

ZONING ORDINANCE

TOWN OF CLAYTON

Jefferson County, New York



As adopted on July 12, 1989

As amended by amendments 1 through 37
(Amendment 37, Effective – December 14, 2015)

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PREAMBLE

- A. The Town of Clayton encourages development that is compatible with the existing Development character of the municipality. To that end, the Town Board hereby adopts as advisory guidelines the illustrated design features as proffered by the New York Planning Federation in the publications entitled "*Hamlet Design Guidelines*" and "*Rural Guidelines*" (hereafter "the Guidelines").
- B. Subject to the foregoing, and for the purpose of promoting the public health, safety and general welfare and encouraging the most desirable use for which the land in each District may be adapted, with a view to conserving the value of buildings and of enhancing the unique scenic and aesthetic values of the Thousand Islands areas of the Town, as well as promoting the highest and best use of land throughout the Town, pursuant to the authority conferred by Article XVI of the Town Law of the State of New York, and in accordance with a comprehensive plan with reasonable consideration for, among other things, the character of each District and its peculiar suitability for particular use, the Town Board of the Town of Clayton and the County of Jefferson, State of New York, hereby ordains and enacts this Ordinance as follows:

ARTICLE I. TITLE

This ordinance shall be known and may be cited as "The Town of Clayton, New York, Zoning Ordinance", hereinafter referred to as "Ordinance".

ARTICLE II. DEFINITIONS

A. Construction of Words

Words in this Ordinance shall be construed in accordance with their common meaning unless their context requires a different interpretation or unless they are otherwise defined in the Ordinance.

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

1. Words in the present tense shall include the future tense and the future tense shall include the present tense.
2. The singular includes the plural and the plural includes the singular.
3. The word "person" includes a corporation, company, partnership or association as well as an individual.
4. The word "lot" includes the word "plot" or "parcel".
5. The words "shall" and "must" are always mandatory.
6. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied".
7. The word "building" includes the word "structure".

B. Definitions

When used in this Ordinance, unless otherwise expressly stated, the following words and terms shall have the meanings indicated:

Accessory Building: A subordinate building located on the same lot with the main building, occupied by or devoted to a use which is customarily incidental to the principal use; where an accessory building is attached to the main building in a substantial manner, as by a wall or roof, such accessory building shall be considered part of the main building.

Accessory use: A use customarily incidental and subordinate to the principal use and conducted on the same lot therewith.

Agricultural Operation: The raising for compensation of crops, livestock and agricultural or dairy products, fish or game, and the structures and storage incidental thereto. The term includes plant, crop and tree growing and harvesting, animal husbandry, horticulture, forestry, fish for bait or harvest. The term does not include the operation of a hog or fur farm.

Agri-Business Operation: Any business that supplies farms and agricultural operations with needed supplies, implements and other products.

Agricultural Use: The raising of fruits, vegetables and the like and structures incidental thereto, but not including the raising or keeping of animals.

Alter: To alter, change or rearrange any structural part of the existing facilities of a building or structure, or to enlarge the building or structure whether by extending any side or increasing the height thereof, or to move the same from one location or position to another.

Amusement and Recreational Facilities: Any indoor place or enclosure in which is maintained or operated for the amusement, patronage or recreation of the public. An amusement center may include indoor commercial shooting ranges and indoor theaters.

Animal Care facility: A structure, stable, veterinary facility or similar uses orientated to the care or harboring of animals, whether commercial or not for profit.

Area:

- a. **Lot Area:** The total area contained within the property lines of an individual parcel of land.
- b. **Building Area:** The total of areas taken on a horizontal plane at the main grade level of the building in question exclusive of uncovered decks, porches, patios, terraces and steps.
- c. **Height:** The vertical distance to the highest point of the roof measured from the average level of the finished ground surface at the exterior walls of the building. Chimneys, elevator penthouses, ventilators and similar projections shall not be included in the measurement providing that such projection does not occupy more than ten per cent(10%) of the roof area nor exceed ten (10') feet in height.
- d. **Coverage:** That percentage of the lot area covered by the building or buildings in question.

Automobile sales and/or repair facility: Any structure or lot used to display for sale, rental or to perform repairs on motorized vehicles.

Automobile Service Station: A building or place of business where gasoline, diesel fuel, oil, lubricants, batteries, tires and/or automotive accessories are supplied and dispensed directly at retail or where minor repair service, lubrication, washing or polishing is rendered.

Bed & Breakfast: An Owner-occupied one-family dwelling used for providing overnight accommodations and a morning meal to not more than ten (10) transient lodgers containing one (1) but not more than five (5) rental bedrooms for such lodgers.

Boathouse, Multiple Use: A private boathouse that includes guest quarters (i.e. areas for sleeping to include bathroom facilities which conform to New York State Code but specifically excluding kitchen facilities), decks, gazebos and similar uses. Multiple use boathouses and guest quarters are for private use only. The intent of this definition is to allow reasonable use of a water related structure but to prohibit a second dwelling on a single lot.

Boathouse, Private: A building, accessory to a dwelling, containing not more than three slips, used exclusively for the non-commercial docking or storage of motorboats, sailboats and other similar vessels.

Buffer Area: A designated area used to screen adjoining properties.

Building: Any structure having a roof supported by columns or by walls which is used or intended for use for the shelter, housing, protection or enclosure of persons, animals or tangible property. The term, unless differentiated, includes both principal and accessory buildings.

Building, accessory: A subordinate building located on the lot but not connected to the main building and is occupied by or devoted to a use that is customarily incidental to the principal use.

Building Line: The line determined by that portion of the structure that is the furthest projecting point that is nearest to the lot line. Such installations shall include cornices, chimneys, eaves, carports, garages, decks, porches, breezeways, covered patios, terraces, open areaways, roof overhangs and other similar protrusions.

Building Permit: A permit issued by the Town of Clayton Building Code Office pursuant to the New York State Uniform Fire Prevention & Building Code and the New York State Department of Health.

Building, Principal: A structure in which is conducted the main, dominant or principal use of the lot on which such structure is located.

Bunkhouse: A structure that contains guest quarters for sleeping that may include bathroom facilities but specifically excluding kitchen facilities.

Bus: A large multi-passenger motor coach or omnibus used for the regular conveyance of persons by road.

Campground, Commercial: A property providing two or more sites for the parking of occupied recreational vehicles, the erection of tents or other places of temporary abode, as defined by the New York State Sanitary Code, and all building and facilities pertaining thereto.

Camping Unit: A tent, camping cabin, recreational vehicle or other type of portable shelter intended, designed or used for temporary human occupancy.

Campsite: A portion of a campground, with or without connections to water supply, electrical service or sewage systems, used by one camping unit.

Carport: A roofed structure, with or without enclosing walls, used for the storage of one or more automobiles.

Clubhouse: A building to house a group of people formally organized for a common interest, usually cultural, religious or entertainment, with regular meetings and formal written membership requirements and which is not adjunct to or operated by or in connection with a public tavern, bar café or other public place.

Community or Governmental Facility: A building or use that is operated by a not-for-profit or Governmental unit for the general well-being, health, safety, welfare and enjoyment of the public.

Condominium: A multi-family dwelling in which the dwelling unit are individually owned, not rented, as in an apartment building.

Contiguous: For the purposes of this law, when parcels of land are within a distance of 500 feet of each other.

Conversion: The changing of use or occupancy of a building, structure or land.

Cottage Colonies: An aggregation of two or more cottages used for commercial rental.

Dangerous Use: The manufacture, bulk storage or handling of explosives, illuminating gases, lethal or toxic chemicals or other explosive, combustible, flammable, lethal or toxic substances in such quantities or in such manner that may or does endanger the public safety. The term does not include the operation of a retail gasoline station.

Deck: Any outside, uncovered, above ground, platform six (6) inches or higher used as a floor.

Driveways and/or Private Roads: Any means of ingress or egress to a lot or property.

Dwelling: A building designed or used primarily as living quarters for one or more families. The term shall not be deemed to include tents, travel trailers, recreational vehicles or other places of temporary abode.

- a. **Dwelling, Single-family:** A detached building, designed for or occupied exclusively by one family and containing not more than one dwelling unit having a minimum of seven hundred twenty (720) square feet of floor area at ground level exclusive of garages, porches and other similar accessory attachments.
- b. **Dwelling, Two-family:** A building designed for and occupied by two individual families.
- c. **Dwelling, Multi-family:** A building or portion thereof containing three or more dwelling units and designed or used for occupancy by three or more families living independently of each other.

Dwelling Unit: Any building or portion thereof providing complete living facilities for one (1) family.

Erect: To construct, build, re-erect, reconstruct, rebuild or excavate for a building or structure.

Family: One or more persons living together as a single housekeeping unit.

Farm: Any parcel of land containing not less than ten acres that is used for gain in raising agricultural products, livestock, poultry or dairy products. It includes necessary farm structures, including those for the storage of farm equipment. It excludes the raising of fur bearing animals, hog farming, riding academies, livery or boarding stables and dog kennels.

Flea Market: A lot, or any portion thereof, designed, arranged or used for the permanent outdoor/indoor display and/or sale at retail of assorted goods, offered by the property owner and/or his lessee(s).

Farm Winery: An agricultural operation for the growing of grapes and the preparation, processing, marketing and distribution of wine in addition to all uses that are allowed by the "Farm Winery Act of 1976".

Foundation: A wall or pier having a fixed location on the ground and capable of serving as a support for a structure or structural part of a building, such as a wall, pier or column.

Front Yard: The yard between the front building line and the front lot line and extending the full width of the lot.

Frontage/Front Lot Line: That side of a lot abutting on a street, roadway or waterway as defined herein.

Fuel Storage Tank(s), Large: A container, used or intended to be used for the storage of petroleum products, holding 550 gallons or more.

Fur Farm: Any lot or building or portion thereof used or occupied for raising or keeping for compensation of rabbits, foxes, minks, chinchillas, skunks or other fur-bearing animals.

Garage, Commercial: A building or premises designed or used for the storage, repair and/or servicing of motor vehicles for hire.

Garage, Private: A building containing not more than three (3) stalls or bays, used exclusively for the non-commercial parking or storage of motor vehicles, boats, trailers, or household goods.

Garage Sale: Includes all general sales, open to the public, for the purpose of disposing of personal property, including but not limited to “garage”, “lawn”, “yard”, “attic”, “porch”, “rummage”, or like sales. This does not include merchandise that was purchased for resale or obtained on consignment.

Gasoline Service Station: Any lot or building or portion thereof used or occupied for the sale or supply of gasoline or motor vehicle fuels, oils, lubricants, or for the polishing, greasing, washing or servicing of motor vehicles.

Greenhouse: A building made mainly of translucent, weather resistant material, in which the temperature and humidity can be regulated for the cultivation of delicate or out of season plants for commercial use.

Height: See Area.

High Water Mark: That point on the shoreline of the St. Lawrence River or its tributary waterways reached by the highest historically recorded water level of said River, established by chart datum of the U.S. Army Corps of Engineers and determined by the sloping surface of said River with Lake Ontario at a level of 248.58 (243.28 + 5.30) feet above mean sea level at Father Point, Quebec (International Great Lakes Datum, 1985).

Hog Farm: A commercial operation having more than 15 resident pigs three months of age or older.

Home Occupation: An accessory use of a service character customarily conducted entirely within a dwelling and/or appurtenant structures by the residents thereof, which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use other than an approved small sign and the parking spaces associated therewith.

Hospital: Any hospital, sanatorium or other institution used or occupied for the care of persons mentally or physically ill, incapacitated or disabled. The term includes nursing and convalescent homes.

Hotel, Motel and Resorts: A building or group of buildings, whether in detached or connected units, with or without direct outside access, used primarily to provide sleeping accommodations, with or without restaurant facilities, for the transient public and including accessory off-street parking facilities and/or docking.

Junkyard/Salvage Yard: A lot, land or structure, or portion thereof used primarily for the collecting, storage and sale of waste paper, rags, scrap metal or other scrap or discarded material; or for the collecting, dismantling, storage and salvaging of machinery, implements or vehicles not in running condition; and for the sale of parts thereof. Not to include an establishment devoted solely to receiving recyclable cans and bottles or one for recycling electronic equipment.

Kennel: Any commercial establishment, including cages, animal runs and structures where animals are harbored, bred or boarded.

Landfill and/or Dump: A lot or portion thereof used primarily for disposal by abandonment, dumping, burial, burning or any other means, and for whatever purpose, of garbage, offal, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

Laundromat: Business premises equipped with individual clothes washing and drying machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house or hotel.

Lead Agency: The Governmental Agency that oversees the Environmental Impact Process and makes final decisions.

Lot: A parcel of land used or occupied or capable of being used or occupied by one or more buildings or structures and the accessory buildings, structures or uses customarily incidental to it, including such yards and open spaces as required by this Ordinance.

Lot Coverage: The percentage of the total lot area that is occupied by the ground area of a building and its accessory buildings, if any.

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

Lot Line: Any boundary of a lot, dividing one lot from another, or from the street or roadway, or from the St. Lawrence River or other waterway.

- a. **Lot Line, Front:** The lot line adjoining any street line or road right-of-way line or waterfront property line at the high water mark. Where a lot adjoins two or more streets or roadways, it shall be deemed to have a front lot line respectively on each.
- b. **Lot Line, Rear:** The lot line opposite to and most distant from the front lot line.
- c. **Lot Line, Side:** Any lot line other than the front or rear lot lines shall be deemed a sideline.

Lot Width: The distance between the boundaries of a lot measured at their points of intersection with the street or road right-of-way line and/or at their points of intersection with the property line along the waterfront.

Lot of Record: Any lot which, individually by way of a deed or as part of a subdivision, has been recorded in the Office of the Jefferson County Clerk, or which is the subject of a valid and legally executed contract for land purchase, said recording or contract execution having taken place prior to the adoption of this Ordinance; provided further, that said lot, whether created by deed, subdivision or land contract, was in conformance with all legal requirements in effect at the time of its creation.

Marina: Any lot, building, structure, pier, dock or portion thereof located on the waterfront providing facilities for the sale, rental, docking, secure mooring and/or storage of yachts, cruisers, motorboats, sailboats and other vessels, as well as supplies, service, fueling, repair and other related facilities and/or operations necessary to maintain such craft.

Marine Manufacturing: The fabrication of goods or articles that are directly related to a water dependent use.

Medical Facility: Any building or group of buildings used or intended to be used for the health care of individuals.

Mobile Home: A residential structure containing at least 480 square feet of interior living space, factory-produced on a steel undercarriage with the necessary wheel assembly for transportation to a permanent or semi-permanent site. The wheel assembly can be removed when placed on a permanent foundation, but the steel undercarriage remains as a necessary structural component.

Mobile Home Park: Any lot on which two (2) or more mobile homes are located regardless of whether or not a charge is made for such lot accommodations.

Modular Home: A dwelling, factory produced for transportation to a permanent site. The entire structure will be produced and assembled according to New York State standards for modular homes. The intent of this definition is to allow installation of modular homes constructed to standards equal to those required on site built dwelling.

Motor Vehicles, Inoperative: Any motor vehicle, not on the premises of a licensed dealer, which is unregistered for a period of six successive months or longer. As related to agricultural and other special uses, any motor vehicle incapable of motion under its own power and/or no longer in condition for legal use.

Nonconforming Building or Structure: A building or structure, the size, dimension or location of which was lawful prior to the adoption or amendment of this Ordinance but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

Nonconforming Use: A use of land, building or structure lawfully existing at the time of enactment of this Ordinance which does not conform to the regulations of the district or districts in which it is located.

Noxious Use: Any use that is noxious, offensive or injurious by reason of the emission of dust, smoke, refuse matter, odor, gas, fumes, noise or vibration. The term includes the operation of a fur farm, hog farm, rendering works or slaughterhouse.

Nursery School: A facility duly licensed or approved by the New York State Department of Education for the daytime accommodation and/or instruction of two (2) or more children under the age of six (6) years.

Nursing or Convalescent Home: A building other than a hospital where persons, except for the mentally ill, mentally handicapped and/or drug or alcohol abuse patients, are lodged, furnished with meals and nursing or custodial care for payment or compensation.

Overlay District: A zoning district that encompasses one or more underlying zoning districts and that imposes additional requirements above that required by the underlying zoning district.

Parcel: That portion of land falling under a single deed of ownership. If a parcel is dissected by a roadway, stream or other manmade or natural feature(s) it is still deemed to be one parcel.

Parking Space: An off-street space available for parking of one (1) motor vehicle and having an area of at least two hundred (200) square feet with a minimum of ten (10) feet wide, exclusive of passageways and having direct access to a street or highway.

Patio: An uncovered area adjacent to a house for outdoor lounging, dining or entertainment.

Picnic Shelter: A covered structure, completely or partially open on at least three sides, for the seasonal serving and consumption of food and beverages.

Place of Public Accommodation: Public accommodation shall be defined as “an establishment either affecting interstate commerce or supported by state action, and falling into one of the following categories: (1) a lodging for transient guests located within a building with more than five rooms for rent; (2) a facility principally engaged in selling food for consumption on the premises, including such facilities located within retail establishments and gasoline stations; (3) any place of exhibition or entertainment; (4) any establishment located within an establishment falling into one of the first three categories, and which holds itself out as serving patrons of that establishment; or (5) any establishment that contains a covered establishment, and which holds itself out as serving patrons of that covered establishment.”

Porch: A covered entrance to a building, usually projecting from the wall and having a separate roof.

Preschool: Early childhood educational facility specializing in children age three (3) through five (5) years of age or until eligible for kindergarten.

Professional Office: The business place of an accountant, architect, attorney, chiropractor, dentist, engineer, optometrist, physician, psychologist, social worker, surgeon or surveyor or any other professional.

Professional Office in Place of Abode: The business place of a duly licensed accountant, architect, attorney, chiropractor, dentist, engineer, optometrist, physician, psychologist, social worker, surgeon, surveyor or other like professional employing no more than one employee, conducted as an accessory use entirely within a dwelling by the resident(s) thereof, which is clearly secondary to the use of the dwelling for living purposes, and does not change the character thereof or have any exterior evidence of such secondary use other than an approved small sign and the parking spaces associated herewith.

Public Accessible Place: Any land or structure that is open to the general public, such as a public road, park, public school, recreation area, conservation area, or place of public accommodation such as a restaurant or hotel, excluding private retail and service businesses, offices, and other private property which is open to the public.

Public Utility: Any person, firm, corporation or governmental agency, duly authorized to furnish to the public, under governmental regulation, electricity, gas, water, sewage treatment, steam or communication service. This definition shall not bestow any special status or standing not already provided by state or federal law.

Public Utility Facility: Any building or structure designed and/or used to service a Public Utility.

Pump-house: A small building or structure, no more than 100 square feet in gross floor area designed to shelter or house the necessary pump(s) and equipment for pumping water for private domestic household use only.

Quarry, Sand pit, Gravel Pit and Topsoil Stripping: A plot of land or any portion thereof used for the purpose of extracting quantities of stone, sand, gravel, clay or topsoil, as defined under New York State Environmental Conservation Law, exclusive of the process of preparing a lot prior to the construction of a building or structure thereon or of grading the site following completion of construction.

Recreational Facility: A publicly, quasi-publicly or privately owned and operated swimming pool, defined space, tennis court, athletic field, playground or other similar facility, operated for the general public or members of a private organization such as a country club.

Recreational Vehicles: A vehicular camping unit primarily designed as temporary living quarters for recreational, camping, travel or seasonal use that either has its own motive power or is mounted on or towed by another vehicle. Recreational vehicles include, but are not limited to, camping trailers, fifth-wheel trailers, motor homes, park trailers, travel trailers, and truck campers.

Restaurant/Bar: A building or portion thereof where food and beverages, whether or not alcoholic, are sold to the public.

Restaurant, Drive-in: Premises constructed to cater primarily to the motoring public whether or not serving pedestrians as well as the automobile trade, and used for sale to the public of any food, beverage or other consumable and providing curb and/or inside seating service.

Riding Stable/Boarding Stable: A facility where horses are sheltered and fed for compensation by their owner or to be used for rental purposes.

Right-Of-Way: An area of land dedicated to infrastructure, including but not limited to, streets, sewer lines, water lines, electric lines and gas lines.

Salvage Yard: See **Junkyard/Salvage Yard**.

Self-Storage facility: A building or group of buildings containing separate, individual, and private storage spaces of varying sizes available for lease or rent for varying periods of time.

Setback: The horizontal distance from the lot line to that portion of a building or structure, or any appurtenance thereto, that is nearest to such lot line.

Shoals and Small Islands: Any landmass in the St. Lawrence River or its tributary waterways with less than one acre in area above the high water mark.

Shopping Center: A group of stores, shops and similar commercial establishments occupying adjoining structures or adjoining portions of a single architectural unit that is planned, developed, owned and managed as an operating unit, together with its related loading areas, parking spaces, walkways and access roadways.

Sign: Any kind of billboard, signboard, pennant or other shape, device or display used as an advertisement, announcement or direction. Such a device may be incorporated on a building surface, attached thereto or free standing.

Sign, Freestanding: Any sign supported by its own base(s) or hung from above in cantilever fashion from a building.

Small Commercial Enterprise: A business intended to sell and trade retail goods, products or services to residents of the immediate community. Such enterprises shall include grocery stores, boat storage operations, small implement dealers, small manufacturing operations, restaurants, beauty parlors and barber shops and similar businesses but shall not include industrial or machine and welding shops.

Small Manufacturing Operation: A business intended to manufacture items for sale or trade. The operation shall occupy a building area on no more than 2000 square feet nor employ no more than two employees.

Small Town Atmosphere: The ability of a group of people, in a defined area, with varied backgrounds and social status, to coexist in harmony and with respect for their neighbor's beliefs and desires. This would include the respect for neighboring property and the owner's stewardship of it.

Storage Building, Small: A structure of 150 square feet or less in area that is used to house tools, implements and other material for yard and garden use.

Storage Building, Large: A structure of more than 150 square feet in area.

Street Line: The dividing line between the street or road right-of-way and the lot. The street line shall be the same as the legal right-of-way.

Structure: Anything constructed, erected or moved onto a site, the use of which requires location on the ground, or attachment to something having location on the ground. The term includes buildings, dwelling units, swimming pools, stadiums, towers, billboards, signs, free-standing antennas and flagpoles, but is not intended to include sidewalks, driveways, curbs, fences or hedges.

Swimming Pool: Any fabricated receptacle for water, or excavation designed to contain water having a depth at any point greater than two (2) feet, used or intended to be used for swimming or bathing, and constructed, installed or maintained in or above ground outside any building.

Telecommunication Facility: Any commercial equipment used in connection with the provision of wireless communication services, including cellular telephone service, personal communications services, radio and television broadcast communications and private radio communications services that are regulated by federal laws. A telecommunication facility shall include towers and other structures, including supporting masts and wires, on which transmitting and/or receiving antenna(e) are located as well as antenna and accessory facilities such as transmission equipment and storage buildings.

Theater, Drive-in: An open lot or portion thereof, with its appurtenant facilities, devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis, to patrons seated in automobiles or on outdoor seats.

Tourist Accommodations: Any permanent building or part thereof that is used or occupied for overnight accommodations of transient guests for compensation. The term includes bed and breakfast, tourist homes, tourist cabins, hotels, auto courts and motels but does not include camps or campgrounds.

Trails, Multi-use: Trails used for hiking, jogging, biking, skiing, walking, all-terrain vehicles, snowmobiles and other similar recreational uses and located on property dedicated to such uses and open to the public. Lot size and setbacks shall not apply to such trails.

Trucking Terminal: Any lot, building, structure or portion thereof where two or more tractor trailers or similar large trucks are parked or located for any period of time as a base of operation, regardless of whether said vehicles are serviced or maintained at the site, and regardless of whether loading, transferring or other shipping activities are carried on at the site.

Use: The specific purpose for which any land, building or structure is utilized, designed, arranged, intended or occupied.

Use, Accessory: A use customarily incidental and subordinate to the principal use and conducted on the same lot therewith.

Use, Permitted: Any use permitted under the provisions of this Ordinance for the district in which the land, building or structure is located.

Use, Principal: The main, dominant or principal purpose for which any land, building or structure is used, utilized, employed or occupied.

Variance: A permit for a land use otherwise forbidden by this Ordinance.

- a. **Area Variance:** A permit for relief from the dimensional standards contained in this Ordinance.
- b. **Use Variance:** A permit to utilize property for a use or activity not allowed by this Ordinance.

Wall: A construction of wood, stone or other materials or combination thereof intended for security, screening, partitioning or enclosure, or for the retention of earth, stone, fill or other materials as in the case of retaining walls or bulkheads.

Waste Matter: Any refuse, rubbish, litter, garbage, decomposable or organic matter, putrescible matter, carcasses, sewage, excrement, sludge, slops, dredging spoils, hazardous liquid or substance, ashes, tin cans, plastic containers, crates, boxes or other material offensive to the public or detrimental to its health, safety, welfare and/or aesthetic values.

Water Dependent Services: Commercial and/or private uses that require access to the water.

Waterfront Property Line: That line along the front yard of waterfront property determined by the official high water mark as established by International Great Lakes Datum. (See definition of High Water Mark).

Wind Energy Conversion System (“WECS”): A machine that converts the Kinetic energy in the wind into a usable form (commonly known as “wind turbine” or (“windmill”).

Wind Energy Facility: Any wind energy conversion system, small wind energy conversion system, or wind measurement tower, including all relate infrastructure, electrical lines and sub stations, access roads and accessory structures.

Yard: An unoccupied space, open to the sky, on the same lot with a building or structure.

Yard, Rear: Opposite of front yard.

Yard, Side: That portion of a lot between the side lot line and the nearest side building line and extending from the rear line of the front yard to the front line of the rear yard.

Zoning Permit: A permit issued pursuant to the regulations of this Ordinance to allow a specified use or the construction and/or placement of a building, structure or other facility.

ARTICLE III. ESTABLISHMENT OF ZONING DISTRICTS

A. District Designations

The Town of Clayton, outside of the incorporated Village of Clayton, is hereby divided into the following zoning districts.

A-IR	Agricultural and Island Residential
AR	Agricultural and Rural Residential
B	Business
CON	Conservation
H	Hamlet
ID	Industrial
MD	Marine Development
MD2	Marine Development 2
MR	Marine Residential
R-1	Residential
SPO	Scenic Protection Overlay District
WEFOD	Wind Energy Facility Overlay District

A-IR Agricultural and Island Residential

Purpose: to provide a low-density mix of agricultural, residential uses consistent with rural open space and characteristics which are both appropriate to and compatible with the maximum protection of the aesthetic and environmental quality of the St. Lawrence River and its tributary waters.

The boundary of the Agricultural and Island Development district is designated as follows: The district boundary is all that land that is 400’ inland of the high water mark surrounding Grindstone Island, and the district shall encompass all of the land to the interior of the district boundary as depicted on the Zoning Map dated April, 2010. The Zoning Map, as filed in the Town Clerk’s Office, shall be amended and re-dated to reflect the boundaries of the Agricultural and Island Residential district.

AR Agricultural and Rural Residential

Purpose: to provide a low-density mix of agricultural and rural residential uses with compatible accessory uses so as to afford maximum preservation of rural open space and characteristics.

B Business

Purpose: to provide a safe and efficient setting for business and commercial uses that minimizes conflict with residential areas.

CON Conservation

Purpose: to provide for the appropriate use of environmentally sensitive and/or scenic lands, and the preservation of natural surroundings.

H Hamlet

Purpose: to provide for a compatible mix of residential and commercial uses in a rural population center with greater-than-rural density.

ID Industrial

Purpose: to provide a safe and efficient setting for those industrial activities and other uses that are compatible with the nature of the Town.

MD Marine Development

Purpose: to provide for the development of marine-dependent and commercially related uses in an ecologically sound manner, so as to afford maximum protection for the aesthetic and environmental quality of the St. Lawrence River and its tributary waters.

MD2 Marine Development 2

Purpose: to provide a multi-use district for the development of water dependent, commercially related uses, marine manufacturing and other business opportunities in an ecologically sound manner, so as to afford maximum protection for the waterfront setting and environmental quality of the St. Lawrence River and its tributary waters.

The Marine Development 2 District (MD2) is hereby established as a floating district. Although there are many potentially adequate sites within the Town of Clayton for the uses permitted within the MD2, it is not feasible to select or limit the use to a few arbitrary spots, and there are currently no centers within the Town where these uses are concentrated. It is intended that the uses permitted in the MD2 not conflict with existing uses of land. Therefore, in order to land the MD2, an amendment to the Town of Clayton Zoning Ordinance is required, subject to the following procedural requirements.

Procedural Requirements:

The MD2 District may be landed and located by amendment to the Zoning Ordinance and Map following the procedure contained in Article XVI of the Zoning Ordinance either upon motion of the Town Board or upon application of a landowner or his designee. In addition to the requirements for amending the Zoning Ordinance contained in Article XVI, the following criteria shall be considered:

- a) The zone change shall be for a minimum of five acres.
- b) The proposed uses within the MD2 shall not cause undue interference or nuisance that may be detrimental to adjacent uses.
- c) The Town Board and the Planning Board shall use the Site Plan Objectives as outlined in the Zoning Ordinance as criteria for reviewing the proposed location of an MD2 District.
- d) The establishment of an MD2 District and location thereof shall be consistent with the Town of Clayton Comprehensive plan.

Effective December 14, 2015, the MD2 Marine Development 2 District has been landed on and at tax parcel #19.20-1-32.2 as shown on the latest completed tax roll for the Town of Clayton as of that date.

MR Marine Residential

Purpose: to provide for residential development, both seasonal and year-round, in a water-related setting, including certain limited marine uses, which are both appropriate to and compatible with the maximum protection of the aesthetic and environmental quality of the St. Lawrence River and its tributary waters.

R-1 Residential

Purpose: to provide a single-family residential district of moderate density with limited accessory uses.

SPO Scenic Protection Overlay District

Findings and Purpose: Special protection of scenic road corridors is necessary to preserve the attractive rural and historic quality of the Town. The purpose of this section is to regulate land uses within designated scenic corridors to protect the Town's scenic beauty and rural character. This section is intended to apply to those road corridors that are visible to the public and that substantially retain their scenic character.

Boundaries: The SPO District includes land lying within 800 feet of the center line of NY State Routes 12 and 12E within the Waterfront Revitalization Area boundary.

WEFOD Wind Energy Facility Overlay District

Purpose: to provide an area within the Town of Clayton where wind energy facilities shall be permitted subject to the review and permitting requirements of this ordinance and any other applicable local law or ordinance of the Town of Clayton. Wind Energy Facilities shall not be permitted in the Town of Clayton outside of the Wind Energy Facility Overlay District. The boundaries of the Wind Energy Facility Overlay District are designated as follows: On the North the District shall be bounded by a line running 2,000 feet from the Depauville Hamlet Lighting District line, by County Route 179 (Chaumont Road) and a line running parallel to and 2000 feet to the North of County Route 12, (Overbluff Road), and on the East, South and West by the Town line of the Town of Clayton.

B. Zoning Map

1. The boundaries of the above-named zoning districts are depicted on the map entitled “Zoning Map, Town of Clayton as revised, dated and filed”, dated 12 July 1989 and filed in the Town Clerk’s Office, which is hereby made a part of this Ordinance and hereinafter referred to as “Zoning Map”.
2. Any changes in district boundaries or other matter shown on the Zoning Map shall be made promptly on said Map, accompanied by a statement describing the nature and date of the change.

C. Interpretation of District Boundaries

1. Where uncertainty exists with respect to the exact boundaries of districts as shown on the Zoning Map, the final decision shall be made by the Joint Zoning Board of Appeals, in accordance with the following rules:
 - a. Boundaries shown as approximately following the center line of streets or highways shall be construed to follow such center lines.
 - b. Boundaries shown as approximately following lot lines shall be construed to follow such lot lines.
 - c. Boundaries shown as following the shoreline of the St. Lawrence River and its tributaries shall be construed to follow such shoreline at the high water mark.
 - d. Boundaries shown as following the shorelines of other streams, lakes and waterways shall be construed to follow such shorelines and to move with changes in the actual shorelines.
 - e. Boundaries indicated in subsections (a) through (d) above shall be construed as parallel to, or extensions of, such features.
 - f. Distance not specifically set forth on the Zoning Map shall be determined by the scale of the Map.

D. Lots in Two Districts

Where a district boundary line or lines divide(s) a lot existing at the time of the enactment of this provision, the regulations pertaining to each district will govern the use of land within that district. Zoning districts shall be deemed to rank as follows from the most restrictive to least restrictive.

Wind Energy Facility Overlay District (WEFOD)	Hamlet (H)
Conservation (CON)	Agricultural and Island Residential (A-IR)
Residential (R-1)	Agricultural and Rural Residential (AR)
Marine Residential (MR)	Business (B)
Marine Development (MD)	Industrial (ID)
Marine Development 2 (MD2)	

Nothing in this provision, however, shall be deemed to preclude a property owner from subdividing his/her property along the aforesaid district line(s) to retain each lot in the designated district, provided that each of the lots thus created shall comply with all other provisions of this Ordinance.

E. Limited exemption for Filed Subdivisions

1. If the plat of a residential subdivision containing one or more new streets has been duly filed in the Jefferson County Clerk's Office prior to the adoption of this Ordinance, the lots of the subdivision may be developed with the lots and yards delineated on the plat, and any provisions of this Ordinance requiring larger lots or yards shall not apply to the subdivision for a period of one year from the date of such filing.
2. The provisions of paragraph (1) above shall also apply to any amendment of this Ordinance.

ARTICLE IV. APPLICATION OF REGULATIONS

- A. Except as hereinafter provided, no land, building, structure or part thereof shall hereafter be used or occupied and no building, structure or part thereof shall be erected, moved, altered or extended (to expand its exterior dimensions) unless in conformity with the regulations herein specified for the district in which it is located.
- B. With respect to the requirements of this Ordinance for the district in which it is located, no building shall hereafter be erected or altered:
 - (1) to exceed the maximum height requirements;
 - (2) to accommodate or house a greater number of families;
 - (3) to occupy a greater percentage of lot area; or
 - (4) to have a narrower or smaller rear yard, front yard, or side yard than is specified in this Ordinance.
- C. No part of a yard or other open space about any building required for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard or other open space similarly required for another building.
- D. This Ordinance shall not apply to existing buildings and structures, nor to the existing use of any building, structure or land to the extent to which it was legally used at the time of the original enactment of this Ordinance. This Ordinance shall apply to any change in use, alterations, extensions or movement to a building or structure, and to any change in use of building or structure, and to any change in use of land subsequent to the enactment of this Ordinance

ARTICLE V. DISTRICT REGULATIONS

Schedule A – Use Restrictions

<u>District</u>	<u>Permitted Uses</u>	<u>Uses Requiring Special Use Permit</u>	<u>Permitted Accessory Uses</u>	<u>Uses Requiring Site Plan Approval</u>
A-IR Agricultural Island-Residential	<ul style="list-style-type: none"> ▪ Agricultural operations ▪ Agricultural uses ▪ Modular homes ▪ Single family dwellings 	<ul style="list-style-type: none"> ▪ Churches or Parish houses ▪ Cemeteries ▪ Educational institutions ▪ Trails, Multi-use ▪ Large storage buildings ▪ Two-family dwelling ▪ Air strips, Landing fields and Heliports 	<ul style="list-style-type: none"> ▪ Barns, silos and other agriculturally-related buildings ▪ Home occupations ▪ Patios, decks and gazebos ▪ Private garages and carports ▪ Private greenhouses ▪ Private swimming pools ▪ Professional offices ▪ Roadside stands for sale of agricultural products grown on premises ▪ Small storage buildings 	<ul style="list-style-type: none"> ▪ None

<u>District</u>	<u>Permitted Uses</u>	<u>Uses Requiring Special Use Permit</u>	<u>Permitted Accessory Uses</u>	<u>Uses Requiring Site Plan Approval</u>
AR Agricultural and Rural Residential	<ul style="list-style-type: none"> ▪ Agricultural operations ▪ Agricultural uses ▪ Farm winery ▪ Mobile homes ▪ Modular homes ▪ Multi-family dwellings ▪ Single and two-family dwellings ▪ Small agri-business operations 	<ul style="list-style-type: none"> ▪ Above-ground storage tanks with single or combined capacity of more than 550 gallons ▪ Animal hospitals ▪ Building supply stores ▪ Churches or parish houses ▪ Commercial greenhouses and plant nurseries ▪ Commercial hog, poultry or fur farms ▪ Crematoriums and cemeteries ▪ Drive-in restaurants and food takeout facilities ▪ Educational institutions ▪ Farm implement sales and service ▪ Fire, police and other safety and governmental facilities ▪ Fraternal organizations ▪ Hospitals, nursing homes and sanatoriums ▪ Public riding academies and/or stables ▪ Public utility facilities ▪ Restaurants, taverns and bars ▪ Shopping centers ▪ Small commercial and retail enterprises ▪ Telecommunication Facility ▪ Trails, Multi-use ▪ Trucking terminals 	<ul style="list-style-type: none"> ▪ Barns, silos and other agriculturally-related buildings ▪ Home occupations ▪ Patios, decks and gazebos ▪ Private garages and carports ▪ Private greenhouses ▪ Private swimming pools ▪ Professional offices ▪ Roadside stands for sale of agricultural products grown on premises ▪ Small storage buildings ▪ Storage buildings 	<ul style="list-style-type: none"> ▪ Agricultural processing plants ▪ Airstrips, landing fields and heliports ▪ Automobile sales and public garages ▪ Automobile service stations ▪ Campgrounds (commercial) ▪ Drive-in outdoor theaters ▪ Flea markets ▪ Machine and welding shops ▪ Mobile home parks ▪ Motels, hotels and resorts ▪ Quarries, sand, gravel and topsoil pits ▪ Salvage yards ▪ Recreational facilities ▪ Self-Storage facilities

<u>District</u>	<u>Permitted Uses</u>	<u>Uses Requiring Special Use Permit</u>	<u>Permitted Accessory Uses</u>	<u>Uses Requiring Site Plan Approval</u>
B Business	<ul style="list-style-type: none"> ▪ Amusement and recreation facilities ▪ Apartment dwellings ▪ Hotels, motels and resorts ▪ Indoor theaters ▪ Laundromats ▪ Offices ▪ Public parking garages ▪ Restaurants, taverns & bars ▪ Retail business and service enterprises 	<ul style="list-style-type: none"> ▪ Automobile sales-new and used ▪ Commercial green houses and plant nurseries ▪ Construction equipment sales and rental ▪ Laundries, cleaning and dyeing establishments ▪ Mortuary establishments ▪ Public utility facilities ▪ Telecommunication Facility ▪ Trails, Multi-use 	<ul style="list-style-type: none"> ▪ Manufacture, incidental to the retail business, of articles to be sold on premises to the ultimate consumer ▪ Service building and other structures for business use ▪ Signs on premises 	<ul style="list-style-type: none"> ▪ Automobile service stations ▪ Boat, ATV's and Snowmobile storage, sales and service ▪ Drive-in restaurants and food take-out facilities ▪ Flea markets ▪ Garage, commercial ▪ Machine and welding shops ▪ Shopping centers ▪ Self-Storage facility

<u>District</u>	<u>Permitted Uses</u>	<u>Uses Requiring Special Use Permit</u>	<u>Permitted Accessory Uses</u>	<u>Uses Requiring Site Plan Approval</u>
CON Conservation	<ul style="list-style-type: none"> ▪ Nature trails ▪ Ski trails ▪ State-authorized hunting and fishing facilities ▪ State-Maintained camp-grounds and rental cottages ▪ State-maintained public picnic facilities 	<ul style="list-style-type: none"> ▪ Public utility facilities ▪ Trails, Multi-use 	<ul style="list-style-type: none"> ▪ Public parking facilities ▪ State-maintained docks and swimming facilities 	<ul style="list-style-type: none"> ▪ None

<u>District</u>	<u>Permitted Uses</u>	<u>Uses Requiring Special Use Permit</u>	<u>Permitted Accessory Uses</u>	<u>Uses Requiring Site Plan Approval</u>
H Hamlet	<ul style="list-style-type: none"> ▪ Agricultural uses ▪ Single and two-family dwellings ▪ Modular homes 	<ul style="list-style-type: none"> ▪ Churches or parish houses ▪ Fire, police and other safety and governmental facilities ▪ Multiple-family dwellings ▪ Public utility facilities ▪ Restaurants, taverns and bars ▪ Small commercial and retail enterprises ▪ Storage building ▪ Trails, Multi-use 	<ul style="list-style-type: none"> ▪ Barns, silos and other agriculturally-related structures ▪ Home occupations ▪ Patios, decks and gazebos ▪ Private garages and Carports ▪ Private greenhouses ▪ Private swimming pools ▪ Professional offices ▪ Small storage buildings 	<ul style="list-style-type: none"> ▪ Agricultural processing ▪ Automobile service stations ▪ Automobile sales and public garages ▪ Commercial recreational facilities ▪ Drive-in restaurants and food take-out facilities ▪ Farm implement sales and service ▪ Machine and welding shops ▪ Motels, hotels and resorts ▪ Shopping centers

<u>District</u>	<u>Permitted Uses</u>	<u>Uses Requiring Special Use Permit</u>	<u>Permitted Accessory Uses</u>	<u>Uses Requiring Site Plan Approval</u>
ID Industrial		<ul style="list-style-type: none"> ▪ Trails, Multi-use 		<ul style="list-style-type: none"> ▪ Adult Entertainment Businesses ▪ Boat Manufacturing ▪ Business and Commercial enterprises permitted in Business (B) District ▪ Contractor's yard ▪ Enclosed manufacturing facilities (including assembly, fabricating and processing plants) ▪ Light industrial operations ▪ Lumber yards ▪ Machine and welding shops ▪ Machinery and transportation equipment sales, service and repair ▪ Public utility facilities ▪ Repair garages (commercial) ▪ Service and repair shops ▪ Telecommunication Facility ▪ Trucking and repair shops ▪ Trucking terminals

<u>District</u>	<u>Permitted Uses</u>	<u>Uses Requiring Special Use Permit</u>	<u>Permitted Accessory Uses</u>	<u>Uses Requiring Site Plan Approval</u>
MR Marine- Residential	<ul style="list-style-type: none"> ▪ Modular Homes ▪ Single-family dwelling (seasonal or year-round) 	<ul style="list-style-type: none"> ▪ Agricultural uses ▪ Boathouse, Multiple Use ▪ Bunkhouse ▪ Churches or parish houses ▪ Fire, police and other safety and governmental facilities ▪ Public utility facilities ▪ Two-family dwellings ▪ Trails, Multi-use 	<ul style="list-style-type: none"> ▪ Home occupations ▪ Patios, decks and gazebos ▪ Private docks and boathouses ▪ Private garages and carports ▪ Private swimming pools ▪ Professional offices in place of abode ▪ Pump houses ▪ Small storage buildings 	<ul style="list-style-type: none"> ▪ Any construction or installation on a small island or shoal less than one acre in area ▪ Fishing guides' shore-dinner party facilities ▪ Houseboats

<u>District</u>	<u>Permitted Uses</u>	<u>Uses Requiring Special Use Permit</u>	<u>Permitted Accessory Uses</u>	<u>Uses Requiring Site Plan Approval</u>
MD Marine Development	<ul style="list-style-type: none"> ▪ Single and Two-family Dwellings ▪ Modular homes 	<ul style="list-style-type: none"> ▪ Agricultural uses ▪ Churches or parish houses ▪ Community facilities ▪ Fire, police and other safety and governmental facilities ▪ Public utility facilities ▪ Storage buildings ▪ Trails, Multi-use 	<ul style="list-style-type: none"> ▪ Home occupations ▪ Patios, decks and gazebos ▪ Private docks and Boathouses ▪ Private garages and carports ▪ Private swimming pools ▪ Professional offices in place of abode ▪ Pumphouses ▪ Small storage buildings 	<ul style="list-style-type: none"> ▪ Any construction or 20 Installation on a small island or shoal less than one acre in area ▪ Boat sales yards ▪ Houseboats ▪ Commercial recreational facilities ▪ Cottage colonies ▪ Marinas, marine-related repair services and facilities in permanent structure ▪ Motels, hotels and resorts ▪ Small commercial and Retail Enterprises ▪ Self-Storage Facility

<u>District</u>	<u>Permitted Uses</u>	<u>Uses Requiring Special Use Permit</u>	<u>Permitted Accessory Uses</u>	<u>Uses Requiring Site Plan Approval</u>
MD2 Marine Development 2	<ul style="list-style-type: none"> ▪ Single family Dwelling ▪ Two-family Dwellings ▪ Modular homes 	<ul style="list-style-type: none"> ▪ Marine manufacturing ▪ Water dependent services ▪ Recreational facility ▪ Boat sales yard ▪ Restaurants and bars ▪ Self-storage facilities ▪ Large storage buildings 	<ul style="list-style-type: none"> ▪ Home occupations ▪ Patios, decks and gazebos ▪ Private docks and Boathouses ▪ Private garages and Carports ▪ Private swimming pools ▪ Small storage buildings 	<ul style="list-style-type: none"> ▪ Cottage colonies ▪ Marinas, marine-related repair services and facilities in permanent structure ▪ Motels, hotels and resorts ▪ Multi-family dwelling ▪ Small Commercial enterprises

<u>District</u>	<u>Permitted Uses</u>	<u>Uses Requiring Special Use Permit</u>	<u>Permitted Accessory Uses</u>	<u>Uses Requiring Site Plan Approval</u>
R-1 Residential	<ul style="list-style-type: none"> ▪ Modular Homes ▪ Single-family dwelling 	<ul style="list-style-type: none"> ▪ Churches or parish houses ▪ Public utility facilities ▪ Trails, Multi-use 	<ul style="list-style-type: none"> ▪ Patios, decks and gazebos ▪ Private garages and carports ▪ Private Swimming Pools ▪ Professional offices in place of abode ▪ Small storage building 	<ul style="list-style-type: none"> ▪ None

<u>District</u>	<u>Permitted Uses</u>	<u>Uses Requiring Special Use Permit</u>	<u>Permitted Accessory Uses</u>	<u>Uses Requiring Site Plan Approval</u>
<p>SPO Scenic Protection Over-Lay District</p> <p>All applicable District regulations of the underlying Zoning District remain in effect except as they are specifically modified by the provisions of Article VII-A.</p>				

<u>District</u>	<u>Permitted Uses</u>	<u>Uses Requiring Special Use Permit</u>	<u>Permitted Accessory Uses</u>	<u>Uses Requiring Site Plan Approval</u>
<p>WEFOD Wind Energy Facility Over-Lay District</p>	<p>Uses requiring Wind Energy Facility Permit</p> <ul style="list-style-type: none"> ▪ Wind Energy Facility 	<ul style="list-style-type: none"> ▪ None 	<ul style="list-style-type: none"> ▪ None 	<ul style="list-style-type: none"> ▪ None

ARTICLE V. DISTRICT REGULATIONS

Schedule B – Dimensional Requirements

A-IR Agricultural-Island Residential							
Use	Maximum Lot Coverage	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard (1)	Minimum Side Year	Minimum Rear Yard	Maximum Building Height
Permitted Uses	25%	-	-	-	-	-	-
if individual wells & septic tanks	-	40,000 sq. ft.	150 ft.	50 ft.	15 ft.	30 ft.	35 ft.
Accessory Uses (2)	25%	-	-	30 ft. (3)	15 ft.	30 ft.	35 ft. (7)
Special Use Permit	25%	40,000 sq. ft.	150 ft.	50 ft.	15 ft	30 ft.	35 ft. (4)
Lot of Record	25%	15,000 sq. ft.	100 ft.	50 ft.	15 ft	30 ft.	35 ft.

**AR Agricultural
& Rural Residential**

Use	Maximum Lot Coverage	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard (1)	Minimum Side Year	Minimum Rear Yard	Maximum Building Height
Permitted Uses (except for multi-family dwelling)	25%	-	-	-	-	-	-
-if community water supply & sewage disposal	-	15,000 sq. ft.	100 ft.	50 ft.	25 ft.	50 ft.	35 ft.
-if individual wells & septic tanks	-	40,000 sq. ft.	200 ft.	50 ft.	25 ft.	50 ft.	35 ft.
Multi-family dwelling	25%	-	-	-	-	-	-
-if community water supply & sewage disposal	-	8,500 sq. ft. per dwelling unit	250 ft.	50 ft.	25 ft.	50 ft.	35 ft.
-if individual wells & septic tanks	-	20,000 sq. ft. per dwelling unit	250 ft.	50 ft.	25 ft.	50 ft.	35 ft.
Accessory Uses (2)	25%	-	-	30 ft. (3)	25 ft.	30 ft.	35 ft. (7)
Special Use Permit/ Site Plan Uses	25%	40,000 sq. ft.	200 ft.	50 ft.	25 ft.	50 ft.	35 ft. (4)
Lot of Record	25%	1500 sq. ft.	100 ft.	50 ft.	15 ft.	30 ft.	35 ft.

B – Business

Use	Maximum Lot Coverage	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard (1)	Minimum Side Year	Minimum Rear Yard	Maximum Building Height
Permitted Uses	40%	-	-	-	-	-	-
-if community water supply & sewage disposal	-	40,000 sq. ft.	200 ft.	50 ft.	25 ft.	50 ft.	35 ft.
-if individual wells & septic tanks	-	80,000sq. ft.	400 ft.	50 ft.	25 ft.	50 ft.	35 ft.
Accessory Uses	-	-	-	50 ft.	25 ft.	50 ft.	20 ft.
Special Use Permit/ Site Plan Uses	-	80,000 sq. ft.	400 ft.	50 ft.	25 ft.	50 ft.	35 ft.
Lot of Record	-	25,000 sq. ft.	100 ft.	50 ft.	15 ft.	50 ft.	35 ft.

**CON
Conservation**

Use	Maximum Lot Coverage	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard (1)	Minimum Side Year	Minimum Rear Yard	Maximum Building Height
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All dimensional requirements at the discretion of the New York State Department of Environmental Conservation.

H Hamlet

Use	Maximum Lot Coverage	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard (1)	Minimum Side Year	Minimum Rear Yard	Maximum Building Height
Permitted uses	40%	-	-	-	-	-	-
-if community sewage disposal	-	10,000 sq. ft.	80 ft.	30 ft.	15 ft.	30 ft.	35 ft.
-if individual wells & septic systems	-	30,000 sq. ft.	100 ft.	30 ft.	15 ft.	30 ft.	35 ft.
Accessory Uses (2)	10%	-	-	30 ft. (3)	15 ft.	25 ft	35 ft. (7)
Special Use Permit/ Site Plan Uses	40%	30,000 sq. ft.	100 ft.	30 ft.	15 ft.	30 ft.	35 ft. (4)
Lot of Record	40%	10,000 sq. ft.	80 ft	30 ft.	15 ft.	30 ft.	35 ft.

ID – Industrial

Use	Maximum Lot Coverage	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard (1)	Minimum Side Yard	Minimum Rear Yard	Maximum Building Height
Permitted Uses	60%	-	-	-	-	-	-
-if community water supply & sewage disposal	-	2.5 acres	400 ft.	60 ft.	50 ft.	50 ft.	35 ft.
-if individual wells & septic tanks	-	5 acres	400 ft.	60 ft.	50 ft.	50 ft.	35 ft.
Accessory Uses	-	-	-	100 ft.	50 ft.	50 ft.	35 ft.
Special Use Permit/ Site Plan Uses	-	5 acres	400 ft.	60 ft.	50 ft.	50 ft.	35 ft.
Lot of Record	60%	2.5 acres	400 ft.	60 ft.	50 ft.	50 ft.	35 ft.

MD Marine Development							
Use	Maximum Lot Coverage	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard (1)	Minimum Side Year	Minimum Rear Yard	Maximum Building Height
Permitted Uses	25%	-	-	(5)	-	(5)	-
-if community water supply & sewage disposal	-	15,000 sq. ft.	100 ft.	30 ft.	15 ft.	30 ft.	35 ft.
-if individual wells & septic tanks	-	30,000 sq. ft.	100 ft.	30 ft.	15 ft.	30 ft.	35 ft.
Accessory Uses (2)	10%	-	-	30 ft. (6)	-	25 ft. (3)	-
Special Use Permit/ Site Plan Uses	25%	30,000 sq. ft.	100 ft.	30 ft.	15 ft.	30 ft.	35 ft. (4)
Lot of record	25%	15,000 sq. ft.	100 ft.	30 ft.	15 ft.	30 ft.	35 ft.

MD2 Marine Development							
Use	Maximum Lot Coverage	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard (1)	Minimum Side Year	Minimum Rear Yard	Maximum Building Height
Permitted Uses	25%	-	-	-	-	-	-
-if community water supply & sewage disposal	-	15,000 sq. ft.	100 ft.	55 ft. (6)	15 ft.	30 ft.	35 ft.
-if individual wells & septic tanks	-	30,000 sq. ft.	100 ft.	55 ft. (6)	15 ft.	30 ft.	35 ft.
Accessory Uses (2)	10%	-	-	55 ft. (6)	-	25 ft.	-
Special Use Permit/ Site Plan Uses	25%	30,000 sq. ft.	100 ft.	Setbacks to be determined by the Planning Board			35 ft.
Lot of record	25%	15,000 sq. ft.	100 ft.	55 ft. (6)	15 ft.	30 ft.	35 ft.

**MR
Marine-Residential**

Use	Maximum Lot Coverage	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard (1)	Minimum Side Yard	Minimum Rear Yard	Maximum Building Height
Permitted Uses (except for Shoals and small Islands)	25%	-	-	(5)	-	(5)	-
-if community water supply & sewage disposal	-	15,000 sq. ft.	100 ft.	55 ft.	15 ft.	30 ft.	35 ft.
-if individual wells & septic tanks	-	30,000 sq. ft.	100 ft.	55 ft.	15 ft.	30 ft.	35 ft.
Shoals and small Islands (less than one acre)	-	-	-	-	-	-	-
-if community water supply & sewage disposal	-	15,000 sq. ft.	No structure shall be closer to high water mark than 30 feet, except for docks and boathouse, which shall be no closer than 125 ft. to any neighboring shoal, island or mainland.				35 ft.
-if individual wells & septic tanks	-	30,000 sq. ft.					-
Accessory Uses (2)	10%	-	-	55 ft. (6)	15 ft.	25 ft. (3)	35 ft.
Special Use Permit/ Site Plan Uses	25%	30,000 sq. ft.	100 ft.	55 ft.	15 ft.	30 ft.	35 ft. (4)
Lot of Record	25%	15,000 sq. ft.	100 ft.	55 ft.	15 ft.	30 ft.	35 ft.

R-1 Residential							
Use	Maximum Lot Coverage	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard (1)	Minimum Side Year	Minimum Rear Yard	Maximum Building Height
Permitted Uses	25%	-	-	-	-	-	-
-if community water supply & sewage disposal	-	15,000 sq. ft.	100 ft.	30 ft.	15 ft.	30 ft.	35 ft.
-if individual wells and septic tanks	-	30,000 sq. ft.	120 ft.	30 ft.	15 ft.	30 ft.	35 ft.
Accessory Uses (2)	10%	-	-	30 ft. (3)	15 ft.	25 ft.	35 ft.
Special Use Permit / Site Plan Uses	25%	30,000 sq. ft.	120 ft.	30 ft.	15 ft.	30 ft.	35 ft. (4)
Lot of Record	25%	15,000 sq. ft.	100 ft.	30 ft.	15 ft.	30 ft.	35 ft.

WEFOD – Wind Energy Facility Overlay District							
Use	Maximum Lot Coverage	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard (1)	Minimum Side Year	Minimum Rear Yard	Maximum Building Height
As allowed by Local Law No. 1 of 2007, Regulations for WIND ENERGY FACILITIES.							

ARTICLE V. DISTRICT REGULATIONS

Schedule B – Dimensional Requirements Notes

NOTE:

- (1) In the case of a yard fronting on two streets or waterfront property at the High Water Mark, each yard shall be considered a front yard and shall meet the appropriate setback requirements.
- (2) A garage, carport or other accessory structure that is connected to a dwelling becomes a part of the principal building and shall maintain the specified setbacks thereof.
- (3) Private garages, not exceeding 12 feet in height, sited on more than 15 degree slopes, may be located no closer than 20 feet to the property line.
- (4) Churches Exempted.
- (5) For waterfront property, the front yard shall be deemed to be the yard along the shoreline, and setbacks shall be measured from the high water mark; the rear yard shall be deemed to be the yard along the street or roadway.
- (6) Except for boathouses, docks and pump houses.
- (7) Barns, silos and similar agricultural structures exempted.

When determining measurements to meet mandatory front, rear and side yard setback requirements, the measurement shall be taken from the street or road right-of-way, property line or high water mark to the furthest projecting point of the structure or any attachment thereto; such projections shall include cornices, chimneys, eaves, carports, garages, porches, decks, breezeways etc.

When more than one principal building or structure is proposed for a single parcel or lot, each structure must comply with the dimensional requirements of this Ordinance.

ARTICLE VI. GENERAL CRITERIA FOR SPECIAL USE REGULATIONS

Following is a list of general criteria that shall be met for all special permit uses, listed in Article V, Schedule A, and all special regulation uses, set forth in Article VII, in order to obtain approval by the Joint Planning Board.

- A. The proposed special use shall not conflict, by virtue of its character, with uses in the district.
- B. The proposed special use shall not cause undue noise, vibration, odors, traffic, lighting glare, interference with radio and television reception, or unsightliness so as to have a detrimental impact on adjacent and nearby properties.
- C. Where such special use conflicts environmentally, visually and/or aesthetically with neighboring properties, the Joint Planning Board shall have the authority to require screening and/or buffering of sufficient height and density (i.e. planting, hedges, tree rows, ornamental fencing, etc.) to lessen or eliminate the impact of the conflict.
- D. The proposed use shall meet all off-street parking and loading requirements set forth in Article VII for similar uses.
- E. Appropriate on-site drainage shall be required to eliminate or to minimize any potential surface water run-off problems. The drainage system shall not produce any detrimental effect on adjacent properties or on the

environment.

- F. All proposed uses shall comply with the sanitary waste provisions of the New York State Health Department.
- G. All proposed uses shall comply with the sign requirements of this Ordinance.
- H. Traffic access to and from the site, as well as on-site circulation shall be designed and constructed so as to minimize traffic hazards.
- I. All sites shall be appropriately landscaped and regularly maintained.

Where acceptable standards must be established for any special permit uses, the Joint Planning Board shall have the authority to establish, on a case-by-case basis, those rules, provided that they be reasonable and proper within the intent and meaning of this Ordinance

ARTICLE VII. SPECIAL REGULATIONS

A. Agricultural Processing Plants

- 1. All facilities for receiving, processing and/or packaging agricultural products shall be located at least 1000 feet from any residential lot line.
- 2. All wastes and remnants shall be disposed of in an environmentally safe manner that does not pollute the land, air or water, in accordance with the regulations of the New York State Departments of Health and Environmental Conservation.
- 3. No noise, noxious odor, dust or unsightly appearance shall be permitted to affect any nearby or adjacent property.

B. Airstrips, Landing Fields and Heliports

- 1. The minimum area for each airstrip, landing field and heliport shall be determined by the Joint Planning Board in the course of its site plan review.
- 2. There shall be adequate undeveloped takeoff and landing approach area to meet all Federal Aviation Administration (FAA) Airport Development standards. Visibility for takeoff and approach patterns shall not be inhibited by topography, vegetation or development.

C. Animal Care Facility

- 1. All building, structures and accessory uses involved in the treatment, care and housing of animals shall be located no closer to any street, road, or other front property line than 50 feet. Additional separation from property lines may be required by the Joint Planning Board to comply with Paragraph 3, below.
- 2. All wastes and remnants shall be disposed of in an environmentally safe manner that does not pollute the land, air or water, in accordance with the regulations of the New York State Departments of Health and Environmental Conservation.
- 3. No noise, noxious odor, waste or unsightly appearance shall be permitted to affect any nearby or adjacent property.
- 4. Adequate off-street parking shall be provided, in accordance with Section Z of this Article.

D. Automobile Service Stations and Repair Garages

1. All motor vehicle service stations and repair garages shall be so designed and all gasoline/diesel fuel pumps shall be so located as to require all servicing and/or repairing on the premises to be no closer to any street or road or front property line than 30 feet, and no closer to any other property line than 50 feet, and no gasoline/diesel fuel pump shall be located closer to any other property line than 75 feet.
2. No inoperative motor vehicle(s), or motor vehicles(s) awaiting repairs shall be kept on the premises for longer than two weeks unless enclosed within a structure.
3. All servicing materials, waste material, used or discarded parts and tires shall be stored within a structure or enclosed within fencing so as not to be visible from off the property.
4. Entrance and exit driveways shall be located at least 15 feet from any side or rear property line.
5. All automobile service stations and repair garages shall be screened and/or buffered from all adjacent properties, side and rear, by appropriate plantings and/or aesthetically-designed fencing.

E. Barns and Other Structures Housing livestock and/or Poultry

No barn or similar agricultural structure for housing livestock and/or poultry shall be located within 50 feet of any property line, front, side or rear.

F. Boathouse, Multiple Use

Multiple use boathouses may only be permitted as an accessory use to the principle use residence.

G. Bunkhouse

1. Must be accessory to the principal use of a residential structure.
2. The structure can be no larger than 500 square foot in total size.
3. The structure and septic system must conform to the New York State Fire Prevention & Building Code and the New York State Department of Health.
4. The square footage of the parcel of the principal use can be no smaller than the lot of record for that district.
5. There will be no more than one bunkhouse per parcel.

H. Building Supply Sales and Storage Yards

1. There shall be at least 50 feet of vacant buffer zone between the operating area of any building supply yard and its closest property line.
2. When within 200 feet of any residential structure, said operations shall be screened and/or buffered by plantings, hedges and/or fences so as not to be visible from off the premises. Said screening and/or buffering shall be installed in conformity with reasonable standards established by the Joint Planning Board.
3. Operations of the yard shall not cause undue noise, traffic, odors or lighting glare that are detrimental to the neighborhood.
4. All lots where materials and products are stored shall be constructed to all-weather standards (i.e., gravel base and gravel or paved surface).

5. Off-street parking facilities shall be provided in accordance with the terms of Section Z of this Article and other relevant provisions of this Ordinance.

I. Community Facilities

1. The buildings and structures used to provide service for the general population shall be in keeping with the character of the neighborhood.
2. Sufficient parking spaces shall be provided in accordance with the off-street parking provisions of Section Z of this Article and other relevant provisions of this Ordinance.
3. Adequate screening and/or buffering shall be installed to prevent any objectionable noise, dust, odors, lighting glare or other conditions affecting nearby properties.

J. Cottage Colonies (Commercial) and Cottages for Rental

Any cottage colony or any aggregation of two or more cottages for a commercial rental shall be subject to the following regulations:

1. The minimum land area for a cottage colony shall be five acres. Each cottage shall possess a minimum of 600 square feet of living space and shall occupy a site of no less than 5,000 square feet, and be situated no closer to any property line, road or street right-of-way, or adjacent structure than 35 feet. No cottage shall be located closer than 25 feet to any adjacent cottage.
2. All sanitary facilities, including the water supply and waste disposal systems shall receive the written approval of the New York State Health Department or other appropriate agency.

K. Drive-In Outdoor Theaters

1. Any drive-in outdoor theater shall be located on a plot of at least ten acres.
2. Any drive-in outdoor theater shall be so designed, buffered and screened that sound, noise and lighting glare shall not affect nearby and adjacent property owners and so that no portion of the projected motion picture shall be visible from off the premises and no portion of the soundtrack shall be audible from off the premises.
3. Any facilities for the sale of foodstuffs and/or snacks shall be maintained and operated in accordance with the standards and requirements of the New York State Department of Health.
4. All sanitary facilities shall be built and maintained in accordance with the regulations of the New York State Departments of Health and Environmental Conservation.

L. Drive-In Restaurants and Food Take-Out Facilities

1. Drive-in restaurants and food take-out facilities, whether separate from, related to, or part of any sit-down restaurant, shall be permitted only in Agricultural and Rural Residential (AR), Hamlet (H), or Business (B) Districts and only following site plan review and approval by the Joint Planning Board.
2. In determining whether to grant such approval the Joint Planning Board shall give substantial weight to the following factors:
 - a. Suitability of the use to the general neighborhood and adjacent properties.
 - b. Any adverse effect upon public safety, particularly as related to possible traffic and pedestrian hazards.

- c. Any adverse effect on public health, such as vermin and litter.
 - d. Any public nuisance arising from the proposed use.
3. Any drive-in restaurant and/or food take-out facility shall be so designed, buffered and screened that noise, odors, litter, dust or lighting glare shall not affect adjacent and nearby properties.
 4. Such facilities shall be designed, built, maintained and operated in accordance with the standards of the New York State Department of Health.
 5. All sanitary facilities shall be built and maintained in accordance with the regulations of the New York State Departments of Health and Environmental Conservation.
 6. Off-street parking facilities shall be provided in accordance with the requirements of Section Z of this Article.
 7. All signs shall be designed, built and maintained in accordance with the requirements of Section NN of this Article.
 8. If located in a Business (B) District or Hamlet (H) District, all buildings, structures and accessory uses involved in the operation of a drive-in restaurant or food take-out facility shall be located no closer to any street, road or other front property line than 50 feet, and no closer than 100 feet from any other property line. If located in an Agricultural and Rural Residential (AR) District, the setback requirements shall be 100 feet from all property lines.

M. Driveways and Private Entrances

1. No driveway or private entrance providing access to a state, county or town road, street or highway shall be located or constructed without the prior approval of the New York State Department of Transportation, the Jefferson County Highway Department or the Town Highway Superintendent, as appropriate.
2. No driveway or private entrance shall enter a state, county or town road, street or highway within 50 feet of any street corner or road intersection.
3. Any driveway or private entrance shall be set back at least five feet from the sidelines of the property.

N. Fences, Walls and Shrubbery

Fences, walls and shrubbery shall be permitted in all districts provided that they meet the following requirements:

1. Any retaining wall shall be the minimum height necessary to accomplish its purpose.
2. Fences, walls and shrubbery along all front property lines and alongside property lines as far from the front as the setback, specified for the district in which located, shall not exceed four and one-half feet in height from original grade. From said setback, fences, walls and shrubbery around the remaining perimeter of side and rear yards shall not exceed six feet in height from original grade, except where otherwise required by specific provisions of this Article.
3. Fences, walls and shrubbery shall be so constructed and maintained that they do not constitute a safety hazard and so that they are not visually or aesthetically detrimental to the neighborhood. There must be a clear line of sight at all intersections. The use of barbed wire and/or electrically charged fences shall be restricted to Agricultural uses only.

4. In districts where the front is the river, fences, walls and shrubbery along all rear and side property lines as far from the rear as the setback specified for the district where located, shall not exceed four and one-half feet in height from the ground

O. Flea Markets

1. Flea markets shall be permitted only in Agricultural and Rural Residential (AR) and Business (B) Districts and only following site plan review and approval by the Joint Planning Board.
2. In determining whether to grant such approval the Joint Planning Board shall give substantial weight to the following factors:
 - a. Suitability of the use to the general neighborhood and adjacent properties.
 - b. Any adverse effect upon public safety, particularly as related to possible traffic and pedestrian hazards.
 - c. Any adverse effect on public health, such as vermin and litter.
 - d. Any public nuisance arising from the proposed use.
 - e. Any adverse effect upon the aesthetics or scenic environment of the area.
3. Any flea market facility shall be so designed, buffered and screened so that noise, odors, litter, dust or lighting glare shall not affect adjacent or nearby properties.
4. All sanitary facilities shall be built and maintained in accordance with the regulations of the New York State Departments of Health and Environmental Conservation.
5. Off-street parking facilities shall be provided in accordance with the requirements of Section Z of this Article.
6. All signs shall be designed, built and maintained in accordance with the requirements of Section NN of this Article.
7. If located in a Business (B) District, all buildings, structures, and accessory uses involved in the operation of a flea market shall be located no closer to any property line than 50 feet. If located in an Agricultural and Rural Residential (AR) District, the setback requirements shall be 50 feet from the front property line and 100 feet from all other property lines.

P. Flood Zones

Flood Plain Development Permits are required for any and all construction within those areas of the Town designated as areas of special flood hazard by the Federal Insurance Administration on its Flood Insurance Rate Map (FIRM). Construction shall be carried out in accordance with the relevant provisions of Local Law Number 1 of 1987 of the Town of Clayton.

Q. Home Occupations

Home occupation uses shall be permitted, after the issuance of a zoning permit, in Marine Residential (MR), Marine-Development (MD), Agricultural and Rural Residential (AR), and Hamlet (H) Districts provided that they shall be clearly incidental to the residential use of the dwelling and that they meet the following criteria:

1. The home occupation shall be carried on by a member of the family residing therein.
2. The use shall be conducted entirely within the dwelling and/or its appurtenant structures.

3. One identification sign, not to exceed two square feet, shall be permitted as specified in Section NN of this Article and other relevant provisions of this Ordinance.
4. Off-street parking shall be provided, as specified in Section Z of this Article and other relevant provisions of this Ordinance.
5. Operations of the home occupation shall not cause undue noise, traffic, odors or lighting glare that are detrimental to the neighborhood.
6. Permitted Home Occupations:
 - a. Dressmaker, milliner or seamstress
 - b. Upholster
 - c. Musical instrument or voice instructor
 - d. Painting, sculpturing or writing
 - e. Telephone answering
 - f. Home crafts, such as model making, rug-weaving, lapidary work and wood crafting
 - g. Home cooking and preserving
 - h. Computer programming
 - i. Bed and breakfast
 - j. Beauty shops
7. Prohibited as Home Occupations:
 - a. Animal hospital
 - b. Private clubs
 - c. Restaurants
 - d. Kennels
 - e. Motel/Hotel
8. Unlisted Home Occupations: Any proposed home occupation that is neither specifically permitted or specifically prohibited may be permitted after obtaining a Special Use Permit.
9. Notwithstanding any provision of this section, no home occupation will be permitted if it employs more than one nonresident of the dwelling.

R. Junkyards

1. All junkyards shall be licensed and operated in accordance with the provisions of the Town of Clayton Junkyard Ordinance.
2. The outer limits of the area used as a junkyard, including any fencing or building, shall be located at least 100 feet from any residential, commercial or institutional structure, and at least 50 feet from any public road or highway right-of-way.
3. All junkyards shall be enclosed by a solid fence that will totally screen the premises except that not more than two openings, no wider than 15 feet each, shall be permitted for access. Each such opening shall be provided with a solid gate, which shall be kept closed at all times when not in use, and locked at all times when the premises is not open for business.
4. The premises shall be kept free at all times from rodents, vermin and obnoxious odors. No burning or any materials shall be permitted at any time.

5. All motor vehicles of any description and parts thereof and/or tires stored or deposited by the operator shall be kept within the enclosure of the junkyard except as necessary for transportation or removal in the ordinary course of business. All wrecking, salvaging and/or repairing shall be accomplished within the enclosure.
6. Storage of one or more cast-off, inoperable or abandoned motor vehicles of any description or parts thereof on the open grounds outside of enclosed structures, or approved enclosures, shall be deemed to be a use of the property for dump or junkyard; if such presence or storage extends for a period of time in excess of one month.
7. Storage of one or more cast-off, inoperable or abandoned farm tractors or farm implements of any variety or parts thereof, on the open grounds outside of enclosed structures, or approved enclosures visible from off the premises, shall be deemed to be use of the property for dump or junkyard, if such presence or storage extends for a period of time in excess of six months.
8. Storage of one or more cast-off, inoperable or abandoned boats, motors or parts thereof, on the open grounds outside of enclosed structures, or approved enclosures, shall be deemed to be use of the property for dump or junkyard, if such presence or storage extends for a period of time in excess of one year.
9. Storage of any scrap metal, metal parts or inoperable contractor's equipment on the open grounds outside of enclosed structures, or approved enclosures, shall be deemed to be use of the property for dump or junkyard, if such presence or storage extends for a period of time in excess of one month.

S. Landfills and Dumps

1. Dumping of rubbish and other waste shall be permitted only on land officially designated for the purpose under such conditions as the Joint Planning Board may impose in the interest of public health, safety and welfare.
2. All landfill sites shall be approved by the New York State Department of Environmental Conservation as being in compliance with 6 NYCRR Part 360 - Solid Waste Management Facilities.

T. Loading Platforms and Facilities

1. In connection with every building or building group or part thereof having a gross floor area of 4,000 square feet or more, which is to be occupied by manufacturing or commercial enterprises or other uses similarly requiring the receipt or distribution of material or merchandise by motor vehicles, trucks and/or tractor trailers, there shall be provided and maintained, on the same lot with such building, a minimum number of off-street loading berths as follows:

4,000 to 25,000 sq. ft.	1 berth
25,001 to 40,000 sq. ft.	2 berths
40,001 to 60,000 sq. ft.	3 berths
for each additional 50,000 sq. ft.	1 berth

2. The loading berth required in each instance shall be not less than 12 feet in width, 25 feet in length, and 14 feet in height, and may occupy all or any part of the required yard. Such space may also be a part of the required parking area.

U. Machine and Welding Shops

Machine and welding shops shall be permitted only in Agricultural and Rural Residential (AR), Business (B), Hamlet (H) and Industrial (ID) Districts and only following site plan review and approval by the Joint Planning Board where required. The following requirements shall apply:

1. All operations of the machine and/or welding shop shall be conducted within an enclosed building or structure.
2. Except for brief periods incident to receipt or shipment, all parts, materials, scrap metal, implements and/or vehicles to be repaired shall be stored within a fenced enclosure so as not to be visible from off the site.
3. No building, structure or enclosure shall be located closer than 100 feet to any rear or side property line and no closer than 50 feet to any street or road right-of-way, and no closer than 500 feet to any residential structure.
4. Operations of the shop shall not cause any undue noise, traffic, vibration, odors or lighting glare that are detrimental to the neighborhood.
5. Off-street parking shall be provided, as specified in Section Z of this article and other relevant provisions of this Ordinance.

V. Marinas

Marinas shall be permitted only in Marine Development (MD) and Business (B) Districts and only following site plan review and approval by the Joint Planning Board.

1. All marinas shall be so designed and constructed that:
 - a. No dock shall be located closer than 25 feet to any side property lines.
 - b. No repair or servicing building shall be located closer than 50 feet to any side or rear property line.
 - c. No gasoline/diesel fuel pump shall be located closer than 75 feet to any side or rear property line.
 - d. No sanitary pump-out tank or facility shall be located closer than 75 feet to any side or rear property line.
 - e. In interpreting the above setback requirements; that line adjoining the St. Lawrence River or any tributary waterway shall be deemed to be the front property line.
2. All servicing materials, waste materials and used or discarded parts shall be stored within a structure or enclosed within fencing so as not to be visible from off the property.
3. All fuel tanks shall be installed and maintained in conformity with the standards of the Fire Prevention Code of the National Board of Fire Underwriters and shall conform to all state and federal requirements of the New York State Department of Environmental Conservation, the Environmental Protection Agency and other appropriate agencies, and all relevant provisions of this Ordinance. All such fuel tanks shall be so maintained and operated that no fuel spillage is allowed to enter the water.
4. All pump-out tanks and other facilities for the disposal of waste and sewage shall be designed, constructed and maintained in conformity with the requirements of the New York State Departments of Health and Environmental Conservation and the relevant provisions of this Ordinance. No such pump-out tank shall at any time be drained, emptied or allowed to overflow into the waters of the St. Lawrence River or any tributary waterway.

5. All marinas shall be screened and/or buffered from all adjacent properties, side and rear, so that no noise, odors, dust or lighting glare affects those properties.

W. Mobile Homes (Individual)

1. Individual mobile homes, on lots meeting the dimensional requirements of Article V, Schedule B, shall be permitted in Agricultural and Rural Residential (AR) Districts provided they are in conformity with all relevant provisions of this Ordinance.
2. Size: Any mobile home installed on an individual lot or site shall contain no less than 480 square feet.
3. Construction Standards:
 - a. Mobile homes shall comply with all Federal Home Construction Standards [Code of Federal Regulations, Vol. 24, Chapter XX, Parts 3280 and 3282] and the provisions of the New York State Uniform Fire Prevention Code, including any revisions or additions thereto. In the event that the said federal and state standards should conflict with any provisions of this Ordinance, the higher standard or more restrictive provision shall apply.
 - b. Each mobile home shall bear a plate, affixed by the manufacturer, certifying compliance with the federal standards in effect at time of manufacture.
4. Installation:
 - a. Each mobile home shall be sited and installed in compliance with the New York State Uniform Fire Prevention and Building Code.
 - b. Each single wide mobile home shall be provided with a base of either 12 inch compacted gravel or 6 inch concrete; double wide mobile homes must have a 6 inch concrete base. The base shall have a minimum width and length of the mobile home and any extension(s) thereof. Such base shall be graded to provide adequate drainage.
 - c. Each mobile home shall be anchored to no less than six tie-down points. The anchoring devices and the tie-downs shall be sufficient to hold 4,800 pounds in place.
5. Mobile Home Sites:
 - a. A lot, on which a mobile home is sited, shall conform to the area and setback (front, side and rear) requirements set forth in Article V, Schedule B for the zoning district in which the mobile home is located.
 - b. A mobile home may be allowed as a temporary residence during reconstruction of a permanent residence upon the issuance of a special permit, for a six month period, by the Zoning Enforcement Officer.
 - c. A mobile home, utilized as a tenant or farm worker residence, will be permitted provided that it is located on an area of land meeting the dimensional requirements set forth in Article V, Schedule B, as well as all other provisions of this Ordinance, as if it were a separate lot. The mobile home shall be sited no closer than 50 feet from the farm house or any other structure.
6. Additions and Accessories: The following additions and accessories to mobile homes shall be permitted:
 - a. Structures permitted as accessory uses in Article V, Schedule A in Agricultural and Rural Residential (AR) Districts.
 - b. All mobile homes and all additions and/or accessories thereto shall be skirted with weather-resistant material within 45 days of installation.
 - c. All additions and accessories shall conform to all set back requirements (front, side and rear) of the zoning district in which the mobile home is located.

7. Sanitary Facilities:

- a. Water: An adequate supply of potable water shall be required for each mobile home and shall be approved by the appropriate health authorities.
- b. Sewage: An adequate and approved system for disposing of wastes shall be required for each mobile home. Such system shall be designed, constructed and maintained in accordance with the standard and regulations of the New York State Department of Health.

8. Replacement:

- a. Nothing in this Ordinance shall be deemed to prevent the replacement of an existing mobile home, located on a conforming use lot, with a mobile home of similar dimensions and provided that the new mobile home complies with all other requirements of this Ordinance.
- b. Replacement of existing mobile homes, which are year round primary residences and are nonconforming structures and/or uses in the zoning district in which they are located, will be permitted upon issuance of a Special Use Permit and provided that the new mobile home is of similar or greater dimensions and complies with all other requirements of this Ordinance.

X. Mobile Home Parks

1. Mobile home parks on sites conforming to this section shall be permitted in Agricultural and Rural Residential Districts only after Site Plan Review, in accordance with Article X of this Ordinance and the issuance of a license, in keeping with the provisions of this section.

2. Site Requirements:

- a. A mobile home park shall have an area of not less than 10 acres and shall be developed with the least possible disturbance of existing natural amenities or features of the area.
- b. A mobile home park shall be located on a well-drained site with frontage on a public road or highway.
- c. The entrance(s) of a mobile home park shall have an entrance road(s) at least 25 feet wide, on a right-of-way of not less than 50 feet, in width. Parks with less than 20 mobile home sites shall have at least one common entrance and parks with 20 or more sites shall have at least two independent entrances, not less than 150 feet from each other.
- d. No mobile home, office or accessory building shall be located closer than 50 feet to any public street, road or highway right-of-way nor closer than 50 feet to any other property line and at least 100 feet from a residential structure on an adjacent property.
- e. The mobile home park shall be divided and marked off into mobile home sites. The sites shall be numbered consecutively; the assigned number to be posted in each site and appear on a drawing of the mobile home park.
- f. The total number of mobile home sites shall not exceed 5 per acre. Individual mobile home sites shall have an area of not less than 7,500 square feet with a minimum width of 75 feet and a minimum depth of 100 feet. No mobile home shall be closer than 50 feet to any other adjacent mobile home.
- g. Each mobile home shall have: (i) At least two off-street parking spaces as specified in Section Z of this Article and (ii) A weather proof electrical service and outlets of a type approved by the N.Y.S. Underwriters.
- h. If campsites are contained within a mobile home park, they shall be located in a separate area of the park.
- i. Mobile home parks which accommodate 25 or more mobile homes shall provide at least one recreational area consisting of at least 10 percent of the gross park area.

3. Individual Mobile Home Requirements:
 - a. Individual mobile home units located in parks shall be subject to the same standards and requirements set forth for individual mobile homes in Article VII, Section U, paragraphs 3, 4 and 6b of this Ordinance.
 - b. Both zoning and building permits shall be required whenever a mobile home is sited either initially or as a replacement for a mobile home removed from the mobile home park.
4. Sanitary Facilities: A mobile home park shall conform to the New York State Sanitary Code, Chapter 1, Sections 7.60 and 7.70 and to the following additional requirements:
 - a. Water supply and sewage disposal: An adequate supply of potable water and a waste disposal system shall be provided to each mobile home site. Plans for the proposed water supply and sewage disposal systems must receive written approval from the New York State Departments of Health and Environmental Conservation or other state authorized agencies.
 - b. Refuse Disposal: All refuse shall be gathered and stored in screened or covered receptacles and disposed of in a manner acceptable to the Town, New York Departments of Health and Environmental Conservation or other state authorized agencies.
5. Buffer Planting and Screening:
 - a. Suitable buffer planting and/or screening shall be placed along all property lines.
 - b. Suitable plantings of ornamental shrubs and/or shade trees shall be placed throughout the entire area of the park.
6. Registration Records: Each park shall keep and maintain a permanent record of the name and address of each occupant.
7. Inspection:
 - a. Before the park is occupied and/or commence operation the premises shall be subject to inspections by the Town Zoning Enforcement Officer and the Building Inspector/Town authorized agent resulting in the issuance of Certificates of Compliance.
 - b. The Town Board or its duly authorized agent shall have the authority to enter and inspect for health, sanitation and all other compliance purposes any facility, licensed hereunder, at any reasonable time.
8. Licenses for Mobile Home Parks:
 - a. It shall be unlawful for any person or persons, partnership, proprietorship or corporation to operate a mobile home park in the Town of Clayton, exclusive of the Village of Clayton, without first securing a license in accordance with the provisions of this Ordinance.
 - b. The application for an annual license, or renewal thereof, shall be filed with the Town Zoning Enforcement Officer. Each license or renewal thereof shall expire on the 31st day of December following issuance thereof.
 - c. The fee for the annual license shall be established by the Town Board.
 - d. Any applicant for a license allowing the operation of a mobile home park shall provide and/or agree to the following:
 - (i) Names and addresses of the owner(s) and/or operator(s),
 - (ii) Total number of mobile home sites,
 - (iii) Drawing of mobile home park showing:
 - (a) Boundaries of entire park,
 - (b) Location of park roads, entrances and exits,
 - (c) Location of mobile home sites with assigned numbers,

- (d) Location of utility lines,
 - (e) Location of perimeter fences and/or plantings,
 - (f) Location and number of community sanitary conveniences,
 - (g) Location and identification of all accessory buildings,
 - (iv) Park roads; type of surface, width and posted speed limits,
 - (v) Arrangement for storage, collection and disposal of trash,
 - (vi) Water source, method of purification and testing,
 - (vii) Shall agree and state that he/she, as owner and/or operator will be responsible for proper maintenance and upkeep of the park,
 - (viii) Shall agree and state that he/she will abide by all the terms and conditions of this Ordinance,
 - (x) Shall agree and state that he/she will ensure that all tenants of the mobile home park will similarly abide by all the terms and conditions of this Ordinance.
9. **Transfer Of Ownership:** If any existing mobile home park shall subsequently undergo any change in, or transfer of ownership, the new owner(s) must, within thirty days, file an application for a license in (his, her, or their) own name(s) and supply all information as would be required for the initial licensing of the mobile home park.
10. **Revocation or Suspension of License:** If upon inspection, it is determined that the licensee has violated any provisions of this Ordinance, the Town Board and/or Town Authorized Agent shall have the power to revoke or suspend such license and to order the mobile homes removed and the park closed. Such closure shall be ordered only upon written notice to the owner(s) and/or operator(s) who shall have not more than 14 days in which to respond.

Y. Modular Homes

1. Individual modular homes on lots conforming to Article V, Schedule B shall be permitted in Marine Development (MD), Agricultural and Rural Residential (AR), Hamlet (H) and Marine Residential (M-R) Districts, provided they are in conformity with relevant provisions of this Ordinance.
2. **Minimum Size Requirements:** Any modular home on an individual lot shall contain no less than 600 square feet of living space, and shall be no less than 20 feet in width.
3. **Construction Standards:**
 - a. Modular homes shall comply with all Federal construction standards and the provisions of the New York State Uniform Fire Prevention and Building Code. In the event that the said federal and state standards should conflict with any of the provisions of this Ordinance, the higher standard or more restrictive provision shall apply.
 - b. Each modular home shall be firmly and permanently anchored to a suitable concrete slab and/or underground foundation.
4. **Modular home installation:**
 - a. Each modular home shall be located and installed in compliance with the New York State Uniform Fire Prevention and Building Code.
 - b. A modular home lot shall conform to the area, setback and side yard requirements for a single-family dwelling in the zoning district in which it is located.

Z. Motels, Hotels and Resorts

1. Motels, hotels and resorts shall be permitted in Business (B) Districts; they shall be permitted in Agricultural and Rural Residential (AR) Districts only following site plan review and approval by the Joint Planning Board.
2. Area Requirements: The minimum land area for any motel, hotel or resort shall be 50,000 square feet. The minimum width of the lot at the front property line shall be 200 feet.
3. Setback Requirements: No structure or portion thereof shall be closer to any street or road right-of-way than 50 feet, nor closer than 75 feet to any rear property line, nor closer than 50 feet to any side property line.
4. Rental Units:
 - a. Each rental unit shall have a minimum of 150 square feet of living space, exclusive of bathroom facilities.
 - b. Each rental unit shall have a minimum of one bedroom and a bathroom with flush toilet and bath or shower.
 - c. Each rental unit shall be supplied with hot and cold running water.
5. Sanitary Facilities: All sanitary facilities, including the water supply system and the waste disposal system must receive written approval from the New York State Department of Health or other approved agency, and must be in conformity with other relevant provisions of this Ordinance.
6. Open Space: A minimum of 25% of the site shall be retained as open space. Parking areas, interior roadways and vehicular access facilities shall not be considered in calculating open space.
7. Drainage: Drainage for the site, for the public roadside, for the interior roadways, walkways and parking areas shall be so designed and constructed as to handle maximum anticipated runoff flows.
8. Refuse: Adequate screened space shall be provided for the collection and covered storage of refuse, which shall be disposed of regularly in accordance with relevant Town regulations.
9. Traffic Access: Roads shall be adequate in grade, width, alignment, visibility, construction standards and traffic circulation patterns to meet Town standards.
10. Off-Street Parking: Automobile parking space shall be provided to accommodate not less than 1 ½ vehicles for each rental unit. No part of such parking space shall be closer to any roadway, street or front property line than 25 feet, and no closer to any rear or side property line than 35 feet.
11. Exterior Lighting and Signs: Illuminated signs and other exterior lighting shall be directed away from, or shielded from adjacent and nearby residential properties in such a manner as not to disturb the occupants thereof.
12. Landscaping and Planting: The site shall be appropriately landscaped within one year after the commencement of construction. Suitable plantation screening and/or fence buffering shall be provided alongside and rear property lines.
13. Outdoor Swimming Pools: No outdoor swimming pool shall be placed closer to any road right-of-way than 100 feet; nor closer to any side or rear property line than 75 feet. Written approval for the installation of swimming pools must be obtained from the New York State Health Department. Pools must comply with Section RR of this Article and other relevant requirements of this Ordinance.

AA. Multiple-Family Dwellings

1. **Area Requirements:** For a multi-family dwelling served by community water supply and sewage disposal systems, the minimum land area shall be 25,500 square feet with a minimum of 8,500 square feet per dwelling unit. For a multi-family dwelling served by an individual well and septic system, the minimum land area shall be 60,000 square feet, with a minimum of 20,000 square feet per dwelling unit. The minimum width of the lot at the front property line shall be 250 feet.
2. **Setback Requirements:** No structure or portion thereof shall be closer to any street or road right-of-way than 50 feet, nor closer than 50 feet to any rear property line, nor closer than 25 feet to any side property line.
3. **Arrangement of Buildings:** In those instances where several multi-family dwellings constitute a single development:
 - a. Adequate provision shall be made for light, air, access and privacy in the arrangement of the buildings to each other. Each dwelling unit shall have a minimum of two exterior exposures.
 - b. The front and rear of any principal building shall be no closer to the front or rear of any other principal building than 50 feet.
 - c. The side of any principal building shall be no closer to the side, front or rear of any other principal building than 40 feet.
4. **Outdoor Recreation Space:** An area or areas for the joint recreational use of the residents shall be provided. Such recreation space shall consist of an outdoor area no less than 25% of the total lot areas of all dwelling units served. Parking areas and vehicular access facilities shall not be considered in meeting this requirement.
5. **Drainage:** Drainage for the site, for the public roadside, for the interior roadways, walkways and parking areas shall be so designed and constructed as to handle maximum anticipated runoff flows.
6. **Traffic Access:** All roads on the site shall be built to Town standards and surfaced with all-weather materials. Entrance(s) and exit(s) to and from the site shall be no closer than 50 feet from any street corner or road intersection. Such entrances and exits shall be constructed only after approval by the respective state, county and/or town highway authorities. Visibility at such entrances and exits as well as on interior roadways, shall be provided to assure the safe flow of traffic.
7. **Circulation and Parking:** Interior roadways shall be so designed and constructed as to afford free and easy flow of traffic, both entering and exiting, at all times. No interior public roadway shall be closer than 10 feet to any building. There shall be two parking spaces provided for each dwelling unit. All dwelling units shall have ready access to parking spaces and interior roadways.
8. **Lighting:** Exterior lighting shall be provided to promote safety in the parking areas and roadways, and in the connecting walkways.
9. **Landscaping and Planting:** The site shall be appropriately landscaped within one year of commencing construction. Suitable plantation screening and/or fence buffering shall be provided alongside and rear property lines.
10. **Outdoor Swimming Pools:** No outdoor swimming pool shall be located closer to any road right-of-way than 100 feet, nor closer to any side or rear property line than 75 feet. Written approval for the installation of swimming pools must be obtained from the New York State Health Department. Pools must also comply with the provisions of Section SS of this Article and other relevant requirements of this Ordinance.

11. Certificate of Occupancy: No certificate of occupancy shall be issued for any such building or buildings, unless the proposed use conforms in all respects to the site plan, provisions of this Ordinance and any conditions specified by the Joint Planning Board.

BB. Off-Street Parking

The following constitute minimum requirements for off-street parking spaces which shall be provided for each of the designated uses in the zoning district(s) wherein such use is authorized:

Use	Minimum Requirements
1. Boarding and Rooming Houses & Bed & Breakfast	1 for each sleeping room
2. Churches and Synagogues	1 for each 3.5 seats
3. Community Buildings and Social Halls	1 for each 200 square feet of gross floor area, or 1 for each 3.5 seats, whichever is greater (not to include storage space)
4. Doctors' or Dentists' Offices	5 for each doctor or dentist, plus 1 for each employee
5. Drive-in Restaurants and Food Take-Out Facilities	minimum of 15 spaces
6. Dwellings (single and double-unit), Mobile and Modular Homes	2 for each dwelling unit
7. Dwellings (multiple Unit)	2 for each dwelling unit
8. Flea Markets	Minimum of 15 spaces
9. Home Occupations	Minimum of 2 spaces
10. Industrial Operations	1 for each 1.5 employee in the maximum work shift
11. Laundromats	1 for each 1.5 washer and dryer unit installed
12. Motels, Hotels and Resorts	1 for each sleeping room or dwelling unit
13. Offices, general	1 for each 200 square feet of floor space (not including storage space)
14. Racetracks	1 all-weather space for each 3 spectator seats with additional space available for the maximum number of potential customers
15. Restaurants and enclosed Recreational Facilities	1 for each 50 square feet of patron space
16. Retail Stores, Store Groups, Shops, Small Commercial Establishments, Business Uses	1 for each 200 square feet of floor space plus 1 for each employee
17. Roadside Stands	Minimum of 3 spaces
18. Wholesale Establishments and Warehouses	1 for each employee in the maximum work shift.
19. Outdoor Recreational Facility	1 for each two anticipated patrons

All off-street parking spaces shall be constructed to all-weather standards, either gravel or paved surface, in all instances upon a well-compacted gravel base of at least six inches depth or its equivalent.

Where the use, traffic generation or function of a site is such that the applicant can show that the number of parking spaces is not justified, the Joint Planning Board may modify these requirements.

Uses not included in this section are required to have adequate parking, according to the evident need. The Joint Planning Board has the authority to require specific numbers of parking spaces for unlisted uses. In doing so, the Joint Board shall use its sound judgment, personal experience, and information gathered through the public hearing process.

CC. Parking Lots

Where in accordance with the preceding provisions of Section Z of this Article, 20 or more parking spaces must be provided, the following requirements shall prevail:

1. The boundaries of the parking lot shall be at least 10 feet from all street and road right-of-ways and 5 feet from all other property lines.
2. There shall be provisions for traffic to enter and depart simultaneously.
3. Neither entrance nor exit shall be closer than 50 feet to any street or road intersection.
4. The parking lot shall be designed and constructed to suitable all weather standard, with adequate drainage.
5. 5% of the parking lot spaces shall be designated for use by the handicapped, but in no event shall there be less than two spaces per lot designated for such use.

DD. Public Utility Facilities

1. The location, design, noise and operation of such facility shall not adversely affect the character and uses of the surrounding area.
2. Adequate fences, barriers and other safety devices shall be provided around the facility at a height of at least 8 feet, unless the facility is entirely enclosed in a structure, in which case the structure shall be secure against unauthorized entry.

EE. Quarries, Sand and Gravel Pits and Natural Resource Removal

1. No excavation for removal of sand, gravel, or stone shall be located within 50 feet of any public road right-of-way nor within 200 feet of any side or rear property line of the premises. If within 1000 feet of any residence, there shall be screening and/or buffering to limit the visibility of the work site and to limit noise and dust. The Joint Planning Board shall determine acceptable screening and/or buffering.
2. All activities involving Quarries, Sand and Gravel Pits and Natural Resource removal shall comply with New York State Department of Environmental Conservation regulations and permits.
3. Provision shall be made to eliminate or reduce the hazard and nuisance of dust and other matter being carried by wind, surface drainage water or vehicles from the premises onto the premises of other nearby residents or onto any road, street, highway or stream of water.

FF. Racetracks

1. Racetracks, whether for horses, dogs, cars, motorcycles, snowmobiles or any other motorized vehicles shall be permitted only in Agricultural and Rural Residential (AR) Districts and only upon site plan review and approval by the Joint Planning Board.
2. Any racetrack must have a minimum of 25 acres of land. The facility shall be located at least 200 feet from any street, road or highway right-of-way and at least 300 feet from any side or rear property line.
3. Any racetrack shall be so designed, buffered and screened that noise, odors and lighting glare shall not affect nearby and adjacent properties.
4. Any facilities for the sale of foodstuffs and/or snacks shall be maintained in accordance with the standards of the New York State Department of Health.

5. All sanitary facilities shall be built and maintained in accordance with the regulations of the New York State Departments of Health and Environmental Conservation.
6. Adequate provision for off-street parking shall be made in accordance with **Section Z** of this Article and other relevant provisions of this Ordinance.
7. Provision shall be made for adequate fencing and/or barricades to be maintained along the track for the safety and protection of the public.

GG. Recreational Facilities

Public and private recreational facilities shall be permitted in all districts, except Industrial (ID) Districts, provided that they meet the following criteria:

1. The facility shall be located at least 50 feet from any street, road or highway right-of-way and at least 25 feet from any side or rear property line.
2. When within 200 feet of any residential structure, said facilities shall be screened and/or buffered to prevent dust, noise, odors and lighting glare from adversely affecting nearby properties.
3. Off-street parking shall be provided in accordance with Section Z of this Article and other relevant provisions of this Ordinance.

HH. Recreational Vehicles, Travel Trailers and Converted Buses

1. Recreational vehicles, travel trailers, converted buses and other similar vehicles may not be parked in Residential (R-1) or Marine Residential (MR) Districts. Such vehicles and trailers may be parked in Marine Development (MD), Agricultural and Rural Residential (AR) and Hamlet (H) Districts provided that they comply with the following regulations:
 - a. Recreational vehicles, travel trailers, converted buses and other similar vehicles may be used for regular residential purposes for no more than 14 days in any calendar year.
 - b. Recreational vehicles, travel trailers, converted buses and other similar vehicles shall be parked only in driveways and other regular parking areas appurtenant to the regular dwelling or structure. Such vehicles and trailers shall comply with all relevant set back and yard requirements of the district in which they are located.
 - c. Sewage disposal from such vehicles shall be effected in an environmentally acceptable manner (i.e. by temporary connection to an approved septic system, by storage tank(s) to be pumped out at an approved disposal station, or by approved self-contained maceration and incineration system) in accordance with the regulations of the New York State Department of Health.

II. Restaurants, Taverns and Bars

1. Restaurants, taverns and bars shall be permitted only in Agricultural and Rural Residential (AR), Hamlet (H) and Business (B) Districts upon the issuance of a special use permit by the Joint Planning Board. In Marine Development (MD) Districts, restaurants, taverns and bars, including floating restaurants, shall be permitted only after site plan review and approval by the Joint Planning Board.
2. Such restaurants shall be limited to those exclusively providing sit-down service at either tables or counters, and not providing car-hop, drive-in or take-out facilities.
3. Such restaurants, taverns and bars shall be designed, built, maintained and operated in accordance with the standards of the New York State Department of Health.

4. All sanitary facilities shall be built and maintained in accordance with the regulations of the New York State Departments of Health and Environmental Conservation.
5. Off-street parking facilities shall be provided in accordance with the requirements of Section Z of this Article.
6. All signs shall be designed, built and maintained in accordance with the requirements of Section NN of this Article.

JJ. Riding Stables

1. All riding stables and related facilities shall be located at least 300 feet from any property line.
2. Animal wastes shall be disposed of in an environmentally safe manner that does not pollute the air, land or water and complies with all relevant regulations of the New York State Departments of Health and Environmental Conservation.

KK. Roadside Stands

1. Roadside stands for the sale of agricultural products, fruit and vegetables shall be permitted in Agricultural and Rural Residential (AR) Districts provided that they comply with the Off-Street Parking provisions of Section Z of this Article, and provided that they do not constitute a hazard to traffic on any State, County or Town road or highway.
2. Any such roadside stand shall comply with the Sign provisions of Section NN of this Article.
3. Any such roadside stand shall be so operated and maintained that it does not constitute a detriment to the neighborhood.

LL. Roadways and, Streets (Private)

1. Roadways or streets constructed by private individuals, enterprises or groups of such individuals or enterprises which serve, or are intended to serve the public as thoroughfares, shall meet all Town road and highway standards as determined by the Town Highway Superintendent and/or the Town Board. Such standards shall include grades, angles of curves, width of right-of-way and of roadbed, type of base and surface, depth of base, lines of sight, tangents, shoulders, driveways, turnaround areas and drainage.
2. Before locating or constructing any private roadway, street or other thoroughfare entrance into a Town roadway or street, permission shall be obtained from the Town Highway Superintendent with respect to the location and other design considerations of such entrance. Under no circumstances shall any such entrance be permitted within 50 feet of any street corner or road intersection.
3. Before locating or constructing any private roadway, street or other thoroughfare entrance into a State or County road or highway, permission shall be obtained from the New York State Department of Transportation and/or the Jefferson County Highway Department.
4. Any private roadway, street or other thoroughfare shall be set back at least 25 feet from the sidelines of the property on which the new road is located. Such distance shall be measured from said sidelines to the proposed road right-of-way.

MM. Sales, Storage and Rental Operations

Motor Vehicles, Boats, Trailers, Mobile and Modular Homes, Recreational Vehicles, Farm Machinery, Construction and Contractors, Equipment.

1. All facilities for such sales and rental operations, storage and parking shall be located no closer than 50 feet to any street, road or highway right-of-way nor closer than 50 feet to any other marked or established property line in the Agricultural-Rural Residential district, 25 feet in the Hamlet district from the nearest lot line and at least 30 feet from any street or road right-of-way.
2. When located within 200 feet of a residential structure, such facilities shall be screened and/or buffered so as not to be visible from the adjacent or nearby property. Adequate screening and/or buffering shall be determined by standards acceptable to the Joint Planning Board.
3. Such operations shall not create undue noise, odors, traffic or lighting glare affecting nearby properties. Further, they shall not cause electrical disturbances that interfere with nearby communications reception.
4. Lots where the products are displayed shall be constructed and surfaced for all-weather use. (e.g. gravel base with gravel or paved surface).
5. Adequate off-street parking shall be provided in accordance with Section Z of this Article and other relevant provisions of this Ordinance.
6. Those operations that also provide service facilities shall comply with the requirements of the Automobile Service Station provisions, Section D of this Article and other relevant provisions of this Ordinance.

NN. Satellite, Dishes, Radio and TV Antenna Towers

1. Such receiver dishes and towers shall be positioned so as not to interfere with or obstruct the vision of drivers entering or leaving any public or private access road.
2. Such receiver dishes and towers shall comply with all the side yard and rear yard setback requirements of the district in which located.

OO. Shopping Centers

Any proposed shopping center development shall be subject to site plan review and approval by the Joint Planning Board. Such site plan proposal shall show: layout of the center, parking facilities, traffic patterns, drainage provisions, utilities, landscaping and planting, walkways, lighting, and other pertinent details, as required by the Joint Planning Board.

1. Off-street parking provisions shall meet the combined requirements outlined for store groups in Section Z of this Article and other relevant provisions of this Ordinance.
2. Off-street loading space shall be provided in addition to (1) above, and shall meet the Loading Platforms and Facilities provisions of Section R of this Article and other relevant provisions of this Ordinance.
3. No building shall be placed closer to any street or road right-of-way than 100 feet. No parking area shall extend closer to any street or road right-of-way than 20 feet, or closer to any other property line than 50 feet. The boundaries along all side and rear property lines shall be appropriately landscaped, planted and seeded for a depth of not less than 15 feet adjacent to the structures or parking lots, whichever shall extend the further. All front boundary areas shall be landscaped, planted and seeded.
4. No shopping center shall be constructed closer than 100 feet to the nearest property line, and no shopping center or parking lot shall be located closer than 200 feet to the nearest residential building.

5. Access and traffic patterns, both on-site and entrance/exit shall be so designed as to minimize traffic hazards. In no instance shall any entrance or exit road be closer than 100 feet to the nearest street corner or road intersection. All such access plans shall be approved by the appropriate State, County and Town highway authorities.

PP. Signs

No sign shall be permitted in any district except as specifically provided herein or in other relevant provisions of this Ordinance.

1. Exempt Signs [requires no permit]
 - a. Historical markers, tablets, statues, memorial signs and plaques; names and dates of buildings, carved in or surface mounted; and emblems installed by governmental agencies, religious or non-profit organizations. [Not more than 6 square feet or 8 feet height from grade]
 - b. Flags and insignia (governmental), not associated with any commercial promotion.
 - c. On-premises directional signs for the convenience of the general public, identifying public areas, fire zones, entrances and exits and similar signs, internally illuminated or non-illuminated. Business names and personal names shall be allowed, excluding advertising messages. [Not more than 10 square feet or 8 feet height from grade]
 - d. Number and nameplates, mounted on house, apartment or mailbox and lawn signs identifying residents, may be double-faced. [Not more than 10 square feet]
 - e. One on-premises sign, either freestanding or attached, for permitted professional offices or home occupations; such sign shall state name and vocation only. Illumination shall not produce a direct glare beyond limits of the property line. [Not more than 4 square feet]
 - f. Private owner merchandise sale signs for on premises garage and lawn sales may be displayed for a period not exceeding a period of 7 days; similarly, signs for auctions may be displayed 3 weeks prior to the auction and shall be removed within 3 days, thereafter. [Not more than 4 square feet]
 - g. Temporary "For Sale or Rent" real estate signs for the premises on which located; one sign for each road and/or water frontage and shall be removed within one week after sale or rental: [Not more than: 6 square feet for 1 or 2 family dwelling; 12 square feet for multiple family dwelling; 32 square feet for commercial and acreage]
 - h. Motor vehicle inspection stations, gas pump price signs or other signs required by State or Federal law. [Minimum size required]
 - i. Announcement & directional signs for meetings, conventions & other local events: on or off premises and removed within 7 days [Not more than 12 square feet]
 - j. Election and political posters and signs; all limited to a period of up to 60 days prior to a primary, district or general election and removed 7 days thereafter. [Not more than: 4 square feet on residential property; 12 square feet on any other property, on or off premises; 32 square feet on election headquarter]
 - k. Seasonal (temporary) signs: 1 for roadside stand selling products grown on premises. [Not more than 32 square feet] plus 2 directional signs, on or off premises.
 - l. One sign listing architect, engineer, contractor and/or owner, on premises where construction, renovation or repair is in progress. [No more than 9 square feet in residential districts; 16 square feet in other districts]
 - m. Non-illuminated informational, warning, private drive, trespassing signs, posted or no trespassing signs. [2 square feet per face]

- n. Signs erected by a Federal, State, County or Local Government, including departments and/or agencies thereof.
- o. Off premise signs of remote grouped cottage clusters listing cluster name and/or individual names or 911 numbers of cottage owners. [Not more than 16 square feet]

2. Prohibitions

- a. No sign shall be illuminated by or contain flashing, intermittent, rotating or moving lights except to show time, temperature or other public service message.
- b. No sign shall impair or cause confusion of vehicular or pedestrian traffic, in its design, color or placement nor impair visibility of a motorist at street corners or intersections by placement and location within 25 feet of the intersection of the street or highway lines.
- c. Signs or displays consisting of banners, pennants, ribbons, streamers, spinners or any other fluttering, revolving or moving components may be used only for a 60 day period and cannot be used again till 10 months have elapsed.
- d. No sign shall be located so as to obscure or detract from an historic site or scenic vista except as allowed by temporary permit.
- e. No sign shall be painted, mounted or otherwise affixed to any rock face, or other natural feature or utility poles.
- f. No advertising message shall be extended over more than one sign placed along a street or highway.
- g. No sign shall employ reflective surfaces or materials, especially mirror; that are not approved or generally accepted for sign usage.
- h. Only signs deemed necessary by the New York State Department of Environmental Conservation will be allowed in the Conservation Zoning District (CON).

3. Signs by Permit

- a. Free-standing permanent signs

On Premises:

- i. No more than 1 freestanding sign shall be permitted on any property except, where the property has frontage on two roads (intersecting or parallel) a second such sign shall be permitted to identify the secondary access.
- ii. For business or industrial use the area of a freestanding sign shall not be more than 32 square feet plus 1 square feet for each 1000 square feet of gross floor area (GFA), of the main structure, up to a maximum sign area of 50 square feet. When a second freestanding sign is allowed according to i. above its maximum sign area shall not be more than 1/2 the allowable sign area of the first sign.
- iii. For any other use the area of a freestanding sign shall not exceed 32 square feet and if a second freestanding sign is allowed its maximum sign area shall not exceed 20 square feet.
- iv. The maximum height of a freestanding sign shall not be more than 20 feet (grade to top).
- v. The minimum setbacks for a freestanding sign shall be at least 5 feet from any side or rear property line.

- vi. A non-illuminated, single sided development sign denoting an architect, engineer and/or contractor shall be allowed on the property being sold, leased or developed and shall not be more than 32 square feet on business or industrial properties nor more than 16 square feet on residential properties: signs shall be erected parallel to fronting highway, set back a minimum of 35 feet from property lines or attached to building face and shall be in place no more than two years.
- vii. Signs or bulletin boards may be erected on premises of institutions (Churches, Museums, Libraries, etc.). One sign or bulletin board, not having more than 32 square feet may be erected for each entrance on a different street or highway.
- viii. On the premises of multiple dwellings and apartment developments, 1 sign advertising availability of dwelling units, not in excess of 32 square feet can be erected at each entrance on different streets.
- ix. Recreational areas, day camps, golf clubs and similar permitted facilities be allowed 1 sign, on premises, not more than 32 square feet.
- x. Signs necessary for the identification, operation or production of a public utility, not more than 32 square feet; can be erected on the premises of the public utility.

Off Premises:

- i. No off-premises, free-standing sign shall be larger than 32 square feet in area
 - ii. No off-premises, building-mounted signs shall be allowed.
 - iii. Directional signs for the purpose directing persons to a business, activity, service or community facility may be erected provided such signs are no more than 12 square feet per establishment nor total more than two such signs per establishment. Messages shall be limited to name or identification, arrow or direction and distance; advertising messages shall be prohibited and signs shall be limited to major thoroughfares.
 - iv. In the SPO District no off-premises signs shall be permitted except that signs not exceeding four (4) square feet directing the public to specific establishments may be permitted with Site Plan Approval by the Planning Board.
- b. Free-standing sign regulations
- i. Signs shall be located no closer than 5 feet from side property lines
 - ii. No freestanding sign shall be located closer than 500 feet to any other freestanding sign on the same side of the highway.
 - iii. If property line is changed at some future date, any free-standing sign made non-conforming thereby must be relocated within 90 days to conform with minimum setbacks.
 - iv. No sign shall be more than 20 feet in height.
 - v. Signs shall not extend over or into the public right-of-way nor over hang property lines.
 - vi. Signs shall have 10 feet vertical clearance if located above pedestrian walkways or driveways.
 - vii. Masonry wall-type signs shall not exceed 4 feet in height and shall not be placed so as to impair visibility for motorists.

4. Building-mounted Permanent Signs

a. All building-mounted signs

- i. Maximum total sign area of all signs mounted on a given building shall not be more than 1 square foot for each linear foot of building's face that is oriented towards the road or highway right-of-way.
- ii. No building-mounted sign shall project more than 5 feet from the building face or be less than 7 ½ feet above any pedestrian walk.
- iii. No part of a roof mounted sign or sign frame shall extend above the roof's highest level.
- iv. A non-structural sign that is painted, pasted or otherwise affixed to the outer face of any building or structure shall comply with the requirements of this section as applicable to structural signs.

b. Regulations building-mounted signs

i. Wall signs

- a) Shall not extend beyond ends or over top of the walls to which attached.
- b) Shall not extend above the level of the second floor nor extend more than 9 inches from face of building, except a copy change sign may extend 15 inches (such signs being allowed only on theaters).
- c) Shall have a minimum clearance of 7 feet 6 inches above pedestrian traffic areas

ii. Projecting Signs

- a) Shall not have more than 2 faces'
- b) Shall not extend more than 5 feet from building face or 1/3 of the width of the sidewalk, whichever is less.
- c) No part shall extend into vehicular traffic areas and if extended over pedestrian traffic area shall have clearance of at least 7 feet 6 inches.
- d) Shall not extend above level of second floor of building to which attached and in no case be higher than 12 feet.
- e) Shall not be closer than 15 feet from corner of a building located at a street intersection

iii. Other Signs

a) Window signs

- (1) No more than 1 sign per window and a maximum of 2 per business enterprise.
- (2) Window signs shall not exceed 25% of the window area nor more than 4 square feet.
- (3) Copy-change window signs shall not exceed 3 square feet.

iv. Awning Signs

- a) No sign shall project from an awning
- b) Graphics may be painted or affixed flat to surface of front or sides and shall indicate only name and/or address.

- c) Graphics shall be single line of lettering not more than 6 inches high, but if over 3 inches high, shall be debited against the permitted wall sign surface area.
 - v. Sign Directories
 - a) Character and size of sign matrix and components can be regulated with Design Guidelines.
 - b) Shall contain identification and directions to several business enterprises but shall not contain any promotional advertising.
- 5. Total number of Signs, Sign Area and Total Signage
 - a. Permanent Signs/Business and Industrial
 - i. Total number of permitted signs on a single lot shall not exceed 2, of which 1 may be free standing.
 - ii. Cumulative area of all signs on one lot shall be calculated at the rate of 1 square foot of sign area per lineal foot building front, plus 1/4 square foot per lineal foot setback of principal building, but shall in no case exceed 150 square feet.
 - iii. Where 4 or more contiguous stores in a shopping center or lesser number of stores having a total of more than 20,000 square feet of leasable floor space:
 - (1) One common free-standing sign with name of shopping center allowed, not to exceed 75 square feet per side and bottom panel; not more than 8 feet above grade.
 - (2) All other signs shall be building mounted, of a wall, projecting or soffit type and coordinated in material, shape, lettering, color, etc.
 - (3) Total sign area for shopping center shall be calculated at the rate of 1 square feet of building front, plus 1/4 square feet per foot of lot frontage plus 1/10 square feet of each store's setback, but shall not exceed 50 square feet.
 - iv. Representational signs shall not project in any direction more than 4 feet beyond the principal structure to which attached and shall not exceed 15 square feet and only 1 such sign per establishment with the area of such sign included within the total sign area permitted.
 - v. Illuminated signs, indicating time, temperature date or other public service message, shall not exceed 32 square feet and shall not employ less than 60% of the total sign area, each side, for said public service message.
 - vi. Gas service stations shall additionally be permitted 2 price, product or promotional signs each, not exceeding 12 square feet or 2 square feet per side if:
 - (1) Located on pump island
 - (2) Not set closer than 10 feet from edge of pavement
 - (3) Not more than 8 feet above grade
 - (4) Situated so as to not impair visibility for pedestrians and motorists

6. Portable signs

- i. Permitted, for a period of 90 days, by a new business or newly located business, while awaiting installation of a permanent sign at which time it must be removed.
- ii. Permits for portable signs shall be issued for 90 days.

7. Sign permit application information

- a. All signs requiring a sign permit may be permitted after issuance of a sign installation permit from the Zoning Enforcement Office after he finds that such sign:
 - i. Is in the public interest and not detrimental to the public welfare and safety.
 - ii. Complies with the regulations for the district in which it is to be located.
 - iii. Is not detrimental to nearby properties.
 - iv. Is of a character, size and location that will be in harmony with the orderly development and aesthetics of the neighborhood.
- b. All applicants for sign permits shall submit the following:
 - i. Name, address and telephone number of the owner.
 - ii. Plot plan or survey showing locations of building or structure to which the sign is to be affixed.
 - iii. Scale drawing showing type, size, and location of the sign.
 - iv. Copy of the plans and construction specifications for free-standing structure and/or attachments to the building.
 - v. Copy of application for any electrical permit that may be required.
 - vi. Filing and processing fee as set by the Town Board.
 - vii. Such other information as the Zoning Enforcement Officer shall require to show compliance with this Ordinance.
 - viii. Failure to comply shall cause the Zoning Enforcement Officer to order the sign removed within 48 hours and all expenses incurred in said removal shall be charged against the permit holder or the owner of the land upon which such sign is located.

8. Maintenance of signs

All signs will be maintained in a good state of repair. The Zoning Officer will contact any person who has a sign in a poor state of repair, requesting that it be corrected within a time limit determined by the Zoning Officer. If said sign is not repaired within a period of thirty (30) days, the right to maintain the sign shall cease and the owner of the sign must remove it within ten (10) days thereafter. The owner is required to properly engineer the sign before construction to make sure the sign is hung safely and is structurally sound.

QQ. Small Commercial Enterprises

1. Any manufacturing, fabricating or servicing operations related to the enterprise shall be conducted within a building.
 - a. Except for brief periods incidental to receipt and shipment, all materials used in the manufacturing, fabricating and servicing operations shall be stored within a building, or within a completely enclosed area so fenced and screened that no portion of said materials shall be visible from off the premises.
 - b. Except for brief periods incidental to loading and shipment, all finished, processed and/or serviced products of the enterprise shall be stored within a building or within a completely enclosed area so fenced and screened that no portion of said products shall be visible from off the premises.
2. One identification sign shall be permitted, not to exceed eight square feet in total area; said sign shall meet all other relevant regulations found in Section NN of this Article and other relevant provisions of this Ordinance.
3. All buildings and storage enclosures of the small commercial enterprise shall be located at least 50 feet, in the Agricultural-Rural Residential district, 25 feet in the Hamlet district, from the nearest lot line and at least 30 feet from any street or road right-of-way.
4. One free standing and one building mounted sign shall be permitted, neither sign to exceed 32 square feet. Said signs shall meet all other relevant regulations found in Section NN of this Article and other relevant provisions of this Ordinance.
5. Off-street parking spaces shall be provided in keeping with the requirements of Section BB of this Article and other relevant provisions of this Ordinance.
6. No unsafe traffic conditions shall be caused by establishment of the small commercial enterprise or by any of its facilities, signs and appurtenances. All such facilities shall be so located as not to interfere with public thoroughfares or traffic sight lines.

RR. Small Islands and Shoals

Any construction or installation on a small island or shoal, less than one acre in area, shall require prior site plan review and approval by the Joint Planning Board.

SS. Storage Buildings

1. Small Storage Buildings: Storage buildings of 150 square feet gross floor area or less shall be permitted in all districts, subject to the following regulations:
 - a. Only one such building shall be permitted on any single lot.
 - b. Small storage buildings shall be located in conformity with all setback and side-yard requirements of the district in which located. They shall not be located in front yards nor in yards adjacent to the St. Lawrence River and its tributary waters.
 - c. Small storage buildings shall be of substantial construction, whether pre-manufactured or constructed on site. They shall be regularly maintained, including painting, so as not to be detrimental to the neighborhood.

2. Storage Buildings: Storage buildings of more than 150 square feet single or combined gross floor area shall be permitted in Agricultural and Rural Residential (AR), Business (B) and Industrial (ID) Districts; they shall be permitted in Marine Development (MD) and Hamlet (H) Districts only upon the issuance of a special use permit by the Joint Planning Board; said buildings must conform to the following regulations:
 - a. Storage buildings shall be located in conformity with all setback and side yard requirements of the district in which located.
 - b. Storage buildings shall be constructed on a suitable base to provide firm and adequate support. Such base may consist of (i) a concrete slab, or (ii) 12 inches of compacted gravel.
 - c. Storage buildings shall meet all standards of the New York State Uniform Fire Prevention and Building Code, and all relevant requirements of this Ordinance.
 - d. Storage buildings shall be used only for the storage of goods, vehicles, boats, implements and materials. They shall not be used for the manufacture, assembly, construction or processing of any goods or materials whatsoever.
 - e. Storage buildings shall be regularly maintained, including painting, so as not to be detrimental to the neighborhood.

TT. Storage Tanks, Fuel:

1. Above-Ground
 - a. All above-ground storage tanks of more than 550 gallons single or combined capacity for the storage of flammable liquids or gases shall be in conformity with the applicable standards and regulations of the Fire Prevention Code of the National Board of Fire Under-writers and shall conform to all federal and state requirements of the Environmental Protection Agency, the New York State Department of Environmental Conservation and other appropriate agencies.
 - b. All such installations shall be located on sites so graded and sufficiently large: (i) to contain any runoff from accidental rupture, overfilling, leakage or explosion; and (ii) to contain on site the impact of any potential accident, fire or explosion without damage to adjacent structures or property.
 - c. The recommendations of the local fire chief possessing jurisdiction shall be considered prior to granting approval for such a use.
 - d. All storage tanks shall be located at least 100 feet from any side or rear property lines and at least 50 feet from any street or road right-of-way.
 - e. All storage tanks shall be located at least 50 feet from any building on the site and at least 150 feet from any building or structure off the premises.
2. Underground
 - a. All underground storage tanks of more than 550 gallons single or combined capacity for the storage of flammable liquids or gas shall be in conformity with the applicable standards and regulations of the Fire Prevention Code of the National Board of Fire Underwriters and shall conform to all federal and state requirements of the Environmental Protection Agency, the New York State Department of Environmental Conservation and other appropriate agencies.
 - b. All such tanks shall be located at least 40 feet from any side or rear property line and from any street or road right-of-way.
 - c. All such tanks shall be located at least 10 feet from any building on the site, and at least 80 feet from any building or structure off the premises.

UU. Swimming Pools

Swimming pools shall be permitted in Residential (R-1), Marine Residential (MR), Marine Development (MD), Hamlet (H), Agricultural and Rural Residential (AR) Districts, and may be located within a required rear or side yard, provided that they shall:

1. Not be located closer than 15 feet to any side property line, nor closer than 30 feet to any front or rear property line, nor closer than 30 feet to any street or road right-of-way.
2. Be surrounded by a barrier at least 4 feet high around the entire pool structure as per Appendix G, Section AG105, Barrier requirements of the New York State Fire Prevention and Building Codes. This requirement shall not apply to above-ground pools which incorporate built-in fences and/or suitable restrictive devices.

VV. Trucking Terminals

1. Any trucking terminal shall encompass a lot area of at least three (3) acres and shall have a minimum frontage along any street, road or highway of at least 200 feet.
2. No trucking terminal shall be located within 500 feet of any lot on which is located a church, school, library, playground or other place of public assembly.
3. All fuel oil, petroleum, gasoline and other flammable substances used in operating the facility shall be stored in underground tanks located at least 100 feet from all side and rear property lines, and at least 50 feet from any street or road right-of-way; said tanks shall be installed and maintained in accordance with the standards of the Fire Prevention Code of the National Board of Fire Underwriters, and shall conform to all state and federal requirements of the New York State Department of Environmental Conservation, the Environmental Protection Agency and other appropriate agencies.
4. All buildings, structures and accessory uses involved in the operation or maintenance of a trucking terminal shall be located no closer to any street, road or other front property line than 50 feet, and no closer than 100 feet from all other property lines.

WW. Unregistered and Inoperable Motor Vehicles and Inoperable Implements and Equipment

1. No person shall park or store outside a building or where visible from off the premises, one or more motor vehicles which are unregistered, inoperable and no longer in condition for legal use on the public highways.
2. No bus, van, trailer, truck or other similar vehicle which is unregistered, inoperable and no longer in condition for legal use on the public highways shall be parked or stored outdoors on any land in the Town of Clayton unless so enclosed as to prevent said vehicle from being visible from off the premises.
3. No tractor, truck or farm implement of any variety which is inoperable and/or no longer in regular use shall be parked or stored outdoors on any land in the Town of Clayton unless it is not visible from off the premises.
4. No bus, van, trailer, truck or other similar vehicle, or any section or portion thereof, with or without wheels or undercarriage, shall be used for any dwelling purposes or to permanently store building supplies or other materials on lot.

XX. Campgrounds (Commercial)

1. Campgrounds, conforming to this section, shall be permitted in Agricultural Rural and Residential Districts only after Site Plan Review, in accordance with Article X of this Ordinance and the issuance of a license in keeping with the provisions of this section.
2. Campgrounds shall provide individual sites for occupied travel trailers, tents and recreational vehicles (motor homes, truck campers, camping trailers and other vehicles used for part time living purposes.)
3. Site Requirements:
 - a. A campground shall have an area of not less than 10 acres and shall be developed with the least possible disturbance of existing amenities or features of the area. If more than one mobile home is sited, within the campground, the mobile home sites shall be located in an area, separated from the campsites and shall comply with the requirements set forth in Section V of this Article.
 - b. A campground shall be located on a well-drained site with frontage on a public road or highway.
 - c. The entrance(s) of a campground shall have an entrance road(s) at least 25 feet wide, on a right-of-way of not less than 50 feet in width. Campgrounds with less than 20 campsites shall have at least one common entrance and those with more than 20 campsites shall have at least two independent entrances, not less than 150 feet from each other.
 - d. No campsite, office or accessory building shall be located closer than 50 feet to any public street, road or highway right-of-way nor closer than 50 feet to any other property line and at least 100 feet from a residential structure on an adjacent property.
 - e. The Campground shall be divided and marked off into campsites. The campsites shall be numbered consecutively; the assigned number to be posted in each site and appear on a drawing of the campground.
 - f. The total number of campsites shall not exceed 15 per acre and each campsite shall contain a minimum of 2,500 square feet.
 - g. Each campsite shall have at least two parking spaces.
 - h. Campgrounds which accommodate 25 or more campsites shall provide at least one recreational area consisting of at least 10% of the gross campground area.
4. Sanitary Facilities:
 - a. All sanitary facilities, including waste disposal system and water supply system must receive written approval of the New York Departments of Health and the Environmental Conservation and/or other appropriate state or local departments or agencies.
 - b. All refuse shall be gathered and stored in screened or covered receptacles and disposed in a manner acceptable to the Town, New York State Departments of Health and Environmental Conservation and/or other appropriate state or local departments or agencies.
5. Buffer Planting and Screening:
 - a. Suitable buffer planting and/or screening shall be placed along all property lines.
 - b. Suitable plantings of ornamental shrubs and/or shade trees shall be placed throughout the entire area of the campground.
6. Registration Records: Each campground shall keep and maintain a permanent record of the name, address and license plate number of each occupant.

7. Inspection:
 - a. Before the campground is occupied and/or commences operation the premises shall be subject to inspections by the Town Zoning Enforcement Officer and the Building Inspector/Town Authorized Agent resulting in the issuance of Certificates of Compliance and Occupancy.
 - b. The Town Board or its duly authorized agent shall have the authority to enter and inspect for health, sanitation and all other compliance purposes and facility, licensed hereunder, at any reasonable time.
8. Licenses for Campgrounds: Campgrounds are subject to the same licensing requirements as Mobile Home Parks; refer to Section X of this article.
9. Transfer of Ownership: If any existing campground shall subsequently undergo any change in, or transfer of ownership, the new owner(s) must, within thirty days, file an application for a license supplying all information as would be required for the initial licensing of the campground.
10. Revocation or Suspension of License: If, upon inspection, it is determined that the licensee has violated any provisions of the Ordinance, the Town Board and/or Town Authorized Agent, shall have the power to revoke or suspend such license and to order the campground closed. Such closure shall be ordered only upon written notice to the owner(s) who shall have not more than 14 days in which to respond.

YY. Trails, Multi-use

1. Trails, Multi-use shall be permitted in all districts upon the issuance of a Special Use Permit. Trails, Multi-use in the Conservation district are also subject to the Department of Environmental Conservation approval.
2. All sanitary facilities including water supply and waste disposal systems shall receive the written approval of the New York State Health Department or other appropriate agencies and shall be in accordance with the provisions of Article IX of this Ordinance.
3. Trail surface shall not exceed twenty feet in width.

ZZ. Self-Storage Facilities

1. All facilities for such storage and parking shall be located no closer than 50 feet from road right of way and from all other property lines.
2. When located within 100 feet of an off-property residential structure, adequate screening and/or buffering shall be provided as determined by standards acceptable to the Joint Planning Board.
3. Such operations shall not create undue lighting glare affecting traffic or nearby properties.

ARTICLE VII-A.SPO – SCENIC OVERLAY PROTECTION DISTRICT REGULATIONS

- A. In each Zoning District which has the SPO District overlaid, the underlying District regulations as outlined in ARTICLE V remain applicable except as they are specifically modified by the provisions of this Article for all land lying within the SPO District.
- B. Single wide mobile homes are prohibited within the SPO District.
- C. Site Plan Approval Requirement: Within the SPO District, Site Plan approval shall be required for the following uses and activities (including multi-family residential uses that are otherwise allowed without site plan review by Schedule A-Use Restrictions):

1. Construction of any structure greater than 700 square feet in footprint, including residential structures, on an existing undeveloped property (an area that lacks infrastructure, services and buildings) [AS OF ADOPTION].
 2. In any location that is visible from a Publicly Accessible Place: (any land or structure that is open to the general public, such as a public road, park, public school, recreation area, conservation area, or place of public accommodation such as a restaurant or hotel, excluding private retail and service businesses, offices and other private property which is open to the public). Grading or other alteration of more than one (1) acre of natural landscape, including the construction of roads and driveways shall require Site-Plan approval.
- D. Site Plan Approval Exemptions: Within the SPO District, the Site-Plan approval requirement shall not apply to the following:
1. Agricultural uses, except for agriculture structures with a footprint exceeding 10,000 square feet.
 2. The repair and maintenance of existing structures.
 3. Activities carried out pursuant to a Site-Plan or Special Use Permit approved prior to the enactment of this Section and still in effect.
 4. Clearing and grading associated with construction of unpaved hiking trails.
 5. Any other activity not included in (B) above.
 6. Double wide, modular and stick built family homes are allowed without site plan, but must have a minimum of a 5/12 roof pitch and refer to "Guidelines" in planning and design of the project.
- E. General Standards: Within the SPO District, Site-Plan approval may be granted with appropriate conditions attached to the proposed activity:
1. Will not significantly impair scenic character and will be aesthetically compatible with its surroundings.
 2. Will minimize the removal of native vegetation, except where such removal may be necessary to open up or prevent the blockage of scenic views and panoramas from publicly accessible places.
 3. Will locate and cluster buildings and other structures in a manner that minimizes their visibility from public places.
 4. Will not result in clearing a building site area, including accessory structures and parking areas (excluding the area required for driveways, parking and utility access), greater than one (1) acre in area. This building site area shall be designated on the approval plan by a "building envelope" and all buildings and parking areas shall be located within the building envelope.

Clearing for such disposal systems shall occur, to the maximum extent practical, where it will not detract from the visual protection purposes of this section.

5. Will consider the use of shared driveways and access to adjacent parcels. The minimum recommended spacing between driveways on the same side of the street is 400 feet. Access connections on opposite sides of the street should be aligned or offset so as to eliminate left-turn conflicts. The Planning Board, as part of Site-Plan review, should evaluate the effect of proposed driveway locations on development of abutting properties. Proposals for shared driveways may require cross access easements (see figures 1 and 2).
6. Will comply with the requirements in Section G through J below, except where site plan features are screened from public roads or trails.

F. Landscape

1. A continuous green buffer, at least 90 feet, to be measured from the edge of the blacktop or pavement, along Routes 12 and 12E and 50 feet deep along the other roads and trails, shall be retained. This buffer shall consist of native tree and shrubs, as well as fields, meadows and lawn areas. Bike paths and/or sidewalks may be constructed within this landscape buffer. This buffer requirement shall not apply in the immediate area around existing residences located within the buffer area.
2. To the maximum extent practical existing trees, lawns and shrubs shall be preserved, unless they are proposed to be replaced by native trees or other native vegetation deemed appropriate by the Planning Board.
3. Trees or appropriate screening shall be planted as deemed necessary by the Planning Board to reduce visibility of new structures from public roads or trails.
4. Clear-cutting of trees shall be prohibited in any location where such clear-cutting would alter the crest line of a ridge when that crest line is viewed from any publicly accessible place.

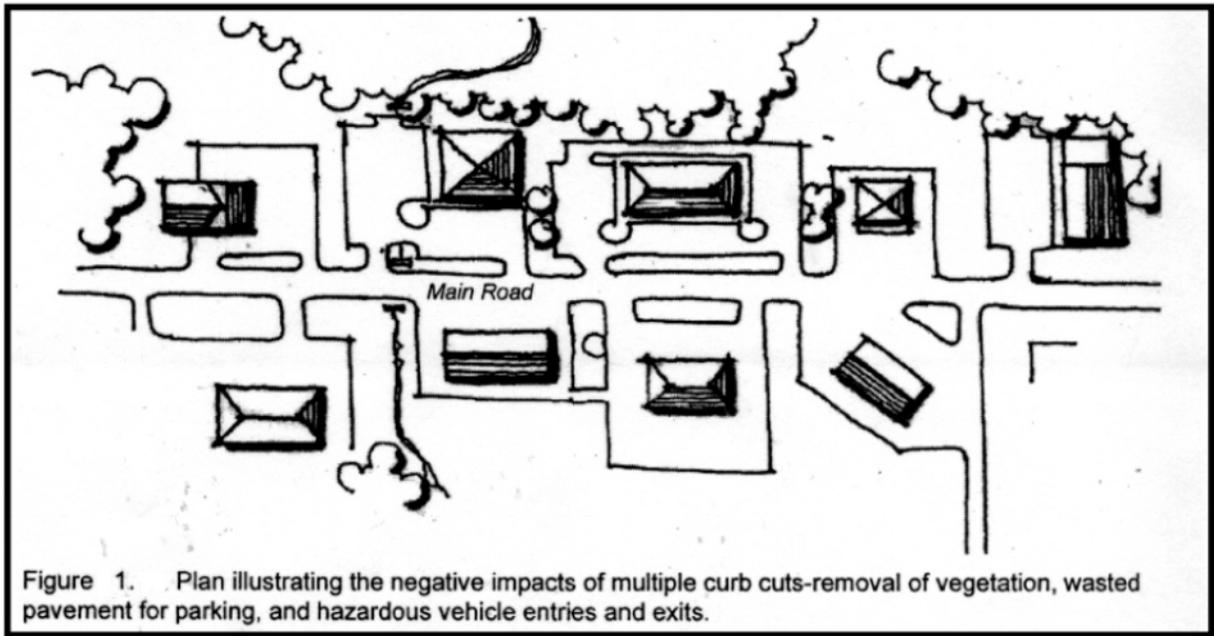


Figure 1. Plan illustrating the negative impacts of multiple curb cuts-removal of vegetation, wasted pavement for parking, and hazardous vehicle entries and exits.

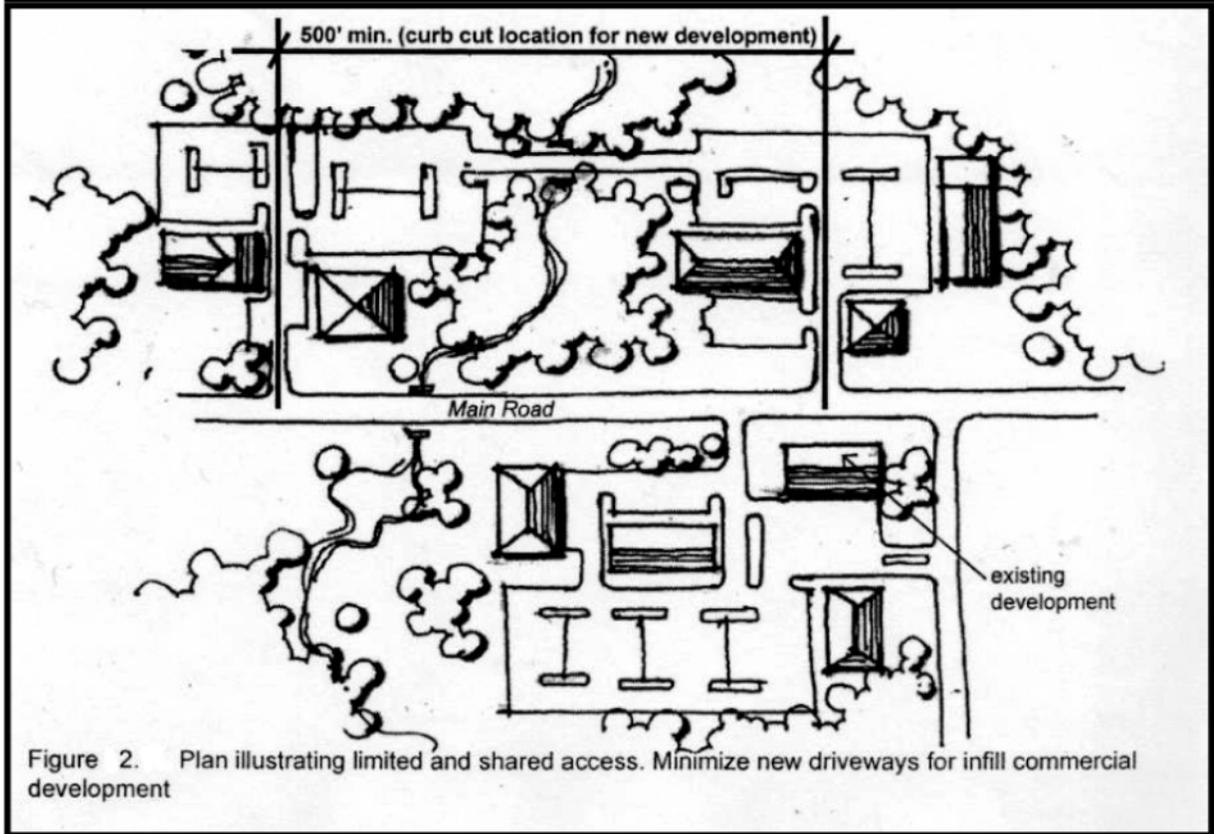


Figure 2. Plan illustrating limited and shared access. Minimize new driveways for infill commercial development

G. Architecture

1. Existing structures with historic or architectural significance, including barns shall be retained to the extent practical. Alterations to such structures shall be compatible with the architecture of the existing structure. New structures shall not negatively impact historic structures in their vicinity.
2. The Planning Board shall consult the Building Form Guidelines referred to in the Preamble considering any applications under this section.

H. Maximum Footprint.

A maximum footprint of 30,000 square feet is recommended for nonresidential structures. Note: This maximum footprint would exclude agricultural structures, structures used in connection with educational, religious, or charitable uses, mobile home parks, campgrounds and all structures legally completed or granted a building permit, Special Permit, Site Plan approval, or variance prior to the adoption of this update. The purpose of this requirement is to maintain the historic scale and character of development along Clayton's scenic roads. The intent of this provision shall not be evaded through the placement of multiple large buildings on the same site or otherwise in a pattern that is inconsistent with the scale and character of the Town of Clayton.

I. Fences

Chain link fences and stockade or other fence designs, that are in the front yard of the premises, that block visual access to land along the Route 12 and I2E corridors shall be prohibited, unless such fences are necessary to screen a pre existing use that does not conform to the requirements of this section.

J. Rural Siting Principles

New development in the SPO District will consider the General Rural Development Principles contained herein and cited sources.

K. Photographic Simulations

In connection with its consideration of a site-plan review application within the SPO District, the Planning Board may require the applicant to conduct a photographic simulation in order to determine whether or not a proposed structure or activity will when viewed from a publicly accessible place adversely affect scenic quality.

L. Waivers

The Planning Board may waive one or more of the specific requirements of this section upon a written finding that such waiver will not impair the scenic preservation purposes of the SPO District. Any development which is the subject of a detailed visual assessment as part of an Environmental Impact Statement shall be eligible for such waivers if supported by SEQR findings.

ARTICLE VIII. ADULT ENTERTAINMENT BUSINESSES

Adult entertainment businesses shall be allowed by Site Plan Review by the Joint Planning Board in the Industrial Districts. Adult entertainment businesses shall not be allowed in any other district.

A. Enabling Authority:

The Joint Planning Board of the Town/Village of Clayton is hereby authorized to review and approve, approve with modifications or disapprove Site Plan Review consistent with Town Law 274-A and 274-B in relation to Adult Entertainment Businesses.

B. Definitions:

For the purpose of this Ordinance, an adult business is a commercial establishment that defines itself primarily through its exclusion of minors and, to a lesser extent, through its exterior signs and advertisements.

Adult Cabaret: A building or portion of a building regularly featuring dancing or other live entertainment if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if the dancing or entertainment is distinguished or characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.

Adult Entertainment Business: Any business entity which knowingly, or with reason to know, permits, suffers or allows private performance as defined in this chapter. “Adult Entertainment Business” also shall be defined to include but not be limited to Adult Cabaret, Adult Media Outlet, Adult Mini-Motion Picture Theater, Adult Motion Picture Theater, and any other specific adult businesses that might be included.

Adult Media: Magazines, books, videotapes, movies, slides or other media which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas.”

Adult Media Outlet: An establishment that rents or sells books, magazines, videotapes, slides, movies or other media, and meets either of the following tests: more than twenty-five percent (25%) of the gross floor area is devoted to adult media; or more than fifty percent (50%) of the gross sales (including rentals) result from the sale or rental of adult media.

Adult Mini-Motion Picture Theater: A building or portion of a building with a capacity for less than fifty (50) persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.

Adult Motion Picture Theater: A building or portion of a building with a capacity of fifty (50) or more persons used for presenting material if such building or portion of a building, as a prevailing practice, excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.

Adult Use: Adult use includes any use which, by its sexually-oriented nature, is directed toward the adult population and excludes minors due to age. Such uses include an escort bureau, massage parlor, bathhouse or hourly motel, an adult motion picture theater, an adult mini-motion picture theater, and adult media outlet.

Adult Use, Licensed: An escort bureau, adult entertainment establishment, massage parlor or bathhouse licensed under other ordinances, local laws or by a state agency.

Civic Facility: Buildings, structures, and uses owned and operated by the Town of Clayton and regularly used for neighborhood meetings and other forms of public assembly.

Historic Resource: Any historic building, structure, facility, site or district, or prehistoric site that is listed on the State and/or National Registers of Historic Places. Any historic building, structure, facility, site or district, or prehistoric site that has been proposed by the New York Board on Historic Preservation for a recommendation to the State Historic Preservation Officer for nomination for inclusion in the National Register of Historic Places. Any locally significant historic resource designated pursuant to Article 5-K of the New York State General Municipal Law.

Park: Any public or private land available for recreational, educational, cultural, or aesthetic use.

Private Performance: Engaging in specified sexual activities or the display of any specified anatomical area by an employee to a person other than another employee while the person is in an area not accessible during such display to all other persons in the establishment or while the person is in an area in which the person is totally or partially screened or partitioned during such display from the view of all persons outside the area.

Religious Institution: An institution that people regularly attend or reside in to participate in or hold religious services, meetings, or other activities. A religious institution includes churches, synagogues, temples, monasteries and convents.

Scenic Resource: Any road, highway, lane, district, or corridor designated pursuant to Article 49 of the New York

State Environmental Conservation Law. Any area designated a Scenic Area of Statewide Significance pursuant to New York State's Coastal Management Program (19 NYCRR 602.5). The Seaway Trail, Zenda Farms, and French Creek Wetlands are some examples of scenic resources.

School: A facility, either public or private, that provides a curriculum of elementary and/or secondary academic instruction, including kindergartens, elementary schools, junior high schools and/or high schools.

Specified Anatomical Areas: These include: (1) less than completely and opaquely covered: human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and (2) human male genitals in a discernible turgid state, even if completely and opaquely covered.

Specified Sexual Activities: Human genitals in a state of sexual stimulation or arousal or acts of human masturbation, sexual intercourse or sodomy or fondling of or other touching or other erotic touching of human genitals, pubic region, buttock or female breast.

C. Inclusion of Terms:

For the purposes of this article, all uses set forth in **B. Definitions:** Paragraphs "Adult Cabaret" through and including "Adult Use, Licensed," shall be known as "adult entertainment businesses."

D. Concentration of Adult Entertainment Businesses:

No adult uses shall be located within five hundred (500) feet of any other adult uses.

E. Location:

No adult entertainment business shall be permitted unless located within zone "INDUSTRIAL" in which such businesses are permitted and in addition, the structure of the adult entertainment business is located no closer than:

1. Five hundred (500) feet from the property line of any of the following a:
 - a. Public or private school
 - b. Religious institution
 - c. Licensed day care center, nursery school or preschool
 - d. Public library
 - e. Public park, playground or forest preserve
 - f. Public recreation center
 - g. Civic facility
 - h. Historic resource
 - i. Waterfront Overlay District
 - j. Scenic resource
2. Two hundred fifty (250) feet from a residential zone
3. One hundred (100) feet from a highway (road) right-of-way

F. Non-Residential:

No adult use shall be located in any building that is used in whole or in part for residential uses.

G. Appearance:

All building openings, including doors and windows, shall be located, covered or screened in such a way as to prevent a view into the establishment from any public street, sidewalk or parking area. Interior signs, displays or other advertisements containing nude, semi-nude, or provocative pictures shall not be visible from the exterior of the establishment.

H. Exterior Signs

As a condition of approval of any adult use, there shall be a restriction that there shall be no outdoor sign, display or advertising of any kind other than one (1) identification sign limited to only the name of the establishment. Such sign shall be reviewed by the Planning Board in conjunction with the site plan review and shall conform to all signage requirements of this Ordinance.

I. Noise Reduction:

Loudspeakers or sound equipment used by adult uses shall not be audible by the public from any public street, sidewalk or parking area.

J. Traffic Patterns:

The use will not unreasonably increase or introduce traffic congestion or safety hazards or impose traffic volume on streets and street patterns which are deficient in width, design, sight distance, intersection configuration, or other typical standards necessary to accommodate such traffic changes.

K. Parking:

The use makes provision for safe and adequate off-street parking in accordance with these regulations. Parking should consist of one (1) space per one hundred (100) square feet of gross floor area plus one (1) space for each employee, at a minimum.

L. Design and Use:

The use and proposed design of the building and other structures and site facilities for the use are appropriate in the proposed location and have incorporated reasonable efforts to harmonize with surrounding uses and mitigate any adverse impacts on surrounding uses, including, but not limited to, traffic congestion and hazards, untimely scheduling of activities, removal of trees and other established natural features, and excessive storm water runoff, noise, nuisance, odors, glare or vibration.

M. Impact:

The cumulative impacts of the use in the proposed location will not unreasonably interfere with or diminish the continued use, preservation, stability, value, enjoyment, prosperity or growth of the neighborhood or community.

N. Amortization of Existing Adult Entertainment Businesses:

Any adult entertainment business lawfully operating on the effective date of this Ordinance and not licensed as required by this local law shall have thirty days to apply for a license as authorized by this local law. In the event such license is denied because the business cannot be operated in a location or manner as permitted by this local law, such operation shall be deemed a nonconforming use. Such nonconforming use shall be permitted to operate for a period not to exceed three years, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty days or more. Such nonconforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use.

O. Severability:

If any of the provisions of this article are held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the local law shall remain in effect.

ARTICLE IX. SANITARY REGULATIONS

Septic systems for individual homes are permitted and regulated by the Town of Clayton Fire Prevention and Building Codes Office and the New York Department of Health.

ARTICLE X. TELECOMMUNICATION FACILITY

Telecommunication facilities shall be allowed by special use permit by the Joint Planning Board in the Agricultural-Rural Residential (AR), Business (B) and Industrial (I) Districts. Telecommunication facilities may be allowed by special use permit by the Joint Planning Board in the Marine-Residential (MR) and Marine-Development (MD) Districts only if the applicant provides proof that the facility has to be sited in the Marine-Residential (MR) or the Marine-Development (MD) District to maintain adequate service. Telecommunication Facilities shall not be permitted in the conservation (Con), Residential (R-1) or Hamlet (H) districts.

A. Enabling Authority:

The Joint Planning Board of the Town/Village of Clayton is hereby authorized to review and approve, approve with modifications or disapprove special use permits consistent with Town Law 274-A and 274-B in relation to telecommunication facilities.

B. Legislative Intent:

The residents of the Town & Village of Clayton have expressed a strong desire to maintain a small Town atmosphere with close ties to the St. Lawrence river (re: 1995 survey). The Town and Village of Clayton have as one of their prime sources of revenue the visitors and summer residents that come here to enjoy the beautiful area, especially the scenic St. Lawrence River. Sound land use planning dictates that all that is possible be done to preserve the aesthetic quality of this area.

The Town and Village of Clayton recognize the increased demand for wireless communication facilities and the need for the services they provide. The intent of this Ordinance is to ensure the siting of telecommunication facilities in a manner consistent with sound land use planning by:

1. Minimizing visual effects of telecommunication facilities through careful design, siting and proper screening
2. Ensuring adequate safety through proper engineering and careful siting of telecommunication facilities
3. Reducing the number of towers needed by maximizing the use of any new (i.e. build for shared use) or existing tower and encouraging the use of any existing building and/or structure.

C. Definitions:

Telecommunication Facility: Any commercial equipment used in connection with the provision of wireless communication services, including cellular telephone services, personal communications services, radio and television broadcast communications and private radio communications services that are regulated by federal laws. A telecommunication facility shall include towers and other structures, including supporting masts and wires, on which transmitting and/or receiving antenna(e) are located as well as antenna and accessory facilities such as transmission equipment and storage buildings.

Telecommunication Tower: A structure on which transmitting and/or receiving antenna(e) are located.

Antenna: A system of electrical conductors that transmit or receive radio frequency waves.

D. Special Use Standards:

1. Any request for a telecommunication facility shall be considered a Type I Action under the New York State Environmental Quality Review Act.
2. No telecommunication facility shall hereafter be used, erected, moved, reconstructed, changed or altered except after the approval of a Special Use Permit and in conformity with these regulations. No existing structure shall be modified to serve as a transmission tower unless in conformity with these regulations.
3. These regulations shall apply to all districts in the Town.
4. Exceptions to these regulations are limited to new uses that are accessory to residential uses and lawful or approved uses existing prior to the effective date of these regulations.
5. Where these regulations conflict with other laws and regulations of the Town of Clayton, the more restrictive shall apply, except for tower height restrictions which are governed by these special use standards.

E. Shared Use:

1. At all times shared use of existing towers shall be preferred to the construction of new towers. Additionally, where such shared use is unavailable, location of antenna(e) on pre-existing structures shall be considered. An applicant shall be required to present an adequate report listing existing towers and structures within a reasonable distance of the proposed site and the possible use thereof.
2. The applicant shall pay all reasonable fees and costs of adapting an existing tower or structure to a new shared use. These costs include but are not limited to structural reinforcement, preventing transmission or receiver interferences, additional site screening and other changes including real property acquisition or lease required to accommodate shared use.

F. New Towers:

1. An applicant shall be required to submit a site plan as described in Article X of this Ordinance. The site plan shall also include documentation on the proposed capacity and uses as well as justification for the height of any tower or antenna. Additionally, the Joint Planning Board shall require that the site plan include a completed Visual Environmental Assessment Form. The Joint Planning Board may require submittal of a more detailed visual analysis, based on the results of the Visual Environmental Assessment Form.
2. The applicant shall be required to submit a "search ring" prepared, signed and sealed by a qualified engineer, registered in New York State and overlaid on an appropriate background map depicting the area within which the communication facility needs to be located, in order to provide proper signal strength and coverage to the target cell. The applicant must be prepared to explain to the Joint Planning Board why it selected the proposed site, discuss the availability or lack thereof of a suitable structure within the search ring for co-location and the extent to which the applicant has explored locating the proposed tower in a less sensitive area. All correspondence with other telecommunication providers is part of this requirement.

3. In the interest of minimizing the number of new towers, the Joint Planning Board may require as a condition of telecommunication facility approval, that the applicant indicate in writing its commitment to co-location of telecommunication facilities. The applicant will design the tower to have the minimum height and carrying capacity needed to provide future shared use and agree to negotiate in good faith for shared use of the proposed tower by other telecommunication providers in the future. The condition for future co-location may not be required if the applicant demonstrates that provisions of future shared usage are not feasible based on:
 - a. The kind of tower site and structure proposed.
 - b. Available spaces on other existing and approved towers.
 - c. The potential adverse visual impact of a tower designed for shared use.
4. All towers and other structures shall be sited to have the least practical adverse visual effect on the environment.

G. Setbacks:

1. Towers and antenna(e) shall be setback from property lines their height plus 20 feet unless an engineer's report can specify the need for a lesser debris fall zone. In no case shall that be less than the existing setbacks within the district. All accessory structures shall comply with the existing setbacks within the district.
2. Setbacks shall apply to all structural parts excluding guy wires and anchors which shall have a minimum of 15 feet setback.
3. Additional setbacks may be required by the Joint Planning Board to preserve privacy of adjoining property owners.

H. Height:

The applicant shall submit information to justify the proposed height as the minimum necessary to achieve its coverage objectives. At no time however shall any tower, including antenna(e) exceed two hundred and fifty feet (250') without a variance from the Joint Zoning Board of appeals.

I. Lighting:

Towers shall not be artificially lighted except to assure human safety as required by the F.A.A. Towers shall be galvanized finish or painted gray unless other standards are required by the F.A.A. Towers should be designed and sited so as to avoid, whenever possible, application of the F.A.A. lighting and painting requirements.

J. Screening:

1. Existing on site vegetation shall be preserved to the maximum extent possible.
2. Deciduous or evergreen tree planting may be required to screen portions of the structure(s) from nearby property.

K. Parking:

The applicant will provide a service road and parking to assure adequate emergency and service access. Road construction shall be consistent with proper practice to reduce loss of vegetation and eliminate soil erosion.

L. Supporting Documentation:

1. All information prepared by the manufacturer of the proposed antenna(e) and or tower including but not limited to:
 - a. Make and model of tower.
 - b. Detail of tower type.
 - c. Manufacturers design data for installation instructions and construction plans.
 - d. Applicants proposed tower maintenance and inspection procedures and records systems.
 - e. Anti-climb devices for the tower and any guy wires
2. A copy of the applicants F.C.C. license
3. When shared use is possible, an engineer's report certifying that the proposed shared use will not diminish the structural integrity and safety of the existing tall structure or existing or approved tower and explaining what modification, if any, will be required in order to certify to the above.
4. Documentation from the owner of the existing tall structure or tower for allowed shared use
5. Documentation that all guy wires, guy wire anchors and structures shall be sufficiently secured to protect them from trespassing or vandalism
6. The applicant shall agree in writing to keep the Telecommunication facility, including road and all surrounding area in good and safe condition.

M. Removal of Obsolete Unused Facilities:

1. The applicant shall agree in writing, and post a bond or other security acceptable by the Joint Planning Board of thirty thousand (\$30,000.00), to remove the tower and or antenna(e) if the telecommunication facility becomes obsolete, damaged beyond use, or ceases to be used for its intended use for twelve (12) consecutive months. After that twelve month period removal shall take place within six (6) months. Such agreement shall also include a commitment by the applicant to impose a similar obligation upon any person subsequently securing any rights to the tower or telecommunication facility.
2. All applicants applying for telecommunication facilities special use permits shall agree to reimburse the Town of Clayton for fees incurred for consultants and/or specialists to assist in the application and/or engineering costs.
3. The owner of the telecommunication facility shall have all towers inspected at least every second year for structural integrity by a New York State licensed engineer. A copy of the inspection report shall be submitted to the Town of Clayton Zoning Enforcement Officer.

ARTICLE XI. SPECIAL USE PERMITS

In every case where a special use permit is required by this Ordinance, such special use shall be granted by majority vote of the Joint Planning Board following a public hearing held upon five days, notice published in the Town's officially designated newspaper. Such public hearing must be held within 62 days of the application for the special use permit application.

Written notice shall also be provided to all adjacent property owners and all neighboring property owners within a 500 foot radius of any portion of the applicant's property.

A. Additional Standards for Special Use Permits

The Joint Planning Board may impose additional standards on the special use permit to adequately safeguard the health, safety, morals and general welfare of the public, to preserve the general character of the neighborhood, to minimize detrimental effects on nearby property, and to protect the scenic, aesthetic and environmental qualities of the area.

B. Standards Applicable to All Special Use Permits

Special Use permits may be issued only after the Joint Planning Board has found that all the following standards and conditions have been satisfied:

1. The use possesses characteristics that will blend desirably with the neighboring properties and will secure the objectives of this Ordinance.
2. The location, size of the structure, magnitude, nature and intensity of the operation involved, size of the site in relation to the size of the operation, and the location of the site with respect to the roads and/or waters giving access to it are such that it will be in harmony with the orderly development of the district.
3. The location, nature and height of buildings, walls and fences will not discourage the appropriate development and use of nearby land and buildings or impair their value.
4. The use will not conflict with any master plan, or part thereof.
5. The proposal will not impair the public health, safety or general welfare nor unreasonably increase traffic congestion.
6. The proposal will not produce significant dust, odors, noise, lighting glare, vibration or nuisance.
7. The proposal provides for adequate parking in accordance with the provisions of this Ordinance.

C. Additional Requirements and Procedures for the Issuance of a Special Use Permit

1. Each application for a special use permit shall be completed on a form provided by the Town and shall be accompanied by the following:
 - a. Legal description of the subject premises, including a recent survey
 - b. Detailed enumeration of activities to be conducted on the premises
 - c. Drawings of structures, parking, docking, pavements, access routes and other physical construction on the site, and where required by the Joint Planning Board, a site plan showing all significant distances and dimensions
 - d. Study of proposed traffic impact
 - e. Sketches of proposed landscaping and buffering as required by this Ordinance
 - f. SEQR Environmental Assessment Form - full form or short form, as specified by 6 NYCRR Part 617, State Environmental Quality Review Act
 - g. Filing fee, as set by the Town Board

2. All applications for special use permits shall be reviewed by the Joint Planning Board to assure that the requirements of this Section have been met. Following such review, the Joint Planning Board shall, within 62 days, make its decision to reject, accept or accept conditionally the application. Within five days thereafter, the Joint Planning Board shall notify the applicant in writing of its decision and in case of rejection or conditional acceptance, the reasons therefore. In the event that it sets conditions for acceptance, the applicant shall have 45 days from the date of the decision in which to submit a revised application. The Joint Planning Board shall, within 62 days reach its final decision and within 5 additional days, inform the applicant. Should changes or additional facilities be required by the Joint Planning Board, final approval of the special use permit shall be conditioned upon the satisfactory compliance by the applicant with the changes or additions required.

Before taking final action to approve any special use permit application affecting property within 500 feet of the boundaries of any county, town or village, or within 500 feet of any existing or proposed State or County park or recreation area, or within 500 feet of the right-of-way of any existing or proposed state or county road or highway, or within 500 feet of the existing or proposed boundary of any state or county-owned land on which a public building or institution is located, the Joint Planning Board shall refer such special use permit application to the Jefferson County Planning Board for its review and action.

In accordance with the provisions of General Municipal Law, Article 12-b, Section 239-m, the Jefferson County Planning Board is required to report its recommendations to the Joint Planning Board within 30 days after receipt of such referral, or such longer period as mutually agreed, or the Joint Planning Board may take action without such report. If the Jefferson County Planning Board disapproves the proposal or approves the proposal with conditions, the Joint Planning Board may ignore the recommendation and approve the proposal, but only by vote of a majority plus one of its members and only after adoption of a resolution fully setting forth the reasons for such contrary action.

Within thirty days after taking final action on the proposal, the Joint Planning Board shall notify the Jefferson County Planning Board of the final action taken thereon.

D. Existing Violations

No special use permit shall be issued for a special use for any property where there is an existing violation of this Ordinance or any other Town law, ordinance or regulation.

E. Application for Area Variance

Notwithstanding any provision of law to the contrary, where a proposed special use permit contains one or more features which do not comply with the zoning regulations, application may be made to the Joint Zoning Board of Appeals for an area variance pursuant to Article 16, section 277b of Town Law, without the necessity of a decision or determination of an administrative official charged with the enforcement of the zoning regulations.

F. Waiver of Requirements

The Joint Planning Board is authorized to waive, when reasonable, any of the requirements of this article for the approval, approval with modifications or disapproval of special use permits submitted for approval. Such waiver may be exercised in the event any such requirements are found not to be requisite in the interest of the public health, safety or general welfare or inappropriate to a particular site plan.

G. Costs & Fees

Costs incurred by the Joint Planning Board or other Town department for consultation fees, such as legal and engineering fees, or other out-of-pocket expenses in connection with the review of a proposed special use permit application shall be passed on to the applicant on the contractual basis or hourly rate as charged by the consultant.

H. Expiration

A special use permit shall authorize only the specific use of the site for which it was issued. It shall expire if the special use ceases for more than one year for any reason. In the event that the applicant fails to execute the terms and conditions of the special use permit within eighteen months after its issuance, the special use permit shall expire.

I. Subsequent Changes

Any applicant wishing to make substantial changes in an already approved special use permit shall submit a revised site plan proposal to the Joint Planning Board for review and approval. The Joint Planning Board shall follow the same procedural steps detailed above in Sections A, B and C in reaching its final decision and informing the applicant.

ARTICLE XII. SITE PLAN REVIEW AND APPROVAL

All uses requiring site plan approval shall have prior site plan review and approval by the Joint Planning Board before any zoning or building permit is issued for the use of the premises or the alteration or construction of any building thereon. The site plan and related drawings and documentation shall be submitted to the Joint Planning Board for review in accordance with the following procedures and standards.

A. Submission of Preliminary Site Plan and Supporting Data

The owner shall submit a site plan and supporting data including the following:

1. A sketch of the property, showing existing features including contours, buildings, structures, pavement, trees over four inches in trunk diameter, streets, utility easements, rights-of-way, land use and adjacent property owners.
2. Site plan showing proposed building locations and land use areas.
3. Landscaping sketches including design and grading and proposed planting and buffering as required by this Ordinance.
4. Proposed traffic circulation and/or boat access, parking and loading spaces, docking and pedestrian walkways.
5. Preliminary sketches and drawings for buildings to be constructed.
6. Preliminary sketches, including outline of planned street improvements, drainage and sewage disposal systems and public utility extensions.
7. Preliminary feasibility studies of any anticipated problems which might arise due to the proposed development (as required by the Joint Planning Board).
8. Proposed construction sequence and anticipated time schedule for completion of each phase of building, paving and landscaping.
9. Description of the proposed uses, including hours of operation, number of employees, anticipated volume of business, type and volume of traffic expected to be generated.

10. SEQR Environmental Assessment Form - full form or short form as specified by 6 NYCRR Part 617, State Environmental Quality Review Act.
11. Filing fee, as determined by the Town Board.
12. Any other information or data that the Joint Planning Board shall deem necessary to its understanding and assessment of the site plan proposal.

B. Receipt and Review

Upon receipt of the site plan application and supporting data, the Joint Planning Board shall examine the materials to determine whether the submission is complete. After the Joint Planning Board determines the preliminary site plan application is complete and concept approval given and within 62 days after the site plan application has been received, the Joint Planning Board shall schedule a public hearing to be held following at least five days, notice published in the Town's officially designated newspaper. Written notice shall also be provided to all adjacent property owners and all neighboring property owners within a 500 foot radius of any portion of the applicant's property.

In its review of the site plan and supporting data, the Joint Planning Board shall take into account the following considerations:

1. Harmonious relationship between proposed uses and existing nearby uses
2. Maximum safety of vehicular and/or boat circulation between the site and the road network and/or adjoining waterways
3. Adequacy of internal circulation, parking, docking and/or loading facilities, with particular attention to vehicular, vessel and pedestrian safety
4. Design of landscaping, lighting, buffering and setbacks to achieve maximum compatibility and protection for nearby residential properties
5. Preventing adverse impact upon the environment and existing scenic and aesthetic values.
6. Such other elements as may reasonably be related to the health, safety and general welfare of the community.

C. Final Decision

1. Within 62 days after the public hearing the Joint Planning Board shall make its final decision to approve, approve with conditions or reject the site plan proposal. Within five days thereafter, it shall notify the applicant and the Zoning Enforcement Officer in writing of its decision, and in case of rejection or conditional acceptance, the reasons therefore. The time within which the Joint Planning Board must render its decision may be extended by mutual consent of the applicant and the Joint Planning Board.
2. Before taking final action to approve any site plan proposal affecting property within 500 feet of the boundaries of any county, town or village, or within 500 feet of any existing or proposed state or county park or recreation area, or within 500 feet of the right-of-way of any existing or proposed state or county road or highway, or within 500 feet of the existing or proposed boundary of any state or county-owned land on which a public building or institution is located, the Joint Planning Board shall refer such site plan proposal to the Jefferson County Planning Board for its review and action.

In accordance with the provisions of General Municipal Law, Article 12-b, Section 239-m, the Jefferson County Planning Board is required to report its recommendations to the Joint Planning Board within 30 days after receipt of such referral, or such longer period as mutually agreed, or the Joint Planning Board may take action without such report. If the Jefferson County Planning Board disapproves the proposal, or approves the proposal with conditions, the Joint Planning Board may ignore the recommendations and approve the proposal, but only by vote of a majority plus one of its members and only after the adoption of a resolution fully setting forth the reasons for such contrary action.

Within thirty days after taking final action on the proposal, the Joint Planning Board shall notify the Jefferson County Planning Board of such final action.

D. Application for Area Variance

Notwithstanding any provision of law to the contrary, where a proposed site plan contains one or more features which do not comply with the zoning regulations, application may be made to the Joint Zoning Board of Appeals for an area variance pursuant to Article 16, section 277b of Town Law, without the necessity of a decision or determination of an administrative official charged with the enforcement of the zoning regulations

E. Performance Bond or Other Security

As an alternative to the installation of required infrastructure and improvements, prior to approval by the Joint Planning Board, a performance bond or other security sufficient to cover the full cost of the same, as estimated by the Joint Planning Board or a town department designated by the Joint Planning Board to make such estimate, where such departmental estimate is deemed acceptable by the Joint Planning Board, shall be furnished to the town by the owner. Such security shall be provided to the town pursuant to the provisions of Town Law, Article 16, Section 277, subdivision 9.

F. Waive of Requirements

The Joint Planning Board is authorized to waive, when reasonable, any of the requirements of this article for the approval, approval with modifications or disapproval of site plans submitted for approval. Such waiver may be exercised in the event any such requirements are found not to be requisite in the interest of the public health, safety or general welfare or inappropriate to a particular site plan.

G. Costs & Fees

Costs incurred by the Joint Planning Board or other Town department for consultation fees, such as legal and engineering fees, or other out-of-pocket expenses in connection with the review of a proposed site plan shall be passed on to the applicant on the contractual basis or hourly rate as charged by the consultant.

H. Subsequent Changes

Any applicant wishing to make subsequent changes in an already approved site plan shall submit a revised site plan proposal to the Joint Planning Board for review and approval. The Joint Planning Board shall follow the same procedural steps detailed above in Sections A, B and C in reaching its final decision and informing the applicant.

I. Expiration

In the event that the applicant fails to execute the terms and conditions set forth in the site plan proposal within two years after its final approval by the Joint Planning Board, said approval shall be deemed to have expired and any subsequent proposal shall require a new application and submission.

ARTICLE XIII. STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)

It shall be the responsibility of the Town Board, Joint Planning Board/Zoning Board of Appeals to determine the

possible environmental significance of actions before it, in accordance with the provisions of 6 NYCRR Part 617, State Environmental Quality Review Act. If the Town agency determines that any such action possesses likely environmental significance, it shall require the preparation and/or submission of an Environmental Impact Statement (EIS).

In so determining the possible environmental significance of any proposed action, the Town Board/Joint Planning Board/Zoning Board of Appeals shall bear in mind the mandate of the New York State Legislature in enacting Section 8-0113 of the Environmental Conservation Law that "a suitable balance of social, economic and environmental factors be incorporated into the planning and decision-making processes...[and that] it is not the intention of SEQR that environmental factors be the sole consideration in decision making." (Section 617.1 (d)).

ARTICLE XIV. NONCONFORMING LOTS, USES AND STRUCTURES

A. General Statement

Any use or structure that does not conform to the regulations prescribed by this Ordinance for the district in which it is located, but which was in existence at the effective date of this Ordinance and was lawful at the time it was established shall be deemed a nonconforming use or structure.

B. Continuance of Nonconforming Uses and Structures

1. Except as otherwise provided in this Section, any nonconforming use of any building, structure, land or premises that lawfully existed at the time of the adoption of this Ordinance may be continued; provided, however, that on premises situated in all districts except Industrial (ID), each use which is not a conforming use in that district and which falls into one of the categories hereinafter enumerated shall cease or shall be changed to a conforming use within three years from the effective date of this Ordinance.
2. No such nonconforming use shall be increased by the erection or placement of any additional structure(s), or extension, alteration or enlargement of existing structure(s), and the use shall not be enlarged to occupy a greater land area.
3. The requirements of this Section for the termination of nonconforming uses shall apply in each of the following cases:
 - a. Any such nonconforming use involving the use of land only and not accessory to an adjacent building or structure assessed as a real estate improvement.
 - b. Any such nonconforming use involving the use of or accessory to one or more buildings or structures on the same lot, the aggregate assessed value of which improvements for tax purposes is not more than \$1,000.00.

C. Changes in Existing Nonconforming Uses and Structures

No change shall be made in any nonconforming use except a change to a use permitted under this Ordinance. Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use. A nonconforming use shall not be enlarged to occupy additional floor area within an existing structure, not additional land area.

D. Non-Conforming Lots

1. Any undeveloped non-conforming lot of record having lot width, or lot depth, or both less than the minimum required by this Ordinance, may be developed with any compatible use listed in Article V for the district in which the subject lot is located without requiring a variance, provided that such lot:
 - a. Does not adjoin other property held by the same owner where sufficient land could be transferred to eliminate the nonconformity without reducing the remaining portion of said adjoining property to non-conforming status, and
 - b. Has sufficient area, width, and depth, to undertake development which will meet or exceed the dimensional standards for lots of record contained in Article V of this Ordinance, and
 - c. Otherwise satisfies all applicable provisions of this ordinance.

E. Maintenance and Repairs

Nothing in this Article shall be deemed to prevent normal maintenance and repair of any nonconforming structure.

F. Abandonment or Discontinuance

When a nonconforming use has been discontinued for a period of at least one year, it shall not thereafter be re-established, irrespective of the reasons for discontinuance or the intent of the owner of the premises or any other person, and any future use shall be in conformity with the provisions of this Ordinance.

G. District Changes and/or Ordinance Amendments

When an area is transferred from one zoning district to a different zoning district or whenever an amendment is adopted to this Ordinance which changes permitted uses or other regulations governing existing districts, the above regulations set forth in Sections A, B, C, D and E shall apply to any and all nonconforming uses created by such transfer and/or amendment.

ARTICLE XV. ADMINISTRATION AND ENFORCEMENT

A. Interpretation

The provisions of this Ordinance shall be held, in their interpretation and application, to be the minimum requirements for the promotion of the public health, safety and general welfare of the Town of Clayton and its inhabitants.

B. Zoning Enforcement Officer

1. The Town Board shall appoint a Zoning Enforcement Officer who shall have the authority to administer and enforce the provisions of this Ordinance throughout all areas of the Town outside the incorporated Village of Clayton, and who shall have the power and authority to make inspections of buildings and premises necessary to enforce this Ordinance.

The Zoning Enforcement Officer shall have the authority to:

- a. Issue zoning permits.
 - b. Issue certificates of compliance.
 - c. Define and interpret district boundaries on the Town Zoning Map.
 - d. Issue stop-work orders in the event of any violation of this Ordinance or the rules and regulations of any agency of New York State and/or Jefferson County.
2. It shall be the duty of the Zoning Enforcement Officer to:

- a. Keep a record of all applications for zoning permits and all zoning permits issued with a specific notation of any conditions imposed or required.
 - b. File and retain copies of all building and lot plans submitted. The same shall be available for the use of Town or other appropriate officials.
 - c. Report periodically to the Town Board the number of zoning permits issued and the amount of fees
3. Zoning Permits
- a. No building or structure shall be erected, enlarged, altered or moved; no mobile home shall be located or moved, nor the use of said building, structure or mobile home commenced unless and until a zoning permit therefore has been issued.
 - b. Applications for zoning permits shall be submitted to the Zoning Enforcement Officer and shall include two copies of a plot plan showing the actual dimensions of the lot, the size, height and location of the structure and any accessory buildings to be erected, the proposed location of the mobile home, and/or location and dimensions of the sewage system to be constructed. In each instance, the distances from the building line to all property lines, road or street rights-of-way and/or high water marks, as well as the location of adjacent properties, streams, ponds, marshes, wetlands or other features, together with all other information necessary to determine compliance with this Ordinance shall be provided by the applicant.
 - c. A fee, as determined by the Town Board, shall be paid for the issuance of each zoning permit.
 - d. Any zoning permit issued under this Ordinance shall expire if construction shall not have commenced within six months from the date of issuance.
 - e. Any construction that has been discontinued for a period of 12 months or longer shall be deemed to have been abandoned. Resumption of construction shall be authorized only upon the issuance of a new zoning permit.
 - f. Failure to display red zoning permit visible from the street or waterway is a violation of this Ordinance
4. Certificate of Compliance: No land shall be used or occupied, no building or structure shall be constructed, erected, located, extended, altered or used, or no changes made in the use of land, building or structure unless and until a certificate of compliance shall have been issued by the Zoning Enforcement Officer stating that the land, building or structure and the proposed use thereof is in compliance with the zoning provisions of the Ordinance.

C. Building Inspector/Town-Authorized Agent

- 1. The Town Board shall appoint a Building Inspector or authorize an agent who shall have the authority to administer the provisions of the New York State Uniform Fire Prevention and Building Code and relevant provisions of this Ordinance throughout all areas of the Town outside the incorporated Village of Clayton.
- 2. The Town Building Inspector or the Town-Authorized Agent shall have the authority to:
 - a. Issue building permits, provided that a valid zoning permit shall have previously been issued by the Zoning Enforcement Officer.
 - b. Inspect, certify and issue permits for sanitary waste facilities, community water supply systems and plumbing facilities in accordance with the provisions of this Ordinance and the rules and regulations of the New York State Departments of Environmental Conservation and Health.
 - c. Issue certificates of occupancy.

- d. Revoke a building permit where there is false, misleading or insufficient information; revoke a building permit and/or certificate of occupancy where the applicant has not complied with the terms of his application.
- e. Issue stop-work orders
- f. Refer appropriate matters to the Town Board, Joint Planning Board, Zoning Enforcement Officer, Joint Zoning Board of Appeals or other appropriate agency.

3. Building Permits

- a. No building or structure shall be erected, enlarged, altered or moved, nor its use commenced, unless and until a building permit therefore has been issued. New or replacement sewage systems shall require a building permit.
- b. No building permit shall be issued for any building or structure or any alteration, addition, or extension thereof or for any new or replacement sewage system unless and until a valid zoning permit shall have been issued.
- c. Application for building permits shall be submitted to the Building Inspector/Town-Authorized Agent and shall include two copies of a plot plan showing the actual dimensions of the lot and the size, height and location of the structure and any accessory buildings to be erected and/or altered, extended or added to. For sewage systems the plot shall show all dimensions and locations of septic tanks, distribution boxes and absorption fields.
- d. A fee, as determined by the Town Board or its agent, shall be paid for the issuance of each building permit.
- e. Any building permit issued under this Ordinance shall expire if construction is not commenced within six months from the date of issuance.
- f. Any construction that has been discontinued for a period of 12 months or longer shall be deemed to have been abandoned.
- g. Resumption of construction shall be authorized only upon the issuance of a new building permit.

4. Certificates of Occupancy

- a. No land, building or structure shall be occupied or put to any use unless and until a certificate of occupancy shall have been issued by the Building Inspector/Town-Authorized Agent, attesting that the building, structure and/or use has been executed in accordance with the zoning and building permits and that said building, structure and/or use is in conformity with the provisions of this Ordinance and all relevant provisions of New York State statutes, codes, rules and regulations.
- b. All certificates of occupancy shall be applied for at the same time that application is filed for a building permit. Said certificate shall be issued within ten days after the completed building, structure and/or use has been approved as complying with this Ordinance and New York State code and law by the Building Inspector/Town Authorized Agent.
- c. The Building Inspector/Town-Authorized Agent shall maintain a record of all certificates of occupancy and shall furnish a copy upon request to any person having a proprietary or tenancy interest in the property affected.

D. Joint Town/Village Zoning Board of Appeals

1. Appointment and Membership

The Joint Town/Village of Clayton Zoning Board of Appeals is comprised of five (5) members, two (2) of which are appointed by the Town, and two (2) of which are appointed by the Village, and one (1) appointed jointly by the Town and the Village. These members are appointed for a term of five (5) years as follows:

The governing board of the Town of Clayton shall appoint one (1) member for a one-year term and one (1) member for a three-year term. The governing board of the Village of Clayton shall appoint one (1) member for a two-year term and one (1) member for a four-year term. Both boards (Town and Village) shall jointly appoint one (1) member for a five-year term. Upon the expiration of the term of a member of the Joint Zoning Board, the body which appointed the incumbent to the expiring term shall appoint his or her successor to a full five-year term of office. If a vacancy occurs other than by expiration of a term of office, the body which appointed the member who filled such office prior to the vacancy occurring shall appoint a successor for the balance of the term. Effective with the signing of this agreement, terms of existing members of the Joint Zoning Board of Appeals will expire on December 31st of the year in which the current appointee's term is set to expire. In the event either municipality is unable to fill appointments from their respective subdivision, both parties hereto agree to honor appointments from the Town or Village in an effort to maintain a viable Joint Town/Village of Clayton Zoning Board of Appeals. The Town and the Village jointly appoint three (3) alternate members to the Joint Zoning Board of Appeals. The Joint Zoning Board of Appeals refers candidates for alternate to both Town and Village Boards by the Joint Zoning Board of Appeals for their approval. Both Village and Town Clerks must swear in all Zoning Board of Appeals members and alternates at the beginning of each term. Swearing in shall be recorded in each municipality. All respective terms of office to begin on January 1st and are for five (5) years each. The Village of Clayton Board of Trustees and the Town Board of the Town of Clayton shall annually and jointly appoint the Chairperson for the Joint Zoning Board of Appeals from the membership thereof by January 15th each year. If the governing Boards have not come to an agreement by January 15th of each year, such Joint Board may select one of its members to serve as Chair. The alternates serve in the event that a regular member of the Joint Zoning Board of Appeals from that municipality is absent or unable to serve because of a conflict of interest on any matter pending before the Joint Zoning Board of Appeals. In the event the Joint Town/Village Zoning Board of Appeals lacks one or more regular members for any reason on any matter pending before it, the Chairperson or acting Chairperson may select an alternate member or members to sit in place of the absent member(s). The Joint Town/Village of Clayton Zoning Board of Appeals will apply those standards for compliance and interpretation based on the regulations and guidelines as promulgated by the respective ordinance or law of each municipality. The Joint Town/Village of Clayton Zoning Board of Appeals in conducting business will comply with other laws relative to Town and Village Law, General Municipal Law of the State of New York, and the provisions of the State Environmental Quality Review Act. The Joint Town/Village of Clayton Zoning Board of Appeals shall hire an individual to act as Secretary to take minutes, keep records, and conduct correspondence and any other related task as requested by the Joint Zoning Board of Appeals. Each municipality shall budget for said position. The Zoning Board of Appeals shall set the salary for the secretary subject to Town/Village review. The Town and Village will each be responsible for their respective one half of the salary of the secretary. The Joint Town/Village of Clayton Zoning Board of Appeals shall adopt bylaws outlining its structure and function, including, but not limited to the selection of a Chairperson (Subject to Article 3B) and Secretary, resolution procedures, meeting dates (one per month for a total of twelve per year unless otherwise warranted), and process for conducting meetings. Each Board member is required to complete the minimum training as required by law. At the discretion of the municipality that appointed the member, failure to comply with this requirement may be grounds for removal from the Board. This provision is subject to New York State regulations and training criteria. Each Board member shall be required to attend seventy-five percent of the scheduled meetings in each calendar year. At the discretion of the remaining members of the Joint Zoning Board of Appeals, failure to attend the required number of meetings without good cause may be grounds for removal from the Board. In addition, failure to attend

three consecutive meetings without good cause may be grounds for removal from the Board. The Joint Town/Village of Clayton Zoning Board of Appeals shall have advisory capacity on matters of Zoning variances and interpretations to the Town Board and the Village Board and those duties stated in the respective zoning ordinance or law of each municipality. The cost or services for the Chairman and Zoning Board of Appeals members, as well as training, shall be shared equally by the Town and the Village. Each year the Joint Town/Village of Clayton Zoning Board of Appeals shall meet in February to determine a budget for the upcoming Fiscal year, subject to Town and Village review. For the purpose of this agreement, the Town and Village will contribute equally by providing for its prorated share of such budget by making an annual appropriation in its respective municipal budget. The fiscal agent for the Joint Town/Village of Clayton Zoning Board of Appeals shall be the Town Director of Finance. Such agent will make bi-annual reports or by request to Village and Town Boards regarding the status of the Zoning Board of Appeals Budget. In the event litigation occurs on the part of a petitioner as a result of the action of the Joint Town/Village of Clayton Zoning Board of Appeals, the costs associated with such litigation shall be the responsibility of the municipality whose ordinance or law has jurisdiction in said case. To the extent outside costs for consultants or experts are incurred by the Joint Town/Village of Clayton Zoning Board of Appeals, such costs will be passed through to the municipality requiring such services; where such costs are for the joint benefit of the Town and Village, (e.g., Comprehensive Plan), said expenses shall be shared equally between the Village and the Town. The fiscal agent shall invoice the Village on quarterly basis for costs incurred on the last business day of each of the following months: March, June, September, December. Each municipality shall receive revenues based on the current fee structure stipulated in their respective Law/Ordinance. All provisions of this section and of the Town and Village Law relating to Zoning Board of Appeals member training and continuing education, attendance, conflict of interest, compensation, eligibility, vacancy of office, removal and service on the Joint Zoning Board of Appeals shall also apply to alternate members.

2. Jurisdiction

The jurisdiction of the Joint Zoning Board of Appeals shall apply to the entire Township inclusive of the incorporated Village of Clayton.

3. Powers and Duties

The Joint Zoning Board of Appeals shall have all the powers and duties prescribed by law, the Village of Clayton Zoning Law, and the Town of Clayton Zoning Ordinance, including:

- a. Interpretation: The Joint Zoning Board of Appeals shall have the power to interpret the provisions of Village of Clayton Zoning Law, and the Town of Clayton Zoning Ordinance.
- b. Review: The Joint Zoning Board of Appeals shall have the power to review any order or decision of the Town of Clayton Zoning Enforcement Officer and the Village of Clayton Zoning Enforcement Officer upon appeal by the person or persons affected
- c. Variances: The Joint Zoning Board of Appeals shall have the power to vary or modify the application of any of the regulations or provisions of the Town of Clayton Zoning Ordinance and the Village of Clayton Zoning Law relating to the use of land or the use, construction or alteration of buildings or structures, so that the spirit of the Town of Clayton Zoning Ordinance and the Village of Clayton Zoning Law shall be observed, public safety and welfare secured and substantial justice done, in accordance with New York State

- d. Environmental Quality Review Act (SEQR): The Joint Zoning Board of Appeals shall have the authority to determine the possible environmental significance of actions before it, in accordance with the provisions of 6NYCRR Part 617, State Environmental Quality Review Act.

4. Use Variances

- a. The Joint Board of Appeals, on appeal from the decision or determination of the administrative official charged with the enforcement of the Town of Clayton Zoning Ordinance, local law, or Village of Clayton Zoning Law shall have the power to grant use variances, as defined herein.
- b. No such use variance shall be granted by the Joint Zoning Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Joint Zoning Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located,
 - (i) The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence.
 - (ii) That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood
 - (iii) That the requested use variance, if granted, will not alter the essential character of the neighborhood
 - (iv) That the alleged hardship has not been self-created
- c. The Joint Board of Appeals, in the granting of use variance, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

5. Area (Dimensional) Variances

- a. The Joint Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of the Town of Clayton Zoning Ordinance, local law, or the Village of Clayton Zoning Law, to grant area variances as defined herein.
- b. In making its determination, the Joint Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:
 - (i) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.
 - (ii) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.
 - (iii) Whether the requested area variance is substantial
 - (iv) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district
 - (v) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

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

6. Imposition of conditions

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

7. Expiration of Approval

In the event that the applicant fails to execute the terms and conditions set forth in the use or area (dimensional) variance within 18 months after its final approval by the Joint Zoning Board of Appeals, said approval shall be deemed to have expired and any subsequent proposal shall require a new application and submission.

8. Procedure

- a. The Joint Zoning Board of Appeals shall act in strict accordance with all requirements of Town Law, Village Law, and Village Zoning Law and of this Ordinance. All appeals and variance applications to the Board shall be in writing on a form prescribed by the Board and accompanied by the fee set by the Town Board. Every appeal or variance application shall cite the specific provision(s) of the Town of Clayton Ordinance or Town of Clayton Village Law involved and shall set forth precisely the grounds for the appeal or the basis for granting the variance, as the case may be. In each instance, all necessary supporting evidence and data shall be attached to the appeal or application.
- b. Within 60 days after receipt of an appeal or variance application, the Joint Zoning Board of Appeals shall schedule a public hearing to be held following at least five days, notice published in the Town's officially designated newspaper. Such notice shall include a brief description of the order/decision appealed, or the specific nature of the variance sought, as the case may be, as well as the road or street address, the geographic location and the tax map identification of the parcel or property involved.
- c. Written notice shall also be provided all to adjacent property owners and all other involved parties; when a use variance is involved written Notice shall also be provided to all neighboring property owners within a 500 foot radius of any portion of the applicant's property.
- d. All variances or appeal actions of the Joint Town/Village Zoning Board of Appeals that fall within the jurisdiction of General Municipal Law, Article 12-b, Section 239-m shall be referred to the Jefferson County Planning Board for its review and action thereon prior to final local decision.
- e. Within 62 days following the final public hearing, the Joint Town/Village Zoning Board of Appeals shall reach its decision to accept or reject the appeal or variance application. Every decision of the Joint Board shall be accompanied by a brief summary of the reasons for its action and shall be communicated to the applicant in writing within five days. All actions taken by the Joint Zoning Board of Appeals shall be recorded in its minutes, together with a summary of the reasons for its decision and a tally of the members' votes thereon; said minutes shall be maintained in the Town Clerk's office and shall be available for public inspection during regular office hours.

- f. All meetings of the Joint Town/Village of Clayton Zoning Board of Appeals shall be open to the public.
- g. Costs incurred by the Joint Zoning Board of Appeals for consultation fees, such as legal and engineering fees, or other out-of-pocket expenses in connection with the review of an application shall be passed on to the applicant on the contractual basis or hourly rate as charged by the consultant.

E. Joint Town/Village Planning Board

1. Appointment and Membership:

The Joint Town/Village of Clayton Planning Board is comprised of seven (7) members, three (3) of which are appointed by the Town, and three (3) of which are appointed by the Village, and one (1) appointed jointly by the Town and the Village. These members are appointed for a term of seven (7) as follows: The governing board of the Village of Clayton shall appoint one (1) member for a one-year term, one (1) member for a three year-term and one member for a five-year term. The governing board of the Town of Clayton shall appoint one (1) member for a two-year term and one (1) member for a four-year term and one member for a six-year term. Both boards (Town and Village) shall jointly appoint one (1) member for a five-year term. Upon the expiration of the term of a member of the Planning Board, the body which appointed the incumbent to the expiring term shall appoint his or her successor to a full seven-year term of office. If a vacancy occurs other than by expiration of a term of office, the body which appointed the member who filled such office prior to the vacancy occurring shall appoint a successor for the balance of the term. Effective with the signing of this agreement, terms of existing members of the Joint Town/Village Planning Board will expire on December 31st of the year in which the current appointee's term is set to expire. In the event either municipality is unable to fill appointments from their respective subdivision, both parties hereto agree to honor appointments from the Town or Village in an effort to maintain a viable Joint Town/Village of Clayton Planning Board. The Town and the Village jointly appoint three (3) alternate members to the Joint Clayton Planning Board. The Joint Planning Board refers candidates for alternate to both Town and Village Boards by the Joint Planning Board for their approval. Both Village and Town Clerks must swear in all Planning Board members and alternates at the beginning of each term. Swearing in shall be recorded in each municipality. All respective terms of office to begin on January 1st and are for seven (7) years each. The Village of Clayton Board of Trustees and the Town Board of the Town of Clayton shall annually and jointly appoint the Chairperson for the Joint Planning Board from the membership thereof by January 15th each year. If the governing Boards have not come to an agreement by January 15th of each year, such Joint Board may select one of its members to serve as Chair. The alternates serve in the event that a regular member of the Joint Planning Board from that municipality is absent or unable to serve because of a conflict of interest on any matter pending before the Joint Planning Board. In the event the Joint Town/Village Clayton Planning Board lacks one or more regular members for any reason on any matter pending before it, the Chairperson or acting Chairperson may select an alternate member or members to sit in place of the absent member(s). The Joint Town/Village of Clayton Planning Board will apply those standards for compliance and interpretation based on the regulations and guidelines as promulgated by the respective ordinance or law of each municipality. The Joint Town/Village of Clayton Planning Board in conducting business will comply with other laws relative to Town and Village Law, General Municipal Law of the State of New York, and the provisions of the State Environmental Quality Review Act. The Joint Town/Village of Clayton Planning Board shall hire an individual to act as Secretary to take minutes, keep records, and conduct correspondence and any other related task as

requested by the Joint Planning Board. Each municipality shall budget for said position. The Planning Board shall set the salary for the secretary subject to Town/Village review. The Town and Village will each be responsible for their respective one-half of the salary of the secretary. The Joint Town/Village of Clayton Planning Board shall adopt bylaws outlining its structure and function, including, but not limited to the selection of a Chairperson (Subject to Article 3B) and Secretary, resolution procedures, meeting dates (one per month for a total of twelve per year unless otherwise warranted), and process for conducting meetings. Each Board member is required to complete the minimum training as required by law. At the discretion of the municipality that appointed the member, failure to comply with this requirement may be grounds for removal from the Board. This provision is subject to New York State regulations and training criteria. Each Board member shall be required to attend seventy-five percent of the scheduled meetings in each calendar year. At the discretion of the remaining members of the Clayton Planning Board, failure to attend the required number of meetings without good cause may be grounds for removal from the Board. In addition, failure to attend three consecutive meetings without good cause may be grounds for removal from the Board. The Joint Town/Village of Clayton Planning Board shall have advisory capacity on matters of planning and land use to the Town Board and the Village Board and those duties stated in the respective zoning ordinance or law of each municipality. The cost or services for the Chairman and Clayton Planning Board members, as well as training, shall be shared equally by the Town and the Village. Each year the Joint Town/Village of Clayton Planning Board shall meet in February to determine a budget for the upcoming Fiscal year, subject to Town and Village review. For the purpose of this agreement, the Town and Village will contribute equally by providing for its prorated share of such budget by making an annual appropriation in its respective municipal budget. The fiscal agent for the Joint Town/Village of Clayton Planning Board shall be the Town Director of Finance. Such agent will make bi-annual reports or by request to Village and Town Boards regarding the status of the Planning Board Budget. In the event litigation occurs on the part of a petitioner as a result of the action of the Joint Town/Village of Clayton Planning Board, the costs associated with such litigation shall be the responsibility of the municipality whose ordinance or law has jurisdiction in said case. To the extent outside costs for consultants or experts are incurred by the Joint Town/Village of Clayton Planning Board, such costs will be passed through to the municipality requiring such services; where such costs are for the joint benefit of the Town and Village, (e.g., Comprehensive Plan), said expenses shall be shared equally between the Village and the Town. The fiscal agent shall invoice the Village on quarterly basis for costs incurred on the last business day of each of the following months: March, June, September, December. Each municipality shall receive revenues based on the current fee structure stipulated in their respective Law/Ordinance. All provisions of this section and of the Town and Village Law relating to the Joint Clayton Planning Board member training and continuing education, attendance, conflict of interest, compensation, eligibility, vacancy of office, removal and service on the Joint Clayton Planning Board shall also apply to alternate members.

2. Jurisdiction

The jurisdiction of the Joint Planning Board shall apply to the entire Township inclusive of the incorporated Village of Clayton.

3. Powers and Duties

The Joint Planning Board shall have all the powers and duties prescribed by law, The Village of Clayton Law, and the Town of Clayton Zoning Ordinance, including:

- a. **Comprehensive Plan:** The Joint Planning Board shall have the authority to prepare a Comprehensive Plan for the Town and Village of Clayton, as well as to recommend changes therein.
- b. **Special Use Permits:** The Joint Planning Board shall have the authority to issue special use permits in accordance with the requirements of this Ordinance, Village Zoning Law and the appropriate Town and Village Law.
- c. **Site Plan Review:** The Joint Planning Board shall have the authority to administer the site plan review and approval provisions of this Ordinance, contained in Article X and Village of Clayton Zoning Law. In so administering these provisions, the Joint Planning Board shall be empowered to establish specific conditions, dimensions and other requirements to meet the generally prescribed performance criteria of this Ordinance and Village of Clayton Law. In performing this function, the Joint Planning Board shall act in accordance with the dictates of this Ordinance, Village of Clayton Zoning Law and the appropriate Town and Village Law.
- d. **Subdivision Plats:** The Joint Planning Board shall have the authority to review and approve subdivision plat in accordance with the Land Division Regulations of the Town and Village of Clayton.
- e. **Cluster Development Plans:** The Joint Planning Board shall have the authority to review and approve Cluster Development Plans simultaneously with the review of the subdivision plat in accordance with the Land Division Regulations of the Town and Village of Clayton.
- f. **State Environmental Quality Review Act (SEQR):** The Joint Planning Board shall have the authority to determine the possible environmental significance of actions before it, in accordance with the provisions of 6 NYCRR Part 617, State Environmental Quality Review Act.
- g. **Proposed Zoning Amendments:** The Town Board shall refer all proposed amendments to and changes in the Zoning Ordinance to the Joint Planning Board for review and recommendation prior to taking action thereon, in accordance with the provisions of Article XV of this Ordinance. The time for such review shall normally be a maximum of 30 days, but may be extended at the discretion of the Town Board. If the Joint Planning Board fails to take action within the designated period, it shall be deemed to have made a positive recommendation. The Joint Planning Board's recommendation, to be made in writing, shall consider the impact of the proposed amendments and/or changes to the Town/Village Comprehensive Plan, the Zoning Ordinance and the long-range planning concerns of the Town and Village of Clayton.
- h. **General Reports and Special Studies:** The Joint Planning Board shall have the full power and authority to make such investigations and to issue such maps, reports and recommendations relating to the planning and development of the Town and Village of Clayton that it deems desirable.

The Town Board may refer to the Joint Planning Board any matter or matters that it deems relevant for the preparation and submission of a report on said subject(s).

The Town Board, before making any changes in the Town Map so as to lay out new streets, highways, drainage systems or parks, or to alter or close existing streets, highways, drainage systems or parks shall refer such matter to the Joint Planning Board for its review and report. If the Joint Planning Board fails to make its report within thirty days of such reference, it shall be deemed to have approved the change.

4. Procedure

The Joint Planning Board shall act in strict accordance with all requirements of Town and Village Law, this Ordinance and Village of Clayton Law. All applications to the Joint Planning Board shall be in writing on a form prescribed by the Joint Planning Board. For all actions requiring site plan review and approval, subdivision plat approval and cluster development approval, a public hearing shall be held, upon five days' notice will be published in the Town or Village of Clayton's officially designated newspaper. For all actions involving special use permit approval, the Joint Planning Board shall direct that a public hearing be held, upon five days, notice published in the Town or Village of Clayton's officially designated newspaper. Every decision of the Joint Planning Board shall be communicated in writing to the applicant within five days, accompanied, in case of disapproval or conditional acceptance, by a brief summary of the reasons therefore.

All site plan review, special use permit and zoning actions of the Joint Planning Board that fall within the jurisdiction of General Municipal Law, Article 12-b, Section 239-m shall be referred to the Jefferson County Planning Board for its review and action thereon prior to final local decision.

All actions taken by the Joint Planning Board shall be recorded in its minutes, together with a summary of the reasons for its decision, and a tally of the members' votes thereon. Said minutes shall be maintained in the Town and Village Clerk's office and shall be available for public inspection during regular office hours.

All meetings and hearings of the Joint Planning Board shall be open to the public.

Costs incurred by the Joint Planning Board or Town Board for consultation fees, such as legal and engineering fees, or other out-of-pocket expenses in connection with the review of an application shall be passed on to the applicant on the contractual basis or hourly rate as charged by the consultant.

F. Enforcement and Remedies

In accordance with Section 268 of Town Law, any violation of this Ordinance is hereby declared to be an offense, punishable by a fine not exceeding \$350.00 or imprisonment for a period not to exceed six months, or both for conviction as a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than \$350.00 nor more than \$700.00 or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than \$700.00 nor more than \$1,000.00 or imprisonment not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this Ordinance shall be deemed misdemeanors and for such purposes only, all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is used, or any land is divided into lots, blocks or sites in violation of this Ordinance, the proper local authorities of the Town, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, use or division of land, to restrain, correct or abate such violation to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises. Upon the failure or refusal of the proper local officer, board or body of the Town to institute any such appropriate action or proceeding for a period of ten days after written request by a resident taxpayer of the Town so to proceed, any three taxpayers of the Town residing in the district wherein such violation exists, who are jointly or severally aggrieved by such violation, may institute such appropriate action or proceeding in like manner as such local officer, board or body of the Town

is authorized to do.

ARTICLE XVI. AMENDMENTS

The Town Board may from time to time of its own motion, or upon petition, amend, modify, change, supplement or repeal the provisions of this Ordinance and the Zoning Map constituting a part of this Ordinance, and the boundaries of Zoning Districts shown thereon after notice and public hearing as provided by New York State Town Law, Sections 264 and 265, and referral to the Jefferson County Planning Board as provided by General Municipal Law, Section 239-m, and referral to the Town Planning Board as required by this Ordinance.

A. Procedure

1. The Town Board, by resolution adopted at a public meeting, shall fix the time and place of a public hearing on the proposed amendment(s) and shall cause notice to be given as follows:
 - a. A notice shall be published at least ten days prior to said meeting, indicating the time and place of such hearing in the Town's officially designated newspaper.
 - b. A written notice of any proposed change or amendment affecting property within 500 feet of the boundaries of any county, town or village shall be provided the clerk of such municipality at least ten days prior to such public hearing. Such county, town or village shall have the right to appear and to be heard at such public hearing but shall not have the right of review by a court.
 - c. A written notice of any proposed change or amendment affecting property within 500 feet of the boundaries of any state park or parkway shall be provided to the New York State Office of Parks, Recreation and Historic Preservation, Thousand Islands Region, at least ten days prior to such hearing.
2. Before taking final action, the Town Board shall refer to the Jefferson County Planning Board for its review and action any proposed change or amendment applying to property within 500 feet of the boundaries of any county, town or village, or within 500 feet of any existing or proposed state or county recreation area, or within 500 feet of the right-of-way of any existing or proposed state or county road or highway, or within 500 feet of the existing or proposed boundary of any state or county owned land on which a public building or institution is located.

In accordance with the provisions of General Municipal Law, Article 12-b, Section 239-m, the Jefferson County Planning Board is required to report its recommendations to the Town Board within 30 days after receipt of such referral, or such longer period as mutually agreed upon. If such report is not timely received, the Town Board may take action without it. If the Jefferson County Planning Board disapproves the proposed change or amendment, the Town Board may approve the proposed change or amendment only by vote of a majority plus one of its members and only after adoption of a resolution fully setting forth the reasons for such contrary action.

Within thirty days after taking final action on the proposed amendment(s), the Town Board shall notify the Jefferson County Planning Board of such final action.

3. The Town Board shall refer all proposed changes and amendments to the Joint Town/Village Planning Board for a 30 day review and recommendation period. If the Joint Planning Board fails to take action within this period, it shall be deemed to have approved the proposal.

B. Protest

In case of a protest against any change or amendment signed by the owners of 20 percent or more of the area of land

included in such proposed change or of that immediately adjacent extending 100 feet there from or of that directly opposite thereto, extending 100 feet from the street frontage of such opposite land, such amendment shall not become effective except by the favorable vote of at least three-fourths of the members of the Town Board.

C. Publication and Posting

Every amendment to this Ordinance (including any map incorporated therein) shall be entered in the minutes of the Town Board and a copy thereof (exclusive of any map incorporated therein) shall be published once in the Town's officially designated newspaper and a copy of such amendment together with a copy of any map incorporated therein shall be posted on the signboard maintained by the Town Clerk, and affidavits of the publication and posting thereof shall be filed with the Town Clerk.

ARTICLE XVII. INTERPRETATION AND SEPARABILITY

A. Interpretation

Interpretation and application of the provisions of this Ordinance shall be held to be minimal requirements, adopted for the promotion of the public health, safety, and general welfare. Whenever the requirements of this Ordinance differ with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive or those imposing the higher standards, shall govern.

B. Separability

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

ARTICLE XVIII. EFFECTIVE DATE

This Ordinance shall take effect on August 19, 1989.

Town of Clayton

Zoning Reference Map

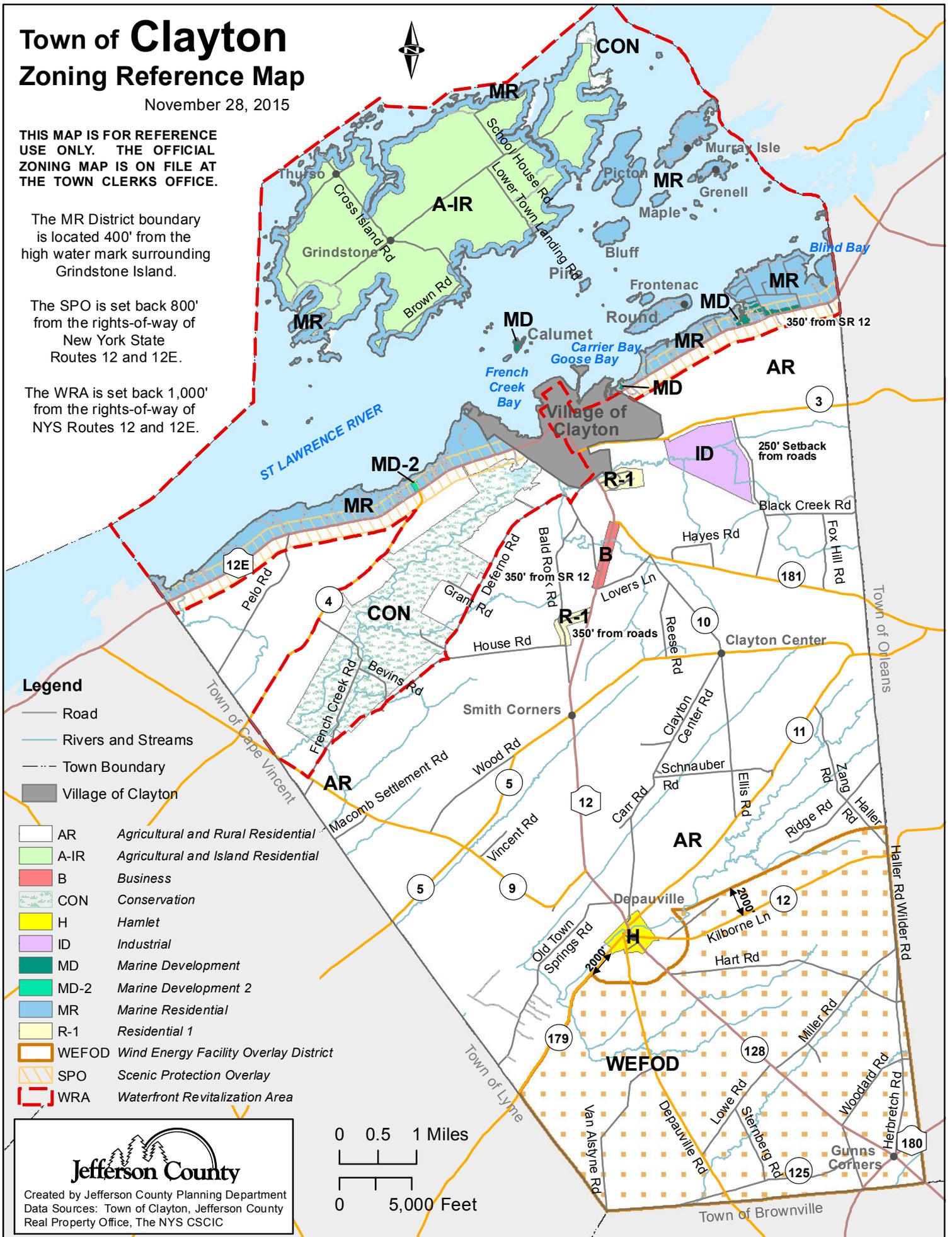
November 28, 2015

THIS MAP IS FOR REFERENCE USE ONLY. THE OFFICIAL ZONING MAP IS ON FILE AT THE TOWN CLERKS OFFICE.

The MR District boundary is located 400' from the high water mark surrounding Grindstone Island.

The SPO is set back 800' from the rights-of-way of New York State Routes 12 and 12E.

The WRA is set back 1,000' from the rights-of-way of NYS Routes 12 and 12E.



Legend

- Road
- Rivers and Streams
- - - Town Boundary
- Village of Clayton

- AR Agricultural and Rural Residential
- A-IR Agricultural and Island Residential
- B Business
- CON Conservation
- H Hamlet
- ID Industrial
- MD Marine Development
- MD-2 Marine Development 2
- MR Marine Residential
- R-1 Residential 1
- WEFOD Wind Energy Facility Overlay District
- SPO Scenic Protection Overlay
- WRA Waterfront Revitalization Area



Created by Jefferson County Planning Department
 Data Sources: Town of Clayton, Jefferson County
 Real Property Office, The NYS CSCIC

