Local Law # 3 of the Year 2007

LAND USE LAW AND REGULATIONS FOR THE TOWN OF MORRISTOWN

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ARTICLE I – TITLE

This law shall be known and may be cited as "LAND USE LAW AND REGULATIONS FOR THE TOWN OF MORRISTOWN".

This law is adopted pursuant to NYS Town Law, Section 261.

ARTICLE II – GENERAL PROVISIONS

A. PURPOSE. The provisions of these regulations shall be held to be the minimum requirements adopted to promote the health, safety, and general welfare of this community. Such requirements are deemed necessary to achieve the following purposes.

- PROMOTE ORDERLY DEVELOPMENT – to protect the character and maintain the stability of residential, recreational, commercial and agricultural areas within the town, and to promote the orderly and beneficial development of such areas.
- REGULATE INTENSITY OF USE – to regulate the intensity of use of zoning lots, and to determine the area of open spaces surrounding buildings necessary to provide adequate light and air, privacy and convenience of access to property, and to protect the public health and safety.
- REGULATE LOCATION OF BUILDINGS – to establish building lines and the location of buildings designed for residential, recreational, commercial, agricultural, or other uses within such lines.
- ESTABLISH STANDARDS OF DEVELOPMENT – to fix reasonable standards to which buildings or structures or the use of the land shall conform.
- PROHIBIT INCOMPATIBLE USES – to prohibit uses, buildings or structures which are incompatible with existing or desirable character of development within specified zoning districts.
- REGULATE ALTERATIONS OF EXISTING BUILDINGS – to prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed hereunder.
- LIMIT CONGESTION IN THE STREETS AND HIGHWAYS – to limit congestion in the public streets and so protect the public health, safety, convenience and the general welfare by providing for off-street parking of motor vehicles and for the loading and unloading of commercial vehicles.
- PROTECT AGAINST HAZARDS – to provide protection against fire, flood, explosion, noxious fumes, and other hazards in the interest of the public health, safety, comfort and general welfare.

- CONSERVE TAXABLE VALUE OF LAND – to conserve and enhance the taxable value of land and buildings throughout the Town through an enlightened approach to land development and building location.

B. SCOPE. This Local Law shall apply to the construction, installation or alteration of any building, structure or appurtenant system and any lot, plot or parcel of land used, occupied or otherwise maintained as herein provided for in the Town of Morristown.

C. RELATIONSHIP OF THIS LAW TO OTHER LAWS AND REGULATIONS

1. Conflict with other laws. Whenever the requirements of this Local Law are at variance with the requirement of any lawfully adopted rules, regulations or ordinances, such as the New York State Uniform Fire Prevention and Building Code, the most restrictive of those imposing the highest standards shall govern.
2. Requirement for New York State General Municipal Law 239-m Referral to County Planning Board. Section 239-m requires that certain matters be referred to the St. Lawrence County Planning Board by the Town Board, the Planning Board, or the Town Zoning Board of Appeals, as appropriate, and that the referring board shall not take final action until it has received a recommendation within thirty (30) days from the County Planning Board. The following matters shall be referred to the St. Lawrence County Planning Board:
    a. Adoption or amendment of a comprehensive plan pursuant to section 272-a of town law;
    b. Adoption or amendment of a land use ordinance or local law;
    c. Issuance of special use permits;
    d. Approval of site plans;
    e. Granting of use and area variances;
    f. Other authorizations that a referring body may issue under the provisions of any Land Use Regulation or local law.

    The proposed actions set forth above shall be subject to referral to the County Planning Board if they apply to real property within five hundred (500) feet of the following:
    a. The boundary of any city, village or town; or
    b. The boundary of any existing or proposed county or state park or any other recreation area; or
    c. The right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway; or
    d. The existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines; or
    e. The existing or proposed boundary of any county or state owned land on which a public building or institution is situated; or
    f. The boundary of any farm operation located in an agricultural district, as defined by Article Twenty-Five-AA of the Agriculture and Markets Law, except this subparagraph shall not apply to the granting of area variances.

3. Agricultural Districts. Notwithstanding any other provision of this Local Law, "farm operations" as defined in Article Twenty-Five-AA of the New York State Agriculture and Markets Law, shall be a permitted principal use in all areas located within an agricultural district adopted by the Town of Morristown and certified by the Commissioner of Agriculture pursuant to said Article Twenty-Five-AA, regardless of what zoning district such areas are located within. This provision shall supersede any conflicting provision of this Local Law.

D. SEPARABILITY. Should any section(s) or provisions of this Local Law be decided to be unconstitutional or invalid by a court of competent jurisdiction, such a decision shall not affect the validity of the Local Law as a whole or any part thereof other than the part decided to be unconstitutional or invalid.

E. FEES. Permit fees shall be paid according to the fee schedule as may, from time to time, be established by resolution of the Town Board.

F. STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)

1. The State Environmental Quality Review Act requires that local government examine the environmental impact of all actions they permit, fund, or construct. Article (VIII) and Part 617 of Title 6 of the New York Code of Rules and Regulations (6 NYCRR Part 617) are hereby adopted by reference.
2. All "Type I" and unlisted actions (6 NYCRR Part 617) shall require the submission and review of an Environmental Assessment Form.
3. The Board that is empowered to approve the action shall be the lead agency.
4. If the opinion of the lead agency after review of the Environmental Assessment form is that there appears to be the potential for a significant environmental impact, such lead agency shall cause the applicant to prepare a Draft Environmental Impact Statement (DEIS). Review, notice, and action on the DEIS shall be conducted according to 6 NYCRR, Part 617.

ARTICLE III – Definitions

■**accessory building:** A building subordinate to the principal building on a lot and used for purposes customarily incidental to those of the principal building.

■**accessory use:** A use customarily incidental and subordinate to the principal use of a building and located on the same lot with such principal building.

■ **adult use, adult bookstore:** An establishment having as a substantial or significant portion of its stock-in-trade, books, magazines, and other periodicals or photographs, drawings, slides, films, video tapes, recording tapes, and novelty items which are distinguished by or relating to specified sexual activities or specified anatomical areas, or an establishment with a segment or section devoted to the sale or display of such material. Such establishment or the segment or section devoted to the sale or display of such material in an establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

■**alley:** A service way which affords public means of vehicular access to abutting property.

■**airport:** Any area of land or water designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

■**alteration:** Any change, addition or modification in construction other than cosmetic or decorative, or any change in the structural members of buildings such as bearing walls, columns, beams or girders.

■**animal hospital:** A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

■**automobile body shop:** A facility which provides collision repair services, including body frame straightening, replacement of damaged parts, and painting.

■**auto wash:** A structure designed or intended primarily for the washing of automobiles including conveyor, drive-through and self-service types.

■**automobile sales lot:** Premises on which new or used passenger automobiles, trailers, manufactured homes, or trucks in operating condition are displayed in the open for sale or trade. Vehicles on these lots must be able to pass state vehicle inspection requirements.

■**automobile service station:** That portion of property where flammable or combustible liquids or gases used as fuel are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. Accessory activities may include automotive repair and maintenance, car wash service, and food sales.

■**bar:** An area primarily devoted to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages.

■**basement:** A space of full story height partly below grade and having at least half of its height, measured from floor to ceiling, above the established grade of the street center line or, if no grade has been officially established on the street, measured from the average level of the proposed finished grade across the front of the building, and which space is not designed or used primarily for year-round living accommodations.

■**bed-and-breakfast (B&B):** A transient lodging establishment, generally in a single-family dwelling or detached guesthouses, primarily engaged in providing overnight or otherwise temporary lodging for the general public and may provide meals for compensation.

Boathouse-A non-floating building, anchored to an approved foundation, ancillary to a dwelling, containing slips used exclusively for non-commercial dockage or storage of motor boats, sailboats and similar watercraft. Not to be used as a dwelling unit or habitable space.

■**body shop:** General repair, rebuilding or reconditioning of engines, motor vehicles, trailers; collision service including body, frame or fender straightening or repair, overall painting or paint job and vehicle steam cleaning.

■**building:** A structure used or intended for supporting or sheltering any use or occupancy.

■**building area:** The total ground floor area of a principal building and accessory buildings exclusive of uncovered porches, steps and terraces.

■**building coverage:** That portion of the plot or lot area covered by a building.

■**building, detached:** A building surrounded by open space on all sides on the same lot.

■**building floor area:** The sum of the gross horizontal area of the several floors of a building and its accessory building on the same lot, including basement areas devoted to residential use and the area of bays, dormers, roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

■**building height:** The overall height of a building as measured from the established grade at street center line or, if no grade has been officially established on the street, measured from the average level of the proposed finished grade across the front of the building to (1) the top of the roof for flat roofs, (2) the deck lines for mansard roofs, and (3) the average height between eaves and ridge for gable, hip, and gambrel roofs.

■**building line:** A line parallel with the front, side, or rear property lines respectively, beyond which a structure may not extend as determined by these regulations.

■**building, principal:** A building in which is conducted the main or predominant use of the lot on which it is located.

■**camp:** A tent, trailer, shelter, cottage or other accommodation for seasonal or other more or less temporary living accommodations, regardless of whether such structure or accommodation is actually used seasonally or otherwise; **or**
A parcel of land on which is located two or more cottages, shelters, recreational vehicles, tents or other accommodation for seasonal or other more or less temporary living arrangements; **or**
A parcel of land, including buildings and facilities thereon, used for the assembly of children or adults for what is commonly known as 'day camp' purposes; **or**
A parcel of land, including buildings and facilities thereon, used for overnight, weekend or longer periods of camping by organized groups.

■**campground:** A lot used for the parking and use on individual camping sites by travel trailers, tent-trailers, tents or similar transportable accommodations, together with all yards, sanitary facilities, roadways, open space and other requirements as defined by this local law. A campground shall not include use by manufactured homes or other residential appurtenances on a permanent year-round basis, except where required for operation, maintenance or security of the campground.

■**cellar:** that space of a building that is partly or entirely below grade which has more than half its height, measured from floor to ceiling, below the established grade at the street center line or if no grade has been officially established on the street, measured from the average level of the proposed finished grade across the front of the building, and which space is not designed or used primarily for year-round living.

■**commercial service:** Retail establishments that primarily render services rather than goods. Such services may include, but not be limited to, copy shops, printing services, package and postal services, photo processing, janitorial services and similar operations.

■**condominium:** A multiple unit residential complex, the units of which are individually owned, each owner receiving a recordable deed to the individual unit purchased, including the right to sell, mortgage, etc. that unit and sharing in joint ownership of any common grounds, passageways, and so on.

■**convenience store:** A retail commercial establishment that supplies groceries and other daily household necessities to the immediate surrounding area. It may sell gasoline or oil or other motor vehicle fuel and lubricating products but does not include facilities for lubricating, washing, cleaning or otherwise servicing motor vehicles.

■**daycare, home:** A day care facility located in a single-family residence where an occupant of the residence provides care and supervision for eight or fewer children. Children under the age of ten (10) years who reside in the home count as children served by the daycare facility.

■**drive-in restaurant or refreshment stand:** Any place or premises used for sale, dispensing, or serving of food, refreshments or beverages to persons in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on the premises.

■**dwelling, single-family:** A detached building designed for year-round occupancy by one family only, including a sectional dwelling or a modular home located on a permanent continuous masonry foundation, other than a manufactured home, recreational vehicle, or any temporary structure.

■**dwelling, two-family:** A detached building, designed for year-round occupancy by two families living independently of each other, other than a manufactured home, recreational vehicle, or rooming house.

■**dwelling, multiple-family:** An apartment building or other residential building or portion thereof designed for year-round occupancy, containing separate dwelling units for three or more families living independently of each other, other than hotels, motels, and rooming houses.

■**dwelling, condominium:** Any residential building portion thereof, involving a combination of two kinds of ownership of real property:
a. Fee simple ownership of the individual dwelling unit; and
b. Undivided ownership together with other purchasers of the common elements of the structure, land and appurtenances, the management thereof controlled by a property owners ' association'.

■**dwelling, town house:** Three or more attached dwelling units designed for year-round occupancy and containing separate dwelling units for occupancy by one family per unit, with each unit making its own footprint on the ground and involving fee simple ownership of the individual units.

■**dwelling unit:** A building or portion thereof, providing complete housekeeping facilities for one family, including living, cooking, sanitary and sleeping facilities.

■**essential services:** Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewage, stormwater drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings used or intended to be used for human habitation.

■**family:** One or more persons occupying the premises related by blood, marriage or adoption, living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging home, club, fraternity, hotel or commune.

■**farm:** The land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a commercial horse-boarding operation. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

■**funeral home:** A building used for the preparation of the deceased for burial and display of the deceased and rituals connected therewith before burial or cremation. A funeral home, as defined for purposes of this code, includes a funeral chapel.

■**garage sale:** The sale of miscellaneous used items commonly associated with residential use. Garage sales shall not be for the sale of primarily a single commodity. The term 'garage sale' includes 'sidewalk sale', 'yard sale', basement sale' and 'estate sale'.

■**garage, private:** A roofed space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein or space for more than one car is leased to a non-resident of the premises.

■**garage, public:** A building or part thereof operated for gain and used for the storage, hiring, selling, greasing and washing, servicing or repair of motor driven vehicles.

■**gas station:** A property where flammable or combustible liquids or gases used as fuel are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. Such an establishment may offer for sale at retail other convenience items as a clearly secondary activity and may also include a freestanding automatic car wash.

■**holding area:** The portion of a farm where cattle or other livestock are held and bulk fed commercially in a restricted area.

■**holding tank:** An approved structure for the temporary storage of sewage for off site disposal requiring regular cleanout.

■**home occupation:** An occupation carried on in a dwelling unit by the resident thereof; provided that the use is limited in extent and incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character of the neighborhood.

■**hospital:** An institution, licensed by the state department of health, providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental

conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

■**hospital, animal:** see animal hospital

■**hotel or motel:** Any building or group of buildings having six or more guest rooms which are used, rented, or hired for sleeping purposes by transient guests.

■**junkyard:** Any lot or parcel, building, or structure used in whole or in part for the storage, collection, processing, or disposal of junk.

■**kennel:** A commercial establishment for the keeping, breeding, boarding or training of four or more mature dogs, cats, or other domestic animals, excluding common farm animals (horses, cows, pigs, goats, sheep, etc.).

■**laundromat:** A business premises equipped with individual clothes washing or cleaning machines for use by retail customers, exclusive of laundry facilities provided in an apartment, fraternity, sorority, residential hotel or club.

■**lot:** A parcel of land considered as a unit, occupied or capable of being occupied by a principal building or use and accessory buildings or uses, or by a group of buildings united by a common use or interest; and including such open spaces, and parking spaces required by this law and having its principal frontage upon a street or upon an officially approved place.

■**lot area:** The computed area contained with the lot lines.

■**lot, corner:** A lot situated at the intersection of two or more streets, which streets have an angle of intersection of not more than 135 degrees.

■**lot depth:** The mean horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

■**lot, interior:** A lot other than a corner lot.

■**lot line:** The property line bounding the lot.

a. lot line, front: the line separating the lot from the street right-of-way.
b. lot line, rear: the line opposite to and most distant from the front lot line.
c. lot line, side: any lot line other than a front or rear lot line which intersects a front lot line.

■**lot, through**: A lot having frontage on two approximately parallel or converging streets

■**lot line, common**: A line dividing one lot from another.

■**lot width:** The horizontal distance between side lines measured along a line that is parallel to the front lot line and located the minimum exterior setback distance from the front lot line.

■ **manufactured home court:** A parcel of land which has been planned and improved for the placement of two or more mobile homes or manufactured homes for dwelling purposes. The term shall include Mobile Home Park, Manufactured Home Park, or other area planned and/or improved for two or more mobile homes or manufactured homes.

■**manufactured home:** A structure transportable in one or more sections that, in the traveling mode, is 8 feet or more in width or 40 feet or more in length or, when erected on site, is 320 square feet minimum, and that was built on or after June 15, 1976 on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein. The term "manufactured home" shall also include any structure that meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the federal department of housing and urban development and complies with the standards established under the national manufactured housing construction and safety act of 1974, as amended. The term "manufactured home" shall not include any self-propelled recreational vehicle.

■**marina:** Waterfront establishments whose business is offering the sale or rental of boats and marine sporting equipment and the servicing, repair, or storage of same. Such establishments may also provide travel lift services, slip rental, gasoline, sanitary pump-out service and food, drink and transient lodging accommodations.

■**mobile home:** A moveable or portable dwelling unit that was built prior to June 15, 1976 and designed and constructed to be towed on its own chassis, comprised of frame and wheels, connected to utilities, and designed and constructed without a permanent foundation for year-round living, excluding travel trailers. It does not include a recreational vehicle.

■**modular home:** A structure designed primarily for residential occupancy and constructed by a method or system of construction where by the structure or its components are wholly or in substantial part manufactured in manufacturing facilities, intended or designed for permanent installation, or assembly and permanent installation.

■**nursing home:** A proprietary facility, licensed by the State of New York for the accommodation of convalescents or other persons who are not acutely ill or not in need of hospital care, but who require skilled nursing and related medical services which are prescribed by or performed under the direction of a person or persons licensed to provide such care or services in accordance with the laws of the State of New York.

■**nonconforming use:** See 'use, nonconforming'

■**office:** A room or group of rooms used for conducting the affairs of a business, profession, service industry, or government.

■**parking space:** An off-street space available for the parking of one motor vehicle conforming to the typical lot standards.

■**personal service shop:** A business where non-medical professional or personal services are provided for gain and where the sale of retail goods, wares, merchandise, articles or things is only accessory to the provision of such services. Including but not limited to the following: barber shops, beauty shops, tailor shops, laundromats, shoe repair shops, etc.

■**planned development:** A tract of land in single ownership or controlled by an individual, partnership, cooperative or corporation, designed for and capable of being used for one or more residential, commercial, industrial or recreational uses which have certain facilities in common and which have been designed as in integrated unit.

■**plat:** A map representing a tract of land showing the boundaries and location of individual properties and streets.

■**private club or lodge:** Building and facilities owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

■**public firing range:** An area equipped with targets for practice in shooting weapons which is available to the general public, including firing ranges operated by clubs which require membership to use the range.

■**recreation vehicle (RV):** A mobile recreational unit including travel trailer, pickup, camper, converted bus, tent-trailer, camper trailer, tent or similar device used for temporary portable housing.

■**restaurant:** A building where food and beverages are offered for sale to the public for consumption at tables or counter either inside or outside the building on the lot. As an accessory use, take-out service of food and beverages for off-site consumption may be provided.

■**retail sales establishment:** A commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.

■**roadside stand:** A semi-permanent structure, stand or location for the sale of any product or material on a temporary, part-time or seasonal basis.

■**setback, front:** A distance to be measured from the center line of the principal street adjoining the parcel and the building line. Uncovered decks of thirty (30) inches in

height or less shall be allowed to encroach into setbacks up to thirty percent of the stated setback.

■**setback, rear:** A distance to be measured from the rear line of the lot to the building line. If the rear line of the lot is a shoreline, the rear line is to be determined using the lot dimensions in the deed and measuring from the front line to the rear lot line. Where terrain prohibits measurement by this method, the lot line along the shoreline is to be determined by a licensed surveyor. Uncovered decks of thirty (30) inches in height or less shall be allowed to encroach into setbacks up to thirty percent of the stated setback.

■**setback, side:** A distance to be measured from the lot line which is perpendicular or approximately perpendicular to the front lot line and which separates two lots. Uncovered decks of thirty (30) inches in height or less shall be allowed to encroach into setbacks up to thirty percent of the stated setback.

■**sign:** Any device (including but not limited to letters, words, numerals, figures, emblems, pictures, or any part or combination) used for visual communication intended to attract the attention of the public and visible from the public right of- way or other properties. The term "sign" shall not include any flag, badge, or insignia, of any governmental unit, nor shall it include any item of merchandise normally displayed within a show window of a business.

■**sign, advertising:** A sign which directs attention to a business, commodity, service or entertainment sold or offered elsewhere than upon the premises where such sign is located or to which it is affixed and only incidentally on the premises if at all. A commercial billboard shall be construed to be an advertising sign.

■**sign, business:** A sign directing attention to a business or profession conducted or to a commodity, service, or entertainment sold or offered on the premises on which such sign is located or to which it is affixed. A "For Sale" or "To Let" sign relating to the lot on which it is displayed shall be deemed to be a business sign.

■**sign, flashing:** Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such is in use. Any moving, illuminated sign shall be considered a "flashing sign".

■**story:** That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling above the floor of such story.

■**story, half:** That portion of a building between a pitched roof and the uppermost full story and having a floor area at least half as large as the floor below. Space with less than five feet clear headroom shall not be considered as floor area.

■**street:** A public thoroughfare, including road, highway, drive, lane, avenue, place, boulevard, and any other thoroughfare that affords the principal means of access to abutting property.

■**structure:** Anything constructed or erected that requires location on the ground or attached to something having location on the ground.

■**structural alteration:** Any change, addition or modification in construction other than cosmetic or decorative, or any change in the structural members of buildings such as bearing walls, columns, beams or girders.

■**tavern:** A building or part thereof where, in consideration of payment therefore, liquor, beer, wine, or any combination thereof is served for consumption on the premises, with or without food.

■**tourist cottages:** Residential buildings offered for rent for short terms, typically for vacations.

■**town house:** One of a row of houses joined by common sidewalls, the units of which are individually owned, each owner receiving a recordable deed to the individual unit purchased, including the right to sell, mortgage, etc. that unit.

■**truck terminal:** The use of land, buildings or structure for the purpose of maintenance, servicing, storage or repair of commercial vehicles. The term does not include automobile service stations or transportation sales or rental outlets.

■**use, nonconforming:** A use that was valid when brought into existence but, by subsequent regulation, becomes no longer conforming. "Nonconforming use" is a generic term and includes (1) nonconforming structures (by virtue of size, type of construction, location on land, or proximity to other structures), (2) nonconforming use of a conforming building, (3) nonconforming use of a nonconforming building, and (4) nonconforming use of land.

■**variance:** An authorized departure by the Board of Appeals from the terms of this local law where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of these regulations would result in unnecessary and undue hardship. As used in these regulations, a variance is authorized only for height, area and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance.

■**yard:** An open space on the same lot or parcel of land that is unoccupied and unobstructed from the ground upward, except as otherwise permitted by this Law.

■**yard, front:** An open space extending across the full width of a lot that abuts the principal street side of a parcel.

■**yard, rear:** An open, unoccupied space, except for accessory buildings as permitted, extending across the rear of a lot from one side lot line to the other side lot line.

■**yard, side:** An open space area extending from the front yard to the rear yard between the building and the nearest side lot line unobstructed from the ground upward except for steps and unenclosed porches.

ARTICLE IV – ESTABLISHMENT OF DISTRICTS

A. DESIGNATION OF DISTRICTS. For the purpose of this Local Law, the Town of Morristown is divided into the following districts:

R-1 Residential District
R-A Residential-Agricultural District
S Shoreline District

Provision is also made for the creation of the following district:

P-D Planned Development District

B. DISTRICTS AND THEIR PERMITTED USES.

1. R-1 Residential District

a. Purpose. The purpose of this district is to protect and enhance existing residential use, while providing for orderly residential growth and development in the town.

b. Primary uses allowed with no Site Plan Review or no Special Permit: Single family dwelling units excluding mobile and manufactured homes.

c. Prohibited Uses: Unless a use is listed as permitted, it is prohibited.

d. Permitted accessory uses. Uses and structures customarily incidental to primary, special permit & site plan review uses and structures.

e. Uses allowed with Site Plan Review and Special Permit.

i. Home occupations and Bed and Breakfasts.
ii. Conversion of one-family dwelling into two (2) units.
iii. Condominiums and Town Houses.

f. Specifications.

i. Setbacks:
(a) Front: fifty (50) feet.
(b) Side: minimum fifteen (15) feet – total thirty (30) feet.
(c) Rear: thirty (30) feet.
ii. Frontage: one hundred (100) feet.
iii. Height: thirty-five (35) feet.
iv. Minimum lot size: one (1) acre.
v. See Article V – Regulations Applicable to All Zones, B. Non – Conforming Uses, especially Existing Lots of Record.

2. R-A Residential-Agricultural District

a. Purpose. The purpose of the Residential-Agricultural District is to delineate agriculture, rural and open land areas, to include acceptable, compatible residential and business uses and growth, yet maintain a rural character.

b. Primary uses allowed with no Site Plan Review or Special Permit.

i. Agricultural and agri-business.
ii. One- and two-family dwellings.
iii. Manufactured homes.

c. Prohibited uses: Unless a use is listed as permitted, it is prohibited.

d. Permitted accessory uses

i. Uses and structures customarily incidental to primary uses, special permit and site plan review uses and structures.

ii. Accessory uses are not to be used on a commercial basis except for home occupations and agriculture.

e. Uses allowed with Site Plan Review and Special Permit

i. Home occupations.
ii. Airports & Helicopter landing sites.
iii. Camping grounds
iv. Small rural businesses (retail, restaurants, taverns, contracting and construction businesses, personal and professional services, professional offices, etc.) compatible with the surrounding character and aesthetics of the neighborhood.
v. Multiple family dwellings.
vi. Kennels and Animal hospitals
vii. Institutional Uses, Clubs, and Day-care Centers
viii. Recreational Facilities
ix. Telecommunications Towers and Wind Energy Generator Towers
x. Public Firing Ranges
xi. Condominiums and Town Houses.
xii. Gas Stations and Convenience Stores
xiii. Automobile sales, rental, repair, service, and body shop
xiv. Churches
xv. Plumbing, Building or Electrical Contracting or Supplies businesses.
xvi. Distribution facilities.
xvii. Adult use, adult bookstore

f. Specifications.

i. Setbacks.
(a) Front: seventy five (75) feet.
(b) Side: minimum of fifteen (15) feet.
(c) Rear: thirty (30) feet.
ii. Frontage: one hundred (100) feet.
iii. Height: thirty-five (35) feet, except for agricultural buildings.
iv. Minimum lot size: one (1) acre.
v. See Article V – Regulations Applicable to All Zones, B. Non – Conforming Uses, especially Existing Lots of Record.

3. S Shoreline District

a. Purpose. The purpose of this district is to delineate areas where residences are mixed with water-related businesses along a shoreline, yet protect the water quality and other environmental issues and maintain the scenic appeal of the shoreline.

b. Primary uses allowed with no Site Plan Review or Special Permit.: Single family dwelling units including manufactured homes.

c. Prohibited uses: Unless a use is listed as permitted, it is prohibited.

d. Permitted accessory uses. Uses and structures customarily incidental to primary, special permit & site plan review uses and structures.

e. Uses allowed with Site Plan Review and Special Permit

i. Uses requiring Site Plan Review and Special Permits in

a Residential R-1 District

ii. Multiple family dwellings.

iii. Art gallery/studio.

iv. Motels, restaurants and bars.

v. Retail stores, business offices and services of any type, but no larger than ten thousand (10,000) square feet of retail sales area and two thousand (2,000) square feet of customer service area, for a combined total of twelve thousand (12,000) square feet.

vi. Business or personal service.

vii. Office.

viii. Bed and Breakfast.

ix. Funeral Home.

x. Convenience store and gas station.

xi. Tourist cottages.

xii. Marina.

xiii. Bait shop/ sporting goods sales.

xiv Churches.

xv. Community residence.

xvi. Services/sales.

xvii. Gift or craft shop.

f. Specifications.

i. Setbacks:

(a) Front: fifty (50) feet.

(b) Side: minimum ten (10) feet.

(c) Rear: thirty (30) feet measured from three (3) feet above the high water mark.

ii. Frontage: one hundred (100) feet.

iii. Height: thirty-five (35) feet.

iv. Minimum lot size: one (1) acre.

v. See Article V – Regulations Applicable to All Zones, B. Non – Conforming Uses, especially Existing Lots of Record.

4. P-D Planned Development District

a. Purposes. To provide a means of developing those land areas within the community considered appropriate for new residential, recreational, commercial or industrial use – or a satisfactory combination of these uses – in an economic and compatible manner, while encouraging the utilization of innovative planning and design concepts or techniques in these areas without departing from the spirit and intent of these Land Use Regulations.

b. Procedure.

i. For the establishment of planned districts:

(a) Application for designation of a P-D District shall be referred to the Town Board. The Town Board shall refer the application to the Planning Board within ten days of receipt. The applicant shall furnish basic data pertaining to the boundaries of the proposed development, the existing zoning, topography, drainage, soil conditions, and such preliminary plans as may be required for an

understanding of the type, uses and design of the proposed development.

(b) The Planning Board and the Board's professional planning consultant, if any, shall review such application. The Board may require such changes in the preliminary plans as are found to be necessary to meet the requirements of this section, to protect the established permitted uses in the vicinity, and to promote the orderly growth and sound development of the community. In evaluating the proposal and in reaching its decision regarding the preliminary plans, the Planning Board shall consider and make findings regarding those considerations set forth under paragraph ii-c of this subsection. All applications for creation of a planned district shall be referred to the St. Lawrence County Planning Board which may review and comment on the referral within 30 days.

(c) The Town Planning Board shall report its findings and make recommendations to the Town Board within forty-five (45) days. It may approve, disapprove, or give conditional approval subject to modification regarding the proposed development.

(d) The Town Board shall hold a public hearing after public notice as required for any amendment to these regulations and shall consider the report and recommendations of the Planning Board, and all other comments, reviews and statements pertaining thereto. It may amend the Zoning map to establish and define the type and boundaries of the planned district, and in so doing may state specific conditions in addition to those provided by these regulations, further restricting the nature or design of the development.

ii. For the approval of development within an established planned district:

(a) Amendment of the Zoning map shall not constitute authorization to develop in the district.

(b) Such authorization, after a planned district has been established, shall require that the applicant submit to the Planning Board such plans and specification, supporting documents and data as shall be required by the Board, and shall specify on the plans and in writing the building types and layout, setbacks, off-street parking and loading, ingress and egress, signs, existing and proposed amenities, screening, planting and ornamental features, and the plan or arrangement for development of the area in stages or in its entirety. A copy of the proposed development will be submitted to the St. Lawrence County Planning Board for review as required under Section 239-L and Section 239-M of the General Municipal Law.

(c) The Planning Board and the Board's professional planning consultant, if any, shall set forth the particular ways in which the proposed development would or would not be in the public

interest, including, but not limited to findings of fact and conclusions on the following:

(1) In what respects the plan is or is not consistent with the stated purposes of a planned district.

(2) The extent to which the plan departs from Land Use Law and Regulations formerly applicable to the property in question (if not originally designated as a planned district), including but not limited to bulk, density, and permitted uses.

(3) The existing character of the neighborhood and the relationship, beneficial or adverse of the proposed development to this neighborhood.

(4) The location of principal and accessory buildings on the site in relation to one another and to other structures and uses in the vicinity, including bulk and height.

(5) The provision for pedestrian circulation and open spaces in the Planned development, the reliability of the proposal for maintenance and conservation of common open space and pedestrian circulation as related to the proposed density and type of development.

(6) The traffic circulation features within the site including the amount of, location of, and access to automobile parking and terminal loading areas.

(7) The amount of traffic generated at peak hours and the provisions for adequately handling such volumes, with particular reference to points of ingress and egress, potential hazards such as inadequate sight distances and intersection design, and the nature and suitability of the connecting street or highway system to absorb the anticipated changes.

(8) The provision for storm, sanitary and solid waste disposal and other utilities on and adjacent to the site.

(9) The proposed location, types and size of signs and landscape features.

(10) The physical design of the plan and the manner in which said design does or does not make adequate provision for service demands (water, sewer, fire, etc.), provide adequate control over vehicular traffic, and further the amenities of light, air and visual enjoyment.

(d) No permit shall be issued until the Planning Board has made its recommendations based on the foregoing considerations, any review by the St. Lawrence County Planning Board, and the Town Board has made its determination, and authorized issuance of a permit.

(e) All conditions imposed by the Town Board in its amendment and all subsequent conditions imposed by the Planning Board or

Town Board in their review of the final plans, including any performance of which may be conditions precedent to the issuance of any permit, shall run with the land and shall not lapse or be waived as a result of any change in tenancy or ownership of any or all of the designated district.

(f) If construction of the development in accordance with the approved plans and specifications has not begun within one year after the date of the resolution authorizing issuance of the building permit, all permits shall become null and void, the approval shall be deemed revoked and vacated, and the Town Board shall have the authority to again amend the map to restore the Zoning designation for the district to that which it had been prior to the application, or any other district.

c. Applicability of P-D Regulation to Manufactured Home Courts: All manufactured home courts will be considered under this process according to the following general guidelines. Creation, expansion, extension or alteration of any manufactured home court shall be in accord with the following minimum requirements:

1. A manufactured home court shall be located and maintained only in those districts as permitted in these regulations and in accord with the standards therein. All proposed manufactured home courts shall be subject, and developed according, to the Planned District procedures set forth under this article.
2. All existing manufactured home courts of record shall be exempt from these regulations, except that they shall comply with them whenever any addition, expansion or alteration of the use or operation is proposed, and that they shall be required to obtain an initial and annual operating permit as required by local law and state law. All existing manufactured home courts shall be limited to the number and size of manufactured homes presently accommodated at the time of adoption of these regulations, except as they shall meet the minimum requirements set forth herein. In addition, existing courts shall comply in every regard with minimum standards for health, sanitation and cleanliness.
3. A manufactured home court shall have a minimum of five (5) acres.
4. Within the manufactured home court, minimum lot size for individual manufactured homes shall be ten thousand (10,000) square feet; and within the individual manufactured home lot, yard requirements shall be as follows:
    i. Front yard – twenty (20) feet
    ii. Side yards (each) – twenty (20) feet
    iii. Rear yard – twenty (20) feet
5. Sanitary Facilities:
    i. Water and sewer – all water supply and sewage disposal systems will comply with those standards set forth in Local Law and shall furthermore be approved by the New York

State Department of Health and/or the Department of Environmental Conservation before any permit is issued.
ii. The following shall comply in every regard with those standards that may be set forth in any Local or State Law.
(a) Storm and surface drainage
(b) Open areas, yards and drives
(c) Garbage and refuse disposal

6. Utility and Fuel Installations – all wiring, fixtures and appurtenances shall be installed and maintained in accordance with the specifications and regulation of the New York Board of Fire Underwriters and the local utility company. Whenever possible, electrical transmission and other utility lines shall be placed below ground. Fuel tanks, where used, shall be placed at the rear of the manufactured home and at a distance at least five (5) feet from any exit and shall have a safety shut-off at the tank. A centralized fuel supply system will be encouraged wherever possible.
7. Roadways – No individual manufactured home, within a manufactured home court, will have access to an existing street. Internal roadways within a manufactured home court shall have a minimum right-of-way of fifty (50) feet and a minimum paved or stone course of twenty two (22) feet. There shall be no dead-end streets in any court. A cul-de-sac or Y turn around will be provided in accord with those provisions in the Town Special Permit Regulations in Article VI, Q.
8. Off-Street Parking – One off-street parking space shall be provided for each manufactured home lot in the manufactured home court outside the fifty (50) foot right-of-way and otherwise comply with off-street parking requirements as set forth elsewhere in these regulations.
9. Recreation Area – Open space areas (up to ten [10] percent of the land area) suitable for recreation and play purposes shall be designated on the site plan and shall be an integral part of any proposed manufactured home court.
10. Improvements – Each manufactured home owner/tenant shall be required to meet the standards for manufactured homes set in this code in Article IV, F. titled "Manufactured Homes on Single Lots".
11. Application for a permit shall include all information required for a Zoning permit, and in addition:
    i. A site plan to scale showing elevations, the layout of the court, individual manufactured home lots, the roadway system, parking areas, water supply, sewage disposal and recreation areas.
    ii. A complete statement describing the proposed method of sewage disposal, water supply, electric, utility and other services.
    iii. A permit issued by the New York State Department of Health with regard to matters under their jurisdiction.

All permits shall be effective until December 31 of the calendar year of their issuance. An application for the renewable operating permit shall be made to the

Town Clerk thirty (30) days prior to expiration of the previous permit. Upon recommendation of the Enforcement Officer, the Town Board shall issue or deny such permit in accord with the requirement set forth in the Land Use Law and Regulations and the established fee schedule.

C. TEMPORARY USES. The following temporary uses are allowed without a building permit, provided that they meet the requirements established for each of the following:

1. Garage Sales. Sales of tangible personal property shall be held on the premises of an owner of goods for sale or on the property of a charitable organization. Such retail sales shall be conducted for no more than fourteen (14) days in any calendar year.
2. Town-sponsored or approved uses. Temporary uses or events sponsored, supported or approved by the Town Board shall be permitted for no more than fourteen (14) days in any calendar year.

D. ZONING MAP. The location and boundaries of said districts are hereby established in the Zoning Map of the Town of Morristown. Said map, with all notations, references and designations shown thereon, is hereby made a part of these regulations.

E. INTERPRETATION OF DISTRICT BOUNDARIES. The district boundary lines are intended generally to follow the centerline of streets and highways; the centerline of railroad right-of-way; existing lot lines; the centerline of rivers, streams, and other waterways; and Town boundary lines. Where a district boundary line does not follow such a line, its position shall be shown in the Zoning map by a dimension expressing its distance in feet from a street line or other boundary line as indicated; or by use of the scale appearing on the Zoning Map. Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundary. Where district boundaries are so indicated that they are approximately parallel to the centerline of streets or highways, such district boundaries shall be construed to be parallel thereto and at such distance therefrom as indicated on the Zoning Map. In case of uncertainty as to the true location of a district boundary line in a particular instance, the Board of Appeals shall render a determination with respect thereto.

F. MANUFACTURED HOMES ON SINGLE LOTS

a. Purpose. The purpose of this section is to establish regulations for manufactured homes on a single lot in a manner that protects adjacent landowners and the safety and the general welfare of the Town. In all cases in this document when the term "manufactured home" is used, it also includes the term "mobile home". These regulations are further intended to recognize manufactured homes as a legitimate source of affordable housing appropriate to certain areas of the community. Because quality and appearance varies greatly among manufactured homes the regulations of this section are designed to insure that newly located manufactured homes are compatible with the surrounding neighborhood and that Town property values are protected.

b. Exterior Covering. The exterior covering material of the manufactured home shall be similar or closely compatible to that found on conventionally built residential structures in the surrounding area.

c. No more than one (1) manufactured home may be placed on a lot.

d. Storage. A closed, secure storage area outside the manufactured home with a minimum footprint of twenty five (25) square feet is required. That storage may be in a garage, barn, storage shed, or other accessory building.

ARTICLE V – Regulations Applicable to All Zones

A. ACCESSORY BUILDINGS.

1. On any lot intended or used for residential purposes, accessory buildings may include a garage, non-commercial home workshop or other accessory building or use in connection with principal dwelling and use.
2. Height: as allowed in the zone.
3. Location: Accessory buildings in residential zones which are not attached to a principal building may be erected in accordance with the setback requirements for the zone applicable to the principal building.
4. Non-residential accessory building. Nonresidential accessory buildings shall comply with front, rear and side yard requirements.
5. Truck bodies, trailers, buses, campers, manufactured homes, etc. shall not be used as accessory buildings.
6. Boat Houses

   Maximum Height – Boathouse shall be no more than 15 feet in height. The 15 foot maximum height starts at the top of the dock and terminates at the peak of the roof or top of the rail of a roof top deck, if so constructed.
   Maximum Length- The maximum allowed length for boathouses is 35 feet.
   Side Setback-Each side setback is 15 feet for R-1 and 10 feet for Shoreline.
   Distance from Shore - Boathouses must start no more than 8 feet from the high water mark as established by the Code Enforcement Office.
   Minimum Dock Width- The minimum established width for docks supporting a boathouse is 6 feet on all sides.
   Structural Soundness of Foundation - Foundation structural soundness will be certified by a registered NYS engineer or architect who will provide a signed and sealed report stating that the dock structure is sufficient to support the proposed boathouse.
   Supporting Structure-Boathouse must be on permanent non-floating docks for all bodies of water in the town.

B. NONCONFORMING USES, LOTS AND STRUCTURES. Any use commenced after the effective date of the Local Law shall comply with its provisions. Any legal use commenced prior to the effective date of this Local Law shall be permitted; however, expansion of such use shall be subject to this Local Law. Lots of record which are smaller in area than the minimum required size as of the date of this Local Law shall be deemed to be in conformance with the minimum lot sizes specified herein but not automatically with respect to the minimum required setbacks.

1. A <u>nonconforming building or use</u> which has been damaged by fire or other natural causes may be restored, reconstructed or used as before, provided that the non- conforming area requirements shall not exceed that which existed before said damage. Said restoration must have a building permit issued and work started within five years unless an extension is granted by the Zoning Board of Appeals for due cause. In kind replacement of existing elements shall be permitted in nonconforming uses.

2. Existing lots of record: A one-family dwelling may be constructed on any lot of record at the time of the passage of these regulations in any permitted district even if said lot is less than the minimum area required for building lots in the district in which it is located, providing the following conditions exist or are met:
   a. Adjoining vacant land – The owner of said lot owns no adjoining vacant land which would create a conforming lot if combined with the lot which is deficient in area.
   b. Front and Rear yards – Any structure erected on a nonconforming lot shall have front and rear yards conforming to the minimums required for the Residence District in which said property is located, except where conditions make it impossible, and then such as shall be determined by the Board of Appeals.
   c. Side yards – Any structure erected on a non-conforming lot shall have a minimum side yard of ten (10) feet, except that it shall be twenty (20) feet adjacent to any street.
   d. The Zoning Board of Appeals shall determine the yards and building width of a lot of record at the time of the passage of these regulations, if the yard requirements would result in a residential structure less than twenty-four (24) feet wide.
3. The Planning Board may issue a Special Permit allowing replacement of a nonconforming manufactured home destroyed by catastrophe with a unit of the same size or the next larger available size. The replacement must still meet setback requirements and other specifications for the zone to the same degree as the original structure.

C. PARKING. This section is designated to reduce problems caused by inadequate or poorly designed parking facilities.

1. Off Street Parking. All uses shall provide off-street parking for all vehicles parked during typical peak use periods. Parking shall be designed to eliminate the need to back out into any public or private road. Multiple dwellings and commercial developments must comply with general requirements for facilities for physically handicapped in the New York State Uniform Fire & Building Code.
2. Parking Spaces. A parking space shall not be less than ten by twenty (10 by 20) feet, exclusive of access ways and driveways. Single-family residences need not exclude driveway area.
3. Access to Parking. Off-street parking areas for nonresidential uses shall provide access to parking spaces.
4. Minimum Parking Standards. Minimum standards supplementary to the basic standard cited above are as follows:
   a. One (1) parking space for every three (3) seats in a public meeting place.
   b. One (1) parking space for each employee in the largest shift at places of employment.

c. One (1) parking space for every three-hundred (300) square feet of gross floor area for commercial and retail uses.
d. Two (2) parking spaces for the first one-thousand (1000) square feet of gross floor area, plus one (1) parking space for every four-hundred (400) square feet over the one-thousand (1000) square feet of gross floor area in business and professional offices.
e. Two (2) parking spaces per dwelling unit must be provided.

D. SIGNS. Signs shall be permitted only according to standards listed as follows, unless otherwise stated in this local law.

1. No sign attached to a building shall be higher than the principal building, and shall not exceed twenty five (25) feet in height above average grade of the site.
2. No free standing sign shall be higher than ten (10) feet above the finished grade of the site.
3. No general advertising signs unrelated to the authorized use of the premises are allowed.
4. No sign shall project into a public right-of-way.
5. No sign shall be erected on a public utility pole or traffic control structure.
6. All existing signs at the enactment of this local law shall be allowed to remain as long as they are properly maintained and their use remains current.
7. Temporary unlighted signs erected by and for non-profit organizations, such as churches, American Legion, scouts, political organizations, etc. advertising suppers, banquets, benefits, fund-raising sales, etc. may be erected for a forty-day period without permit in any zone, provided that the sign will not constitute a traffic hazard, and the property owner has given permission. Said sign shall be removed within forty-eight (48) hours after the advertised event.
8. Signage per site permitted: two (2) free standing signs with a total of sixty square feet with no side to exceed thirty square feet. In lieu of one (1) freestanding sign, sign/signs on the building, not to exceed a total of forty (40) square feet are permitted.
9. Home Occupation: One (1) attached or one (1) free standing sign having no more than six (6) square feet per side with a maximum of two (2) sides and a maximum height of eight (8) feet.
10. Any sign adjacent to a residentially used property must be at least fifteen (15) feet from the adjoining property line.

E. FENCES.

1. A "fence" is defined for the purposes of this chapter, as an artificially constructed barrier of any material or combination of materials erected to enclose or screen an area of land or water.
2. All open, solid or opaque fences, no taller than six (6) feet in height on the side and rear yards or four (4) feet in height on the front yard and, if a corner lot on the said yard, are permitted without a building permit, provided that such fencing:

a. Does not block visibility of on-coming traffic at intersections or driveways; and
b. Projects a finished side outward towards adjoining lots; and
c. Is not a commercial project.

3. Property owners may apply to the Zoning Board of Appeals for a variance for a higher fence which will require a building permit and is subject to Site Plan Review.
4. The provisions of this section will not apply to agricultural operations in an Agricultural District.

F. VARIANCES TO MINIMUM LOT SIZE. The Zoning Board of Appeals may grant the following variance to the requirements for minimum lot size: the requirement may be reduced to three-quarters of an acre. In considering applications for such a variance, the Zoning Board of Appeals shall consider the general purposes of the Land Use Law and Regulations, the issues and procedures in site plan review, and the health and sanitation issues involved when wells and septic systems are too close together.

G. MISCELLANEOUS

1. No structure shall be located in an area possibly subject to seasonal flooding, except as it complies with FEMA elevation guidelines.
2. Driveways or other points of vehicular access onto public roads shall be located in such a manner so as to prevent hazards, such as blind driveways.
3. All residences are required to post their addresses.

ARTICLE VI – SPECIAL PERMITS

A. PURPOSE. It is the intent of this local law to use special permits to control the impact of certain uses upon areas where they could be incompatible unless conditioned in a manner suitable to a particular location. Special permits bring needed flexibility and individuality to the otherwise rigid controls of Land Use Law and Regulations.

B. ADMINISTRATION. The authority to review and grant special permit requests shall rest with the Town Planning Board.

C. PROCEDURE.

1. Each application for a special permit shall be on forms approved by the Town Planning Board and shall meet all requirements and condition set forth in ARTICLE VII (Site Plan Review).
2. The Code Enforcement Officer shall refer the submitted special permit application to the Town Planning Board within ten (10) days after receiving the complete application.
3. At its next regular or special meeting, the Town Planning Board shall designate a public hearing date, not to exceed sixty two (62) days from the date application was received by the Planning Board. The applicant or agent for the applicant should attend the Planning Board meeting to answer questions concerning the application.
4. The Town Planning Board shall send a notice of the public hearing to the applicant and publish a hearing notice in the official newspaper. The applicant is required to notify any agricultural operator within an Agricultural District and within five-hundred (500) feet of a proposed project. In addition, The Town Planning Board shall provide written notice to all owners of land located within five-hundred (500) feet of real property affected by such a special permit. In instances where a proposed project is within five-hundred (500) feet of an adjacent township, the applicant shall also provide written notice to said township. The applicant shall supply the Town Planning Board with two sets of address labels of all property owners within 500 feet of real property affected by the special permit. The applicant must supply the Planning Board with notification letters post paid at least ten (10) days before the public hearing.
5. The notice of the public hearing shall be published at least five (5) calendar days prior to the date of the public hearing and shall contain sufficient information so as to identify the property involved and the nature of the proposed action.
6. The Town Planning Board shall make a factual record of all its proceedings involving the granting of a special permit. The record of the Planning Board shall contain the reasons for its decision.
7. The Town Planning Board shall render its decision, either approving, approving with conditions or denying within sixty-two (62) days after the hearing, unless an extension is mutually agreed upon. Any conditions included with a Special Permit are subject to inspection annually by the Code

Enforcement Officer. All special use permit decisions shall be filed with the Town Clerk no later than five (5) business days from the date of decision and a copy of the decision shall be mailed to the applicant.

8. Special Permits are good until the property is sold at which point the purchaser may reapply for a new permit.

D. FINDINGS.

1. The Planning Board shall make written findings for each special permit decision. Findings shall state the decision, the basis for the decision and the evidence relied upon to reach the decision. Compliance with the requirements of Article VI and Article VII shall be substantiated.
2. All decisions shall be made by at least a majority of the full membership of the Town Planning Board. In those cases of a referral disapproved or approved with conditions by the County Planning Board, a majority plus one shall be required to override the County Planning Board decision. A simple majority may always disapprove a County Planning Board recommendation, made under the Town-County Memorandum of Understanding.

E. ADULT STORES.

1. Adult stores shall be a minimum of one thousand (1,000) feet from any school and five hundred (500) feet from any residences.
2. Exterior signage with nudity and/or obscenity is prohibited.
3. The size of signs for Adult Stores is limited to two (2) free standing signs with a total of thirty (30) square feet with no side to exceed fifteen (15) square feet. In lieu of one (1) freestanding sign, sign/signs on the building, not to exceed a total of twenty (20) square feet are permitted.
4. Not allowed in Residential (R-1) or Shoreline (S) Districts.

F. AIRPORTS. A Special Permit is needed in any zone.

1. An application for the establishment, construction, enlargement or alteration of an airport shall include, in addition to requirements for Special Permit and Site Plan Review as set forth in Article VII, the following statements and information.
    a. Name and address of the proponent.
    b. Classification of the proposed airport (commercial, non-commercial or restricted).
    c. Type of aviation activities proposed (aircraft sales and service, flight instruction, crop dusting, air taxi, etc).
    d. Number of aircraft expected to be based at the airport initially and within five (5) years.
    e. Type of aircraft expected to be based at the airport (single engine, multi-engine, turboprop, etc..).
    f. Whether an instrument approach procedure will be offered.
    g. Statement as to the anticipated number of daily operations.

h. Copy of the airspace clearance granted by the Federal Aviation Administration for this airport, including United States Geological Survey topographic map.
i. Copy of the New York State Commissioner of Transportation's determination concerning this airport in accordance with the provisions of #249 of the New York State General Business Law.
j. A site plan of the airport, as approved by the Planning Board, which includes the following, in addition to other site plan requirements given in Article VII:
    i. Scale no smaller than one (1) inch equals one hundred (100) feet.
    ii. Location of existing and proposed structures.
    iii. Alignment of existing and/or proposed runways shall be shown in exact location and magnetic bearing to the thirty (30) minutes.
    iv. Existing and proposed contours at five-foot intervals.
    v. Location of aircraft parking and tie-down areas.
    vi. Provisions for access and off-street parking.
    vii. Provisions for sanitary waste disposal and water supply.
    viii. Location and method of fuel storage.
k. An area map at a scale of no less than one (1) inch equals five hundred (500) feet showing:
    i. Distances, power lines, or other possible obstructions within two thousand (2,000) feet of the ends of runways shall be accurately plotted in an area extending out from each side of the runway at a 45 degree angle.
    ii. Properties within five hundred (500) feet shall be plotted and identified.
l. Proof of Compliance with all applicable Federal Aviation Administration requirements and a copy of the New York State Commissioner of Transportation's determination that this facility is in accordance with the provisions of # 249 of the New York State General Business Law.

G. CAMPGROUNDS. Campgrounds shall be occupied only by travel trailers, pick-up camper, motor homes, camping trailers, recreational vehicles and tents suitable for temporary habitation and used for travel, vacation and recreational purposes. The removal of wheels or placement of a unit on a foundation in a camping ground is prohibited. Campgrounds must meet these specific regulations:

1. Minimum gross site area: five (5) acres.
2. Not more than eight (8) travel trailers, campers, tents, recreational vehicles or motor homes shall be permitted per acre of gross site area. This provision shall not preclude a single tenant such as a scout troop or a family from erecting multiple tents on a single campsite, subject to the discretion of the camp ground operator.

3. Minimum site: there shall be a minimum of 5,000 square feet per campsite and a minimum of 10% open space per campsite.
4. Minimum site width is fifty (50) feet. Setbacks for the frontage shall be the normal setbacks for the zone the campground is in. No site shall be within fifty (50) feet of a property line.
5. There shall be a fifty (50) foot buffer area between the outside boundaries of the campsite area and adjacent property lines which shall meet setback requirements.
6. Conditions of soil, groundwater level, drainage and topography shall not create hazards to the property or the health and safety of the occupants. The site shall not be exposed to objectionable smoke, odors or other adverse influences, and no portion of the campgrounds subject to flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazards.
7. Management headquarters, recreational facilities, toilets, dumping stations, showers, coin-operated laundries and other uses and structures customarily incidental to the operation of campgrounds are permitted as accessory uses to the campgrounds. In addition, retail stores and other convenience establishments shall be permitted as accessory uses in campgrounds in such zones where such uses are not allowed as principal uses; however, such establishments shall present no visible evidence from any street outside the campground of their commercial character.
8. Potable water and sewage disposal: potable water and sewage disposal must meet Department of Health standards.
9. Campgrounds shall conform to the rules for on-site sewerage for commercial users as listed in the most current edition of the DEC publication "Design Standards for Wastewater Treatment Works".

H. CONDOMINIUMS AND TOWN HOUSES. Condominium and Town House projects are subject to review by the Planning Board, especially regarding protection of neighboring properties from noise, glare, and other noxious conditions. The review shall cover the issues involved in Site Plan Review in ARTICLE VII, Section E, 1. General Considerations. The Planning Board may attach conditions to its approval as it sees fit.

I. GRAVEL QUARRY.

1. Allowed only in the Residential-Agricultural District.
2. Requires Site Plan Review
3. Must obtain a New York State D. E. C. Mining Permit where necessary.

J. HELICOPTER LANDING SITES. Helicopter landing sites will be allowed in the Town of Morristown only in the Residential-Agricultural District. In all districts, temporary helicopter landing sites may be designated for special events by special permit issued by the Code Enforcement Officer. Applicants must obtain a special permit that shall be accompanied by a site plan that meets site plan requirements in Article VII. Proof of Compliance with all applicable Federal Aviation Administration requirements and regulations and a copy of the New York State Commissioner of Transportation's

determination that this facility is in accordance with the provisions of # 249 of the New York State General Business Law. Landings are permitted in all zones for emergency situations.

K. HOME OCCUPATIONS AND BED AND BREAKFASTS.

1. The Town Planning Board may upon application and a Public Hearing thereon, permit a Home Occupation or Bed and Breakfast in any zone subject to the provisions of this definition and subject to the applicant's ability to provide reasonable evidence that all of the following conditions will be met. The following standards shall apply:
    a. The occupation will be conducted entirely within a dwelling or existing accessory structure.
    b. The occupation must clearly be incidental and subordinate to the principal use of the dwelling.
    c. The establishment and conduct of Home Occupation shall not change the principal character or use of the dwelling unit involved.
    d. No more than three (3) people other than members of the immediate family residing on the premises may be employed.
    e. Not more than twenty-five percent (25%) of the first floor area, not to exceed five-hundred (500) sq. ft. of the residence may be devoted to such Home Occupation in either the dwelling or an accessory structure.
    f. Such occupation shall not require extensive internal or external alteration or invoke construction features not customarily in a dwelling.
    g. No traffic shall be generated by such Home Occupation in significantly greater volume than would normally be expected in the zone, and any need for parking generated by the conduct or such Home Occupation shall be met off the street and other than in a required front yard.
    h. See ARTICLE V, D. 9 in reference to sign regulations.
    i. Notwithstanding the provisions of this section K. HOME OCCUPATIONS, The Town Planning Board, upon application, with a Public Hearing and, at its option, Site Plan Review, may permit daycare as a Home Occupation.
2. Voiding of Permit.
    a. On the recommendation of the Code Enforcement Officer the Town Planning Board may void any Home Occupation Permit for non-compliance with the conditions set forth in approving the Permit.
    b. A Home Occupation Permit is not transferable from the holder to another person or entity. Upon any sale of the premises where a Home Occupation Permit has been authorized, that Permit shall be void as of the date of transfer of title. The new owners may apply for a new permit.

L. INSTITUTIONAL USES, CLUBS, AND DAY-CARE CENTERS. In addition to meeting the minimum yard and lot coverage requirements, any Institutional Use, Club, or Day-care Center shall be subject to the following limitations:

1. The Town Planning Board, in addition to the site plan review criteria specified elsewhere in ARTICLE VII, shall specifically consider the following in evaluating an institutional use proposal. Evidence of such additional consideration shall be set forth in writing as part of the determination record issued by the Town Planning Board for the proposed use.
    a. Compatibility. The use shall be of such location, size and character that will be in harmony with the appropriate and orderly development of the neighborhood in which it is situated and will not be detrimental to the orderly development of adjacent districts and uses.
    b. Effect on adjacent uses. The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the proper development and use of adjacent land and buildings or impair the value thereof.
2. Businesses that will emit State-threshold levels of dust, smoke or fumes shall obtain air quality permits from the Regulatory Affairs Office of the NYS Department of Environmental Conservation prior to submitting an application.
3. Off-street parking shall be provided for all residents, customers and/or employees in compliance with the ARTICLE V, C. of this local law. As may be required, such uses shall make adequate provisions for any necessary off-street loading.
4. Signage shall meet the standards set forth in ARTICLE V, D of this local law.

M. KENNELS AND ANIMAL HOSPITALS. Not allowed in Residential (R-1) or Shoreline (S) Districts. Requires a special permit in Residential-Agricultural (R-A) District. Kennels and animal hospitals must meet these specific regulations:

1. Adequate landscaping or fencing shall be provided to create a visual, sound and odor buffer between such facility and adjacent properties.
2. All buildings, pens, runs, structures or other accessory uses shall be at least seventy-five (75) feet from any property line.
3. Buildings and runs shall not occupy more than fifty percent (50%) of the lot.

N. MOTORIZED VEHICLE AND EQUIPMENT SALES AND SERVICE AND COMMERCIAL FUEL OUTLETS, WITH OR WITHOUT CONVENIENCE STORE.

1. Lot requirements: same as requirements for zone in which located.
2. Entrance and exit driveways shall have an unrestricted width of not less than twenty (20) feet and shall be located not nearer than twenty (20) feet from any property line and shall be designed to avoid the necessity of any vehicle backing out into any public right-of-way.
3. All buildings and above ground storage tanks shall be set back from the major or secondary road line a distance of not less than seventy-five (75) feet.
4. Fuel pumps shall be located not less than forty (40) feet from the road centerline and not less than thirty (30) feet from all other property lines.

5. No such establishment shall be located within a distance of two hundred (200) feet of a school, church, hospital, nursing home, senior citizen housing or other place of public assembly designated for occupancy of more than fifty (50) persons or within five hundred (500) feet of another gasoline station or repair garage on the same side of the street. Said distance shall be measured in a straight line between the nearest points of another gasoline station or repair garage on the same side of the street. Said distance shall be measured in a straight line between the nearest points of each lot.
6. The entire area of the site traveled by motor vehicle shall be hard-surfaced or graveled.
7. Motor vehicles and equipment shall be stored in a neat and orderly manner. Partially dismantled or wrecked vehicles or equipment shall be screened to avoid visual unattractiveness.
8. Any new motorized vehicle, equipment sales and service, commercial fuel outlets with or without a convenience store that will be adjacent to a residential use or zone shall be screened from the residential use or zone by dense natural plantings or a solid wall or fence to a point where one is not visible from the other. The separation shall not hinder visibility for traffic flow.

O. MULTIPLE-FAMILY DWELLINGS. Multiple-family dwellings must meet these specific regulations:

1. The maximum gross density shall not exceed eight (8) units per acre providing all health and State Building Code requirements are met.
2. The building lot coverage of multiple-family dwelling developments shall not exceed thirty percent (30%) of the total lot area.
3. Setback requirements:
    a. Front setbacks shall be whatever the zone setback requirements are.
    b. The side and rear setbacks shall be fifty (50) feet from all other lot lines.
    c. Minimum distance between buildings in a multiple-family dwelling development shall be eighty (80) feet.
4. Off-street parking shall be provided in the amount of two (2) spaces for each unit. Additional visitor parking of 0.25 parking spaces per dwelling unit shall be required. [One (1) additional parking space for each four (4) units.]
5. Plans submitted for site plan approval shall include: sewage disposal, water supply, storm drainage, recreation area, landscaping, lighting and any other requirements of site plan review.

P. PUBLIC FIRING RANGE. Not allowed in Residential (R-1) or Shoreline Districts (S). Public Firing Ranges are subject to review by the Planning Board, especially covering the use of bunkers, berms, and other tools to address safety issues, as well as covering the issues involved in Site Plan Review in ARTICLE VII, Section E, 1. General Considerations. The Planning Board may attach conditions to its approval as it sees fit.

Q. RECREATIONAL FACILITIES. In addition to meeting the minimum yard and lot coverage requirements, any Recreational Facility shall be subject to the following limitations:

1. The Town Planning Board, in addition to the site plan review criteria specified elsewhere in ARTICLE VII, shall specifically consider the following in evaluating a recreational use proposal. Evidence of such additional consideration shall be set forth in writing as part of the determination record issued by the Town Planning Board for the proposed use.
    a. Compatibility. The use shall be of such location, size and character that will be in harmony with the appropriate and orderly development of the neighborhood in which it is situated and will not be detrimental to the orderly development of adjacent districts and uses.
    b. Effect on adjacent uses. The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the proper development and use of adjacent land and buildings or impair the value thereof.
2. Businesses that will emit State-threshold levels of dust, smoke or fumes shall obtain air quality permits from the Regulatory Affairs Office of the NYS Department of Environmental Conservation prior to submitting an application.
3. Off-street parking shall be provided for all residents, customers and/or employees in compliance with the ARTICLE V, C. of this local law. As may be required, such uses shall make adequate provisions for any necessary off-street loading.
4. Signage shall meet the standards set forth in ARTICLE V, D of this local law.

R. SMALL RURAL BUSINESS, PLUMBING, BUILDING OR ELECTRICAL CONTRACTING OR SUPPLIES, AND DISTRIBUTION FACILITIES. In addition to meeting the minimum yard and lot coverage requirements, any Small Rural Business, Plumbing, Building or Electrical Contracting or Supplies Business or Distribution Facility shall be subject to the following limitations:

1. The Town Planning Board, in addition to the site plan review criteria specified elsewhere in Article VII, shall specifically consider the following in evaluating a small rural business proposal. Evidence of such additional consideration shall be set forth in writing as part of the determination record issued by the Town Planning Board for the proposed use.
    a. Compatibility. The use shall be of such location, size and character that will be in harmony with the appropriate and orderly development of the neighborhood in which it is situated and will not be detrimental to the orderly development of adjacent districts and uses.
    b. Effect on Adjacent Uses. The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the proper development and use of adjacent land and buildings or impair the value thereof.

2. The total number of employees, including owner(s) shall not exceed ten (10) persons. The Zoning Board of Appeals, may, however, issue a variance allowing more employees when the applicant demonstrates that the variance would be consistent with the purposes of the Residential-Agricultural District.
3. Businesses that will emit State-threshold levels of dust, smoke or fumes shall obtain air quality permits from the Regulatory Affairs Office of the NYS Department of Environmental Conservation prior to submitting an application.
4. Off-street parking shall be provided for all residents, customers and/or employees in compliance with the ARTICLE V, C. of this local law. As may be required, such uses shall make adequate provisions for any necessary off-street loading.
5. Signage shall meet the standards set forth in ARTICLE V, D of this local law.
6. As may be applicable petroleum bulk storage permits shall be obtained from the NYS Department of Environmental Conservation prior to submitting an application for Small Rural Business.

S. TELECOMMUNICATION TOWERS. Not allowed in Residential (R-1) or Shoreline (S) Districts.

1. Shared use of existing towers. At all times, shared use of existing towers or the co-location of a new telecommunication facility on an existing structure shall be preferred to the construction of new towers. An applicant shall be required to present an adequate report inventorying existing towers within a reasonable distance of the proposed site and outlining opportunities for shared use of existing facilities as an alternative to a proposed new tower.
    a. An applicant proposing to share the use of an existing tower shall be required to document intent from an existing tower owner to allow shared use.
    b. The Board shall consider a new telecommunication tower where the applicant adequately demonstrates that shared usage of an existing tower is impractical. The applicant shall be required to submit a report demonstrating good-faith efforts to secure shared use from existing towers as well as documentation of the physical and/or financial reasons why shared usage is not practical. Written requests and responses for shared use shall be provided.
2. Shared usage of site with new tower. Where shared usage of an existing tower is found to be impractical, the applicant shall investigate shared usage of an existing tower site for its ability to accommodate a new tower and accessory uses. Documentation and conditions shall be in accordance with Subsections (1.)(a.) and (b.) above. Any new telecommunication tower approved for an existing tower site shall be subject to the standards of Subsection (3.) through (12.) below.
3. New tower at a new location. The Board shall consider a new telecommunications tower on a site not previously developed with an existing tower. The applicant shall adequately demonstrate that shared usage of an existing tower site is impractical and shall submit a report demonstrating good-faith efforts to secure shared use from existing towers, as well as documentation

of the physical and/or financial reasons why shared usage is not practical. (Written requests and responses for shared use inquiries shall be provided.) Information regarding the required need for the new telecommunications tower shall be required to the form of empirical data illustrating said need.

4. Future shared usage of new towers. The applicant must examine the feasibility of including a telecommunication tower in his proposed plan that will accommodate future demand for reception and transmitting facilities. The scope of this analysis shall be determined by the Board. This requirement may be waived, provided the applicant demonstrates that provisions of future shared usage of the facility are not feasible and an unnecessary burden, based upon:
    a. The number of Federal Communications Commission (FCC) licenses available for the area.
    b. The kind of tower site and structure proposed.
    c. The number of existing and potential licenses without tower spaces.
    d. Available spaces on existing and approved towers.
    e. Potential adverse visual impact by a tower designed for shared usage.
5. Lot size and setbacks for new towers. All proposed telecommunication tower and accessory structures shall be located on a single parcel and set back from abutting residential parcels, public property, or street lines a distance sufficient to substantially contain all ice-fall or debris from tower failure on-site and to preserve the privacy of the adjoining residential properties.
    a. Lot size of parcels containing a tower shall be determined by the amount of land required to meet the setback requirements. If the land is to be leased, the entire lot required shall be leased from a single parcel.
    b. All tower bases shall be located at a setback from any property line a minimum distance equal to one and one half (1 ½) times the height of the tower.
    c. Accessory structures shall comply with the minimum setback requirements in the underlying zoning district.
6. Visual impact assessment. The Board shall require the applicant to undertake a visual impact assessment of any proposed new towers or any proposed modification of an existing tower. The visual impact assessment shall include:
    a. A "Zone of Visibility Map" provided to determine location(s) where the tower may be seen from.
    b. Pictorial representations of "before and after" views from key viewpoints both inside and outside of the Town, including but not limited to, state highways, major roads, state and local parks, and areas of aesthetic interest.
    c. Alternative tower designs and color schemes.
    d. Description of visual impact of the tower base, guy wires and foundations, accessory buildings, and overhead utility lines from abutting properties and streets.
7. If tower lighting is required by federal, state, or local regulations, a lighting technique will be used which will not interfere with the reasonable use of neighboring property. In particular, strobe lights may not be operated at nighttime with daylight intensity levels.

8. New tower design. Alternative designs shall be considered for new towers, including lattice and single pole structures. The design of a proposed new tower shall comply with the following:
    a. Towers and antennas shall be designed to withstand the effects of the wind according to the standards designated by the American National Standards Institute as prepared by the engineering department of the Electronics Industry Association and the Telecommunications Industry Association.
    b. Unless specifically required by other regulations, all towers shall have a finish compatible with the surrounding area that shall minimize the degree of visual impact.
    c. The Board may request a review of the application by a qualified engineer for the evaluation of need for the design of any new tower.
    d. Facilities shall maximize the use of building materials, colors and textures designed to blend with the ambient surroundings.
    e. No portion of any tower or related structure shall be used for a sign or other advertising purpose, including, but not limited to, company name, phone numbers, banners, or streamers.
9. Screening. Deciduous or evergreen tree plantings may be required to screen portions of the tower and accessory structures from nearby residential property as well as from public sites known to include important views or vistas. Where a site abuts a residential or public property, including streets, screening shall be required.
10. Access. Adequate emergency and service access shall be provided. Maximum use of existing roads, public or private shall be made. Road construction shall, at all times minimize ground disturbance and vegetation cutting to within the top of fill, the top of cuts or no more than ten (10) feet beyond the edge of any pavement. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.
11. Fencing. Sites of proposed new towers and sites where modifications to existing towers are proposed shall be adequately secured. A fence approved by the Board shall enclose the site unless the applicant demonstrates to the Board that such measures are unnecessary to ensure the security of the facility.
12. Health Concerns – Testing and Reporting. The tower company may be required to pay for regular inspections (annually) if such structure is located within one-thousand (1000) feet of a residence or occupied structure and provide the local governments with a copy of the inspection report to assure continued compliance with FCC emissions standards.
13. Removal. Obsolete or unused towers and related structures shall be removed from any site within one year of discontinuance of use.

T. TOURIST COTTAGES. Colonies of two or more cottages or one cottage and one single family residence on a plot of land under single ownership are subject to review by the Planning Board, especially regarding adequate emergency and service access. The review shall cover the issues involved in Site Plan Review in ARTICLE VII, Section E, 1. General Considerations. The Planning Board may attach conditions to its approval as it sees fit.