

TOWN OF CHAZY
ZONING LAW

Adopted March 9, 1992
**Latest Amendment February 8, 2010

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Local Law last Amended on February 8, 2010.

ARTICLE 1
GENERAL PROVISIONS

Section 100 Title

The title of this law is the "Town of Chazy Zoning Law," and shall include this text and the official zoning map.

Section 105 Purposes

The purposes of this law are to provide for orderly growth and change within the Town of Chazy, and to provide for the health, safety and general welfare of existing and future residents. Further, this law is intended to implement the land use planning goals established in the Town of Chazy Comprehensive Land Use Plan dated June 1991.

Section 110 Regulated Activities

A. A Zoning Permit shall be required for any of the following actions.

1. Construction of any new building or structure.
2. Enlargement of an existing building or structure.
3. Change in the use of a building or of land.
4. The placement of signs.
5. Change in ownership of conditional use.

B. Deleted July 11, 1994.

C. The following activities are not regulated by this law and do not require a Zoning Permit.

1. Interior structural alterations, or routine maintenance and improvement which does not expand the exterior dimensions of a structure.
2. The erection of chimneys, posts and other similar structures.
3. Temporary yard sales, porch sales, garage sales and sales of a similar nature which are held less than 30 days per year.

ARTICLE 2
ESTABLISHMENT OF ZONES

Section 200 Types of Zones

For the purpose of this law, the Town of Chazy is hereby divided into the following zones:

HR	Hamlet Residential
HC	Hamlet Commercial
AR	Arterial Residential
C	Commercial
IC	Industrial/Commercial
RU	Rural Use
LR	Lake Area Residential
LC	Lake Area Commercial
AF	Agriculture/Forest
CON	Conservation

Section 210 Zoning Map

Said districts are bounded as shown on the Town of Chazy Zoning Map, which, with all explanatory matter, is hereby made part of this law.

Section 220 Interpretation of Zone Boundaries on Zoning Map

Boundary lines generally follow road lines, property lines, Clinton County Agricultural District boundaries, or setbacks 500 feet from highways. Questions concerning the precise location of zone boundary lines shall be resolved by the Board of Appeals under their powers of interpretation.

Section 225 Lots in Two or More Districts

If a lot lies in two or more zoning districts, each portion of the lot shall be governed by the regulations of the district in which it lies. Upon special authorization of the Zoning Board of appeals, and after public hearing, the provisions of the less restricted portion of the lot may be extended up to 100 feet into the more restricted portion. An extension of more than 100 feet shall require a variance or map amendment.

ZONING DISTRICT REGULATIONS

****Section 310 Permitted Use Chart**

x = Permitted use within the zone
 c = Conditional use within the zone
 sp = Conditional use within the zone (Special Use Permit also required)

A use shall be deemed prohibited within a zoning district unless it is listed as: a permitted use or a conditional use, a conditional use or conditional use with Special Use Permit, within that district.

Land Use District:

	<u>HR</u>	<u>HC</u>	<u>C</u>	<u>IC</u>	<u>RU</u>	<u>AR</u>	<u>LR</u>	<u>LC</u>	<u>AF</u>	<u>CON</u>
A. **RESIDENTIAL USES										
Single family dwelling.....	x	x	x	x	x	x	x	x	x	
Two family dwelling.....	x	x	x	x	x	x	x	x	x	
Multi-family dwelling.....	c	c	c	c	c	c	c	c		
**Single-wide mobile home.....			c		x	x				x
Mobile home park.....			c	c	c					
Seasonal camp.....			x	x	x	x	x	x	x	x
Group Residence.....		c	c	c	c	c		c		
B. **GENERAL USES										
**Church.....	c	c	c	c	c	c			c	
**Membership club.....		c	c	c	c	c			c	
Public facility.....		c	c	c	c	c		c		
Hospital.....			c	c		c				
Essential use/service.....	c	c	c	c	c	c		c		
**Non-profit recreation facility.....		c	c	c	c	c		c	c	
Educational or research institute.....			c	c	c				c	
Nursing Home.....		c	c	c	c	c		c		
Telecommunications Tower.....		c	c	c	c			c	c	c
Wind Energy Conversion System...	sp	sp	sp	sp	sp	sp	sp	sp	sp	sp
C. COMMERCIAL USES										
Home occupation.....	x	x	x	x	x	x	x	x	x	
Retail store:										
Neighborhood convenience store with gas		c	c	c				c		
Neighborhood convenience store without gas		c	c	c	c			c		
Antique, craft or gift shop.....		c	c	c	c			c		
Used merchandise or furniture.....		c	c	c	c			c		
Gun shop, fishing tackle.....		c	c	c	c			c		
Neighborhood commercial facility without gas		c	c	c	c			c		
Supermarket.....		c	c	c						
Other retail store.....		c	c	c						
Motor vehicle sales.....		c	c	c						
**Lawn, garden or farm equipment.....		c	c	c	c				c	
Mobile home sales.....			c	c						
**Feed store, farm supplies.....		c	c	c	c				c	
Shopping center.....		c	c	c						
C. COMMERCIAL USES (continued)										
**Produce sales.....		c	c	c	x			c	c	
**Nursery, florist, greenhouse.....		c	c	c	c			c	c	
**Outdoor recreation.....		c	c	c	c			c	c	

Golf course and clubhouse.....		c	c	c						
**Campground, travel trailer park.....		c	c	c				c	c	
Indoor recreation (bowling, skating).....	c	c	c	c				c		
Truck stop.....		c	c							
Indoor theater.....	c	c	c							
Motel, hotel, cabins.....	c	c	c					c		
**Bed and breakfast.....	c	c	c	c				c	c	
Marina, boat storage facility.....	c	c	c	c				c		
Restaurant.....	c	c	c	c				c		
Food or ice cream stand.....	c	c	c	c				c		
Launderette.....	c	c	c	c				c		
Personal service business (beauty shop, barber, tailor, similar businesses).....	c	c	c	c				c		
Professional or business office.....	c	c	c	c				c		
Bank.....	c	c	c							
Clinic.....	c	c	c	c						
Private school.....	c	c	c	c						
Child care center.....	c	c	c	c	c	c	c	c	c	
Funeral home.....	c	c	c	c						
Tavern, bar, nightclub.....	c	c	c					c		
Gasoline and auto service station.....	c	c	c							
Motor vehicle repair/auto body shop.....	c	c	c	c						
Appliance repair shop.....	c	c	c	c						
**Veterinarian, animal hospital.....	c	c	c	c						c
**Kennels.....		c	c	c						c
**Boat Sales.....	c	c	c					c		
**Boat repair.....	c	c	c					c		
**Riding Academy.....	c	c	c	c	c	c	c	c	c	c
**Stable.....	c	c	c	c	c	c	c	c	c	c
Fish processing.....					c					c
Slaughterhouse.....										c
Trucking.....		c	c							
Well drilling, construction, or excavating business		c	c	c						
Junk yard.....										sp
Hazardous waste disposal area.....	(not permitted in any district)									
Industrial and commercial waste disposal Generated within the Town of Chazy.....										c
Generated outside the Town of Chazy.....	(not permitted in any district)									
Commercial construction and demolition debris disposal Generated within the Town of Chazy.....										c
Generated outside the Town of Chazy.....	(not permitted in any district)									
Septage (septic tank waste) disposal Generated within the Town of Chazy.....										c
Generated outside the Town of Chazy.....	(not permitted in any district)									
Sewage sludge, biosolids or human waste derived products disposal & application										c
Automobile race track.....	(not permitted in any district)									
Amusement Park.....	(not permitted in any district)									
Unlisted commercial use.....		c	c							
D. INDUSTRIAL USES	<u>HR</u>	<u>HC</u>	<u>C</u>	<u>IC</u>	<u>RU</u>	<u>AR</u>	<u>LR</u>	<u>LC</u>	<u>AF</u>	<u>CON</u>
Sawmill.....				c	c				c	
Wood products manufacture and sales.....			c	c	c				c	
Warehousing and distribution.....				c	c					
Manufacturing.....				c						

Research and testing laboratory.....		c	c						
Machine shop.....		c	c	c					
Small scale hydroelectric facility.....	c	c	c	c			c	c	
Other industrial uses.....				c					
Mining operation		c	c	c			c		

E. OTHER USES

Agricultural and forestry uses and structures x	x	x	x	x	x	x	x	x	x
Cluster development.....	c	c	c	c	c	c	c	c	
Accessory use.....	x	x	x	x	x	x	x	x	

Section 320 Dimensional Requirements

	Zones:						
	<u>HR,HC</u>	<u>C,RU,AR</u>	<u>IC</u>	<u>LR,LC</u>	<u>AF</u>	<u>CON</u>	
A. SINGLE OR TWO FAMILY DWELLING, AND INDIVIDUALLY SITED MOBILE HOMES							
Minimum lot size (sq. ft.)							
Single family dwelling							
Abutting Route 9 or Route 22	30,000	40,000	NA	NA	40,000		
Abutting other through highway	30,000	40,000	40,000	30,000	40,000		5 acres
Abutting a minor residential street	30,000	30,000	30,000	30,000	40,000		5 acres
Two Family dwelling							
Abutting Route 9 or Route 22	35,000	80,000	NA	NA	80,000		
Abutting other through highway	35,000	80,000	80,000	60,000	80,000		
Abutting a minor residential street	35,000	60,000	60,000	60,000	80,000		
Minimum lot width (ft.)							
Abutting Route 9 or Route 22	125	150	NA	NA	150		
Abutting other through highway	100	150	150	125	150		
Abutting a minor residential street	100	100	100	100	150		
Minimum highway frontage (ft.)	25	25	25	25	25		
Minimum front building setback from highway right-of-way (ft.)							
Abutting Route 9 or Route 22	30	40	NA	NA	40		
Abutting other through highway	30	40	40	40	40		
Abutting a minor residential street	30*	30	30	30	30		
Minimum building setback, each side (ft.)	20	20	20	20	20		
Minimum building setback, rear (ft.)	30	30	30	30	30		
Maximum coverage by buildings (% of lot)	30%	30%	30%	30%	30%		
Maximum height of structures (ft.)	35	35	35	35	35		
B. MULTI-FAMILY DWELLING							
Minimum lot size (sq. ft.)							
First unit	30,000	40,000	40,000	30,000	NA		
Each additional unit	+ 5,000	+40,000	+40,000	+30,000	NA		
Minimum lot width (ft.)							
Abutting Route 9 or Route 22	200	300	NA	NA	NA		
Abutting other highway	200	200	200	200	NA		
Minimum highway frontage (ft.)	50	50	50	50	NA		
	<u>HR,HC</u>	<u>C,RU,AR</u>	<u>IC</u>	<u>LR,LC</u>	<u>AF</u>	<u>CON</u>	
Minimum front building setback from highway right-of-way (ft.)							
Abutting Route 9 or Route 22	40	60	NA	NA	NA		
Abutting other highway	40	40	40	40	NA		
Minimum building setback, each side (ft.)	20	20	20	20	NA		
Minimum building setback, rear (ft.)	50	75	75	50	NA		

Minimum green space buffer, sides and rear	20	30	30	20	NA
Maximum coverage by buildings (% of lot)	30%	30%	30%	30%	NA
Maximum height of structures (ft.)	35	35	35	35	NA
Maximum number of dwellings attached together in one building		4	4	4	NA

C. RESIDENTIAL ACCESSORY STRUCTURES

Minimum building setback

Front (ft.)

Abutting Route 9 or Route 22	30	40	NA	NA	40
Abutting other through highway	30	40	40	40	40
Abutting a minor residential street	30	30	30	30	30
Sides and rear (ft.)	10	10	10	10	10

D. COMMERCIAL USES, PUBLIC AND SEMI-PUBLIC BUILDINGS AND GROUNDS, CLUBS

Minimum lot size (sq. ft.)	30,000	40,000	40,000	40,000	40,000
Minimum lot width (ft.)	125	200	200	200	200
Minimum highway frontage (ft.)	50	50	50	50	50
Minimum front building setback from highway right-of-way (ft.)					
Abutting Route 9 or Route 22	30	60	60	NA	NA
Abutting other highway	30	40	40	40	40
Minimum building setback, each side (ft.)	20	20	20	20	20
Minimum building setback, rear (ft.)	20	40	20	30	40
Minimum green space buffer, sides and rear	none	20	10	10	20
Maximum coverage by buildings (% of lot)	30%	30%	none	30%	30%
Maximum height of structures (ft.)	35	35	35	35	35

E. INDUSTRIAL, TRUCKING, OR WAREHOUSING USES

Minimum lot size (sq. ft.)	NA	80,000	40,000	NA	NA
Minimum lot width (ft.)	NA	300	200	NA	NA
Minimum highway frontage (ft.)	NA	50	50	NA	NA
Minimum front building setback from highway right-of-way (ft.)				NA	NA
Abutting Route 9 or Route 22	NA	60	60	NA	NA
Abutting other highway	NA	50	50	50	NA
Minimum building setback, each side (ft.)	NA	20	20	NA	NA
Minimum building setback, rear (ft.)	NA	50	20	NA	NA
Minimum green space buffer, sides and rear	NA	20	10	NA	NA
Maximum coverage by buildings (% of lot)	NA	30%	none	NA	NA
Maximum height of structures (ft.)	NA	35	35	NA	NA

F. AGRICULTURAL STRUCTURES AND USES

Minimum front, side and rear building setback from lot line	50	50	50	50	50
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HR,HC C,RU,AR IC LR,LC AF CON

G. FRONTAGE ON LAKE CHAMPLAIN

Minimum lake frontage for each lot	100
Building setback from high water mark.	50

Notes: NA = not applicable

* = or in line with neighboring structures **Amended February 8, 2010

Section 330 Maximum Size of Buildings

In Hamlet Commercial (HC) zones no structure used for business purposes shall be larger than 5000 square feet in ground area. The intent of this requirement is to insure that new commercial buildings are in keeping with the scale of existing structures in hamlet areas.

Section 340 Green Space Buffer

The green space buffer required for non-residential uses shall apply to all side and rear lot lines. The green space buffer must be kept as a vegetated area. No driveways, parking lots, or storage of materials or vehicles are permitted, nor shall the buffer be used as a work area.

The Planning Board shall have the authority to reduce the size of the required green space buffer at the time of conditional use approval, provided that: (a) a public hearing is held prior to such action, and (b) no adverse impacts upon existing or future adjacent land uses are anticipated.

ARTICLE 4
SUPPLEMENTAL REGULATIONS

Section 405 Principal Buildings per Lot

A. There shall be only one principal building per lot on residential lots except as provided in part B. below. A principal building means the building used as dwelling quarters, and does not include accessory structures. Two or more residential units which are attached and share a

common wall, such as attached townhouse units, shall be considered a single principal building. Each mobile home shall be considered to be a separate principle building.

B. Exceptions.

1. More than one residential building per lot is permitted within a cluster development approved as a conditional use pursuant to Section 570 of this law.
2. More than one residential unit may be placed on an active farm for the purpose of housing farm employees. In the case of individual houses or mobile homes, such dwellings must be placed so that (a) the space between residential structures is no less than the sum of the required side building setbacks for the district in which they are located, and (b) minimum front and rear building setbacks are met. In the case of mobile homes arranged for group housing for seasonal workers, the spacing and setback requirements for mobile home parks shall apply.

Section 410 Corner Lots

On corner lots, the sides facing both streets shall be considered front yards. On the other sides, one shall be considered front yards. On the other sides, one shall be considered a rear yard and the other a side yard at the owner's option.

Section 415 Minimum Road Frontage

Each new building lot shall be accessible to a public road, or to a private road designed and constructed to Town standards. For purposes of this section, accessible shall mean that: (a) the building lot directly fronts upon the road for the minimal width show below, or (b) a legally sufficient right-of-way easement has been obtained for the minimal width shown below.

	minimum road frontage
Single family dwelling	25 feet
Two family dwelling	25 feet
Multi-family dwelling	50 feet
Non-residential uses	50 feet

Section 420 Mobile Homes, Not in Mobile Home Parks

A. All mobile homes shall be in compliance with standards equal to or more stringent than the U. S. Department of Housing and Urban Development (HUD) Manufactured Mobile Home Construction and Safety Standards, 24 CFR Part 3280 (1976). The presence of a permanent certification label affixed to the mobile home by the manufacturer shall be presumptive evidence that the construction of a mobile home is in compliance with such standards.

B. All mobile homes not located in a mobile home park shall be placed on a permanent

foundation extending below the frost line, or upon a steel reinforced concrete slab at least four (4) inches thick which extends the full length and width of the mobile home which is placed upon it.

Exception. Such a foundation or slab shall not be required for a mobile home allowed by temporary permit in accordance with Section 1000, part H. of this law. The purpose of such exception shall be to provide temporary living quarters while a residential structure is being constructed.

- C. The mobile home shall be provided with anchors or tie-downs capable of securing the stability of the mobile home. Anchors/tie-downs shall be placed at least at each corner of the foundation or concrete slab.
- D. Each mobile home shall be provided with skirting to screen the space between the mobile home and the ground. Such skirting shall be of a durable material and shall be installed within 90 days of occupancy.
- E. Any existing mobile home may be replaced with a mobile home of larger size without obtaining a variance as prescribed by Article 9 of this law, provided that a permanent concrete slab as required by part B. above is placed beneath the full length and width of the larger mobile home.
- F. No tires, planks or other foreign objects shall be placed on roof of a mobile home.

Section 425 Roadside Produce Stands

Roadside produce stands are exempt from the building setback requirements stated in Article 3 of this law. Adequate of-road parking shall be provided so that the stand does not create a traffic hazard.

Section 430 Off-Road Parking

- A. An off-road parking space shall not be less than 9 by 20 feet. Driveway area may be used to supply such space in the case of single family residences. Other uses shall provide such space in addition to the driveway area.
- B. No non-residential parking space shall be located within ten (10) feet of a side lot line.
- C. Existing uses need not provide additional off-road parking unless one or more of the following conditions occurs: (a) the use changes, (b) the use expands its gross floor area by twenty-five (25) percent or more in a three year period.
- D. In calculating the number of required parking spaces, fractional portions shall be rounded to the nearest whole space.
- E. Minimum requirements: One space per each employee on largest shift, plus the following.

Residential use	2 spaces per dwelling unit
Home Occupation	Adequate space to accommodate all vehicles during peak periods, including employees
Professional Offices	1 space per 200 s. f.. of office area
Retail Stores and Service Shops	1 space per 200 s. f.. of retail area
Shopping Center	1 space per 250 s. f.. of gross leasable area
Church, meeting hall, auditorium, or other place of public assembly not otherwise classified	1 space per 4 seats or 50 s. f.. of seating area where fixed seating is not provided
Eating and Drinking establishments	1 space per 3 seats or stools
Funeral homes	1 space per 4 seats
Motel/Hotel or Tourist accommodation	1 space per each sleeping room
Industrial use	1 space per employee on largest shift plus visitor parking
Bowling alley	3 spaces per alley
Yacht club or marina	1 space per slip, mooring or other docking space
Motor vehicle repair establishment	1 space per 300 s. f. of floor area
For uses not specifically listed, the requirement shall be the same as for the most similar use listed, or as otherwise provided in this law.	

F. The Planning Board shall have the authority to lower or raise the requirements stated E above at the time of conditional use approval. Requirements may be lowered if the developer can demonstrate the need for fewer parking spaces.

Section 435 Off- Road Loading

Business uses shall provide off-road loading space on the site sufficient for the loading and unloading of any trucks which are anticipated to use the site in the future.

Section 440 Home Occupations

A home occupation is a business use conducted in a dwelling or accessory structure which is clearly secondary to the property's residential use, and which does not change the residential character thereof. To be considered a home occupation, a business must meet each of the following criteria. If any of the criteria are not met, the business use shall be deemed to be a commercial use rather than a home occupation.

- A. In no way shall the appearance of the structures be altered or the occupation be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, or emission of sounds or vibrations. No use shall create noise, dust, smell, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance in excess of that created by a residence.
- B. No outdoor display of goods or materials used in the home occupation shall be permitted.
- C. No more than one commercial vehicle used in conjunction with the business shall be parked on the property.
- D. No on-road parking of vehicles shall result from the conduct of the occupation. All parking shall be on the property.
- E. No more than fifty (50) percent of the first floor of the primary residence shall be utilized for the conduct of the home occupation. The total area of a basement or of a residential accessory structure may be used for the conduct of the home occupation.
- F. The term home occupation shall not include the following uses, which shall be considered commercial uses and shall be subject to the sections of this law governing commercial uses: garage or shop for the repair of motor vehicles, automobile body shop, commercial stable or kennel, musical or dancing instruction to groups exceeding four pupils, convalescent home, funeral home, trucking business requiring the parking of more than one truck, construction or excavating business requiring the outdoor parking of more than one piece of equipment.

Section 445 Stream Protection

This section shall apply to the following watercourses:

Little Chazy River, Corbeau Creek, Tracy Brook, and any stream designated by the New York State Department of Environmental Conservation as class "C" or higher quality.

- A. All structures shall be set back at least fifty (50) feet from the mean high water mark of the stream or river.
- B. Within thirty-five (35) feet of the mean high water mark not more than thirty percent of the trees in excess of six inches in diameter at breast height may be removed during any ten year period.

C. Within six feet of the mean high water mark no vegetation may be removed except for the provision of a 30 feet wide clear area for each lot.

D. The above standards shall not prevent the removal of diseased or rotten vegetation, or vegetation which presents a health or safety hazard.

Section 450 Signs

A. The following are prohibited.

1. Moving, flashing, blinking, or animated signs.
2. Signs over 20 feet in height, except pole signs permitted in conjunction with a gasoline sales establishment as provided for in part C below.
3. Off-premise advertising signs, meaning any signs primarily intended to advertise an activity not conducted on the premises or a product not available for sale on the premises. Signs primarily intended to inform travelers as to the location and type of business conducted at a particular location are considered directional signs, and are permitted subject to size limitation.
4. Off-premise directional signs exceeding sixteen (16) square feet in surface area.

B. Each residence or home occupation shall be limited to one sign not to exceed twelve (12) square feet in area.

C. Each commercial or industrial use shall be limited to one free standing sign not to exceed the maximum area stated below, and any number of signs applied to the face of a building provided that the total area of such signs shall not exceed one square foot for each linear

foot of building frontage on that side.

Maximum size of free standing sign:

HC, LC and RU Districts	=	36 square feet
C and IC Districts	=	50 square feet

Each retail gasoline sales establishment is permitted, in addition, one pole sign not to exceed the maximum size stated above.

D. Placement of free standing signs: No sign shall obscure a line of sight for traffic, or otherwise constitute a traffic hazard. All signs shall be placed at least twenty (20) feet from any side lot line.

E. The area of a sign shall be computed as including the entire surface within the frame of a sign. For a sign consisting of letters painted on or attached onto a building, the sign area shall be calculated by multiplying the average height of the letters by the distance between the first and last letters.

F. Conditional Use Review standards.

In the case of signs proposed in conjunction with a project which requires conditional use approval, in their review of the conditional use the Planning Board shall insure that no sign creates a traffic hazard, causes visual blight, nor detracts from the value of neighboring properties. All signs shall be designed so as to blend with the visual character of the area as far as practical. In their review, the Planning Board may take the following elements into consideration: size, bulk and mass of the sign(s); texture and materials; colors; lighting and illumination; orientation and elevation; location; proximity to roads; design, including size and character of lettering; and frequency and nature of all signs which are within the field of vision.

Section 455 Keeping of Junk

No junk as defined herein shall be located so as to be visible from any public road or adjacent lot.

Section 460 Keeping of Animals

In Hamlet Residential (HR), Hamlet Commercial (HC) and Lakeshore residential (LR) districts, no fowl, cows, horses, goats, pigs or other farm animals shall be kept outdoors except on a farm as defined herein. This regulation shall not apply to the keeping of household pets such as dogs and cats.

Section 465 Fences and Hedges

Fences and hedges shall not constitute a traffic hazard, and shall not obscure the line of sight of traffic.

Section 470 Satellite Dishes

A. In Hamlet Commercial (HC), Commercial (C), Industrial/Commercial (IC), and Lakeshore Commercial (LC) zones satellite television antennas may be located anywhere on the lot or buildings thereon. In all other zoning districts such antenna shall be located only in the rear yard of any lot. If satellite signals cannot be clearly received from such rear yard, the antenna may be located on the side yard.

B. In the event that satellite signals cannot be received by locating the satellite television antenna on the rear or side yard of such property, such antenna may be placed in the front yard or on the roof of the structure provided that special permission is obtained from the Planning Board upon showing by the applicant that satellite signals are not receivable from the rear or side yards. Such special permission shall require neither public hearing nor an additional fee.

Section 475 Amateur Radio, Television Antenna

A. Any antenna more than five (5) feet above roof, if affixed to a building or more than thirty five (35) feet above mean ground level at foundation of building requires conditional use approval.

1. Antenna structures shall be located a distance of at least total height of structure plus twenty (20) feet from all property lines, electrical power lines or other overhead obstacle.
2. Location of guy wires, anchors, and supporting cables shall adhere to setbacks as outlined in Section 320.

Section 480 Travel Trailer

No more than two (2) Travel Trailers are permitted within all zoning districts on a single private lot of one (1) acre or more for a maximum of 90 days per year. If lot size is less than one acre, only one (1) Travel Trailer is allowed. Travel Trailers are permitted for any length of time in legally established Travel Trailer Parks or when stored at an owner's residence.

Section 485 Outdoor Waterstoves

Purpose To regulate the use of outdoor waterstoves to reduce air pollution and prevent excessive smoke in densely populated areas.

No person shall install or allow the installation of an outdoor waterstove subject to the requirements of this section unless the outdoor waterstove:

1. Is Located more than 100 feet from any residence other than a residence served by the outdoor waterstove;
2. The outdoor waterstove must have a permanent stack extending higher than the roofline of the structure being served by the outdoor waterstove unless the waterstove is located more than 200 feet from any residences other than the residence being served by the waterstove; and,
3. Complies with all applicable laws including, but not limited to, local ordinances and its operation does not create a nuisance.

The owners of all existing outdoor waterstoves that do not meet the permanent stack requirements of this section within nine (9) months of its effective date, may seek relief by requesting a variance from the Zoning Board of Appeals.

**ARTICLE 5
STANDARDS FOR CONDITIONAL USES

Section 500 Approval of Conditional Uses

All conditional uses shall require Conditional Use Approval in accordance with Article 8 before a Zoning Permit may be issued. No conditional use shall be approved by the Planning Board unless the following general and specific standards are met.

Section 510 General Standards for All Conditional Uses

- A. Compatibility. The character, appearance, location size, height, intensity, nature and site layout of the proposed use, buildings, structures, hours of operation and/or outdoor signs: (a) shall not discourage appropriate development and use of adjacent land and buildings, and shall not impair the value thereof, and (b) shall not cause a significant adverse impact upon nearby properties by reason of noise, fumes, odors, vibration, flashing lights, litter, traffic, surface water or groundwater contamination, or other adverse condition.
- B. Vehicular Access. Proposed vehicular access points shall be adequate but excessive in number, and shall be adequate in width, grade, alignment and visibility; not located too near street corners or places of public assembly; and meet similar safety considerations. All proposed buildings, structures, equipment or materials shall be readily accessible for fire and police protection.
- C. Sight Distance at Entry and Exit. To the extent practicable, intersections with and entries onto any public road shall be designed so that minimum safe sight distances and other standards set forth in "Policy and Standards for Entrances to State Highways," State of New York Department of Transportation publication number M.A.P. 7.12-34, shall be maintained. As set forth in the above cited publication, the minimum unobstructed line of sight in each direction at the entrance to a public road shall be as follows:

Design Speed of Highway	Left Turn	Right Turn
30 mph	396 feet	286 feet
40 mph	583 feet	484 feet
50 mph	814 feet	770 feet

Said distances shall be measured from the point of entry onto the public road. (Said distances represent the safe braking distance for traffic along the public road.)

- D. Circulation and Parking. Adequate provision for safe and accessible off-road parking and loading space shall be made.
- E. Landscaping and Screening. Parking and loading areas, and any proposed use which in the judgment of the Planning Board may have a potential adverse visual impact upon

neighboring residential properties, shall be reasonably screened by vegetation at all seasons of the year from the view of such properties. Site landscaping shall include the preservation of existing trees over six (6) inches in diameter to the maximum extent practicable.

F. Drainage and Erosion Control. Adequate provision shall be made for drainage of the site, and to insure that storm water runoff does not create an adverse impact upon nearby lands or waterways. Appropriate erosion control measures shall be taken to prevent the pollution of waterways by silt and sediment.

G. Utilities and Municipal Services. Adequate provision shall be made for water supply and sewerage disposal, electrical service, and solid waste disposal. The proposed use shall not create a burden on municipal or County services.

Section 515 Multi-Family Dwellings

A useable open yard or recreation space of at least one thousand (1000) square feet per dwelling unit shall be provided. The Planning Board may require that recreation facilities be provided.

Section 520 Retail Gasoline Outlet

A. Gasoline and/or fuel pumps shall not be located closer to any side or rear lot line than the minimum setbacks for buildings as specified in Section 320 of this law.

B. Property line setbacks for underground fuel storage tanks shall comply with National Fire Protection Association (NFPA) standards.

C. Adequate space shall be provided for safe pull-off, parking, waiting lines and service, so as to prevent any interference with the roadway or shoulder. Gasoline pumps shall be located at least thirty (30) feet from the road right-of-way.

D. Such operation shall be screened from neighboring residential properties by a fence, hedge or other planting so as not to be visible from such properties.

Section 525 Motor Vehicle Repair Shop

A. All junk wastes as a result of servicing motor vehicles, such as discarded parts, shall be stored in an enclosed structure or fenced area so as not to be visible from adjacent lots.

B. Such operation shall be screened from neighboring residential properties by a fence, hedge or other planting or structure so as not to be visible from such properties.

Section 530 Industrial, Trucking or Warehousing

Such operation shall be substantially screened from neighboring residential properties.

Section 535 Excavations

- A. The mining and reclamation plan prepared for the Department of Environmental Conservation shall also be reviewed and found acceptable by the Planning Board prior to their approval.
- B. Such excavation or extraction shall not endanger the stability of adjacent land or structures nor constitute a detriment to public welfare, convenience or safety by reason of excessive dust, noise, traffic or other condition.
- C. Excavation activities shall be set back one hundred (100) feet from any property line or public road.

Section 540 Campgrounds, Travel Trailer Parks

- A. Minimum lot size: 5 acres.
- B. Each campground/travel trailer park shall have adequate access to a public highway, and each camp/travel trailer site shall be serviced from interior roadways.
- C. The campground/travel trailer park shall be divided into campsites. The corners of each campsite shall be clearly marked, and each campsite shall be numbered for identification.
- D. The minimum size of each camp/travel trailer campsite shall be 2500 square feet.
- E. There shall be a minimum forty (40) feet green space buffer surrounding the campground/travel trailer park. No campsite or portion thereof, building, or structure shall be placed within the buffer area.
- F. No campsite shall be located within fifty (50) feet of any stream, brook, pond, or wetland.
- G. The Planning Board may require that the campground/travel trailer park be substantially screened from the view of public roads and neighboring properties.
- H. Each campground/travel trailer park shall comply with all applicable rules and regulations of the New York State Department of Health and the Clinton County Health Department.
- I. A minimum of ten (10) percent of the total area of the campground/travel trailer park, not including the forty (40) feet green space buffer, shall be dedicated to a recreation area and shall be fully maintained by the owner.

- J. Adequate plans shall be made for the collection and disposal garbage, rubbish and solid wastes generated within the park.

Section 545 Mobile Home Park Standards

- A. All mobile home parks shall be located so as to be accessible by a public highway at least sixteen (16) feet in pavement width. The site shall be adequately drained and otherwise physically suitable for a mobile home park.
- B. Each mobile home park shall be divided and marked off into sites. Each site shall have an area of not less 7200 square feet.
- C. Each mobile home site shall front on an internal roadway, and have a minimum width of 50 feet.
- D. Each mobile home shall be located no closer than 40 feet from any other mobile home or permanent building in the mobile home park.
- E. Each mobile home or other structure shall be at least 40 feet from all boundaries of the mobile home park.
- F. Access roads shall intersect public roads at right angles.
- G. Every roadway within a mobile home park shall be designed and constructed to the following minimum standards: sixteen (16) feet wide pavement surface with two (2) feet shoulders on each side, a twelve (12) inch gravel base, and a gravel surface.
- H. Every roadway within a mobile home park shall be maintained in such repair that each lot is accessible by emergency vehicles at all times of the year.
- I. Turn-arounds shall be provided at the end of dead-end roads.
- J. Each mobile home lot shall be provided with two (2) off-street parking spaces.
- K. Water supply and sewerage disposal shall be designed and constructed in compliance with Clinton County Health Department standards.
- L. Adequate plans shall be made for the collection and disposal garbage, rubbish and solid wastes generated within the park.
- M. Each mobile home shall be enclosed at the bottom with a skirt or enclosure made of non-transparent permanent building material, such as metal, cement or building board. The appearance of the skirt or enclosure shall be in keeping with the appearance of a residential neighborhood.

- N. Each mobile home site shall be furnished with a steel reinforced concrete slab at least four (4) inches thick which extends the full length and width of any mobile home intended to be placed upon it.
- O. No more than one mobile home shall be located on any mobile home lot. Every mobile home within a mobile home park shall be located on a mobile home lot, or temporarily located in a designated storage area shown on the approved site plan approved for said ark.
- P. All mobile homes shall be in compliance with standards equal to or more stringent than the U.S. Department of Housing and Urban Development (HUD) Manufactured Mobile Home Construction and Safety Standards, 24 CFR Part 3280 (1976). The presence of a permanent certification label affixed to the mobile home by the manufacturer shall be presumptive evidence that the construction of a mobile home is in compliance with such standards.
- Q. All fuel tanks shall be concealed from public streets to the extent practical.
- R. A landscaping plan shall be prepared and carried out which will assure the Planning Board that an appropriate planting of trees and shrubs will be included in the park design. The Planning Board may require that the entire park shall be screened from view of adjacent properties and roadways by the planting of shrubbery of an appropriate species.
- S. Each park shall have easily accessible and usable open spaces. Such open spaces shall have an area equal to at least ten (10) percent of the gross land area of the park, and shall be fully maintained by the park owner. Part or all of such space shall be in the form of developed recreation areas to be usable for active recreation purposes.

Section 550 Junkyards

The following regulations shall apply to all new junkyards, as defined herein.

- A. No junkyard shall be located within:
 - 1. 200 feet of any adjoining property line;
 - 2. 500 feet of any lake, stream, pond, or wetland;
 - 3. 200 feet from any public road right-of-way;
 - 4. 500 feet from any church, school, cemetery, hospital, or public building.
- B. In their conditional use review and approval the Planning Board shall take the following factors into account:
 - 1. Visibility of the site from highways, public use areas, and residential areas;
 - 2. The type of highway serving the site;
 - 3. Nature and development of surrounding property, such as the proximity of residential areas, recreational facilities, public parks, churches, educational

- facilities, nursing homes, or places of public gathering;
- 4. Possible impact upon surface or groundwater quality;
- 5. Whether or not the site can be reasonably protected from adversely affecting the public health, safety or welfare by reason of adverse environmental impact;
- 6. The availability of other suitable sites.

C. Junkyards shall be screened from the view of neighboring properties and public highways either by an eight feet high fence constructed of wood or other approved materials; or by the planting of appropriate evergreen trees or shrubbery. Such fence shall be adequate to prohibit children and others from entering the junk storage area, and shall be erected not nearer than two hundred (200) feet from a public highway.

Section 555 Regulation of Sewage Sludge, Biosolids and Human Waste Derived Products

DISPOSAL:

No person shall dispose of sewage sludge, biosolids, biosolid products or any material containing human waste derived products on land located within the Town except in accordance with applicable Federal and New York State laws and regulations, and this ordinance.

LAND APPLICATION:

No person shall land apply biosolids, sewage sludge, or human waste derived products in the Town until all of the procedural requirements set forth in this ordinance as well as those set forth in applicable Federal and New York State laws and regulations have been satisfied.

No owner shall permit land application of biosolids, sewage sludge, or human waste derived products on land in the Town until all of the procedural requirements set forth in this ordinance and those set forth in applicable Federal and New York State laws and regulations have been satisfied.

No land application of biosolids, sewage sludge, or human waste derived products shall be permitted on any land within the Town with a slope of 15 percent or greater.

No land application of biosolids, sewage sludge, or human waste derived products shall be permitted on any land within the Town with a depth to bedrock of less than two feet.

Land application of biosolids, sewage sludge, or human waste derived products shall not encroach into the 100 year floodplain as established by the Federal Emergency Management Agency and displayed in the most current version of the Flood Insurance Rate Map for the area in question.

Land application of biosolids, sewage sludge, or human waste derived products shall not encroach within 100 feet of any stream, river, or other surface water body.

Land application of biosolids, sewage sludge, or human waste derived products shall not

encroach within 100 feet of any property boundary.

Land application of biosolids, sewage sludge, or human waste derived products must be accomplished within one week of depositing the material or storage of the material on site or on lands of the owner, unless unforeseen weather conditions or other circumstances reasonably beyond the control of the permittee prevent spreading.

Land application of biosolids, sewage sludge, or human waste derived products must be accomplished in an application rate that is in accordance with the manufacturer's recommendations for use, and shall not exceed 40 cubic yards of material per acre per calendar year.

Land application activities should be scheduled so as to avoid conflicts with community and social events in the vicinity of the land application site.

STORAGE OR STOCKPILING:

No person shall operate a storage facility or stockpile for biosolids, sewage sludge, or human waste derived products within the Town without receipt of a special permit from the Town, if applicable.

ODORS:

No person shall land apply or stockpile biosolids, sewage sludge, or human waste derived products generating odors offensive to persons of ordinary sensibility across property lines for two weeks or more after completed land application. If odors persist for more than two weeks after application, the owner shall be required to remedy the odor through means such as tilling of the land, or spreading of some other permitted soil over the land to reduce the odor.

EXCEPTIONS TO THESE REGULATIONS:

These regulations do not apply to on-site disposal of human waste and septage through an approved on-site septic system or on-site sewage treatment process. These regulations also do not apply to any bagged biosolid product or human waste derived product that is sold in bagged form, and which remains in bagged form until used by the purchaser.

MONITORING AND SAMPLING:

By agreeing to accept biosolids, sewage sludge, or human waste derived products for land application, the owner of a property on which land application takes place agrees to allow the Town Codes Enforcement Officer access to the land application site for the purpose of monitoring land application activities. It is the responsibility of the permittee and/or applicator to ensure that the property owner is advised of this requirement. The Codes Enforcement Officer (CEO) shall make diligent efforts to contact the property owner prior to entering the property.

The permittee and the owner shall allow the Town Codes Enforcement Officer to take

samples at the application site before, during and after the application. Any test samples shall be analyzed at a lab qualified to determine compliance with all applicable laws and regulations. At the request of the applicator, the Codes Enforcement Officer shall provide the owner with a split sample.

Upon completion of the analysis, the results shall be provided to the Town and the owner of the property in questions. If the tests indicate that the biosolid, sewage sludge, or human waste derived product does not meet Federal and New York State established standards for regulated pollutants, pathogens, heavy metals, carcinogenic materials and other state and federal hazardous wastes, the Town may notify the State and Federal governing agencies of the deficiencies of the product and request cleanup of the product at the owner's expense.

COMPLAINTS AND RESPONSE:

The Codes Enforcement Officer (CEO) shall notify the NYS Department of Environmental Conservation and the permittee of all written complaints concerning the land application of biosolids, sewage sludge or human waste derived products. The CEO shall notify the permittee of any failure to follow the requirements of the permit resulting in the improper application of biosolids, sewage sludge and human waste derived products. The CEO shall notify the permittee of any spillage of biosolids, sewage sludge or human waste derived products onto public streets or rights-of-way or on property outside the area authorized by permit. The permittee shall respond to undertake appropriate corrective action for improperly applied biosolids, sewage sludge or human waste derived products or to clean up biosolids, sewage sludge or human waste derived products spilled onto public streets, roadways or other unpermitted areas, immediately upon receiving such notification. In the event that the permittee does not respond to notification of spillage or improper application and the Town conducts cleanup of spilled biosolids, sewage sludge or human waste derived products, the permittee shall compensate the Town for the actual costs of such cleanup.

The permittee is responsible for ensuring that there is no tracking of biosolids, sewage sludge or human waste derived products from the land application sites onto public roads and that said materials that are dragged or tracked out from land application sites are promptly removed from public roads and highways.

Section 560 Marinas

A. Minimum frontage.

For marinas with berthing facilities for up to 50 boats:

300 feet minimum lake frontage.

For marinas with berthing facilities for more than 50 boats:

300 feet plus 4 feet for each berth in excess of 50.

B. Sanitary Facilities.

1. Toilet and other necessary facilities for males and females shall be provided in permanent structures. Such facilities shall be housed in either separate buildings or in

the same building; in the latter case such facilities shall be separated with soundproof walls. The male and female facilities shall be marked with appropriate signs and have separate entrances for each.

2. Male facilities shall consist of not less than one flush toilet for every fifty (50) berths and one lavatory for every fifty (50) berths. Female facilities shall consist of not less than one flush toilet for every fifty (50) berths and one lavatory for every fifty (50) berths.
3. Lavatory facilities shall be supplied with hot and cold running water.
4. Buildings housing sanitary facilities shall be located at least one-hundred (100) feet from the mean low water mark of Lake Champlain.
5. Sewerage disposal facilities shall be approved by the Clinton County Health Department.

C. Sewage Pump-Out Facilities. Facilities shall be provided for the pump out of holding tanks on boats using the marina facilities. Facilities for disposal of such septic wastes shall be approved by the Clinton County Health Department.

D. Garbage Disposal. Metal or plastic garbage cans with tight fitting covers, or dumpsters, shall be used in quantities adequate to permit the disposal of all garbage and rubbish. Any dumpster located within one hundred (100) feet of Lake Champlain shall be provided with a means of stormwater retention in order to prevent stormwater from washing pollutants into the lake.

E. Repair Work. No testing of motors or engines or repairs on boats, other than emergency repairs, shall be conducted by the marina or person using the facilities between the hours of 9 p.m. and 7 a.m.

F. Lighting. Lighting shall be of a type, design and location that maximizes the safety of marina users and minimizes potential annoyance to neighboring properties. Any navigation or other lights required by federal or state law shall be exempted from this section.

G. Landscaping Plan. The marina operator shall provide the Planning Board with a landscape plan designed to screen the marina from surrounding residential properties.

****Section 565 Keeping of Horses**

A. Purpose. The Purpose of this section is to provide for and permit the recreational keeping of horses within the Town of Chazy and to prohibit the keeping of horses in such a manner or in such locations as to be offensive to occupants of adjoining property or persons residing in the vicinity.

B. Regulations.

(1) General. Stables shall be permitted in zoning districts as outlined in Section 310 of this law and shall meet the requirements of this law and all codes and regulations which may apply to the keeping of horses.

(2) Dimensional regulations shall be as follows:

(a) Minimum lot area. The minimum lot area necessary for stabling or

keeping of horses shall be three acres.

- (b) Number of horses. The number of horses that may be stabled on any parcel of land shall be in accordance with the following schedule:**

Minimum Acreage

(acres)	Number of Horses
Less than 3	None
3 acres or more	1 horse per acre

- (c) Setback.**

[1] No stable nor storage of manure or other odor or dust producing substance is allowed nearer than 75 feet to any lot line or watercourse.

- (3) Fencing. A fence shall be erected and maintained around any paddock area, pasture area, or any other area outside of the stable where a horse is allowed.**

C. Dwelling requirements.

- (1) The Stabling or keeping of horses shall be allowed on parcels herein provided as a use secondary and subordinate to the residential use only if there exists on such parcel a single-family detached dwelling.**

Section 570 Cluster Development

A. Purposes. The use of cluster development, whereby dwellings are grouped together on smaller than normal lots and portions of the site are set aside as permanent open space, is encouraged in order to achieve the following objectives: (1) the preservation of open space such as views, farm fields, mature woods and other features which add to the rural character and quality of the residential environment, (2) the more economical provision of streets, utilities and other development infrastructure, and (3) locating buildings and septic systems upon the most suitable soils.

B. Density Bonus. In order to encourage the use of cluster development, a density bonus is provided whereby more than the otherwise permitted number of dwellings may be placed upon a development parcel, as specified in part E.4. below.

C. Authorization for Simultaneous Subdivision Review

Should the Planning Board be authorized to review and approve subdivision plats by local law or regulation, as provided by Section 281 of the Town Law, the Planning Board of the Town of Chazy is hereby authorized, simultaneous with their review of subdivision plats, to modify certain provisions of this zoning law according to the standards set forth in this section.

D. Standards. Minimum lot size; minimum lot width; minimum front, side and rear yards; minimum setbacks; and minimum green space buffer requirements as specified in this zoning law may be reduced provided that the following standards are satisfied.

1. Five or more dwellings or principal structures are proposed to be placed on a single

lot, or a subdivision of five or more lots in single ownership or in ownership by a group or two or more owners acting in concert is involved.

2. For residential developments, the total number of dwellings permitted shall not exceed the number specified in part E. below.
3. All proposed land uses within the cluster development are listed as either permitted uses or conditional uses in the zone where the development is located.
4. Open areas within the site shall be chosen so as to facilitate one or more of the following objectives:
 - a. To preserve prime farmland.
 - b. To preserve views.
 - c. To protect environmentally sensitive features such as providing buffers for streams and wetlands.
 - d. To locate septic leach fields upon suitable soils.
 - e. To provide recreation areas.
 - f. To serve as a buffer between neighboring properties and roads.
 - g. To preserve wooded areas and hedgerows.
 - h. To preserve other such areas which add to the rural character and quality of the environment.
5. Provision, whether by deed restriction, covenant, or other legal arrangement, shall be made to ensure that the undeveloped portion of the parcel remain as permanent open space or recreation area.
 - a. Designated open space areas may be owned privately by individuals. Adequate provision shall be made by covenant, deed restriction or other legal means to insure that future owners are aware of the development restrictions upon such areas.
 - b. Open space or recreation areas may be owned in common by individuals within the subdivision. In such case, covenants or other legal arrangements shall specify ownership of the cluster open space, method of maintenance, responsibility for maintenance, maintenance taxes and insurance, compulsory membership and compulsory assessment provisions, guarantees that any association formed to own and maintain cluster open space will not be dissolved without the consent of the Planning Board, and any other specifications deemed necessary by the Planning Board.
 - c. Open space or recreation areas may be deeded to the town upon approval by the Town Board.
6. All the general standards for conditional uses stated in Section 510 herein shall apply.

E. Number of permitted dwelling units.

The total number of dwelling units permitted within the cluster development shall not exceed the number which would otherwise be permitted by application of the minimum lot size requirements for single family dwellings to the buildable portion of the site, excluding roads, plus the density bonus permitted by part 4 below. In calculating the number of dwelling units allowed, the following rules shall apply.

1. The net buildable site area shall be calculated by subtracting from the area of the site as determined from actual on-site survey the following: (a) any unbuildable lands such as, but not limited to, wetlands, slopes exceeding fifteen (15) percent, rock outcrops, flood hazard areas, and inaccessible portions of the site, and (b) any separate parcels which are not contiguous to the remainder of the development.
2. The number of dwelling units allowed shall be calculated by dividing the net buildable site area by the minimum lot size permitted for single-family dwellings within the zone.
3. Fractions of dwelling units shall be rounded to the lowest whole number.
4. For each five (5) dwelling units thus calculated, a bonus of one (1) additional dwelling unit shall be permitted.

D. Procedures.

1. Cluster developments shall be approved according to the procedures prescribed for conditional use approval as specified in Article 8 of this law. Should the Planning Board be authorized to review and approve subdivision plats by local law or regulation, then cluster development review and approval shall be undertaken simultaneously with subdivision plat review and approval.
2. In their approval of site plans for cluster development the Town Planning Board shall maintain accurate records and maps showing the location of permanent open spaces. No further development upon the designated open spaces shall be permitted.

Section 590 Adult Uses

A. Purposes. To regulate the creation, opening, commencement and /or operation of Adult Use and Entertainment Establishments, as herein defined, in order to achieve the following:

1. To preserve the character and quality of life in the Town of Chazy's neighborhoods and business areas.
2. To control such documented harmful and adverse secondary effects of Adult Uses on the surrounding areas as: decreased property values; attraction of

transients; parking and traffic problems; increased crime; loss of business for surrounding non-adult businesses; and deterioration of neighborhoods.

3. To restrict minors' access to adult uses.
4. To maintain the general welfare and safety for the Town of Chazy's residents.

- B. Allowed Zoning Districts. All Adult Use and Entertainment Establishments as defined herein may only be created, opened, commenced or operated within the Commercial (C) zoning district within the Town of Chazy.
- C. Location within Allowed Zoning District. An Adult Use and Entertainment shall be allowed only in Commercial (C) zoning district and within such district, shall not be allowed:
1. Within one thousand (1000) feet of the boundary of any residential zoning district in the Town;
 2. Within one thousand (1000) feet of the property line of a parcel used for residential purposes in the Town;
 3. Within one thousand (1000) feet of the property line of a parcel containing or owned by a church, synagogue, other place of worship, library, school, day-care facility, park, or playground, within the Town;
 4. On the same parcel as another Adult Use and Entertainment Establishment; or,
 5. Within one thousand (1000) feet of the property line of another Adult Use and Entertainment Establishment, whether or not such other establishment is located in the Town. The above distances of separation shall be measured from the nearest exterior wall of the portion of the structure containing the Adult use and Entertainment Establishment.
- D. Area, Yard, and Height Setback Requirements. Area, yard, and height Requirements shall be the same as for other uses in the Commercial (C) district, except as noted above.
- E. Parking Space Requirements. One (1) space per each employee plus one (1) space per 3 seats or stools.
- F. Screening Requirements/Landscaping Requirements. The Planning Board will determine Screening and Landscaping requirements at Sketch Plan Conference or Application review.
- G. Signage. Signs allowed shall be in compliance with Commercial (C) zone regulations. Any ground, wall, canopy, window or projection sign shall contain only the name of the establishment. It shall not contain any advertising, or identification of any product, service, etc.
- H. Prohibition of Certain Materials Visible from Outside the Building. No printed material, slide, video, photograph, written text, live show, or other visual presentation format shall be visible from outside the establishment.

- I. Prohibition of Certain Sounds Discernible from Outside the Building. No live or recorded voices, music, or sounds shall be heard from outside the establishment.

Section 595 Wind Energy Systems

- A. Purpose. The purpose of these regulations is to protect the community's interest in properly siting wind turbine towers in a manner consistent with sound land use planning, while also allowing private and commercial providers to meet their power generating objectives.
- B. Zoning District Requirements
 - 1) A WECS and a Windmill Farm may be allowed in the all zoning districts of the Town of Chazy only by Special Use Permit.
 - 2) No Wind Turbine Tower facilities shall be installed in any location that would substantially detract from or block view of a portion of a recognized scenic view, as viewed from any public road right of way, public body of water, or publicly owned land within the Town of Chazy or that extends beyond the border of the Town of Chazy.
- C. Application Requirements. All site plan applications and Special Use Permit applications for WECS and Windmill Farms shall meet the requirements of the Town of Chazy Zoning Law and include drawings prepared by a Professional Engineer licensed in the State of New York, which depicts the following additional requirements:
 - 1) Property lines and physical dimensions of the site;
 - 2) Location, approximate dimensions and types of major existing structures and uses on site;
 - 3) Location and elevation of the proposed WECS;
 - 4) Location of all above ground utility lines on site or within a radius of three (3) times the total height of the WECS.
 - 5) Location and size of structures and trees above 35 feet within a fifteen hundred foot radius of the proposed WECS. For purposes of this requirement, electrical transmission and distribution lines, antennas and slender or upon lattice towers are not considered structures.
- D. General Provisions. Approval of all site plans or Special Use Permits for the installation of a WECS of any size, shall comply with the following requirements:
 - 1) Environmental impact. Any WECS or Windmill Farm project will be subject to the State Environmental Quality Review Act (SEQRA) and will require a visual assessment.
 - 2) Compliance. All WECS must comply with all Federal, State and Local Codes.

- 3) Setbacks.
 - a) WECS shall be set back from any property line, above ground utility line of other WECS a distance three (3) times its overall height, including blades.
 - b) In the case of cluster development, a WECS shall be erected within the common open space area and shall be set back from all residences a distance greater than three (3) times its overall height.
 - c) Contiguous property owners may construct a WECS for use in common, provided that the required setback, defined above, is maintained relative to the property lines of non-participant owners.
 - 4) Height. The minimum height of the lowest part of the swept area of any WECS shall be 30 feet above the highest existing major structure or tree within a two hundred fifty foot radius. For purposes of this requirement, electrical transmission and distribution lines, antennas and slender or open-lattice towers are not considered structures.
 - 5) Guy wires. Anchor points for guy wires for the WECS tower shall be located within property lines and not on or across any above ground electrical transmission or distribution line. The point of ground attachment for the guy wires shall be enclosed by a fence six feet high.
 - 6) Tower access. Towers must have either:
 - a) Tower-climbing apparatus located no closer than 12 feet from the ground;
 - b) A locked anti-climb device installed on the tower; or
 - c) The tower shall be completely enclosed by a locked, protective fence at least six feet high. For windmill farms a protective fence at least six feet high enclosing the entire site may be considered.
 - 7) Noise. The WECS shall meet the requirements of any existing noise ordinance of the Town of Chazy. In general the noise of turbine shall not exceed 50db(A), as measured at the boundaries of all the closest parcels that are owned by non-site owners and abut the site parcels.
 - 8) Electromagnetic Interference. The WECS shall be operated such that no disruptive electromagnetic interference is caused. If it has been demonstrated to the Town Zoning Enforcement Officer that a wind energy conversion system is causing harmful interference, the operator shall promptly mitigate the harmful interference.
 - 9) Signs. At least one sign shall be posted at the base of the Tower warning of electrical shock or high voltage.
 - 10) Power Lines. All power transmission lines to and from the WECS shall be underground.
 - 11) Lighting of tower. Lighting of the tower for aircraft and helicopter will conform to FAA standards for wattage and color, when required.
- E) Liability insurance. The applicant, owner, lessee or assignee shall maintain a current insurance policy which will cover installation and operation of the wind

energy conversion system at all times. As a part of the application review process, the Town may require proof that the applicant is carrying sufficient liability, workers compensation, etc., during installation and operation of proposed facility. Limits for said policy shall be set on size and scope of each project.

- F) Abatement. If a wind energy conversion system or systems are not maintained in operational condition for a period of one year and pose a potential safety hazard, the owner or operator shall take expeditious action to remedy the situation. The Town of Chazy reserves the authority to abate any hazardous situation and to pass the cost of such abatement onto the property owner and (or) operator of the system. If the Town of Chazy determines that the WECS has been abandoned or poses a safety hazard, the system shall be removed within 45 days of written notice to the owner or operator of the system.
- G) Decommissioning and Restoration.
- 1) The applicant shall include the following information regarding decommissioning of the project and restoring the site:
 - a) The anticipated life of the project;
 - b) The estimated decommissioning costs in current dollars;
 - c) The method and schedule for updating the costs of decommissioning and restoration;
 - d) The method of ensuring that funds will be available for decommissioning and restoration; and
 - e) The anticipated manner in which the project will be decommissioned and the site restored.
 - 2) The Planning Board and/or the Town Board shall require the applicant to provide an appropriate and adequate demolition bond for purposes of removing the WECS facility in case the applicant fails to do so as required above. Proof of this bond shall be provided each year or at renewal time of any Special Permit.
 - 3) The sufficiency of the demolition bond shall be confirmed at least every five years by an analysis and report of the cost of removal and property restoration to be performed by a New York State licensed professional engineer, the cost of same to be borne by the applicant. If said analysis and report determines that the amount of the bond in force is insufficient to cover the removal, disposal and restoration costs, the bond shall be increased to the amount necessary to cover such costs within 10 days of the applicant's receipt of such report.
- H) Windmill Farm. The owner of each Windmill Farm shall have it inspected at least every two (2) years for structural and operational integrity by a New York State licensed professional engineer, and shall submit a copy of the inspection report to the Town. If such report recommends that repairs or maintenance are to

be conducted, the owner shall provide to the Town Board a written schedule for the repairs or maintenance.

Section 597 Additional Special Use Permit Requirements

- A) Application. Every application for a special use permit shall be made, in writing, to the Town Board in accordance with the requirements of the Town and shall be accompanied by a filing fee as set forth in the Town's Standard Schedule of Fees. The special use permit application will include the following:
- 1) Name and address of the applicant.
 - 2) Evidence that the applicant is the owner of the premises involved or that the applicant has written permission of the owner to make such an application.
 - 3) A plot plan and development plan drawn in accordance with Article 5 and Article 8 of the Town of Chazy Zoning Law, which depicts the following additional requirements:
 - a) Property line and physical dimensions of the proposed site;
 - b) Location, approximate dimensions and types of major existing structures and uses of the site;
 - c) Location and elevation of the proposed project.

ARTICLE 6
NON-CONFORMING LOTS, USES AND STRUCTURES

Section 600 Applicability

This section shall apply to those land uses, structures and lots of record which legally existed at the time of enactment or amendment of this law, but which are not in compliance with the regulations or standards herein.

Section 610 Intent

The intent of this article is to provide for limited development upon existing undersized lots, and to allow non-conforming uses to continue but not to encourage their expansion.

Section 620 Existing Undersized Lots of Record

- A. A single family dwelling may be constructed on any recorded lot held in single and separate ownership prior to adoption of these regulations without regard to the minimum lot area, minimum lot width, and minimum lake frontage required by Article 3 of this law, provided that such lot does not adjoin any other lot or lots held by the same owner such that the owner might combine two or more lots in order to meet minimum requirements. Minimum front, side and rear building setbacks for new structures constructed on undersized lots of record shall be one-half the minimum building setbacks specified in Section 320 of this law. The establishment of uses other than a single family dwelling on such lots shall require a variance.
- B. Existing buildings located on undersized lots of record may be reconstructed to occupy the same ground area as the original structure.
- C. Existing buildings located upon undersized lots of record may be expanded without the issuance of a variance provided that front, side and rear building setbacks as specified in Section 320 herein, and all other requirements of this law, are satisfied.

Section 630 Non-conforming Building Setbacks

Existing buildings which are placed closer to front, side or rear lot lines than permitted by Article 3 of this law shall not be expanded in a manner which would increase the extent of their non-conformity.

Section 640 Non-Conforming Uses

Uses of land or structures which lawfully existed at the time these regulations were enacted, and which would be prohibited or restricted by these regulations, may be continued subject to the following conditions.

- A. Enlargement. Buildings containing a non-conforming use may be enlarged by an amount

not to exceed one-quarter the size of the building without issuance of a variance by the Zoning Board of Appeals, provided that minimum building setbacks and maximum lot coverage requirements are met. If only a portion of a building contains a non-conforming use, then that square footage may be increased by one-quarter by using additional space within the structure, but not by constructing an addition to the structure. An existing mobile home may be replaced with a mobile home of any larger size pursuant to Section 420, part E of this law.

The area of a lot occupied by a non-conforming use which does not involve a building, such as a non-conforming automobile sales lot, and equipment storage area, or a junk storage area, may not be expanded.

- B. Unsafe structures. Any structure or portion thereof declared unsafe by proper authority may be restored to a safe condition.
- C. Restoration. If a building is destroyed by fire, flood, or other act of God, then it may be rebuilt or restored to house the specific use that existed at the time of its destruction, but it shall not be rebuilt for any other non-conforming use. It may be enlarged by the amount permitted in part A. above.
- D. Discontinuance. Whenever a non-conforming use has been discontinued for a period of one year, the use shall not thereafter be re-established, and all future uses shall be in conformity with these regulations.
- E. Changes. Once changed to a conforming use, no structure or land so changed shall be permitted to revert to a non-conforming use.

****ARTICLE 7
DEFINITIONS**

Except where specifically defined herein all words used in this law shall carry their customary meaning. Doubt as to the precise meaning of a word shall be clarified by the Board of Appeals under their powers of interpretation.

A-Weighted Sound Level The sound-pressure level in decibels as measured on a sound-level meter using the A-weighting network and designated as db(A).

Accessory Structure A building or structure which is of secondary importance to the principal structure of the parcel and which is not used for human occupancy, including but not limited to garages, sheds and swimming pools. Where an accessory structure is attached to the main structure in a substantial manner, as by a wall or roof, such accessory structure shall be considered part of the main structure.

Accessory Use A use customarily incidental and subordinate to the principal use, and which is located on the same parcel with such principal use.

Adult Use A public or private establishment or any part thereof, which presents any of the following entertainments exhibitions or services: Topless and/or bottomless dancers, strippers, topless waitressing, busing or service; topless hair care or massage, service or entertainment where servers or entertainers wear pasties, G-strings or both; adult arcade; adult bookstore or video stores; adult cabarets; adult motels; adult motion picture theaters, adult theaters; escort agencies; nude model studios and sexual encounters center, and any other similar business operated in a similar manner.

Adult Arcade Any place to which the public is permitted or invited wherein coin-operated or slug-projectors, or other image-producing devices are maintained to show images to persons in booths or viewing rooms where the images so displayed depict or describe “specified sexual activities” or “specified anatomical areas”.

Adult Bookstore A bookstore which as one of its principal business purposes offers the sale of publications (including books, magazines, and other periodicals) which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas”: or has as a preponderance of its publications books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas”.

Adult Cabaret/Club A nightclub, bar, restaurant, or other commercial establishment that regularly features, exhibits, or displays as one of its principal business purposes; persons who appear nude or semi-nude; or live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities” or films, motion pictures, video cassettes, slides, or other photographic reproductions which depict “specified sexual activities” or “specified anatomical areas”.

Adult Live Entertainment Any performance of or involving the actual presence of real people, which exhibits “specified sexual activities” or “specified anatomical areas”.

Adult Live Entertainment Businesses Any establishment of business wherein adult live entertainment is shown for observation by patrons.

Adult Motel or Hotel A motel, hotel, or similar commercial establishment that; offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that depict or describe “specified sexual activities” or ”specified anatomical areas” as one of its principal business purposes; or offers a sleeping room for rent for a period of time that is less than 10 hours; or allows a tenant or occupant of a sleeping room to sub rent the room for a period of time that is less than 10 hours.

Adult Motion Picture Theater An enclosed building or premises used for presenting motions pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.

Adult Theater A theater, concert hall, auditorium, or similar commercial establishment which regularly features, exhibits, or displays, as one of its principal business purposes, persons who appear in a state of nudity or semi-nude, or live performances that expose or depict “specified anatomical areas” or “specified sexual activities”.

Adult Video Store A commercial establishment which as one of its principal business purposes offers for sale or rent for any form of consideration any one or more of the following; video cassettes, video reproductions, photographs, films, motion pictures, slides, or other visual representations that depict or describe “specified sexual activities” or “specified anatomical areas”: or instruments, devices, or paraphernalia that are designed for use in connection with “specified sexual activities”.

Advertising Sign A sign which is intended primarily for advertising a service or product.

Agricultural Structure Barns, storage buildings, equipment sheds, and other structures customarily used for agricultural purposes.

Agriculture The raising of crops, animals or animal products, limited forestry, the selling of products grown on premises, and any other commonly accepted agricultural operations. Incidental mechanical processing and sale of products grown on the premises are included in the definition.

****Animal Hospital. An establishment with facilities for the medical diagnosis and treatment of sick or injured animals including facilities for temporary occupation of such animals to the extent as essential to such diagnosis and treatment.**

Area Variance Any modification of the dimensional or area requirements of this law, or supplemental regulations of a related character such as those pertaining to parking, signs, green space buffer, or size of buildings, as authorized by the Board of Appeals.

****Automobile Body Shop.** Any area of land, including structures thereon, that is used for the painting of motor vehicles, the rebuilding or reconditioning of motor vehicles, including collision services involving frame and fender straightening and repair, or the dismantling or disassembly of frames or exterior parts.

****Bar or Tavern.** An establishment licensed under the laws of New York State for the sale of alcoholic beverages and their consumption on the premises, not to include a nightclub.

Bed and Breakfast A seasonal or year-round, single family owner or agent occupied dwelling in which a room or rooms are rented on a nightly basis with limited food services to guests only, and complies with section AJ701 of the Residential Code of New York State.

Biosolids Sewage sludge that has undergone a Federal EPA and/or State DEC approved treatment process for required pathogen control and is treated or managed to reduce vector attraction to a satisfactory level and contains acceptable levels of pollutants, such that it is acceptable for use for land application, marketing or distribution in accordance with federal and state laws and regulations.

****Boarding of Horses.** The keeping of any horse on the premises not owned by the owner or lessee of said premises, whether for a fee or otherwise.

Boat Storage Facility A place, site or structure used to park, house or store on any one lot, more than three (3) vessels, excepting canoes, kayaks, rowboats and sailboards.

Building Shelter having a roof supported by columns or walls and intended for the shelter or enclosure of persons, animals, or property.

Campground Any parcel of land on which are located two or more cabins, tent sites, shelters, travel trailer sites or other accommodations of a design or character suitable for seasonal or other temporary living purposes, and which is used for economic gain.

****Child Day Care Center.** Any program or facility caring for children more than three hours per day per child in which child day care is provided including programs operating at a small scale within a residential environment as a family day care home, a group family day care home or a school age child care program.

****Church/Place of Religious Worship.** Any building or land, together with its accessory buildings and uses, where persons regularly assemble for religious worship and/or related educational, social, cultural and fund raising activities, and which building or land is maintained and controlled by a recognized religious body organized to sustain public worship.

****Clinic Medical, Dental or Health.** A facility designed for the practice of dentistry or medicine at which nonresident patients are treated.

Club Any organization catering to members and their guests, or premises and buildings for recreational or athletic purposes and not open to the general public, which are not conducted primarily for economic gain. The term club shall include lodges, fraternal organizations, mutual benefits societies, and other like organizations. A hunting lodge shall not be considered a club.

Cluster Development A development consisting of two or more structures whereby individual lots may be reduced in size and/or where buildings may be placed closer together than otherwise permitted, so that valuable open spaces on the development parcel, such as views or wooded areas, may be retained. A cluster development may consist solely of residential units, or, if commercial uses are permitted in the zone where the cluster development is located, may consist of a mixture of residential and commercial uses. A parcel of land containing a single multi-family dwelling structure shall not be considered to be a cluster development. A single structure occupied by two or more businesses shall be considered to be a shopping center, not a cluster development.

Codes Enforcement Officer (CEO) The official designated by the Town to administer and enforce these regulations.

****Commercial Nursery. An establishment separate from a farm where herbaceous plants and related lawn care, landscaping and gardening products are sold.**

Commercial Use Any use involving the sale, rental, or distribution of goods or services, either retail or wholesale, such as stores, offices or the provision of recreational facilities for a fee; except that roadside produce stands operated on a seasonal basis and selling produce grown on the property shall not be considered to be a commercial use, and shall not be subject to the provisions governing commercial uses in this law.

Commercial Waste Solid waste generated by commercial and institutional processes which is not industrial, hazardous, or construction and demolition debris waste.

Conditional Use A use which is deemed desirable for the public welfare within a given district or districts, but which is potentially incompatible with other uses permitted therein. A conditional use is therefore an allowed use which is subject to the conditional use standards stated in Article 5 of this law. The Planning Board in their conditional use review has the duty to determine whether or not a proposed use complies with such standards, and to approve or disapprove the proposal accordingly.

Construction and Demolition Debris Uncontaminated solid waste resulting from the construction, remodeling, repair and demolition of structures and roads; and uncontaminated solid waste consisting of vegetation resulting from land clearing and grubbing, utility line maintenance and seasonal and storm related cleanup. Such waste includes, but is not limited to, bricks, concrete and other masonry materials, soil, rock, wood, wall coverings, plaster, drywall, plumbing fixtures, non-asbestos insulation, roofing shingles, asphaltic pavement, glass, electrical wiring and components containing no hazardous liquids, and metals that are incidental to any of the above. Solid waste that is not construction and demolition debris (even if resulting from the remodeling, repair and demolition of structures and roads, and land clearing) includes, but is not

limited to, asbestos waste, garbage, corrugated container board, electrical fixtures containing hazardous liquids such as fluorescent light ballasts or transformers, carpeting, furniture, appliances, tires, drums and containers, and fuel tanks. Specifically excluded from the definition of construction and demolition debris is solid waste (including what otherwise would be construction and demolition debris) resulting from any processing technique, other than that employed at a construction and demolition processing facility, that renders individual waste components unrecognizable, such as pulverizing or shredding.

****Convenience Store.** A one story retail store containing less than 3,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages and household supplies to customers who purchase only a relatively few items. Such establishment may include the retail sale of gasoline, oil and other automobile fluids, although no repairs or servicing of vehicles are permitted and the number of fuel dispensing nozzles is restricted to a maximum of 12.

Coverage That percentage of the plot or lot area covered by the area of buildings.

Decibel (DB) A unit for measuring the volume of sound, equal to twenty (20) times the logarithm to the base 10 of the ratio of the sound pressure of the measured sound to a standard pressure of twenty (20) micronewtons per square meter.

Disposal A material is disposed of if it is discharged, deposited, injected, dumped, spilled, leaked, burned, incinerated, or placed into any or on any land or water so that such material or any constituent thereof may enter the environment or be emitted into the air or discharged into groundwater or surface water.

Directional Sign Off-site sign intended primarily for the purpose of informing the traveling public where a business is located and what products or services are available there.

Dockominium A multi-boat slip docking facility in which each boat slip is individually owned.

****Drive-in Establishment.** A premises constructed to cater to the motoring public, whether or not additionally serving pedestrians as well as the vehicular trade, and used for the sale to the public of any product and providing curbside, window, counter or other takeout service. Other deposit and pickup services not involving the sale of products shall not be construed to be drive in establishments as defined herein.

Dwelling Building or part thereof used as living quarters. For purposes of this law, the terms dwelling unit, one family dwelling, two family dwelling and multi-family dwelling shall not include a motel, hotel, boarding house, or tourist home.

Dwelling unit Building or part thereof used as living quarters for one family, containing independent cooking and sleeping facilities.

Educational or Research Institute Public or non-commercial facility or lands used for educational or research purposes. This definition includes educational and research uses such as

those conducted by the William H. Miner Institute. This definition excludes laboratories owned or operated by commercial firms.

Escort Agency A person or business that furnishes, offers to furnish, or advertises to furnish escorts as one of its principal business purposes, for a fee, tip, or other consideration. An escort means a person who, for tips or any other form of consideration, agrees or offers to act as a date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person; or, for consideration but without a license granted by the State of New York, agrees or offers to provide a massage for another person.

Essential use/Service Erection, construction, alteration, operation of maintenance by municipal agencies or public utilities of telephone dial equipment centers, electrical or gas substations, water treatment or storage facilities, pumping stations and similar facilities.

Excavation A lot or part thereof used for the purpose of extracting stone, sand, gravel, or minerals for sale, as a commercial operation.

Family:

- a. Any number of individuals related by blood, marriage or adoption living together as a single housekeeping unit and using certain rooms and sanitary and cooking facilities in common; or
- b. One (1) to four (4) individuals unrelated by blood, marriage or adoption occupying a premises and living together as a single housekeeping unit and using certain rooms and sanitary and cooking facilities in common; or
- c. Any number of individuals unrelated by blood, marriage or adoption, living together as a functional family (see definition of functional family) as a single housekeeping unit and using certain rooms and sanitary and cooking facilities in common.

Farm Any parcel of land containing at least five (5) acres which is used for gainful intent in raising of agricultural products, horticultural products, livestock, poultry, or dairy products, provided that agriculture is the principal use of the property. This definition does not include dog kennels.

****Fast Food or drive in restaurant. An establishment whose principal business is the sale in disposable packaging of already prepared or rapidly prepared food directly to the customer in a ready to consume state for consumption either within the restaurant building or off premises. Neither a coffee shop nor delicatessen with 12 or fewer seats shall be construed to be a fast food restaurant.**

****Fence. Any permanent or temporary enclosure designed to constrain live stock.**

****Florist and Nursery Sales. Any structure or building whose primary design and function is for the production and raising of flowers and other horticultural products for sale.**

Forestry use Any management, including logging, of forest, woodland or plantation and

related research and educational activities including the construction, alteration or maintenance of woodroads, skidways, landings, fences and forest drainage systems.

Functional Family: A group of individuals living together within a single dwelling unit in a family-like living arrangement, that in size, appearance and structure resembles a family of related individuals.

A group of five (5) or more unrelated individuals, exclusive of minor dependent children, living together in the same dwelling unit shall be presumed not to be living together as functional family. This presumption may be rebutted by sufficient evidence showing that their living arrangement possesses substantially each of the following characteristics.

- a. The occupants share the entire dwelling unit. A unit in which occupants act as separate roomers shall not be deemed to be occupied by a functional family.
- b. The occupants share expenses for food, rent or ownership costs, utilities and other household expenses.
- c. The group is permanent and stable, and is not transitory in character. The following criteria shall be considered in determining stability.
 - (1) Evidence that the occupants intend to reside together on a permanent rather than on a transient basis, such as a showing that the household has been living together for a year or more.
 - (2) The sharing of household expenses by the occupants, such as utility bills, insurance, real property taxes, cleaning supplies, maintenance costs, food, and household supplies.
 - (3) Joint or common ownership of household furnishings located in the common areas of the dwelling unit.
 - (4) The presence of dependent persons regularly residing in the household.
 - (5) The fact that different members of the household use the household address for purposes of voter registration, drivers license, motor vehicle registration, and filing of taxes.
 - (6) Any other factors that show that the group is of a permanent rather than a transient nature.

****Funeral Home.** A dwelling or other structure used and occupied by a professional licensed mortician for burial preparation and funeral services.

****Gasoline Station.** Any area of land, including structures thereon, that is used or designed to be used for the sale of gasoline, oil or other motor vehicle fuel and which may include facilities for lubricating, washing, cleaning or otherwise servicing motor vehicles, but not including the painting or major repair thereof or the use of mechanical car washing equipment. The term “gasoline station” does not include a quick stop retail store or convenience store.

****Gift Shop.** A building or portion thereof used for the display and retail sale of gifts, keepsakes and antiques, as distinguished from the retail sale of food, clothing, hardware and other items more commonly associated with and/or essential to the maintenance of

home, person or property.

****Golf Course.** A facility developed in accordance with the standards of the United State Gold Association (USGA) to accommodate playing of the game of gold. The golf course may include a driving range, putting greens, a clubhouse and other appurtenances integral to the overall facility. A private golf course may be referred to as a “country club.”

****Greenhouse.** A building, portion thereof or other structure constructed mainly of translucent material and used as a conservatory for the growing and protection of flowers, vegetables and other plants and for the propagation and culture thereof.

Gross Leasable Area The gross size of the floor area of a commercial/retail facility which is leasable.

Group Residence A residence, such as a boarding house or lodging house, occupied by five (5) or more unrelated individuals, rather than by: (a) a family related by blood, marriage or adoption, or (b) a functional family as defined herein.

****Guest Cottage.** An accessory building on the same lot as a principal residential dwelling or on an adjacent lot within the same ownership used for temporary occupancy without compensation by either short term guests of the owners or tenants of the principal dwelling, provided that such building shall contain no kitchen facilities and shall meet all applicable setback and lot coverage requirements of this chapter and those requirements related to the provision of suitable water supply and sewage disposal facilities.

Hazardous Waste A waste or combination of wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (a) cause or contribute to an increase in mortality or an increase in irreversible, or incapacitating reversible illness, or (b) pose a present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed, or otherwise managed.

Height of structures Vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat and mansard roofs, and to the average height between the eaves and ridge for other types of roofs. Towers, steeples, cupolas, chimneys and similar structures are exempted in height computations.

Home Occupation An occupation conducted in a dwelling unit or accessory structure which is clearly secondary to the property's residential use, and which does not change the character thereof. (See also Section 440.)

****Hospital.** An institution providing health service, primarily for inpatients, and medical or surgical care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices.

Human Waste derived products Any Product or material that contains human waste. This includes but is not limited to materials containing or consisting of biosolids, sewage sludge, and products developed through patented or non-patented procedures.

****Indoor Sports Facilities.** A commercial establishment in which athletic, recreational or physical activities, training or instruction are primarily conducted. An indoor sports facility may include but is not limited to any of the following: tennis and other racquet courts, swimming pool, spa and sauna facilities, handball and other ball courts, nonmotorized cycling tracks, running tracks, skating, roller or skateboard rink or facility, health and physical fitness training or gym, including free weight and other physical fitness machines, climbing facility, self defense or martial arts studios, fitness and dance studios, bowling alleys, miniature golf, billiard tables, archery or shooting ranges, indoor sports facilities may also include electronic and coin operated devices such as electronic golf and batting cages, as well as other electronic devices such as video games, pinball, mechanical grab machines and the like, indoor sports facilities may be combined with outdoor sports facilities and may include shower facilities, locker rooms, restaurants and dining facilities as accessory uses and the sale of necessary equipment and appurtenances. Indoor sports facilities shall not mean no otherwise be interpreted to include adult entertainment, adult bookstore, adult motion picture theater or adult mini motion picture theater as those terms are defined in this chapter.

Industrial Use Any use involving the act of storing, preparing for treatment, manufacturing or assembling any article, substance or commodity.

Industrial Waste Solid waste generated by manufacturing or industrial processes.

Junk The outdoor storage or deposit of any of the following.

- (a) Two (2) or more junk vehicles.
- (b) One (1) or more abandoned mobile homes or travel trailers.
- (c) Two (2) or more appliances including but not limited to washers, dryers, dishwashers, stoves, refrigerators, freezers, and televisions.
- (d) Two (2) or more pieces of junk farm equipment or construction equipment, except farm equipment stored on a active farm.
- (e) Two (2) or more abandoned or irreparably damaged pieces of indoor furniture including but not limited to sofas, lounge chairs, mattresses, bed frames, desks, tables, chairs and chests of drawers.
- (f) Any combination of the above that totals two (2) items.

Junk Yard The outdoor storage or deposit of any of the following.

- (a) Five (5) or more junk vehicles.
- (b) Two (2) or more abandoned mobile homes or travel trailers.
- (c) Five (5) or more appliances including but not limited to washers, dryers, dishwashers, stoves, refrigerators, freezers, and televisions.
- (d) Five (5) or more pieces of junk farm equipment or construction equipment, except

- farm equipment stored on an active farm.
- (e) Five (5) or more abandoned or irreparably damaged pieces of indoor furniture including but not limited to sofas, lounge chairs, mattresses, bed frames, desks, tables, chairs and chests of drawers.
 - (f) Any combination of the above that totals five (5) items.

Junk Equipment Any equipment which is: (a) either abandoned, wrecked, stored, discarded, dismantled or partly dismantled, (b) is not in working order, and (c) has remained unused for more than one year.

Junk Vehicle Any motor vehicle whether automobile, bus, trailer truck, tractor, motor home, motorcycle, all terrain vehicle, mini-bicycle, or snowmobile or any other device originally intended for transportation which meets any of the following conditions: (a) it is either abandoned, wrecked, stored, discarded, dismantled or partly dismantled, or (b) it is not in any condition for legal use upon the public highway. With respect to any motor vehicle not required to be licensed or motor vehicle not usually used on public highways, the fact that such motor vehicle has remained unused for more than six (6) months and is not in condition to be removed under its own power shall be presumptive evidence that such motor vehicle is a junk motor vehicle.

Kennel An establishment in which more than five (5) dogs more than six (6) months old are housed, groomed, bred, boarded, trained or sold.

Lake Frontage The distance, measured along the shoreline, between the boundary lines of a lot as they intersect the shoreline. Lake frontage need not be calculated in a straight line; the curvature of the shoreline shall be followed.

Land application The spreading or distribution of biosolids, sewage sludge, or human waste derived products upon, or insertion into, the land.

****Laundromat or Laundry, Self Service. A business premises equipped with individual clothes washing or dry cleaning machines for use by retail customers, exclusive of laundry facilities provided as an incidental accessory use within a multifamily residential, alternate care facility, lodging or similar establishment.**

****Livery of Horses. Applies to the rental of horses or carriages to persons other than the owner of the horse or carriage.**

Lot Any parcel of land which individually or as part of a subdivision of land has been recorded in the county clerk's office.

Lot Frontage The portion of the lot abutting upon a street or road.

Lot Line Property line bounding a lot.

Lot Width The horizontal distance between the side lot lines measured at right angles to the depth, measured at a depth equal to the greater distance of (a) the minimum required front yard

setback or (b) the distance from the public road to the nearest side of the building.

****Manufacturing.** A use involving the manufacture of a product, not requiring heavy, noisy or otherwise objectionable machinery or transporting equipment.

Marina Any waterfront facility which provides accommodation services for vessels by engaging in any of the following: (a) the sale of marina products or services, (b) the sale, lease, rental or charter of two or more vessels of any type, (c) the sale, lease, rental or any other provision of storage, wharf space or mooring for two or more vessels not registered to the owner of said facility, members of the owner's immediate family, or overnight guests on said property. Any campground or travel trailer park which provides boats coincidentally with the rental of camping spaces or rental of parking spaces for automobiles shall be deemed to be a marina. The term marina shall include quick launch facilities and dockminiums as defined herein.

****Membership Club.** Premises of an organization of persons who meet periodically to promote some nonprofit social, educational, athletic, service or recreational objective and who cater exclusively to members and their guests, with no vending, merchandising or commercial activities conducted except as required generally for the membership and purposes of the club. May also be referred to as a “nonprofit club.”

Minor Residential Street A loop street, short dead-end or cul-de-sac, or other street within a residential subdivision which is neither intended nor designed to serve through traffic. Such streets are commonly constructed by developers to serve a specific residential subdivision. All dead-end roads, public or private, which are less than one-quarter of a mile long are deemed to be minor residential streets.

****Mobile Home** Deleted 02/08/2010

****Mobile Home/Manufactured Home.** A structure transportable in one or more sections that, in the traveling mode, is 8 feet or more in width or 40 feet or more in length or, when erected on site, is 320 square feet minimum, and that was built on or after June 15, 1976, on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein. The term “manufactured home” shall also include any structure that meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the federal department of housing and urban development and complies with the standards established under the national manufactured housing construction and safety act of 1974, as amended. The term “manufactured home” shall not include any self propelled recreational vehicle. A label certifying compliance with the standard for Mobile Homes, NFPA 501, ANSI 119.1 in effect at the time of manufacture is deemed acceptable.

Mobile Home Park Any lot of record upon which two (2) or more mobile homes occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations.

Modular Home A prefabricated dwelling unit delivered to the site in two (2) or more structural units and permanently assembled.

Mooring Any anchor, chain, buoy, pennant or other object by which a vessel is secured at one point.

Motel/Hotel A building or group of buildings, whether detached or in connected units, containing transient and /or permanent lodging facilities for the general public and which may contain accessory facilities such as restaurants, meeting rooms, retail business activities and related activities primarily to accommodate the occupants, but not open to the general public, including buildings designated as auto cabins, auto courts, motor lodges, tourist courts and similar terms.

Motor Vehicle Repair Shop A building, or portion thereof, arranged, intended or designed to be used for making repairs to motor vehicles, including auto body shops.

Multi-Family Dwelling A building designed for, or occupied by, three or more families living independently of one another, to include row type attached or semi-attached dwellings which share a common wall or portion thereof.

Neighborhood Commercial Facility Small retail store or service establishment principally serving nearby residential areas and less than 5,000 square feet in floor area, including but not limited to convenience food stores, drug stores, beauty salons, barber shops, laundromats, dry cleaners, television repair shops restaurants and banks. This definition does not include any of the following: (a) automobile repair shops, automobile service stations, or gasoline sales, (b) any establishment which involves the outdoor storage or sales of merchandise or equipment, and (c) taverns or other establishments serving alcoholic beverages.

Neighboring Residential Property Any adjoining lot five (5) acres or less in size used primarily for residential purposes.

****Nightclub. An eating and/or drinking establishment which includes an area in which patrons may dance and/or provides live entertainment other than by a single instrumental musician or vocalist.**

Noise Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

Non-Conforming Lot Any legally created lot of record on the effective date of this law which does not conform to the minimum requirements of this law.

Non-Conforming Use A use of land existing at the time of enactment of this law which is neither a permitted use nor a conditional use in the zone in which it is located.

****Non-profit. For purposes of this chapter, restricted to a person, as defined herein, so**

designated as “nonprofit” or “not for profit” by virtue of charter or incorporation and certification by the Internal Revenue Service. Such person or facility may also be cited within this chapter as “noncommercial.”

Nude Model Studio Any place where a person who appears semi-nude, in a state of nudity, or who displays “specified anatomical areas” to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any other form of consideration.

****Nursing Home. Premises on which are provided lodging, meals and continuing nursing care for compensation to convalescent or chronically ill persons. The term “nursing home” shall include a convalescent home and a rest home.**

Outdoor Recreation Any recreation use particularly oriented to and utilizing the outdoor character of an area, including children's summer camps, hunting and fishing camps, horseback riding stables, playgrounds, picnic areas, beaches or similar uses.

Outdoor Waterstove Any individual stove designed to burn wood, coal or other fuel for the purpose of heating liquid where the stove is located outside the structure into which the hot liquid produced thereby is piped.

Over Speed Control A mechanism used to limit the speed of blade rotation to below the design limits of the WECS.

Owner Any person, firm, corporation or entity that holds legal title or equitable title to the land or material in question.

****Paddock. Applies to an enclosure near a stable in which horses are exercised and shall include a training ring and corral.**

Permittee Any person who holds a permit authorizing the land application of biosolids, sewage sludge or human waste derived products.

Personal Service Includes barber, hairdresser, beauty parlor, shoe repair, photographic studio, and businesses involving the care of a person or his or her apparel.

Planning Board The Town of Chazy Planning Board.

Principal Structure The structure in which is conducted the principal use of the lot on which it is located.

Professional or Business Office Offices and related spaces for use as professional services as provided by medical practitioners, attorneys, architects, surveyors, engineers, accountants, and similar professions.

Public Facility Any usage by a governmental agency or other agency providing a not-for-profit

public service, including but not limited to libraries; public recreation facilities; schools; not-for-profit fire, ambulance and public safety buildings; and not-for-profit hospitals for the care of human beings.

****Public Recreation Use or Area.** A facility maintained by a municipal corporation for either indoor or outdoor recreation activities, whether or not a fee is levied for the use thereof.

Quick Launch Facility A commercial facility where vessels are stored, launched, and stored again individually for periods of less than one week at a time.

Recreational Vehicle Shall include motor homes, truck campers and camping trailers less than forty-eight (48) feet in length and used for recreational purposes. This definition includes truck campers, camping trailer, travel trailers, motor homes, "pop-up" trailers, and similar vehicles of a type and design such that they could be registered for regular use on the highway.

Recycling Business A business engaged principally in reprocessing or redemption of used materials for the purpose of sale or reuse of such materials. Specifically excluded from this definition are junkyards as defined herein, and any business involving the disposal of solid waste as defined herein.

****Research Institute or Laboratory.** A building for experimentation in pure or applied research, design, development and production of prototype machines or devices or of new products and uses accessory thereto, wherein products are not manufactured primarily of wholesale or retail sale, wherein commercial servicing or repair of commercial products is not performed and where there is no display of any materials or products.

Resident Any person staying within the Town of Chazy for more than thirty (30) consecutive days.

Residential Property Line Lot line of a parcel of land five acres or less in size containing a residential use.

****Retail Business.** An establishment engaged in selling or renting goods or merchandise to the general public in small quantities for personal or household consumption or business use and rendering services incidental to the sale of such goods. A gasoline station or automotive service facility shall not be considered a retail business nor shall a restaurant or other eating and/or drinking establishment of any type be so considered.

Retail Gasoline Outlet Any establishment which sells gasoline to the public, to include service stations, convenience stores, car washes and any other facility which sells gasoline.

****Riding Academy.** Any establishment where horses are kept for riding, driving or stabling for compensation or incidental to the operation of a ranch or similar establishment.

Road Line Right of way line of a road as dedicated by a deed or record. Where the width of a road is not established, the road line shall be considered to be twenty-five (25) feet from the center line of the road pavement.

Roadside Produce Stand Any stand operated on a seasonal basis and selling produce grown on the property. Stands operated on a year-round basis or which primarily sell produce not grown on the property shall be considered a commercial use, and shall be subject to all the requirements for commercial uses stated in this law.

Roof-mounted Wind Turbine A relatively small wind generating facility which generates original power on-site for onsite use by the property owner or home-owner, mounted on the principle building's roof and with a maximum height no greater than ten (10) feet.

****School, Private. A kindergarten, primary or secondary school not operated by a public school district but furnishing a comprehensive curriculum of academic instruction similar to that of a public school.**

Seasonal Camp A residential structure designed for seasonal occupancy and occupied no longer than four (4) months per year. If rental unit, the temporary resident must occupy unit for a minimum of seven (7) consecutive days. (Occupancy for less than 7 consecutive days; Use will be classified as Motel/Hotel/Cabins.)

Sewage/Biosolids Storage Facility Any permitted facility which stockpiles biosolids, sewage sludge, or human waste derived products for a period of time greater than one week, and in a quantity greater than twenty cubic yards of said material. Such facilities include, but are not limited to above ground and underground storage tanks, trucks, silos, ponds, lagoons, stockpiles, and other holding devices.

Sewage Sludge Any solid, semi-solid, or liquid, which contain materials, removed from municipal or domestic wastewater during treatment, including primary and secondary residues.

Sexual Encounter Center A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration physical contact in the form of wrestling or tumbling between persons of the opposite sex, or activities between male and female persons and/or persons of the same sex when one or more of the persons are in a state of nudity or semi-nude.

Shopping Center A tract of land with buildings or structures planned as a whole and intended to house two (2) or more retail or service establishments.

Shoreline of Lake Champlain That line which adjoins the waters of Lake Champlain at the mean low water mark.

Side Building Setback The space on the side of a lot not occupied by a building, measured from the nearest side of a building to a side lot line and extending the full length of the lot.

Sign Any material, structure or object, or part thereof, composed of lettered or pictorial matter which is located out-of-doors or on the exterior of a building, which is used for the purpose of bringing the subject matter thereof to the attention of others, but excluding any flag, emblem or insignia of a nation, political unit, school or religious group. Christmas lights or other holiday ornamentation shall not be considered to be signs.

Single Family Dwelling Detached building designed for or occupied by one family, not to include single-wide mobile homes.

Site The physical location of any conditional use proposal.

Small Scale Hydroelectric Facility A hydroelectric generation facility designed and operated to produce not more than 200 kilowatts of power.

Solid Waste All materials or substances that are discarded or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, including but not limited to garbage, refuse, industrial and commercial waste, medical and infectious waste, sludge from air or water treatment facilities, rubbish, tires, ashes, contained gaseous material, incinerator residue, construction and demolition debris, discarded automobiles, and offal.

Sound Level Meter An instrument for the measurement of sound levels which conforms to Type 1 or Type 2 standards under ANSI Specification S1.4-1971 or the latest approved revision thereof.

Specified anatomical areas 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 human male genital 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 or other erotic touching of human genitals, pubic region, buttocks or breasts.

****Stable. A building or structure designed or used for sheltering or housing horses.**

Stockpile Any concentration of, solid waste, biosolids, biosolid products, sewage sludge, or other human waste derived product that consists of more than twenty cubic yards of said material, and which has not been land applied at an application rate that is in accordance with State and Federal rules and regulations. This definition includes any concentration that may be replenished and drawn from in such a way that over twenty cubic yards of said material is present on the property for longer than one week, or is replenished in a stockpile on said property within one weeks time.

Structure Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, including garages, swimming pools satellite dishes and outbuildings.

Swept Area The largest area of the WECS which extracts energy from the wind stream. In a conventional propeller-type WECS, there is a direct relationship between swept area and the rotor diameter.

****Theatre. A facility devoted to presenting movies, films and other programmed entertainment on a paid admission basis.**

Total Height The height of the tower and the furthest vertical extension of a WECS or any other proposed vertical structure.

Transient Any person residing or visiting within the Town of Chazy for less than thirty (30) consecutive days.

Travel Trailer Shall include motor homes, truck campers, camping trailers, travel trailers and pop-up trailers less than forty-eight (48) feet in length designed for recreation and travel use.

Travel Trailer Park a commercial enterprise on any plot of ground upon which two (2) or more trailers, pickup coaches or similar recreational vehicles less than 48 feet in length and/or tents occupied for dwelling or sleeping purposes for transients are located.

Two Family Dwelling Building designed for, or occupied by, two families living independently of one another.

Use Variance Any departure from Section 310, Permitted Use Chart as authorized by the Zoning Board of Appeals.

Variance Any departure from the strict letter of this local law granted by the Zoning Board of Appeals as it applies to a particular property.

****Veterinarian's Office. An establishment for the medical and/or surgical care of sick or injured animals, including facilities for their temporary occupation and, when operated as an accessory use by a licensed veterinarian, facilities for their cremation. Also known as "animal hospital".**

Warehousing and distribution Terminal facilities for handling freight with or without maintenance facilities, and buildings used primarily for the storage of goods and materials.

Waste Disposal Area Any area for the disposal of solid waste. (See definitions of solid waste and disposal.)

Wind Energy Conversion System (WECS) A machine that converts the kinetic energy in the wind into a usable form (commonly known as a "wind turbine" or "windmill"). The WECS includes all parts of the system, including the tower and the transmission equipment; the turbine or windmill may be on a horizontal or vertical axis, rotor or propeller.

Windmill Farms More than one WECS (two or more wind turbines or windmills) located within one site or adjacent sites.

Zoning Board of Appeals Town of Chazy Zoning Board of Appeals.

Zoning Enforcement Officer The official designated to administer and enforce this law.

Zoning Permit A document issued by the Zoning Officer authorizing the use of lots or structures in conformity with this law.

ARTICLE 8
CONDITIONAL USE REVIEW AND APPROVAL

Section 800 Applicability

All uses listed as Conditional Uses in Article 3 shall require conditional use approval by the Planning Board before a Zoning Permit may be issued by the Enforcement Officer.

Section 810 Authorization

The Planning Board of the Town of Chazy is hereby authorized to review and approve, approve with modifications, or disapprove proposed conditional uses in accordance with the standards set forth in Article 5 herein.

Section 820 Application for Conditional Use Approval

All applications for Conditional Use Approval shall consist of the following:

- A. Three copies of a site plan map (one to be retained for Town records, one to be returned to the applicant, one for referral to county if necessary), to include as applicable:
 - 1. Title of drawing, including name and address of applicant and person responsible for preparation of such drawing;
 - 2. north arrow, scale and date;
 - 3. boundaries of the property platted to scale;
 - 4. existing watercourses and bodies of water;
 - 5. location of any slopes of 5% or greater;
 - 6. proposed grading and drainage;
 - 7. location, proposed use and height of all buildings and site improvements including culverts, drains, retaining walls and fences;
 - 8. location, design and construction materials of all parking and truck loading areas, showing points of entry and exit from the site;
 - 9. location of outdoor storage, if any;
 - 10. description of the method of sewage disposal and location of the facilities;
 - 11. identification of water sources; if well, locate;
 - 12. location, size and design and construction materials of all proposed signs;
 - 13. location and proposed development of all buffer areas, including existing vegetative cover;
 - 14. location and design of outdoor lighting facilities;
 - 15. landscaping plan designed to screen neighboring residential properties from adverse visual impacts.

- B. Accompanying data, to include the following as applicable:
 - 1. Application form and fee.

2. Name and address of applicant and any professional advisors.
3. Authorization of owner if applicant is not the owner of the property in question.
4. Short Environmental Assessment Form.
5. Any additional endorsements, certifications or approvals required by the Planning Board.
6. Other information as the Planning Board may reasonably require to assess the proposed project; such as the location of fire lanes and hydrants, provisions for pedestrian access, or designation of the amount of building area proposed for use for retail sales or other commercial activity.

Section 830 Waiver of Submission Requirements

The Planning Board may waive certain submission requirements in the case of minor projects of an uncomplicated nature.

Section 840 Review Procedure

A. Sketch Plan Conference

In many situations it is advisable for the Planning Board to hold a pre-submission conference with the applicant prior to formal submission of a Site Plan, in order to save time and expense in preparing the application. If requested by the applicant, a pre-submission conference shall be scheduled at the next regular meeting of the Planning Board. The Planning Board shall review any preliminary site plans for compliance with this law, and shall indicate to the applicant what information should be included in order for the application to be considered complete.

B. Time Limits

No later than forty-five (45) calendar days after the receipt of a complete application the Planning Board shall approve, approve with modifications, or disapprove the application, or hold a public hearing on the application. If a public hearing is held the Board shall render a decision within forty-five (45) days after the hearing. The aforementioned forty-five (45) day periods may be extended by mutual consent of the applicant and the Planning Board.

C. Public Hearing

The Planning Board must hold a public hearing prior to rendering a decision

D. County Planning Board Review

Certain proposals shall be forwarded to the Clinton County Planning Board for their review prior to rendering a final decision. (See Section 1060)

E. Environmental Review

Pursuant to the New York State Environmental Quality Review Act (SEQR), the Planning Board in their initial review of an application shall: (1) determine that no further action is necessary to fulfill the requirements of said act, or (2) require that the applicant submit a

Full Environmental Assessment Form (EAF) for their review. Upon review of the Full EAF the Planning Board shall issue either a negative or positive declaration.

F. Decisions

All decisions of the Planning Board shall be in writing, and shall be filed with the Town Clerk and a copy thereof provided to the applicant.

Section 850 Conditions

In their review of a proposed conditional use the Planning Board may impose any conditions it deems necessary to serve the interests of the public health, safety and general welfare, and to improve compatibility with surrounding properties. Such conditions may include, but shall not be limited to:

1. Requiring landscaping or vegetative screening.
2. Increasing building setback.
3. Limiting the size of buildings, parking areas or facilities.
4. Specifying the location and design of entrances, exits, and off-street parking space.

ARTICLE 9
VARIANCES AND APPEALS

Section 900 Board of Appeals

The Zoning Board of Appeals shall have the authority to review and approve requests for variances, the hear appeals from a decision of the Zoning Enforcement Officer, and to decide any question involving the interpretation of any provision of this law.

Section 910 Application

A property owner(s) or his agent(s) may initiate a request for a variance by filing an application with the Zoning Board of Appeals using forms supplied by the Board. The applicant shall include a legal description of the property, a map drawn to scale showing the property, plans and elevations necessary to show the proposed variance, and other necessary drawings or information as determined by the Board of Appeals.

Section 920 Variance Policy

The granting of variances shall be principally for those seeking an area variance. A use variance shall only be granted if the provisions of Section 940 of this law are strictly met.

Section 930 Requirements for Area Variances

- A. Area variances may be granted where the dimensional or physical requirements of this law cannot be met, including but not limited to: minimum lot size, minimum lot width, minimum road frontage, minimum road frontage, minimum side and rear yards, minimum green space buffer, maximum lot coverage by buildings, maximum height of buildings, size or height of signs and screening requirements.
- B. In making its determination, the 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. In making such determination, the board shall also consider:
 - 1. Whether an undesirable change in the character of the neighborhood will be produced or a detriment to nearby properties will be created by the granting of the area variance.
 - 2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.
 - 3. Whether the requested variance is substantial.
 - 4. Whether the proposed variance will have an adverse impact on the physical or environmental conditions in the neighborhood.
 - 5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

- C. Any area variance granted shall be the minimum necessary for the applicant to make reasonable use of the property.

Section 940 Requirements for Use Variances

- A. A use variance may be granted to allow land to be used for a purpose which is otherwise not permitted by this law.
- B. No such use variance shall be granted by the Board of Appeals without a showing by the applicant that the zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Board of Appeals all of the following:
 - 1. For each and every permitted use or special permitted use within the zone where the property is located the applicant cannot realize a reasonable return, provided that lack of return is substantial and is established by competent financial evidence.
 - 2. That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood.
 - 3. That the requested use variance, if granted, will not alter the essential character of the neighborhood.
 - 4. That the alleged hardship has not been self-created.
- C. Any use variance granted shall be the minimum necessary to address the unnecessary hardship proven by the applicant.

Section 950 Approval of Variance with Conditions

In the granting of variances, the Board of Appeals shall have the authority to impose such reasonable conditions as are related to the use of the property and/or the period of time the variance shall be in effect. Such conditions shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

Section 960 Time of Appeal

Any appeal from a decision of the Zoning Enforcement Officer shall be made within sixty (60) days after the Zoning enforcement Officer files said decision.

Section 970 Stay Upon Appeal

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Enforcement Officer certifies to the Board of Appeals that by reason in the facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property. In which case proceedings may not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record.

ARTICLE 10
ADMINISTRATION AND ENFORCEMENT

Section 1000 Zoning Permits

- A. Except for exempt actions listed in Section 110 parts B and C of this law, no building or structure shall be erected, altered, moved, or use instituted, until a Zoning Permit has been issued. The exterior structural area of a building or structure shall not be enlarged until a Zoning Permit has been issued.
- B. Parking lots for places of public assembly and commercial or business uses shall require a Zoning Permit for placement.
- C. When establishing measurements to meet required setbacks, measurements shall be taken from the road right-of-way or lot line to the furthestmost protruding part of the use or structure. This shall include such projecting facilities as porches, carports, and attached garages.
- D. A Zoning Permit issued under this law shall expire one (1) year from the date of issue if construction is not substantially begun.
- E. Any use that has been discontinued for a period of twelve (12) months or longer shall be considered abandoned and may not be re-instituted without applying for a new Zoning Permit.
- F. Applications for Zoning Permits shall be submitted to the Zoning Enforcement Officer or Town Clerk and shall include three (3) copies of a layout or plot plan drawn to scale showing the actual dimensions of the lot to be used; the size and location on the lot of existing and proposed structures and accessory structures; the distance from the building line to all lot lines, road lines, waterfront property lines, streams, and any other features of the lot; and such other information as may be necessary to determine and provide for the enforcement of this law. This information, and other relevant application data, shall be provided on forms issued by the Town Clerk or Zoning Enforcement Officer.
- G. Permit fees shall be established by resolution of the Town Board.
- H. Temporary permits may be issued by the Zoning Enforcement Officer, upon approval by the Board of Appeals, for a period not exceeding two (2) years. Such temporary permits are conditioned upon agreement by the owner or operator to remove any nonconforming structures or equipment upon expiration of the temporary permit or to bring the use into compliance by a specific time. Such permits may be renewed.

Section 1010 Certificate of Occupancy

No land shall be occupied or used and no building or structure hereafter use, or changes made in the use until a Certificate of Occupancy has been issued by the Zoning Enforcement Officer stating that the building, structure, or proposed use thereof complies with the provisions of this law.

Section 1020 Zoning Enforcement Officer (ZEO)

A. This law shall be enforced by the Zoning Enforcement Officer, who shall be appointed by the Town Board.

B. The duties of the Zoning Enforcement Officer shall be to:

1. Approve and/or deny zoning permits.
2. Scale and interpret zone boundaries on the Zoning Map.
3. Approve and/or deny Certificates of Occupancy.
4. Refer appropriate matters to the Planning Board, Zoning Board of Appeals, or Town Board.
5. Revoke zoning permits where there is false, misleading or insufficient information. Revoke zoning permits and/or certificates of occupancy where the applicant has varied from the terms of the application.
6. Investigate violations, issue stop work orders, and refer violations to the Town Board.
7. Report at regular Town Board meetings the number of zoning permits and certificates of occupancy issued and fees collected.

C. The Town Zoning Enforcement Officer or designee shall be provided access, at any time, to any site for the purposes of ensuring compliance with any applicable code.

Section 1025 Planning Board

A. Powers and Duties. The Planning Board shall have the following powers and duties with respect to this law:

1. Review and approval of conditional uses in accordance with the standards and procedures set forth in this local law.
2. Submittal of advisory opinion to the Town Board for any proposed amendment to this law.

B. Procedure. The Planning Board shall act in strict accordance with the procedures established by this law. All applications to the Planning Board shall be in writing on forms prescribed by the Town. Every decision of the Planning Board shall be made by resolution which shall contain a full record of the findings in the case.

Section 1030 Zoning Board of Appeals

A. Creation. A Zoning Board of Appeals is hereby created. Said Board shall consist of five (5) members. The Town Board shall appoint the members of the Board of Appeals on a

staggered term basis in conformance with Town Law, and shall appoint a Chairman and Vice-Chairman. The Board of appeals shall select a Secretary and may prescribe rules for the conduct of its affairs.

- C. Procedures: Every decision of the Board of Appeals shall contain a full description of the reasons for granting or denying a permit which shall be set forth in the minutes of the Board of Appeals meeting at which the action was taken. A tally of each member's vote shall be recorded. All meetings and hearings of the Board shall be public.

Section 1040 Enforcement

- A. Penalties. Any person, firm, corporation or entity violating any portion of this Law shall be guilty of a violation and upon conviction thereof, shall be fined in an amount not to exceed two hundred fifty dollars (\$250.00) for each violation. The continuation of a violation of the provisions of this Law shall constitute, for each day the violation is continued, a separate and distinct offense hereunder.
- B. Alternative Remedy. In the case of any violation or threatened violation of any of the provisions of this law, or conditions imposed by a zoning permit, in addition to other remedies herein provided, the Town may institute any appropriate action or proceedings to prevent such unlawful erection, structural alteration, reconstruction, occupancy, moving and/or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises and to collect a penalty or fine assessed hereunder.
- C. Stop Work Order.
1. The Town Board for the Town of Chazy herein grants the Zoning Enforcement Officer the administrative responsibility of determining in the first instance whether a violation has occurred and immediately terminating said violation by posting a Stop Work Order on the premises herein the violation has occurred.
 2. The Stop Work Order shall serve notice to the owner, builder, developer, agent and/or any other individual or business on the premises that all such actions specified on the Stop Work Order must be terminated immediately.
- D. Appeal. Any person found to be in violation as described above may appeal the notice of violation to the Zoning Board of appeals; such appeal must be in writing and may be made no later than fifteen (15) days from the date of the notice. An Appeal to the Zoning Board of Appeals shall stay enforcement including the accumulation of fines and penalties from the date such appeal is filed in the office of the Zoning Board of Appeals to the date of a determination by the Zoning Board of Appeals.
- E. Misrepresentation. Any permit or approval granted under this law which is based upon or is granted in reliance upon any material misrepresentation, or failure to make a material fact or circumstances known, by or on behalf of an applicant, shall be void. This section shall not be

construed to affect the remedies available to the Town under Section 1040 A-C of this law.

Section 1050 Amendments

The Town Board may amend, supplement, or repeal any provisions of this law in accordance with procedures specified in Town Law pertaining to amendment of local laws. In addition, before acting on any proposed amendment, the Town Board shall receive a written recommendation from the Planning Board.

Section 1060 Referral to the County Planning Board

A. State law requires that certain variance, conditional use approval, or zoning amendment actions be referred to the Clinton county Planning Board for their review prior to taking final action on the matter. Such actions are those which affect real property within 500 feet of any of the following:

1. a State or County highway,
2. State or County land where a public building or institution is located,
3. a State or County owned park or recreation area,
4. the Town boundary.
5. the boundary of a farm operation within an agricultural district.

B. If the County Planning Board does not respond within thirty (30) days from the time it receives a complete application, final action may be taken on the matter without such report. The term "receives" as used in this Section shall mean delivery at least one week in advance of this regularly scheduled County Planning Board meeting.

C. In the event the County Planning Board disapproves the proposal, or approves it subject to modifications, then the local board may override the county opinion only by a vote of a majority plus one of its members.

D. The local board shall send a copy of its final decision to the county Planning Board within seven (7) days after the local decision is reached. If the decision of the local board is contrary to a County Planning Board recommendation, then the local board shall send a resolution fully stating the reasons for its contrary action.

Section 1070 Severability

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

Section 1080 Effective Date

The provisions of this law shall take effect upon filing with the Secretary of State.

The following maps are provided for informational purposes. The official Town of Chazy Zoning Map, together with any amendments thereto, resides in the office of the Zoning Enforcement Officer.