AMENDMENT TO
ZONING ORDINANCE
OF
THE TOWN OF CLAYTON, JEFFERSON COUNTY, NEW YORK

The Zoning Ordinance of the Town of Clayton, Jefferson County, New York, as adopted on July 12, 1989, and as amended by Amendments 1 through 36, is hereby further amended as follows:

Section 1.

Article II, Section B, of the Zoning Ordinance of the Town of Clayton is further amended as follows:

(a) The definition of "Agricultural Use" shall be changed to read as follows:

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

(b) The definition of "Farm Winery" shall be changed to read as follows:

Farm winery/distillery/brewery/cidery: An agricultural operation for the growing of grapes, apples or other crops such as grains and berries, and the preparation, processing, marketing, and distribution of wine, beer or other alcoholic beverages and ciders, in addition to all uses that are permitted by the "Farm Winery Act of 1976" or the "New York Craft Act of 2014".

(c) The following definition shall be added:

Inn: An Establishment which provides not more than 16 rooms for hire for overnight accommodations within a single building.

Section 2.

Article III, Section A, of the Zoning Ordinance of the Town of Clayton is further amended by adding the following district designation thereto:

MR-2 Marine Residential 2

Purpose: In addition to the purposes established for the MR District, the MR-2 District is intended to recognize as appropriate and compatible to MR uses, those uses which have historically existed within the MR-2 District but not considered permitted uses within the MR District.

Section 3.

ARTICLE III, Section B, of the Zoning Ordinance of the Town of Clayton and the zoning map of the Town of Clayton are further amended as follows:

The boundaries of the Marine Residential District and the Marine Development District along New York State Route 12 from the Village of Clayton boundary east and along New York State Route 12E from the Village of Clayton boundary west are hereby amended and the Marine Residential-2 District shall be located as reflected on the map attached hereto and made a part hereof. The map entitled "Zoning Map, Town of Clayton as revised, dated and filed" shall be further revised, dated and filed to reflect this amendment, and once filed shall become a part of this ordinance and thereafter referred to as "Zoning Map".

Section 4.

ARTICLE III, Section D, of the Zoning Ordinance of the Town of Clayton, as amended, shall be further amended by adding the following at the end thereof:

"Notwithstanding the foregoing, where a lot intersects the Marine Residential District and the Marine Development District along the Route 12 corridor east of the Village of Clayton or the Route 12E corridor west of the Village of Clayton, the least restrictive regulations of the two Districts shall control the entire lot.

Section 5.

ARTICLE V, District Regulations, of the Zoning Ordinance of the Town of Clayton shall be further amended as follows:

Schedule A – Use Regulations shall be amended by removing "house boats" from the MR District as a use requiring site plan approval, and by adding to the MD District and the A-IR District "Farm Winery and Distillery" as a use requiring site plan approval.

Schedule A – Use Regulations of the Zoning Ordinance of the Town of Clayton shall be further amended by adding the following thereto:

District	Permitted Uses	Uses Requiring Special Use Permit	Permitted Accessory Uses	Uses Requiring Site Plan Approval
MR2 Marine Residential	Modular Home Single-family Dwelling (seasonal or year round).	Agricultural uses. Boathouse, Multiple Use. Bunkhouse. Two-family dwellings. Trails, Multi-use.	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.	Any construction or installation on a small island or shoal less than one acre in area. Fishing guide's shore-dinner party facilities. Cottage colonies. Farm Winery/Distillery/ Brewery/Cidery Inns Restaurants and Bars

Section 6.

Article V, District Regulations, of the Zoning Ordinances of the Town of Clayton shall be further amended to read as attached hereto:

Section 7.

Article VII, Section BB of the Zoning Ordinance of the Town of Clayton shall be further amended by adding the following use at No. 12: "Inns"; and the following use at No. 15: "Farm Winery/Distilleries".

Section 8.

Article VII, Section II (1) shall be amended to read as follows:

> 1. Restaurants, Taverns and Bars shall be permitted only in the 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 the Marine Development (MD) and the Marine Residential 2 (MR-2) districts, restaurants and bars shall be permitted only after site plan review and approval by the planning board applying the criteria in this section and elsewhere in this Ordinance where applicable.

Article VII, Section II (2) of the Zoning Ordinance of the Town of Clayton is further as amended as follows:

> 2. Such restaurants and bars shall be limited to those exclusively providing sit down service at tables or counters located on the interior of the premises or on an exterior area such as a deck that is located immediately adjacent to the restaurant structure and has been clearly shown on the approved site plan with the designated patron layout. Restaurant, Taverns and Bars shall not be approved to provide car-hop, drive-in or takeout facilities.

Section 9.

Article VII, Section II (5) of the Zoning Ordinance of the Town of Clayton is further amended to read as follows:

> 5. Off street parking facilities shall be provided in accordance with the requirements of Sections Z and BB of this Article VII.

Section 10.

Article VII of the Zoning Ordinance of the Town of Clayton is further amended by adding the following subsection thereto:

AAA. Farm Winery/Distillery/Brewery/Cidery.

1. Farm Wineries/Distilleries/Breweries and Cideries shall be permitted in the Marine Development (MD), Agricultural and Island Residential (A-IR), and the Marine Residential 2 (MR-2) districts following site plan review and approval by the joint planning board, applying the criteria contained in this section and elsewhere in this Ordinance as applicable.

2. Farm Wineries/Distilleries/Breweries and Cideries may include a tasting room and a retail sales area as designated on the approved site plan.

3. All improvements located on the subject property shall be designed, constructed, maintained and operated in accordance with the standards of the New York State Building Code and shall at all times comply with the requirements of the New York State Health Department.

4. All sanitary facilities shall be built and maintained in accordance with the requirements of the New York State Department of Health and the New York State Department of Environmental Conservation.

5. Off street parking facilities shall be provided in accordance with the requirements of Sections Z and BB of this Article VII, and shall be specifically designated on the approved site plan.

6. All signs shall be designed, built and maintained in accordance with the requirements of Section PP of this Article VII, and shall be specifically included on the approved site plan.

7. All patron activities shall be conducted within the enclosed structures, or on exterior portions of the property specifically designated therefore on the approved site plan, and shall be limited to the hours of operation as approved by the joint planning board. In reviewing the exterior portions of the property to be utilized for patron activity, the planning board shall consider the proximity of the operation to neighboring residential properties, and the impact of such activities on the peaceful enjoyment of the occupants of such residential property.

8. At no time shall the noise level from the operations of the business activities at the Farm Wineries/Distilleries/Breweries and Cideries exceed the level of 50 decibels at the property line at the approved facility.

Article XIV, Section B, of the Zoning Ordinance of the Town of Clayton shall be further amended to read as follows:

B. Continuance of Nonconforming Uses of Structures.

1. 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, subject to all other provisions of this article.

2. No such nonconforming use shall be increased by the erection or placement of any additional structures, or extension, or enlargement of existing structures, and the use shall not be enlarged to occupy a greater land area. A nonconforming structure may be altered, if the alteration does not further encroach on a nonconforming set back or any other applicable zoning regulations within the District.

Section 11.

Article XIV, Section C, of the Zoning Ordinance of the Town of Clayton is further amended to read as follows:

C. Changes In Existing Nonconforming Uses and Structures.

No material change shall be made in any nonconforming use except a change to a use permitted under this ordinance. Any change of a nonconforming use to another nonconforming use shall require approval by the Zoning Board of Appeals. Upon application for and interpretation that the requested use is not a material change in use from the existing nonconforming use. In making a determination that the use is not a material change from the existing nonconforming use, the Zoning Board of Appeals must determine that the use is similar in nature to existing nonconforming use, and will have similar impacts such as parking requirements, number of employees, volumes and traffic of customers or clients and other similar impacts. In addition, the requested use shall not occupy a greater footprint than the existing nonconforming use.

Section 12.

Article XIV, of the Zoning Ordinance of the Town of Clayton is further amended by adding the following section thereto:

H. **Nonconforming mobile home parks and campgrounds.**

Within existing nonconforming mobile home parks and campgrounds, the setback for all new construction, alterations of existing structures, or renovation of existing structures shall be five (5) feet from the mobile home or campground property line, and five (5) feet from any adjoining lot within the mobile home park or campground.

MR-2
Marine Residential 2

Use	Maximum Lot Area	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 docks and boathouses, 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%	50,000 sq. ft.	200 ft.	Setbacks to be determined by the Planning Board			35 ft. (4)
Lot of Record	25%	15,000 sq. ft.	100 ft.	55 ft.	15 ft.	30 ft.	35 ft.