

TOWN OF MAYFIELD LOCAL LAW NO. 2 OF THE YEAR 2005

A local law Zoning Law of the Town of Mayfield.

Be it enacted by the Town Board as follows:

See attached.

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ARTICLE I: GENERAL PROVISIONS

Section 101: Authority

Pursuant to the authority conferred by Article 16 of the Town Law and Article 2 of the Municipal Home Rule Law, be it enacted by the Town Board of the Town of Mayfield as follows:

Section 102: Short Title

This local law shall be known as the “Zoning Law of the Town of Mayfield, New York”.

Section 103: Purpose

- A. The purpose of this local law, its requirements and its districts is to:
1. Protect and promote the public health, safety and general welfare of the Town for the benefit of its citizens.
 2. Guide the future growth and development of the community in accordance with the Town's Comprehensive Plan.
 3. Protect the character and the social and economic stability of all parts of the Town and to facilitate the orderly and beneficial development of all parts of the Town.
 4. Prevent the pollution of air, surface and ground water; to assure the adequacy of drainage facilities; and to encourage the wise use and sound management of the Town's natural resources in order to preserve the integrity, stability and beauty of the community and the value of the land.

Section 104: Validity and Separability

Should any clause, sentence, subdivision, paragraph, section or part of this local law be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the local law as a whole, only the clause, sentence, subdivision, paragraph, section or part so decided to be unconstitutional or invalid.

Section 105: Conflicting Provisions

The provisions of this local law shall be held to be the minimum requirements for the promotion of public health, safety and general welfare. When this local law imposes a greater restriction on the use of buildings or land or the height of buildings or requires larger open spaces or makes any other greater requirement than is imposed or required by any other law, rule or regulation or by easements, covenants or agreements, this local law shall apply.

Section 106: Effective Date

This local law shall take effect immediately upon filing in the office of the Secretary of State.

ARTICLE II: TERMINOLOGY

Section 201: Word Usage

Words used in the present tense shall include the future. The singular number includes the plural, and the plural the singular. The word "lot" includes the word "plot" or "parcel." The word "person" includes a corporation, firm, company, association, or any other agency or organization, as well as an individual. The word "building" includes the word "structure." The word "used" or "occupied", as applied to any land or building, shall be construed to include the words "built, arranged or designed to be used or occupied." The word "shall" is mandatory and the word "may" is permissive.

Section 202: Definitions

A. For the purposes of this document, certain terms or words used herein shall be interpreted as follows:

1. **ACCESSORY STRUCTURE** – In one-and two family dwellings not more than three stories high with separate means of egress, a building, the use of which is incidental to that of the main building and which is located on the same lot.
2. **ALTERATION** – Any construction or renovation to an existing structure other than repair or addition that requires a permit. Also, a change in a mechanical system that involves an extension, addition or change to the arrangement, type or purpose of the original installation that requires a permit.
3. **APPLICATION** – Application shall mean the formal request by an applicant or developer, as those terms are defined hereinafter, for any permit or approval by the Town Board, Planning Board, Zoning Board of Appeals (or Code Enforcement Officer) for the items set forth hereinafter along with the preparation of any and all plans and submittals submitted in connection therewith including, but not limited to, any required review under the New York State Environmental Quality Review Act.
4. **APPLICANT** – Any person that applies for a permit or approval for any of the following:
 - a. Acceptance by the Town Board for the dedication of sidewalks, highways, public right of ways, drainage facilities parks or utilities;
 - b. Planning Board approval of site plans, special use permits, special permits, or subdivisions or other approvals;
 - c. Zoning Board of Appeals approval of variance;
 - d. Rezoning of real property in the Town by the Town Board; or
 - e. Certificate of Occupancy from the Code Enforcement Officer in connection with a development within the Town.

5. NEW/USED AUTO DEALER - Any person that meets the following requirements:
 - a. Maintains a valid N.Y.S. Sales Tax Certificate.
 - b. Maintains a New York State Motor Vehicle Dealer License.
 - c. Vehicles for sale are set back a minimum of 10 feet from the front lot line and from each side lot line, respectively.
6. BASEMENT – That portion of a building that is partly or completely below grade (see “Story Above Grade”).
7. BASEMENT WALL – The opaque portion of a wall that encloses one side of a basement and has an average below grade wall area that is 50 percent or more of the total opaque and non opaque area of that enclosing side.
8. BED & BREAKFAST DWELLING – Owner-occupied residence resulting from a conversion of a one-family dwelling, used for providing overnight accommodations and a morning meal to not more than 10 transient lodgers, and containing at least three but not more than five bedrooms for such lodgers.
9. BOARD OF APPEALS – The Zoning Board of Appeals of the Town of Mayfield.
10. BUILDING – Building shall mean any one-and two-family dwelling or portion thereof, including townhouses, that is used, or designed or intended to be used for human habitation, for living, sleeping, cooking or eating purposes, or any combination thereof, and shall include accessory structures thereto.
11. BUILDING LINE – The line established by law, beyond which a building shall not extend, except as specifically provided by law.
12. CAMP - Any one or more of the following:
 - a. A tent, trailer, shelter, cottage or other accommodation for seasonal or other more or less temporary living accommodations, regardless of whether such structure or other accommodation is actually used seasonally or otherwise.
 - b. A parcel of land on which is located one or more tents, trailers, shelters, cottages or other accommodation for seasonal or other more or less temporary living arrangements.
 - c. A parcel of land, including buildings and facilities thereon, used for the assembly of children or adults for what is commonly known as "day camp" purposes.
 - d. A parcel of land, including buildings and facilities thereon, used for overnight, weekend or longer periods of camping by organized groups.
13. CAMPING GROUND - A parcel of land used or intended to be used, let or rented for occupancy by two or more trailers, tents or other movable or temporary shelter or sleeping quarters of any kind.

14. CLUSTER HOUSING - A subdivision technique in which detached dwelling units are grouped relatively close together, leaving open spaces as common area.
15. CODE ENFORCEMENT OFFICER – The officer or other designated authority charged with the administration an enforcement of this local law, or a duly authorized representative.
16. CONVENIENCE STORE - A retail store containing less than 5,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, petroleum products and other household supplies to customers who purchase only a relatively few items.
17. COMMUNITY RESIDENCE - A residential facility, classified as a one-family dwelling that provides a supervised or unsupervised living environment for up to 14 mentally disabled individuals as defined by Mental Hygiene Law Section 1.03(28).
18. CONDOMINIUM - A building or complex in which units of property, such as apartments, are owned by individuals and common parts of the property, such as the grounds and building structure, are owned jointly by the unit owners.
19. DECK – An exterior floor system supported on at least two opposing sides by an adjoining structure and/or posts, piers, or other independent supports.
20. DEVELOPER – Any person, firm, partnership, association, corporation, company, limited liability or entity or organization of any kin, whether or not an applicant as defined hereinabove, that constructs or purposes to construct one or more highways, drainage facilities, utilities or parks within or in conjunction with a development and do convey or dedicate same to the Town.
21. DEVELOPMENT – Shall mean and include, a subdivision, site plan, special use permit, special permit or variance for which approval is required under this local law and any construction of buildings, structures, drainage facilities, highways, parks or utilities to be undertaken in connection with any of the foregoing.
22. DRAINAGE FACILITY – All surface water drainage facilities, including, but not limited to, catch basins, detention and retention ponds or basins, storm sewers and their appurtenances, drainage swales and ditches, and any easements through or over which said facilities may be constructed or installed in or in connection with a development.
23. DRIVEWAY - An area leading from a public highway to the interior of a lot and designed for automobile access.
24. DWELLING – Any building that contains one or two dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.
25. DWELLING, MULTIPLE FAMLY - A building or portion thereof designed for year-round occupancy and containing separate dwelling units for three or more families living independently of each other, including apartment houses, town houses, but not including hotels, motels, mobile homes, trailers and rooming houses.

26. DWELLING, ONE FAMILY - A detached building designed for year-round occupancy by one family, including, but not limited to “stick built”, sectional/modular or manufactured homes.
27. DWELLING, TWO FAMILY - A detached building designed for year-round occupancy by two families living independently of each other, but not including a mobile home, trailer, or motel.
28. DWELLING UNIT - A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
29. ENFORCEMENT OFFICER - The building code enforcement officer, zoning enforcement officer, constable or any person appointed by the Town Board of the Town of Mayfield to enforce the provisions of this local law.
30. FAMILY - One or more persons occupying the premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, rooming house, lodging house, club, fraternity or hotel.
31. FARM - A parcel of land, or adjoining parcels under common ownership, containing at least 10 acres and on-farm buildings, equipment, and practices, which contribute to the production, preparation, and marketing of crops, livestock and livestock products as a commercial enterprise. The definitions of crops, livestock and livestock products are as defined in Agriculture and Market Law, Section 301(2)
32. FENCING - A barrier intended to prevent escape or intrusion or mark a boundary. Such a barrier may be made of posts, boards, metal or wire. Fencing may not always qualify as screening.
33. GARAGE, PRIVATE – A roofed space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein.
34. GARAGE, PUBLIC – a building or part thereof used primarily for the storage, hiring, selling, greasing, washing, servicing or repair of motor-driven vehicles, including painting, operated for gain.
35. GARAGE, STORAGE – A building or part thereof used primarily for the storage of vehicles and at which automobile parts, fuels and oils are not sold and automobiles are not serviced or leased for gain.
36. GRADE – The finished ground level adjoining the building at all exterior walls.
37. HEIGHT, BUILDING – The vertical distance from grade plane to the average height of the highest roof surface.

38. HEIGHT, STORY – The vertical distance from top to top of two successive tiers of beams or finished floor surfaces; and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.
39. HIGHWAY – A street, avenue, road, square, place, alley, lane, boulevard, concourse, parkway, driveway, overpass and underpass, or other form of public right-of-way, and also includes all items appurtenant thereto, including but not limited to bridges, culverts, ditches, shoulders and sidewalks in or in connection with a development.
40. HOSPICE RESIDENCE – A one- or two-family dwelling operated for the purpose of providing care to more than two but not more than eight hospice patients, created pursuant to Article 40 of the Public Health Law, and as defined in Section 4002 thereof.
41. HOME OCCUPATIONS – See Home Occupations I and II:
- a. Home Occupations I: These are non-visible businesses conducted strictly within the principal residence or accessory building, and the primary operator of the business must reside on the property. There shall be no noticeable noise, odor or lighting emanating and no signage from these businesses.
 - b. Home Occupations II: A site plan review is required. These are businesses visible due to more than one vehicle or machinery stored, or used on-site, or customer activity and vehicle present. The business owner shall reside on the property. The primary consideration in site plan review is an adverse effect on neighbors, including noise, odor, lighting and increased traffic, and the degree to which this is mitigated by distance from neighboring properties, screening of unsightly uses from view and availability of on-site parking.
42. HOSPITAL, ANIMAL – A building or structure for the diagnosis and medical or surgical care of sick or injured animals.
43. HOTEL OR MOTEL - A building or group of buildings where transient guests are lodged for hire, but excluding rooming houses.
44. HUD APPROVED – A manufactured home constructed under the federal standards of the United States Department of Housing and Urban Development. This standard applies to all mobile homes constructed after June 15, 1976.
45. JUNKYARD – Any place of outdoor storage or deposit, whether in connection with a business or not, where 2 or more junk vehicles without a storage permit, or 1 or more junk mobile homes are held, whether for the purpose of resale of used parts therefrom, for the purpose of reclaiming for use some or all of the material therein, metal, glass, fabric or otherwise, for the purpose of disposing of the same or for any purpose.
46. JURISDICTION – The governmental unit that has adopted this local law under due legislative authority.

47. LAUNDROMAT – A business premises equipped with individual clothes washing, drying or cleaning machines for use by retail customers, exclusive of laundry facilities provided in an apartment, fraternity, sorority, residential or resort hotel or club.
48. LOT – A portion or parcel of land considered as a unit.
49. LOT LINES – A line dividing one lot from another, or from a street or any public place.
50. MANUFACTURED HOME – A structure transportable in one or more sections that in the traveling mode is 8 feet or more in width or 40 feet or more in length or when erected on site is 320 square feet minimum and that was built on or after June 15, 1976 on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein. The term “manufactured home” shall also include any structure that meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the federal department of housing and urban development and complies with the standard established under the national manufactured housing construction and safety act of 1974, as amended. The term “manufactured home” shall not include any self-propelled recreational vehicle.
51. MOBILE HOME – A moveable or portable dwelling unit that was built prior to June 15, 1976 and designed and constructed to be towed on its own chassis, comprised of frame and wheels, connected to utilities, and designed and constructed without a permanent foundation for year-round living, including travel trailers.
52. MODULAR HOME – A structure designed primarily for residential occupancy and constructed by a method or system of construction whereby the structure or its components are wholly or in substantial part manufactured in manufacturing facilities, intended or designed for permanent installation, or assembly and permanent installation.
53. MOBILE HOME PARK – Any parcel of land of at least 6 acres in area, improved for the placement of 3 or more mobile homes which are to be used as dwellings and for occupancy for more than 180 consecutive days.
54. MOBILE HOME PARK LOT – An area within a mobile home park that has been designated and prepared in such a manner to provide adequate support for the placement of a mobile home in accordance with generally accepted standards.
55. MOTOR VEHICLE - All vehicles propelled by power other than muscular power, including but not limited to automobile, bus, construction equipment, truck, tractor, motor home, motorcycle, back-hoe, bulldozer and boats. This term shall also include all terrain vehicles or snowmobiles.
56. MOTOR VEHICLE REPAIR SHOP - Any person, individual or company that meets the following requirements:
- a. Maintains a valid New York State Sales Tax Certificate.
 - b. Maintains a New York State Motor Vehicle Repair License.

57. NONCONFORMING BUILDING – A building legally existing at the time it was created which in its design or location upon a lot does not conform to the current regulations of this local law for the district or zone in which it is located.
58. NONCONFORMING LOT – A lot of record legally existing at the date of the passage of this local law, which does not have the minimum frontage or contain the minimum area for the zone in which it is located.
59. NONCONFORMING USE – Use of a building or a land legally existing at the time it was created but not conforming to the current zoning regulations of the district in which it is located.
60. NURSING HOME - A proprietary facility, licensed or regulated by the State of New York for the accommodation of convalescents or other persons who are not acutely ill and not in need of hospital care but who require skilled nursing and related medical services which are prescribed by or performed under the direction of a person or persons licensed to provide such care or services in accordance with the laws of the State of New York.
61. NURSERY SCHOOL/DAY CARE - Facilities for the care or instruction of two or more children and operated on a regular basis, for pay.
62. OUTDOOR STORAGE - Storage other than in a completely enclosed structure, such as a garage, barn or structure with three walls and a roof such as a pole barn.
63. PARK – An area of land located within a development that is open to the public and devoted to active or passive recreation.
64. PARKING SPACE - A space designated for the parking of one motor vehicle and having an area of not less than 180 square feet, exclusive of passageways and driveways thereto.
65. PERMIT – An official document or certificate issued by the authority having jurisdiction that authorizes performance of a specified activity.
66. PERSON - Any individual, firm, partnership, association, corporation, company, entity or organization of any kind.
67. PLANNING BOARD – The Planning Board of the Town of Mayfield.
68. POOL, ABOVE-GROUND - A swimming pool designed to be installed above the ground level with wall braces supporting aluminum or steel corrugated sides or other materials.
69. POOL, IN-GROUND - A swimming pool designed to be installed below the ground level with wall braces supporting metal panels; or one with precast or job-poured concrete, fiberglass shell over concrete, concrete block or wood walls; or a pneumatically applied mixture of cement, sand and water sprayed under pressure over a steel-mesh frame (having the trade name "Gunite").

70. PUBLIC PLAYGROUNDS - Publicly owned and accessible space provided for active recreational activities for children and/or adults.

71. PUBLIC PARK – All municipally owned areas used for recreational purposes, including but not limited to, playgrounds, athletic fields, court areas, swimming pools, picnic facilities, nature preserves and other recreational facilities, including lands under water, open spaces, paths, parking areas, interior roads, entrances, exits and parts thereof which are contained on such land.

72. REPAIR – The reconstruction or renewal of any part of an existing building for the purpose of its maintenance.

73. RV – Any portable recreation-type vehicle with its own wheels, that can be towed by an automobile or truck, that can be operated independently, or with utility connections, is used for temporary living, for travel, recreational or vacation purposes, is limited to 8 feet in width and up to 40 feet in length. This term also applies to trailers, fifth wheels, motor homes, truck campers and tents.

74. RV Park – Any parcel of land of at least 6 acres in area which is planned and improved for the placement of 3 or more RVs which are used as temporary living quarters for less than 180 consecutive days and do not serve as a principal residence.

75. SCREENING - A barrier, typically of year-round vegetation, that is sufficiently dense and high to conceal from view that which is behind it. A hill or earthen pile that appears to be occurring naturally could be considered screening. A barn, dwelling or other building that shields the vehicles from view.

76. SHOPPING RETAIL CENTER - A grouping of two or more attached or detached buildings designed and built primarily for retail sales. Related uses may be a part of the complex, such as office space, theaters, service stores (laundry, beauty parlor, dry cleaner, minor auto repair and parts sales, etc.).

77. SIGN - any device affixed to or painted or represented directly or indirectly upon a building, structure or land and which directs attention to an object, product, place, activity, person, institution, organization or business. These regulations shall not apply to any flag or insignia of a government or government agency, school or religious group, or any official traffic control device. Each display surface shall be considered to be a sign.

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

79. SIGN, BUSINESS - A sign which directs attention to a business or profession conducted or a commodity, service or entertainment sold or offered upon the premises where such sign is located or to which it is affixed. A "for sale" or "to let" sign relating to the lot on which it is displayed shall be deemed to be a business sign.

80. SIGN, FLASHING - Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color when such sign is in use. For the purpose of this local law, any revolving illuminated sign shall be considered a flashing sign.
81. STORY - That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.
82. STORY ABOVE GRADE – Any story having its finished floor surface entirely above grade, except that a basement shall be considered as a story above grade where the finished surface of the floor above the basement is:
- a. More than 6 feet above grade plane.
 - b. More than 6 feet above the finished ground level for more than 50 percent of the total building perimeter.
 - c. More than 12 feet above the finished ground level at any point.
83. STREET - A public or private way, which affords the principal means of access to abutting property.
84. STRUCTURE – That which is built or constructed, or a portion thereof.
85. STRUCTURAL ALTERATION - Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.
86. TOWN – Shall mean the Town of Mayfield and its administrative agencies and officials.
87. TOWN BOARD – The Town Board of the Town of Mayfield.
88. TOWNHOUSE – A single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof and with open space on at least two sides.
89. TRAVEL TRAILER - A mobile recreational unit, including travel trailers, pickup campers, converted buses, tent-trailers, camper trailers, tents or similar devices, used for temporary portable housing.
90. UTILITIES – All water, sanitary sewer, gas, electric, telephone, cable television facilities and any easements through or over which said facilities maybe constructed or installed in or in connection with a development.
91. VARIANCE - An authorized departure by the Board of Appeals from the terms of this local law and in accordance with procedures set forth in this local law, in regard to a practical difficulty or a hardship peculiar to an individual lot or situation, for the construction or maintenance of a building or structure or for the establishment or maintenance of a use of land which is otherwise prohibited by this local law.

92. YARD, FRONT - An open space extending across the principal street side of a lot measured between the side lot lines, the depth of which yard is the minimum horizontal distance between the street right-of-way line and the building line or any projection thereof, other than steps.

93. YARD, REAR - An open space extending across the rear of a lot measured between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projection thereof, other than steps. On both corner and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

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

95. ZONING MAP – The Town of Mayfield Zoning Map

ARTICLE III: DISTRICTS AND BOUNDARIES

Section 301: Zoning Districts

The Town of Mayfield is hereby divided into the following zoning districts:

R-1	:	Residential -1
R-2	:	Residential -2
R-E	:	Residence/Estate
L-1	:	Lake Residential -1
L-2	:	Lake Residential -2
AG	:	Agricultural
C-1	:	Commercial
I-1	:	Industrial

Subsection 301-1: R-1 Permitted Uses

A. The following uses are permitted in the R-1 Residential-1 Districts:

1. One family dwelling
2. Home Occupation I

Subsection 301-2: R-1 Site Plan Uses

A. The following uses in the R-1 Residential-1 Districts require site plan approval by the Planning Board:

1. Home Occupation II
2. Public utility stations or uses

3. Public parks
4. Public playgrounds
5. Additional attached dwelling unit for not more than two persons

Subsection 301-3: R-2 Permitted Uses

A. The following uses are permitted in the R-2 Residential-2 Districts:

1. One family dwelling
2. Two family dwelling
3. Single mobile home
4. Home Occupation I

Subsection 301-4: R-2 Site Plan Uses

A. The following uses in the R-2 Residential-2 Districts require site plan review by the Planning Board:

1. Home Occupation II
2. Public utilities stations or uses
3. Public parks
4. Public playgrounds
5. Mobile Home Parks
6. RV Parks
7. Two or more detached dwellings
8. Two mobile homes
9. Apartments, condominiums and town houses
10. Private clubs and lodges
11. Churches
12. Schools
13. Nursing, adult and rehabilitation facilities
14. Fire stations
15. Municipal buildings

Subsection 301-5: R-E Permitted Uses

A. The following uses are permitted in the R-E Residential Estate Districts:

1. One family dwelling
2. Home Occupation I

Subsection 301-6: R-E Site Plan Uses

A. The following uses in the R-E Residential Estate Districts require site plan review by the Planning Board:

1. Home Occupation II
2. Public utility stations or uses
3. Public parks
4. Public playgrounds
5. Additional attached dwelling unit for not more than two persons

Subsection 301-7: L-1 Permitted Uses

A. The following uses are permitted in the L-1 Lake Residence-1 Districts:

1. One family dwelling
2. Home Occupation I

Subsection 301-8: L-1 Site Plan Uses

A. The following uses in the L-1 Lake Residence-1 Districts require site plan review by the Planning Board:

1. Home Occupation II
2. Public utility stations or uses
3. Public parks
4. Public playgrounds
5. Additional attached dwelling unit for not more than two persons

Subsection 301-9: L-2 Permitted Uses

A. The following uses are permitted in the L-2 Lake Residence-2 Districts:

1. One family dwelling
2. Home Occupation I

Subsection 301-10: L-2 Site Plan Uses

A. The following uses in the L-2 Lake Residence-2 Districts require site plan review by the Planning Board:

1. Home Occupation II
2. Public utility stations or uses
3. Public parks

4. Public playgrounds
5. Additional attached dwelling unit for not more than two persons
6. Two or more detached dwellings
7. Apartments, condos and town houses
8. Private clubs and lodges
9. Retail businesses
10. RV Parks

Subsection 301-11: AG Permitted Uses

A. The following uses are permitted in the AG Agricultural Districts:

1. Farming, stables, farm product processing and sales
2. Game management
3. Mining operations which do not require a permit pursuant to Article 23, Title 27 of the Environmental Conservation Law
4. All uses allowed in R-1, R-2 and R-E with exception of Mobile Home Parks
5. Home Occupation I

Subsection 301-12: AG Site Plan Uses

A. The following uses in the AG Agricultural Districts require site plan review by the Planning Board:

1. Home Occupation II

Subsection 301-13: C-1 Permitted Uses

A. The following uses may be permitted in the C-1 Commercial Districts with a site plan review and approval by the Planning Board:

1. Retail and tourist related businesses
2. Professional Offices

Subsection 301-14: I-1 Site Plan Uses

A. The following uses may be permitted in the I-1 Industrial Districts with a site plan review and approval by the Planning Board:

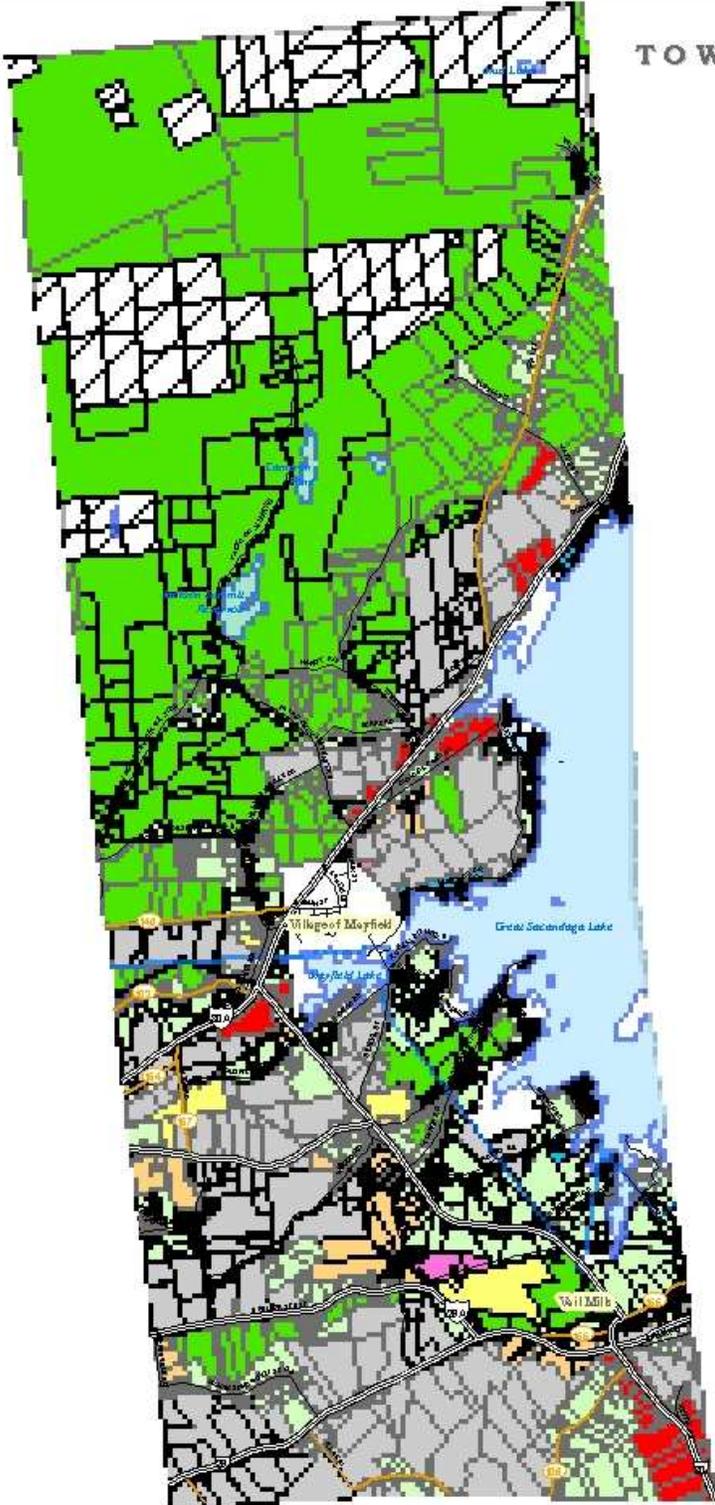
1. All uses allowed in the C-1 Commercial Districts
2. Manufacturing operations
3. Junkyards
4. Adult entertainment uses
5. Trucking and warehouse

6. Heavy equipment depot
7. Fuel distribution

Section 302: Zoning Map

The locations and boundaries of the zoning districts hereby established are shown on the map entitled "Town of Mayfield Zoning Map". The Zoning Map and all notations, references and other information shown thereon are hereby incorporated herein and declared to be part of this local law. The Planning Board shall delineate on the Zoning Map all amendments to the district boundaries, which are authorized by local law immediately upon the effective date of such local law, indicating the area, change and date of said amendment.

TOWN OF MAYFIELD ZONING MAP



ZONING DISTRICTS

R-1	
R-2	
RE	
L-1	
L-2	
O-1	
I	
A	
STATE LAND	



Land use, dimensions and map projections are as shown on applicable maps and plans. No warranty is made by the Town of Mayfield for any use of this map.

Section 303: Application of Regulations

No building, structure or land shall be used, altered or occupied except as permitted by and in conformity with the general and supplementary regulations specified in this local law. No building shall be erected nor existing building be moved, altered, enlarged, or rebuilt nor shall any open spaces surrounding any building be encroached upon or reduced in any manner except in conformity with the yard, lot area and building location regulations hereinafter set forth in this local law.

Section 304: District Boundaries

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

1. District boundary lines are intended to follow center lines of streets or alleys, rights-of-way, water courses, or lot lines or be parallel or perpendicular thereto unless such boundary lines are fixed by dimensions as shown on the Zoning Map.
2. Where such boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries.
3. In unsubdivided land and where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions shown on the map, shall be determined by the use of the scale appearing thereon.
4. If after the application of the foregoing rules, uncertainty exists as to the exact location of a district boundary, the Board of Appeals shall determine and fix the location of said line.
5. Where a district boundary line divides a lot of record held by 1 owner at the time of adoption of said district line, the regulations for the less restricted portion of said lot shall apply to the remainder of said lot up to a distance of not more than 50 feet from said district line.

Section 305: Non Specified Uses

Any uses not specifically permitted by this local law are prohibited. In the case of any dispute over the meaning of a word, phrase, sentence, definition or of provision of this local law, the Code Enforcement Officer is hereby authorized to make a definitive determination being guided in such determination by the purposes and intent of this local law as set forth in Article I. Any determination made by the Code Enforcement Officer may be appealed to the Board of Appeals in the manner prescribed by Article XI.

ARTICLE IV: LOT AND BUILDING REQUIREMENTS

Section 401: Area & Height Requirements

A. Setbacks shall be measured from vertical plane of any part of structure.

B. Adirondack Park Agency areas must meet Adirondack Park Agency requirements if Adirondack Park Agency requirements are more restrictive than this local law.

C. Lots containing multiple detached dwellings require a minimum total area equal to the minimum for that zone, times the number of detached dwellings.

D. Bulk Requirements:

Requirements	R-1	R-2	R-E	L-1	L-2	AG	C-1	I-1
Minimum lot size (Acres)	1	1	3	1	1	3	1	1
Minimum lot size with public sewer	20,000 Sq Ft	20,000 Sq Ft	3 Acres	1 Acre	1 Acre	3 Acres	1 Acre	2 Acres
Minimum lot width (Ft.)	150	150	300	150	150	150	150	150
Minimum lot width with public sewer (Ft.)	100	80	300	100	100	150	150	150
Maximum percent of lot occupied by principal building	15%	20%	10%	15%	20%	20%	50%	50%
Maximum Height of Structure (Ft.)	35	35	35	35	35	75	35	50
Minimum Yard Distance (Ft.) Front yard (road side)	50	50	50	15	15	50	20	50
Minimum Yard Distance (Ft.) Side yard	15	15	15	7	7	25	15	50
Minimum Yard Distance (Ft.) Rear yard	20	20	25	7	7	35	15	50
Minimum Yard Distance (Ft.) In Hudson River Black River Regulating Dist. Rear yard	3	3	3	3	3	3	3	3

Section 402: Additional Area Regulations

A. Lots of Less Than Required Dimensions:

1. Any nonconforming lot with an area or width less than that required in the district in which said lot is located may be used for any purpose permitted in the district provided that all

other regulations prescribed for the district shall be complied with and further provided that said lot was held under separate ownership at the time of the adoption of this local law and the owner thereof owned no adjoining land that could be combined with said lot to meet the dimension requirements.

2. Any lot which is part of a subdivision in an R-E or AG zone and where the lot will be a gift to a son or daughter of the owner of the lot may be reduced from the minimum lot size to a minimum of one acre, subject to review by the Planning Board.

B. Reduction of Lot Area:

No lot shall be reduced below the requirements of this local law.

C. Corner Lot:

All corner lots in every district shall provide a front and rear yard, which is designated by the owner in his application for a building permit. A side yard along a street shall be a minimum of 25 feet. Nothing in this local law shall be so interpreted as to reduce the building width of a corner lot facing an intersecting street and of record at the time of the passage of this local law to less than 24 feet.

D. Visibility at Street Corners:

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

E. Front Yard Exceptions:

The front yard of all buildings and structures hereafter constructed within a residential district shall be not less than the average front yard of all buildings in the block for a distance of 300 feet on each side of such building. A vacant lot within the 300-foot distance shall be considered as having the minimum front yard required in the district for the purpose of computing such average front yard.

F. Transition Yard Requirements:

1. Where two districts abut on the same street between two intersecting streets and the front yard requirements of one district are less than those of the other district, there shall be provided for buildings hereafter constructed or structurally altered within a distance of 50 feet from the district boundary line in the less restricted district a front yard equal in depth to the average of the required depth in the two districts.

2. Where the side or rear yard of a lot abuts a side or rear yard of a lot in a more restricted district, there shall be provided along such abutting line or lines a side or rear yard equal in depth to that required in the more restricted district.

G. Protection of Architectural Features, Terraces, Porches, Fire Escapes:

1. The space in any required yard shall be open and unobstructed except for the ordinary projections of windowsills, belt courses, cornices, eaves and other architectural features; provided, however, that such features shall not project more than 2 feet into any required yard. In L-1 and L-2 districts, projections cannot infringe on the 7-foot side yard or 3-foot distance to Hudson River Black River Regulating District.
2. A deck not to exceed 18 inches above grade, or paved terrace, shall not be considered as part of a building in the determination of yard sizes or lot coverage, provided that such deck or terrace is unroofed and without walls, parapets or other form of enclosure exceeding 6 feet in height. Such deck or terrace shall not be closer than 10 feet from side or rear lot line in all zones except L-1 and L-2 where the restriction is not closer than 7 feet from side and 3 feet from Hudson River Black River Regulating District.
3. In determining the percentage of building coverage or the size of yards for the purpose of this local law, enclosed porches open at the side but roofed shall be considered a part of the building.
4. An open stairway may extend into any required yard not more than 7 feet, provided that such open stairway shall not be closer than 6 feet at any point to any lot line.
5. Unenclosed entrance steps, stairways or ramps providing access to the first story of a building may extend into any required yard a distance not to exceed 8 feet and shall not be closer than 6 feet at any point on any side lot line.
6. A pool shall not be considered an accessory structure, but shall only be placed in side or rear lots. A pool shall maintain a 10-foot setback from side and rear property lines and in the case of a corner lot, shall be placed no closer to the side property line than the principal building would be allowed in that particular district.

H. Walls, Fences and Hedges:

1. The yard requirements of this local law shall not prohibit any necessary retaining wall nor any fence, wall or hedge permitted by this local law; provided that in R-1, R-2, R-E, L-1 and L-2 districts, such fence, wall, or hedge shall be no closer to any front lot line than 6 inches and shall comply with visibility at street corners as provided in this local law. No hedge shall be allowed to overhang the lot line.

Section 403: Additional Height Requirements

A. Chimneys, Spires, Etc.:

1. The height limitations of this local law shall not apply to barns, silos and other farm buildings, belfries, church spires, cupolas, penthouses and domes which are not used for human occupancy. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose for which they are intended.

2. Chimneys, water towers, mechanical appurtenances, flagpoles, monuments, transmission towers and cables, radio, television and telephone antenna or towers and similar structures exceeding the zone height limitation are subject to site plan review.

Section 404: Accessory Buildings

A. Number of Accessory Buildings:

1. There shall be not more than 3 accessory buildings on any lot located in any R-1, R-2, R-E, L-1 or L-2 districts. Agricultural, commercial, and industrial uses shall not be subject to such provisions. Lots containing multiple detached residences may have up to 2 accessory buildings per detached residence.

B. Height:

1. The maximum height of an accessory building shall be not more than 25 feet. Agricultural, commercial and industrial uses shall not be subject to this provision.

C. Location:

1. The location of accessory buildings in R-1, R-2, R-E, L-1 and L-2 districts, which are not attached to a principal building, may be erected within the rear yard in accordance with the following requirements:

- a. For accessory buildings of 144 square feet or less: 3 feet from side or rear line.
- b. For garages or other accessory buildings of more than 144 square feet: same as for principal building.
- c. For stable, poultry house, rabbit hutch, kennel or other animal shelter: 25 feet from side or rear line.
- d. For accessory buildings in side yard, street side of corner lot: same as for principal building.

D. Attached Accessory Buildings in R-1, R-2, R-E, L-1 and L-2 Districts:

When an accessory building is attached to the principal building, it shall comply in all respects with the requirements of this local law applicable to the principal building.

E. Accessory Buildings in Commercial or Industrial District:

Non-dwelling accessory buildings shall comply with the same setback requirements as the principal building.

ARTICLE V: SUPPLEMENTARY REGULATIONS

Section 501: Adult Entertainment Uses:

A. The Town of Mayfield Zoning Commission has conducted a study of the secondary effects of adult uses to determine their impact on the community. The Town Board has accepted the findings of the study.

B. Findings and Legislative Intent.

1. It is recognized that there are some uses, which, because of their very nature, have serious objectionable operational characteristics under certain circumstances, which produce a deleterious effect upon adjacent areas. Special regulation of these uses is necessary to ensure that adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The Town Board finds it in the public interest to enact such regulations. The purpose of these regulations is to prevent or lessen the secondary effects of adult entertainment uses, and not to inhibit freedom of speech in any way.

2. The unrestrained proliferation and inappropriate location of such businesses is inconsistent with existing development and the future plans for the Town in that they often result in influences on the community, which increase the crime rate and undermine the economic and social welfare of the community. The deleterious effects of these businesses change the economic and social character of the existing community and adversely affect existing businesses and community and family life.

C. Definitions.

1. Adult Entertainment Uses shall be defined as follows:

- a. Adult Book and/or Video Store-An establishment having as a substantial or significant portion of its stock in trade books, magazines, periodicals, or other printed matter or photographs, films, videos, slides or other visual representations, which are characterized by the exposure or emphasis of “specified sexual activities” or “specified anatomical areas” or instruments, devices or paraphernalia which are designed for use in connection with “specified sexual activities” which are for sale, rental or viewing on or off the premises.
- b. Adult Entertainment Cabaret-A public or private establishment which regularly presents topless and/or bottomless dancers, strippers, waiters or waitresses, male or female impersonators, lingerie models or exotic dancers, or other similar entertainment or films, motion pictures, videos, slides or other photographic material, or which utilizes employees, that as part of their employment, regularly expose patrons to “specified sexual activities” or “specified anatomical areas”.
- c. Adult Theater-A theater, concert hall, auditorium or similar establishment which, for any form of consideration, regularly features live performances

characterized by the exposure of “specified sexual activities” or “specified anatomical areas”.

- d. Adult Motion Picture Theater-any motion picture theater where, for any form of consideration, films, motion pictures, video cassettes, slides or other photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material characterized by an emphasis upon the depiction or description of “specified sexual activities” or “specified anatomical areas”.
- e. Massage Establishment-Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths or steam baths. This definition shall not be construed to include a hospital, nursing home or medical clinic or the office of a physician, surgeon, chiropractor, osteopath, duly licensed physical therapist, or duly licensed massage therapist or barbershop or beauty salon, athletic club, health club, school, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental accessory service.
- f. Adult Model Studio-Any place where a person who appears in a state of nudity or who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by other persons who pay money or any form of consideration.
- g. Peep Shows-A theater which presents materials distinguished or characterized by primary emphasis on matters depicting, describing or relating to specified sexual activities or specified sexual anatomical areas, in the form of live shows, films or videotapes, viewed from an individual enclosure, for which a fee is charged.

2. Specified Sexual Activities shall be defined as follows:

- a. human genitals in a state of sexual stimulation or arousal; or
- b. acts of human masturbation, sexual intercourse or sodomy; or
- c. fondling or other erotic touching of human genitals, pubic region, buttocks or breasts.

3. Specified Anatomical Areas shall be defined as follows:

- a. less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and
- b. Human genitals in a discernibly turgid state even if completely and opaquely covered.

D. Locational Restrictions.

Adult Entertainment Uses shall be permitted only in the I-1 Industrial Zoning District subject to the following restrictions:

1. Adult Entertainment Uses are prohibited within:
 - a. 600 feet of any zoning district other than I-1 Industrial.
 - b. 1000 feet of any single-family, two family, or multiple family dwelling including structures devoted to both residential and commercial or business purposes;
 - c. 1000 feet of any public or private school;
 - d. 1000 feet of any church or other religious facility or institution;
 - e. 1000 feet of any public park, public bike path, playground or playing field, cemetery, civic or recreational facility.
2. No Adult Entertainment Use shall be allowed within 1000 feet of another existing Adult Entertainment Use.
3. No more than one Adult Entertainment Use shall be located on any lot.
4. The distances provided hereinabove shall be measured a straight line, without regard to intervening buildings, from the nearest point of the boundary of the parcel upon which the Adult Entertainment Use is to be located to the nearest point of the boundary of the parcel of property or the zoning district boundary line from which the Adult Entertainment Use is to be separated.

E. Other Restrictions.

1. No Adult Entertainment Use shall be conducted in any manner that allows the observation of any material depicting, describing or relating to specify sexual activities or specified anatomical areas from any public way or from any property not containing an Adult Entertainment Use. This provision shall apply to any display, decoration, sign, show, window or other opening.
2. There shall be no outdoor sign, display, or advertising of any kind other than one identification sign limited to only the name of the establishment.
3. Adult Entertainment Uses shall obtain site plan approval from the Planning Board.
4. Adult Entertainment Uses shall comply with all other regulations of the Town including but not limited to district lot and bulk regulations, parking regulations and signage.
5. It shall be unlawful to operate to an Adult Entertainment Use between the hours of 12:00 a.m. and 8:00 a.m.

Section 502: Telecommunications Facilities

A. Notwithstanding the provisions of section 301 herein relating to allowed uses in zoning districts, telecommunication facilities shall be allowed in any zoning district of the town so long as they comply with the procedural and substantive requirements of this section.

B. Purpose:

1. The purpose of this section is to establish predictable and balanced regulations for the siting of telecommunication facilities in order to accommodate the growth of such facilities while protecting the public against any adverse impacts on aesthetic resources and the public safety and welfare. The Town desires to accommodate the need for telecommunications facilities while regulating their location and number, minimizing adverse visual impacts through proper design, siting and screening, avoiding potential physical damage to adjacent properties, and encouraging joint use of tower structures.

2. This section also seeks 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 structures, in order to further minimize adverse visual effects from telecommunications towers.

3. This law is not intended to prohibit or have the effect of prohibiting the provision of personal wireless services nor shall it be used to unreasonably discriminate among providers of functionally equivalent services consistent with current federal regulations.

C. Definitions:

1. Telecommunication tower - A structure on which one or more antennae will be located, that is intended for transmitting and/or receiving radio, television, telephone, wireless or microwave communications for a Federal Communications Commission licensed carrier, but excluding those used exclusively for fire, police and other dispatch communications, or exclusively for private radio and television reception and private citizen's bands, amateur radio and other similar private, residential communications.

2. Telecommunication antenna - A system of electrical conductors that transmit or receive radio frequency waves.

3. Telecommunication facility - Any or all of the physical elements of the central cell facility that contains all the receivers, transmitters, and other apparatus needed for the operation of a cellular or computer system (also known as base transceiver station (BTS)).

4. Accessory use - An accessory use serves the principal use, is subordinate in area, extent or purpose to the principal use, and is located on the same lot as the principal use. Examples of such uses include transmission equipment and storage sheds.

5. Public utility facility - A facility other than a telecommunication tower or telecommunication antenna for the provision of public utility services, including facilities constructed, altered or maintained by utility corporations, either public or privately owned, or

government agencies, necessary for the provision of electricity, gas, steam, heat, communication, water, sewage collection, or other such service to the general public. Such facilities shall include poles, wires, mains, drains, sewers, pipes, conduits, cables, alarms and call boxes and other similar equipment, but shall not include office or administration buildings.

D. Review Authority:

1. The Planning Board is authorized to review and approve, approve with modifications or disapprove special use permits for telecommunications facilities pursuant to this local law. The Planning Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed telecommunication facility, including the use of camouflage of the tower structure and/or antenna to reduce visual impact.
2. Except as provided below, no telecommunication facility shall hereafter be erected, moved, reconstructed, changed or altered and no existing structure shall be modified to serve as a telecommunication facility, except after obtaining a special use permit in conformity with this local law.
3. Telecommunication antennae placed on existing telecommunication towers or on existing structures do not require a special use permit, unless the existing tower or structure is located in a residential district, or unless it will be modified in such a way as to increase its height, or unless a new accessory structure would be built.
4. The Planning Board may waive any or all of the requirements for approval for applicants proposing minor changes to existing facilities and for applicants proposing the use of camouflage for a telecommunication tower when the Planning Board finds that such camouflage significantly reduces visual impact to the surrounding area. However, the Planning Board may not waive the requirement that a public hearing be held on the application.
5. No building permit shall be issued until the applicant provides proof that space on the facility has been leased or will be operated by a provider licensed by the Federal Communications Commission to provide service in the area.

E. General Criteria:

No special use permit relating to a telecommunications facility shall be authorized by the Planning Board unless it finds that such facility:

1. Is necessary to provide adequate service to locations that the applicant is not able to serve with existing facilities;
2. Conforms to all applicable regulations promulgated by the Federal Communications Commission, Federal Aviation Administration, and other federal agencies; and,
3. Will be designed and constructed in a manner which minimizes visual impact to the extent practicable;

4. Is the most appropriate site among those available within the technically feasible area for the location of a telecommunications facility.

F. Submission Requirements for Applications:

The Planning Board may waive any particular submission requirements it determines unnecessary for review of a particular project. The Planning Board may require additional information prior to approval. Applications for Special Use Permits shall include:

1. Project Participants

Provide the names, addresses, phone and fax numbers of the following involved parties, as appropriate:

- a. The landowner of the project site to be purchased or leased;
- b. The service provider-corporate and point of contact including the Federal Communications Commission license number and certificate of need as a public utility, as/if applicable;
- c. Engineering consultant(s);
- d. Legal representative(s);
- e. Other authorized service providers proposing to co-locate on the tower now or in the near future;
- f. Where co-location is proposed, provide the names, addresses, phone and fax numbers of the current owner(s) of the tower, building or structure upon which the co-location was considered or is proposed; and
- g. Where co-location is proposed, to-scale site plans and elevations of the existing tower, building or structure to be used for co-location, plans, elevations, and details showing the proposed electronic communication facilities and existing antennae located or to be located on the tower.

2. Site Description

Provide a narrative description of the proposed project site, including:

- a. existing site improvements, including access, utilities, and the presence of existing towers, buildings, or other structures;
- b. vegetative cover (e.g., plant cover types, species, tree types (average, minimum, and maximum) relative condition and health of the vegetation; and tree stand density)
- c. slopes;
- d. soils and the depth to bedrock;
- e. wetlands and surface water bodies;
- f. site drainage;
- g. any special plant and animal habitats contained on the New York State Department of Environmental Conservation Natural Heritage Program database; and
- h. any historic or archeological resources on the site and any historic resources adjacent to the site.

- i. Where co-location is proposed, provide to-scale site plans and elevations of the existing tower, building or structure to be used for co-location. Provide plans, elevations, and details showing the proposed electronic communication facilities and existing antennae located on the tower.

3. Site Plan and Construction Details

Provide a detailed, labeled, and to-scale site plan that includes the following information:

- a. scale, north arrow, date and name of preparer;
- b. project site boundaries (if part of a larger parcel, include a map of the larger, parent parcel and the location of the area to be acquired or leased for the project);
- c. abutting property owners, names and addresses;
- d. all bodies of water; wetlands; permanent or intermittent streams; and mean high water mark for larger water bodies on or adjoining the project site;
- e. existing and proposed topographic contours at 2-foot intervals in and within 200 feet of all proposed areas to be disturbed;
- f. all existing and proposed buildings, structures, roads, utilities, and driveways;
- g. existing vegetation cover types and tree lines;
- h. the proposed limits of vegetation disturbance and/or clearing related to the proposed construction of the site access, tower, and accessory structures;
- i. all trees 4 inches or greater in size (diameter at breast height) to be removed;
- j. all proposed plantings; and
- k. all existing and proposed drainage and erosion control and storm water management facilities.
- l. For any new or improved access roads or driveways, provide a grading plan, centerline profile, and cross sections (every 100 feet showing proposed and existing contours at two foot intervals) and identify the construction material(s) (e.g., gravel, asphalt).
- m. Provide detailed construction plans showing elevations of the proposed tower, antennae, equipment shelters (enclosed building, structure, cabinet, shed or box to contain batteries and electrical equipment). Show all foundations, piers, structural supports, cross arms, guy wires and anchors, antennae mounting mechanisms and signage. Label the size, material and provide color sample of all towers, antennae, and accessory structures (e.g., equipment shelters, security fencing, signage).

G. Location:

The shared use of existing telecommunications towers or other structures shall be preferred to the construction of new facilities. Any special use permit application, renewal or modification thereof shall include proof that best efforts have been made to co-locate within an existing telecommunication facility or upon an existing structure within a reasonable distance, regardless of municipal boundaries, of the site. The applicant must demonstrate that the proposed telecommunication facility cannot be accommodated on existing telecommunication facilities due to one 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 as to allow it to 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 or demands an unreasonably high fee for such co-location compared to current industry rates.

H. Fall Zones:

Telecommunications towers shall be constructed so as to minimize the potential safety hazards and located in such a manner that if the tower should fall, it will remain within the property boundaries and avoid other structures, public streets, utility lines and telecommunication facilities. If a new structure is constructed, the minimum distance between the base of the support structure and the property lines shall be at least 10% greater than the height of the antenna.

I. Setbacks

Telecommunication towers and facilities shall comply with all existing setbacks prescribed by this local law for the zoning district in which such facilities are proposed to be located. Setbacks shall apply to all tower parts, including guy wire anchors, and to any accessory facilities. Telecommunications towers and facilities should be sited at least 1,000 feet from occupied buildings. Where lower distances are requested, the applicant must demonstrate why such location is necessary.

J. Lighting:

Towers shall not be artificially lighted except to assure human safety as required by the Federal Aviation Administration. Notwithstanding, an applicant may be compelled to add Federal Aviation Administration style lighting and marking, if in the judgment of the Planning Board, such a requirement would be of direct benefit to public safety. The Planning Board may choose the most appropriate lighting and marking plan from the options acceptable by the Federal Aviation Administration at that location. The applicant must provide both standard and alternative lighting and marking plans for the Planning Board's review.

K. Visibility and Aesthetics:

1. Tower height shall be no greater than that required to provide the required service area coverage and shall be so demonstrated. In no instance shall the tower height be greater than 199 feet measured from the ground surface.
2. Towers shall be a galvanized finish or painted gray above the surrounding tree line and painted gray, green, black or similar colors designed to blend into the natural surroundings below the surrounding tree line unless other standards are required by the Federal Aviation Administration. Towers should be designed and sited so as to avoid, whenever possible, application of Federal Aviation Administration lighting and painting requirements. Accessory uses shall maximize use of building materials, colors and textures designed to blend with the natural surroundings.
3. The project shall be designed to blend with the natural and/or manmade surroundings to the maximum extent practicable.
4. Structures offering slender silhouettes (i.e. monopoles or guyed tower) may be preferable to freestanding lattice structures except where such freestanding structures offer capacity for future shared use. The Planning Board may consider the type of structure being proposed and the surrounding area.
5. The applicant must demonstrate the feasibility of designing a proposed telecommunication tower to accommodate future demand for additional facilities.

L. Vegetation and Screening:

1. Existing on-site vegetation shall be preserved to the maximum extent possible. And no cutting of trees exceeding four inches in diameter shall occur prior to approval of the special use permit. Clear-cutting of all trees in a single contiguous area shall be minimized to the extent possible.
2. The Planning Board may require 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, waterways, historic or scenic areas, or public roads.

M. Access and Parking:

1. A road and parking will be provided to assure adequate emergency and service access. Maximum use of existing roads, public or private, shall be made. Road construction shall be consistent with standards for private roads and shall at all times minimize ground disturbance and vegetation cutting. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.
2. Equipment or vehicles shall not be stored on the facility site.

N. Signs:

The use of any portion of a telecommunication facility for signs for promotional or advertising purposes, including but not limited to company name, phone numbers, banners, streamers, and balloons is prohibited. The Planning Board may require the installation of signage with safety information.

O. Security:

1. Towers, anchor points around guyed towers, and accessory structures shall each be surrounded by fencing not less than six feet in height.
2. There shall be no permanent climbing pegs within fifteen feet of the ground.
3. 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.
4. A locked gate at the junction of the access way and a public thoroughfare may be required to obstruct entry by unauthorized vehicles. Such gate must not protrude into the public thoroughfare.

P. Engineering Standards:

1. All telecommunication facilities shall be built, operated and maintained to acceptable industry Standards. Each application must contain a site plan for the facility containing the signature of an engineer licensed by the State of New York.
2. Every facility shall be inspected at least every two years for structural integrity by a New York State licensed engineer. A copy of the inspection report shall be submitted to the Code Enforcement Officer.

Q. Abandonment and Removal:

All telecommunications facilities, including but not limited to antennae, towers and accessory structures, shall be dismantled and removed from the site by the land owner when they have been inoperative or abandoned for one year.

Section 503: Agricultural Districts

Any owner of a parcel of land within the Town, which is located within a New York State agricultural district certified pursuant to Article 25-AA of the Agriculture and Markets Law, shall not be prohibited from performing normal agricultural practices or from constructing typical agricultural structures. This provision shall be in effect for all zoning districts within the Town.

Section 504: Signs

A. All existing signs as of the effective date of this local law shall be allowed to remain and any necessary upgrades due to maintenance considerations shall be allowed.

B. Signs in R-1, R-2, R-E, L-1 Districts:

1. Name-plate and identification signs indicating the name and address of the occupant or permitted Home Occupation 2 in any residence shall be permitted, provided that such signs shall not exceed 2 square feet in area and shall not emit any flashing or intermittent illumination. No business signs are permitted in R-1 or L-1 zones.
2. Institutional signs for schools, churches, hospitals or similar public and semi-public institutions shall be permitted, provided that such signs shall not be greater than 15 square feet in area and shall not emit any flashing or intermittent illumination.
3. Business signs pertaining to permitted uses or to a legal nonconforming use of the premises on which it is located shall be permitted, provided that such signs shall not exceed 20 square feet in area and shall not emit any flashing or intermittent illumination.
4. Temporary signs advertising yard sale, political candidate, the sale, rental, construction or improvement of the premises on which they are located shall be permitted, provided that such signs shall not exceed 6 square feet and shall not be illuminated, and shall be promptly removed by the property owner when the circumstances leading to their erection no longer exist.
5. Signs advertising functions, uses, products or services not pertaining to the premises on which they are located, and mobile advertising or attracting devices, shall not be permitted in any districts.

C. Signs in L-2, C-1, AG Districts:

1. Signs permitted in “R-1, R-2, R-E, and L-1” Districts.
2. Business signs pertaining to a permitted use or a legal nonconforming use, product or service on the premises on which they are located shall be permitted, provided that the aggregate area of all signs on the premises shall not be greater than 3 square feet for each foot of frontage actually occupied by such use, but not exceeding 200 square feet of aggregate sign area, regardless of number of occupants.
3. Temporary signs advertising the sale or rental, or construction or improvement, of the premises on which they are located shall be permitted, provided that such signs shall not exceed 40 square feet in area and shall be promptly removed by the property owner when the circumstances leading to their erection no longer exist.
4. Signs advertising functions, uses, products or services not pertaining to the premises on which they are located, and mobile advertising or attracting devices, shall not be permitted in any districts.

D. Signs in I-1 Districts:

1. Signs permitted in “L-2, C-1 and AG”

2. Signs pertaining to functions, uses, products or services, whether or not pertaining to the premises on which they are located, shall be permitted, provided that such signs shall not exceed 300 square feet in area and shall not direct any source of illumination toward any public street or adjacent residential property.

3. Temporary signs advertising the sale or rental, or construction or improvement, of the premises on which they are located shall be permitted, provided that such signs shall not exceed 100 square feet in area and shall be promptly removed by the property owner when the circumstances leading to their erection no longer exist.

E. General Regulations:

1. The number of free standing signs permitted on any single parcel shall not exceed the number of lot lines of said parcel which abut a public right-of-way.

2. Signs shall be constructed of durable materials and shall be maintained in good condition. Signs which are permitted to deteriorate shall be removed upon the direction of the Code Enforcement Officer following notification to the owner or operator.

3. No sign shall be located higher than the building to which it is attached.

4. No sign shall be erected which, in the opinion of the Code Enforcement Officer, may cause hazardous or unsafe conditions. Such signs shall be removed upon direction of the Code Enforcement Officer following notification to the owner or operator.

5. No sign, other than an official traffic sign, shall be erected within the right-of-way line of any public street.

6. No sign shall have a source of illumination directed toward a public street or adjacent property.

7. No billboard shall be permitted which faces the front or side lot of R-1, R-2, R-E, L-1, or L-2 districts within 1,000 feet of such lot line or designated as a New York State Scenic Byway.

8. All signage in C-1 and I-1 districts shall require approval of the Planning Board as part of the Site Plan Review process. The Planning Board shall examine the location, size and construction of all such signs.

Section 505: Mobile Home Parks and RV Parks

Subsection 505-1: Location

Mobile Home Parks are permitted in the areas designated on the Zoning Map as Residential-2 (R-2) and only when constructed and operated in accordance with provisions of this section. RV Parks are permitted in the areas designated on the Zoning Map as Residential-2 (R-2) or Lake Residential-2 (L-2) and only when constructed and operated in accordance with provisions of this section.

Subsection 505-2: Mobile Home Parks and RV Parks

A. All Mobile Home Parks and RV Parks shall be planned as a unit and shall be located on a tract of land at least 6 acres in area. No person or persons, being the owner or occupant of any land in the Town, shall use or permit the development and use of such land as a Mobile Home Park or RV Park without first obtaining a permit therefore as provided in this local law. Such permit shall be renewed annually.

1. Application for permit. Applications for a permit for a Mobile Home Park or RV Park shall be filed in writing with the Town Board. Twelve copies of said application shall be provided and shall include the following:

- a. Names and addresses of all applicants if an individual or partnership, and the name and address of principal officers if a corporation.
- b. Name and address of the owner of land upon which the Mobile Home Park or RV Park is to be located
- c. Location map.
- d. Drawing(s) of the proposed Mobile Home Park or RV Park indicating how it is to be designed so as to be in conformity with the requirements of this local law.
- e. Site development plans, which provide the level of detail consistent with Section 904 of this local law.
- f. An indication of existing topography and drainage patterns, including wet or swampy areas.
- g. A copy of all contemplated rules, regulations and covenants; a list of management and tenant responsibilities; a written statement of any entrance and exit fees, utility connection fees or any security deposits to be charged.
- h. Such further information as the developer may feel is necessary to describe his intent and ability to comply with the environmental, health and safety standards of this local law.

2. Procedure. Upon the submission of such application, the Town Board shall refer the application to the Planning Board to review the same in accordance with the following procedures:

- a. Within 62 days from receipt of the application, the Planning Board shall review the plans and related documents with the applicant and shall render a written

report to the Town Board and to the Applicant, after consultation with the County Planning Board. Prior to submitting its report to the Town Board, the Planning Board shall conduct a public hearing on said application, which hearing shall be duly advertised in accordance with Town Law.

- b. Within 62 days from the date of the receipt of the report from the Planning Board, the Town Board shall approve, modify and approve or disapprove the application and instruct the Code Enforcement Officer to issue the appropriate permits. Prior to making a decision on the application, the Town Board may conduct a public hearing, duly advertised in accordance with Town Law.
3. Renewal of Mobile Home Park or RV Park permit.
 - a. An application for the renewal of any Mobile Home Park or RV Park license, issued in accordance with the provisions of this local law, must be filed with the Town Clerk no later than May 1st of each year.
 - b. The renewal application need not be accompanied by a plan of the park unless changes have been made to the facility.
 - c. All licenses for Mobile Home Parks and RV Parks shall expire on May 30th of each year. Consequently, upon approval of the Code Enforcement Officer the Town Clerk shall issue a renewal license, effective upon the expiration of the previous license and shall continue in force for a period of one year.
 - d. Such renewal license shall not be transferable or assignable
 - e. The applicant shall pay a fee of \$20.00 per lot in a Mobile Home Park or RV Park as part of the license applications.

Subsection 505-3: Permits for Existing Mobile Home Parks or RV Parks

A. The owner of any Mobile Home Park or RV Park existing prior to the adoption of this local law shall apply for a permit within one year from the date of adoption of this local law, and such permit shall be subject to renewal annually thereafter.

B. Upon initial application, the Code Enforcement Officer shall issue a temporary permit valid for two years and shall serve notice on the park owner of any safety and/or sanitary violations of this local law, which might exist. Any additions to the park shall comply with the provisions of this local law.

Subsection 505-4: Interim Dwelling

A. The Town Board may issue a temporary permit for a mobile home not located in a Mobile Home Park, or a RV not located in a RV Park, in the event that a permanent residence has been damaged or destroyed or for other similar hardship. Such temporary permits may be issued by the

Town Board when an applicant desires to use such a mobile home or RV for temporary residence. In such cases, said mobile home or RV shall be removed within 12 months from the date of issuance of the temporary permit, unless extended for an additional period of time by the Town Board upon good cause shown.

Subsection 505-5: Site Location

A. Neighborhood. Mobile Home Parks and RV Parks shall be located in those areas specified in this local law and the Zoning Map. In no case shall a site be approved in an area subject to objectionable smoke, odor or other similar adverse environmental influence.

B. Relationship to major roads. Mobile Home Park or RV Park plans shall include a sketch of the site as it relates to major traffic arteries with indications of anticipated traffic patterns to the park. Direct connections onto major highways shall be in accordance with the standards set forth in this local law.

Subsection 505-6: Natural Features

A. Topography, ground water level, surface drainage and soil conditions shall not be such as to create hazards to the property or to the health and safety of the occupants. No developed portion of the site shall be subject to excessive settling or erosion. A sloping site should be graded to produce terraced lots for placement of the mobile home units and, in general, units should be placed parallel rather than perpendicular to the slope.

B. Mobile Home Park or RV Park plans shall show all proposals for changes in existing surface drainage patterns. All parks shall be graded to prevent ponding of surface water. If any part of the site is located in a floodplain, no structure or mobile home shall be located on any land designated as an area of special flood hazard.

C. Soils shall have sufficient bearing and stability properties to provide adequate support for mobile home installations. Topsoil should be of sufficient depth to sustain lawns, trees and other vegetation.

D. Mobile Home Park and RV Park plans shall show existing tree masses or trees over six inches in diameter, hedgerows and other notable existing natural features, such as streams or rock formations. Such natural features shall be retained as much as possible in the site plan, and densities shall be reduced, if necessary, to permit such retention.

Subsection 505-7: Requirements for Mobile Home Parks

A. Mobile Homes

1. The total number of mobile home lots in a mobile home park shall not exceed 4 per gross acre.

2. Each mobile home lot shall have a total area of not less than 5,000 square feet with a minimum dimension of 50 feet.

3. Only 1 mobile home shall be permitted to occupy any 1 mobile home lot.
4. No mobile home or mobile home apparatus such as porches, decks or accessory structures shall be parked or constructed or otherwise located nearer than a distance of:
 - a. 30 feet from adjacent mobile home in any direction.
 - b. 50 feet from an adjacent property line.
 - c. 50 feet from the right of way line of a public street or highway.
 - d. 10 feet from the nearest edge of any roadway within the park.

B. Mobile Home Stand.

1. Each mobile home lot shall have a mobile home stand which will provide for the practical placement on and removal from the lot of both the mobile home and its appurtenant structures, and the retention of the mobile home on the lot in a stable condition.
2. The stand shall be of sufficient size to fit the dimensions of the anticipated mobile home and its appurtenant structures or appendages.
3. The stand shall be constructed with a full cellar, or on a concrete slab, or on piers which are durable and adequate for the support of the maximum anticipated load, or in accordance with manufacturer's installation instructions.
4. The stand shall be suitably graded to permit rapid surface drainage.

C. Accessibility.

1. Each Mobile Home Park shall be easily accessible from an existing public road, highway, or street.
2. Where a Mobile Home Park has more than 16 mobile home sites, 2 points of entry and exit shall be provided, but in no instances shall the number of entry and exit points exceed 4 on any 1 public road, highway, or street.
3. Construction of any entrance road shall not commence until approval of the Town Highway Superintendent, County Highway Superintendent, or New York State Department of Transportation is obtained.
4. Such entrances and exits shall be designed and strategically located for the safe and convenient movement into and out of the park, and to minimize interference with the free movement of traffic on a public highway, road or street.
5. All entrances and exits shall be at right angles to the existing public highway, road, or street
6. All entrances and exits shall be free of any materials which would impede the visibility of the driver on a public highway, road, or street.

7. All entrances and exits shall be of sufficient width to facilitate the turning movement of vehicles with mobile homes attached.

8. All exits, except the main exit, may be closed in such a manner so as to be readily opened and available for exit if an emergency should arise.

9. The Mobile Home Park owner shall be responsible for providing stop signs at all exits from the mobile home park. All signs must be Department of Transportation approved.

10. All streets or roads within such park shall be named and signs erected, and shall be registered with the Fulton County 911 Coordinator.

D. Streets

1. Each Mobile Home Park shall have approved streets to provide for the convenient access to all mobile home lots and other important facilities within the park.

2. The street system shall be so designed to permit the safe and convenient vehicular circulation within the park.

3. Streets shall be adapted to the topography and shall have suitable alignment and gradient for traffic safety.

4. All streets shall intersect at right angles.

5. All streets shall have the following minimum widths:

- a. One-way traffic movement: 18-foot roadbed.
- b. Two-way traffic movement: 28-foot roadbed.

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

7. Streets within the park shall be graded and properly ditched to provide efficient drainage to prevent erosion and deterioration of park roadways.

E. Driveway

1. Each mobile home lot shall be provided an improved driveway which protrudes above the surrounding area shall be provided for each mobile home lot. This driveway shall have a minimum width of 9 feet.

F. Parking

1. One off-street space shall be provided on each mobile home lot. The parking space shall be similar construction and grading as the driveway. Such space shall have a minimum width of 9 feet and a minimum length of 20 feet.

2. Additional off-street parking spaces shall be provided at strategic and convenient locations for guests and delivery and service vehicles.

- a. There shall be 1 such parking space for each 2 mobile home lots within the park.
- b. Such parking space shall be provided in bays which shall provide for adequate maneuvering space.

G. Utilities & Service Facilities:

1. The following utilities and service facilities shall be provided in each Mobile Home Park which shall be in accordance with the regulations and requirements of the New York State Department of Health and New York State Department of Environmental Conservation.

- a. Adequate supply of pure water for drinking and domestic purposes shall be supplied from pipes to all mobile home lots and buildings within the park to meet the requirements of the park, each mobile home lot shall be provided with proper water connections.
- b. Each mobile home lot shall be provided with a sewer, which shall be connected to the mobile home situated on the lot, to receive waste from the shower, tub, flush toilets, clothes & dishwashers lavatory and kitchen sink in such home. The sewer shall be connected to a public or private sewer system so as not to present a health hazard. Sewer connections in unoccupied lots shall be so sealed to prevent the emission of any odors and the creation of breeding places for insects.
- c. A centralized garbage pick up station shall be located in an enclosure along a town, county, or state road. Enclosures shall be chain link type fencing with latching gate. Location of the pick-up station shall be approved by the Town Highway Superintendent. Where more than fifty mobile home lots exist within the Mobile Home Park, the Town Board may require multiple garbage pick up stations.

H. Mobile Home Sales Area

1. The display and sale of mobile homes shall not be permitted in any area where mobile home parks are permitted and which is zoned for residential development at densities greater than two dwelling units per acre, unless such sales area is located within the Mobile Home Park itself and not adjacent to a public street.

2. No display or sales area shall be located at the park entrance.

3. In any zone where mobile home sales are permitted, such sales area shall be surfaced with asphalt or other hard, dust-free surface and shall contain a minimum of 6 off-street parking spaces for customers.

4. All sales areas shall be landscaped and buffered from adjacent mobile homes and other residential areas by a dense hedge or topographical changes or divisions acceptable to the Planning Board. A combination of landscaping and decorative fencing may be substituted.

I. Park Facilities and Activities

1. If park facilities and activities such as meeting rooms, recreation buildings, laundry rooms and swimming pools are to be included in the Mobile Home Park, the plan shall include details of these facilities and the owner's statement of intent to provide adequate supervision and management of such facilities and activities.

2. All park facilities and activities shall be landscaped with trees, shrubs and grass and shall provide adequate paved off-street parking space.

3. Park facilities and activities shall be located and designed in a manner that will be a visual asset to the Mobile Home Park and compatible with the residential character of the park.

J. Open Space Treatment and Park Amenity

1. In all Mobile Home Parks, a variety of open spaces shall be provided so as to be usable by and easily accessible to all park residents. Such open space shall have a total area equal to at least ten percent of the gross land area of the park. Part or all of such open space shall be in the form of developed recreation areas located in such a way and of adequate size and shape as to be usable for active recreation purposes. All open space shall be stabilized by grass or other forms of ground cover, which will prevent dust and muddy areas.

2. Mobile Home Parks shall be buffered from other development or highway by a hedge or similar landscaped screen, which will rapidly reach a height of at least 6 feet. A combination of landscaping and decorative fencing may be substituted, provided that the height requirement is met and considerable landscaping is used.

3. Exposed ground surfaces in all parts of any Mobile Home Park shall be paved, surfaced with crushed stone or other solid material or protected with grass or other ground cover capable of preventing erosion and of eliminating objectionable dust.

K. Walkways.

Each mobile home stand shall be provided with a walkway leading from the stand to the street or to a driveway or parking area connecting to the street.

L. Fencing.

If fencing of individual lots within the park is to be provided by the mobile home occupant, standards shall be provided by the park operator so the consistency can be maintained. Specifications shall accompany the original submission.

M. Park lighting.

All Mobile Home Parks shall be furnished with adequate lights to illuminate streets, driveways and walkways for the safe movement of vehicles and pedestrians at night. Electric service to such lights shall be installed underground, and decorative lighting fixtures shall be used where possible.

N. Electric Power and Telephone

1. The Mobile Home Park electrical distribution system shall be installed underground and shall comply with the National Electric Safety Code and with requirements of the utility serving the area and the Public Service Commission.

2. The distribution system for telephone service shall be underground in accordance with the standards established by the telephone company.

O. Fuel systems

1. All Mobile Home Parks shall be provided with facilities for the safe storage of necessary fuels. All systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems.

2. Natural gas installations shall be planned and installed so that all components and workmanship comply with the requirements of American Gas Association, Inc., and conform to the requirements, inspections and approval of the utility which will supply this product.

3. Heating systems with common supplies shall be designed, constructed, inspected and maintained in conformance with the provisions of National Fire Protection Association, Standard 30. In the event that a park system which requires pumping for fuel distribution is planned, a backup pump shall be required.

4. Liquefied petroleum gas systems shall be selected, installed and maintained in compliance with the requirements of National Fire Protection Association, Standard 58. LPG tanks shall be located to the rear of the mobile home site and shall be landscaped and screened from public view.

P. Fire Protection

1. The Mobile Home Park plan shall include a list of the applicable rules and regulations of the fire district wherein said park is located and shall comply with such rules and regulations.

Q. Mobile Home Units

1. The mobile home shall be completely skirted within 90 days of occupancy. Materials used for skirting shall provide a finished exterior appearance and shall be similar in character to the material used in the mobile home.

2. Expansions and extensions. Expandable rooms and other extensions to a mobile home shall be supported on a stand constructed in accordance with construction standards for the

mobile home stand. Skirting shall be required around the base of all such expansions or extensions.

3. Steps shall be installed at all entrance and exit doors. Such steps shall be constructed of materials intended for permanence, weather resistance and attractiveness and shall be equipped with handrails.
4. All mobile homes shall be HUD approved.

Subsection 505-8 Requirements for RV Parks

A. RV

1. Each RV Park shall be marked off into RV lots.
2. The total number of RV lots in such park shall not exceed 12 per gross acre.
3. Each RV lot shall have a total area of not less than 2,500 square feet with a minimum dimension of 30 feet.
4. Only 1 RV shall be permitted to occupy any 1 RV lot.
5. No RV shall be parked or otherwise located nearer than a distance of:
 - a. 20 feet from an adjacent RV in any direction.
 - b. 50 feet from an adjacent property line.
 - c. 50 feet from the right-of-way line of a public street or highway.
 - d. 10 feet from the nearest edge of any roadway located within the park.

B. RV Stand:

1. Each RV lot shall have a RV stand which will provide for the practical placement on, and removal from the lot of the RV, and the retention of the RV on the lot in a stable condition.
2. The stand shall be constructed of an appropriate material which is durable, compacted, and adequate for the support of the maximum anticipated loads.
3. The stand shall be suitably graded to permit rapid surface drainage.

C. Accessibility:

1. Each RV Park shall be easily accessible from an existing public highway, road or street.
2. Where a RV Park has more than 16 RVs, 2 points of entry and exit shall be provided, but in no instance shall the number of entry and exit points exceed 4 on any 1 highway.

3. Construction of any entrance road shall not commence until approval of the Town Highway Superintendent, County Highway Superintendent, or New York State Department of Transportation is obtained.
4. Such entrances and exits shall be designed and strategically located for the safe and convenient movement into and out of the RV Park, and to minimize friction with the free movement of traffic on a public highway, road or street.
5. All entrances and exits shall be at right angles to the existing public highway, road or street.
6. All entrances and exits shall be free of any material which would impede the visibility of the driver on a public highway, road or street.
7. All entrances and exits shall be of sufficient width to facilitate the turning movements of vehicles with RV attached.
8. All exits, except the main exit, may be closed in such a manner so as to be readily opened and available for exit if an emergency should arise.
9. RV Park owners shall be responsible for providing stop signs at all exits from the park. All signs must be Department of Transportation approved.
10. All streets or roads within such park shall be named and signs erected, and shall be registered with the Fulton County 911 Coordinator.

D. Streets

1. Each RV Park shall have approved streets to provide for the convenient access to all RV lots and other important facilities within the park.
2. The street systems shall be so designed to permit the safe and convenient vehicular circulation within the park.
3. Streets shall be adapted to the topography and shall have suitable alignment and gradient for traffic safety.
4. All streets shall intersect at right angles.
5. All streets shall have the following minimum widths:
 - a. One-way traffic movement: 18 foot roadbed.
 - b. Two-way traffic movement: 28 foot roadbed
6. Except in cases of emergency, no parking shall be allowed on such streets.
7. Streets within the park shall be graded and properly ditched to provide efficient drainage to prevent erosion and deterioration of park roadways.

E. Driveway

Each RV lot shall be provided an improved driveway which protrudes above the surrounding area. This driveway shall have a minimum width of 9 feet.

F. Parking:

One off-street parking space shall be provided on each RV lot. The parking space shall be of similar construction and grading as the driveway or pad. Such space shall have a minimum width of 9 feet and a minimum length of 20 feet.

G. Utilities and Service Facilities:

The following utilities and service facilities shall be provided in each RV Park which shall be in accordance with the regulations and requirements of the New York State Department of Health and the New York State Department of Environmental Conservation.

1. Each RV Park, which provides for RVs having all the facilities of a mobile home as defined in Section 202 of this local law, shall provide the required facilities indicated in Section 506-7.
2. Each RV Park, which provides for RVs not equipped with the facilities of a mobile home as defined in Section 3.1 of this local law, shall provide the following facilities
 - a. An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and RV lots within the park to meet the requirements of such park. Each lot shall be provided with a cold-water tap, the waste from which shall be emptied into a drain connected to an approved disposal system.
 - b. Toilet and other necessary sanitary facilities for males and females shall be provided in permanent structures. Such facilities shall be housed in either separate buildings or in the same building, the latter case such facilities shall be separated by soundproof walls. The male and female facilities shall be marked with appropriate signs, and have separate entrances for each.
 - c. Such toilet and other sanitary facilities shall be provided in the following manner:
 - i. Male facilities shall consist of not less than 1 flush toilet for every 15 RVs: 1 urinal for every 15 RVs: 1 lavatory for every 10 RVs: 1 shower of at least 16 square feet for every 10 RVs.
 - ii. Female facilities shall consist of not less than: 1 flush toilet for every 10 RVs: 1 lavatory for every 10 RVs: 1 shower, with an adjoining dressing compartment of at least 16 square feet, for every 10 RVs.

- d. Lavatory and shower facilities shall be supplied with hot and cold running water.
- e. The building housing such toilet and sanitary facilities shall be well-lighted at all times of the day and night; shall be well ventilated with screened openings; shall be constructed of moisture proof material; shall be well-heated; and shall be clean and sanitarily maintained at all times. The floors of such buildings shall be of a water impervious material.
- f. Such buildings shall not be located nearer than 20 feet nor further than 200 feet from any RV.

3. Each RV lot shall be provided with weatherproof electric service connections and outlets which are a type approved by the New York State Board or Fire Underwriters or other recognized inspection agency.

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

5. Garbage cans with tight fitting covers shall be provided in quantities adequate to permit the disposal of all garbage and rubbish. The cans shall be kept in sanitary condition at all times. The cans shall be located no further than 200 feet from a RV lot. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that such can shall not overflow. A centralized garbage pick-up station should be located along town, county, or state road.

6. Waste from all buildings and RV lots shall be discharged into an approved public or private sewer system in such a manner so as not to present a health hazard.

H. Open Space:

Each RV Park shall provide common open space for the use by occupants of such park. Such open space shall be conveniently located in the park. Such space shall have a total area equal to at least 10 percent of the gross land area of the park.

I. Landscaping:

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

2. Planting shall be provided to the extent needed in order to provide for the screening of objectionable views, adequate shade and a suitable setting for the RV's and other facilities.

3. Screen planting shall be provided to screen objectionable views. Views which shall be screened include laundry facilities: other nonresidential uses, garbage storage and collection areas, and all abutting yards of adjacent properties.

4. Other planting shall be provided along those areas within the park which front upon existing public highways, roads, and streets to reduce glare and provide pleasant outlooks for the RV units, and neighboring property owners.

Subsection 505-9: Park Owner Responsibilities and Restrictions

The person to whom a permit for a Mobile Home Park or RV Park is issued shall operate the park in compliance with this local law and shall provide adequate supervision to maintain the park, its common grounds, streets, facilities and equipment in good repair and in a clean and sanitary condition.

Subsection 505-10: Inspection and Enforcement

A. This article shall be enforced by the Code Enforcement Officer and the New York State Department of Health. Said officers and their inspectors shall be authorized and have the right in the performance of duties to enter any Mobile Home Park or RV Park and make such inspections as are necessary to determine satisfactory compliance with this article and regulations issued hereunder. Such entrance and inspections shall be accomplished at reasonable times, after prior notice to the park operator and, in emergencies, whenever necessary to protect the public interest.

B. Owners, agents or operators of a Mobile Home Park or RV Park shall be responsible for providing access to all parts of the premises within their control to the Code Enforcement Officer or to his or her agents acting in accordance with the provisions of this section.

C. It shall be the duty of the Code Enforcement Officer to make necessary inspections required every year for renewal of permits, to investigate all complaints made under this section, and to request the Town Board to take appropriate legal action on all violations.

Subsection 505-11: Inspection and Enforcement

A. Orders. Upon determination by the Code Enforcement Officer that there has been a violation of any provision of this section, he shall serve upon the holder of the permit for such Mobile Home Park or RV Park an initial order, in writing and by registered mail, directing that the conditions therein specified be corrected. The order shall contain an outline of remedial action which, if taken, will effect compliance and specify the number of days within which such remedial action is to be completed.

B. Notices. If the violations are not corrected within the period of time specified in the order, the Code Enforcement Officer shall serve a notice, in writing, upon such Mobile Home Park or RV Park operator requiring the holder of the permit to appear before the Town Board to show cause why the Mobile Home Park or RV Park permit should not be revoked. Such hearing before the Town Board shall occur not less than 48 hours nor more than 30 days after the date of service of said notice.

C. Hearings. Within 30 days after the hearing at which the testimony and witnesses of the Code Enforcement Officer and the Mobile Home Park or RV Park permit holder shall be heard, the Town Board shall make a determination, in writing, sustaining, modifying or withdrawing the order issued by the Code Enforcement Officer. Failure to abide by any Town Board determination to sustain or modify the initial order of the Code Enforcement Officer and to take corrective action accordingly

shall be cause for the revocation of the Mobile Home Park or RV Park permit affected by such order and determination.

ARTICLE VI: OFF-STREET PARKING AND LOADING

Section 601: Off-Street Parking and Loading

A. Off-street parking shall be required for all buildings constructed after the effective date hereof. Each off-street space shall consist of at least 180 square feet with a minimum width of 10 feet and a minimum length of 18 feet. Handicap parking spaces shall comply with New York State Building Code Section and ANSI Standards. Parking requirements for specific uses are identified in Section 603 Schedule C hereunder.

Section 602: Accessible Entrances

1. Required. At least 50 percent but not less than one entrance to each building and structure, and each separate tenant space within the building or structure, shall comply with the accessible route provisions of this local law.
2. Multiple accessible entrances. Where a building or facility has entrances that normally serve accessible parking facilities, transportation facilities, passenger loading zones, taxi stands, public streets and sidewalks, tunnels or elevated walkways, or accessible interior vertical access, then at least one of the entrances serving each such function shall comply with the accessible route provisions of this local law.

TABLE 602.1

ACCESSIBLE PARKING SPACES

TOTAL PARKING SPACES PROVIDED	REQUIRED MINIMUM NUMBER OF ACCESSIBLE SPACES
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
More than 1,000	20 plus one fore each 100 over 1,000

Section 603: Schedule C

SCHEDULE C: OFF-STREET PARKING

<u>USE</u>	<u>MINIMUM SPACES REQUIRED</u>
Dwellings	1 space per dwelling unit
Golf Course	1 space for each employee on the largest working shift plus 4 spaces per hole
Home Occupation II	1 space per 200 square feet of floor area used for business purposes
Town Houses, Condominiums, and Cooperatives, Garden Apartments	2 spaces per dwelling unit
Church or other Places of Worship	Greater of 1 space per 5 seats in the main assembly room or 1 space per 12 foot of bench length On-street parking within 500 feet of the building except in residential districts may be used towards fulfilling this requirement.
Bed and Breakfast	1 space per guest room plus 2 spaces per permanent resident

Nursing or Convalescent	1 space per 6 patients plus 1 space per employee on largest working shift
Day Care Center	1 space per staff member plus 1 space per 5 students
Hotel/Motel	1 space per room plus 1 space per employee working during the shift of largest employment.
Private Club or Lodge	1 space per 50 square feet of assembly area
Veterinary Hospital	1 space for every doctor and 1 space for every employee working the shift of the greatest employment, plus 1 space per 100 square feet of office area.
Gasoline Service Station	4 parking spaces plus 2 spaces for each service stall and 1 space for each employee working during the shift of greatest employment.
Repair Garage	1 space per bay plus 1 space per mechanic
Stores or Service Centers	1 space per 250 square feet of sales floor area
Bank or Financial Institution	1 space per 250 square feet of gross floor area plus 2 spaces per teller station within the bank
Restaurant or Tavern	1 space per 25 square feet of floor area or 1 space per 3 seats, whichever is greater plus 1 space per employee working during the shift of greatest employment
Laundromat	3 spaces for each 200 square feet used by the general public.
Funeral Home	1 space per 50 square feet of floor area in the public rooms, plus 1 space for each vehicle maintained on the premises plus 1 space per each employee.
Professional Offices, Business or Utility Service Offices	1 space per 200 square feet of floor area
Franchise Automobile, Boat or Trailer Sales and Service Establishment	1 space per each employee 1 space for every 200 square feet of useable floor area of sales room and 1 space for each auto-service stall in the service room.
Convenience Store	1 space per 100 square feet of detailed floor area plus 1 space per employee working during the shift of greatest employment

Shopping Centers Including Mini Mall	1 space for each 100 square feet of useable floor area for the first 15,000 square feet; 1 space for each 125 square feet for all floor area in excess of 15,000 square feet.
Drive-in Service Facility	1 space for each employee on the largest shift plus sufficient area for four stacking spaces for the first drive-in window and 4 stacking spaces for each additional window.
Lumber, Feed, Fuel Sales and Storage	1 space per each 500 square feet of floor area plus 1 space for each employee working during the shift of greatest employment.
Manufacturing Facilities	1 space for each 1.5 employees computed on the basis of combined employment of the largest and second largest shifts, or 1 space for each 1,000 square feet of gross floor area used for manufacturing plus 1 space for each company owned truck or vehicle plus 1 visitor parking space for each 1,000 square feet of office space, whichever is greater.

For uses not specified, the Planning Board shall establish parking requirements in specific cases consistent with those specified on Schedule C.

- A. For any building having more than 1 use, parking space shall be provided as required for each use.
- B. Parking spaces required in R-1, R-2, R-E, L-1 and L-2 districts should preferably be located in the side or rear yard on the same lot or tract as the principal use.
- C. For the purpose of computing parking requirements, floor area shall be the sum of the horizontal areas within exterior walls of the several floors of a building, excluding basement, cellar and attic areas used primarily for storage or service.
- D. Off-street parking facilities for more than 5 vehicles shall be effectively screened on each side which adjoins or faces a parcel in any R-1, R-2, R-E, L-1 and L-2 district.

Section 604: Off-Street Loading

- A. At least 1 off-street loading facility shall be provided for each commercial establishment hereafter erected or substantially altered to have a gross floor area in excess of 5,000 square feet. Space for off-street loading shall be in addition to space for off-street parking. Any manufacturing establishment is to be provided with off-street loading facilities. The number of facilities shall be determined by the Planning Board during the site plan review process. Space for off-street loading shall be in addition to space for off-street parking.
- B. Each facility shall be subject to the following minimum requirements:
 - 1. Each off-street loading facility shall not be less than 12 feet wide, 55 feet long and 14 feet height when covered.

2. The location of each berth is to be determined by the Planning Board during the site plan review process except no such berth shall be located closer than 200 feet to any lot in any R-1, R-2, R-E, L-1 or L-2 Districts unless wholly within a completely enclosed building.

ARTICLE VII: CLUSTER DEVELOPMENT

Section 701: Purpose

A. The purpose of this article is to enable and encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economical provision of streets and utilities and to preserve the natural and scenic qualities of open lands in order to provide larger areas of open space, both for recreational and conservational purposes and in order to implement the objectives of this local law.

Section 702: Applicability

This article shall be applicable only to land which is in AG, R-1, R-2, R-E, L-1 or L-2 Districts under this local law, but nothing herein shall be construed to limit the existing authority of the Planning Board to control the layout of subdivisions or the design of site plans in any other district or zone.

Section 703: Procedure for Establishment

A. The Planning Board may require the owner to make application for or modification of this local law under the provisions of this article, if the requirement is imposed in order to perpetuate the existence of or prevent the despoliation or degradation of environmentally sensitive areas of scenic beauty of significance to the community or historic places, whether on or off the site, when, in the judgment of the Planning Board, such action is a substantial benefit to the community.

B. This article shall apply only to land, which shall be a contiguous parcel, a minimum of five acres in size and a minimum frontage of 500 feet along a street. In addition, it shall be determined by the Planning Board that:

1. Such development will not be detrimental to the health, safety or general welfare of persons residing in the vicinity or injurious to property or improvements in close proximity.
2. The proposed development creates a residential environment that is in conformity with the objectives of this article.
3. The application of this procedure shall result in a permitted number of building lots and/or dwelling units which shall in no case exceed the number which could be permitted, in the Planning Board's judgment, if the land were subdivided into lots conforming to the minimum lot area and density requirements of this local law applicable to the district or

districts in which such land is situated and conforming to all other applicable requirements, including all subdivision requirements for roads, drainage, lot layout and recreation areas.

4. The development would be harmonious with adjacent residential developments, if any exist, and where providing an alternative type or architectural style of housing, would benefit the Town.

5. The development proposal guarantees permanent retention of any open space areas created and ensures the care and maintenance of the same.

Section 704: Permitted Dwelling Units; Site Plan Review Required

In reviewing a plat in accordance with the provisions of this article, the dwelling units permitted may be, at the discretion of the Planning Board, in detached, semidetached or attached structures. Furthermore, the development shall be subject to site plan review under the provisions of this local law.

Section 705: Density

A. In determining the density for cluster development, the Planning Board shall first determine the area for which such density calculation shall be made.

B. The calculation of the area shall not include easements (except environmental easements), existing parks, existing streets or otherwise dedicated land; water areas or wetlands in excess of 5 percent of the minimum gross acreage; lands designated on the Mayfield Zoning Map for public purposes; or land undesirable by reason of topography, drainage, slope, flooding or adverse subsoil conditions.

C. Prior to the establishment of the overall density, the Applicant shall provide the Planning Board with a sketch plan of the site showing how it may be subdivided in a conventional manner conforming to the requirements of this local law for that district or districts.

D. As stated herein, the overall density established by the Planning Board shall be no greater than would otherwise be permitted under the provisions of this local law.

Section 706: Open Space

A. The application of this procedure shall result in the preservation of land on the plat in its natural state for recreational, open space, archaeological or historical resources or other municipal purposes. The Planning Board, as a condition of plat approval, may establish such requirements on the ownership, use and maintenance of such lands, as it deems necessary to assure the preservation of such lands for their intended purposes. The details as to use and ownership shall be recorded by the owner in an appropriate instrument. Such requirements shall be approved by the Town Board prior to final approval and filing of the plat.

B. The open space created by the use of the provisions of this article must be clearly labeled on the subdivision plat as to its use and whether it is to be dedicated to the Town or other governmental body, to an approved private conservation corporation or to an owners' association or otherwise reserved under conditions meeting with Planning Board approval. Such open space is to be preserved in perpetuity, and the Planning Board may require an open space easement running to the Town as a condition of approval.

C. Owners' Association

1. If the open space or an open space easement therein is not to be dedicated to the Town or other governmental authority or to an approved private conservation corporation, the Applicant must either simultaneously, with the filing of the plat, create an association embracing all property owners within the plat and providing for adequate contributions for maintenance of said open space or otherwise satisfy the Planning Board with regard to the maintenance of said open space.

2. If an owners' association is approved by the Planning Board as the method of maintenance of the open spaces to be preserved, the following must be adhered to:

- a. The owners' association must be established before the lots are sold.
- b. Membership in the owners' association must be mandatory for each lot buyer and any successive buyer or each lot created must be legally required by duly filed covenants and restrictions to pay to the owners' association a yearly fee to be used for maintenance of the open space.
- c. The open space restrictions must remain in perpetuity.
- d. The owners' association must be responsible for liability insurance, local taxes and the maintenance of recreational and other facilities.
- e. Property owners must pay their pro rata share of the cost, and the assessment levied by the owners' association can become a lien on the property.
- f. The owners' association must be able to adjust the assessment to meet changed needs.
- g. The Applicant shall make a conditional offer of dedication, binding upon the owners' association, for all open space to be conveyed to the owners' association, such offer to be accepted by the Town, should it so choose, upon the failure of the owners' association to take title to the open space from the applicant or other current owner or upon dissolution of the owners' association at any future time.

D. Uses for open space.

1. The Planning Board may approve uses for open space, and these uses will be clearly indicated on the final plat.

- a. The Planning Board may approve recreational uses, such as wooded park areas, bridle paths or hiking trails.
 - b. The Planning Board may approve conservational uses, such as open woodland, wetlands or farm fields.
 - c. The Planning Board may approve cultural uses, such as historic places and buildings, archaeological sites and open spaces which will assure that each of the above cultural uses are adequately protected in the public interest.
2. Areas for active recreation which are to contain substantial improvements, impervious surfaces and other alteration from their natural state shall not constitute open space hereunder.

ARTICLE VIII: NONCONFORMING USES

Section 801: Continuation of Use

- A. Any nonconforming use or structure which existed lawfully at the time of enactment of this local law may be continued, subject to the provisions of this article.

Section 802: Nonconforming Use of Land

- A. The nonconforming use of land shall not be enlarged or extended beyond the area of land occupied by such use at the time of the adoption of this local law. A nonconforming use of land may not be moved in whole or in part to any other portion of the lot or parcel of land occupied by such nonconforming use at the time of adoption of this local law. A nonconforming use of land shall not be changed to another nonconforming use. If a nonconforming use of land is discontinued for a period of 12 consecutive months, it shall not be renewed and any subsequent use of the land shall conform to the regulations of the district in which the land is located.

Section 803: Nonconforming Structures

- A. Additions

A nonconforming building shall not be added to or enlarged in any manner greater than 25 percent of the original square footage of the building at the time of the enactment of this local law, unless such nonconforming building and the use thereof is made to conform to all the regulations of the district which it is located.

B. Alterations and repairs

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

C. Changes

A nonconforming building may not be changed except to a conforming use. When so changed, the nonconforming use may not be resumed. The only exception to this provision is in the case of a single mobile home on a single lot. In this case the mobile home may be removed and replaced by a new mobile home provided the new mobile home does not increase the total square footage by more than 100 percent.

D. Discontinuance

A nonconforming use of a building or structure or a portion other of which is discontinued for a period of 12 consecutive months shall not be reestablished, and any subsequent use shall conform to the use regulations of the district in which the premises is located. A use shall be deemed to have been discontinued under any of the following conditions:

1. Vacancy of a nonconforming use building or discontinuance of a nonconforming use for a period of 12 consecutive months.
2. Manifestation of a clear intent on the part of the owner or operator to abandon the nonconforming use.

E. Extension

A nonconforming use may not be extended to any other part of such building.

F. Restoration

A structure devoted to a nonconforming use destroyed or damaged by fire, wind, explosion, structural failure or other natural cause to the extent of 50 percent or more of its assessed value at the time of such damage, as adjusted to full value, based upon State Board of Equalization rates, shall not be repaired or rebuilt except by approval of the Board of Appeals.

G. Removal

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

H. Validity of permit

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

ARTICLE IX: SITE PLAN REVIEW

Section 901: Purpose

A. The purpose of this article is to allow the proper integration into the community of those uses listed in Allowed Uses in Article III of this local law, which have been determined to be suitable within a zoning district only on certain conditions and only at appropriate locations. Because of their characteristics, or the special characteristics of the area in which they are to be located, these uses require special consideration so that they may be properly located and planned with respect to:

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

Section 902: Applicability

A. Uses requiring a site plan review are listed in the zone description of the local law. No building, use or certificate of occupancy permit shall be issued by the Code Enforcement Officer for any use listed, nor shall any building be erected, moved, structurally altered, added to or enlarged and no excavation for any building shall begin until a site plan has been approved by the Planning Board in accordance with this article.

Section 903: Authorization for Site Plan Review

A. In accordance with Section 274-a of the Town Law, the Town Board does hereby authorize the Planning Board to review and approve, approve with modifications or disapprove site plans prepared to specifications set forth in this local law. A site plan shall show the arrangement, layout and design of the proposed use of land shown on the plan. Such site plan review shall be made of all development required under the terms of this local law.

Section 904: Application for Site Plan Review Approval; Fee

A. Application for a site plan review shall be submitted to the Town Clerk at least 10 business days in advance of a regularly scheduled Planning Board meeting. A nonrefundable fee shall be submitted with the application, the fee to be established and amended from time to time by the Town Board. Said application shall be on a form provided by the Planning Board and shall contain all of the

information desired by said Board to properly conduct its review. Attached to said application shall be 7 copies of a site plan which has been prepared by a licensed engineer, architect or land surveyor. The site plan shall include the following information where applicable:

1. The title of the drawing, including the name and address of the applicant and person responsible for preparing said plan.
2. Both existing and final contours shall be shown. Unless otherwise allowed by the Planning Board, the plan shall be at a scale of 1 inch equals 50 feet, with two-foot contours showing the topography of the parcel within 100 feet of the area under review.
3. North arrow, scale and date.
4. The boundaries of the property plotted to scale. Current zoning classification of property, including exact zoning boundary if in more than 1 district.
5. Existing watercourses and wetlands.
6. A grading and drainage plan, type of construction, proposed use and exterior dimensions of all buildings.
7. The location, design, type of construction, proposed use and exterior dimensions of all buildings.
8. The location and widths of driveways on the site and access to existing roads and highways. Location to nearest intersection of public roads to be provided. Location, design and type of construction of all parking and/or truck loading areas, including access and egress.
9. The location and dimensions for pedestrian access.
10. The location for outdoor storage, if any.
11. The location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences.
12. The location and size of water and sewer lines and appurtenances. Any means of water supply or sewage disposal should be described, including location, design and construction materials, and shall comply with all requirements of the New York State Department of Health and New York State Department of Environmental Conservation.
13. The location of fire and other emergency zones including the location of fire hydrants.
14. The location, design and construction materials of all energy distribution facilities, including electrical, gas and alternate energy.
15. The location, size, design and type of construction of all proposed signs.

16. The location and proposed development of all buffer areas, including existing vegetative cover.
17. The location and design of outdoor lighting facilities.
18. The location and amount of building area proposed for retail sales or similar commercial activity.
19. The general landscaping plan and planting schedule.
20. An estimated project construction schedule.
21. State Environmental Quality Review information and completed forms as may be required.
22. The location, width and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to public use within the adjoining property.
23. A description of all existing deed restrictions or covenants applying to the property.
24. Any other elements integral to the proposed development as deemed necessary by the Planning Board, including identification of any state or county permits required for the project's execution and the existence of any covenants governing the land.
25. A location map, to be prominently provided on first sheet of plans.
26. A signature line, to be provided for the Chairman of the Planning Board.

B. If the Applicant fails to submit sufficient information to the Planning Board, said application will be deemed incomplete and returned to the Applicant. Once an application is determined to be complete, the Planning Board shall set a date for a public hearing.

Section 905: Review of Site Plan

A. The Planning Board's review of a site plan shall include, as appropriate, but is not limited to the following general considerations:

1. Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.
2. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
3. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
4. Location, arrangement, appearance and sufficiency of off-street parking and loading.

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 retention of existing vegetation.
8. In the case of an apartment complex, townhouses, condominiums, cooperatives or other multiple dwelling, the adequacy of usable open space for recreation.
9. Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable impacts.
10. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
11. Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
12. Adequacy of setbacks in regard to achieving maximum compatibility and protection to adjacent properties and residential districts.
13. Aesthetical compatibility of structures with existing and planned uses of adjacent properties and districts.
14. Consistency with the Town's Comprehensive Plan.

Section 906: Public Hearing

A. The Planning Board shall fix a time within 62 days from the day the Planning Board determines an application for site plan review to be complete, for a public hearing on the application for site plan approval. A public notice of such hearing shall be published in the Town's official newspaper at least 5 calendar days prior to the date thereof. Within 62 days after such public hearing, the Planning Board shall approve, approve with modifications or disapprove the application for site plan approval. The Planning Board, in conjunction with its approval of any site plan review proposal, may impose such requirements and conditions as are allowable within the proper exercise of the police power, including the restriction of land against further development of principal buildings, whether by deed restriction, restrictive covenants or other similar or appropriate means.

Section 907: Filing of Decision

A. The written decision of the Planning Board on an application for site plan review shall be immediately filed in the office of the Town Clerk and the Town Code Enforcement Officer and a copy thereof mailed to the applicant.

ARTICLE X: ADMINISTRATION AND ENFORCEMENT

Section 1001: Code Enforcement Officer

A. The provisions of this local law shall be administered and enforced by the Code Enforcement Officer, who shall have the power to make inspections of buildings or premises necessary to carry out his or her duties in the enforcement of this local law. No building permit or certificate of occupancy required hereunder shall be issued by the Code Enforcement Officer except in compliance with the provisions of this local law or as directed by the Planning Board and/or Board of Appeals under this local law.

Section 1002: Building Permits

A. No building shall be erected, moved, altered, added to or enlarged and no excavation for any building shall be begun unless and until a building permit for such work has been issued by the Code Enforcement Officer. No water supply or sewage disposal system shall be constructed until a building permit for such work has been issued by the Code Enforcement Officer. This permit shall be valid for a period of 1 year from date of issue.

B. Applications for building permits shall be submitted in duplicate on a form or forms provided by the town Code Enforcement Officer. Each application shall set forth the purpose for which the building is intended to be used and shall be accompanied by a plot plan showing the dimensions of the lot and the building and the dimensions of required and proposed yards. The Code Enforcement Officer may require such additional information, other than that called for on the application form, as may reasonably be needed for him to determine if the proposed building, its use and the use of the land are in conformity with the provisions of this local law.

Section 1003: Certificates of Occupancy

A. A certificate of occupancy is required for any of the following:

1. occupancy and use of a building hereafter erected, altered, moved or extended;
2. change in the use of an existing building;
3. occupancy and use of vacant land, except for any use consisting primarily of forest practices or tilling the soil or similar use; or
4. change in the use of land, except for any use consisting primarily of forest practices or tiling the soil or similar use.

B. A certificate of occupancy shall be obtained, upon application, from the Code Enforcement Officer. Such certificate shall be issued only if the proposed use of the building or land conforms to the provisions of this local law. The Code Enforcement Officer shall make an inspection of each

building or lot for which a certificate of occupancy has been applied before issuing such certificate. Such inspection shall be made within 10 days from the date of application, Saturdays, Sundays and legal holidays excepted. Failure to make a determination within a reasonable period of time shall be deemed to be disapproval of the application for certification of occupancy.

Section 1004: Penalties for Offenses; Injunctive Relief

A. Any person, whether as owner or lessee, agent or employee, who shall violate any of the provisions of this local law or who fails to comply with any order or regulation made thereunder or who erects, alters, moves or uses any building or uses any land in violation of any detailed statement or plans submitted by him and approved under the provisions of this local law shall be guilty of an offense punishable by a fine not exceeding \$250 or imprisonment for a period not to exceed 6 months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this local law shall be deemed misdemeanors, and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week of continued violation shall constitute a separate, additional violation.

B. In case any building or structure is erected, constructed, reconstructed, altered, moved, converted or maintained, or any building, structure or land is used in violation of this local law, the proper local authorities of the Town, in addition to other remedies, may institute any appropriate action or proceedings in a court of competent jurisdiction to prevent such unlawful erection, construction, reconstruction, alteration, conversion, movement, maintenance or use, to restrain, enjoin, correct or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business or use in or about such building, structure or land.

Section 1005: Special Consulting Fees

A. The Town Board, Planning Board, Board of Appeals or Code Enforcement Officer in meeting their assigned responsibilities may employ consultants, legal counsel, professional engineers and/or inspection services to provide assistance and advice in the review of any application, including on-site investigation, evaluation and inspection; verification of the accuracy of information submitted; evaluation of the adequacy of plans and the sufficiency of submitted reports; study of the impact of proposals upon the resources and environment of the Town; preparation and/or review of environmental impact statements; review of the design and layout of improvements; inspection of installed improvements; and such other services or technical assistance as the board or officer deem necessary for their review of the application.

B. All costs incurred for these special consulting services shall be borne by the Applicant. A deposit shall be required in advance to cover the estimated cost of these services.

C. The deposit due for the special consulting services deemed to be necessary for the appropriate review of any particular application shall be filed by the Applicant with the Town Clerk by certified check endorsed to the Town of Mayfield. The Town Clerk shall deposit such funds in an escrow account designated with the name of the Applicant and the project for which such funds are deposited. An application shall not be deemed complete until the requirements of this section have been complied with.

D. If at any time during the processing of an application there shall be insufficient monies on hand to the credit of an Applicant to pay the approved vouchers in full, or if it shall reasonably appear to the reviewing board or officer that such monies will be insufficient to meet vouchers yet to be submitted, the reviewing board or officer shall cause the Applicant to deposit additional sums as the board or officer deems necessary or advisable in order to meet such expenses or anticipated expenses.

E. In the event the Applicant fails to deposit the requested review fees into an escrow account, any application review, approval, permit or certificates of occupancy may be withheld or suspended by the reviewing board or officer until such monies are deposited.

F. Upon completion of the review of an application or upon the withdrawal of an application, and after all fees incurred by the Town have been paid and deducted from the account, any balance remaining in the account shall be refunded within 60 days after the Applicant's request.

G. The review expenses authorized by this section shall be in addition to application or administrative fees required pursuant to other sections of this local law. Monies deposited by Applicants pursuant to this section shall not be used to offset the Town's general expenses and customary professional services for the several boards and officers of the Town, or its general administrative expenses.

ARTICLE XI: BOARD OF APPEALS

Section 1101: Creation; Membership; Terms

A. A Board of Appeals is hereby established. It shall consist of 5 members, each to serve for a term of 5 years. The term of office of the members of the Board of Appeals and the manner of their appointment shall be in accordance with the provisions of the Town Law. Vacancies occurring in said Board of Appeals shall be filled for such unexpired period only.

Section 1102: Duties, Powers and Functions

A. The Board of Appeals shall have the duties, rights, powers and functions conferred upon it by this local law, the Town Law and any other provisions of law applicable thereto.

Section 1103: Meetings

A. All meetings of the Board of Appeals shall be held at the call of the Chairperson and at such other times as such Board may determine. Such Chairperson, or in his absence the Vice Chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Appeals shall be open to the public. Such Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.

Section 1104: Records

A. All decisions of the Board of Appeals shall be in writing, and a copy of each decision shall be sent to the Applicant and to the Code Enforcement Officer. Every rule, regulation, every amendment or repeal thereof and every order, requirement, decision or determination of the Board of Appeals shall be filed in the office of the Town Clerk within 5 business days and shall be a public record. Each decision shall set forth fully the reasons for the decision of the Board of Appeals and the findings of fact on which the decision was based. Such findings and reasons shall include specific reference to the applicable standards and criteria where the appeal is for an area or use variance.

Section 1105: Appeals to Board

A. The Board of Appeals shall hear and decide appeals from and review any order, requirement, decision, interpretation or determination made by the Code Enforcement Officer. It shall also hear and decide all matters referred to it upon which it is required to pass under this local law. The concurring vote of a majority of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Code Enforcement Officer, or to decide in favor of the applicant any matter on which it is required to pass under this local law or to effect any variation in this local law. Such appeal may be taken by any person aggrieved or by an officer, department, board or bureau of the Town.

B. Such appeal shall be taken within 60 days of the date the Code Enforcement Officer's determination is issued to the applicant by filing with the Code Enforcement Officer and with the Board of Appeals a notice of appeal specifying the grounds thereof and the relief sought. The Code Enforcement Officer shall forthwith transmit to the Board of Appeals 5 copies of all of the papers constituting the record upon which the action appealed from was taken.

Section 1106: Stay of Proceedings

An appeal stays all proceedings in furtherance of the action appealed from unless the Code Enforcement Officer from whom the appeal is taken certifies to the Board of Appeals, after the notice of appeal shall have been filed with him, that, by reason of facts stated in the certificate, a stay would in the Code Enforcement Officer's opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board of Appeals or by a court of competent jurisdiction on application, on notice to the officer from whom the appeal is taken and on due cause shown.

Section 1107: Enumeration of Specific Powers

A. The Board of Appeals shall have the following powers and duties prescribed by statute and by this local law:

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

2. Area Variance.

- a. The Board of Appeals shall have the power, upon an appeal from a decision or determination of the Code Enforcement Officer, to grant area variances from the area of dimensional requirements of this local law. In making this determination, the Board of Appeals shall take into consideration the benefits 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 of Appeals shall also consider:
 - i. 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.
 - ii. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance.
 - iii. Whether the requested area variance is substantial.
 - iv. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
 - v. 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.
- b. 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.

3. Use Variance.

- a. The Board of Appeals, on appeal from a decision or determination of the Code Enforcement Officer, shall have the power to grant use variances authorizing a use of the land which otherwise would not be allowed. No such use variances shall be granted by the Board of Appeals 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 for each and every permitted use under the zoning regulations for the particular district where the property is located:
 - i. the Applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
 - ii. 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;
 - iii. that the requested use variance, if granted, will not alter the essential character of the neighborhood; and
 - iv. that the alleged hardship has not been self-created.

- b. The Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
- c. The Board of Appeals, in the granting of use variances, may require as a condition that the property be subject to a site plan review by the Planning Board.

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

Section 1108: Hearing on Appeal

A. The Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties and by publication at least once in the official newspaper at least 5 days before the day of hearing, and shall decide the same within 62 days after the final hearing. Upon the hearing, any party may appear in person or by agent or by attorney.

ARTICLE XII: AMENDMENTS

Section 1201: Initiation of Amendments

A. The Town Board may from time to time, on its own motion, amend, supplement, repeal or change the regulations and district boundaries established by this local law.

B. The Planning Board may by resolution propose an amendment to the Town Board suggesting a change or repeal of a regulation.

Section 1202: Referrals to Planning Board

A. All proposed amendments, supplements or changes originating by motion of the Town Board shall be referred to the Planning Board for a report and recommendations thereon. The Planning Board shall submit its report within 45 days after receiving such referral. Failure of the Planning Board to report within the required time shall be deemed to be approval of the proposed amendment.

Section 1203: Hearings on Proposed Amendments

A. Before any amendment, supplement or change in the regulations or district boundaries are made, there shall be a public notice and hearing thereon as provided by law. At least ten (10) days

notice of the time and place of such hearing shall be published in the paper of general circulation in the town. At least 10 days prior to the date of the public hearing, written notice of any proposed regulations, restrictions or boundaries of such districts, including any amendments thereto, affecting property within 500 feet of the following, shall be served personally or by mail by the Town Board upon each person or persons listed below:

1. The property of the housing authority, erecting or owning a housing project authorized under the Public Housing Law, upon the executive director of such housing authority and the chief executive office of the municipality providing a financial assistance thereto.
2. The boundary of a city, village or town, upon the clerk thereof.
3. The boundary of a county, upon the clerk of the Board of Supervisors or other person performing like duties.
4. The boundary of a state park or parkway, upon the Regional State Park Commission having jurisdiction over such state park or parkway.
5. In the case of land within the Adirondack Park, the Adirondack Park Agency.

Section 1204: Adoption of Amendments

After the public hearing and referral to and report by the Planning Board, a majority vote of the members of the Town Board shall be required to amend this local law except as described in Section 1205 hereunder.

Section 1205: Effect of Protest Petition

If a protest against a proposed amendment, supplement or change is presented to the Town Board, duly signed and acknowledged, by the owners of 20 percent or more of the area of the land included in such proposed change, or by the owners of 20 percent or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not be passed except by the favorable vote of 4 members of the Town Board.

Section 1206: Periodic Review

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