniformity and create a sense of harmonious appearance.

9. Brand name sponsored signs are permitted, provided that the brand name, logo, trademark (or the combination thereof) shall not exceed 25% of the square footage of the sign.

SECTION 601 PARKING

A. Design Requirements

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

4. All uses shall provide adequate off-street parking for all vehicles parked during typical peak periods. Parking should be designed to eliminate the need to back out or to park on the shoulder of public roads.

5. Violation is constituted by an observed overload of parking on to off-site area neighboring property or road right-of-ways more than three times in any one month.

6. A parking space shall be not less than ten by twenty (10 x 20) feet, exclusive of accessways and driveways. Single family residences need not exclude driveway area.

7. Off-street parking areas for non-residential uses shall provide access lanes to parking spaces. Parking areas for 50 or more vehicles shall delineate fire lanes and include no parking markers.

5. Any off-street parking area with at least 20 off-street parking spaces shall designate a minimum of five percent (5%) of those spaces, up to a maximum of 10 spaces, as only for the handicapped and clearly mark them for such use. Parking spaces designated to serve handicapped individuals shall be at least 14 feet in width and 20 feet in depth or otherwise comply with the standards of the Americans with Disabilities Act (ADA.)

B. Minimum parking standards

For all developments, the parking standards in Table 1 shall be used as a guideline. Alternatives to the minimum number of parking spaces shall be accepted by the Planning Board during Site Plan Review if the applicant demonstrates that such standards better reflect the anticipated needs of the facility.

TABLE 1 OFF-STREET PARKING

Use	**Minimum Required Off-Street Parking Spaces**
One or two family dwelling	2 per dwelling unit
Multi family dwellings	2 for each dwelling unit
Churches, synagogues, and houses of worship	1 per 5 seats
Community buildings, used in connection with the operation of clubs, social halls, lodges, fraternal organizations, and similar uses	1 per 200 sq. ft. GFA
Home business	2 for each dwelling unit plus the number of spaces required for the proposed business
Hotel, motel, inn or rooming house	1 per rentable unit, plus 1 per 100 sq. ft. non-room GFA
Funeral home or mortuary	1 per 100 sq. ft. GFA
Garage or automobile repair shop	4 per bay or work area
Restaurant or other eating place	1 per 3 seats
Fast food restaurant	1 per 30 sq. ft. GFA
Retail or service business	1 per 300 sq. ft. GFA
Warehouse, distribution or other storage or wholesale building	1 per 5000 sq. ft. GFA
Bowling alley	4 per alley
Nursing home or hospital	1 per 2 beds
Medical offices or clinic	1 per 800 sq. ft. GFA
Manufacturing, assembly, research and other industrial uses	1 per 800 sq. ft. GFA
Offices	1 per 250 sq. ft. GFA
Bank or other financial institution	1 per 300 sq. ft. GFA
Theater	1 per 4 seats
Animal clinic/hospital/ kennels	1 per 200 sq. ft. GFA

GFA: Gross Floor Area

SECTION 602 OFF-STREET LOADING

A. At least one off-street loading area shall be provided for each commercial or industrial establishment hereafter erected or altered to have a gross floor area in excess of 5,000 square feet.

B. Space for off-street loading shall be in addition to space for off-street parking.

SECTION 603 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 Board 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 24 feet nor more than 40 feet in width. All other access points for non-residential uses shall not be less than 20 feet nor more than 30 feet in width.

D. All accessways shall meet the applicable standards and requirements of the New York State Department of Transportation, Orleans County Highway Department, and Town of Yates Highway Superintendent.

E. No driveway providing access to an off-street parking area shall be located within 20 feet of any side lot line, or within 50 feet of a street intersection measured along the curb line of the same street on which the driveway is located. In addition, a minimum distance of 50 feet shall be maintained between two driveways located on any one frontage.

SECTION 610 FENCES

Fences erected in the Town shall adhere to the following unless otherwise specified in this Local Law.

A. A building permit is required, showing the location of the fencing, screening or buffering on a tape map or other map drawn to scale, and describing the dimensions and material of which the fencing, screening or buffering is to be constructed. The site plan should also show boundary lines and relationship of fencing to these boundaries and other structures.

B. The following materials are authorized to be used for fencing, screening and buffering:

1. Woods
2. Chain links
3. Other metals, wrought iron, aluminum
4. Bricks and stone
5. plastic or vinyl clad

C. Fences may be erected, altered or reconstructed to a maximum height of four (4) feet in the front yard (in front of the front building line) and six (6) foot maximum in the side and rear yards, for residential uses in the Hamlet, Rural Residential and Waterfront Residential districts and ten (10) foot maximum for all non-residential uses and for residential uses in all other districts.

D. The height shall be measured from the ground to the top of the fence.

E. No fence shall cause obstruction of vision at street intersections.

F. Fences may be substituted for lot line landscaping during Site Plan Review**,** at the discretion of the Planning Board.

G. Farm fencing shall be exempt from these provisions.

H. Any fence erected along a lot line shall be erected wholly on the property of the owner and neither the fence itself nor any supporting accessory components thereof shall encroach upon the adjoining properties.

I. A finished side of any fencing shall front the neighboring properties.

J. All fences shall be adequately maintained.

SECTION 612 RESTRICTIONS ON USE OF TRAILERS

No trailer, manufactured home or recreational vehicle may be used for any purpose, including storage, unless such trailer, manufactured home or recreational vehicle is either registered and inspected for use on a public highway or approved for use as a dwelling.

SECTION 615 CLEAR VIEW OF INTERSECTING STREETS

No obstruction to view, except buildings and structures existing at the time of the existence of this Local Law, shall be maintained on the premises within a triangle formed by the intersecting highways so as to interfere with a view of traffic approaching such intersection within a distance of 65 feet measured along the lot lines of the lot and the intersecting highways.

SECTION 619 REQUIREMENTS FOR DWELLINGS

A. All single family dwellings shall have a gross floor area of not less than 900 square feet. Manufactured homes in approved manufactured home parks are exempt from this requirement.

B. Any dwelling that does not have an attic or basement for storage must have a storage shed or garage on the lot. Such storage shed will provide necessary storage space to compensate for lack of attic and basement, and shall have a minimum of 120 square feet and be anchored to a cement foundation.

C. No cellar sited independently of a structure shall be used exclusively as a dwelling.

D. The minimum width of a dwelling, at it narrowest dimension, not including porches or patios, shall be twenty (20) feet, except that manufactured homes in approved manufactured home parks shall have a minimum width of 14 feet. The width requirement shall not be met by joining together, in any fashion, two or more manufactured homes.

E. The exterior siding shall consist of vinyl or aluminum lap siding, wood, masonite, or other materials similar to the exterior siding commonly used in standard residential construction.

F. The construction and installation of all structures, including manufactured homes and appurtenant utilities shall conform to provisions of the Codes of New York State and all other applicable standards.

SECTION 620 INDIVIDUAL MANUFACTURED HOMES

A. Intent

It is hereby recognized that manufactured homes are accepted housing by many individuals. It is also recognized that standards enacted at the Federal and State levels have caused newer units to be safe, energy efficient, fire retardant structures.

B. The following standards shall apply to all Manufactured Homes installed, established or placed in the Town whether located on an individual building lot or in a Manufactured Home Park or in a Farm Labor Camp. These standards shall apply in addition to the requirements of Section 619 (Requirements for all dwellings).

1. Single-Wide Manufactured Homes hereafter installed, established or placed in the Town shall be located in a duly permitted and licensed Manufactured Home Park or Farm Labor Camp.

2. Manufactured homes are subject to all applicable portions of this Local Law pertaining to single family dwellings.

3. Manufactured homes shall not be used for any other purpose than residence.

4. Manufacturer's Instructions which include installation criteria shall be included with the building permit application or be made available for inspection during installation. The Zoning Enforcement Officer shall verify that the manufacturer's installation instructions were followed before an Occupancy Certificate is issued.

C. Replacement of non-conforming manufactured homes

Any existing Single Wide Manufactured Home which is located on a lot not within an existing Manufactured Home park or Farm Labor camp, as of the date of the enactment of this amendment, may remain in its present location so long as the Single Wide Manufactured Home is not removed from its current location. The provisions of Section 640 (Non-conforming Uses, Lots, and Structures) of this Local Law shall govern when and under what circumstances the non-conforming use status of said lot and home thereon shall terminate.

SECTION 625 CAMPING UNIT/ RECREATIONAL VEHICLES

A. A special permit shall be granted by the Code Enforcement Officer upon request for a single camping unit to be occupied on an improved or unimproved lot, outside of approved campgrounds, for a period not to exceed a total of 30 days duration per calendar year. No fee required for permit.

B. For the purpose of this section, improved property shall be land (lot) upon which there is a dwelling that conforms to the articles of this Local Law and unimproved shall be land (lot) upon which there is no dwelling.

C. All camping units are to be placed on the side or rear of improved property.

D. Placement of a camping unit must be in accordance with the setbacks required for buildings in the respective zone of the property.

E. The camping unit must either have self-contained sanitation system or be connected to adequate sanitation facilities.

F. Any recreational vehicle/camping unit occupied shall have a current valid registration allowing it to travel on the highway.

G. A permit is not required for an unoccupied camping unit stored on an improved property.

Failure to comply with any of the foregoing provisions may result in a fine of not more than $250.00 or imprisonment for a period not more than six (6) months or both. Each week a violation is continued shall be deemed a separate offense.

SECTION 630 STATE ENVIRONMENTAL QUALITY REVIEW

A. The State Environmental Quality Review Act requires that local government examine the environmental impact of all actions they permit, fund, or construct.

B. All "Type I" actions (NYCRR Part 617) shall require the submission and review of an Environmental Assessment Form.

C. For zoning action reviewed by the Town, the following bodies shall be lead agency, unless otherwise delegated by the Town Board.

Zoning Text Amendments	- Town Board
Zoning District Amendments	-Town Board
Special Permits	- Planning Board
Site Plan Review	- Planning Board
Variance	- Zoning Board of Appeals

D. 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 EIS shall be conducted according to Part 617.

E. **The local lead agency's review of the action shall include the following procedures and general considerations:**

1. **If the proposed action is located within the boundaries of the Coastal Zone, as is described in Article II, Section 210 and is shown on the maps of the Local Waterfront Development Policy (LWDP) document, a Coastal Assessment Form (CAF) shall be completed and submitted by the applicant, along with the application for any zoning action. The completed (CAF) shall state whether such proposed action may or will not have a significant effect on the coastal environment or on the coastal resources of the community.**

2. **Actions for which a Coastal Assessment Form (CAF) have been filed shall be reviewed and certified by the local lead agency as to consistency with the uses and policies of the Local Waterfront Development Policy (LWDP) prior to any final determinations being made by the local lead agency. Actions that are inconsistent with the Local Waterfront Development Policy (LWDP) shall be denied zoning approval or modified to become consistent with the (LWDP). Thereafter the proposed action shall be reviewed and processed in accordance with the provisions of this Article and Part 617 of the title 6 NYCR.**

3. **If the local lead agency determines that the proposed action is not an exempt action, or an action listed in Section 617.12 of Title 6 NYCRR as a Type II action and that it will not have significant effect on the environment or local plans, then the local lead agency shall prepare, file and circulate such determination as provided in Section 617.7(b) of Title 6 NYCRR and thereafter the proposed action may be processed without further regard to this Article. The determination shall include certification as to consistency with the Local Waterfront Development Policy (LWDP) for those actions subject to a Coastal Assessment form. Certification shall include a review and evaluation of coastal policies in accordance with the Local Waterfront Development Policy (LWDP.)**

4. **The local lead agency shall maintain files that are open for public inspection of all notices of proposed actions, draft and final environmental impact statements, coastal assessment forms, certifications of consistency with Local Waterfront Development Policy.**

SECTION 640 NON-CONFORMING USES, LOTS AND STRUCTURES

Lots, structures, uses of land, and characteristics 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 until they are removed, but not to encourage their survival.

B. Enlargement – No non-conforming uses shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of the adoption of this Local Law.

C. Unsafe Structures – Any structure or portions thereto declared unsafe by a proper authority may be restored to a safe condition, subject to applicable state and local laws and regulations.

D. Alterations – A non-conforming structure may not be reconstructed or structurally altered to an extent exceeding in aggregate cost 50% of the assessed value of the structure, as adjusted to full value, based upon the State Board of Equalization and Assessment rates of said structure, unless the structure shall be changed to a conforming use.

E. Restoration – No non-conforming structure damaged by fire or other causes to the extent of more than 50% of its assessed value of the structure, as adjusted to full value based upon the State Board of Equalization and Assessment rates, shall be repaired or rebuilt**,** except in conformity with the requirements of these regulations.

F. Discontinuance – Whenever a non-conforming use has been discontinued for a period of one year, use shall not thereafter be re-established and any future use shall be in conformity with the provisions of this Local Law.

G. Changes – Once changed to a conforming use, no structure or land so changed shall be permitted to revert to a non-conforming use.

H. Moving – Should any structure be moved for any reason for any distance, it shall thereafter conform to the requirements for the district in which it is located after it is moved.

I. Existing Undersized Lots of Record - Undeveloped

1. Any record lot **of at least 6,000 square feet** held in single and separate ownership prior to the adoption of this Local Law and whose area /or width and/or depth are less than 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:

a. Such lots do not adjoining 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.

b. Provided that the minimum dimensions of such non-conforming lot is at least **50 feet wide by 120 feet.**

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

d. A lot of non-conforming size may be subdivided if each and every subdivision of such lot is purchased by the owner or owners of the adjoining properties to increase the size of said owner's property

2. Any developed lot with a dwelling in the (WR) district held in a single and separate ownership prior to the adoption of this Local Law and whose area or width and or depth are less than 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:

a. The minimum lot width is 40 feet and has a total area of at least 4000 square feet.

b. The side set backs for the dwelling are 10 feet and in the (WR) district the set back from the mean high water mark shall not be decreased on any new construction ,replacement of or remodeling of any existing dwelling if this distance is less than 75 feet..

c. The set back for all structures from a private lane is 20 feet.

d. The side set back for accessory structure or detached deck or dock of less than 2 feet high is 5 feet.

SECTION 641 CORNER AND THROUGH LOTS

On corner lots and through lots the sides facing both streets shall be considered front yards. The other (2) sides shall be considered side yards.

SECTION 650 PINBALL AND VIDEO GAME ARCADES

A. Arcades shall be closed between the hours of 12:00 midnight and 8:00 a.m.

B. No one under the age of sixteen (16) shall be permitted in an arcade while school is in session.

C. An owner or responsible person over the age of eighteen (18) shall be on the premises during all hours of operations.

D. All video display screens shall be visible to the public from the entryway to the room or building and/or from large windows situated for easy viewing from the outside of the building.

E. No cubicles, booths or partitions shall be constructed or erected so as to reduce the visibility or accessibility to display screens of pinball and video games.

SECTION 652 TEMPORARY SPECIAL EVENTS

A. Purpose and Intent: The purpose and intent of this Section is to provide for the temporary use of land for special events in a manner consistent with its normal use and beneficial to the general welfare of the public. Furthermore, it is the intent of this Section to protect nearby property owners, residents and businesses from special events which may be disruptive, obnoxious, unsafe or inappropriate given site conditions, traffic patterns, land use characteristics, and the nature of the proposed use. Finally, it is the intent of this Section to preserve the public health, safety and convenience.

B. Special Event Defined: The term "special event" shall mean a temporary, short-term use of land or structures, not otherwise included as a permitted or accessory use by these Regulations, for one or more of the following types of activities:

1. Type 1. Fund-raising or non-commercial events for nonprofit religious, educational, or community service organizations; including any on-site signs and structures in conjunction with the event.

2. Type 2. Temporary banners attached to the wall of a building or placed across street rights-of-way.

3. Type 3. Promotional activities or devices intended to attract attention to a specific place, business, organization, event or district, such as signs, searchlights or balloons.

4. Type 4. Commercial activities intended to sell, lease, rent or promote specific merchandise, services or product lines, such as a tent sale, trade show, farmers market, Christmas tree sales, or product demonstration.

5. Type 5. Public events intended primarily for entertainment or amusement, such as concerts, festivals, carnivals, circuses or parades; or large private events such as film production. In addition, the temporary placement of a portable asphalt plant during construction work on any public road when such placement is not adjacent to said construction but will be placed within 1 and 1/4 miles of said construction.

The term "special event" shall not include amusement enterprises, garage sales at an individual residence, transient merchants, or off-site promotional signs.

C. Special Events Not Requiring a Permit: Special events meeting the Type 1 definition are allowed without a Special Event Permit, provided all of the following performance standards are met:

1. The special event is conducted entirely on private property owned or leased by the sponsoring organization as a permanent facility.

2. Any structure use in conjunction with the special event shall meet all applicable yard setbacks, shall be the subject of a valid zoning certificate, and shall be promptly removed upon cessation of the event.

3. The special event shall be restricted to hours of operation between 6:00 a.m. and 10:00 p.m., to a maximum duration of four (4) days, and to a maximum frequency for similar events of two (2) times per calendar year.

D. Special Events Subject to an Administrative Permit: Special events meeting the following standards may be issued a Special Event Permit administratively by the Zoning Enforcement Officer. In administering the provisions of this section, the Zoning Enforcement Officer shall be guided by applicable County policies as adopted by the Town Board. Any applicant denied a Special Event Permit shall be notified in writing of the reasons for the denial and of the opportunity to appeal the denial to the Town Board.

1. Special events meeting the Type 2 definition may be permitted administratively by the Zoning Enforcement Officer, provided that all of the following performance standards are met:

   a. An application is made and a fee paid in accordance with Section 652.F.

   b. No more than one banner will be displayed when attached to the wall of a building.

   c. The size and design of the banners will be appropriate given the size of the building to which they are attached and the character of the surrounding neighborhood.

   d. The banner will be displayed for a maximum duration of fifteen (15) days per permit.

2. Special events meeting the Type 3 or Type 4 definition, and Type 1 events not meeting the standards of Section 652.C., may be permitted administratively by the Zoning Enforcement Officer subject to the prior review and approval of special arrangements for traffic and crowd control by the Sheriff, Fire Chief of the appropriate Fire District, and Town Highway Superintendent. No such administrative permit shall be issued unless all of the following performance standards are met:

   a. An application is made and a fee paid in accordance with Section 652. F.

   b. The special event will not cause undue traffic congestion or accident potential given anticipated attendance and the design of adjacent streets, intersections and traffic controls.

   c. The activity shall not cause the overcrowding of parking facilities given anticipated attendance and the possible reduction in the number of available spaces caused by the event itself.

d. The special event shall not endanger the public health, safety, or welfare given the nature of the activity, its location on the site, and its relationship to parking and access points.

e. The special event shall not impair the usefulness, enjoyment or value of adjacent property due to the generation of excessive noise, smoke, odor, glare, litter or visual pollution.

f. Any structure used in conjunction with the special event shall meet all sight distance requirements, shall be the subject of a valid building permit, and shall be promptly removed upon the cessation of the event.

g. The special event shall be conducted on private property where the property owner has granted the appropriate permission.

h. The duration and hours of operation of the special event shall be consistent with the intent of the event and the surrounding land uses, but in no case shall the duration exceed ten (10) days.

E. Special Events Subject to Town Board Approval: Any special event not meeting the criteria of Sections 652.C. or D. may be granted a Special Event Permit by the Town Board. Such permit may be subject to such conditions and safe guards as the Town Board may deem necessary to protect the public health, safety and welfare. These conditions may include, but shall not be limited to:

1. Restrictions on the hours of operation, duration of the event, size of the activity, or other operational characteristic.

2. The posting of a performance bond to help ensure that the operation of the event and the subsequent restoration of the site are conducted according to Town Board expectations.

3. The provision of traffic control or security personnel to increase the public safety and convenience.

4. Obtaining liability and personal injury insurance in such form and amount as the Town Board may find necessary to protect the safety and general welfare of the community.

F. Application and Fee:

1. No Special Event Permit shall be issued until an application has been submitted to the Zoning Enforcement Officer and the appropriate fee paid. The application shall be made on forms provided by the Zoning Enforcement Officer, and shall be accompanied by the following items as applicable:

a. A letter from the applicant describing the proposed event, the hours of operation, the duration of the event, anticipated attendance, and any structures, signs or attention-attracting devices used in conjunction with the event.

b. A sketch plan showing the location of the proposed activities, structures and signs in relation to existing buildings, parking areas, streets and property lines.

c. A letter from the property owner or manager, if different from the applicant, agreeing to the special event.

2. Each application for a Special Event Permit shall be accompanied by an application fee, except that such fee shall be waived for any applicant registered with the State of New York as a nonprofit organization. The fees shall be as established by the Town Board by separate resolution.

3. The Special Event Permit shall be posted on the site for the duration of the event.

SECTION 660 ALTERNATIVE ENERGY SYSTEMS

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

A. All wind energy towers shall be located so as to allow an open zone around the tower on the owner's property with a radius at least equal to the height of the tower.

B. All energy collection/storage facilities and appurtenant electrical equipment shall cause no undue interference or noise, or glare.

C. 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.

SECTION 670 HABITATION

All residential habitation shall be in residential dwellings as defined in this Local Law.

SECTION 675 REFUSE CONTAINERS

Commercial refuse containers shall be used for commercial waste disposal.

SECTION 680 SWIMMING POOLS

Swimming pools may be installed only as accessory structures to a dwelling for the private use of the owners or occupants of such dwelling and their families and guests. No swimming pool shall be installed or maintained unless:

A. Such pools are installed in the rear or side yard of the premises, unless hardship is shown. 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. The setbacks from the side and rear lot lines shall be at least 15 feet.

C. Anything in this Local Law to the contrary notwithstanding, for inground pools, there shall be erected and maintained a good quality fence to be a minimum of four feet in height, enclosing the entire portion of the premises upon which such pool shall be installed and entirely surrounding the area in which such pool is located.

D. Fences and gates shall be required, pursuant to the requirements of the Codes of New York State. Every gate or other opening in the fence enclosing any pool, except an opening through the dwelling or other main building of the premises, shall be kept securely closed and locked at all times when the owner or occupant of the premises is not present at such pool.

E. 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.

F. No permit shall be issued for such pool unless the applicant can demonstrate that there is sufficient water supply to accommodate such pool without detriment to normal water consumption requirements and that all proposed water connections are proper and adequate.

G. Zoning permits shall be required for all swimming pools having an area greater than 100 square feet or a depth greater than 18 inches regardless of whether the pool is above or below ground.

H. This section does not apply to farm ponds or other natural or artificial made bodies of water located in on residential areas.

SECTION 682 UTILITY SHEDS

Utility sheds having exterior dimensions of 10 feet by 12 feet or less do not have to meet the set-back requirements provided in this Local Law and may be erected no less than five (5) feet of the property line upon inspection and approval of the Zoning Enforcement Officer. Such sheds do not require a cement or wood base, but must be anchored to the satisfaction of the Zoning Enforcement Officer to mitigate against wind damage. Utility sheds having dimensions larger than 10 feet by 12 feet require the issuance of a standard building permit and must comply with all of the provisions of this Local Law and all other local laws and statutory provisions.

SECTION 695 HOME OCCUPATIONS

A. No person other than a member of the immediate family occupying such dwelling shall be employed full time as part of the home occupation.

B. The home occupation shall not require client or customer visits to the residence.

C. A Home occupation must be conducted within a dwelling which is the bona fide residence of the principal practitioner or in an accessory building thereto which is normally associated with a residential use.

D. No more than 25 percent of the gross floor area of such residence shall be used for the conduct of a home occupation.

The entire floor area of an accessory structure may be used for a home occupation (except garages.)

E. In no way shall the appearance of the structure be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character whether by the use of colors, materials, construction, lighting or the emission of sounds, noises, or vibrations.

F. No mechanical or electrical equipment shall be employed other than machinery or equipment customarily found in the home associated with a hobby or avocation not conducted for gain or profit or machinery or equipment which is essential in the conduct of the home occupation.

G. There shall be no outdoor storage or display of materials, goods, supplies or equipment related to the operation of the home occupation.

H. There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential purposes.

I. One nameplate shall be allowed. It may display the name of the occupant and/or the name of the home occupation. It shall not exceed one (1) square foot in area and shall be attached to the structure.

J. Only one (1) commercial vehicle, as defined herein, may be used in connection with home occupation.

K. No use shall create noise dust, vibration, smell, smoke glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in question under normal circumstances wherein no home occupation exists.

L. Any home occupation that exceeds the thresholds established in this Section shall require a special permit for a home business (See Section 740).

SECTION 696 STRIPPING OF TOPSOIL

A. No person, firm or corporation shall strip, excavate or otherwise remove top soil for sale or other use other than on the premises from which taken, except in connection with the construction or alteration of a building on such premises and excavation or grading incidental thereto. Any area of land consisting of more than one (1) acre from which top soil has been removed or covered over by fill shall be seeded to provide an effective cover crop within the first growing season following the start of said operation.

B. Any removal of topsoil shall comply with all applicable regulations regarding erosion control and stormwater management.

SECTION 697 FARM ANIMALS

A. The keeping of farm animals within the General Business (GB) or Rural Residential (RR) Districts must comply with the following conditions:

1. Fences – Farm animals shall be fenced so as not to be able to come within 50 feet of adjacent residential structures nor within 10 feet of any boundary line.

2. No structure housing such animals shall be located closer than fifty (50) feet to any street or property line.

3. Pre-existing Animals – Farm animals maintained on a property at the time of enactment of this Local Law, in excess of the number allowed in this Section, may continue to be allowed, provided that the occupant of the property registers the total number and type of animal with the Zoning Enforcement Officer within 30 days of the enactment of this Local Law.

4. No stable, similar animal housing or confining areas shall be allowed on lots of less than five (5) acres.

5. Not more than one (1) adult or fully grown horse, cow, beef cattle, sheep, goat or other four-legged domestic-type farm animal, or combinations thereof, may be kept per acre of land in the residential parcel.

6. Not more than a total of any combination of twelve (12) adult or fully grown chickens, ducks, geese or other fowl or birds of any type may be kept per acre of land in the residential parcel.

7. No unenclosed storage area for manure or other materials creating dust or odor shall be permitted within 100 feet of any street or residential property line, nor within 100 feet of a stream or other water body or well providing a source of potable water. In no case shall a pasture be considered an unenclosed storage area for manure, nor shall a pasture be required to be set back 100 feet from any residential property line, street or water body. Any building occupied or structure used for the storage of manure or other materials creating dust or odor shall be located a minimum of 60 feet from all lot lines. Manure storage facilities shall be constructed a minimum of 120 feet from any residential building.

8. Site plan review by the Planning Board shall be required for manure storage facilities or for any structure that is not completely enclosed that is used primarily for the storage of liquid agricultural or food processing wastes.

B. The keeping of farm animals as an accessory use to a residence within the Agricultural/ Residential (AR) or Waterfront Development (WD) Districts must comply with the following conditions:

   a. No stable, similar animal housing or confining areas shall be allowed on lots of less than two (2) acres.

   b. No structure housing such animals shall be located closer than fifty (50) feet to any street or property line.

   c. Not more than one (1) adult or fully grown horse, cow, beef cattle, sheep, goat or other four-legged domestic-type farm animal, or combinations thereof, may be kept per acre of land in the residential parcel.

   d. Not more than a total of any combination of twelve (12) adult or fully grown chickens, ducks, geese or other fowl or birds of any type may be kept per acre of land in the residential parcel.

C. The keeping of farm animals shall not be permitted in the Hamlet (HA) or Waterfront Residential (WR) Districts.

D. Farm animals maintained as part of a farm operation that is included within a County Agricultural District shall not be subject to the regulations of this Section.

SECTION 698 MANURE STORAGE FACILITIES

A. Manure storage facilities, as defined herein, shall require Site Plan approval by the Planning Board and shall comply with the requirements of this Section.

B. All manure storage facilities shall be designed in accordance with United States Department of Agriculture, Natural Resources Conservation Service Standards (NRCS).

C. Manure storage facilities shall be designed to prevent animals and people from accidentally falling into and/or becoming trapped in any portion of said manure storage facility. In the case of ground level pits used as manure storage facilities, such facilities shall be surrounded by a minimum four foot high (4 ft.) fence. Said fence shall be of sufficient design to make the facility secure from small children.

D. Site plan applications involving a Manure Storage Facility shall include the following:

   1. Either:

      a. a letter from the Orleans County Soil and Water Conservation District stating the date of review of said plans and containing said District's recommendations concerning compliance of the plans with said NRCS standards; or

b. the seal of a Professional Engineer licensed to practice in New York State.

2. Copies of soil boring logs and reports taken in the vicinity of the proposed manure storage facility, as designated appropriate by either the Orleans County Soil and Water Conservation District or a Professional Engineer licensed to practice in New York State.

3. The results of a deep hole inspection of soil and groundwater conditions at the site of the proposed manure storage facility conducted by either the Orleans County Soil and Water Conservation District or a Professional Engineer licensed to practice in New York State.

4. Complete design details of any structures to be built and materials to be used therein.

5. A statement as to the type and number of animals expected to contribute waste to the facility, and the maximum number of animals said facility is capable of supporting.

6. A statement as to the operation of the manure storage facility, such as the number of times per year residue is to removed and where to, whether mechanical agitation or aeration is involved.

SECTION 699 COASTAL EROSION HAZARD LAW

The provisions and regulations of the Coastal Erosion Hazard Area Law, known as Local Law #1 of 1989 for the Town of Yates, Orleans County, New York, with its policies, maps and uses is hereby adopted by reference and declared to be part of this Zoning . The Coastal Erosion hazard Area Law is on file at the Town of Yates Town Hall and is available for public review during normal business hours. All properties that fall within the Coastal Erosion Hazard Area shall comply with this regulation.

ARTICLE VII: SPECIAL PERMIT CRITERIA

SECTION 700 GENERAL PROVISIONS

The uses specified in this Article are hereby declared to possess unique characteristics requiring that each proposal for any such use shall be considered by the Town Planning Board as an individual case. Upon application, special use permits may be approved by the Town Planning Board and issued by the Zoning Enforcement Officer in accordance with the administrative procedures set forth in this Local Law and only after it has found that each and all of the following standards have been met:

A. The proposed special use is consistent with the general intent of the Town's Comprehensive Plan and with each of the specific purposes set forth in this Local Law.

B. The location, size and use of the structures involved, nature and intensity of the operations involved and size and layout of the site in relation to the proposed special use are such that it will be compatible with the orderly development of the zoning district.

C. Operation of the proposed special use is no more objectionable to the uses of nearby properties, by reason of dust or smoke emission, noise, odors, fumes, pollution of air or water, including subsurface waters, unsightliness or similar conditions, than would be the operation of any permitted use.

D. The proposed special use satisfies each and all standards and conditions specified for such special use by the relevant provisions of this Article.

E. The Planning Board may impose additional conditions or restrictions as it may deem necessary prior to approving any special use permit application in order to protect public health and safety, the quality of the Town's natural resource base and the value of property.

F. The Planning Board may waive certain requirements for special uses, provided that such waiver does not endanger public health, safety or welfare or compromise the character of the neighborhood.

G. The Zoning Enforcement Officer shall make an on-site visit to each property authorized as a special use not less than one (1) time each year. The purpose of said site visit is to insure that the use is being operated in accord with the conditions specified by the Planning Board. If the Zoning Enforcement Officer shall determine that a violation of this Local Law or the conditions imposed by the Planning Board exists, the owner and, if applicable, operator of such special use shall be notified in writing of the violation. If such violation continues to exist fifteen (15) days following such notification, or if three violations occur within a consecutive twelve (12) month period, the Certificate of Occupancy and/or Certificate of Compliance shall be null and void. A new special use permit application shall be required to be submitted and approved prior to the re-establishment of said use.

H. No site preparation or construction shall commence nor shall existing structures be occupied for any special permit use until final site plan approval has been granted by the Planning Board and permits have been issued by all governmental agencies involved.

SECTION 701 AGRICULTURAL PROCESSING OR DISTRIBUTION FACILITY

The Planning Board may issue a special permit for an Agricultural Processing or Distribution Facility, as defined herein, in the AR District, provided that the following standards and requirements are maintained.

A. A minimum lot area of ten (10) acres shall be required.

B. Any structure located on the site shall be a minimum distance of 500 feet from any existing residence.

C. All outdoor storage areas shall be suitably screened and indicated on the site plan.

D. The applicant must demonstrate that adequate on-site parking is provided so vehicles waiting to load or unload will not park on public highways.

E. Periodic inspections by the Zoning Officer shall be permitted by the applicant and/or owner.

F. Hours of operation shall be demonstrated by the applicant to be limited as necessary to minimize impact on surrounding properties.

G. The applicant shall submit a route plan to indicate that traffic generated by the facility will have a minimal impact on neighboring streets. Said plan shall state the number and frequency of trips to and from the facility.

H. On-street parking of vehicles, containers or any other equipment or materials in any way connected with the facility shall be prohibited.

I. The Planning Board may incorporate as a condition of issuance of any such permit any safeguards it deems necessary to protect the public health, safety and welfare.

SECTION 702 AIRPORTS

The Town Planning Board may approve a special use permit for private or commercial airports or airstrips in the AR Agricultural/ Residential District 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 outlined in Article IX, the following statements and information:

1. Name and address of the proponent.

2. Classification of the proposed airport (commercial, non-commercial or restricted.)

3. Types of aviation activities proposed (aircraft sales and service, flight instruction, crop dusting, air taxi, etc.)

4. Number and type of aircraft expected to be based at the airport initially and within five years.

5. Whether an instrument approach procedure will be offered.

6. Statement as to the anticipated number of daily operations.

7. Copy of the airspace clearance granted by the Federal Aviation Administration for this airport, including USGS topographic map.

8. 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.

9. A site plan of the airport which includes the following in addition to the requirements listed in Article X:

    a) Scale no smaller than one inch equals one hundred feet (1" = 100').

    b) Location of all existing and proposed structures.

    c) Alignment of existing and/or proposed runways shown in their exact location.

    d) Location of aircraft parking and tie-down areas.

    e) Provision for vehicular access and off-street parking.

    g) Provisions for sanitary waste disposal and water supply, if applicable.

    f) Location and method of all fuel storage facilities.

10. 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.

    b) Properties and property owners within five hundred (500) feet

B. The 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 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 proximity of the proposed airport to highways and other airports.

C. The Planning Board, in considering a request for a special use permit or the extension of a permit to operate an airstrip, may waive certain requirements or impose any additional conditions it deems necessary to protect the health, safety and public welfare of the Town.

SECTION 703 ANIMAL HOSPITAL AND VETERINARY CLINICS

The Planning Board may approve a special permit for an animal hospital in the AR Agricultural/ Residential District, or for an animal hospital with outdoor runs in the GB General Business District, provided that the following standards and provisions are maintained:

A. All buildings, structures or other accessory uses shall be at least 25 feet from any side or rear property line and shall be set back so as to comply wit the front yard requirements of the zone in which the facility is to be located.

B. All animals shall be kept within a totally enclosed building between 8:00 p.m. and 6:00 a.m.

C. Lot coverage shall not exceed 25 percent.

D. Entrance and exit points shall be from major or secondary roads only.

E. Adequate parking shall be provided in accordance with the size of the facility.

F. Adjacent properties shall be protected from noise, odors and unsightly appearance.

G. Applicant must indicate on application for permit the method of waste disposal and dead animal disposal. Recommended: septic system with 1,000 gallon tank for waste disposal. The proposed method of disposal of waste and/ or dead animal carcasses shall be subject to review and approval by the Planning Board before any such method may be employed by any applicant.

H. If the applicant proposes to board or keep animals on the premises for purposes other than recuperation from illness or surgical procedures, the requirements established for kennels in Section 747 of this Local Law (Special Permit criteria for Kennels) must be met.

I. Any quarters for recuperating animals located on the premises shall be located inside a building that has been sound-proofed in accordance with the standards established by the American Animal Hospital Association Guidelines.

SECTION 705 BED AND BREAKFAST INN

The Planning Board may approve the use of a residential structure for a tourist home/bed and breakfast establishment in any district where residences are permitted, provided that the following standards and provisions are maintained:

A. The building proposed for occupancy as a bed and breakfast establishment shall contain no more than four 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 which 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. Outbuildings 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 access is provided by a shared driveway.

H. No bed and breakfast establishment shall be permitted in an individual Manufactured home or Manufactured home park.

I. Each rentable unit in a bed and breakfast establishment shall maintain a working smoke detector.

J. Such uses shall comply in full with the Orleans County Sanitary Code and the Codes of New York State.

SECTION 708 CAMPGROUNDS

The Planning Board may approve a special use permit for camping grounds in the Agricultural/ Residential (AR) or Waterfront Development (WD) District provided that the following standards and provisions are maintained:

A. Campgrounds 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.

B. No permanent external appurtenances such as carports, cabanas or patios may be attached to any travel trailer or other vehicular accommodation parked in a camp ground.

C. The removal of wheels and placement of a unit on a foundation in a camping ground is prohibited.

D. Minimum site area: Ten (10) acres

E. Not more than ten (10) travel trailers, campers, tents, recreational vehicles or motor homes shall be permitted per acre of gross site area.

F. A campground 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. A campground shall have a minimum of 150 feet of frontage on a public street.

D. Conditions of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of 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 campground subject to flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazards.

E. Management headquarters, recreational facilities, toilets, dumping stations, showers, coin-operated laundries, and other uses and structures customarily incidental to the operation of campground are permitted as accessory uses to the camping grounds. In addition, retail stores and other convenience establishments shall be permitted as accessory uses in campgrounds in such districts where such uses are not allowed as principal uses, subject to the following restrictions.

1. 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 campground. Such establishments shall be restricted in their use to occupants of the campground.

2. Such establishments shall present no visible evidence from any street outside the camping ground of their commercial character which would attract customers other than occupants of the campground.

3. The structures housing such facilities shall not be located closer than one hundred (100) feet to any public street and shall not be directly accessible from any public street, and shall only be accessible from a street within the campground.

F. 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.

G. Streets in campgrounds shall be private, but shall be constructed with a stabilized travelway and shall meet the following minimum stabilized travelway width requirements:

One -way with no parking on either side:	12 feet
One -way with parking on one side	18 feet
Two-way with no parking on either side:	18 feet
Two-way with parking on one side:	27 feet
Two-way with parking on both sides:	34 feet.

All roadways and public parking areas shall either be paved or dust treated.

H. Each travel-trailer site shall be at least 2000 square feet in area and have a minimum width of 35 feet.

I. A minimum of eight percent (8%) of the gross site area for the campground 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.

J Entrances and exits to campgrounds 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.

K. Pedestrian walkways shall be provided to lead to all parking areas, restrooms or other service buildings. All walkways shall have adequate lighting.

L. An adequate lighting system shall be provided for the campground.

M. All utilities shall be underground.

N. Not less than one covered 20- gallon garbage receptacle shall be provided for each camp site. No camp site shall be situated further than 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.

O. All applicable sanitation standards promulgated by the State of New York, County of Orleans, or Town of *Yates* shall be met.

P. Setbacks. Each building or structure within a campground shall comply with the setback regulations applicable to the zoning district in which such camping ground is located, except that travel trailers, campers, tents, motor homes, and the motor vehicles propelling or carrying the same may be located not closer than 15 feet to any side or rear lot line nor closer than 60 feet to any front lot line.

Q. Campsites and buildings shall be set back not less than 25 feet from any stream which carries water more than six (6) weeks per year.

SECTION 710 CLUSTER RESIDENTIAL DEVELOPMENTS

The Planning Board may approve a special use permit for cluster residential developments of one-family dwellings in the Agricultural/ Residential (AR) or Rural Residential (RR) District provided that the following standards and provisions are maintained:

A. A site development plan shall be submitted in conformance with the requirements of Article X of this Local Law.

B. The minimum tract size shall be fifteen (15) acres.

C. The lot size, yard, area and height requirements shall be established on an individual case basis which reflects the unique conditions of each site proposed for development, the potential impact on adjacent properties and to insure consistency with the Town Comprehensive Plan.

D. The number of lots or units (density of development) in a cluster plan shall not exceed that which could be created under a conventional development plan for the same tract of land.

E. The developers shall set aside an area of not less than twenty (20) percent of the gross acreage of the tract to be devoted exclusively to permanent recreation areas or open space.

F. All recreation or open space areas shall, in the opinion of the Planning Board, be suitable for such use. The ownership and future maintenance of such recreation areas shall be subject to the approval of the Town Board or offered for dedication to the Town.

G. In determining the overall density to be allowed for a residential site, all developable areas of the site will be included.

SECTION 711 CONFERENCE/ RESORT COMPLEX

The Planning Board may approve a special use permit for a conference/ resort complex in the Agricultural/ Residential (AR) District provided that the following standards and provisions are maintained:

A. All applicable health and safety codes, including provisions of the Codes of New York State, are met.

B. The maximum amount of coverage of buildings and paved areas on the lot shall not exceed fifteen percent (15%) of the lot area.

C. Landscaped buffers shall be provided, which are sufficient to screen views of the facility from neighboring property and to minimize the impacts of noise, traffic and other operations of the facility on neighboring property, roads and other public facilities.

SECTION 715 DRIVE-IN BUSINESS

The Planning Board may approve a special use permit for a drive-in business in the General Business (GB) District provided that the following standards and provisions are maintained:

A. 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 addition to that information required in other sections of this 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 ingress and egress locations.

3. Proposed landscaping of site.

B. 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 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 such business may be located on a diagonally opposite corner exclusive of the 200 foot distance requirement.

C. Banks with drive-in facilities shall be permitted provided that at least five car length spaces are provided in the approach drive within the property line of the lot for each drive-in teller's window. Such spaces shall be exclusive of required off-street parking spaces.

D. 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-ways, and to permit safe, easy removal of trash by truck or hand.

E. Driveways and site access shall be planned as follows:

1. The minimum distance from any driveway to a side lot line shall be 20 feet.

2. The minimum distance between driveways on the site shall be 65 feet measured from the two (2) closest driveway curbs measured at a distance of 15 feet from the street curb.

3. 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 driveway curb radius.

4. 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.

F. 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.

G. Sufficient landscaping and fencing shall be provided in order to minimize visual unattractiveness and minimize conflicts with adjacent land uses.

H. Water supply and sewage disposal systems shall be reviewed by the Orleans County Health Department.

I. 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 (hard) surface.

SECTION 720 ESSENTIAL SERVICES AND PUBLIC UTILITIES (Except for Telecommunications Facilities)

A. Essential services and utilities, except for telecommunications facilities, may be allowed as special permit uses in all districts by the Planning Board.

B. The Planning Board shall determine the following prior to approving a special permit:

1. 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. 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. Adequate landscaping will be provided to create a visual and sound buffer between such facilities and adjacent property.

4. All new and replacement electric distribution, telephone, cable TV and other lines shall be placed underground, if practical, as determined by the Planning Board during Site Plan Review.

5. All service connections from distribution lines to consumers shall be placed underground.

6. In the Rural Residential (RR), Waterfront Residential (WR) or Hamlet (HA) Districts, all points of necessary access, or transformers, shall be placed in secure structures at ground level.

7. 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.

8. Adequate off-street parking shall be provided.

9. Adequate and attractive fences and other safety devices will be provided.

SECTION 722 EXCAVATION OR MINING - MAJOR

A special use permit is required for the excavation of more than 1,000 tons of minerals [roughly equivalent to at least 750 cubic yards or 40 to 50 truck loads] for commercial purposes within 12 consecutive calendar months and for the reclamation of the land affected by the excavation, including any operation accessory to the excavation or reclamation.

A. The Planning Board may issue or renew a special use permit for such a use, provided that the proposed excavation and reclamation has been duly approved by the New York State Department of Environmental Conservation in accordance with the New York State Mined Land Reclamation Law, Title 27 of the New York State Environmental Law.

B. All excavations and reclamation shall be made only in accordance with a mined land-use plan, including a mining and reclamation plan, which has been duly approved by the New York State Department of Environmental Conservation. This plan shall meet all applicable environmental protection codes established by federal, state and county agencies having jurisdiction. All permit application information, including mined land use plans, submitted to the Department of Environmental Conservation, along with all correspondence from the Department regarding the permit application, shall be submitted to the town.

The town shall notify the Department of Environmental Conservation of local concerns with regard to activities subject to this subsection.

SECTION 723 EXCAVATION OR MINING (MINOR)

The extraction of more than 100 tons but less than 1,000 tons of stone, sand or gravel for commercial purposes within 12 consecutive months shall be permitted with a special use permit in the Agricultural/ Residential (AR) District provided the following standards and conditions are maintained.

A. Minimum lot area ten (10) acres

B. In addition to site plan review requirements contained in Article X, the following information shall be supplied in conjunction with the Special permits procedures contained in Article IX.

1. A duly acknowledged consent in writing by the owner or lessee of the premises and mortgagee, if any, including addresses.

2. A statement as to the period of time required to complete the total operation, including restoration.

3. The following information on the site plan:

   a. Average thickness of overburden, that which is above the material to be excavated.

   b. Surface drainage pattern including off site drainage where appropriate.

   c. Location of all underground utilities and facilities.

   d. The scale, an engineer's stamp, the north arrow, the names of surrounding land owners and such other information as the Planning Board or its agents or departments may require.

4. An operation map and plan shall be supplied showing the following features including the area devoted to each:

   a. Existing and proposed excavation areas

   b. Existing and proposed appurtenant activities identified.

   c. Existing and proposed access roads, identified by width and type of material used for construction including origin of material brought onto site.

   d. Existing and proposed parking facilities, identified by type of surface material including origin of material brought onto site.

   e. Existing and proposed fencing and buffers, identified by height and type of material.

   f. Area where soil will be temporarily stored for use in restoration.

g. Existing and proposed structures to be used in said operations.

h. General method of operation including a plan to reduce noise, dust and other nuisances.

i. Route to be used to and from excavation side including Town, County or State roads.

j. Elevations showing:

(1) existing ground level
(2) completed grade.
(3) benchmark

5. A restoration plan consisting of all appropriate descriptive materials and including the following:

a. Boundaries of the area proposed for restoration.

b. Final topography of the area proposed for restoration at maximum contour intervals of five (5) feet.

c. Final surface drainage of pattern and location and characteristics of artificial drainage facilities in the area proposed for restoration and in contiguous areas.

d. Depth and composition of topsoil proposed to be used in restoration.

e. The type and density of trees and shrubs, grasses and other vegetation proposed to be used in restoration.

C. In addition to the site plan approval criteria contained in Section 1105, the Planning Board's review of the site plan shall include the following:

1. Whether the excavations and proposed restoration plan are in accord with the intent of the comprehensive land development plan for the Town.

2. Whether they will result in the creation of pits or holes, which may be hazardous or dangerous and eventually permanent in nature.

3. Whether they will cause soil erosion or the depletion of vegetation.

4. Whether they will render the land unproductive or unsuitable for agricultural or developmental purposes.

5. Whether they will impair the aesthetic or natural environment of the excavation area or surrounding area.

6. Whether they will affect the character of surrounding land use.

7. Whether they will create excessive traffic or impair the quality of the existing and proposed thoroughfare facilities, community facilities and drainage.

8. Whether they will affect the control of nuisances.

9. Whether the areas excavated can be effectively restored and revegetated.

10. Whether the resultant drainage will be adversely affected.

11. Whether the best interests of the Town are being served.

D. Special permits for excavation and mining operations are of a one-year term initially and three-year terms for succeeding permits. A renewal of a permit may be issued without a public hearing when the area covered by the renewal or transfer does not extend beyond the area of operations originally authorized; however, the Planning Board may, in its discretion, direct a public hearing if' it determines said hearing is necessary. Renewal of a special permit upon its termination shall follow the same procedures as those required for the original permit, except that if an application for renewal was properly filled prior to the expiration of an existing permit, the term of the existing permit shall be deemed to be extended to the time that the Planning Board files its decision in regard to the application for renewal.

E. After the approval of the application and before the issuance of a special permit, the Planning Board shall require, evidence that the applicant has posted such performance Bond as may be required by the Town.

F. Standards for Excavations

1. Setback

   a. All buildings and excavation operations shall be located or shall occur not less than one hundred (100) feet from any street or property line.

   b. This setback area may be used to contain one (1) sign identifying the operation, fencing and buffers subject to regulations as specified in the Town Zoning Local Law.

2. Access Roads and Parking

   a. Access roads shall be sufficiently free of dust and mud to prevent such material from being spread or blown from the premises.

   b. Sufficient off-street parking shall be provided inside the setback area for company, employee and visiting vehicles.

3. Conservation Measures

   a. All topsoil stripped from the active excavation area shall be stockpiled for use in accordance with the restoration plan, but no closer than the immediate ten (10)

feet to any property line. Such stockpiles shall be seeded, covered or otherwise treated to minimize the effects of erosion by wind or water.

b. Excavations shall be buffered by appropriate landscaping sufficient to shield the operation from public view. These buffer areas shall be seeded and maintained by the operator.

c. An adequate drainage system shall be provided to convey storm-water runoff originating on or crossing the premises such that the runoff follows, as much as feasible, the natural pattern of runoff prior to excavation and such that it does not adversely affect neighboring property owners. Soil erosion, sedimentation and ground-water seepage shall be controlled so as to prevent any negative effect on bodies of water, public roads and neighboring properties.

4. Other Safeguards

a. All operations shall be conducted between the hours of 7:00 a.m6:00 p.m. with no Sunday or Holiday operations, except in the case of public or private emergency or whenever any reasonable or necessary repairs to equipment are required to be made.

b. All equipment used for excavations and processing shall be constructed. Maintained, and operated is such a manner as to eliminate, as far as is practical, noises and vibrations, and dust conditions which are injurious or a nuisance to persons living in the vicinity.

c. Trucks shall be loaded to prevent spillage or wind- blown matter during transport on public roads.

G. Standards for Restoration

1. No slope shall be left with a grade, steeper than one (1) foot of vertical rise to three (3) feet of horizontal distance, and the normal angle or repose shall not be exceeded in any case.

2. All stumps, boulders and other debris resulting from the excavations, appurtenant activities or related operations shall be disposed of by approved methods. If disposed of on the site, such debris shall be covered with a minimum of two (2) feet of soil or if to be considered a part of the structure of a lake, it is to be covered by at least six (6) feet of water.

3. Topsoil shall be spread over the excavated area to a minimum depth of six (6) inches other than lake/pond areas.

4. The restoration area shall be planted with trees, shrubs, grass or other vegetation so as to provide for screening, natural beauty and soil stability. The planting shall follow acceptable conservation practices.

5. Restoration shall be undertaken in such a way that natural and storm drainage, where it enters and leaves the premises, shall be altered only to the minimal degree necessary to carry out excavations and appurtenant activities. Any alterations of

natural and storm drainage shall not adversely affect public roads or neighboring property owners.

6. Restoration shall be a continuous operation, subject to review and approval at each inspection and at the termination of the permit period. Topsoil grading and planting of the area designated for restoration during the permit period shall have been completed before a permit renewal is granted.

H. The Planning Board shall consider the following criteria in their review of the special use permit request.

1. The current use of the property proposed to be excavated as well as the proposed use of the area subsequent to completion of the excavation and restoration thereof.

2. The potential short-term and long-term effects of the proposal on the aesthetics and environment of the area or of surrounding areas.

3. The effect on the property of the proposal that may change the productivity or suitability of the land for agricultural purposes and/or the desirability or feasibility for future development purposes.

4. The amount of time, as estimated by the applicant, that will be required for the completion of the proposed excavation and the restoration of the property.

5. Noise and/or vibrations that may be created by the proposed operation.

6. Additional traffic, that may be created by the proposed operation. Deleterious effects, if any, on the property in the general area of the proposed operation.

I. A performance bond or some other financial guarantee shall be required to assure that the conditions stipulated in the approval of the special use permit are carried out.

SECTION 730 FARM LABOR CAMPS

The Planning Board may approve a special use permit for a farm labor camp in the Agricultural/ Residential (AR) District provided that the following standards and provisions are maintained.

A. Special permits for the establishment and operation of Farm Labor Camps are subject to annual inspection. Upon inspection, if all of the requirements of the original permit have been complied with, and no new or additional request or relief is sought, the Planning Board shall authorize continuation of the Special Use Permit.

B. Minimum site area of proposed Labor Camp shall not be less than two acres.

C. Minimum front, side and rear setbacks shall not be less than 200 feet.

D. Labor Camps may only operate during the growing and harvesting season (May to November) except when extraordinary circumstances are shown.

E. The Zoning Officer may inspect the camp at any time on one day's notice to assure the provisions of this Local Law and the specific requirements of the Special Use Permit are being complied with.

F. The Labor Camp and camp buildings must continually comply with all applicable local, state and federal laws, rules and regulations.

G. The Planning Board, during site plan review, may take into consideration the general suitability of establishment of a Labor Camp in the particular area required.

H. If substantial public opposition to establishment of a labor camp in the location requested is received, the Planning Board may consider such opposition as one factor in making their determination of approval or denial of the special permit.

I. If the proposed labor camp is within a County Agricultural District and is operated in support of reasonable farming practices, the Planning Board may not unreasonably restrict its operation.

SECTION 731 FARM MARKET

The Planning Board may approve a special use permit for farm markets in the AR Agricultural/ Residential Districts provided that the following standards and provisions are maintained:

A. Such structures shall not exceed 2,000 square feet of floor area.

B. Not more than 1/3 of the total floor area shall be for the display and sale of products grown off the premises.

C. Such structures shall conform to the minimum setback requirements for accessory buildings in this district as specified in the Zoning Schedule.

D. Sufficient land area shall be provided to accommodate off-street parking for not less than three (3) vehicles on site.

SECTION 735 GASOLINE STATION

The Planning Board may authorize a special permit for gasoline stations in the Hamlet (HA) and General Business (GB) Districts.

A. Specifications:

Minimum lot size:	30,000 square feet
Minimum lot frontage:	150 feet

B. Entrance and exit driveways shall have an unrestricted width of not less than 25 feet and not more than 30 feet, and shall be located not nearer than 15 feet from any property line, and shall be designed as to avoid the necessity of any vehicle backing out into any public right-of-way.

C. Entrance and exit points shall be from a major or secondary road.

D. Gasoline pumps shall be located not less than 30 feet from the street line and not less than 30 feet from all other property lines.

E. No such establishment shall be located within a distance of 200 feet of a residence, cemetery, school, church, hospital, nursing home, senior citizen housing or other place of public assembly designed for occupancy by more than 50 persons, or within 500 feet of another gasoline station or repair garage on the same side of the street. Said distance shall be measured in a straight line between the nearest points of each of the lots or premises.

F. Landscaped areas of at least 10 feet in width shall be provided along property lines to lessen any visual unattractiveness.

G. The entire area of the site traveled by motor vehicles shall be hard surfaced.

H. Any repair of motor vehicles shall be performed in a fully enclosed building and no more than two (2) motor vehicles shall be offered for sale on the site at any one time. No motor vehicle parts, or partially dismantled motor vehicles shall be stored outside of an enclosed building.

SECTION 738 HEAVY INDUSTRY

The Planning Board may issue a special permit for a Heavy Industrial business, as defined herein, in the I or PD District, provided that the following standards and requirements are maintained.

A. All material shall be stored, handled, unloaded, loaded and/or transferred indoors on an impervious floor surface, including the storage of containers containing recyclable or other materials.

B. Periodic inspections by the Zoning Officer shall be permitted by the applicant and/or owner.

C. A minimum lot area of ten (10) acres shall be required.

D. The applicant must demonstrate that adequate on-site parking is provided so vehicles waiting to load or unload will not park on public highways.

E. Hours of operation shall be demonstrated by the applicant to be limited to minimize impact on surrounding properties.

F. Any structure located on the site shall be a minimum distance of 500 feet from property zoned for residential use.

G. The applicant shall submit a route plan to indicate that traffic generated by the facility will have a minimal impact on residential streets. Said plan shall state the number and frequency of trips to and from the facility.

H. All outdoor storage areas shall be suitably screened and indicated on the site plan.

I. On-street parking of vehicles, containers or any other equipment or materials in any way connected with the facility shall be prohibited.

J. The maximum height of the facility shall not exceed 40 feet.

K. All buildings shall be set back 200 feet from all natural water bodies. A 100-foot buffer shall be required when adjoining residential and commercial zones.

L. The Planning Board may incorporate as a condition of issuance of any such permit any safeguards it deems necessary to protect the public health, safety and welfare.

SECTION 740 HOME BUSINESS [CLASS A

The Planning Board may approve a special use permit for Home Businesses in any District where residences are permitted, provided that the following standards and provisions are maintained:

A. Intent

The purpose of this section is to provide opportunities for the economic advancement among residents of the Town and to protect the character of residential and agricultural areas of the Town. All business established pursuant to this section are expected to blend in with the existing character of the area in which it is located.

B. Type of Business

A variety of commercial and manufacturing uses may be permitted, provided that the requirements of this section are met.

C. Neighborhood Character

1. The appearance of the structure shall not be altered, and the business shall not be conducted in a manner that would cause the premises to differ from its existing residential/agricultural character, either by colors, material, construction, lighting, signs, or emissions of sounds, noises or vibrations.

2. The use shall not generate noise, dust, vibration, smell, smoke, glare, odors, smoke or electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the applicable zoning district.

D. Operation and Employees

1. The operator of the Home Business shall reside in the single family dwelling located on the same lot as the Home Business.

2. No more than two (2) persons, other than members of the immediate family occupying such dwelling shall be employed in such home business at any time. All family members employed in the family business must be residents of the dwelling.

E. Floor Space

1. No more than 40% of the gross floor area of a dwelling shall be used for the conduct of a home business up to a maximum of 1,000 square feet, provided that the portion of the dwelling used for residential purposes shall comply with all applicable laws and codes.

2. No more than 1,000 square feet of gross floor area of no more than one (1) detached accessory structure may also be permitted for use of a home business in addition to space within the dwelling.

F. Outdoor Storage and materials

1. No outside storage of material used in the Home Business shall be permitted except in the AR District. In the AR District, any outside storage shall be adequately screened from view from public streets and neighboring property, such screening may consist of vegetation, fencing or a combination.

2. A maximum of two (2) pieces of equipment, other than commercial vehicles, may be parked outdoors on the lot. Such equipment shall be operable and necessary for the conduct of the Home Business.

3. Outdoor storage of equipment used for home business shall only be permitted in the rear yard. Such equipment shall be completely screened from view of neighboring properties and public roads.

G. Outdoor Display of Goods

No outdoor display of goods for sale shall be permitted.

H. Signage

1. One sign shall be permitted to identify a Home Based Business. No sign shall have more than two (2) printed sides.

2. In the Rural Residential (RR) and Waterfront Residential (WR) R Districts, no sign shall exceed two (2) square feet.

2. In the AR District such sign shall not exceed **four (4)** square feet in area per side.

3. All signs shall require Site Plan approval by the Planning Board.

I. Commercial Vehicles

In the RR and WR Districts, no more than **two (2)** licensed Commercial Vehicles may be used in connection with a Home Business. Such vehicles may be parked outside but at the rear of the structure.

J. Number of Clients;

With the exception of the Family Day Care, the home business shall be conducted in such a manner that at one time, the maximum Number of vehicles of clients, customers, and others (except for Employees) at the site of the Home Business is not greater than off Road Parking spaces provided for under Section 601 and 602 of this Local Law.

K. Hours of Operation;

The Home Business shall be conducted in such a manner that all Clients, customers and others coming to do business) shall arrive and depart between the hours of 7:00 A.M. and 9:00 P.M.

L. Number of Home Based Business Permitted;

More than one (1) home based business may be permitted for each residential property, provided that the combined impact of such home Business does not exceed any of the thresholds established by this section.

M. Parking and Access

1. Off -Street parking shall be permitted as long as adequate space is provided with a turn-around area so that the vehicles do not have to back out into a public roadway. The off-street parking for the Home Business shall be in addition to the parking required for the employees and residents. Off-street parking shall be provided in accordance with Section 601.

2. No home business shall be permitted where access is provided only by a shared private road.

N. Setbacks

Any accessory building used in connection with the Home Business, shall be setback in compliance with the existing regulations of the Zoning Districts it is located in-- This also applies to off-street parking, loading areas, and outdoor storage areas.

O. Deliveries;

No Business shall be permitted that requires tractor-trailer deliveries on a regular basis (i.e. more than once a week) unless the Planning Board determines that the site can provide an adequate access and turning around space.

P. Motor vehicle repair shops shall not be deemed home businesses.

SECTION 741 HOME BUSINESS CLASS B

The Planning Board shall permit Home based Business (Class B) with a special use permit provided the following requirements and conditions are maintained.

The Zoning Enforcement Officer shall review the premises operating under the Special Use Permit for compliance a minimum of every five (5) years and within six (6) months of change of ownership.

A. Intent

The purpose of this section is to provide opportunities for economic advancement among residents of the Town and to protect the character of residential and agricultural areas of the town. All businesses established pursuant to this section are expected to blend in with the existing character of the area in which it is located.

B. Type of Business;

A variety of commercial and manufacturing uses may be permitted provided that the requirements of this section are met. However no business that is listed as a use that requires a special use permit in any commercial or industrial zoning district shall be permitted as a home based business.

C. Neighborhood Character;

The appearance of the structure shall not be altered and the business shall not be conducted in a manner that would cause the premises to differ from its existing residential/agricultural character.

D. Operation and Employees

1. The operator of the Home Business shall reside in a single family dwelling located on the same lot as the Home Business. However the planning board may waive this requirement.

2. No more than eight (8) persons other than members of the family occupying such dwelling shall be employed in such home business at any time. All family members employed in this business must be residents of the dwelling.

E. Floor Area

I. No more than forty (40%) percent of the gross floor area of a dwelling shall be used for the conduct of a home business provided that the portion of the dwelling used for residential purposes shall comply with all applicable laws and codes.

2. No more than two (2) detached accessory structures may also be permitted for use in a home business in addition to space within the dwelling. The total gross floor area of the detached accessory structures used for the home business shall not exceed 7,500 square feet.

F. Outdoor Storage of Equipment and Materials;

l. Outdoor storage of material used in the home business may be permitted. Such storage shall be adequately screened from view from public streets and neighboring property. Such screening may consist of vegetation, fencing or a combination of plantings and fencing.

2. Outdoor storage of equipment used for the home business shall only be permitted in the rear yard. Such equipment shall be operable and necessary for the conduct of the home business.

G. Outdoor Display of Goods

Outdoor display of goods may be permitted, provided that the goods are displayed in a neat and orderly fashion. The area displayed in must be limited to 2,000 square feet, and shall be 150 feet from the road right-of-way and 200 feet from the nearest property line.

H. Signage

Two signs shall be allowed one (1) of sixteen (16) square feet on a detached structure and one (1) of four (4) square feet elsewhere on the property. No sign will be allowed on the residence.

I. Commercial Vehicles

Licensed commercial vehicles used in connection with the home business may be parked outside, but must comply with the setbacks in item N of this section. The Planning Board may require appropriate screening to minimize the visual impact of such vehicles on neighboring properties.

J. Number of Clients

The home business shall be conducted in such a manner that at anyone time the maximum number of vehicles of clients, customers and others (except for employees) at the site of the home business is not greater than (off road parking spaces provided under section 601 and 602 of this Local Law.

K. Hours of Operation

The Home Business shall be conducted in such a manner that all client, customers and others coming to do business shall arrive and depart between the hours of 7:00 A.M. and 9:00 P.M.

L. Number of Home Based Business Permitted

More than one (1) home based business may be permitted for each residential property, provided that the combined impact of such home business does not exceed any of the thresholds established by this section

M. Parking

Off street parking shall be provided in order to safely require all vehicles to safely enter and leave the premises. Adequate parking and turning space must be displayed in a site plan review, which also includes location of structures and spaces utilized for storage etc. The off-street parking for home business shall be in addition to the parking required for the employees and residents. Parking must also comply with Sections 601 and 602 of the Town of Yates Zoning.

N. Setbacks and Frontage

Any accessory building used in connection with the home business, shall be setback a minimum of 200 feet from all property lines. Off street parking and loading spaces as well as outdoor storage display shall be setback a minimum of 200 feet from all side and rear property lines and not less than 150 feet from all public right-of-ways. Minimum frontage for Class B Home Business operation shall be 600 feet.

O. Deliveries

Tractor-trailer deliveries shall be permitted, unless the Planning Board determines that the site does not provide adequate access and/or turning around space.

P. Floor Space

SECTION 743 HOTELS AND MOTELS

The Planning Board may authorize a Special Use Permit for a Hotel or Motel in the **Waterfront Development (WD)** District provided the following standards and conditions are maintained.

A. Minimum Lot Dimensions:

Minimum lot size: Two (2) acres
Minimum lot width: Two hundred (200) feet
Minimum lot setback: One hundred (100) feet
Minimum side and rear setbacks: Forty (40) feet

B. All signs should be carefully integrated with the site, building design and surrounding context to create a harmonious appearance for the Hamlet or waterfront area.

C. No exterior lighting shall be erected, operated or maintained in such a manner as to create an annoyance to surrounding properties or so as to create a hazard to traffic circulation.

D. No open-air outdoor storage of construction materials shall be permitted. Refuse and trash may be stored outdoors at all times only if placed in closed containers located in an area screened from view at all points on any public or private property or street when viewed from ground level.

E. The proposed project will be in harmony with the appropriate and orderly development of the waterfront area. The architectural treatment and general appearance of all buildings and grounds shall be in keeping with the purpose of this district and shall be of such quality and design as to be a visual asset to the area in which they are located as well as to adjacent development.

F. The proposed project will not hinder or discourage the appropriate development and use of adjacent lands.

G. Restaurants, cafeterias, swimming pools, newsstands, pharmacies, barbershops, hairdressers, gift shops, and other personal service shops for the convenience of guests may be permitted as accessory uses. With the exception of an identifying sign for the restaurant, no external evidence of their internal commercial activities is permitted.

SECTION 745 JUNK YARDS, AUTO WRECKING AND DISMANTLING YARDS

A license from the Town Board is required to establish or maintain a junkyard. See provisions of **1973 Junk Yard Ordinance of the Town of Yates, as amended.**

SECTION 747 KENNELS AND ANIMAL HOSPITALS

The Planning Board may approve a special use permit for kennel(s), as defined in Section 210 herein, in the Agricultural/ Residential (AR) District, provided that the following standards and provisions are maintained. In no event shall a kennel be a part of a residence occupied by a person or human, but shall be physically separate therefrom.

A. When applying for a purebred boarding license the applicant shall indicate the number of dogs that will be boarded on the premises. Ownership of more than 4 dogs requires a kennel permit. This will include owned, boarded or parked dogs.

B. Minimum lot size and frontage

Number of Dogs	Lot Size	Lot Frontage
4-5 dogs	2 acres	250 feet
6-10 dogs	5 acres	300 feet
11-20 dogs	10 acres	400 feet
21+ dogs	15 acres	400 feet

C. Adequate landscaping or fencing shall be provided to create a visual, sound and smell buffer between such facilities and adjacent properties. Kennels must have a security fence around perimeter, unless enclosed in a building. Security fence must be 8 feet high made of solid material.

D. All buildings, structures or other accessory uses shall be at least 75 feet from any property line, except that animal runs and structures that house animals shall be at least 100 feet from any property line.

E. 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.

F. Lot coverage shall not exceed 25 percent

G. Entrance and exit points shall be from major or secondary roads only.

H. Adequate parking shall be provided in accordance with the size of the facility.

I. Adjacent properties shall be protected from noise, odors, and unsightly appearance.

J. Adequate provisions shall be made for disposing of animal waste. Applicants must indicate on application for permit the method of waste disposal and dead animal disposal. Recommended: septic system with 1,000 gallon tank for waste disposal. The proposed method of disposal of waste and/or dead animal carcasses shall be subject to review and approval by the Planning Board before any such method may be employed by any applicant.

K. Kennels not in compliance when this zoning goes into effect will have 3 years to come into compliance to meet this code or no additional permits/ license will be issued.

SECTION 750 MANUFACTURED HOME PARK

The Planning Board may approve a special use permit for manufactured home parks in the A/R or RR District provided the following standards and provisions are maintained:

A. DEFINITIONS

Unless the context otherwise requires, the following definitions shall be used in the interpretation and administration of this Section:

MANUFACTURED HOME LOT: A lot within a manufactured home park for the placement of a single manufactured home and for the exclusive use of its occupants.

MANUFACTURED HOME STAND: That part of a manufactured home lot which has been reserved for the placement of the manufactured home and appurtenant structures and/or additions.

WATER CONNECTION: All pipes, fittings and appurtenances form the water riser pipe to the water inlet pipe of the distribution system within the manufactured home.

WATER RISER PIPE: That portion of the water service pipe which extends vertically to the ground elevation and terminates at a designated point of each manufactured home lot.

WATER SERVICE PIPE: Consists of all pipes, fittings, valves and appurtenances form the watermain of the manufactured home park distribution system to the water outlet of the distribution system within the manufactured home park.

SERVICE BUILDING: A structure housing sanitary, operational, office recreational, maintenance and other facilities within a manufactured home park.

SEWER CONNECTION: Pipes, fittings and appurtenances form the drain outlet of the manufactured home to the inlet of the corresponding sewer riser pipe of the sewer system that services the manufactured home park.

SEWER RISER PIPE: That portion of the sewer lateral which extends vertically to the ground elevation and terminates at a designated point at each manufactured home lot.

B. GENERAL SITE CONDITIONS

1. Conditions of soil, groundwater level, drainage and topography shall not create hazards to the property of the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion subject to unpredictable and or sudden flooding, subsidence or erosion shall be used for any purpose which would expose persons or property or hazards.

2. Exposed ground surfaces in all parts of every manufactured home park shall be paved or covered with stone screenings or other solid material or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.

3. The ground surface in all parts of every manufactured home park shall be graded and equipped to drain all surface water in a safe, efficient manner.

4. No part of any manufactured home park shall be used for nonresidential purposes, except as permitted by this Section or this Local Law.

5. Nothing contained in this Section shall be deemed as prohibiting the sale of a manufactured home located on a manufactured home stand and connected to the pertinent utilities.

C. DIMENSIONAL REQUIREMENTS FOR MANUFACTURED HOME PARKS:

1. The minimum parcel size for a manufactured home park shall be ten (10) acres.

2. All manufactured homes shall be located at least forty (40) feet from any manufacture home park boundary line that abuts upon a public street or highway and at least twenty (20) feet from other manufactured home boundary lines.

3. There shall be a minimum distance of fifteen (15) feet between an individual manufactured home and adjoining pavement of a manufactured home park walkway, sidewalk, street or common parking area or other common areas.

4. All manufactured home parks shall be provided with screening such as attractive and well-maintained fences or natural growth along the property boundary line separating the manufactured home park from adjacent uses.

D. LOT AND AREA REQUIREMENTS:

1. No lot in any manufactured home park shall be less than sixty (60) feet wide and have less than seven thousand two hundred (7,200) square feet of total area, exclusive of easements and rights-of-way. No structure or manufactured home or any part thereof shall be located on any lot closer to any front lot line than twenty-five feet, or any side lot line than fifteen (15) feet nor to any rear lot line than twenty (20) feet.

2. Tapered lots occurring along curvilinear roads and culs-de-sac shall have an average lot width of sixty (60) feet. The "average lot width" is defined as the sum of the lengths of the front and back lot lines divided in half. In no case, however, shall the front lot width on such tapered lot be less than thirty-five (35) feet. The minimum requirements for the total area and yard dimensions as hereinabove stated shall apply to such tapered lots.

3. Any accessory structure which covers an area exceeding twenty-five (25) square feet and is attached to a manufactured home or is located within ten (10) feet of a window in such manufactured home and has an opaque top or roof that is higher than the nearest window shall be considered a part of the manufactured home for the purpose of determining its distance from lot lines.

E. RECREATION AREAS

1. In all manufactured home parks that accommodate or are designed to accommodate five (5) or more manufactured homes, there shall be one (1) or more recreation areas which shall be easily accessible to all park residents.

2. The combined size of such recreation areas shall be based upon a minimum of three hundred fifty (350) square feet per manufactured home lot. No outdoor recreation area shall be smaller than five thousand (5,000) square feet of area.

3. Recreation areas shall be so located as to be free of traffic hazards and should, where the topography permits, be centrally located.

4. Playground equipment shall be installed in each required recreation area.

F. STREET SYSTEM

1. All manufactured home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each manufactured home lot. Alignment and gradient shall be properly adopted to topography.

2. Access to manufactured home parks shall be designed to minimize congestion and hazards at the entrances and exists, and allow free movement of traffic on adjacent streets. The entrance road connecting the streets in the manufactured home park with a public street or road shall have a minimum road pavement width of thirty-four (34) feet where parking is permitted on both sides or a minimum road pavement width of twenty-seven (27) feet where parking is limited to one (1) side. Where the primary entrance road is more than one hundred (100) feet long and does not provide access to

abutting manufactured home lots within such distance, the minimum road pavement width may be twenty-four (24) feet, provided parking is prohibited on both sides.

3. Internal surfaced roadways shall be of adequate width to accommodate anticipated traffic and in any case shall meet the following minimum requirements:

   a. All streets, except minor streets, shall have a width of twenty-four (24) feet.

   b. Minor streets with no parking shall have a width of eighteen (18) feet. This is acceptable only if the street is less than five hundred (500) feet long and serves fewer than twenty-five (25) manufactured homes or of any length if the street is one-way and provides access to abutting manufactured home lots on one side only.

   c. Dead-end streets shall be limited in length to one thousand (1,000) feet and shall be provided at the closed end with a turnaround having an outside roadway diameter of at least sixty (60) feet.

G. STREET ILLUMINATION

All manufactured home parks shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting heights as will provide the following average of maintained levels of illumination for the safe movement of pedestrians and vehicles at night:

1. All parts of the street systems: six-tenths (0.6) foot-candle with a minimum of one-tenth (0.1) foot-candle.

2. Potentially hazardous locations, such as major street intersections and steps or stepped ramps: individually illuminated with a minimum of three-tenths (0.3) foot-candle.

H. STREET CONSTRUCTION DESIGN STANDARDS

1. All streets shall be provided with a smooth, hard and dense surface which shall be durable and well drained under normal use and weather conditions. Pavement edges shall be protected to prevent raveling of the wearing surfaces and shifting of the pavement base. Street surfaces shall be maintained free of cracks, holes, and other hazards.

2. Grades of all streets shall be sufficient to ensure adequate surface drainage but be not more than percent (8%). Short runs with a maximum grade of ten percent (10%) may be permitted, provided that traffic safety is assured by appropriate paving, adequate leveling areas and avoidance of lateral curves.

3. Streets shall be at approximately right angles within one hundred (100) feet of an intersection. A distance of at least one hundred fifty (150) feet shall be maintained between center lines of offset intersecting streets. Intersections of more than two (2) streets at one (1) point shall be avoided.

I. OFF-STREET PARKING

1. Off-street parking areas shall be provided in all manufactured home parks for the use of park occupants and guests. Such areas shall be furnished at the rate of at least one and one-quarter (1-1/4) parking spaces for each manufactured home lot.

2. Required parking spaces shall be so located as to provide convenient access to the manufactured home, but shall not exceed a distance of two hundred (200) feet from the manufactured home that it is intended to serve.

3. Each manufactured home 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 36 inches.

J. WALKWAYS

1. All manufactured home parks shall be provided with safe, convenient, all-season, dust-free pedestrian access to adequate width for intended use, durable and convenient to maintain between individual manufactured park homes, the streets and all community facilities provided for the residents of the manufactured home park. Sudden changes in alignment and gradient shall be avoided.

2. A common walk system separated for the road system by a minimum of two (2) feet shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of three and one-half (3-1/2) feet.

3. All manufactured home lots shall be connected to common walks, to paved streets or to paved driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of two (2) feet.

K. LANDSCAPING

Trees and shrubs shall be provided along all walks and streets, around recreation areas and along the outer property line of the manufactured home park. Trees shall be planted at an interval of not less than fifty (50) feet where feasible.

L. MANUFACTURED HOME STANDS

The area of the manufactured home stand shall be improved to provide adequate foundation for the placement and tie-down of the manufactured home, thereby securing the superstructure against uplift, sliding, rotation or overturning.

1. The manufactured home stand shall not heave, shift or settle unevenly under the weight of the manufactured home or due to frost action, inadequate drainage, vibration, or other forces acting on the superstructure. The manufactured home stand shall be either drilled piers, trench footers or concrete slabs in accordance with the specifications hereinafter set forth:

(a) Such drilled piers shall be constructed of cast-in-place concrete having a minimum load-carrying capacity of three thousand (3,000) pounds per square inch; be a diameter of not less than twelve (12) inches; be a depth of not less than forty-two (42) inches; and be spaced at intervals of not more than eight (8) feet and centered on the manufactured home rails.

(b) Such trench footers shall be constructed of cast-in-place concrete having a load-carrying capacity of not less than three thousand (3,000) pounds per square inch; be a width of not less than sixteen (16) inches; be a depth of not less than forty-two (42) inches and be spaced at intervals of not more than eight (8) feet and be of sufficient length to accommodated the width of the manufactured home rails.

(c) Such concrete slabs shall be constructed of cast-in-place concrete having a thickness of not less than six (6) inches and shall be placed on top of cast-in-place concrete footer constructed along the entire perimeter of the concrete slab and shall have a width of not less than twelve (12) inches and a below-grade depth of not less than forty-two (42) inches.

2. The manufactured home stand shall be provided with anchors and tie-downs such as cast-in-place "dead men," eyelets imbedded in concrete foundations or runways, sore augurs, arrowhead anchors or other devices to secure the stability of the manufactured home.

3. Anchors and tie-downs shall be placed at least at each corner of the manufactured home stand, and each shall be capable of sustaining a minimum tensile strength of two thousand eight hundred (2,800) pounds.

M. WATER SUPPLY

1. An accessible, adequate, safe and potable supply of water shall be provided in each manufactured home park. Where a public water supply of satisfactory quantity, quality and pressure is available, connection shall be made thereto and its supply used exclusively. When a satisfactory public water supply is not available, a private water supply system may be developed and used as approved by the New York State Department of Health.

2. Source of Private Water Supply:

(a) The water supply shall be capable of supplying a minimum of one hundred fifty (150) gallons per day per manufactured home.

(b) Every well or suction line of the water supply system shall be located and constructed in such manner that neither underground nor surface contamination will reach the water supply from any source. The following minimum distance between wells and various sources of contamination shall be required:

Contamination Source	**Distance from Well or Suction Line (feet)**
Building sewer	50
Septic tank	50
Disposal field	100
Seepage pit	100
Dry well	50
Cesspool	150

(c) No well-casings, pumping machinery or suction pipes shall be placed in any pit, room or space extending below ground level nor in any room or space above the ground which is walled in or otherwise enclosed, unless such rooms, whether above or below ground, have free drainage to the surface of the ground.

(d) The treatment of private water supply shall be in accordance with applicable New York State laws and regulations.

3. Storage Facilities

All water storage reservoirs shall be covered watertight and constructed of impervious material. Overflows and vents of such reservoirs shall be effectively screened. Manholes shall be constructed with overlapping covers so as to prevent the entrance of contaminated material. Reservoir overflow pipes shall discharge through an acceptable air gap.

4. Distribution System

(a) The water supply system of the manufactured home park shall be connected by pipes to all manufactured homes, buildings and other facilities requiring water.

(b) All water piping, fixtures and other equipment shall be constructed and maintained in accordance with State and local regulations and requirements and shall be of a type and in locations approved by the health authority.

(c) The water piping system shall not be connected with nonpotable or questionable water supplies and shall be protected against the hazards of backflow or back siphonage.

(d) The system shall be designed and maintained as to provide a pressure of not less than twenty (20) pounds per square inch under normal operating conditions at service buildings and other locations requiring potable water.

5. Water Risers

(a) Individual water riser pipes shall be located within the confined area of the manufactured home stand at a point where the water connection will approximate a vertical position.

(b) Water riser pipes shall extend at least four (4) inches above the ground elevation. The inside pipe diameter shall be at least three-fourths (3/4) of an inch.

(c) Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipes and to protect risers from heaving and thawing actions of the ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.

(d) A shutoff valve below the frost line shall be provided near the water pipe riser on each manufactured home lot.

(e) Underground stop and waste valves shall not be installed on any water service.

N. SEWAGE DISPOSAL

1. An adequate and safe sewage system shall be provided in all manufactured home parks for conveying and disposing of all sewage. Such system shall be designed, constructed and maintained in accordance with State and local laws.

2. All sewer lines shall be located in trenches of sufficient depth to be free of breakage from traffic or other movements and shall be separated from the park water supply system at a safe distance. Sewers shall be at a grad which will ensure a velocity of two (2) feet per second when flowing. All sewer lines shall be constructed of materials approved by the New York State Health Department, shall be adequately vented and shall have watertight joints.

3. Sewer Connections

(a) Each manufactured home stand shall be provided with at least a four-inch diameter sewer riser pipe. The sewer riser pipe shall be so located on each stand that the sewer connection to the manufactured home drain outlet will approximate a vertical position.

(b) The sewer connection shall have a normal inside diameter of at least three inches, and the slope of any portion thereof shall be at least one-fourth (1/4) inch per foot. The sewer connection shall consist of one (1) pipeline only without any branch fittings. All joints shall be watertight.

(c) All materials used for sewer connections shall be semi-rigid, corrosive-resistant, nonabsorbent and durable. The inner surface shall be smooth.

(d) Provision shall be made for plugging the sewer riser pipe when a manufactured home does not occupy the lot. Surface drainage shall be diverted away from the

riser. The rim of the riser pipe shall extend at least four (4) inches above the ground elevation.

4. Treatment and Discharge

Where the seer lines of the manufactured home park are not connected to a public sewer, all proposed sewage disposal facilities shall be approved by the New York State Health Department prior to construction. Effluents from sewage treatment facilities shall not be discharged into any waters of New York State, except with prior approval of the New York State Department of Health.

O. ELECTRICAL DISTRIBUTION

1. General. Every park shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances which shall be installed and maintained in accordance with codes and regulations governing such systems.

2. Power Distribution Lines

(a) Main power lines not located underground shall be suspended at least eighteen (18) feet above the ground. There shall be a minimum horizontal clearance of three (3) feet between overhead wiring and any manufactured home, service building or other structure.

(b) All direct-burial conductors or cable shall be buried at least eighteen (18) inches below the ground surface and shall be insulated and specially designed for the purpose. Such conductors shall be located not less than one (1) foot of radial distance from water, sewer, gas or communication lines.

3. Electrical Connections

(a) Each manufactured home lot shall be provided with an approved disconnecting device and overcurrent protective equipment. The minimum service per outlet shall be one hundred twenty/two hundred forty (120/240) volts AC, fifty (50) amperes.

(b) Outlet receptacles at each manufactured home stand shall be located not more than twenty-five (25) feet from the overcurrent protective devices in the manufactured home, and a three-hole, four-wire grounding type shall be used. Receptacles shall be of weatherproof construction, and configurations shall be in accordance with American Standard Outlet Receptacle C- 73.1.

(c) The manufactured home shall be connected to the outlet receptacle by an approved type of flexible cable with connectors and a male attachment plug.

(d) Where the calculated load of the manufactured home is more than fifty (50) amperes, either a second outlet receptacle shall be installed.

4. Grounding

   All exposed non-current-carrying metal parts of manufactured homes and all other equipment shall be grounded by means of an approved grounding conductor with branch circuit conductors or other approved method of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for manufactured homes or other equipment.

P. COMMUNITY SERVICE FACILITIES

1. The requirements of this Article shall apply to service buildings, recreation buildings and other community service facilities such as:

   (a) Management offices, repair shops and storage areas

   (b) Sanitary facilities

   (c) Laundry facilities

   (d) Indoor recreation areas

2. Every manufactured home park shall be provided with the following emergency sanitary facilities: For each one hundred (100) manufactured home lots, there shall be one (1) flush toilet, one (1) lavatory and one (1) shower for each sex. The building containing such emergency sanitary facilities shall be accessible to all manufactured homes. Such facilities and the structure housing the same shall be constructed and operational not later than thirty (30) days following the occupancy of each one hundred (100) lots in any such park.

3. Structural Requirements

   (a) All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites and other destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.

   (b) All rooms containing sanitary or laundry facilities shall:

      (i) Have sound-resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions around showers, bathtubs, lavatories and other plumbing fixtures shall be constructed of dense, nonabsorbent, waterproof material or covered with moisture-resistant material.

      (ii) Have at least one (1) window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than ten percent (10%) of the floor area served by them.

      (iii) Have at least one (1) window which can be easily opened or a mechanical device which will adequately ventilate the room.

(iv) Toilets shall be located in separate compartments equipped with self-closing doors. Shower stalls shall be of the individual type. The rooms shall be screened to prevent direct view of the interior when the exterior doors are open.

(c) Illumination levels shall be maintained as follows:

(i) General seeing tasks: five (5) footcandles.

(ii) Laundry room work area: forty (40) footcandles.

(iii) Toilet room, in front of mirrors: forty (40) footcandles.

(d) Hot and cold water shall be furnished to every lavatory, sink, bathtub, shower and laundry fixture and cold water shall be furnished to every water closet and urinal.

4. Cooking shelters, barbecue pits, fireplaces and wood- burning stoves shall be so located constructed, maintained and used as to avoid fire hazards and smoke nuisance both on the property on which used and on neighboring property. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors. No refuse shall be burned at any time.

Q. GARBAGE, RUBBISH AND REFUSE

1. The storage, collection and disposal of refuse in the manufactured home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.

2. All refuse shall be stored in fly tight, watertight, rodent proof containers, which shall be located not more than one hundred fifty (150) feet from any manufactured home lot. Containers shall be provided in sufficient number and capacity to properly store all refuse.

3. Refuse collection stands shall be provided for all refuse containers. Such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration and to facilitate cleaning around them.

4. All refuse containing garbage shall be collected at least twice weekly. Where suitable collection service is not available from municipal or private agencies, the manufactured home park operator shall provide this service. All refuse shall be collected and transported in covered vehicles or covered containers.

5. Where municipal or private disposal service is not available, the manufactured home park operator shall dispose of the refuse by transporting it to the Town disposal site.

6. Refuse incinerators shall be operated only when attended by some person specifically authorized by the owner or operator of the manufactured home park.

R. INSECT AND RODENT CONTROL

1. Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform to the requirements of the New York State Department of Health and the Orleans County Department of Health.

2. Parks shall be maintained free of accumulations of debris, which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.

3. Storage areas shall be so maintained as to prevent rodent harborage. Lumber, pipe and other building materials shall be stored at least one (1) foot above the ground.

4. Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.

5. The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

S. FUEL SUPPLY AND STORAGE

1. Natural Gas System.

   (a) Natural gas piping systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems.

   (b) Each manufactured home lot provided with piped gas shall have an approved manual shutoff valve installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.

2. Liquefied Petroleum Gas Systems.

   (a) Liquefied petroleum gas systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems.

   (b) Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.

   (c) Systems shall have at least one (1) accessible means for shutting off gas. Such means shall be located outside the manufactured home and shall be maintained in effective operating condition.

(d) All liquefied petroleum gas piping outside of the manufactured home shall be well supported and protected against mechanical injury. Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment and systems in manufactured homes.

(e) Liquefied petroleum gas containers installed on a manufactured home lot shall be securely but not permanently fastened to prevent accidental overturning. Such containers shall not be less than twelve (12) nor more than sixty (60) United States gallons' gross capacity.

(f) No liquefied petroleum gas vessel shall be stored or located inside or beneath any storage cabinet, carport, manufactured home or any other structure, unless such installation is approved by the health authority.

3. Fuel Oil Supply Systems

(a) All fuel oil supply systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems.

(b) All piping from outside fuel storage tanks or cylinders to manufactured homes shall be permanently installed and securely fastened in place.

(c) All fuel oil storage tanks or cylinders shall be securely fastened in place and shall not be located inside or beneath any manufactured home or less than five (5) feet from any manufactured home exit.

(d) Storage tanks located in areas subject to traffic shall be protected against physical damage.

T. FIRE PREVENTION

1. The manufactured home area shall be subject to fire-prevention ordinances which may be adopted by the Town.

2. Manufactured home parks shall be kept free of litter, rubbish and other flammable materials.

3. Portable fire extinguishers of a type approved by the fire prevention authority shall be kept in service buildings and at all other locations designated by such fire prevention authority and shall be maintained in good operating conditions.

4. Fires shall be made only in stoves, incinerators and other equipment intended for such purposes.

5. Fire Hydrants

(a) Fire hydrants shall be installed if the park water supply system is capable of serving them in accordance with the following requirements:

(i) The water supply system shall permit the operation of a minimum of two (2) one-and-one-half-inch hose streams.

(ii) Each of two (2) nozzles, held four (4) feet above the ground, shall deliver at least seventy-five (75) gallons of water per minute at a flowing pressure of at least thirty (30) pounds per square inch at the highest elevation point of the park.

(b) Fire hydrants, if provided, shall be located within five hundred (500) feet, measured along or through roads or other open public areas, of any manufactured home, service building or other structure of the park.

U. RESPONSIBILITIES OF PARK MANAGEMENT

1. The person to whom a license for a manufactured home park is issued shall operate the park in compliance with this Section and regulations issued hereunder and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.

2. The park management shall notify park occupants of all applicable provisions of this Section and inform them of their duties and responsibilities under this Section and regulations issued hereunder.

3. The park management shall supervise the placement of each manufactured home on its manufactured home stand, which includes securing its stability and installing all utility connections.

4. The park management shall maintain a register containing the names of all park occupants. Such register shall be available to any authorized person inspecting the park.

5. The park management shall notify the State Health Department immediately of any suspected communicable or contagious disease within the park.

V. RESPONSIBILITIES OF PARK OCCUPANTS

1. The park occupants shall comply with all applicable requirements of this Section and regulations issued hereunder and shall maintain their manufactured home lots, facilities and equipment in good repair and in a clean and sanitary condition.

2. The park occupant shall be responsible for proper placement of his manufactured home on its manufactured home stand and proper installation of all utility connections in accordance with the instruction of the park management.

3. No owner or person in charge of a dog. cat or other pet animal shall permit it to run at large or to commit any nuisance within the limits of any manufactured home lot.

W. CONDITIONS REQUIRED PRIOR TO OCCUPANCY

A manufactured home shall not be occupied for dwelling purposes unless it is properly placed on a manufactured home stand and connected to water, sewerage and electrical utilities.

X. LICENSE REQUIRED

It shall be unlawful for any person to construct, alter or extend any manufactured home park within the Town of Yates or to locate a manufactured home therein without a valid license issued by the Zoning Enforcement Officer. Licenses are issued and valid for a twelve-month period, but may be renewed as provided for in this Section.

Y. PRE-EXISTING MANUFACTURED HOME PARKS

Manufactured home parks operating under a valid license issued prior to the effective date of this Local Law may continue to operate under the terms of such license until the expiration of such license. Before renew of the license, such manufactured home park shall be brought into compliance with the provisions of this Section.

Z. LICENSE APPLICATION REQUIREMENTS

1. All applications for licenses or for renewal of licenses shall be submitted to the Zoning Enforcement Officer and shall contain the following:

   (a) The name and address of the applicant; if the applicant is a partnership, the names and addresses of the partners; and if the applicant is a corporation, the names and addresses of the officers and directors.

   (b) The name and address of the owner of the property.

   (c) A copy of a current lease agreement between the applicant and the owner of the property if the applicant is not the property owner.

   (d) the location and legal description of the manufactured home park.

   (e) Plans and specifications for the water supply and refuse and sewage disposal facilities to be constructed, altered or extended within the manufactured home park.

   (e) Plans and specifications for all buildings to be constructed, altered or extended within the manufactured home park.

   (f) All applications for licenses or renewals or licenses shall be accompanied by application fee which shall be set from time to time by a resolution of the Town Board.

2. Upon review of the application and evidence that the manufactured home park meets the minimum requirements of the New York State Department of Health and

subject to the Planning Board approving a Special Use Permit. The Zoning Enforcement Officer shall issue or renew a license when a review of the application and inspection of the site demonstrates that the proposed or existing manufactured home park satisfies the requirements of this Local Law and any provisions imposed by the Town Planning Board as conditions to the approval of the Special Use Permit.

AA. INSPECTIONS

1. The Zoning Enforcement Officer is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Local Law.

2. The Zoning Enforcement Officer shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Local Law.

3. The Zoning Enforcement Officer shall have the power to inspect the register containing a record of all residents of the manufactured home park.

BB. REVOCATION OF LICENSES

Any license for a manufactured home park may be revoked when it is found to be in violation of the provisions of this Section.

1. Should the Zoning Enforcement Officer find a violation of any provision of this Local Law or the Special Use Permit, the Zoning Enforcement Officers shall give notice, in writing, to the licensee, that unless such violations are corrected within ten (10) days, the permit shall be revoked.

2. If, at the end of the ten (10) days, a further inspection reveals that the violation(s) have not been corrected, the Zoning Enforcement Officer shall revoke the permit and give notice of such revocation, in writing, to the licensee. Upon notice of revocation, the licensee shall cease operation of the manufactured home park.

CC. APPEALS

1. Petition - Any person affected by any notice which ahs been issued in connection with the enforcement of any provision of this Section or of any regulation adopted pursuant thereto may request and shall be granted a hearing on the matter before the Town Board, provided such person shall file in the office of the Town Clerk a written petition to request such hearing and setting forth a brief statement of the grounds therefore within ten (10) days after the notice was served. The filing of the request for a hearing shall operates as a stay of the notice and suspension, except in the case of an order issued in accord with Subdivision F of this Section. Upon receipt of such petition, the Town Board shall set a time and place for such hearing and shall give the petitioner written notice thereof.

2. Hearing - At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall

be held not later than ten (10) days following the day on which the petition was filed, provided that, upon application of the petitioner, the governing body may postpone the date of the hearing for a reasonable time beyond such ten-day period when, in the judgment of the governing body, the petition has submitted good and sufficient reasons for such postponement.

3. Order of the Town Board – After such hearing, the Town Board shall make findings as to compliance with the provisions of this Section and regulations issued hereunder and shall issue an order to sustain, modify or withdraw the notice of violation, which shall be served in writing on the petitioner. Upon failure to comply with any order sustaining or modifying the notice of violation within ten (10) days following the service of said order, the license of the manufactured home park affected by the order shall be revoked.

DD. EMERGENCY CONDITIONS

Whenever the Zoning Enforcement Officer finds that an emergency exists which requires immediate action to protect the public health, Zoning Enforcement Officer may, without notice or hearing, issue an order reciting the existence of such emergency and require that such action be taken as the Zoning Enforcement Officer may deem necessary to address or remedy the emergency, including the suspension of the license. Notwithstanding any other provisions of this Section, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the Town Board, shall be afforded a hearing as soon as its is practicable for the Town Board to schedule such hearing. The provisions of Subdivision E of this Section shall be applicable to such hearing and the order issued thereafter.

EE. HIGHER STANDARDS TO PREVAIL

In any case where a provision of this Section is found to be in conflict with a provision of any other ordinance or code of the Town of Yates existing on the effective date of this Section, the provision which establishes the higher standard shall prevail.

SECTION 753 MARINA OR BOAT LAUNCH

The Planning Board may authorize a Special Use Permit for a Marina in the Waterfront Development Overlay (WDO) District provided the following standards and conditions are maintained

.

A. Rest rooms shall be provided for the use of its customers or clientele.

B. Trash disposal receptacles shall be sufficient to accommodate all trash generated by the marina's customers or clientele and maintained in a clean and usable condition.

C. Adequate parking spaces shall be provided for customer's vehicles, as determined by the Planning Board. A minimum of 1/2 space per boat slip shall be required, plus one (1) space for each employee and additional spaces as required for boat launches and other accessory uses.

D. An identification number corresponding to the permit number shall be assigned to the owner of the wharf or wharves under permit. This number is to be displayed in such a manner that it is readily visible from the water.

E. The marina's maintenance program shall be sufficient to keep all wharves, adjacent shoreline, water and the lake bottom clean of debris.

F. The marina shall be designed and managed to minimize the project's visual impact and avoid any navigational hazards.

G. The marina shall prepare and follow a plan designed to avoid damage to the environment due to leakage or spills of fuels, lubricants, waste products or other pollutants.

H. Accessory use may include the provision of fuel and supplies, minor and emergency repairs for recreational boats, boat rental, boat storage and sale and restaurant and related retail sales.

SECTION 755 MOTOR VEHICLE, BOAT OR MANUFACTURED HOME SALES

The Planning Board may approve a special use permit for the sales of motor vehicles, boats or manufactured homes in the **Hamlet (H),** General Business (GB)**, Light Industrial (LI) or Industrial (I)** District provided that the following standards and provisions are maintained:

A. Such sales may be conducted either in a fully enclosed building located on the same lot, or in an unenclosed area. If such sales are conducted in a fully enclosed building located on the same lot, such building shall have a building area of not less than 5,000 square feet devoted to the sale and service of automobiles or boats.

B. Minimum Specifications:

Front Setback for building:	75 feet
Side Setback	30 feet
Rear Setback	30 feet
Lot frontage	200 feet
Lot size	One (1) acre

C. No vehicle shall be displayed for sale or rent within 25 feet of any property line, including edge of any highway or roadway. No manufactured homes shall be displayed within any required building setback. The maximum coverage for buildings shall apply to manufactured homes for sale, in addition to buildings used in the conduct of such sales.

D. Entrance and exit driveways shall have a minimum width of 25 foot and shall be not less than 20 foot from any side property line.

E. No more than 25 automobiles shall be offered for sale or rent on any lot at any time, and all automobiles shall be displayed in a neat and orderly manner.

F. All automobiles displayed on a lot shall be in proper working order at all times and shall have a valid Motor Vehicle Registration or Title.

G. The entire surface of the site to be traveled by motor vehicles shall be hard surfaced.

H. No retail sales of fuel shall occur on the site at any time.

I. All signs must comply with Section 600 of the Town of **Yates** Zoning Local Law.

J. No exterior light source shall be erected in excess of 50 foot above ground surface and all lighting shall be placed to eliminate the casting of direct light or glare upon the adjacent property and highway.

K. Repair of Motor Vehicles on site is prohibited unless the provisions found in Section 756 (Special Use Permit criteria for Motor Vehicle Repair Shops) are complied with in full. In such case where two different specifications are listed, the greater dimension will apply.

L. No such establishment shall be located within a distance of 200 foot of a residence, cemetery, school, church, hospital, nursing home or senior citizen housing. Said distance shall be measured in a straight line between the nearest points of each of the lots or premises.

M. Permits must be renewed annually by the Planning Board, after inspection by the Zoning Enforcement Officer.

SECTION 756 MOTOR VEHICLE REPAIR SHOPS

The Planning Board may approve a special use permit for motor vehicle repair shops in the General Business (GB) District provided that the following standards and conditions are maintained.

No building permit or Certificate of Occupancy shall be issued for a Motor Vehicle Repair or Sales Facility and no person shall operate a Motor Vehicle Repair or Sales Facility until a Special Permit shall have been issued by the Town Planning Board in accordance with the requirements and procedures set forth below.

A. Specifications

Minimum lot size: **30,000 square feet**
Minimum road frontage: 150 feet along County highways and Town roads
250 feet along State highways

B. Entrance and exit driveways shall have an unrestricted width of not less than 25 feet and not more than 30 feet, and shall be located not nearer than 10 feet from any property line,

and shall be designed as to avoid the necessity of any vehicle backing out into any public right-of-way.

C. No more than six (6) licensed motor vehicles being serviced or repaired shall be stored or parked outdoors for more than 48 hours, and these shall be in areas effectively screened from all property lines. All such vehicles shall be stored in a neat, orderly manner.

D. Hours of operation of a Motor Vehicle Repair or Sales Facility shall commence not earlier than 7:00 a.m. and shall cease not later than 11:00 p.m. on Monday through Saturdays and shall commence not earlier than 12:00 noon and shall cease not later than 11:00 p.m. on Sunday, provided however, that nothing herein contained shall prevent the operator of such a facility from providing, at any hour, emergency service in the event of accident or other emergency.

The owner of a Motor Vehicle Repair or Sales Facility may perform work on vehicles actually owned by him at any hour, provided, such work does not violate any other Town, State or Federal laws, rules or codes.

E. No such establishment shall be located within a distance of 200 feet of a residence, cemetery, school, church, hospital, nursing home, senior citizen housing or other place of public assembly designed for occupancy by more than 50 persons. Said distance shall be measured in a straight line between the nearest points of each of the lots or premises.

F. A buffer strip shall be established, as determined by site plan review, along a side or rear property line facing any of the uses listed in E. above.

G. The entire area of the site traveled by motor vehicles or used for display shall be hard surfaced, as defined herein.

H. All repair of motor vehicles shall be performed in a fully enclosed building.

I. No more than two (2) motor vehicles shall be offered for sale on the premises at any one time. If additional vehicles are offered for sale, the operator shall obtain a Special Use Permit for Motor Vehicle Sales (see Section 757).

J. All motor vehicle parts or partially dismantled motor vehicles shall be stored inside an enclosed building, or in a hard surfaced area designated by the Town Planning Board in its decision, establishing the number of vehicles or quantity of parts to be stored.

K. No new Motor Vehicle Repair or Sales Facility shall be conducted in any building attached to a dwelling.

SECTION 757 MOTOR VEHICLE SALES/ RENTAL

The Planning Board may approve a special use permit for the sales of motor vehicles, boats or manufactured homes in the **Hamlet (H), (Industrial(I) or** General Business (GB) District provided that the following standards and provisions are maintained:

A. Such sales may be conducted either in a fully enclosed building located on the same lot, or in an unenclosed area. If such sales are conducted in a fully enclosed building located on the same lot, such building shall have a building area of not less than 5,000 square feet devoted to the sale and service of automobiles or boats.

B. Minimum Specifications:

Front Setback for building:	75 feet
Side Setback	30 feet
Rear Setback	30 feet
Lot frontage	200 feet
Lot size	One (1) acre

C. No vehicle shall be displayed for sale or rent within 25 feet of any property line, including edge of any highway or roadway. No manufactured homes shall be displayed within any required building setback. The maximum coverage for buildings shall apply to manufactured homes for sale, in addition to buildings used in the conduct of such sales.

D. Entrance and exit driveways shall have a minimum width of 25 foot and shall be not less than 20 foot from any side property line.

E. No more than 25 automobiles shall be offered for sale or rent on any lot at any time, and all automobiles shall be displayed in a neat and orderly manner.

F. All automobiles displayed on a lot shall be in proper working order at all times and shall have a valid Motor Vehicle Registration or Title.

G. The entire surface of the site to be traveled by motor vehicles shall be hard surfaced. There shall be a minimum of 200 square feet of hard surfaced display area for each motor vehicle to be offered for sale, rent or lease and the permit shall specify the gross number of vehicles that may be offered for sale, rent or lease on the premises at any one time.

H. No retail sales of fuel shall occur on the site at any time.

I. All signs must comply with Section 600 of the this Local Law.

J. No exterior light source shall be erected in excess of 50 foot above ground surface and all lighting shall be placed to eliminate the casting of direct light or glare upon the adjacent property and highway.

K. Repair of Motor Vehicles on site is prohibited unless the provisions found in Section 756 of the this Zoning Local Law are complied with in full, in such case where two different specifications are listed, the greater dimension will apply.

L. No such establishment shall be located within a distance of 200 foot of a residence, cemetery, school, church, hospital, nursing home or senior citizen housing. Said distance shall be measured in a straight line between the nearest points of each of the lots or premises.

M. Permits must be renewed annually by the Town Planning Board, after inspection by the Zoning Enforcement Officer.

SECTION 760 MULTIPLE FAMILY DWELLINGS

The Planning Board may approve a special use permit for multiple family developments in the Hamlet (HA), General Business (GB), and -Waterfront Residential (WR) Districts provided that the following standards and provisions are maintained:

A. The maximum gross density shall not exceed eight (8) units per acre.

B. Minimum Gross 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.	Efficiency Apartment unit:	550 square feet
4.	Apartment unit, one bedroom:	675 square feet
5.	Apartment unit, two bedrooms:	800 square feet
6.	Apartment unit, three bedrooms:	950 square feet

C. Unit Distribution

1. No more than 20 percent of the total units within a multiple family dwelling development shall be three (3) or more bedroom units.

2. No more than 30 percent of the total units within a multiple family dwelling development shall be efficiency units.

D. Setback Requirements:

1. The minimum front setback from the right-of-way of any public street shall be 70 feet.

2. The minimum side setback shall be 30 feet.

3. The minimum rear setback shall be 60 feet.

4. Minimum distance between buildings in a multiple family dwelling development shall be 80 feet.

5. Every building shall have a minimum setback of 25 feet from all interior roads, driveways and parking areas.

6. 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.

E. All stairways to the second floor or higher shall be located inside the building.

F. Access to public road:

1. All multiple-family dwelling developments shall have direct access to public roads preferably by way of private driveway designed to avoid the necessity of any vehicle backing into a public right-of-way.

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 50 dwelling units in a multiple-family development, or if in the opinion of the Planning Board the location or topography of the site indicates the need for additional access, the Planning Board may require such additional access as a condition of site plan approval.

G. Requirements for off-street parking

2. The requirements as provided in Section 601 of this Local Law shall be met, except that the location of off-street parking lots may be modified to conform with 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.

3. Off-street parking shall be provided in the amount of two (2) spaces for each unit , plus one (1) additional parking space for each grouping of six (6) units.

H. The aggregate of building coverage of multiple-family dwelling development shall not exceed 30 percent of the total lot area.

I. 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 10,000 square feet in area nor less than 100 feet in width. Areas designated for recreation purposes shall be approved by the Planning Board.

3. Multiple family dwelling complexes shall be attractively landscaped 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.

J. 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. Such systems shall be approved by the Orleans County Health Department and other applicable agencies.

SECTION 762 NEIGHBORHOOD BUSINESS OR PROFESSIONAL OFFICES

The Planning Board may authorize a Special Use Permit for a Neighborhood Business or Professional Offices in the Hamlet (HA) District provided the following standards and conditions are maintained.

A. Requirements for all uses

1. No neighborhood business or professional office establishment shall occupy a floor area greater than ten thousand (10,000) square feet to conduct its operations and to store its wares, products, inventory and materials.

2. Hours of operation shall be specified and limited as needed to protect the quality of life of neighboring residences.

3. All signs should be carefully integrated with the site, building design and surrounding context to create a harmonious appearance for the Hamlet or waterfront area.

4. No exterior lighting shall be erected, operated or maintained in such a manner as to create an annoyance to surrounding properties or so as to create a hazard to traffic circulation.

5. No open-air outdoor storage of construction materials shall be permitted. Refuse and trash may be stored outdoors at all times only if placed in closed containers located in an area screened from view at all points on any public or private property or street when viewed from ground level.

6. The proposed project will be in harmony with the appropriate and orderly development of the Hamlet or waterfront area. The architectural treatment and general appearance of all buildings and grounds shall be in keeping with the purpose of this district and shall be of such quality and design as to be a visual asset to the area in which they are located as well as to adjacent development.

7. The proposed project will not hinder or discourage the appropriate development and use of adjacent lands.

B. Additional provisions for restaurants

Accessory uses and structures customarily incidental to the operation of a restaurant, including but not limited to, eating and drinking facilities, dance floor, facilities for live entertainment, bandstand, banquet facilities.

SECTION 764 OUTDOOR RECREATION FACILITIES, INCLUDING GOLF COURSES, HUNTING AND FISHING CLUBS, AND OPEN AIR THEATERS

The Planning Board may approve a permit for an outdoor recreation facility within the Agricultural/Residential (AR), General Business (GB), or **Waterfront Development (WD)** District provided that the following standards and conditions are maintained.

A. Conditions for all facilities

1. No building, structure, parking lot or unenclosed recreational facility shall be located within 50 feet of any side or rear property line, unless the Planning Board determines that a smaller buffer is acceptable.
2. Unenclosed facilities shall be effectively screened from public streets and neighboring residential uses.
3. No public address system is permitted, except where such system will not be audible at any property line.
4. Outdoor lighting shall not project light onto, nor shall light sources be visible from, neighboring properties or public or private roads, streets, or vehicular right-of-ways.
5. Access to the facility shall be from a state or county highway or a through town roadway other than a residential subdivision street. Location and design of entrance drives shall be such as to minimize traffic hazard and nuisance factors.
6. All required parking spaces shall be provided on the site in appropriate areas sufficient in size to meet demand during special events and other peak loading periods.
7. In any district where permitted, retail sales which are clearly secondary to the principal use are permissible.
8. The facility shall be designed and intended for use by less than 500 persons at any given time.
9. Access drives shall be adequate to accommodate vehicles queued for admission without traffic backup into the road right-of-way.
10. Sanitary facilities, sewage disposal and water supply shall be adequate and in compliance with applicable state and local regulations.
11. The hours of operation for such outdoor recreation facilities shall be subject to review and approval of the Planning Board during site plan review. In determining the permitted hours of operation, the Planning Board shall consider protection of the character of the existing neighborhood, the proximity of adjacent residences, and impact on adjacent property values.
12. Specific types of activities, capacity for participants and spectators and hours of operation shall be considered in determining the compatibility of the facility with the surrounding neighborhood.

B. Additional requirements for golf courses

1. A golf course shall have at least 9 holes conforming to the standards of the United States Golf Association and shall not be constructed on a site having less than 50 acres, with another 50 acres for each additional 9 holes or fraction thereof.
2. A practice driving range shall be permitted as an accessory use to a golf course, provided that there shall be no more than one (1) driving tee for each acre in the total tract and no artificial lighting shall be allowed. Driving ranges shall also constitute a principal and be subject to special use permit approval as a golf course provided that there shall be no more than one (1) driving tee for each acre in the total tract, and shall not be subject to the requirements of paragraph 1 above.
3. There shall be no more than one (1) accessory clubhouse or other building designed to provide for lockers, enclosed eating facilities without takeout privileges and shop for the sale of golf equipment.
4. Additional accessory buildings may be permitted, including buildings for the storage and maintenance of equipment and machinery used in connection with a golf course.
5. Drought-tolerant grasses shall be required on all golf courses in order to minimize irrigation and fertilizer needs.
6. All buildings, parking areas, greens, tees, swimming pools and similar sources of noise shall be designed to assure the quiet enjoyment of adjacent properties and shall be set back not less than 100 feet from an adjacent property line.
7. Not more than five percent (5%) of the site shall be covered by buildings.
8. The golf course and any accessory driving range shall be designed to minimize stray golf shots from crossing onto private properties or public rights-of-way. A vegetated buffer area of not less than 20 feet in depth shall be provided along the boundaries of the golf course property.
9. Any seasonal use of the golf course for such activities as cross-country skiing or snow mobile trails shall be subject to Planning Board approval. The operator shall submit a proposed site plan to the Planning Board delineating the locations proposed for such activities.
10. Fertilizers and chemicals shall be applied in such a manner that they would not affect the quality of groundwater or streams.

SECTION 765 PONDS

The Planning Board may issue a special permit for any artificially constructed body of water which shall fall within the definition of Pond, Farm in the Agricultural Residential (AR), Rural Residential (RR), Light Industrial (LI), Industrial (I), Waterfront Residential (WR), or Waterfront Development (WD) Districts provided that the following standards and conditions are maintained:

A. Procedures

1. Any pond with more than 1.0 acres in surface area must meet all requirements of the Orleans County Soil and Water Conservation District as well as applicable Department of Environmental Conservation (DEC) requirements before the Planning Board may act. The applicant shall present a plan for pond construction of the pond that bears the approval of the Orleans County Soil and Water Conservation District Office.

2. The applicant shall furnish evidence of a valid permit from New York State Department of Environmental Conservation if pond is in excess of nine and one half (9.5) acres.

3. A permit for any artificially constructed body of water which shall fall within the definition of Pond, Aesthetic may be issued by the Yates Zoning Enforcement Officer in those Districts in which Pond, Aesthetic is a permitted use.

A special permit for a pond under 1.0 acres may be authorized by the Planning Board without the need for approval by the Orleans Soil and Water approval or DEC.

B. Requirements

1. All ponds must have a 100 foot setback from all adjoining roads and property lines.

2. An adequate drainage system shall be provided to convey storm water run off, originating on or crossing the premises, such that the run-off follows as much as feasible, the natural pattern of the run-off prior to the excavation and such that it does not adversely affect neighboring property owners.

If soil or topsoil removed for construction of a pond is to be sold to outside parties, the owner must also comply with Special Permit criteria for Excavation and Mining operations (See Section 722 and 723)

SECTION 770 PUBLIC AND SEMI-PUBLIC USES

The Planning Board may approve a special use permit for public and semi-public uses of an institutional, health, educational, recreational, religious or cultural nature in any zoning district provided that the following standards and provisions are maintained:

A. Specifications for all uses

1. Minimum lot size: 30,000 square feet
2. Minimum lot frontage: 150 feet

3. If used for recreation purposes, as defined in this Local Law, Minimum Lot Size: One (1) acre; minimum lot frontage: 200 feet.

4. Landscaped areas at least 10 feet in width or other suitable screening, shall be provided for the entire length of any lot line adjacent to any residence or adjacent street.

5. No structure or use shall be located within 15 feet of any adjacent property line

6. Entrance and exit points shall be from major or secondary roads.

7. Parking areas shall be provided to accommodate all expected users and shall not be within 10 feet of any property line.

8. One parking space per employee. One per 400 square foot.

B. General Requirements for Other Public & Semi-Public Uses

1. The application shall include a statement setting forth the details of the operation of the use.

2. The applicant shall provide evidence of approval, certificate of need, license or other similar document required to initiate or expand such a use from any and all appropriate regulating agencies.

3. The proposal shall meet the minimum area and yard requirements for such uses as specified in the Zoning Schedule.

4. The proposed use shall meet the minimum off-street parking and loading and unloading requirements of this Local Law as well as provisions for landscaping, buffering, signs and accessways.

5. The Planning Board, in considering the request for a special use permit, may impose conditions it deems necessary to protect the health, safety and public welfare of the Town.

C. Day Care Centers

1. Must have an active outdoor play area of 100 square feet per child.

2. Outdoor play areas shall be appropriately fenced in or otherwise protected from roads and nearby properties.

3. No outdoor play equipment may be placed within ten feet of any property line, fence, or structure.

4. Minimum parking shall be one (1) space per staff member, plus one (1) space per each eight (8) children.

5. The operator shall have a valid license from New York State.

D. Clubs

1. Minimum lot size: 30,000 square feet
   Minimum lot frontage: 150 feet

2. Landscaping areas or screening adequate to protect adjacent properties and land uses shall be provided on all side and rear lot lines.

3. Minimum parking shall be one (1) per employee and one (1) per each three members.

4. Entrances and exit points shall be from major or secondary roads.

E. Cemeteries and Burial Grounds

1. Minimum lot sizes: 30,000 square feet
   Minimum lot frontage: 150 feet

2. A landscape plan shall be prepared and approved by the Planning Board for regulating the introduction and care of lawns, plants, trees and shrubs within such cemeteries and burial grounds. Suitable screening or landscaping shall be provided for the entire length of any lot line adjacent to any residence or adjacent street.

3. No structure shall be located within 25 feet of any adjacent property line.

4. Entrance and exit points shall be from major or secondary roads.

5. Parking areas shall not be within 15 feet of any property line.

SECTION 780 RIDING STABLES

The 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 in the Agricultural/ Residential (AR) or General Business (GB) District 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 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 vanning of horses as may be accessory to the principal use.

2. Sale or rental of horses for use by 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 for this Local Law. The land area on which the principal single family dwelling is located (minimum lot size of AR District) shall not be considered as part of the land "devoted to this use" as set forth in paragraph C above.

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 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 this Local Law and the 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. The installation and use of exterior loudspeakers shall be conducted in such a manner as to minimize potential nuisances to adjacent properties.

SECTION 785 TELECOMMUNICATION FACILITY

The Planning Board may approve a special use permit for the use of land and buildings for a telecommunication facility in the Agricultural/ Residential (AR) District or the Light Industrial (LI) District, the Industrial (I) District **or the H Hamlet District** provided that the following standards and provisions are maintained:

A. Purpose

The purpose of these supplemental regulations is to promote health, safety, and the general welfare of the residents of the Town of Yates; to provide standards for safe provision of telecommunications consistent with applicable federal and state regulations; to minimize the total number of telecommunications towers in the community by encouraging shared use of existing and future towers, and the use of existing tall buildings and other high structures; and to minimize adverse visual effects from telecommunications towers by requiring careful siting, visual impact assessment, and appropriate landscaping.

B. General Criteria

No Special Use Permit or renewal thereof or modification of a current Special Use Permit relating to a Telecommunications Facility shall be authorized by the Planning Board unless it finds that such Telecommunications Facility:

1. Is necessary to meet current or expected demands for service;

2. Conforms with all applicable regulations promulgated by the Federal Communications Commission, Federal Aviation Administration, and other federal agencies;

3. Is designed and constructed in a manner which minimizes visual impact to the extent practical;

4. Complies with all other requirements of this Local Law, unless expressly superseded herein;

5. Is the most appropriate site among those available within the technically feasible area for the location of a Telecommunications Facility;

6. When including the construction of a tower, such tower is designed to accommodate future shared use by at least one (1) other telecommunication service provider. Any subsequent location of telecommunication equipment by other service providers on existing towers specifically designed for shared use shall not require a new or modified special permit if there would be no increase in the height of the tower. However, the additional equipment will require site plan review.

C. Co-Location

The shared use of existing Telecommunications Facilities or other structures shall be preferred to the construction of new Facilities. Any Special Permit applications, renewal or modification thereof shall include proof that reasonable efforts have been made to co-locate within (share) an existing Telecommunication Facility or upon an existing structure. The application shall include an adequate inventory report specifying existing Telecommunication Facility sites and structures exceeding seventy-five percent (75%) of the height of the proposed tower within the search range of the cell grid. The inventory report shall contain an evaluation of opportunities for shared use an alternative to the proposed location.

The applicant must demonstrate that the proposed Telecommunication Facility cannot be accommodated on existing Telecommunications Facility sites in the inventory due to one (1) or more of the following reasons:

1. The planned equipment would exceed the structural capacity of existing and approved Telecommunication Facilities or other structures, considering existing and planned use for those facilities;

2. The planned equipment would cause radio frequency interference with other existing or planned equipment, which cannot be reasonably prevented;

3. Existing or approved Telecommunications Facilities or other structures do not have space on which proposed equipment can be placed so it can function effectively and reasonably;

4. Other technical reasons make it impracticable to place the equipment proposed by the applicant on existing facilities or structures;

5. The property owner or owner of the existing Telecommunication Facility or other structure refuses to allow such co-location.

D. Dimensional Standards

1. A fall zone around any tower constructed as part of a Telecommunications Facility must have a radius at least equal to the height of the tower and any antennae(s) attached upon its zenith. The entire fall zone may not include public roads and must be located on property either owned or leased by the applicant or for which the applicant has obtained an easement, and may not contain any structure other than those associated with the Telecommunications Facility. If the Facility is attached to an existing structure, relief may be granted by specific permission of the Zoning Board of Appeals on a case-by-case basis.

2. All Telecommunications Facilities shall be located on a single parcel.

3. All Telecommunications Facilities shall comply with the setback standards of the underlying zoning district. The size of the leased or owned lot shall be, at a minimum, sufficiently large to include the entire fall zone. A lot leased or owned for the purpose of construction of a tower as part of Telecommunications Facility shall not result in the creation of a non-conforming lot.

4. The frontage requirement of the underlying zoning district shall not apply, provided the Telecommunications Facility is not proposed on a parcel to be partitioned specifically for the Facility and/or is designed for occupancy by staff. In the absence of required frontage, an accessway for service vehicles - either through easement, lease or ownership - shall be in accord with paragraph G herein.

E. Lighting and Marking

1. Towers shall not be artificially lighted and marked beyond requirements of the Federal Aviation Administration (FAA).

2. Notwithstanding the preceding paragraph 1, an applicant may be compelled to add FAA-style lighting and marking, if in the judgment of the Planning Board, such a requirement would be of direct benefit to public safety.

F. Appearance and Buffering

1. The use of any portion of a Telecommunications Facility for signs, promotional or advertising purposes, including but not limited to company name, phone numbers, banners, streamers, and balloons is prohibited.

2. The facility shall have the least practical visual effect on the environment, as determined by the Planning Board. Any tower that is not subject to FAA marking, pursuant to paragraphs E.1. and E.2. herein, shall otherwise:

   a. have a galvanized finish, or shall be painted gray above the surrounding tree line and gray or green below the tree line, as deemed appropriate by the Planning Board; or

   b. be disguised or camouflaged to blend in with the surroundings, to the extent that such alteration does not impair the ability of the Facility to perform its designed function.

3. Accessory structures shall maximize the use of building materials, colors, and textures designed to blend in with the natural surroundings.

4. The Planning Board may require a State Environmental Quality Review (SEQR) Full EAF (Environmental Assessment Form) for proposed Facilities at key viewpoints in the community. A Visual Environmental Assessment Form (Visual EAF), may be required as an addendum to either the Full or Short EAF. The Planning Board may require submittal of a more detailed visual analysis based on the results of the Visual EAF.

5. The Planning Board shall require that the Facility have appropriate vegetative buffering around the fences of the tower base area, accessory structures and the anchor points of guyed towers to buffer their view from neighboring residences, recreation areas, or public roads. Such screening shall include the maximum feasible retention of existing vegetation. The Planning Board may similarly require screening adjacent to waterways, landmarks, refuges, community facilities, or conservation or historic areas within common view of the public.

6. Equipment or vehicles not used in direct support, renovations, additions or repair of any Telecommunications Facility shall not be stored or parked on the Facility site.

G. Access and Parking

1. Accessways shall make maximum use of existing public or private roads to the extent practicable. New access ways constructed solely for Telecommunications Facilities must be at least twenty (20), but no more than thirty (30) ft. wide, and closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.

2. The road surface (driveways) shall be centered within accessways and shall not comprise more than 60% of the width of the accessway.

3. Parking areas shall be sufficient to accommodate the greatest number of service vehicles expected on the premises at any one time.

4. Driveways or parking areas shall provide adequate interior turn-around, such that service vehicles will not have to back out onto a public thoroughfare.

H. Security

1. Towers, anchor points of guyed towers, and accessory structures shall each be surrounded by fencing at least eight (8) ft. in height, the top foot of which may, at the discretion of the Planning Board in deference to the character of the neighborhood, be comprised of three-strands of barbed wire to discourage unauthorized access to the site.

2. Motion activated or staff activated security lighting around the base of a tower or accessory structure entrance may be provided if such lighting does not project off the site. Such lighting should only occur when the area within the fenced perimeters has been entered.

3. There shall be no permanent climbing pegs within fifteen (15) feet off the ground of any tower.

4. A locked gate at the junction of the accessway and a public thoroughfare may be required to obstruct entry by unauthorized vehicles. Such gate must not protrude into the public right-of-way.

I. Engineering and Maintenance

1. Site plans for all Telecommunications Facilities must bear the seal of a professional engineer licensed to practice in the State of New York. Every facility shall be built, operated and maintained to acceptable industry standards including but not limited to the most recent, applicable standards of the Institute of Electric and Electronic Engineers (IEEE) and the American National Standards Institute (ANSI).

2. Every Facility shall be inspected at least every second year for structural integrity by a New York State licensed engineer. A copy of the inspection report shall be submitted to the municipal Zoning Enforcement Officer.

3. A safety analysis by a qualified professional must accompany any special permit or site plan application, renewal thereof or modification, for the purpose of certifying that general public electromagnetic radiation exposure does not exceed standards set by Federal Regulations.

4. The municipality, at the expense of the applicant, may employ its own consulting assistance to review the findings and conclusions of safety analysis, visual analysis, or structural inspection, provided by the applicant.

J. Removal

1. At the time of submittal of the application of a special use permit for a Telecommunications Facility, the applicant shall submit an agreement to remove all antennas, driveways, structures, buildings, equipment sheds, lighting, utilities, fencing, gates, accessory equipment or structures, as well as any tower(s) dedicated solely for use within a Telecommunications Facility if such Facility becomes technologically obsolete or ceases to perform its originally intended function for more than twelve (12) consecutive months. Upon removal of said Facility, the land shall be restored to its previous condition, including but not limited to the seeding of exposed soils.

2. At the time of obtaining a building permit, the applicant must provide a financial security bond for removal of the Telecommunications Facility and property restoration, with the municipality as the assignee, in an amount approved by the Planning Board, but not less than one hundred thousand ($100,000) dollars.

3. At time of renewal or modification of the Special Use Permit, the Planning Board may adjust the required amount of the financial security bond to adequately cover increases in the cost of removal of the Telecommunications Facility and property restoration.

ARTICLE VIII: ADMINISTRATION AND ENFORCEMENT

SECTION 800 ENFORCEMENT

The duty of administering and enforcing the provisions of this Local Law is hereby conferred upon the Zoning Enforcement Officer (ZEO), 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 ZEO shall receive such compensation as the Town Board shall determine.

SECTION 801 DUTIES AND PROCEDURES OF THE ZONING ENFORCEMENT OFFICER

A. Administer the Zoning Law

1. The Zoning Enforcement Officer shall review all applications for zoning permits and, if the minimum requirements of this Local Law are met, the Officer shall issue a permit.

2. If the applicants plans do not meet the Zoning requirements, the Officer must deny the permit. The Zoning Enforcement Officer may not use discretionary judgment. The Officer must enforce the "Letter of the Law."

B. Referral to the Zoning Board of Appeals

An applicant, after being denied a building permit, may appeal the Zoning Officer's findings to the Zoning Board of Appeals (ZBA) for an interpretation or a variance. Should an appeal be requested, the Zoning Enforcement Officer shall notify the Secretary of the ZBA of the request and forward all necessary supporting information.

A. Referral to Town Planning Board

Any application for a special permit, change of zoning district or use that requires Site Plan Review shall be forwarded by the Zoning Enforcement Officer to the Chairperson of the Town Planning Board of the request and forward all necessary supporting information.

B. Cite Zoning Violations

1. For any plans, construction, building, use or premise found in violation of this Local Law, the Zoning Enforcement Officer shall order the responsible party, in writing, to remedy the conditions. He shall have the authority to commence proceedings to punish violations pursuant to Sections 108 and 109 of this Local Law.

2. The Zoning Enforcement Officer may enter any premise or building during reasonable hours in the course of his duties in accordance with State Law after due written notice has been given.

C. Report to Town Board

A monthly report to the Town Board describing and enumerating actions taken and permits issued shall be given.

D. Public Record

The Zoning Enforcement Officer shall file all permit actions with the Town Clerk.

G. Upon written direction from the Planning Board, the Zoning Enforcement Officer shall issue special use permits. Upon approval of a variance by the Zoning Board of Appeals, the Zoning Enforcement Officer shall be empowered to issue the necessary permits with the specific conditions to be imposed.

H. The Zoning Enforcement Officer shall be authorized and empowered to issue appearance tickets pursuant to the New York State Criminal Procedure Law.

SECTION 810 CREATION, APPOINTMENT AND ORGANIZATION OF PLANNING BOARD

A. Creation and Appointment

1. The Town Board authorizes the appointment of a **seven** member Planning Board as more fully described in Town Law Section 271. **At least one member shall be a person engaged in agricultural pursuits as defined in Town Law Section 271 subsection 11.** Terms of all Planning Board members shall be staggered as the law requires.

2. In making such appointments, the Town Board may require Planning Board members to complete training and continuing education courses in accordance with any local requirements for the training of such members. The Town Board may reimburse the members for appropriate expenses incurred in obtaining training.

B. Officer, Rules, Expenses

1. The Town Board may select a Chairman of the Planning Board, or on failure to do so, the Planning Board shall elect a chairman from its own members.

2. The Planning Board may adopt rules or bylaws for its operations.

3. The Town Board shall provide an appropriation to the Planning Board to cover necessary expenses including the means for the Planning Board to maintain a written record of its meetings and public hearings.

C. Functions of the Planning Board

1. To prepare, review and/or recommend revisions to the comprehensive plan for the development of the Town as provided under Section 272-a of Town Law and/or Town Board Resolution.

2. To review and comment on all proposed zoning amendments before referral to the County Planning Board

3. Conduct Site Plan Review as authorized by Town Law 274-A and prescribed in Article X of this Local Law
4. Review and grant or deny special permits as authorized by Article IX.

5. Render assistance to the Zoning Board of Appeals on its request.

6. Research and report on any matter referred to it by the Town Board.

7. Make investigations, maps, reports, and recommendations in any matter related to Planning and Development as it seems desirable providing expenditures of the Board do not exceed appropriations.

8. Authority to modify provisions of the zoning Local Law simultaneously with plot approval in accordance with Town Law Section 278.

9. 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, 274-b, 276, 277, and 278, 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.

10. **The Planning Board shall be responsible for review and evaluation of proposals and projects for the coastal area of the Town. The Planning Board is authorized to prepare and adopt a Local Waterfront Revitalization Program (LWDP) with its policies, maps and uses for the entire Lake Ontario shoreline and coastal area that is located within Town boundaries, along the boundary lines defined in Article II Section 210 of this Zoning Local Law. Considerations and recommendations made by the Planning Board as to proposed action's consistency with LWDP shall be submitted to the Town Board for final determination and certification of compliance with LWDP policies, maps and uses.**

D. County Planning Board Representatives

The Town shall nominate a member of the Planning Board to serve on the County Planning Board when vacancies occur. Appointment to the County Planning Board is made by the County Legislature.

SECTION 820 ZONING BOARD OF APPEALS

A. Appointment of Zoning Board of Appeals

1. Pursuant to Section 267 of Town Law, there shall be a Zoning Board of Appeals consisting of five (5) members holding staggered five (5) year terms appointed by the Town Board. The Town Board shall appoint the ZBA's Chairman.

2. In making such appointments, the Town Board may require Board of Appeals members to complete training and continuing education courses in accordance with any local requirements for the training of such members. The Town Board may reimburse the members for appropriate expenses incurred in obtaining training.

B. Officers, Rules and Expenses

1. The ZBA may adopt rules or bylaws for its operation.

2. The Town Board shall provide an appropriation to ZBA to cover necessary expenses including the means for the ZBA to maintain a written record of its meetings and public hearings.

3. All decisions shall be by a majority vote of the membership (three) except in those cases of a County Planning Board disapproval referral recommendation. In such cases a majority plus one vote (four) shall be required for any decision.

C. Functions of the Zoning Board of Appeals.

1. Interpretation.

   Upon appeal from a decision by the Zoning Enforcement Officer, the ZBA shall decide any question involving interpretation of any provision of this Local Law.

2. Appeals for Variances

   Upon denial of zoning permit by the Zoning Enforcement Officer, the ZBA shall hear requests for variances as more fully described in Section 834 of this Local Law.

D. Appeals for Variance through the Zoning Board of Appeals (ZBA)

Unless otherwise provided for, all requests for variances shall be made to the ZBA after denial of a zoning permit by the Zoning Enforcement Officer.

E. Orders, Requirements, Decisions, Interpretations, Determinations

The ZBA may reverse or affirm, wholly or partly, or may modify 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 Enforcement Officer and to that end shall have all the powers of the Zoning Enforcement Officer.

F. Area or Dimensional Variances.

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

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.

4. The ZBA shall, in the granting of an area variance, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property, and/or the period of time such variance shall be in effect. Such condition shall be consistent with the sprit and intent of the Zoning Local Law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

G. Area Variances Procedures

Area variances shall be granted by the procedure established in Section 834

H Use Variances

1. The ZBA, on appeal from the decision or determination of the Zoning Enforcement Officer shall have the power to grant use variances as defined herein.

2. No such use variance shall be granted by the ZBA without a 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 (1) under applicable zoning regulations the applicant is deprived of all economic use or benefit from the property in question, which deprivation must be established by competent financial evidence; (2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood; (3) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and (4) that the alleged hardship has not been self-created.

3. The ZBA, 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.

4. The ZBA shall, in the granting of a use variance, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property, and/or the period of time such variance shall be in effect. Such condition shall be consistent with the spirit and intent of the Zoning Local Law, and shall be imposed for the purpose of minimizing any adverse impact such variance m ay have on the neighborhood or community.

SECTION 834 PROCEDURES FOR PROCESSING A VARIANCE APPLICATION

A. All applications for variances shall be in writing on forms established by the ZBA and are available from the Zoning Enforcement Officer.

B. Every application shall refer to the specific provision of the law involved and establish the details of why the variance should be granted.

C. Agricultural Data Statement

1. Any application for a variance that would occur on property within an agricultural district containing a farm operation or on property with boundaries within 500 feet of a farm operation located in an agricultural district, shall include an Agricultural Data Statement.

2. The Zoning Board of Appeals shall evaluate and consider the Agricultural Data Statement in its review of the possible impacts on the proposed agricultural district.

3. Upon the receipt of such application by the Zoning Board of Appeals, the clerk of such board shall send, through registered mail, written notice of such application to the owners of land as identified by the applicant in the Agricultural Data Statement. Such notice shall include a description of the proposed project and its location. The cost of mailing said notice will be borne by the applicant.

4. An Agricultural Data Statement shall include the name and address of the applicant, a description of the proposed project and its location, the agricultural district which land contains farm operations and is located within 500 feet of the boundary upon which the project is proposed; and a tax map or other map showing the site of the proposed project relative to the location of farm operations identified in the Agricultural Data Statement.

D. Upon receipt of the completed application the ZBA shall:

1. Schedule a public hearing.

2 Arrange publication of notice of the public hearing as described in Section 835

3. Refer the application to the County Planning Board as required by General Municipal Law Section 239, if required.
4. Determine whether a draft Environmental Impact Statement should be required.

C. Within 62 days of the public hearing, the ZBA shall render a decision. If the matter was referred to the County Planning Board, a copy of the ZBA's findings and decision must be sent to the County Planning Board.

SECTION 835 NOTICE OF PUBLIC HEARING

A. Public Hearings shall be held scheduled within 62 days from the date of ZBA receipt of the appeal

B. Notice of the public hearing shall be published in the official newspaper of the Town at least 5 days prior to the hearing. Such notice shall briefly describe the nature of the appeal and the time and place of the hearing.

C. The Zoning Board of Appeals may require the applicant to place a sign on the property for which the variance is requested, indicating the date and time of the public hearing.

D. A copy of the public notice may be sent to adjacent property owners within the Town, but failure to send such notice shall not affect the jurisdiction of the Board or the legality of this decision.

E. Public records shall be taken by stenographic and/or tape recorder means and shall be accurate but not necessarily a verbatim transcript, but may be in narrative form. The factual record shall be taken by the secretary of the Board.

SECTION 836 MEETINGS OF THE ZONING BOARD OF APPEALS

A. The Zoning Board of Appeals shall hold meetings at the call of the Chairperson, or the request of 3 or more members.

B. The presence of the three (3) members shall constitute a quorum for the conduct of business before the Board.

C. The presence of three (3) members of the Board shall be necessary to act on the application for any variance or to decide upon any other matter brought before the Board, unless otherwise stipulated in this Local Law.

D. All votes of the Zoning Board of Appeals shall be taken by roll call.

E. In accordance with General Municipal Law, Section 908, a member of the Zoning Board of Appeals having a conflict of interest shall abstain from any discussion or voting on that matter.

F. The Zoning Board of Appeals may request and obtain any advice or opinions on the law relating to any matter before the Board from the town attorney, and require the town attorney to attend its meetings.

G. The Zoning Board of Appeals may require the Zoning Enforcement Officer to attend its meetings to present any facts relating to any matter before the Board.

H. All meetings of the Zoning Board of Appeals shall be open to the public.

I. The Board of Appeals shall keep minutes of all its meetings. The Town Board shall provide a secretary for the Zoning Board of Appeals.

J. The Zoning Board of Appeals shall make a factual record of all its proceedings including the reading of the case, public hearing, deliberation, voting and decisions of the Board. These factual records shall be taken by stenographic and/or tape recorder means and shall be accurate but not necessarily a verbatim transcript, but may be in narrative form. The factual record shall be taken by the secretary to the Board.

SECTION 840 - REQUIRED REFERRALS TO THE COUNTY PLANNING BOARD

A. The Zoning Enabling Laws require that any of the following local zoning actions must be referred to the County Planning Board prior to action by the local Board, unless such actions are exempted from referral by an agreement between the County and the Town. Unless exempted by mutual agreement between the County and the Town: any proposal for a special permit, variance, site plan approval, or change in the zoning law text or map (rezoning or amending the zoning law) which would affect real property lying within a distance of 500 feet from the boundary of:

---any county
---any town.
---any village.
---any existing or proposed county or state park.
---any right-of-way of any county or state road or parkway,
---any stream or canal owned by the county.
---any existing or proposed county or state owned land on which a public building or institution is situated

must be referred to the County Planning Board who shall have 30 days from date of County receipt to take action on the matter. By mutual agreement of the county and the municipality such 30 day period may be extended in special cases.

B. EFFECT OF COUNTY PLANNING BOARD REVIEW

1. If the county approves a referral then the local board's decision is governed by a majority vote.

2. If the county disapproves or approves subject to stated conditions or modifications, the local board may override the county opinion only by a majority plus one vote.

C. REPORT ON FINAL LOCAL ACTION

The local board must send a copy of its final decision and reasons for such decision on a county referral case to the County Planning Board within 7 days after the local decision is reached.

ARTICLE IX: SPECIAL USE PERMITS AND PROCEDURES

SECTION 900 PURPOSE

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 Use Permits bring needed flexibility and individuality to the otherwise rigid controls of zoning regulations.

SECTION 901 ADMINISTRATION

In accordance with Town Law, Section 274-b, the Town Planning Board will administer the review and granting of Special Permits.

SECTION 902 PROCEDURE

A. The Zoning Enforcement Officer shall refer the completed special permit application to the Town Planning Board upon receiving a completed application.

   If a variance would be required from the Zoning Board of Appeals in connection with the proposed use of the premises, the Zoning Enforcement Officer shall refer a copy of the application to the Zoning Board of Appeals. The Zoning Enforcement Officer shall notify the applicant of the need for such variance.

   All applications shall be signed by the legal owner of the premises for which the Special Permit is sought.

B. At its next regular or special meeting, the Town Planning Board shall designate a public hearing date within a reasonable period of time, not to exceed 62 days from the date the application was made.

C. The Town Planning Board shall send a notice of the public hearing to the applicant and publish a notice of the public hearing in the Official Newspaper. Notices shall be sent to adjacent property owners and/or a sign shall be placed on the premises indicating the date of the public hearing.

D. The Notice of the public hearing shall be sent and published at least five (5) days prior to the date of public hearing and shall include sufficient information so as to identify the property involved and the nature of the proposed action.

E. The Town Planning Board shall make a factual record of all its proceedings involving the granting of a Special Permit. The decision of the Planning Board shall contain the reasons for its decision.

F. The Town Planning Board shall render its decision, either approving, approving with conditions, or denying, within 62 days after the hearing, unless an extension is mutually agreed upon.

G. Each application for a special permit shall be accompanied by a proposed plan showing the information required for site plan approval in Article X.

H. Each special permit application must also receive site plan approval before the special permit may be granted.

I. Agricultural Data Statement

5. Any application for a special use permit that would occur on property within an agricultural district containing a farm operation or on property with boundaries within 500 feet of a farm operation located in an agricultural district, shall include an Agricultural Data Statement.

6. The Planning Board shall evaluate and consider the Agricultural Data Statement in its review of the possible impacts of the proposed agricultural district.

7. Upon the receipt of such application by the Planning Board, the clerk of such board shall send, through registered mail, written notice of such application to the owners of land as identified by the applicant in the Agricultural Data Statement. Such notice shall include a description of the proposed project and its location. The cost of mailing said notice will be borne by the applicant.

8. An Agricultural Data Statement shall include the name and address of the applicant, a description of the proposed project and its location, the agricultural district which land contains farm operations and is located within 500 feet of the boundary upon which the project is proposed; and a tax map or other map showing the site of the proposed project relative to the location of farm operations identified in the Agricultural Data Statement.

J. If any Special Permit issued under this Local Law shall remain unexercised for a period of one (1) year from the date of issuance such permit shall be deemed revoked and the use shall not be commenced until another new application shall have been made to the Planning Board therefore and approved. The applicant may apply to the Planning Board for an extension of up to one year.

K. If any use permitted by a Special Permit shall be discontinued for a period of one (1) year, such permit shall be deemed revoked and the use shall not be continued until another new application shall have been made to the Planning Board therefore and approved.

SECTION 903 FINDINGS

B. The Town Planning Board may grant a special use permit for uses described in Article VII provided that all requirements and conditions set forth in that Article are complied with.

C. The Planning Board shall make written findings for each special use permit decision. Findings shall state the reasoning behind, the basis for, and the evidence relied upon to reach the decision. Compliance with the requirements or Article VII shall be substantiated.

D. The following considerations shall apply to all special use permit applications:

1. Ingress and egress to the property and proposed structures thereon, with particular reference to vehicular and pedestrian safety, and convenience, traffic flow and control, and access in case of fire or catastrophe.

2. Off-street parking and loading areas where required, and the noise, glare or odor effects of the special use permit use on adjoining properties, and properties generally in the district, and the economic impact of the proposed special permit use.

3. Refuse and service areas.

4. Utilities as appropriate, with reference to locations, availability and compatibility.

5. Storm drainage, including potential impact on downstream properties.

6. Screening and buffering, with reference to type, dimensions and character.

7. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district.

8. Required yards and other open space.

9. General compatibility with adjacent properties and other properties in the district.

E. The Planning Board may impose additional conditions and requirements in order to ensure that the Special Use Permit will be consistent with the requirements of Article VII. Such conditions and requirements shall be clearly documented in the findings and reflected on the approved Site Plan for the special use.

F. The Planning Board is hereby authorized to waive any of the requirements for Special Permits in this Section or those in Article IX (Special Permit Criteria), if it finds that such requirements are not needed to protect public health, safety or general welfare, or are inappropriate to the particular special use permit.

G. At least ten (10) days prior to the date of the public hearing, the Zoning Enforcement Officer shall, on behalf of the Planning Board, transmit a copy of the complete application and supporting documents to the County Planning Board for review when required under Article 12-B, 239-m of the General Municipal Law.

H. Each application for a special use permit shall be accompanied by a proposed site plan showing the information required for site plan approval as described in Article X of this Local Law.

I. Public Hearing

1. Prior to taking action on an application for a special use permit, the Planning Board shall conduct a public hearing on the proposed request. Said hearing shall be

conducted within 62 days following the receipt of a complete application and supporting documents from the Zoning Enforcement Officer.

2. The Planning Board shall send a notice of the public hearing to the applicant and publish a notice of the public hearing in the official newspaper, one of general circulation in the Town.

3. The notice of the public hearing shall be sent and published at least five (5) calendar days prior to the date of the public hearing. Such notice shall include sufficient information so as to identify the property involved and the nature of the proposed action.

J. If the application is required to be transmitted to the County Planning Board under Article 12-B, 239-m of the General Municipal Law, the Planning Board shall not act within the first thirty (30) days following the referral of the application to the County Planning Board unless said Board provides a written reply to the Town within the thirty (30) day period.

K. The Planning Board shall render its decision, either approving, approving with conditions, or denying the special use permit, within 62 days after the public hearing unless an extension is mutually agreed upon by the Planning Board and the applicant.

L. In approving an application, the Planning Board may impose any modifications or conditions it deems necessary to conform with the goals and objectives of the Town's Comprehensive Plan and its principles of land use and development, and to protect the health, safety or general welfare of the public.

M. If an application is approved by the Planning Board, the Zoning Enforcement Officer shall be furnished with a copy of the approving resolution of the Planning Board and he shall issue the permit applied for in accordance with the conditions imposed by the Board.

N. If any application is disapproved by the Planning Board, 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 Enforcement Officer. The Zoning Enforcement Officer shall deny the application accordingly by providing the applicant with a copy of the Board's reasons for disapproval.

O. The Zoning Enforcement Officer shall inspect the premises of a use authorized and approved with a special use permit not less than one time each calendar year. The inspection shall determine that the use is being operated consistent with the terms and conditions established by the Planning Board in approving the permit. If the Zoning Enforcement Officer shall determine that the use is not being operated in compliance with the permit, the Zoning Enforcement Officer find the owner and operator of the use in violation of the Zoning Local Law. If such violation is not corrected, in accordance with the requirements of this Local Law, the Zoning Officer shall initiate enforcement action. If the violation is not corrected within 90 days of the annual inspection, the Planning Board may 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.

ARTICLE X: SITE PLAN REVIEW

SECTION 1000 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 this Local Law.

SECTION 1001 APPLICATIONS

A. Site plan review shall be required for all applications for zoning permits, zoning variances, or special use permits, except those for one and two family dwellings, their permitted accessory uses, or any addition to a single family dwellings.

B. Residential development within a Historic District must also have site plan approval.

C. All development (including residential) within the General Business (B) Districts, Industrial (I) District, Light Industrial (LI), Historic District or Waterfront Development District must also have a site plan approval.

D. No zoning permit shall be issued until all the requirements of this Article and all other applicable provisions of the Local Law have been met.

SECTION 1002 PROCEDURE

A. Each application for Site Plan Review shall be referred to the Town Planning Board.

1. The application shall be made to the Planning Board by filing it with the Town Clerk or the Zoning Enforcement Officer.

2. The Zoning Enforcement Officer shall present it to the Planning Board at their next regularly scheduled meeting.

3. The applicant should attend the Planning Board meeting to answer questions concerning the application.

B. Within 62 days of receipt of the application the Planning Board shall render a decision to approve with conditions, or deny, and forward the decisions to the Zoning Enforcement Officer. Any extension of this 62 day period may be granted upon consent of both the applicant and the Town Planning Board. If the Planning Board fails to act within said 62 day period or extension that has been granted, the site plan shall be considered approved.

C. Agricultural Data Statement

1. Any application for a site plan review of a project that would occur on property within an agricultural district containing a farm operation or on property with boundaries

within 500 feet of a farm operation located in an agricultural district, shall include an Agricultural Data Statement.

2. The Planning Board shall evaluate and consider the Agricultural Data Statement in its review of the possible impacts on the proposed agricultural district.

3. Upon the receipt of such application by the Planning Board, the clerk of such board shall send, through registered mail, written notice of such application to the owners of land as identified by the applicant in the Agricultural Data Statement. Such notice shall include a description of the proposed project and its location. The cost of mailing said notice will be borne by the applicant.

4. An Agricultural Data Statement shall include the name and address of the applicant, a description of the proposed project and its location, the agricultural district which land contains farm operations and is located within 500 feet of the boundary upon which the project is proposed; and a tax map or other map showing the site of the proposed project relative to the location of farm operations identified in the Agricultural Data Statement.

D. The Planning Board is hereby authorized to waive any of the requirements for Site Plan Review in this Section, if it finds that such requirements are not needed to protect public health, safety or general welfare, or are inappropriate to the particular site plan.

E. A full written record of the Planning Board minutes and decisions together with all documents pertaining to the case shall be filed in the Office of the Town Clerk and shall be mailed to the applicant.

SECTION 1003 PREAPPLICATION CONFERENCE

A pre-application conference may be held between the Planning Board and applicant to review the basic site design concept and generally determine the information to be required on the site plan.

SECTION 1004 APPLICATION FOR SITE PLAN APPROVAL

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

A. Plan checklist for all site plans:

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.

4. Existing watercourse and bodies of water.

5. Location of any slopes of 5% or greater.

6. Proposed grading and drainage.

7. Location, proposed use and height of all buildings and site improvements including culverts, drains, retaining walls and fences.

8. Location, design and construction materials of all parking and truck loading areas, showing points of entry and exit from the site.

9. Location of outdoor storage, if any.

10. Description of the method of sewage disposal and location of the facilities.

11. Identification of water source: if well, locate.

12. Location, size and design and construction materials of all proposed signs.

13. Location and proposed development of all buffer areas, including existing vegetation cover.

14. Location and design of outdoor lighting facilities

15. General landscaping plan.

B. As necessary, the Planning Board may require the following:

1. Provision for pedestrian access if necessary.

2. Location of fire lanes and hydrants.

3. Designation of the amount of building area proposed for retail sales or similar commercial activity.

4. Other elements integral to the proposed development as considered necessary by the Planning Board.

SECTION 1105 PLANNING BOARD REVIEW OF SITE PLAN

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

A. General Considerations

1. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls, and including the maximum feasible redesign of private roads to conform to public access and rights of way.

2. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.

3. Location, arrangement, appearance and sufficiency of off-street parking and loading.

4. Location, arrangement, size and design and general site compatibility of buildings, lighting and signs.

5. Adequacy of storm-water and drainage facilities.

6. Adequacy of water supply and sewage disposal facilities.

7. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum feasible retention of existing vegetation.

8. In the case of apartment complex or to other multiple dwelling, the adequacy of useable open space for play areas and informal recreation.

9. Protection of adjacent or neighboring properties against noise, glare, unsightliness or nuisances.

10. Protection of solar access on adjacent or neighboring properties.

11. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.

12. Special attention to the adequacy of structures, road-ways and landscaping in areas with susceptibility to ponding, flooding and or erosion.

13. Special attention to the productive use and access with "backlot" areas, indicating present and future intended uses

14. Consistency with the general intent of the town's comprehensive Master Planning Process.

B. Consultant Review

The Planning Board may consult with the town building inspector, fire commissioners, highway departments, county planning department, and other local county officials, in addition to representatives of federal and state agencies including, but not limited to, the Soil Conservation Service, the State Department of Transportation and the State Department of Environmental Conservation.

C. Public Hearing

1. The Planning Board may conduct a public hearing of the site plan. 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 application and shall be advertised in the official newspaper of the town at least five (5) days before the public hearing. Decision shall be rendered within sixty-two (62) days of the public hearing.

2. If a public hearing is scheduled, the Planning Board may notify adjacent property owners and may require the applicant to place a sign on the property that indicates the date of the public hearing.