

TOWN OF WILLSBORO
ZONING ORDINANCE AND MAP

Includes previous amendments
and amendments enacted through April 2002

WILLSBORO, NEW YORK

TOWN OF WILLSBORO ZONING ORDINANCE

ARTICLE PAGE(S) SECTION

TABLE OF CONTENTS

1-6

DEFINITIONS

7-18

ARTICLE I - SHORT TITLE, GENERAL PURPOSES AND JURISDICTION

19	1.10 Short Title
19	1.20 General Intent
19	1.30 General Purposes
19	1.40 Area of Jurisdiction

ARTICLE II - ESTABLISHMENT AND DESIGNATION OF DISTRICTS

20	2.10 Establishment of Districts
21	2.20 Zoning Map
21	2.30 Interpretation of Boundaries
21	2.31 Centerlines of Streets
21	2.32 Lot Lines
21	2.33 500 Foot Offset
21	2.34 Water bodies
21	2.35 Shorelines
21	2.36 Subdivided Land

ARTICLE III - GENERAL DISTRICT REGULATIONS

22	3.10 Schedules of Regulations
22	3.20 Applications of Regulations
22	3.21 Development and Land Use
22	3.22 Lots - General Requirements
22	3.23 Yards
23	3.24 Subdivisions - General
24	3.25 Subdivision of a Lot with Existing Building
24	3.26 Existing Undersized Lots
24	3.27 Required Open Areas
24	3.28 Access of Lots
24	3.29 Lots Under Water or Subject to Flooding
25	3.30 Excavations for Construction of Buildings
25	3.40 Nonconforming Use and Buildings
25	3.41 Continuing Existing Uses
25	3.42 Nonconforming Use of Land
25	3.43 Nonconforming Use of Buildings

26	3.44 Nonconformity, Other Than Use
26	3.45 Restoration
26	3.46 Completion of Buildings and Signs Under Construction
27-44	3.50 District Purposes and Standards
45	3.60 Lakefront and Shoreline Protection
45	3.61 Applications of Regulations
45	3.62 Setback From the Water, Lot Width and Side Yards
45	3.63 Special Lakefront and Shoreline Regulations
47	3.64 Shoreline Standards (Schedule IV)

ARTICLE IV - ADMINISTRATION AND ENFORCEMENT

48	4.10 General Procedure
48	4.11 General Sequence of Steps
48	4.12 Building Permit Types
49	4.20 Zoning Officer
49	4.21 Building Permits
50	4.22 Certificate of Compliance with On-site Sewage Disposal requirements
51	4.30 Certificate of Occupancy
51	4.31 General
51	4.32 Maintenance, Renewal, Change or Extension of Nonconforming Use
51	4.33 Application for Certificate of Occupancy
51	4.34 Record
51	4.35 Application Mandatory
51	4.40 Violations
51	4.41 Complaints of Violations
52	4.42 Violations and Penalties
52	4.43 Procedure for Abatement of Violations
52	4.44 Applicability to Contractors, Architects, etc.
52	4.50 Appeals
52	4.51 Appeal from Zoning Officer
53	4.60 Public Hearings and Notice for Appeals and Applications
54	4.61 When Appealing Action of the Zoning Officer
54	4.62 When Applying for Variance
54	4.63 Adjournment of Hearing
54	4.64 Expiration of Board Decision
54	4.65 Required Interval for Hearings on Applications and Appeals After Denial
54	4.66 Review of Decisions of Zoning Board of Appeals
55	4.70 Fees
55	4.80 Zoning Board of Appeals - Organizations and Voting
55	4.81 Establishment
55	4.82 Appointment

55	4.83 Appointment to Fill Vacancies
55	4.84 General Grant of Power
55	4.85 Votes Necessary for a Decision
56	4.90 Powers and Duties
56	4.91 Appeals
56	4.92 Variances
58	4.93 Conditions Attached to Variances
58	4.94 Referral to Planning Board
58	4.95 Requires Vote if Planning Board or Planning Agency Disapproves
59	4.96 Procedure
59	4.97 Conflict of Interest
59	4.98 Interpretation

ARTICLE V - STANDARDS FOR SPECIAL PERMITS, AUTHORITY AND PROCEDURES OF PLANNING BOARD, WITH RESPECT TO SPECIAL USES

60	5.10 Supplementary Standards and Authority of Planning Board
60	5.11 General Provisions
60	5.12 Required Map and Plans
60	5.13 Authority of Planning Board
60	5.14 Application Fee
61	5.15 Referral to Application to Other Planning Agencies
61	5.16 Revocation of Special Permits
61	5.17 Conditions and Safeguards
61	5.18 Public Hearing
61	5.19 Adjournment, Expiration of Planning Board Decision and Required Intervals
62	5.20 Standards Applicable to All Special Permit Uses
62	5.21 Use and Operation Standards
62	5.22 Building and Landscaping Requirements
62	5.23 Parking
62	5.24 Emissions
62	5.25 Compatibility/Compliance
62	5.30 Additional Standards for Certain Special Uses
62	5.31 Filling Stations or Public Garages with Accessory Filling Station
63	5.32 Membership Clubs
63	5.33 Multiple Dwelling
63	5.34 Natural Production Uses
64	5.35 Public Garages
64	5.36 Riding Academies and Public Stables
64	5.37 Dude Ranches and Group Stables
65	5.38 Motels, Hotels and Tourist Accommodations
65	5.39 Mobile Home Parks
68	5.40 Travel Trailer Camps
70	5.41 Marinas

71	5.42 Primary Forest Industries
71	5.43 Public Utility Substations

ARTICLE VI - SUPPLEMENTARY LOT REGULATIONS, SEASONAL DWELLING CONVERSIONS, SIGNS, OFF STREET PARKING & SEWAGE

72	6.10 Supplemental Lot Regulations
72	6.11 Mobile Home
72	6.12 Travel Trailer
72	6.13 Mobile Homes on Lakefront
72	6.14 Fish Shanties
72	6.20 General Landscaping and Screening
72	6.21 Enclosed Uses
73	6.22 Reviewed by the Planning Board
73	6.23 Maintenance
73	6.30 Transition Areas
73	6.31 Lots in two Districts
73	6.32 Yard Regulations for Zones Abutting Residential Zones
73	6.40 Height and Yard Regulations
73	6.41 Height Regulations
74	6.42 Yard Regulations
74	6.50 Accessory Uses
74	6.51 Accessory Buildings
75	6.52 Location of Detached Accessory Buildings in Required Yard Area
75	6.60 Seasonal Dwelling Unit Conversions
75	6.61 Occupancy Permits for Existing Units
75	6.62 Occupancy Permits for Conversions to Year-Round Occupancy
75	6.70 Signs
75	6.71 Signs in Stream Conservation, All Land Conservation and All Residential Districts
76	6.72 Signs in Business & Industrial Districts
77	6.73 Mechanical, Luminous Signs and Other Restrictions
77	6.74 Directional Signs
78	6.75 Provisions for Nonconforming Signs
78	6.76 Abandoned or Illegal Signs
78	6.77 Requirements for Signs Over 8 Square Feet
79	6.80 Off-Street Parking Spaces
79	6.81 General
79	6.82 Combined Parking Lots
79	6.83 Joint Use for Parking Areas
79	6.84 Parking Space Requirements Exceptions
79	6.85 Maintenance
79	6.86 Separate from Public Street
79	6.87 Parking in Residential District
80	6.88 Loading Spaces
80	6.89 Parking Area Requirements for Zones Abutting

	Residential Zones
81	6.90 On Lot Sewage Disposal Systems - Design and Operation

ARTICLE VII - WETLANDS AND SHORELINE TREE CUTTING RESTRICTIONS

82	7.10 Wetlands
82	7.20 Special Lakefront & Shoreline Regulations Tree Cutting Restrictions

ARTICLE VIII - OPTIONAL CLUSTER DEVELOPMENT

83	8.10 Optional Cluster Development
83	8.11 Conditions
84	8.12 Preservation of Land for Park, Recreational and Open Space
84	8.13 Preservation of Required Open Space or Restricted Intensity Development

ARTICLE IX - JUNKYARD REGULATIONS

85	9.10 Purposes
85	9.11 License Required
85	9.12 Application for License
85	9.13 The License
86	9.14 Specific Regulations
87	9.15 Duration of License
87	9.16 Existing Junkyards

ARTICLE X - FLOOD HAZARD AREA DISTRICT

89	10.10 Boundaries & Purposes
89	10.11 Definitions Applicable to This Article
89	10.12 Flood Hazard Map
90	10.13 Special Provisions within GB, M, and RM Districts
91	10.14 Special Flood Hazard District permits
91	10.15 Additional Information, Recording of Data
91	10.16 Variance
92	10.17 Effective Date

ARTICLE XI - PROCEDURES FOR REVIEW OF CLASS A AND CLASS B REGIONAL PROJECTS

93	11.10 Purpose of This Article
93	11.20 Applicability of This Article
93	11.30 Authorization to Approve & Disapprove Class B Regional Projects
93	11.50 Application for Class B Regional Project Approval

93	11.51 Procedure for Review & Decisions Regarding Class B Regional Projects
94	11.52 Criteria for Review of Class A Regional Projects by Adirondack Park Agency
95	11.53 Planning Board Authority & Related Procedures Regarding Class A Regional Projects
96	11.60 Development Objectives for Use in Regional Project Review
96	11.70 Sequence of Applications for Class A or Class B Regional Projects Involving a Variance
96	11.80 Savings Provisions Regarding Allowable Uses

ARTICLE XII - AMENDMENTS

97	12.10 Procedures and Amendments and Referrals
98	12.11 Changes in Fees
98	12.12 Conflict of Interest

ARTICLE XIII - SEPARABILITY AND EFFECTIVE DATE

99	13.10 Separability Clause
99	13.20 Effective Date

APPENDICES

100	Appendix A - Class A Regional Project
104	Appendix A - Class B Regional Project
107	Appendix B - Development Considerations
109	Appendix C - Development Objectives
114	Appendix C - Development Activities
116	Zoning Map

DEFINITIONS

Unless the context otherwise requires, the following definitions shall be use in interpretations and construction of the Ordinance. Words used in the singular number shall include the plural, and the plural the singular; the word "structure" shall include the word "building"; the word "used" shall include "arranged," "designed," "altered," "constructed," "converted," "rented," "leased," or "intended to be used" and the word "shall" is mandatory and not optional.

Adirondack Park Agency Act means Executive Law of the State of New York Article 27 as amended from time to time (Laws of 1973 chapter 348).

Adirondack Park Agency or Agency means the Adirondack Park Agency created pursuant to the Adirondack Park Agency Act.

Agricultural Use means the management of land for agriculture, raising of cows, horses, pigs, poultry or other livestock, horticulture or orchards, including the construction, alteration or maintenance of agricultural roads, agricultural drainage systems and farm ponds barns, stables, sheds, silos and other structures directly related to and customarily associated with agricultural uses. The term does not include agricultural operations of a commercial character such as feedlots, grain silos, milk processing plants or similar activities.

Agricultural Commercial Use means the Agricultural operations of a commercial character such as feedlots, grain silos, milk processing plants or similar activities.

Airport/Heliport - a place where aircraft can land and take off.

Alterations as applied to a building or structure, a change or rearrangement in the structural parts or the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another or interior alterations which do not enlarge the building or structure or change its prior use or purpose.

Alter means the carrying out of alterations.

Animal or Veterinary Hospitals means a building and related structure under the supervision of a licensed veterinarian where dogs, cats, cows, horses or other animals are given professional care and treatment.

Area, Floor means the total of areas taken on a horizontal plane at the main grade level of the principal building, exclusive of uncovered porches, terraces and steps.

Area, Land means the total area within the property lines, excluding the external streets.

Automobile or Auto means any passenger auto, truck, tractor-trailer, trailer, bus, motorcycle, snowmobile or other vehicle propelled by other than muscle power and required to be licensed by NY State.

Bed and Breakfast - a dwelling providing short term lodging where the owner has rooms to rent and meals are available to guests through the family kitchen.

Boathouse - a single story building with direct access to a navigable body of water designed and used exclusively for the storage of boats and equipment accessory thereto and which does not contain sanitary or cooking facilities nor any bedroom, living quarters, recreation room, porch, deck or other type of residential or recreational facility

Building means any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals or other property.

Building, Accessory means a supplemental building, the use of which is incidental and subordinates to that of a main or principal building and located on the same lot therewith.

Building, Height - the vertical distance measured from the highest point of the building to where the finished grade meets the foundation.

Building, Principal definition deleted 1999, see Principle Building

Cemetery - burial place or ground operated and maintained by a church or a government agency, which can include a crematorium, and above ground storage vaults.

Church - a building for public worship including a synagogue or mosque.

Class A Regional Project and Class B Regional Project means the land use and development and subdivisions of land set forth in Appendix A. of this Ordinance listed are currently so characterized in section eight hundred ten of the Adirondack Park Agency Act and any additions thereto which may from time to time result from Amendments to said Act.

Club, Membership means an organization exclusively to members and their guests, or premises an buildings for recreational or athletic purposes, which are not conducted primarily for gain, providing their are not conducted any vending stands, merchandising or commercial activities.

Commercial Kennels means a building and related structures where two or more dogs, not belonging to the owner of the premises, are boarded for profit.

Commercial Sand Gravel or Top Soil Extraction means any extraction from the land of more than fifty cubic yards in any two-year period of sand, gravel or topsoil:

- 1) for the purpose of sale or use by persons other than the owner of the land
- 2) for the purpose of use by any municipality.

Commercial Use means any use involving the sale or rental or distribution of goods,

services or commodities either at retail or wholesale, other than any such use as may be specifically otherwise defined in this Ordinance.

Conservation Practices means the management of land to retain or improve fish and wildlife resources, including planting of trees, shrubs or crops, preservation or improvement of wetlands, creation of ponds or new wetlands; the raising and harvesting of fish and wildlife and the establishment and maintenance of fish or wildlife parks or preserves.

Coverage, Lot means that percentage of the plot or lot area covered by all buildings or structures of the lot.

Customary Home Occupation - any use customarily conducted entirely within a dwelling or in an (accessory structure or any accessory use) of a service carried on by its inhabitants thereof and up to one employee not residing at the dwelling, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

Drive-In Restaurant means a place where food or nonalcoholic beverages are served or sold for consumption primarily outdoors or in vehicles.

Dude Ranch - a ranch or farm operated as a resort for tourists, with horseback riding or similar sports.

Dwelling - a building designed or used as the living quarters for (1) or more families.

Dwelling One Family - a detached building containing one dwelling unit designed for occupancy by one family. A Mobile home is considered a one family dwelling.

Dwelling, Two Families - a detached building containing two dwelling units designed for occupancy by two families.

Dwelling, Multiple Families - a building or portion thereof containing three (3) or more dwelling units and designed for occupancy by three or more families living independently of each other.

Dwelling, Seasonal - a dwelling unit not used for permanent residence and not occupied for more than six (6) months in each year.

Dwelling Unit - a room or group of rooms providing complete housekeeping facilities for one (1) family and occupied by a single-family unit.

Dock - any structure, whether fixed or floating, placed in or upon a lake, pond, river, or stream which provides a berth for boats or other watercraft and or a means of pedestrian access to and from the water.

Educational Institution means a school, college, research or conference center, educational or research facility, public or private.

Essential Public Services means sewer and water lines, telephone, gas, cable television, and

electrical distribution and service lines and related structures other than public utility substations.

Family means one or more persons occupying the premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, club, fraternity or hotel.

Filling Station means a lot occupied or used for the sale of oil or other motor fuel, lubricants, tires, and accessories for motor vehicles, including facilities for greasing, washing, cleaning, polishing, or otherwise servicing vehicles, but not including painting or major repairing thereof.

Forestry Use means the management, including logging, of a forest, woodland or plantation, and related research and educational activities including the construction, alteration or maintenance of (1) wood roads, skid ways, landings, fences and forest drainage systems and (2) sheds, garages, cabins and other structures directly related to and customarily associated with forestry used.

Garage, Private means an enclosed space for the storage of motor vehicles. No business, occupation or service for the profit shall be conducted therein, except as may be permitted in case of customary home occupation in a district where such a use is permitted. Space for only one vehicle may be rented therein to a nonresident of the premises.

Garage, Public means any garage other than a private garage, which is used for the storage, repair (including painting and major repair), rental, sales, or servicing of or the supplying of parts, gasoline or oil to, motor vehicles or similar equipment. The term includes new or used car sales, service and rental facilities but not an automobile junkyard, or facilities for the sale, servicing or repair of snowmobiles or farm machinery.

Group Camp means any land, including any building thereon, used for any assembly of persons for what is commonly known as "camp" purposes, whether or not conducted for profit and whether or not occupied by adults or by children, either as individuals, families, or groups. The term also includes dude ranches and similar facilities.

Industrial Use means the manufacturing, production, processing or assembly of goods or materials, not including natural production uses or primary forest industry uses.

Junk includes two or more unregistered, disabled, old, second hand motor vehicles, motor vehicle parts, more than one piece of disabled or abandoned construction or farm equipment (except on a working farm or active construction business site), old disabled lawn mowers, household appliances, indoor furniture, more than one unregistered, abandoned, or disabled boat/trailer (except at a working marina), abandoned, uninhabitable mobile homes or travel trailers, any amount of construction debris (except when located on a construction site where such building activity has been issued a building permit) any combination of the above.

Junkyard means any place of storage or deposit (except storage or deposit in a complete enclosed garage or other building) of junk as defined herein or, whether in connection with a business or not, where two or more unregistered, old or second-hand autos, motor

vehicles, no longer intended or in condition for legal use, or otherwise for that intended purpose. Reclaiming for use some or all of the materials therein, whether metal, glass, fabric, or otherwise, for the purpose of disposing of the same or for any other purpose; Such term shall include any such place of storage or deposit for any such purpose of used parts or waste materials from autos, motor vehicles which, taken together, equal in bulk, two or more such vehicles. The term also includes auto body shops or similar auto and or motor vehicle repair facilities where damaged or wrecked autos and or motor vehicles not in condition for use on the public highways are stored pending eventual repair, reconditioning, sale, dismantling or other disposal whether or not such autos and or motor vehicles remain registered during storage.

Land Use Area means the land use areas (currently Hamlet, Moderate Intensity, Low Intensity, Rural Use, Resource Management and Industrial Use) as specified in the official Adirondack Park Land Use and Development Plan Map created pursuant to the Adirondack Park Agency Act or any amendment thereof pursuant to law, all as applicable to the town of Willsboro.

Land Use and Development Plan means the Adirondack Park land use and development plan created pursuant to the Adirondack Park Agency Act of any amendment thereof pursuant to law.

Land Use and Development means any construction or other activity which materially changes the use or appearance of land or a structure or the intensity of the use of land or a structure, but not including (1) landscaping or minor grading not intended to be used in connection with another land use and (2) alterations as herein defined.

Land Use Program means this Ordinance, any subdivision regulation enacted by the planning board, a Town Sanitary Code, and any other ordinance or local law regulating land use and development or the subdivision of land, or any amendment of any of the above, in the Town.

Line, Lot means any line dividing one lot from another.

Line, Street or Road means the dividing line between the street right-of-way line and the lot.

Loading Space, Off-Street means one loading space for merchandise or freight shall constitute an area not less than twelve (12) feet in width and one hundred (100) feet in length, with a vertical clearance of fifteen (15) feet or more.

Lot means a parcel of land occupied or capable of being occupied by a structure or structures including such open spaces as are required by this ordinance.

Lot, Corner means a parcel of land at the junction of and fronting on two or more intersecting streets.

Lot, Through means an interior lot having frontage on two parallel or approximately parallel streets.

Major Public Utility Use means any electric power transmission or distribution line and associated equipment of a rating of more than fifteen kilovolts which is one mile or more in length; any telephone interchange or trunk cable or feeder cable which is one mile or more in length; any telephone distribution facility containing twenty five or more pairs of wire and designed to provide initial telephone service for new structures; any television, cable television, radio, telephone or other communication transmission tower; any pipe or conduit or other appurtenance used for the transmission of gas, oil or other fuel which is one mile or more in length; any electric sub-station, general facility or maintenance building and any water or sewage pipes or conduits, including any water storage tanks, designed to service fifty or more principal buildings. Any use which is subject to the jurisdiction of the public service commission pursuant to article -7- or article -8- of the public service law or other prior approval by the public service commission under the provisions of the public service law is not a major public utility use or a use for the purpose of this ordinance except for the shoreline restrictions (relating to lot width, setback, tree cutting and sewage disposal) in which case the bodies having jurisdiction over such article or other provisions shall have the authority of the Agency or a local government under this Ordinance.

Marinas - any waterfront facility, which provides accommodations or services for boats by engaging in one or more of the following:

1. The sale of marine products or services.
2. The sale, lease, rental or charter of boats of any type.
3. The sale, lease, rental or any other provisions of storage, dock space, or mooring for more than two boats not registered to the owners of said facility, members of the owner's immediate family, the owner or lessee of the immediately adjoining upland property, or the member of the immediate, or an overnight guest on said property.

Mean High Water Mark - the historical average annual high water level of a lake, pond or river.

Mineral Extraction means any extraction, other than specimens or samples, from the land of stone, coal, salt, ore, talc, granite, petroleum products and other minerals or materials, except for commercial sand, gravel or topsoil extractions; including the construction, alteration or maintenance of mine roads, mine tailing piles or dumps and mine drainage.

Mineral Extraction Structure means any hoist; ore reduction, concentrating, sintering or similar facilities and equipment; administrative buildings; garages or other main building or structure.

Minor Subdivision see Subdivision, Minor

Mobile Home means a mobile home is a self contained unit which is designed to be transported on its own wheels or those of another vehicle to its site after fabrication with a minimum of on-site construction or assembling and which is capable or intended to be occupied as a year-round or seasonal living quarters by a single family containing sleeping accommodations, a flush toilet, a tub and shower, kitchen facilities and plumbing and electrical connections for attachment to outside systems. A modular dwelling unit that is constructed in two or more major sections and transported to and assembled permanently on the site is not a mobile home.

Mobile Home Park means a mobile home park is any parcel of land, which is planned and improved for the placement of two (2) or more mobile homes, which are used as dwellings, and for occupancy of more than ninety (90) days in any calendar year, whether or not consecutive.

Motor Vehicle means all vehicles propelled or drawn by power other than muscular power, and required to be licensed by NY State.

Natural Production Use means mineral extraction or commercial sand gravel or topsoil extraction.

Nursing Home means any building other than a hospital where persons are housed or lodged and furnished with meals and nursing care for hire.

Open Space means an unoccupied space open to the sky on the same lot with the building.

Open Space Recreation Use means recreation uses particularly oriented to the utilizing the outdoor character of an area, including a snowmobile trail, jeep or all terrain vehicle trail and a cross-country skiing, hiking or back packing trail.

Owner - one who has legal title to the property.

Parking Area means any place, lot parcel or yard used in whole or in part for storing or parking six or more motor vehicles under the provisions of this Ordinance.

Parking Space means for the purpose of these regulations, one parking space shall constitute an area of 180 square feet of such shape and vertical clearance so as to accommodate one automobile having an over-all length of 18 feet.

Patio - an unroofed area adjacent to a dwelling.

Planning Board means the Planning Board of the Town of Willsboro.

Person means any individual, partnership, corporation, association, condominium association, trustee or other legal entity, public or private.

Primary Forest Industry means saw mills, chipping mills, pallet mills, pole and fencing mills and similar commercial wood using facilities; does not include pulp and paper mills or other manufacturing or industrial facilities; or small scale saw mills incidental to an agricultural or forestry use and not of a commercial character.

Principal Building means any one of the following:

- a. a single-family dwelling constitutes one principal building;
- b. a mobile home constitutes one principal building;
- c. a tourist cabin or similar structure for the rent or hire involving three hundred square

feet or more of floor space constitutes one principal building.

- d. each dwelling unit of the two family or multiple family dwelling constitutes one principal building;
- e. each motel unit, hotel unit or similar tourist accommodation unit which is attached to a similar unit by a party wall, each accommodation unit of a tourist home or similar structure, and each tourist cabin or similar structure for rent or hire involving less than three hundred feet of floor space, constitutes one-tenth of a principal building;
- f. each commercial use structure and each industrial use structure in excess of the three hundred square feet constitutes one principal building except that for a commercial use structure which involves the retail sale or rental or distribution of goods, services or commodities, each eleven thousand square feet of floor space, or portion thereof, of such commercial use structures constitutes one principal building;
- g. all agricultural use structures and single family dwelling or mobile homes occupied by a farmer of land in agricultural use, his employees engaged in such use and members of their respective immediate families, will together constitute and count as a single principal building;
- h. any other structure, which exceeds twelve hundred fifty feet of floor space, constitutes one principal building;
- i. a structure containing a commercial use which is also used as a single family dwelling constitutes one principal building.

(An Accessory Structure does not constitute a principal building.)

Private Cabins for Hunting and Fishing - any cabin, tent, travel trailer or other accommodations designed or for occasional, recreational occupancy.

Private Sand, Gravel or Topsoil Extraction means any extraction from the land of sand, gravel or topsoil for the purpose of use, but not sale, by the owner of the land or any extraction for the purpose of sale of less than fifty cubic yards in any two year period.

Professional Office - an office or place to conduct licensed activities normally associated with their field for those engaged in a professional occupation including, but not limited to, all members of the field of medicine, a lawyer, architect, landscape architect, engineer, surveyor, licensed beautician or barber, real estate broker, insurance agent, or accountant.

Public Buildings means museums, libraries, firehouses, town halls, other government buildings and similar public buildings, other than an educational facility.

Public Park means a publicly owned recreation area or a private area open to the public whether on a fee basis or otherwise providing picnic areas, playing fields, tennis courts, riding rings, beaches, fishing or boat access facilities, primitive camping areas without hookups or other facilities customarily associated with a trailer camp or campsite and

similar outdoor recreational facilities not involving substantial buildings or structures.

Public Utility Substations means electrical, gas or telephone substations, transformers and auxiliary equipment serving a distribution area.

Public Utility Use means any public utility use, equipment or structure, which is not a "major public utility use." A public utility use does not include any use, which is subject to the jurisdiction of the public service commission pursuant to article seven or article eight of the public service law.

Recreational Facilities, Private means recreational facilities supplemental to a principal use, for the utilization by proprietors and guests, and excluding any use, which is open to the public for a charge.

Restaurant means a place for the preparation, serving, and consuming indoors, primarily of food and beverages other than a tavern.

Retail Stands for Farm Crops means a building or shed used for the retail sale of farm crops or produce and located on the farm where some or all of the crops or produce are grown or processed.

Retail Store or Shop means a place, other than a restaurant or tavern, where goods or products or services are sold, or rented primarily indoors, the term includes personal service shops such as barbershops, hairdressers and funeral parlors.

Riding Academy or Public Stable means any establishment where two or more horses are kept for riding, driving, or stabling for competition or incidental to the operation of any club, association, or similar establishment.

Seasonal Dwelling means a cottage, cabin, camp or similar single family dwelling which is intended for the occupation only in the summer months and is not equipped with the provisions to combat damage or the discomfort of occupants during the colder months of fall, winter and spring seasons. The term includes dwellings occupied by a single family and those available for rental or hire as housekeeping cottages.

Setback means the establishment line beyond which no part of a building shall extend.

Shoreline means that line at which land adjoins the waters of lakes, ponds, rivers and streams within the town at mean high water.

Sign - a sign billboard, advertising structure or advertising light display or similar device of any kind, intended to attract attention or to communicate a notice, including any surface on which a name, text, device, signal, ornament, or advertising matter is made visible or displayed to public view from off the premises of the owner; provided, however, the following shall not be included by this term:

- a. a sign erected by the state, country, town or village or by any agency or department thereof.
- b. a notice board maintained by any school, church or other civic organization.

- c. a patriotic flag or banner when temporarily displayed principally in daytime.
- d. a temporary sign not in excess of eight (8) square feet and not erected or maintained for more than thirty (30) days pertaining to a parade, fair, horse show or other civic or public event.
- e. signs serving to mark property boundaries, trails or roads, posted, no trespassing or similar signs or signs warning of any hazard or similar condition provided the sign does not exceed two (2) square feet in sign area and contains no advertising matter.

(For the purpose of this Ordinance a "Luminous Sign" means any incandescent or other sign which gives forth its own light, or any transparent or translucent sign through which artificial light is emitted, including without limitation, any neon sign, fluorescent sign or advertising sign light display. An "Illuminated Sign" means any sign illuminated by a lighting device exterior to the sign where the sign reflects the light of such device.)

Sign Area means that portion of the surface of a sign, measured from the outside dimensions thereof, on which any name, text, device, signal, ornament, or advertising matter is displayed or visible. A sign having more than one face or surface or a group of connected signs shall be deemed only one sign and shall have the total sign area of all such surfaces measured from the outside dimension of such group provided, however, that if a sign is lettered on both sides, back to back, only one side shall be included as the total sign area thereof.

Ski Centers means a trail or slope for alpine skiing, including lifts, terminals, base lodges, warming huts, sheds, garages and maintenance facilities, parking lots and other buildings and structures directly and customarily related thereto.

Street and Road means a public or private way, which affords the principal means of access to abutting properties, including any highway.

Street or Road Grade means the officially established grade of the street upon which a lot fronts; or if there is no officially established grade, the existing grade of the street shall be taken as the street grade.

Structure means any object constructed, installed or placed on land to facilitate land use and development or subdivision of land, such as buildings, sheds, single family dwellings, mobile homes, signs, tanks, fences and poles, and any fixture, additions and alterations thereto.

Subdivision means the division of any parcel of land into two (2) or more lots, parcels or site for the purpose of sale, lease, license or any form of separate ownership or occupancy.

Subdivision, Minor means the division of any parcel of land such that no new building lots are created and not adversely affecting the development of the remainder of the parcel of adjoining property and not in conflict with any provision or portion of the Town land use plan or zoning regulations or policy set forth in these regulations. Minor Division also includes the conveyance given to clear title to land between two adjoining neighbors or to correct a pre-existing encroachment.

Swimming Pool - a structure, in ground or above ground, either permanent or temporary for the purpose of wading or swimming and holding at least 500 gallons of water.

Tavern means a place in which the principal income is derived from the sale or serving of alcoholic beverages for consumption on the premises, with or without live entertainment.

Tourist Accommodations means a building or group of buildings whether detached or in connected units, not including mobile homes or travel trailers, used as individual sleeping or temporary dwelling units, designed for transients and providing for accessory off-street parking facilities. The term "tourist accommodations" includes buildings designed as tourist courts, motor lodges, motels, hotels, overnight cabins, and similar facilities but does not include cabins or rental cottages with housekeeping facilities.

Tourist Attraction means any man-made or natural place of interest open to the general public and for which an admittance fee is usually charged, including but not limited to animal farms, amusement parks, replicas of real or fictional places, things or people and natural geological formations.

Travel Trailer means any portable vehicle, including a tent camper or motor home, which are designed to be transported on wheels; which are designed and intended to be used for temporary living quarters for travel, recreational or vacation purposes; which may or may not include one or all of the accommodations and facilities included in a mobile home.

Travel Trailer Park means a parcel of land, which is designed and improved for use by 2 or more travel trailers

Travel Camp or Campsite means a trailer camp or campsite is any parcel of land or campsite which is planned and improved for the placement of two (2) or more travel trailers which are used as temporary living quarters for less than 90 days in any calendar year whether or not consecutive.

Use means the specific purpose for which land or a structure is constructed, designed, arranged, intended, or for which it is or may be occupied, used or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

Use, Accessory means a use customarily incidental and subordinate to the principal use of the building, and located on the same lot with such principal use or building.

Use, Nonconforming means a building, structure, or use of land existing at the time of enactment of this Ordinance (or any amendment thereof) and which does not conform to the regulations of the district or zone in which it is situated.

Waste Disposal Area means any area for the disposal of garbage, refuse and other wastes, including sanitary landfills and dumps, other than an onsite disposal area directly associated with an industrial use.

Wetlands mean any land which is annually subject to periodic or continual inundation by water and commonly referred to as a bog, swamp or marsh.

Wholesale Business means establishment or place of business primarily engaged in selling merchandise to retailers, to industries, commercial institutions, or professional business users, or to other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to such individual or companies.

Yard means an open space on the same lot with a building or structure.

Yard, Front means an open unoccupied space on the same lot with the principal building, between the front line of the principal building and the right-of-way line of the lot, and extending the full width of the lot.

Yard, Rear means a space on the same lot with the principal building, between the rear line of the principal building, and the rear line of the lot, and extending the full length of the lot.

Yard, Side means an open unoccupied space on the same lot with the principal building, situated between the side line of the principal building and the adjacent side line of the lot, and extending from the rear line of the front yard to the front line of the rear yard.

Zoning Board of Appeals means the Board of Appeals of the Town of Willsboro.

Zoning Officer means the administrative officer charged with the duty of enforcing the provisions of the Ordinance.

Any term or terms not defined in this Ordinance shall be deemed, unless the context otherwise requires, to have the same meaning as those employed in the Adirondack Park Agency and the Rules and Regulations issued hereunder. To the greatest extent feasible this Ordinance shall be construed in conformity with said Act.

ARTICLE I SHORT TITLE, GENERAL PURPOSES AND JURISDICTION

Section 1.10 Short Title

This Ordinance is known and cited as the "Town of Willsboro Zoning Ordinance."

Section 1.20 General Intent

The intent of this Ordinance is to establish comprehensive controls for the development of land in the Town of Willsboro, based on the Comprehensive Development Plan for the Town and enacted in order to promote and protect health, safety, comfort, convenience and the general welfare of the people.

Section 1.30 General Purposes

This Ordinance is intended to promote the health safety, comfort, convenience, and the general welfare of the Town of Willsboro, to promote the orderly development of the town, to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to provide adequate light and air, to avoid undue concentration of population, to avoid water pollution, to facilitate adequate provisions for transportation, water, sewage, schools, parks and other requirements, to prohibit uses incompatible with the character of existing or future development in a given land use district and to restrict and regulate as hereinafter provided the height, number of stories and size of buildings, signs, and other structures, the percentage of the lot that may be occupied, the size of yards and other open spaces, the density of population, and the use of buildings, structures and land for residence, forestry, agriculture, trade, industry or other purposes. Further, it is the purpose of this Ordinance to preserve the beauty, wildlife, natural resources, and unique open space character of the Adirondack Park setting, and to retain the natural vistas of the Adirondack and Lake Champlain to the benefit of the residents and visitors to the community.

Section 1.40 Area of Jurisdiction

This Ordinance regulates and restricts, as set forth above, the use of the land throughout the entire area of the Town of Willsboro.

ARTICLE II ESTABLISHMENT AND RESIGNATION OF DISTRICTS

Section 2.10 Establishment of Districts

For the purposes of promoting the public health, safety, morals, and general welfare of the Town of Willsboro, the Town is hereby divided into the following types of land use districts:

LC-W - Land conservation-Woodland District

LC-R - Land Conservation-River District

LC-A - Land Conservation-Agriculture District

RR- Residential Rural Density District

RL-5 - Residential - Very Low Density District

RL-4 - Residential - Low Density District

RL-2 - Residential - Low Density District

RL-1 - Residential - Low Density District

RM-1 - Residential - Medium Density District

RM-2 - Residential - Medium Density District

RM-3 - Residential - Medium Density District

RM-M - Residential - Medium Density Mobile Homes District

HC-1 - Highway Commercial District

HC-2 - Highway Commercial District

GB - General Business District

M - Industrial District

SC - Stream Conservation District

IC - Island Conservation District

Any references to a RML Residential Medium Density District in the Ordinance are hereby deleted and such district is hereby abolished. In each instance where the RM-1 and RM-2 districts are referred to in this Ordinance the RM-3 district shall be deemed to be referred to as well except where otherwise specifically indicated, such as in Article III, Schedule and the Zoning Map.

Section 2.20 Zoning Map

All have boundaries as shown on the map entitled "Zoning Map of the Town of Willsboro" said map is hereby made part of this Ordinance.

Section 2.30 Interpretation of Boundaries

Where uncertainty exists with respect to the boundaries of and of the aforesaid districts as shown on the zoning map, the following rules shall apply:

Section 2.31 Centerlines of Streets

Where district boundaries are indicated as approximately following the centerlines of the streets or highways, street lines or highway right-of-way lines, such centerlines, street lines, or highway right-of-way lines shall be construed to be such boundaries.

Section 2.32 Lot Lines

Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.

Section 2.33 500 Feet Off Set

Where district boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets, or the centerlines or right-of-way lines of the highways, such district boundaries shall be construed as being parallel thereto and at a distance of 500 feet there from, unless otherwise specified on the zoning district map.

Section 2.34 Waterbodies

Where the boundary of a district follows a stream, lake, or other body of water, said boundary shall be deemed to be at the limit of the jurisdiction of the Town of Willsboro unless otherwise indicated.

Section 2.35 Shorelines

Where district boundaries are so indicated that they approximately follow shorelines, such boundary shall be construed as following shorelines; and in the event of change in the shoreline, such boundary shall be construed as moving with the actual shoreline.

Section 2.36 Subdivided Land

In subdivided land 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.

ARTICLE III GENERAL DISTRICT REGULATIONS

Section 3.10 Schedules of Regulations

The restrictions and controls intended to regulate development in each district are set forth in the attached Schedule which are supplemented by other sections of this Ordinance. Unless otherwise indicated, the regulations shall be deemed to be minimum requirements in every instance of their application.

Section 3.20 Application of Regulations

In interpreting and applying this Ordinance, the requirements contained herein are declared to be the minimum requirements for the protection and promotion of the public health, safety, morals, comfort, convenience, and general welfare and to prevent the unrestricted use of signs. This Ordinance shall not be deemed to affect in any manner whatsoever, any covenants or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of the buildings or land, or upon the use of the buildings or land, or upon the erection, construction, establishment, moving, alteration or enlargement of buildings that are imposed by other ordinances, rules, regulations, licenses, certificates, or other authorizations, or by easements, covenants, or agreements, the provisions of this Ordinance shall prevail.

Except as hereinafter provided, the following general regulations shall apply to every building and use covered by this Ordinance:

Section 3.21 Development and Land Use

No building, structure or sign shall be erected, moved, altered, rebuilt, or enlarged, nor shall any land, water or structure be used, designed or arranged to be used for any purpose except in conformity with this Ordinance, and with the Schedule constituting this Article, for the district on which such structure or land or water is located.

Section 3.22 Lots General Requirements

Every building, structure, or sign hereafter erected shall be located on a lot as herein defined and, except as herein provided, there shall be not more than one main building and its accessory buildings on one lot, except for nonresidential buildings in district where such uses and structures are permitted.

Section 3.23 Yards

No yard or other open space necessary for any building under these regulations shall be included as any part of the yard or open space for any other building; no yard or any other open space on one lot shall be considered as a yard or open space for a building on any other lot.

Section 3.24 Subdivision General

No land, which is or may be used for residential purposes or for the construction of other buildings or structures permitted by this Ordinance may be subdivided into lots except:

1. in conformity with the minimum lot area and dimensional requirements of Schedule III and all other provisions of this Ordinance, or
2. as may otherwise be approved by the Planning Board pursuant to the authority granted to it by this Ordinance or by other town ordinance or law and/or pursuant to duly adopt subdivision regulations of the Planning Board, provided, however, that any natural person who owned land in the LC-W, LC-R, LC-A, RR and RL-5 Districts on May 22, 1973 may convey land by bona fide gift, devise or inheritance to a member of his immediate family (which term includes children, parents, brothers and sisters, grandchildren or grandparents) for the purpose of constructing a single family dwelling or mobile home.

Where such a use is otherwise permitted by the provisions of this Ordinance, for the use and occupancy of such immediate family member so long as:

1. the minimum lot area and dimensional requirements which would be applicable where the lot in the RL-3 District are complied with; and
2. if such lot is a lakefront or shoreline lot, the dimensional and set back requirements pertaining to lakefront or shoreline in the district in which such lot is actually located are complied with; and
3. the applicable set back requirements for on site sewage disposal systems or pit privies and the substantive and procedural requirements as to the design and installation of any such system or pit privy as set forth in this ordinance or of any Sanitary Code hereafter enacted by the Town are complied with.

A subdivision of 2 or more lots with the last lot being an undersize lot and meeting the two thirds square footage of a lot for that district will be a legal lot under this ordinance.

Section 3.24-B Minor Division

The Planning Board, upon proper application made, may determine that a proposed minor division is appropriate and shall grant the same providing it would not adversely affect the development of the community and was not a subdivision as such and that the same would not require submission to ZBA or need a public hearing.

Notwithstanding the provisions of Sections 3.24 and 3.41 of this Ordinance, where the Planning Board finds that a Minor Subdivision, involving the transfer of vacant land, intending to create thereby a non-conforming lot in area, the transfer not resulting in the creation of a new undersized building lot, and whose purpose is to respond to a natural emergency or to correct an error in a boundary line between adjacent owners or for some other purpose, which if granted will not have the effect of nullifying the overall intent and purpose of this zoning ordinance, including its subdivision section, The denial of which would result in extraordinary or unnecessary hardship, the Planning Board may grant the request for a Minor division upon conditions which it seems appropriate under the

circumstances.

Section 3.25 Subdivision of a Lot With Existing Buildings

Where a lot is formed from the part of a lot already occupied by a building, such separation shall be effected in such manner as not to impair conformity with any of the requirements of this Ordinance with respect to the existing building, and all yards and other required spaces in connection therewith, and no permit shall be issued for the erection of a building on the new lot thus created unless it complies with all the provisions of this Ordinance.

Section 3.26 Existing Undersized Lots

Any lot held in single and separate ownership prior to the adoption of this Ordinance whose area and/or width and/or depth are less than the specified minimum lot requirements of this Ordinance for that district may be considered as complying with such minimum lot requirements, and no variance shall be required, provided that:

1. Such lot does not adjoin another vacant lot or lots held by the same owner whose aggregate area is more nearly conforming, equal to or greater than the minimum lot area required for that district;
2. Such lot has an area of at least two-thirds of the required square footage and a minimum width of at least two-thirds of the required front footage.
3. The following minimum yard dimensions are maintained: at least two-thirds of the required footage for side, front and rear yards;
4. The standards for a lot sewage disposal system set forth in Section 6.90, including the minimum lot sizes specified therein, are complied with;
5. All other requirements for that district are complied with.

Section 3.27 Required Open Areas

The maximum slope of required open areas may not exceed twenty percent. Required open areas shall be unobstructed, except as permitted otherwise in this Ordinance.

Section 3.28 Access to Lots

A lot to be used for building purposes shall be reasonably accessible by a public or private street or road.

Section 3.29 Lots Under Water or Subject to Flooding

No more than ten percent of the minimum area requirement of a lot may be filled by land which is under water or subject to periodic flooding. Land which is under water that is open to use by persons other than the owner of the lot, shall be excluded entirely from the computation of the minimum area of that lot. For the purpose of this section, land in the bed of a stream not exceeding five feet in width at mean water level, and land in any pond not exceeding 150 square feet in area shall not be considered as under water.

Section 3.30 Excavations for Construction of Building

Excavations in connection with the construction on the same lot of a building for which the building permit has been issued shall be permitted in any district. In the event that building construction operation is arrested before completion of the building, the premises shall be cleared of rubbish, building materials or other unsightly accumulations; any excavation for a building basement, foundation, utility or otherwise, for a depth greater than two feet below grade, shall be filled and the topsoil replaced, or all such excavation shall be entirely surrounded by a substantial fence at least six feet high that will effectively block access to the area. Where necessary, suitable gates shall be installed and provided with locks. Such clearing, filling and/or fence shall be completed not later than the expiration date of the building permit.

Section 3.40 Nonconforming Uses and Buildings

Section 3.41 Continuing Existing Uses

Except as otherwise provided in this Ordinance the lawfully permitted use of land or building existing at the time of the adoption of this Ordinance may be continued, irrespective of subsequent changes in title or ownership of the land or building although such uses do not conform to the standards specified in this Ordinance for the zone in which such land or building is located. However, no land shall be subdivided so as to create a nonconforming lot, use, building, or other structure, or make a nonconforming lot, use, building, or other structure more nonconforming from the effective date of this Ordinance.

Section 3.42 Nonconforming Use of Land

Where no building or structure is involved, the nonconforming use of land may be continued; provided, however, that no such non conforming use shall be enlarged or increased, nor shall it be extended to occupy a greater area of land than that occupied by such use at the time of the adoption of this Ordinance, unless specifically allowed by provisions in the Ordinance, nor shall any such nonconforming use be moved in whole or in parts to any other portion of the lot or parcel of land occupied by such nonconforming use at the time of the adoption of this Ordinance; provided, further, that if such nonconforming use of land, or any portion thereof, ceases any reasons for any continuous period of more than one year, or is changed to a conforming use, any future use of the land shall be in conformity with the provisions of this Ordinance. No conforming use of land shall be changed to another nonconforming use.

Section 3.43 Nonconforming Use of Buildings

A building or structure, including a sign, the use of which does not conform to the use regulations for the district in which it is situated, shall not be enlarged or extended. Such sign or nonconforming building shall not be structurally altered to an extent greater than fifty percent of its equalized assessed valuation, unless such alterations are required by law; provided, however, that such maintenance and repair work as is required to keep a nonconforming building or structure in sound condition shall be permitted; and provided

further that, and such nonconforming use may be extended throughout any parts of the building which were manifestly arranged or designed for such use at the time of the adoption of this Ordinance. A nonconforming use may be changed only to a conforming use, or if the building in or on which such use is conducted or maintained is moved for any distance whatsoever, for any reason, then any future use for such building shall be in conformity with the standards specified by this Ordinance for the district in which the building is located. If any building or sign in which any nonconforming use is conducted or maintained is hereafter is removed, the subsequent use of any sign or building thereon shall be in conformity with the standards specified by this Ordinance for the district in which such land, building or sign is located.

Section 3.44 Nonconformity, Other Than Use

No permit shall be issued that will result in the increase of any nonconformity in height, yard space, or land coverage.

Section 3.45 Restoration

No building structure, or sign damaged by fire or other causes to the extent of more than 50 percent of the equalized assessed value shall be repaired or rebuilt except in conformity with the regulations of this Ordinance or according to a duly granted order of the Zoning Board of Appeals provided, however, that any single family dwelling or mobile home in existence on the effective date of this Ordinance in the Industrial (M) District which is so damaged may be repaired, rebuilt or replaced with another single family dwelling or mobile home on the same lot or location without an order of the Zoning Board of Appeals, provided such repair, re-building or replacement is substantially commenced within one year of such damage.

Section 3.46 Completion of Buildings and Signs Under Construction

Any building, extension, or alteration for which permit has been duly granted pursuant to this Ordinance, the construction of which has been substantially commenced before the effective date of this Ordinance, or of a pertinent amendment thereto, and the foundation of which have been completed within one year after the adoption of this Ordinance or amendment thereto, may be completed in accordance with previous plans provided that such construction is diligently prosecuted and the building is substantially completed within two years of the adoption of this Ordinance. If construction progress has been substantial on any sign, this paragraph shall apply to it.

Section 3.50 District Purposes

The following Schedule sets forth the specific purposes, which shall apply for each Zoning District:

Zoning Map Symbol LC-W

District-Land Conservation-Woodlands

Purposes

To delineate those areas in the Town of Willsboro that are encompassed by the mountainous western and northern reaches of the Town where substantial development of the land in the form of buildings or structures is severely limited due to steep slopes and rough topography, drainage or soil conditions and/or remoteness and inaccessibility or lack of public facilities. To protect the integrity of the mountainous areas encourage the continuation of forestry uses, protect important fish and wildlife habitats, avoid strip development and retain essential open space which is of benefit to the Town and consistent with the open space character of the Adirondack Park. To allow restricted residential and other development in appropriate locations on substantial acreage or in carefully selected clusters.

Permitted Principal

Forestry uses, agricultural uses, conservation practices, open space recreation uses, one family seasonal and year round dwellings, rod and gun clubs, private cabins for hunting and fishing, retail stands for farm crops and essential public services.

Permitted Accessory

Private garages and off street parking areas, customary home occupations, signs, private stables, private swimming pools, private boat houses and docks for which a New York State permit has been issued, where required and other accessory uses customarily incidental and subordinate to the principal use.

Special

Natural productions uses, public parks, public buildings, public utility sub-stations, primary forest industries group camps, riding academies and public stables, ski centers, waste disposal areas.

Zoning Map Symbol LC-W Standards for Area, Bulk, Height and Coverage Control

<u>Minimum Lot Size Acres/ Sq. Ft.</u>	<u>Setback Front yard (ft.)</u>	<u>Setback Rear Yard (ft.)</u>	<u>Side Yard One/Both</u>	<u>Maximum Lot Coverag</u>	<u>Maximum Building Feet</u>	<u>Height Stories</u>
42 Acres	150	200	150/300	N/A	35	2 1/2

Zoning Map Symbol LC-R

District-Land Conservation-River

Purposes

To delineate those areas in the Town in proximity to the lower reaches of the Bouquet River, a designated Recreational River under the Environmental Conservation Law, in which substantial development of the land in the form of buildings or structures is severely limited due to steep slopes, areas of rough topography, wetlands, significant areas of flood plain, soil and drainage conditions and general remoteness and lack of public facilities and which contain certain areas in agricultural uses. To protect the integrity of this river corridor and the river shoreline, encourage the continuation of forestry uses and agricultural uses, protect important fish and wildlife habitat, preserve the floodplain of the river in open space, preserve water quality and minimize the risks of siltation, flooding and erosion and retain essential open space which is benefit to the Town and consistent with the open space character of the Adirondack Park. To permit restricted residential and other development on large lots or in carefully selected clusters that will not impinge upon the river corridor.

Permitted Principal

Forestry uses, agricultural uses, conservation practices, open space recreation uses, one family seasonal and year round dwellings, rod and gun clubs, private cabins for hunting and fishing, retail stands for farm crops and essential public services.

Permitted Accessory

Private garages and off street parking areas, customary home occupations, signs, private stables, private swimming pools, private boat houses and docks for which a New York State permit has been issued, where required and other accessory uses customarily incidental and subordinate to the principal use.

Special

Natural productions uses, public parks, public buildings, public utility sub-stations, primary forest industries group camps, riding academies and public stables, ski centers.

Zoning Map Symbol LC-R Standards for Area, Bulk, Height and Coverage Control

<u>Minimum Lot Size Acres/ Sq. Ft.</u>	<u>Setback Front yard (ft.)</u>	<u>Setback Rear Yard (ft.)</u>	<u>Side Yard One/Both</u>	<u>Maximum Lot Coverage</u>	<u>Maximum Building Feet</u>	<u>Height Stories</u>
42 Acres	150	200	150/300	N/A	35	2 1/2

Zoning Map Symbol LC-A

District-Land Conservation-Agriculture

Purposes

To delineate those areas in the Town that contain a substantial proportion of viable, high quality agricultural land in active agricultural use or which have the potential for use in active agriculture and which may also contain significant areas where the substantial development of land in the form of buildings or structures is severely limited due to topographic conditions, soils and drainage and/or a degree of remoteness and lack of public facilities. To protect the integrity of viable, high quality agricultural lands, to encourage the continuation of agricultural uses which are of vital economic importance to the Town and prevent the incursion of uses incompatible therewith. To protect important fish and wildlife habitat, avoid strip development and retain essential open space which is of benefit to the Town and consistent with the open space character of the Adirondack Park. To allow limited residential and other development on large lots or in carefully selected clusters, which do not impinge upon viable, high quality agricultural land.

Permitted Principal

Agriculture uses, forestry uses, conservation practices, open space recreation uses, one family seasonal and year round dwellings, individual mobile homes, rod and gun clubs, private cabins for hunting and fishing, retail stands for farm crops, churches and similar places of worship.

Permitted Accessory

Private garages and off street parking areas, customary home occupations, signs, private stables, private swimming pools, private boat houses and docks for which a New York State permit has been issued, where required and other accessory uses customarily incidental and subordinate to the principal use.

Special

Natural production uses, public parks, public buildings, public utility substations, primary forest industries, group camps, riding academies and public stables, agricultural commercial uses, educational institutions, travel trailer camps, cemeteries, waste disposal areas, animal or veterinary hospitals, commercial kennels, farm machinery or equipment sales, service and rental.

Zoning Map Symbol LC-A Standards for Area, Bulk, Height and Coverage Control

<u>Minimum Lot Size Acres/ Sq. Ft.</u>	<u>Setback Front yard (ft.)</u>	<u>Setback Rear Yard (ft.)</u>	<u>Side Yard One/Both</u>	<u>Maximum Lot Coverage</u>	<u>Maximum Building Feet</u>	<u>Height Stories</u>
42 Acres	150	150	100/200	N/A	35	2 1/2

Zoning Map Symbol RR

District-Residential Rural Density

Purposes

To delineate those areas in the Town that contain a significant portion of land in agricultural use and in predominantly rural density single family residential uses and which may also contain areas where the substantial development of the land in the form of buildings and structures is limited by the topographic conditions, soils, drainage and/or a degree of remoteness and limited public facilities. To encourage the continuation of agricultural and forestry uses, protect fish and wildlife habitat, avoid strip development, protect the corridor of the Bouquet River and retain essential open space which is of benefit to the Town and consistent with the character of the Adirondack Park. To encourage single family residential uses on reasonably sized lots or carefully selected clusters which do not adversely affect the continuation of agricultural uses and are consistent with the general rural character of these areas. To prevent the incursion of uses inconsistent with the agricultural and rural residential character of those areas.

Permitted Principal

Agriculture uses, forestry uses, conservation practices, open space recreation uses, one family seasonal and year round dwellings, individual mobile homes, rod and gun clubs, private cabins for hunting and fishing, retail stands for farm crops, churches and similar places of worship. Portions of the RL 1 District lying East and South of the Bouquet River only, individual mobile homes are a permitted principal use.

Permitted Accessory

Private garages and off street parking areas, customary home occupations, signs, private stables, private swimming pools, private boat houses and docks for which a New York State permit has been issued, where required and other accessory uses customarily incidental and subordinate to the principal use.

Special

Natural production uses, public parks, public buildings, public utility substations, primary forest industries, group camps, riding academies and public stables, agricultural commercial uses, educational institutions, travel trailer camps, cemeteries, waste disposal areas, animal or veterinary hospitals, commercial kennels, farm machinery or equipment sales, service and rental. Golf courses, country clubs, clubhouses and other membership clubs.

Zoning Map Symbol RR Standards for Area, Bulk, Height and Coverage Control

<u>Minimum Lot Size Acres/ Sq. Ft.</u>	<u>Setback Front yard (ft.)</u>	<u>Setback Rear Yard (ft.)</u>	<u>Side Yard One/Both</u>	<u>Maximum Lot Coverage</u>	<u>Maximum Building Feet</u>	<u>Height Stories</u>
350,000 Sq. Ft	100	150	100/200	10%	35	2 1/2

Zoning Map Symbol RL-5

District Residential Very Low Density

Purposes

To delineate those areas in the Town of Willsboro where very low density single family residential uses predominate and which may also contain lands in agricultural or forestry uses, and/or lands where substantial development in the form of buildings and structures is affected by topography, drainage, soil conditions and/or some restriction of the availability of public facilities. Such areas also contain significant amounts of shoreline on Lake Champlain that are relatively sparsely developed due to the presence of rock outcroppings, wetlands and soil drainage and topographical conditions or which are developed in large lots with substantial frontage. Such areas also contain the Willsboro Golf Course, an important recreational asset of the Town. To encourage the development of single family residential uses in appropriate locations on relatively large sized lots or carefully designed clusters. To protect the integrity of the sparsely developed Lake Champlain shoreline and insure that future development patterns are consistent with the present shoreline character. To permit the continuation of current agricultural and forestry uses and the Willsboro Golf Course. To protect the integrity of the above uses by prohibiting the incursion of non-compatible uses.

Permitted Principal

Forestry uses, agricultural uses, conservation practices, one family detached year round and seasonal dwellings, churches and similar places of worship, open space recreation uses, private cabins for hunting and fishing, essential public services, public buildings, retail stands for farm crops.

Permitted Accessory

Private garages and off street parking areas, customary home occupations, signs, private stables, private swimming pools, private boat houses and docks for which a New York State permit has been issued, where required and other accessory uses customarily incidental and subordinate to the principal use.

Special

Public parks, public utility substations, golf courses, country clubs and clubhouses and other membership clubs, marinas, educational institutions, nursing homes, professional offices, cemeteries, commercial sand and gravel extraction, group camps.

Zoning Map Symbol RL-5 Standards for Area, Bulk, Height and Coverage Control

<u>Minimum Lot Size Acres/ Sq. Ft.</u>	<u>Setback Front yard (ft.)</u>	<u>Setback Rear Yard (ft.)</u>	<u>Side Yard One/Both</u>	<u>Maximum Lot Coverage</u>	<u>Maximum Building Feet</u>	<u>Height Stories</u>
200,000 Sq. Ft	100	150	75/100	10%	35	2 1/2

Zoning Map Symbol RL-3

District-Residential Low Density

Purposes

To delineate those areas where low density single family residential uses predominate on relatively large lots and where the intensity of development is moderately affected by soils, drainage, topography or similar conditions. These areas also contain important segments of the Lake Champlain shoreline and a similar segment of the shoreline of Long Pond where development has occurred and is likely to occur on reasonably sized lots with substantial frontages. To encourage the development of single family residential uses in appropriate locations following the existing low density pattern of development, to preserve the general character of the shorelines along Lake Champlain and Long Pond and to protect the integrity of residential uses by prohibiting the incursion of incompatible non-residential uses.

Permitted Principal

Forestry uses, agricultural uses, conservation practices, one family detached year round and seasonal dwellings, churches and similar places of worship, open space recreation uses, private cabins for hunting and fishing, essential public services, public buildings, retail stands for farm crops.

Permitted Accessory

Private garages and off street parking areas, customary home occupations, signs, private stables, private swimming pools, private boat houses and docks for which a New York State permit has been issued, where required and other accessory uses customarily incidental and subordinate to the principal use.

Special

Public parks, public utility substations, golf courses, country clubs and clubhouses and other membership clubs, marinas, educational institutions, nursing homes, professional offices, cemeteries, commercial sand and gravel extraction, group camps.

Zoning Map Symbol RL-3 Standards for Area, Bulk, Height and Coverage Control

<u>Minimum Lot Size Acres/ Sq. Ft.</u>	<u>Setback Front yard (ft.)</u>	<u>Setback Rear Yard (ft.)</u>	<u>Side Yard One/Both</u>	<u>Maximum Lot Coverage</u>	<u>Maximum Building Feet</u>	<u>Height Stories</u>
120,000 Sq. Ft	75	100	50/100	10%	35	2 1/2

Zoning Map Symbols RL-2

District Residential Low Density

Purposes

To delineate those areas where low density single family residential uses predominate though on a greater level of intensity than in the RL-5 or RL-3 Districts. To encourage the continuation of residential development, following established patterns, and to protect the integrity of residential uses by prohibiting the incursion of incompatible nonresidential uses.

Permitted Principal

Forestry uses, agricultural uses, conservation practices, one family detached year round and seasonal dwellings, churches and similar places of worship, open space recreation uses, private cabins for hunting and fishing, essential public services, public buildings, retail stands for farm crops.

Permitted Accessory

Private garages and off street parking areas, customary home occupations, signs, private stables, private swimming pools, private boat houses and docks for which a New York State permit has been issued, where required and other accessory uses customarily incidental and subordinate to the principal use.

Special

Natural production uses, public parks, public buildings, public utility substations, primary forest industries, group camps, riding academies and public stables, agricultural commercial uses, educational institutions, travel trailer camps, cemeteries, waste disposal areas, animal or veterinary hospitals, commercial kennels, farm machinery or equipment sales, service and rental. Golf courses, country clubs, and clubhouses and other membership clubs. Commercial sand and gravel extractions, travel trailer parks and mobile home courts are allowed only in that portion of the RL-2 District North of Rte 22.

Zoning Map Symbol RL-2 Standards for Area, Bulk, Height and Coverage Control

<u>Minimum Lot Size Acres/ Sq. Ft.</u>	<u>Setback Front yard (ft.)</u>	<u>Setback Rear Yard (ft.)</u>	<u>Side Yard One/Both</u>	<u>Maximum Lot Coverage</u>	<u>Maximum Building Feet</u>	<u>Height Stories</u>
80,000 Sq. Ft	75	100	50/100	10%	35	2 1/2

Zoning Map Symbols RL-1

District Residential Low Density

Purposes

To delineate those areas where low density single family residential uses predominate though on a greater level of intensity than in the RL-5 or RL-3 Districts. The RL-1 area also contains segments of the Lake Champlain and Long Pond Shoreline which have generally been developed on a relatively intense basis with smaller lots and more modest frontages. To encourage the continuation of residential development following established patterns and to protect the integrity of residential uses by prohibiting the incursion of incompatible nonresidential uses.

Permitted Principal

Forestry uses, agricultural uses, conservation practices, one family detached year round and seasonal dwellings, churches and similar places of worship, open space recreation uses, private cabins for hunting and fishing, essential public services, public buildings, retail stands for farm crops.

Permitted Accessory

Private garages and off street parking areas, customary home occupations, signs, private stables, private swimming pools, private boat houses and docks for which a New York State permit has been issued, where required and other accessory uses customarily incidental and subordinate to the principal use.

Special

Natural production uses, public parks, public buildings, public utility substations, primary forest industries, group camps, riding academies and public stables, agricultural commercial uses, educational institutions, travel trailer camps, cemeteries, waste disposal areas, animal or veterinary hospitals, commercial kennels, farm machinery or equipment sales, service and rental. Golf courses, country clubs, and club houses and other membership clubs, commercial sand and gravel extractions, travel trailer parks and mobile home courts.

Zoning Map Symbol RL-1 Standards for Area, Bulk, Height and Coverage Control

<u>Minimum Lot Size Acres/ Sq. Ft.</u>	<u>Setback Front yard (ft.)</u>	<u>Setback Rear Yard (ft.)</u>	<u>Side Yard One/Both</u>	<u>Maximum Lot Coverage</u>	<u>Maximum Building Feet</u>	<u>Height Stories</u>
40,000 Sq. Ft	50	50	50/100	10%	35	2 1/2

Zoning Map Symbol RM-1

District-Residential Medium Density

Purposes

To delineate those areas where predominately medium density residential uses have occurred or will be likely to occur. To protect the integrity of residential uses by prohibiting the incursion of incompatible uses.

Permitted Principal

Forestry uses, agricultural uses*, conservation practices, one family detached seasonal and year round dwellings, churches and similar places of worship, essential public services, open space recreation uses, public buildings, retail stands for farm crops.

* Provided such agricultural uses are engaged in solely for the use and/or consumption of residents of the property and not for commercial purposes.

Permitted Accessory

Private garages and off street parking areas, customary home occupations, signs, private swimming pools, private boat houses and docks for which a New York State permit has been issued, where required and other accessory uses customarily incidental and subordinate to the principal use.

Special

Public parks, two family dwellings, multiple dwellings, individual mobile homes (see note 1 below), nursing homes, professional offices.

Note 1 - By special permit issued by the Zoning Board of Appeals, mobile homes may be installed in the RM-1 District, but only for occupancy by aged or infirm persons. In such cases, the mobile home must be located on property owned and operated by those caring for the occupant(s) of the mobile home and shall, insofar as is practicable, be located to the rear and out of sight as viewed from the street or highway. When a mobile home installed under these conditions ceases to be used by aged or infirm persons being so cared for, it must be removed from the premises within sixty (60) days thereafter.

Zoning Map Symbol RM-1 Standards for Area, Bulk, Height and Coverage Control

<u>Minimum Lot Size Acres/ Sq. Ft.</u>	<u>Setback Front yard (ft.)</u>	<u>Setback Rear Yard (ft.)</u>	<u>Side Yard One/Both</u>	<u>Maximum Lot Coverage</u>	<u>Maximum Building Feet</u>	<u>Height Stories</u>
15,000 Sq. Ft	40	20	15/30	10%	35	2 1/2

Zoning Map Symbol RM-2

District-Residential Medium Density

Purposes

To delineate those areas where predominately medium density residential uses have occurred or will be likely to occur. To protect the integrity of residential uses by prohibiting the incursion of incompatible uses.

Permitted Principal

Forestry uses, agricultural uses*, conservation practices, one family detached seasonal and year round dwellings, individual mobile homes, churches and similar places of worship, essential public services, open space recreation uses, public buildings, retail stands for farm crops.

* Provided such agricultural uses are engaged in solely for the use and/or consumption of residents of the property and not for commercial purposes.

Permitted Accessory

Private garages and off street parking areas, customary home occupations, signs, private swimming pools, private boat houses and docks for which a New York State permit has been issued, where required and other accessory uses customarily incidental and subordinate to the principal use.

Special

Public parks, two family dwellings, multiple dwellings, nursing homes, professional offices. In those portions of the RM-2 District lying north of Route 22 only commercial sand and gravel extraction.

Zoning Map Symbol RM-2 Standards for Area, Bulk, Height and Coverage Control

<u>Minimum Lot Size Acres/ Sq. Ft.</u>	<u>Setback Front yard (ft.)</u>	<u>Setback Rear Yard (ft.)</u>	<u>Side Yard One/Both</u>	<u>Maximum Lot Coverage</u>	<u>Maximum Building Feet</u>	<u>Height Stories</u>
15,000 Sq. Ft	40	20	15/30	10%	35	2 1/2

Zoning Map Symbol RM-3

District-Residential Medium Density

Purposes

To delineate those areas where predominately medium density residential uses have occurred or will be likely to occur together with limited retail stores or shops. To protect the integrity of residential uses by prohibiting the incursion of incompatible uses while allowing retail stores or shops as a special use.

Permitted Principal

Forestry uses, agricultural uses*, conservation practices, one family detached seasonal and year round dwellings, individual mobile homes, churches and similar places of worship, essential public services, open space recreation uses, public buildings, retail stands for farm crops.

* Provided such agricultural uses are engaged in solely for the use and/or consumption of residents of the property and not for commercial purposes.

Permitted Accessory

Private garages and off street parking areas, customary home occupations, signs, private stables, private swimming pools, private boat houses and docks for which a New York State permit has been issued, where required and other accessory uses customarily incidental and subordinate to the principal use.

Special

Public parks, two family dwellings, multiple dwellings, nursing homes, professional offices, retail stores or shops. In those areas west of the D&H Railroad tracks only - retail and wholesale businesses, industrial research and laboratory uses.

Zoning Map Symbol RM-3 Standards for Area, Bulk, Height and Coverage Control

<u>Minimum Lot Size Acres/ Sq. Ft.</u>	<u>Setback Front yard (ft.)</u>	<u>Setback Rear Yard (ft.)</u>	<u>Side Yard One/Both</u>	<u>Maximum Lot Coverage</u>	<u>Maximum Building Feet</u>	<u>Height Stories</u>
15,000 Sq. Ft	40	20	15/30	10%	35	2 1/2

Zoning Map Symbol RM-M

District-Residential Medium Density Mobile Homes

Purposes

To delineate these areas where predominately medium density residential uses, primarily mobile homes have occurred or will be likely to occur. To protect the integrity of residential uses by prohibiting the incursion of incompatible uses.

Permitted Principal

Forestry uses, agricultural uses. (Provided such agricultural uses are engaged in solely for the use and/or consumption of residents of the property and not for commercial purposes). Conservation practices one family detached seasonal and year round dwellings, individual mobile homes, essential public services, open space recreation uses, public buildings, retail stands for farm crops.

1. No travel trailer shall be installed in any lot within 200 feet of the limits of the RM-M District.
2. Every travel trailer installed on a lot shall have toilet facilities which shall be connected directly to an on lot sewage disposal system fully complying with the provisions of the Zoning Ordinance and inspected and approved by the Zoning Officer in accordance with the procedures specified in the Zoning Ordinance.
3. Travel trailers shall be located on the owner's lot for occupancy by the owner, his family and guests. No travel trailer, so installed, shall be used for rental purposes, or as a travel trailer camp.

Permitted Accessory

Private garages and off street parking areas, customary home occupations, signs, private swimming pools, private boat houses and docks for which a New York State permit has been issued, where required and other accessory uses customarily incidental and subordinate to the principal use.

Special

Retail stores or shops, restaurants, professional offices, mobile home parks, travel trailer camps, mobile home and travel trailer sales (provided no mobile homes or travel trailers displayed for sale are visible from the public highway or neighbors properties).

Zoning Map Symbol RMM Standards for Area, Bulk, Height and Coverage Control

<u>Minimum Lot Size Acres/ Sq. Ft.</u>	<u>Setback Front yard (ft.)</u>	<u>Setback Rear Yard (ft.)</u>	<u>Side Yard One/Both</u>	<u>Maximum Lot Coverage</u>	<u>Maximum Building Feet</u>	<u>Height Stories</u>
10,000 Sq. Ft	20	20	10/20	30%	35	2 1/2

Zoning Map Symbol HC-1

District-Highway Commercial

Purposes

To delineate those areas where predominately highway oriented commercial uses have occurred or will be likely to occur.

Permitted Principal

Retail stores, wholesale businesses, restaurants, drive-in restaurants, essential public services, public buildings, boat sales, taverns, snowmobile sales, service and rentals, farm machinery equipment sales, service and rental, business and professional offices, one family detached year round and seasonal dwellings, individual mobile homes, two family dwellings.

Permitted Accessory

Private garages and off street parking areas, customary home occupations, signs, private swimming pools, private boat houses and docks for which a New York State permit has been issued, where required and other accessory uses customarily incidental and subordinate to the principal use. Off street parking and loading, signs, other accessory uses incidental to the principal use.

Special

Public utility substations, multiple dwellings, filling stations, public garages (including new and used car sales, service and rental), tourist accommodations and commercial shops and restaurants located therein, nursing homes, mobile home parks, travel trailer and mobile home sales, junk yards.

Zoning Map Symbol HC-1 Standards for Area, Bulk, Height and Coverage Control

<u>Minimum</u>				<u>Maximum</u>			
<u>Lot Size</u> <u>Acres/ Sq. Ft.</u>	<u>Front yard (ft.)</u>	<u>Rear Yard (ft.)</u>	<u>Side Yard</u> <u>One/Both</u>	<u>Lot</u> <u>Coverage</u>	<u>Building</u> <u>Feet</u>	<u>Height</u> <u>Stories</u>	
20,000 Sq. Ft.	50	25	20/40	30%	35	2 ½	Residential
40,000 Sq. Ft.	50	25	30/60	50%	35	2 ½	Non-Residential

Zoning Map Symbol HC-2

District-Highway Commercial

Purposes

To delineate those areas where a limited type of highway oriented commercial uses and tourist facilities have occurred or will be likely to occur.

Permitted Principal

One family, detached, seasonal and year round dwellings, retail stores and shops, boat sales.

Permitted Accessory

Off street parking and loading, signs, customary home occupation, private docks and boathouses for which New York State permit has been issued, other accessory uses incidental and subordinate to the principal use.

Special

Tourist accommodations, restaurants.

Zoning Map Symbol HC-2 Standards for Area, Bulk, Height and Coverage Control

<u>Minimum</u>				<u>Maximum</u>		
<u>Lot Size</u> <u>Acres/ Sq. Ft.</u>	<u>Front yard ft.)</u>	<u>Rear Yard (ft.)</u>	<u>Side Yard</u> <u>One/Both</u>	<u>Lot</u> <u>Coverage</u>	<u>Building</u> <u>Feet</u>	<u>Height</u> <u>Stories</u>
40,000 Sq. Ft.	30	20	30/60	30%	35	2 1/2

Zoning Map Symbol GB

District-General Business

Purposes

To delineate those areas where predominately general business uses have occurred or will be likely to occur.

Permitted Principal

Retail stores and shops, wholesale businesses, restaurants, snowmobile sales, service and rental, farm machinery sales, services and rental, taverns, business and professional offices, one family detached, seasonal and year round dwellings, two family dwellings, essential public services, public buildings.

Permitted Accessory

Off-street parking and loading, signs, customary home occupations, other accessory uses incidental to the principal uses.

Special

Bus passenger stations, multiple dwellings, tourist accommodations, nursing homes, filling stations, public garages (including new and uses car sales, service and rental), educational institutions.

Zoning Map Symbol GB Standards for Area, Bulk, Height and Coverage Control

<u>Minimum</u>				<u>Maximum</u>		
<u>Lot Size</u> <u>Acres/ Sq.</u> <u>Ft.</u>	<u>Front yard(ft.)</u>	<u>Rear Yard (ft.)</u>	<u>Side Yard</u> <u>One/Both</u>	<u>Lot</u> <u>Coverage</u>	<u>Building</u> <u>Feet</u>	<u>Height</u> <u>Stories</u>
5,000 Sq. Ft.	None	15	None	80%	40	3

Zoning Map Symbol M

District-Industrial

Purposes

To delineate those areas where industrial uses have occurred or will be likely to occur. To protect existing industrial uses and the potential for future industrial development by prohibiting the incursion of incompatible uses.

Permitted Principal

Forestry uses, agricultural uses, essential public services, public building.

Permitted Accessory

Off-street parking and loading, signs, office buildings and administrative structures related to the principal use, other accessory uses incidental and subordinate to the principal uses.

Special

Industrial uses, industrial research and laboratory uses, wholesale businesses, junk yards, snowmobile sales, service and rental, public garages including new and used automobile sales, service and rental), filling stations, public utility substations, national production uses, mineral extraction structures.

Zoning Map Symbol M Standards for Area, Bulk, Height and Coverage Control

<u>Minimum</u>				<u>Maximum</u>		
<u>Lot Size</u> <u>Acres/ Sq. Ft.</u>	<u>Front yard (ft.)</u>	<u>Rear Yard (ft.)</u>	<u>Side Yard</u> <u>One/Both</u>	<u>Lot</u> <u>Coverage</u>	<u>Building</u> <u>Feet</u>	<u>Height</u> <u>Stories</u>
120,000 Sq. Ft	75	75	75/150	50%	82	5

Zoning Map Symbol SC

District-Stream Conservation

Purposes

To delineate those areas adjacent to the Bouquet River and the other permanent streams in the Town of Willsboro where development of the land in the form of building or structures is to be severely restricted in order to:

1. maintain the scenic beauty and natural appearance of such streams and their immediate environs.
2. protect wetlands and other wildlife habitat associated with such streams.
3. eliminate the risks of pollution, erosion and siltation of such streams so as to preserve water quality and fishery resources.
4. eliminate the risk of damage to buildings from flooding or erosion.

Permitted Principal

Forestry uses, agricultural uses, conservation practices, open space recreation uses, essential public services*.

Permitted Accessory

Signs, accessory uses incidental and subordinate to the principal use, private boathouses and docks for which New York State permit has been issued where required. (See Note 1)

Special

Public parks.

* Provided in every case, that NO PERMANENT BUILDINGS other than docks, pump houses, or boathouses are erected or maintained and no dredging, excavation or other material disturbance of the natural topography is engaged in.

The Stream Conservation District includes:

1. Bouquet River and major tributaries:
 - (a) From the down stream limit of the RM and M Districts below the Town dam to Lake Champlain: 400 feet from each bank.
 - (b) From the upstream limits of the GB District including the North Branch and Cold Brook: 150 feet back from each bank.
 - (c) Within the GB and M Districts and the portion of the RM District down stream from the Route 22 bridge over the Bouquet River: 50 feet from each bank.
2. All other permanent streams: 150 feet from each bank.

Zoning Map Symbol IC

District-Island Conservation

Purposes

To delineate the area of the Four Brother Islands in Lake Champlain lying within the boundaries of the Town of Willsboro whose extreme remoteness, lack of public facilities, severe slopes, soils and general conditions of topography and drainage dictate that development should be strictly limited. To preserve the unique character of these islands and the important wildlife habitat which they include.

Permitted Principal

Forestry uses, conservation practices, agricultural uses, open space recreation uses.

Permitted Accessory

Accessory uses incidental and subordinate to the principal use. private boathouses and docks for which New York State permit has been issued.

Special

One family detached, seasonal dwellings, private cabins for hunting, and fishing, public parks.

Zoning Map Symbol RM-1 Standards for Area, Bulk, Height and Coverage Control

<u>Minimum</u>						<u>Maximum</u>		
<u>Lot Size</u> <u>Acres/ Sq.</u> <u>Ft.</u>	<u>Depth</u> <u>(ft.)</u>	<u>Width</u> <u>(ft.)</u>	<u>Front</u> <u>yard (ft.)</u>	<u>Rear</u> <u>Yard</u> <u>(ft.)</u>	<u>Side Yard</u> <u>One/Both</u>	<u>Lot</u> <u>Coverage</u>	<u>Building</u> <u>Feet</u>	<u>Height</u> <u>Stories</u>
n/a	n/a	n/a	n/a	n/a	n/a	5%*	25	1 1/2

* expressed as percentage of island area

Section 3.60 Lakefront and Shoreline Protection

Section 3.61 Application of Regulations

For the purpose of protecting the shorelines of the lakes and ponds and in order to maintain safe, healthful conditions, to prevent and control water pollution, and to avoid the risks of flooding, to control placement of structures and preserve shore cover and natural beauty, these regulations shall apply to all lake front properties. For the purposes of these sections, a lake or pond shall apply to all lake front properties. For the purposes of these sections, a lake or pond shall consist of any natural or man-made body of water in excess of one acre in size. Lakes and ponds currently meeting this definition are: Lake Champlain, Long Pond and Highlands Forge Lake (Warm Pond). The use of land and water, the size, type and location of structures on lots, the installation of waste disposal facilities, the filling, grading, lagooning and dredging of any land, the cutting of shoreline vegetation, the subdivision of lots, shall be in full compliance with the regulations of this and the following sections of Ordinance relating thereto, other provisions of this Ordinance and any other applicable ordinances and regulations. In certain cases as herein specified the provisions of these regulations shall also apply to the Bouquet River which term as used herein, unless otherwise indicated, includes both the main stream and the North and South Branches.

Section 3.62 Setback from the Water, Lot Width and Side Yards

1. Setback from the water. All principal buildings and structures in excess of 100 square feet in size, except docks, piers, marinas, or boathouses which require lesser setback, shall be set back from the mean high water mark of any lake or pond and from the shoreline of the North and South Branches of, and main stream of, the Bouquet River as specified in the following Schedule. This setback requirement shall be in lieu of the normal front yard requirements otherwise applicable.

2. Lot Width and side Yards. The minimum lot width at the shoreline of any lake or pond or lots along the Bouquet River and the minimum side yards shall be specified in the following Schedule.

Section 3.63 Special Lakefront and Shoreline Regulations-Minimum Shoreline Frontage for Deeded or Contractual Access

In the case of the shoreline of all lakes and ponds and the shoreline of the Bouquet River, the following minimum shoreline frontage shall be required for deeded or contractual access to all such lakes, ponds, rivers or streams for five or more lots, parcels or sited or multiple family dwelling units nor having separate and distinct ownership of shore frontage:

1. Where one to twenty lots or multiple family dwelling units are involved, a total of not less than one hundred (100) feet.

2. Where more than twenty but not more than one hundred lots or multiple dwelling units are involved, a minimum of three (3) feet for each additional lot or multiple dwelling unit in excess of one hundred.

3. Where more than one hundred and not more than one hundred fifty lots or

multiple dwelling units are involved, a minimum of two (2) feet for each additional lot or multiple dwelling unit in excess of one hundred.

4. Where more than one hundred fifty lots or multiple dwelling units are involved, a minimum of one (1) foot for each additional lot or multiple dwelling unit in excess of one hundred fifty.

Section 3.64 Schedule for Shoreline Standards for Lakes, Ponds and Boquet River

Land Use Districts	Minimum Shoreline	Lake Champlain	Long Pond	Warm Pond	Boquet River
LC-W	Lot Width 600 Building Set Back 100			300 100	
LC-A	Lot Width Building Set Back			600 150	
LC-R	Lot Width 600 Building Set Back 100				600 400
RR	Lot Width Building Set Back		400 100		400 150
RL-5	Lot Width 350 Building Set Back 75				
RL-3	Lot Width 200 Building Set Back 75				
RL-2	Lot Width Building Set Back				
RL-1	Lot Width 100 Building Set Back 50		100 50		
RM-1,2,3	Lot Width Building Set Back				50 50
HC-1,2	Lot Width Building Set Back		100 50		
GB	Lot Width Building Set Back				50 50
M	Lot Width Building Set Back				none 50
I-C	Lot Width 300 Building Set Back 100				
S-C	----- Not Applicable -----				

For All Shoreline Properties:

Frontage (ft.)	Side Yard(s) One/Both (ft.)
Less than 90	10/20
90 to 125	20/40
125 to 149	25/50
150 to 149	40/80
200 to 299	50/100
300 to 399	100/200
400 or over	150/300

ARTICLE IV ADMINISTRATION AND ENFORCEMENT

Section 4.10 General Procedure

Section 4.11 General Sequence of Steps

All persons desiring to undertake (1) any new construction of any building, sign or structure, structural alteration, (2) any changes in the existing use of a building, sign, structure or lot or other parcel of land or (3) any other new land use and development, shall first apply to the Zoning Officer before commencing any work thereon for a Building Permit by filling out the appropriate application form and by submitting the required fee. The Zoning Officer will then either issue or refuse the Building Permit or, (1) in the case of special uses, refer the application to the Planning Board for decision (2) in the case of applications for a variance, refer the application to the Zoning Board of Appeals for decision.

In certain special cases not constituting a special use, referral to the Planning Board may nevertheless be required. After a building permit has been received by the applicant he may proceed to undertake the action permitted by the Building Permit and upon completion of such action shall apply to the Zoning Officer for issuance of a Certificate of Occupancy allowing the premises to be occupied. In cases where on-lot sewage disposal systems are involved, a Certificate of Conformity with the provisions of this Ordinance, or any equivalent certificate issued under a Sanitary Code hereafter enacted by the Town, is also required prior to covering with earth or fill. In cases where the action being contemplated constitutes a Class A or Class B regional project the special procedures and requirements of Article XI of this Ordinance pertaining to such regional projects shall be complied with in addition to those specified elsewhere in this Ordinance. In case of conflict the procedures and requirements of Article XI shall govern.

Section 4.12 Building Permit Types

Under the terms of this Ordinance, the following classes of Building Permits may be issued:

1. Permitted Principal or Accessory Use.

A building Permit for a Permitted Principal or Accessory Use may be issued by the Zoning Officer on his own authority, except that in cases involving signs in excess of eight (8) square feet (see Section 6.77) and certain uses requiring landscaping (see Section 6.20) the Zoning Officer may only issue a Building Permit after referral to the Planning Board.

2. Special Uses.

A Building Permit for Special Use may be issued by the Zoning Officer only upon order of the Planning Board after a public hearing held by the Planning Board for the purpose of deciding upon the request for a special permit (See Article V).

3. Building Permit After an Appeal or a Request for a Variance.

A Building Permit may be issued by the Zoning Officer upon the order of the Zoning Board of Appeals and after a public hearing held by the Board of Appeals for the purpose deciding upon the appeal or the request for a variance. The Board of Appeals in its discretion refer appeals to the Planning Board for its review.

Section 4.20 Zoning Officer

This Ordinance may be enforced by the Zoning Officer who shall be appointed by the Town Board. No Building Permit or Certificate of Occupancy, or a Certificate of Compliance with On-Site Sewage Disposal Requirements shall be issued by him except where all the provisions of this Ordinance have been complied with. The Town Board may by resolution provide that some or all of the duties of the Zoning Officer under Sections 6.62, 6.90, 5.34, 4.22 and Article IX may be filled by a duly appointed Town engineer or other appropriately qualified person.

Section 4.21 Building Permits

1. General

No building, sign or structure shall be erected, or altered or its use changed until a permit here for has been issued by the Zoning Officer, provided that no permit shall be required for a sign otherwise in conformity with this Ordinance having an area of two (2) square feet or less or for any accessory buildings or structures not employed for dwelling purposes not containing interior plumbing facilities which has no more than two hundred and fifty (250) square feet of floor space for the expansion of any existing building by no more than two hundred fifty (250) square feet so long as no additional bedrooms or plumbing facilities are involved in such expansion, or for minor exterior alterations, irrespective of size, such as the addition of porches, decks, breezeways, carports, stoops, steps, bay or dormer windows or similar structures. Even though a permit need not be obtained hereunder, the owner or occupier of the premises shall nevertheless be required to abide by all the area, bulk, height and coverage controls of Section 3.52 hereof, as well as the lake Front protection provisions of Section 3.60 and other applicable provisions of this Ordinance. Nothing herein shall authorize the enlargement, extension or expansion of any non-conforming building or structure.

2. Information Necessary for Application

There shall be submitted with all applications for Building Permits two copies of a layout or plot plan drawn to scale showing the actual dimensions of the lot to be built upon, the exact size and location on the lot of all building and accessory buildings to be constructed and such other information as may be necessary to determine and provide for the enforcement of this Ordinance.

3. Public Record

One copy of such layout or plot plan shall be returned when approved by the Zoning Officer together with such Permit to the applicant upon the payment of a fee as indicated in this Article. The second copy with a copy of each application with accompanying plan shall become a public record after a Permit is issued or denied.

4. Sewage Disposal Water Supply and Drainage

All Sewage Disposal installations shall conform with the New York State Department of Health and/or the New York State Department of Environmental Conservation regulations where applicable, and of this Ordinance. Where applicable the water supply regulations of the Department of Health and/or the New York State Department of Environmental Conservation shall also be conformed to. No application shall be approved by the Zoning Officer in any land use district unless such conformity is certified on the plans. Drainage

affecting the adjacent properties shall be considered by the Zoning Officer before issuing a Building Permit, including possible run-offs to said properties, and no application shall be approved where the proposed construction is likely to have an undue adverse impact resulting from drainage on adjacent properties.

5. Issuance of Permits

It shall be the duty of the Zoning Officer to issue a Building Permit, provided the he is satisfied that the structure, building, signs, parking areas on premises, and the proposed use thereof, conform with all requirements of this Ordinance, and that all other reviews and actions, if any, called for in this Ordinance have been complied with and all necessary approvals secured there for.

6. Denial of Permits

When the Zoning Officer is not satisfied with the applicant's proposed development will meet the requirements of this Ordinance, he shall refuse to issue a Building Permit. The applicant may then appeal to the Zoning Board of Appeals for a reversal of the Zoning Officer's decision.

7. Expiration of Building Permit

A Building permit shall expire after one year if the applicant fails to implement his application as filed with the Zoning Officer.

8. Revocation of Permits

If it shall appear, at any time, to the Zoning Officer that the application or accompanying plans in any material respect false or misleading, or that work is being done upon the premises differing materially from that called for in the Building Permit as issued under existing laws or this Ordinance, he may forthwith revoke the Building Permit, where upon it shall be the duty of the person holding the same to surrender it and all copies thereof to the said Zoning Officer. After the Building Permit has been revoked, the Zoning Officer may, at his discretion, before issuing the new Building Permit, require the applicant to file an indemnity bond in the favor of the Town of Willsboro with sufficient surety conditioned with compliance with this Ordinance and all applicable laws and Ordinance then in force and in a sum sufficient to cover the cost of removing the structure if it does not so comply.

9. Special Uses

All such applications shall be accompanied by plans and information as required for a Building Permit by this Section 4.21 plus such other information as may be required by Article VI or otherwise in this Ordinance.

Section 4.22 Certificate of Compliance with On-Site Sewage Disposal Requirements

No on-site sewage disposal system shall be covered over with earth or other fill until the Zoning Officer shall have issued a certificate that the system fully complies with the provisions of this Ordinance.

Section 4.30 Certificate of Occupancy

Section 4.31 General

No land shall be occupied or used and no building, sign or other structure hereafter erected, altered or extended shall be occupied, used or changed in use until a Certificate of Occupancy shall have been issued by the Zoning Officer, stating that the holdings or proposed use thereof complies with the provisions of this Ordinance.

Section 4.32 Maintenance, Renewal, Change or Extension of Non-Conforming Use

Non-conforming use shall be maintained, renewed, changed or extended without a Certificate of Occupancy - Non-Conforming Use having first been issued by the Zoning Officer. The Zoning Officer shall use his best efforts to issue Certificates of Occupancy - Non-Conforming Use for preexisting nonconforming uses within one year from the effective date of this Ordinance. No existing building or structure devoted to a nonconforming use shall be enlarged, extended, reconstructed or structurally altered except in conformity with the provisions of Article III, Section 3.40.

Section 4.33 Application for Certificate of Occupancy

All Certificates of Occupancy shall be applied for coincident with the application for a Building Permit. When the work or activity covered by the Building Permit is completed and ready for inspection, the applicant shall so certify to the Zoning Officer. Said alteration shall have been approved by the Zoning Officer as complying with the provisions of this Ordinance.

Section 4.34 Record

The Zoning Officer shall maintain a record of all Certificates and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building affected.

Section 4.35 Application Mandatory

No permit for excavation for or the erection or alteration of, or change of the use of any building, sign or other structure shall be issued until an application has been made for a Certificate of Occupancy.

Section 4.40 Violations

Section 4.41 Complaints of Violations

Whenever a violation of this Ordinance occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Zoning Officer, who shall properly record such complaint and immediately investigate and report his findings thereon for information purposes to the Planning Board and Zoning Board of

Appeals with a copy to the Town Board. It shall be the duty of the Zoning Officer to take action regarding any such complaints and to enforce the provisions of this Ordinance.

Section 4.42 Violations and Penalties

A violation of this Ordinance is an offense punishable by fine not exceeding \$250 for any offense, recoverable with costs, together with judgment or imprisonment not exceeding six months if the amount of said judgment is not paid. Each week that a violation is permitted shall constitute a separate offense.

Section 4.43 Procedure for Abatement of Violations

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this Ordinance, or of any Ordinance or regulation made under authority conferred hereby, the Zoning Officer, or the Town Attorney at the request of the Zoning Officer or any other proper official in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent occupancy of said building, structure or land or to prevent any illegal act, conduct business or use in or about such premises.

Section 4.44 Applicability to Contractors, Architects, etc.

Any contractor, architect or similar person acting for or on the behalf of the owner or occupier of any premises affected by this Ordinance shall be liable, together with such owner or occupier, for obtaining all appropriate permits and for otherwise complying with all provisions of this Ordinance relating to work to be performed by such contractor, architect or person.

Section 4.50 Appeals

Section 4.51 Appeal from Zoning Officer

1. Procedure for applicant

a. An appeal to the Zoning Board of Appeals from any ruling of any administrative officer administrating any portion of this Ordinance, may be taken by any person aggrieved, or by an officer, board, or bureau of the town affected thereby. Such appeal shall be taken to the Zoning Board of Appeals by filing with the secretary thereof, who unless otherwise specified by the Board, shall be the Zoning Officer, a notice of appeal, specifying the grounds there for.

b. All appeals made to the Board of Appeals shall be in writing on forms prescribed by the Board of Appeals. Every appeal shall refer to the specific provision of this Ordinance and shall exactly set forth the interpretation that is claimed, in addition to the following information:

- 1) The name and address of the applicant.
- 2) The name and address of the owner of the district lot to be affected by such appeal.

- 3) A brief description and location of the district lot to be affected by such appeal.
- 4) A statement of the present zoning classification of the district lot in question, the improvements thereon and the present use thereof.
- 5) A reasonably accurate description of the present improvements, and the additions or changes intended to be made under this application, indicating the size of such proposed improvements, material and general construction thereof. In addition, there shall be attached a plot plan of the real property to be affected, indicating the location and size of the lot and size of improvements thereon and proposed to be erected thereon.

2. Procedure for Zoning Officer

a. The notice of appeal in any case where a permit has been granted or denied by the Zoning Officer shall be filed within such time as shall be prescribed by the Zoning Board of Appeals under general rule after notice of such action granting or denying the permit has been mailed to the applicant. In the absence of such prescription by the Board of Appeals the notice time shall be sixty (60) days. The Zoning Officer shall forthwith transmit to the Zoning Board of Appeals all papers constituting the record upon which the action appealed from was taken, or in lieu thereof certified copies of said papers.

b. It shall be appropriate for the Zoning Officer to recommend to the Zoning Board of Appeals a modification or reversal of his action in cases where he believes substantial justice requires the same but where he has not himself sufficient authority to grant the relief sought.

3. Procedure for the Zoning Board of Appeals

The Zoning Board of Appeals shall decide each appeal within sixty (60) days after the final hearing. Upon the hearing any party may appear in person or be represented by an agent or attorney. The Zoning Board of Appeals decision shall be immediately filed in its office and be a public record. In the exercise of its functions upon such appeals, the Zoning Board of Appeals may in conformity with the provisions of this Ordinance, reverse or affirm wholly or partly, or modify the order, requirement, decision or determination in accordance with the provisions hereof.

4. Stay of Proceedings

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning officer certifies for the Zoning Board of Appeals, after the notice of appeals shall have been filed, that be reason of facts stated in the certificate, they would, in his option, 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 Zoning Board of Appeals or by the Supreme Court on application, on notice to the Zoning Officer and on due cause shown.

Section 4.60 Public Hearings and Notice for Appeals and Applications

The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal or for the hearing of the application for a variance or any other matter referred to it and give public notice thereof by the publication in the official paper of a notice of such hearing at least ten (10) days prior to the date thereof.

Section 4.61 When Appealing Action of the Zoning Officer

In case of an appeal alleging error misinterpretation in any order or other action by the Zoning Officer or other officer charged with administration of this Ordinance, the following persons, if any, who benefit from the order, requirement, regulation or determination.

Section 4.62 When Applying for Variance

In case of an application for a variance, as provided for in this Ordinance, the following persons shall be notified: All adjoining property owners of the property for which the variance is sought, and to such other property owners as the chairman of the Zoning Board of Appeals may direct.

Section 4.63 Adjournment of Hearing

Upon the day for hearing any application or appeal, the Zoning Board of Appeals may adjourn the hearing for a reasonable period for the purpose of causing such further notice as it deems proper to be served upon such other property owners as it decides may be interested in said application or appeal.

Section 4.64 Expiration of Board Decision

Unless otherwise specified by the Zoning Board of Appeals, a decision on any appeal or request for a variance shall expire if the applicant fails to obtain any necessary Building Permit, or comply with the conditions of said authorized permit within six (6) months from the date of authorization thereof.

Section 4.65 Required Interval for Hearings on Applications and Appeals after Denial

Whenever the Board, after hearing all the evidence presented upon an application or appeal, under the provisions of this Ordinance, denies the same, the Zoning Board of Appeals shall refuse to hold further hearings on the said or substantially similar application or appeal by the same applicant, his successor, or assign for a period of one (1) year, except and unless the Zoning Board of Appeals shall find and determine from the Information supplied by the request for a rehearing, that changed conditions have occurred relating to the promotion of the public health, safety, convenience, comfort, prosperity, and general welfare, and that a reconsideration is justified. Such rehearing would be allowable only upon a motion initiated by a member of the Zoning Board of Appeals and adopted by the unanimous vote of the members present, but not less than a majority of all members.

Section 4.66 Review of Decisions of Zoning Board of Appeals

All decisions of the Zoning Board of appeals are subject to court review in accordance

with applicable Laws of the State of New York.

Section 4.70 Fees

Fees for the issuance of Building Permits, special use permits, variances, appeals, junk yard licenses and other zoning actions shall be paid to the Town at the office of the Zoning Officer or of the Town Clerk, as the Town Board may specify, upon the filing of an application and in accordance with the schedule of fees established from time to time by the Town Board.

In addition to the other fees provided herein, the Zoning Officer, Planning Board, or Zoning Board may charge an additional fee to developers or projects requiring legal and/or technical review. The fee charged to the project developer shall reflect costs of reasonable and necessary legal and technical assistance.

Section 4.80 Zoning Board of Appeals - Organization and Voting

Section 4.81 Establishment

Pursuant to the provisions of the Town Law, a Zoning Board of Appeals is hereby established in the Town of Willsboro.

Section 4.82 Appointment

The Board shall consist of five (5) members to be appointed by the Town Board. The terms of the initial appointees shall be for one, two and three years from and after the date of appointment. Their successors, including such additional members as may be appointed by the Town Board, shall be appointed for the term of three years after the expiration of the terms of their predecessors in office. The Town Board shall designate the Chairman of the Board who shall serve at the pleasure of the Town Board.

Section 4.83 Appointment to Fill Vacancies

Appointments to fill vacancies shall be for the un-expired term of the members or members whose term or terms become vacant. Such appointments to fill such vacancies shall be made in the same manner as the original appointment.

Section 4.84 General Grant of Power

The Board shall perform all the duties and have all the powers prescribed by the laws of the State of New York and this Ordinance.

Section 4.85 Votes Necessary for a Decision

Subject to the provisions of Section 4.95, the concurring vote of a majority of the members of the whole Board shall be necessary to reverse any order, requirement, decision

or determination of the Zoning Officer or to decide in favor of the appellant or applicant any matter upon which it is required to pass under the terms of this Ordinance or to effect any variation of this Ordinance. Votes shall be cast in person and not by proxy.

Section 4.90 Powers and Duties

The Board shall hear and decide appeals pursuant to the provisions of the laws of the State of New York and shall have the following powers:

Section 4.91 Appeals

The Board shall hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Officer or other officer administering this Ordinance. It shall also hear and decide all matters referred to it or upon which it is required to pass under the provisions of this Ordinance.

Section 4.92 Variances

Where practical difficulties or unnecessary hardships inconsistent with the general purposes and objectives of this Ordinance may result from the strict application of certain provisions thereof, variances may be granted by the Board upon application, but only in accordance with the standards of procedures provided herein.

a. Application for a Variance

A property owner may initiate a request for a variance by filing an application with the Board using forms supplied by the Board which shall include all information considered by the Board as necessary to make its findings under this section 4.92 including a description of the property, a map showing the property and all bordering properties thereof, within a radius of five hundred (500) feet of the exterior boundaries thereof, plans and elevations necessary to show the proposed variance, other drawings or information considered necessary by the Board to an understanding of the proposed use and its relationship to surrounding properties.

b. Requirements for Area Variances

A variance to allow a land use to be carried out or a building or structure to be located on a lot property which does not conform to the size, set back, frontage, depth, coverage or other dimensional requirements for that land use district under the applicable provisions of this Ordinance may be granted only in the event that all of the following circumstances are so found:

1. that because of the exceptional or extraordinary circumstances applicable to the property, such as an irregular, narrow, shallow or steep lot or other special topographical conditions, not applying generally to other properties in the land use district and not resulting from circumstances within the reasonable control of the applicant, the strict application of said dimensional requirement provisions of this Ordinance would result in a specified practical difficulty to the applicant which would materially impair the applicants reasonable

- use of such property, and
2. that the area variance would not be materially detrimental to the purposes of this Ordinance, or to property in the land use district in which the property is located, or otherwise conflict with the description and purpose of the district or the objectives of any plan or policy of the town, that the variance as granted which need not be as extensive as that requested by the applicant is the minimum variance which would alleviate the specific practical difficulty found by the Board to affect the applicant, and that the variance will result in substantial justice being done.

c. Requirements for Use Variance

A variance to allow a use within a district other than a use allowable as a principal use or a special use provided for in this Ordinance may be granted only in the event that all of the following circumstances are specifically found by the Board to exist and are each so stated in the Board's findings, and no such variance shall be valid unless all of the following circumstances are so found:

1. that because of exceptional or extraordinary circumstances applying to the property, not applying generally to other properties in the same district and not resulting from circumstances within the reasonable control of the applicant, the strict application of said use provisions of this Ordinance would result in a specified unnecessary hardship to the applicant,
2. that the property in question cannot yield a reasonable return if used for any principal use, accessory use or special use applicable to the land use district in which the property is located,
3. that the variance is necessary for the preservation of a property right of the applicant substantially the same as the owners of other property in the same land use district possess without such a variance, and
4. that the variance would not be materially detrimental to the purposes of this Ordinance, or to property in the land use district in which the property is located, or otherwise conflict with the description and purpose of the district or the objectives of any plan or policy of the town, that the variance as granted (which need not be as extensive as that requested by the applicant) is the minimum variance which would alleviate the specific unnecessary hardship found by the Board to affect the applicant, and that the variance will result in substantial justice being done.

d. In the case of any variance application involving:

1. any land, building or structures in any Land Use area of the Adirondack Park Land Use and Development Plan Map except Hamlet (irrespective of the land use district of this Ordinance which may be involved); or
2. lake front or shoreline lot width or building set back requirements of Schedule II; or
3. the seepage pit, drainage field or pit privy set back requirements from water bodies or drainage ways specified in Section 6.90 of this Ordinance or their equivalent in any Sanitary Code hereafter enacted by the Town.

The Zoning Board of Appeals shall submit a copy to the Adirondack Park Agency together with such pertinent information as the Agency reasonably shall deem necessary. Any variance granted or granted with condition shall not be effective until thirty (30) days after such notice to the Agency. If, within such thirty day period, the Agency determines that such variance involves the provisions of the Adirondack Park Land Use and Development Plan as approved in the local land use program, including the shoreline restriction of the Adirondack Park Agency Act, and was not based on the appropriate statutory basis of practical difficulties or unnecessary hardships, The Agency may reverse the local determination to grant the variance. The Zoning Board of Appeals may seek an advisory opinion of the Agency on any such variance prior to acting thereon.

Section 4.93 Conditions Attached to Variances

The Zoning Board of Appeals shall have authority in approving any variance to impose reasonable conditions as may (1) be consistent with the health, safety and welfare of the community; (2) ensure compliance with the purposes of the land use district in question; and (3) protect the unique resources of the Town and the Adirondack Park.

Section 4.94 Referral to Planning Board

1. The Zoning Board shall refer to the Planning Board as determined by the Zoning board on a case by case basis as may be required by this Ordinance. The Board may refer to the Planning Board any other pertinent matters it deems appropriate for review and recommendations such as appeals from decisions of the Zoning Officer or other administrative Officer, and shall make such a referral on the request of any two members of the Board. Referral shall be made at least thirty (30) days prior to any public hearing to be held by the Board on the matter so the views of the Planning Board may be available at said hearing. Upon referral to the Planning Board, the Board shall defer any decision thereon pending a report from the Planning Board within thirty (30) days following referral. Upon failure to submit such report within such period, the Planning Board shall be deemed to have approved the matter referred to it.

2. Section 239 of the General Municipal Law requires that certain variances be referred to the county, metropolitan or general planning agency at least thirty (30) days before action may be taken. Such referrals shall be made in accordance with the policy and procedures specified in said Section.

Section 4.95 Required Vote if Planning Board or Planning Agency Disapproves

If the Planning Board of the Town or the planning agency to which an appeal or application is referred by the Board of Appeals pursuant to this Ordinance or Section 239 of the Municipal Law or pursuant to other provisions of law, makes an unfavorable report on the matter as submitted, the Board of Appeals, in order to approve the appeal or application, must render a majority plus one vote of the whole Board in favor of the appeal or application and such approval must fully set forth the reasons for disregarding the recommendations of the Planning Board or planning agency.

Section 4.96 Procedure

The Board shall act in strict accordance with the procedures specified by law and by this Ordinance. All applications made to the Board shall be in writing, on forms prescribed by the Board. Every application shall refer to the specific provisions of the Ordinance involved, and shall exactly set forth the interpretation that is claimed, is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance or the special permit should be granted as the case may be. Application for variances shall contain plans and information as required for a Building Permit under Section 4.21 plus such other information as may be required for this Ordinance. Every decision of the Board shall be by resolution, each of which shall contain a full record of the findings of the Board in the particular case.

Section 4.97 Conflict of Interest

No member of the Board of Appeals or of the Planning Board shall participate in any decision of any such Board or be counted for determining the existence of a quorum where he has a conflict of interest, whether arising out of the ownership of real property, business interests or otherwise. Each member shall file with the Town Clerk and with such Board a statement of his real property holdings and other business or personal interests, which might give rise to a conflict of interest. Such statements shall be available for public inspection at all reasonable times.

Section 4.98 Interpretation

The Zoning Board shall, upon appeal from a decision by any official administering this Ordinance or at the request of any such official, decide any question involving the interpretation of any provision of this Ordinance, including the determination of the exact location of any district boundary if there is uncertainty with respect thereto.

ARTICLE V STANDARDS FOR SPECIAL PERMITS, AUTHORITY AND PROCEDURES OF PLANNING BOARD, WITH RESPECT TO SPECIAL USES

Section 5.10 Supplementary Standards and Authority of Planning Board

Section 5.11 General Provisions

The special uses for which conformance to additional standards is required by this Ordinance shall be deemed permitted uses in their respective districts depending upon their consistency with the health, safety and welfare of the community and their particular location and upon surrounding land uses, subject in all cases to the satisfaction of the requirements and standards set forth in this Article in addition to all other requirements of this Ordinance. All such special uses are declared to possess characteristics of such unique and special form that each specific use shall be considered an individual case.

Section 5.12 Required Map and Plans

An area map, showing the location of the property or sign with respect to surrounding property, streets, and other important features and a plan for the proposed development of a site for a permitted special use, shall be submitted with an application for a special permit. The plan shall show the location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping, topography, special features, and any other pertinent information including such information about neighboring properties as may be necessary to determine and provide for the enforcement of this Ordinance.

Section 5.13 Authority of Planning Board - Special Procedures

The Planning Board shall have authority pursuant to the provisions of Section 274.a of the Town Law and this Ordinance to review and approve, approve subject to conditions or deny any application for a permit for special use. Applications for a special permit shall be filed with the Zoning Officer who shall forward the application to the Planning Board for decision. A special permit may only be issued by the Zoning Officer upon the order of the Planning Board and after notice, hearing and findings by the Planning Board as required by law and the provisions of this Ordinance. Subject to the provisions of Section 5.15 the concurring vote of a majority of the Planning Board shall be necessary for any decision of the Board. Votes shall be cast in person and not by proxy. The Planning Board is hereby authorized to issue rules and regulations governing the exercise of its jurisdiction pursuant to this Ordinance. All decisions of the Planning Board with respect to special permits or pursuant to Article IX or XI are subject to court review in accordance with applicable law but shall not be subject to appeal to the Zoning Board of Appeals.

Section 5.14 Application Fee

A nonrefundable fee as fixed from time to time by the Town Board to cover the cost of processing special use permits and applications there for, shall accompany any application for a special use permit fee as prescribed in this Ordinance.

Section 5.15 Referral of Application to Other Planning Agencies

Referral of applications for certain types of special permits to other Planning Agencies as required by Section 239 of the General Municipal Law shall be made in accordance with the policy and procedures specified in this Ordinance or as may be required by law. If the planning agency to which such referral is made makes an unfavorable report on the matter as submitted, the Planning Board in order to approve the application must render a majority plus one vote in favor of the application and such approval must set forth the reasons for disregarding the recommendations of the planning agency.

Section 5.16 Revocation of Special Permits

A use authorized by a special permit may be revoked by the Zoning Officer or after public hearing thereon, by the Planning Board on its own motion if it is found and determined that there has been failure of compliance with any one of the terms, conditions, limitations and requirements imposed by the permit.

Section 5.17 Conditions and Safeguards

The Planning Board shall attach such conditions and safeguards to the special permit as are necessary to assure continual conformance to all applicable standards and requirements of this Ordinance and as may be consistent with the health, safety and welfare of the community, and as may protect the unique resources of the Town and Adirondack Park.

Section 5.18 Public Hearing

The Planning Board shall fix a reasonable time for the hearing of an application for a special permit after all necessary information has been obtained from the applicant and shall give public notice thereof by publication in official paper of notice of such hearing at least ten (10) days prior to the date thereof. All owners of property within five hundred (500) feet of the nearest property line of the property for which the special use is proposed shall be notified in writing by the Planning Board as well as such other persons as the Chairman of the Planning Board deems appropriate.

Section 5.19 Adjournment, Expiration of Planning Board Decision and Required Intervals for Hearing Applications after Denial

The Planning Board shall have the same powers regarding the adjournment of Hearings as hereinafter granted to the Zoning Board of Appeals regarding applications or appeals to it pursuant to Section 4.63 of this Ordinance. In addition the periods for expiration of the Planning Boards decision and the periods and criteria for the refusal to entertain a renewed application for a special use after denial thereof shall be the same as those applicable to the Zoning Board of Appeals under Section 4.64 and 4.65 of this Ordinance.

Section 5.20 Standards Applicable to all Special Permit Uses

Section 5.21 Use and Operation Standards

The location and size of the use, the nature and intensity of the operation involved in or conducted in connection with it, the size of the site in relation to it, the location of the site with respect to streets giving access to it, and the character and intensity of the road traffic generated by the site shall be such that it will be in harmony with the appropriate and orderly development of the district in which it is located.

Section 5.22 Building and Landscaping Requirements

The location, nature and height of buildings, walls, signs, and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings, or will not impair the value thereof.

Section 5.23 Parking

Parking areas shall be of adequate size for the particular use, properly located, and suitably screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to prevent traffic hazards and nuisances.

Section 5.24 Emissions

There shall be no noise, dust, fumes, erosion or run-off from the special permit use which would have an undue adverse affect upon the appropriate development and use of adjacent land and buildings or impair the value thereof.

Section 5.25 Compatibility and Compliance

In determining the potential impact of any special use upon surrounding land uses, its compatibility with the appropriate and orderly development of the district in which it is proposed to be located, its general consistency with the health, safety and welfare of the community and its compliance with the other provisions of this Ordinance, the Planning Board may assess such in the light of the pertinent development considerations set forth in Appendix B and the development objectives set forth in Appendix C, even though such use is not a Class A or Class B regional project.

Section 5.30 Additional Standards for Certain Special Uses

A special use shall conform in all respects to all the regulations of this Ordinance and, particularly, to those regulations on the Schedule of Regulations for the Zoning District in which the special use is located, except that the following regulations shall apply to the following classes of uses:

Section 5.31 Filling Stations or Public Garages with Accessory Filling Station

1. The following minimum distance requirements shall be adhered to: 12` from pump island to any lot line; 20' from building to each side lot line; at least 1,000' distance shall be maintained between filling stations or garages with filling station accessory thereof (this distance shall be measured along or across the street frontage unless intersected by a street, distance to be measured from lot lines); minimum distance 500' in any direction from place of public assembly (including schools, churches, parks, theaters, etc.); Access drives from the street frontage shall not be less than 20' from any property corner, and not wider than 50'; no access drive shall be closer than 10' to any lot line; a minimum of 300' distance to a residential district where the residential district fronts on the same street as the filling station or public garage or faces the filling station or public garage, and in any other case, such distance shall not be less than 200' from the nearest lot line of the filling station.
2. A suitable fence or screen planting at least six (6) feet in height shall be provided where a filling station or public garage abuts a residential district.
3. Driveways and service areas shall be surfaced with a non-dust-producing surface. Lights shall be directed onto the lot of the filling station in such a manner that no direct beam of light or unnecessary glare shines into other properties or the highways.

Section 5.32 Membership Clubs

Minimum lot area of five acres; minimum distance from any lot line to principal building, one hundred (100) feet. No off-street parking in required front yard.

Section 5.33 Multiple Dwelling

Lot area shall contain 7,000 square feet per dwelling unit. Each side yard shall be 30 feet, or the height of the buildings, whichever is greater. If such multiple dwellings are to be located outside the 'Hamlet' area the APA Map, lot area and dimensional requirements shall be subject to Article III, Schedule III. Approval of water supply and sewage disposal by the New York State Department of Health and/or the New York state department of Environmental Conservation shall be mandatory, as well as conformance to the Multiple Residence Law, New York State.

Section 5.34 Natural Production Uses

The excavation and sale of sand gravel, clay, shale, rock, topsoil, or other natural mineral deposits shall be subject to the following conditions:

1. Any proposed excavation adversely affecting natural drainage or structural safety or adjoining buildings or lands shall be prohibited.
2. The top of any slope shall not be closer than 100 feet to a property line (200 feet where the adjoining property is used for residential purposes) nor within 300 feet of any public street or highway.
3. Land having an area of more than one acre from which topsoil has been removed or

covered over by fill shall be seeded to provide an effective cover crop within the first growing season following the start of said operation.

4. At least 100 feet of natural vegetation shall be left undisturbed adjoining any public street or highway or any property used for residential purposes and the Planning Board may require additional measures to provide suitable screening of the natural production use, such as planting or fencing.

5. Application for a natural production use special permit shall be accompanied by a plan for the reasonable rehabilitation of land involved, after cessation of removal operations. The Planning Board may also require the posting of a performance bond, executed by a surety company authorized in this state, guaranteeing the compliance hereof and to be released only upon certification by the Zoning Officer or a duly designated town engineer that all the requirements have been complied with.

Section 5.35 Public Garages

Same as "Filling Stations," except that all customary operations such as major overhauling, repair, and sale of automobiles and parts shall be permitted. No damaged or dismantled vehicles or vehicular parts shall be stored externally except in conformity with the provisions of Article VIII.

Section 5.36 Riding Academies and Public Stables

Minimum land area, two (2) acres; minimum distance from street line to any non-residential building, 125 feet. Minimum distance from any side or rear lot line to any non-residential building, 100 feet. Minimum distance to any dwelling, 100 feet. No storage of manure or odor or dust producing substance or any use producing odor or dust shall be permitted within 100 feet of any property line. Adequate off-street parking shall be provided. Minimum distance to any lake, pond, river or stream, 250 feet.

Section 5.37 Dude Ranches and Group Camps

Dude Ranches and Group Camps where permitted in this Ordinance shall conform to the following requirements:

1. The minimum land area shall be one hundred (100) acres. In addition, there shall be four thousand (4,000) square feet per bungalow or other detached rental unit for the accommodation of guests.

2. The minimum dimensions of any property utilized for a Dude Ranch or Group Camp shall be eight hundred (800) feet.

3. No stable shall be placed closer than two hundred (200) feet to any property line or two hundred fifty (250) feet from the shore of a lake, pond, river or stream. No dwelling unit shall be placed closer than one hundred twenty-five (125) feet from the shore of any lake or pond.

4. Maximum dwelling coverage of a lot shall be 5 percent.

5. Dwelling units shall be separated by a minimum distance of fifty (50) feet in any direction except that no structure housing horses shall be placed nearer to living or dining accommodations than one hundred (100) feet.

6. Water and sewage facilities shall meet approval of the New York State Department of Health, and/or the New York State Department of environmental Conservation.

Section 5.38 Motels, Hotels, and Tourist Accommodations
Shall Conform to the Following Requirements:

1. Minimum floor area for each attached unit of a motel, hotel or tourist accommodation use shall be not less than 200 square feet.

2. Minimum land area per each attached unit shall be not less than 3,000 square feet, unless serviced by public water and sewer, in which event, 2,250 square feet shall be required for each unit.

3. Where detached units for motels and tourist accommodations are involved the minimum floor area per unit shall be not less than 300 square feet and the minimum land area per unit shall be 4,000 square feet, unless serviced by public water and sewer, in which event, 3,000 square feet shall be required for each unit.

4. Off-street parking shall be provided in accordance with Schedule III of this Ordinance.

5. No portion of a motel, hotel or tourist accommodation shall be placed closer than fifty (50) feet to any property line or closer than one hundred twenty-five (125) feet from the shore of a lake or pond.

6. Water and sewage facilities shall meet the approval of the New York State Department of Health, and/or the New York State Department of Environmental Conservation and this Ordinance.

7. Where lake or pond front properties are involved the following minimum frontages shall be required per motel or hotel room, over night cabin or other accommodation unit:

- a. 1 to 10 accommodation units - 150 feet
- b. each additional accommodation unit up to 20 units - 10 feet
- c. each accommodation unit over 20 - 5 feet per unit

Section 5.39 Mobile Home Park

Where permitted in this Ordinance, mobile home parks shall conform to the following requirements:

1. Site

- a. The park shall be located in areas where grades and soil conditions are suitable for use as mobile home sites.
- b. The park shall be located on a well-drained site which is properly graded to ensure

- rapid drainage and be free at all times from stagnant pools of water.
- c. The areas of park where the mobile home lots are to be located shall be free from heavy or dense growth of brush and woods.
- d. The park shall be at least two (2) acres in size, with 200 hundred feet frontage on a public road.

2. Mobile Home Lot

- a. Each mobile home park shall be marked off into mobile home lots.
- b. The total number of mobile home lots in a mobile home park shall not exceed five (5) per gross acre.
- c. Each mobile home lot shall have a total area of not less than 6,000 square feet with a minimum width of sixty (60) feet.

3. Mobile Home

- a. Any mobile home shall not be parked or otherwise located nearer than a distance of:
 - 1. At least thirty (30) feet from an adjacent mobile home in any direction.
 - 2. At least fifty (50) feet from an adjacent property line of any third party.
 - 3. At least seventy-five (75) feet from the right-of-way line of a public street or highway.
 - 4. At least twenty (20) feet from the nearest edge of any roadway location within the park.
- b. Only one mobile home shall be permitted to occupy any one mobile home lot.

4. Mobile Home Stand

- a. 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 home of the lot in a stable condition.
- b. The stand shall be of sufficient size to fit the dimensions of the anticipated mobile homes and their appurtenant structures or appendages.
- c. The stand shall be constructed of an appropriate material which is durable and adequate for the support of the maximum anticipated loads.
- d. The stand shall be suitably graded to permit rapid surface drainage.
- e. The mobile home shall be enclosed with the desirable and attractive base.

5. Accessibility

- a. Each mobile home park shall be easily accessible from an existing public highway or street.
- b. Where a mobile home park has more than fifteen (15) mobile homes, two (2) points of entry and exit shall be provided, but in no instance shall the number of entry and exit points exceed four (4).
- c. 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 friction with the free movement of traffic on a public highway or street.
- d. All entrances and exits shall be at right angles to the existing public highway or street.
- e. All entrances and exits shall be free of any material, which would impede the visibility of the driver on a public highway or street.

- f. All entrances and exits shall be of sufficient width to facilitate the turning movements of vehicles with mobile homes attached.
- g. Each park shall have improved streets to provide for the convenient access to all mobile home lots and other important facilities within the park.
- h. The street system shall be so designed to permit safe and convenient vehicular circulation within the park.
- i. Streets shall be adapted to the topography and shall have suitable alignment and gradient for traffic safety.
- j. All streets shall intersect at right angles unless this is impractical.
- k. All streets shall have the following minimum widths:
 - l. One-way traffic movement - 12 feet.
 - m. Two-way traffic movement - 20 feet.
- n. Except in cases of emergency, no parking shall be allowed on such streets.
- o. An improved driveway shall be provided for each mobile home lot. This driveway shall have a minimum width of nine (9) feet.

6. Utilities and Service Facilities

a. The following utilities and service facilities shall be provided for each mobile home park, which shall be in accordance with the regulations and requirements of the New York State Department of Health, and/or the New York State Department of Environmental Conservation.

(1) An adequate supply of pure water for drinking and domestic purposes shall be supplied by 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 the proper water connections.

(2) Each mobile home lot shall be provided with a sewer, which shall be connected to the mobile home situated on the lot, to receive the waste from the shower, tub, flush toilets, lavatory and kitchen sink in such home. The sewer shall be connected to a septic tank and drainage field or seepage pit or other suitable drainage system or public or private sewer system so as not to present a health hazard.

(3) Sewer connections in unoccupied lots shall be so sealed to prevent the emission of any odors and the creation of breeding places for insects.

(4) Metal or plastic garbage cans with tight fitting covers shall be used 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 two hundred (200) feet from any mobile home lot. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary by the park owner or manager to insure that such cans shall not overflow.

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

c. Each mobile home lot shall be provided with weather-proof electric service connections and outlets which are a type approved by the New York State Board of Fire Underwriters.

7. Open Space

a. Each mobile home park shall provide common open space for the use by the

occupants of such park for recreational and other purposes.

b. Such open space shall be conveniently located in the mobile home park. Such space shall have a total area equal to at least 20 (twenty) percent of the gross land area of the park.

8. Landscaping

a. Lawn and ground cover shall be provided on those areas not used for the placement of mobile homes and other buildings, walk-ways, roads and parking areas.

b. Planting shall be provided to the extent needed in order to provide for the screening of the objectionable views, adequate shade, and a suitable setting for the mobile homes and other facilities.

(1) Screen planting shall be provided to screen objectionable views at all seasons of the year. View which shall be screened include laundry facilities, other nonresidential uses, garbage storage and collection areas, and all abutting yards of adjacent residential properties.

(2) Screen planting shall be provided along those areas within the park which front upon or are visible from public highways and streets so as to be substantially screen the mobile home park from public views at all seasons of the year.

9. Compliance - Existing Parks

The Planning Board may require compliance with the provisions of paragraph 5.39 (6) and (8) for the mobile home parks in existence on the effective date of this Ordinance within a reasonable period of time not to exceed 3 years from the effective date.

Section 5.40 Travel Trailer Camps

Where permitted in this Ordinance, travel trailer camps shall conform to the following requirements:

1. Site

The provisions found in Section 5.31-1 of this Ordinance shall apply.

2. Travel Trailer

a. Each Trailer camp shall be marked off into travel trailer lots.

b. The total number of travel trailer lots in each camp shall not exceed ten (10) per gross acre.

c. Each travel trailer lot shall have a total area of not less than 3,000 square feet with a minimum width of thirty (30) feet.

3. Travel Trailer

a. Any travel trailer shall not be parked or otherwise located nearer than a distance of:

(1) At least twenty-five (25) feet from an adjacent travel trailer in any direction.

(2) The provisions found in Section 5.39-3-a (2) of this Ordinance shall apply.

(3) The provisions found in Section 5.39-3-a (3) of this Ordinance shall apply.

(4) The provisions found in Section 5.39-3-a (4) of this Ordinance shall apply.

b. Only one travel trailer shall be permitted to occupy any one travel trailer lot.

c. No travel trailer shall be allowed to remain whether occupied or not in any trailer camp for more than 90 consecutive days or for any other periods within a given calendar

year which taken together aggregate more than 90 consecutive days.

4. Travel Trailer Stand

- a. Each travel trailer shall have a travel trailer stand which will provide for the practical placement on and removal from the lot of the travel trailer, and the retention of the trailer on the lot in a stable condition.
- b. The stand shall be of sufficient size to fit the dimensions of the anticipated travel trailers.
- c. The stand shall be constructed of and appropriate material which is durable, compacted and adequate for the support of the maximum anticipated loads.
- d. The provisions found in sections 5.39-4-d of this Ordinance shall apply.

5. Accessibility

The Provisions found in Section 5.39-5 of this Ordinance shall apply.

6. Utilities and Service Facilities

- a. The following utilities and service facilities shall be provided in each travel trailer camp which shall be in accordance with regulations and requirements of the New York State Department of Health, and/or the New York State Department of Environmental Conservation, and the provisions of this Ordinance.
 - (1) Each travel trailer camp, which provides for travel trailers having all the facilities of a mobile home as defined in Article II, Definitions of this Ordinance, shall provide the required facilities indicated in Section 5.39-6-a (1), (2) and (3) of this Ordinance.

Each trailer camp, which provides for travel trailers not equipped with self-contained bath and toilet facilities 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 trailer lots within the camp to meet the requirements of such camp. 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, such as a septic tank or drainage bed.

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; in 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.

Such toilet and other sanitary facilities shall be provided in the following manner:

1. Male facilities shall consist of not less than one flush toilet for every fifteen trailers; one lavatory for every ten trailers.
2. Female facilities shall consist of not less than one flush toilet for every ten trailers; on lavatory for every ten trailers.
3. Lavatory facilities shall be supplied with hot and cold running water.
4. The buildings 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 water impervious material.

5. Such buildings shall not be located nearer than fifty(50) feet nor further than two hundred (200) feet from any travel trailer.

The provisions found in Section 5.39-6-b of this Ordinance shall apply.

The provisions found in Section 5.39-6-a (4) of this Ordinance shall apply.

1. Waste from all buildings and trailer lots shall be discharged into an approved septic tank and drainage field or seepage pit or other suitable drainage field, or into a public or private sewer system, in such a manner as not to pollute surface waters or otherwise present a health hazard.
2. Open Space
The provisions found in Section 5.39-7 of this Ordinance shall apply.
3. Landscaping
The provisions found in Section 5.39-8 of this Ordinance shall apply.
4. Compliance-Existing Travel Trailer Camps
The provisions found in section 5.39-9 of this Ordinance shall apply.

Section 5.41 Marinas

Where permitted in this Ordinance, marinas shall conform to the following requirements:

1. Site
 - a. minimum frontage:
 - (1) for marinas with berthing facilities for up to 50 boats, 300 feet.
 - (2) each additional berth in excess of 50, 4 feet per berth.
2. Sanitary Facilities:
 - a. Toilet and other necessary 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; in 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.
 - b. Such toilet and other sanitary facilities shall be provided in the following manner:
 - (1) Male facilities shall consist of not less than one flush toilet for every fifteen berths; one lavatory for every ten berths.
 - (2) Female facilities shall consist of not less than one flush toilet for every ten berths; one lavatory for every ten berths.
 - c. Lavatory facilities shall be supplied with hot and cold running water.
 - d. The buildings 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 clean and sanitarily maintained at all times. The floors of such buildings shall be of water impervious material.
 - e. Such buildings shall be located at least 100' from the mean high water mark.
 - f. Such sanitary facilities shall dispose of sewage by a suitable septic tank and drainage

field or seepage pit meeting New York State Department of Health and/or New York State Department of Environmental Conservation regulations, and the provisions of this Ordinance.

3. Sewage Pump-Out Facilities

Appropriate facilities shall be provided for the pump out and disposal to a septic tank and drainage field or seepage pit conforming to the provisions of paragraph 2 (f) above of holding tanks on boats using the marinas facilities. The marina operator shall make and enforce rules to ensure that no on-board toilet or waste disposal facilities are employed while boats are docked at the marina.

4. Garbage Disposal

Metal or plastic garbage cans with tight fitting covers shall be used in quantities adequate to permit the disposal of all garbage and rubbish. The cans shall be kept in sanitary conditions at all times. The cans shall not be located within one hundred (100) feet of the mean high water mark. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary by the marina owner or manager to ensure that such cans shall not overflow.

5. Mooring and Repair Work

No boats using the marinas' facilities shall be moored except off shore from the lands owned by the marina. No repairs on boats, other than emergency repairs, or testing of motors or engines shall be conducted by the marina or person using its facilities between the hours of 9:00 p.m. and 7:00 a.m.

Section 5.42 Primary Forest Industries

Primary forest industries where permitted under this Ordinance shall conform to the following requirements:

1. Minimum lot size ten acres (unless greater minimum is required under applicable regulations of this Ordinance).

2. Minimum dimensions of any property five hundred (500) ft.

3. No building used for forest industry purposes nor any sawdust, slab or other waste pile shall be placed closer than two hundred fifty feet to any property line, any public street or highway or any lake, pond, river or stream.

4. At least 100 feet of natural vegetation shall be left undisturbed adjoining any public street or highway or any property used for residential purposes and the Planning Board may require additional measures to provide suitable screening of the forest industry operations such as planting and fencing.

Section 5.43 Public Utility Substations

Where permitted under this Ordinance shall meet the following requirements:

1. No such substations shall be located within 500' of a residential building or on a residential street, unless no reasonable alternative is available.

2. Reasonable measures shall be taken to screen the substation from view from a public highway or neighboring residential properties, such as screen planting, retention of a buffer strip of undisturbed vegetation or appropriate fencing, or location in a manner which will maximize the screening potential of the natural topography.

ARTICLE VI SUPPLEMENTARY LOT REGULATIONS, SEASONAL DWELLING CONVERSIONS, SIGNS, OFF STREET PARKING AND SEWAGE

Section 6.10 Supplemental Lot Regulations

The provisions of this Ordinance shall be subject to such exceptions, additions, or modifications as herein provided by the following supplementary regulations:

Section 6.11 Mobile Home

A mobile home parked or placed outside a mobile home park shall have an adequate supply of pure water for drinking and domestic purposes, and a proper sewage disposal system. Both water and sewage disposal systems shall satisfy the requirements of this Ordinance applicable to single family year-round dwellings and all requirements of this Ordinance, including area, bulk, height and coverage controls.

Section 6.12 Travel Trailer

No travel trailer may be occupied by any person or group of persons for any period or periods within any calendar year aggregating thirty (30) days outside of a duly approved travel trailer camp. One travel trailer may be stored when not in use in any zoning district (other than the Island Conservation District) by the occupants of any single family dwelling or mobile home so long as such trailer is located so far as practicable to the rear of the dwelling and out of sight as viewed from the street or highway.

Section 6.13 Mobile Homes on Lakefront

No mobile home, mobile home park or travel trailer park may be located on or within five-hundred (500) feet of any lakefront.

Section 6.14 Fish Shanties

Fish shanties may be stored when not in use in any zoning district so long as such shanties are located so far as practicable to the rear of the dwelling and out of sight as viewed from the street or highway.

Section 6.20 General Landscaping and Screening

Every layout or plot plan submitted to the Zoning Officer shall indicate information on the landscaping and, where required by other provisions of this Ordinance, appropriate screening of the site. The landscaping and screening shall conform to the existing natural qualities of the site and of the surrounding area and shall maintain quality of the physical environment of the town. This regulation shall not apply to agricultural uses, one-family dwellings or individual mobile homes and accessory structures.

Section 6.21 Enclosed Uses

Any enclosed use as may be required by this Ordinance to be landscaped in accordance with this subsection shall provide a fence, screen, or landscaping sufficient to obscure such

uses from view from abutting properties lying in R-Districts.

Section 6.22 Reviewed by the Planning Board

Plans and site designs for the installation of landscaping or required screening or fencing shall be submitted to the Planning Board for its review prior to the issuance of the permit by the Zoning Officer. If within thirty (30) days following submission to the Planning Board, the Planning Board has not reported, it shall be deemed to constitute Planning Board approval thereof.

Section 6.23 Maintenance

Any landscaping or fencing installed in accordance with this Section shall be maintained in good order to achieve the objectives of this Section.

Section 6.30 Transition Areas

Section 6.31 Lots in Two Districts

Where a district boundary line divides a lot in single or joining ownership of record at the time such line is adopted, the regulations for the less restricted portion of such lot may extend not more than thirty feet into the more restricted portions, provided the lot has frontage on a street in the less restricted district.

Section 6.32 Yard Requirements for Zones Abutting Residential Zones

Where the corner lot of a zone other than residential, fronts on a street that is otherwise residential, yard requirements for the frontage on such a residential street shall be the same as required for the residential district.

Section 6.40 Height and Yard Regulations

Section 6.41 Height Regulations

1. Height Exceptions. The height limitations of this Ordinance, as shown on Schedule III shall not apply to the following structures: church spires, belfries, cupolas, domes not used for human occupancy, chimneys, ventilators, sky-lights, water tanks, bulkheads, and other necessary mechanical appurtenances usually carried above the roof level, parapet wall or cornice for ornament, extending above such height limit not more than five feet, radio or television receiving antennae, or a public utility transmission tower or cable. No such uses shall in their aggregate coverage occupy more than 20 percent of the roof area on which located.

2. Walls and Fences. The yard requirements of this Ordinance shall not be deemed to prohibit any necessary retaining wall, nor to prohibit any suitable fence or wall, provided that in the RM-1, RM-2, RM-3, RMM, GB, HC-1 and HC-2 Districts no fence or wall shall

exceed four feet in height in any front or side yard, or six feet in height in any rear yard, measured above the finished grade. This regulation shall not prevent the planting or maintenance of shrubbery or trees.

3. Visibility at Intersections. On a corner lot in any district, no fence, wall, hedge, sign or other structure or planting more than three feet in height, shall be erected, placed or maintained within the triangular area formed by the intersecting street lines (or their projections where corners are rounded) and a straight line from the point of intersection, measured along said street lines or curb level, if any, or above the existing road level. In no event, however, shall a hazard to traffic be erected or maintained.

Section 6.42 Yard Regulations

1. Terraces. A paved terrace may be included as a part of the yard in determination of yard size; provided, however, that such terrace is unroofed and without walls or parapets. Such terrace, however, may have a guard railing not over three feet in height and shall not project into any yard to a point closer than five feet from any lot line.

2. Porches. An enclosed porch shall be considered a part of the building in determining the size of yard or amount of lot coverage.

3. Projecting Architectural Features (Horizontal). The space in any required yard shall be open and unobstructed, except for the ordinary projection of the windowsills, belt courses, chimneys, cornices, eaves, and other architectural features; provided, however, that such features shall not project more than three feet into any required yard.

4. Yards for Corner Lots. On a corner lot, each side which abutts a street shall be deemed a front yard and the required yard along each street shall be the required front yard. The owner shall decide (when applying for a building permit) which of the remaining yards shall be the required side yard and the required rear yard.

5. Yards for Double Frontage Lots. For any through lot, fronting on parallel or abutting streets, both frontages shall comply with the front yard requirements of the district in which it is located.

6. Fire Escapes. Open fire escapes may extend into any required yard not more than six feet, provided, however, that such fire escape shall not be closer than four feet at any point to any lot line.

Section 6.50 Accessory Uses

Section 6.51 Accessory Buildings

Accessory buildings unattached to principal buildings shall be located no closer to the principal buildings, unless otherwise specified in this Ordinance, than twelve (12) feet or a distance equal to the height of the accessory building, whichever is greater. Any accessory building physically attached to a principal building, including attachment by means of a breezeway or a roofed passageway with open or latticed sides, is deemed to be part of such principal building in applying regulations.

Section 6.52 Location of Detached Accessory Buildings in Required Yard Area

An accessory building shall be permitted in any required rear yard if the aggregate ground covered, other than cornices and eaves, shall not exceed 15 percent of the rear yard area in any residential district, or 50 percent of the rear yard in any commercial or business district. No accessory building shall be located closer than ten (10) feet from any lot line.

On waterfront properties where the rear yard may be that portion nearest the street or highway, the design and location of any accessory building in the rear yard area must be such as to result in a minimum of detracting from the overall appearance of the property and its main building structure as viewed from the street or highway.

Section 6.60 Seasonal Dwelling Unit Conversions

Section 6.61 Occupancy Permits for Existing Units

The Zoning Officer shall compile a list of all seasonal dwelling units and shall issue as soon as reasonably feasible forthwith a certificate of occupancy for each seasonal dwelling unit stating that the building for which the certificate of occupancy is issued shall be used only on a seasonal basis from April 1 through November 30 in any year. No dwelling unit for which a seasonal occupancy permit has been issued shall be used for year-round occupancy except as otherwise provided herein.

Section 6.62 Occupancy Permits for Conversions to Year-Round Occupancy

All persons desiring to convert to year-round occupancy a seasonal dwelling for which a permit shall have been issued for seasonal occupancy shall apply to the Zoning Officer in accordance with Article VII of this Ordinance. It shall be the objective of the Zoning Officer to preserve the public health, safety, and welfare by preventing unsafe or unsanitary living conditions, overcrowding of families, and lack of privacy. The approval of any such application shall include appropriate conditions and safeguards in harmony with the general purpose and intent of this Ordinance. In particular, the Zoning Officer shall ensure that any existing on-lot sewage disposal system substantially complies with the provisions of Section 9.97 and if there is no evidence of any malfunctioning of the system, the Zoning Officer may, but need not, waive the one hundred (100) foot setback requirement of Section 9.97 (5) provided that a minimum fifty (50) foot setback is maintained.

Sections 6.70 Signs

Signs may be erected and maintained only when it complies with the following provisions: The sign owner if not the owner or occupier of the premises on which the sign is located shall be liable together with such owner or occupier for compliance with all provisions of this Ordinance relating to signs.

Section 6.71 Signs in Stream Conservation, All Land Conservation and All Residential Districts (SC, LC-W, LC-R, LC-A, RR, RL-5, RL-3, RL-2, RL-1, RM-1, RM-2, RM-3, and RMM)

The following types of on-premises non-illuminated, non-luminous, non-advertising signs are permitted in the SC, LC and all R Districts (but not in the Island Conservation District) as follows:

1. Nameplates of occupants of the premises not to exceed two (2) square feet in area.
2. Identification Signs of activities permitted to be carried out on the premises but not containing any advertising matter not to exceed eight (8) square feet in area.
3. Sale or Rent Signs not to exceed eight (8) square feet in area.
4. Temporary Development Signs used during construction, repairs or alterations not to exceed eight (8) square feet in area.
5. Number of Signs: Not more than one (1) of each of the above specific types of signs will be permitted on any given premises where the occupant resides or where the permitted activity is carried on.
6. Height: Not to exceed four (4) feet from the ground level to the bottom of the sign.
7. Directional signs not in excess of two (2) square feet in sign area nor more than four (4) feet from the ground level to the bottom of the sign and not in excess of four (4) such signs on such premises, confined to such directions as "Entrance," "Exit," "Office," "One Way," etc.
8. Free Standing: All Such signs shall be free-standing and not placed, painted or affixed to any building or structure.
9. On-Premises. All such signs shall be located on the premises of the occupants or where the activity permitted to be carried on is located and not in excess of two hundred (200) feet from the residence of such occupants or the location of such activity or the principal access point from a public highway thereto.

Section 6.72 Signs in Business District (HC-1 and 2 and GB) & Industrial District (M)

Business and Advertising signs are permitted in the Highway Commercial Districts, in the General Business District and in the Industrial District in accordance with the following regulations:

1. Location. All signs shall be located on the premises where the business activity advertised is actually carried on and not in excess of two hundred (200) feet from such business activity or the principal access point from any public highway to such activity.
2. Projection of Signs. No sign shall project more than three (3) feet from the main wall of a building nor shall any sign project into a public way.
3. Height of Signs. No signs shall be higher than twenty (20) feet from the ground level, nor shall any sign be located on the roof of any building so as to project above the roof line thereof.

4. Number of Signs. No more than two (2) signs shall be permitted at any one location. No filling station or public garage shall have more than one pole sign.

5. Size of Signs. Where one (1) sign only is erected it shall not exceed forty (40) square feet in sign area. Where two (2) signs are erected neither sign shall exceed thirty (30) square feet in sign area.

6. Shopping Centers: Not with standing the provisions of paragraph 4 of this Section 6.72 in the case of a shopping center or shopping mall with more than one store or shop under a common roof and/or utilizing common parking and other facilities there may be one free standing sign meeting the size, height and other requirements of Section 9.72 advertising the center itself, and one wall sign flush with the building face, not to exceed thirty (30) square feet in size, and otherwise meeting the requirements of Section 6.72 for each separate shop or store in the shopping center. All signs within a shopping center shall be designed, erected and maintained to achieve a uniformity of design, style and lighting and the shopping center as a whole by the person responsible for the development of the center, which when approved, shall be binding on all tenants, owners or occupiers of each shop or store within the center.

7. Lighting. Not with standing the provisions of Section 6.73, luminous signs, other than neon signs, are permitted in the GB, HC-1 and M Districts, provided not more than one sign is erected or maintained on any premises. Illuminated signs otherwise meeting the sign area, height, number and other provisions of this Ordinance are permitted in the GB, HC-1, HC-2 and M Districts.

8. In addition to the signs permitted by paragraphs (1) through (7) of this section, signs meeting the requirements of Section 6.71 are permitted in the GB, HC and M Districts.

Section 6.73 Mechanical, Luminous Signs and Other Restrictions

1. Mechanical and luminous signs, signs with moving parts and flashing signs shall not be permitted in any District; nor shall any sign employ any mirror or mirror-like surface nor any day-glowing other fluorescent paint or pigment; nor shall signs be permitted to be placed, painted or affixed to or on trees, rocks or other natural features or any vehicle parked or placed in a manner primarily intended to advertise or identify the business or activity in question.

2. Workmanship and Design. Each sign shall be constructed of durable materials in a safe, workmanlike manner and maintained at all times in good repair. In addition to such specified design standards as may be adopted by the Planning Board, the design of all signs shall be based on simple shapes, circles, ovals, rectangles or squares.

Section 6.74 Directional Signs

Off premises directional signs containing no advertising matter, not in excess of eight (8) square feet in area and not exceeding four (4) feet from ground level to the bottom of the sign are permitted in all Districts (other than the IC District) where a permit has been obtained from the Department of Environmental Conservation under the Adirondack Park Sign Law and pursuant to this Ordinance.

Section 6.75 Provisions for Nonconforming Signs

Not with standing any other provisions of this Ordinance, a sign which does not conform to the use regulations for the district in which it is situated shall be removed by the owner thereof at his own cost and expense, thirty (30) days following the expiry of either: twelve months from the effective date of this Ordinance or the date upon which such sign has been fully depreciated for income tax purposes of such owner following the effective date of this Ordinance, which shall not in any case be more than five years from the date such sign was first erected or substantially altered; whichever date shall last occur. No such sign owner may alter his depreciation basis following the effective date of this Ordinance so as to increase the permitted period of use of a non-conforming sign. Sign owners claiming the right to maintain a sign beyond twelve months from the effective date of this Ordinance shall file with the Zoning Officer appropriate proof of their depreciation basis for income tax purposes on or before said date. Failure to so file shall be deemed a waiver of such sign owner's right to maintain the sign beyond said date. In no event may any non-conforming sign be maintained more than five years from the effective date of this Ordinance.

Section 6.76 Abandoned or Illegal Signs

In the event that a business, company or advertiser who has erected or maintained a sign under the rules and regulations of this Ordinance, shall, for a period of one year become inactive, void, out of business, bankrupt or for any reason making it no longer useful and advantageous to continue to gain benefits from the existence of said advertising sign, then such sign shall be removed. Prior to removal of such sign, the owner thereof shall be given a thirty (30) day written notice at his last known address in which to remove the sign, thereby protecting the value of the sign for the owners benefit. If, at the end of the thirty (30) day notice period, the sign is not removed by the owner, it may be removed by the Town and discarded without liability being placed upon the municipality and/or its agents. The Town may, upon similar notice, also remove and discard without liability all signs erected or maintained in violation of this Ordinance.

Section 6.77 Requirements for Signs over 8 Square Feet

Any application for a building permit for a sign in excess of eight (8) square feet required to be made pursuant to Article IV shall be submitted to the Planning Board for its review pursuant to the standards in above Sections 6.71 through 6.74 and the following additional standards:

1. For signs located near traffic intersections the applicant must demonstrate that adequate sightlines are being maintained and that the view of public traffic signs is not obscured.
2. Signs shall not be located within 50 feet of a residential structure.
3. In no case shall a sign over eight square feet in area be located closer than 20 feet from a public right of way, or 30 feet from the edge of pavement of a public or private road.
4. Signs shall be designed to withstand inclement weather, and wind conditions up to 60 miles. per hour. Such signs shall not be permitted as

- swinging or pendant units or panels.
5. Sign materials and support shall be constructed of wood, brick, stone or other natural materials, or otherwise employ earthtones and textures.

Section 6.80 Off Street Parking Spaces

Section 6.81 General

For any permitted use of premises hereinafter established, parking spaces shall be provided and maintained off the street in accordance with the standards as specified in Schedule V of this Ordinance and below, any use already established shall conform to these standards to the extent that it conforms to the time of adoption of this regulation.

Sufficient parking space shall be provided in connection with any use not included in Schedule V so as to maintain the purposes and intent of this Ordinance, as set forth in Art. I.

Section 6.82 Combined Parking Lots

Each use requiring parking must have a separate total number of parking spaces for that use. Where separate parts of a building or structure are used for the purposes requiring different amounts of parking space, the number of spaces shall be determined by adding the number of spaces required for each type of use. Allowed, however, are combined parking lots for various uses, provided that the total number of parking spaces in any such combined parking lot shall be equal to the total mandatory parking spaces for all uses so combined, and provided that all other requirements herein contained shall be adhered to.

Section 6.83 Joint Use of Parking Areas

The owners of two or more separate premises may establish a joint parking area to provide the total number of required parking spaces.

Section 6.84 Parking Space Requirements Exceptions

Upon application for a special permit the Board of Appeals may allow different uses to combine their required parking spaces if it is shown to the satisfaction of the Board of Appeals that there will not normally be a conflict of times between the combining uses as to need for parking space. All other requirements as to parking space required shall be adhered to, and only the combining of the number of parking spaces shall be provided.

Section 6.85 Maintenance

Off-street parking areas shall be suitably improved (drained and graded) and maintained, so as not to cause any nuisance from excessive storm water, dust or erosion.

Section 6.86 Separation from a Public Street

Parking lots shall be separated from any public street by a curb, only on the same lot as the principal use.

Section 6.87 Parking in Residential District

Required parking space in residential districts shall be located only on the same lot as a principal use.

Section 6.88 Loading Spaces

For the nonresidential uses with a floor area of 2,500 square feet, to and including 25,000 square feet, one loading space shall be required. For each additional 25,000 square feet or fraction thereof, one additional space shall be required.

Section 6.89 Parking Area Requirements for Abutting Residential Zones

Where off-street parking or loading space is provided in accordance with the requirements of this Ordinance or otherwise, and such parking and loading space abuts or adjoins a residential zone, or is separated from a residential zone only by a street or alley or easement, and abuts, adjoins or is directly across the street from a residential district, said parking or loading space shall be effectively screened from the aforementioned residential zone by means of screen planting and/or fence. No parking shall be allowed within six feet of such screening. The screening shall be such as to effectively reduce the noise, light, dust or any nuisance incidental to such parking or loading use, consistent with the interest of safety and preservation of character of the residential neighborhoods. Such screening shall be at least four (4) feet high and not higher than six (6) feet. The parking areas shall be developed so that fixed lighting nor vehicular lights shine into adjacent residential or highway zones. Entrances and exits for off-street parking areas in zones other than residential or off-street parking accessory to other than residential uses, shall be located on or as close as possible to the streets in the district of which the parking is accessory, and in all cases so as to avoid putting traffic onto residential streets. The following are the off-street parking and loading standards and are applicable in all zoning districts.

Schedule for Parking Area Requirements

1. Churches, community buildings, or other places of public service or public assembly - one (1) for each four (4) seats.
2. One-family, two-families, detached and multiple dwellings. Two (2) for each dwelling unit.
3. Public schools and three (3) per classroom in a college or other educational facility of higher learning - one (1) per classroom in an elementary and junior high school and two (2) per classroom in a senior high school, plus spaces needed for auditorium or gymnasium (whichever has the larger capacity).
4. Customary home occupations - minimum of one (1) space plus one (1) for each employee.
5. Nursing homes - two (2) for each three (3) beds plus one (1) for each employee.

6. Tourist accommodations in motel and hotel - one (1) for each accommodation unit plus one (1) for each employee.
7. Restaurants - two (2) for each six (6) seats plus one (1) for each employee.
8. Offices - Business and Professional - one (1) for each 500 sq. feet of gross floor plus one (1) for each employee.
9. Retail stores and shops - one (1) for each 200 sq. feet of ground floor area of building and one (1) for each 400 sq. feet of upper floor area of building minimum of ten (10) spaces.
10. Public garages and filling stations - one (1) for each employee plus space for all vehicles used directly in the conduct of such business.
11. Membership clubs and permanent meeting places of veterans, business civic, fraternal, labor, and other similar organizations -one (1) for each one-hundred square feet (100) of gross floor area.
12. Dude ranches and camps - (2) for each (3) beds plus (1) for each employee.
13. Wholesale establishments - one (1) for each 300 square feet of gross floor area.
14. Industries - one (1) for each employee plus space for visitor parking.

Section 6.90 On-Lot Sewage Disposal Systems - Design and Operation

Deleted 12/99 and adopted NYS Dept. of Health regulations (Public Health Law, 201(1)(1), Appendix 75-A, Wastewater Treatment Standards - Individual Household Systems)

ARTICLE VII WETLANDS AND SHORELINE TREE CUTTING RESTRICTIONS

Section 7.10 Wetlands

In order to preserve the fish and wildlife, water quality and hydrological values of wetlands within the town there shall be no filling, dredging, excavation or other material disturbance of the natural topography of, or any construction to any permanent building other than docks, pump houses or boathouses, in any wetlands provided however that these restrictions shall not apply to:

1. any wetland less than one acre in size which does not have a free interchange of water with a lake, pond, river or permanent stream;
2. agricultural uses or forestry uses not involving the construction of any permanent building; (iii) to wetlands, if any, within the M, HC-1 or GB Districts. The Planning Board may, from time to time, delineate the wetlands in the town by using the APA wetlands map and determinations from APA and/or DEC or other appropriate means to facilitate enforcement of this Ordinance and as a convenience to landowners.

Section 7.20 Special Lakefront and Shoreline Regulations Tree Cutting Restrictions

In the case of the:

1. shorelines of all lakes and ponds,
2. the shoreline of the North Branch of the Bouquet River
3. the shoreline of the Main Stream and South Branch of the Bouquet River (other than those portions of such shoreline within the LC-R, LC-A and RR Districts) the removal of vegetation, including trees, shall be permitted on shorefront lots provided the following standards are met:

a. Within thirty-five (35) feet of the mean water mark no vegetation may be removed, except that up to a maximum of thirty percent of the trees in excess of six (6) inches diameter at the breast height existing at any time over any given 300 feet of shoreline may be cut over any ten-year period.

b. Within six (6) feet of the mean high water mark no vegetation may be removed, except that up to a maximum of thirty percent of the shorefront may be cleared of vegetation on any individual lot up to a maximum of 300 feet per lot. This provision shall be adhered to in addition to (a) above.

c. The above cutting standards shall not be deemed to prevent the removal of diseased vegetation or of rotten or damaged trees or of other vegetation that present safety or health hazards. Tree cutting in these portions of the shoreline of the main stream and South (main) Branch of the Bouquet River (and the North Branch if ever formally designated as a Recreational River in accordance with the Environmental Conservation Law) within the LC-R, LC-A and RR Districts shall be subject to restrictions set forth above and shall, in addition, be subject to the restrictions and standards of or the conditions on permit issued by the Agency relating to designated Recreational Rivers existing pursuant to the Environmental Conservation Law or the Rules and Regulations issued there under.

d. The depth of lots shall be no greater than four times the width of lots at roadsides

or shorelines.

ARTICLE VIII OPTIONAL CLUSTER DEVELOPMENT

Section 8.10 Optional Cluster Development

A. Authorization - The Town Board hereby authorizes the Planning Board, simultaneously with the approval of a plat or plats pursuant to this Article, to modify provisions of Article 4 of the Zoning Ordinance, including a lot area and lot width (overall densities and shoreline lot width shall not be varied) subject to the conditions hereinafter set forth and such other reasonable conditions as the Town Board may in its discretion add thereto.

B. Purpose - The purpose of the cluster provisions is to encourage flexibility in the design and development of land in order to promote its most environmentally sensitive use; to facilitate the adequate and economical provisions of streets and utilities; to preserve the natural and scenic qualities of open space; and to encourage compatibility with the goals and objectives of the Comprehensive Land Use Plan.

C. Objectives: In order to realize the purpose of this Section, a cluster design shall achieve the following objectives:

1. A development pattern, which preserves outstanding natural topography and geological features, scenic vistas and trees, and prevents the disruption of natural drainage patterns.
2. An efficient use of land resulting in smaller networks of utilities and streets.
3. A development pattern in harmony with the land use intensity, transportation facilities, and community facilities objectives of the Comprehensive Land Use Plan.

D. Application: If the owner makes written application for the use of this procedure, it may followed at the discretion of the Planning Board if, in said Board's judgment, its application would benefit the Town.

E. Must be Zoned Residential Only: This procedure shall be applicable only to lands zoned for residential purposes and its application shall result in a permitted number of dwelling units which shall in no case exceed the number which would be permitted, in the Planning Board's judgment, if the land were subdivided into lots conforming to the minimum lot size or lot width and density requirements of the Zoning Ordinance applicable to the district or districts in which such land is situated and confirming to all other applicable requirements.

Section 8.11 Conditions

This authorization is subject to conditions hereinafter set forth and such other reasonable conditions as the Town Board may in its discretion from time to time add thereof:

1. This authorization applies to all lands within the LC-W, LC-R, LC-A, RR, RL-5, RL-3, RL-2 and RM-3 Districts.
2. The minimum acreage to which this procedure shall be applicable shall be three

- (3) times the minimum lot size for the land use district involved.
3. The Planning Board action shall modify, change or supplement the provisions of this Ordinance and change the official zoning map for the land shown on the said plat, provided that such land so shown there shall not be greater average intensity of land use and development or lot coverage than is permitted in the land use district wherein such land lie, as shown on the official zoning map and provided further that:
 - (a) cases involving shoreline properties the lot width, side yard, building set back and shoreline vegetation cutting standards and other regulations applying to shoreline lots are complied with as a minimum, as are all applicable set back, design and installation requirements for on-site sewage disposal systems or pit privies in this Ordinance or any Sanitary Code hereafter enacted by the Town.
 - (b) cases involving lands in the RL-5, RR, LC-W, LC-R and LC-A districts, the minimum lot size and dimensional requirements which would be applicable if the land use and development or subdivision of land were located in the RL-3 district are complied with as a minimum.
 4. Such modification shall reasonably safeguard the appropriate use of adjoining land and be consistent with the purposes and intent of this Ordinance.
 5. The Planning Board shall hold a public hearing before making any such change in this Ordinance, preceded by notice in a newspaper of general circulation in the Town at least ten (10) days before such hearing.
 6. Upon filing of such plat with the County Clerk of such change in this Ordinance, a copy shall be filed with the Town Clerk and shall thereupon become part of this Ordinance, and shall be enforced in the same manner.
 7. In the case of residential plat or plats, the dwelling units permitted may be, at the discretion of the Planning Board in detached, semi-detached, attached, or multistory structures.
 8. The provisions of this section shall not be deemed to authorize a change in the permissible use of such lands as provided in this Ordinance.

Section 8.12 Preservation of Land for Park, Recreational and Open Space

In the event that the application of this procedure results in a plat showing lands available for park, recreation, open space, or other municipal purposes directly related to the plat, then the Planning Board, as a condition of plat approval, may establish such conditions on the ownership, use, and maintenance of such lands as it deems necessary to assure the preservation of such lands for their intended purposes.

Section 8.13 Preservation of Required Open Space or Restricted Intensity Development

In the event the application of this procedure results in a plat showing lands to be retained in open space or developed at a lower order of intensity in order to comply with the average intensity of development or lot coverage provision in the land use district involved, the Planning Board shall, as a condition of plat approval, require that such lands be restricted by deed restriction, restriction covenant, conveyance of a scenic easement or conservation restriction to the Town or the State of New York, agreement with the Town or other appropriate means against any other development inconsistent with their retention in

open space or with their restricted intensity of development.

ARTICLE IX JUNKYARD REGULATION

Section 9.10 Purposes

The purposes of this Article IX are to prohibit the unrestrained accumulation of junk, automobiles, and motor vehicles within the Town of Willsboro and to provide, under proper regulation and control, for the establishment and maintenance within the town of junkyards. The Town Board hereby declares that a clean wholesome, attractive environment is important to the health and safety of the inhabitants and the safeguarding of their material rights against unwarrantable invasion and, in addition, such an environment is deemed essential to the maintenance and continued development of the economy of the Town of Willsboro and the general welfare of its citizens. It is further declared that the unrestrained accumulation of junk, motor vehicles is a hazard to such health, safety and welfare of citizens of the town necessitating the regulation, restraint and elimination thereof. At the same time, it is recognized that the maintenance of junkyards as herein defined, is a useful and necessary business and ought to be encouraged when not in conflict with the express purposes of this ordinance.

Section 9.11 License Required

No person shall operate, establish or maintain a junkyard until s/he:
(1) has obtained a license to operate a junk yard business, and
(2) has obtained certification in writing from the Planning Board, that all applicable provisions of this Ordinance have been complied with by the applicant.

Section 9.12 Application for License

Application for the license shall be made in writing to the Town Board of the Town of Willsboro. The application shall contain a map and description of the land to be included within the junkyard and certification, in writing, from the Planning Board that all applicable provisions of this Ordinance have been complied with.

Section 9.12a Location Requirements

Junkyards are allowed under this Ordinance by Special Use Permit in the HC-1 District and by Special Use Permit in the M District. Applications for Special Use Permits shall be filed with the Zoning Officer who shall forward the application to the Planning Board for decision. A Special Permit may only be issued by the Zoning officer upon the order of the Planning Board and after notice, hearing and findings by the Planning Board as required by law and the provisions of this Ordinance.

Section 9.13 The License

The fee for the license, as fixed from time to time by the Town Board, and after authorization from the Zoning Officer shall be payable to the Town Clerk upon issuance and shall cover not only the cost of issuing the license but also the cost of making the necessary inspection of the premises to ascertain compliance with the specific regulations hereinafter prescribed. Such license shall be placed and at all times displayed in a conspicuous place at the licensee's place of activity or business for which it is issued.

Such license is personal with the licensee. It does not go with the title of the land nor may it be sold, assigned, transferred or disposed of.

Such license may be revoked by the Zoning Officer or by the direction of the Town Board on its own motion after a public hearing thereon at which the licensee shall have an opportunity to be heard. Upon revocation of a license, the Zoning Officer or the Town Board may require the removal of junk autos, parts and other remaining materials, within a reasonable period of time not to exceed six months, failing which the Town may, without further notice, enter upon the property and remove such autos, parts and other remaining materials without liability being on the Town or its Agents.

Section 9.14 Specific Regulations

1. The minimum land area for any junkyard shall be 40,000 square feet.
2. No junk yard shall be located within 500 feet of any residential building, or residential subdivision, public park, church, educational facility, nursing home or public building, lake, pond, marsh, swamp or other body of water.
3. The licensee must personally manage or be responsible for the management of the activity or business for which the license is granted
4. The licensee must erect and maintain an eight (8) foot high fence adequate to prohibit the entrance of children and others into the area of the activity or business and to contain within such fence the materials dealt with by the licensee. Such fence shall be erected not nearer than fifty feet from a public highway. All junk, motor vehicles and parts thereof stored or deposited by the applicant shall be kept within the enclosure of the junkyard except as removal shall be necessary for the transportation of same in reasonable course of the business. All wrecking or other work on such motor vehicles and parts and all other activity of same within the vicinity of the junkyard shall be accomplished within the enclosure. Where a junkyard is or would be visible from a public highway or from neighboring properties the fence shall be of wood or other materials sufficient to totally screen the junkyard from view. As an alternative the Planning Board may permit such screening by adequate planting of evergreen trees or shrubbery. The Planning Board may also waive the requirement of fencing where topography or other natural conditions effectively prohibit the entrance of children and others.
5. There shall be maintained by each such place adequate means of fire protection.
6. The licensee shall maintain at all times adequate facilities to prevent any pollution of surface waters from runoff or seepage.
7. During any time when the area is not supervised by the licensee or his employees, the fence shall be locked at a secure gate or any other entrance in a secure manner.
8. The area of the licensee's activity or business shall not be used as a dump area by the public except in connection with the periodic crushing and removal of autos or other materials from such yards in compliance with applicable New York State law regarding

outdoor burning.

9. The Zoning Officer shall be granted access to the area of the activity or business of the licensee at all reasonable hours to inspect the same for compliance herewith.

Section 9.15 Duration of License

The licensing period shall be annual and shall run from July 1 through June 30 of the year following the issuance of the license. If the Zoning Officer deems the junkyard in compliance with this ordinance said license shall be renewable annually upon payment of the annual licensing fee and without hearing on or before July 1 of each succeeding year.

Section 9.16 Existing Junkyards

1. License and Temporary License

A person presently engaged in or conducting an activity or business constituting junkyard as herein defined must apply for a license within ninety (90) days of the effective date of this Ordinance. If the place where s/he conducts such activity or business presently complies with the requirements of this Article IX and is permitted by Special Use in the HC-1 and in the M District of this Ordinance, and the Planning Board so certified in writing to the Zoning Officer, the Zoning Officer shall authorize the issuance of a license by the Town Clerk for such junkyard in accordance with the normal procedures as set forth above. If the place where s/he conducts such activity or business does not comply with the specific regulations of Section 9.14, the applicant may nevertheless be granted a temporary license for the same fee which shall expire twelve months following the effective date of this Ordinance, if s/he otherwise complies with the provisions of this Article IX. During the period of time between the issuance of a temporary license and the end of such twelve-month period the temporary licensee shall cause his/her premises to comply with the specific regulations of Section 9.14 but s/he need not comply with the buildings, public parks, etc. as required by Section 9.14 (1) and (2) if it would not be reasonably feasible for him/her to do so. No permanent license shall be issued by the Zoning Officer after the end of such twelve-month period to any holder of a temporary license unless the Zoning Officer has certified in writing that the requirements of this Section 9.16 have been complied with.

2. Effect of Temporary License or Licensee on Non-Conformity

The fact that an existing junkyard is granted a temporary license or a regular license under this Article shall not be deemed to make such a land use a special use in any land use district unless a junkyard is already a special use, under the schedules pertaining to such land use district, and the provisions of this Ordinance relating to non-conforming uses (Sections 3.40 through 3.46 shall otherwise apply to such junkyard, save that the temporary license or regular license shall be deemed the equivalent of Certificate of Occupancy-Non-Conforming Use.)

3. Violation of Article IX and Offense: Penalties Therefore.

In addition, in the case of a landowner who, following the effective date of this Ordinance engages in or conducts any activity creating a junkyard, where no auto

junkyard existed on the effective date of this Ordinance, the Town may, after thirty (30) days written notice, enter upon this property and remove the junk or other materials constituting such junkyard without liability being placed on the Town or its agents.

- a) The owner or licensee of any such junkyard who commits or permits any acts in violation of any of the provisions of this ordinance shall be deemed to have committed an offense against such ordinance, and also shall be liable for any such violation or the penalty therefore. Each day such violation shall continue or be permitted to exist shall constitute a separate violation.
- b) For every violation of any provision of this ordinance the person violating the same shall be subject to a fine of not less than (\$100) one-hundred dollars, and not more than \$1,000 (one-thousand dollars) or imprisonment, not exceeding thirty days or by both such fine and imprisonment.
- c) Any person violating Article IX shall be subject to a penalty enforceable and collectable by the Town in the amount of not less than (\$100) one-hundred dollars, and not more than (\$1,000) one-thousand dollars for each such offense. Such penalty shall be collectable by and in the name of the Town of Willsboro, by the Town Clerk for each day that such violation shall continue.
- d) In addition to the above-provided penalties and punishment, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of such ordinance.

ARTICLE X FLOOD HAZARD AREA DISTRICT

Designation

Section 10.10 Boundaries and Purposes

There is hereby created a special Flood Hazard Area District, which shall include the special flood hazard areas delineated as Zone A on the Flood Hazard Area Map for the Town prepared for the Federal Insurance Administration. The FIA Map shall be deemed incorporated into and made a part of the Zoning Map. The Flood Hazard District shall also include any lands lying along Lake Champlain, which fall below 103 feet above mean sea level whether or not shown on the FIA Map. The purpose of the Flood Hazard Area District shall be to protect the health, safety and welfare of the inhabitants of the Town of Willsboro from hazards due to periodic flooding, involving the protection of property and persons, the preservation of water quality, the avoidance of erosion and siltation, and the preservation of fish and wildlife habitat. The Flood Hazard District shall be in addition not in derogation from the provisions of the Stream Conservation District and Section 7.10 regarding wetlands protection and in case of conflict among these provisions the more restrictive shall apply.

Section 10.11 Definitions Applicable to this Article

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, river, lakes or other inland waters beyond their normal banks whether due to precipitation, hurricanes, storms or other factors beyond human control, including without limitation, inundation resulting from seasonal high waters on Lake Champlain.

"Flood proofing" means any combination of structural and non-structural additions, changes or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, buildings and structures and the contents thereof.

"Flood protection elevation" means any elevation of one (1) foot higher than the one hundred year flood elevation.

Section 10.12 Flood Hazard Map

"Flood Hazard Area Map or FIA Map" means the flood hazard area map for the town be prepared for the Federal Insurance Administration and any successor map thereto, as from time to time approved by the Town Board and said Administration.

Special Regulations Applicable for Those Portions of the Flood Hazard District Lying Outside the GB and M Land Use Districts, and the Downstream Portion of the RM District.

No building or structures of any kind other than docks, boathouses, or pump houses shall be allowed to be constructed within these portions of the Flood Hazard District lying outside the GB and M land use Districts and outside the portion of the RM District downstream from the Route 22 bridge over the Bouquet River. Except for the construction

of permitted buildings or structures there shall be no filling, dredging, excavation or other material disturbance of the natural topography.

Section 10.13 Special Provisions within GB, M & RM Districts

Special Provisions for Those Portions of the Flood Hazard District Lying Within the GB and M Land Use Districts and the Downstream Portion of the RM Districts.

Within those portions of the Flood Hazard District lying within the GB and M Districts and the portion of the RM District downstream from the Route 22 bridge along the Bouquet River in the center of the hamlet of Willsboro any construction of (a) any residential building of whatsoever character, whether permanent or seasonal; (b) any other type of building irrespective of size containing indoor plumbing and/or sleeping facilities or (c) any other building or structure in excess of two hundred fifty (250) square feet in floor area (or such lesser size as may be specified by the Town Board to comply with Federal Insurance Administration requirements) including improvements to pre-existing such buildings or structures constituting more than 50% of the equalized assessed value, or any subdivision shall be subject to the following standards:

- a. Sites must be reasonably safe from flooding.
- b. Buildings or Structures shall be anchored to prevent floatation, collapse, or lateral movement.
- c. Construction materials and utility equipment shall be used that are resistant to flood damage.
- d. Construction methods and practices shall be used that will minimize flood damage.
- e. New or replacement water supply systems and sewage disposal systems shall be designed and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- f. On-lot sewage disposal systems shall be located so to avoid impairment of them or contamination from them during flooding.
- g. Subdivisions must be consistent with the need to minimize flood damage.
- h. Public utilities and facilities installed for subdivisions such as sewer, gas, electrical, and water systems, must be located and constructed to minimize or eliminate flood damage.
- i. Adequate drainage must be provided for subdivisions so as to reduce exposure to flood hazards.
- j. All residential buildings or structures shall have the lowest floor (including basements, unless otherwise excepted by variance) elevated to or above the flood protection elevation. Basements excepted by variance shall be flood proofed to or above the flood protection elevation accordance with the standards specified in clause (k) below.
- k. Non-residential buildings and structures shall have the lowest floor (including basement) elevated to or above the floor protection elevation, together with attendant utility and sanitary facilities, or shall be flood proofed to or above the flood protection elevation in accordance with the standards for completely flood proofed structured contained within Sections 210.2.1 FP1 or 210.2.2 FP2 of the U.S. Army Corps of Engineers Publication "Flood-Proofing Regulations," June 1972,GPO: 19730-505-026 Edition or any subsequent edition thereof.
- l. Where flood-proofing is utilized for basements below the flood protection elevation of residential structures or for non-residential structures below the flood protection

elevation, a registered professional engineer or architect shall certify that the flood proofing measures are reasonably adequate to withstand the flood depths, pressures, velocities, impact and uplift forces associated with the 100-year flood. The Land Use Officer shall keep and record such certificates.

Section 10.14 Special Flood Hazard District Permits

A special Flood Hazard District permit shall be required from the Zoning Officer with respect to the construction of any building or structures or the improvement to pre-existing such buildings or structures to the extent of more than 50% of the equalized assessed value which is:

- a. a residential building or structure, of whatsoever character whether a seasonal or permanent, or sleeping facilities,
- b. any other type of building irrespective of size, containing indoor plumbing and/or sleeping facilities,
- c. a non-residential building or structure in excess of 250 square feet in floor area (or such lesser size as may be specified by the Town Board as provided above).

Such a permit shall also be required for any subdivision of land within the Flood Hazard District. Such special permit shall not be issued until the Zoning Officer is satisfied that the provisions of this Article have been complied with and that an engineer's or architect's certificate as herein required has, where necessary, been obtained to the effect that the flood proofing measures to be employed for any buildings or structures are reasonably adequate to withstand the flood depths, pressures, velocities, impact and forces associated with the 100-year flood and otherwise comply with this Article.

Section 10.15 Additional Information, Recording of Data

The Zoning Officer may request the submission of such additional information as may be reasonably appropriate to permit him to determine whether or not the provisions of this Article can be complied with. In connection with any permit issued for a new building or structure or substantial improvement to an existing building or structure within the Flood Hazard district, the Zoning Officer shall note and record the elevation (in relation to mean sea level) of the structure and, where the lowest floor is below grade on one or more sides, the elevations of the floor immediately above.

Section 10.16 Variance

The Zoning Board of Appeals may grant a variance from the strict application of the provisions of this Article X in accordance with provisions of Article IV hereof, provided that the following special criteria are also met:

- a. Variances may be permitted for new structures to be erected on a lot of one-half acre or less in size, contiguous structures constructed below the flood protection elevation; or for a structure listed on the National Register of Historic Places or on a state inventory of historic places to be restored or reconstructed.
- b. In all circumstances, variances may only be issued upon: a showing of good and sufficient cause; a determination that failure to grant the variance would result in exceptional hardship to the applicant; a determination that the variance will not result in increased flood heights, additional threats to public safety, extraordinary public

expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.

- c. As a condition of the granting of a variance from the provisions of this Article, the applicant shall execute and record in the County Clerks office a declaration that the property in question is located in a flood-prone area. Such declaration shall state the number of feet that the lowest non-flood proofed floor of the proposed structure is below the 100-year flood level and that actuarial flood insurance rates increase as the first floor elevation decreases.
- d. Upon the granting by the Zoning Board of Appeals, of a variance from the provisions of this Article, The Zoning Officer shall notify the Federal Insurance Administrator and the New York State Department of Environmental Conservation.

Section 10.17 Effective Date

This Article shall become effective upon the final approval of the FIA Map by the Town Board.

ARTICLE XI PROCEDURES FOR REVIEW OF CLASS A AND CLASS B REGIONAL PROJECTS

Section 11.10 Purposes of this Article

The purpose of this article is to further the general purposes, policies and objectives of this Ordinance and the Adirondack Park Agency Act by establishing requirements and administrative procedures for the review of Class B regional projects by the Planning Board, and by setting forth the criteria for review of Class A regional projects by the Planning Board and the Adirondack Park Agency.

Section 11.20 Applicability of this Article

1. No person shall undertake a permitted principal or accessory use, use authorized by special permit, non-permitted use for which a variance has been granted pursuant to Article IV of this Ordinance, which use is also a Class B regional project, or any other land use and development which is a Class B regional project, unless and until the Planning Board shall have reviewed and approved or approved subject to Board conditions, such project, and the Zoning Officer has issued a permit with respect thereto pursuant to the terms of Article IV.
2. No person shall undertake a Class A regional project unless and until the Agency shall have reviewed and approved, or approved subject to conditions, such project, and has issued as Agency permit with respect thereto pursuant to the terms of the Adirondack Park Agency Act, to pertinent Agency rules and regulations, and pursuant to the provision of this Ordinance.
3. No person shall undertake a Class A regional project over which the Planning Board elects to assert independent review jurisdiction pursuant to Section 11.53 (4) hereof unless and until the Planning Board shall have reviewed and approved or approved subject to conditions such project and the Zoning Officer has issued a permit with respect thereto pursuant to the terms of Article VII.

Section 11.30 Authorization to Approve and Disapprove Class B Regional Projects

1. The Planning Board is hereby authorized to approve, approve subject to conditions, and disapprove all Class B regional projects proposed to be located within the territory of the Town of Willsboro pursuant and in accordance with the requirements and procedures set forth in this Article XIV.
2. If a Class B regional project is also a Class A regional project or Class A subdivision, the project will be deemed to be a Class A regional project or Class A subdivision in its entirety and subject to the review authority of the Adirondack Park Agency and the Planning Board as herein provided.

Section 11.51 Procedure for Review & Decision Regarding Class B Regional Projects

1. Not later than ten (10) days following the receipt of a complete application for a Class B regional project, the Zoning Officer shall notify the Adirondack Park Agency of such receipt and shall furnish to the Agency a copy of the project application and such further pertinent information as the Agency may deem necessary, and shall afford the Agency body the opportunity to comment on.

2. Not later than thirty (30) days following receipt by the Zoning Officer of a complete application for a Class B regional project, the Planning Board shall review the said application and shall determine in its discretion whether a public hearing shall be held in regard thereto. In the exercise of its discretion, the Planning Board shall be guided by the expected level of public interest in the project, the relative size and significance of the project, and the possibility of an eventual disapproval. No Class B regional project may be disapproved unless a hearing shall have first been held on the project application. The Planning Board shall hold a hearing in the event that the Class B regional project involves a special use for which a hearing would otherwise be required under Article V hereof or where the Town Board or the Adirondack Park Agency shall request that a hearing be held. If a public hearing is held, the hearing shall be scheduled for a date not less than fifteen (15) days thereafter. The Planning Board shall give public notice of the date, time and place of the hearing as provided by Article XVI of the Town Law, and shall also mail a copy of the public notice to the Adirondack Park Agency and the Zoning Board of Appeals. The Adirondack Park Agency shall be a full party in interest with standing to participate in any and all proceedings conducted pursuant to this Section.
3. If the Planning Board determines that a public hearing shall not be held, than not later than sixty (60) days following receipt by the Zoning Officer of the complete application, the Planning Board shall approve the project or approve it subject to conditions.
4. If that Planning Board holds a public hearing pursuant to paragraph (2) of this Section, then not later than thirty (30) days after the completion of said hearing the Planning Board shall approve, approve subject to conditions, or disapprove the project.
5. Every Class B regional project decision rendered by the Planning Board shall be in writing, and shall contain such findings of fact as are required by Section 11.50 hereof. The Planning Board in conjunction with its approval of any Class B regional project, 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 covenant or other similar appropriate means to insure that provisions as to intensity of development as provides in this Ordinance shall be respected, and the imposition of reasonable conditions to insure that the project will be adequately supported by services and improvements made necessary by the project and to insure that the project will be completed in accordance with the terms of the application and any permit, and including, without limitation, the requirements and conditions authorized under Section 14.20 of this Ordinance.

In addition, the Planning Board may require that the Zoning Officer incorporate any such requirements and conditions in any permit issued with regard to such Class B regional project.

Section 11.52 Criteria for Review of Class A Regional Projects
by the Adirondack Park Agency

1. The Adirondack Park Agency shall have jurisdiction to review and approve, approve subject to conditions and disapprove all Class A regional projects proposed to be located within the territory of the Town of Willsboro pursuant to and in accordance

with Section 809 (9) of the Adirondack Park Agency Act, the applicable Agency rules and regulations, and the criteria hereinafter set forth.

2. The Adirondack Park Agency shall not approve a Class A regional project unless it first determines, after consultation with the Planning Board and receipt of the advisory recommendations of the Planning Board relative to the project, that the project would comply with all provisions of this Ordinance and of such other Ordinances and regulations as shall be components of the Town land use program. The Agency shall hold a public hearing on any Class A regional project in accordance with its established procedures in the event a hearing is requested by the Town Board or Planning Board.
3. In making the determination required by Section 809 (9) of the Adirondack Park Agency Act as to the impact of a proposed Class A regional project upon the resources of the Adirondack Park including the ability of all levels of the government to provide supporting facilities and services made necessary by the project, the Agency shall consider those factors pertinent to the project contained in the development considerations set forth in Appendix B hereof, and in so doing, shall make a net overall evaluation of the project in relation to the development objectives and general guidelines set forth in Section 11.60 of this Article.

Section 11.53 Planning Board Authority and Related Procedures
Regarding Class A Regional Projects

1. The Planning Board is hereby designated and appointed as the appropriate Town body to consult with the Adirondack Park Agency with regard to Agency review of Class A regional projects.
2. As soon as reasonably practicable following receipt by the Planning Board from the Adirondack Park Agency of notice of application completion with regard to the Class A regional project, the Planning Board or one or more designees thereof shall consult with the Agency for the purpose of analyzing the project application and formulating advisory recommendations as to whether the project meets all of the pertinent requirements and conditions of the Town land use program.
3. Not later than thirty (30) days following receipt by the Planning Board from the Agency of notice of application completion with regard to a Class A regional project, the Planning Board shall, by certified mail, provide to the Agency its advisory recommendations as to whether the project meets all of the pertinent requirements and conditions of this Ordinance and any other components of the Town land use program.
4. The Planning Board may, if it elects within 10 days of the receipt of a completed application, assert jurisdiction over any Class A regional project independently from its advisory role with the Agency. In so doing the Planning Board may approve, subject to conditions, or disapprove any such project following the procedures and criteria, which would otherwise be applicable were the project a Class B regional project. No such project may be undertaken, irrespective of any permit issued by the Agency unless and until the Planning Board approves such project and an appropriate permit is issued by the Zoning Officer.
5. Where the Zoning Officer receives an application for a permitted principal use, accessory use or special use involving a Class A regional project, he shall immediately refer the application to the Adirondack Park Agency and notify the Planning Board. Where any such use involves a variance, the Zoning Officer shall refer the applicant

to the Zoning Board of Appeals and notify the Planning Board and Agency. No Building Permit for any Class A regional projects shall be issued by the Zoning Officer until he is (1) in receipt of a permit from the Agency approving subject to conditions the Class A regional project or (2) he is directed to issue a Building Permit with or without conditions by the Planning Board Pursuant to the exercise of its jurisdiction in paragraph 4 of this Section 11.53 and (3) where a variance is involved, such variance has been approved or approved subject to conditions by the Zoning Board of Appeals. In any case, the requisite Agency approval must be obtained in addition to Town approval before the project may be undertaken.

Section 11.60 Development Objectives for Use in Regional Project Review

The principal natural and public resource aspects of a project site to be considered in connection with the determination required by Section 11.40 (2) and referred to in Section 11.52 (3) hereof, together with representative means for avoiding undue adverse in thereupon are located and hereby made a part of this Ordinance in Appendix C.

Section 11.70 Sequence of Applications for Class A or Class B Regional Projects Involving a Variance

In the case of applications involving a variance pertaining to a Class A or Class B regional project the applicant shall normally pursue his variance request to the Zoning Board of Appeals prior to processing his project application with the Adirondack Park Agency or the Planning Board. However, in appropriate cases, the Zoning Board of Appeals, the Planning Board and the Agency, as the case may be, may adopt procedures for the simultaneous processing of the variance applications and project applications or for joint hearings on such variances and projects.

Section 11.80 Savings Provisions Regarding Allowable Uses

Nothing in this Article XI nor in the lists of Class A or Class B regional projects attached to Appendix A shall be deemed to authorize any land use and development which is not otherwise allowable as a permitted principal use, permitted accessory use or special use for the land use district in question under the applicable provisions of this Ordinance and Schedule II hereto.

ARTICLE XII AMENDMENTS

Section 12.10 Procedures and Amendments and Referrals

The Town Board may from time to time on its own motion, or on petition, or on recommendation of the Planning Board, amend, supplement, or repeal the regulations and provisions of this Ordinance after public notice and hearing.

Every such proposed amendment or change whether initiated by the Town Board or petition, shall be referred to the Planning Board for report thereon before the public hearing hereinafter provided for. The Town Board by resolution adopted at a stated meeting shall fix the time and place of a public hearing on the proposed amendments and cause notice to be given as follows:

1. By publishing at least ten days in advance, the time and place of such hearing in the official newspaper of the Town of Willsboro.
2. A written notice of any proposed change or amendment affecting property within 500 feet of the boundaries of any state land, state park or parkway shall be given to the Department of Environmental Conservation and the Adirondack Park Agency or such other State Park Commission having jurisdiction over such state land, state park or parkway at least ten days prior to the date of such public hearing.
3. A written notice of any proposed change or amendment affecting property within 500 feet of the boundaries of any village, town or county land, shall be given to the clerk of such municipality and to the clerk of the Board of Supervisors at least ten days prior to the date of such hearing.
4. In case, however, of a protest against such change, signed by the owners of twenty percent or more of the area of land included in such proposed changes or of that immediately adjacent extending 100 feet from the street frontage of such opposite land, such amendment shall not become effective except by the favorable vote of at least three-fourths of the members of the Town Board.
5. Any proposed amendment affecting real property within five hundred (500) feet of the boundary of the Town of Willsboro from the boundary of any existing or proposed county or state park or other recreational area, or from the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway or from the existing proposed right-of-way of any stream, or drainage channel owned by the county or for which the county has established channel lines, or from the existing or proposed boundary of any county or state owned land on which a public building or institution is situated shall be referred to the Essex County Planning Board in accordance with the policies and procedures in Section 239 of the General Municipal Law. The term "proposed" shall be deemed to include only those recreational areas, parkways, thruways, expressways, roads or highways, which are shown on a County Plan of the Essex County Planning Board.

If the Essex County Planning Board fails to report within thirty (30) days after receipt of a full statement of such referred material, the Town Board may act without such report. If the Essex County Planning Board disapproves the proposal or recommends modifications thereof and after the adoption of a resolution setting forth the reason for the contrary action.

6. At such time as this Ordinance is approved by the Adirondack Park Agency pursuant to the provisions of Section 807 of the Adirondack Park Agency Act as part of an approved local land use program, all amendments thereof shall be referred to the Agency and shall not take effect until:
 - a) the Agency determines that such amendments do relate to the criteria for approval of a local land use program pursuant to said Section 807;
 - b) the Agency determines that such amendments do relate to the criteria for approval of a local land use program pursuant to said Section 807 and further determines that such amendments are approved thereunder; or
 - c) a period of ninety (90) days has elapsed following referral and the Agency has taken no action thereon, provided that in the event the Agency determines that the amendments are not approvable under said Section 807, they may nevertheless be enacted by the Town Board though such enactment may result in the revocation of the approval of this Ordinance as part of an approved local land use program.

Section 12.11 Changes in Fees

The fees required by the Ordinance maybe changed from time to time by appropriate action of the Town Board without need for public notice, hearing and referrals required for amendments to this Ordinance. The fees from time to time in effect shall be duly filed with the Town Clerk, the Zoning Officer, the Zoning Board of Appeals and the Planning Board.

Section 12.12 Conflict of Interest

No member of the Town Board shall participate in any decision of the Town Board pertaining to any amendment of this Ordinance or be counted for the purpose of determining the existence of a quorum where he has property, business interest, whether arising out of the ownership of real property, business interests or otherwise. Each member of the Town Board shall file with the Town Clerk and with the Town Board a statement of his real property holdings and other business or personal interests, which might give rise to a conflict of interest. Such statements shall be available for public inspection at all reasonable times

ARTICLE XIII SEPARABILITY AND EFFECTIVE DATE

Section 13.10 Separability Clause

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

Section 13.20 Effective Date

This Ordinance or any amendment thereof shall take effect ten (10) days after its publication or publication of an abstract or summary thereof as required by law, save that (i) it shall take effect as against any landowner as required by law; and (ii) Article VIII shall take effect upon the effective date of duly adopted Subdivision Regulations governing the subdivision of land within the Town of Willsboro.

APPENDIX A

CLASS A REGIONAL PROJECTS

This appendix lists Class A regional projects for review by the Adirondack Park Agency under Section 809 of the Adirondack Park Agency Act. This list does not include, however, the various types of subdivisions classified as Class A regional projects by the Act those subdivisions are reviewed as Class A Regional Subdivisions under the Town subdivision regulations.

The land use areas (Hamlet, Moderate Intensity, Low Intensity, Rural Use and Recourse Management are those reflected in the Official Adirondack Park Land Use and Development Plan Map for the Town of Willsboro)

A. Hamlet Areas

1. All land uses and development, except subdivisions of land, involving wetlands.
2. All land uses and development, except subdivisions of land, involving one hundred or more residential units, whether designed for permanent, seasonal or transient use.
3. All structures in excess in excess of forty feet in height, except agricultural use structures and residential radio and television antennas.
4. Commercial or private airports.
5. Watershed management and flood control projects.
6. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

B. Moderate Use Intensity Areas

1. All land uses and development, except subdivision of land, located in the following critical environmental areas:
 - a. within one-quarter mile of the North Branch of the Bouquet River so long as such Branch is designated to be studied as a wild, scenic or recreational river in accordance with the Environmental Conservation Law;
 - b. involving wetlands; Provided, however, that the above shall not include forestry uses (other than clear-cutting as specified in number eight below), agricultural uses, open space recreation uses, public utility uses, and accessory uses or structures (other than utility uses, and accessory uses or structures (other than signs) to any such use or to any pre-existing use.
2. All land uses and development, except subdivisions of land, involving seventy-five or more residential units, whether designed for permanent, seasonal or transient use.
3. Commercial or agricultural service uses involving ten thousand or more square feet of floor space.
4. All structures in excess of forty feet in height, except agricultural use structures and residential radio and television antennas.
5. Tourist attractions.
6. Ski centers.
7. Commercial or private airports.
8. Timber harvesting that includes a proposed clear cutting of any single unit of land

- of more than twenty-five acres.
- 9. Sawmills, chipping mills, pallet mills and similar wood using facilities.
- 10. Mineral extractions.
- 11. Mineral extraction structures.
- 12. Watershed management and flood control projects.
- 13. Sewage treatment plants.
- 14. Major public utility uses.
- 15. Industrial uses.
- 16. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

C. Low Intensity Use Areas

- 1. All land uses and development, except subdivision of land, located in the following critical environmental areas:
 - a. within one-quarter mile of the North Branch of the Bouquet River so long as such Branch is designated to be studied as a wild, scenic or recreational river in accordance with the Environmental Conservation Law;
 - b. involving wetlands; Provided, however, that the above shall not include forestry uses (other than clear-cutting as specified in number eight below), agricultural uses, open space recreation uses, public utility uses, and accessory uses or structures (other than signs) to any such use or to any pre-existing use.
- 2. All land uses and development, except subdivisions of land, involving thirty-five or more residential units, whether designed for permanent, seasonal or transient use.
- 3. Commercial or agricultural service uses involving five thousand or more structures and residential radio and television antennas.
- 4. All structures in excess of forty feet in height, except agricultural use structures and residential radio and television antennas.
- 5. Tourist attractions.
- 6. Ski centers.
- 7. Commercial or private airports.
- 8. Timber harvesting that includes a proposed clear-cutting of any single unit land of more than twenty-five acres.
- 9. Sawmills, chipping mills, pallet mills and similar wood-using facilities.
- 10. Mineral extractions.
- 11. Mineral extraction structures.
- 12. Watershed management and flood control projects.
- 13. Sewage treatment plants.
- 14. Waste disposal areas.
- 15. Junkyards.
- 16. Major public utility uses.
- 17. Industrial uses.
- 18. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such

structure.

D. Rural Use Areas

1. All land uses and development, except subdivision of land, located in the following critical environmental areas:
 - a. within one-quarter mile of the North Branch of the Bouquet River so long as a wild, scenic or recreational river in accordance with the Environmental Conservation Law;
 - b. involving wetlands; within one hundred fifty feet of the edge of the right of way of federal or state highways, or county highways designated by the Agency or the Town pursuant to Section 8.10 (1) (d) (1) of the APA act, except for an individual single family dwelling and accessory uses or structures thereof; provided, however, that the above shall not include forestry uses (other than clear-cutting as specified in number nine below and sand and gravel pits associated with such uses located within one hundred fifty feet of the edge of the right of way of the above described travel corridors) agricultural uses (other than sand and gravel pits associated with such uses located within one hundred fifty feet of the edge of the right of way of the above described travel corridors) open space recreation uses, and accessory uses or structures (other than signs) to any such uses or to any pre-existing use.
2. All land uses and development, except subdivisions of land, involving twenty or more residential units, whether designed for permanent, seasonal or transient use.
3. Commercial and agricultural service uses involving twenty-five hundred or more square feet of floor space.
4. All structures in excess of forty feet in height, except agricultural use structures and residential radio and television antennas.
5. Tourist attractions.
6. Ski centers.
7. Commercial seaplane bases.
8. Commercial or private airports.
9. Timber harvesting that includes a proposed clear-cutting of any single unit of land or more than twenty-five acres.
10. Sawmills, chipping mills, pallet mills and similar wood-using facilities.
11. Mineral extractions.
12. Mineral extraction structures.
13. Watershed treatment plants.
14. Sewage treatment plants.
15. Waste disposal areas.
16. Junkyards.
17. Major public utility uses.
18. Industrial use.
19. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent of the square footage of such structure.

E. Resource Management Areas

1. All land uses and development, except subdivision of land, located in the following critical environmental areas:
 - a. within one-quarter mile of the North Branch of the Bouquet River so long as such Branch is designated to be studied as a wild, scenic or recreational river in accordance with the Environmental Conservation Law;
 - b. involving wetlands;
 - c. within three hundred feet of the edge of the right of way of federal or state highways, or county highways designated by the Agency or the Town pursuant to Section 8.10 (1) (e) (1) of the APA Act, except for an individual single family dwelling and accessory uses or structures thereof; provided, however, that the above shall not include forestry uses (other than clear-cutting as specified in number nine below and sand and gravel pits associated with such uses located within three hundred feet of the edge of the right of way of the above described travel corridors), open space recreational uses, public utility uses, and accessory uses or structures (other than signs) to any such uses or to any pre-existing use.
2. Campgrounds involving fifty or more sites.
3. Group camps.
4. Ski centers and related tourist accommodations.
5. Agricultural service uses.
6. All structures in excess of forty feet in height, except agricultural use structures and residential radio and television antennas.
7. Sawmills, chipping mills and pallet mills and similar wood using facilities.
8. Commercial sand and gravel extractions.
9. Timber harvesting that includes a proposed clear-cutting of any single unit of land of more than twenty-five acres.
10. Mineral extractions.
11. Mineral extraction structures.
12. Watershed management plants.
13. Sewage treatment plants.
14. Major public utility uses.
15. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

F. Industrial Use Areas

1. Mineral extractions.
2. Mineral extraction structures.
3. Commercial sand and gravel extractions.
4. Major public utility uses.
5. Sewage treatment plants.
6. Waste disposal areas.
7. Junkyards.
8. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

CLASS B REGIONAL PROJECTS

This appendix lists Class B regional projects for review by the Planning Board under this Ordinance. This list does not include, however, the various types of subdivisions classified as Class B regional projects by the Adirondack Park Agency Act. Those subdivisions are reviewed as Class B Regional Subdivisions under the Town subdivision regulations.

A. Moderate Intensity Use Areas

1. Multiple family dwellings.
2. Mobile home courts.
3. Public and semi-public buildings.
4. Municipal roads.
5. Commercial or agricultural service uses involving less than ten thousand square feet of floor space.
6. Tourist accommodations.
7. Marinas, boatyards and boat launching sites.
8. Golf courses.
9. Campgrounds.
10. Group camps.
11. Commercial seaplane bases.
12. Commercial sand and gravel extractions.
13. Land use or development, except subdivisions of land, involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided for in the shoreline restrictions.
14. Any land use or development not now or hereafter included on either the list of primary uses or the list of secondary uses for moderate intensity use areas as set forth in the APA Act.
15. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

B. Low Intensity Use Areas

1. Multiple family dwellings.
2. Mobile home courts.
3. Public and semi-public buildings.
4. Municipal roads.
5. Commercial or agricultural service uses involving less than five hundred square feet of floor space.
6. Tourist accommodations.
7. Marinas, boatyards and boat launching sites.
8. Golf courses.
9. Campgrounds.
10. Group camps.
11. Commercial seaplane bases.

12. Commercial sand and gravel extractions.
13. Land use or development, except subdivision of land, involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per liner mile or proportionate fraction thereof, as provided for in the shoreline restrictions of the APA Act.
14. Any land use or development not now or hereafter included on either the list or primary uses or the list of secondary uses for the low intensity use areas as set forth in the APA Act.
15. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

C. Rural Use Areas

1. Multiple family dwellings.
2. Mobile home courts.
3. Public and semi-public buildings.
4. Municipal roads.
5. Marinas, boatyards and boat launching sites.
6. Golf courses.
7. Campgrounds.
8. Group camps.
9. Commercial sand and gravel extractions.
10. Land use or development, except subdivisions of land, involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided for in the shoreline restrictions of the APA Act.
11. Any land use or development not now or hereafter included on either the list of primary uses or the list of secondary uses for rural use areas as set forth in the APA Act.
12. Commercial and agricultural service uses involving less than twenty-five hundred square feet.
13. An individual single family dwelling within one hundred fifty feet of a travel corridor described in paragraph (d), subparagraph (1) of Appendix A.
14. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

D. Resource Management Areas

1. Single family dwellings.
2. Individual mobile homes.
3. Forestry use structures.
4. Hunting and fishing cabins and hunting and fishing and other private club structures involving five hundred or more square feet of floor space.
5. Land use or development, except subdivision of land, involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof as provided in the shoreline restrictions of the APA Act.

6. Any land use or development not now or hereafter included on either the list of primary uses or the list of secondary uses for resource management areas as set forth in the APA Act.
7. Municipal roads.
8. Golf courses.
9. An individual single family dwelling within three hundred feet of a travel corridor described in paragraph (e), subparagraph (1) of Appendix A.
10. Campgrounds.
11. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

E. Industrial Use Areas

1. Sawmills, chipping mills, pallet mills and similar wood using facilities.
2. Industrial uses.
3. Commercial uses.
4. Agricultural service uses.
5. Public service uses.
6. Municipal roads.
7. Any land use or development not now or hereafter included on either list of primary uses or the list of secondary uses for industrial use areas as set forth in the APA Act.
8. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

APPENDIX B

DEVELOPMENT CONSIDERATIONS

The following are those factors which relate to potential for adverse impact upon the park's natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources and which shall be considered, as provided in this ordinance, before any Class A regional project or Class B regional project is undertaken in the Town of Willsboro. Any burden on the public in providing facilities and services made necessary by such land use and development or subdivision of land shall also be taken into account, as well as benefits, which might be derived there from.

A. Natural Resource Considerations

1. Water
 - (a) Existing water quality
 - (b) Natural sedimentation or siltation
 - (c) Eutrophication
 - (d) Existing drainage and runoff patterns
 - (e) Existing flow characteristics
 - (f) Existing water table and rates of recharge
2. Land
 - (a) Existing topography
 - (b) Erosion and slippage
 - (c) Floodplain and flood hazard
 - (d) Mineral resources
 - (e) Viable agricultural soils
 - (f) Forest resources
 - (g) Open space resources
 - (h) Vegetative cover
 - (i) The quality and availability of land for outdoor recreational purposes
3. Air quality
4. Noise levels.
5. Critical resource areas
 - (a) Rivers and corridors of rivers designated to be studied as wild, scenic, or recreational in accordance with the environmental conservation law.
 - (b) Rare plant communities.
 - (c) Habitats of rare and endangered species and key wildlife habitats.
 - (d) Wetlands.
 - (e) Unique features, including gorges, waterfalls, and geologic formations.
6. Fish and wildlife.
7. Aesthetics
 - (a) Scenic vistas.
 - (b) Natural and man-made travel corridors.

B. Historic Site Considerations

1. Historic factors

(a) Historic sites or structures.

C. Site Development Considerations

1. Natural site factors

(a) Geology.

(b) Slopes.

(c) Soil characteristics.

(d) Depth to ground water and other hydrological factors.

2. Other site factors

(a) Adjoining and nearby land uses.

(b) Adequacy of site facilities.

D. Government Considerations

1. Ability of government to provide facilities and services.

2. Municipal school or special district taxes or special district user charges.

E. Government Review Considerations

1. Government control factors

2. Conformance with other government controls.

APPENDIX C

DEVELOPMENT OBJECTIVES FOR USE IN REGIONAL PROJECT REVIEW

The principal natural and public resource aspects of a project with representative means for avoiding undue adverse impact are listed below.

1. Soils

a. Soils, General

Objective: Prevent accelerated soil erosion and the potential for earth slippage.

General Guideline: Respect existing natural features such as slope, soil texture and structure; minimize removal of vegetative cover; rapidly re-vegetate cleared areas; limit cuts and fills; and employ such erosion control devices and measures as are necessary to promptly stabilize slopes and surfaces and to control runoff.

b. Agricultural Soils

Objective: Conserve viable agricultural soils.

General Guideline: Avoid activities on Class I and Class II agricultural soils presently in agricultural service, which would diminish or preclude continuing use thereof for agricultural purposes.

2. Topography

Objective: Minimize topographic alterations.

General Guideline: Minimize excavation, cuts and fills and site grading by employing to advantage existing topographic features; and avoid development activities on steep slopes where environmental damage and costly development problems could result there from.

3. Surface Waters

a. Water Quality and Eutrophication

Objective: Maintain or enhance existing physical, chemical and biological water quality characteristics and prevent any undue acceleration of existing rates of eutrophication of bodies of water.

General Guideline: Maintain wide buffer strips of natural vegetation bordering water bodies; minimize channel disturbance and alterations; preserve shoreline vegetation; minimize hydrologic changes which would result from damming or impounding; avoid introduction of nutrients from the use of fertilizers and from sewage effluent; and avoid introduction of toxic materials to water bodies.

b. Surface Drainage

Objective: Retain existing surface water drainage and runoff patterns and existing flow characteristics.

General Guideline: Minimize alterations to existing drainage patterns and drainage courses; preserve drainage ways in their natural state; and provide, where necessary, natural ponding areas and other measures designed to provide natural retention of storm water runoff if development includes a significant area of impervious surface.

c. Flood Plains

Objective: Maintain the storage capacity of flood plains and their existing ability to convey water downstream; and avoid activities in flood plains, which will result in dangers to life, safety and property if subjected to flooding.

General Guideline: Avoid the placement of buildings intended for human

habitation, commercial use and industrial use within flood plains; avoid the use of fill to create elevated sites; and within any floodway fringe special zoning district conform all development plans to the floodplain regulations contained in Article VII, hereof.

4. Ground Water

Objective: Preserve quality, infiltration rate, and levels of ground water.

General Guideline: Comply at a minimum with applicable government water pollutant discharge restrictions; particularly avoid discharges of effluent potentially degrading to ground water quality in proximity to major aquifer recharge areas; and avoid impairment of aquifer recharge areas which could result from covering them with impervious surfaces.

5. Shorelines

Objective: Maintain or enhance the existing physical, biological and aesthetic characteristics of the shoreline of all lakes, ponds, rivers and streams.

General Guideline: Comply at a minimum with applicable government shoreline restrictions, minimize construction or development of any kind near or on the shoreline; avoid physical modifications of the shorelines themselves; minimize the removal of vegetation along shorelines; locate buildings so as to be partially screened from the shorelines by natural vegetation; maximize the preservation of stretches of shoreline in a natural, unchanged and undeveloped state.

6. Mineral Resources

Objective: Conserve existing known mineral resources.

General Guideline: Avoid activities, which would preclude present or future use of important mineral resources that may be economic significance to the region.

7. Air Quality

Objective: Maintain or enhance existing air quality.

General Guideline: Adhere to applicable governmental air quality standards; provide adequate air pollution abatement devices; and reduce dust levels caused by construction activities.

8. Noise Levels

Objective: Limit additions to noise levels.

General Guideline: Adhere at a minimum to applicable government noise level standards; utilize noise abatement equipment; and maintain natural buffers such as existing topographic relief and vegetation.

9. Wetlands

Objective: Preserve the hydrologic, wildlife, vegetative, aesthetic, educational, open space and recreational values of wetlands.

General Guideline: Avoid development in marshes, bogs, swamps and periodically inundated lands or on lands immediately adjacent thereto if such development could result in environmental damage to the marsh, bog, swamp or periodically inundated land.

10. Aquatic Communities

Objective: Protect generally the existing natural aquatic plant and animal communities and preserve rare and endangered aquatic plant and animal species.

General Guideline: Preserve key spawning areas, nursery grounds, food sources and food source areas; preserve habitats of rare and endangered plant and animal species; maintain adjacent vegetated areas generally as habitats and buffer zones; minimize shoreline alterations such as beach construction and emplacement of docks, rafts, boat launching facilities and breakwaters; and avoid introduction of toxic materials and nutrients to water bodies.

11. Terrestrial Vegetation

a. Vegetation, General

Objective: Preserve or quickly restore terrestrial vegetation.

General Guideline: Minimize clearing of vegetation in light of development objectives; avoid clearing vegetation where damage will result to remaining vegetation from such factors as wild, erosion and frost; and protect remaining vegetation during the construction period.

b. Rare and Endangered Terrestrial Plant Species

Objective: Preserve rare and endangered terrestrial plant species.

General Guideline: Locate development and other intensive human activities so as to protect the location and habitats of rare and endangered plant species and allow for the continuing propagation of these species.

c. Production Commercial Forest Land

Objective: Conserve productive forestlands.

General Guideline: Avoid impairment of productive forestlands for commercial forest production by employing sound forestry practices and by employing such planning techniques as clustering of development.

12. Terrestrial Wildlife

a. Terrestrial Wildlife, General

Objective: Maximize the preservation of terrestrial wildlife species.

General Guideline: Preserve key wildlife habitats, such as deer wintering yards, nesting areas, productive feeding areas, and important vegetation transition areas; and maintain wildlife diversity to the extent possible in view of project objectives by maintaining a diversity of habitat.

b. Rare and Endangered Terrestrial Wildlife Species.

Objective: Preserve rare and endangered terrestrial wildlife species.

General Guideline: Locate development and other intensive human activities so as to protect the location and habitats of rare and endangered terrestrial wildlife species and allow for the continuing propagation of these species.

13. Aesthetics

a. Aesthetics, General

Objective: Preserve and enhance, where possible, impact of the project upon the existing aesthetic qualities of the project site and its environs.

General Guideline: Utilize existing vegetation and topographical features, and employ careful siting methods so as to minimize the visual impact of all development activities.

b. Scenic Vistas

Objective: Maintain the scenic qualities of views from vistas designated in the Adirondack Park State Land Master Plan.

General Guideline: Avoid visibility of buildings and other development and land use

alterations generally from vistas by employment of vegetative screening, existing topography, and careful siting methods.

c. Travel Corridors

Objective: Preserve the scenic qualities of views from public roads and trails and from boats and canoe routes.

General Guideline: Employ vegetative screening, existing topography, and careful siting methods to minimize the visual impact of buildings and other development and land use alternations.

14. Open Space

Objective: Maintain the open space character of the project site, adjacent land, and surrounding areas.

General Guideline: Provide on the project site sufficient open space areas for outdoor recreational use by those persons who will use the proposed project, taking into account the existing recreational resources available in the area; and locate buildings and other development so as not to interfere with those areas to be used as hiking, bicycling and cross-country skiing trails as well as trail bike, jeep, all-terrain vehicle and horse trails, playgrounds, public areas, campgrounds, parks, beaches and similar uses.

15. Adjoining and Nearby Land Use

a. Surrounding Land Uses, General

Objective: Minimize incompatibility of new development with the character of adjoining and nearby land uses.

General Guideline: Take into account the existing and potential land uses in the vicinity of the project site in determining what new land use activities are suitable for the project site; avoid new intensive development in open space areas; and avoid substantially altering existing residential and other land use patterns.

b. Adjacent State Land

Objective: Preserve the wild and natural character of adjacent state lands designed as wilderness, primitive, or canoe by the Adirondack Park State Land Master Plan.

General Guideline: Minimize development activities which would materially impair the wilderness attributes of these State lands; design and construct development that is located within one-eighth mile of these State lands so as to minimize its visual and audial impact in these wilderness-like areas, thereby insuring the continued capability of State and private types of ownership.

16. Wild, Scenic and Recreational Study Rivers

Objective: Protect or enhance the natural qualities of any river designated to be studied for possible inclusion in the State's wild, scenic or recreational river system.

General Guideline: Maintain buffer zones and existing vegetation along designated study rivers; avoid intensive development within one-quarter mile of such rivers; minimize alterations to such rivers and their banks; and pressure the free-flowing character of such rivers

17. Historic Sites

Objective: Protect archeological sites, historic sites, and unique historical structures for their educational and culture value to the area, region or State.

General Guideline: Preserve and restore archeological sites, historic sites, and unique historic structures to the extent warranted by their respective significance; avoid

land uses and development on adjoining and nearby lands which would be incompatible with the significance of such sites and structures.

18. Special Interest Areas

Objective: Preserve special interest areas such as unique natural features and their surrounding environs.

General Guideline: Avoid physical and aesthetic alteration and impairment of the natural condition of unique physical features such as gorges, waterfalls and interesting geological formations; provide for their continuing protection; utilize these special interest areas as assets to development.

19. Governmental Considerations

a. Service and Finance

Objective: Fully explore and assure the ability of governmental services and facilities made necessary by the project.

General Guideline: Phase development activities to a level commensurate with the financial capability of the various levels of government to provide the governmental services and facilities that will be generated by the development, such as transportation systems, schools, health care, sewage and solid waste disposal systems, water supply systems, and fire and police protection; require that as nearly as possible the balance between the cost of public services required to adequately serve the development as compared with the anticipated tax and other revenues to be generated by the development be favorable at each level of government or taxing jurisdiction affected by the project; and include in development plans provisions to maintain or improve existing services and alleviate any potential any adverse impact upon the ability for the government to provide services and facilities.

b. Regulation

Objective: Conform development activities to all applicable governmental rules and regulations.

General Guideline: Comply with all applicable ordinances, rules and regulations of all governmental agencies with responsibilities for such activities, including those of towns and villages, counties, the State Department of Health and Environmental Conservation, and the Adirondack Park Agency.

20. Public Utilities and Community Resources

Objective: Assure the adequacy of such public utility services and community resources as shall be necessary for the project.

General Guideline: Avoid excessive demands on the capabilities of public utilities such as electricity and communication services; avoid necessity for major uncompensated increase in community services and activities such as recreational facilities, social cultural and health services, and transportation facilities.

DEVELOPMENT ACTIVITIES FOR USE IN REGIONAL PROJECT REVIEW

The principal development activities of a project with representative means for avoiding undue adverse impact are listed below.

1. Streets and Roads

Objective: Design and construct roads and streets to provide safe and convenient access without causing undue adverse impacts on natural and public resources

General Guideline: Conform street and road alignments with existing topography and vegetation; avoid steep slopes, abrupt curves and excessive cuts and fills; provide adequate road surfacing and road bed drainage; preserve existing drainage patterns; and design streets and roads so as to minimize the impacts of construction and maintenance practices.

2. Location and Construction of Buildings

Objective: Design, locate and construct buildings to best serve their intended functions and to minimize impact on existing natural and public resources.

General Guideline: Blend buildings with existing topography and their surrounding environs; avoid steep slopes; minimize grade alterations; and avoid complex and costly engineering solutions of site problems with potentially excessive environmental impacts

3. Sewerage Disposal

Objective: Select, design and locate sewerage disposal systems to provide adequate treatment of effluent and to avoid contamination of surface or ground water.

General Guideline: Comply with all State and local health standards, adhere at a minimum to the Adirondack Park Agency's setback requirements for water bodies, employ proven design criteria for sewerage disposal systems in proper working order.

4. Storm Water Drainage

Objective: Design, locate and construct storm water drainage systems so as to maintain existing drainage patterns in a natural state and to minimize adverse hydrologic effects.

General Guideline: Provide adequate drainage for building sites and roads; avoid altering drainage patterns to the extent possible; utilize natural drainageways for handling storm water runoff and preserve all natural surface water retention areas such as wetlands, bogs, and marshes; and minimize runoff by such other methods as preserving vegetative cover and avoiding the creation of unnecessary or extensive impervious surfaces.

5. Water Supply

Objective: Locate, design and construct water supply systems so as to provide an adequate supply of potable water without adversely affecting existing water usage patterns or creating adverse effects with regard to aquifers and subsurface drainage patterns.

General Guideline: Comply with all State and local health standards with regard to the design, location, construction and maintenance of water supply systems.

6. Solid Waste Disposal

Objective: Provide for the storage, collection, transportation and disposal of solid waste in a manner which will minimize air, water and visual pollution and in a manner which will

not create hazards to the health and welfare of people and wildlife.

General Guideline: Comply with all applicable State and local standards for the disposal of solid waste; utilize community solid waste disposal areas and recycling facilities; adequately screen disposal areas; locate disposal areas on deep, moderately permeable, well-drained soils and at sufficient distances from water bodies so as to prevent contamination thereof; and avoid locating disposal areas on steep slopes.

7. Pesticides and Herbicides

Objective: Avoid all use of pesticides, herbicides and other biocides potentially detrimental to natural systems.

General Guideline: Strictly adhere to applicable regulations regarding type, quantity and techniques of application of pesticides, herbicides and other biocides; and prevent direct application of pesticides, herbicides and other biocides to surface waters or wetlands or in a manner which may cause contamination thereto.

8. Shoreline Development

Objective: Design and construct development along shorelines so as to maintain existing aesthetic and ecological characteristics thereof and to avoid all significant impairment of these qualities.

General Guideline: Adhere at a minimum to the shoreline restrictions of the Adirondack Park Agency Act and the provisions of the Environmental Conservation Law and all local laws; maximize preservation of undeveloped shorelines by such methods as clustering and preservation of shoreline vegetation; minimize aesthetic alterations to shorelines as viewed from water bodies and surrounding areas.

9. Noise

Objective: Minimize noise insofar as practicable.

General Guideline: Employ such measures as appropriate site selection, appropriate construction methods and maintenance of natural cover for a buffering effect; adhere at a minimum to applicable governmental noise level standards.

10. Signs

Objective: Avoid signage that detracts from aesthetic and scenic qualities.

General Guideline: Limit signs to the extent necessary to adequately inform viewers concerning the activities to which they relate; utilize signs which are appropriate to the character of the area in which they are located; avoid use of signs of excessive size, of signs that are insufficiently set back from natural and man-made travel corridors, and of signs containing moving parts or flashing lights.

11. Utilities

Objective: Locate, design, construct and maintain utilities so as to efficiently accomplish project objectives and preserve natural and public resources.

General Guideline: Locate utilities underground if feasible and in such a way that alignments are compatible with existing topography and vegetation; minimize visual impacts on surrounding areas by maintaining and preserving as much vegetative cover as possible and utilizing existing topography; and minimize maintenance practices such as herbicide spraying which could have environmental impacts on terrestrial and aquatic ecosystems.

ZONING MAP OF THE
 TOWN OF WILLSBORO
 TO INCLUDE AMENDMENTS
 TO ZONING MAP ENACTED THROUGH
 12/31/99

