

TOWN OF CAROGA

ZONING ORDINANCE

PRELIMINARY DRAFT

Fulton County Planning Department

August 9, 1978

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ARTICLE I

Introductory Provisions

Section 1.010 - Short Title. This ordinance shall be known as the Town of Caroga "Zoning Ordinance." The Town of Caroga is hereinafter referred to as the "Town."

Section 1.020 - Authority. Enactment of this ordinance by the Town is pursuant to Article 16 of the Town Law of the State of New York and Article 27 of the Executive Law of the State of New York.

Section 1.030 - Purpose and Objective of this Ordinance. The purpose of this ordinance is to promote the health, safety and general welfare of the community and protect the property values and aesthetics of the community by channeling and directing growth, and by regulating and restricting the height, number of stories and size of buildings and other structures, the percentage of a lot that may be occupied, the size of yard, courts and other open spaces, the density of population and the location of buildings, structures and land for trade, industry, residence or other purposes, to the maximum extent permissible within the proper exercise of the police power as delegated by the Town Law.

It is further the purpose and objective of this ordinance to ensure the optimum overall conservation, protection, development and use of unique scenic, aesthetic, wildlife, recreational, open space, historic, ecological and natural resources of the Adirondack Park (and to satisfy the criteria for approval by the Adirondack Park Agency of a local land use program pursuant to Section 807 (2) of the Adirondack Park Agency Act.)

Section 1.040 - Zoning Board of Appeals. Pursuant to the provisions of Section 267 of the Town Law, a zoning board of appeals is hereby created and referred to in this ordinance as the "Zoning Board of Appeals." Said Board of Appeals shall consist of five members to be appointed by the Town Board which shall also designate one of the members as chairman thereof, and for such term as provided by the Town Law and any amendments thereto. The Zoning Board of Appeals shall have all the powers and perform all the duties prescribed by statute and by this ordinance. The Zoning Board of Appeals shall establish such rules and regulations as are necessary for the transaction of their business and as are not inconsistent with the terms of this ordinance, and the Board may amend, modify and repeal the same.

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ARTICLE 2

General Provisions

Section 2.010 - Applicability. No land use or development shall be undertaken or maintained except in conformity with all provisions contained in this ordinance relating to both the zoning district and the land use area in which the land, water, site, structure or use is located or is proposed to be located, and in conformity with the permit requirements of Section 12.070 and 12.071, if applicable. Where this ordinance is more restrictive than covenants or agreements between parties or other plans or other rules or regulations or ordinances or the Adirondack Park Agency Act, the provisions of this ordinance shall supersede.

Section 2.020 - Authority of the Adirondack Park Agency. Nothing in this ordinance shall be deemed to supersede, alter, enlarge, or impair the jurisdiction of the Adirondack Park Agency, pursuant to the Adirondack Park Agency Act, to review and approve, approve subject to conditions, and disapprove those land uses and developments and subdivisions of land defined therein as Class A regional projects, or otherwise supersede, alter or impair the statutory function, duties and responsibility of that Agency with regard to matters involving a town in which an Agency-approved local land use program has been validly adopted or enacted. Provided that, the Adirondack Park Agency cannot, in the context of its Class A regional project review, override a local decision not to permit a given land use or development.

Section 2.030 - Definitions.

(a) As used in this ordinance, or in the appendices thereto, unless the context otherwise requires:

1. "Accessory Use" means any use of a structure, lot or portion thereof that is customarily incidental and subordinate to and does not change the character or a principal land use or development, including the case of residential structures, professional, commercial and artisan activities carried on by the residents of such structures.

2. "Accessory use structure" means any structure or a portion of a main structure customarily incidental and subordinate to a principle land use or development including a guest cottage not for rent or hire that is incidental and subordinate to and associated with a single family dwelling.

3. "Adirondack Park" or "Park" means land lying within the area described in subdivision one of Section 9-0101 of the Environmental Conservation Law of the State of New York including any future amendments thereto.

4. "Adirondack Park Agency" or "Agency" means the Adirondack Park Agency created by Section 803 of Article 27 of the Executive Law of the State of New York.

5. "Adirondack Park Agency Act" means Article 27 of the Executive Law of the State of New York, including any future amendments thereto.

6. "Agricultural service use" means any milk processing plant, feed storage supply facility, farm machinery or equipment sales and service facility for fruits, vegetables and other agricultural products or similar use directly and customarily related to the supply and service of an agricultural use.

7. "Agricultural use" means any management of any land for agriculture: raising of cows, horses, pigs, poultry, and other livestock; horticulture or orchards; including the sale of products grown or raised directly on such land, and including the construction, alteration or maintenance of fences, agricultural roads, agricultural drainage systems and farm ponds.

8. "Agricultural use structure" means any barn, stable, shed, silo, garage, fruit and vegetable stand or other building or structure directly and customarily associated with agricultural use. This term shall also include any milk processing plant, feed storage facility, farm machinery sales or service facility, agricultural product storage or processing facility and similar uses.

9. "Campground" means any area designated for transient occupancy by camping in tents, camp trailers, motor homes, truck cap campers, or pickup campers or similar facility designated for temporary shelter.

10. "Class A regional project" means a land use or development which is classified and defined as such in Appendix A of this ordinance.

11. "Class B regional project - site plan review project" means a land use or development which is classified and defined in Article 5 of this ordinance.

12. "Class A regional subdivision" means a subdivision which is classified and defined as such in the Town Subdivision Regulations.

13. "Class B regional subdivision" means a subdivision which is classified and defined as such in the Town Subdivision Regulations.

14. "Clearcutting" means any cutting of all or substantially all trees over six inches in diameter at breast height over any ten year cutting cycle.

15. "Commercial sand and gravel extraction" means any extraction from the land of more than fifty (50) cubic yards in any two year period of sand, gravel or topsoil (1) for the purpose of sale or use by persons other than the owner of the land or (2) for the purpose of use by any municipality.

16. "Commercial recreation use" means any use involving the provision of recreation facilities or activities for a fee.

17. "Commercial use" means any use involving the sale or rental or distribution of goods, services or commodities, either retail or wholesale.

18. "Essential services" means the construction, alteration or maintenance by public utilities or governmental agencies of gas, electrical, steam or water transmission or distribution systems.

19. "Excavation" means any extraction from the land of more than twenty (20) cubic yards of sand, gravel, clay, shale, rock, topsoil, or other natural mineral deposits.

20. "Family" means one or more persons occupying the premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, club, fraternity or hotel.

21. "Forestry use" means any management, including logging, of a 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.

22. "Forest use Structure" means any barn, shed, garage, research, educational or administrative building or cabin directly and customarily associated with forestry use.

23. "Group camp" means any land or facility for seasonal housing and recreational, educational or business related use by private groups or semi-public groups, such as boy or girl scout camp, fraternal lodge or university or college conference center.

24. "Home occupation" means any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

25. "Industrial use" means any manufacturing, production or assembly of goods of materials, including any on-site waste disposal area directly associated with an industrial use. This term includes junkyards but does not include mineral extractions, private and commercial sand and gravel extractions, sawmills, chipping mills, pallet mills and similar wood using facilities.

26. "In existence" means with respect to any land use or development, including any structure, that such use or development has been substantially commenced or completed.

27. "Junk automobile" means any unregistered, old or second hand motor vehicle, no longer intended or in condition for legal use on the public highways. For the purpose of this definition, "motor vehicle" shall mean all vehicles propelled or drawn by power other than muscular power originally intended for use on public highways or for use in agricultural activity.

28. "Junkyard" means any open lot or area for the dismantling, storage or sale as parts, scrap or, salvage, of used or wrecked motor vehicles, machinery, scrap metals, waste papers, rags, used or salvaged building materials or other discarded materials.

29. "Land use area" means those areas delineated on the official Adirondack Park Land Use and Development Plan Map adopted under Article 27 of the Executive Law of the State of New York and designated thereon as "Hamlet", "Moderate Intensity Use", "Low Intensity Use", "Rural Use", "Resource Management", "Industrial", and such portions of those areas as are located within the Town.

30. "Land use or development" or "use" means any construction or other activity which materially changes the use or appearance of land or a structure or the intensity of the use of land or a structure. Land use and development shall not include any landscaping or grading which is not intended to be used in connection with another land use, or ordinary repairs or maintenance or interior alterations to existing structures or uses.

31. "Lot" means the land occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this ordinance, having not less than the minimum area and width required by this ordinance for a lot in the district in which such land is situated, and having its principal frontage on a street or on such other means of access as may be determined in accordance with the provisions of the law to be adequate as a condition of the issuance of a building permit for a building on such land.

32. "Lot width" means the average distance between the lines of the lot.

33. "Major public utility use" means any electric power transmission or distribution line with associated equipment of a rating of more than 15 kilovolts which is one mile or more in length; any telephone interchange or trunk cable or feeder cable which is one mile or more in length; any telephone distribution facility containing twenty-five or more pairs of wire and designed to provide initial telephone service for new structures; and telephone or other communication transmission tower, any pipe or conduit or other appurtenance used for the transmission of gas, oil or other fuel which is one mile or more in length, any electric substation, generating facility or maintenance building and any water or sewage pipes or conduits including any water storage tanks designed to service fifty or more principal buildings.

34. "Mean high water mark" means the average annual high water level.

35. "Mineral extraction" means any extraction, other than specimens or samples from the land of stone, coal, salt, ore, talc, granite, petroleum products or other materials, except for commercial sand, gravel, or topsoil extractions, including the construction, alteration or maintenance of mine roads, mine tailing piles or dumps and mine drainage.

36. "Mine extraction structure" means any mine hoist; ore reduction, concentration, sintering or similar facilities and equipment, administrative buildings; garages or other main buildings or structures.

37. "Mobile home" means any self-contained dwelling unit, but not including travel trailers, that is designed to be transported to its site on its own wheels or those of another vehicle, may contain the same water supply, kitchen facilities and plumbing, sewage disposal and electric system as immobile housing and is designed to be used exclusively for residential purposes. A modular home or other dwelling unit that is constructed in two or more main sections and transported to and permanently assembled on the site is not considered a mobile home. Any structure so marked as "mobile" structure by New York State.

38. "Mobile home court" means a parcel of land under a single ownership which is designed and improved for the placement of two or more mobile home units.

39. "Motor homes" See travel vehicles.

40. "Multiple family dwelling" means any apartment, town house, condominium or similar building, including the conversion of an existing single family dwelling designed for occupancy in separate dwelling units therein by more than one family.

41. "Nonconforming lot" means any lot on record on the effective date of this ordinance which does not meet the minimum lot area and/or lot width requirements of this ordinance for the zoning district in which such lot is situated.

42. "Legal Nonconforming structure" means any structure which is in existence within a given zoning district on the effective date of this ordinance which is not in conformance with the dimensional regulations for that zoning district.

43. "Legal Nonconforming Use" means any use which is in existence within a given zoning district on the effective date of this ordinance, which is not an accessory, permissible or Site Plan Review use for that zoning district.

44. "Open space recreation use" means any recreation use particularly oriented to and utilizing the outdoor character of an area; including a snowmobile, trail bike, jeep or all-terrain vehicle trail, cross-country ski trail; hiking and backpacking trail; bicycle trail; horse trail, playground, picnic area, public park, public beach or similar use.

45. "Person" means any individual, corporation, partnership, association, trustee, or other legal non-government entity.

46. "Principal building" means a single family dwelling; a mobile home; tourist cabin or similar structure; for rent or hire involving three hundred or more square feet of floor space; each unit of a multiple family dwelling; a commercial or industrial use structure in excess of three hundred square feet; and any other structure which exceeds twelve hundred fifty square feet. In addition, each motel unit, hotel unit or similar tourist accommodation unit which is attached to a similar unit by a party wall, each accommodation unit of a tourist home or similar structure, and each tourist cabin or similar structure for rent or hire involving less than three hundred square feet of floor space, will constitute one-tenth of a principal building. An accessory structure will not be considered a principal building. In addition, all agricultural use structures and single family dwellings or mobile homes occupied by a farmer of land in agricultural use, his employees engaged in such use and members of their respective immediate families, will together constitute and count as a single principal building.

47. "Private sand, gravel or topsoil extraction" means any extraction from the land of sand, gravel or topsoil for the purpose of use, but not sale, by the owner of the land, or any extraction for the purpose of sale of less than fifty (50) cubic yards in any two-year period.

48. "Public or semi-public building" means any component building, a college, school, hospital, animal hospital, library, museum, research center, rehabilitation center, or similar facility or a municipal building.

49. "Public utility use" means any public utility use, equipment or structure which is not a major public utility use. A public utility use does not include any use which is subject to the jurisdiction of the Public Service Commission pursuant to Article 7 or 8 of the Public Service Law.

50. "Shoreline" means the mean high water mark at which land adjoins the waters of lakes, ponds, rivers and streams within the Town.

51. "Shoreline building setback" means the shortest distance measured horizontally between the point of a building and the shoreline of any lake, pond or the shorelines of any brook or stream within the Town.

52. "Shoreline lot width" means the distance measured along the shoreline between the boundary lines of a lot as they intersect the shoreline of any pond or lake and the shorelines of any river to be studied as wild, scenic, or recreational river in accordance with the Environmental Conservation Law or any river or stream navigable by boat, including by canoe.

53. "Single family dwelling" means any detached building containing one dwelling unit, not including a mobile home, designed for occupancy by one family.

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

55. "Structure" means any object constructed, installed or placed on land to facilitate land use and development or subdivision of land, such as buildings, sheds, single family dwellings, mobile homes, signs, tanks, fences and poles and any fixtures, additions and alterations thereto.

56. "Subdivision of land" or "subdivision" means any division of land into two or more lots, parcels, or sites, whether adjoining or not, for the purpose of sale, lease, license or any form of separate ownership or occupancy (including any grading, road construction, installation of utilities and other improvements or any other land use and development preparatory or incidental to any such division) by any person or by any other person or by any group of persons acting in concert as part of common scheme or plan. Subdivision of land shall include any map, plat or other plan of the division of land, whether or not previously filed. Subdivision of land shall not include the lease of land for hunting and fishing and other open space recreation uses.

57. "Theater" means any structure whether completely enclosed or not where stage productions or movies shall be presented to the public, but not including drive-in movie theaters.

58. "Tourist accommodation" means any hotel, motel, resort, tourist cabin designed to house the general public (not including travel trailers, travel vehicles or motor homes).

59. "Tourist attraction" means any manmade or natural place of interest open to the general public and for which an admittance fee is usually charged, including but limited to, animal farms, amusement parks, replicas of real or fictional places, things or people and natural geological formations.

60. "Travel trailer or travel vehicle" means any portable vehicle, including a tent, camper or motor home, which is designed to be transported on its own wheels, which is designed and intended to be used for temporary living quarters for travel, recreational or vacation purposes, which may or may not include all of the accommodations and facilities customarily included in a mobile home.

61. "Travel trailer camp" means a parcel of land under single ownership which is planned and improved for the placement of two or more travel trailers which are used as temporary living quarters and for occupancy of not more than ninety (90) consecutive days.

62. "Waste Disposal Area" means any area for the disposal of garbage, refuse and other wastes, including sanitary landfills and dumps, other than an on-site disposal area directly associated with an industrial use.

63. "Waste treatment site" means any building, structure or area where sewage is treated.

64. "Watershed management or flood control project" means any dam, impoundment, dike, rip rap or other structure or channelization or dredging activity designed to alter or regulate the natural flow or condition of rivers or streams or the natural level or condition of rivers or streams or the natural level or condition of lakes or ponds.

65. "Wetlands" means any land which is annually subject to periodic or continual inundation by water and commonly referred to as a bog, swamp or marsh which are either (a) one acre or more in size, or (b) located adjacent to a body of water, including a permanent stream, with which there is free interchange of water at the surface, in which case there is no size limitation.

66. "Yard" means an unoccupied space open to the sky, on the same lot with a building or structure.

67. "Yard, front" means a yard that extends the full width of the lot and is situated between the adjacent highway right-of-way and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the highway right-of-way line. Covered porches, whether or not enclosed, shall be considered as part of the main building and shall not project into a required front yard.

68. "Yard, rear" means a yard that extends the full width of the lot and is situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot, and the rear line of the building.

69. "Yard, side" means a yard that is situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

(b) Any term of this ordinance or in the appendices thereto, which is not defined in this or other sections of this ordinance shall carry its customary meaning.

ARTICLE 3

Zoning Maps

Section 3.010 - Town Zoning Map. The boundaries for each zoning district listed as part of this ordinance are the boundaries indicated for the zoning district by the map entitled, "Town Zoning Map of the Town of Caroga", dated the effective date of this ordinance which accompanies this, and which is hereby adopted and declared to be part of this ordinance, and hereinafter known as the "Town Zoning Map".

Section 3.020 - Interpretation of Zoning District Boundaries. In making a determination where uncertainty exists as to boundaries of any of the zoning districts shown on the Zoning Map, the following rules shall apply:

(a) Where district boundaries are indicated as approximately following the centerline of right-of-way line of streets, alleys, highways or railroads, such lines shall be construed to be district boundaries.

(b) Where district boundaries are indicated as approximately following a stream, lake or other body of water, such stream, lake or body of water shall be construed to be such district boundaries (unless otherwise noted).

(c) Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries.

(d) Where district boundaries are not indicated as approximately following the items listed in (a), (b), and (c) above, the boundary line shall be determined by the use of the scale designated on the zoning map.

(e) Whenever any street, alley or other public way is vacated in the manner authorized by law, the district adjoining each side of such street, alley or public way shall be automatically extended to the center of the former right-of-way and all of the area included in the vacation shall then and henceforth be subject to all regulations of the extended districts.

(f) In the event that none of the above rules is applicable, or in the event further clarification of definition is considered necessary or appropriate, the location of the district boundary shall be determined by the Zoning Board of Appeals.

(g) Building rights may be transferred from contiguous districts which have the same density and are of one ownership.

ARTICLE 4

Zoning Districts and Regulations

Section 4.010 - Zoning Districts. The zoning districts established by this ordinance, subject to future amendment, including an aggregate of all the area of the Town, are and shall be as follows:

Rt	Resort - one acre per principal building
H	Hamlet - one acre per principal building
ODA	Open Development Area - 42 acres per principal building
C	Conservation - no development
LF-1	Lakefront Residential - 1 acre per principal building
LF-2.5	Lakefront Residential - 2.5 acres per principal building
R-1.5	Residential - 1.5 acres per principal building
R-3	Residential - 3 acres per principal building
R-8.5	Residential - 8.5 acres per principal building
R-10	Residential - 10 acres per principal building
R-15	Residential - 15 acres per principal building
HC-1	Highway Commercial/Residential - one acre per principal building
HC-2.5	Highway Commercial/Residential - 2.5 acres per principal building

Section 4.020 - Schedule of Regulations. The restrictions and controls intended to regulate development in each district are set forth in the attached schedules which are supplemental in other sections of this ordinance.

Section 4.030 - Application of Regulation. Except as hereinafter provided:

4.031 - No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the districts in which it is located.

4.032 - No building shall hereafter be erected or altered:

- (a) to exceed the height or bulk;
- (b) to accommodate or house a greater number of families;
- (c) to occupy a greater percentage of lot area;
- (d) to have narrower or smaller rear yards, or side yards, than is herein required for the district in which such building is located.

4.030 - No part or a yard or other open space about any building required for the purpose of complying with the provisions of this ordinance shall be included as a part of the yard or other open space similarly required for another building.

Section 4.040 - Use regulations.

(a) Permissible uses. A use shall be permitted in a given zoning district if it is listed in the following schedules of regulations as a permissible use for that district, provided all other requirements of this ordinance are met, including Articles 6 and 12.

(b) Permitted Uses with Site Plan Review. A use listed in the following schedule of regulations as a Use Permitted By Site Plan Review use for a given zoning district shall be permitted in that district when approved in accordance with the provisions of this ordinance, including Articles 5, 6, and 12.

(c) Non-permissible Uses. Any use which is not a permissible use by right or by site plan review in a given zoning district or which is not an accessory use to such permissible or site plan review use shall be a non-permissible use, and shall be deemed prohibited in that zoning district.

(d) Accessory Use or Accessory Structure. An accessory use or accessory structure shall be permitted if the use to which it is a lawful use pursuant to the terms of this ordinance and for which a permit has been issued if required, pursuant to the terms of Article 12 hereof, so long as said accessory use or structure does not result in or increase any violation of the provisions of Article 4 and Articles 7 through 9 hereof. Provided that, an accessory use or structure shall not include professional, commercial and artisan activities carried on by residents or residential structures, not shall it include a sign as defined in Section 7.010.

Section 4.050 - Zoning Schedule of Uses and Area, Bulk and Height Controls. This Section lists the uses permitted by right, the uses permitted by site plan review and dimensional requirements for each zoning district established by Section 4.010 of this ordinance.

DISTRICT RT - RESORT										
Uses Permitted by Right	Uses Permitted by Site Plan Review	MINIMUM LOT SIZE		MINIMUM YARD DIMENSIONS			Max. Percent Lot to be Covered	Maximum Height of Building		
		Acres	Width in Feet	Front	Side	Rear				
-Single Family Dwelling	-Multi-family dwellings	1	100	25	20	20	25	35		
-Municipal Buildings	-Major public utility uses								Shoreline Restrictions	
-Accessory Uses	-Professional buildings								Lot width at shore - 50 feet	
-Home Occupations	-Mobile homes								Building setback - 50 feet	
									Septic system setback - 100 feet	

DISTRICT R - RANGLY										
Uses Permitted by Right	Uses Permitted by Site Plan Review	MINIMUM LOT SIZE		MINIMUM YARD DIMENSIONS			Max. Percent Lot to be Covered	Maximum Height of Building		
		Acres	Width in Feet	Front	Side	Rear				
-Single Family Dwellings	-Multiple family dwellings	1	100	25	20	20	25	35		
-Home Occupations	-Municipal buildings								Shoreline Restriction lot width at shore - 50 feet	
-Accessory Uses	-Churches								Building setback - 50 feet	
-Essential Services	-Theaters								Septic system setback - 100 feet	
	-Professional buildings									
	-Mobile home courts									
	-Municipal roads									
	-Golf courses									
	-Campgrounds									
	-Group camps									
	-Site Plan Review uses expanded up to 25%									
	-Commercial recreation uses									
	-Mobile homes									

DISTRICT ODA 43 - OPEN DEVELOPMENT AREAS										
Uses Permitted by Right	Uses Permitted by Site Plan Review	MINIMUM LOT SIZE		MINIMUM YARD DIMENSIONS			Max. Percent Lot to be Covered	Maximum Height of Building		
		Acres	Width in Feet	Front	Side	Rear				
-Accessory Structures	-Single family dwellings	42	500	100	75	75	10	35		
-Essential Services	-Individual mobile homes									
	-Forestry use structures									
	-Hunting, fishing cabins and club structures involving 500 square ft. of floor space or more									
	-Municipal roads									
	-Commercial recreation uses									
	-Campgrounds involving fewer than 50 sites									
	-Site Plan Review uses expanded up to 25%									

DISTRICT C - CONSERVATION										
Uses Permitted by Right	Uses Permitted by Site Plan Review	MINIMUM LOT SIZE		MINIMUM YARD DIMENSIONS			Max. Percent Lot to be Covered	Maximum Height of Building		
		Acres	Width in Feet	Front	Side	Rear				
	-Municipal buildings by uses			50	30	30				
	-Non-proprietary uses									

DISTRICT R 15 - RESIDENTIAL

Uses Permitted by Right	Uses Permitted by Site Plan Review	MINIMUM LOT SIZE		MINIMUM YARD DIMENSIONS			Max. Percent Lot to be Covered	Maximum Height of Building
		Acres	Width in Feet	Front	Side	Rear		
Single Family Dwellings Accessory Uses Essential Services	-Theaters -Churches -Multiple family dwellings -Mobile home courts -Mobile homes -Public and semi-public buildings -Municipal roads -Commercial recreation uses -Campgrounds -Group camps -Commercial sand and gravel extractions -Commercial uses involving less than 2,500 square feet -Site Plan Review uses expanded up to 25%	15	500	50	35	35	10	35

DISTRICT MC 1 - HIGHWAY COMMERCIAL

Uses Permitted by Right	Uses Permitted by Site Plan Review	MINIMUM LOT SIZE		MINIMUM YARD DIMENSIONS			Max. Percent Lot to be Covered	Maximum Height of Building
		Acres	Width in Feet	Front	Side	Rear		
-Single Family Dwellings -Municipal Buildings -Home Occupations -Professional Buildings -Retail Establishments -Accessory Uses -Essential Services	-Multi-family dwellings -Eating establishments -Drinking establishments -Hotels -Tourist accommodations -Gasoline Stations -Service garages -Building supply outlet -Manufacturing facilities -Boat sales, service and launching sites -Recreational vehicle sales and service -Signs -Major public utility use	1	100	30	20	20	35	35
				Shoreline Restrictions Lot width at shore - 50 feet				
				Building setback - 50 feet				
				Septic system setback - 100 feet				

DISTRICT MC 2.5 - HIGHWAY COMMERCIAL

Uses Permitted by Right	Uses Permitted by Site Plan Review	MINIMUM LOT SIZE		MINIMUM YARD DIMENSIONS			Max. Percent Lot to be Covered	Maximum Height of Building
		Acres	Width in Feet	Front	Side	Rear		
-Single Family Dwellings -Accessory Uses -Home Occupations -Professional Buildings -Retail Establishments -Essential Services -Municipal Buildings	-Eating establishments -Drinking establishments -Hotels -Tourist accommodations -Signs -Multiple family dwellings -Mobile home courts -Public and semi-public buildings -Municipal roads -Commercial uses -Boat sales and service -Commercial recreation uses -Campgrounds -Group camps -Site Plan Review uses expanded up to 25%	2.5	200	35	20	20	20	35

ARTICLE 5

Uses Permitted By Site Plan Review

Section 5.010 - Purpose of Article. The purpose of this Article is to allow the proper integration into the community of uses listed in Article 4 and 7 to this ordinance which may be suitable within a zoning district only on certain conditions and only at appropriate locations. Because of their characteristics, or the special characteristics of the area in which they are to be located, these uses require special consideration so that they may be properly located and planned with respect to:

- (1) the objectives of this ordinance;
- (2) their effect on surrounding properties;
- (3) the ability of the Town to accommodate the growth resulting from the proposed use without undue adverse effect on the Town and its citizens and taxpayers, and the protection of health, safety and general welfare of the Town and its citizens.
- (4) the objectives of the Land Use Plan.

Section 5.020 - Applicability of Article. A land use or development involving a use listed in Article 4 or Article 7 hereof shall not be undertaken unless and until the Planning Board has approved or approved with conditions such use, and the Building Inspector has issued a permit for such land use or development pursuant to the terms of Article 12 hereof.

Section 5.030 - Authorization to Approve and Disapprove Uses with Site Plan Review. In accordance with Section 274-a of the Town Law, the Planning Board is authorized to review and approve, approve with modifications or disapprove site plans, prepared to specifications set forth in this ordinance and in regulations of the Planning Board, showing the arrangement, layout, and design of the proposed use of the land shown on such plan. Such site plan review shall be made of all development required under the terms of this ordinance including activities designated as Class B regional projects by the Adirondack Park Agency Act.

Section 5.040 - Application for Site Plan Review Approval. Application for project approval shall be made with the Planning Board using forms supplied by the Board. Applications shall include reasonably sufficient information for the Board to make its findings under Section 5.050 of this ordinance. In determining the content of these application forms, the Planning Board may provide for different informational requirements for different classes or types of projects, but with each certain class or type of project, the same information required by these various application forms may include any or all of the following: a detailed description of the natural features of the project and its components, including all proposed roads and accesses, water supply and sewage disposal systems, and their relationship to natural features, an analysis with supporting data on the impact of the project on the environment, both during construction and thereafter, an analysis and supporting data of any benefits that might derive from the project.

Section 5.050 - Procedure.

(a) Not later than ten(10) days following receipt of a completed application for a project, the Building Inspector shall notify the Adirondack Park Agency in the case of Class B Uses and shall notify the Planning Board of such receipt, shall furnish to the Agency such pertinent information as the Agency may deem necessary, and shall afford each body the opportunity to comment thereupon.

(b) The Planning Board shall fix a time within forty-five (45) days from the day an application for site plan approval is made, for the hearing of any matter referred under this Section if a public hearing is deemed necessary by the Planning Board. In determining whether a public hearing is necessary, the Planning Board shall be guided by the expected level of public interest in the project and the possibility of an eventual disapproval. No site review project may be disapproved unless a hearing shall have first been held on the project application. The Planning Board shall give public notice thereof by the publication in the official newspaper of such hearing at least five (5) days prior to the date thereof. In the case of Class B actions (site plan review projects) a copy of the public hearing notice shall be mailed to the Adirondack Park Agency and to the Zoning Board of Appeals. The Adirondack Park Agency shall be a full party in interest with standing to participate in any and all proceedings conducted pursuant to this section.

The Planning Board shall decide on the application within forty-five days after such hearing, or after the application is filed if no hearing has been held; provided, however, the time within the Planning Board must render its decision may be extended by mutual consent of the applicant and the Planning Board.

(c) The decision of the Planning Board shall immediately be filed in the office of the Town Clerk and a copy thereof mailed to the applicant. The decision shall contain such findings of fact as are required by Sections 5.071 or 5.080 hereof. The Planning Board in conjunction with its approval of any site plan review project, may impose such requirements and conditions as are allowable within the proper exercise of the police power, including the restriction of land against further development of principal buildings, whether by deed restriction, restrictive covenants or other similar appropriate means, to insure that guidelines as to the intensity of development as provided in this ordinance shall be respected, and the imposition of reasonable conditions to insure that the project will be completed in accordance with the terms of the application and any permit and including, without limitation, the requirements and conditions authorized under Section 5.020 of this ordinance. In addition, the Planning Board may require that the Building Inspector incorporate any such requirements and conditions in any permit issued with regard to such site plan review project.

In the case of Class B site plan review projects, the Adirondack Park Agency shall also receive a copy of the decision.

Section 5.060 - Requirements for Site Plan Review Project Approval.

The Planning Board shall not approve a Site Plan Review Project unless it first determines that such project meets the following criteria:

(a) the project would comply with all provisions of this ordinance.

(b) the project would not have an adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Adirondack Park, or upon the ability of the public to provide supporting facilities and services made necessary by the project taking into account the commercial, industrial, residential, recreational or other benefits that might be derived from the project. In making this determination, the Planning Board shall consider those factors pertinent to the project contained in the development considerations set forth hereof, and in so doing, the Planning Board shall make a net overall evaluation of the project in relation to the development objectives and general guidelines set forth in Section 6.040 of this Article.

Section 5.070 - Development Considerations. The following are those factors which relate to potential for adverse impact upon the park's natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources and which shall be considered, as provided in this ordinance, before any Class A regional projects or site plan review project is undertaken in the Town. Any burden on the public in providing facilities and services made necessary by such land use development or subdivisions of land shall also be taken into account, as well as any commercial, industrial, residential, recreational or other benefits which might be derived therefrom.

(a) Natural Resource Considerations

(1) Water

- (a) Affect on existing water quality.
- (b) Affect on natural sedimentation of siltation.
- (c) Affect on eutrophication.
- (d) Affect on existing drainage and runoff patterns.
- (e) Affect on existing flow characteristics.
- (f) Affect on existing water table and rate of recharge.

(2) Land

- (a) Affect on existing topography.
- (b) Affect on erosion and slippage.
- (c) Affect on flood plains and flood hazards.
- (d) Affect on mineral resources.
- (e) Affect on viable agricultural soils.
- (f) Affect on forest resources.
- (g) Affect on open space resources.
- (h) Affect on vegetative cover.
- (i) Affect on the quality and availability of land for outdoor recreational purposes.

- (3) Air
 - (a) Affect on air quality.
- (4) Noise
 - (a) Affect on noise levels.
- (5) Critical resource areas.
 - (a) Affect on rivers and corridors of rivers designated to be studied as wild, scenic or recreational in accordance with the environmental conservation law.
 - (b) Affect on rare plant communities.
 - (c) Affect on habitats of rare and endangered species and key wildlife habitats.
 - (d) Affect on alpine and sub-alpine life zones.
 - (e) Affect on wetlands.
 - (f) Affect on elevations of twenty-five hundred feet or more.
 - (g) Affect on unique features, including gorges, waterfalls and geologic formations.
- (6) Wildlife
 - (a) Affect on fish and wildlife.
- (7) Aesthetics
 - (a) Affect on Scenic Vistas.
 - (b) Affect on natural and man-made travel corridors.
- (b) Historic site considerations
 - (1) Historic factors
 - (a) Affect on historic sites or structures.
- (c) Site development considerations
 - (1) Natural site factors
 - (a) Affect on geology.
 - (b) Affect on slopes.
 - (c) Affect on soil characteristics.
 - (d) Affect on depth to ground water and other hydrological factors.
 - (2) Other site factors
 - (a) Affect on adjoining and nearby land uses.
 - (b) Affect on adequacy of site facilities.

- (d) Governmental service and finance factors
 - (a) Affect on ability of government to provide facilities and services.
 - (b) Affect on municipal school or special district taxes or special district user charges.
- (e) Governmental review considerations
 - (1) Governmental control factors
 - (a) Conformance with other governmental controls.

ARTICLE 6

Regional Project Review

Section 6.010 - Purpose of Article. The purpose of this article is to further the general purposes, policies and objectives of this ordinance and the Adirondack Park Agency Act by setting forth the criteria for review of Class A regional projects by the Adirondack Park Agency.

(a) No person shall undertake a Class A regional project unless and until the Agency shall have reviewed and approved, or approved subject to conditions, such project and has issued an Agency permit with respect thereto and pursuant to the terms of the Adirondack Park Agency Act and the pertinent Agency rules and regulations.

Section 6.020 - Criteria for Review of Class A Regional Projects by the Adirondack Park Agency.

(a) The Adirondack Park Agency shall have jurisdiction to review and approve, approve subject to conditions or disapprove all Class A regional projects proposed to be located within the territory of the Town, pursuant to and in accordance with Section 809 (a) of the Adirondack Park Agency Act, the applicable Agency rules and regulations, and the criteria hereinafter set forth.

(b) The Adirondack Park Agency shall not approve a Class A regional project unless it first determines, after consultation with the Planning Board and receipt of the advisory recommendations of the Planning Board relative to the project, that the project would comply with all provisions of this ordinance including these contained in Articles 4, 5, and 7 hereof, and of such other ordinances and regulations as shall be components of the Town Land Use Plan.

(c) In making the determination required by Section 809 (a) of the Adirondack Park Agency Act as to the impact of a proposed Class A regional project upon the resources of the Adirondack Park including the ability of all levels of government to provide supporting facilities and services made necessary by the project, the Agency shall consider those factors pertinent to the project, contained in the development considerations set forth in Section 5.070

(d) Notwithstanding the fact that Class A regional project approval may have been granted by the Adirondack Park Agency after a finding by that body that the project would comply with all provisions of this ordinance, it must be recognized that all reasonable bodies may differ.

Therefore, where the Town Planning Board finds that the project would have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Town or upon the ability of the Town to provide supporting facilities and services necessary by the project, taking into account the commercial, industrial, residential, recreational or other benefits that might be derived from the project, or that the project would otherwise be approved under this ordinance, the Board may disapprove the project, irrespective of any Agency approval. In such case, the reasons for Planning Board disapproval shall be specified in writing.

Section 6.030 - Planning Board Authority Regarding Class A Regional Projects.

(a) The Planning Board is hereby designated to consult with the Adirondack Park Agency with regard to Agency review of Class A regional projects.

(b) As soon as reasonably practicable following receipt by the Planning Board from the Adirondack Park Agency notice of application completion with regard to a Class A regional project, the Planning Board or one or more designees thereof shall consult with the Agency for the purpose of analyzing the project application and formulating advisory recommendations as to whether the project meets all of the pertinent requirements and conditions of the Town Land Use Plan.

(c) Not later than thirty (30) days following receipt by the Planning Board from the Agency of notice of application completion with regard to a Class A regional project, the Planning Board shall notify the Agency whether the project meets the requirements of the Town Land Use Plan.

Section 6.040 - Regional Project Review Criteria.

(a) The principal aspects of a project site to be considered in completing regional project review are the same as those found under Article 5, Section 5.070 of this ordinance.

ARTICLE 7

Supplementary Regulations

Section 7.010 - Sign Regulations - Purpose. The purpose of these sign regulations (Sections 7.010 through 7.013) is to promote and protect the public health, safety and welfare, and insure optimum overall preservation and enjoyment of the scenic, aesthetic and open space resources of the Town and of the Adirondack Park. These regulations are intended to safeguard property values, create a more attractive climate for tourism and other business, protect open country scenery along highways, and generally provide a more aesthetically pleasing community and region. These regulations are further intended to reduce obstructions and distractions that may contribute to traffic accidents, and to minimize hazards that may be caused by signs hanging or projecting over public rights-of-way.

Section 7.011 - Sign Regulations - Definitions. As used in sections 7.010 through 7.014 of this ordinance; "Sign" means any inscribed surface, pattern of artificial lighting, pictorial or symbolic ornament, emblematic structure, banner, fluttering apparatus, or other visually communicative or expressive device that is visible from an out-of-doors position and is used to advertise or call the public's attention to any business, activity, object for sale or lease, person, or place, or to bear any kind of message. The meaning of "sign" shall also include any sign currently in disuse but still visible from an out-of-doors position, and any frame or support structure erected specifically to bear or uphold a sign. The meaning of "Sign" shall not include any sign erected by the federal, state, county, town, government or any department or agency thereof, any poster placed temporarily to advertise a civic event or an event sponsored by a house of worship, school, library, museum, social club, or society, or any patriotic flag or banner not used for commercial advertising purposes. The meaning of "sign" shall also not include any sign having a sign area no greater than 3 square feet that is used simply to mark property boundaries, give directions regarding roads or trails, exclude hunting, fishing, or other activities, warn of any hazard or condition, denote the name and address of the occupants of the premises on which the sign is located, or advertise the availability of the premises or some portion thereof for sale or lease.

"Sign area" means the total area of all faces or surfaces or a sign anywhere upon which writing or any illustrative, emblematic, or other artistic or expressive matter appears, or, in cases where writing or illustrative, emblematic, or other artistic or expressive matter is not set against any face or surface, the total area within a single continuous, rectangular perimeter enclosing the extreme limits of such writing or illustrative, emblematic, or other artistic or expressive matter. The sign area of a sign having more than one face or surface on which writing or illustrative, emblematic or other artistic or expressive matter appears shall be the total area of all such faces or surfaces; but if a sign consists of two such faces or surfaces placed back-to-back,

the sign area of the side having the greater sign area shall constitute the total sign area. The sign area of a group of connected or related signs shall be the sum of the sign areas of the signs belonging to it.

"Erect" means to build, construct, alter, enlarge, relocate, attach, hang, place, affix, or maintain any sign, and includes the painting of wall signs.

"Luminous sign" means any incandescent or other sign which gives forth its own light, or any transparent or translucent sign through which artificial light is emitted, including, without limitation, any neon sign, fluorescent sign, or advertising light display.

"Indirectly illuminated sign" means any sign illuminated by a lighting device and reflecting the light thereof, but not emitting any light and therefore not a luminous sign.

"Level of natural ground" means the level of ground prior to any grading of fill done primarily for the purpose of erecting any sign or raising the level of a sign's allowable height.

"Off-premise sign" means any sign advertising or calling attention to any business or activity not located on the same continuous parcel of real estate, as the sign, or any sign advertising or calling attention to any commodity or service not sold or offered upon the same continuous parcel of real estate as the sign.

7.012 - Sign Regulations - Permit Requirement. No sign shall be erected or maintained anywhere within the Town unless or until building permit has been obtained from the Building Inspector pursuant to Article 12 of this Ordinance.

7.013 - Sign Regulations - General Provisions. The provisions contained in this section shall apply to all signs, regardless of their location with respect to any zoning district.

(a) No sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. All luminous signs, indirectly illuminated signs, and lighting devices shall employ only light emitting light of constant intensity, except in the case of digital street clocks and temperature indicators.

(b) No luminous sign, indirectly illuminated sign, or lighting device shall be placed or directed so as to cause glaring or non-diffuse beams of light to be cast upon any public street, highway, sidewalk; or adjacent premises, or otherwise to cause glare or reflection that may constitute a traffic hazard or nuisance. No sign shall in its construction employ any mirror or mirror-like surface, not any day-glowing or other fluorescent paint or pigment.

(c) No sign or part thereof shall contain or consist of any banner, pennant, ribbon, streamer, spinner, or other similar moving, fluttering, or revolving device. The said device, as well as strings of lights, shall not be used for advertising or attracting attention whether or not they are part of any sign. No sign or part thereof may rotate or move back and forth.

(d) No sign shall be placed upon or be supported by any tree, rock, or other natural object other than the ground.

(e) No sign shall be erected or maintained upon the roof of any building or structure.

(f) No motor vehicle on which is placed or painted any sign shall be parked or stationed in a manner primarily intended to display the sign.

(g) No sign shall exceed 20 feet in overall height, measured from the highest level of natural ground immediately beneath the sign to the highest point to the sign or the supporting structure thereof.

(h) No sign shall project more than 5 feet from the wall of any building, nor shall any sign project from the roof of any building or into any public way.

(i) No sign shall be erected or maintained having a sign area greater than 40 square feet. No luminous sign shall be erected or maintained having a sign area greater than 25 square feet.

(j) No sign shall be erected or maintained within the right-of-way, nor within 10 feet of the road bed of any public street or highway; nor shall any sign exceeding 25 square feet in the sign area be erected or maintained within 20 feet of the road bed of any public street or highway. But these minimum setback distances shall not apply to signs erected upon any building entirely housing the business or activity with which the signs are principally associated. For the purposes of this provision, the road bed shall mean the trafficable portion of a road, street, or highway, bounded on either side by the outer edge of the shoulder or guardrail, whichever extends farthest. Where there is no shoulder or guardrail, there shall be deemed to be a shoulder extending four feet from the outer edge of the pavement or unpaved traffic lanes.

(k) No sign shall be erected or maintained more than 200 feet from the business or activity with which it is principally associated. For the purpose of this provision, the location of a business or activity shall include all of the principal, private access road connecting the actual place of that business or activity with a public street or highway.

(l) Not more than 2 signs may be erected or maintained advertising or otherwise relating to a single business or activity, except for directional signs that do not exceed 2 square feet in the sign area and are limited to such texts as "Office", "Entrance", "Exit", "Parking", and "No Parking." The total sign area of these 2 signs shall not exceed 65 square feet. For the purpose of this provision, a single business or activity shall include all businesses or activities subordinate to or integrated with that business or activity, located on the same premises as that business or activity.

(m) No off-premise sign shall have a sign area of more than 10 square feet, nor shall any such sign be a luminous sign. All off-premise signs shall conform to all applicable requirements of the State Department of Environmental Conservation for off-premise signs within the Adirondack Park.

Section 7.020 - Shoreline Regulations - Purpose. The purpose of these shoreline regulations is to promote and protect the public health, welfare and safety, and to protect economic property values, aesthetic and recreational values, and other natural resource values associated with all lakes, ponds, streams, swamps, or wetlands. It is the further purpose of these regulations to:

(1) provide for the protection, preservation, proper maintenance and use of Township watercourses and wetlands in order to minimize disturbance to them and to prevent damage from erosion, turbidity, or siltation, a loss of fish or other beneficial aquatic organisms, a loss of wildlife and vegetation, and/or from the destruction of the natural habitat thereof;

(2) to provide for the protection of the Township's potable fresh water supplies from the dangers of drought, overdraft, pollution or mismanagement.

Section 7.021 - Shoreline Regulations.

(A) In the case of the shorelines of all lakes, ponds, swamps or wetlands and the shorelines of any river designated to be studied as a wild, scenic or recreational river in accordance with the Environmental Conservation Law or any river or stream navigable by boat, including canoe, the following restrictions shall apply:

(1) Shoreline Cutting Restrictions. In the case of the shoreline of all lakes, ponds, rivers, streams, swamps, or wetlands, the removal of vegetation, including trees, shall be permitted on shore-front lots provided the following standards are met:

(a) Within thirty-five feet of the mean high-water mark not more than thirty percent of the trees in excess of six inches diameter at breast height existing at any time may be cut over any ten year period.

(b) Within six feet of the mean high-water mark no vegetation may be removed, except that up to a maximum of thirty percent of the shorefront may be cleared of vegetation on any individual lot. This provision shall be adhered to in addition to (a) above.

(c) The above cutting standards shall not be deemed to prevent the removal of diseased vegetation or of rotten or damaged trees or of other vegetation that present safety or health hazards.

(2) Shoreline Setbacks.

The minimum setback of all principal buildings and accessory structures in excess of 100 square feet, other than docks or boathouses, from the mean high water mark shall be 50 feet in the Resort areas and Lakefront Residential -1 areas and, 75 feet in Lakefront Residential 2.5 areas, and 100 feet in Open Development areas.

(3) Minimum Shoreline Lot Width.

The minimum lot width measured along the shoreline for each one family residential structure shall be 50 feet in resort areas, 50 feet in Lakefront Residential-1 areas, 125 feet in Lakefront Residential-2.5 areas, and 200 feet in Open Development areas.

Nothing herein shall be deemed to preclude the application of appropriate shoreline restrictions to new uses other than one-family residential structures subject to site plan review or otherwise by this ordinance.

(4) Minimum Shoreline Frontages.

The following minimum shoreline frontages shall be required for deeded or contractual access to all such lakes, ponds, rivers or streams for five or more lots, parcels or sites or multiple family dwelling units not having separate and distinct ownership of shore frontage:

(a) Where five to 20 lots or multiple family dwelling units are involved, a total of not less than 100 feet.

(b) Where more than 20 and not more than 100 lots or multiple dwelling units are involved, a minimum of three feet for each additional lot or multiple dwelling unit on excess of 20.

(c) Where more than 100 and not more than 150 lots or multiple dwelling units are involved, a minimum of two feet for each additional lot or multiple dwelling unit in excess of 100.

(d) Where more than 150 lots or multiple dwelling units are involved, a minimum of one foot for each additional lot or multiple dwelling unit in excess of 150.

(B) Sewage Facilities. In the case of all lakes, ponds, rivers, streams, swamps or wetlands, the minimum setback of any on-site sewage drainage field or seepage pit shall be 100 feet from the mean high water mark irrespective of the zoning district or land use area classification. The Planning Board, or Sanitary Inspector or the Adirondack Park Agency in its review of Class A regional projects, shall have authority to require a greater setback of any on-site drainage field or seepage pit than the minimum herein above set forth, if it or he shall determine that soils or other pertinent conditions require such greater setback to reasonably protect the water quality of the water body involved.

Section 7.030 - Tourist Accommodations.

(1) For each tourist accommodation unit which is attached to a similar unit by a party wall, each unit of a tourist home or similar structure, and each tourist cabin or similar structure for rent or hire involving less than 300 square feet of floor area, the minimum land area necessary, shall be one-tenth the minimum lot area required for the zoning district in which the tourist accommodation is to be located, or shall be 4,000 square feet, whichever is larger.

(2) The minimum land area for a tourist cabin or similar structure for rent or hire involving more than 300 square feet of floor area shall be the minimum lot area in Section 4.050 hereof for the zoning district in which the cabin or structure is located.

(3) Adequate off street parking shall be provided with a minimum of one space per unit, and an additional space per every five units.

(4) No portion of a tourist accommodation shall be closer than 25 feet from the boundary line of any adjoining property not in the same ownership, nor closer than 100 feet from the shore of any lake or pond.

(5) Where a motel, hotel, or tourist accommodation involves the shoreline of any lake or pond, or any river or stream navigable by boat, including canoe, the following shoreline frontages shall be required per room or unit, unless the minimum shoreline lot width in Section 7.021 hereof for the zoning district involved is greater, in which case the greater lot width shall be required: 100 feet for one to ten accommodation units; for each additional unit, from 11 to 20 units, eight additional feet; for each additional unit, from 21 to 40 units, five additional feet; for each additional unit thereafter, three additional feet.

Section 7.040 - Multiple Family Dwellings.

(1) The minimum land area necessary per each individual dwelling unit shall be the minimum lot area required for the zoning district in which the multiple family dwelling is to be located.

(2) Adequate off street parking shall be provided with a minimum of two spaces per unit, and one additional space per every 5 units.

(3) Approval of water supply and sewage disposal by the Town Sanitary Inspector, the New York State Department of Health and/or other appropriate agency shall be mandatory.

Section 7.050 - Individual Junk Automobiles.

No individual junk automobiles may be so located as to be visible from public roads, trails, or boat or canoe routes, or from neighboring properties.

ARTICLE 8

General Exceptions

Section 8.010 - General Exception to Minimum Lot Area Requirements. Any legal non-conforming lot on record as of the date of this ordinance which does not meet the minimum lot area and/or the minimum lot width requirements of this ordinance for the zoning district in which such lot is situated shall be considered as complying with such minimum lot requirements, and no variance shall be required, provided that:

Such lot does not adjoin other lots in the same ownership, provided, however, that all such lots in the same ownership may be treated together as one lot; the minimum side yard requirement shall be reduced by no more than the same percentage as the lot width does not conform to the minimum lot width requirement for the district in which the lot is situated. Any greater reduction of the side yard shall require a variance as outlined under Article 10 of this ordinance.

Section 8.020 - Gifts, Devises and Inheritances. The mere division of land resulting from bona fide gift, devise or inheritance by and from "natural persons" shall not be subject to review by the Caroga Planning Board. New Land use or development on lots, parcels of sites conveyed by individuals, who on the date of May 22, 1973, when the Adirondack Park Law became law, own such land, to members of their immediate families by bona fide gift, devise or inheritance, shall be exempt from the overall intensity guidelines and the minimum lot size criteria specified in Section 4.050 for the purpose of constructing one simple dwelling or mobile home on any such lot, parcel or site, except that, the minimum side yard requirement shall be reduced by no more than the same percentage as the lot width does not conform to the minimum lot width requirement for the district in which the lot is situated. Any greater reduction shall require a variance as outlined under Article 10 of this ordinance. All other permit requirements and restrictions of this ordinance still apply.

ARTICLE 9

Legal Nonconforming Uses And Structures

Section 9.010 - Continuation. Subject to the provisions of this article, a nonconforming structure or use or a structure containing a nonconforming use may be continued and maintained in a reasonable repair but may not be altered, enlarged or extended more than 25 per cent of the existing square footage as of the date this ordinance becomes law, except by site plan approval of the Planning Board.

A single family dwelling or mobile home may be rebuilt or enlarged up to 25 percent.

In no case shall any increase or expansion violate, or increase non-compliance with, the minimum setback requirements of the shoreline restrictions.

This article shall not be construed to permit any unsafe use or structure, or to affect all proper procedures to regulate or prohibit the unsafe use or structure.

Section 9.020 - Discontinuance. If a nonconforming use is discontinued for a period of two years further use of the property shall conform to this ordinance or be subject to review by the Zoning Board of Appeals.

Section 9.030 - Change. If a nonconforming use is replaced by another use, such use shall conform to this ordinance.

Section 9.040 - Completion of Structure. Nothing contained in this ordinance shall require any change in plans, construction, alteration or designated use of a structure for which substantial construction work has lawfully commenced prior to the adoption of this ordinance.

ARTICLE 10

Variances

Section 10.010 - Purpose of Article. The purpose of this article is to provide for variances from this ordinance in cases where the strict application thereof would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and objectives of this ordinance.

Section 10.020 - Authorization to Grant or Deny Variances. Any variance to this ordinance shall be granted by the Zoning Board of Appeals in accordance with the standards and procedures set forth in this article. In granting a variance, the Zoning Board of Appeals may impose conditions to protect the best interests of the surrounding property, the neighborhood and the Town as a whole.

Section 10.030 - Application for Variance. Variances may be instituted by filing an application with the Zoning Board of Appeals using forms supplied by the Board, which shall include all information reasonably considered by the Board as necessary to make its findings under Section 10.040 of this ordinance, supplied by the applicant and including a legal description of the property, a map showing the property and all properties within a radius of five hundred (500) feet of the exterior boundaries thereof, plans and elevations necessary to show the proposed variance, and other drawings or information reasonably considered necessary by the Board to an understanding of the proposed use and its relationship to surrounding properties.

Section 10.040 - Requirements for Granting Variances.

(a) Area Variances. A variance to allow land use or development of subdivision to be located on a lot or property which does not conform to the dimensional requirements for that district listed in Section 4.040 may be granted only in the event that all of the following circumstances are specifically found to exist by the Zoning Board of Appeals, and are each so stated in the Board's findings, and no such variance shall be valid unless all of the following circumstances are so found:

(1) That the strict application of said dimensional requirements would result in a specified practical difficulty to the applicant, and

(2) That the variance would not be materially detrimental to the purposes of this ordinance, or to property in the district in which the property is located, or otherwise conflict with the description or purpose of the district or the objectives of any plan or policy of the Town, and that the variance requested is the minimum variance which would alleviate the specific practical difficulty found by the Zoning Board of Appeals to affect the applicant.

(b) Use Variances. A variance to allow a use within a district other than a use allowable as permissible use or conditional use may be granted only in the event that all of the following circumstances are specifically found to exist by the Zoning Board of Appeals, and are each so stated in the Board's findings, and no such variance shall be valid unless all of the following circumstances are so found:

(1) that the strict application of said use provisions of this ordinance would result in a specified unnecessary hardship to the applicant (i) which arises because of exceptional or extraordinary circumstances applying to the property and not applying generally to other properties in the same district and (ii) which results from lot size or shape legally existing prior to the date of this ordinance, or topography, or other circumstances over which the applicant has had no control.

(2) that the property in question cannot yield a reasonable return if used for any permissible use applicable to the zoning district in which the property is located.

(3) that the variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same district possess without such a variance, and

(4) that the variance would not be materially detrimental to the purposes of this ordinance, or to property in the district in which the property is located, or otherwise conflict with the description or purpose of the district or the objectives of any plan or policy of the Town, and that the variance requested is the minimum variance which would alleviate the specific unnecessary hardship found by the Zoning Board of Appeals to affect the applicant.

Section 10.050 - Referrals.

(a) The Zoning Board of Appeals shall refer all completed variance applications to the Planning Board for its report and recommendation, and where required by Section 239-m of the General Municipal Law, to the county planning agency having jurisdiction for its report and recommendation. In no case shall final action be taken until said Planning Board and County Planning Agency (if appropriate) have submitted their reports, or until thirty (30) days have passed since the date of referral, whichever occurs first.

In the case of any variance application involving land, buildings, or structures in any APA land use area except hamlet, or any variance involving the shoreline restrictions, the Zoning Board of Appeals shall submit a copy of the application to the Adirondack Park Agency, together with such pertinent information as the Agency reasonably shall deem necessary.

Section 10.060 - Variances Application Hearing and Decision.

(a) Within fifteen (15) days of receipt of a completed application for a variance, the Zoning Board of Appeals shall give notice of a public hearing to be held on the application not less than fifteen (15) days nor more than thirty (30) days after the notice. The Adirondack Park Agency shall be a full party in interest, with standing to participate in any and all proceedings under this article for which the Agency was required to be sent notice under Section 10.050 (b) of this ordinance.

(b) Within thirty (30) days of the final adjournment of a public hearing called and held under paragraph (a) of this section, the Zoning Board of Appeals shall grant, grant with conditions, or deny the variance applied for. The decision of the Board shall be in writing and shall contain each of the findings specified in Section 10.040 of this ordinance, and the factual basis for each finding from the record of the hearing, which shall support the decision of the Board. The Board shall notify the Adirondack Park Agency, by certified mail, of such decision. Any variance granted or granted with conditions shall not be effective until thirty (30) days after such notice to the Agency. If, within such thirty day period, the Agency determines that such variance involves the provisions of the land use and shoreline restriction, and was not based upon the appropriate statutory basis of practical difficulties of unnecessary hardships, the Agency may reverse the local determination to grant the variance.

ARTICLE 11

Amendments

Section 11.010 - Purpose of Article. The purpose of this article is to allow for amendment to this ordinance whenever the public necessity and convenience and the general welfare require such amendment, by following the procedure of this article.

Section 11.020 - Referrals. When directed by the Town Board, the Town Clerk shall submit a copy of a proposed amendment to the Adirondack Park Agency for a determination as to whether the proposed amendment is subject to Agency approval under Section 807 of the Adirondack Park Agency; the Town Clerk shall simultaneously refer such proposed amendment to the Planning Board, and where required by Section 239-m of the General Municipal Law, to the county planning agency having jurisdiction, for the report and recommendations by those bodies to the Town Board.

Section 11.030 - Hearing and Decision of Proposed Amendment. The procedure as to notice of public hearing, public hearing on, and enactment of a proposed amendment shall follow and be governed by Section 265 of the Town Law, and Section 239-m of the General Municipal Law, including all subsequent amendments thereto. Notice of the decision of the Town Board shall be sent promptly to the Adirondack Park Agency.

Section 11.040 - Records of Amendments. The Building Inspector and the Town Clerk shall each maintain records of amendments to the text of this ordinance and of the Official Zoning Map and Park Plan Map.

ARTICLE 12

Administrative Provisions

Section 12.010 - Development Administrator. The Building Inspector shall have the power and duty to administer and enforce the provisions of this ordinance. The Building Inspector shall be appointed and may be removed at pleasure by the Town Board. An appeal from an action, omission, decision or rule by him regarding a requirement of the ordinance may be made only to the Zoning Board of Appeals.

Section 12.020 - Required Records. The original or a certified copy of all decisions, approvals, rulings, and findings of any board under this ordinance, and of all permits and certificates issued under this article, shall be promptly furnished by the Building Inspector to the Town Clerk and retained as a permanent Town public record.

Section 12.030 - Appeal from Action of Planning Board or Zoning Board of Appeals. An action, omission, decision or ruling of the Planning Board or Zoning Board of Appeals pursuant to this ordinance may be reviewed at the instance of any aggrieved person in accordance with Article 78 of the Civil Practice Law and Rules, but application for such review must be made not later than thirty (30) days from the effective date of the decision or ruling or the date when the action or omission occurred, whichever comes later.

Section 12.040 - Form of Petitions, Applications and Appeals. Unless otherwise stated, all petitions, applications and appeals provided for in this ordinance shall be made on forms prescribed by the Planning Board. Completed forms shall be accompanied by whatever further information, plans or specifications as may be required by such forms.

Section 12.050 - Application Fees. Fees shall be paid upon the submission of petitions, applications, and appeals, provided for by the terms of this ordinance in such amount or amounts as shall be established by the Town Board from time to time.

Section 12.060 - Notice of Public Hearing. Each notice of hearing upon an application for site plan review approval or for the granting of a variance, or upon an appeal to the Zoning Board of Appeals from an action of the Building Inspector shall be published once in the official newspaper of the Town at least five (5) days prior to the date of the hearing, notices shall be mailed to all owners of the property within five hundred (500) feet of the exterior boundary of the property for which the application is made, as may be determined by the latest assessment records of the Town.

Section 12.070 - Land Use and Building Permits. No person shall undertake any new land use or development unless and until the Development Administrator has issued a land use and development permit therefor, except that no permit by the Development Administrator shall be required under this article for a new land use and development which is a Class A regional project subject to Adirondack Park Agency project permit jurisdiction, and except that no permit shall be required for an accessory use or a use permitted by right.

12.071 - Issuance of Land Use and Building Permits. The Building Inspector shall issue a land use and development permit if he determines:

(a) The new land use or development complies with any applicable sanitary codes,

(b) The new land use and development meets the area, road setbacks, bulk and height controls and the special shoreline restrictions of this ordinance, unless an area variance has been granted pursuant to Article 10 hereof, and,

(c) The new land use or development has received site plan approval, if applicable, and if such approval is subject to conditions to be met prior to the granting of a permit, that all such conditions have been met, and,

(d) It is a non-permissible use for which a use variance has been granted pursuant to the terms of Article 10 hereof, and if such grant was subject to conditions to be met prior to the granting of a permit, that all such conditions have been met, and,

(e) It is a sign and such sign complies with the provisions of this ordinance.

Section 12.072 - Expiration of Land Use and Building Permits. If a project for which a land use and development permit has been issued is not in existence within eighteen (18) months after the issuance of such permit, said permit shall expire, and the project may not thereafter be undertaken or continued, unless a new permit has been applied for and issued in the same manner and subject to all provisions governing the initial application for and issuance of a permit, unless the terms of the initial land use and development permit for the project provide for a longer period of time, in which case the permit shall expire at the end of that longer period.

Section 12.073 - Certificate of Occupancy. Upon the completion of a building erected or materially altered, for which a land use and building permit has previously been issued, a certificate permitting the occupancy of the building and the use designated in the land use and building permit shall be required, and the building may not be occupied until such certificate of occupancy has been issued. The Building Inspector shall issue such certificate of occupancy within ten days of a written request for inspection, if he shall determine that all the conditions of the land use and development permit pertaining to that building, if any, have been fulfilled.

ARTICLE 13

Enforcement

Section 13.010 - Penalty. Any person owning, controlling or managing any building, structure, land, or premises wherein or whereon there shall be placed on or there exists or is practiced or maintained anything or any use in violation of any of the provisions of this ordinance, shall be guilty of a misdemeanor and subject to a fine of not more than Two Hundred and Fifty Dollars (\$250.00) or to imprisonment for a period of not more than six (6) months or both such fine and imprisonment, or by penalty of Two Hundred and Fifty Dollars (\$250.00) to be recovered by the Town in a civil action. Every such person shall be deemed guilty of a separate offense for each week such violation, disobedience, omission, neglect or refusal shall continue. Where the person committing such violation is a partnership, association or corporation, the principal executive officer, partner, agent or manager may be considered to be the "person" for the purposes of this article.

Section 13.020 - Alternative Remedy. In case of any violation or threatened violation of any of the provisions of this ordinance, or conditions imposed by a land use and building 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, moving and/or use, to restrain, correct, or abate such violation, to prevent any illegal act, conduct, business or use in or about such premises.

Section 13.030 - Misrepresentation. Any permit or approval granted under this ordinance which is based upon or is granted in reliance upon any material misrepresentation, or failure to make a material fact or circumstance 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 Sections 13.010 and 13.020 of this ordinance.

ARTICLE 14

Miscellaneous Provisions

Section 14.010 - Interpretation. Where the conditions imposed by any provision of this ordinance are less restrictive than comparable conditions imposed by any other provisions of this ordinance or of any other ordinance, resolution or regulation, or local law, or of Article 27 of the Executive Law of the State of New York, the provisions which are more restrictive shall govern.

Section 14.020 - Relationship to Other Local Laws. Where there exist local laws which control and provide for review by the Building Inspector or the Sanitary Inspector of a development activity, these reviews must also be undertaken in compliance to those provisions and shall not substitute for, or be substituted by the provisions set forth in this ordinance.

Section 14.030 - Severability. If any article, section subsection or provision of this ordinance shall be invalid, such invalidity shall apply only to the article, section, subsection or provisions adjudged invalid, and the rest of this ordinance shall remain valid and effective.

Section 14.040 - Saving Clause. The adoption of this ordinance shall not affect or impair any act done, offense committed or right incurred or acquired or liability, penalty, forfeiture or punishment incurred prior to the time this ordinance takes effect under the ordinance relative to districts in the Town.

Section 14.050 - Effective Date. This ordinance shall take effect and be in force ten (10) days after its passage and publication or as otherwise prescribed by Section 264 of the Town Law.

APPENDIX A

CLASS A REGIONAL PROJECTS

(Comment on Appendix A:) This appendix lists Class A regional projects for review by the Adirondack Park Agency under Section 6.070 of this ordinance and Section 809 of the Adirondack Park Agency Act.

(a) HAMLET AREAS

(1) All land uses and development, except subdivisions of land, involving wetlands.

(2) All land uses and development, except subdivisions of land, involving one hundred or more residential units, whether designed for permanent, seasonal or transient use.

(3) All structures in excess of forty feet in height, except residential radio and television antennas.

(4) Commercial or private airports.

(5) Watershed management and flood control projects.

(6) Any material increase or expansion of an existing land use or structure included on this list that is twenty-five per cent or more of the original size of such existing use of twenty-five per cent or more of the original square footage of such structure.

(7) Subdivisions involving 100 lots or more.

(b) MODERATE INTENSITY USE AREAS

(1) All land uses and development, except subdivision of land, located in the following critical environmental areas:

A. within one-quarter mile of rivers navigable by boat designated to be studied as wild, scenic or recreational in accordance with the Environmental Conservation Law during the period of such designation;

B. involving wetlands;

C. at elevations of twenty-five hundred feet or more;

D. within one-eighth mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands, except for an individual single

family dwelling and accessory uses or structures thereto. Provided, however, that the above shall not include forestry uses (other than clear-cutting as specified in number eight below), agricultural uses, open space recreation uses, public utility uses, and accessory uses or structures (other than signs) to any such use or to any pre-existing use.

(2) All land uses and development, except subdivisions of land, involving seventy-five or more residential units, whether designed for permanent, seasonal or transient use.

(3) Commercial or agricultural service uses involving ten thousand or more square feet of floor space.

(4) All structures in excess of forty feet in height, except residential radio and television antennas.

(5) Tourist attractions.

(6) Ski centers.

(7) Commercial or private airports.

(8) Timber harvesting that includes a proposed clear-cutting of any single unit of land of more than twenty-five acres.

(9) Sawmills, chipping mills, pallet mills and similar wood-using facilities.

(10) Mineral extractions.

(11) Mineral extraction structures.

(12) Watershed management and flood control projects.

(13) Sewage treatment plants.

(14) Major public utility uses.

(15) Industrial uses.

(16) Any material increase or expansion of an existing land use or structure included on this list that is twenty-five per cent or more of the original size of such existing use or twenty-five per cent or more of the original square footage of such structure.

(17) Subdivisions involving 75 lots or more.

(c) LOW INTENSITY USE AREAS

(1) All land uses and development, except subdivisions of land, located in the following critical environmental areas:

A. within one-quarter mile of rivers navigable by boat designated to be studied as wild, scenic or recreational in accordance with the Environmental Conservation Law during the period of such designation;

B. involving wetlands;

C. at elevations of twenty-five hundred feet or more;

D. within one-eighth mile of tracts of forest preserve land now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands, except for an individual single family dwelling and accessory uses or structures thereto.

Provided, however, that the above shall not include forestry uses (other than clearcutting as specified in number eight below), agricultural uses, open space recreation uses, public utility uses, and accessory uses or structures (other than signs) to any such use or to any pre-existing use.

(2) All land uses and development, except subdivisions of land, involving thirty-five or more residential units, whether designed for permanent, seasonal or transient use.

(3) Commercial or agricultural service uses involving five thousand or more square feet of floor space.

(4) All structures in excess of forty feet in height, except residential radio and television antennas.

(5) Tourist attractions.

(6) Ski centers.

(7) Commercial or private airports.

(8) Timber harvesting that includes a proposed clear-cutting of any single unit of land of more than twenty-five acres.

(9) Sawmills, chipping mills, pallet mills and similar wood-using facilities.

(10) Mineral extractions.

(11) Mineral extraction structures.

(12) Watershed management and flood control projects.

(13) Sewage treatment plants.

(14) Waste Disposal areas.

(15) Junkyards.

(16) Major public utility uses.

(17) Industrial uses.

(18) Any material increase or expansion of an existing land use or structure included on this list that is twenty-five per cent or more of the original size of such existing use or twenty-five per cent or more of the original square footage of such structure.

(19) Subdivisions involving 35 lots or more.

(d) RURAL USE AREAS

(1) All land uses and development, except subdivisions of land, located in the following critical environmental areas:

A. within one-quarter mile of rivers navigable by boat designated to be studied as wild, scenic or recreational in accordance with the Environmental Conservation Law during the period of such designation;

B. involving wetlands;

C. at elevations of twenty-five hundred feet or more;

D. within one-eighth mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands, except for an individual single family dwelling and accessory uses or structures thereto;

E. within one hundred fifty feet of the edge of the right of way of federal or state highways, except for an individual single family dwelling and accessory uses or structures thereto.

F. within one hundred fifty feet of the edge of the right of way of county highways designated by rule or regulation of the agency adopted pursuant to subdivision fourteen of section eight hundred nine of the Adirondack Park Agency Act, as major travel corridors by the agency, except for an individual single family dwelling and accessory uses or structures thereto.

Provided, however, that the above shall not include forestry uses (other than clearcutting as specified in number nine below and sand and gravel pits associated with such uses located within one hundred fifty feet of the edge of the right of way of the above described travel corridors), agricultural uses (other than sand and gravel pits associated with such uses located within one hundred fifty feet of the edge of the right of way of the above described travel corridors), open space recreational uses, and accessory uses or structures (other than signs) to any such uses or to any pre-existing use.

- (2) All land uses and development, except subdivisions of land, involving twenty or more residential units, whether designed for permanent, seasonal or transient use.
- (3) Commercial and agricultural service uses involving twenty-five hundred or more square feet of floor space.
- (4) All structures in excess of forty feet in height, except residential radio and television antennas.
- (5) Tourist attractions.
- (6) Ski centers.
- (7) Commercial seaplane bases.
- (8) Commercial or private airports.
- (9) Timber harvesting that includes a proposed clear-cutting of any single unit of land of more than twenty-five acres.
- (10) Sawmills, chipping mills, pallet mills and similar wood-using facilities.
- (11) Mineral extractions.
- (12) Mineral extraction structures.
- (13) Watershed management and flood control projects.
- (14) Sewage treatment plants.
- (15) Waste disposal areas.
- (16) Junkyards.
- (17) Major public utility uses.
- (18) Industrial use.
- (19) Any material increase or expansion of an existing land use or structure included on this list that is twenty-five per cent or more of the original size of such existing use or twenty-five per cent of the original square footage of such structure.
- (20) Subdivisions involving 20 lots or more.

(e) RESOURCE MANAGEMENT AREAS

- (1) All land uses and development, except subdivisions of land, located in the following critical environmental areas:
 - A. within one-quarter mile of rivers navigable by boat designated to be studied as wild, scenic or recreational in accordance with the Environmental Conservation Law during the period of such designation;
 - B. involving wetlands;
 - C. at elevations of twenty-five hundred feet or more;
 - D. within one-eighth mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands, except for an individual single family dwelling and accessory uses or structures thereto;
 - E. within three hundred feet of the edge of the right of way of federal or state highways, except for an individual single family dwelling and accessory uses or structures thereto;
 - F. within three hundred feet of the edge of the right of way of county highways designated as major travel corridors by rule or regulation of the agency adopted pursuant to subdivision fourteen of section eight hundred nine of the Adirondack Park Agency Act, except for an individual single family dwelling and accessory uses or structures thereto. Provided, however, that the above shall not include forestry uses (other than clear-cutting as specified in number nine below and sand and gravel pits associated with such uses located within three hundred feet of the edge of the right of way of the above described travel corridors), agricultural uses (other than sand and gravel pits associated with such uses located within three hundred feet of the edge of the right of way of the above described travel corridors), open space recreational uses, public utility uses, and accessory uses or structures (other than signs) to any such uses or to any pre-existing use.
- (2) Campgrounds involving fifty or more sites.
- (3) Group camps.
- (4) Ski centers and related tourist accommodations.
- (5) Agricultural service uses.
- (6) All structures in excess of forty feet in height, except residential radio and television antennas.
- (7) Sawmills, chipping mills and pallet mills and similar wood-using facilities.
- (8) Commercial sand and gravel extractions.
- (9) Timber harvesting that includes a proposed clear-cutting of any single unit of land of more than twenty-five acres.
- (10) Mineral extractions.

(11) Mineral extraction structures.

(12) Watershed management and flood control projects.

(13) Sewage treatment plants.

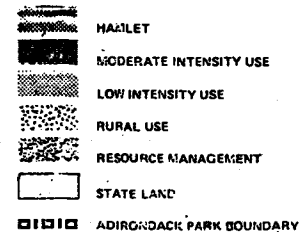
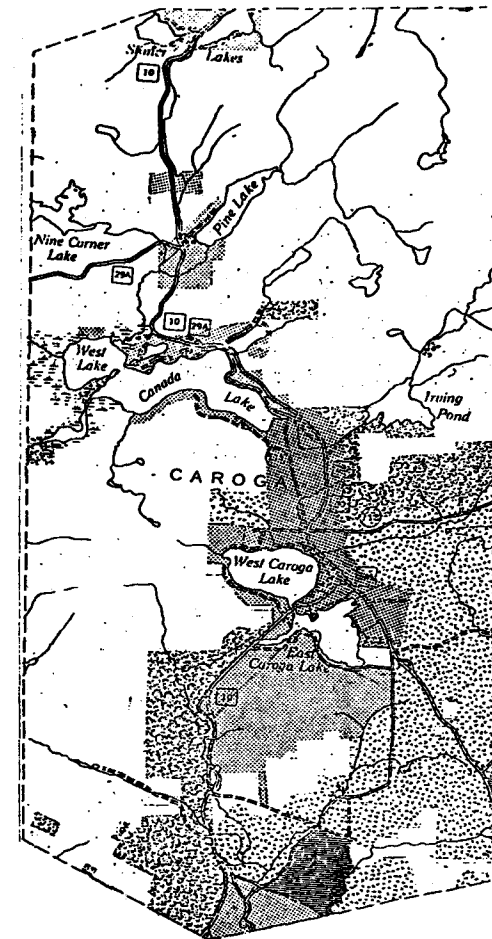
(14) Major public utility uses.

(15) Any material increase or expansion of an existing land use or structure included on this list that is twenty-five per cent or more of the original size of such existing use or twenty-five per cent or more of the original square footage of such structure.

(16) Subdivisions involving 2 or more lots.

(f) Any amendment to the Class A regional project list in Section §10 (1) of the Adirondack Park Agency Act subsequent to the adoption of this ordinance shall be deemed to effect a corresponding change in this Appendix A without action by the Town, except so far as that amendment affects the delineation of subdivisions which are Class A regional projects.

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APPENDIX B

BOARD OF APPEALS

A Board of Appeals consisting of five (5) members shall be designated by the Town Board to carry out the duties prescribed for such Board under this Code and according to the applicable provisions of law.

I. Powers and Duties

A. The Board of Appeals shall prescribe such rules for the conduct of its affairs as may be necessary to carry out its duties under this Code and all its determinations shall be made in accord therewith. In particular, the Board shall conduct itself according to the following:

1. Meetings - All meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as a majority of the members of the full Board may determine. All meetings shall be conducted in accord with the guidelines established by the Chairman, or in his absence, the Acting Chairman, and such Chairman may administer oaths and compel the attendance of witnesses.

2. Records - The Board shall keep minutes of its proceedings, including its examinations, findings and official actions and shall record the votes of each member upon every question put to vote or, if absent or failing to vote, indicating such fact. All decisions of the Board shall be recorded in the minutes which shall fully set forth the reasons for the decision of the Board and the findings of fact on which the decision was based, and an appropriate record of every official determination of the Board shall be on file in the office of the Board, together with all documents pertaining thereto. The Board of Appeals shall notify the applicant, the Town Clerk and the Planning Board of all official actions.

3. Voting requirements - The concurring vote of a majority of the full membership of the Board of Appeals shall be required to constitute an official action by the Board.

4. Eligible Applicant or Appellee - An application or appeal to the Board of Appeals may be initiated by any person or party aggrieved under, or with a legitimate interest in, this Code, including the Town and its official instruments. An appeal for an interpretation or variance may be made only after a determination and notification of action taken by the Building Inspector or other body of original jurisdiction, except where such appeal is instituted by an official instrument of the Town.

B. The Board of Appeals shall have all the powers and duties prescribed by law and by Zoning, Subdivision and Sanitary Codes and may reverse or affirm wholly or partly, or may modify the other, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made and to that end shall have all the powers of the officer or body from whom the appeal is taken. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of these regulations, the Board of Appeals shall have the power in passing upon appeals, to vary or modify the application of any of the regulations or provisions of these regulations relating to the use, construction or alteration of buildings or structures, or the use of land, so that the spirit of these regulations shall be observed, public health, safety and welfare secured and substantial justice done. In particular, the powers of the Board of Appeals are as follows:

1. Interpretation - To decide any question involving the interpretation of any provision of these regulations including determination of the exact location of any zoning district boundary if there is uncertainty with respect thereto, or any other determination made in the administration or application of these regulations. Such interpretation shall be considered and rendered by the Board only upon appeal following and based upon a determination made by the Development Administrator or other body to whom original jurisdiction has been assigned under these regulations; except as such may be requested by an official instrument of the Town.

2. Variance - To vary or adapt the strict application of any of the requirements of these regulations where strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case. No variance in the strict application of any provision of these regulations shall be granted by the Board of Appeals unless it finds:

a. That there are special circumstances or conditions, fully described in the findings, applying to the land or building for which the variance is sought, which circumstances or conditions were not created by action of the applicant.

b. That for reasons fully set forth in the findings, the granting of the variance is necessary for the reasonable use of the land or buildings; and that the variance as granted by the Board is the minimum variance that will accomplish this purpose.

c. That the granting of the variance will be in harmony with the general purpose and intent of the Town Plan, these regulations, and will not be injurious to the neighborhood or otherwise detrimental to the public health, safety or welfare.

II. Procedure

A. The Board of Appeals shall act in strict accordance with the procedures specified by law and by these regulations and shall be in accord with the following:

1. Application - All appeals and applications made to the Board of Appeals shall be in writing, in the form prescribed by the Board. Every appeal or application shall refer to the specific provisions of these regulations involved and shall exactly set forth the interpretation that is claimed, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. Such appeal shall be taken within sixty (60) days of the date of notification of the determination which is being appealed by filing with the Board of Appeals a notice of application or appeal specifying the grounds thereof. Upon such application, the Building Inspector shall transmit to the Board all of the papers constituting the record upon which the action appealed from was taken.

2. Stay - An appeal stays all proceedings in furtherance of the action appealed from unless the Building Inspector from whom the appeal is taken certifies to the Board of Appeals after the notice of appeal shall have been filed with him that by reason of acts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the Building Inspector from whom the appeal is taken and on due cause shown.

3. Notification and Public Hearing - The Board of Appeals shall fix a reasonable time for any public hearing in connection with an appeal or application and shall give public notice thereof by publication in the official paper of a notice of such public hearing at least five (5) days prior to the date thereof; and shall, at least five (5) days before such public hearing, mail notice thereof to the applicant or appellee.

4. Referrals - Prior to the date of any public hearing required by law on an application or appeal to the Board of Appeals, the Board shall transmit to the Planning Board a copy of said application or appeal, together with notice of the aforesaid public hearing and shall request that the Planning Board submit to the Board of Appeals its advisory opinion on said application or appeal; and the Planning Board shall submit a report of such advisory opinion prior to the date of said public hearing. In addition, where any appeal for variance involves lands within five hundred (500) feet of an adjoining municipality, State or County property or right-of-way, the appeal shall be referred to the Fulton County Planning Board and acted upon in accord with the requirements of the applicable provisions of Section 239 of the General Municipal Law. In no case shall final action be taken until said Planning Board and County Planning Agency (if appropriate) have submitted their reports, or until thirty (30) days have passed since the date of the referral, whichever occurs first.

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5. Decision and Notification - Within thirty (30) days from the date of any public hearing, the Board shall render a determination with respect to the subject consideration, and the applicant or his authorized agent so notified in writing within five (5) days of the date of the determination. Every decision of the Board of Appeals shall be by resolution, each of which shall contain a full record of the findings of the Board on file in the office of the Board, together with all documents pertaining thereto. The Board of Appeals shall notify the Building Inspector, Town Clerk and the Planning Board of each interpretation rendered and variance granted under the provisions of these regulations and zoning ordinance. The Adirondack Park Agency shall also be notified. Any variance granted or granted with conditions shall not be effective until thirty (30) days after such notice to the agency. If within such thirty (30) day period, the agency determines that such variance involves the provisions of the land use and development plan as approved in the local land use program, including any shoreline restriction, and was not based upon the appropriate statutory basis of practical difficulties or unnecessary hardships, the agency may revise the local determination to grant the variance.

Within fifteen (15) days of receipt of a completed application for a variance, the Zoning Board of Appeals shall give notice of a public hearing to be held on the application not less than fifteen (15) nor more than thirty (30) days after the notice. The Adirondack Park Agency shall be a full party in interest, with standing to participate in any and all proceedings under this article for which the agency was required to be sent notice.

B. Amendments

Rules of Procedure -

1. Referrals - When directed by the Town Board, the Town Clerk shall submit a copy of a proposed amendment to the Adirondack Park Agency for a determination as to whether the proposed amendment is subject to agency approval under Section 807 of the Adirondack Park Agency; the Town Clerk shall simultaneously refer such proposed amendment to the Planning Board, and where required by Section 239-m of the General Municipal Law, to the County planning agency having jurisdiction, for the report and recommendations by those bodies to the Town Board.

2. Hearing and Decision on Proposed Amendments - The procedure as to notice of public hearing, public hearing on, and enactment of a proposed amendment shall follow and be governed by Section 239-m of the General Municipal Law, including all subsequent amendments thereto. Notice of the decision shall be sent promptly to the Adirondack Park Agency.

Records of Amendments -

The Building Inspector and the Town Clerk shall each maintain records of amendments to the text of these regulations and ordinances and of the official zoning and park plan maps.

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