

**TOWN OF NORTH HUDSON**

**ZONING LAWS  
OF THE  
TOWN OF NORTH HUDSON**

**AS ADOPTED BY  
THE NORTH HUDSON TOWN BOARD**

**JANUARY 10, 2008**

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SCHEDULE A: Use Chart

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## ARTICLE 1 GENERAL PROVISIONS

### **Section 100 Title and Enactment Authority**

- A. The title of this law is the "Town of North Hudson Zoning Law," and shall include this text and the official zoning map.
- B. Enactment of this Local Law by the Town is pursuant to the Municipal Home Rule Law of the State of New York.

### **Section 105 Purposes**

The overall purpose of this law is to promote the health, safety, and general welfare by regulating the density of population, and the location, intensity and use of buildings, structures and land. Further purposes of this law are to implement the goals and policies of the Town of North Hudson Comprehensive Plan of 2007 and any amendments thereto.

### **Section 110 Prior Law**

This law shall replace and supersede the prior existing "Zoning Ordinance, Town of North Hudson, Essex County, New York," and any amendments thereto.

### **Section 115 Conflict with Other Laws**

Whenever the requirements of this law are at variance with the requirements of any lawfully adopted rules, regulations, law or statutes, the most restrictive or those imposing the higher standard shall govern.

### **Section 125 Severability**

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

## ARTICLE 2 PERMITS AND PROCEDURES

### **Section 200 Applicability to Land Use or Development**

No land use or development shall be undertaken, maintained or altered except in conformity with all provisions contained in this Local Law 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 this Local Law. Where this Local Law is more restrictive than covenants or agreements between parties, or other plans, or the regulations of the Adirondack Park Agency, the provisions of this Local Law shall control.

### **Section 205 Regulated Uses**

- A. No person shall undertake any of the following unless a town Zoning Permit has been issued by the Zoning Enforcement Officer.
  1. Construction of any new building or structure one hundred forty-four (144) square feet or larger in ground coverage, except swimming pools.
  2. Expansion or enlargement of any existing structure, if the completed structure is one hundred forty-four (144) square feet or greater in ground area.
  3. Placement of a mobile home or the replacement of an existing mobile home with another mobile home.



4. Change in the use of a building or of land, except as provided in Parts B and C of this section.
  5. Construction or enlargement of parking lots for non-residential uses.
  6. Certain signs, as provided in Article 7 herein.
  7. Seasonal roadside stand, as defined herein.
  8. Outdoor wood boiler.
- B. The following activities do not require the issuance of a town Zoning Permit, but must meet the building setbacks and other requirements of this law.
1. Any swimming pool as defined herein.
  2. Home occupations, as defined herein.
  3. Certain signs, as provided in Section 535.
  4. Keeping of farm animals, as provided in Section 622.
  5. Storage of a recreational vehicle or travel trailer, as provided in Section 630(C).
  6. Yard, porch, or garage sales, as provided in Section 638.
- C. The following activities are not regulated by this law and do not require a town Zoning Permit.
1. Buildings or structures smaller than one hundred forty-four (144) square feet in ground area, except for seasonal roadside stands as defined herein.
  2. Expansion or enlargement of any structure that results in a finished structure less than one hundred forty-four (144) square feet in ground area, except for seasonal roadside stands as defined herein.
  3. Interior structural alterations, or routine maintenance and improvement, which does not expand the exterior dimensions of a structure.
  4. Landscaping or grading which is not intended to be used in connection with a land use reviewable under the provisions of this law.
  5. Non-structural horticultural or gardening uses.
  6. The erection of chimneys, posts and other similar structures.
  7. Certain signs, as provided in Section 535.
  8. Timber harvesting.
  9. Non-commercial sand or gravel extraction.

### **Section 210 Zoning Permit Types**

Under the terms of this Law, the following classes of Zoning Permits may be issued.

- A. Permitted Use. A Zoning Permit for a permitted use shall be reviewed by the Zoning Enforcement Officer on his own authority. (Permitted uses are shown with an "x" on Schedule A of this Law.)
- B. Allowed after Site Plan Approval. Uses designated by the letter "S" on Schedule A herein require Site Plan Approval by the Planning Board before a Zoning Permit may be issued.
- C. Allowed after a decision by the Zoning Board of Appeals. A Zoning Permit shall be issued by the Zoning Enforcement Officer after issuance of a variance by the Zoning Board of Appeals or as a result of a ruling on an appeal heard by the Zoning Board of Appeals. (See Article 8.)

### **Section 215 Required Information for Application**

Unless otherwise stated, all petitions, applications and appeals shall be made on forms prescribed by the Planning Board or Zoning Board of Appeals. Completed forms shall be accompanied by such further information, plans or specifications as may be required by such forms, and by the Zoning Board of Appeals and/or the Planning Board.

The following are required in order to constitute a complete application:

- A. Map. Three (3) copies of a property map, drawn to scale, shall be submitted with all applications. The map shall be either a Plot Plan Map or a Site Plan Map for Major Projects:
  1. Plot Plan Map. A Plot Plan is required with all applications for minor projects as defined herein. Such map shall contain sufficient information to enable the Zoning Enforcement Officer, the Planning Board and/or the Board of Appeals to make an informed decision. Such map shall show as appropriate: dimensions and location of the lot, exact size and location of all existing and proposed buildings, proposed location of water and sewage disposal systems, parking areas, driveway location, watercourses, ponds, surface drainage patterns, flood hazard areas, and location of existing or proposed easements.
  2. Site Plan for Major Projects. A Site Plan for Major Projects is required for all major projects that require Site Plan Approval. (See Section 750.) The map shall be prepared by a professional architect, landscape architect, engineer, or surveyor.
- B. Tax map of parcel proposed for land use and development showing adjacent properties.
- C. Evidence of property ownership, agreement or option to purchase, with all parties represented, must be provided at the time of application.
- D. Licenses. Any use currently licensed by Federal, State, County or Town Agencies and already operating within the town shall present evidence or currently valid licenses before any expansion permits are considered.
- E. Environmental Assessment Form, Part I, if required by the New York State Environmental Quality Review Act.
- F. Fee. The appropriate fee established by the Town Board in its fee structure shall be collected at the time of application.

### **Section 220 Fees**

Application fees shall be established by resolution of the Town Board.

### **Section 225 Issuance of Zoning Permits**

When all requirements of this Law have been met, the Zoning Enforcement Officer shall issue a Zoning Permit and return one copy of the approved map to the applicant. One copy of the approved permit and approved map shall be filed in the Town Clerk's Office. If the permit has been denied, the reasons for denial shall be stated in writing and returned to the applicant.

### **Section 230 Termination of Permit**

- A. A Zoning Permit for any building for which construction has not been commenced two (2) years after issuance, or for any use which has not been commenced two (2) years after issuance, shall expire, and such building and/or use may not be established nor construction begun unless a new permit has been issued.
- B. For purposes of this section, land use and development shall not be considered as having been commenced when merely the following have been undertaken: digging of soil test pits,



performing soil percolation tests and other minor site inspections, the staking of lots, or the securing of other approvals or permits required by law.

- C. Once a Zoning Permit for any building or use is revoked or has expired, construction shall cease and the use shall not be established.

### **Section 235 Certificate of Compliance**

No person shall occupy or use a structure or area of land requiring a Zoning Permit until Certificate of Compliance has been issued by the Zoning Enforcement Officer. The applicant shall notify the Zoning Enforcement Officer when the structure is ready for final inspection. If satisfied that the applicable State and local regulations pertaining to the project have been complied with and that the project has been completed as specified on the approved application, the Zoning Enforcement Officer shall issue a Certificate of Compliance granting permission to occupy or use the structure.

## **ARTICLE 3 DEFINITIONS**

### **Section 300 Word Interpretation**

Except where specifically defined herein all words used in this law shall carry their customary meaning. Doubt as to the precise meaning of a word or phrase shall be decided by the Zoning Board of Appeals.

### **Section 310 Definitions**

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

Accessory Structure. A structure which is physically separate from the principal building and customarily incidental and subordinate to a principal land use or development, including but not limited to garages, sheds, swimming pools, alternative energy systems, a guest cottage not for rent or hire, and any moveable structure in excess of 100 square feet in ground area. For purposes of this law, fences, walls and poles under 40 feet high are not considered to be accessory structures.

Adult Arcade. An establishment where film, slides, or any other images of "specified sexual activities" or "specified anatomical areas" are available for viewing by the public.

Adult Bookstore or Adult Video Store. A bookstore or video-store where as one of its principal business purposes offers for sale or rental any printed matter or videocassettes that depict "specified anatomical areas" or "specified sexual activities." For the purpose of this definition, a principal business purpose shall mean that part of the business that constitutes 20 percent or more of the printed material or videocassettes for sale or rent in the establishment.

Adult Cabaret. A nightclub, bar, restaurant, juice bar, or similar establishment where persons appear in a state of nudity, or where there are live performances, films, videocassettes or slides characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

Adult Entertainment Establishment. An establishment, or any part thereof, which includes any of the following: topless or bottomless dancers or waitresses; strippers; topless hair care or

massages; entertainment where the servers or entertainers wear pasties or G-strings; adult cabaret; adult arcade; adult bookstore; or adult video-store.

Agricultural Use. Management of any land for general farming, truck gardening, nurseries, greenhouse, orchards; raising of cows, horses, pigs, poultry and other livestock for gain or profit; 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.

Agricultural Use Structure. Any barn, stable, shed, silo, garage, greenhouse, fruit and vegetable stand or other building or structure directly and customarily associated with agricultural use.

Airport/Heliport. A place on land designed for the take-off and landing of aircraft.

Animal Hospital. A business that treats animals and regularly houses them on the premises overnight and for extended periods for treatment.

Applicant. A person applying for a permit, approval, or variance having a legal interest in the property that is the subject of the application.

Assisted Living Facility for Seniors. A residential facility that accepts adults 55 years or older, who by reason of physical or other limitations are unable to live independently, primarily for domiciliary care rather than nursing or medical care.

Bed and Breakfast Establishment. A dwelling with one or more rooms for overnight accommodation to transient paying guests, and that satisfies the standards of Section 804. Similar establishments that do not qualify under Section 804 shall be deemed to be tourist accommodations.

Board of Appeals. Town of North Hudson Zoning Board of Appeals.

Building. Any roofed structure intended for the shelter, housing or enclosure of persons, animals or property.

Business Office. An office or place of business that does not involve the sale of goods or the keeping of stock in trade. Business offices include, but are not limited to, offices of real estate, insurance, accountants, doctors, dentists, attorneys, architects, surveyors, engineers, psychologists, and chiropractors.

Campground, Recreational Vehicle Park. Property consisting of a tract of land and providing ground areas for two (2) or more recreational vehicles, travel trailers, tents or other temporary or vehicular structures for over-night occupancy, primarily but not exclusively for recreational or vacation purposes.

Change in Use. A change in the use of a building or of land shall be deemed to occur when the pre-existing use and the proposed use are listed as different uses on Schedule A, i.e. where such uses are listed on separate rows on said schedule.

Commercial Sand and Gravel Extraction. Any extraction from the land of more than one thousand (1000) tons or seven hundred fifty (750) cubic yards, whichever is less, of sand and/or gravel from the earth in twelve consecutive months for the purpose of sale to, or use of, persons other than the owner of the land.



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

Condominium. A form of ownership of a building or group of buildings and/or land in which dwelling units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis. The purchaser has title to his or her interior space in the building and an undivided interest in parts of the interior, the exterior, and other common elements.

Cooperative. A multi-unit project dwelling units, offices or commercial shops which may include one or more buildings on the same lot or property whereby dwelling units, offices, shops or spaces, common areas and facilities are owned by an organization, independent corporation, partnership or other entity for the benefit of those using or occupying the property.

Day Care Center. A site or building, or portion thereof designed and/or operated to provide day care and/or instruction for four or more persons, and operated for a fee, excepting state licensed "group family day care" and "family daycare" facilities for children operating solely within dwellings as provided in Section 390 of the Social Services Law.

Disposal. The discharge, deposit, injection, dumping, spilling, leaking, incineration or placement in or on any land or water so that material or any constituent thereof may enter the environment or be emitted into the air or discharged into groundwater or surface water.

Dwelling Unit. One room or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy or rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure and containing independent cooking and sleeping facilities, designed for occupancy by one family.

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

Family. One or more persons occupying a dwelling unit as a single functional family.

Firing Range. A site or building used for the orderly discharge of firearms at targets that may function as a commercial use or part of a private club.

Forestry use. Any management, including logging, of a forest, woodland or plantation and related research and educational activities, including the construction, alteration or maintenance of wood roads, skidways, landings, fences and forest drainage systems.

Forestry use structure. Any barn, shed, garage, research, educational or administrative building or cabin directly and customarily associated with forestry use.

Functional Family. Group of persons sharing a dwelling unit and acting as a family unit, including but not limited to: (a) family members related by blood, marriage or adoption, and (b) unrelated individuals occupying a residence designed as a single family dwelling as a group, and sharing kitchen, bathroom, and living area rooms. This definition does not include persons occupying boarding houses, lodging houses, bed and breakfast establishments, motels, or hotels, but does include residents of an assisted living facility or community residence occupying a residence designed as a single family dwelling.



Grandfathered Use or Structure. A non-conforming use of land, or a structure, that is allowed to continue regardless of change in ownership provided that the provisions of Section 515 are satisfied.

Gross Floor Area. The total floor area to be used or intended to be used by tenants of a dwelling, or for services to the public as customers, patrons, clients or patients, including areas occupied by fixtures and equipment used for display or sales of merchandise. It shall not include areas used principally for non-public purposes such as storage, incidental repair, employee restrooms, fitting or alteration rooms or general maintenance or enclosed pedestrian malls or corridors.

Group Camp. Any land or facility for seasonal housing and recreational educational or business; related use by private groups or semipublic groups, such as Boy or Girl Scout Camp, fraternal lodge or university or college conference center outside the campus.

Guest Cottage. Not more than one residential structure which is associated with a single-family dwelling and which:

- a. is used only on an occasional basis;
- b. is used only by guests of the resident(s) of the single-family dwelling;
- c. is not for rent or hire separately from the single-family dwelling;
- d. contains one-half or less of the enclosed floor space of the associated single family dwelling or 2,000 square feet, whichever is less; and
- e. otherwise meets the definition of accessory structure.

Hazardous Chemicals. Solid, liquid or gaseous substances which pose a potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed, including but not limited to hazardous substances designated by the U.S. Environmental Protection Agency under Section 311 of the Clean Water Act (40 CFR 116).

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

Home Based Business with Vehicles or Equipment. Business operated by the resident of a residential property that involves the storage or parking on said property of a total of two or more, but not more than four (4), of the following vehicles or equipment: truck or trailer greater than 20 feet in length, any piece of earth moving equipment, any well-drilling rig, or any other similar heavy equipment or vehicle used in the conduct of the business. Such businesses include, but are not limited to, independent trucking, construction, well drilling, or earth moving businesses.

Home Based Manufacturing. A commercial use located on the property where the business owner resides involving the manufacture and sale of goods, including but not limited to: wood products, furniture, boats, canoes, ceramics, quilts, baskets, crafts or electronic or computer equipment.

Home Occupation. Any personal, professional, service or business use conducted entirely within a dwelling or accessory building and carried on by a resident of the dwelling unit, which use is clearly incidental and secondary to the use of the property for residential purposes and that does not change the exterior residential character thereof.

Hunting and Fishing Cabin. A cabin, camp or lean-to or other similar structure designed for occasional occupancy for hunting, fishing, or similar purposes, which may include a pit privy and a



kitchen sink, but may not include amenities such as electricity, utilities, mechanically pressurized water or external sanitary sewage systems.

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

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

Junk Mobile Home. Any manufactured housing unit designed with a chassis, and constructed to be towed or otherwise transported whole or in part to a site, and which is designed to permit occupancy for dwelling, sleeping, or storage purposes and which meets all of the following conditions: (a) it is unoccupied and in its present condition does not meet the requirements of the New York State Uniform Fire Prevention and Building Code for residential occupancy; and (b) it is either stored, abandoned, wrecked, discarded, dismantled, or partly dismantled.

Junk Storage Area. The areas of any real property used or intended to be used for the placement, storage or deposit of one or more of the following: junk appliances, junk furniture, junk mobile homes, and junk motor vehicles.

Junk Motor Vehicle. An unregistered, old, secondhand, motor vehicle, no longer intended or in condition for legal use; or used parts or waste materials from a motor vehicle which, taken together, equal in bulk one such vehicle. The term motor vehicle shall include, but is not limited to, automobiles, trucks, construction or earth moving vehicles, snowmobiles, and all-terrain vehicles. A vehicle is considered junk when it meets all of the following conditions:

- a. It is unlicensed.
- b. It is either abandoned, wrecked, stored, discarded, dismantled, or partly dismantled.
- c. It is not in any condition for legal use upon the public highways.
- d. It is in such condition as to cost more to repair to operating condition than its reasonable market value at the time before such repair.

An antique motor vehicle or a classic motor vehicle, as defined herein, shall not be deemed to be a junk motor vehicle.

Junkyard. Includes any of the following.

- a. The outdoor storage of two (2) or more junk motor vehicles.
- b. The outdoor storage of one (1) or more abandoned mobile homes or travel trailers.
- c. The outdoor storage of two (2) or more pieces of junk equipment.
- d. Any open lot or area for the dismantling, storage or sale of such items as parts, scrap, or salvage of machinery, scrap metals, waste papers, rags, or used or salvaged building materials.

Kenel. Land or building in which four (4) or more dogs more than six (6) months old are housed, groomed, bred, boarded, or trained for a fee, or are kept for sale.

Land Use or Development, or Use. Any construction or other activity that 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, or ordinary repairs or maintenance or interior alterations, to existing structures or uses.

Light Industry. A manufacturing or maintenance facility where any process is used to alter the nature, size or shape of articles or raw materials or where articles are assembled and where said goods or services are consumed or used at another location. This term does not include mineral extractions, private and commercial sand and gravel extraction, sawmills, chipping mills, pallet mills and similar wood using facilities, or any manufacturing or assembly facility that involves: (a) the manufacture of hazardous chemicals; (b) the use of petroleum-based products except as incidental to the primary industrial use; (c) the outdoor storage of scrap metal or junk; (d) the creation of solid, liquid, or airborne hazardous wastes; (e) the creation of smoke or airborne particulate matter except as incidental to the main industrial use; or (f) the creation of noise which would have an adverse impact upon neighboring properties.

Lot or Lot of Record. Land or parcel of land not divided by streets, or roads, occupied or unoccupied or to be occupied by a building and its accessory buildings, and that is recorded by deed or survey in the Office of the Essex County Clerk.

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

Major project. Any project exceeding any of the thresholds for a Minor Project as defined herein.

Manufacturing. Any process whereby the nature, size, or shape of articles or raw materials is changed, or where articles are assembled.

Mean High Water Mark. The average annual high water level of a lake, pond, river, stream, creek or other body of water as established by an Adirondack Park Agency regulation or determination by a licensed surveyor.

Mineral Extraction. 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 extraction; including the construction, alteration or and maintenance of mine roads, mine tailing piles or dumps and mine drainage.

Mineral Extraction Structure. Any mine hoist; ore reduction, concentrating, sintering or similar facilities and equipment; administrative buildings; garages; or other main building or structure associated with mineral extraction.

Minimum Front Building Setback. The required minimum distance between a principal or accessory structure, including any additions thereto, and the front lot line.

Minimum Building Side Setback. The required minimum distance between a principal or accessory structure, including any additions thereto, and any side lot line of the property.

Minimum rear yard. The required minimum distance between a principal or accessory structure, including any additions thereto, and any rear lot line of the property.

Minimum Highway Frontage. The required minimum length of the front lot line along its boundary with any public road line or private road line.

Minimum Lot Width. The required minimum length of width of a lot measured parallel to the front lot line, at the minimum front building setback. For corner lots, the minimum width applies to each of the highways that the lot borders upon.



Minor Project. Any of the following:

- a. Any project not requiring site plan review and approval.
- b. Construction of a multi-family structure on a lot or parcel, or on adjacent lots or parcels as one project, with fewer than five (5) units.
- c. Construction of facilities or structures for a non-residential use covering no more than twenty-five hundred (2500) square feet of building footprint.
- d. Alteration of existing structures or expansion of existing structures by no more than one thousand (1000) square feet of ground area.
- e. Conversion of existing structures to another use.
- f. Alteration and active use of five thousand (5,000) square feet or less of land, with or without structures, in connection with a use requiring site plan review and approval.

Mobile Home. A dwelling built to U.S. Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety Standards designed for one family, which has the following characteristics.

- a. Manufactured as a moveable or portable dwelling for year-round occupancy and for installation on a masonry or concrete foundation or a mobile home stand, or piers, with or without a basement or cellar.
- b. Designed to be transported on its own chassis and wheels and connected to utilities after placement on a stand, foundation or piers.
- c. May contain parts that can be folded, collapsed or telescoped when being towed and expanded later to provide additional living space.
- d. May be constructed in two or more separately towable components that are designed to be joined into one integral unit capable of being again separated into the components for repeated towing, such as a doublewide mobile home.

A modular home, as defined herein, is not considered to be a mobile home.

Mobile Home Park. Any lot on which two (2) or more mobile homes are parked or located and for which use said premises are offered to the public or to any person for a fee of any type, including cost sharing.

Modular Home. A dwelling unit constructed off site consisting of more than one segment designed to be permanently anchored to a foundation, to become a fixed part of the real estate, and which meets all of the standards of the New York State Building Code. A single modular housing unit is considered to be a single family dwelling for purposes of this law.

Motor Vehicle Service and/or Repair Shop. A building or site, or portion thereof, used for making repairs to motor vehicles such as automobiles, trucks, snowmobiles, all-terrain vehicles, or lawn tractors and garden equipment. This definition includes auto body shops.

Multiple-family Dwelling. A structure containing three (3) or more dwelling units separated from each other by common wall in the form of attached housing, or placed above or below one another.

Non-conforming Structure. Any structure which is actually, substantially, and legally in existence within a given zoning district on the effective date of this Local Law or any amendment thereto which is not in conformance with the dimensional regulations for that zoning district.

Non-conforming Use. Any use which is actually, substantially, and legally in existence within a given zoning district on the effective date of this Local Law, or any pertinent amendment thereto which is not an accessory use, a permitted use, or a use allowed after Site Plan Approval for that zoning district.

Nudity or State of Nudity. Means the appearance of "specified anatomical areas."

Open Space Recreation Use. 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; a cross-country ski trail; a hiking and backpacking trail; a bicycle trail; horse trail; a playground, picnic area, public park, public beach or similar use.

Person. Any individual, corporation, partnership, association, trustee, municipality, county, or other legal public or private entity, but shall not include the state or any state agency.

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

Planning Board. The Town of North Hudson Planning Board.

Public or Semi-Public Buildings and Grounds. Any of the following, including grounds and accessory structures necessary for their use, but not including any open space recreation use as defined herein or cemetery.

- a. Places of worship, parish houses, convents, rectories, parsonages and similar accessory buildings.
- b. Cemeteries.
- c. Nursery schools, elementary schools, high schools, colleges or universities.
- d. Public libraries and museums.
- e. Not-for-profit fire, ambulance, and public safety buildings.
- f. Hospitals, health care centers
- g. Not-for-profit membership club or corporation established for cultural, social or recreational purposes, such as a Veterans of Foreign Wars meeting hall or similar buildings used by similar organizations.
- h. Not-for-profit recreational facilities, used for swimming, tennis, platform tennis, bowling, hockey, ice-skating and other indoor or outdoor sports.

Public Utility Use. Includes any facility constructed, erected, or operated by a municipal agency or public utility, including but not limited to: telephone dial equipment centers, electrical or gas substations, water treatment or storage facilities, pumping stations and similar facilities; electrical, telephone, gas or water transmission or distribution cables; lines, wires, conduit, pipes, or other equipment including dams, buildings, towers, and other structures or facilities associated with privately or publicly owned utilities. Telecommunication facilities and towers and "wind power generating facilities, large" as defined in this article are not included in this definition.

Recreational or Entertainment Facility, Commercial. Any land or building that is used primarily to provide recreation or entertainment to the public for private gain.

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

Recreational Vehicle Park. Property with designated areas for two (2) or more recreational vehicles or for the erection of tents or other structures for over-night occupancy, primarily for, but not exclusively for, recreational or vacation purposes.



Restaurant: An establishment at which food is served to patrons on the premises, which may include the sale of alcoholic beverages provided that the sale of such beverages is clearly secondary and accessory to the serving of food.

Retail Gasoline Sales. Any establishment that sells gasoline to the public, including but not limited to automotive service stations, convenience stores, and car washes.

Retail Service Establishment. An establishment providing services, as opposed to products, to the general public, including but not limited to car washes, electrical or computer repair shops, dry cleaners, laundromats, and personal service establishments. This definition does not include motor vehicle service or repair.

Rooming or Boarding House. An accommodation located within an owner-occupied single family or a multi-family dwelling, where lodging in which at least two (2) but no more than six (6) rooms are offered for rent and which may be characterized by common dining facilities and leisure facilities available for use by the lodgers.

Sawmill. Mill for processing timber into boards and lumber, as a commercial operation. For purposes of this law the term sawmill does not include portable devices used on a temporary basis for cutting timber harvested on the property where the portable device is temporarily located.

Seasonal Roadside Stand. Buildings, structures or vehicles totaling less than one-hundred (100) square feet in ground area, that are used primarily for the sale of agricultural products no more than 62 days per year. This definition does not include operations primarily for the sale of crafts or non-agricultural items.

Senior Citizen Housing Development. A residential development that may contain attached dwelling units where at least one of the following conditions is true: (a) the federal Department of Housing and Urban Development has determined that the dwelling is specifically designed for and occupied by elderly persons under a Federal, State or local government program, (b) it is occupied solely by persons who are 62 years of age or older, or (c) it houses at least one person who is 55 years of age or older in a least 80 percent of the occupied units, and adheres to a policy that demonstrates intent to house persons who are 55 or older.

Shopping Center. A single parcel of land with buildings or structures planned as a whole and intended for two (2) or more retail, office or similar uses.

Shoreline. The mean high water mark at which land adjoins the waters of lakes, ponds, rivers and streams.

Shoreline Building Setback. The shortest distance, measured horizontally, between any point of a building structure and the shoreline of any lake, pond, river, or stream navigable by canoe.

Shoreline Lot Width. The distance measured along the shoreline as it winds and turns between the boundary lines of a lot as they intersect the shoreline of any lake, pond, river, or any stream navigable by canoe.

Sign. Any sign, billboard, advertising structure or inscribed surface, pattern of artificial lighting, pictorial or symbolic ornament, emblematic structure, banner, fluttering apparatus, statue, model, ornamental figure 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, commercial, industrial, tourist or any other activity, object for sale or lease, person or place, or to bear any kind of message. It includes any surface on which a name, text, device, signal, ornament, logotype or



advertising matter is made visible. 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.

Single-family Dwelling. Any detached building containing one dwelling unit designed for occupancy by one family only.

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

Specified Anatomical Areas. (a) Less than completely and opaquely covered: human genitals, pubic region, buttocks, female breast below a point immediately above the areola, or (b) human male genitals in a discernable turgid state, even if completely and opaquely covered.

Specified Sexual Activities. (a) Human genitals in a state of sexual stimulation or arousal, (b) acts of human masturbation, sexual intercourse or sodomy, or (c) fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts.

Structure. Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground or attached to something having a fixed location on the ground.

Subdivision of Land, or Subdivision. 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 or other improvements or any other land use and development preparatory or incidental to any such division) by any person or by any other person controlled by, under common control with or controlling such person or by any group of persons acting in concert as part of a 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, cemeteries, or a mobile home park.

Swimming Pool. Any man-made, non-permeable, receptacle for water having a depth at any point greater than two feet and having a surface area of one-hundred and twenty (120) square feet or more, used or intended to be used for swimming or bathing, and constructed, installed or maintained in or above ground. An inflatable pool shall not be considered to be a swimming pool. A swimming pool shall be deemed to be a structure for all purposes under the provisions of this Local Law.

Tavern: An establishment used primarily for the serving of alcoholic beverages to the general public where food service may be an accessory activity.

Telecommunication facility. Any or all of the physical elements of the central cell facility that contains all the receivers, transmitters, and other apparatus needed for cellular operation (also known as base transceiver station or BTS).

Telecommunication tower. A structure on which one or more antenna will be located, that is intended for transmitting and/or receiving radio, television, telephone, wireless or microwave communications for an FCC licensed carrier, but excluding a structure used exclusively for fire,



police and other dispatch communications, or exclusively for private radio and television reception and private citizen's bands, amateur radio and other similar private, residential communications.

Tourist Accommodation. Any hotel, motel, resort, tourist cabin or similar facility designed to house the general public, excepting a Bed and Breakfast establishment.

Tourist Attraction. Any man-made or natural place of interest open to the general public and for which an admittance fee is usually charged, including but not limited to animal farms, amusement parks, replicas of real or fictional places, things or people, and natural geological formations.

Travel Trailer. A vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use and of such size or weight as not to require special highway movement permits when towed by a motorized vehicle, and which is no longer than thirty two (32) feet. (See also definition of recreational vehicle.)

Two Family Dwelling. A building containing two dwelling units and no other uses.

Trucking Business. A facility for the storage of more than one truck exceeding gross vehicle weight of 18,000 pounds, or more than two smaller trucks, that are used principally for hire or for transporting goods not manufactured or warehoused on the site.

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

Waste Disposal Area. Any area for the disposal of solid waste other than an on-site disposal area directly associated with an industrial use. (See definitions of solid waste and disposal.) Waste disposal area does not include composting facilities for the treatment of municipal sewage treatment sludges and wastes.

Wetland. Any land which is annually subject to periodic or continual inundation by water and commonly referred to as a bog, swamp, or marsh which is 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.

Wind Power Generating Facility, Large. A wind conversion facility consisting of one or more wind turbines, towers, and associated control or conversion electronics which has a rated capacity of more than 100 kW, and where electrical power is transferred to a transmission system for distribution to customers rather than for use on the site.

Wind Power Generating Facility, Residential. A wind conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended primarily to reduce on-site consumption of utility power.

Zoning Board of Appeals (ZBA). The Town of North Hudson Zoning Board of Appeals.

Zoning Enforcement Officer (ZEO). The Town of North Hudson official designated to administer and enforce this law.

## ARTICLE 4 ZONING DISTRICT REGULATIONS

### **Section 400 Types of Districts**

For the purposes of this law, the Town of North Hudson is hereby divided into the following zoning districts:

COM	Commercial
MX	Mixed Use
RR	Rural Residential
SC	Scenic Corridor

### **Section 405 Purpose of Districts**

The purpose of each zoning district is to fulfill its "vision" and the policies as described in the Town of North Hudson Comprehensive Plan.

### **Section 410 Zoning Map**

Zoning districts are located and bounded as shown on the "Town of North Hudson Zoning Map" which, with all explanatory matter, is hereby made part of this law.

### **Section 415 Interpretation of District Boundaries on Zoning Map**

- A. Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply.
1. Mixed Use Zoning Districts are generally intended to be bounded by a line 500 feet from the State Route 9 highway right-of-way, or from the centerline of the Schroon River, whichever is closer to the highway.
  2. Scenic Corridor Districts are generally intended to be bounded by lines 1000 feet from a highway right-of-way, or by streams, rivers, or lot lines.
  3. Commercial District boundaries are intended to follow lot lines, or the centerline of the Schroon River.
- B. The Zoning Enforcement Officer (ZEO) shall make the determination as to the exact location of district boundaries in any individual case. Should the ZEO so decide, any issue or question may be referred directly to the Zoning Board of Appeals which shall make a determination without a formal appeal. A decision of the ZEO regarding zoning boundaries may be appealed to the Zoning Board of Appeals.

### **Section 420 Use Regulations**

- A. Schedule A, "Use Chart," of this law shall govern the types of land uses that are permitted within each Zoning District.
- B. Permitted Uses. Land uses designated by an "x" on Schedule A are allowed uses within the zoning district.
- C. Site Plan Review Uses. Uses designated by "S" on Schedule A are allowed uses only after Site Plan Approval by the Planning Board as set forth in Article 9.
- D. A use shall be deemed to be prohibited within a zoning district if it is not listed on Schedule A either as a permitted use or allowed after Site Plan Approval within that district.



### **Section 425 Lot Size and Dimension Chart**

Schedule B, "Lot Size and Dimension Chart," of this law shall govern minimum required lot size, maximum average density of development, lot dimensions, and building setbacks on a lot.

### **Section 430 Green Space Buffer**

In addition to the minimum requirements of Schedule B, the following shall apply in Mixed Use (MX), Rural Residential (RR), and Scenic Corridor (SC) districts.

- A. A minimum thirty (30) feet green space buffer adjacent to side and rear property lines is required for all non-residential uses that border upon an existing residential property.
- B. The green space buffer must be maintained as a vegetated area. No driveways, parking lots, or storage of materials or vehicles are permitted, nor shall the buffer be used as a work area.
- C. For purposes of this section, an existing residential property means any lot 10 acres or less in size for which the principal use is residential, and upon which a dwelling exists at the time of Site Plan Approval.
- D. At the time of Site Plan Approval the Planning Board may reduce the minimum required width of the green space buffer on any side without the issuance of a variance, provided that it is found that the future development or use of the adjacent property is not impaired.

### **Section 435 Lots in Two or More Zoning Districts**

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

### **Section 440 Measurement of Building Setbacks**

- A. When establishing measurements to meet required setbacks, measurements shall be taken from the front lot line to the closest protruding part of the use or structure, to include such projecting facilities as porches, carports, and attached garages. Any accessory building physically attached to a principal building, including attachment by means of a breezeway or a roofed passageway with open or attached lattice sides, is deemed to be part of the principal structure in applying regulations.
- B. Corner lots. For purposes of determining required setbacks from lot lines, corner lots of rectangular shape shall be deemed to have two front yards and two side yards, and no rear yard.

### **Section 445 Maximum Height**

- A. The maximum height of any structure shall be forty (40) feet; excepting houses of worship, chimneys, flagpoles, agricultural structures, electrical transmission poles and lines, telecommunications towers, wind generating facilities, and towers for fire, police and emergency communications for which there is no maximum height requirement.
- B. Maximum building height shall mean the vertical distance measured from the lowest portion of the natural grade of the building site adjacent to the building, or finished grade of cut required to accommodate the building, to the highest point of the structure, not including chimneys, antennas or other small elements.

## ARTICLE 5 SUPPLEMENTAL REGULATIONS

### **Section 500 Residential Principal Buildings Per Lot**

- A. There shall be only one residential principal building per lot, except that two single family dwellings or mobile homes may be placed on a single lot provided that they are situated such that, were the lot to be subdivided in the future it would be possible for all the requirements of Schedule B to be satisfied, and that each such subdivided lot could be served by its own on-site septic system and water supply, and have access to a public or private road.
- B. For purposes of this section, a residential principal building means the building used as a dwelling, and does not include accessory buildings or structures. A tourist cabin or similar structure for rent or hire involving three hundred (300) square feet or more of floor space shall be deemed to constitute one principal residential building. A single structure containing a commercial use that is also used as a residence shall be considered to be one principal residential building. For purposes of this section, two or more dwelling units that are attached and share a common wall, such as a multi-family dwelling or a row type building with attached units, shall be deemed to be a single principal building.

### **Section 505 Existing Undersized Lots of Record**

- A. Any vacant lot legally recorded prior to the adoption of this law that at the time of such recording was in compliance with all dimensional requirements for single family dwellings in effect at the time, and that does not meet the minimum lot size, minimum lot width, or minimum highway frontage requirements as specified on Schedule B herein, shall be considered as complying with these regulations, and no variance shall be required for use of the lot, provided that: (a) such lot does not adjoin any other parcels held by the same owner which if combined with said lot would result in a larger lot, (b) minimum front, side and rear building setbacks as specified on Schedule B herein are satisfied, and (c) applicable requirements for on-site sewage disposal systems are satisfied.
- B. Such undersized lots of record may only be used for the purpose of erecting one single-family dwelling.
- C. Existing structures located on such undersized lots of record may be reconstructed or expanded without the issuance of a variance provided that minimum front, side and rear building setbacks as specified on Schedule B herein are satisfied; except that in the event of damage by fire, flood, wind, hurricane, tornado or other acts beyond the control of man, Section 515 (D) shall apply.

### **Section 510 Non-conforming Building Setbacks**

Buildings and structures existing prior to the adoption of this law which are placed closer to front, side or rear lot lines than permitted by Schedule B herein shall not be expanded within such setback areas without a variance from the Zoning Board of Appeals.

### **Section 515 Non-conforming Uses and Structures**

Uses of land or structures that lawfully existed at the time this law was adopted and which would be prohibited or restricted by these regulations may be continued or maintained subject to the conditions stated in this section regardless of who owns and/or occupies the land. Such uses are considered to be "grandfathered," and include all uses and structures that are violation of any standard stated on Schedules A or B or this law, or of any other provision of this law. Such uses may continue without meeting the standards stated in this law provided that they are in compliance with parts A through G of this section.



- A. Enlargement of buildings and structures.
  - 1. Buildings and structures which contain a non-conforming use may be enlarged by an amount not to exceed twenty-five (25) percent of the size of the building, as measured by total ground floor area, without issuance of a variance by the Zoning Board of Appeals, provided that minimum building setbacks specified on Schedule B and green space buffer requirements of Section 430 are satisfied.
  - 2. Buildings and structures which do not comply with the minimum building setbacks specified in Schedule B or green space buffer requirements of Section 430 shall not be expanded within the required building setback or buffer without the issuance of a variance by the Zoning Board of Appeals.
- B. Expansion of area. No non-conforming use may expand to occupy a greater area of land without the issuance of a variance by the Zoning Board of Appeals.
- C. Unsafe buildings and structures. Any non-conforming building or structure or portion thereof declared unsafe by proper authority may be restored to a safe condition.
- D. Restoration. Any building, structure or use which is nonconforming to the use, bulk or area provisions of this Local Law, which is damaged by fire, flood, wind, hurricane, tornado, or other acts beyond the control of man may be repaired or rebuilt according to its original use, bulk and area, provided such rebuilding or repair be accomplished within three (3) years after such damage occurs.
- E. Discontinuance. Whenever a non-conforming use has been discontinued for a period of one year the use shall not thereafter be re-established except as provided in paragraph D, and all future uses shall be in conformity with these regulations.
- F. Changes. Once changed to a conforming use, no building, structure or land so changed shall be permitted to revert to a non-conforming use without the issuance of a variance.
- G. Ownership. Any non-conforming use sold to another party may be continued, provided that such use is re-established within one year of the sale as specified in paragraph E.

**Section 520 Off-Road Parking**

- A. All uses shall provide adequate off-street parking for all vehicles parked during typical peak use periods.
- B. Parking areas should be designed to eliminate the necessity to back out or to park on the shoulder of public roads.
- C. An overload of parking on to off-site areas, neighboring property, or road rights-of-way more than three times per month shall constitute a violation.
- D. A parking space shall not be less than 10 ft x 20 ft exclusive of access ways and driveways.
- E. No non-residential parking space shall be located within ten (10) feet of a side lot line.
- F. Existing uses must comply with these minimum off-road parking requirements if the use changes, if the use expands its gross floor area by twenty-five (25) percent or more during a three year period, or if the use is discontinued for a period of one year and seeks to be reestablished.
- G. In calculating the number of required parking spaces, fractional portions shall be rounded to the nearest whole number.
- H. For uses not specifically listed in part J below, the requirement shall be the same as for the most similar use listed, as otherwise provided in this law, or as determined by the Planning Board.
- I. The Planning Board shall have the authority to reduce or increase the requirements stated in paragraph J at the time of Site Plan Approval. Requirements may be reduced if the applicant can demonstrate the need for fewer parking spaces.

J. Minimum parking standards:

Residential use, except senior citizen housing development and 2d or 3d story apartments in the HB1 district	2 spaces per unit
Senior citizen housing, 2d or 3d story apartments in the HB1 district	1 space per unit
Professional offices	1 space per 200 s.f. of office area
Retail stores and service shops	1 space per 200 s.f. of gross floor area
Place of public assembly (eating and drinking establishment, church, meeting hall, funeral home, and similar uses)	1 space per 3 seats
Tourist accommodation, bed and breakfast	1 space per unit or sleeping room
Place of employment	1 space per employee

**Section 525 Storage of Petroleum Based Products**

Any storage of petroleum based products, including but not limited to gasoline, oil or kerosene, shall include adequate provision for insuring that leaks are prevented, and that any leak, rupture or spill will be contained and not introduced into any reservoir, pond, stream, creek or any other water body.

**Section 530 Outdoor Lighting**

Outdoor lighting shall be the minimum required to meet any legal requirements and ensure patron safety. Lighting devices shall be oriented and shielded to minimize disturbance on surrounding properties. Lighting shall be directed onto the lot in such a manner that no direct beam of light or excessive glares shine onto other properties or the highway.

**Section 535 Signs**

A. Number of signs

1. Not more than two signs may be erected or maintained advertising or otherwise relating to a single business or activity, excepting exempt signs as indicated in this section
2. Not more than one pole sign may be erected or maintained upon the premises of any gasoline or other automotive service station.

B. Design and location of signs

1. 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 lights emitting light of constant intensity.
2. 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, nor any day-glowing or other fluorescent paint or pigment.



3. No sign or part thereof shall contain or consist of any banner, pennant, ribbon, streamer, spinner or other similar moving, fluttering or revolving device. Such devices, as well as strings of lights, shall not be used for advertising or attracting attention whether or not they are part of any sign. No sign or part thereof may rotate or move back and forth.
4. No sign shall contain any neon or similar lighting.
5. No sign shall be placed upon or be supported by any water body or any tree, rock or other natural object rather than the ground.
6. No sign shall be erected or maintained upon the roof of any building or structure.
7. No motor vehicle or trailer on which is placed, or painted, any sign intending to advertise the premises shall be parked or stationed on such premises in a manner primarily intended to display the sign.
8. No sign shall project more than three (3) feet from the wall of any building, nor shall any sign project from the roof of any building or into any public way.
9. No sign shall be erected or maintained within the right-of-way, nor within 10 feet of the roadbed of any public street or highway; nor shall any sign exceeding 20 square feet in the sign area be erected or maintained within 20 feet of the roadbed of any public street or highway; provided, however, that 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 roadbed 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.
10. No sign shall be erected or maintained more than 200 feet from the business or activity with which it is principally associated. For the purposes 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.

C. Size, height and components of signs, COM and MX zoning districts

1. No sign shall be erected or maintained having a sign area greater than 32 square feet. No luminous sign shall be erected or maintained having a sign area greater than 15 square feet.
2. If two signs are erected or maintained with respect to a given activity, the total sign area of the two signs shall not exceed 60 square feet.
3. No pole sign erected or maintained upon the premises of any gasoline or other automotive service station shall have a sign area greater than 15 square feet.
4. 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 of the sign or the supporting structure thereof.
5. Signs shall be made of stone, brick and wood, shall be simple in design and color scheme and shall contain a minimal number of component parts.

D. Size, height and components of signs, RR and SC zoning districts

1. No sign shall be erected or maintained having a sign area greater than eight (8) square feet. No luminous signs are permitted.
2. 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 of the sign or the supporting structure thereof.
3. Signs shall be made of stone, brick and wood, shall be simple in design and color scheme and shall contain a minimal number of component parts.

E. Number of permitted signs where more than one principal activity is being conducted.

Notwithstanding the standard governing the number of signs permitted to be erected or maintained on any parcel of real property set forth in Part A of this section, the following standards shall apply when more than one principal activity is proposed to be conducted on a separate and discrete basis upon the parcel of real property associated with the project, such as in the case of a shopping center or other multiple commercial use facility.

1. A single free-standing sign not in excess of 32 square feet in sign area nor more than 20 feet in height may be erected identifying the center or facility as a whole, but shall not contain advertising matter.
  2. One individual wall sign not in excess of 20 square feet in sign area may be erected for each separate principal activity, such as a shop or store.
- F. Home Occupations. Signage shall be limited to one sign no larger than six (6) square feet in area.

G. Exempt Signs.

1. The following signs may be erected and maintained without a Zoning Permit.
  - (a) Any sign erected by the federal, state, county, or town government or any department or agency thereof.
  - (b) Temporary signs, including banners or pennants, relating to garage, lawn, or other individual, non-recurring sales, or for a church bazaar, political campaign, fund drive, parade, fair, fireman's field day, or other event or undertaking conducted by a political, civic, religious, charitable, or educational organization. Such signs shall be removed by the sponsor within three (3) days after the close of the event.
  - (c) Temporary signs, customarily of paper or cardboard, placed in the windows of grocery stores, supermarkets, or other stores to advertise specials.
2. The following signs may be erected and maintained without a Zoning Permit, provided that they are less than four (4) square feet in sign area and are non-illuminated except as indicated below.
  - (a) Signs advertising the sale or rental of the premises upon which the sign is located, limited to two (2) per property, and that are removed within five (5) days of closing of sale or rental.
  - (b) Signs denoting the architect, engineer, or contractor where construction, repair, or renovation is in progress, limited to one per property.
  - (c) Professional and trade name plates and home business signs. Such signs may be illuminated by external white light only and shall be limited to one per person or business.
  - (d) Signs that mark property boundaries, give directions for roads or trails, prohibit trespassing, hunting, fishing, or off-road vehicles, or warn of hazards.
  - (e) Signs giving the name of the residents of a dwelling and/or its address. Such signs may be illuminated by external white light only and shall be limited to one per dwelling.
  - (f) A sign placed temporarily to advertise a garage sale or the sale of produce grown or harvested by the property owner where the subject sign is located, limited to one per principal location of the subject of the sign. Such temporary signs shall be removed immediately after the termination of the activity being advertised.

H. Measurement of Sign Area

The area of a sign shall be computed as including the entire surface within the frame of a sign. For a sign consisting of letters painted on or attached onto a building, the sign area shall be calculated by multiplying the average height of the letters by the distance between the first and last letters. Only one side of a double-faced sign shall be measured when determining the area.

- I. Non-Conforming Signs. For the purposes of this local law a sign is considered a "structure" and is subject to the provisions of Section 515.



- J. Sign Variances. Any variance from the requirements of this section shall be considered an "area variance" pursuant to Section 810, and not a "use variance."

## **ARTICLE 6 ADDITIONAL REGULATIONS FOR CERTAIN USES**

### **Section 600 Adult Entertainment**

- A. No adult entertainment establishment shall be located within 100 feet of any property line.
- B. The adult use shall be conducted entirely within an enclosed building. No "specified anatomical area" or "specified sexual activity" (see definitions) shall be visible at any time from outside the building. This requirement shall also apply to any signs or displays.
- C. No outside displays or advertising other than an approved sign shall be allowed.
- D. The serving of alcoholic beverages shall be prohibited.

### **Section 602 Bed And Breakfast Establishment**

- A. The business shall be conducted within a single-family dwelling that is the principal residence of the operator.
- B. A bed and breakfast establishment shall have accommodations for not more than 12 guests.
- C. If meals are offered, they shall be offered only to registered lodgers.
- D. Facilities and services shall be offered solely to registered lodgers and not to the general public.

### **Section 604 Campground, Recreational Vehicle Park**

- A. Minimum lot size: 5 acres.
- B. Campgrounds and recreational vehicle parks shall be occupied only by travel trailers, pick-up coaches, motor homes, camping trailers, recreational vehicles, and tents suitable for temporary habitation and used for travel, vacation, and recreational purposes. The removal of wheels, and placement of a unit on a foundation in a camping ground is prohibited.
- C. Each campground or recreational vehicle park shall have adequate access to a public highway, and each recreational vehicle site shall be serviced from interior roadways.
- D. A campground or recreational vehicle park shall be divided into campsites. The corners of each campsite shall be clearly marked, and each campsite shall be numbered for identification.
- E. The minimum size of each campsite shall be 2500 square feet, provided however, that there shall be no more than 10 campsites per acre.
- F. There shall be a minimum fifty (50) feet green space buffer surrounding the campground or recreational vehicle park. No campsite or portion thereof, building, structure or roadway shall be placed within the buffer area.
- G. No campsite shall be located within seventy-five (75) feet of the mean high water mark of any water body.
- H. The Planning Board may require that the campground or recreational vehicle park be substantially screened from the view of public roads and neighboring properties by use of vegetation and/or fencing.
- I. Each campground or recreational vehicle park shall comply with all applicable rules and regulations of the New York State Department of Health.
- J. Adequate plans shall be made for the collection and disposal of garbage, rubbish and solid wastes generated within the park. There shall be no on-lot exposed garbage, junk, or other wastes. The operator shall provide for the pick up of trash at least once a week.

### **Section 606 Condominium and Cooperative Development**

- A. Requirements of this law, including use restrictions and dimensional requirements, shall be determined by the physical form and proposed use of the development, not by the form of ownership.
- B. In a single family housing development which is also a condominium or cooperative development each dwelling shall meet the minimum lot size and setback requirements for single family dwellings.
- C. All state regulations pertaining to the creation of condominium or cooperative developments shall be satisfied.

### **Section 608 Fuel Distribution Business**

- A. Setbacks. No fuel distribution business shall be located within:
  - 1. 500 feet of any public park, church, educational facility, nursing home, public building or other place of public gathering.
  - 2. 50 feet of any adjoining property line.
  - 3. 100 feet of any stream, lake, pond, wetland or other body of water.
  - 4. 50 feet from the right-of-way of any public highway
- B. Fencing. The Planning Board may require that a fence be erected and maintained adequate to prevent the entrance of children and others into the area of the activity of business and to contain the fuel storage area.
- C. Screening. Where a fuel distribution business would be visible from a public highway or from neighboring properties the Planning Board may require that a fence be erected and maintained sufficient to screen the fuel storage area from view. The Planning Board may approve the planting of a vegetative screen consisting of evergreen trees or shrubbery as an alternative to such fence.
- D. Approved Storage. The Planning Board may specify what types of fuel or materials may be stored at the facility, where they may be stored, and the manner in which they may be stored in order to protect employees, customers and the public from risk of fire, explosion, surface or groundwater contamination, or other hazard.

### **Section 610 Home Based Business with Vehicles or Equipment**

- A. The following may be parked or stored on the property where the business owner resides, provided that any such trucks, trailers or equipment are parked and/or stored under conditions and in a location approved by the Planning Board: any truck or trailer, any piece of earth moving equipment, any well-drilling rig, or any other similar heavy equipment or vehicle used in the conduct of the business. Sufficient off-street parking shall be provided to accommodate all vehicles at all times.
- B. Any materials stored outdoors on the property for use in such business must be stored under conditions and in a location approved by the Planning Board.
- C. No use shall create a nuisance on any surrounding property, including but not limited to, noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or traffic hazard.

### **Section 612 Home Based Manufacturing**

- A. Home based manufacturing must be conducted within a dwelling that is a bona fide residence of the principal practitioner, or within an accessory building on the residential property such as a garage or barn.
- B. Not more than two persons other than a resident of the dwelling shall be employed as part of the home occupation.



- C. No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance to any greater or more frequent extent than usually experienced in an average residential occupancy in the district in question under normal circumstances wherein no home based manufacturing exists.
- D. Materials used in the business may be stored out-of-doors, but shall not be visible from any neighboring property or from any public highway.
- E. Goods for sale may be displayed out of doors in locations approved by the Planning Board.
- F. Not more than one truck or trailer greater than 20 feet in length used in connection with the home occupation shall be parked or stored on the property at any time, except for temporary, but not overnight, parking for purposes of pick-up or delivery of merchandise.
- G. There shall be sufficient off-street parking spaces provided such that at no time are delivery, employee, or customer vehicles parked along public

**Section 614 Home Occupation**

- A. A home occupation must be conducted within a dwelling that is a bona fide residence of the principal practitioner, or within an accessory building on the residential property such as a garage.
- B. No more than twenty-five (25) percent of the gross floor area of the dwelling shall be used for the conduct of a home occupation.
- C. Not more than one person other than a resident of the dwelling shall be employed as part of the home occupation.
- D. In no way shall the appearance of the structure be altered or the operation within the dwelling be conducted in a manner which would cause the residence to differ from its residential character either by use of colors, materials, construction, lighting, or the emission of sounds, noises, or vibrations.
- E. No use shall create noise, dust, vibration, odor, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance to any greater or more frequent extent than usually experienced in an average residential occupancy in the district in question under normal circumstances wherein no home occupation exists.
- F. There shall be no outdoor display of goods or products. There shall be no outdoor storage of materials used in the home occupation.
- G. Not more than one truck or trailer greater than 20 feet in length used in connection with the home occupation shall be parked or stored on the property at any time, except for temporary, but not overnight, parking for purposes of pick-up or delivery of merchandise.
- H. There shall be sufficient off-street parking spaces provided such that at no time are vehicles parked along public roads or highways.
- I. Signage shall be limited to one sign no larger than six (6) square feet in area, and that otherwise complies with the sign regulations contained herein.
- J. A home occupation shall not include any of the following: repair or maintenance of motor vehicles; commercial stables and kennels; restaurants; tourist homes; rooming or boarding houses; clinics; musical and dancing instruction to groups exceeding four (4) pupils at any one time; convalescent homes; mortuary establishments; and other trades and businesses of a similar nature. A home occupation shall not include any trucking business, construction business, well-drilling business, excavation business or similar business that involves parking or storing on the property at any time any truck or trailer greater than 20 feet in length, any piece of earth moving equipment, any well-drilling rig, or any other similar heavy equipment or vehicle used in the conduct of the business.

**Section 616 Individually Sited Mobile Home**

- 1. All mobile homes shall be in compliance with standards equal to or more strict than the U.S. Department of Housing and Urban Development (HUD) Mobile Mobile Home Construction and

- Safety Standards, 24 CFR Part 3280 (1976). The owner or applicant is responsible for providing adequate assurance that these standards have been complied with.
2. All mobile homes shall be placed on footings or a foundation extending below the frost line that are in compliance with the New York State Building Code.
  3. Each mobile home shall be secured with anchors or tie-downs to stabilize the structure in conformance with manufacturer's recommendations or State building code, whichever is greater.
  4. Each mobile home shall be provided with skirting to screen the space between the mobile home and the ground. Such skirting shall be of non-transparent durable material such as wood, stone, cement block, or vinyl, and shall not consist of wire mesh, bales of hay, or transparent plastic. Such skirting shall be installed within 90 days of occupancy.
  5. Tires, pieces of metal, boards, cement blocks, bricks and similar loose objects shall not be placed upon a roof of a mobile home.
  6. No mobile home may be used for any purpose other than for a dwelling. A mobile home shall not be used as a storage building.
  7. Any existing mobile home may be replaced with a mobile home of larger size without obtaining a variance provided that the extent of any existing non-conformity with minimum building setbacks is not increased.
  8. Exceptions. None of the provisions of this section shall be applicable to any mobile home located on the site of a construction project, survey project or other similar work project and used solely as a field office or work or tool house in connection with such project, provided such mobile home is removed from said site within thirty (30) days after completion of such project.

#### **Section 618 Industrial or Warehousing Use**

- A. All industrial processes shall take place within an enclosed building. The outdoor storage of materials or equipment is prohibited, except that incidental storage out-of-doors may be permitted provided that materials are shielded from view from public roads and adjacent non-industrial properties by fencing, landscaping or other appropriate measures.
- B. Uses that could cause a significant adverse impact upon the environment are prohibited. Uses shall be further limited to those considered "low hazard" or "moderate hazard" as defined in Part 700 of the New York State Building Code. Specifically prohibited are uses that involve:
  1. The manufacturing, processing, storage, transportation handling or treatment of any hazardous chemicals that are not treated to comply with applicable local, state or federal regulations.
  2. Any use that involves discharge into the air, ground, groundwater, sewer system, stream or body of water of any solid, liquid or airborne hazardous wastes that are not treated to comply with applicable local, state or federal regulations.
  3. Any use which would cause or tend to cause the production of undesirable smoke or airborne particulate matter that is not treated to comply with applicable local, state or federal regulations.
  4. Any use that causes a danger to the general public due to the possibility or likelihood of a fire or explosion, including any uses where explosives, combustible gases or flammable liquids are manufactured, stored, processed, handled or transported.
  5. Any use or activity that could or does emit dangerous levels of radioactivity.
  6. The production or processing from raw materials of cement, explosives, fertilizers, rubbers and rubber substances, soaps, starch and any by-products of coal, coke and/or petroleum.
  7. The milling or processing of flour; or the distillation of wood or bones.
  8. The operation of stockyards or slaughterhouses or rendering plants or operations and uses involving same.



9. Any storage facility or use involving storage tanks with a capacity greater than 10,000 gallons or the storage of any petroleum product or hazardous chemicals.

### **Section 620 Junkyard**

- A. No junk storage area shall be located within:
  1. 500 feet of any public park, church, educational facility, nursing home, public building or other place of public gathering.
  2. 50 feet of any adjoining property line.
  3. 200 feet of any stream, lake, pond, wetland or other body of water.
  4. 50 feet from the right-of-way of any public highway.
- B. Fencing.
  1. There must be erected and maintained an eight (8) foot high fence enclosing the entire junkyard and a locking gate, adequate to prohibit the entrance of children and others into the area of the activity or business, and to contain within such fence the materials dealt with by the operator of the junkyard. All junk shall be kept within the enclosure of the junk yard except as removal shall be necessary for the transportation of same in the reasonable course of the business. All wrecking or other work on such motor vehicles and parts shall be accomplished within the enclosure.
  2. Fencing requirements may be waived where topography or other natural conditions effectively prohibit the entrance of children and others.
- C. Screening. Where a junkyard is or would be visible from a public highway or from neighboring properties, the fence provided in part (B) (1) above shall be of wood or other materials sufficient to totally screen the junkyard from view. Such screening may be permitted by adequate planting of evergreen trees or shrubbery.
- D. Burning. No materials shall be burned in a junkyard except in compliance with the New York State Solid Waste Disposal Law (see NYCRR Part 215).
- E. Burying. No junkyard items shall be buried in a junkyard except in compliance with the New York State Solid Waste Disposal Law (see NYCRR Part 360).

### **Section 622 Keeping of Farm Animals**

- A. No building, structure, fencing or other enclosure in which fowl, hogs, cows, horses, goats, sheep or other farm animals are kept shall be less than 40 feet from any side or rear property line, and shall comply with the minimum structure setback from highways as specified on Schedule B of this law.
- B. Keeping of pigs or fowl as a commercial operation.
  1. Minimum lot size: 5 acres
  2. Adequate landscaping or fencing shall be provided to create a visual buffer between such facility and adjacent property.
  3. All buildings, structures or other accessory uses shall be at least 100 feet from side and rear lot lines, and at least 100 feet from any public highway as measured from the edge of the highway right-of-way.
  4. No animals shall be kept, either indoors or outdoors, within 50 feet of any stream, river, pond, lake or other watercourse or water body.

**Section 624 Kennel, Animal Hospital**

- A. Minimum lot size: five (5) acres
- B. Adequate landscaping or fencing shall be provided to create a visual buffer between such facility and adjacent property.
- C. All buildings, structures or other accessory uses shall be at least (50) feet from any property line.
- D. No animals shall be kept, either indoors or outdoors, within 500 feet of any neighboring residential structure that was in existence at the time that the kennel or animal hospital became a legally established use.
- E. All animals, except livestock, shall be kept within a totally enclosed building between 6 p.m. and 6 a.m.

**Section 626 Motor Vehicle Service and/or Repair**

- A. All vehicles awaiting service, pick-up by customers, or otherwise stored overnight on the lot shall be parked within a vehicle parking area approved by the Planning Board.
- B. All junk wastes such as discarded parts or portions of vehicles shall be stored in an enclosed structure or fenced area so as to not be visible from adjacent properties.
- C. The Planning Board may require a green space buffer, vegetative screening and/or solid or picket fencing in order to reduce visual impact upon surrounding properties.

**Section 628 Outdoor Wood Boiler**

- A. All outdoor wood boilers must be installed, operated and maintained according to the manufacturer instructions.
- B. All outdoor wood boilers shall be set back at least 30 feet from any property line, and shall comply with the front yard setback applicable to a single family home in the zoning district in which it is located.
- C. Minimum chimney height shall be 15 feet measured from ground level.

**Section 630 Recreational Vehicle not in a Recreational Vehicle Park**

- A. This section shall apply to any recreational vehicle not located in a legally established recreational vehicle park.
- B. On any one lot a single recreational vehicle may be used for seasonal occupancy provided that it meets the building setbacks for accessory structures stated in Schedule B, and that part D of this section does not apply. Said recreational vehicle may occupied in addition to a residential structure on the lot.
- C. Two or more recreational vehicles used for seasonal occupancy on any one lot, except as provided in part E of this section, shall constitute a recreational vehicle park and shall comply with all requirements of this law regulating same.
- D. Any recreational vehicle that remains on a site more than six (6) months per calendar year shall comply with all requirements of this law that apply to a mobile home, except that it may stored unoccupied on the lot of the owner in accordance with part F of this section..
- E. Any single lot where two or more recreational vehicles remain more than six (6) months per year shall be deemed to constitute a mobile home park. Such use is not permitted in any zoning district.
- F. A single unoccupied recreational vehicle may be stored on the property of the owner provided that: (1) there is an existing dwelling on the lot, and (2) the recreational vehicle is stored either in an enclosed garage, or out-of-doors no closer to the property line than specified by the minimum front yard, rear yard and side yard requirements of this law.
- G. Exceptions. Any recreational vehicle that existed on a property at the date of adoption of this law, or any recreational vehicle that had been located on the property within one year prior to the passage of this law, shall constitute a grandfathered use. In such instance, a recreational



vehicle may be located in the same place and may be used or stored for the same purpose as the grandfathered use.

**Section 632 Retail Gasoline Sales**

- A. Gasoline and/or fuel pumps and above ground or underground fuel storage tanks shall not be located closer to any side or rear lot line than the minimum setbacks for buildings as specified in Schedule B of this law.
- B. Gas pumps shall be set back far enough from the road line so as to not present a traffic hazard as a result of vehicles waiting in line at the gas pumps.

**Section 634 Sawmill, Chipping Mill, Pallet Mill**

- A. This section shall apply to sawmills, chipping mills, pallet mills and similar woodworking facilities.
- B. Minimum lot size: five (5) acres

**Section 636 Seasonal Roadside Stand**

Seasonal roadside stands shall be located at least ten (10) feet from any public highway right-of-way. Entry, exit and parking shall not constitute a traffic hazard.

**Section 638 Yard, Porch or Garage Sale**

Yard sales, porch sales, garage sales and sales of a similar nature shall be conducted in a manner so as to not constitute a traffic hazard.

**ARTICLE 7 SITE PLAN REVIEW AND APPROVAL**

**Section 700 Site Plan Review and Approval, General Provisions**

- A. Applicability. All uses designated by the letter "S" on Schedule A herein shall require Site Plan Review and Approval.
- B. Purpose. The purpose of Site Plan Review and Approval is to insure that the design, layout and operation of an allowed use within a district: (a) minimizes adverse impacts upon neighboring properties, the natural and man-made environment, roadways, and the community in general, (b) is in keeping with the character of the area in which it is located, and (c) is consistent with the goals and policies of the Town of North Hudson Comprehensive Plan.
- C. Planning Board Authority. The Planning Board is hereby authorized to review and approve site plans. The Planning Board shall approve no site plan unless it finds that the standards stated in this article are satisfied, and that adverse impacts are mitigated to the extent practicable.
- D. Public Hearing. A public hearing is optional, at the discretion of the Planning Board, for uses requiring site plan review and approval.

**Section 710 General Site Plan Approval Standards**

The following standards shall apply to all uses requiring Site Plan Approval, in all zoning districts.

- A. Impact Upon Surrounding Properties. Land use and development shall be planned and undertaken so as to avoid adverse impacts on adjoining and nearby land uses, especially residential uses, and shall not adversely affect the character of the neighborhood. The proposed use shall not create a significant adverse impact upon nearby properties by reason of traffic, noise, fumes, odors, vibration, flashing lights, litter, surface water or groundwater contamination, air pollution, drainage, visual impact, excessive night time lighting, creation of a

safety hazard, risk of fire or explosion, or any other cause. The location, nature and height of buildings, walls and fences shall not discourage the appropriate development and use of adjacent land and buildings, nor significantly impair their value.

- B. Vehicular Access. Proposed vehicular access points shall be adequate in width, grade, alignment and visibility; not located too near road intersections or places of public assembly; and meet similar safety considerations.

To the extent practicable, intersections with and entries onto any public road shall be designed so that minimum safe sight distances and other standards set forth in "Policy and Standards for Entrances to State Highways," State of New York Department of Transportation publication number M.A.P. 7.12-34, shall be maintained. As set forth in the above cited publication, the minimum unobstructed line of sight in each direction at the entrance to a public road shall be as follows:

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

Said distances shall be measured from the point of entry onto the public road. (Said distances represent the safe braking distance for traffic along the public road.) It is not the intent of this provision to deny the ability to develop any particular lot, but to insure that the best possible location for access onto a public highway is chosen.

- C. Emergency Vehicle Access. All proposed buildings, structures, equipment and materials shall be readily accessible for fire and police protection.
- D. Buffers, Screening. The Planning Board may require that any use which has a potential significant adverse visual impact upon another property, or upon the view from public highways, be substantially screened from view of neighboring properties and/or public highways at all seasons of the year by vegetation or by fencing of a design and type approved by the Planning Board.
- E. Landscaping Plan. The Planning Board may require that a landscaping plan be submitted and approved that shows size of species to be planted or to be retained on the site. The Planning Board may require that such plan be prepared by a professional architect, engineer, landscaper, or planner.
- F. Drainage and Erosion Control. Adequate provision shall be made for drainage of the site, and to insure that storm water runoff does not create an adverse impact upon nearby lands or waterways. Appropriate erosion control measures shall be taken to prevent the pollution of waterways by silt and sediment. All NYS Department of Environmental Conservation rules and regulations pertaining to erosion and runoff control shall be satisfied.
- G. Water Quality Protection. Adequate provision shall be made to insure that any leak, spill or other discharge of petroleum based products or other chemical potentially harmful to surface water or groundwater supplies are contained and are prevented from being introduced into such waters. Approval may require that potentially harmful materials be stored on an impervious pavement, enclosed by an impervious dike high enough to contain the volume of liquid kept in the storage area, and/or be separated from any shoreline, watercourse, or storm water runoff channel by adequate setback.
- H. Lighting. Exterior lighting shall be directed down and away from adjoining residential properties and public roads, and shall not constitute a traffic hazard. Lighting shall be shielded from shining into the nighttime sky so as to prevent light pollution. High intensity lighting shall be minimized.



- I. Water supply. Adequate provision shall be made for water supply.
- J. Sewage disposal. On-site disposal systems shall comply with all applicable state and local regulations.
- K. Noise. Where surrounding properties may be adversely impacted by noise, sound levels exceeding 55 dBA between the hours of 7 AM and 11 PM, or exceeding 45 dBA between the hours of 11 PM and 7 AM, as measured at the property line, shall be avoided.

### **Section 720 Design Standards**

- A. This section shall apply to all uses requiring Site Plan Approval located within the Commercial (COM) and Scenic Corridor (SC) zoning districts.
- B. Buildings shall be designed to be in keeping with "Adirondack" character. Such character shall be determined by the Planning Board, who shall consider traditional building designs, color schemes and building materials found in the Adirondack region to be in keeping with such character. In general, clapboard siding, log construction, or wood siding combined with earth tone color schemes shall be preferred. Building colors should blend with the natural landscape so that development does not take on a visual prominence. Overly bright, garish, brilliant, luminescent or Day-Glo colors shall be avoided. Vertical plywood siding such as T-111 and asphalt shingles shall be avoided. Asphalt or composite shingle, slate or standing seam metal are preferred materials for visible roofing. Roof colors should be neutral to dark. Untreated "galvanized" roofing and highly reflective roofing shall be avoided.

### **Section 730 Shoreline Site Plan Review Standards**

The following standards shall apply to all uses located on a shoreline of any watercourse navigable by canoe.

- A. All construction on any shoreline lot shall be carried out in such manner as to: (1) minimize interference with the natural course of such waterway, (2) avoid erosion of the shoreline, (3) avoid net increase in runoff of surface water into the waterway, (4) retain natural shoreline vegetation or re-establish natural vegetation, and (5) generally maintain the existing aesthetic and ecological character of the shoreline.
- B. Any paved or otherwise improved parking, loading or service areas shall be designed and constructed so as to minimize surface runoff and the entrance of any chemical pollutants or siltation into the waterway.

### **Section 740 Conditions**

In approving a Site Plan the Planning Board shall have the authority to impose such conditions and restrictions on the design, layout and operation of a proposed land use and development that it deems reasonable to fulfill the purposes of this law, including but not limited to:

1. Requiring landscaping or vegetative screening, and/or the retention of existing vegetation, to minimize adverse visual impact.
2. Increasing building setback or other dimensional requirements.
3. Limiting the size or height of buildings, structures, parking areas or facilities.
4. Specifying the location and design of entrances, exits, and off-street parking space.
5. Requiring that materials be stored indoors or certain activities be conducted indoors.
6. Limiting hours of operation to reduce noise impacts on neighboring properties..
7. Requiring storm water retention ponds or other drainage and pollution control devices.
8. Requiring clustering of structures and uses in order to minimize the burden on public services, and/or to preserve open space character or open spaces of special significance or importance to the community.
9. Requiring more stringent shoreline restrictions for particular projects.

**Section 745 Application for Site Plan Approval, Minor Project**

An application for approval of a minor project, as defined herein, shall include all information required by Section 215.

**Section 750 Application for Site Plan Approval, Major Project**

- A. An application for approval of a major project, as defined herein, shall include all information required by Section 215.
- B. The following plans.
1. A vicinity map at a scale of 1 inch = 2000 feet that shows the relationship of the project to the surrounding area. Such map may be superimposed on a NYS Department of Transportation planimetric quadrangle map of the area that shows land contours as well as other features.
  2. Three copies of a site plan map, drawn to an approved scale, prepared by a professional architect, landscape architect, engineer, or surveyor. The map shall include as applicable:
    - a. Title of drawing, including name and address of the applicant, the landowner (if different), and the person responsible for preparation of such drawing.
    - b. North arrow, scale and date.
    - c. Boundaries of the property plotted to scale.
    - d. Land contours at appropriate intervals.
    - e. Existing watercourses, bodies of water, drainage patterns.
    - f. Flood hazard areas as shown on the Federal Insurance Administration Flood Hazard Boundary Map or Flood Hazard Rate Map.
    - g. Proposed grading and drainage plan and/or storm water management plan.
    - h. Location, design, type of construction, proposed use and exterior dimensions of all proposed buildings.
    - i. Location, proposed use and height of all buildings, structures and site improvements including culverts, drains, retaining walls, and fences.
    - j. Location, design and construction materials of all parking and truck loading areas, showing points of entry and exit from the site.
    - k. Location of outdoor storage, if any.
    - l. Provision for handicapped access.
    - m. Description of the method of sewage disposal and location of the facilities.
    - n. Identification of water sources; if well, locate.
    - o. Location, size and design and construction materials of all proposed signs.
    - p. Location and characteristics of all buffer areas, including existing vegetative cover.
    - q. Location and design of outdoor lighting facilities.
    - r. Landscaping plan.
    - s. Other information as required by the Planning Board.
- C. Accompanying data, to include the following as applicable
1. Application form and fee.
  2. Name and address of applicant and any professional advisors.
  3. Property deed, or authorization of owner if applicant is not the owner of the property.
  4. Estimated project construction schedule.
  5. Identification of any permits required from other governmental bodies.
  6. Environmental Assessment Form, Part I.
  7. Any additional endorsements, certifications or approvals required by the Planning Board.
  8. Other information as the Planning Board may reasonably require to assess the proposed project; such as location of fire lanes and hydrants, provisions for pedestrian access, or



designation of the amount of building area proposed for use for retail sales or other commercial activity.

### **Section 755 Waiver of Submission Requirements**

The Planning Board may waive one or more submission requirements required in Section 750 paragraphs B and C in the case of projects of an uncomplicated nature.

### **Section 760 Reimbursable Costs**

Costs incurred by the Planning Board for consultation fees or other extraordinary expenses in connection with the review of a proposed site plan shall be charged to the applicant. Prior to incurring such costs the Planning Board shall discuss such costs with the applicant, and may require that an escrow account be established for such purpose.

### **Section 765 Procedure**

Applications for Site Plan Approval shall be processed in the following steps.

- A. Preliminary Review. The Planning Board shall undertake a preliminary review of an application at its first regularly scheduled meeting after the application is submitted. At the review the Board shall determine: (a) whether the application is complete, (b) whether a public hearing will be required, (c) what further action will be necessary to fulfill the requirements of SEQRA (see Part C, below.). If the application is deemed to be incomplete, then the applicant shall be notified in writing of what additional information is required.
- B. SEQRA. Pursuant to the New York State Environmental Quality Review Act (SEQRA) the Planning Board in its initial review of an application shall: (1) determine that no further action is necessary to fulfill the requirements of said act, or (2) require that the applicant submit a Full Environmental Assessment Form (EAF) for its review. Upon review of a Full EAF the Planning Board shall issue either a negative declaration, a conditioned negative declaration, or a positive declaration. If a positive declaration is issued, the Board shall require that an Environmental Impact Statement be prepared pursuant to SEQRA.
- C. Hearing. A public hearing is optional, at the discretion of the Planning Board, for uses requiring Site Plan Approval. Such hearing shall be conducted within sixty-two (62) days of the receipt of a complete application. Notice of the hearing shall be given to the applicant at least ten (10) before the hearing, and shall be printed in a newspaper of general circulation in the town at least ten (10) days prior to the hearing. Certain actions require that notice of the hearing be mailed to the Essex County Planning Board ten (10) days prior to conducting the hearing, as further specified in Section 940 herein.
- D. Decision. The Planning Board shall render its decision to approve, approve with conditions, or deny the application within sixty-two (62) days after the hearing, or within sixty-two (62) days of the receipt of a complete application if no hearing is held, unless an extension is mutually agreed upon.
- E. Record of Decision. Within five (5) business days after such decision is rendered it shall be filed in the Office of the Town Clerk, and a copy shall be mailed to the applicant. All records of decision shall be in writing, and shall contain findings of fact that support the decision. The record shall contain any conditions or modifications required by the Planning Board, and if the site plan is disapproved shall state the reasons for disapproval.

### **Section 770 Procedure if Variance Is Required**

Should an application require both a variance and Site Plan Approval the Planning Board shall have the authority to approve the site plan, and the Zoning Board of Appeals shall have the authority to grant the variance. The applicant must meet all conditions required in both approvals.

## ARTICLE 8 APPEALS TO THE ZONING BOARD OF APPEALS

### **Section 800 Application for Variance**

An applicant may initiate a request for a variance by filing an application with the Zoning Board of Appeals using forms supplied by the Board. The applicant shall include a copy of the tax map which shows the property; a map drawn to scale showing existing features and the planned variance; and other drawings or information the Zoning Board of Appeals deems necessary.

### **Section 810 Requirements for Area Variances**

- A. Area variances may be granted where the dimensional or physical requirements of this law cannot be reasonably met, including but not limited to minimum highway frontage, minimum building setbacks, maximum height of buildings, and maximum size or height of signs.
- B. In making its determination the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community. In making such determination the board shall consider:
  - 1. Whether an undesirable change in the character of the neighborhood will be produced or a detriment to nearby properties will be created by the granting of the area variance.
  - 2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.
  - 3. Whether the requested variance is substantial.
  - 4. Whether the proposed variance will have an adverse impact on the physical or environmental conditions in the neighborhood.
  - 5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.
- C. Any area variance granted shall be the minimum necessary for the applicant to make reasonable use of the property.

### **Section 820 Requirements for Use Variances**

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



### **Section 830 Grant of Variance with Conditions**

In granting any variance the Zoning Board of Appeals shall have authority to impose such reasonable conditions as are related to the use of the property for the purpose of avoiding or minimizing any adverse impact the exercise of such variance may have on the neighborhood, community, or environment.

### **Section 840 Appeals of a Decision by the Zoning Enforcement Officer (ZEO)**

- A. Any appeal from a decision of the ZEO pursuant to this law shall be made within sixty (60) days after the ZEO files said decision.
- B. An appeal may be made by any person aggrieved by the decision, or by an officer, department, board or bureau of the Town.
- C. An appeal shall stay all proceedings in furtherance of the action appealed from unless the ZEO certifies to the Zoning Board of Appeals that by reason in the facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property, in which case proceedings may not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record.

### **Section 850 Review and Approval Procedure**

Upon receipt of a complete application the Zoning Board of Appeals shall take the following actions:

- A. Schedule a public hearing within sixty-two (62) days and provide notice of such hearing by publication in a newspaper of general circulation in the town at least ten (10) days prior to the date thereof.
- B. Refer the application to the Essex County Planning Board, if required, at least five (5) days prior to the hearing. (See Section 940 herein.)
- C. Conduct a public hearing on the matter as scheduled.
- D. Within sixty-two (62) days of the close of the public hearing, the Zoning Board of Appeals shall render a decision. Said time period may be extended by mutual consent of the applicant and the Board.
- E. All decisions shall be in writing, shall be filed with the Town Clerk within five (5) business days of the decision, and a copy thereof shall be provided to the applicant.

## **ARTICLE 9 ADMINISTRATION**

### **Section 900 Zoning Enforcement Officer**

The duty of administering and enforcing the provisions of this Law is hereby conferred upon the Zoning Enforcement Officer (ZEO), who shall be appointed by the Town Board.

### **Section 905 Duties of the Zoning Enforcement Officer**

- A. Administer the Zoning Law. The ZEO shall review all applications for zoning permits and, if the requirements for such permit are met, he shall issue a permit. If the applicant's plans do not meet the Zoning requirements, he shall deny the permit. The ZEO may not use discretionary judgment. He must enforce the "letter of the law".
- B. Referral to the Zoning Board of Appeals. An applicant after being denied a zoning permit; or any aggrieved person, or any officer, department or board of the Town, may appeal the ZEO's findings to the Zoning Board of Appeals for an interpretation or variance. Should an appeal be requested the ZEO shall notify the Zoning Board of Appeals of the request and forward all necessary supporting information.

- C. Referral to Town Planning Board. The ZEO shall forward any application that requires Site Plan Approval to the Planning Board along with all supporting information.
- D. Cite Zoning Violations. For any plans, construction, building, use or premise found in violation of this law, including any violation of any approved Site Plan, the ZEO shall order the responsible party, in writing, to remedy the conditions. The ZEO shall have the authority to secure from the Town Justice a stop order to restrain the continuance of the violation.
- E. Report to Town Board. The ZEO shall issue a monthly report to the Town Board describing and enumerating actions taken and permits issued. The ZEO shall provide a copy of such report to the Planning Board and Zoning Board.
- F. Public Record. Within 5 business days the ZEO shall file all permit actions, including all correspondence with regard to violations, with the Town Clerk.

**Section 910 Planning Board**

- A. The Town Board may select a chairperson of the Planning Board, or on failure to do so, the Planning Board shall elect a chairperson from its own members.
- B. The Planning Board may adopt rules or bylaws for its operation.
- C. The Town Board may provide an appropriation to the Planning Board to cover necessary expenses including the means for the Planning Board to maintain a written record of its meetings and public hearings.
- D. The existing Planning Board, as currently constituted as of the date of this local law, shall continue.

**Section 915 Powers and Duties of Planning Board**

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

- A. Review and approval of Site Plans in accordance with the standards and procedures set forth herein.
- B. Submittal of an advisory opinion to the Town Board for any proposed amendment to this law.
- C. On the request of the Town Board, or on its own initiative, submittal of an advisory opinion to the Town Board in any matter relating to planning and zoning.
- D. Any other powers and duties as specified elsewhere in this law.

**Section 920 Meetings of the Planning Board**

- A. Meetings shall be held at such meeting times as the Board may determine, or at the call of the chairperson.
- B. A quorum shall consist of a majority of its members, but any motion or resolution, including any decision to approve or disapprove a Site Plan, shall require for its adoption an affirmative vote of at least a majority of the entire membership.
- C. The Board shall keep minutes of its proceedings.
- D. All meetings and hearings of the Board shall be public. Every decision or determination shall be in writing, shall be filed in the office of the Town Clerk.

**Section 925 Zoning Board of Appeals**

- A. The Town Board shall appoint a chairperson of the Zoning Board of Appeals. In the absence of a chairperson, the Zoning Board of Appeals may designate a member to serve as acting chairperson.
- B. The Zoning Board of Appeals may adopt rules or bylaws for its operation.
- C. The Town Board may provide an appropriation to the Zoning Board of Appeals to cover necessary expenses including the means for the Board to maintain a written record of its meetings and public hearings.
- D. The existing Zoning Board of Appeals, as currently constituted as of the date of this local law, shall continue.



### **Section 930 Powers and Duties of the Zoning Board of Appeals**

The Zoning Board of Appeals shall have the following powers and duties with respect to this law:

- A. Review and decide on requests for variances to this law.
- B. Hear and render a decision on appeals to a decision made by the Zoning Enforcement Officer.
- C. Upon appeal from a decision by the Enforcement Officer, decide any question involving interpretation of any provision of this law, or the location of any district boundary line on the Zoning district map.
- D. In the case of lots in two or more zoning districts, grant special authorization to extend a zone district boundary up to 100 feet pursuant to Section 435 herein.

### **Section 935 Meetings of the Zoning Board of Appeals**

- A. The Zoning Board of Appeals shall hold meetings at the call of the chairperson, or at the request of a majority of its full membership.
- B. The presence of a majority of its full membership shall constitute a quorum for the conduct of business before the Board. A concurring vote of a majority of its full membership shall be necessary to act on any application for variance or appeal.
- C. A member of the Zoning Board of Appeals having a conflict of interest shall abstain from any discussion or voting on that matter.
- D. The Zoning Board of Appeals may request and obtain any advice or opinions on the law relating to any matter before the Board from its own attorney, and may request its own attorney to attend its meetings.
- E. The Zoning Board of Appeals may require the Zoning Enforcement Officer to attend its meetings to present any facts relating to any matter before the Board.
- F. All meetings of the Zoning Board of Appeals shall be open to the public.
- G. The Zoning Board of Appeals shall keep minutes of all of its meetings. The Town Board shall provide a secretary for the Zoning of Appeals.
- H. The Zoning Board of Appeals shall make factual record of all its proceedings.
- I. Every decision or determination of the Zoning Board of Appeals shall be in writing, and shall be filed in the office of the Town Clerk.

### **Section 940 Referral to the County Planning Board**

- A. State General Municipal Law Section 239-m requires that certain variance, Site Plan Approval, and zoning amendment proposals be referred to the Essex County Planning Board for its review prior to final action on the matter. Such proposals include, but are not limited to, developments which affect real property within 500 feet of any of the following:
  - 1. A State or County highway.
  - 2. State or County land where a public building or institution is located.
  - 3. A State or County owned park or recreation area.
  - 4. The Town of North Hudson boundary.
- B. If the County Planning Board does not respond within thirty (30) days of the date it receives a full statement of the proposal, final action may be taken on the matter by the referring board without such report.
- C. In the event the County Planning Board recommends disapproval of the proposal or approval subject to modifications, then the referring board may override the county decision only by a vote of a majority plus one of its membership.
- D. The referring board shall send a copy of its final decision to the County Planning Board within thirty (30) days after the local decision is reached. If the decision of the referring board is contrary to a County Planning Board recommendation, then the local board shall send a resolution fully stating the reasons for its contrary action.

### **Section 945 Amendments**

- A. The Town Board may amend by supplementing, or repealing, provisions of this law and the Zoning Map after public notice, public hearing, and required referrals in accordance with the governing statutes.
- B. Referrals. Certain amendments require referral to the Essex County Planning Board as described in Section 1240 herein.
- C. The Town Board, by resolution, shall fix the time and place of public hearing on the proposed amendment and shall cause notice to be given as follows.
  - 1. By publishing a notice at least ten (10) days in advance in the official newspaper of the Town.
  - 2. By referring the proposed amendments to each town and village within 500 feet of the Town of North Hudson boundaries, and to any state park commission whose property lies within the Town or within 500 feet of its boundaries.
- D. Procedure. The procedure as to the notice of a public hearing on an 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. The procedure shall also comply with the provisions of the State Environmental Quality Review Act (SEQRA) under Article 8 of the Environmental Conservation Law.

## **ARTICLE 10 ENFORCEMENT**

### **Section 1000 Steps in the Enforcement Process**

The following procedures may be followed in order to enforce this law.

- A. Notice of Violation. The Enforcement Officer (EO) may serve a Notice of Violation on the landowner to inform him that a violation has occurred.
- B. Stop Work Notice. The EO may serve a Stop Work Order requiring that construction or other activity in violation must stop.
- C. Voluntary Compliance. Voluntary compliance may be sought.
- D. Injunction. The Town may seek a court order requiring that the activity in violation cease.
- E. Criminal Justice Proceedings. The Town may file an Information and Complaint to the local court to initiate court action.

### **Section 1005 Violations**

- A. It shall be unlawful for any person to construct, alter, repair, move, remove, demolish, equip, use, occupy or maintain any building, structure or premises, or portion thereof, in violation of any provision of this law, or to construct, alter or use and occupy any building, structure or premises in a manner not permitted by or inconsistent with a permit, approval or variance issued pursuant to this law, or to fail to comply with a notice, directive or order of the Zoning Enforcement Officer or agent thereof.
- B. Where a violation has occurred or exists, the potentially responsible persons shall include the owner of the real property involved or affected; any contractor, subcontractor, builder, construction superintendent, engineer, manager, or other person responsible for undertaking, managing or directing the illegal activity; and any agent of the foregoing.

### **Section 1010 Stop Work Order.**

- A. The Town Board for the Town of North Hudson hereby grants the Enforcement Officer the administrative responsibility of determining in the first instance whether a violation has



occurred and immediately terminating said violation by posting a Stop Work Order on the premises herein the violation has occurred.

- B. The Stop Work Order shall serve notice to the owner, builder, developer, agent and/or any other individual or business on the premises that all such actions specified on the Stop Work Order must be terminated immediately.
- C. Relief or release from any stop-work order may be obtained as follows:
  - 1. Upon the recommendation of the Zoning Enforcement Officer or the Planning Board the Town Board may rescind a stop work order If all provisions of this law, together with all other reasonable conditions specified by the Zoning Enforcement Officer or Planning Board, are satisfied.
  - 2. If a variance is granted by the Zoning Board of Appeals granting permission to maintain violations specified in a stop-work order and to continue such circumstances, the Zoning Enforcement Officer shall rescind the stop-work order in accordance with the requirements of the Zoning Board of Appeals.

### ***Section 1015 Appeals***

Any person found to be in violation may appeal a decision of the Zoning Enforcement Officer to the Board of Appeals. Such appeal must be in writing and may be made no later than sixty (60) days from the date of the notice. An appeal to the Board of Appeals shall stay enforcement including the accumulation of fines and penalties from the date such appeal is filed in the office of the Board of Appeals to the date of a determination by the Board of Appeals

### ***Section 1020 Actions for Injunction***

The town may obtain an action to restrain by injunction any violation of this ordinance or any failure to comply with any of the provisions of this ordinance

### ***Section 1025 Criminal Justice Proceedings***

The Zoning Enforcement Officer or Town agent may commence criminal proceedings in the justice court by issuing an appearance ticket to any alleged violator and/or by filing an information and supporting deposition pursuant to the New York Criminal Procedure Law.

### ***Section 1030 Fines and penalties***

A violation of this local law is hereby declared to be an offense, punishable by a fine not exceeding three hundred fifty dollars (\$350) or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars (\$350) nor more than seven hundred dollars (\$700) or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars (\$700) nor more than one thousand dollars (\$1000) or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this local law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

### ***Section 1035 Alternative or Additional Actions and Remedies***

- A. In the case of any violation or threatened violation, the Town may institute any appropriate action or proceeding against the landowner and/or other responsible person(s) to prevent such unlawful action, to restrain, correct or abate such violation, and to compel compliance with the provisions of this law and any permit, approval or variance issued pursuant to its provisions.

The relief specified herein may be sought in addition to an action or proceeding for criminal sanctions or civil penalties.

- B. The Town Board may negotiate appropriate corrective, remediation, abatement, and restoration measures by entering into an enforceable settlement agreement or consent order with any violator and/or owner. Such agreements or orders may require the violator and/or owner to pay a monetary penalty which (1) covers exemplary or punitive damages and (2) reimburses actual costs incurred by the Town in connection with its enforcement action such as attorneys' fees, disbursements and costs of emergency and other corrective and restoration measures.

#### ***Section 1040 Suspension of Administrative Review***

Review of any application pursuant to the provisions of this chapter may be suspended and the application deemed incomplete with written notice to the applicant if a stop-work order has been issued by the Zoning Enforcement Officer or agent thereof, other written notice of an alleged violation has been delivered to the property owner or applicant, or a criminal or civil action has been commenced against the property owner, applicant or other responsible person for alleged violations related to the development or activity or site for which the permit is sought or for any alleged violation of the provisions of this law related to the site.

#### ***Section 1045 Revocation of Permit***

Any permit, approval, certificate, or variance granted under the provisions of this law which was based upon or granted in reliance upon the applicant's false or material misrepresentation in an application or the applicant's failure to make known a material fact or circumstance may be revoked by the Zoning Enforcement Officer. A revocation action may be taken after written notice to the property owner or applicant/permittee and opportunity for a hearing.

#### ***Section 1050 Removal of Violations***

Any building or structure erected, or any use conducted without a Zoning Permit or certificate of compliance, where required, or not in conformity with the provisions of this ordinance may be removed, closed, or halted at once by the Enforcement Officer with issuance of a stop order, with the assistance, if deemed necessary, of any appropriate Town Officer or employee. Any costs involved with removal (if deemed necessary) shall be paid by the owner of the property that is not in compliance.



**SCHEDULE A: Use Chart**

(page 2 of 2)

<b>Commercial Uses</b>	<b>COM</b>	<b>MX</b>	<b>RR</b>	<b>SC</b>
Adult entertainment establishment	S			
Automobile, vehicle, or lawn and garden equipment sales	S	S		
Bed and Breakfast establishment	S	S	S	S
Business office	S	S		
Campground, recreational vehicle park	S	S	S	S
Commercial riding stables	S	S	S	S
Construction or well-drilling business	S	S		
Convenience store with gas pumps	S	S		
Day care center	S	S		
Greenhouse (commercial), florist	S	S	S	S
Home based business with vehicles or equipment	S	S	S	
Home based manufacturing	S	S	S	S
Home occupation	x	x	x	x
Kennel	S	S	S	S
Motor vehicle race track	S			
Motor vehicle service and/or repair	S	S		
Personal service establishment	S	S	S	S
Recreational or entertainment facilities, commercial	S	S		
Retail gasoline sales	S	S		
Retail service establishment	S	S		
Restaurant	S	S		
Retail store	S	S		
Seasonal roadside stand	S	S	S	S
Shopping center	S			
Tavern	S	S		
Tourist accommodation	S	S		
Tourist attraction	S			

<b>Industrial, Trucking, Warehousing and Other Uses</b>	<b>COM</b>	<b>MX</b>	<b>RR</b>	<b>SC</b>
Commercial sand or gravel extraction	S	S	S	S
Fuel distribution business	S	S		
Junkyard	S	S		
Light industrial use	S	S		
Lumber yard	S	S		
Research and testing laboratory	S	S		
Sawmill, chipping mill, pallet mill, and similar wood using facility	S	S		
Trucking business	S			

**Not Allowed In any Zoning District**

- Mobile home park
- Rooming or boarding house
- Waste disposal area

**SCHEDULE A: Use Chart**

(page 1 of 2)

x = Permitted Use

S = Permitted after Site Plan Approval by the Planning Board

Blank = Not permitted (unless permitted by another row in the chart)

COM Commercial

MX Mixed Use

RR Rural Residential

SC Scenic Corridor

<b>Residential Uses</b>	<b>COM</b>	<b>MX</b>	<b>RR</b>	<b>SC</b>
Single family dwelling	x	x	x	x
Two family dwelling	x	x	x	x
Dwelling unit in same building as a non-residential use	x	x	x	x
Three or four family dwelling	S	S	S	
Assisted living facility for seniors, nursing home	S	S	S	
Hunting and fishing cabin, private club structure		x	x	x
Mobile home		x	x	
Senior citizen housing development	S	S	S	S
Travel trailer	x	x	x	x
Residential accessory use or structure	x	x	x	x

<b>General Uses</b>	<b>COM</b>	<b>MX</b>	<b>RR</b>	<b>SC</b>
Agricultural structure		S	S	S
Agricultural use	x	x	x	x
Airport, private airstrip, heliport	S			
Cemetery	S	S	S	S
Firing range		S	S	S
Forestry use	x	x	x	x
Forestry structure	S	S	S	S
Golf course	S	S	S	S
Group camp			S	S
Open space recreation use	S	S	S	S
Public or semi-public building and grounds	S	S	S	
Public utility use	S	S	S	S
Telecommunications facility or tower	S	S	S	



## SCHEDULE B: LOT SIZE AND DIMENSION CHART

### Single or Two Family Dwelling, Mobile Home

	Zoning District			
	COM	MX	RR	SC
Minimum lot size, sq. ft.	40,000	40,000	40,000	40,000
Minimum lot width, ft.	150	150	150	200
Minimum highway frontage on public or private roads, ft. (a)	25	25	25	25
Minimum building setback, principal structure, ft. (b)				
From any state or county highway	50	50	50	100 (c)
From any town highway	40	40	40	100 (c)
From any private road	30	30	30	30
Side yard	30	30	30	30
Rear yard	30	30	30	30
Minimum building setback, accessory structure, ft.				
Front yard	50	50	50	100 (c)
Side yard	15	15	15	15
Rear yard	15	15	15	15

### Three or Four Family Dwelling

	COM	MX	RR	SC
Minimum lot size, sq. ft.		80,000		
Minimum lot width, ft.		250		
Minimum highway frontage on public or private roads, ft.		50		
Minimum building setback, principal structure, ft. (b)				
From any public or private road		50		
Side yard		50		
Rear yard		50		
Minimum building setback, accessory structure, ft.				
Front yard		50		
Side yard		25		
Rear yard		25		

### Other Uses

	COM	MX	RR	SC
Minimum lot size, sq. ft. (d)	40,000	40,000	40,000	80,000
Minimum lot width, ft.	150	200	200	300
Minimum highway frontage on public or private roads, ft.	50	50	50	100 (c)
Minimum building setback, principal structure, ft. (b)				
From any public or private road	50	50	50	100 (c)
Side yard	30	30	30	50
Rear yard	30	30	30	50

(a) May be satisfied by a right-of-way easement of the required width providing road access.

(b) Measured from the front lot line (edge of the highway right-of-way). In the case of a private road measurement shall be made from the front road line or from the centerline of the road after adding 25 feet to the required minimum distance, whichever is less (for example, either 30 feet from the road line or 55 feet from the road centerline, whichever is less.)

(c) 100 feet in all SC zones except for Johnson Pond Road where the minimum front yard setback shall be 50 feet.

(d) The following uses require a minimum lot size of 5 acres: campground, recreational vehicle park; keeping of pigs or fowl as a commercial operation; kennel, animal hospital; sawmill, chipping mill, pallet mill.





# TOWN OF NORTH HUDSON ZONING MAP

## Eastern Section of Town

### ZONING DISTRICTS

- Com = Commercial
- MX = Mixed Use
- RR = Rural Residential
- SC = Scenic Corridor

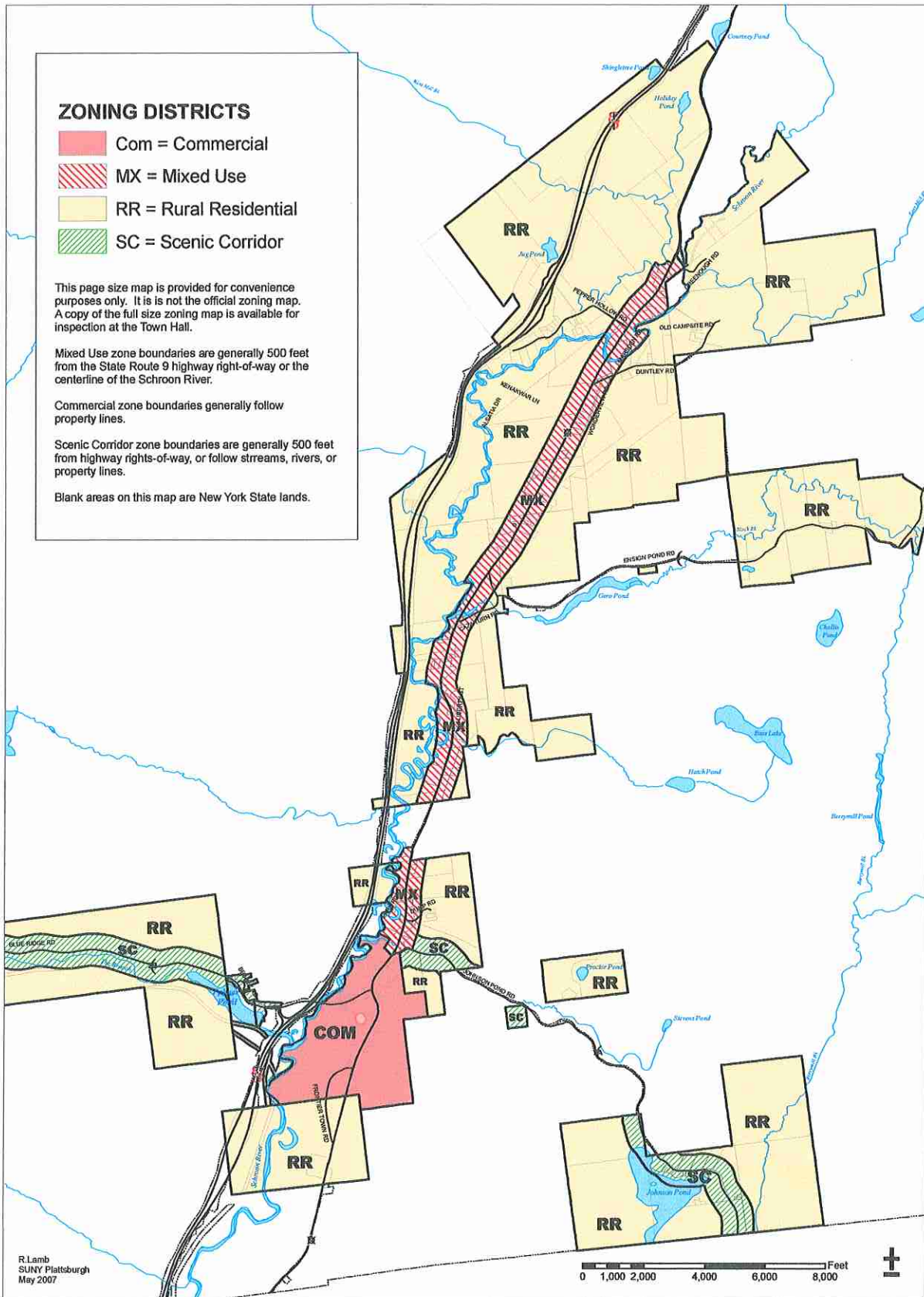
This page size map is provided for convenience purposes only. It is not the official zoning map. A copy of the full size zoning map is available for inspection at the Town Hall.

Mixed Use zone boundaries are generally 500 feet from the State Route 9 highway right-of-way or the centerline of the Schroon River.

Commercial zone boundaries generally follow property lines.

Scenic Corridor zone boundaries are generally 500 feet from highway rights-of-way, or follow streams, rivers, or property lines.

Blank areas on this map are New York State lands.







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