

TOWN OF TUPPER LAKE LAND USE CODE

Local Law No. 1 of 1999

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Article 1

TITLE, PURPOSE & GENERAL PROVISIONS

1.1 Short Title

This local law shall be known as the Town of Altamont and Village of Tupper Lake Land Use Code. The Town of Altamont is hereinafter referred to as the "Town." The Village of Tupper Lake is hereinafter referred to as the "Village."

1.2 Authority

Enactment of this local law by the Town is pursuant to Article 16 of the Town Law of the State of New York. Enactment of this local law by the Village is pursuant to Article 7 of the Village Law of the State of New York. Enactment by the Town is deemed to strike all references to the Village excepting Sections 1.41 and 1.61 hereof. Enactment by the Village is deemed to strike all references to the Town excepting Sections 1.41 and 1.61 hereof.

1.3 Purpose and Objective of the Code

The purpose of this code is to promote the health, safety, and general welfare of the community by channeling and directing growth, and by regulating and restricting the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yard, courts and other open spaces, the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes, to the maximum extent permissible within the proper exercise of the police power as delegated by the Town and Village Laws. It is the further purpose of this code to revoke and supercede the Zoning Ordinance in effect since March 6, 1962.

1.4 Planning Boards

A. Town

Pursuant to Section 271 of the Town Law, a Planning Board of the Town is hereby created and is referred to in this local law as the "Planning Board." Said board shall consist of five (5) members appointed by the Town Board in such manner and for such terms as provided in the duties prescribed by statute and by this local law. The Planning Board may, pursuant to Section 272 of the Town Law establish such rules and regulations as are necessary for the transaction of their business and as are not inconsistent with the terms and provisions of this local law.

B. Village

Pursuant to Section 7-718 of the Village Law a Planning Board of the Village is hereby created and is referred to in this local law as the "Planning Board." This board shall consist of five (5) members appointed by the Village Board of Trustees in such manner and for such term as provided in the Village Law. The Planning Board shall have all the powers and perform all the duties prescribed by statute and by this local law. The Planning Board may pursuant to Section 7.720 of the Village Law establish such rules and regulations as are necessary for the transaction of their business and as are not inconsistent with the terms and provisions of this local law.

1.41 Joint Planning Board

Notwithstanding the provisions of this code, nothing therein shall be deemed to prevent the establishment of a Joint Planning Board between the Town and the Village to perform the duties of the Planning Board prescribed by this code. In the event a Joint Planning Board is formed, it shall consist of seven (7) members, three (3) of whom must be residents of the Village. The Town Board shall appoint the chairperson of the Joint Planning Board.

1.5 Code Administrator

The code administrator shall have the power and duty to administer and enforce the provisions of this local law. The code administrator shall be appointed and may be removed at the pleasure of the Town and Village Board of Trustees.

An appeal from an action, opinion, decision or rule by the Code Administrator regarding a requirement of this code may be made only to the Zoning Board of Appeals.

1.6 Zoning Board of Appeals

A. Town

Pursuant to the provisions of Section 267 of the Town Law, a zoning board of appeals is hereby created and is referred to in this local law as the "zoning board of appeals." Said zoning board of appeals shall consist of five (5) members to be appointed by the Town Board which shall also designate one of the members as chairman thereof and for such term as provided by the Town Law and any amendments thereto. The zoning board of appeals shall have all the powers and perform all the duties prescribed by statute and by this local law. The zoning board of appeals shall establish such rules and regulations as are necessary for the transaction of their business and as are not inconsistent with the terms and provisions of this local law and the board may amend, modify and repeal the same.

B. Village

Pursuant to the provisions of Section 7-712 of the Village Law a zoning board of appeals is hereby created and is referred to in this local law as the "zoning board of appeals." Said zoning board of appeals shall consist of three (3) members to be appointed by the Village board of trustees, which shall also designate one of the members chairman thereof, and another member deputy chairman, and for such term as provided by the Village Law and any amendments thereto. The zoning board of appeals shall establish such rules and regulations as are necessary for the transaction of their business and as are not inconsistent with the terms and provisions of this local law and the board may amend, modify and repeal the same.

1.61 Joint Zoning Board of Appeals

Notwithstanding the provisions of this code, nothing herein shall be deemed to prevent the establishment of a joint Zoning Board of Appeals as between the town and the village to perform the duties of the zoning board of appeals prescribed by this code.

1.7 Plan Basis

This local law is based upon the facts, inventories, findings and other information contained in the Altamont/Tupper Lake Comprehensive Plan program represents implementation of the program policies and objectives. This local law revokes the Village of Tupper Lake Zoning Ordinance made effective March 6, 1962 and the Town of Altamont Zoning Ordinance made effective March 6, 1962 and will serve as the Land Use Code for the Town and Village, thereby superceding said Ordinances, as amended, in their entirety.

1.8 Application of Regulations

After the effective date, no land use or development in the Town of Altamont or Village of Tupper Lake shall be undertaken or maintained except in accordance with all of the applicable provisions of this code.

1.9 Effective Date

This land use code shall take effect upon its filing with the New York State Department of State and meeting other requirements of Section 27 of the Municipal Home Rule Law.

1.10 Governing Provisions

Where the regulations imposed by any provisions of this code are less restrictive than the regulations imposed by any other applicable provision of this code (or any pertinent land use code legally in effect at the time of proposed land use or development) the more restrictive provision shall govern.

1.11 Severability

The provisions of this land use code are severable. If any part of this code is determined to be invalid by a court of competent jurisdiction, such invalidity shall apply only to the part so judged and the rest of this local code shall remain valid and effective.

1.12 Savings Clause

The adoption and enactment of this land use code shall not affect in any way any action done, offense committed, rights acquired or liability, punishment, or penalty incurred prior to April 1, 1989, the effective date of this code or prior to the effective date of any amendment to this code which may affect such prior act, offense, rights acquired, liability, punishment or penalty.

Article 2

DISTRICTS & MAP

2.1 Zoning Map

The boundaries for each district listed as part of the land use code are shown graphically on the zoning maps for the Town of Altamont and Village of Tupper Lake. These maps are part of this local law, are effective as of the effective date of this local law and are hereinafter known as the 'zoning map(s).'

2.2 Zoning Districts

The Town and Village are divided into 18 zoning districts, some of which exist in both the Town and Village while others exist in one or the other. These districts and their symbols (as shown on the zoning maps) are:

High Density Residential	HDR
High Density Residential Special	HDRS
Medium Density Residential	R-1
Low Density Residential	R-3
Medium Density Shorefront Residential	SR-3
Rural Residential	R-8
Low Density Shorefront Residential	SR-8 1/2
High Density Shorefront Residential	SR-1 1/2
Shorefront Preservation Residential	SPR
Residential Commercial	RC (Village)
Highway Residential Commercial	HR/C
Commercial	C (Village)
Industrial	I
Shorefront Resort Development	SRD (Village)
Municipal Services Recreation	MS/R (Village)
Open Space Recreation	OS
Recreation/Timber Harvesting	R/TH
Conservation Zone	CZ

2.3 Zoning District Boundaries

In making a determination as to boundaries of any of the districts as shown on the zoning maps, the following shall apply:

- a) Where a district boundary line is drawn along an existing road, the boundary of the zoning district shall be the center line of the right-of-way for that road.
- b) Where a district boundary line is drawn along the village line, the boundary of the zoning district shall be the line denoting the incorporated Village of Tupper Lake.
- c) Where a shorefront district boundary is to be set back, but parallel with the shoreline, the district shall extend to a distance of 1,320 feet from the mean high-water mark of the water body.
- d) Where a district boundary line is drawn along a power line, the boundary of the zoning district shall be the center of the right-of-way for that power line.

- e) Where district boundaries are not associated with any of the items in a), b), c) or d) above, the boundary line shall be determined by the use of the scale as indicated on the zoning map.
- f) In the event that none of the above rules is applicable, or if further clarification is necessary, the location of a district boundary shall be determined by the Zoning Board of Appeals.

Article 3

Purposes, Uses and Dimensional Requirements

3.1 In addition to stating the general purposes of this Land Use Code, specific purposes are identified for each zoning district.

It is these specific purposes which must be considered by the reviewing body (Zoning Board of Appeals or Planning Board) in order to determine the suitability of a proposal or whether to grant a variance, in that these purposes reflect the goals of the municipality as identified in the Comprehensive Plan. These purposes, then, are the justification for the decisions made by the reviewing boards:

High Density Residential (HDR) - to encourage the orderly development of land within or in close proximity to the Village of Tupper Lake. Presence of municipal utilities and access to services allows for the most intensive development in the town and village.

High Density Residential Special (HDRS) - to allow orderly development within close proximity to the Village, with varying lot sizes, depending upon whether public utilities are available.

Medium Density Residential (R1) - to encourage residential and accessory development near the Village in areas where there are some resource limitations, especially in the absence of a municipal sewage disposal system.

Low Density Residential (R3) - to provide potential for residential development on larger lots in areas of lesser accessibility and where there is no municipal sewer or water system.

Medium Density Shorefront Residential (SR3) - to allow further development near already developed water bodies, in areas currently not served by municipal water and sewer systems, but in close proximity to the Village and having good access to services. Further development is at medium density in order to protect water quality and aesthetics of the shoreline.

Low Density Shorefront Residential (SR8 1/2) - designed to maintain the unspoiled character of the areas, while allowing some development on choice shorefronts. Water quality, visual appeal and wilderness character are major considerations. Limited access to services necessitates low densities also.

Residential/Commercial (RC) (Village District) - to provide opportunity for residential and commercial development at high density in areas of those existing uses.

Commercial (C) (Village District) - to encourage the orderly development of the central area of the Village of Tupper Lake and to provide room for expansion of commercial facilities in the currently developing area along Demars Boulevard.

Industrial (I) - to provide opportunity for continued industrial use along Route 30 and also to provide for further industrial uses in and adjacent to the Village, where there are municipal services already provided and good access to major transportation routes in the Town.

Rural Residential (R8) - to allow primarily residential uses at low densities in areas without municipal water/sewer, in areas with some natural resource limitations.

Shorefront Resort Development (SRD) (Village District) - to encourage the use of choice Village property which offers municipal services and usable shorefront for restaurants, motels and other tourist related facilities.

Municipal Services/Recreation (MS/R) (Village District) - to provide for the expansion of the existing sewage treatment plant, to maintain open space and access to Raquette Pond and to provide opportunity for recreation/tourist-oriented facilities.

Open Space Recreation (OS) - to provide a natural open area within the settled village, allowing for recreational trails and access to the recreational opportunities offered by Raquette Pond.

Recreation/Timber Harvesting (R/TH) - to encourage protection of the town's natural, scenic and recreational resources, development in these areas is at very low density. These areas have natural constraints and limitations for development, as well as poor access to services and facilities.

Shorefront Preservation Residential (SPR) - to allow residential shorefront development at a low density and in a manner which will preserve the economic resource of a scenic shoreline.

Highway Residential/Commercial (HR/C) - to allow mixed uses to develop along selected highways to encourage areas for commercial growth while preventing high density development which would interfere with traffic safety.

High Density Shorefront Residential (SR1 1/2) - to allow primarily residential uses at high densities in shorefront areas already developed.

Conservation Zone (CZ) - to provide for open space recreation uses reflecting the granting of easements or title to conservation interests.

3.2 Schedule of Uses and Requirements

The chart 'Schedule of Uses and Requirements' on the following pages specifies dimensional requirements and the permitted and special uses allowed for each district. Uses which are not listed are prohibited. All set backs are measured as stated under the definition of 'building setback.'

3.3 Minimum Lot Sizes

The minimum lot size on the 'Schedule of Uses and Requirements' is required for every principal building, unless clustering pursuant to Article III, Section 8 of the Land Subdivision Regulations, and Section 5.91 of the Code, is permitted by the Planning Board. In the case of clustering, the total acreage of the project site must equal or exceed the total number of principal buildings times the minimum lot size.

SCHEDULE OF USES AND REQUIREMENTS

STANDARDS DISTRICTS	MINIMUM LOT SIZE		MINIMUM SETBACK (FEET)			MINIMUM SHORELINE REQUIREMENT SETBACK (FEET)				GROSS LOT COVERAGE %	MAXIMUM STRUCTURE HEIGHT (feet)	PERMITTED USE	SPECIAL REVIEW USE
	AREA (acres)	WIDTH (feet)	FRONT	SIDE	REAR	AREA (acres)	WIDTH (feet)	Structure	Septic**				
High Density Residential (HDR) (Town/Village)	7,500 sq.ft.	60	25*	10	10	1 1/2	50	50	100	25	40		
High Density Residential Special (HDRS)	20,000 sq.ft.***	100	25	10	10	***	50	50	100	25	40		Multi-family dwellings; grocery stores; gas stations (not including gas/auto service stations); individual mobile homes; mobile home parks; care or keeping of animals, agricultural uses for commercial purposes; public service facilities; sawmills
Medium Density Residential (R1)	1	75	25	15	10	1	100	50	100	10	40		
Low Density Residential (R3)	3	100	50	20	10	3	125	75	100	10	40	Single family dwellings Home occupations except as noted below ****	
Medium Density Shorefront Residential (SR3)	3	100	75	30	20	3	125	75	100	10	40	Forestry uses	
High Density Shorefront Residential (SR 1 1/2)	1 1/2	100	50	20	10	1 1/2	100	50	100	10	40		
Rural Residential (R8)	8	100	50	20	10	8	150	75	100	10	40		
Low Density Shorefront Residential (SR 8 1/2)	8 1/2	150	100	30	20	8 1/2	150	100	100	10	40		
Shorefront Preservation Residential (SPR)	8 1/2	300	100	30	20	8 1/2	300	100	100	10	40	Single family dwellings; home occupations except as noted below**** Forestry uses	Multi-family dwellings; public service facilities
Residential/Commercial (R/C) (Village)	7,500 sq.ft.	60	15*	10	10	1 1/2	150	75	100	25	40	Single family dwellings; home occupations except as noted below**** Forestry uses	Multi-family dwellings; public service facilities; professional offices; commercial uses; mobile homes; mobile home parks
Highway Residential/Commercial (HR/C)	1***	100	75	25	25	1	100	75	100	25	40	Single family dwellings; home occupations except as noted below**** Forestry uses	Multi-family dwellings; tourist accommodations; recreational business/facilities; restaurants; care/keeping animals; agricultural uses for commercial purposes; grocery stores; gas stations; individual mobile homes; sawmills; public service facilities
Commercial (C) (Village)	1/2	50	15	10	10	1 1/2	50	50	100	25	40		Restaurants; theaters; tourist accommodations; gas stations; auto/repair stations; gas/auto service stations; retail businesses; professional office; Forestry uses.
Shorefront Resort Development (SRD) (Village)	1	150	50	25	25	2	150	50	100	25	40 (15 accessory)	Single family dwellings	Restaurants; Theaters; Tourist Accommodations and related Recreational Facilities; Boutyards; Marinas; Water-oriented businesses; Retail Businesses; Professional Office space; condominiums; Town Homes; Forestry uses; Home occupations except as noted below ****
Industrial (I) (Town/Village)	5	150	75	50	50	8 1/2	100	100	100	50	40	See Section 4.532(a)	
Conservation Zone (CZ)	(see permitted uses)						200	100	100			Open space recreation; game preserve, private park, recreational cabins of less than 500 square feet. Forestry Uses.	Recreational cabins of 500 to 1,249 square feet
Municipal Service/Recreation (MS/R) (Village)	3	100	25	10	10	3	100	50	100	5	40	Waste treatment plant and associated structures; public service facilities. Forestry Uses	Recreational facilities
Open Space/Recreation (OS) (Town/Village)	8	150	50	20	20	8	150	75	100	5	40	Foot trails (e.g. hiking, skiing), & recreational facilities which will not have structures. Forestry Uses have structures; recreational trails	Single family dwellings; individual mobile homes; recreational facilities which will not have structures. Forestry Uses have structures; recreational trails
Recreation/Timber Harvesting (R/TH)	40	200	50	25	25	40	200	100	100	5	40	Forestry uses, recreational cabins of less than 500 sq. ft.; agricultural uses. Non-motorized recreational trails.	Single family dwellings, mobile homes, recreational cabins of 500 sq. ft. or more. Motorized recreational trails for public use. Recreational facilities which will have structures.

* Front setback shall be the number of feet specified OR the average setback for all principal buildings with 100 feet on either side of the proposed structure, whichever is greater.
 ** The setback of the septic system from the shoreline shall be a distance of 100 feet from the closest part of the system to the mean high water mark.
 *** Lot size indicated is for lots without public water and sewer service.
 If public water and sewer service is available and the lot is situated within an APA hamlet land use area:
 - single family lots may be 12,000 square feet, and lot widths may be 80 feet,
 - land area required for multi-family units is 15,000 square feet for three units, plus 3,000 square feet for each additional unit
 If public water is available, and public sewer service is not available and the lot is situated within an APA hamlet land use area:
 - land area required for multi-family units is 22,500 square feet for three units, plus 5,000 square feet for each individual unit.
 **** Permitted home occupations do not include those which involve the care and keeping of animals, auto or heavy equipment parking, storage (unless indoors), or repair.

Article 4 SPECIAL USES, PROCEDURE AND REQUIREMENTS

4.1 General

This Article describes procedures, standards and guidelines for Special Use Permit applications to be reviewed and acted upon by the Planning Board.

4.2 Planning Board Authorization

The Planning Board is authorized to review all applications for Special Use Permit activities.

4.3 Purpose of Planning Board Review

The Planning Board is authorized to review and act upon Special Use Permit applications in order to protect the general health, safety and welfare and to minimize adverse impacts from a community-wide and neighborhood standpoint.

4.4 Procedure

4.41 Preliminary Review

4.411 Purpose

Preliminary review of certain projects is intended to acquaint the applicant with applicable requirements of the Land Use Code, provide for an exchange of information, identify potential problems with a project, and to otherwise informally review a project, thereby facilitating the process of Special Use Permit application.

4.412 Applicability

Preliminary review should be conducted whenever a proposed project:

- a) is likely to involve significant impacts upon the surrounding area due to:
 - (i) scale or size of the project, or
 - (ii) complexity of the project, or
 - (iii) the project's substantial difference from existing surrounding development, or
- b) is likely to involve significant impacts upon community facilities, including public roads and streets, or
- c) is likely to involve significant natural resource constraints or amenities.

4.413 Request

An applicant shall request the Code Administrator to schedule a Preliminary Review unless the applicant and the Code Administrator agree that the Preliminary Review is not needed.

4.414 Schedule of Review

The Planning Board shall schedule a Preliminary Review within thirty (30) days of the request.

4.415 Materials to be Submitted

A request for Preliminary Review includes a completed Request Form, a sketch plan showing tentative location of structures, distances of structures from property lines, proposed parking areas and drives and other information which may be necessary to generally describe the project.

4.416 Planning Board Review

At the Preliminary Review the Planning Board shall discuss with the applicant the applicable requirements of the Land Use Code, identify potential problems concerning the project, suggest possible modifications which may be necessary to obtain a Special Use Permit, and describe what special information should be submitted with a Final Application.

4.417 Effect of Preliminary Review

Preliminary Review shall not be construed as an approval, conditional approval or denial of an application for a Special Use Permit. Preliminary Review shall not be construed as an exclusive review of all aspects of a final application for a Special Use Permit. Preliminary Review may be reasonably relied upon by the applicant as a guide to submitting a final application for a Special Use Permit, concerning those matters discussed at the Preliminary Review, and shall in no way limit the board's ability to request information and examine issues discovered after or re-examine issues discussed during preliminary review.

4.42 Final Application for a Special Use Permit

4.421 Materials to be Submitted

Application for Special Use Permits shall be filed with the Planning Board by completing a Special Use Permit Application form and two (2) copies of a scaled map or plat showing:

- (a) the proposed use (structures, paved areas, signage);
- (b) adjacent properties, with names of owners;
- (c) streets, by name or route number;
- (d) lot and parcel designation;
- (e) north arrow, scale;
- (f) legend to explain map symbols;
- (g) distances from structures to property lines;
- (h) utility locations; and
- (i) other specifications, as necessary, to show compliance to approval standards.

4.422 Public Hearing Required

The Planning Board shall hold a public hearing to consider the final application for a Special Use Permit within forty-five (45) days from the date the application is filed.

4.423 Notice of Public Hearing

Within fifteen (15) days of receipt of a completed application, the planning board shall give public notice of the hearing to be held not less than fifteen (15) days nor more than thirty (30) days after the notice by publication and by Mailed Notice given to property owners within five-hundred (500) feet of the subject property.

4.424 Purpose of Hearing

At the public hearing, the Planning Board shall consider the application and receive information from the applicant, the Code Administrator and other parties who have information concerning whether the proposed project complies with the approval standards, in such manner as the Planning Board may prescribe. The Planning Board may, at its option, close the hearing, continue the hearing, or temporarily adjourn.

4.425 Incomplete Application

The Planning Board may, at its option, determine that an application lacks information necessary to determine compliance with approval standards and find an application incomplete. The applicant may resubmit an application which overcomes the reason(s) for incompleteness. The determination of incompleteness shall be in the form of written findings which state the reason(s) for the decision.

4.426 Final Decision

The Planning Board shall make a final decision to approve, approve with conditions, deny the application, or determine the application incomplete within thirty (30) days of the close of the public hearing. The Planning Board's decision shall be in the form of written findings which state the reason(s) for the decision. In the event the application is determined to be incomplete, and the applicant then submits the additional information required, the Planning Board shall make a final decision on the application within thirty days of the receipt of such additional information. In the event the Planning Board shall not make a final decision within the time periods herein specified, the application shall be deemed approved.

4.427 Notice of Final Decision

Public notice of the Planning Board's action shall be given by publication in the official newspaper within five (5) days of the decision. The Planning Board shall mail the applicant notice of the final decision and the reasons for the decision within five (5) days of the decision.

4.428 Approved Map or Plat

The Code Administrator shall keep a permanent file of one (1) copy of the approved map or plat signed and dated by the Chairman of the Planning Board. The applicant shall be furnished with one (1) copy of the approved map or plat signed and dated by the Chairman of the Planning Board.

4.5 Guidelines for Planning Board Review

4.51 General Guidelines

A Planning Board Special Use Permit may be issued when the Planning Board finds that the proposed use:

- a) will not be contrary to or violate the intent, purpose or integrity of the Altamont/Tupper Lake 1982 Joint Community Development Plan, as it may be amended, and
- b) will not affect adversely the health, safety and welfare of residents, workers or visitors in the area, and
- c) will not be detrimental to the use and/or development of adjacent properties or to the general neighborhood.

4.52 General Development Considerations

The following general development considerations include aspects of project development which apply generally to all types of development. Certain projects may be partially or completely exempt from the general development considerations, depending upon the nature and location of the project.

- a) Impact on Surrounding Area - When a proposed use represents a basic change in the pattern of existing uses in the surrounding area, appropriate methods of minimizing adverse impacts to the area are to be employed. Methods may include landscape screening, fencing, increase in setbacks, careful siting of buildings and parking areas, special treatment of outdoor lighting and signs, plus other measures where appropriate, to address specialized impacts of some types of development.

Where the surrounding area's pattern of existing use is similar to the proposed use, the project should maintain the existing character of the area through the use of consistent building height and setbacks.

- b) Traffic and Parking - The proposed traffic circulation pattern should promote safe and efficient vehicle and pedestrian movement. Vehicle and pedestrian routes are separated whenever possible, or are otherwise designed to reduce auto/pedestrian hazards.

The number of vehicle access points on to public rights-of-ways are minimized and clearly designed or signed to promote safe and efficient vehicle movement. When feasible, vehicle access points are jointly shared with abutting drives. Access to public rights-of-ways is designed to promote safe traffic movement.

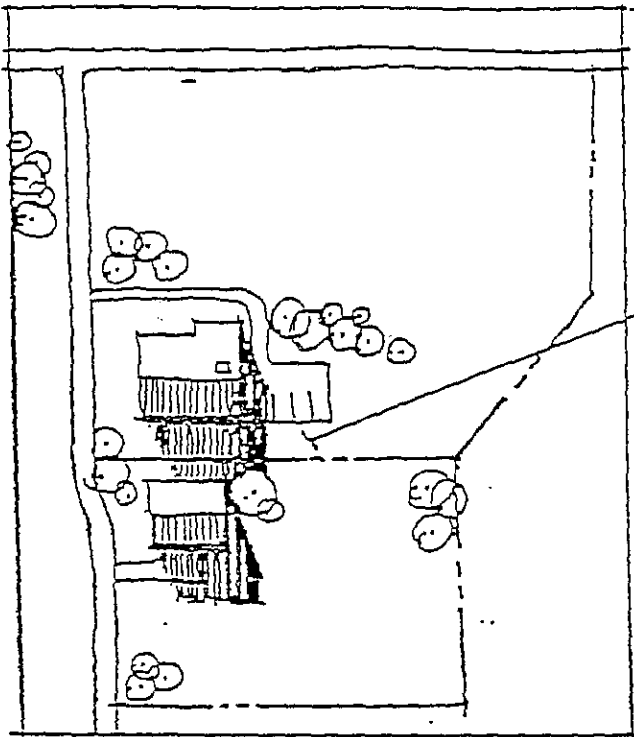
Parking areas conform to the requirements of Article 5. Provisions for joint parking are encouraged.

- (c) Natural Amenities. Existing mature trees are retained wherever feasible. Visual quality is maintained and enhanced through open space and landscaping. Areas of scenic value are to be maintained through siting structures below ridgelines and crests, use of native vegetation to screen structures is employed. Surface water bodies and wetlands are to be separated from development.
- (d) Natural Hazards and Site Development; The proposal demonstrates attention to natural hazards such as degree of slope, soil and geologic characteristics. Buildings and roads should be sited and aligned to avoid natural hazards. Areas of shallow depth to bedrock, slow percolation rates, high water tables, hardpans and steep slopes are avoided.

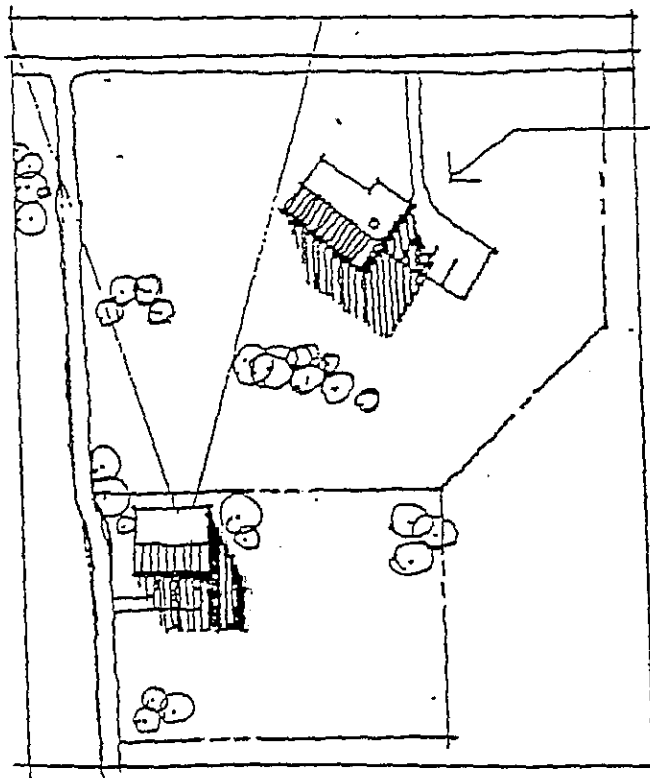
Development which would subject life and property to harm or damage is avoided in floodplains.

Site grading retains natural topography to the extent feasible and minimizes interference with natural surface water drainage patterns. Site drainage emphasizes natural drainageways rather than closed conduit systems. Practices to minimize the increase in the amount and rate of surface water runoff are addressed.

GENERAL DEVELOPMENT CONSIDERATIONS:
CAREFUL SITING OF APARTMENT BUILDING



On large sites, locate
new development so as
not to encroach upon
adjacent homes, etc.,
blocking view, light.



If possible,
use existing space
and screening.

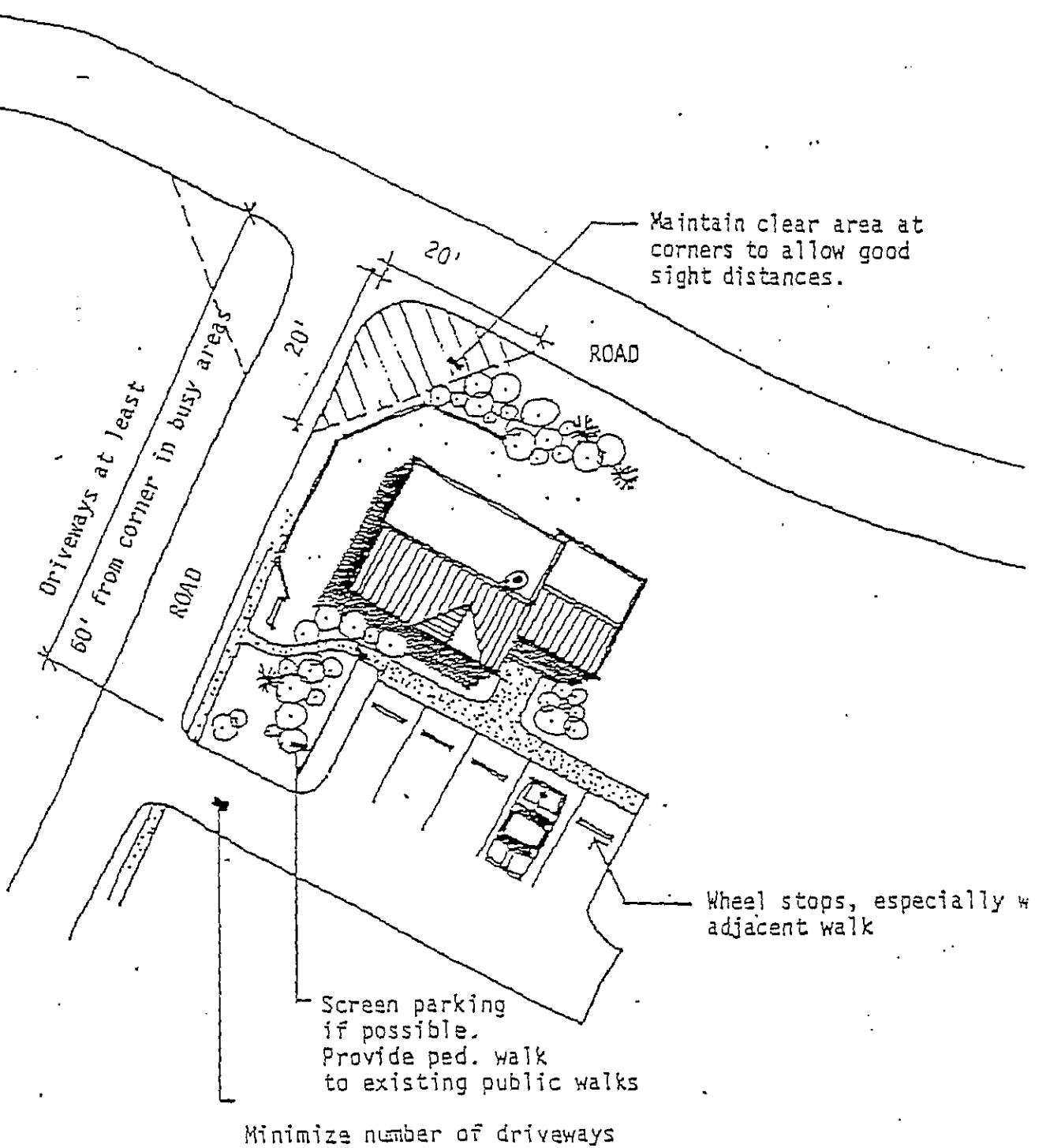
GENERAL DEVELOPMENT CONSIDERATIONS:
USE OF NATURAL AMENITIES

ON A GIVEN SITE...

Instead of locating new structures along road, with separate driveways, on a road curve, etc.

Use natural areas for "setting" of new development.

GENERAL DEVELOPMENT CONSIDERATIONS:
ACCESS, SCREENING, PARKING



4.530 District Requirements

In addition to the General Development considerations, uses which require a Special Use Permit in certain districts shall meet the following requirements.

4.531 Commercial District Special Uses (C) (Village)

(a) Restaurants

- (i) Uses which provide banquet facilities may be required to provide parking in addition to the requirements of Article 5 unless it is demonstrated that banquet parking can be accommodated elsewhere, either on-or-of f street.
- (ii) Uses with drive-through service shall design traffic circulation to avoid pedestrian/auto conflict points. Lanes for drive-through service shall be able to accommodate vehicles without standing of vehicles on streets and sidewalks.
- (iii) Outdoor trash and garbage areas shall be completely screened by walls, fencing or vegetative material.

(b) Theaters, indoor and similar places of assembly.

- (i) Uses which are primarily open for business during evening and weekend hours are encouraged to arrange for joint parking areas with businesses having opposite business hours. The off-street parking requirements of Article 5 may be reduced to the extent that parking spaces are jointly provided.
- (ii) Passenger loading and unloading areas shall be provided, either on-or-off street and designed to minimize interference with other traffic.

(c) Recreational businesses, including but not limited to: drive-in theaters, stadiums, golf driving ranges, tourist attractions and similar uses.

- (i) Such uses, including outdoor areas devoted to the activity shall not be located closer than five hundred (500) feet from a residential dwelling other than a dwelling on the same premises.
- (ii) Setbacks for such uses shall be determined from the extent of any outdoor areas devoted to the activity. No development except access drives shall be permitted in setback areas. Setback areas shall be grassed or otherwise landscaped.
- (iii) All buildings and structures shall be located at least one hundred (100) feet from any bounding lot or street line.
- (iv) In the case of a drive-in theater, the screen shall be located so as not to face any street or highway, or shall otherwise be screened to completely obstruct the screen from the view of passing motorists. Individual loud speakers for each car shall be provided and no central loud speaker shall be permitted.
- (v) Signs advertising recreational businesses shall be limited to one free standing sign and one wall or projecting sign in accordance with the requirements of Article S.
- (vi) Traffic from such uses shall not be directed into residential areas.

- (d) Tourist accommodations, hotels, motels
 - (i) Such uses shall not direct traffic into residential areas.
 - (ii) Vehicle parking and maneuvering areas shall be sufficient to safely accommodate passenger loading and unloading and prevent vehicles backing on to public streets and roads.
 - (iii) Extra parking, in addition to the requirements of Article 5, may be required for uses which provide convention or banquet facilities or which offer dining and on-premises consumption-of alcoholic beverages to persons other than guests.
- (e) Public facilities including but not limited to churches, schools, libraries, hospitals, clinics and related and similar uses of a public, semi-public, religious, educational or fraternal nature. Such uses may be permitted if the Planning Board finds:
 - (i) the use would not impair the potential for commercial development in the district, and;
 - (ii) the activity associated with the proposed use would not be unduly hampered by surrounding commercial development, and;
 - (iii) the proposed use would likely contribute to the economic well-being of the district.

4.532 Industrial District (I) - All uses in the Industrial District require Special Use Permit approval by the Planning Board.

- (a) Uses allowed within this District are assembly, manufacturing, warehousing, extraction and processing uses and executive, administrative, research activities which are related to a permitted industrial use.
- (b) Uses prohibited in the District are non-industrial uses not related to an allowed use, and uses which, due to adverse impacts by reason of air, water, pollutants, generation of toxic or hazardous wastes, undue noise, odor, vibration heat, glare, radiation or disposal of wastes are inimical to the health, safety and welfare of the community.
- (c) No side or rear yard setbacks are required where side or rear property lines abut a railroad right-of-way or spur track.
- (d) Service roads, outside storage areas, parking, etc. should be avoided in setback areas.
- (e) Access points shall avoid directing traffic into residential areas.
- (f) All materials, including wastes, shall be stored in a manner which will not attract or aid the propagation of insects, rodents or create health or fire hazards. All areas for storage of wastes shall be completely screened by walls, fencing or landscaping.

4.533 Municipal Services/Recreation (MS/R) (Village)

- (a) Special Permit uses in this District are recreational uses such as docks, piers, marinas and their associated uses.
- (b) Recreational uses shall be designed to enhance the accessibility of residents and visitors to Raquette Pond and to improve the recreational quality of the area.

- (c) Docks, piers, boathouses, marinas, swimming floats and other water-related structures shall not be placed in any location which would interfere with navigation of the waterway or free access to another's property.
- (d) Water related structures shall conform to the required side yard setbacks as determined from the linear projection of the side lot lines into the waterway from the shoreline.

4.534 Open Space/Recreation (OS)

- (a) Special Review Uses are all recreational trails other than foot trails, single family dwellings, individual mobile homes and recreational facilities which will have structures.
- (b) Motorized vehicle trails are trails for snowmobiles, trailbikes and other off-road vehicles.
 - (i) Guidelines
 - a. A parking area is available to accommodate trailers and hauling vehicles, either on or off site.
 - b. Winter/summer trails are combined to permit multiple use of trails.
 - c. The degree of altering the natural environment is moderate.
 - d. Unused logging roads, utility right-of-ways, or abandoned access routes are used where available.
 - e. Use of surfacing is infrequent.
 - f. Trails are signed with rustic design.
 - g. Pedestrian and equestrian travel is incidental and may be prohibited.
 - h. Loop type trails are provided. dead-end trails are avoided.
 - i. Bridges or other improvements are of native materials and rustic design.
- (c) Single-family dwellings must meet the requirements of Article 3.

4.535 Recreation/Timber Harvesting (R/TH)

- (a) Special Review Uses are single family dwellings, individual mobile homes and recreational cabins of 500 square feet or more, motorized recreational trails for public use and recreational facilities which will have structures.
- (b) Mobile homes shall be developed in accordance with Section 4.536(a)(2).

4.536 Residential Districts (HDR, HDRS, R1, R3, SR3, SR1 1/2, R-8, SR8 1/2, SPR)

- (a) Mobile Homes
 - i. Mobile Home Parks, provided that:

- A. The mobile home park is at least ten (10) acres in gross land area and is at least five hundred (500) feet from any existing dwelling fronting on the same road or highway as the proposed mobile home park.
- B. The mobile home park shall have at least (500) feet of frontage on a public right-of-way, and shall have a minimum of five hundred (500) feet of width along the shoreline of any water body.
- C. The number of mobile homes permitted shall be one (1) mobile home per the minimum lot size requirement of the district wherein the mobile home park is proposed, calculated by dividing the gross land area of the proposed mobile home park by such minimum lot size.
- D. No mobile home shall be located within one hundred (100) feet of any building lot line or public right-of-way.
- E. Existing natural screening (trees, shrubs, ridges, etc.) shall be maintained along the boundaries of the mobile home park and supplemented with additional plant material or other screening when, the planning board finds such screening necessary to protect adjacent residential areas from a view of the mobile home park.
- F. Water supply and sanitary sewage disposal systems meeting the requirements of the New York State Department of Health are provided.
- G. Each mobile home shall be located at least forty (40) feet from another mobile home or structure.
- H. The mobile home park shall provide common open space, conveniently located for the use by the residents of such park for recreational and related purposes, of at least twenty (20) percent of the gross land area of such park.
- I. Each mobile home space shall have a mobile home stand to provide for the practical placement of and removal from the space of mobile homes. The stand shall be of sufficient size, shall be constructed of adequate and durable material to support maximum anticipated loads, shall be graded and drained, and shall be equipped with an anchor or tie-down at each corner.
- J. The mobile home shall be enclosed with a desirable and attractive skirting made of sturdy materials which shall conceal all wheels, chassis and other appurtenances under the mobile home within ninety (90) days of placing the mobile home on the stand.
- K. The mobile home court shall have graded and surfaced streets designed to promote traffic safety and circulation. One-way streets shall have a minimum surfaced width of twelve (12) feet. Two-way streets shall have a minimum of twenty (20) feet of surfacing. Such streets are to be private streets and non-emergency parking on such streets shall be prohibited with adequate no parking signs installed.
- L. Where a mobile home park consists of twenty-five (25) or more mobile home spaces, two (2) points of access to a public right-of-way shall be provided, but in no instance shall the number of total access points exceed four (4).

- M. Landscaping and/or other suitable permanent ground cover shall be provided on those areas not occupied by mobile homes, buildings, walkways, roads and parking areas.
- N. Signs permitted are limited to one sign at each entrance of the park from a public right-of-way indicating the name of the park. Such signs shall not exceed six (6) square feet in area and shall not be internally illuminated.
- O. Two (2) off-street parking spaces shall be provided on each mobile home space. Additional parking spaces in the amount of one (1) parking space for each two (2) mobile home spaces shall be provided at strategic and convenient locations. Parking spaces shall conform to the requirements of Article 5.
- P. Buildings or mobile homes used for non-residential purposes, limited to park management and storage functions for the exclusive use of the mobile home park may be permitted, provided such structures do not exceed five (5) percent of the gross land area of the park. Such nonresidential structures shall not contain any commercial uses.

2. Mobile Homes on Individual Lots, provided that:

- A. The mobile home shall not be located within one hundred (100) feet of any existing single-family dwelling fronting on any Federal, State, or County road, or public street.
- B. The mobile home shall be located on a permanent continuous foundation within sixty (60) days after the approval is granted, and not on posts or blocks; and shall be situated on a lot meeting the minimum requirements for the district wherein the proposed mobile home is to be located; and not more than one (1) mobile home shall be located on a lot.
- C. Any mobile home permitted under this Section shall be at least fourteen (14) feet wide, have a peaked roof and a minimum gross floor area of eight hundred and forty (840) square feet.

(b) Gas Stations

- (i) Screening: A solid wall or fence or permanent evergreen screen planting at least four (4) and not over six (6) feet high shall separate the use from abutting residential uses.
- (ii) Driveways: Driveways shall not exceed forty (40) feet in width at the curb line and thirty (30) feet at the property line. On corner lots, driveways shall be located at least twenty-five (25) feet from the intersection of the side and front lot lines.
- (iii) Service Appliances: Gasoline pumps and other service appliances shall be located at least ten (10) feet behind the front and/or side lot lines.
- (iv) Repair and Service: No repair or service of motor vehicles shall be permitted, except that small engine repair indoors may be permitted.
- (v) Signs: Limited to one free standing sign and one wall or projecting sign in accordance with Article 5.

(c) Multi-Family Dwellings

- (i) Number of Permitted Units: The permitted number of units is based upon the minimum lot size requirements of the district as described in Article 3. Where a fractional number of units is calculated, the number of permitted units shall be the nearest whole number.
- (ii) Provision for Outdoor Areas: Building, parking area, sidewalks and driveway plans should result in useful outdoor areas for dwelling units. Small, narrow strips of left-over areas with little usefulness are to be avoided.
- (iii) Use of Unoccupied Portion: Where land which was used to determine the number of permitted units will not contain living units, but is to be used for improved or unimproved recreational uses, open space or will be otherwise similarly undeveloped, maintenance of the area and guarantees of its undeveloped condition will be provided by the applicant in the form of homeowners associations, deed restrictions, maintenance contracts, scenic easements or similar devices. This requirement shall not apply where the extent of the occupied portion is such that no additional living units could be constructed.
- (iv) Siting of Improvements: Buildings shall be sited so as to minimize obstruction of significant scenic views enjoyed by existing neighboring residences. Buildings shall be sited and/or landscaped so as to not interfere with significant scenic views visible from travel corridors.
- (v) Fee Simple Ownership: Where fee-simple ownership of individual units contained in multi-family structures is the form of ownership, minimum lot sizes may be reduced accordingly provided the number of permitted units as determined in 4.536(c)(i) is not exceeded.

(d) Grocery Stores

- (i) Parking Areas: Where parking areas abut residential property, a five-foot grassed or landscaped bufferstrip shall separate parking areas from such residential property. Sight-obscuring fences or landscaping shall be installed to screen parking areas from abutting residential uses.
- (ii) Trash Collection: All outdoor trash and garbage collection areas are entirely screened by fencing or landscaping materials.
- (iii) Signs: Limited to one free-standing sign and one wall or projecting sign in accordance with Article 5.

(e) Public Service facilities including but not limited to churches, schools, libraries, parks and similar uses.

- (i) The General Development considerations insofar as they may apply to a particular project, shall constitute the District Requirements.

(f) Professional Offices

- (i) Parking: Parking areas shall be separated from abutting residential uses by a five (5) foot grassed or landscaped buffer strip. Parked vehicles shall be screened from abutting residential areas by fencing or landscaping.

- (ii) Signs: Where professional offices are located in Residential Districts, no more than one free-standing sign with a total sign area of six (6) square feet and one wall sign with a total sign area of eight (8) square feet are permitted. Signs may not be internally illuminated.

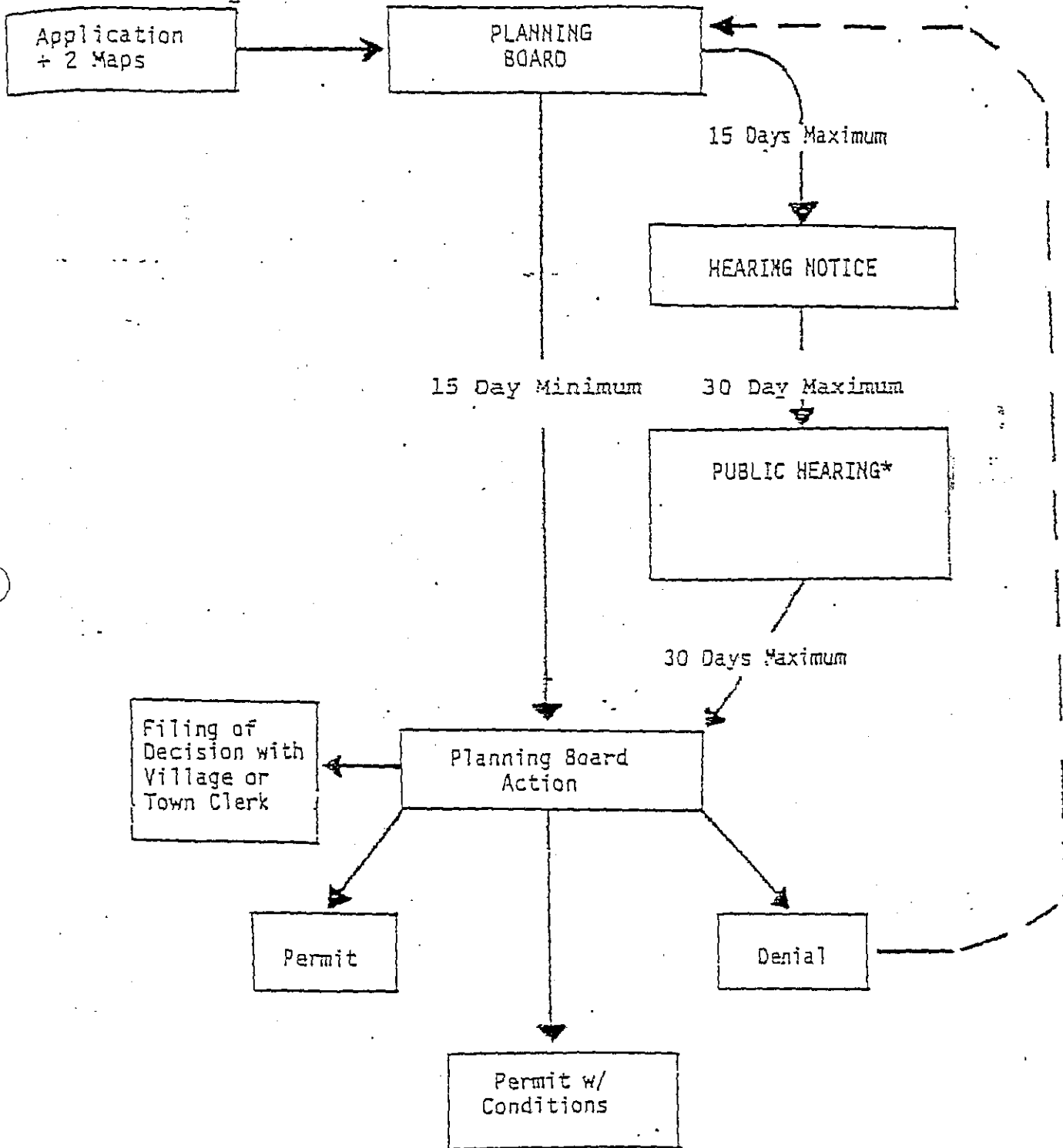
4.537 Residential/Commercial District (R/C) (Village)

- (a) Bowling alleys, pool/billiard establishments, pin-ball machine arcades and similar businesses. Such uses shall not be located closer than 500 feet from any church, dwelling, school or any similar place.
- (b) Gas/Auto Service Stations. The requirements of Section 4.536(b) shall apply, except subsection (iv).
- (c) Hospitals, clinics, sanitariums. The General Development Considerations, insofar as they apply to a particular project shall constitute the District Requirements.
- (d) Hotels, motels, tourist accommodations. The requirements of Section 4.531(d) shall apply.
- (e) Multi-family housing. The requirements of Section 4.536(c) shall apply.
- (f) Offices, business, professional, banks. The General Development considerations, insofar as they apply to a particular project shall constitute the District Requirements.
- (g) Personal service shops. The General Development considerations, insofar as they apply to a particular project shall constitute the District Requirements.
- (h) Public service facilities. The General Development considerations, insofar as they apply to a particular project, shall constitute the District Requirements.
- (i) Restaurants. The requirements of Section 4.531(a) shall apply.
- (j) Retail Sales. The General Development considerations insofar as they apply to a particular project shall constitute the District Requirements.
- (k) Taverns, bars or other places offering on-premises consumption of alcoholic beverages not part of a hotel/motel or restaurant business. Such uses shall not be located closer than 500 feet from any church, dwelling, school or similar place.
- (l) Theaters, indoor and similar places of assembly. The requirements of Section 4.531(b) shall apply.
- (m) Tourist homes. The General Development considerations, insofar as they apply to a particular project shall constitute the District Requirements.
- (n) Utilities, public and private. The General Development considerations, insofar as they apply to a particular project shall constitute the District Requirements.

PLANNING BOARD SPECIAL PERMIT PROCEDURE

Preliminary
Review

Unless Otherwise
Agreed



Article 5

SUPPLEMENTARY REGULATIONS

ARTICLE 5 SUPPLEMENTARY REGULATIONS

5.1 Lawful Use

5.11 Lot of Record

A lot having less than the minimum area and dimensional requirements as required by the District in which the lot is located may be used for any purpose permitted in the District provided such lot has been a recorded lot on a plat or deed recorded in the Franklin County Clerk's Office prior to the date of adoption of this Code (April 1, 1989). Permitted uses on such lots shall conform to all other applicable regulations of this Code to the extent possible provided that within the Town such lot does not adjoin other lots in the same ownership, provided however that all such lots in the same ownership may be treated together as one lot.

5.12 Prior Approvals

Uses which have been granted approvals in the form of Zoning Certificates, Special permits, Variances, Sign Permits, or other permits pursuant to the Zoning Ordinance repealed by this code shall remain in full force and effect.

5.13 Continuance of Existing Lawful Non-Conforming Uses

Unless otherwise prohibited by law or ordinance, any existing lawful use of a building, structure or lot, existing prior to the enactment of this code which does not conform to the provisions thereof may be continued, and no change of title or possession or right to possession of any such building, structure or lot shall be construed to prevent the continued non-conforming use of such building, structure or lot except as hereinafter provided, including uses which were lawfully non-conforming pursuant to the former Zoning Ordinance or local law, as amended, which is hereby superseded.

5.131 Change or Cessation of Non-Conforming Use

A non-conforming use of a building or structure or lot shall not be changed or extended to another non-conforming use and no building, structure or lot is or on which a non-conforming use ceases for a period of five (5) years or is superseded by a permitted use subsequent to the enactment of this Code shall again be devoted to any use prohibited in the District in which such use is located.

5.132 Restoration After Damage

A non-conforming building or structure which is damaged by any means to an extent of not more than fifty (50) percent of its full valuation as determined by the Zoning Board of Appeals may be restored, reconstructed and used for such non-conforming use; if such damage exceeds fifty (50) percent of the said full valuation no such reconstruction or restoration for the resumption of the non-conforming use shall be permitted, unless a Building Permit for such non-conforming use is issued within one (1) year after destruction. Any reconstruction and use shall be in accordance with the regulations governing the districts in which such building or structure is located, except as provided herein.

Amended 4/17/02

5.133 Extensions of Non-Conforming Use

Subject to the granting of a permit by the Zoning Board of Appeals after public hearing, a non-conforming use of a building or structure may be extended throughout any portion of a building or structure beyond the portion in such non-conforming use at the time of the adoption of this code if such building or structure was manifestly designed or arranged for such use prior to adoption of this code; no such building or structure shall be enlarged, extended or moved to another portion of the lot which it occupies; not shall any non-conforming use of a building or structure be extended to occupy any of the land outside any such building, unless such land was in use for a non-conforming purpose at the time of the enactment of this Code, provided that any existing single family dwelling which lawfully is not in compliance with the building setback restrictions herein, may be expanded to the rear or laterally provided such expansion does not bring the structure any closer to the mean high water mark or front setback requirement and does not violate the side or rear setback requirements.

A non-conforming use of land may not be extended beyond the limits in use at the time of enactment of this Code.

5.134 Certificate for Non-Conforming Uses

The Code Administrator may issue certificates for the continuance of non-conforming uses: such certificate shall clearly identify the use as non-conforming and subject to the applicable requirements of this Code.

5.14 Temporary Uses.

In addition to uses permitted in a particular District, temporary uses such as the following may be appropriate:

- (a) Real estate office used for the sale of lots or living units in a subdivision or other development,
- (b) Trailers used as offices or storage of equipment during the building of roads or structures,
- (c) Christmas tree sales lots,
- (d) Circuses, carnivals, animal rides, amusement rides in non-residential districts, and
- (e) Other uses of a temporary nature which do not involve the construction of permanent structures or buildings or which will be of temporary duration.

5.141 Temporary Use Requirements

The Code Administrator may issue a temporary use permit for a period not to exceed thirty (30) days. Temporary Uses for periods longer than thirty (30) days shall require approval by the Planning Board. The Code Administrator may refer applications for Temporary Uses to the Planning Board, if the use involves the potential for adverse impacts to the surrounding area by reason of traffic, noise, glare, or other impacts which would require mitigating conditions for issuance of a permit. No temporary use may be converted to permanent status without complying with the requirements of this code.

5.2 Extensions and Projections

5.21 Projections into Required Yards

The following structures may project into the required yard:

- (a) paved terraces may project into required yards provided that no structures thereon shall violate other requirements of this Code.

- (b) unrooted landings and stairs may project into required front and rear yards only.
- (c) window sills, belt courses, cornices, eaves, and similar incidental architectural features may project no more than three (3) feet into required yards.
- (d) open fire escapes shall not project more than four (4) feet, six (6) inches into required yards.
- (e) awnings for non-residential uses may not extend more than forty-two (42) inches beyond the front building line, and the bottom of such line shall be at least eight (8) feet above the sidewalk.

5.22 Projections Above the Maximum Structure Height

The following improvements may project above the maximum structure height:

- (a) windmill structures for the private generation of energy.
- (b) antennae and satellite dishes
- (c) spires, turrets, and
- (d) agricultural use structures

5.3 Accessory Structures

An accessory structure or building may be located anywhere on a lot provided such location does not violate any setback requirements and provided that an accessory structure not used for housing or confining of animals or poultry may occupy twenty-five (25) percent of the area of a required area, yard and may be located within five (5) feet of a side and/or rear lot line.

5.4 Home Occupations

Where permitted, home occupations shall meet the following requirements:

- (a) **Character of Dwelling:** The occupation is conducted entirely within a dwelling and is clearly incidental and secondary to the use of the dwelling for residential purposes.
- (b) **Floor Area:** No more than one-third (1/3) of the gross floor area of the dwelling shall be used for the occupation.
- (c) **Employees:** No more than one person other than family members residing on the premises are employed in the conduct of the occupation.
- (d) **Activities:** Home occupation activities do not include the care and keeping of livestock (including horses, cattle, goats, sheep, pigs, oxen, poultry, bison, fallow deer, donkeys, mules, and fur bearing animals raised for commercial purposes), dog or cat kennels, nor heavy equipment parking, repair and storage.
- (e) **Outside Display and Storage:** In the conduct of the occupation, no materials or equipment are displayed or stored out-of-doors.
- (f) **Parking:** Parking for vehicles necessary to carry out the occupation shall be limited to four (4) automobile spaces located off-street.

- (g) Signs. The total amount of sign area permitted on the premises is limited to four (4) square feet. Off-premises signs are limited to two (2) square feet of total sign area. Signs shall not be internally lit, shall not involve moving or flashing elements, and shall not direct illumination onto neighboring residential properties. Strings of lights, banners and pennants are prohibited.
- (h) Neighborhood Impacts: No offensive noise, vibration, smoke, dust, odors, heat, glare or radiation is detected beyond the property line.

5.5 Off-Street Parking and Loading Requirements.

5.51 Off-Street Parking Required.

Every building or use (except agricultural buildings and uses) hereafter built or established shall provide off-street parking in accordance with these requirements. In the case of buildings erected prior to the enactment of this Code, if practical difficulties make it impossible to provide such parking, the requirements may be waived or modified by the approval authority. Such waiver shall extend to buildings proposed to be rebuilt after destruction.

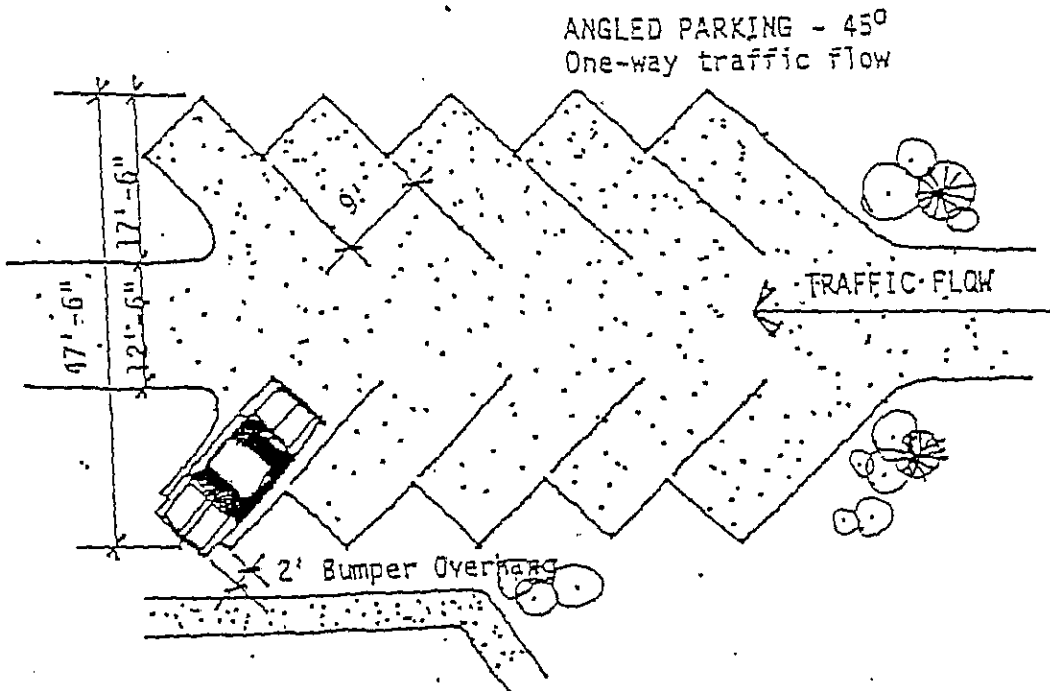
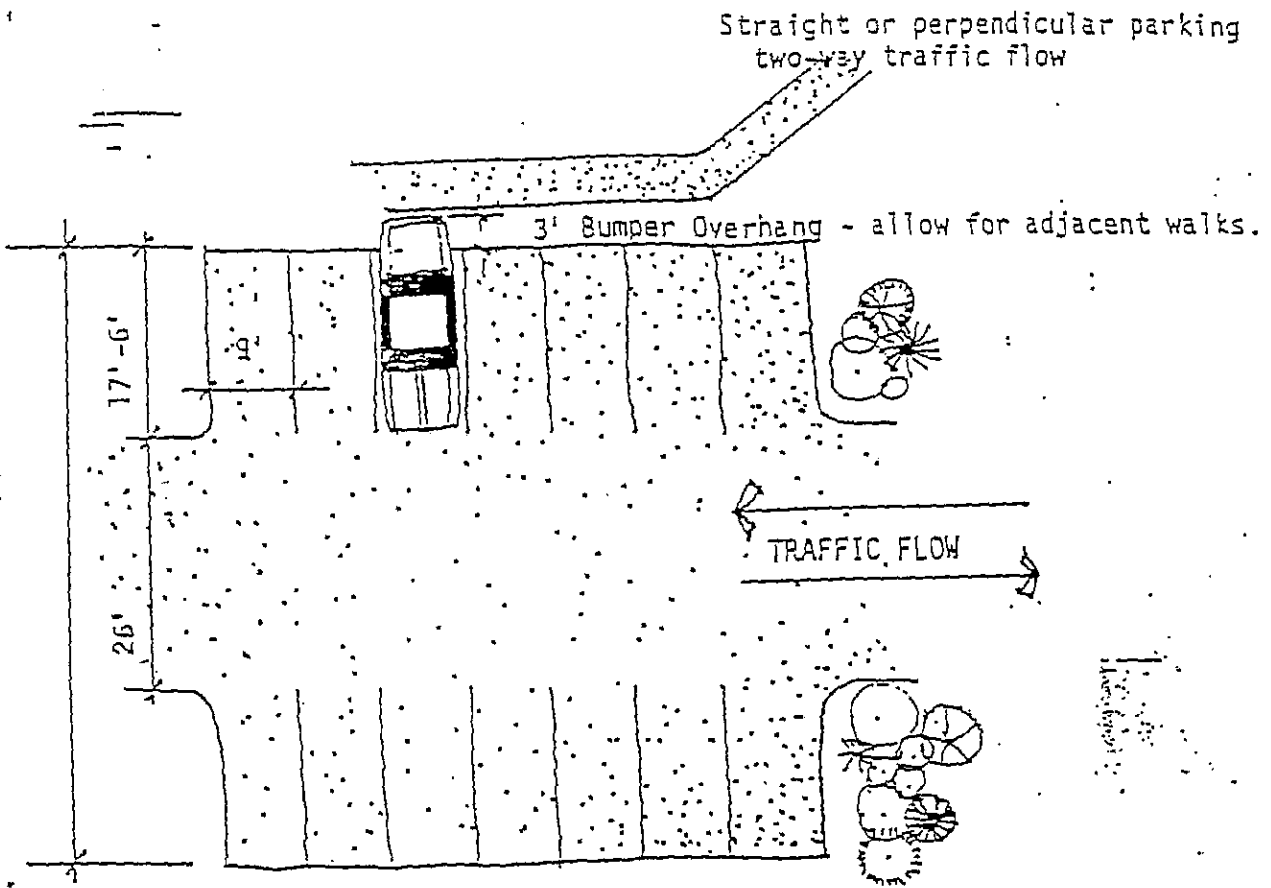
5.52 Off-Street Parking to be Shown on Plans.

Required off-street parking shall be shown on all plans submitted with applications for Development Permits. Handicap accessible parking may be required.

5.53 General Requirements and Standards.

- (a) Dimensions: As per attached diagram.
- (b) Access to Streets and Alleys. Access to streets and alleys shall be arranged so as to prevent backing of vehicles onto streets and alleys for all uses except single-family dwellings and multi-family structures containing up to four (4) dwelling units.
- (c) Surfacing. Parking, loading and maneuvering areas shall be surfaced with a hard, durable surface. Where asphalt or similar surfaces are used, parking spaces and lanes shall be striped. Gravel surfaces shall employ curbs and wheel stops to indicate spaces and lanes. Surfacing requirements shall not apply to single-family dwellings and multi-family structures containing up to four (4) dwelling units.
- (d) Distance from right-of-way and Sidewalks. Parking lots shall be a minimum of six (6) feet from street right-of-ways. Wheel stops shall be placed at least three (3) feet behind any public or private sidewalk area to prevent vehicle overhang in sidewalks.
- (e) Drainage and Grading. Parking lots for all uses except single family dwellings and multi-family structures containing up to four (4) dwelling units shall be graded and drained so as to prevent water flowing to abutting property or flowing in an uncontrolled manner to public streets and roads.

SECTION 5.53(a) OFF-STREET PARKING
MINIMUM DIMENSIONS



Schedule. Automobile parking lot spaces shall be provided in accordance with the following minimum requirements.

Autos/Gas Service and Repair Stations	Four spaces per each service stall plus one space per service vehicle.
Auto, Trailer, Boat Sales	One space per 1,000 sq. ft. of floor area plus one per two employees.
Beauty Parlor, Barber Shop	One space per 100 sq. ft. of floor area.
Bowling Alleys	Three spaces per lane plus one space per employee.
Churches, stadiums, arenas, theaters and similar places of assembly	One space per four seats or one space per five occupants based on maximum capacity
Correctional facility	One space per three beds based on maximum capacity.
Dwellings	One space per dwelling unit.
Eating or Drinking Establishment	One space per 100 sq. feet of floor area.
Furniture, appliance store	One space per 500 sq. feet of floor area.
Grocery stores and retail trade	One space per 200 sq. feet of floor area.
Hospital	Two spaces per bed based on maximum capacity.
Hospital, convalescent	One space per two beds. nursing home;
Hotels, motels, other	One space per guest room plus lodging places: one space per two employees.
Institutional buildings (libraries, museums, private clubs, etc.)	One space per 400 sq. feet of floor area.
Manufacturing, assembly	One space per 400 sq. feet of floor area.
Mortuaries	One space per four seats.
Offices, business and banks	One space per 300 sq. feet of floor area.
Offices, medical and dental	One space per 200 sq. feet of clinics: floor area.
Recreational business, facility, tourist attraction	One space per 100 sq. feet of floor area or area of the lot in use.
Schools;	Required parking for stadiums, school bus loading area if applicable, and or:
Pre-schools, nursery day care	Two spaces per teacher.

Elementary, junior high, middle schools	One space per employee
High school	One space per employee plus one space per 3 students of driving age.
College, commercial school	One-half space per seat in classrooms, or one space per 5 occupants based on maximum capacity.
Skating rink	One space per 150 sq. feet of floor area plus one space per two employees.
Warehouse, wholesale business, freight terminal	One space per 1,500 sq. feet of floor area.

NOT SPECIFICALLY MENTIONED:

In the case of a use not specifically mentioned in this section, the requirements for off-street parking shall be the same as the above-mentioned use which is most similar to the use not specifically mentioned.

MIXED USES:

Parking requirements for mixed uses shall be the sum of the requirements for each use.

NOTE: For estimating available parking area use 350 square feet per vehicle for stall, aisle and access areas.

(g) Off-street Loading Requirements.

Commercial, industrial and certain institutional uses such as hospitals and correctional institutions which are likely to receive or ship goods, supplies and other items, and which total at least 12,000 square feet of gross floor area shall provide one on-site loading space of the following dimensions: Twelve (12) feet width, twenty-five (25) feet depth and fourteen (14) feet height.- One additional loading space shall be provided per each 20,000 square foot of additional floor area.

Such space shall be in addition to other off-street parking. Loading spaces shall be arranged so that a vehicle using such space does not project into any public street or road.

(h) Modification of Loading Requirements.

The Planning Board may modify the off-street loading requirements as they apply to a particular case when the applicant can provide a specific example demonstrating that a similar use does not require the amount of off-street loading required by this Code.

Modifications may be granted if it is demonstrated that the loading operations of the use in question will not interfere with vehicular traffic on a public street or road.

5.54 Clear-Vision Area.

- (a) A clear vision area shall be maintained on each corner of property at the intersection of two streets or a street and a railroad railway. No fence, wall, sign, hedge, or other planting or structure that would impede visibility between the height of 3 feet-to-10 feet shall be established in the clear vision area.

- (b) The preceding shall not apply to the following:
 - (i) utility poles, warning signs and signals.
 - (ii) a structure or appurtenance to a structure lawfully existing as of the date of enactment of this code.
 - (iii) a place where the natural contour of the ground does not permit cross-visibility at the intersection.
- (c) A clear-vision area shall consist of a triangular area, two sides of which are lot lines for a distance of twenty (20) feet, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two sides.
- (d) Commercial, Industrial, Institutional Driveway Clear Vision Areas

Drives to public streets shall have a minimum vision clearance area formed by the intersection of the driveway street, right-of-way and a straight line joining said lines fifteen (15) feet from their intersection.

5.6 Signs

Every sign hereafter erected or displayed shall comply with the provisions of this Code.

5.61 Signs not Requiring a Permit

The following signs may be erected or displayed without issuance of a permit provided, however, that stricter standards may be imposed by the Planning Board.

- (a) Incidental signs such as name plates for professional offices, identification signs on farms, signs advertising the sale of farm products produced on the premises, home occupation signs, hunting, fishing and trespassing signs, historical markers and other signs such as highway signs erected by duly authorized public agencies, provided that such sign shall not exceed four (4) square feet in area, and provided further that an identification sign at an entrance to a farm, private park, camping ground or similar use may be eight (8) square feet in area. In any District where agricultural uses are permitted, an incidental sign advertising the sale of farm products produced on the premises may be up to twenty-four (24) square feet in area. Incidental signs shall not extend over any property line or road right-of-way.
- (b) Real estate signs may be erected in any District provided such sign shall not exceed forty-eight (48) square feet in area advertising exclusively for sale or lease the land or building upon which the sign is erected. Any illumination shall be indirect, shall not be flashing or intermittent and shall not reflect light into residences. Such sign shall be removed from the premises within sixty (60) days of the sale or rental thereof.
- (c) Directional Signs such as signs designating the location of an institution of public or quasi-public nature, or the location of a community or community facility may be erected in any district, provided such signs shall not exceed twenty-four (24) square feet in area and shall not extend over any property line, or any road right-of-way except by approval of the governmental body, agency, or individual having jurisdiction thereof. Any illumination shall be indirect or reflected, shall not be flashing or intermittent and shall not reflect light into residences. Temporary directional signs shall be removed within ten (10) days after the event or purpose for which they were displayed has been terminated.

- (d) Temporary signs such as political signs not exceeding twelve (12) square feet, garage or yard sale signs, work under construction signs and similar signs.

5.62 Signs Requiring Permits.

(a) Business Signs

In any commercial or mixed-use district, or industrial district, or on any legal non-conforming use or on any authorized special -use or on any authorized special use of a commercial nature, signs advertising the business on the premises may be erected according to the following, except where the Special Use provisions of Article 4 require otherwise:

- (i) Number of Signs. Not more than two (2) signs may be erected or maintained relating to a single business or activity, except for incidental and directional signs. Not more than one free-standing sign may be erected upon any individual business premises.
 - (ii) Size of Signs. No sign shall be acted or maintained having a sign area greater than one hundred fifty (150) square feet. No luminous sign shall be erected or maintained having a sign area greater than fifteen (15) square feet.
 - (iii) Location of Signs. No sign shall be erected or maintained within the right-of-way nor within ten (10) feet of the road bed of any public street or highway except for signs erected upon any building entirely housing the business or activity with which the signs are related.
 - (iv) Luminous Signs. A sign which is internally illuminated or otherwise emits its own light, or any transparent or translucent sign through which artificial light is emitted, including any neon sign, fluorescent sign or advertising light display, shall employ only lights emitting light of constant intensity, except for time and temperature indicators.
 - (v) Free standing signs. Such signs shall not exceed twenty-five (25) feet in height. The minimum clearance below the lowest portion of a free-standing sign and the ground below shall be fourteen (14) feet in any driveway or parking area.
 - (vi) Projecting signs. No projecting sign shall extend above the roofline of the wall or the top of a parapet wall, whichever is higher. Overhead clearance and projection into public right-of-way shall be maintained so that signs shall project over such right-of-way for a distance not to exceed three (3) feet, of an overhead clearance of not less than eight (8) feet.
- (b) Off-Premises Signs. No sign shall be erected or maintained more than two hundred (200) feet from the business or activity with which it is related. No off-premises sign shall have a sign area of more than ten (10) square feet, nor shall any such sign be a luminous sign.

5.63 Prohibited Signs:

- (a) Signs containing or illuminated by flashing, intermittent, rotating or moving light or lights, except for time and temperature indicators:
- (b) Roof Signs:

- (c) Signs which make use of the words "STOP," "LOOK," "DANGER," or any other word, phrase, symbol, shape, character in such manner as is reasonably likely to interfere with, mislead, or confuse vehicle operators;
- (d) No sign or part thereof shall contain or consist of any banner, pennant, ribbon, streamer, spinner, or other similar moving fluttering or revolving device. The said devices, as well as strings of lights, shall not be used for advertising or attracting attention whether or not they are part of any sign. No sign or part thereof may rotate or move back and forth.

5.64 Sign Permit Procedure

- (a) Permits to be issues by Code Administrator. Applications for sign permits shall be submitted to the Code Administrator on designated forms and two (2) copies of plans showing sign area, size, character, structural design, dimensions and clearances, method of illumination, proposed location, and structural aspects and method of installing on fastening the sign and its support structures. The Code Administrator shall approve, deny or conditionally approve the permit within fifteen (15) days of receiving the application. Where the Code Administrator is of the opinion the sign and its structural elements may be unsafe, he may withhold the issuance of the permit until the applicant submits a written statement from a registered structural engineer certifying the safety and adequacy of such sign and the method of erection and support.
- (b) Sign Endorsement. After sign installation, the applicant shall request the Code Administrator to inspect such sign to determine conformity with the approved application and plans. If the sign is in compliance, the Code Administrator shall endorse the permit. If the sign does not comply, the sign permit shall be withdrawn. The applicant or owner of such sign may correct the deficiency within thirty (30) days of inspection. If the deficiency is corrected within thirty (30) days the permit shall be endorsed. If the deficiency is not corrected, the sign shall be removed by request of the Code Administrator to the legislative body of the municipality wherein such sign is located.

5.65 Permit Number to be Affixed to Sign

Prior to its display, the owner of an approved sign requiring a sign permit shall affix in the lower right-hand corner of the sign, the sign permit number.

5.66 Measurement of Sign Area

The square footage of signs shall be determined by measuring the entire face of the sign and any wall work incidental to its decoration, and, in the case of an open sign made up of individual letters, figures or designs, the spaces in and around such letters, figures or designs shall be included in measurements.

5.7 Fences

The building line and yard requirements of this code shall not apply to fences or retaining walls or other walls not over six (6) feet in height; except that 1) the clear vision requirements of Section 5.54 shall operate to restrict fences and walls to three (3) feet in height in clear vision areas, and 2) fences and walls of 100 square feet or more in face area must comply with the shoreline setback requirements.

5.8 Sewage Disposal and Water Supply Systems

- (a) Village No new land use or development shall be permitted unless provision is made to connect such development to the public sanitary sewerage system and the public water supply system.

- (b) Town Where a public sanitary sewerage system is not available, an on-site sewage disposal system shall be installed and located in accordance with the New York State Department of Health requirements contained in the Water Treatment Handbook, Individual Household Systems and the Altamont On-Site Sewage Disposal Ordinance.. Where a public water supply system is not available, on-site water supply systems shall be installed in accordance with the New York State Department of Health requirements contained in the Rural Water Supply Handbook.

5.9 Shoreline Regulations

All structures over 100 square feet in size (except docks and boathouses) must comply with the shoreline setbacks set forth in the Schedule of Uses and Requirements, pages 8-9 of this Code.

5.91 Shoreline Clustering Provisions

In order to encourage clustering of buildings and the maintenance of undeveloped shorelines, an alternative to the minimum shoreline lot widths of Article 3 hereof, shoreline development may take place in the following APA land use areas upon the following approximate overall intensities of principal buildings (other than boathouses) per linear mile of shoreline or proportionate fraction thereof:

<u>APA Land Use Areas</u>	<u>Principal Buildings Per Linear Mile</u>
Hamlet	106
Moderate Intensity	53
Low Intensity	42
Rural Use	36
Resource Management	26

This alternative method of cluster shoreline development shall only be employed where a single ownership or a group of two or more owners acting in concert is involved. In addition, approval of this method of development must carry with it provisions, whether by deed restriction, restrictive covenant or other similar appropriate means, to insure the retention in open space of the undeveloped portions of shoreline developed on a cluster basis.

The total number of principal buildings permitted on the shoreline shall be the same before and after clustering. It is not intended that back lot density may be clustered on the shoreline. The purpose of this section is to allow clustered use of property in order to maintain a significant portion of the shoreline in undeveloped open space.

5.92 Special Shoreline Regulations - Minimum Setback for On-Site Sewage Facilities

In the case of all lakes, ponds, rivers and permanent or intermittent stream, or any swamp, marsh or wetland, the minimum setback of any on-site sewage drainage field or seepage pit shall be one hundred (100) feet from the mean high-water mark irrespective of zoning district or land use area classification. The local body or officer having jurisdiction shall have authority to require a greater setback of any on-site sewage drainage field or seepage pit than the minimum hereinabove set forth, if it or he shall determine that soils or other pertinent conditions require such greater setback to reasonably protect the water quality of the water body involved.

5.93 Special Shoreline Regulations - Cutting Restrictions

In the case of the shorelines of all lakes and ponds and the shorelines of any river designated to be studied as a wild, scenic or recreational river in accordance with the Environmental Conservation Law or any river or stream navigable by boat, including canoe, the removal of vegetation, including trees, shall be permitted on shorefront lots provided the following standards are met:

- a) Within thirty-five (35) feet of the mean high water mark no vegetation may be removed, except that up to a maximum of thirty percent of the trees in excess of six (6) inches diameter at breast height existing at any time may be cut over any ten-year period.
- b) Within six (6) feet of the mean high water mark no vegetation may be removed, except that up to a maximum of thirty percent of the shoreline may be cleared of vegetation on any individual lot. This provision shall be adhered to in addition to (a) above.
- c) The above cutting standards shall not be deemed to prevent the removal of diseased vegetation or of rotten or damaged trees or of other vegetation that present safety or health hazards.
- d) In any case where a landowner proposes to cut thirty (30) or more contiguous feet of shoreline either in the six foot zone (b. above) or the thirty five (35) foot zone (a. above), the landowner must submit a shoreline vegetation plan for Planning Board review and approval. The plan must adhere to the requirements above at a minimum, and the Board may impose additional requirements in order to protect the natural character of the shoreline and to retain vegetation to ensure that runoff is stopped and/or slowed, intercepting nutrients and preventing erosion into and sedimentation of the waterbody. If the plan involves a large parcel which may later be subdivided, the Board shall consider the plan in relation to the whole parcel and ensure that the cutting restrictions above will not be exceeded if there is a sale of parcels in the future.

5.94 Special Shoreline Regulations - Minimum Shoreline Frontage for Deeded or Contractual Access

In the case of the shorelines of all lakes and ponds and the shorelines of any river designated to be studied as a wild, scenic or recreational river in accordance with the Environmental Conservation Law or any river or stream navigable by boat, including canoe, the following minimum standards shall be required for deeded or contractual access to all such lakes, ponds, rivers or streams for five or more lots, parcels or sites or multiple family dwelling units not having separate and distinct ownership of shore frontage:

- a) Where one to four lots or multiple family dwelling units are involved, there must be a total of fifty (50) feet of shoreline frontage.
- b) Where five to twenty lots or multiple family dwelling units are involved, a total of not less than one hundred (100) feet.
- c) Where more than twenty and not more than one hundred lots or multiple dwelling units are involved, a minimum of three (3) feet for each additional lot or multiple dwelling unit in excess of twenty.
- d) Where more than one hundred and not more than one hundred fifty lots or multiple dwelling units are involved, a minimum of two (2) feet for each additional lot or multiple dwelling unit in excess of one hundred.
- e) Where more than one hundred fifty lots or multiple dwelling units are involved, a minimum of one (1) foot for each additional lot or multiple dwelling unit in excess of one hundred fifty.
- f) In every case involving deeded or contractual access to shoreline, the creation of the shoreline access parcel will require Planning Board review and approval, and standards in addition to the above may be imposed to protect the natural character of the shoreline and to address concerns of other landowners.

Article 6

VARIANCES

6.1 Authorization

Any variance to this code shall be granted by the Zoning Board of Appeals in accordance with the standards and procedures set forth in this article. In granting a variance, the Zoning Board of Appeals may impose conditions necessary to protect the health, safety and welfare of the neighborhood, village, or town. These conditions may include specifying dimensional or area requirements; location, character and number of vehicle access points; requiring landscaping, planting and screening; requiring clustering of structures and uses to minimize public services burdens; requiring such action by the applicant as a condition to approval, to insure the completion of the development in accordance with the applicable conditions.

6.2 Application

A property owner(s) or his agent(s) may initiate a request for a variance by filing an application with the Zoning Board of Appeals using forms supplied by the board including other information, maps and drawings necessary to show the proposed variance and its relationship to surrounding properties.

6.3 Standards for Granting Variances

A. Area Variances

A variance to allow a permitted or special use to be located on a property which does not conform to the area and/or dimensional requirements of the district in which it is located (See Article 3) may be granted only in the event that each and all of the following circumstances are found to exist by the Zoning Board of Appeals and are each so stated in the board's findings:

1. The strict application of area and dimensional requirements would result in a specified practical difficulty to the applicant, and;
 - (a) the practical difficulty arises because of exceptional or extraordinary circumstances applying to the property and not applying generally to other properties in the same district.
 - (b) the requested variance is the minimum variance which would alleviate the practical difficulty;
 - (c) the difficulty cannot be eliminated by some other feasible method;
 - (d) the requested variance will not produce a substantial change in neighborhood character and will not be materially detrimental to adjoining properties or natural resources;
 - (e) any increase in density will not be unnecessarily burdensome on public services and facilities;
 - (f) in view of the manner in which the difficulty arose, and in consideration of the above factors, the interests of justice will be served by granting the variance.

B. Use Variances

A variance to allow a use within a district other than a permitted use or special use may be granted only in the event that each and all of the following circumstances are found to exist by the Zoning Board of Appeals and are each so stated in the board's findings:

1. The strict application of the use provisions of this code would result in a specified unnecessary hardship to the applicant, and:
 - (a) the hardship arises because of exceptional or extraordinary circumstances applying to the property and not applying generally to other properties in the same district;
 - (b) the circumstances giving rise to the hardship are not of the applicant's own making;
 - (c) the property in question cannot yield a reasonable return if used for any permitted or conditional use within the district;
 - (d) the variance would not produce a substantial change in the character of the neighborhood and would not be materially detrimental to adjoining property or natural resources.

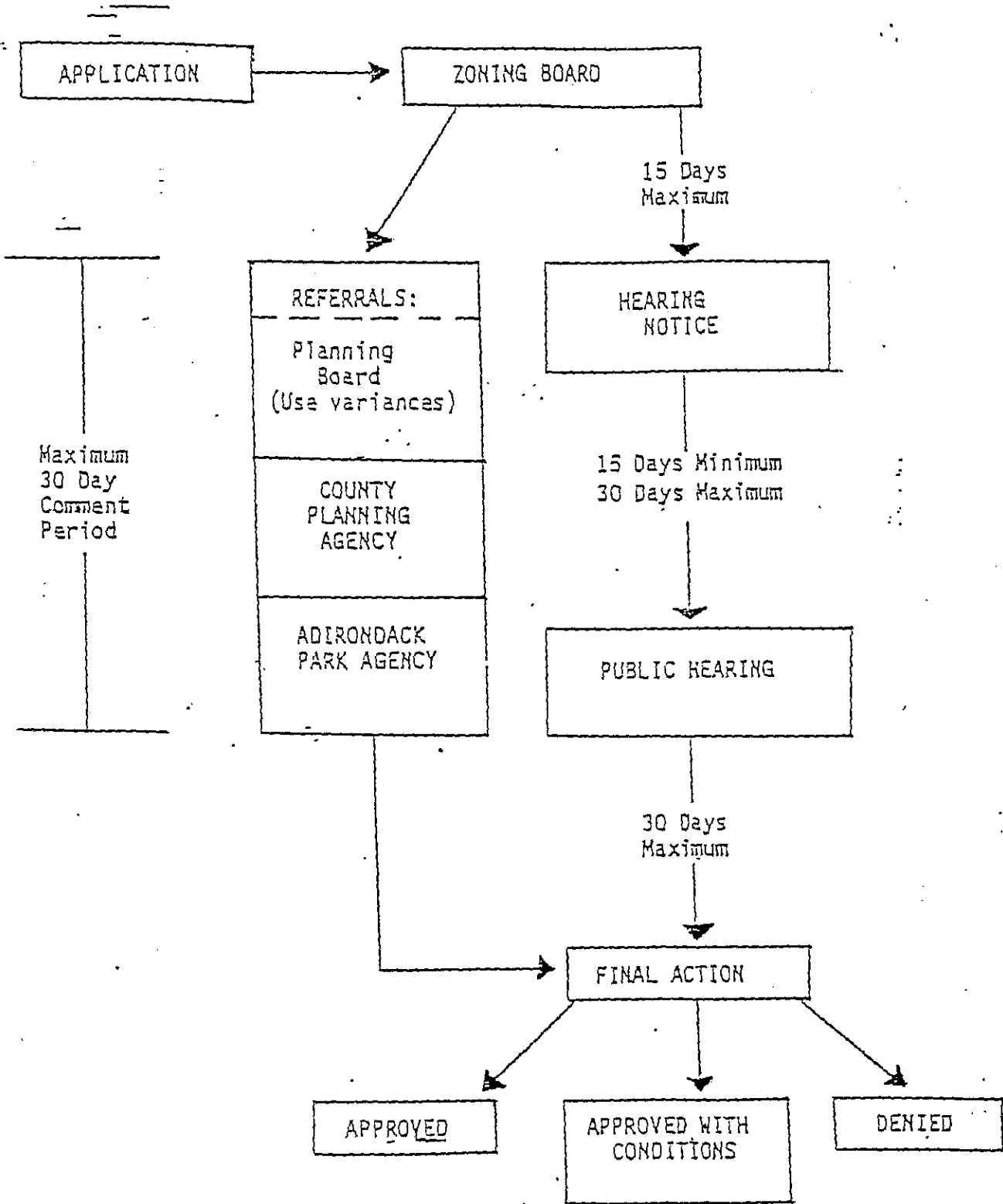
6.4 Referrals

- a) The Zoning Board of Appeals shall refer all completed use variance applications to the Planning Board for its report and recommendation, and where required by Section 239-m of the General Municipal Law, to the county planning agency having jurisdiction for its report and recommendation. In no case shall final action under Section 239-m be taken until the planning board and county planning agency (if appropriate) have submitted their reports or until thirty (30) days have passed since the date of referral, whichever comes first.
- b) In the case of any variance application involving land, buildings or structures in any land use area except for hamlet, or any variance involving the shoreline restrictions or lot size, the Zoning Board of Appeals shall submit a copy of the application to the Adirondack Park Agency together with such pertinent information as the Agency reasonably shall deem necessary.

6.5 Variance Application and Decision

- a) Within fifteen (15) days of receipt of a completed application for a variance, the zoning board of appeals shall give notice of a public hearing to be held on the application not less than fifteen (15) days nor more than thirty (30) days after the notice.
- b) Within thirty (30) days of the final adjournment of a public hearing held under paragraph (a) of this section, the zoning board of appeals shall grant, grant with conditions, or deny the requested variance. The decision of the board shall be in writing and shall contain each of the findings specified in Section 6.030 of this code, and the factual basis for each finding from the record of the hearing, which shall support the decision of the board.

VARIANCE PROCEDURE



Article 7

AMENDMENTS

7.1 Purpose of this Article

The purpose of this article is to allow for amendment to this code and to the zoning map whenever the public necessity and convenience and the general welfare require such amendment, by following the procedures of this Article.

7.2 Hearing and Decision

- (a) **Public Hearing.** A public hearing shall be held prior to amendment, at which parties in interest and citizens shall have an opportunity to be heard. At least ten (10) days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the town and/or village. Written notice mailed by ordinary mail sufficient to give ten (10) days' notice of any proposed amendment affecting property within one-hundred (100) feet of the property proposed for amendment, or property within five-hundred (500) feet of the boundaries of any village, town, county, or state park shall be given to the property owners in the case of property one-hundred (100) feet from the property in question, and to the clerk of the town, village or county in the case of property in question five-hundred (500) feet from such municipalities, and to the regional state park commission, if any, having jurisdiction over such state park.
- (b) **Legislative Body to Amend.** The legislative body (Town Board or Village Board of Trustees) of the municipality wherein the proposed amendment is located shall have the power and authority to decide upon such amendment.
- (c) **Referrals.** The legislative body shall refer proposed amendments to the Planning Board for its report and recommendation. The Planning Board shall have thirty (30) days to report and recommend and shall be presumed to support the proposed amendment if it does not report its recommendations within thirty (30) days to the legislative body.
- (d) **Procedure in Event of Protest.** In the case of a protest against the proposed amendment signed by the owners of twenty per cent or more of the area included in such proposed change, or by the owners of twenty per cent or more of the land immediately adjacent extending one hundred (100) feet therefrom, or by the owners of twenty per cent or more of the land directly opposite thereto, extending one hundred (100) feet from the street frontage of such opposite land, such amendments shall not become effective except by the favorable vote of three-fourths of the members of the legislative body.
- (e) **Records of Amendments.** The clerk of the legislative body shall maintain records of amendments to the text of this code and to the zoning map.

ARTICLE 8

ADMINISTRATION

8.1 Code Administrator.

The code administrator shall have the power and duty to administer and enforce the provisions of this code. The code administrator shall be appointed and may be removed at pleasure by the Town Board and Village Board of Trustees. An appeal from an action, omission, decision or rule by him regarding a requirement of the Code may be made only to the zoning board of appeals.

8.2 Required Records.

The original or a certified copy of all decisions, approvals, rulings and findings of any board under this code, and of all permits and certificates issued under this article, shall be promptly furnished by the code administrator to the clerk of the Town or the Village wherein such action pertains, and retained as a permanent town or village public record.

8.3 Appeal from Action of Planning Board or Zoning Board of Appeals.

An action, omission, decision or ruling of the planning board or zoning board of appeals pursuant to this code may be reviewed at the instance of any aggrieved person in accordance with Article 78 of the Civil Practice Law and Rules, but application for such review must be made not later than sixty (60) days from the effective date of the decision or ruling or the date when the action or omission occurred.

8.4 Form of Petitions, Applications and Appeals.

Unless otherwise stated, all petitions, applications and appeals provided for in this code shall be made on forms prescribed by the zoning board of appeals. Completed forms shall be accompanied by whatever further information, plans or specifications as may be required by such forms.

8.5 Application Fees.

Fees shall be paid upon the submission of petitions, applications, and appeals, provided for by the terms of this Code in such amount or amounts as shall be established by the Town Board and Village Board of Trustees from time to time. Such fees shall not be refundable.

8.6 Recess of Hearing

Any hearing may be recessed by the board holding the hearing in order to obtain additional information or to serve further notice upon other property owners, or to persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced. No further notice or publication will be necessary.

8.7 Site Inspections

The filing of an application for a variance under Article 6 hereof, an application for a special use permit under Article 4 hereof, or an application for a Development Permit under Article 8 hereof, shall be deemed a granting of approval by such person to the Planning Board, Zoning Board of Appeals and Code Administrator, and to such persons as they may designate, to conduct such examinations, tests and other inspections of the sites which are the subject of such applications, as the body or officer having jurisdiction deems necessary and appropriate for the purposes of this code. Entrance upon the applicant's property where practicable, shall be made only after reasonable prior notice to the applicant.

8.8 Development Permit

No persons shall undertake any land use or development or substantial change in use of an existing structure, unless and until a Development Permit has been issued therefor. No permit shall be required for an accessory use.

8.81 Issuance and Form of Development Permits

- (a) Permitted Uses - The Code Administrator shall issue a development permit for any use which is a permitted use in a given district as provided in Article 3 hereof, if he determines:
1. the new land use or development meets the use and dimensional requirements set forth in Article 3 hereof, or a variance has been granted in accordance with Article 6 hereof, to permit modifications of the use and dimensional requirements and meets the conditions if any, which accompany the variance, and;
 2. the new land use or development meets any applicable supplementary regulations of Article 5 hereof, and provided;
 3. a development permit may be issued in conjunction with a building permit and such building permit, if the foregoing items (Section 8.81a.1,2) are met shall be deemed to constitute the development permit, provided, an applicant may apply for a development permit prior to and separately from application for a building permit.
- (b) Special Uses - A Development Permit shall be issued for any use which is a special use in a given district as provided in Article 3 hereof if:
1. the Planning board, after public hearing has determined that the submitted site plans together with conditions of approval, if any, meet the requirements of Articles 3, 4 and 5 hereof and such plans and conditions are signed and approved by the Chairman of the Planning Board, or;
 2. the zoning board of appeals has granted a variance to the requirements of Article 3 hereof and the planning board, after public hearing has determined that the submitted site plans together with conditions of approval, if any, meet the requirements of Articles 4 and 5 hereof, and provided;
 3. the planning board shall, at the hearing or meeting when the approval is granted, specify in writing the conditions of approval, if any, and at such time the chairman of the planning board shall sign such conditions and site plans which are approved, and provided;
 4. a development permit may be issued in conjunction with a building permit upon such combined application provided; an applicant may apply for a development permit prior to and separate from application for a building permit.

8.82 Zoning Certificate.

Prior to any permanent improvements, construction, foundations, drives, paving or other work except site grading and preparation, the applicant who has obtained a Development Permit for either a permitted use or a special use shall request the code administrator to conduct a field inspection.

The applicant shall define the location of foundation walls or other structural elements by battenboards or stakes and shall define by flagging or other means the location of drives and paved areas. The code administrator shall determine whether the location of structures, drives and paved areas conform to approved site plans and issue written certification of such compliance and construction may proceed. If the structures and other elements are not located in accordance with the approved plans, the location of structures and other elements may be corrected within thirty (30) days and the code administrator may issue certification after a second inspection; otherwise the Development Permit shall be null and void.

8.83 Substantial Change in Use of a Building.

- (a) A substantial change in the use of a building is deemed to be any of the following:
 - (i) A change from residential to non-residential use in any part of a building.
 - (ii) A change from single-family residential to multi-family residential in any part of a building.
 - (iii) A change from one type of non-residential use to a different type of non-residential use where the existing number of off street parking spaces is less than seventy-five (75) percent of the parking area required for the proposed use.
- (b) Where a substantial change in the use of a building is proposed, one of the following is required:
 - (i) Where the proposed use is a Permitted Use in the district wherein it is to be located and the proposed use will have available at least seventy-five (75) percent of the required number of off-street parking spaces, the Code Administrator shall issue a Zoning Certificate.
 - (ii) Where the proposed use is a permitted use in the district wherein it is to be located and the proposed use does not have at least seventy-five (75) percent of the required parking area available, the proposed use shall require approval by the Planning Board. The Planning Board shall determine whether a public hearing shall be held.

The Planning Board shall make findings whether the proposed use would have an undue traffic and parking impact by reason of inadequate parking and approve, conditionally approve, or deny the project accordingly.

The applicant may present plans to add parking spaces or to combine parking spaces with an adjacent use so that the proposed use will have at least seventy-five (75) percent of the required parking area. Such plans shall be the subject of Planning Board approval.
 - (iii) Where the Proposed use is a Special Use in the district where in it is to be located, it shall require Planning Board approval and shall be subject to the applicable Special Use requirements.

A variance granted by the Zoning Board of Appeals shall be required for any specified dimensional requirements such as setbacks and parking which cannot be met by the proposed use.

- (c) The requirements of this section shall not be construed so as to permit a change from one type of non-conforming use to a different type of use which is prohibited in the subject district.

8.84 Expiration of Development Permits Generally

If a project for which a development permit has been issued is not in existence within two (2) years after permit issuance, said permit shall expire, and the project may not thereafter be undertaken unless the applicant submits a request to extend the period of time for a period not to exceed one year. Such application to extend the project may be reviewed and approved by the Code Administrator for both permitted uses, special uses and variances provided, that a material change in the project application shall require the application for a new permit pursuant to the provisions of this code. This section shall not operate to limit the Planning Board from providing a longer period of time for an initial special use development permit.

8.900 Violations and Penalties

8.910 Penalty

For any and every violation of the provisions of this code, or any conditions imposed by a development permit, or any building, construction or attempt to establish a structure contrary to the plans or specifications submitted to the authorized official and by him certified as complying with this code; the owner, agent or contractor of a building, structure, land or premises therein or thereon where such violations have been committed or shall exist shall be guilty of a misdemeanor and subject to a fine of not more than One Hundred Dollars (\$100.00) for each such violation. Each and every day such violation continues shall be deemed a separate offense. Where the person committing such violation is a partnership, association or corporation, the principal executive officer, partner, agent or manager may be considered to be the person for the purposes of this Article.

8.920 Limitation of Time to Commence Enforcement Proceeding

A proceeding or action to enforce any violation of the provisions of this Code, or the Land Subdivision Regulations adopted by the Town, or any conditions imposed by a development or subdivision permit, or any building, construction or attempt to establish a structure contrary to any approved plans or specifications, must be commenced within ten years from the date of the alleged violation. The period of limitation shall commence with the recording of the deed or other applicable document in the case of an alleged violation of a subdivision permit, and shall commence with the completion of any structure or other improvement in violation of this Code or any permit.

Article 9

GLOSSARY

Abut: Contiguous to; adjoining with a common boundary line or right-of-way.

Access: The place, means or way by which pedestrians, vehicles or both shall have safe, adequate and usable ingress and egress to a property or use. A private access is an access not in public ownership or control by means of deed, dedication or easement.

Accessory Building, Structure or Use:

Means any structure or a portion of a main structure or use of such facility which is customarily incidental and subordinate to and does not change the character of a principal land use or development, including a guest cottage not for rent or hire that is incidental and subordinate to and associated with a single family dwelling. Guest cottages as accessory structures shall only be used for occasional occupancy by guests of the residents of the primary dwelling.

Adjacent: Near or close, includes abutting as well as non-abutting lands.

Agricultural Use:

Means any management of land for agriculture; raising of cows, horses, pigs, poultry and other livestock; horticulture or orchards; including the sale of products grown or raised directly on such land; together with any buildings or structures customarily incidental to such agricultural use.

Alley: A permanent minor right-of-way providing secondary access to an abutting lot.

Alteration: As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities, or an enlargement whether by extension horizontally or vertically or by relocation.

Alteration, structural:

Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

Amendment: Any repeal, modification or addition to a regulation; any new regulation; any change in the number, shape, boundary or area of a District; or any repeal abolition, change or addition to the zoning map.

Apartment: Any building or portion thereof which is designed and leased as a residence of two (2) or more families living independently of each other.

Aquifer: An underground water supply area generally characterized by slopes of between 0-8% in combination with the downward movement of water through the soil at a rate greater than six (6) inches per hour.

Boathouse: Means a structure with direct access to a navigable body of water (1) which is used only for the storage of boats and associated equipment, and (2) which does not have bathroom or kitchen facilities and is not designed or used for lodging or residency.

Building: Structure having a roof supported by walls or columns for the shelter, support or enclosure of persons, animals or chattels.

Building Line:

Line beyond which the foundation wall and/or any deck, porch, vestibule or other such portion of a building shall not project except as provided in Section 5 of this code.

Building, Principal:

Means any of the following: (1) single family dwelling; mobile home; (2) tourist cabin or similar structure for rent or hire involving three hundred or more square feet of floor space; (3) each unit of a multi-family dwelling; (4) each commercial use structure and each industrial use structure in excess of 300 square feet constitutes one principal building, except that for a commercial use structure which involves the retail sale or rental or distribution of goods, services or commodities, each 1,000 square feet of floor space or portion thereof of such commercial use structure constitutes one principal building; (5) any other structure which exceeds twelve hundred fifty square feet.

In addition, each motel unit, hotel unit or similar tourist accommodation unit which is attached to a similar structure, and each tourist cabin or similar structure for rent or hire involving less than three hundred square feet of floor space, will constitute one-tenth of a principal building. An accessory structure is not a principal building. In addition, all agricultural use structures and single family dwellings or mobile homes occupied by a farmer of land in agricultural use, his employees engaged in such use and members of their respective immediate families, will together constitute and count as a single principal building.

Cabin, Recreational:

Means a cabin, camp or lean-to or other similar structure designed and used for occasional occupancy for hunting, fishing, or similar recreational purposes.

Camping Grounds:

Any lot, parcel or tract of land or portion thereof together with attendant facilities thereon, used, designed, maintained or held out for hire to accommodate campers and their temporary living and sleeping quarters including tent and travel trailer campers. A tent or travel trailer may occupy a site in a campground for no longer than 120 days in a year.

For the purpose of this definition, 'camp trailers, travel trailers, motor homes or similar facility designed for temporary shelter' shall not include any single vehicle exceeding eight feet in width or 35 feet in length or any combination of vehicles, including a trailer or semi-trailer, exceeding eight feet in width or a total of 55 feet in length, nor shall any campground permit structural additions to or removal of wheels for vehicles admitted or furnish all-weather water supply or sewage disposal connections at individual sites.

Clinic:

A medical or dental facility which provides out patient care only and which may be occupied by one or several practitioners and house laboratory and clinical equipment. Such facilities shall be deemed as 'professional offices' for the purposes of this code.

Commercial Use:

Any use involving the sale or rental or distribution of goods, services or commodities, either retail or wholesale, or the provision of recreation facilities or activities for a fee.

Condominium.

Any building containing one or more condominium units which is subject of a declaration filed pursuant to the Condominium Act of the State of New York (Article 9-B of the NYS Real Property Law).

Condominium Unit:

A portion of a condominium which is individually owned by separate deed.

Coverage, Gross Lot:

The percentage of the total lot area covered by buildings and paving.

Coverage, Lot:

The percentage of the total lot area covered by buildings.

Deck:

An above natural grade platform without full weather enclosure, except for railings or railing height walls. Decks may be attached to other structures and may be roofed.

Development:

Any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures. Development shall include landscaping which is intended to be used in connection with another land use and development or which is independently jurisdictional.

Dedication:

The designation of land by its owner for any general or public use.

District:

Area within which certain uses of land and buildings are permitted and certain others prohibited; yards and other open spaces are required; lot areas, building height limits and other requirements are established; all of the foregoing being identical for the District.

Dock:

A structure extending from a shoreline into a navigable body of water which is used as a landing or berthing place for vessels which is no wider than ten feet at any point.

Duplex:

A building designed for occupancy by two families living independently of each other.

Dwelling, Multi-Family:

A building designed for occupancy by two (2) or more families including apartments, condominiums, duplexes, townhouses and other buildings having one or more party walls, including the conversion of an existing single family dwelling, and including time-share units.

Dwelling, Single-Family:

A building designed for occupancy by one (1) family.

Easement: The granting of the right to use a specified portion of land for specific purposes.

Family: One or more persons occupying a dwelling unit and living as a single housekeeping unit, as distinguished from a group occupying a boarding, rooming or tourist home or a club, fraternity or motel or hotel.

Fee-Simple Owner:

A type of ownership where a parcel of land and any improvement on the parcel is held in fee-simple ownership.

Floodplain: An area of land subject to periodic but infrequent flooding of the magnitude of a 100 year flood. This area comprises the maximum area of the floodplain that, on the average, is likely to be flooded once every 100 years (i.e., that has a one percent chance of being flooded each year. The boundaries of the floodplain are generally shown on the maps titled "Special Flood Hazard Areas" of the U.S. Department of Housing and Urban Development.).

Floor Area: The gross area, under roof, of all the floors of a building, measured between exterior faces of walls.

Forestry Uses:

Any management, including but not limited to logging, of a forest, woodland or plantation and related research and activities, including the construction, alteration or maintenance of wood roads, skidways, landings, fences and forest drainage systems.

Garage, Commercial:

A commercial use used for the storage, repair, rental, sale and/or servicing of motor vehicles, not including auto wrecking or the storage of wrecks, dismantled vehicles, parts of motor vehicles or junk out-of-doors.

Garage, Private:

Accessory building, portion of a principal building, designed for housing private motor vehicles; not more than two (2) of which may be commercial vehicles.

Gas/Auto Service Station:

A commercial use involving the supply of fuel and oil for motor vehicles and where accessories for motor vehicles are dispensed, sold or offered and where repair service, if any, is incidental and is conducted entirely within an enclosed building and no outdoor storage or dismantled or wrecked motor vehicles parts thereof, or junk is permitted, and provided: such use may also involve the sale of other goods not related to motor vehicles, including but not limited to food products primarily for off-premises consumption. Temporary outdoor storage of vehicles to be repaired is permitted.

Gas Station: A commercial use involving all of the activities of a 'Gas/Auto Service Station' excepting repair services.

Grade, Established:

The elevation of the centerline of the streets as officially established by the governmental body, agency or entity with jurisdiction of the subject street.

Grade, Finished:

The completed surfaces of lawns, walks, drives, and roads brought to grades as shown on approved or official plans or designs relating thereto.

Group Camp:

Any land or facility for seasonal housing and recreational, educational or business related use by private groups or semiprivate groups together with the buildings, structures, improvements and uses customarily incidental thereto.

Hardpan:

A feature of the soil, also referred to as fragipan, where a dense and relatively impermeable layer of soil restricts the downward movement of water.

Home Agriculture:

A use of land for the raising of agricultural products livestock, horticulture for gain but excluding the raising or keeping of fur-bearing animals, riding academics, livery or boarding stables, dog kennels, snake farms, zoos and similar activities, and provided such parcel of land shall be at least ten (10) acres in size.

Home Occupation:

A lawful use conducted in a residential district in the premises of a dwelling unit by the permanent residents thereof, said use being secondary to the use of the premises for dwelling purposes and which complies with the terms and requirements of this code, Article 5, Section 5.4.

Hospital:

Any institution receiving in-patients and rendering medical, surgical and/or obstetrical care. The term "hospital" shall also include sanitariums and sanitariums, rest homes or nursing homes for the aged, or any other facility which provides inpatient care for mental patients, alcoholics or drug addicts.

Hotel or Motel:

Any group of dwelling units whether detached or attached which are used primarily to provide sleeping accommodations for the transient public.

Junkyard:

An industrial use involving land or buildings used for the abandonment, storage, keeping, collecting or baling of paper, rags, scrap metals, other scrap or discarded materials, or for abandonment, demolition, dismantling, storage or salvaging of automobiles or other vehicles, machinery or parts thereof.

Landscaping:

Means growing vegetative material such as trees, shrubs, perennial flowers, hedges, grasses, vines and other ground cover and non-growing materials such as gravels, stones, bark materials, ponds and similar man-made water bodies.

Lodge or Resort:

A commercial use designed primarily to house the transient public, including accessory uses and buildings customarily incidental thereto and where the services and facilities provided in connection therewith are primarily available to guests of the facility.

Lot: A parcel of land considered as a unit, used or proposed to be used for a certain use or uses or occupied or to be occupied by a building and its accessory buildings and which has or will have a separate and distinct legally describable existence from land or water surrounding the subject parcel of land.

Lot, Corner: A lot having frontage on two (2) or more streets at their intersection.

Lot, Depth: The average horizontal distance between the front and rear lot lines.

Lot, Interior: A lot other than a corner lot, with frontage only on one street.

Lot, Line: Any property line bounding a lot.

Lot Line, Front:

For an interior lot, the lot line abutting a street; for a corner lot, a lot line abutting either street. In the case of a corner lot, the code administrator shall determine the front lot line.

Lot Line, Rear:

The line generally opposite or parallel to the front lot line, except in a through lot which shall have two (2) front lot lines. If the rear lot line is less than ten (10) feet long or the lot is pointed at the rear, the rear lot line is assumed to be a line at least ten (10) feet long, lying wholly within the lot, parallel to the front lot lines, at the point most distant from the front lot line which is at least ten (10) feet wide, or if the front lot line is curved, parallel to the chord of the arc of said front lot line.

Lot Line, Side:

Any lot line other than a front lot line or a rear lot line.

Lot of Record:

Any lot designated as a separate and distinct parcel of land on an approved subdivision plat or in a deed recorded in the Franklin County Clerk's Office prior to April 1, 1989.

Lot, Through: An interior lot, fronting on two (2) streets.

Lot, Net Area:

The total horizontal area included within the rear, side and front lot lines. No street, alley, publicway, public land or area proposed for any of the foregoing purposes shall be included in determining the net area of the lot.

Marina:

A water-related facility primarily designed and used for the storage, docking, launching, anchoring and operation of boats, together with the accessory uses and structures customarily incidental thereto, including the sale or provision of fuels, oil, boating accessories, repair and maintenance of boats.

Mean High Water Mark:

Means the average annual high water level, from which structures and sewage disposal systems shall be set back according to the requirements of this code.

Mobile Home:

Mobile home means any self-contained dwelling unit that is designed to be transported to its site on its own wheels or those of another vehicle, which may contain the same water supply, sewage disposal and electrical system as immobile housing and is used exclusively for either permanent or seasonal occupancy. A dwelling unit that is constructed in sections and transported to and assembled on site is not considered a mobile home.

Mobile Home Park:

A parcel or parcels of land which consists of mobile home spaces which spaces are rented or leased to persons for long-term placement of mobile homes rather than for placement of recreational trailers used by the transient public, regardless of whether the mobile homes are used seasonally or year-round by the occupants.

Mobile Home Space:

A section of land within a mobile home park designated as the location for only one (1) mobile home, used exclusively by the occupants of the mobile home.

Municipality:

As used in this code means either the Town of Altamont or the Village of Tupper Lake depending upon the geographic location of a subject development, amendment or other item regulated by this code.

Natural Resource Amenities:

Means those features of scenic, recreational, and economic value such as scenic views, surface water bodies, large forested land areas and wetlands, the extensive alteration of which could result in a detriment to the economic, scenic and recreational assets of the municipality.

Natural Resource Constraints:

Means those features which by reason of their value, intolerance to human activity, potential hazard to property and life, and costs to construction of permanent improvements, pose limitations concerning the location of development. Such features include poor soils, flood hazards, steep slopes, aquifers, water bodies, wetlands, elevations above 2,500 feet as described and identified in the report 'Natural Resources Inventory for the Town of Altamont and Village of Tupper Lake.'

Non-Conforming Use:

Use of a building and/or land not allowed as either a permitted or special use by the regulations of the District wherein the use is located which was a lawful use and in existence prior to the adoption of this code.

Office Business:

A commercial use where persons are engaged in the following activities, including but not limited to; insurance, real estate, banking, travel agencies, appraisal, auctioneering, business and trade organizations, brokers, credit unions, savings and loans, financing corporations, and similar activities.

Office, Professional:

A commercial use where persons are engaged in the following activities, including but not limited to: accountants, bookkeeping, abstractor, architects, attorneys, psychologists, counselors, chiropractors, physicians, dentists, psychiatrists, clinics, engineers, veterinary practice and similar activities.

Open Space Recreation:

Means any recreation use particularly oriented to and utilizing the outdoor character of an area, including a snowmobile, trail bike, jeep, or all-terrain vehicle trail; cross-country ski trail, hiking and backpacking trail; bicycle trail; horse trail; playground, picnic area, public park, public beach, or similar use. A use involving filling of wetlands or substantial construction or land disturbance is not an open space recreation use.

Outdoor Storage:

Means the practice of commercial uses whereby goods for sale or rental and/or equipment used to provide services offered in connection with the activity are located out-of-doors, not in a building.

Parking Space:

One off-street minimum gross area available for the parking of an automobile in accordance with the requirements of this code.

Parapet or Parapet Wall:

That part of any wall above roof line.

Personal Service Shop:

A commercial use including but not limited to the following: barbershops, hairdressers, dry cleaners, laundromats, and similar uses.

Public Service Facility:

Non-commercial uses including both public and semi-public facilities, including, but not limited to; public and private schools, libraries, churches, parks, cemeteries, and similar facilities.

Recreational Business:

Means a commercial use including, but not limited to, drive-in theaters, stadiums, golf-driving ranges, miniature golf courses, tourist attractions and similar uses.

Recreational Facility:

Means campgrounds, group camps, ski centers and their related tourist accommodations, recreational trails, golf courses, playground, picnic area, public park, public beach or similar use.

Recreational Trail:

Means a designated way used for recreational travel by hiking, ski-touring, snowshoe, horseback, snowmobile, trail bike, off-road vehicle or other recreational means of transportation.

Residential Area:

Means those areas of the municipality which are either classified as residential districts in Article 3 hereof, or; those areas primarily consisting of residences which, in the opinion of the Planning Board, would be adversely affected by vehicle traffic through such areas, caused by non-residential development.

Restaurant:

A commercial use where meals are prepared and served to the public primarily for on-premises consumption.

Retail Sales:

A commercial use where goods are provided to the public for sale or rental.

Right-of-Way:

The area between boundary lines of a street or other dedicated area.

Sawmill:

A permanent or portable sawmill facility which remains in operation for a period exceeding 30 days.

Screen:

To obscure a building, structure, area, or activity from the vision of adjacent property owners or the general public by means of planting or fencing.

Setback, Building:

The minimum allowable horizontal distance from a property line to the nearest vertical wall or other element of a principal building as defined herein. All decks, porches and other structural elements of a structure are considered part of the structure for purposes of the shoreline setbacks of this Code.

Setback, Septic:

The minimum allowable horizontal distance from an on-site sewage drainage field, seepage pit, or other leaching facility to the mean high water mark of any shoreline, including lakes, ponds, rivers or streams, including intermittent streams, or other feature required to be separated a specified distance from such leaching facility.

Shallow Depth to Bedrock:

A characteristic of the soil where the depth of soil from the surface to the underlying bedrock is less than five to seven feet, creating impediments for construction activities, foundations and proper functioning of sewage systems.

Slow Percolation Rates:

A characteristic of the soil where water flows downward through the soil at a rate slower than one (1) inch per hour.

Shoreline:

Means that line of which land abuts the waters of lakes, ponds, rivers and streams at mean high water.

Sign: Any lettered, pictorial or lighting device designed to inform or attract attention.

Sign Area: The square footage of the display area of a sign as measured according to this code (one side).

Sign, Free Standing:

A sign wholly supported by a sign structure in the ground.

Sign, Projecting:

Any sign which is attached to a building and extends more than twelve (12) inches beyond the surface of the building to which the sign is attached.

Sign, Wall:

Any sign painted on, attached to, erected against the wall of a building or structure in a plane parallel to the plane of said wall and not extending more than twelve (12) inches from the wall to which such sign is attached.

Sign, Real Estate:

Sign advertising the sale, lease, rental or development of the premises upon which said sign is located, open house signs, or signs directing attention to the opening and location of a new development of which the premises is a part.

Sign, Directional:

Sign designating the location of a community or an institution of public or quasi-public nature or the opening of an event of public interest excepting real-estate signs.

Sign, Incidental:

Name plate or sign designating accessory use, such as a doctor's office, home occupation, advertising the sale of farm products produced on the premises, identification signs, hunting, fishing, trespassing and similar signs.

Sign, Temporary:

Any sign, regardless of construction material, which is not permanently mounted and/or is intended to be displayed for a limited period of time only.

Sign, Business:

Sign directing attention to a business, commodity, service or other commercial use, sold or offered upon the premises upon which the sign is located.

Sign, Outdoor Advertising:

Sign, including billboard, directing attention to a business, commodity, service, or other commercial use at places of business or premises other than the site upon which such sign is located.

Sketch Plan:

A clearly legible and approximate drawing of the proposed location of buildings, drives, proposed and existing property lines, right-of-ways and other information as required by this code to assist the approval authority in preliminary review of a development.

Ski Center:

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

Special Use:

Any use listed generally or specifically as a special use in Article 3 and 4 hereof.

Street:

Any existing or proposed public right-of-way approved and accepted by the legislative body of the municipality wherein such way is located or by any other public agency having jurisdiction over planning and/or construction of right-of-ways.

Structure:

Anything constructed or erected, the use of which requires location on the ground or attached to something having a location on the ground.

Structure Height:

The vertical distance from the highest point of the structure to the lowest point of existing or finished grade, whichever is lower. A "structure" includes attached decks, porches, garages and chimneys.

Tavern:

A commercial use establishment not part of a restaurant, hotel or tourist accommodation where the on-premises sale and consumption of alcoholic beverages is the primary activity.

Theater:

A building or part of a building devoted to showing moving pictures, films, or stage productions on a paid admissions basis.

Tourist Accommodations:

Commercial uses providing sleeping accommodations for the transient public.

Tourist Homes:

Commercial uses providing sleeping accommodations for the transient public.

Use, Principal:

The main or primary purpose for which land or a structure is designed, arranged, intended, occupies or maintained.

Wholesale Use:

A commercial use primarily involving the bulk sale of goods for resale to a person other than the direct consumer.

Yard, Front:

The space within and extending the full width of the lot from the front lot line to the part of the principal building which is nearest to such rear lot line.

Yard, Rear: The space within and extending the full width of the lot from the rear lot line to the part of the principal building which is nearest to such rear lot line.

Yard, Side: The space within the lot extending the full distance from the front yard the rear yard and from the side lot line to the part of the principal building which is nearest to such side lot line.

ARTICLE 10

PLANNED DEVELOPMENT DISTRICT

Section 1. Intent and Objectives

The Planned Development procedure provides a flexible land use and design regulation through the use of performance criteria so that development may be matched with sensitivity to the unique characteristics of a particular site, and innovative development techniques may be accommodated that might not otherwise be possible through strict application of existing zoning and subdivision requirements. The conventional use, area, bulk and density specifications set forth by other sections of this Land Use Code are intended to be replaced by an approved Planned Development District plan for a particular site, which then becomes the basis legislatively established by the Town Board for detailed design, review and control of subsequent development within the designated site.

While flexibility in substantive regulations is thus encouraged, it is intended that this uniform procedure and the required conformance with the Town Land Use Code, municipal service capability, and the purposes of this Local Law Amendment as otherwise specified in the Land Use Code, shall ensure the general welfare through equal treatment under the law, as well as precise control of all aspects of the Planned Development as approved.

Section 2. Addition of Zoning District

Section 2.2 of the Town of Tupper Lake Land Use Code is hereby amended to add Planned Development District to the list of zoning districts within the Town. Existing zoning districts shall continue to govern the use of land in the Town unless or until a Planned Development District is designated by the Town Board by local law and in accordance with the remainder of the Town of Tupper Lake Land Use Code, as applicable to a specific parcel of land within the Town.

Section 3. General Criteria

The legislative determination to establish a Planned Development District shall be based upon the following standards:

3.1 Location: A Planned Development District may be established at any location within the Town if the objectives and provisions of this Local Law are satisfied as determined by the Town Board.

3.2 Development Area: The minimum development area required to qualify for a Planned Development District shall be twenty (20) contiguous acres of land, and/or shall include at least two zoning districts. The calculation of such land area shall not include existing streets, easements, parks or otherwise dedicated land or water areas

in excess of five percent (5%) of the minimum gross acreage. lands designated on the official map for public purposes, or lands undevelopable by reasons of topography, drainage, periodic inundation by flood waters or adverse sub-soil conditions. Sites proposed for development for two or more use classifications shall consist of the aggregate of the gross land areas required for each use.

3.3 Ownership: The tract of land proposed to be a Planned Development District may be owned, leased or controlled either by a single person or a corporation or limited liability company or by a group of individuals or corporations or limited liability companies. An application must be filed by the owner(s) or contract vendee(s) or jointly by the owner(s) and contract vendee(s) of all property included in the project. In the case of multiple ownership, the approved plan and all amendments shall be binding on the contract vendee and all owners and all successors in title and interest.

3.4 Permitted Uses: Any use may be permitted within an area designated as a Planned Development District subject to the provisions of this section and the conditions of approval of the Planned Development District concerned, if any. For a Planned Development District involving mixed uses, the following uses may be permitted if they are appropriate and compatible with the surrounding uses:

- a. Residences may be of any variety of type and density as appropriate within the intent and objectives of this Planned Development District section:
- b. Private garages, storage spaces, recreational and community facilities shall be permitted as appropriate within the Planned Development District:
- c. Recreational and open space uses shall be planned to serve the residents or permitted users of the lands within the Planned Development District and, when appropriate, the surrounding community or as a regional tourist attraction:
- d. Commercial, service and other non-residential accessory uses may be permitted or required where such are scaled to serve the residents and permitted users of the lands within the Planned Development District and, when appropriate, the surrounding community or as a regional tourist attraction: and
- e. Commercial, service, industrial and other non-residential uses may be permitted as principal uses if such uses are integral to the design and intent of the Planned Development District and if such uses are supportive of the Planned Development District and the surrounding community and, where appropriate, serve as a regional tourist attraction in terms of design, character and work force, and if such uses are consistent with the Town Land Use Code. Consideration shall be given to such uses as currently exist on the property in its community setting to determine the appropriateness of any such uses.

3.5 Intensity of Land Use: The intensity allowed within the Planned Development District shall be as determined by the approved Planned Development District site plan except that in no case shall the overall intensity of the Planned Development District exceed the amount of development potential of the applicable Adirondack Park Agency Land Use Intensity Zones, with allowed bonuses for clustering, in which the Planned Development District is situated. The conventional use, area, bulk and density requirements of the zoning districts of the Town of Tupper Lake Land Use Code in which the lands within the Planned Development District are situated shall not apply to the lands within the Planned Development District.

3.6 Common Property: Common property in a Planned Development District is a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the owners, occupants and permitted users of the Planned Development District lands. The ownership of such common property may be public or private. When common property exists in private ownership, management structure and satisfactory arrangement for payment of appropriate user fees and charges can be required for the improvement, operation and maintenance of such common property and facilities, including improvements such as private streets, drives, services, parking areas and recreational and open space areas.

3.7 Public Benefits: What the proposed district would offer to the Town, Village, or the Community at large.

Section 4. Approval Procedure

In its review and approval of applications to create Planned Development Districts, the Town shall assure compliance, if required, with the provisions of the State Environmental Quality Review Act under article eight of the environmental conservation law and its implementing regulations.

4.1 Application: Application for establishment of a Planned Development District shall be made in writing to the Town Board and shall be accompanied by the applicable fee in accordance with the fee schedule established and annually reviewed by the Town Board. The Town Board shall refer the application to the Town Planning Board for review and recommendation within sixty (60) days of the date of application. The Planning Board shall require the applicant to furnish basic site data pertaining to the boundaries of the proposed Planned Development, existing zoning, the topography and subsoil conditions, and such land use, utility and access plans and any other information as may be required by the Planning Board for a reasonable understanding of the nature and character of the proposed development.

4.2 Planning Board Review: In its review of the application, the Planning Board shall consider the application materials described in Section 4.1, and among other factors, the following:

- a. the need for the proposed land use or uses at the proposed location;
- b. the existing character of the neighborhood in which the use or uses would be located;
- c. the location of principal and accessory buildings on the site in relation to one another;
- d. the pedestrian circulation and open space in relation to structures;
- e. the traffic circulation features within the site and the amount, location and access to automobile parking areas;
- f. the quantity and quality of public benefits provided;
- g. utilities;
- h. height and size of buildings;
- i. signs;
- j. driveways;
- k. impact(s) on neighbors; and
- l. exterior lighting within the development.

The Planning Board may recommend at this stage such changes in the proposed Planned Development District plan that it deems necessary to protect established or permitted uses in the vicinity, promote and protect the orderly growth and sound development of the Town and otherwise meet the requirement of this Local Law.

The Planning Board shall recommend approval, approval with modifications or disapproval by the Town Board of such Planned Development District application and shall report its findings to the Town Board within sixty (60) days following the receipt of all required information and a Public Hearing. In the event the Planning Board does not make such report within said sixty (60) day period, the application shall be deemed approved.

- 4.3 Town Board Action: Upon receipt of the Planning Board's report, and following a Public Hearing, the Town Board may then consider the legal establishment of the Planned Development District through a Zoning Map amendment.

Any Planned Development District approved by the Town Board shall also be deemed an " open development area" for purposes of Town Law Section 280-a. in the event any lot or building is not on a public street or highway, in order to provide access from public roads to development parcels within the Planned Development District via easement or right of way. Any referral of a Planned Development District zoning amendment by the Town Board to the Town Planning Board for recommendation shall include a referral to the Planning Board of the open development area pursuant to the terms of Town Law Section 280-a(4).

- 4.4 Relationship to Other Requirements: Upon approval of the Planned Development District by the Town Board, application shall be made within sixty (60) days for approval of all or some portion of the intended development, in accordance With the

more specific review requirements of the Town's Subdivision Regulations (including, but not limited to the major subdivision requirements found in Article V, Section 4), the site plan review and approval procedure contained in the Land Use Code (including, but not limited to the Special Review Uses review procedure and considerations), and other applicable regulations, including, but not limited to the following provisions of the Subdivision Regulations:

Article III, Section 5, Required Improvements; Section 6, Filing Approved Plat; Section 7, Public Streets, Parks, and Recreation Areas;

Article IV General Requirements and Design Standards; and

Articles VI through X; Waivers, Separability, Repeal of Existing Regulations, Pre-Existing Subdivisions, and Fees.

Additional performance requirements which may have been specified by the Town Board in its Planned Development District approval action, such as a time limit for either initiation or completion of improvements and other construction work on the proposed development, shall also be strictly enforced, with the Town Board acting to return the property to its prior zoning classifications unless the Town Board, upon specific application and for good cause authorizes an extension of such performance requirement.

Section 5. Effect of Development Conditions

All conditions imposed by the Town Board, including those the performance of which are conditions precedent to the issuance of any permit necessary for the development of any part of the entire site, shall run with the land and shall neither lapse nor be waived as a result of any subsequent change in the tenancy or ownership of any or all of said site. Such conditions shall further be a part of any Certificate of Occupancy or Use issued for any use or structure in such development.

Section 6. Severability

If any of this Local Law is declared invalid by any Court of competent jurisdiction, such decision shall not affect or impair the validity of this Local Law as a whole or any other part thereof.

Section 7. Applicability

This Local Law shall take effect immediately upon the filing of the local law with the Secretary of State and the Secretary of the State Board of Real Property Services.

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of ALTAMONT

Local Law No. 1 of the year 2002

A local law AMENDING THE LAND USE CODE OF THE TOWN OF ALTAMONT

Be it enacted by the Town Board of the Town of Altamont as follows:

SECTION 1. STATUTORY AUTHORITY

This local law is enacted pursuant to Article 16 of the Town Law of the State of New York.

SECTION 2. PURPOSE

a) Amend Sections 3.2 and 4.535(a) to add the following Special Review Use for the Recreation/Timber Harvesting (R/TH) zoning district (Section 3.1):

Recreational Facilities which will have structures.

b) Amend Section 5.131 to provide as follows:

5.131 Change or Cessation of Non-Conforming Use

A non-conforming use of a building or structure or lot shall not be changed or extended to another non-conforming use and no building, structure or lot is or on which a non-conforming use ceases for a period of five (5) years or is superseded by a permitted use subsequent to the enactment of this Code shall again be devoted to any use prohibited in the District in which such use is located.

SECTION 3. EFFECTIVE DATE

This local law shall take effect immediately upon the filing of the local law with the Secretary of State and the Secretary of the State Board of Real Property Services.


I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2002 of the Town of Altamont was duly passed by the Town Board on April 17, 2002 in accordance with the applicable provisions of the law.


BETH BIERWIRTH, Town Clerk

Dated: April 17, 2002

STATE OF NEW YORK
COUNTY OF FRANKLIN

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.


DAVID W. JOHNSON
Town Attorney, Town of Altamont

Dated: April 18, 2002

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of TUPPER LAKE

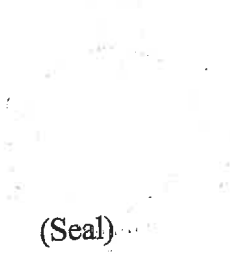

Local Law No. 2 of the year 2006

A local law AMENDING THE TOWN OF TUPPER LAKE ZONING MAP TO DESIGNATE CERTAIN LANDS AS A PLANNED DEVELOPMENT DISTRICT

Be it enacted by the Town Board of the Town of Tupper Lake to add the following as Article 10 of the Town of Tupper Lake Land Use Code

1. The Town of Tupper Lake Zoning Map is hereby amended to change the zoning classification of 6,248± acres of land located at NYS Route 30, Country Club Drive and Lake Simond Road, also known as Tax Map Nos. 500.8-1-2; 500.73-1-1; 501-1-8; 501-1-10; 501-1-12; 510-1-36.2; 510-1-80; 510-4-1; and 511-5-3, from Highway Residential/Commercial (HR/C), Recreation/Timber Harvesting (R/TH), Residential Districts (R-1 and SR 1 1/2) zoning classifications to Planned Development District (PDD).
2. In the event that the necessary permits for the project on the Adirondack Club Property by the Adirondack Park Agency and the Town of Tupper Lake have not been issued within forty-eight (48) months of the date of this Local Law and the conclusion of all appeals and substantial construction on the project has not been commenced within said forty-eight (48) month period, the Zoning Map amendment shall be deemed rescinded and the Adirondack Club Property shall revert to their original zoning classifications.
3. This Local Law shall be filed with the New York State Department of State as required by law.
4. The Town Clerk is directed to cause the Zoning Map of the Town to be so amended and placed on file for public inspection.

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2006 of the Town of Tupper Lake was duly passed by the Town Board on September 11, 2006 in accordance with the applicable provisions of the law.

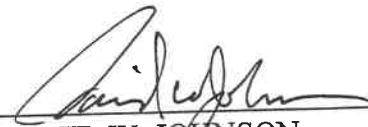


LAURIE FULLER, Town Clerk

Date: September , 2006

(Seal)

STATE OF NEW YORK
COUNTY OF FRANKLIN

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.


DAVID W. JOHNSON
Town Attorney, Town of Tupper Lake

Date: September 11, 2006

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of TUPPER LAKE

Local Law No. 1 of the year 2007

A local law AMENDING THE LAND USE CODE OF THE TOWN OF TUPPER LAKE
PURSUANT TO ARTICLE 16 OF THE TOWN LAW OF THE STATE OF
NEW YORK

Be it enacted by the Town Board of the Town of Tupper Lake to amend the Land Use Code as follows:

1. Amend "Building Height" in Article 9(Glossary) to provide as follows:

Structure Height:

The vertical distance from the highest point of the structure to the lowest point of existing or finished grade, whichever is lower. A "structure" includes attached decks, porches, garages and chimneys.

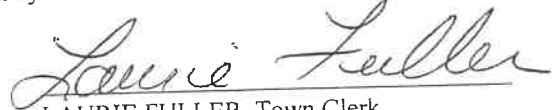
2. Amend Section 5.22 of Article 5 (Supplementary Regulations) as follows:

(a) The heading shall provide: Projections Above the Maximum Structure Height

(b) The first sentence of Section 5.22 shall be amended to provide: the following improvements may project above the maximum structure height:

3. Amend the Schedule of Uses and Requirements by substituting "Maximum Structure Height" for "Maximum Building Height", and by providing that forty (40) feet be substituted for all of the structure heights presently provided on said Schedule of Uses and Requirements, except that the fifteen (15) feet accessory structure height in the Shorefront Resort Development (Village) shall remain.

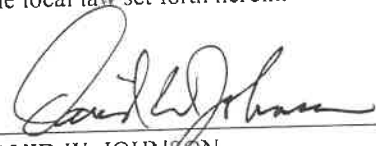
I hereby certify that the local law set forth herein, designated as local law No. 1 of 2007 of the Town of Tupper Lake was duly passed by the Town Board on July 9, 2007, subject to a State Environmental Quality Review Act (SEQRA) determination by the Town Board on July 30, 2007.


LAURIE FULLER, Town Clerk

Dated: 8-7-2007

STATE OF NEW YORK
COUNTY OF FRANKLIN

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law set forth herein.


DAVID W. JOHNSON
Town Attorney, Town of Tupper Lake

Dated: August 7, 2007

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Tupper Lake

Local Law No. 1 of the year 2013

A local law to amend the Town Land Use Code
(Insert Title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of as follows:

Local Law No. 1 of 1999, adopted May 10, 1999 and as amended on April 17, 2002 and April 20, 2006 is amended by Local Law No. 1 of 2013 as follows:

a) Amend Section 3.3 as follows: "The Minimum Setback for front in District Low Density Shorefront Residential shall now be 75 feet."

b) Amend Section 2.1 as follows: "The following property(ies) are now reclassified from District RTH (Recreation/Timber Harvesting) to District R3 (Low Density Residential)

Tax Map No. 480.51-1-1"

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one:)

of Tupper Lake

Local Law No. 2 of the year 2022

A local law To amend the Town Land Use Code
(Insert Title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of Tupper Lake as follows:

Local Law No. 1 of 1999, adopted May 10, 1999 and amended on April 17, 2002, April 20, 2006, July 9, 2007, January 20, 2021 is amended by Local Law No. 2 of 2022 as follows:

Amend Article 2 Section 2.1 Zoning Map as follows:

"A portion of Tax Map No. 480.-6-7 (6.3ac +/-), 480.-6-6.100 (3.75ac +/-), 480.-7.12 (27.33ac +/-), shall be rezoned from Land Use Classification Low Density Residential (R3) to Highway Residential Commercial (HC/R). The remaining portion of Tax Map No. 480.-6-7, 480.-6-6.100, 480.-7.12 shall remain Low Density Residential (R3). Tax Map No. 480.6-6.200 (3.99ac +/-), 480.-7-8 (2.93ac +/-), 480.-7-9 (1.42ac +/-), 480.-7-10 (ac7.1 +/-), 480.-7-11 (3.9ac +/-), shall be rezoned from Land Use Classification Low Density Residential (R3) to Highway Residential Commercial (HC/R). A map showing the area to be rezoned is attached as Attachment A. This local law shall take effect immediately."

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underling to indicate new matter.

County City Town Village
(select one:)
of **Tupper Lake**

Local Law No. 2 of the year **2023**

A local law to amend the Town Land Use Code

Be it enacted by the Town Board

of the

County City Town Village
(select one:)
of **Tupper Lake**

as follows:

Local Law No. 1 of 1999, adopted May 10, 1999, as amended, is further amended as

Follows:

“Article 2 Section 2.1 of the Zoning Map is amended as follows: A portion of tax map no. 480.-4-8.100 is hereby rezoned from High Density Residential to industrial as shown on the attached map. This local law shall take effect immediately.”