

TOWN OF PALATINE

MONTGOMERY COUNTY

NEW YORK STATE

ZONING LAW

Town of Palatine
Montgomery County, New York

Town Board 1999

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TOWN OF PALATINE
ZONING LAW

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TOWN OF PALATINE
MONTGOMERY COUNTY, NEW YORK

A ZONING law regulating and restricting the location, construction, alteration and use of buildings and land in the Town of Palatine, Montgomery County, New York, pursuant to the Zoning provisions of ARTICLE 16 of the Town Law of the State of New York.

THE TOWN OF PALATINE TOWN BOARD, by virtue of the power and authority vested in it by law, does hereby ordain and enact as follows:

ARTICLE I - TITLE

SECTION 1 - This zoning shall be known and may be cited as "The Town of Palatine Zoning Law".

ARTICLE II - PURPOSES & SEPARABILITY

SECTION 2 - This zoning is enacted for the following purposes:

- A. -To lessen congestion in the streets;
- B. -To secure safety from fire, flood, panic and other dangers;
- C. -To promote health and general welfare;
- D. -To provide adequate light and air;
- E. -To prevent overcrowding of land;
- F. -To avoid undue concentration of population;
- G. -To facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- H. -To conserve the value of buildings;
- I. -To encourage the most appropriate use of land throughout the Town;
- J. -To avoid the pollution of air and water;
- K. -To insure the gradual elimination of non-conforming uses;
- L. -To preserve and protect lands and buildings that are historically significant;

Separability: Should any section or provision of this zoning law or as amended hereafter be declared by a court of competent jurisdiction to be invalid, such

decision shall not affect the validity of the zoning law as a whole or any part thereof other than the part so declared to be invalid.

Right-To-Farm: No provision of this Local Law shall be interpreted, administered, or enforced in a manner that unreasonably restricts agricultural structures and normal farming practices occurring on land that lies within a Certified Agricultural District established pursuant to Article 25AA of the New York State Agricultural and Markets Law, unless such restrictions are necessary for the protection of public health and safety.

ARTICLE III - DEFINITIONS

SECTION 3 - General

For the purpose of this zoning certain words or terms used herein shall be interpreted or defined as follows:

Words used in the present tense shall include the future. The singular number includes the plural, and the plural the singular. The word "person" includes a corporation as well as an individual.

The word "building" includes the word "plot" or "parcel". The word "used" or "occupied" as applied to any land or building shall be construed to include the words "built, arranged or designed to be used or occupied".

SECTION 4 - Definitions

Accessory Building: A building subordinate to the main building on a lot and used for purposes customarily incidental to those of the main building.

Accessory Use: A use customary incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

Antenna: A device used in communications which converts radio frequency electrical energy to radiated electromagnetic energy and vice versa in a transmitting station, an antenna is the device from which radio waves are emitted.

Alley: A minor way which is used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

Animal Hospital/Veterinary Clinic: A business that treats animals and regularly houses them on the premises overnight and for extended periods for treatment.

Area, Building: The total area taken on a horizontal plane at the main grade level of the principle building and all accessory buildings exclusive of uncovered porches, terraces, and steps.

Area, Floor: The total interior floor space measured in square feet of a structure.

Basement: A space of full story height partly below grade and having at least half of its clear floor-to-ceiling height above the average grade, and which is not designed or used primarily for year-round living accommodations.

Bed and Breakfast: An establishment in a private dwelling that supplies temporary accommodations to overnight guests for a fee. Meals may or may not be provided. Tourist homes and inns are included here.

Boarding or Rooming House: Any dwelling in which more than three persons, either individually or as families are housed or lodged, except those engaged in farm work, for hire with or without meals, and/or any dwelling with ten or less sleeping rooms in which more than three persons, either individually or as families, are housed or lodged, except those engaged in farm work, for hire or otherwise, without separate kitchen facilities, with or without meals. If there are more than ten sleeping rooms, such buildings shall be considered hotels.

Billboard: see "Sign, Advertising".

Buffer Area: an undeveloped part of a property or an entire property specifically intended to separate and thus minimize the effects of a land use activity (e.q. noise, dust, visibility, glare, etc.) on adjacent properties.

Building: A structure designed to be used as a place of occupancy, business, storage, or shelter. The term "building" shall include the term "structure" as well as receiving and transmitting commercial, radio, television and other utility communication towers, personal wireless service facilities, mobile manufactured homes, and factory manufactured homes.

Building Line: A line established by law, usually parallel with a property line, beyond which a structure may not extend.

Building, Floor Area: The sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same lot, including basement areas devoted to residential use and the area of bays, dormers, roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

Cellar: That space of a building which has more than half of its height, measured from floor to ceiling, below the average grade.

Change of Use (Conversion): The change of use or occupancy of a building from either residential, commercial, or industrial to one of the other uses, or change in the intensity of the same use.

Community Park or Playground: Land managed by the public and set aside for public use which may or may not have developed recreational facilities, such as playground, tennis courts, horse and bike trails, baseball fields, picnic areas, swimming pools and/or lavatories.

Driveways and Passage Ways: Private access routes which directly service a parking area; or serving parking spaces not directly serving more than two (2) dwelling units, and not providing a route for through traffic. Minimum driveway widths shall be as follows:

| PARKING ANGLE | DRIVEWAY WIDTH |
|---------------|----------------|
| No parking | 18' |
| Parallel | 20' |
| 45° one-way | 20" |
| 60° one-way | 20' |
| 90° one-way | 24' |

Dwelling, One-Family: A detached building, other than a mobile manufactured home or other temporary structure designed for exclusive year-round occupancy by one family only.

Dwelling, Two-Family: A detached building, other than a trailer or other temporary structure, designed for exclusive year-round occupancy by two families living independently of each other.

Dwelling, Multiple-Family: A building or group of buildings, designed for year-round occupancy by more than two families, including apartment houses and group houses, but excluding hotels and rooming houses.

Dwelling Unit: One or more rooms with provision for living, sanitary, and sleeping facilities arranged for the use of one family.

Environmental Assessment Form (EAF): A form used to determine whether a project will have significant environmental impacts. Depending on the site's environmental features and the project's magnitude, either a short or long SEQR Environmental Assessment Form will be completed.

Environmental Impact Statement (EIS): A document prepared pursuant to SEQR, subsequent to a determination of potential adverse impacts that

examines the existing and developed environment, and identifies and presents impacts, mitigation measures and alternatives.

Equipment Mounting Structure: Any structure used primarily to support reception or transmission equipment including, but not limited to, antenna support structures, towers, and monopoles.

Factory Manufactured Home: A factory manufactured home incorporates structures or components designed for residential occupancy, constructed by a method or system of construction whereby the structure or component is wholly or in substantial part manufactured in a manufacturing facility and is intended for permanent installation on a building site. Every factory-manufactured home or component shall bear an Insignia of Approval issued by the State Fire Prevention and Building Code Council. Falls under the category of one family dwelling.

Family: Any number of persons or recognized relationships maintaining a common household, including domestic help.

Farm: A parcel or tract of land which is used for growing agricultural products, horticulture products, raising livestock, raising fruits and/or vegetables or agriculture production. For the purposes of Section 9, paragraph (A) an “agricultural operation” shall not include any farm having less than \$10,000.00 gross sales in the year preceding the date on which the owner applies for a building permit to erect a mobile manufactured home as an accessory use. In addition the occupant of a mobile manufactured home as an accessory use must be a full-time employee of the “agricultural operation” whose total documented compensation including; salary, lodging, board, etc., is not less than \$10,000 a year.

Farm Products Plant: Any operation which starts with a farm product, including but not limited to vegetables, fruits, milk, beef, pork, lamb, chicken, eggs, turkey etc. and whose end product packages that product in a form suitable for retail market distribution. This definition includes but is not limited to dairies, cheese plants, vegetable/fruit canneries, slaughterhouses etc.

Farm Stand: The sale of agricultural products that are produced on the premises.

Flood Hazard, Area of: Land within a community subject to a one percent (1%) or greater chance of flooding in any given year. Also commonly referred to as base floodplain or 100 year floodplain.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency.

Front: That part of a parcel of land or building abutting or facing the principal street or road. In the case of corner lots on two intersecting streets or road the parcel will be considered to have two front yards, one side yard and one rear yard at minimum.

Garage, Public: A building or part thereof for the storage, hiring, selling, greasing, washing, servicing, or repair of motor-driven vehicles, operated for gain.

Garage, Private: A roofed space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one car is leased to a non-resident of the premises.

Gasoline Station: Any area of land, including structures thereon, that is used or designed to be used for the sale of gasoline or oil or other motor vehicle fuel and which may include facilities for lubricating, washing, cleaning, or otherwise servicing motor vehicles, not including the painting or major repair thereof. The term "Gasoline Station" shall be deemed to include filling station and service station.

Historic Building or Site: A building or area which has historic and special public value because of notable architectural or other features relating to the cultural, historic, or artistic heritage of the community.

Home Occupation: An occupation or profession which is customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit; and is carried on by a member of the family residing in the dwelling unit; and is clearly incidental and secondary to the use of the dwelling unit for residential purposes; and which conforms to the following additional conditions.

1. The occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto.
2. No more than one person outside the family shall be employed in the home occupation.
3. There shall be no exterior display, nor any exterior sign except nameplate, no exterior storage or materials and no other exterior indication of the home occupation or variation from the residential character of the principal building.

4. No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced.

A home occupation includes, but is not limited to art studio; dress-making; barber shop or beauty parlor; professional office of physician; dentist, lawyer, engineering, architect, accountant; or musical instruction limited to a single pupil at a time.

Hospital: A building or structure for the diagnosis and medical or surgical care of human ailments.

Hotel: Facility offering transient lodging accommodations to the general public and providing additional service such as restaurants, meeting rooms and recreational facilities. the word "hotel" includes the words "motel", "motel court" , "inn", "tourist court", or similar names excluding rooming houses and Bed and Breakfast establishments.

Junk Yard: A lot, land or structure, or part thereof, used for collecting storage, and sale of waste paper, rages, scrap metal, inoperable appliances, furniture, or discarding material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles, and for the sale of the parts thereof; or for the storing or abandonment of two or more unlicensed or unregistered motor vehicles for six (6) months or more.

Kennel: A structure used for the harboring for hire of four or more dogs or cats, more than six months old.

Launderette: A business premises serviced by municipal sewerage or a NYSDOH approved system, equipped with individual clothes washing or cleaning machines for use by retail customers, exclusive of laundry facilities provided in an apartment, fraternity, sorority, residential hotel or club.

Light Assembly Plant: A use engaged in the creation, predominately from previously prepared materials, of finished products or part, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing.

Living Area: The sum of the gross horizontal area of the several floors of a building, including areas below grade devoted to residential use. All dimensions shall be measured between exterior faces of walls.

Loading Space: A paved area designed for the parking, loading and unloading of delivery vehicles.

Lot: A designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to be used, developed, or built upon as a unit.

Lot Area: The total horizontal area included within lot lines. no part of the area within a public right-of-way may be included in the computation of lot area.

Lot, Corner: A lot located at the intersection of and fronting on two or more intersecting streets, and having an interior angle at the corner of intersection of less than 135 degrees.

Lot Coverage: The percentage of the lot area covered by the combined area of all buildings, structures, parking areas, or other impervious surfaces on the lot.

Lot, Interior: A lot other than a corner lot.

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

Lot, Depth: The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

Lot, Lines: The property lines bounding a lot. The front line shall be the right-of-way line of a street, road, or highway giving access to the lot. In the case of a corner lot, the owner may designate either street, road, or highway lot line as the front lot line.

Lot, Width: The distance between side lot lines measured parallel to the front lot line at a distance from the front lot line equal to the front yard specified for the district, except as noted in Section 16.

Mobile Manufactured Home Park: A parcel of land which has been planned and improved for the placement of two or more mobile manufactured homes for non-transient use.

Mobile Manufactured Home: A mobile manufactured home is a structure, transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems

contained therein. Every mobile manufactured home shall bear a plate of Approval from HUD.

Non-Conforming Use: A structure or land lawfully occupied by a use that does not conform with the regulations of the district in which it is located.

Nursing or Convalescent Home or Home for the Aged: A building used for the accommodation and care of persons with, or recuperating from, illness or incapacity, where nursing services are furnished, or for the accommodation and care of persons of advanced age.

Owner/Operator: Person, persons, corporation, etc. that owns and/or operates the business or facility.

Parking Space: The area required for parking one automobile which in this zoning is held to be an area at least nine feet wide and 20 feet long, exclusive of passageways and driveways thereto.

Permanent Foundation: Concrete, concrete blocks or stone walls which support the bottom floor and exterior walls of a building and extending below the ground deeper than the average annual frost level, or a reinforced concrete base below the bottom floor of a building of sufficient thickness and having a suitable subway to resist shifting and heaving from changes in temperature and moisture conditions in the ground beneath the building.

Personal Service Shops: Establishments providing services or entertainment, as opposed to products, to the general public including, but not limited to: cleaning and garment services, beauty shops, photography shops, shoe repair, barber shops, funeral services, clothing rental, reduction salons and tanning parlors.

Personal Wireless Service: Commercial mobile services, wireless telecommunication services using duly authorized devices which do not require individual licenses (excluding the provision of direct-to-home satellite services), and common carrier wireless exchanges including cellular radiotelephone, specialized mobile radio systems and personal communication services.

Personal Wireless Service Facilities: A facility for the provision of Personal Wireless Services. A Personal Wireless Service Facility includes, but is not limited to, an Antenna Equipment Mounting Structure and accessory buildings and equipment.

Principal Use: See Use, Principal.

Professional Office: Offices for a person or persons whose vocation or occupation requires advanced training in a liberal art or science and whose service usually involves non-manual work.

Public Building: Any town, county, state or federally owned building(s) or land including but not limited to: town halls and highway department garages.

Public Utility Station or Structure: A facility other than a Personal Wireless Service Facility for the provision of public utility services, including facilities constructed, altered or maintained by utility corporations, either public or privately owned, or government agencies, necessary for the provision of electricity, gas, steam, heat, communication, water, sewage, collection of other such services to the general public. Such facilities shall include poles, wires, mains, drains, sewers, pipes, conduits, cables, alarms and call boxes and other similar equipment, but shall not include offices or administration buildings.

Restaurant: A building or portion of a building wherein food and beverages are available for on-site or off-site consumption.

Retail Farm Market: The sale of agricultural products either produced on or off the premises.

Retail Store: Any building or permanent structure or portion thereof in which one or more services or one or more articles of merchandise are sold at retail including department stores.

Road: A public thoroughfare or right-of-way dedicated, deeded or condemned for use as such, which affords the principal means of access to abutting property.

Road, Private: An access drive or roadway that is longer than five hundred (500) feet, privately owned and maintained, and not meant for use by the general public.

Sign: Any device affixed to or painted or represented directly or indirectly upon a building, structure or land and which directs attention to an object, product, place, activity, person, institution, organization or business, but not including any flag, badge or insignia of any government or government agency, school, or religious group or of any civic, charitable, religious, patriotic, fraternal or similar organization, nor any official traffic control device. Each display surface shall be considered to be a "sign".

Sign, Advertising: A sign which directs attention to a business, commodity, service or entertainment sold or offered elsewhere than upon the premises where such sign is located, or to which it is affixed, only incidentally on the premises, if at all.

Sign, Business: A sign which directs attention to a business or profession conducted, or a commodity, service, or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed. A “For Sale” or “For Let” sign relating to the lot on which it is displayed shall be deemed to be a business sign.

Sign, Flashing: A “flashing sign” is any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color when such sign is in use. For the purpose of this zoning any revolving, illuminated sign shall be considered a “flashing sign”.

Sign, Freestanding: A sign that is attached to, erected on or supported by some structure such as a pole, mast, frame, or other structure that is not itself an integral part of or attached to a building or other structure having a principal function other than the support of the sign.

Sign, Height of: The distance from the ground level, measured from the mid-point of the base of the sign to the top of the sign.

Sign, Temporary: A sign that advertises or gives direction to a business or activity that will terminate within seven days.

Site Plan: A rendering, drawing, or sketch prepared to specifications and containing necessary elements, as set forth in the applicable zoning law, which shows the arrangement, layout and design of the proposed use of a single parcel of land as shown on said plan.

Site Plan Review: review and approval process, conducted by the Planning Board, whereby site plans are reviewed utilizing criteria stated in the zoning law and as authorized by Town Law.

Special Permitted Use: A use or property that is basically appropriate to a given zoning district, but which may be incompatible in some locations within the district and therefore is not permitted by right everywhere within such districts. A special permitted use, therefore, is one which is allowable only when facts and conditions specified in the zoning as those upon which the use is permitted are found to exist.

Stable, Private: A principal or accessory building in which horses are kept for private use and not for hire or sale.

Stable, Public: A principal or accessory building in which horses are kept for remuneration, hire or sale.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

Story, Half: That part of a building between a pitched roof and the uppermost full story, and having a floor area at least half as large as the floor below. Space with less than five feet clear headroom shall not be considered as floor area.

Street: A public way which affords the principal means of access to abutting property.

Structure: Anything constructed or built, any edifice or building of any kind, which requires location on the ground or is attached to something having a location on the ground, including, but without limitation, swimming pools, covered patios, towers, poles, sheds, signs, tanks, etc., excepting outdoor areas such as paved areas and walkways.

Structural Alteration: Any change in the supporting members of a building.

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

Tourist Home: A dwelling where transient guests are lodged for hire.

Town House: One of several units in a building designed for and occupied exclusively as a residence for not more than one family living independently of any other family, separated from other units by a party wall or walls, and erected on a lot intended to be held in the form of a condominium or in a single and separate ownership from any adjoining units.

Trailer: A mobile unit designed for camping, recreational travel, or vacation use which is equipped with a chassis and provides partial housekeeping facilities such as plumbing, heating, electrical, cooking or refrigeration systems or equipment.

Trailer Camp: An area occupied or designed for occupancy by two or more trailers.

Truck Terminal: A building or area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semi-trailers, including tractor and/or trailer units and other trucks are parked or stored.

Use, Accessory: A use or structure which is incidental but associated with the principal use such as a separate garage or shed, fencing, and recreational facilities (e.g. pool, tennis court, etc).

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

Variance: Permission to depart from the literal requirements of the zoning law.

Variance, Area: A departure from the area setback, frontage, coverage, size or other requirements of the applicable zoning district =, or a departure from any provision of this zoning except use.

Variance, Use: A variance granted for a use or structure that is not permitted in the zoning district.

Wholesale Storage or Warehouse: A building or buildings used as a wholesale distribution center.

Yard, Front: An open unoccupied and unobstructed space on the same lot with a main building, extending the full width of the lot and situated between the front property line and the front line of the main building projected to the side lines of the lot.

Yard, Rear: A space on the same lot with a main building, open and unoccupied except for accessory buildings, extending the full width of the lot and situated between the rear line of the main building projected to the side lines of the lot and the rear line of the lot.

Yard, Side: An open unoccupied space on the same lot with a main building, situated between the side line of the main building and the adjacent side line of the lot extending from the front yard to the rear yard. Any lot line not a front line or rear line shall be deemed a side line.

ARTICLE IV - DISTRICTS AND BOUNDARIES

SECTION 5 - Establishment of Districts

For the purpose of this zoning, the Town of Palatine is divided into the following types of classes of districts:

| | |
|-----|------------------------------|
| R-1 | Residential |
| A | Agricultural |
| C-1 | Commercial |
| PDD | Planned Development District |

Said districts are bounded and defined as shown on a map entitled "Zoning Map Town of Palatine", hereinafter called the Zoning Map, adopted by the Town Board and certified by the Town Clerk, which accompanies and which, with all explanatory matter thereon, is hereby made a part of this zoning.

SECTION 6 - Interpretation of District Boundaries

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

- A. Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines, or highway right-of-way lines such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.
- B. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- C. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad line.
- D. Where the boundary of a district follows a stream, or other body of water, said boundary line shall be deemed to be the center line of such stream or body of water unless otherwise indicated.
- E. Where the district boundary lines are indicated to be approximately parallel to a street or highway they will be considered to be five hundred (500) feet from the nearest street or highway line and parallel to it, or along the back line of properties of record fronting on said street or

highway, whichever line is closer to the street at the time this zoning becomes effective, unless otherwise noted.

ARTICLE V - USE REGULATIONS

The principal permitted uses of each zoning district are permitted as of right. All special permitted uses require both special permit review and site plan review. Uses not listed for a specific zoning district are prohibited from that district and would therefore require a use variance.

SECTION 7 - R-1 Residential District

In the R-1 Residential District no building or premises shall be used and no building shall be erected or altered except for one or more of the following uses:

A. Principal Permitted Uses:

- (1) One Family Dwelling
- (2) Community Park or Playground
- (3) Accessory Use and Building
- (4) Home Occupation
- (5) Mobile Manufactured Home

B. Uses Permitted as a Special Permit by the Planning Board:

- (1) Nursing, Convalescent or Home for the Aged
- (2) Mobile Manufactured Home Park
- (3) Parish House, Convent
- (4) Launderette
- (5) Retail Store
- (6) Townhouses

- (7) Two Family Dwelling
- (8) Multi-Family Dwelling
- (9) Bed and Breakfast Establishment
- (10) Farm and Accessory Use and Building
- (11) Public Building

SECTION 8 - A-Agricultural District

In the A Agricultural District no building or premises shall be used and no building shall be erected or altered except for one of more of the following uses:

A. Principal Permitted Uses:

- (1) Farm and Accessory Buildings and Uses
- (2) Picnic Grove, Fish or Game Club (private)
- (3) Nursery
- (4) One family Dwelling
- (5) Community Park or Playground
- (6) Home Occupation
- (7) Mobile manufactured home as part of a farm operation
- (8) Accessory use and building
- (9) Mobile Manufactured Home

B. Uses Permitted as a Special Permit by the Planning Board:

- (1) Commercial Recreation
- (2) Bed and Breakfast Establishment

- (3) Golf Course or Country Club
- (4) Nursing, Convalescent or Home for the Aged
- (5) Public Utility Station w/ building
- (6) Farm Products Plant
- (7) Radio, TV Transmitter, Receiving Tower, Personal Wireless Service Facility w/ building
- (8) Boarding or Rooming House
- (9) Church
- (10) Parish House or Convent
- (11) Animal/Veterinary hospital
- (12) Public or Parochial School or College
- (13) Farm Products Plant
- (14) Two Family Dwelling

SECTION 9 - C-1 Commercial District

In the C-1 Commercial District no building or premises shall be used and no building shall be erected or altered except for one or more of the following uses:

A. Principal Permitted Uses:

- (1) Bed and Breakfast Establishment
- (2) Personal Service Shop
- (3) Retail Store
- (4) Museum
- (5) Custom Work Shop
- (6) Radio, Television or Household Appliance Sales or Service
- (7) Funeral Home
- (8) Antique Shop
- (9) Animal/Veterinary Hospital
- (10) Feed, Lumber, Seed or Fertilizer Building
- (11) Carwash
- (12) Fire Station or Municipal Building
- (13) Cabinet, Electrical, Heating, Plumbing or Air Conditioner Shop
- (14) Mobile manufactured home as part of a Farm Operation
- (15) Community Park or Playground
- (16) Retail Bakery
- (17) Historic Building or Site
- (18) Laundry or Dry Cleaning Plant
- (19) Farm and Accessory Use or Building

- (20) One Family Dwelling
- (21) Accessory Use or Building

- (22) Home Occupation

- (23) Salons

- (24) Taverns

B. Uses Permitted as a Special Permit by the Planning Board:

- (1) Gasoline Station
- (2) Professional Office, Studio
- (3) Bank
- (4) Utility Substation
- (5) Hotel
- (6) Public Garage
- (7) Restaurant
- (8) Fuel Sales and Storage
- (9) Automobile, Boat, Farm Implement or Mobile manufactured home
Sales or Rental
- (10) Indoor Storage of non-liquid, non-gaseous fuel
- (11) Industrial/Manufacturing
- (12) Bowling Alley
- (13) Multi Family Dwelling
- (14) Two Family Dwelling

SECTION 10- Planned Development District

The Planned Development District (PDD) is hereby established as a floating zone with potential applicability to any property in the Town.

A. Purpose:

- (1) To provide for well-located, clean, safe, and pleasant industrial sites involving a minimum strain on transportation facilities;
- (2) To encourage innovations in residential, commercial, and industrial development and renewal so that the growing demands of the population may be met by greater variety in type, design, and layout of buildings and by the conservation and more efficient use of open space ancillary to said buildings;
- (3) To encourage a more efficient use of land and public services or private services in lieu thereof, and to reflect changes in the technology of land development so that resulting economies may ensure to the benefit of those who need homes;
- (4) To lessen the burden of traffic on streets and highways;
- (5) To conserve the value of land;
- (6) To provide a procedure which can relate the type, design, and layout of residential, commercial, and industrial development to the particular site thereby encouraging preservation of the site's natural characteristics; and
- (7) To encourage integrated planning in order to achieve the above purposes.

B. Criteria:

- (1) The boundaries of each PDD shall be fixed by amendment to the official Zoning Map wherever this District is applied. A metes and bounds description of each such District shall be kept on file in the office of the Town Clerk. Although it is anticipated that the PDD rezoning applications will be submitted on a voluntary basis by applicants, the Town Board may, on its own motion, rezone property to a PDD. This District is intended for sites of at least 50 acres, but the Town Board may consider applications for smaller properties if special circumstances warrant.
- (2) The following is a list of standards to be considered when reviewing a PDD:
 - (a) Compatibility with the surrounding area
 - (b) Harmony with the character of the neighborhood
 - (c) Need for the proposed development
 - (d) The effect of the proposed PDD on the immediate area

- (e) The effect of the proposed PDD on the future development of the area
- (f) Whether or not an exception from the zoning law requirements and limitations is warranted by virtue of design and amenities incorporated in the development plan
- (g) That land surrounding the proposed PDD can be planned in coordination with the proposed PDD
- (h) That the proposed change to a PDD district is in conformance with the general intent of the Comprehensive Plan
- (i) That the existing and proposed roads are suitable and adequate to carry anticipated traffic in and around the proposed district
- (j) That existing and proposed utility services are adequate for the proposed development
- (k) That the PDD creates a desirable and stable environment
- (l) That the PDD makes it possible for the creation of a creative, innovative, and efficient use of the property

C. Procedure:

- (1) Application for establishment of a Planned Development District shall be made to the Town Board, the Town Board shall refer the application to the Town Planning Board for consideration.
- (2) The Planning Board shall require the applicant to furnish such preliminary plans, drawings and specifications as may be required for an understanding of the proposed development. In reaching its decision on the proposed development, the Planning Board shall consider all of the criteria listed in Section 10, B-2.
- (3) The Planning Board shall approve, approve with modifications, or disapprove such application and shall report its decision to the Town Board.
- (4) The Town Board shall refer the proposed Planned Development District to the County Planning Board in accordance with General Municipal Law, Section 239-m.
- (5) The Town Board shall hold a public hearing on the proposed PDD, with public notice as provided by law.
- (6) The Town Board may then approve the Planned Development District so as to define the boundaries of the PDD as required in Section 10, B-1, but such action shall have the effect only of granting permission

for development of the specific proposed use in accordance with the specifications, plans and elevations filed with the Town Board. In the event the Planning Board has disapproved such proposal, or approved with modifications which the applicant is not willing to make, an affirmative vote of at least four (4) members of the Town Board shall be required to establish such Planned Development District.

**ARTICLE VI - AREA AND HEIGHT REGULATIONS
LOTS, YARD AND BUILDINGS**

SECTION 11 -Regulations in Schedule A

Regulations governing lot area and lot width; front, side and rear yards; building coverage and building height are specified in Schedule A and in the additional regulations of Article VI, VII and supplementary regulations of Article IX. Schedule A accompanies, and is hereby made a part of this zoning.

A. Clustering

It is the policy of the Town of Palatine to preserve its open space and encourage development that is compatible with the existing character of the Town. Accordingly, the Planning Board may vary the dimensional requirements specified in Schedule A and in Article VI and supplementary regulations of Article IX during the subdivision review process provided that it issues a written explanation of the reasons for such variation.

SECTION 12 - Area Regulations

A. Lots of Less Than required Dimensions

(1) Any single lot or parcel of land which was of record at the time of adoption of this ordinance, that does not meet the requirements for minimum lot width and area, may be utilized for a permitted principal use, provided that lots, yards, courts or usable open spaces are not less than fifty (50) percent of the minimum required dimensions of areas.

(2) In the event that compliance with the yard and coverage requirements of the district would result in a residential structure of less width than 24 feet, the Board of Appeals shall determine and fix yard and

coverage requirements for said lot to permit its reasonable utilization for a permitted use.

- B. Reduction of Lot Area The minimum yards and open spaces, including lot area per family, required by this zoning shall not be encroached upon nor considered as yard or open space requirements for any other building, no shall any lot be reduced below the district requirements or this zoning.
- C. Corner Lots On a corner lot in any district where a front yard is required, a yard shall be provided on each street equal in depth to the required front yard on each such street. One rear yard shall be provided on each corner lot and the owner shall designate the rear yard on his application for a permit. The Board of Appeals shall determine the yards and building width of a corner lot facing an intersecting street, and of record at the time of the passage of this zoning, if the yard requirements would result in a residential structure less than twenty-four (24) feet wide.
- D. Visibility at Street Corners On a corner lot in any district where a front yard is required, no fence, hedge, wall or other structure or planting more than three feet in height shall be erected, placed or maintained so as to obstruct visibility of vehicular traffic within the triangular area formed by the intersecting street right-of-way lines and a straight line joining said lines at points 20 feet distant from the point of intersection, measured along said lines. Intersections with county or state road shall be in accordance with corresponding transportation department regulations and restrictions imposed by this zoning.
- E. Front Yard Exceptions The minimum front yard of all principal buildings and structures hereafter constructed within a Residential District shall conform with Schedule A; and in addition shall be not less than the average front yard of all principal buildings in the block for a distance of 300 feet on each side of such building. A vacant lot within the 300 foot distance shall be considered as having the minimum front yard required in the district for the purpose of computing such average front yard.
- F. Transition Yard Requirements
 - (1) Where two districts abut on the same street between two intersecting streets, and the front yard requirements of one district are less than those of the other district, there shall be provided for buildings hereafter constructed or structurally altered within a

distance of 50 feet from the district boundary line in the less restricted district a front yard equal in depth to the average of the required depth in the two districts.

- (2) Where the side or rear yard of a lot in a Residential District abuts a side or rear yard of a lot in a Commercial District, there shall be provided along such abutting line or lines in the Commercial District a side or rear yard equal in depth to that required in the more restricted district; and in addition, a planting buffer at least 10 feet wide, having evergreen vegetative screening and/or opaque fencing at least 8 feet high may be required by the Town Planning Board in an easement in any Commercial District.

G. Overlay District Boundaries Where overlay district boundaries are based upon natural features such as steep slopes, contour lines, elevations, soil types, or ecological communities, such boundaries may be more precisely established through field investigation by a qualified professional. In all other cases, the location of boundaries shown on the map shall be determined by the use of the scale appearing thereon.

H. Projecting Architectural Features, Terraces, Porches, Fire Escapes

- (1) The space in any required yard shall be open and unobstructed except for the ordinary projections of window sills, belt courses, cornices, eaves and other architectural features, provided, however, that such features shall not project more than two feet into any required yard.
- (2) A paved terrace shall not be considered as part of a building in the determination of yard size or lot coverage, provided that such terrace is without a roof and without walls, parapets, or other form of enclosure exceeding six feet in height.
- (3) In determining the percentage of building coverage or the size of yards for the purpose of this zoning, enclosed porches, or porches open at the side but roofed, shall be considered a part of the building.
- (4) An open fire escape may extend into any required yard no more than four feet six inches, provided such fire escape shall not be closer than 4 feet at any point to any lot line.

- (5) Unenclosed entrance steps or stairways providing access to the first story of a building may extend into any required yard a distance not to exceed six feet.

- I. Walls, Fences and Hedges The yard requirements of this zoning shall not prohibit any necessary retaining wall nor any fence, wall or hedge permitted by the Town Zoning, provided that in any Residence District such fence, wall or hedge shall be no closer to any front lot line than two feet, and shall comply with visibility at street corners as provided in this Article.

SECTION 13 - Height Regulations

- A. Chimneys, Spires, etc. The height limitations of this zoning shall not apply to belfries, church spires, cupolas, and domes which are not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks or other storage tanks/silos and necessary mechanical appurtenances usually carried above the roof level; not to flag poles, monuments, transmission towers and cables, radio and television antennae or towers and similar structures. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose for which they are intended, and are subject to planning board review and approval. No advertising device of any kind whatsoever shall be inscribed upon or attached to that part of any chimney, tower, tank or other structure which extends above the roof limitations.
- B. On Through Lots. On through lots 120 feet or less in depth, the height of a building may be measured from the grade of either street. On through lots more than 120 feet deep, the height regulations and basis of height measurement for the street permitting the greater height shall apply to a depth of not more than 120 feet from that street.

ARTICLE VII- PRESERVATION OVERLAY DISTRICTS

SECTION 14- General

- A. Purpose. The Town of Palatine declares that the protection of its stream corridors, floodplains, wetlands, reservoirs, and historic resources is an

important public purpose and that, to the extent practicable, future development of the Town should minimize disturbance of these areas.

B. Effect of Regulations.

- (1) In furtherance of the objective in Subsection (a) above, the Town hereby creates Overlay Districts which regulate the use of these areas of public importance. The restrictions applicable in these districts are supplementary to, and do not replace, the underlying use, density, and dimensional regulations in each Base Zoning District.
- (2) These regulations do not limit or reduce the allowable density of residential development permitted in Article VI.
- (3) In considering any application for Special Permit, Site Plan, subdivision, or zoning amendment, the Zoning Board of Appeals, Planning Board, or Town Board shall attempt, to the extent practicable, to maintain areas delineated in Preservation Overlay Districts as open space, directing permissible development into those areas not mapped as Overlay Districts.

C. Mapping of Districts. The Town Board may adopt and revise, as part of the Zoning Map an Overlay District Map or Maps delineating the districts established herein. The provisions of this Article shall take effect only when each Overlay District created herein has been placed on a specific map.

D. Interpretation of Boundaries. In the event of uncertainty as to the exact boundaries of any Overlay District, the Zoning Board of Appeals shall interpret this Chapter by designating the exact boundary pursuant to the criteria established below for creating each Overlay District, with information prepared by a professional consultant as provided in Article VI, Section 12 subsection G.

SECTION 15- Stream Corridor Overlay District (SC)

A. Purpose. The protection of stream corridors is essential to the maintenance of water quality and the scenic beauty of the Town. It is, therefore, necessary to protect these stream corridors from sedimentation and water pollution.

B. Boundaries. The Stream Corridor Overlay District shall consist of all lands lying within two hundred (200) feet of either side of the center line of all streams classified by the New York State Department of Environmental Conservation, as well as such other streams and

tributaries as may be designated and mapped by the Town Board. Where these streams are split into two or more channels by islands, the SC District shall include such islands, and district boundaries shall be measured from the centerlines of the outer channels.

- C. Regulations. The Stream Corridor Overlay District regulates activities within the delineated corridors. Within this District, a Special Permit shall be required for any construction, filling, excavation, clear-cutting of more than 10,000 square feet of vegetation over a five year period, grading or other alteration of the natural landscape, application of fertilizers or pesticides, or dumping or disposal of any materials. This regulation shall not apply to agricultural uses existing as of the adoption of this Local Zoning Law.
- D. Special Permit Requirements. The Planning Board may issue a Special Permit pursuant to Subsection 3 above only if it finds that the granting of the Special Permit, with appropriate conditions attached, will not result in erosion or stream pollution from surface or subsurface runoff.

SECTION 16- Floodplain Overlay District (FP)

Development of land lying within an "area of special flood hazard" (one hundred (100) year floodplain), as delineated on the Flood Insurance Rate Map (FIRM) for the Town of Palatine which is produced by the Federal Emergency Management Agency, or as delineated by any succeeding local law regulating floodplains, shall require compliance with such local law.

SECTION 17- Historic Overlay District (H)

- A. Purpose. The Town wishes to preserve historic structures by channelling development away from those areas and onto lands that do not have historic significance. Where development occurs near these sensitive historic areas, the Town wishes to ensure that such development is harmonious with their existing character through Site Plan Review.
- B. Boundaries. In furtherance of this purpose, the sites that are to be protected by this section are sites which are listed on the State and National Register of Historic Places (The Palatine Church, Historic Stone Arabia Church, the Kanatsioharekeh Mohawk Indian Community). The specific areas to be protected are all lands within a quarter (1/4) mile radius of the sites listed above.
- C. Procedure.

- (1) No new structures larger than five hundred (500) square feet in floor space, including single-family homes, and no major modifications or expansions of existing structures, may be constructed within the Historic Overlay District without first obtaining Site Plan approval from the Planning Board.

- (2) In order to grant Site Plan approval for a proposed structure visible within one quarter (1/4) mile of a mapped historic resource, the Planning Board must find that such structure is architecturally compatible with surrounding historic structures, and that the important historic features of the site have been preserved in the Site Plan. The Planning Board may require, as a condition of approval, the execution of a perpetual historic preservation easement to ensure the maintenance of the historic character of the site.

SECTION 18- Wetland Overlay District (W)

- A. Purpose. The purpose of this overlay zone is to protect the Town from overdevelopment in and around natural areas important to the people and the future of the Town of Palatine.
- B. Boundaries. All land areas within one hundred (100) feet of a New York State regulated wetland.
- C. Procedure. No permit shall be issued by the Code Enforcement Officer for any construction within one hundred (100) feet of a New York State regulated wetland until the applicant has obtained applicable approvals from the New York State Department of Environmental Conservation.

SECTION 19- Wellhead Protection Overlay District (WP)

- A. Purpose. The Town wishes to preserve and protect the quantity and quality of groundwater resources to ensure a continued safe, adequate, and usable supply, now and in the future. The protection of current and potential future sources of groundwater is of utmost importance from the standpoint of resource protection.
- B. Boundaries. This district includes all of those lands within fifteen hundred (1,500) feet of the Village of Palatine Bridge's well source off of Route 10 near Cook Corners.
- C. Applicability.
 - (1) An applicant for any development requiring a Building Permit or other land use approval shall be subject to the provisions of this Section. Compliance shall be required as a condition of approval of any such action within the WP District. The applicant shall show, on any required submissions, the location of any portion of the subject property which lies within the WP District as identified on the Wellhead Protection Overlay District Map.
 - (2) Existing development, uses, or activities located within the WP District are not subject to the requirements of this Local Law and are considered non-conforming uses or activities. Any change in a permitted non-conforming use or activity will be subject to the requirements of the WP District. Notwithstanding the foregoing, if any non-conforming uses are found to pose a potential or imminent health hazard, they shall be deemed violations of this Local Law.

- C. Procedure. No proposed action within the WP District shall be approved unless the reviewing or Code Enforcement Officer finds that, based upon available information, analysis, and evidence, the proposed action will not:
- (1) Significantly alter the subsurface flow of groundwater to the well.
 - (2) Degrade the quality of groundwater through the introduction of sewage or other organic wastes, stormwater runoff, liquid chemicals, petroleum products, dissolved metals, or other toxic substances.
 - (3) Increase the long-term risk of groundwater contamination through the siting, establishment, or expansion of uses which store, transport, or utilize significant quantities of material which is potentially harmful to groundwater quality.
 - (4) Increase the long-term risk of groundwater contamination through the introduction of relatively small quantities of hazardous or toxic substances which, over a period of time, may accumulate in groundwater.
 - (5) Increase the risk of groundwater contamination through the removal of soil, sand, stone, or gravel necessary to provide a protective mantle for groundwater.

ARTICLE VIII - SITE PLAN APPROVAL AND SPECIAL PERMITS

SECTION 20 - Purpose and Authorization

The purpose of site plan approval and special permit approval is to ensure compliance with the objectives of this zoning, thereby promoting the public health, safety and general welfare.

This section of the Palatine Zoning Law is enacted under the authority of Section 274-a of the Town Law of the State of New York to protect the health, safety, convenience and general welfare of the inhabitants of the Town. This Section regulates the development of structures and sites in a manner which considers the following concerns and, where necessary, requires modification of development proposals to eliminate or minimize potential problems and nuisances.

The power to approve, approve with conditions, or deny site plans and special permits as required by this article is vested in the planning board. All site plan and special permit applications shall comply with the adopted, current requirements and procedures of the planning board.

Site Plan Review will be carried out in accordance with the Town of Palatine Site Plan Review Local Law which was adopted in July 1998.

SECTION 21 - Developments Requiring Site Plan Review

All development projects which are required for review in accordance with the Town of Palatine Site Plan Review Local Law. In addition all special permits require site plan review. Site plan review and special permit review should be conducted jointly by the planning board.

SECTION 22- Enforcement

- A. The Planning Board may require the posting of a bond or other similar performance guarantee to ensure compliance with the plan and stated conditions of approval. The Zoning Enforcement Officer may suspend any permit or license when work is not performed as required.
- B. Any Special Permit issued under this section shall lapse within one year if a substantial use thereof has not commenced, except for good cause. The time required to pursue and await determination of a judicial appeal pursuant to Chapter 274-b of the Town Law shall be included within the one-year time limit.
- C. The Planning Board may adopt additional detailed design guidelines and performance standards, as it deems necessary by majority vote of the Planning Board, after conducting a public hearing to receive comments on any proposed revisions. Such hearing shall be advertised once in a newspaper of general local circulation, at least seven (7) days prior to the hearing. Such standards and guidelines shall not become effective until adopted by the Town Board following a public hearing.
- D. No topsoil, tree, shrubs or other vegetation shall be removed from the site until a site plan has been approved for the property in question.

SECTION 23 - Special Permits

On application and after public notice and hearing by the Planning Board, said board may authorize, by resolution, the issuance of a special permit only for those uses in a district where this zoning requires such a permit. In authorizing the issuance of a special permit, the Planning Board shall take into consideration the public health, safety, and general welfare and shall prescribe

appropriate conditions and safeguard to insure the accomplishment of the following objectives, unless otherwise provided all special permits shall be valid for a period as determined by the Planning Board.

A. OBJECTIVES

- (1) That all proposed structures, equipment, or material shall be readily accessible for fire and police protection.
- (2) That the proposed use is of such location, size, and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.
- (3) That, in addition to the above, in the case of any use located in, or directly adjacent to a residential district:
 - (a) The location size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access street shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or incongruous with, the said residential district or conflict with the normal traffic or the neighborhood.
 - (b) The location and height of buildings, the location, nature, and height of walls and fences, and the nature and extent of screening and 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 diminish the value thereof.

B. PROCEDURE:

Since all special permits require site plan review, the procedure for a special permit shall be the same as specified for a site plan review, except that a public hearing is mandatory. Site plan and special permit review should be conducted jointly to save time, effort, and repetition of information.

C. CONDITIONS AND SAFEGUARDS:

In authorizing the issuance of a special permit it shall be the duty of the Planning Board to attach such conditions and safeguards as may be required in order that the results of its action may, to the maximum extent possible, further the general objectives of this zoning. The Planning Board may require that special permitted uses be periodically renewed. Such renewal shall be granted allowing due public notice and hearings, and may be withheld only upon determination that such conditions as may have been prescribed by the Board in conjunction with the issuance of the original permit have not been, or are no longer being complied with.

In such cases, a period of 60 days will be granted the applicant for full compliance prior to the revoking of the said permit. Any use for which a special permit may be granted shall be deemed to be a conforming use in the district in which such use is located providing that:

- a. The provision in this zoning law under which such exception was issued is still in effect.
- b. Such exception was issued in conformity with the provisions of this zoning.
- c. Such use shall be deemed to affect only the lot or portion thereof for which such permit shall have been granted.

D. APPEALS:

Any person or personal, jointly or severally aggrieved by any decision of the Planning Board concerning review of a special permit may bring a proceeding to review in a manner provided by Article Seventy-Eight of the Civil Practice Laws and rules in a court of record.

ARTICLE IX - SUPPLEMENTARY REGULATIONS

SECTION 24- General Land Use Performance Standards

In any district, the following performance standards for all land uses shall apply, subject to the limitations on the regulation of agricultural uses contained in Article II Section 2:

- A. No offensive or objectionable vibration, glare, or odor shall be noticeable at or beyond the property line, and no building materials, junk, leaves or

other waste materials shall be deposited within ten (10) feet of a property line.

- B. No activity shall create a safety or health hazard by reason of fire, explosion, radiation, or other such cause, to persons or property.
- C. There shall be no discharge of liquid or solid waste, or of any other materials, in a manner that may contaminate surface water or groundwater.
- D. There shall be no storage of any material either indoors or outdoors that endangers public health and safety or the natural environment.
- E. Emission into the ambient air of smoke, dust, gases, or other material which can cause damage to the health of persons, animals, plants, or damage to property is prohibited.

SECTION 25- Personal Wireless Service Facilities

All Personal Wireless Service Facilities shall be sited and regulated in accordance with the provisions of the Town of Palatine Site Plan Review Local Law.

SECTION 26 - Access to Improved Street

In any district, a lot to be used for building purposes shall have direct frontage on a improved street, or highway, or on a street in a subdivision plot approved by the Planning Board.

SECTION 27 - Lots in Two Districts

Where a district boundary line divides a lot in one ownership at the time of adoption of said district line, the regulation for either district may be used up to 100 feet into the other district provided the lot has the minimum required frontage on a street.

SECTION 28 - Drive-In Food Services

Any drive-in food service building shall be located 60 feet or more from any public right-of-way. Such businesses, where persons are served in

automobiles, shall not be closer than 200 feet to a Residential District. Arrangements of ingress and egress of vehicles, lights, fences and screening shall be approved by the Planning Board in such a way as not to interfere with uses in the Residential District.

SECTION 29 - Accessory Building: Number, Height and Location

- A. Number: On any lot intended or used primarily for residential purposes, an accessory building such as private garage for use in connection with the principal dwelling, is permitted.
- B. Height: Maximum height of accessory buildings shall be 25 feet, except that there shall be no height limitation on barns, silos and other farm structures.
- C. Location: Accessory private garage buildings in Residential Districts which are not attached to a principal building may be erected within the rear yard accordance with the following requirements:
 - (1) Rear Yard: Five feet from side or rear property line, except when abutting an alley, then 10 feet,
 - (2) Side Yard: Street side of corner lot - same as for principal building.
 - (3) Not closer to a principal or accessory building than 10 feet
 - (4) In any district, accessory buildings other than private garages shall comply with front and side yard requirements for the principal building to which they are accessory and shall be not closer to any rear property line than 10 feet.
- D. Attached Accessory Building in Residence District: When an accessory building is attached to the principal building, it shall comply in all respects with the requirements of this zoning applicable to the principal building.
- E. Maximum lot coverage is to include all principal and accessory structures

SECTION 30 - Mineral Extraction

In an district, the removal of more than 1000 tons per year of soil, sand, gravel, or quarried stone for sale, except when incidental to, or connected with, construction of a building on the same premises, requires a New York State Department of Environmental Conservation (DEC) permit and approval. Local review by the planning board is not authorized. The Town Board will be sent a copy of the applicant's proposal and may make suggestions on ingress, egress and hours of operation, but final decisions are that of the DEC.

SECTION 31 - Junkyards

All junkyards, wrecking yards, or places for the collection of recoverable materials or inoperable equipment shall conform to the following requirements:

- A. Buffering from noise and dust, and screening from visibility shall be provided by a continuous solid border of a wooded fence, dense evergreen planting, or hedgerow acceptable to the Planning Board. The height of the border or buffering or screening shall be not less than eight (8) feet and shall take into consideration the topography of the site. Border, buffer, or screening shall be in place before operation can begin.
- B. Materials shall not be collected or stored on a hillside of greater than 10 percent slope, on a floodplain, or within 100 feet of any stream bed.
- C. No material shall be stacked, piled or stored above the height of the screening or buffering, planting, or fencing, nor shall any material be visible through such border
- D. Access drives shall be finished with a surface that will assure that it will be maintained free of dust and debris. Surface materials may include compact gravel, blacktop, or any other approved materials.
- E. No junkyard shall be established in any area within two hundred (200) feet from any highway (state, county, local road), lake, stream, well, or property line nor shall any junkyard be established within five hundred (500) feet of any existing dwelling.
- F. There shall be no on-site disposal of storage or waste oil or any other petroleum or chemical products, nor the on-site storage of used or discarded batteries.
- G. Operation of junkyard is conditional upon the granting of an annual operating license from the Town Board in accordance with Section 136 of the General Municipal Law and this Section of this Zoning.

- H. The outdoor storage of two or more unregistered motor vehicles no longer intended or in condition for legal use, or major portions of such vehicles and/or a comparable quantity of inoperable machines, implements, or appliances, or two or more unregistered travel trailers or camping vehicles shall require licensing as a junkyard. The outdoor storage of one or more inhabitable mobile manufactured homes shall require licensing as a junkyard unless structures are in use for permitted nonresidential or accessory auxiliary uses.
- I. Inoperable agricultural equipment or machinery stored on an operating farm for further restoration or for use as a source of spare parts for other equipment in use on the farm shall not be subject to the above provisions of this Section.

SECTION 32 - Signs

Signs shall comply with the following regulations:

A. General:

A sign shall be permitted to advertise non-residential uses on site. Signs shall be of such design and construction so as to convey information with clarity and without disruption to the character of the community.

Such signs shall conform to the following general design principles:

- (1) The lowest point of a hanging sign in a pedestrian circulation area should be at least seven and one-half (7 1/2) feet above ground.
- (2) Signs should be a subordinate part of the local landscape and as small as practicable.
- (3) Signs should have a minimum of information in order to avoid clutter and confusion.
- (4) Whenever feasible, multiple signs should be combined into one to avoid clutter.
- (5) No sign shall be located so as to project into the public right-of-way or to be a hazard to traffic or pedestrians, to obstruct any door, window, ventilating system or fire escape or to cause any other hazard to public safety or peril
- (6) If sign is illuminated, the source of light shall not be visible.

B. Exempt Signs:

The following signs shall be exempt from the requirements from the requirements of this section:

- (1) Historical markers, tablets and statues, memorial signs and plaques, names of buildings and dates or erection, when cut into masonry surface or when constructed or bronze, stainless steel, or similar materials; and emblems installed by government agencies, religious or nonprofit organizations; not exceeding thirty-two (32) square feet.
- (2) Flags and insignia of any government except when displayed in connection with a commercial promotion.
- (3) Traffic or other municipal signs.
- (4) Legal notices or such temporary, emergency, or non-advertising signs may be authorized by the Town.
- (5) A farm produce sign not exceeding six (6) square feet.
- (6) Temporary non-illuminated signs on the premises for up to one year for the following purposes:
 - (a) Real estate "For Sale" or "For Rent" signs not exceeding six (6) square feet and located on the front wall of the building or if freestanding, not nearer than ten (10) feet from a roadway edge on the subject property.
 - (b) Signs which announce anticipated occupancy of a site or building or identifies the contractors, architects, engineers, etc., on a building or site under construction should not exceed twenty (20) square feet in area. Such sign shall be a minimum of ten (10) feet from a roadway edge on the subject property.
- (7) Temporary off-premises directional signs for the convenience of the general public not exceeding two (2) square feet in area.
- (8) Signs or bulletin board customarily incidental to places of worship, libraries or museums, erected on the premises for purposes of displaying temporary public information notices, not exceeding fifteen (15) square feet in area.

C. Prohibitions:

The following signs shall be prohibited unless otherwise exempted by the Planning Board:

- (1) Except for holiday seasons, grand openings and other special or temporary events, not to exceed thirty (30) days, no sign shall include or consist of pennants, ribbons, streamers, spinners or other moving, fluttering or revolving devices.
- (2) No sign shall contain flashing lights.
- (3) No revolving, moving or animated signs shall be permitted.
- (4) No advertising billboards shall be allowed on-site for a proposed use.
- (5) No temporary, movable signs, except for holiday seasons, grand openings, and other special events, not to exceed sixty (60) days, shall be allowed.

D. Freestanding Signs:

All freestanding signs shall comply with the following standards:

- (1) Only one freestanding sign, which may be doublefaced, shall be permitted for the primary frontage of a property on a public street. Not more than one freestanding sign shall be permitted for each business structure, plaza etc. regardless of the number of stores housed therein.
- (2) All signs should be erected a minimum of fifteen (15) feet from any roadway edge.
- (3) The maximum height for a freestanding sign, unless otherwise indicated, shall be fifteen (15) feet.

E. Building Signs:

Signs attached to a building shall conform to the following standards:

- (1) The maximum area of the sign shall not exceed ten (10) percent of the building face area.
- (2) Signs shall not project above the highest point along the face of the building.
- (3) Iconic signs, such as barber poles, eye glasses, etc., which are traditional in appearance and size should not extend more than four (4) feet from a building wall-nor occupy a space of more than fifteen (15) square feet when viewed from any angle.
- (4) One sign not exceeding four (4) square feet in area may be hung under a roof overhang perpendicular to each store front in a shopping center.
- (5) Directional signs for pedestrian and traffic control should not exceed four (4) square feet in area each.

F. In R-1 and A Agricultural, non-illuminated and non-advertising signs are permitted as follows:

- (1) One nameplate, identification or professional sign, not to exceed an aggregate of twelve (12) square feet of sign area, showing the name or permitted home occupation of the occupant of the premises.

SECTION 33 - Permanent Building Foundations

All dwellings, including One-family, Two-Family, Multiple-Family, Board or Rooming Houses, Mobile manufactured homes, and Factory manufactured homes shall be placed upon a permanent foundation, except for temporary mobile manufactured homes permitted by special permit by the Planning Board.

SECTION 34 - Vision Clearance at Intersections

No obstructions to vision, such as shrubbery, brush, trees, earth, or structure, shall be permitted at road intersections within the triangle formed by the intersections of road center lines and a line drawn between points along such lines 20 feet distance from their point of intersection.

SECTION 35 - Landscaping Requirements

- A. Where any permitted non-residential land use, multiple-family development or mobile manufactured home park abuts an existing residential parcel or vacant parcel where residential development could occur, a strip of land at least 20 feet wide shall be maintained as a landscaped area in the front, side and/or rear yard which adjoin these uses.
- B. Required landscaping shall be installed and maintained in a healthy growing condition and shall take the form of any or all of the following: shade trees, deciduous shrubs, evergreens, well-kept grassed areas or ground cover. In any case, all such landscaping shall be a minimum of four (4) feet in height.

SECTION 36- Corner and Through Lots

Front yard setbacks and minimum road frontages are required on both road fronts. The two remaining yards shall be designate by the applicant as to which will be the rear yard and which will be the side yard.

SECTION 37 - Flag Lots

- A. The access strip of land shall be a minimum of 60 feet wide and no more than 300 feet deep.
- B. The minimum lot area, lot width and lot depth requirements shall be met exclusively of the land contained in the access strip.
- C. Minimum front, side and rear setback requirements shall be met, excluding the narrow access strip.
- D. No more than one flag lot shall be served by a single access strip.

- E. Access strips shall be a minimum distance apart of at least the minimum lot width in the zoning district.
- F. Access strip shall not be a right-of-way, but shall be owned in fee title by the owner of the flag parcel.
- G. No more than 10 percent of the lots in a new residential subdivision approved after the date of the adoption of these zoning revisions shall be flag lots.

SECTION 38 - Environmental Quality Review

The State Environmental Quality Review requires that local government examine the environmental impact of all actions they permit, fund or construct. Article 8 and Part 617 of Title 6 of the New York Code of Rules and Regulations are hereby adopted by reference.

SECTION 39 - Dish Antennae

- A. All dish antennae shall be located in either the side or rear yards, unless the owner can prove his/her only “window of reception” is in the front yard. In the event that no “window of reception” is available on the ground, such antennae may be placed on the roof of the dwelling structure.
- B. The location and design of dish antennae shall minimize the visual impact on adjacent property as determined by the Zoning Enforcement Officer, appealable to the Zoning Board of Appeals.

SECTION 40 - Exterior Lighting

In no case shall any exterior lighting be directed toward the highway so as to interfere with the vision or attract the attention of the driver of a motor vehicle, nor shall the light be directed toward any other lot or cause excessive illumination of adjacent lots.

SECTION 41- Mobile Manufactured Homes

Individual mobile manufactured homes shall be subject to all the regulations pertaining to detached, one-family dwellings, in addition to the following standards:

- A. The mobile manufactured home shall be provided with anchors or tie-downs at least at the corners, attached to concrete footing installed below the frost line or embedded in concrete runners or a concrete slab or a suitable substitute as deemed acceptable by the Building Inspector.
- B. The mobile manufactured home will be provided with skirts or screen in the space between the mobile manufactured home and the stand. Such skirts shall be made of concrete block or a permanent material and providing a finished exterior appearance, and shall be installed within four months from date of issuance of permit for the mobile manufactured home.
- C. Any construction or storage space, additional rooms or enclosed patios or carports shall have a finished exterior appearance. No exposed building paper, wallboard or other impermanent and unfinished material will be permitted.
- D. The mobile manufactured home shall bear the seal required by the State of New York or an equivalent acceptable to the State of New York.
- E. No additions shall be made to a mobile manufactured home except a canopy and/or porch open on three sides, or an addition made by the mobile manufactured home manufacturer and/or built in conformance with New York State uniform Fire Prevention and Building Code Regulations.
- F. All mobile manufactured homes installed in the Town shall meet current US Department of Housing and Urban Development (HUD) standards and shall have a seal by HUD designating and verifying the age of the mobile manufactured home.

SECTION 42 - Public Utility and Facilities

Public utility substations and similar structures, shall comply with the following:

- A. Facility shall be surrounded by a fence set back from property lines in conformance with district regulations for front, side and rear yards.
- B. Landscaped area at least 20 feet wide shall be maintained in front, side and rear yards.
- C. There shall be no equipment visible from surrounding property.
- D. Utility poles and attendant lines will be allowed, as necessary, in all districts.

SECTION 43 - Swimming Pools

- A. Accessory to Single Family Dwellings:

Swimming pools, whether permanent or portable, having depth of at least two (2) feet, shall meet the front, rear, and side setback requirements.

- B. Accessory to Residential Developments:

Swimming pools accessory to residential developments, whether clustered single-family dwellings, seasonal dwelling, bungalow colonies, camps or multi-family dwelling, shall be of permanent construction and shall be located not closer than 10 feet to any lot line and closer than 10 feet to any dwelling unit and shall meet the setback of the existing house.

- C. Non-Residential:

Swimming pools that are part of non-residential uses, whether commercial or non-commercial, such as hotels, motels, clubs, campgrounds, day-use recreational facilities or institution, shall be of permanent construction and shall be located not closer than the setback requirements for the district in which it is located.

- D. Fencing:

Fencing of swimming pools shall comply with the New York State Uniform Fire Prevention and Building Construction Code requirements.

ARTICLE X - OFF STREET PARKING AND LOADING

SECTION 44 - Automobile Parking Facilities

Where one or more motor or other vehicle recurrently parks by reason of the use and occupancy of the premises, there shall be provided on or in convenient connection therewith adequate garage or vehicular parking spaces for the number and in proportion to the vehicular parking spaces for the number and in proportion to the size of the vehicles which so park, the minimum to be not less than one hundred eighty square feet per automobile, in addition to driveway and backing and turning space. The recurrent parking of any such vehicle shall be evidence of the failure to provide adequate and suitable garage or parking source on or in convenient connection with such premises.

Parking requirements for certain uses are specified in Schedule B. For uses not specified, the Board of Appeals shall establish parking requirements, after recommendation of the Planning Board.

For any building having more than one use, parking shall be required for each use.

SECTION 45- Off-Street Loading Facilities

Off-street loading facilities shall be provided for each commercial or industrial establishment hereafter erected or substantially altered and shall be so arranged as not to interfere with pedestrian or motor traffic on the public street or highway.

Loading space requirements for certain uses are specified in Schedule B. For uses not specified, the Board of Appeals shall establish loading requirements, after recommendation of the Planning Board.

Loading requirements apply to each separate occupancy and are exclusive of driveways, aisles and other necessary circulation areas.

SCHEDULE B - OFF-STREET PARKING & LOADING

PARKING

SPACES REQUIRED

1. Dwelling

2 spaces for each dwelling unit or

| | |
|--|---|
| | 1 1/2 space per dwelling w/3+ units |
| 2. Rooming house, Tourist home, hotel, motel | 1 space for each guest room |
| 3. Administrative, professional, utility, governmental office or eleemosynary | 1 space for each 400 square feet of floor space |
| 4. Funeral Home | 10 spaces, plus space for all employee and resident personnel |
| 5. Church | 1 space for each 3 seating spaces in main assembly room |
| 6. Elementary School | 2 spaces for each classroom |
| 7. High School | 4 spaces for each classroom |
| 8. Theater or other place of assembly | 1 space for each 2 seating spaces plus one for each employee |
| 9. Hospital | 1 space for each 3 beds plus one for each staff member (max. shift) |
| 10. Nursing or convalescent home | 1 space for each 4 beds plus one for each staff member (max. shift) |
| 11. Retail store or bank | 3 spaces for each 250 square feet of floor space devoted to customer use |
| 12. Clubs or Restaurants | 1 space for each two customers seats plus 1 for each employee based on max. working shift |
| 13. Bowling Alley | 5 spaces for each alley plus one for each employee, max. shift |
| 14. Wholesale, storage, freight terminal or utility use | 1 space for each 1,000 square feet of gross floor area |
| 15. Industrial | 1 space for each two employees for |

manufacturing use based on the maximum working shift

16. Home Occupation 1 space for each client or patient

OFF-STREET LOADING USE

SPACES REQUIRED

1. All commercial use 1 space for five thousand (5,000) SF or more gross floor area, plus 1 space for each additional six thousand (6,000) SF gross floor area
2. All industrial use 1 space for five thousand (5,000) SF or more gross floor area, plus 1 space for each additional six thousand (6,000) SF gross floor area
3. Institution 1 space for five thousand (5,000) SF or more gross floor area, plus 1 space for each additional six thousand (6,000) SF gross floor area
4. Hospital 1 space for five thousand (5,000) SF or more gross floor area, plus 1 space for each additional six thousand (6,000) SF gross floor area
5. Hotel 1 space for five thousand (5,000) SF or more gross floor area, plus 1 space for each additional six thousand (6,000) SF gross floor area

ARTICLE XI - NON-CONFORMING USES

SECTION 46 - Continuation of Non-Conforming Uses

The lawful use of any land or building existing at the time of adoption of this Zoning may be continued although such use does not conform with the provisions of this Zoning. Any such building may be reconstructed or structurally altered and the non-conforming use thereby changed, provided the following conditions prevail:

SECTION 47- Non-Conforming Uses of Buildings

- A. Reconstruction or Alteration A non-conforming building may not be reconstructed or altered during its life to exceed fifty (50) percent of its fair value, unless such building is changed from a non-conforming use to a conforming use as defined by this Zoning, except that a mobile manufactured home which is a pre-existing non-conforming use may be replaced with a new or larger mobile manufactured home, provided that such exchange is made within 30 days, and the owner has obtained a building permit to make the exchange.
- B. Restoration A building, non-conforming as to use, which has been damaged by fire or other causes to the extent of seventy-five (75) percent of its fair value, and has not been repaired or reconstructed for the same non-conforming use within a period of twelve (12) months, shall not be repaired or reconstructed except in conformance with the regulations of the District in which such building is located.
- C. Discontinuance When a non-conforming use has been discontinued for a period of twelve (12) months, any future use of such building shall conform with the regulation for the District in which it is located.
- D. Changes A non-conforming use may not be changed to another non-conforming use under the provisions of this Section.
- E. Completion of Building Any building lawfully under construction at the time of enactment of this Zoning may be completed.

SECTION 48 - Non-Conforming Use of Land

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

ARTICLE XII - ADMINISTRATION

SECTION 49 - Enforcement

This zoning shall be enforced by the Enforcement Officer designated by the Town Board. The Enforcement Officer shall in no case grant any building permit where the proposed erection, alteration, relocation, or use would be in violation of any provision of this Zoning. The Enforcement Officer shall make inspections of buildings or premises necessary to carry out his duties. No permit or certificate of occupancy required hereunder shall be issued by the Enforcement Officer except in compliance with the provisions of this Zoning or as directed by the Board of Appeals under the provisions of ARTICLE XIII.

SECTION 50 - Building Permit

- A. No building shall hereafter be erected, relocated or altered as to outside dimensions or so as to permit a change in its use and no excavation for any building shall be begun unless and until a permit therefore has been issued by the Enforcement Officer.
- B. No such permit shall be issued until there has been filed with the Enforcement Officer a sketch or plot plan showing the actual dimensions and angles of the lot to be built upon, the exact size and location of the lot of the building or accessory buildings to be erected, relocated or altered and such other information of this zoning. Each application shall state the purpose for which the structure of land is to be used and a general description of the type of construction. A working drawing of any proposed building shall be filed with the application for a building permit.
- C. The Enforcement Officer shall act upon all applications for building permits within a reasonable time not to exceed 10 days, and shall, within such period, issue or refuse to issue such permits. Notice of refusal to issue any permit shall be given to the owner or to his authorized representative in writing, and shall state the reason for said refusal. The fee for any such permit shall be determined by the Town Board from time to time.
- D. Permits will not be necessary for minor repairs, painting, plumbing, waterwells, and corncribs, provided they conform to the present use of the land or buildings, as provided for in this Zoning Law. All swimming pools and new roofs shall require a building permit.

- E. A building permit shall be issued for a period of one year and may be renewed for two additional years. If the improvements described in the application for a building permit have not been completed within three years from the date that the permit is issued, the owner shall apply to the Zoning Board of Appeals to continue the permit in force.
- F. No building permit shall be issued for lots in an approved subdivision except as provided for in the subdivision regulations.

SECTION 51 - Certificate of Occupancy

No land shall be used or occupied and no building hereafter erected, altered or extended shall be used or changed in use until a certificate of occupancy shall have been issued by the Enforcement Officer. Under such rules as may be established by the Board of Appeals, a temporary certificate of occupancy for not more than 30 days for a part of a building may be issued by the Enforcement Officer. For previously existing construction, the Enforcement Officer may, on request, issue such certificate if he determines that the use of the building in question meets the requirements of the zoning.

A certificate of occupancy shall be issued only if the proposed use and construction of the building or land conforms to the provisions of this zoning and to the plot plan, purpose and description of which the permit was issued. The Enforcement Officer shall make or cause to have made an inspection of each building or lot for which a certificate of occupancy has been applied before issuing such certificate. Such inspection shall be made within ten (10) days from the date of application, Saturday, Sundays and legal holidays excepted.

The Enforcement Officer shall deny a certificate of occupancy if any violation of the State or County Health regulations is discovered. The issuance of a Certificate of Occupancy shall not be construed as a representation by the Town that the premises comply with such health Regulations, but solely that no violations have been found.

SECTION 52 - Violations

- A. A violation of this zoning is hereby declared to be an offense punishable by a fine as set by the Town Board in its schedule of fees and fines. All provisions of law relating to misdemeanors shall apply to such violations

for the purpose of jurisdiction and procedure. Each week's continued violation shall constitute a separate violation.

- B. In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained; or any building, structure or land is used; or any land is divided into lots, blocks, or sites, In violation of this Zoning, the Town Board or the Zoning Enforcement Officer may institute an action or proceeding in the Town Justice Court or In the County Court, Montgomery County, to prevent such unlawful conduct; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct, business or use in or about subject premises. In any such action by the Town Board or the Zoning Enforcement Officer, any person found to have violated the zoning shall be liable to the Town.

ARTICLE XIII - ZONING BOARD OF APPEALS

SECTION 53 - Creation, Appointment and Organization

A Zoning Board of Appeals is hereby created. Said Board shall consist of five members appointed by the Town board. The Town Board shall also designate the Chairman. The Zoning Board of Appeals shall prescribe rules for the conduct of its affairs.

SECTION 54 - Powers and Duties

The Zoning Board of Appeals shall have all the powers and duties prescribed as by statue and by this Zoning, which are more particularly specified as follows:

- A. Interpretation: Upon appeal from a decision by an administrative official, to decide any question involving the interpretation of any provision of this zoning, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.
- B. Appeals for Variances: The Zoning Board of Appeals shall hear requests for variance s. Not all requests for variances need include a denial from the Zoning Enforcement Officer. New State laws passed in 1993 allow applicants with proposed subdivisions or site plans which lack minimum area, frontage or setback requirements to appeal directly to the Zoning Board of Appeals.

C. Area variances: Area variances may be granted where setback, frontage, lot size, density or yard requirements of this zoning cannot be reasonably met. In making decisions, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Zoning Board of Appeals shall also consider:

- (1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting of the area variance;
- (2) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
- (3) Whether the requested area variance is substantial;
- (4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- (5) Whether the alleged difficulty were self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.

The Zoning Board of Appeals, in the granting of area variances, shall grant the minimum variance that it deems necessary and adequate and yet at the same time which will preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

D. Use Variance: Use variances may be granted by the ZBA for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulation.

No such variance shall be granted by a Zoning Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have cause unnecessary hardship. The applicant shall demonstrate to the Zoning Board of Appeals that:

- (1) Under applicable zoning regulations the applicant is deprived of all economic use or benefit from the property in question, which deprivation must be established by competent financial evidence;

- (2) That the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district of neighborhood;
- (3) That the requested use variance, if granted, will not alter the essential character of the neighborhood; and
- (4) That the alleged hardship has not been self-created.

E. Procedure:

- (1) All applications for variances shall be in writing on forms established by the Zoning Board of Appeals. They are available from the Zoning Enforcement Officer;
- (2) Every application shall refer to the specific provision of the law involved and establish the details of why the variance should be granted;
- (3) Upon receipt of the completed application, the Zoning Board of Appeals shall:
 - (a) Schedule a public hearing within 62 days;
 - (b) Arrange publication of notice of public hearing in the Town's official newspaper;
 - (c) Notify the applicant of the date of the public hearing at least 15 days in advance of such hearing;
 - (d) Refer application to the County Planning Board as required by General Municipal Law Section 239m, if required;
 - (e) Determine whether a Draft Environmental Impact Statement should be required.
- (4) The applicant shall notify by certified mail, return receipt required, all landowners within 500 feet of the applicant's parcel.
- (5) Within 62 days of the close of the Public Hearing, the Zoning Board of Appeals shall render a decision. If the matter was referred to the County Planning Board, a copy of the Zoning Board of Appeals' findings and decision must be sent to the County Planning Board.

- (6) Every decision of the Zoning Board of Appeals shall be by resolution, each of which will contain a full record of the findings of the Board in the particular case. Each such resolution shall be filed in the office of the Town Clerk by case number under one or another of the following headings: Interpretations, Use Variances and Variance Variances; together will all documents pertaining thereto. The Zoning Board of Appeals shall notify the Town Board of each variance granted under the provisions of this zoning.

ARTICLE XIV - AMENDMENTS

SECTION 55 - Amendments, How Initiated

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

Whenever the owners of fifty (50) percent or more of the frontage in any district or part thereof included in such change shall present a petition duly signed and acknowledged the Town Board requesting an amendment, supplement or change of the regulations prescribed for such district or part thereof, it shall be the duty of the Town Board to vote upon said petition within ninety (90) days after the filing of the same by the petitioners with the Town Clerk.

The Planning Board may, by resolution, propose an amendment to the Town Board suggesting a change or repeal of specific portions of the regulation. Within ninety (90) days from the time such resolution is filed with the Town Clerk it shall be the duty of the Board to vote on such proposed amendment.

SECTION 56 - Referral of Amendments to Town Planning Board

All proposed amendments, supplements or change originating by petition, or by motion of the Town Board, shall be referred to the Town Planning Board for a report and recommendation thereon. The Town Planning Board shall submit its report within forty-five (45) days after receiving referral. Failure of the Planning Board to report within the required time may be deemed to be approval of the proposed amendment.

SECTION 57 - Hearing on Proposed Amendment

Before any amendment, supplement or change in the regulations or district boundaries, there shall be a public notice and hearing thereon as provided by law. The notice of hearing shall be published in the official newspaper at least ten (10) days prior to the hearing. Such hearing may be held by the Town Board, by a committee of the Board, or by the Planning Board on request of the Town Board.

SECTION 58 - Adoption of Amendment

After the public hearing, and referral to and report by the Planning Board, a majority vote of the members of the Town Board shall be required to amend the Zoning Law except as described in Section 61 Protect Petition.

SECTION 59 - Protect Petition

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

ARTICLE XV - MISCELLANEOUS

SECTION 60 - Periodic Review of Zoning Law

From time to time, at intervals of not more than three (3) years, the Planning Board shall re-examine the provisions of this zoning and the location of district boundary lines and shall submit a report to the Town Board, recommending such changes or amendments, if any, which may be desirable in the interest of public safety, health, convenience, necessity or the general welfare.

SECTION 61 - Validity

The validity of any section or provision of this zoning shall not invalidate any other section or provision thereof.

SECTION 62 - Interpretation

In their interpretation and application, the provisions of this zoning shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety, or the general welfare. Whenever the requirements of this zoning are at variance with the requirements of any other lawfully adopted rules, regulations or zonings, the more restrictive, or that imposing the high standard shall govern.

SECTION 63 - When Effective

This Local Law shall take effect upon filing with the Secretary of State.