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VILLAGE OF MORRISTOWN

ZONING LAWS

ARTICLE I GENERAL PROVISIONS

Section 1. Title

These Laws hence forth shall be known as the Zoning Laws for the Village of Morristown, New York.

Section 2. Authority

Enactment of this Local Law by the Village of Morristown is pursuant to Article 7 Section 7.700 of Village Law of the State of New York.

Section 3. Scope

A. These regulations shall apply to the construction, erection or location of any new building or use; the expansion or addition that would alter the exterior dimensions of an area occupied by an existing building or use; and the introduction, expansion or change of any use as provided for the Village of Morristown.

B. These regulations authorize and empower those duly appointed or delegated by the Board of Trustees of the Village of Morristown to approve or disapprove zoning permits, site plans, variance applications and special use permits.

C. Whenever the requirements of this Local Law are at variance with the requirements of any lawfully adopted rules, regulations or ordinances, such as the New York State Uniform Fire Protection and Building Code, the most restrictive or those imposing the higher standards shall govern.

Section 4. Purpose

The purpose is to promote the health, morals, safety and general welfare of the Village; to conserve the value of property; and to establish zones wherein regulations concerning the use of land, and other supporting regulations, will be set forth to encourage the most appropriate development of the Village in accordance with an overall development plan.

Section 5. Enactment

This Local Law shall take effect upon its being duly filed in the office of the Secretary of State after adoption by the Village Board of the Village of Morristown. The effective date of these Regulations shall be the date that the Secretary of State notifies the Village that the Local Laws are filed. From and after the date when this Law takes effect, any and every existing Law or Ordinance of the Village of Morristown, pertaining to zoning or land use control is hereby superseded and repealed.

Section 6. Fees Schedule

Every application for a building permit / special permit shall be accompanied by a fee as noted on a fee schedule as established by the Village Board of Trustees by resolution. The fee schedule will be available at the Village Office for review. Fees may be amended from time to time by the Village Board of Trustees by resolution.

ARTICLE II LAND USE CONTROL DISTRICTS

Section 200

For the purpose specified in these Laws, the Village of Morristown is divided into the following land use control districts:

RESIDENTIAL (R)- The intent of the Residential zoning district is to provide a high quality residential environment in suitable areas of the Village. This district is intended to be composed mainly of single and two family houses of conventional construction or appearance and for supporting public or semi-public uses. (See Article III for permitted and conditional use / special permitted uses).

COMMERCIAL (C)- The intent of the Commercial zoning district is to provide designated areas of the Village where business of a retail or personal service nature (grocery stores, restaurants, gas stations), residential usages such as multi-family dwelling units or town houses and public uses such as fire stations, post offices, municipal building (s). (see Article III for permitted and conditional use / special permitted uses in a Commercial District).

SHORELINE DEVELOPMENT (SD) - All planned shoreline development is subject to site plan review by the Village Planning Board. A Special Use Permit requirement may be necessary for all development in this zone.

Section 201 Zoning Map

There shall be a map known and designated as the "Official Village of Morristown Zoning Map", which shall show the boundaries of all zoning districts within the Village. This map shall be available for inspection in the Village Office. All land use within the Village of Morristown shall fall within one of the established land use control districts as shown on a zoning map. Said map and all notations and references shown thereon are hereby incorporated into, and made part of, these Laws.

Section 202

In determining boundaries of land use control districts, the following guidelines shall apply:

1. Boundary lines are intended to follow center lines of streams, streets and road lines as shown on plots of record at the time these Laws become effective. Where the map indicates a boundary approximately upon a lot line, such lot line shall be construed to be said boundary.

2. Where boundaries are shown approximately parallel to a street, highway or shoreline such boundaries shall be construed to be parallel to the center of said street, highway, railroad or to said shoreline, and at such distance there from as indicated on the zoning map. If no dimension is specified on the zoning map, the boundary shall be determined by use of the graphic scale drawn on said map. Dimensions shown on the zoning map are intended to be measured from the street right-of-way line or the high water mark.

3. If a lot is divided by a zoning district line, a variance is required.

ARTICLE III ZONING DISTRICT REGULATIONS

Section 300

Except as hereinafter provided, the following general provisions shall apply to land use and development in the Village of Morristown.

1. General Application. No land or building shall hereafter be used or occupied and no building or part thereof shall hereafter be enlarged or its use altered unless such action is in conformance with all the regulations specified for the land use control district in which said action occurs.

2. Small Lots. No lot shall hereafter be reduced or altered so as to result in a lot that does not meet the minimum area or yard requirements prescribed by this Law.

3. Yards. In determining the size of yards, for the purpose of this Law, porches or covered terraces open at the sides, but roofed, shall be considered a part of this building.

4. Height. The height limitations of this Law shall not apply to church spires, belfries, cupolas, chimneys, skylights, mechanical equipment, water tanks, monuments, flagpoles, utility lines or similar features as determined by the Planning Board.

5. Area Measurements. Measurements for minimum lot size and front yards shall be made from the road right-of-way line and not the center of the road (see appendix page ii).

6. Repair of Excavations. Within one year after work on any excavation for a building has begun such excavation shall be covered or filled by the owner to the normal grade. Any excavation or cellar hole remaining after demolition or destruction, or a building from any cause shall be fenced immediately and covered over or filled within one year. If the owner fails to cover or fill such excavation after thirty (30) days written notice by the Code Enforcement Officer, the Village Board may order said excavation to be covered or filled, and will charge the owner any cost connected therewith.

7. Drainage-ways. Natural drainage-ways shall be preserved in its natural state and shall be kept free of debris or other obstructions to water flow. Where relocation of such a drainage-way cannot be avoided it must be carried out in a way that will assure the free and unobstructed flow of storm water.

8. Rubbish and Junk. Lots in all use control districts shall be kept free from abandoned inoperable vehicles, discarded building material, appliances, household garbage, furniture and all forms of rubbish and junk.

9. General Maintenance. Property in all land use districts shall be maintained in an orderly fashion as to not deter from the general appearance or makeup of the district in which it is located in. Examples: lawns shall be mowed and maintained; all buildings shall be maintained, repaired, painted or sided.

10. Flood Hazard Area - (100' from St. Lawrence River)

a. Notwithstanding any other provisions of this Law, all development occurring within a Flood Hazard Area as delineated on the Zoning Map, and involving a structure or the placement of fill material shall be permitted only by approval of the Planning Board. In considering requests for such approval the Planning Board, shall be satisfied that such structure or fill area will not significantly retard the free flow of flood water and that the lowest habitable floor of any dwelling will be above the flood level or be flood proofed.

b. In general, the flood hazard boundary will be considered to coincide with limits of the special flood hazard area as shown on map prepared by the Village of Morristown and the Department of Housing and Urban Development as periodically amended.

c. The Planning Board may require flood-proofing measures for all buildings and structures other than those which have low flood damage potential. Of special concern will be: provisions for anchorage or added weight to prevent flotation and lateral movement of the structure; design of water supply systems so as to minimize infiltration of flood waters; and, design and location of sewage disposal systems so as to prevent contamination from said systems during flooding.

11. More Than One Principal Structure Per Lot. There may be constructed more than one principal structure on a lot, provided that all structures are so located that a separate lot could be formed for each principal structure which would comply with all lot area, width, and setback requirements for the district in which the property is located.

Section 301 Zoning Districts

1. Purpose. The purpose of this section is to set forth the land use activities which will be permitted in the village of Morristown; to specify the land use control districts in which each activity will be permitted, subject to the general and special regulations pertaining to the district in which the land use activity is located; and to set forth supplementary use regulations that apply to selected land use activities in the village of Morristown.

2. Land Use Activities, Districts, and Special Requirements.

The following list of land use activities and the districts wherein each activity can occur and any special requirements applying to such use in said district are set forth in this section. All land use activities not set forth are not permitted in the village of Morristown.

RESIDENTIAL DISTRICTS

a. Permitted Uses (requiring a building permit)

One-family dwelling unit
Two-family dwelling unit
Mobil Home - Private Lot
Accessory Structures

b. Conditional Used (requiring special permit)

Multi-Family dwelling unit
Rooming House / Bed Breakfast
Home Occupations
School/Library
Church
Public Park/Playground
Day Care Center
Nursing Home
Community Group Home

c. Minimum Lot Area:

Residential uses -- 6,300 sq. ft. for each dwelling unit
Except where a special permit is required

d. Minimum Lot Width: Minimum Lot Dept:

Residential uses - 66 ft. Residential uses - 132 ft.

e. Minimum Setbacks - Residential uses:

Principal Building

Front	10 ft. from right-of-way
Side	10 ft. from property line
Rear	10 ft. from property line
Height	35 ft. or 3 stories

Accessory Structures

Front	10 ft. from right-of-way
Side	10 ft. from property line
Rear	10 ft. from property line
Height	35 ft. or 3 stories

All other uses:
Principal Building

Front	10 ft. from right-of-way
Side	10 ft. from property line
Rear	10 ft. from property line
Height	35 ft. or 3 stories

f. Required Off Street Parking - See use schedule Appendix Page I

COMMERCIAL DISTRICTS

a. Permitted Uses - Requires Building Permit and Site Plan Review

Nursery / Greenhouse
Fire Station
School/Library
Cemetery and Related Buildings
Church
Funeral Homes
Professional Clinics
Professional / Business Office (s)
Bank
Retail Sales Outlet
Restaurant / Tavern / Bar
Fraternal / Veterans Organization
Painting/Plumbing/Electrical Shops
Museums
Public Garage
Building Material Outlet

b. Conditional Uses - Requires a Special Permit and Site Plan Review

Day Care Center
Multi-Family Dwelling Unit
Utility Station/Cable/TV Stations
Light Manufacturing Establishment
Food Processing Plant
Public Playground / Park
Essential Care/Nursing Home/Community Residence
Rooming House/Bed & Breakfast
Bowling Alley
Auto Sales/Service
RV Sales/Auto Sales/Auto Body/Machine Shop
Farm/Lawn Equipment
Warehouse/Wholesale Outlet
Hardware/Plumbing/Electrical Shop
Entertainment/Amusement Centers
Adult Entertainment
Solar Energy Systems
Wind Power Facilities

c. Minimum Lot Area:

Residential use	6300 square feet
All other uses	5000 square feet

d. Width:

Residential use -- 66 ft.
All other uses -- 66 ft.

e. Minimum Setback Requirement

Residential use:

Principal Building	
Front	10 ft from right-of-way
Side	10 ft from property line
Rear	10 ft from property line
Height	3 stories or 35 ft

Accessory Structures	
Front	10 ft from right-of-way
Side	10 ft from property line
Rear	10 ft from property line
Height	3 stories or 35 ft

All other uses

Principal Building	
Front	10 ft from right-of-way
Side	10 ft from property line
Rear	10 ft from property line
Height	3 stories or 35 ft

f. Required Off Street Parking

See use schedule in the appendix for specific requirements.

SHORELINE DEVELOPMENT

a. All planned shoreline development is subject to site plan review by the Village Planning Board.

b. No principal or accessory structure shall be located within fifty (50) feet from shoreline.

Section 302 Conditional Use Standards/Special Permits

1. General Provisions "Conditional Uses" are types of land uses that are an appropriate use in a district only if it meets the minimum standards that follow for that particular use. If the proposed use conforms with the standards in this section it shall be approved. Uses failing to meet these specific standards shall be denied and will require a variance to receive a building permit. A building permit shall be issued by the Code Enforcement Officer for any use listed as a "conditional use" if the Planning Board approves of the special use permit request and approves the site plan. Approval of a special permit for a "conditional use" does not exempt the proposal from Site Plan Review Regulations.

2. Required Submissions. Adequate information must be submitted by the applicant so that the Planning Board can clearly assess whether the proposal meets the specific standards for that particular "conditional use".

3. Procedure. The Planning Board upon application may approve the issuance of a special permit for "special use" authorized in the text of these Regulations according to the following procedures:

   a. Application. The Code Enforcement Officer shall transmit copies of the application to the Planning Board. Site Plan information shall also be forwarded to the Planning Board for coordinated review.

   b. Public Hearing. The Planning Board will schedule and hold a public hearing on any application for a special permit to allow a "special use" within sixty-two 62 days from the date of receiving a completed application.

   c. Decision of Planning Board. The Planning Board shall render its decision within sixty-two 62 days following the date of the public hearing. The Board shall vote to approve, disapprove or attach conditions to the approval of a "special use" to satisfy the specific standards for the particular "special use." Notice of the Boards decision shall be given in writing to the Code Enforcement Officer and the applicant.

4. Expiration A special permit for a "special use" shall be deemed to authorize only one particular "special use" and shall expire if the "special use" or uses shall cease for more than one (1) year except as an extension of the permit period is applied for and, for due cause shown, granted by the Code Enforcement Officer.

5. Special Uses --Specific Standards

   Electric, Gasoline, Telephone and Cable T.V. Substations

   a. Electric, Gasoline, and Telephone Stations and Substations in a commercial district may be permitted when site plan review has been submitted and approved and a special permit has been authorized by the Village Board.

   b. Stations and Substations must blend into the layout and scheme of the district that it is in. It is to produce minimal noise keeping in line with the district that it is located.

c. All site plans must include landscaping and a fence must be erected to insure that accidental or unauthorized entry can be prevented and to insure that safety in the area can be maintained. All fences will be constructed of chain link and shall be six (6) ft. in height.

6. Home Occupations in Residential Districts

a. Definition. see Article X of these Laws.

b. Purpose. The intent of regulations governing home occupations is to balance the increasing importance and community benefits of allowing work in the home while still protecting the character of the surrounding neighborhood, particularly adjacent residential uses, from intrusions and nuisance that can occur from businesses that operate out of the home.

c. Prohibited Home Occupations. The following businesses are prohibited from home occupations: automotive vehicle repair or sales, body shop, vehicle painting, small engine repair, commercial outdoor storage, or other similar usage as determined by the Zoning Board of Appeals.

d. Standards for Special Permitted Home Occupations. Home occupations are allowed under a special permit if they meet all of the following standards:

- The total area of all home occupations business shall be limited to 35% of the dwelling's gross floor area.

- Such use shall employ no more than the equivalent of two (2) full-time employees other than those who reside in the dwelling.

- Adequate off street parking shall be provided to accommodate traffic related to the business activity. (See use schedule in Appendix page i).

- Instruction to students and services to clients or customers shall be limited to no more than ten (10) persons at any one time.

- Storage of equipment, vehicles or machinery, supplies or raw materials associated with the business shall be screened from roadways and adjacent residential uses.

- The home occupation shall produce no undue disturbance caused by unreasonable noise, smoke, vibration, fumes, dust, odors, glare, electronic disturbance or other nuisance.

e. If property is transferred to new ownership the special permit to operate a home occupation will cease. The new property owner must apply for a special permit if they wish to continue a home occupation.

f. An annual inspection shall be conducted by the Code Enforcement Officer to insure compliance with these regulations and to insure that the special permit issued is being adhered to.

7. Public Parks / Playgrounds

a. See Article X for definition of a public park or playground.

b. Site plan review is required and needs approval by the Planning Board prior to issuance of a Special Building Permit.

c. All parks and playground require a minimum lot size of 10,000 sq. ft. and must provide off street parking of at least ten (10) parking spaces for every 10,000 sq. ft. of playground/park area.

d. All public playground or park areas must be fenced in. Fences can only be constructed of a chain link type fencing and must meet fencing requirements as required in Article IV, Section 400.b-2.

e. All recreational equipment will be placed within the fenced in area.

f. Hours of operation or times when the park is to be open on a daily basis will be established by the Planning Board and Village Board.

g. If the park is to be in a residential district it will be screened from bordering neighbors with a natural landscaping that is in balance with the existing surroundings.

8. Day Care Centers / Essential Care Facilities / Group Homes / Community Residence.

a. Will require a site plan review be conducted by the Village Planning Board to insure that the character of the layout is in balance with the surrounding neighborhood.

b. An enclosed area that is at least a minimum of 500 sq. feet will be established for recreational / play to insure that a safe area is maintained for children / adults. The enclosure will be constructed of a chain link type fencing and will be in compliance with the fencing requirements of these laws.

c. All recreational equipment will be placed within the enclosed recreational area.

d. Parking standards shall be adhered to as established in Article IV Section 400. b-5 and the use schedule in appendix page I.

e. Day Care Centers will adhere to all regulations and standards as established in NYCRR.

Lot Size Requirements

- Day Care in the Home - same as residential home standards.
- Day Care Center -- minimum 21,000 sq. ft. (approx. ½ acre) and meet minimum lot requirements for the district it is being placed in.

- Nursing Home, Essential Care Facility, Group Home, Community Residence require a minimum of 4,000 sq. ft. per dwelling unit or residence room and meet minimum lot size requirements for the district it is being placed in.

- To protect neighboring residences, parking areas, outdoor waste disposal areas, outdoor storage areas, located within 20 ft. of an adjacent lot line shall be visually screened from the neighboring use through vegetation, fencing or topography in the side and rear yards.

- Day Care in the home will be considered a home occupation and will adhere to all regulations as established in these laws under Sec. 302. 5-0b, Home Occupation as well.

9. Multi-Family Dwellings

a. See Article X for definition of a Multi- Family Dwelling Unit.

b. Site Plan Review will be required by the Planning Board prior to issuance of a Special Permit.

c. The plans must be in balance with the character of the surrounding neighborhood and district that the said multi-family unit is being planned for.

d. If the unit is new construction or an existing single family dwelling unit that is being renovated to be a multi-family dwelling unit, it must comply with the provisions of this section.

e. Each multi-family dwelling unit must have at least 20,000 sq. ft. per lot and also must meet required set-backs for the district it is to be in.

f. Owners of a multi-family dwelling must provide or insure that the following is adhered to:
- Proper off street parking as established in Article 400, B-5 (see use schedule)

- Must insure that there is provided proper snow and trash removal.

- Green space of at least a minimum of 400 sq. ft. per dwelling unit is to be provided for recreational purposes and a fenced in play area for children.

g. To protect neighboring residences, parking areas, outdoor waste disposal areas, outdoor storage areas, located within twenty (20) ft. of an adjacent lot shall be visually screened from the neighboring use through vegetation, fencing, or topography in the side and rear yards.

h. All entrances and parking areas shall provide proper lighting and the lighting shall not exceed beyond the boundaries of the lot it is on.

10. Bed and Breakfast/ Rooming House

a. Site Plan Review will be required by the Planning Board prior to the issuance of a Special Permit to operate a Bed and Breakfast or Rooming House to insure that the character of the layout is in balance with the surrounding neighborhood and the district in which said request is in.

b. Each Bed and Breakfast or Rooming House shall have a minimum of 20,000 sq. ft. per lot and must meet district setback requirements.

c. Off street parking of at least one (1) parking spaces per every room and one parking pace per employee not living in the house must be provided.

d. Must provide green space for recreational use of at least 400 sq. ft. per room to be rented.

e. All entrances and parking areas shall provide proper lighting that does not extend beyond the boundaries of said lot.

f. All parking areas, outdoor waste disposal areas, outdoor storage areas located within twenty (20) feet of an adjacent lot shall be visually screened from the neighboring use through vegetation, fencing or topography in the side and rear yards.

g. All signs must comply with the standards as set forth in Section 400.4 of these Laws.

11. Churches, Schools, Libraries

a. Site plan review will be required by the Planning Board prior to issuance of a Special Permit.

b. All plans should be in balance with the surrounding neighborhood and district that the plans are being submitted for.

c. Parking must comply with all requirements of off street parking regulations as listed in Article IV Sec. 400. b-5 and in appendix page I of these regulations There shall be fire lanes established to each building that will be free of any parking and shall be maintained and accessible at all times.

d. All signs associated with any churches, schools or libraries shall comply with the sign regulations of these regulations located in Article IV Sec. 400.b

e. To protect the neighboring residences, parking areas, outdoor waste disposal areas, outdoor storage areas shall be visually screened from the neighboring use through vegetation, fencing or topography.

f. All entrances and parking areas shall provide proper lighting and the lighting shall not exceed beyond the boundaries of the lot it is on.

12. Light Manufacturing Establishments / Food Processing Plant

a. Will require that site plan review be conducted by the Planning Board prior to the issuance of Special Permit.

b. All Federal and State permits that may be required must be acquired prior to the approval of the site plan reviews by the Planning Board and the issuance of a Special Permit by the Code Enforcement Officer.

c. Shall be in compliance with the established requirements of Article IV Section 400 b-5 and the use schedule on appendix page I. All parking areas shall be located in either the side or rear yards.

d. All loading and unloading areas shall be located in the side or rear yards.

e. Light Manufacturing Establishments or Food Processing Plant cannot be located within 500 feet of any residential district.

f. Parking areas, outdoor waste disposal areas and storage areas shall be visually screened from neighboring use through vegetation, fencing or topography.

g. Setback requirements for rear and side yards shall be ten (10) feet on the side yards and twenty (20) feet in the rear yard or the same as the height of the building to insure that shadowing of a building onto the adjacent property does not occur.

h. All signs must meet the requirements for signs as established in these regulations as established in Article IV Section 400 b-4.

13. Adult Entertainment

a. Will require a Special Permit and cannot be located closer than 500' feet from any school, church, fire hall, Masonic temple, bank, post office or library.

ARTICLE IV REGULATION APPLICABLE TO ALL DISTRICTS

Section 400 Accessory Structures/Usages

1. Procedure. On any lot accessory structures or uses in connection with the principal building or use may be constructed and located subject to the following process:

    a. All accessory structures or uses shall require a building permit to be issued prior to their initiation.

    b. All structures or uses accessory to a residence shall be consistent in character and use with the principal residential use and the adjacent neighborhood.

    c. Accessory structures and uses in conjunction with another use requiring a Conditional Use shall be determined with the review process for any Conditional Use.

    d. No accessory structure shall be closer than ten (10') feet to a principal structure unless it is attached to such principal structure.

    e. Accessory structures or uses shall conform with all regulations in the district it is in unless otherwise specified.

    f. Unless specifically waived, all accessory structures or uses shall fully comply with requirements of these regulations.

    g. Generally, accessory structures and uses shall not be located within a required front setback. However, if a structure or use (i.e. a permitted sign) is to be located within the front setback requirements all regulations pertaining to setback requirements apply.

2. Specific Standards for Certain Accessory Structures/Uses

    Private Swimming Pool

    a. The construction of a swimming pool shall require that a building permit be issued by the Code Enforcement Officer.

    b. All setback requirements shall be satisfied.

    c. No lighting or spotlighting shall project light rays so as to effect advertently neighboring property or occupants therein.

    d. An enclosure shall be provide around all outdoor soft-sided swimming pools more than (24" - 48") high and all in ground pools which shall surround the pool and accessory equipment. Such enclosure shall be at least four (4') feet in height, have a maximum clearance to adjoining grade of two (2") inches and openings, if provided, shall prohibit the passage of two (2") inch diameter sphere. Fences and other enclosures are subject to New York State Building Code.

Such enclosure shall resist a horizontal force of fifty (50) pounds per foot applied at a height of four (4') feet. Structural bracing shall be within the enclosure. Gates or doors shall be self-closing and self-latching, with the latch handle at least forty (45") inches above grade or located within the enclosure. Above ground pools with at least forty-six (46") inches between pool decking or pool top and adjoining grade, are exempt from this requirement provided that access is restricted. A pool less than twenty-four (24") inches deep is exempt from this requirement.

Fencing

a. The construction of any fence (s) shall require that a building permit be issued by the Code Enforcement Officer.

b. Fences shall not be constructed of material or in a manner that would be hazardous, unsightly or otherwise interfere with the use of adjoining properties or public right-of-way. Fences cannot block the visibility of oncoming traffic in any direction.

c. Fences must project the finished side outward and any structural bracing shall be on the inside of the fence.

d. Fences must not block the visibility of oncoming traffic at intersections or driveways.

e. Fences shall be no higher than (6') feet in height on the side and rear yards and four (4') feet in height on the front yard or if a corner lot on any yard running parallel to a street.

f. Fencing Setback Requirements

- Non-Maintenance Type Fences no setback is required. These are fences that would not require any maintenance once erected. It could be constructed without going on the property of another and does not require regular maintenance. Examples are chain link, vinyl coated, molded plastic or page wire fences.

- Maintenance Type Fences require a one (1') foot setback. A fence that requires regular maintenance such as painting, replacing of broken or misplaced material. Example of maintenance type fences are stockade, picket, lattice, stone, brick, cement/cement block, split rail, board-n-baton and vegetation, natural hedge or shrubbery fences.

Storage of Unlicensed Operable Vehicles

a. The storage of up to one (1) unlicensed operable vehicles is permitted in all districts if it is visually screened from neighboring lots and roadways or covered with a tarp made of either colored plastic, canvas or a commercially made vehicle cover so that the vehicle cannot be seen.

b. A special permit is required by the Village Board for any unlicensed inoperable vehicle parked longer that six (6) months.

Signs

a. All signs shall comply with the New York State Fire Prevention and Building Code regarding construction, material, erection, and electrical fixtures.

b. All signs shall be maintained in a safe and neat condition. Structural damage, missing letters, deterioration rendering the sign unreadable or hazardous shall be remedied or the sign shall be removed within sixty (60) days at the landowners expense.

c. Signs in a residential district or connected with a residential building in any district shall not exceed four (4) square feet in area. No more than one (1) such sign shall be permitted for each premises. If lighted, such sign shall not be flashing and shall not project light rays beyond the lot lines that the sign is located on.

d. Signs in a commercial or industrial district are permitted provided that such signs advertise or identify the owner or occupant of the premises or the business, profession, goods or services conducted or dispensed on the premises. Such sign shall not exceed sixty-four (64) square feet in an industrial district. No sign shall extend higher than thirty (30') feet above the ground and shall not extend into or hang over any public right-of-way except signs in a commercial district may over hang a public right-of-way by no more than two (2') feet and must be at least fifteen (15') feet from the ground.

e. Billboards, posters, panels and similar outdoor advertising signs or devices which advertise or identify a product, event, place, personality, or service and are not located on the same premises as the thing advertised or identified, shall not be permitted in the Village of Morristown.

f. A temporary sign will be permitted in any district in the Village of Morristown for a maximum of thirty (30) days in a six (6) month period. Such temporary sign shall not exceed sixteen (16) square feet in area and no more than two (2) such s signs shall be located on any single premise. Upon expiration of said thirty (30) day period, such temporary signs shall be promptly removed by their owner or by the Village of Morristown at the owner's expense. This provision shall not apply to signs identifying real estate for sale. Written permission must be granted by the Village Board in order to erect a temporary sign.

g. When a sign consists of individual letters or devices painted on, or attached to a building, the area shall be taken as the area required to circumscribe all such letters or devices and not just the sum of the area of each individual letter or advice.

h. In the case of a sign or device designed to be read from both sides, whether attached to a building or not, the area of only one side will be measured in determining the size of the sign.

i. No sign or device shall be illuminated so as to constitute a hazard to safety or health or so as to affect advertently neighboring property or the occupants thereof.

Off-Street Parking and Loading

a. Purpose. It is the objective of these regulations to provide standards for adequate off-street parking and loading of motor vehicles in an orderly and efficient manner that maintains the function of the road network and protects the health, safety and general welfare of the public.

b. Procedures. Any structure or use in reference to off-street parking/loading requires that a building permit be issued by the Code Enforcement Officer.

c. Design

1. Each parking space shall measure nine (9') feet in width and twenty (20') feet in length, not including any required maneuvering aisle, public road, right-of-way or easement, but having direct access to a public road.

2. A required driveway shall be a minimum of ten (10') feet wide and no greater than thirty (30') feet wide. Driveways may be built within three (3') feet of an adjoining property line unless it will be shared with the adjoining property owner. No driveway shall alter the natural drainage to drain onto adjacent property or the drain on a public road.

3. Enclosed parking space in a residential district shall not encroach on any required front yard space. Up to 40% of the required front yard space may be used for open parking and access area.

4. Open parking in commercial districts may encroach on a required side or rear yard to within three (3') feet of such side or rear lot line. Access drives shall have a clear visibility at their intersection with the street.

5. Parking in an industrial district shall not encroach on more than one-third of any required front yard space. Parking may encroach on a required side or rear yard space to within ten (10') feet of the side or rear lot lines.

6. No required off-street parking space shall be used for the storage, servicing, or dismantling of automobiles or other vehicles or for loading or unloading purposes.

7. Parking lots for more than twenty (20) parking spaces shall be provided with landscaping areas amounting to an aggregated minimum of 5% of the total paved area of the parking lot. Each landscaped area must be at least thirty (30) square feet and shall be adequately maintained.

8. Driveways shall be located so that any vehicle leaving the driveway(s) shall have clear and unobstructed views for a reasonable and safe sight distance to any oncoming traffic.

9. Parking facilities shall be designed so as to eliminate the need for vehicles to back out onto public roads and to provide an orderly and safe circulation system to route traffic on site.

Section 401 Nonconforming Buildings, Uses and Activities

1. Continuation of Existing Use. The lawful use or bulk of any building, land use or activity in existence on the effective date of these Laws may continue even though it is not in conformity with these Laws except as otherwise provided in this section.

2. Maintenance and Repair. Normal maintenance and repair of a nonconforming building is permitted as long as the degree or extent of nonconformity is not increased or exceeded or no new nonconformity is created. No nonconforming building may be enlarged or altered and no land use of activity shall be enlarged or increased to occupy or use a greater area of land than was occupied at the effective date of these laws unless a variance has been granted by the Zoning Board of Appeals.

3. Reconstruction and Restoration. If any building or land use activity or part thereof has been destroyed or damaged by any means it may be rebuilt or restored as a nonconforming building or used only if reconstructed or restored with the same or less floor area, height and enclosed space and with the same or improved general site layout as that of the original structure. All reconstruction or restoration must be completed within one year. Extensions may be granted by the Zoning Board of Appeals and stipulations may by placed on the extension by the Board.

4. Changes. A nonconforming use may be changed to another nonconforming use only by a variance granted by the Zoning Board of Appeals. A nonconforming use may be changed to conforming use but shall not thereafter revert to a nonconforming use.

5. Abandonment or Discontinuance. Abandonment or discontinuance of any nonconforming use or activity for a period of twelve (12) consecutive months shall terminate such nonconforming use of the building or premises. No such nonconforming use shall be reinstated and any subsequent use of such buildings or premises shall be in conformance with the provisions of the Laws for the area in which such building or premises is located. The date of abandonment or discontinuance of a nonconforming use shall be determined by the Code Enforcement Officer and notification of such action shall be made in writing to the property owner with a copy to the Village Clerk. Extension of the termination date of such nonconforming use for an additional six (6) months may be granted by the Zoning Board of Appeals after a public hearing has been held.

Section 402 Manufactured Homes On Single Lots

1. Purpose. The purpose of this section is to establish regulations for a mobile home on a single lot in a manner that protects adjacent landowners and the safety and the general welfare within the village. 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 village property values are protected.

2. Definition. See Article IX for definition of a Mobile Home.

3. Occupancy. No more than one (1) manufactured home may be placed on a lot. The manufactured home shall be occupied as a single family residence.

4. Foundation. Shall be installed per government or Federal standards.

5. Roof. The roof shall be sloped. Roof design shall be compatible with conventionally built homes in the surrounding neighborhood. The roofing material shall be shake, tile, metal, asphalt, composition shingle or other material customarily used in site-built residential structures.

6. Exterior Covering. The exterior covering material of manufactured homes shall be similar or closely compatible to that found on conventionally built residential structures in the surrounding area. Siding materials shall be non-reflective in nature.

7. Skirting. The exterior covering material of manufactured homes or other suitable skirting shall extend to the ground, fully enclosing the perimeter of the mobile home. All skirting shall be closely compatible with customarily built residential structures in the surrounding area. Bales of hay or other highly combustible materials shall not be permitted.

8. Steps. Proper steps with railings shall be constructed and maintained at each entrance to the manufactured home.

ARTICLE V SITE PLAN REVIEW FOR SPECIAL PERMITS

Section 501

This section of the land use regulation is enacted under the authority of Section 7.725 of New York State Village Law to protect the health, safety, and general welfare of the inhabitants of the Village of Morristown. No special permit shall be issued by the Code Enforcement Officer for uses requiring site plan review except upon authorization of and in conformity with the plans reviewed and approved by the Village Planning Board and St. Lawrence County Planning Board.

Section 502

This Local Law requires Special Permit review for potentially significant and nuisance-prone development projects. The Site Plan Review regulates the design and layout of the development projects in a manner which considers the following concerns, and where necessary, requires modification of development proposals to eliminate or minimize potential problems and nuisances.

The principle areas of concern are:

1. The balancing of landowner rights to use their land with the corresponding rights of neighboring landowners to live without undue disturbances from nuisances in the form of noise, smoke, fumes, vibrations, dust, odor, glare, and storm water runoff.

2. The safety and convenience of vehicular and pedestrian movement within the site and in relation to adjacent areas or roads.

3. The use shall be of such locations, size and character that it will be in harmony with the appropriate and orderly development of the village and will not be detrimental to the orderly development of adjacent areas.

Section 503 Procedures

1. Sketch Plan. An optional sketch plan conference may be held between the Planning Board and the applicant prior to the preparation and submission of a formal site plan. The intent of such a conference is to enable the applicant to inform the Planning Board of the development proposal prior to the preparation of a detailed site plan and for the Planning Board to review the basic site design concept, advise the applicant as to potential problems and concerns, and to generally determine the information to be required on the site plan.

   In order to accomplish these objectives the applicant should provide the following:

   a. A statement and rough sketch showing the locations and dimensions of existing and proposed structures, waste disposal systems, parking areas, access drives, signing and anticipated changes in the existing topography and natural features.

   b. A sketch or map of the area which clearly shows the locations of the site and nearby properties, land uses, street right-of-ways, easement and other pertinent features.

2. Application For Special Permit. An application for a special permit shall be made to the Code Enforcement Officer and shall be accompanied with information contained on the following check list where applicable.

Site Plan Checklist

a. Title of drawing, name and address of applicant, landowners and person preparing of the drawing
b. North arrow, scale and date
c. Boundaries of the property plotted to scale
d. Existing water courses (if applicable)
e. Grading and drainage plan, showing existing and proposed contours and where storm water will leave the site
f. Location, design, type of construction, setbacks from lot lines, proposed use and exterior dimensions of all buildings;
g. Locations, design and type of all construction of all parking and truck loading areas showing access and egress
h. Provisions for pedestrian access
i. Location of outdoor storage (if any)
j. Location, design, and construction materials of all existing or proposed site improvements including drains, culverts or retaining fences
k. Location of fire hydrants
l. Location, size, design and type of construction of all proposed signs
m. Location and proposed development of all buffer areas and screening, including existing vegetation cover
n. Location and design of outdoor lighting facilities
o. Identification of the location and square footage of building areas to determine parking needs and footage for percentage of use of existing building for conditional usage
p. General landscaping plan and planting schedule
q. An estimate of project construction schedule
r. Other elements integral to the proposed development as considered necessary by the Planning Board.

3. Code Enforcement Officer Action on the Site Plan for a Special Permit

a. The Code Enforcement Officer shall determine the completeness of any application made for site plan review and shall notify the applicant within ten (10) days of the date of application submission if such application is incomplete or deficient in any way and shall specify the deficiencies.

b. The Code Enforcement Officer shall certify on each site plan whether or not the plan meets the requirements of all zoning provisions other than those of this section regarding Site Plan Review.

c. Upon determination that the application is complete, the Code Enforcement Officer shall transmit copies of the application to the Planning Board.

4. Planning Board Review and Determination of Site Plans for a Special Permit

a. Hearing. The Planning Board shall fix a time within sixty-two (62) days from the date they receive the completed application from the Code Enforcement Officer to hold a public hearing on such matters pertinent to the issuance of a Special Permit. Public notice shall be given thereof by publication in the official newspaper of the Village of Morristown at least ten (10) days prior to the date of the public hearing. The Planning Board shall at least five (5) days before a public hearing, mail notice thereof, to the parties involved in said Special Permit including the applicant, property owners who boarder the affected area in which the Special Permit is being requested or any other involved parties as deemed appropriate by the Planning Board.

The Planning Board shall make a decision on any application requested within sixty-two (62) days of such hearing being closed or after the application has been filed and no hearing has been conducted. The time within which the Planning Board must render its decision may be extended by mutual consent of the applicant and the Planning Board. The decision of the Planning Board shall immediately be filed in the office of the Village Clerk and a copy thereof mailed to the applicant and the Code Enforcement Officer. Nothing herein precludes the holding of a public hearing on such matters on which a public hearing is not required.

b. Decision. The Planning Board's final action, rendered in writing, shall consist of either:

- Approval of the Site Plan and Special Permit based upon a determination that the proposed plan will constitute a suitable development and is in compliance with the standards set forth in this section;

- Approval of the Site Plan and Special Permit subject to any conditions, modifications and restrictions as required by the Planning Board which will ensure the project meets the standards for review; or

- Disapproval the Site Plan and Special Permit based upon a determination that the proposed project does not meet the standards for review set forth in this section and stating such deficiencies.

Section 504 Standards for Review of Site Plans

1. The Planning Board's review of the site plan design and layout shall include as appropriate, but is not limited to, the following general considerations:

a. Compatibility. The design and layout of the proposed use shall not have a detrimental affect on adjacent uses or orderly development of the area.

b. Traffic. The proposal shall provide safe and convenient movement of vehicular and pedestrian traffic within the site and in relationship to adjoining roads, streets, driveways and properties.

c. Parking and Loading. Adequate off-street parking and loading spaces shall be provided consistent with "off-street parking and loading requirements to prevent safety hazards from parking on public streets or disrupting traffic flow on adjacent roads, and that the interior vehicle circulation system is adequate to provide safe accessibility to all required off-street parking areas.

d. Village Services. The proposal shall not place unreasonable demands on village services and facilities.

e. Drainage. The proposal shall provide adequately for storm water and drainage facilities such that site run-off will not run onto roads or cause nuisance conditions.

f. Nuisance. Adequate protection of neighboring properties shall be provided from any undue disturbance caused by excessive or unreasonable noise, smoke, vibration, fumes, dust, odors, glare or any other nuisance.

g. Legal. The proposal shall conform with all provisions of this Local Law and applicable regulations of state agencies.

ARTICLE VI ADMINISTRATION

Section 600 Enforcement

1. Enforcement Officer. These laws shall be enforced by a person designated by the Village Board of Trustees, who shall not issue a building and/or occupancy permit for any structure or use not in compliance with the provisions of this law or issue any building permit or certificate of occupancy for any building or land use which is not in conformance with the provisions of these laws.

2. Building Permits. No building or structure in any district shall be started or extended without a building permit issued by the Code Enforcement Officer.

   No modifications to any existing building or structure shall be made which will infringe on the requirements of the District Regulations Schedule pertaining to maximum height of the principal building or setbacks or that would increase infringement of buildings and structures already nonconforming in this regard until a permit has been issued by the Code Enforcement Officer after an area variance approval by the Zoning Board of Appeals.

   Ordinary maintenance to a conforming or existing nonconforming building or structure or improvements to same which do not result in an infringement as set forth above do not require the approval of the Code Enforcement Officer.

   Every application for a building permit shall state in writing the intended use of the building and shall be accompanied by sketch drawing showing the plot shape and dimensions and indicating the size, shape, and location of the proposed building.

   No building permit or certificate of occupancy issued under the terms of these Laws shall become or remain valid unless the holder thereof complies with the applicable rules and regulations of the New York State Health Department and Standard Building Code of New York State of jurisdiction.

3. Fees. Every application for a building permit shall be accompanied by a fee established by the Village Board of Trustees.

4. Expiration. Unless there has been substantial progress in the work for which a building permit was issued, said permit shall expire twelve (12) months from the date of issuance.

5. Certificate of Occupancy. Each property owner shall be responsible for compliance with all terms of these Laws affecting his property. Upon application and with an approved inspection by the Code Enforcement Officer such property owner shall be entitled to a Certificate of Occupancy certifying the proposed occupancy complies with these Laws and that the building(s) have been constructed and the site developed is in accordance with submitted plans. No building shall be occupied, and no lot used, until said Certificate of Occupancy has been issued. The Code Enforcement Officer shall act on any application for a Certificate of Occupancy within five (5) working days from the date of said application. If occupancy or use is required prior to completion of all plan details the Planning Board, upon request, may authorize the Code Enforcement Officer to issue a temporary Certificate of Occupancy. A bond or letter of credit of sufficient amount to complete all unfinished improvements may be required by the Planning Board before a temporary Certificate of Occupancy is authorized.

6. Notice of Violation. Whenever, in the opinion of the Code Enforcement Officer after proper examination and inspection, there appears to exist a violation of any provision of these Laws, or of any rule or regulation adopted pursuant thereto, the Code Enforcement Officer shall serve written note of violation. Such notice of violation shall inform the recipient of:

   a. The nature and details of such violation
   b. Recommend remedial action which if taken will effect compliance with the provisions of these Laws and with rules and regulations adopted pursuant thereto
   c. The date of compliance by which the violation must be remedied or removed

7. Extension. The Code Enforcement Officer may extend the date of compliance specified in a notice of violation, upon written application, if in his opinion there is reasonable evidence of intent to comply and that reasonable conditions exist which prevent compliance by the specified date.

Section 601 Complaint and Violation Procedures

1. Citizen Complaint. Any person may file with the Code Enforcement Officer a written signed complaint against any alleged violation of these regulations.

2. Investigation. As directed by the Village Board of Trustees or by receipt of a signed, written citizen complaint, the Code Enforcement Officer will make an investigation into the allegations. Depending on the findings the Code Enforcement Officer may issue a correction notice or a stop to work order to the responsible party as appropriate. The Code Enforcement Officer may at any time upon his discovery of a violation of these regulations issue a corrective notice without a complaint.

3. Persons Liable. The owner, tenant, or occupant of any building or land or part thereof and any architect, building, contractor agent or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of these regulations may be held responsible for the violation and suffer the penalties and be subject to the remedies provided.

4. Procedures Upon Discovery of Violations.

   a. Written Notice. If the Code Enforcement Officer finds that any provisions of the zoning regulations are being violated a written notice by certified mail shall be sent by the Code Enforcement Officer to the person or persons in violation indicating the nature of the violation and ordering action necessary to correct the violation(s).

   b. A final written notice shall be issued (the initial written notice may be the final notice) stating what action the Village representative intends to take if the violation is not corrected and shall advise that the Code Enforcement Officer's decision that a violation exists may be appealed to the Zoning Board of Appeals.

   c. In cases where delay would seriously threaten the effective enforcement of the zoning regulations or pose a danger to the public health, safety or welfare of the general public the Village may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in Sec. 606 of these regulations.

Section 602 Penalties and Remedies for Violations

1. Stop Work Order. The Code Enforcement Officer may issue a stop work order to preclude the continued and further violation(s) of these regulations or to protect the public health or safety. Such stop work order shall stay all activities in conjunction with any violations of these regulations. If work continues in violation of the stop work order, action by the Village Board of Trustees will be initiated to compel compliance, for injunction or to assess such penalties as are hereafter provided for.

2. Permit Revocation. The zoning/building permit or special use permit (including site plan approval) may be revoked by the Code Enforcement Officer if the permit recipient fails to develop or maintain the property in accordance with plans submitted, the requirements of the zoning regulations or any additional requirement lawfully imposed by the permit authorizing board. Before the permit may be revoked, notice and hearing requirements for hearings of the Zoning Board of Appeals shall be complied with. A notice shall be sent to inform the permit recipient of the alleged grounds for revocation.

   The burden of presenting evidence sufficient to authorize the permit-issuing authority to conclude that a permit should be revoked shall be upon the party advocating that position. The burden of persuasion shall also be upon that party. A motion by the permit-issuing board shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.

   Before a permit may be revoked, the permit recipient shall be given a ten (10) day notice of intent to revoke the permit and shall inform the recipient of the alleged reasons for the revocation and of his or her right to obtain an informal hearing of the allegations. If the permit is revoked, a written statement of the decision, along with the reasons for the action, shall be provided to the permitee in writing.

   The Village Board may take any necessary action to alleviate any health or safety concern at the cost of the property owner.

   No person may continue to make use of land or buildings in the manner authorized by any zoning/building permit after such permit has been revoked in accordance with this section.

3. Penalty. If after all other remedies to correct violations of the zoning regulations do not deter the continuance of violation then all matters will be referred by the Village Board of Trustees to the Village Attorney for further legal action as determined by the Village Board of Trustees and the Village Attorney.

Section 603 Appeals

1. Board of Appeals. The Village Board of Trustees shall appoint a Zoning Board of Appeals members pursuant to Section 7-712 of Village Law, with the power, functions and duties, and subject to all the provisions therein provided which are incorporated herein by reference, together with additional powers as may herein after be provided by statute. The Zoning Board of Appeals shall adopt such rules and regulations as it may deem necessary to carry into effect the provisions of Section 7-712 of the Village Law and of this Law, and all its resolutions and orders shall be in accordance therewith. The Zoning Board of Appeals shall take minutes of all of its meetings and keep a public record of its proceedings and the vote of each member on every issue. The Zoning Board of Appeals consists of no less than 3 members.

2. Meeting Minutes/Records. Meetings of the Board of Appeals shall be open to the public to the extent provided in Article Seven of the Public Officers Law. The Board of Appeals shall keep minutes of its proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact and shall also keep records of its examinations and other official actions.

3. Filing Requirements. Every rule, regulation, amendment or repeal thereof, and every order, requirement, decision or determination of the Board of Appeals shall immediately be filed in the office of the Village Clerk and shall be a public record.

4. Assistance to Board of Appeals. The Board of Appeals shall have the authority to call upon any department, agency or employee of the Village for such assistance as shall be deemed necessary as shall be authorized by the Village Board.

5. Hearing Appeals. Unless otherwise provided by local law or ordinance, the jurisdiction of the Board of Appeals shall be appellate only and shall be limited to hearing and deciding appeals from and reviewing any order, requirement, decision, interpretation, determination made by administrative officials charged with enforcement of any ordinance of local law adopted pursuant to this article. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any, order, requirement, decision or determination of any such administrative official, or to grant a use variance or area variance. Such appeal may be taken by any person aggrieved by an officer, department, board or bureau of the Village of Morristown.

6. Time of Appeal. Such appeal shall be taken within sixty (60) days after the filing of any order, requirement, decision, interpretation or determination of the administrative officer charged with the enforcement of such ordinance or local law by filing with such administrative official and with the Board of Appeals a notice of appeal, specifying the grounds thereof and the relief sought. The administrative officials from whom the appeal is taken shall forthwith transmit to the Board of Appeals all the papers constituting the records upon which the action appealed from was taken.

7. Stay on Appeal. An appeal shall stay all proceeding in furtherance of the action appealed from unless the administrative official charged with the enforcement of such ordinance or local law, from whom the appeal is taken, certifies to the Board of Appeals, after the notice of appeal shall have been filed with the administrative official, that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the administrative official from whom the appeal is taken and on due cause shown.

8. Time of Decision. The Board of Appeals shall decide upon the appeal within sixty-two (62) days after the closing of said hearing. The time within which the Board of Appeals must render its decision may be extended by mutual consent of the applicant and the Board of Appeals.

9. Hearing of Appeal. Within sixty-two (62) days the Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it and give public notice thereof by the publication in an official newspaper of the Village of a notice of such hearing at least five (5) days prior to the date thereof.

10. Filing of Decision and Notice. The Decision of the Board of Appeals on the appeal shall be filed in the office of the Village Clerk within five (5) business days after the day such decision is rendered and a copy thereof mailed to the applicant.

11. Notice of Park Commission or Planning Agency. At least five days before such hearing, the Board of Appeals shall mail notices thereof to the parties; the regional state park within five hundred feet of the property affected by such appeal; to the county, metropolitan or planning agency, as required by section 239.M of the General Municipal Law, which notice shall be accompanied by a full statement of the matter under consideration defined in subdivision one - Section 239.M of the General Municipal Law.

12. Compliance with State Environmental Quality Review Act. The Board of Appeals shall comply with the provisions of the State Environmental Quality Review Act under Article eight of the Environmental Conservation Law and its implementing regulations as codified in Title Six, Part 17 of the New York Codes Rules and Regulations.

Section 604 Permitted Action by the Board of Appeals

1. Interpretations/Requirements/Decisions/Determinations. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination made in the matter by the enforcement of this local law and to that end shall have all the powers of the administrative official from whose order, requirement or decision the appeal is taken.

2. Use Variance.

   a. The Board of Appeals, on appeal from the decision or determination of the administrative official charged with the enforcement of such ordinance or local law, shall have the power to grant use variance, authorizing a use of the land which otherwise would not be allowed or would be prohibited by the terms of the ordinance or local law.

   b. No such use variance shall be granted by the Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Board of Appeals:

      - Under applicable zoning regulations the applicant is deprived of all economic use or benefit from the property in question, which deprivation must be established by competent financial evidence

      - That the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood

      - That the requested use variance, if granted, will not alter the essential character of the neighborhood

      - That the alleged hardship has not been self-created

   c. The Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant and at the same time preserve and protect the character of the neighborhood, health, safety and welfare of the community.

3. Area Variances

   a. The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of an administrative official charged with the enforcement of such ordinance or local law, to grant area variances from the area or dimensional requirements of such ordinance or local law.

b. In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board of Appeals shall also consider:

- Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance

- Whether the benefit sought by the applicant can be achieved by some feasible method for the applicant to pursue other than an area variance

- Whether the requested area variance is substantial

- Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

4. Imposition of Condition. The Board of Appeals shall, in the granting of the both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property or local law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

Section 605 The Planning Board

1. The Village Board of Trustees shall appoint a Planning Board of five (5) members, pursuant to Section 7-718 of Village Law, with the powers, functions and duties and subject to all the provisions therein provided which are incorporated herein by reference, together with such additional powers as may hereinafter be provided by statute. The Planning Board shall adopt such rules and regulations as it may deem necessary to carry into effect the provisions of Section 7-718 and of these Laws, and all its resolutions and orders shall be in accordance therewith. The Planning Board shall take minutes of all of its meetings and keep a public record of its proceedings and vote of each member.

2. Power of the Planning Board. The Planning Board shall have full power and authority pursuant to Section 7-726 of the Village Law to make such investigations, maps, reports and recommendations in connection therewith relating to the planning and development of the Village of Morristown as it seems desirable.

3. Approval of Site Plans/Certain Land Uses/Special Permits. The Planning Board shall have the power, pursuant to section 7-725 of Village Law, to review and approve, approve with modifications, or disapprove site plans prepared to specifications, set forth in the said local law, showing the arrangements, layout and design of the proposed use of land shown on such plan(s). Certain land uses require that a Special Permit be approved by the Planning Board before a building permit can be issued by the Code Enforcement Officer.

Section 606 Appeal to Supreme Court

1. Application to Supreme Court by Aggrieved Persons. Any person or persons jointly or severally aggrieved by any decision of the Board of Appeals, Planning Board or any officer, department, board or bureau of the Village, may apply to the Supreme Court for review by a proceeding under article seventy-eight (78) of the Civil Practice Law and Rules.

ARTICLE VII AMENDMENTS AND METHODS OF PROCEDURE

Section 700 Amendments

The Village Board may, on its own motion, on petition or on recommendation of the Village Planning Board, amend these regulations pursuant to the applicable requirements of law.

Section 701 Publication of Meeting Notice

At least ten (10) days prior to a public hearing to consider zoning amendments a notice of the time and place of such hearing shall be published in an official newspaper of the Village.

Section 702 Service of Written Notice

1. At least ten (10) days prior to the date of the public hearing, written notice of any proposed regulations, restrictions or boundaries of such districts, including any amendments thereto, affecting property within five hundred (500) feet of the following shall be served personally or by mail by the Village upon each person or persons listed below:

   a. The property of the housing authority erecting or owning a housing project authorized under the public housing law; upon the executive director of such housing authority and the chief executive officer of the municipality providing financial assistance thereto

   b. The boundary of a city, village, or town upon the clerk thereof

   c. The boundary of a county; upon the clerk of, the board of supervisors or other person performing like duties

   d. The boundary of a state park or parkway; upon the regional state park commission having jurisdiction over such state park or parkway.

Section 703 Additional Requirements

The procedural requirements set forth herein shall be in addition to the requirements of the provisions of sections two hundred thirty-nine -1 (239-1) and two hundred thirty-nine -m- (239-m) of the General Municipal Law relating to review by a county, metropolitan or regional planning board; the provisions of the State Environmental Quality Review Act under Article Eight of the Environmental Conservation Law and its implementing regulations which are codified in Title Six part six hundred seventeen of the New York Codes, Rules and Regulations and any other general laws relating to land use and any amendments thereto.

Section 704 Public Hearing

The public, including those served notice pursuant to Section 702 of this article, shall have an opportunity to be heard at the public hearing. Those parties set forth in paragraphs (a), (b), (c), and (d) of Section 702 of this section, however, shall not have the right of review by a court as hereinafter provided.

Section 705 Filing and Effective Date

Upon adoption or approval of a modification to the zoning laws, the Village Board must publish the laws or amendment or a summary or abstract thereof in a newspaper designated by the Village Board as having general circulation in the Village of Morristown. The Village Board shall also file the law or amendment thereof with the Office of the Secretary of State. The law or amendment shall take effect upon filing with the Office of the Secretary of State or ten (10) days after publication of the amendment, whichever occurs later.

ARTICLE VIII MISCELLANEOUS PROVISIONS

Section 800 Interpretation

The provisions of these Laws shall be held to be the minimum requirements necessary to accomplish the purpose of the Law and shall be interpreted and applied as such. When requirements of other lawfully developed rules, regulations or laws, the most restrictive or that imposing higher standards shall take precedence.

Section 801 Validity

If any article, section, subdivision, paragraph, sentence, clause or provision of this chapter be adjudged to be invalid, such adjudication shall apply only to the article, section, subdivision, paragraph, sentence, clause or provision so adjudged invalid, and the remainder of this chapter shall be and remain in full force and effect.

Section 802 Repealing Clause

From and after the date when this chapter takes effect, any and every existing Law of the Village of Morristown pertaining to zoning or land use control is hereby superseded and repealed.

ARTICLE IX SUBDIVISION REGULATIONS

Section 1 Purpose

A. It is the purpose of these regulations to consider land subdivision plats as part of a plan for the orderly, efficient and economical development of the village of Morristown as follows:

1. Land to be subdivided shall be in accord with the Village Land Use Plan in its present state of completion;
2. Land shall be of such character that it can be used safely for building purposes with out danger to health, peril from fire, flood or other menace;
3. Proper provision shall be made for surface and subsurface drainage, water supply, sewage and other improvements;
4. All proposed lots shall be so laid out and of such size as to be in harmony with the resources to support such development;
5. The proposed street(s) shall compose a convenient system conforming to the Village Plan and be of such width, grade and location as to accommodate traffic, fire protection and other services.

Section 2 Scope

A. Pursuant to Village Law and in accord with provisions of the Municipal Home Rule Law, these regulations authorize and empower the Village Planning Board to conditionally approve Preliminary Plats and to approve Final Plats according to the process and standards set forth herein.

B. These regulations shall apply to the division of any parcel of land as herein defined and shall be applicable to any entirely or partially undeveloped plat filed with the St. Lawrence County Clerk prior to the effective date of these regulations.

C. Any subsequent enactment of Zoning Regulations affecting a previously filed or eligible subdivision plat shall entitle the sub-divider to the applicable exemption from those Zoning Regulations as provided in Village Law.

Section 3 Pre-Application Conference and Sketch Plan

A. Prior to the filing of an application for conditional approval of a Preliminary Plat, the sub-divider may appear and submit a Sketch Plan and accompanying information with a request for informal consideration by the Village Planning Board.

B. The purpose of such appearance and submission of information is primarily to afford the sub-divider an opportunity to consult informally at an early stage with a view toward conserving time and expense, and creating a mutual opportunity for an exchange of information that will aid in a desirable subdivision.

Section 4 Formal Application

A. Whenever any subdivision of land is proposed to be made and following any pre-application conference and review of the Sketch Plan, the sub-divider shall apply in writing to the Village Planning Board in addition be referred the St. Lawrence County Planning Board for approval of the subdivision.

B. There shall be filed a Preliminary Plat of the entire property for conditional approval and subsequently a Final Plat for approval.

Section 5 Preliminary Plat Submission

A. Following any Pre-Application Conference, the sub-divider shall prepare a Preliminary Plat. Three (3) copies and supplemental material required shall be submitted to the Planning Board with written application for conditional approval not less than seven (7) days prior to a regular scheduled meeting.

B. Whenever any proposed subdivision is located within five hundred (500') from any boundary of an adjoining municipality, state, county property, including highway right-of-ways, a copy of the application for conditional approval of the Preliminary Plat shall be referred to the St. Lawrence County Planning Board for review.

In the instance of such referral, the St. Lawrence County Planning Board shall have thirty (30) days to report its recommendations. Failure to report within thirty (30) days may be construed to be approval.

C. Within sixty-two (62) days of the date of submission, the Village Planning Board shall conditionally approve with or without modification, or disapprove the Preliminary Plat. Failure of the Planning Board to act within sixty-two (62) days shall constitute conditional approval of the Preliminary Plat. The time the Board must act may be extended by mutual consent.

D. If the St. Lawrence County Planning Board recommends disapproval or modification on any matter, the Village Planning Board shall not conditionally approve such application other than in accord with the recommendation, except by vote of a majority plus one of all the members of the Village Planning Board after adoption of a resolution setting forth their reasons. The St. Lawrence County Planning Board must be notified within seven (7) days following such action.

E. Any conditional approval or disapproval shall be stated in the records of the Planning Board and a certified copy notifying the applicant within five (5) days from the date action was taken.

Section 6 Final Plat Submission

A. The Final Plat shall conform substantially to the Preliminary Plat as conditionally approved. If desired by the sub-divider, the Final Plat may constitute only that portion or section of the conditionally approved Preliminary Plat which he proposes to record and develop at that time as long as such portion conforms to all requirements of these regulations.

Application of the Final Plat shall be accompanied by three (3) copies of the Final Plat and shall be submitted to the Planning Board at least seven (7) days prior to a regular board meeting, which date shall be the date of submission.

B. Within six (6) months after approval of the Preliminary Plat, the sub-divider must file with the Planning Board an application for approval of the Final Plat or it shall become null and void.

C. Any proposed subdivision previously referred to the St. Lawrence County Planning Board at the Preliminary Plat stage shall also be referred at the Final Plat stage. The St. Lawrence County Planning Board shall have thirty (30) days to report its recommendation to the Village Planning Board. Failure to report within thirty (30) days may be construed to be approval by that board.

D. A public hearing shall be held by the Village Planning Board on the Final Plat. The public hearing shall be advertised in an official newspaper and posted in at least 3 public places at least five (5) days prior to the hearing date.

E. The Village Planning Board shall by resolution approve, modify or disapprove the Final Plat within sixty (60) days of the date of submission. Upon failure of the Planning Board to act within the time period, the Final Plat shall be deemed approved. The time within which the Planning Board must act may be extended by mutual consent of the applicant and the board.

F. If the St. Lawrence County Planning Board recommends disapproval or modification, the Village Planning Board shall not approve such subdivision, other than in accord with the recommendation, except by a majority vote plus one of all members of the Planning Board, after adopting a resolution setting forth their reasons and shall notify the St. Lawrence County Planning Board within seven (7) days following such action.

G. Upon resolution of the Village Planning Board to approve or modify the Final Plat, the Chairman shall be authorized to sign the Final Plat subject to such modifications. Any approval or modifications, or disapproval shall be stated in the records of the Planning Board and a certified notices be sent to the applicant within five (5) days from the date action was taken.

H. Required Improvements - Within the time specified in the resolution granting approval the applicant shall:

- File with the Village of Morristown a certified check or performance bond to cover the full cost of the required improvements. Any such bond shall be satisfactory to the Village Board and Village Attorney as to form, efficiency, manner of execution and surety. The required improvements must be completed in a period of one (1) year, or such time as the Planning Board may determine, and shall be set forth in the bond; or

- Complete all required improvements to the satisfaction of the Code Enforcement Officer and file with the Village Board a letter and required drawings signifying the satisfactory completion of all improvements.

If the sub-divider elects to provide a certified check or bond, such bond shall not be released until satisfactory As-Built Drawings are approved by the Village Planning Board.

I. Signature and Filing shall be as follows:

- Upon satisfactory completion of the requirements, the Chairman of the Village Planning Board shall affix his signature to the Final Plat as evidence of the prior resolution of approval. Within ninety (90) days from the date of the resolution granting approval, the approved sections shall be duly filed by the applicant in the office of the St. Lawrence County Clerk.

- In the event that the approved Final Plat is filed in sections, each section shall constitute at least 10 percent of total lots contained in the Final Plat. All subsequent sections shall be filed prior to the date of expiration of any exemption provided for by the Village Planning Board.

Section 7 Coordination with Zoning Regulations

A. Pursuant to the provisions of Village Law, the Planning Board may entertain as part of the application for any Preliminary or Final Plat, a request to adjust the zoning regulations coincidental with its review and approval of any plat.

B. The purpose of this provision is to introduce flexibility in the design of a subdivision in a manner consistent with public interest, use of land and efficient provision of services. The use of this provision shall in no way be contrary to the Village Plan or intent of the Zoning Regulations.

C. Such adjustment shall not result in a greater number of building lots or dwelling units than would be allowed under the Zoning Regulations. No changes in the types of uses or activities provided for shall be allowed under this provision.

D. Any Final Plat approved, signed and filed with any adjustment allowed under this provision shall be filed with the Village of Morristown.

Section 8 General

A. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health, peril from fire, flood or other menace and shall be in keeping with the objectives of the Village Plan. All standards set forth herein are required minimum standards. Where conditions warrant, the Village Planning Board may call for additional reasonable measures.

Section 9 Natural Features

A. The utmost considerations shall be given to existing natural features of both the subdivision and adjoining lands. Every effort shall be made to preserve design with appropriate recognition to existing land, tree cover, waterways, shoreline, vistas and other physical characteristics.

Section 10 Monuments

A. The tract boundary lines and lines of all streets shall marked with monuments of concrete, stone or iron monuments with caps. Individual properties shall have monuments with iron pins or pipe. All monuments shall be in place and capable of being located prior to the Chairman affixing his signature on the Final Plat.

Section 11 Roadways

A. All roadways and related construction shall be the responsibility of the sub-divider unless otherwise indicated and shall be in accord with the following:

- The arrangement, character, extent, width, grade and location of all streets shall conform with the Village Plan and shall be considered in their relation to existing streets, topographical conditions, public convenience, safety and to the proposed use to be served by such streets.

- The arrangement of streets shall provide for continuation of residential streets in the surrounding area and be such as to compose a convenient system both for the subdivision and connections to existing streets. Minor streets shall be laid out so use by through traffic will be discouraged.

- No street name shall be used which will duplicate or be confused with existing streets in the village. Street names shall be subject to approval by the Village Board.

- Every street shown on the recorded Final Plat shall be a private street until such time as it is formally offered for cession to the village and formally accepted by resolution of the Village Board.

B. Design considerations shall be as follows:

- Street jogs with center line offsets of less than 150' feet shall not be permitted.

- The length of a tangent between reverse curves shall be a minimum of 200' feet on major streets and 100' feet on minor streets

- No street shall intersect any other street at less than a 75 degree angle. All streets shall join each other so that a distance of 100' feet is approximately at right angles to the adjoining street.

- Street grades shall conform as closely as possible to the natural topography

- A closed turn-a-round or cul-de-sac street may be permitted only where no through connection is possible or desirable.

- The classification for streets shall be determined by the Planning Board. Street right-of-ways shall be as follows:

Major Street	Minimum right-of-way	75' feet
Collector Street	Minimum right-of-way	60' feet
Minor Street	Minimum right-of-way	50' feet

C. Construction considerations shall be as follows:

- No street bed shall be approved or no gravel laid unless approved in writing by the Code Enforcement Officer and Superintendent of Public Works.

- The surface course shall be in accordance with NYS Department of Transportation Specifications.

- Proper drainage facilities shall be installed where required. Concrete culverts, corrugated metal pipe culverts or surface drains shall be used. Any reinforced concrete pipe used for culverts or surface drains shall be installed with a concrete head wall sufficiently footed into the subsoil.

- Catch-basins, manholes and drains shall be installed in accordance with the requirements of the Planning Board.

- All curbs and gutters shall be approved by the Planning Board.

- The street shoulder and paved area shall be installed as per the requirements and approval of the Planning Board.

- The Planning Board may require sidewalks as it deems necessary to provide for the safety of pedestrians. Concrete sidewalks at least 4' feet wide and 4" inches thick shall be installed where required.

Section 12 Blocks

A. Where the subdivision is laid out in conventional block form, block length shall generally not exceed 1500' feet nor be less than 750' feet. The length, width and shape of blocks shall be determined as follows:

- The type of development proposed and zoning requirements as to lot sizes and dimensions.

- The need for convenient access, circulation, control and safety of street traffic points of ingress and egress.

Section 13 Lots

A. The lot size, width, depth, shape and building setback lines shall be appropriate for the location of the subdivision, topographical conditions and type of development.

B. Minimum lot size and width shall be in accord with the requirements of the Zoning Regulations and NYS Department of Health.

C. The subdivision shall be such as to provide each lot with frontage on an improved street.

D. Corner lots for residential use shall have width to permit appropriate building setback to both streets in accord with front setbacks as established by the Zoning Regulations.

E. Double frontage lots with access to two streets shall not be approved.

F. Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.

G. Off-street parking space shall be required for all uses as established by the Zoning Regulations.

Section 14 Grading and Drainage

A. Storm and surface water drainage shall be designed for the tract in relation to the drainage area. Drainage systems must be sufficient to handle discharge from the entire drainage area. no subdivision shall be approved where runoff incident to the subdivision development will overload existing downstream facilities.

B. Drainage structures and facilities shall be installed as necessary to assure adequate drainage for the tract.

C. A sub-divider shall allow no holes, depressions or other undrained areas to remain, except such wet areas as may be natural protected features.

Section 15 Easements

A. Adequate easements centered on rear or side lot lines shall be provided for utilities. A minimum easement width of 15' feet is required.

B. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement right-of-way conforming with the lines of such water course as will be adequate as determined by the Planning Board.

C. A pedestrian right-of-way not less than 12' feet wide, in addition to a street, shall be provided where required to provide safe circulation, access to schools, playgrounds or other community facilities.

D. Where possible, easements shall be continuous from block to block and shall present as few irregularities as possible.

E. Access to streets, water mains, sewer mains or other land dedicated to be public use shall be prohibited unless controlled by the Village.

Section 16 Utilities

A. Sewage Disposal System - If, in the opinion of the Planning Board, a subdivision can be served by the extension of a public sanitary sewer, the developer shall provide sanitary sewers and laterals for each lot. Such installation service is subject to inspection by Municipal, County or State Agencies as per the local sewer laws.

B. Water Supply System - If, in the opinion of the Planning Board, a subdivision can be served by the extension of a public water supply, the sub-divider shall connect each lot at the property line with the public water supply system. Such installation service is subject to inspection by Municipal, County or State Agencies the local water laws.

C. Other Utilities - Electric, telephone or other available utilities shall be arranged for by the sub-divider and shall be placed under ground wherever possible. Utilities shall be located in accord with Public Service Commission guidelines and as approved by the Planning Board. Underground utilities shall be placed in the street right-of-way and street surface to simplify repair of lines.

Section 17 Street Lights/Trees/Signs/Screening

A. Street lights shall be arranged for, and be of a type and placed at such intervals by the sub-divider as approved by the Planning Board.

B. Preservation of existing trees and location and type of new trees shall be approved by the Planning Board.

C. The area between the drainage way and property line shall be seeded and improved by the sub-divider and maintained by the owner.

D. Street signs shall be installed by the Village of Morristown.

E. The Planning Board may require screening or other appropriate buffer, not less than 10' feet wide, along the lot lines between the subdivision and any adjoining commercial, major street or other similar use.

Section 18 Public Sites and Open Spaces

A. Where a proposed park, playground, school or other public use shown in the Village Plan is located in whole or in part in a subdivision, such area shall either be dedicated to the proper public agency or be reserved for acquisition by such agency within a specified period by purchase or other means by agreement between the sub-divider and the public agency.

B. Where a subdivision is of a size and in a location so as to warrant the provision of a park or playground, the Planning Board may require up to 10 percent of the land area be reserved and improved for open space recreation.

Section 19 Required Adjustments

A. Following approval and filing of the Final Plat it is demonstrated that unforeseen conditions make it necessary to modify the location or design of any required improvement or installation, the Planning Board may authorize such modification provided it is within the intent of the original Final Plat.

Section 20 Required Plat Approval

A. Approval and filing of the Final Plat shall not constitute acceptance by the Village Board of the dedication of any improvements or facilities without separate and formal acceptance by the Village Board.

Section 21 Waiver of Non-Applicability

A. Where the division of separate, noncontiguous and unrelated tracts of land held in one ownership or division of property by inheritance, the Planning Board upon application and in accord with requirements, may authorize a waiver of non-applicability releasing the applicant from compliance with these regulations.

Section 22 Enforcement/Violation/Appeal

A. Enforcement - These regulations shall be enforced by the Code Enforcement Officer designated by the Village Board, who shall not grant any permit for subdivision, construction or installation that would be in violation of any provision of these regulations. The Code Enforcement Officer shall make inspections necessary to carry out his duties to be in compliance with these regulations.

B. Citizen Complaint - Any resident, property owner or other person of legitimate interest may file a complaint with the Code Enforcement Officer against any alleged violation of these regulations. it shall be the duty of the Code Enforcement Officer to investigate such alleged violation(s) and to report in writing to the Village Board in a timely manner.

C. Notification and Correction - Any building or use found to be in violation of these regulations shall be recorded by the Code Enforcement Officer and official notice be given to the owner, tenant or occupant giving the specified number of days to correct such violation.

D. Violations and Penalties - Any person(s) who commit or permit any acts contrary to the provisions of these regulations shall be guilty of a violation and shall be subject to a fine not exceeding two hundred fifty dollars ($250) or imprisonment not exceeding thirty (30) days.

E. Each seven (7) days the violation continues shall constitute a separate offense.

F. The Village board may also maintain an action or proceeding in a court of competent jurisdiction to compel compliance with these regulations.

G. Appeal - All appeals for relief from the application of these regulations or request for variance shall be directed to the Planning Board. Where the Planning Board finds that practical difficulty or hardship may result from compliance of these regulations, it may vary from the regulations to substantial justice may be done and public interest secured, provided that such variance will not have the effect of nullifying the intent and purpose of these regulations.

H. Court Review - Any person(s), jointly of severally aggrieved by any decision of the Planning Board, Zoning Board or any department of the Village of Morristown may have the decision reviewed in the manner provided in the Civil Practice Law, providing the proceeding is commenced within thirty (30) days of the decision.

Section 23 Interpretation and Effectuation

A. Interpretation - The provisions of these regulations shall be held to minimum requirements, adopted for the promotion of the public health, morals, safety and general welfare. Whenever the requirements of these regulations are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive or imposing a higher standard shall govern.

B. Separability - The invalidity of any provision of these regulations shall not invalidate any other provision thereof.

C. Effective Date - The Village of Morristown Subdivision Regulations shall take effect at the time and in the manner provided by law and any existing ordinances, statutes, resolutions, regulations or laws in conflict with its provisions shall be deemed repealed upon the effective date of these regulations.

ARTICLE X DEFINITIONS

The following definitions of words and terms shall be used in the interpretation, administration and enforcement of these regulations:

Accessory Structure - A structure subordinate to the principal building on a lot and used for purposes customarily incidental to those of the principal building. Examples include but are not limited to sheds, garages, fences, swimming pools, satellite dish antennas.

Accessory Uses - A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

Alteration - A change or rearrangement in the structural parts, or in the entrance and exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

Appeal - A request for a review of the interpretation of any provision of this law or a request for a variance.

Art Studio - Enclosed place for the production and sales of crafts and arts produced on-site.

Bed and Breakfast - An owner-occupied place of lodging that has four quest rooms or fewer and may serve meals only to quest.

Boarding House - An owner-occupied dwelling, or part thereof, in which lodging is provided for a fee by the owner or operator to not more than eight (8) boarders.

Building - Any structure where space is covered or enclosed.

Building Frontage - That side of any building facing a public street.

Building Height - The vertical distance measured from 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 to the highest point of the roof for or flat roofs; to the deck line of mansard roofs; and to the means height between eaves and ridge for gable, hip and gambrel roofs.

Building/Principal - A building in which is conducted the main or principal use of the lot on which said building is situated.

Building Permit - A permit issued by the Code Enforcement Officer that authorizes the recipient to make use of property in accordance with the requirement of this Local Law.

Business Area - The total ground area covered by a principal building, accessory structures, parking including outdoor display and storage areas integral to the business.

Certificate of Occupancy - A Certificate issued by the Code Enforcement Officer indicating that a structure or the use of land is in compliance with any approved site plan, conditions on approval and with this Local Law.

Church - Any place devoted to organized worship on a regular basis.

Cluster Housing - Development of one family dwellings on lots which are smaller than permitted by the regulations of these Laws; where the density of development is no greater than would otherwise be permitted by conventional lot regulations; and where residual land produced by the smaller lot size is used for public recreation and open space.

Commercial Recreation - A recreation facility designed and equipped for the conduct of sports and other leisure time activities which is operated as a business and open to the public for a fee.

Commercial Services - Establishments primarily providing services, as opposed to products, to the general public including but not limited to personal services, business services, repair services (except motor vehicle repair), educational services, social services, legal, accounting, engineering, and other professional services and Laundromats.

Community Residence - Shall be defined as in the New York Code of Rules and Regulations part 417, and shall for the purpose of these regulations, be interchangeable with "agency group home" and "temporary home" as defined in those regulations. Such residential facilities must be authorized by the NYS Board of Social Welfare or by the New York State Commissioner of Mental Hygiene and living as a single, stable housekeeping unit.

Conservation - The continuation of land in its natural state, or any use that will maintain the land in essentially its natural state.

Day Care In Family Dwelling - Day care in the family dwelling for three to six non-resident persons. Care includes services provided with or without compensation. Both local and state permits are required. Day care in the family dwelling unit shall be regulated in NYCRR

Day Care Center - Any care arrangement for persons under the age of eighteen (18) or over the age of sixty (60) that provides day care on a regular basis for more than four hours per day for more than five persons, for payment or reimbursement.

Driveway - Vehicle travel lane between a public road and a parking area, not including field entrances. A divided driveway is so designed that traffic entering it is separated from traffic leaving it by a raised median or other physical barrier is considered a single driveway unit.

Dwelling - Any building, or part thereof, designed and used for year-round human habitation or intended to be so used.

Dwelling Unit - One or more rooms located within a dwelling and providing complete living accommodations for one family, including cooking and bathroom facilities.

Dwelling Unit/One Family - A detached dwelling containing one dwelling unit.

Dwelling Unit/Two Family - A detached dwelling containing two dwelling units.

Dwelling Unit/Multi Family - One or more dwellings containing separate dwelling units for three or more families. May include apartments, cooperative housing, condominiums and provide rental or sales housing.

Dwelling Unit/Town House - A dwelling accommodating or designed to accommodate a single family in a single dwelling unit, the walls on two sides which may be in common with the walls of adjoining dwellings and are part or lot line walls. May provide rental or sales housing.

Family - An individual or two or more persons of recognized family relationship occupying a dwelling unit and living as a single household. For the purpose of these Laws a family may also consist of not more than five unrelated individuals living together as a single housekeeping unit.

Fence - An artificially constructed barrier of approved material or combination of materials erected to enclose or screen areas of land. Natural hedges or shrubbery for the purpose of enclosing or screening an area or land shall be constituted as part of these provisions and shall be covered by these regulations.

Frontage - The distance between the side lot lines measured at the street right-of-way line.

Funeral Home - A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected before burial or cremation.

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, used primarily for the storage, hiring, selling, greasing, washing, servicing or repair of motor-driven vehicles operated for gain.

Gasoline Station - Any area of land, including structures thereon, that is used or designed to be used for the sale of gasoline or oil or other motor vehicle fuel and which may include facilities for lubricating, washing, cleaning or otherwise servicing motor vehicles, but not including the painting or major repair thereof. The term "Gasoline Station" shall be deemed to include a filling station, a service station, and combination gas station and convenience store.

Gross Floor Area - The sum of the gross horizontal area of the several floors of a building and its accessory buildings 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.

Hazardous - Any building or structure which is structurally unsafe, unsanitary, constitutes a fire hazard, harbors vermin, or is otherwise dangerous to human life, or uses which is in relation to existing conditions constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.

Health Care Facility - Unless otherwise specified, the term "health care facility" shall be deemed to include a hospital, clinic, rest home, nursing home, sanitarium, or any other place for the diagnosis, treatment, and/or other care of human ailments, addictions, development disability or old age.

Home Occupation - A subordinate and incidental use of a commercial nature which is not detrimental to the residential character of the lot on which said home occupation is located or the surrounding neighborhood and is performed or conducted in the owner-occupied dwelling. Home occupations shall be limited to an owner-occupied dwelling. A home occupation shall produce no offensive noise, traffic, vibrations, smoke, dust, heat, glare or electronic disturbance beyond the property it occupies.

Junk - Is material that is re-usable or can be recycled to be used again in some form. Examples are iron, glass, wood or paper.

Junkyard - A lot or building, or part thereof, used for the collecting, storage or sale of wastepaper, rags, scrap metal, wood, discarded appliances or similar discarded or waste material; or for the collecting, dismantling, storage, and salvaging of machinery or vehicle not licensed and in running condition or for the sale or storage of parts thereof. Example: Auto salvage yard.

Land Use Activity - The specific purpose for which land or building is used or designed and intended to be used and maintained.

Light Manufacturing/Assembly - An establishment engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products and the blending of materials inside an enclosed structure. It shall produce minimal noise, air pollution, electronic disturbance and shall not detract from the overall nature of the district in which it is located.

Loading Space - An off-street space or berth, no smaller than a parking space, used for loading or unloading vehicles.

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.

Lot Area - The total area included within lot lines excluding any highway right-of-way.

Lot/Corner - A lot located at the intersection of and fronting on two or more intersecting streets, and having an interior angle at the corner of the intersection of less than 135 degrees.

Lot/Depth - The mean horizontal distance between the front and rear lot lines measured in the general direction of the side lot lines.

Lot Lines - The property lines bounding the lot.

a. Lot line/Front - The lot line separating the lot from the street right-of-way.

b. Lot line/Rear - The lot line opposite and most distant from the front lot line.

c. Lot line/Side - Any lot line other than a front or rear lot line.

Lot/Width - The distance between side lot lines measured parallel to the front setback line at a distance from the front lot line equal to the front setback specified for the district.

Manufacturing - Establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, productions of goods, and the blending or packaging of materials.

Manufactured Home - A detached, one dwelling unit with any or all of the following characteristics:

a. Manufactured as a dwelling unit which are pre-built in two or more parts transported to and assembled on a permanent foundation intended for year round occupancy and for installation on a site without a basement.

b. Designed to be installed as a complete single-wide or double-wide unit with only incidental unpacking and assembling operations;

c. Designed and manufactured as the type of unit which would require, after January 15, 1974, a seal as provided for in the State Code for Construction and Installation of Mobile Homes.

Mobile Home Park - A contiguous parcel of land under one ownership or management which is at least two (2) acres in area and which has been planned and improved for the placement of at least two (2) mobile homes for non-transient use.

Nonconforming Use - A building or use of land existing on the date of enactment of these Laws which does not comply with the permitted use regulations of the zone in which it is located.

Office Building - A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government.

Parking Area - An off-street, ground-level area, usually surfaced and improved for the temporary storage of motor vehicles in operating condition.

Parking Space - An off-street space available for parking one automobile and which is an area at least nine (9) feet wide and twenty (20) feet long, not including maneuvering area and access drives thereto.

Permitted Use - Any use allowed in a zoning district and subject to restrictions applicable to that zoning district.

Personal Service Outlet - A building where a service is sold; such as cleaners, Laundromat, barber shop, beauty salon or tailor.

Plat - A map representing a tract of land showing boundaries and location of individual properties and streets.

Plat/Preliminary - A preliminary map indicating the proposed layout of a subdivision or site plan which is submitted to the Planning Board for consideration and preliminary approval.

Plat/Final - A final map drawn by a licensed engineer showing a proposed subdivision including all detailed information required by New York State Law and these regulations, which is submitted to the Planning Board, and if approved, filed with the County Clerk.

Principal Use - The primary or predominant use of any lot.

Pubic Notice - The advertisement of a public hearing in a paper of general circulation in the area, indicating the time, place and nature of the public meeting.

Public Use - A building, structure or use owned and operated by a governmental agency or non-profit organization to provide a public service. Example: Post Offices, Library, Fire House, Museum.

Restaurant - An establishment engaged in selling goods or merchandise to the general public for personal household consumption.

Right-Of-Way - A strip of land occupied or intended to be occupied by a street, trail, railroad, electric transmission line, gas pipeline, water main, sanitary or storm sewer or for another special use.

Rubbish - Is material or rejected matter that is not reusable. It is considered useless waste (not recyclable). Example: food or food products, light bulbs, kitty litter, oil, gas, asbestos, etc.

Salvage Yard - Any area, lot, land, parcel, building or structure or part thereof, for the storage, collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal, or other scrap or discarded goods, materials, machinery or two (2) or more unregistered, inoperable motor vehicles or other types of junk.

Screening - A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, or densely planted vegetation.

Setback - The distance between the lot line and the line of any building, or any projection thereof, excluding uncovered steps, decks and porches.

Setback Lines - That line that is the required minimum distance from the street right-of-way line or any other lot line that established the area within the principal structure must be erected or placed.

Setback/Front - An open space extending the full width of the lot between any building and the front lot line and measured perpendicular to the building at the closest point to the front lot line.

Setback/Rear - An open space extending across the full width of a lot between the principal building and the rear lot line, and measure perpendicular to any building at the closest point to the rear lot line.

Setback/Side - An open space extending from the front yard to the rear yard between the principal building and the side lot line measured perpendicular to the side lot line to the closest point of the principal building.

Sign - Any device used for the visual communication or advertisement of a place, building, product, service or name.

Site Plan - An accurately scaled development plan illustrates the existing conditions on a land parcel as well as depicting major characteristics or proposed development.

Sketch Plan - A rough sketch map of proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion by the Planning Board.

Special Use - A use that would not be appropriate generally or without restrictions throughout the zoning district, but which if controlled as to area, location, layout or design, would be compatible with other uses permitted in the zoning district. Such as a conditional use if all specific standards established in Section 302 Special Use Standards/Special Permits are satisfied.

Street - A public or private way which affords the principal means of access to abutting property.

Street Lines - The right-of-way of a street, road or highway.

Street Width - The width of the road right-of-way measured at right angles to the center line of the street.

Structure - An assembly of materials forming a construction framed of component parts for use or occupancy, including but not limited to buildings.

Substantial Improvement - Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either before the improvement is started, or if the building has been damaged, before damage occurred.

Swimming Pool - A structure intended for bathing or swimming purposes made of concrete, masonry, metal, or other impervious material, having a depth of more than three (3') feet and owned and maintained by an individual for exclusive use by their family and friends.

Tavern - An establishment licensed by the State of New York used primarily for the serving of alcoholic beverages by the drink to the general public and where food or packaged liquors may be served or sold as accessory to the primary use.

Temporary Use - A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Use - The activity or function that actually takes place or is intended to take place on a lot.

Use Variance - A departure from the provisions of the zoning regulations relating to the use of a parcel of property. A variance may be granted by the Zoning Board of Appeals if it is demonstrated that a literal application of the regulations would result in unnecessary hardship or practical difficulties.

Variance - Written authority to deviate from any of the regulations of these Laws, said authority to be granted by the Zoning Board of Appeals if it is demonstrated that a literal application of the regulations would result in unnecessary hardship or practical difficulties.

Yard - An open unoccupied space located on the same lot as any building and measured by the distance between a lot line and the nearest point from any building (excluding porches or covered terraces open at the sides). Front yard measurements are to be made from the street right-of-way line and not the street center line.

Yard/Front - An open space extending the full width of a lot between the principal building and the front lot line and measured perpendicular to the building at the closest point to the front lot line.

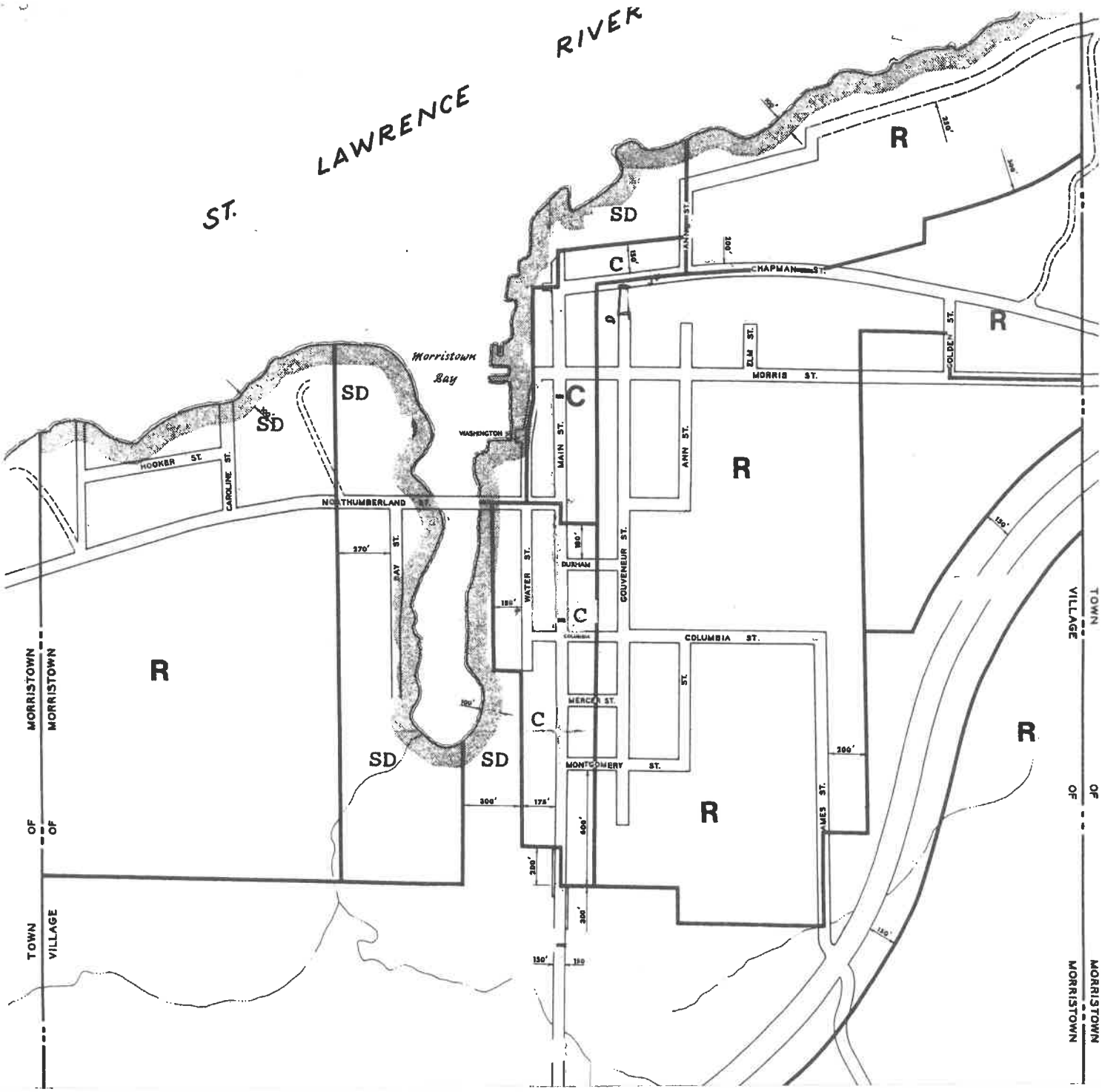
Yard/Rear - An open space extending across the full width of a lot between the principal building and the rear lot line and measured perpendicular to the building closest to the rear lot line.

Yard/Side - An open space extending from the front yard to the rear yard between the principal from the side lot lines measured perpendicular from the side lot lines to the closest point of the principal building.

Zoning Map - The map or maps, which are part of the zoning local law, and delineate the boundaries of zoning districts.

VILLAGE OF MORRISTOWN
USE SCHEDULE
REQUIRED OFF-STREET PARKING

Use or Activity	Spaces
One and two family dwelling unit: for each dwelling unit	2
Multi-family dwelling unit: for each dwelling unit	2
Manufactured Home on private lot	2
Rooming house or tourist home: for each room let/basic dwelling unit	1
Home occupation: for the basic dwelling unit	2
School: for each teaching station plus visitor use	1
Museum, gallery, library: for each 500 sq.ft. of gross floor area plus visitor use	1
Church, theater, public assembly: for each five persons to be accommodated	1
Nursing Home: for each three beds: for each employee	1.5
Professional clinic: for each 200 sq.ft. plus: for each professional person	1.5
Retail establishments/banks: for each 100 sq.ft. of gross floor area	1.5
Personal service outlets: for each 100 sq.ft. of gross floor area	1.5
Restaurant: for each 100 sq.ft. of gross floor area or every four (4) seats	1.5
Funeral home: minimum	10
Club/Fraternal organization: for each 200 sq.ft. plus each member	1.5
Commercial recreation: for each 200 sq. ft. of enclosed space plus: for each 5,000 sq. ft. of outdoor space	1
Manufacturing, assembly or similar industry: for each 500 sq.ft. or for each two employees, whichever greater	1
Wholesale/food processing/storage: for each employee	1
Lumberyard/building materials: for each employee; plus for customer parking	1
Printing/plumbing/electrical establishment: for each employee	1.5


ST. LAWRENCE RIVER
Morristown Bay
SD
C
R
HOOKER ST.
CAROLINE ST.
NORTHUMBERLAND ST.
BAY ST.
WASHINGTON
MAIN ST.
WATER ST.
DURHAM
GOUVENEUR ST.
ANN ST.
ELM ST.
MORRIS ST.
CHAPMAN ST.
GOLDEN ST.
COLUMBIA ST.
MERCER ST.
MONTGOMERY ST.
JAMES ST.
270'
300'
175'
200'
150'
TOWN OF MORRISTOWN
VILLAGE OF MORRISTOWN