

ARTICLE I 1

GENERAL PROVISIONS..... 1

 Section 1.1 Title..... 1

 Section 1.2 Purpose 1

 Section 1.3 Applicability 1

 Section 1.4 Definitions 1

ARTICLE II..... 26

LAND USE DISTRICTS..... 26

 Section 2.1 Establishment of Districts..... 26

 Section 2.2 Zoning Map 30

 Section 2.3 District Boundaries 31

 Section 2.4 Lots in More than One District..... 31

ARTICLE III 32

USE & AREA REGULATIONS 32

 Section 3.1 Permitted Uses 32

 Section 3.2 Area Regulations 32

 Section 3.3 Existing Lots..... 32

 Section 3.4 Yards on Corner Lots 32

 Section 3.5 Front yard Requirements 32

 Section 3.6 Open Porches, and Attached Carports and Garages 33

 Section 3.7 Projection in Yards 33

ARTICLE IV..... 34

NON-CONFORMING USES, STRUCTURES AND LOTS 34

 Section 4.1 Continuation of Non-Conforming Uses, Structures and Lots 34

 Section 4.2 Abandonment of Use/ Discontinuance 34

 Section 4.3 Changes in Non-Conforming Use 34

 Section 4.4 Maintenance of Non-Conforming Uses and Non-Conforming Structures 34

 Section 4.5 Restoration..... 34

 Section 4.6 Completion of Structures..... 35

 Section 4.7 Non-Conforming Lots 35

ARTICLE V 36

SUPPLEMENTARY REGULATIONS..... 36

 Section 5.1 Accessory Uses and Structures 36

 Section 5.2 Fences and Walls 38

 Section 5.3 Corner Visibility 40

 Section 5.4 Parking Requirements..... 40

 Table 1 Parking Schedule 42

| | |
|--|-----------|
| Section 5.5 Home Occupations..... | 48 |
| Section 5.6 Location of Certain Activities..... | 48 |
| Section 5.7 Access Management | 49 |
| Section 5.8 More Than One Building on a Lot in Residential Districts..... | 50 |
| Section 5.9 Mining | 500 |
| Section 5.10 Agricultural Uses | 50 |
| Section 5.11 Fuel Storage Tanks | 52 |
| Section 5.12 Uses Permitted in the A1 Airport District | 52 |
| Section 5.13 Buffering..... | 53 |
| Section 5.14 Design Guidelines..... | 54 |
| Section 5.15 Lighting Requirements | 66 |
| ARTICLE VI..... | 69 |
| SIGNS | 69 |
| Section 6.1 Purpose | 69 |
| Section 6.2 Applicability | 69 |
| Section 6.3 Severability | 69 |
| Section 6.4 General Regulations | 69 |
| Section 6.5 Specific Regulations Regarding Types of Signs | 70 |
| Section 6.6 Temporary Signs..... | 73 |
| Section 6.7 Exceptions | 73 |
| Section 6.8 Permits and Procedures | 75 |
| Section 6.9 Measurement | 77 |
| Section 6.10 Design Guidelines..... | 78 |
| Section 6.11 Nonconforming Signs..... | 79 |
| Section 6.12 Removal of Signs..... | 79 |
| Section 6.13 Appeals | 80 |
| ARTICLE VII..... | 81 |
| SITE PLAN REVIEW..... | 81 |
| Section 7.1 Site Plan Review and Approval..... | 81 |
| Section 7.2 Applicability | 81 |
| Section 7.3 Authority to Approve and Disapprove | 82 |
| Section 7.4 Sketch Plan | 82 |
| Section 7.5 Application for Detailed Site Plan Approval..... | 83 |
| Section 7.6 Administrative Review of Site Plan Applications for Projects Under 1,000 square feet in the Town Center District | 87 |
| Section 7.7 Public Notice and Hearing..... | 88 |
| Section 7.8 Referral to the County Planning Board | 88 |
| Section 7.9 Review of Detailed Site Plan..... | 89 |
| Section 7.10 Compliance with State Environmental Quality Review Act | 90 |
| Section 7.11 Planning Board Action on Site Plan | 90 |
| Section 7.12 Reimbursable Costs | 91 |
| Section 7.13 As-Built Plans..... | 91 |
| Section 7.14 Performance Guarantee | 92 |

Section 7.15 Certificate of Occupancy Prior to Completion of Site Work 92

Section 7.16 Integration of Procedures..... 92

Section 7.17 Appeal of Board Decision 93

ARTICLE VIII 94

SPECIAL USE PERMIT REVIEW 94

Section 8.1 Special Use Permit Review and Approval 94

Section 8.2 Applicability and Granting of Special Use Permit 94

Section 8.3 Procedure 94

Section 8.4 Public Notice and Hearing..... 94

Section 8.5 Application 95

Section 8.6 General Standards..... 95

Section 8.7 Additional Specific Standards 97

Section 8.8 Referral to County Planning Board 97

Section 8.9 Compliance with State Environmental Quality Review Act 98

Section 8.10 Reimbursable Costs 98

Section 8.11 As-Built Plans..... 98

Section 8.12 Performance Guarantee 99

Section 8.13 Certificate of Occupancy Prior to Completion of Site Work 99

Section 8.14 Integration of Procedures..... 99

Section 8.15 Appeal of Board Decision 99

ARTICLE IX..... 101

PLANNED DEVELOPMENT DISTRICTS 101

Section 9.1 Purpose and Objectives 101

Section 9.2 Criteria 101

Section 9.3 Procedure 104

Section 9.4 Considerations 108

Section 9.5 Common Property..... 108

Section 9.6 Applicability of Conditions 109

Section 9.7 Other Requirements..... 109

Section 9.8 Review Fees..... 109

ARTICLE X 110

AIRPORT DEVELOPMENT DISTRICT 110

ARTICLE XI..... 111

WELLHEAD PROTECTION OVERLAY DISTRICT 111

Section 11.1 Purpose 111

Section 11.2 Location 111

Section 11.3 Applicability 111

Section 11.4 Regulations 111

Section 11.5 Non-Conforming Activities 112

ARTICLE XII..... 113

PLACEMENT OF MANUFACTURED HOMES, MANUFACTURED HOME PARK REGULATIONS AND MAINTENANCE OF MANUFACTURED HOME PARKS..... 113

 Section 12.1 Manufactured Homes 113

 Section 12.2 Manufactured Home Sales..... 114

 Section 12.3 Manufactured Home Parks 114

 Section 12.4 Existing Nonconforming Manufactured Home Parks 121

 Section 12.5 Permit Requirements for Existing Manufactured Home Parks 121

 Section 12.6 Required Record Keeping 122

 Section 12.7 Requirements when Changes are Made..... 122

 Section 12.8 Violations and Penalties 123

ARTICLE XIII 124

WOOD BOILERS 124

 Section 13.1 Purpose 124

 Section 13.2 Permit Required..... 124

 Section 13.3 Specific Requirements..... 124

 Section 13.4 Suspension of Permit..... 125

 Section 13.5 Waivers 125

 Section 13.6 Effect of Other Regulations 125

ARTICLE XIV..... 127

SMALL WIND ENERGY FACILITIES 127

 Section 14.1 Purpose 127

 Section 14.2 Findings 128

 Section 14.3 Procedure 129

 Section 14.4 Development Standards..... 129

 Section 14.5 Safety Standards 131

 Section 14.6 Appearance 133

 Section 14.7 Removal..... 133

 Section 14.8 Administration..... 133

ARTICLE XV 135

ZONING BOARD OF APPEALS..... 135

 Section 15.1 Creation, Appointment and Organization..... 135

 Section 15.2 Amendments to New York State Town Law Section 267..... 135

 Section 15.3 Powers and Duties 135

 Section 15.4 Imposition of Conditions 137

 Section 15.5 Procedures 137

ARTICLE XVI..... 141

ADMINISTRATION AND ENFORCEMENT..... 141

 Section 16.1 Enforcement..... 141

| | |
|---|------------|
| Section 16.2 Permits | 141 |
| Section 16.3 Inspection of Improvements | 142 |
| Section 16.4 Certificates of Occupancy | 142 |
| Section 16.5 Issuance of Notices of Violation | 142 |
| Section 16.6 Issuance of Stop Work Orders..... | 143 |
| Section 16.7 Penalties..... | 143 |
| ARTICLE XVII..... | 145 |
| AMENDMENTS..... | 145 |
| Section 17.1 Authority..... | 145 |
| Section 17.2 Initiation..... | 145 |
| Section 17.3 Report of the Planning Board | 145 |
| Section 17.4 Town Board Procedure..... | 146 |
| Section 17.5 Compliance with State Environmental Quality Review Act..... | 147 |
| Section 17.6 Town Board Action | 147 |
| Section 17.7 Conformance with Town Master Plan..... | 147 |
| Section 17.8 Effective Date of Amendment..... | 147 |
| ARTICLE XVIII..... | 148 |
| MISCELLANEOUS..... | 148 |
| Section 18.1 Construal of Provisions | 148 |
| Section 18.2 Relationship of This Ordinance to Other Laws and Regulations | 148 |
| Section 18.3 Repealer | 148 |
| Section 18.4 Existing Violations | 148 |
| Section 18.5 Severability | 148 |
| Section 18.6 When Effective | 148 |
| ARTICLE XIX..... | 150 |
| TOWN CENTER SMART GROWTH ZONING CODE..... | 150 |
| Section 19 | 150 |

ARTICLE I

GENERAL PROVISIONS

Section 1.1 Title

This Ordinance shall be known and may be cited as “The Town of Plattsburgh Zoning Ordinance” of the Town of Plattsburgh, Clinton County, New York

Section 1.2 Purpose

The purpose of this Ordinance is to implement the policies of the adopted Comprehensive Plan and Smart Growth Plan, as may be amended from time to time, to promote the health, safety, morale, and the general welfare of the community, and to lessen congestion in the streets, to secure safety from fire, flood, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other requirements, under and pursuant to Article 16 of Chapter 62 of the Consolidated Laws, the height and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes are hereby restricted and regulated as hereinafter provided.

Section 1.3 Applicability

Except as otherwise provided, this Ordinance does not apply to uses, buildings, complexes of structures or projects which were lawfully in existence and have received a conditional subdivision or site plan approval, or, have a valid permit as of the date this Ordinance becomes effective. Any use which would otherwise be subject to this Ordinance, which has been discontinued for a period of one (1) year or more, shall be subject to review pursuant to the terms of this Ordinance before such use is resumed. Any use, building, complex of structures or project shall be considered to be in existence provided the same has received a conditional subdivision or site plan approval, has a valid permit, or, has been substantially commenced as of the effective date of this Ordinance or any amendment thereto, and is fully constructed and completed within one (1) year from the effective date of this Ordinance.

Section 1.4 Definitions

Words in the present tense include the future, the singular number includes the plural and the plural the singular; the word LOT includes the word PLOT or PARCEL and the word BUILDING includes the word STRUCTURE; the word OCCUPIED includes the words DESIGNED OR INTENDED TO BE OCCUPIED; the word USED includes the words ARRANGED, DESIGNED OR INTENDED TO BE USED.

Words and phrases that are not defined shall be given their usual meanings except where the context clearly indicates a different or specific meaning.

ACCESSORY STRUCTURE OR USE - A freestanding building or use that is clearly and customarily incidental and subordinate to the principal building or use and is located on the same lot with such principal building or use. To have an accessory building on a lot there must be a principal building already in existence.

ADULT DAY CARE CENTER – A licensed facility for aged, infirmed or disabled adults, which is operated during a part of the day only, which provides supplementary care and protection of individuals who reside elsewhere.

ADULT USE – Land, building, complex of structures or business, or part thereof, consisting of, including, or having the characteristics of any or all of the following:

1. **ADULT BOOKSTORE** – Having as a substantial or significant portion of its stock- in-trade books, magazines, publications, tapes, or films that are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
2. **ADULT CABARET** – (1) Devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas; (2) A cabaret that features topless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons.
3. **ADULT MOTION PICTURE THEATER** – A building, or part thereof, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.
4. **LINGERIE FASHION MODELING** – Wherein live models wear and model lingerie for the pleasure of one or more patrons.

AGRICULTURAL USE – Use of land for agricultural purposes, including farming, dairying, pasturage, horticulture, floriculture, viticulture and animal and poultry husbandry, including the construction, alteration or maintenance of agricultural roads, agricultural drainage systems and farm ponds. An agricultural use is commonly referred to as a farm.

AGRICULTURAL STRUCTURE – Any building or structure directly or customarily associated with agricultural use, including barns, stables and farm stands, but not including fences, ponds or roads.

AIRPORT - An area of land that is used or intended to be used for the landing and takeoff of aircraft, and including its buildings and facilities, if any.

AIRPORT ALLIED USES – Those uses that are either directly or indirectly related to the maintenance and operation of airplanes and airports, respectively. Uses include aircraft and aircraft parts manufacture, airfreight terminals, aviation schools; aircraft repair shops, aviation research and testing laboratories, aircraft sales, equipment and parts storage.

AIRPORT LANDING AREA - That part of the airport that is used or intended to be used for landing and taking off of aircraft and the adjacent clear zone. In the case of the former Plattsburgh Air Force Base, this includes the paved runway 11, 760' x 300' and the adjacent clearways, which extend 750' each side of the centerline of the runway.

ALTERATION - As applied to a building or structure, means a change or rearrangement in the structural parts or in the 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.

ANIMAL HOSPITAL – Any land, building, complex of structures or business providing health services and medical or surgical care to animals suffering from illness, disease, injury, deformity and other abnormal conditions, including related facilities such as laboratories and boarding facilities.

APPLICANT – A property owner or his duly authorized representative, as designated by an affidavit or authorization filed with the Town, who intends to undertake any development or other activity subject to these Regulations.

ASSISTED LIVING FACILITY – Any land, building, complex of structures or business usually occupied by the elderly that provides rooms, meals, personal care and supervision of self- administered medication. It may provide other services such as recreational activities, financial services, and transportation intended solely for residents.

AUTOMOBILE BODY WORK – The commercial repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, body and fender work, welding, painting, straightening, sanding, detailing and steam cleaning of vehicles.

AUTOMOBILE DETAILING/CARWASH - A building or outside area containing facilities for washing, cleaning, waxing or detailing automobiles utilizing either mechanical devices and/or manual hand-labor, including fully-automated coin-operated self-service systems which require no on-site staff. Does not include automotive body work.

AUTOMOBILE FUEL STATION – Any land, building, complex of structures or business, or portion thereof, that is used or designed to be used for the sale of gasoline, oil, or other motor vehicle fuel and which may include facilities for lubricating, washing,

cleaning or otherwise servicing motor vehicles, but not including the painting or major repair thereof or the use of mechanical car washing equipment.

AUTOMOBILE RENTAL FACILITY – A building, structure or premise used for the rental of motorcycles, automobiles or light trucks, which may include facilities for cleaning, detailing or repair of rental vehicles.

AUTOMOBILE REPAIR AND SERVICE – Any land, building, complex of structures or business with facilities for servicing and detailing of motor vehicles. This shall not include rebuilding or reconditioning, collision services, body and fender work, painting, or any dismantling or disassembly of frame and exterior parts.

AUTOMOBILE SALES – The use of any land, building, complex of structures or other premise for the display, sale, rental or lease of new or used motorcycles, passenger cars, recreational vehicles, all-terrain vehicles, or light trucks, including any detailing, preparation or repair work conducted as an accessory use.

BANNERS AND PENNANTS - Any advertising device affixed to poles, wires or ropes, such as banners, pennants, streamers, wind operated propellers, string lighting or other similar advertising media, but not to include properly displayed flags of city, town, state or country or any message sign or flag.

BASEMENT – That portion of a building wholly or partly underground but having at least one half of its height above finished grade.

BED AND BREAKFAST – A business operated in a structure, which is used primarily for providing overnight accommodations to the public, even though the owner or manager lives on the premises. The number of guest rooms may range from one (1) to no more than ten (10). The establishment shall not contain restaurant facilities but may provide food service for transient guests only.

BREWERY/WINERY – An establishment involving the fermenting, blending, bottling and retail sales of wine, beer or other alcoholic drinks.

BUILDABLE AREA – The net portion of the lot remaining after deducting all required setbacks from the gross area of the lot. Also, the planimetric area of a building or any projection therefrom, including attached overhangs, canopies, vestibules, porches, decks, attached garages, etc.

BUILDING – Any structure wholly or partially enclosed within exterior walls, or within exterior and party walls, and a roof, affording shelter to persons, animals or property.

BUILDING ELEVATION – A fully dimensioned drawing of the front, rear, or side of a building showing features such as windows, doors, and relationship of grade to floor level.

BUILDING FRONT/FACE - The outer surface of a building, which is visible from any private or public street or highway.

BUILDING SETBACK: The least horizontal distance permitted between a lot line and the nearest portion of any building on such lot.

BUILD-TO ZONE - A zone which is parallel to the front or side property line which represents the minimum and maximum front or side yard setback distances in which the facade of a structure is permitted to be built.

BULK STORAGE – The storage of chemicals, petroleum products, grains, and other materials in structures for subsequent resale to distributors or retail dealers or outlets.

BUS TERMINAL – Any premises for the storage or parking of motor-driven busses and the loading and unloading of passengers. Bus terminals may include ticket purchase facilities, restaurants and stores.

BUSINESS/PROFESSIONAL OFFICE – A building or portion thereof used primarily for conducting the affairs of a business, profession, service, industry, or government, or like activity, and may include auxiliary services for office workers.

CELLAR – A story partly underground and having one half (1/2) or more of its clear height below finished grade. A “cellar” shall not be counted as a story in determining the building height.

CEMETERY – Property used for internment of the dead.

CHILD DAY CARE CENTER - A facility in which child day care is provided on a regular basis to six (6) or more children for more than three hours per day per child for compensation. This does not include nursery schools, kindergartens or other facilities for which the purpose is primarily educational, recreational, or medical treatments. A Child Day Care Center may not be located within a residence. Child Day Care Center Facilities are also regulated by the State of New York.

CHILD DAY CARE CENTER, IN-HOME – A facility in which child day care is provided on a regular basis to less than six (6) children for more than three hours per day per child for compensation and which is located within a residence. This does not include nursery schools, kindergartens or other facilities for which the purpose is primarily educational, recreational, or medical treatments. In House Child Day Care centers may be regulated by the State of New York.

CLEARWAY – (1) For turbine engine powered airplanes certificated after August 29, 1959, an area beyond the runway, not less than five hundred (500) feet wide, centrally located about the extended centerline of the runway, and under the control of the airport authorities. The clearway is expressed in terms of a clearway plane, extending from the end of the runway with an upward slope not exceeding 1.25 percent, above which no

object nor any terrain protrudes. However, threshold lights may protrude above the plane if their height above the end of the runway is twenty-six (26) inches or less and if they are located to each side of the runway. (2) For turbine engine powered airplanes certificated after September 30, 1958, but before August 30, 1959, an area beyond the takeoff runway extending no less than three hundred (300) feet on either side of the extended centerline of the runway, at an elevation no higher than the elevation of the end of the runway, clear of all fixed obstacles, and under the control of the airport authorities.

CLINIC – Any land, building, complex of structures or business where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, other medical personnel, psychologists, or social workers and where patients are not usually lodged overnight.

COMMERCIAL DEVELOPMENT, ALLOWED – Any land, building, complex of structures or business with one (1) or more business units adjoining or on the same lot.

COMMERCIAL VEHICLE – Any vehicle in excess of 10,000 pounds licensed by New York State for commercial use. Travel trailers and recreational vehicles are not commercial vehicles.

COMMERCIAL WIND ENERGY FACILITY – Any wind energy facility in excess of capacity or height of a small wind energy facility that generates electricity.

COMMUNITY CENTER – A building used for recreational, social, educational, and cultural activities, open to the public, owned and operated by a public or nonprofit group or agency.

CONDOMINIUM – A multi-family project of one family dwelling units, which may consist of one or more buildings wherein the real property title and ownership are vested in an owner having an undivided interest with others in the common usage areas and facilities which serve the project. Administration and maintenance of common usage areas and facilities must be provided for.

CONFERENCE CENTER – Any land, building, complex of structures or business used for conferences and seminars, with accommodations for sleeping, food preparation and eating, recreation, entertainment, resource facilities, and meeting rooms.

CONCRETE/ASPHALT MANUFACTURING AND MIXING PLANT - Any land, building complex of structures or business and facilities used to process raw materials into concrete or asphalt and to temporarily store ingredient raw materials.

CONTRACTOR'S STORAGE YARD – A lot or portion of a lot or parcel used to store and maintain construction equipment and other materials and facilities customarily

required in the building trade by a construction contractor.

CREMATORY – An establishment containing a furnace for the cremation of deceased persons or pets.

CUT-OUT OR CUT-OUT LETTERS – Any letters, numbers, emblems or symbols which are separately molded and attached to any surface.

DECK - A “structure” attached to or adjoining a house, other principle “building,” or above ground “swimming pool,” consisting of one or more planes constructed of wood, metal and/or other materials and located above the surface of the earth on or including a support system of footings and foundations, piers, pilasters, columns, posts, joist, stringers and beams or any of them, and including any railings or open enclosure thereof and including any stairs, ramps or other devices connecting one level with another, with ground and/or with the adjoining “structure.”

DEVELOPMENT AREA - The total land area required to support all functions of the development including parking, storm-water management, and greenspace. The development area shall not be less than the area of disturbance at the time of construction.

DISTILLERY - A distillery business, containing a tasting room, where spirits are manufactured, packaged, sold, and stored on the premises specified in a liquor license in compliance with Federal and State laws.

DISTRICTS - An area, section or zone of the Town described on the accompanying zoning map and in which uniform requirements regulate the use of land and the height, bulk, density and setback of structures.

DRIVE THRU RESTAURANT - A drive-through use which is specifically engaged in the retail sales of food, with drive-through sales primarily intended to be consumed off-site.

DRIVE-THROUGH USE – An establishment which is permitted in the district in which it is located that by design, physical facilities, services or packaging, procedures, encourages or permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles. Does not include “Drive Thru Restaurant.”

DWELLING - Any building with one or more rooms with provisions for living, cooking, sanitary and sleeping facilities arranged for the use of one family.

DWELLING ABOVE COMMERCIAL USE - A structure with a permitted residential use located on the floor or floors above a permitted commercial use on the ground floor.

DWELLING, MULTI-FAMILY - A dwelling accommodating or designed to

accommodate three or more families in separate dwelling units, including condominiums and apartment houses.

DWELLING, SINGLE FAMILY - A dwelling accommodating or designed to accommodate a single family in one dwelling unit. Single family dwelling units include modular homes that do not require HUD approval.

DWELLING, TWO FAMILY - A dwelling accommodating or designed to accommodate two families in two adjoining dwelling units, sometimes referred to as a duplex.

DWELLING UNIT (DU) - Any dwelling or portion of any building, or complex of structures used or intended to be used by one family and providing complete housekeeping facilities therein.

DWELLING, WATCHMAN'S – A dwelling inhabited by a business employee whose function is related to the security of the land, building(s), and/or complex of structures associated with the business. Said dwelling is on the same or adjacent parcel as the business being protected.

EDUCATIONAL INSTITUTION – Any land, building or complex of structures authorized by the state to award degrees in courses of study.

EPA APPROVED WOOD BOILER – An indoor or outdoor wood-burning boiler device that has been tested and demonstrated to meet current United States Environmental Protection Agency (EPA) emission standards for such device, and has received certification of approval from the EPA.

EQUIPMENT SALES – The use of any land, building, complex of structures or other premise for the display, rental, lease or sale of farm equipment, machinery, boats, trailers, recreational vehicles or industrial machinery, including any rental, lease, preparation or repair work conducted as an accessory use.

ERECT - To build, construct, re-erect, alter, display, replace, relocate, attach, hang, place, suspend, affix or excavate a building or structure.

FAMILY - An individual, or two (2) or more persons related by blood, marriage or legal adoption, or a group of not more than six (6) persons who are not so related living together as a single housekeeping unit.

FARM ANIMAL, LARGE – Any breed or variety of alpaca, buffalo, cow, camel, deer, donkey, elk, emu, goat, horse, llama, mule, ostrich, reindeer, sheep or swine.

FARM ANIMAL, SMALL – Any breed or variety of fowl or poultry, as well as any fur bearing animal.

FARM STANDS – A booth or stall from which produce, and farm products are sold to the general public.

FARM ANIMAL TRANSFER STATION – A place where farm animals are temporarily loaded, unloaded and housed prior to transport to another location.

FARM WORKER HOUSING – Dwelling units located on an active farm which are accessory to the agricultural use and are occupied by employees of the farm or members of the farm household and their guests. Farm worker housing may consist of single or multi-family dwellings or buildings, including single or double-wide trailers and mobile homes, and/or apartments. Farm worker housing shall be located on the same parcel as the agricultural use and may not be subdivided from the agricultural use. Farm worker housing may not be rented to persons not primarily employed on the farm on which it is located.

FERRY – A place where boats land to load and unload passengers and freight and which may include docks, parking and administrative offices.

FINANCIAL INSTITUTION – Any land, building, complex of structures or business such as a bank and savings and loan, credit agency, investment company, broker and dealer of securities and commodities, and security and commodity exchange.

FIREWOOD – Trunks and branches of trees and bushes, but not including leaves, needles, vines or brush smaller than three inches (3”) in diameter.

FLIGHT HAZARD - Any structure or natural growth or use of land, which obstructs or restricts the air space required for the safe flight of aircraft landing, taking off or maneuvering at or in the vicinity of an airport.

FRONTAGE - A strip or extent of property abutting a street, public right-of-way or water.

FRONT LINE OF A BUILDING - The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed, but does not include steps.

FUEL STORAGE FACILITY - A facility designed for the commercial storage and dispensing of fuel oil, gasoline, kerosene or other dry, liquid, pellet or powdered fuel or chemical products in tanks with an individual capacity of more than 10,000 gallons. Fuel Storage Facilities may not provide for retail sale.

FUNERAL HOME – An establishment used for the storage and preparation of the deceased for burial or cremation and the display of the deceased and rituals connected therewith prior to burial or cremation. A Funeral Home may not include a crematory.

FUR BEARING ANIMAL – Any breed or variety of badger, ferret, guinea pig, mink, muskrat, otter, rabbit, raccoon, skunk, or opossum.

GAME PRESERVE – An area of land in which game, fish, etc. is protected for private use in hunting or fishing.

GARAGE, PRIVATE – A structure that is accessory to a residential building and that is used for the parking and storage of vehicles owned and operated by the residents thereof and that is not a separate commercial enterprise available to the general public.

GARAGE, PUBLIC – Any land, building, complex of structures, business or portion thereof other than a private customer or employee garage or private residential garage, used primarily for the parking and storage of vehicles and available to the general public.

GAZEBO – A freestanding, roofed, usually open-sided structure providing a shady resting place.

GOLF COURSE – Any land, building, complex of structures or business laid out for playing the game of golf including tees, greens, fairways, and hazards and that may include a clubhouse or shelter and a driving range. This term shall not include those uses commonly known as miniature golf courses.

GREENHOUSE, COMMERCIAL PRIMARY– Any land, building, complex of structures or business that includes a building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent wholesale or retail sale. This term shall include commercial nurseries and commercial gardens.

GREENHOUSE, COMMERCIAL ACCESSORY – Any accessory building, addition, or accessory structure whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the storage of plants for subsequent on-site retail sale. This term shall include lawn and garden centers that are accessory to a primary retail use. This term shall not include commercial nurseries and commercial gardens.

HEALTH AND FITNESS CENTER – Any land, building, complex of structures or business offering or providing facilities for, and instruction in, general health, physical fitness and controlled exercises such as, but not limited to, racquet ball, hand ball, martial arts, weight lifting, calisthenics, aerobic/slimnastics dancing, tennis, and basketball. Such use may also provide swimming, saunas and steam baths.

HEAVY EQUIPMENT – Any vehicle, piece of construction equipment or apparatus with a gross vehicle weight of ten thousand (10,000) pounds or more.

HEIGHT, BUILDING - The vertical distance measured from the average elevation of the proposed grade line of the ground about the building to the highest point of the building excluding chimneys, steeples, antennas, and other appurtenances.

HEIGHT, TOTAL – With respect to wind energy facilities, total height means the vertical distance from the ground level to the tip of a wind generator blade when the tip is at the highest point.

HISTORIC LANDMARK – Any building, structure or site designated as historic by the National Register of Historic Places, and/or included in a recognized historic district. This is to include both national and the State of New York Registers.

HOME OCCUPATION – Any personal, professional, service or business use conducted entirely within a dwelling unit and carried on by a member of the family residing there, with up to one other outside person, which use is clearly incidental and secondary to the use of the property for residential purposes and is an allowed use as specified within this ordinance.

HOSPITAL – Any land, building, complex of structures or business providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical and mental conditions and including as an integral part of the institution related facilities such as laboratories, training facilities, medical offices, staff residences and outpatient facilities. Outpatient treatment may include treatment by one or more physicians, dentists, chiropractors, psychiatrists, psychologists, social workers or other medical professionals.

HOTEL – Any land, building, complex of structures or business offering transient accommodations to the general public and which may provide additional services, such as restaurants, meeting rooms, entertainment and recreation facilities. A hotel may also be known as a motel.

HUB – Part of a wind energy turbine that connects the blades at their central meeting point.

HUB HEIGHT – The distance measured from the lowest level or portion of the wind energy facility (slab or base) in contact with the ground surface to the center of the hub.

INDUSTRIAL PLANT – Any land, building, complex of structures, business operation or portion thereof wherein products or articles are assembled, processed, prepared for transfer to another location, and/or loaded or unloaded onto/off modes of transport for immediate or eventual transfer to another location. Raw materials and finished products may be stored outdoors at an industrial plant.

INDUSTRIAL/MACHINE SHOP – Any building, complex of structures or business,

or portions thereof, wherein activities related to industrial trades and crafts are practiced. This term shall include but not be limited to woodworking; printing; tool, die and pattern making; welding; and, metal crafts, and includes the use of power-driven tools for making, finishing, or repairing machines or machine parts.

KENNEL – Any land, building, complex of structures, business or portion thereof on/in which dogs or other domesticated small animals are housed, groomed, bred, boarded, trained or sold.

LAND USE ACTIVITY – Any activity, which materially changes the use or appearance of land or a structure or the intensity of use of land or a structure. Land use activity shall explicitly include, but not be limited to, the following: construction of new structures; expansion of existing uses, buildings, and complexes of structures; roads; parking; signs; lighting, except single family and two family dwellings; lighting; driveways, except single family and two family dwelling lighting; mining for the purpose of extracting soils or mineral deposits; and demolitions. Land Use Activity shall not include landscaping, grading, clearing, grubbing or logging.

LAUNDROMAT – A facility where patrons wash or dry clothing or other fabrics in machines operated by the patron or employees of the Laundromat.

LIGHTING DEVICE - Any light, string of lights, or group of lights located or arranged so as to cast illumination.

LIVABLE SPACE - The aggregate of the area of all habitable rooms within the dwelling unit excluding garages, breezeways, cellars, porches and decks.

LOT – A parcel of land devoted to a certain use or occupied by a building or a group of buildings that are united by a common interest or use, and the customary accessories and open spaces belonging to the same.

LOT, CORNER – A lot or parcel of land abutting on two or more streets at their intersection or on two parts of the same street forming an interior angle of less than 135 degrees. A corner lot may have two front yards; or, the front and side yards of a corner lot may be designated during the subdivision review process. If not designated on the subdivision plan, the front and side yards shall be designated by the Zoning Enforcement Officer.

LOT DEPTH – The mean horizontal distance between the front and rear lines of a lot.

LOT LINE, COMMON – A lot line shared between two (2) adjoining uses.

LOT LINE, FRONT - In the case of a lot abutting upon only one street is the line separating such lot from such street.

LOT LINE, REAR - That lot line which is opposite and most distant from the front lot line. On corner lots with two front yards, the lot line most distant from the front line is the rear lot line. If the two opposite lines are equidistant, the rear lot line shall be designated on the subdivision plan, or if no such designation has been made, by the Zoning Enforcement Officer.

LOT LINE, SIDE - That lot line not a front lot line or a rear lot line.

LOT WIDTH— the average horizontal distance between the primary side property lines of a lot or parcel.

MANUFACTURED HOME – The term "manufactured home" includes "mobile home" but not "travel trailer" nor "modular or prefabricated house". It includes any factory-manufactured dwelling that is built before or after June 15, 1976 (note: any manufactured home built on or after June 15, 1976, must bear the Housing and Urban Development (HUD) insignia of approval). Manufactured homes are transportable upon one or more permanent chassis, designed to be used as a single-family residential dwelling, with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. Calculations used to determine the number of square feet in a structure will be based on the structure's exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions will include all expandable rooms, cabinets and other projections containing interior space

MANUFACTURED HOME PARK or MANUFACTURED HOME SUBDIVISION - Any lot on which two or more manufactured homes are located, r. A parcel or parcels of land which are designed and improved for the placement of two or more mobile home units thereon, regardless of whether or not there is charge for such accommodations.

MANUFACTURED HOME SALES – An establishment where manufactured homes are sold to the public for occupancy at another location.

MANUFACTURING – Any business process whereby the nature, size or shape of articles is changed into a product which generally shall be a finished product which ordinarily would not be stockpiled in an outdoor storage area.

MARINA – A facility for the storing, servicing, fueling, berthing, and securing of boats and which may include eating, sleeping, and retail facilities for owners, crews, and guests.

MEAN HIGH WATER MARK - The average annual high-water level of a body of water.

MINING – The extraction or removal of sand, gravel, clay, topsoil, mulch, stone or other natural material deposits for use and/or sale, except that the extraction of oil and natural gas shall not be allowed. This term shall be interpreted to exclude mining on-site for agricultural purposes and to exclude the removal of soil, loam, sand, gravel or quarried stone when incidental to, or connected with a proposed subdivision or site plan (which subdivision has been given a conditional approval from the Town) or the removal of excess excavated material for any building, complex of structures or project that is authorized and in accordance with this Ordinance.

MOBILE HOME – Any vehicle or similar portable structure, with or without a foundation or wheels, jacks, skirting, wood, steel, brick or masonry block supports, designed or constructed to be towed or otherwise transported to its resting site, and which is further designed to permit occupancy for dwelling or sleeping purposes. The term mobile home shall also include the term “house trailer.” A mobile home is a type of manufactured home.

MODULAR HOME – A single- family or two-family dwelling composed of two or more components, each of which was substantially assembled in a manufacturing plant and which, when combined on a foundation, constitute a dwelling meeting the standards set forth in Part 1211 of the NYS Uniform Fire Prevention and Building Code. A modular home, if not subject to HUD approval, is a type of single family dwelling unit and is not a manufactured home.

MUSEUM – Any land, building, complex of structures, business or portion thereof open to the public, used for education and display of matters of a historical, scientific, technological, natural or similar nature.

NEIGHBORHOOD CONVENIENCE STORE – Any land, building, complex of structures, business or portion thereof selling basic foods and household items. The intent of such a facility is to address transient or last-minute needs, not supply a full complement of groceries and household supplies. The maximum allowable building area for “Neighborhood Convenience Stores” shall be ten thousand (10,000) square feet or less. Individual fuel dispensing stations, not to exceed three (3) in number, may be a component of this use, if allowed by Schedule A.

NIGHT CLUB – An establishment dispensing alcoholic beverages and food in which music, dancing or entertainment is conducted.

NON-CONFORMING USE - A building, complex of structures, business, or use of land lawfully in existence, or a project which has received conditional approval from the Town (i.e., subdivision or site plan) or has received or is in possession of a valid permit at the time of enactment of this Ordinance, or an amendment thereto, and which does not conform to the regulations of the district in which it is situated.

OPEN SPACE – That portion of a parcel, which is not a building or other impervious

area, parking area, storage space or display area.

PARK or PARKING – The standing of a vehicle, whether occupied or not, otherwise then temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

PARKING AREA OF A SHOPPING CENTER – An area of private property totaling at least one (1) acre, near or contiguous to and provided in connection with premises having more than one store or business establishment and used by the public as a means of access to and egress from such store and business establishments and for free parking of motor vehicles.

PARKING GARAGE – A building or structure consisting of more than one level used to store motor vehicles.

PARKING SPACE – A space for the parking of a motor vehicle within a public or private parking area.

PERFORMING ARTS CENTER – Any land, building, complex of structures, business or portion thereof for housing the visual and/or performing arts.

PERMIT – Certification by the Town Zoning Enforcement Officer that a proposed land use activity has received all necessary approvals and is in compliance with this Ordinance.

PERSON - Any individual, firm, partnership, association, corporation, company, institution or organization of any kind.

PLACE OF WORSHIP – Any land, building, complex of structures, business or portion thereof, which by design and construction are primarily intended for use by groups or persons to conduct organized religious services and the accessory uses associated therewith. This shall include uses commonly known as churches, temples, mosques, parish houses, monasteries and convents.

PORCH – A roofed-over structure projecting from the wall or walls of a main structure, whether or not open to the weather. It shall be deemed to be a part of the building.

PRINCIPAL BUILDING – A building(s) in which the main or principal use of the lot is located. Any building, which provides sleeping quarters, shall be considered a principal building, except that Farm Worker Housing shall be considered an accessory building to an agricultural use.

PRODUCT DISPLAY AREA – An outdoor area used for the sale and display of products. A product display area may not be located within a building setback area, unless allowed pursuant to an approved site plan. A required open space area may not be used as a product display area.

PUBLIC BUILDING/USE – A building used for public purposes by any department or branch of town, county, state or federal government including libraries, museums, post offices, police and sheriff sub-stations, jail, and rescue or fire stations.

PUBLIC RIGHT OF WAY – A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, drainage facilities and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts and bridges.

PUBLIC UTILITY – Any non-town land, building, complex of structures, business or portion thereof including generating and switching stations, poles, lines, pipes, pumping stations, repeaters, antennas, transmitters and receivers, valves and all buildings and structures relating to the furnishing of utility services, such as electric, gas, telephone, internet, water, sewer, cable, and public transit, to the public, unless otherwise regulated by Town Law No. 3 of 2003, A Local Law Regulating the Siting of Wireless Telecommunications Facilities.

QUALIFIED PROFESSIONAL – With respect to the preparation of stormwater management plans, a licensed professional engineer, registered landscape architect or other individual endorsed by the New York State Department of Environmental Conservation to prepare such plans.

QUALIFIED WIND ENERGY INSTALLER - A person who has skills and knowledge related to the construction and operation of wind energy equipment and installations and has received safety training on the hazards involved. Persons who are on the list of eligible wind energy installers maintained by the New York State Energy Research and Development Authority (NYSERDA) shall be deemed to be qualified wind energy installers. Persons who are not on NYSERDA's list of eligible wind energy installers may be deemed qualified wind energy installers if the Town determines such persons have had adequate training to determine the degree and extent of the hazard and the personal protective equipment and job planning necessary to perform the installation safely. Such training shall include the proper use of special precautionary techniques and personal protective equipment, as well as the skills and techniques necessary to safely install wind energy components such as towers, inverters, and electrical wiring, to distinguish exposed energized parts from other parts of electrical equipment, and to determine the nominal voltage of exposed live parts.

RAIL FACILITY – An area for the storage and repair of trains, as well as the loading, unloading and storage of goods and materials. A rail facility may include open storage yards, rail-switching equipment, roundhouses and workshops.

RECREATION FACILITY, COMMERCIAL – Any land, building, complex of structures, business or portion thereof designed and equipped for the conduct of sports and leisure time activities and educational activities, operated as a business and open to

the public for a fee. [But shall not include automobile races, or races or competitions involving any other type or form of motorized vehicle]

RECREATION FACILITY, PUBLIC – Any land, building, complex of structures, business or portion thereof designed and equipped for the conduct of sports and leisure time activities and educational activities, open to the general public. This term shall include public parks, playgrounds, athletic fields, etc.

RECREATION TRAILS – A network of trails designed for non-motorized recreational use.

RECREATIONAL VEHICLE- A vehicular, portable unit designed for travel, camping or recreational use, including but not limited to the following:

- a. Travel Trailer: A vehicular, portable dwelling unit built on a chassis, being of any length.
 - b. Motorized Camper: A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
 - c. Tent Trailer: A folding structure, consisting of canvas, plastic or similar water repellent material, designed to be mounted on wheels to be used as a temporary dwelling.
2. A vehicle which provides sleeping and other facilities for short periods of time, while traveling or vacationing, designed to be towed behind a motor vehicle, or self-propelled, and includes such vehicles commonly known as travel trailers, camper trailers, pick-up coaches, motorized campers, motorized homes or other similar vehicles.
 3. Any vehicle so constructed suitable for being attached to a motor vehicle for the purpose of being drawn or is self-propelled, and is capable of being used on a short term recreational basis for living, sleeping or eating accommodation of persons. The term recreational vehicle includes motor homes, travel trailers, tent trailers and campers.

RESEARCH AND DEVELOPMENT FACILITY – Any land, building, complex of structures, business or portion thereof for carrying on investigation in the natural, physical or social sciences which may include engineering and product development.

RESIDENCE - Any dwelling suitable for habitation existing in the Town of Plattsburgh on the date an application is received. A residence may be part of a multi-dwelling or multipurpose building but shall not include buildings such as hunting camps, hotels, hospitals, motels, dormitories, nursing homes, schools or other buildings used for educational purposes or correctional institutions.

RESTAURANT – Any land, building, complex of structures, business or portion thereof where food and/or drink, including alcoholic beverages, are prepared, served, and consumed primarily within the principal building.

RESTRICTED PARKING AREA – Any parking area marked, signed or otherwise posted as a designated area by the shopping center authority, including but not limited to: five (5) minute zone, fire lane, loading zone.

RETAIL SALES – Any land, building, complex of structures, business or portion thereof engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

RIDING ACADEMY – Any land, building, complex of structures, business or portion thereof where horses are boarded and cared for and where instruction in riding, jumping and showing is offered and where horses may be hired for riding.

ROOF LINE – The profile of a roof.

ROTOR DIAMETER – The diameter of the imaginary circle made by the tips of the blades of any wind energy facility.

ROTOR RADIUS – Half the length of the rotor diameter.

SCHOOL, PAROCHIAL – Any land, building, complex of structures, business or portion thereof, supported and controlled by a church or religious organization, that provides a full-time day instruction and meets the state requirements for elementary or secondary education.

SCHOOL, PRIVATE – Any land, building, complex of structures, business or portion thereof which meets state requirements for elementary, secondary or higher education and which does not secure the major part of its funding from any governmental agency.

SCHOOL, PUBLIC – Any land, building, complex of structures, business or portion thereof providing full-time day instruction and a course of study which meets the requirements of Sections 3204, 3205, and 3210 of the New York State Education Law.

SELF-SERVICE STORAGE FACILITY – A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property.

SHOPPING CENTER – Any retail shopping use that maintains a public parking area that exceeds one (1) acre in size.

SIGN- Any structure, device or fixture that is visible from a public place that incorporates graphics, symbols, or written copy for the purposes of conveying a particular message to public observers, including wall graphics or identification structures.

SIGN, ACCESSORY - Any sign related to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located.

SIGN, ANIMATED - Any sign or an intermittent or flashing circuit or the movement of any light used in connection with any sign, such as a blinking, traveling, flaring or changing degree of intensity.

SIGN AREA - (1) The area of a sign shall be computed from the algebraic sum of the actual sign configuration, be it square, rectangle, circle, oval or other polygon shape. The area shall be measured from the outer dimensions of the frame, trim or molding by which the sign is enclosed, where they exist, or from the outer edge of the signboard where they do not exist. (2) When a sign consists of individual letters, symbols, or characters, its area shall be computed as the area of the smallest rectangle which encloses all of the letters, symbols and characters. (3) When a sign consists of two or more faces, only one face of the sign shall be used in computing the sign area if the faces are parallel to and within 12 inches of each other. Otherwise, all faces of the sign shall be used to compute the sign area. (4) The volume of a representational sign shall be computed as the volume of the smallest rectangular box which encompasses the mass of the three-dimensional sign or characterization.

SIGN, ATTACHED – A sign fastened to the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not extend horizontally more than twelve (12) inches from such building, wall, or structure.

SIGN, AWNING – Any visual message incorporated into an awning.

SIGN, CHANGEABLE COPY – A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than twice per day shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a “time and temperature” portion of a sign and not a changeable copy sign for purposes of this chapter.

SIGN, CONSTRUCTION – A temporary sign erected on the parcel on which construction is taking place, limited to the duration of the construction, indicating the names of the architects, engineers, landscape architects, contractors, or similar artisans, and the owner, financial supporters, sponsors, and similar individuals or firms having a major role or interest with respect to the structure or project.

SIGN, EXTERNALLY LIT - Any sign illuminated by a lighting device and reflecting the light thereof, but not emitting any light and therefore not an internally lit sign.

SIGN, FEATHER - A vertical portable sign that contains a harpoon-style pole or staff driven into the ground for support or supported by means of an individual stand.

SIGN, FLASHING - An illuminated sign in which the artificial light is not maintained in a stationary or constant intensity.

SIGN, FREE-STANDING – A sign, supported by one (1) or more components, that is not attached to a building(s).

SIGN, INFORMATIONAL - Any sign not exceeding three (3) square feet and with lettering not exceeding six (6) inches in height designed to direct and inform the public as to the location of exits, entrances, service areas, loading and unloading areas, or similar wording of an informational nature.

SIGN, INTERNALLY LIT - Any sign illuminated from within by electricity, gas or other artificial light, including reflective or phosphorescent light.

SIGN, MARQUEE- Any sign attached to a marquee for the purpose of identifying a use or product. If attached to a theater, performing arts center, cinema, or other similar use, it may also advertise films or productions.

SIGN, MESSAGE – A sign or flag which contains a message other than an advertising message, such as one supporting the military, not-for-profit or similar organization.

SIGN, MONUMENT – An independent structure supported from grade to the bottom of the sign with the appearance of having a solid base.

SIGN, NAMEPLATE - Any sign not more than one (1) square foot in area used to identify the owner or occupant of a private residence.

SIGN, OFF-PREMISE - Any sign advertising or calling attention to any business or activity not located on the same continuous parcel of real estate as the sign; any sign advertising or calling attention to any commodity or service not sold or offered upon the same parcel of real estate as the sign.

SIGN, PROJECTING – An attached sign which extends horizontally or perpendicularly more than twelve (12) inches from the plane of a building, wall or structure.

SIGN, READER BOARD/COPY CHANGE – A sign on which the visual message may be periodically changed.

SIGN, SUSPENDED – A sign hanging down from a marquee, awning, porch or another sign.

SIGN, TEMPORARY - Any sign relating to an activity or event that is displayed for not more than an aggregate of sixty (60) days in any calendar year.

SIGN, WALL – An attached sign onto the face or frontage of a business unit which extends horizontally, not more than twelve (12) inches, from the plan of a building, wall, or structure.

SIGN, WINDOW - a sign that is attached or affixed to a window, or a sign displayed within 24 inches of the inside of a window in such a manner as to be visible from any public place.

SITE PLAN – The development plan for one or more lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, floodplains, wetlands and waterways, landscaping and open spaces, walkways, means of ingress and egress, circulation, utilities, structures and buildings, signs, lighting, berms, buffers and screening devices, surrounding development, and any other information required by Article VII for the Planning Board to make an informed decision on an application.

SMALL WIND ENERGY FACILITY - A wind energy facility that generates and supplies power primarily to on-site residential, agricultural, industrial or commercial use existing on the same parcel or the adjoining lot that is under common ownership to the on-site use which it is intended to be accessory to and has a nameplate capacity of 100 kilowatts or less and has a total height of one hundred feet (100') or less.

SOLAR ACCESS - Space open to the sun and clear of overhangs or shade so as to permit the use of active and/or passive Solar Energy Systems on individual properties.

SOLAR ENERGY SYSTEM - The components and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, Solar Panels and Solar Energy Equipment. The area of a Solar Energy System includes all the land inside the perimeter of the Solar Energy System, which extends to any interconnection equipment. A Solar Energy System is classified as a Tier 1, Tier 2, or Tier 3 Solar Energy System as follows:

1. Tier 1 Solar Energy Systems include the following: Roof-Mounted Solar Energy Systems and Building-Integrated Solar Energy Systems.
2. Tier 2 Solar Energy Systems include Ground-Mounted Solar Energy Systems with system capacity up to 25 kW AC and that generate no more than 110 % of the electricity consumed on the site over the previous 12 months.

3. Tier 3 Solar Energy Systems are systems that are not included in the list for Tier 1 and Tier 2 Solar Energy Systems.

SOLAR, BUILDING INTEGRATED SOLAR ENERGY SYSTEM (TIER 1) - A combination of Solar Panels and Solar Energy Equipment integrated into any building envelope system such as vertical facades, semitransparent skylight systems, roofing materials, or shading over windows, which produce electricity for onsite consumption.

SOLAR, ROOF MOUNTED SOLAR ENERGY SYSTEM (TIER 1) - A Solar Energy System that is anchored to the roof of a structure and installed parallel with the slope of the roof, except when mounted on flat roofs, that generates electricity for onsite consumption.

SOLAR, GROUND MOUNTED SOLAR ENERGY SYSTEM (TIER 2) - A Solar Energy System that is anchored to the ground via a pole or other mounting system, detached from any other structure, which generates electricity for onsite consumption.

SOLAR, LARGE SCALE ROOF MOUNTED SOLAR ENERGY SYSTEM - A Solar Energy System located on the roof of any legally permitted building or structure that produces electricity for onsite or offsite consumption by virtual net metering.

SPECIAL USE PERMIT – A discretionary approval that may be granted under the provisions of this Ordinance and which when granted authorizes a specific use to be made of a specific property, subject to compliance with all terms and conditions imposed on the approval.

SPECIFIED ANATOMICAL AREAS – Includes any of the following: (1) less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areole; or (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES – Includes any of the following: (1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts; (2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; (3) masturbation, actual or simulated, or (4) excretory functions as part of or in connection with any of the activities set forth in (1) through (3), above.

STOP – When required means complete cessation from movement.

STOP OR STOPPING – When prohibited means any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic sign or signal.

STORAGE YARD – Any land, building, complex of structures, business or portion thereof used for the temporary holding of raw or produced materials including, but not

limited to, building materials; coal, coke and wood.

STORMWATER MANAGEMENT - The use of man-made structural or natural design practices that are intended to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP) - A plan for controlling stormwater runoff and pollutants from a site during or after construction activities.

STRUCTURE – Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, towers, poles, mobile homes, walls, gazebos, docks, signs, billboards and poster panels. A fence is not regulated as a structure.

TAXI/RIDESHARING SERVICE- the carriage of passenger(s) by road to the destination requested by the customer or the picking up of the passenger at the requested place as well as waiting for the passenger at a taxi stop or at the place agreed with the passenger. Includes commercial ridesharing services, as well as non-motorized methods such as bicycle or horse drawn carriage.

TECHNOLOGY MANUFACTURING – Any business that is engaged in the research or manufacturing of technology related products, including those related to nanotechnology, semi- conductors, computers, electronics, photovoltaics, communications, avionics, energy, transportation, weapons, health, medicine, pollution control and sustainable materials.

TERRACE – A level plane or surfaced patio, directly adjacent to a principal building at or within one (1) foot of grade and not covered by any permanent structure, without rails or steps.

THEATER – A building or part of a building, whether indoor or out of doors, devoted to showing motion pictures or for dramatic, dance, musical, or other live performances.

TOWNHOUSE - A dwelling accommodating or designed to accommodate a single family in a single dwelling unit, the walls on one or two sides of which are in common with the walls of adjoining dwellings and are party or lot line walls.

TRAFFIC CONTROL DEVICES – All signs, signals, markings and devices placed or erected by authority of a public body or persons having jurisdiction for the purpose of regulating, warning or guiding traffic. All traffic control devices shall be designed and installed in accordance with the Manual for Uniform Traffic Control Devices (MUTCD).

TURBINE HEIGHT - Total height of a wind energy facility as measured from the lowest level or portion of the wind energy facility (slab or base) in contact with the ground surface to the furthest most vertical extension of any blade tip.

UNIFORMITY RATIO – The ratio of the average illumination ratio to the minimum illumination ratio.

UNTREATED LUMBER – Dry wood which has been milled and dried but which has not been treated or combined with any petroleum product, chemical, preservative, glue, adhesive, stain, paint or other substance.

VEHICLE DISPLAY AREA – An area used for the display of new or used vehicles at an Automobile Sales use.

WAREHOUSE/DISTRIBUTION FACILITY– Any land, building, complex of structures, business or portion thereof intended for the temporary storage or holding of products or articles for use in moving, assembly, manufacturing, or distribution, and including facilities for the distribution of goods, products, cargo and materials, including transshipment by boat, rail, air or motor vehicle.

WHOLESALE BUSINESS – Any land, building, complex of structures, business, or portion thereof, engaged in selling merchandise to retailers; to industrial, commercial, institutional or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

WIND ENERGY FACILITY - The structures and associated equipment which convert wind energy into usable mechanical or electrical energy, including towers, turbines, guy wires, associated anchors and foundations, mounts, connected facilities such as generators, alternators, inverters and batteries, and other associated equipment.

WIND ENERGY FACILITY, SMALL ROOF-MOUNTED – A small wind energy facility that is specifically designed for installation on roofs or other elevated surfaces of buildings.

WOOD BOILER, INDOOR/OUTDOOR – Any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space. A wood boiler must be approved by the Environmental Protection Agency.

YARD - The space on a lot not occupied by a building.

YARD, FRONT - A yard between the front lot line and the front line of a building extended to the side lot lines of the lot.

YARD, REAR - A yard between the rear lot line and the rear line of the principal building extended to the side lot line(s) of the lot.

YARD, SIDE - A yard between the principal building and a side lot line and extending from the front yard to the rear yard, excluding the front and rear yards.

ARTICLE II

LAND USE DISTRICTS

Section 2.1 Establishment of Districts

For the purpose of this Ordinance, the Town is hereby divided into classes of zoning districts as follows:

Residential Districts

R-1 Residential District

The purpose of the R-1 Residential District is to provide for relatively high density single-family residential neighborhoods in areas served by public water and sewer.

R-2 Residential District

The R-2 Residential District comprises most of the Town's developable land outside of its commercial and industrial core. Most of the R-2 District is not served by public water and sewer. The R-2 District provides for a variety of housing types, including one and two-family homes, apartments and townhouses, as well as agricultural uses and other low-impact, compatible uses.

R-3 Residential District

The R-3 District is limited to the Champlain Park neighborhood and surrounding vacant land on Cumberland Head. It is intended to provide for one and two-family development and to provide for higher densities where public water and sewer are present.

R-4 Residential District

The R-4 District is intended for relatively low-density one and two-family residential uses on Cumberland Head, as well as agricultural uses.

R-5 Residential District

The R-5 District provides for a variety of housing types, including both individual manufactured homes and manufactured home parks. It is the only district in the Town where new manufactured home parks are allowed.

MDR Medium Density Residential

The MDR Medium Density Residential District is intended to provide for medium density multi-family housing in areas served by public water and sewer.

Commercial Districts

NC Neighborhood Commercial District

Neighborhood Commercial Districts allow residential development as well as small scale commercial development. The scale of commercial development is intended to be limited, meeting the needs of surrounding neighborhoods rather than providing a regional shopping destination.

C Commercial District

The Commercial District is intended to accommodate and promote commercial uses at a slightly less intensive scale than the Service Commercial District, including shopping malls and uses with a regional draw.

SC Service Center District

The Service Center District is intended to accommodate commercial uses at a slightly greater intensive scale than the Commercial District. It is the most intensive commercial district in the Town of Plattsburgh.

A1 Airport 1 District

The Airport 1 District is intended to provide for manufacturing and related uses associated with the development of the Plattsburgh International Airport.

A2 Airport 2 District

The Airport 2 District is intended to accommodate more intensive manufacturing and related uses than the A1 District associated with the development of the Plattsburgh International Airport.

Industrial Districts

I Industrial District

The I Industrial District is intended to accommodate a wide range of industrial uses

IP Industrial Park District

The IP Industrial Park District is intended to accommodate planned industrial parks.

Other Districts

PDD Planned Development District

Planned Development Districts provide a mechanism for innovative development plans that do not fit with conventional zoning patterns. Innovation in use and design is specifically encouraged in this district. Planned Development Districts are allowed in Commercial, Service Center and Neighborhood Commercial Districts, as well as those portions of the R-2 District designated on the zoning map as PDD Overlay District.

WPOD Wellhead Protection Overlay District

This district provides for restrictions within 1,000 feet of the Town's public water supply wells in order to protect these drinking water sources.

LC Land Conservation District

The Land Conservation District provides for low-impact agriculture, open space and recreation uses benefitting the residents of the Town.

TC Town Center Districts

Town Center District-T6

This district is intended to be the commercial and service center of the Former Clinton County Airport area of the Town of Plattsburgh, a service center where you would most often find multi-story buildings and commercial activity providing retail sales, restaurants, and local services. Attractive masonry and wood buildings line the streets, providing shade with balconies, porches and canopies. Very walkable tree-lined streets and wide sidewalks connect buildings across well landscaped lawns, with shared parking areas tucked behind buildings to minimize hardscape. Side and rear yard parking and pedestrian sidewalks strongly encourage walking in this neighborhood.

Town Center District-T5

This district is intended to be the highest density mixed use core of the Town of Plattsburgh, a neighborhood center where you would most often find the tallest buildings and most commercial activity. Here, a strong mix of commercial and residential uses is found, with the lower levels of almost all

buildings providing retail sales, restaurants, local services and offices while the upper floors provide a diverse mix of residential uses for people of different ages, incomes and abilities. Attractive masonry and wood buildings line the streets, providing shade with balconies, porches and canopies. Very walkable tree-lined streets and wide sidewalks connect buildings across well landscaped lawns, with shared parking areas tucked behind buildings to minimize hardscape. On street parking and pedestrian sidewalks strongly encourage walking in this very pedestrian oriented neighborhood. This is the center of town.

Town Center District-T4

The Town Center Commercial District is intended to be the general commercial area of the Town of Plattsburgh, a mix of both commercial and residential buildings. Less intensive than the Town Center, this neighborhood is also intended to provide walkable streets and sidewalks, but with deeper front yards to provide some convenience off-street parking in front of stores and more attractive front lawns. Residential properties provide parking in the rear, sometimes accessed via alleys. Here, commercial and residential uses can be found, but not always within the same building. Some stand-alone commercial properties can be found here, catering to more vehicle-centric highway commercial uses, along with a variety of multi-family residential properties which provide apartments and townhomes with inviting front porches and covered stoops. Larger front lawns and landscaping provide the backdrop to tree-lined sidewalks, with some convenient but minimized parking.

Town Center District-T3C

The T3C Town Center Neighborhood District is intended to be a residential neighborhood which allows some limited multi-family and commercial uses along the outskirts of the Town Center. These neighborhoods are composed of smaller scale, one- and two-story structures with pitched roofs.

While most of the structures are single family residences, it also includes a mix of moderate density multifamily housing and small-scale commercial uses found along the primary road corridors, appropriately scaled to a residential neighborhood. The neighborhood provides ample sidewalks and street trees providing pedestrian connections through the neighborhoods to nearby commercial uses.

Commercial uses locate their parking in the side or rear of the lot to maintain an attractive front yard area. Residential garages and parking areas are not typically visible from the street but are instead set back toward the rear of the lot, oriented to the side of the house, or accessed from the back via rear alleys.

Town Center District-T3R

The T3 Town Center Residential District is intended to be the primary supporting residential neighborhood surrounding the commercial areas of Plattsburgh.

These neighborhoods are almost entirely composed of smaller scale, two story wood framed homes with pitched roofs and attractive front porches. While a majority of the housing is single family, it also includes a mix of moderate density multifamily housing found along the primary road corridors, composed of two- and three-story structures appropriately scaled to a residential neighborhood.

The neighborhood provides ample sidewalks and street trees providing pedestrian connections through the neighborhoods to adjacent commercial areas. Garages are not typically visible from the street but are instead often set far back toward the rear of the lot, oriented to the side of the house, or accessed from the back via rear alleys.

Special Development District-SD

The Special Development district is intended to be the hub of new, clean technology and light industrial activity within the Town of Plattsburgh. Here, manufacturing and research facilities are arranged together, with some supporting commercial uses to serve the nearby businesses and cater to local employees.

This district is designed for function and utility, with simple but attractive warehouse buildings and easy vehicle egress for commuters and truck traffic. The one- and two-story metal and masonry buildings are often accentuated by their administrative office areas and entrances which provide enhanced architectural design with canopies, windows, and more interesting exterior materials than the rest of the building.

The otherwise utilitarian facades of these buildings are softened by landscaping and buffers. Although not as pedestrian oriented as other districts, the neighborhood still provides safe pedestrian routes with sidewalks and walking paths to and from workplaces and to small nearby pocket parks where lunch breaks can be enjoyed.

Section 2.2 Zoning Map

The Town's zoning districts are shown, defined and bounded on the map accompanying this Ordinance, entitled Town Zoning Map. Said map and all explanatory matter thereon is hereby made a part of this Ordinance.

Section 2.3 District Boundaries

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

- A. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- B. Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines of highway right-of-way lines, such center lines, street lines or highway right-of-way lines shall be construed to be such boundaries.
- C. Where district boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets, or the center lines of right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on said Zoning Map.
 - The zones in the former Clinton County Airport Smart Growth district should be estimated given that the T6 zone's minimum intended depth is 200 feet (at its shallowest) from the edge of the proposed public right of way for future roads. All other district boundaries on this property, and future subdivided lots therein, shall be approximated accordingly.
- D. Where, after application of A. – C. above, uncertainty exists in determining the precise location of any district boundary line, the Board of Appeals shall interpret the intent and purpose of the Zoning Map.

Section 2.4 Lots in More than One District

Where a district boundary line divides a legally existing lot of record, the regulations for the less restricted portion of such lot shall extend not more than thirty (30) feet into the most restricted portion, provided that the lot has frontage on a street in the less restricted portion.

ARTICLE III

USE & AREA REGULATIONS

Section 3.1 Permitted Uses

- A. The general use regulations for each land use district are set forth in the attached Schedule A, Use Table. This Schedule is supplemented, as appropriate by other provisions of this Ordinance including the Town Center Smart Growth Zoning Code.
- B. Any use which is not listed specifically in the attached Schedule A shall be considered a prohibited use in all land use districts.

Section 3.2 Area Regulations

The area requirements in each land use district are set forth in the attached Schedule B, Area Regulations. This Schedule is supplemented, as appropriate, by other provisions of this Ordinance, including the Town Center Smart Growth Zoning Code.

Section 3.3 Existing Lots

Other provisions of this Ordinance notwithstanding, nothing shall prohibit the issuance of a permit for a single-family dwelling in a residential district, on a lot previously approved by the Town of Plattsburgh, of less area and frontage than that required for such use in the district in which the lot is located provided that all other provisions of this Ordinance are complied with; and, provided that such lot, at the time of the passage of the original ordinance (May 1969) was held under separate ownership or lessee-ship from the adjoining lots.

Section 3.4 Yards on Corner Lots

Any yard adjoining a public or private street shall be considered a front yard for the purposes of this Ordinance and shall comply with all requirements for a front yard in the district in which located. The other yards on a corner lot shall be considered rear yards and shall meet the requirements for rear yards in the district in which it is located.

Section 3.5 Front yard Requirements

- A. Front Yard Exceptions

Where front yards in any district have been established for more than fifty (50%) percent of the frontage in any block at a depth greater than the minimum required for the district, the depth of required front yards shall be increased to comply with such established depth. In no case shall the depth of the required front yard be less than that specified for the

district in which it is located.

B. Lots Abutting Lake Champlain

Where lots abut Lake Champlain, the yard abutting the water shall be considered a front yard. Principal structures and accessory structures shall be allowed in both the front and the rear yards but must conform to front yard setback requirements as set forth in Section 5.1.

Section 3.6 Open Porches, and Attached Carports and Garages

In determining the percentage of building coverage of a lot or the size of yards for the purpose of this Ordinance, porches or carports open at sides but roofed, and all attached and detached garages shall be considered as a part of the principal building.

Section 3.7 Projection in Yards

Every part of a required yard shall be open from its lowest part to the sky unobstructed, except for the ordinary projections of sill, belt cornices, pilasters, leaders, chimneys, solar panels, candelabra floors, eaves and ornamental features, provided that no such projection may extend more than three (3) feet into any required yard.

Open or enclosed fire escapes, fireproof outside stairways, walkways and balconies projecting into a required yard not more than four and one-half (4½) feet may be permitted by the Zoning Enforcement Officer where such projections are so placed as not to obstruct light and ventilation.

ARTICLE IV

NON-CONFORMING USES, STRUCTURES AND LOTS

Section 4.1 Continuation of Non-Conforming Uses, Structures and Lots

Except as provided in Section 4.2 of this Article, any legal and permitted non-conforming use, structure or lot existing at the time that this Ordinance or any amendment hereto becomes effective, may be continued, subject to the provisions of Sections 4.3, 4.4, and 4.5 of this Article, although such use, structure or lot does not conform to the provisions of this Ordinance.

Section 4.2 Abandonment of Use/ Discontinuance

When a non-conforming use has been discontinued or abandoned for a period of not less than one (1) year, it shall not thereafter be re-established and the future use shall be in conformity with the provisions of this Ordinance.

Section 4.3 Changes in Non-Conforming Use

No non-conforming use shall be changed to other than a conforming use for the district in which it is situated.

Section 4.4 Maintenance of Non-Conforming Uses and Non-Conforming Structures

Subject to the provisions of this article, a lawful nonconforming structure or use or a structure containing a lawful nonconforming use may be continued and maintained in reasonable repair but may not be enlarged or extended as of the date this chapter becomes law, except as follows:

- A. Non-conforming uses and non-conforming structures are hereby required to be maintained in such condition as will not constitute a danger to the safety, health or general welfare of the public.
- B. Lawful nonconforming uses shall not be modified, enlarged or increased in any respect or to any degree unless by variance granted by the Zoning Board of Appeals.
- C. Further, a lawful existing, nonconforming structure, which violates only the area requirements of this chapter, may be enlarged or extended without the need for a variance so long as the proposed enlargement or extension itself does not violate any area requirements of this chapter.

Section 4.5 Restoration

Nothing herein shall prevent the restoration within one (1) year, and the continued use of

a non- conforming building or structure damaged by fire, flood, earthquake, Act of God, or act of the public enemy. The non-conforming building or structure shall only be restored upon the pre-existing footprint of the damaged building or structure.

Section 4.6 Completion of Structures

Nothing contained in this chapter shall require any change in plans, construction, alteration or designated use of a structure for which all preconstruction approvals have been given prior to the adoption of this chapter unless such approval has expired.

Section 4.7 Non-Conforming Lots

- A. Any lot of record, lawfully existing and complying with the Town of Plattsburgh Zoning ordinance as were applicable on the day that such lot of record was legally created by recording the deed for such lot in the Clinton County Clerk's office, and that does not conform to the dimensional requirements of this chapter, shall be considered a legal nonconforming lot of record. Except as provided in Subsections C hereof, such lots can be developed in accordance with the minimal dimension requirements that were existing and effective on the day that such lot was created.
- B. Development of any lawfully nonconforming lots of record which are located within Planning Board approved subdivisions shall be considered legal nonconforming lots of record and can be developed in accordance with the minimal dimension requirements that were existing and effective on the day that such lot was created, provided that the Town approved final subdivision plat was filed in the Clinton County Clerk's in accordance with law. The date that such lot was created shall be deemed to be the date that such approved subdivision plat was filed in the Clinton County Clerk's office.
- C. Development of any lawfully nonconforming lots of record existing outside of Planning Board approved subdivisions shall comply with the setback requirements of this chapter unless the Zoning Board of Appeals grants a variance.

ARTICLE V

SUPPLEMENTARY REGULATIONS

Section 5.1 Accessory Uses and Structures

A. Generally

1. A use is permitted as an accessory use only in support of a permitted or conditional use on the site.
2. An accessory use must be located on the same lot, may not exist before the lot contains a permitted or approved conditional principal use, and may not exist after the termination of all permitted or approved conditional principal uses, unless otherwise provided in this ordinance.

B. Accessory Uses in Residential Districts

Accessory uses permitted in Residential Districts (see Article II) shall be such only as do not alter the character of the premises on which they are located or impair the neighborhood and shall be located on the same lot with the use to which it is accessory. Permitted Accessory Uses shall include the following:

1. Private garages, tool/garden sheds, gazebos, docks, unattached decks and other similar structures
2. Pools
3. Farm stands on the same lot on which the products are grown, not to exceed 96 square feet in area.
4. Home occupations
5. Non-Commercial Greenhouses
6. A temporary building for commerce or industry in a Residential District where such building is necessary or incidental to the development of a residential area. Such building may not be continued for more than one (1) year.

C. Accessory Uses in Neighborhood Commercial Districts and Town Center Districts

Accessory uses permitted in Neighborhood Commercial Districts and Town Center Districts shall be those that do not alter the character of the premises on which they are located or impair the neighborhood and shall not include any use not on the same

lot with the use to which it is accessory. Permitted accessory uses include any accessory use permitted in Residential Districts.

D. Accessory Uses in Other Districts

In any non-residential district, accessory uses shall be those that do not alter the character of the premises on which they are located, shall be clearly incidental to a permitted principal use, and shall be located on the same parcel of land except for parking facilities, which shall be governed by Section 5.4.

E. Accessory Buildings

Accessory buildings shall not occupy any non-buildable area per Schedule B other than a rear or side yard within any zoned district, with the exception of permitted Farm Stands. The side yard setback between the front of the principle building and the front lot line shall be considered a buildable area. Accessory buildings in any Residential District or Residential Planned Development District shall not have a footprint larger than one hundred (100) percent of the total building area within the principal building and shall not occupy more than forty per cent (40%) of any required rear or side yard and shall not be less than ten (10) feet from any rear or side lot line proper. A private garage, however, may be built across a common lot line by mutual agreement between adjoining owners. Garages built into or attached to dwellings shall not be considered accessory buildings but part of the principal building.

F. **Regulations for Accessory Structures in All Districts:**

Accessory buildings shall not occupy any non-buildable area per Schedule B other than a rear or side yard within any zoned district, with the exception of permitted Farm Stands. The side yard setback between the front of the principle building and the front lot line shall be considered a buildable area.

1. Accessory buildings in any Residential District or Residential Planned Development District shall not have a footprint larger than one hundred (100) percent of the total building area within the principal building and shall not be less than ten (10) feet from any rear or side lot line proper.
2. Accessory buildings in R1, R2, R3, R4, R5, T3R, T3C, & NC Districts under 144 sq ft shall not be within three (3) feet from any rear or side lot line proper.
3. A private garage, however, may be built across a common lot line by mutual agreement between adjoining owners. Garages built into or attached to dwellings shall not be considered accessory buildings but part of the principal building.

Section 5.2 Fences and Walls

- A. General provisions or requirements. The following regulation shall govern the type, location and construction of all fences.
1. The provisions of this ordinance shall not apply to hedges, trees, and other flora.
 2. The provisions of this Ordinance relative to area regulations shall not apply to attached terraces, steps, unroofed porches and decks less than two and a half feet (2 1/2) above the grade level of the structure and shall not occupy any non-buildable area per Schedule B other than a rear or side yard within any zoned district.
 3. In all areas of the Town, except corners in Commercial Districts having traffic control device, no fence over three feet in height is permitted on a corner lot within a triangular area formed by the lot lines along the streets to the points on such lines a distance of forty (40) feet from their intersection, and a line connection such points.

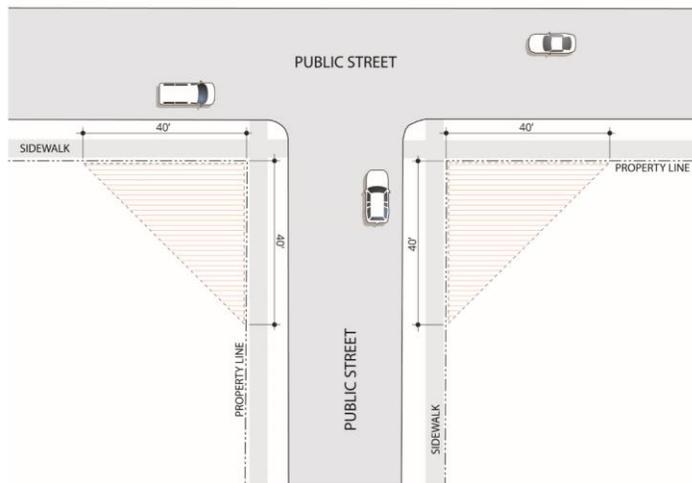


Figure 5.2
Corner Visibility

4. Fence height shall be measured from the average natural grade of the property.
- B. Fences may be erected in R1, R2, R3, R4, R5, T3R districts subject to the following:
1. Fences may be erected to a height of six feet above the existing grade in any side, rear or corner side yard.
 2. All solid fences measuring more than three feet high are along a public right-of-way are prohibited within 5 feet of the front lot line of both inside and corner lots.
- C. Fences shall be created in commercial and industrial districts subject to the

following:

1. Generally, fences should be no more than six feet high unless the fences are necessary for security purposes, in which case a fence may be erected that is eight feet high, together with such other features that will enhance security.
2. A solid six-foot high fence shall be erected to enclose and screen all refuse collection areas or facilities.

D. Public utility and public recreational uses.

1. Public utility uses such as transformer substations, or other such uses, shall be fenced. The top of such fences may include barbed wire when deemed necessary for public safety by the Planning Board.
2. Whenever the lot line of such a utility use coincides with a lot line in a residential district, or whenever such utility use fronts on a public street, the fencing installed shall provide adequate screening. Such screening shall be accomplished by means of a solid fence approved by the Planning Department.
3. In addition to the fencing, shrubbery shall be provided to a height of not less than five feet. The plan for such fence and screening shall be approved by the Planning Board.
4. Public recreation areas may be enclosed along their boundaries with an open type fence to a height not to exceed eight feet. Tennis courts and other similar uses may be fenced in accordance with national standards for such uses.

E. Construction sites. All construction sites shall be properly screened and secured to protect the public health, safety and welfare. A solid six-foot high fence shall be erected to enclose all commercial construction sites within or adjoining residential districts and the Town Center District.

F. Trash enclosures. All trash dumpsters shall be located as to have easy access for removal and not to interfere with normal traffic patterns on adjoining streets. All trash dumpsters shall be enclosed and screened by a combination of fence, wall and/or landscape materials. A solid screen of a minimum height equal to the height of the dumpster shall be erected around three sides of the dumpster excluding the side for access. Access to the dumpster shall be screened by a solid gate and shall remain closed and secured at all times excluding of loading and unloading of material within said dumpster. No trash dumpster/enclosure shall be located in the front yard or Town right-of-way of any property without proving hardship and obtaining written permission from the Zoning Board of Appeals.

G. Mechanical equipment.

1. At-grade electrical transformers and HVAC equipment shall be screened from public view by a solid visual barrier. The materials used for and the specific design of such barriers shall be compatible with and complementary to the building itself.
2. To the maximum extent practical, all roof-mounted and ground-mounted mechanical equipment shall be screened from view or isolated so as not to be

visible from any public right-of-way or residential district within 150 feet of the subject lot, measured from a point five feet above grade. Roof screens, when used, shall be coordinated with the building to maintain a unified appearance.

Section 5.3 Corner Visibility

In all areas of the Town, except corners in Commercial Districts having a traffic control device, no structures, trees, fence or shrubbery over three (3) feet in height shall be maintained on any corner lot within a triangular area formed by the lot lines along the streets to the points on such lines a distance of forty (40) feet from their intersection, and a line connecting such points.

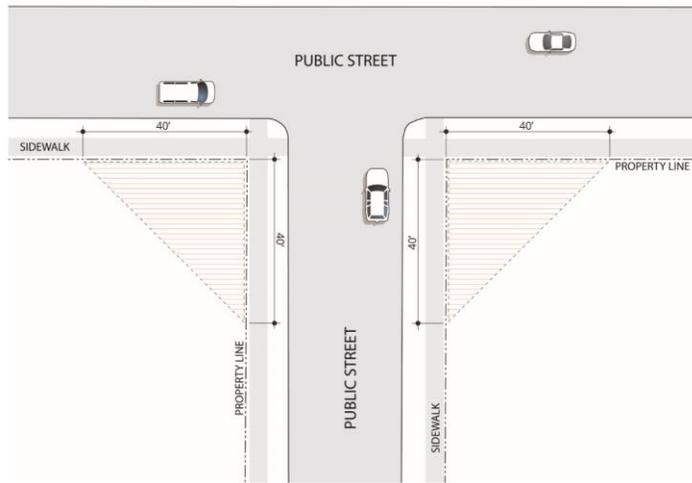


Figure 5.3
Corner Visibility

Section 5.4 Parking Requirements

Intent. These parking regulations are intended to allow the Planning Board and applicant flexibility in parking standards, the intent is to allow for adequate parking while avoiding the overprovision of surface parking.

A. Parking Spaces

Each off-street parking space shall have the following minimum dimensions:

1. Parallel parking

- a. Width = 9 feet
 - b. Length = 22 feet
 - c. Height = 7 feet
2. Perpendicular parking
 - a. Width = 9 feet
 - b. Length = 18 feet
 - c. Height = 7 feet
3. Angled parking. For parking spaces that are at various angles in relation to curbs or aisles, the lines demarcating such parking spaces shall be drawn to contain the same rectangular areas required by the above perpendicular standard.
4. Parking spaces for physically impaired persons shall comply with the Americans with Disabilities Act and the New York State Uniform Fire and Building Code.
5. The parking area aisle width for a lot with perpendicular parking shall be fifteen (15) feet for one-way traffic and twenty-four (24) feet for two-way traffic.
6. Parking shall be provided for each use as set forth in Table 1 below.
 1. Where the parking requirement is tied to the number of employees, the Planning Board shall consider the number of employees who may ultimately be present on a site.
 2. The Planning Board may vary the parking requirements, where, in its opinion, the purposes of this ordinance will be better served by doing so.
 3. The Planning Board may also vary the parking requirements to achieve the purposes and intent of Article XIX, Section 19, Town Center Smart Growth Zoning Code and Section 5.B. In all instances, in the event of a conflict with Article XIX, Section 19 and Article V parking requirements, the provisions of Article XIX, Section 19 shall apply.
 4. For uses not specified in the Use Table (or Schedule of Uses), the Planning Board shall establish parking requirements in specific cases consistent with those specified in Table 1.

Table 1 Parking Schedule

| Updated Use List | Parking Standards |
|---|--|
| Assisted Living Facility | 1 per 500 square feet plus 1 for each employee on the maximum working shift |
| Condominium | 1.5 per dwelling unit |
| Dwelling Above First Floor of Permitted Commercial/Retail or Business/Professional Uses | 1 per dwelling unit |
| Home Occupation | Not applicable |
| Multi-Family Dwelling | 1.5 per dwelling unit |
| Single Family Dwelling | 2 per dwelling unit |
| Townhouse | 1.5 per dwelling unit |
| Two Family Dwelling | 1.5 per dwelling unit |
| Accessory Use | Not applicable |
| Adult Day Care Center | 1 for each employee on the maximum working shift |
| Adult Use | 1 per 200 square feet plus 1 for every 4 seats plus 1 for each employee on the maximum working shift |
| Agricultural Structure | Not applicable |
| Agricultural Use | 1 for each employee on the maximum working shift |
| Airport | As determined by the Planning Board |
| Airport Allied Uses | 1 for each employee on the maximum working shift |
| Animal Hospital | 1 per 250 square feet |
| Automobile Body Work | 2 plus 2 per 500 square feet of bay area plus 1 for each employee on the maximum working shift |
| Automobile Fuel Station | 2 per fuel dispensing device |
| Automobile Rental Facility | 1 for every 2 automobiles rented plus 1 for each employee on the maximum working shift |
| Automobile Repair and Service | 2 plus 2 per 500 square feet of bay area plus 1 for each employee on the maximum working shift |
| Automobile Sales | 1 per 500 square feet of floor area plus 1 per 500 square feet of bay area |
| Bed & Breakfast | 2 plus 1 for each guest room |
| Brewery / Winery / Distillery | 1 for every 2 ½ seats plus 1 for each employee on the maximum working shift |
| Bulk Storage | 1 for each employee on the maximum working shift |
| Business or Professional Office | 1 per 250 square feet |
| Bus Terminal | NEW As determined by the Planning Board |
| Carwash / Automobile Detailing | NEW 1 space per bay or stall |
| Cemetery | 1 per 5 acres |

| | |
|---|--|
| Child Day Care Center | 1 per 500 square feet plus 1 for each 2 employees on the maximum working shift |
| Child Day Care, In-Home | 1 for each employee on the maximum working shift |
| Clinic | 1 per 250 square feet of building area plus 1 for each employee on the maximum working shift |
| Greenhouse, Commercial | 1 for every 2 acres of nursery space |
| Recreation Facility, Commercial | 1 per 250 square feet of building area |
| Community Center | 1 per 4 seats plus 1 for each employee on the maximum working shift |
| Concrete/Asphalt Manufacturing and Mixing Plant | 1 for each employee on the maximum working shift |
| Conference Center | 1 for every 4 seats plus 1 for each employee on the maximum working shift |
| Contractors Storage Yard | 1 for each employee on the maximum working shift |
| Crematory | 2 plus 1 for each employee on the maximum working shift |
| Drive Thru Restaurant | 1 for every 2 ½ seats plus 1 for each employee on the maximum working shift |
| Drive Thru Use | 1 per 250 square feet plus 1 for each employee on the maximum working shift |
| Educational Institution | 1 for every 4 classroom seats plus 1 for every gymnasium and auditorium seat plus 1 for each employee on the maximum working shift |
| Equipment Sales | 1 per 500 square feet plus 1 for each employee on the maximum working shift |
| Farm Animal Transfer Station | 2 plus 1 for every employee on the maximum working shift |
| Farm Worker Housing | 2 per dwelling unit |
| Farm Stand | Not applicable |
| Ferry | 1 per maximum ferry boat automobile capacity plus 1 per employee |
| Financial Institution | 1 per 250 square feet |
| Fuel Storage Facility | 1 for each employee on the maximum working shift |
| Funeral Home | 1 for every 2 seats under maximum occupancy |
| Game Preserve | As determined by the Planning Board |
| Golf Course | 3 per hole |
| Health and Fitness Center | 1 per 200 square feet |
| Hospital | 1 space per 3 patient beds |

| | |
|---|--|
| Hotel | 1 for each guest room plus 1 for each 2 employees on the maximum working shift |
| Industrial Plant | 1 for each employee on the maximum working shift |
| Industrial / Machine Shop | 1 for each employee on the maximum working shift |
| Kennel | 1 per 500 square feet |
| Laundromat | 3 spaces per 1000 square feet |
| Manufactured Home | 1.5 per dwelling unit |
| Manufactured Home Park | 1.5 per dwelling unit plus 1 per employee on the maximum working shift |
| Manufactured Home Sales | 1 per 2,000 square feet of unit floor display area plus 1 per each employee on the maximum working shift plus 1 for each fleet vehicle |
| Manufacturing | 1 for each employee on the maximum working shift |
| Marina | 1 space per 4 berths |
| Mining | 1 for each employee on the maximum working shift |
| Museum | 1 per each 250 square feet open to the public plus 1 for each employee on the maximum working shift |
| Neighborhood Convenience Store (No Fuel) | 1 per 150 square feet plus 2 spaces per fuel dispensing station, if present |
| Night Club | 1 per 2 ½ seats plus 1 for each employee on the maximum working shift |
| Parking Garage | Not applicable |
| Performing Arts Center | 1 per 4 seats plus 1 per employee on the maximum working shift |
| Place of Worship | 1 for every 4 seats |
| Public Building / Use | 1 per 250 square feet plus 1 per 4 seats in public assembly areas |
| Recreation Facility, Public | 1 for each 2 employees on the maximum working shift plus 1 per 300 square feet of enclosed space |
| Public School, Parochial School, Private School | 3 per classroom for grades K through 9 and 4 per classroom for grades 10 through 12 |
| Public Utility | 1 for each employee on the maximum working shift |
| Rail Facility | 1 for each employee on the maximum working shift |
| Recreation Trails | 2 per trailhead |
| Research and Development Facility | 1 for each employee on the maximum working shift |
| Restaurant | 1 for every 2 ½ seats plus 1 for each employee on the maximum working shift |
| Retail Sales | 1 per 250 square feet |
| Riding Academy | 1 for every 2 horse stalls |
| Self Service Storage Facility | 1 for each employee on the maximum working shift |
| Solar, Building-Integrated Solar Energy System | Not applicable |
| Solar, Roof-Mounted Solar Energy System | Not applicable |

| | |
|---|---|
| Solar, Ground-Mounted Solar Energy System | Not applicable |
| Solar, Large Scale Solar Energy System | As determined by the Planning Board |
| Storage Yard | 1 for each 2 employees on the maximum working shift |
| Technology Manufacturing | 1 for each employee on the maximum working shift |
| Warehouse/Distribution Facility | 1 for each employee on the maximum working shift |
| Wind Energy Facility, Small | Not applicable |
| Wind Energy Facility, Small Roof-Mounted | Not applicable |
| Wholesale Business | 1 per 250 square feet |

B. Vehicle Parking Lots

1. In general, vehicle parking shall be provided on the same lot as the principal use. However, parking may be provided on a separate tax parcel or parcels if the separate tax parcel(s) is/are within 500 feet of the principal use, the parcels are under the same ownership with covenants which tie the parcels together, and there is a safe way to provide circulation between the parcels.
2. All parking in the PDD, C and SC districts shall be lighted in accordance with the standards in Section 5.15. All parking in non-residential districts shall be lighted in accordance with the standards in Section 5.16.
3. Any use required to have 25 or more parking spaces shall supply one or more bicycle racks suitable for at least one bicycle for every 25 spaces.
4. All parking lots shall have spaces for safe pedestrian walkways. See also Section 5.15, Design Guidelines.
5. For lots over 25 spaces, landscaping shall be provided as required in Section 5.14.A.2.
6. All parking related to Article XIX, Section 19, Town Center Smart Growth Zoning Code shall comply with the related designs guidelines and standards for the T6, T5, T4, T3C, T3R, SD and OS districts.
7. The Following standards and guidelines shall also apply to the T6, T5, T4, T3C, T3R, SD and OS districts:
 - a. Placement of parking areas at the rear of the building is encouraged and preferred.
 - b. Where parking is proposed at the side and/or front of buildings, the

Planning Board shall strictly apply all relevant parking lot landscaping, screening, and pedestrian access standards within Article XIX, Section 19.

- c. In all instances, shared parking through private cross lot easements is encouraged. Shared parking shall be in accordance with 5.C.
- d. The Planning Board may waive all or portions of the off-street parking requirements if a proposed use is within 500 feet of a municipally or privately owned for-profit off-street parking area that has sufficient capacity as demonstrated by the applicant.
- e. The Planning Board may also waive all or portions of the off-street parking requirements if an applicant can demonstrate how parking demands may be mitigated and/or minimized based on trip generations, hours of operation, and/or number of employees. This includes further reductions in shared parking (see section 5.C).

C. Shared Parking

The Planning Board may, in its sole discretion, approve the use of a shared parking facility and a reduction in the parking requirements of up to thirty (30) percent by two or more principal buildings or uses, either on the same, adjacent or nearby parcels, where it is demonstrated that the reduction in spaces and shared use of the parking facility will substantially meet the intent of the requirements by reasons of variation in the time of use by patrons or employees among the establishments. Evidence for such reduction shall use the methodology in *Shared Parking*, published by the Urban Land Institute, or a methodology acceptable to the Planning Board. Such reduction shall apply only to individual uses that require ten (10) or more spaces.

There shall further be a perpetual covenant suitable for recording on the separate parcel or lot guaranteeing the maintenance of the required off-street parking facilities during the existence of said principal use. Said covenant shall:

1. Be executed by the owner of said lot or parcel of land and the parties having beneficial use thereof;
2. Be enforceable by either of the parties having beneficial use thereof; and
3. Be enforceable against the owner, the parties having beneficial use, and their heirs, successors and assigns.

D. Required Off-Street Loading and Unloading Space

1. On the same premises as every building or structure or part thereof hereafter

erected and occupied for the purpose of business, trade or industry, adequate off-street or off- alley space for loading and unloading of vehicles shall be provided and maintained. Such space shall have access to a public alley or, if there is no alley, to a public street. Off-street loading and unloading space shall be in addition to off-street parking space. Off-street loading and unloading space shall not be used or designed, intended or constructed to be used in a manner that obstructs or interferes with the free use of any street, alley, on-site parking, or adjoining property. Off-street loading and unloading space shall be provided as set forth below at the time of erection of any building or structure and/or at the time any building or structure is enlarged or increased in capacity. Off-street loading and unloading space shall be provided as follows:

- a. One space for the first six thousand (6,000) square feet of floor area.
 - b. One additional space for the next nine thousand (9,000) square feet of floor area.
 - c. One additional space for the next fifteen thousand (15,000) square feet of floor area.
 - d. One space for each additional thirty thousand (30,000) square feet, or any portion thereof of floor area.
2. Off-street loading and unloading spaces shall be 12' x 35' for box or straight body trucks and or 12' x 68' for tractor trailer type trucks.
 3. Loading berths may be provided in spaces to serve two (2) or more adjacent establishments.
 4. The Planning Board may require additional or permit fewer off-street loading spaces for any use if it finds that the required number of spaces is not sufficient or excessive.

E. Commercial Vehicle Parking

Commercial vehicles may not be parked for more than six (6) hours within any consecutive 24 hour period on any public street in a R-1, R-2, R-3, R-4, R5, T3, T4, T5, T6, SD or L district. No more than one commercial vehicle may be parked on a residential property in the above districts.

F. Recreational Vehicle Parking

In a residential district, a recreational vehicle may be parked on any lot on which a primary structure is present. No more than two recreational vehicles may be parked on a lot on which a principal structure is present. Occupancy of a recreational vehicle in a residential district is limited to 2 weeks in a calendar year.

Section 5.5 Home Occupations

All home occupations shall conform to the following conditions:

- A. The occupation or profession shall be carried on wholly within the principal building.
- B. Not more than one person outside the family residing in the dwelling shall be employed on- site in the home occupation.
- C. There shall be no exterior display or exterior sign except one unlighted identification sign, not more than six (6) square feet in area.
- D. No exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building.
- E. No offensive noise, vibration, smoke, dust, odors, heat, light, glare, toxic or hazardous wastes shall be produced.
- F. A home occupation may have no more than five (5) combined commercial vehicle pick-ups or deliveries in the course of a day.
- G. A home occupation shall not include the following: barber shops, or beauty parlors (more than one practitioner and/or more than one client at a time), commercial stables and kennels, flea markets, garage sales, restaurants, musical instruction to groups, dancing instruction to groups, garages or shops for the repair of motor vehicles and other trades and businesses of a similar nature.
- H. In particular, a home occupation includes, but is not limited to the following: internet sales, dressmaking, tailoring, home cooking, teaching (musical instruction limited to a single pupil at one time), and the skilled practice by an accountant, architect, artist, barber/beautician (one practitioner and one client at a time), data processor, computer programmer, computer repair, dentist, doctor, lawyer, engineer, insurance agent, musician, realtor, word processor, pet groomer, yard care, handyman services, in home child care center, or member of any other profession within a dwelling occupied by the same.

Section 5.6 Location of Certain Activities

The following uses or activities shall not be permitted within two hundred (200) feet of any Residential District (including T3R districts) as measured from the Residential District line.

- A. Land, building or complex of structures used to paint or repair automobiles, motor vehicles, machinery, equipment or parts thereof, or other work causing loud or unusual noise, fumes and/or odors.

- B. Land, building or complex of structures associated with an animal hospital, kennel, or place for the boarding of animals.

Section 5.7 Access Management

A. General Requirements

1. The site layout, location and design of driveways, parking, and other access management requirements should be based on full permissible development of a property.
2. Driveways should be limited to one per property. More than one driveway may be permitted if:
 - a. The additional driveway(s) does not degrade traffic operations and safety; and
 - b. The additional driveway(s) will improve the safe and efficient movement of traffic between the property and the road.
3. Driveways may be required to be located so as to provide shared driveways or cross- access driveways with an abutting property or properties.
 - a. Shared driveways and/or cross-access driveways shall be a minimum of 20 feet in width in order to accommodate two-way travel for motor vehicles. The Planning Board may require wider driveways if needed to serve a major generator of traffic and/or large vehicles.
 - b. Shared driveways, cross-access driveways, interconnected parking and roads constructed to provide access to properties internal to a subdivision or a development plan shall be recorded as an easement and shall constitute a covenant running with the land. Operating and maintenance agreements for these facilities shall be approved by the Planning Board and recorded with the deed.
4. No driveway or means of access for vehicles, other than a public street, shall be maintained or used in any Residential District for the servicing of a commercial or industrial use located in a Commercial or Industrial District.

B. Pedestrian Connectivity Other Guidance

1. The need to walk in vehicle-oriented areas, such as travel lanes in parking lots, entrance drives, and loading areas should be minimized or eliminated. Placing walkways within parking islands where space allows should be considered. If pedestrian routes pass through vehicle areas, striping the route as a crosswalk or continuing the material flush with the parking area should be considered. The use of pedestrian crossing signs within parking lots should be considered. A 4'-

wide (minimum) grass strip between the sidewalk and street to buffer pedestrians from traffic should be included. Consider planting shade trees in this strip. Pedestrian walkways should be a minimum of 5' wide. Handicapped accessibility in all designs shall be included. The preferred walkway material is concrete or concrete unit pavers. However, asphalt may be used, especially for internal walkways or walkways between adjacent parking lots. Avoid using asphalt when tying into public sidewalks made of concrete. The NYSDOT Policy and Standards for Entrances to State Highways as a guide in establishing other access criteria for commercial and industrial development shall be used.

Section 5.8 More Than One Building on a Lot in Residential Districts

There shall be no more than two (2) principal buildings per lot. When there is proposed to be more than one principal buildings on a lot in any residential district, the space between such buildings shall not be less than the sum of the required yards, front, rear and/or side, as applicable. The minimum lot area requirements shall apply to all buildings or complex of structures. Proposals for more than two principle structures on a residential lot shall require site plan review as per Article VII of this ordinance.

Section 5.9 Mining

The removal of soil, loam, sand, gravel or quarried stone for sale, except when incidental to, or connected with the construction of a building on the same premises, shall be permitted only on receipt of special use permit.

In any district, the following provisions shall apply:

- A. No excavation, blasting or stock piling of materials shall be located within two hundred (200) feet of any public road or other property line.
- B. No power-activated sorting machinery or equipment shall be located within six hundred (600) feet of any public road or other property line and all such machinery shall be equipped with satisfactory dust-elimination devices.
- C. All excavation slopes in excess of one (1) to one (1) shall be fenced. Said fence shall be a minimum of six (6) feet high and be galvanized chain link, solid wood, or other industrial grade fencing material acceptable to the Planning Board.
- D. Expansion of an existing non-conforming quarrying operation beyond the existing designated mining area for the parent parcel shall not be permitted.

Section 5.10 Agricultural Uses

- A. The keeping of any animal or animals within an occupied residence is not regulated by this ordinance. The following regulations apply only to animals that are kept outside of an occupied residence.

- B. Animals shall be kept only in conditions that limit odors and noise and the attraction of insects and rodents so as not to cause a nuisance to occupants of nearby buildings or lots and not to cause health hazards. Furthermore, animals shall not be kept in a manner that is injurious or unhealthful to the animals being kept on the property.
- C. It shall be unlawful for any person or other party operating or occupying any building or premises to keep or allow to be kept any animal or bird that makes noise that unreasonably disturbs the peace and quiet of the neighborhood.
- D. Within the A-1, A-2, C, NC, SC, R-1, R-3, I, IP, L, T6, T5, T4, T3C and within any PDD district unless otherwise allowed by the terms of that district, the keeping of large and small farm animals is prohibited, except that this prohibition does not apply to the keeping of five or fewer fur bearing animals.
- E. Within the R-2, R-4, R5, and T3R districts, any small farm animal may be kept for private or commercial use, provided that:
 - 1. The property is a minimum of three (3) acres, except for chickens or other fowl for which the property may be a minimum of 40,000 square feet. A maximum of five (5) chickens or fowl may be kept per 40,000 square feet.
 - 2. Chickens and other birds shall have access to an outdoor enclosure adequately fenced or otherwise bounded to contain the birds on the property and to prevent access by dogs and other predators and providing at least ten (10) square feet of area for each bird.
 - 3. The coops or cages housing such animals may not be located in any of the required setbacks or within 20 feet of any neighboring residential dwelling unit.
 - 4. Manure must be stored at least 100 feet from any property line.
 - 5. No roosters, geese, or guinea fowl may be kept.
- F. Within the R-2, R-4 and R5 districts, large farm animals may be kept for private or commercial use, provided that:
 - 1. There is a minimum of three (3) acres for the first animal and two (2) acres for each additional animal.
 - 2. The animals must be housed at least 100 feet from any property line.
 - 3. Manure must be stored at least 100 feet from any property line.
- G. Within the R-2, R-4 and R5 districts, bees may be kept for private or commercial use, provided that:
 - 1. 10,000 square feet is provided for the first hive and 5,000 square feet is provided

for each additional hive.

2. Hives must be kept at least ten feet from any property line or dwelling and at least 30 feet from any public site or roadway. The front of any beehive shall face away from the property line of the Residential property closest to the beehive.
 3. A flyway barrier consisting of a solid fence, wall or dense hedge at least six (6) feet tall must span the property line or lines where the hive is located for at least ten feet in either direction, unless the hive is placed at least six feet off the ground or is more than 10 feet from the property line.
 4. A source of water must be provided within 100 feet of the hive.
- H. Farm worker housing shall be permitted on the same lot as an agricultural use provided all setback requirements are met. Farm worker housing which is vacated for more than a year must be removed from the property.
- I. Gardens for home use are allowed in any district and are not regulated by this ordinance.

Section 5.11 Fuel Storage Tanks

Notwithstanding anything to the contrary stated in this ordinance, an application for a permit to install a Liquefied Petroleum Gas (LPG) tank, with the capacity of 2,000 gallons of LPG, or less, or an application to install an underground, or above grounds tank with a capacity of 10,000 gallons of gasoline/kerosene/oil/fuel oil or less shall be processed administratively by the Zoning Enforcement Officer. Tanks with a storage capacity of more than 10,000 gallons are regulated as Fuel Storage Facilities. All installations of tanks, above and below ground will be in accordance with the applicable NFPA Standards.

Section 5.12 Uses Permitted in the A1 Airport District

With the exception of airports, all uses permitted in the A1 District shall comply with the following:

- A. No building, or complex of structures shall be permitted within three hundred (300) feet of any residential zoning district as measured from the Residential District line.
- B. All lighting or illumination used in connection with parking, signs or other elements of the use of land or structures shall be located and used in such a manner that will not be misleading or dangerous to aircraft operating from any airfield with the A1 District. Fencing or screening shall be provided at all locations necessary to obstruct the lights of vehicles utilizing such use and effects therefrom.

- C. No use shall emit smoke, which is as dark or darker in shade than No. 2 on the Ringleman Chart as published and revised by the United States Bureau of Mines.
- D. No operations from any use shall produce heat and glare perceptible without instruments from any property line of the lot or tract on which the operation is located.
- E. All permitted uses shall conform to the most current Federal Aviation Agency regulations as to flight hazards, structure height, clearways, and all other pertinent restrictions.

Section 5.13 Buffering

A. Buffering

- 1. Purpose. The purpose of buffer zones is to separate land uses and offer visual screening between uses that may not be compatible. The level of general compatibility dictates the level of screening. Three different types of buffers are specified. The buffer types are designated as Type A, Type B and Type C buffers. The following table illustrates the types of buffers required between adjacent uses. The presence of a roadway or railroad track between uses negates the need for a buffer requirement. Buffers are not required between any pre-existing use in a commercial or industrial district at the time of adoption of this section, regardless of whether the use is conforming or not.

Buffer Requirements Between Adjacent Uses

| Land Uses | Single Family | Multi-Family | Commercial | Industrial |
|---------------|---------------|--------------|------------|------------|
| Single family | None | A | B | C |
| Multi-Family | A | None | B | C |
| Commercial | B | B | None | A |
| Industrial | C | C | A | None |

- 2. Description of Buffer Types. Each buffer type contains certain minimum requirements, which are outlined in the table below. Trees and shrubs are to be from the recommended lists in this section. An opaque fence may be substituted for trees or shrubs of the minimum specified height, at the discretion of the Planning Board.

Buffer Types

| Buffer Yard Type | Minimum Landscaped Yard | Number of Trees Required per 100 Linear Feet of Buffer | Minimum Height of Required Trees |
|------------------|-------------------------|--|----------------------------------|
| A | 10 feet | 1 | NA |
| B | 20 feet | 3 | 6 feet |
| C | 75 feet | 5 | 5 feet |

3. Parking or storage of vehicles of any kind or objects associated with the use of the property is not permitted within the buffer yards.
4. Buffer yards are in addition to landscape requirements outlined in this section and may not be used as a substitution for any part of the required landscaping.

Section 5.14 Design Guidelines

- A. Purpose and Intent. These Design Guidelines are intended to help shape the future development and redevelopment of the Town of Plattsburgh as envisioned in Comprehensive Plan. They are also intended to complement the Town Center Smart Growth Master Plan, a community-driven document which has established the desired future vision for the community Town center and its environs. By adhering to these guidelines the Town of Plattsburgh hopes to achieve greater economic vitality, dynamic social interaction and a distinctive character.
- B. Applicability. These guidelines apply to all Site Plan and Special Permit Review uses within the Industrial, Service Center Districts, and Neighborhood Commercial districts. The T6, T5, T4, T3C, T3R, and SD Districts have standalone design guidelines found in Article XIX Section 19. The AD-C, AD-MU, and AD-IND have standalone design guidelines found in Article 15, Exhibit B. At the discretion of the Planning Board, exceptions to this provision may include the following uses:
 1. Agricultural Structure
 2. Cemetery
 3. Commercial Greenhouse

A Site Plan and Special Permit Review affecting only a portion of a site triggers all of the requirements of this section. The Planning Board may waive some or all of the guidelines in this section, at its discretion, particularly for applications which involve alternations to pre-existing construction, and which may be more difficult to bring into full compliance.

C. Conflicts. In all instances, in the event of a conflict with Article XIX, Section 19 and Article V, Section 5.14 design guidelines, the provisions of Article XIX, Section 19 shall apply.

D. Design Guidelines

1. Site Planning

- a. Building Placement and Orientation: Primary buildings shall be located towards the front of the property, closer to the public right of way and pedestrian areas. Building facades shall be constructed parallel to the front lot line or towards side yard parking. If the front of the building is oriented towards side yard parking, the portion of the building facing the front of the property shall include a secondary entrance closer to the public right of way and pedestrian area.
- b. Shared Access. Shared curbcuts, driveways and parking lots are strongly encouraged to reduce the amount of paved parking area and provide access management improvements.
- c. Front Yard Design. The area between the portion facing the road or public right of way should generally be limited to landscaping, pedestrian amenities and outdoor plazas or dining areas. Limited convenience parking may be provided in the front yard to directly serve ground floor commercial uses facing the street. The remainder of on-site parking shall be provided at the side or rear of the building.
 - (1) Convenience parking shall be limited to no more than two rows of parking spaces along the frontage.
 - (2) Convenience parking areas are not permitted in front yards located at street corner intersections.
- d. Minimized Impervious Surfaces. Paved vehicle parking areas, driveways and curbcuts shall be limited to the minimum required clearance dimensions and amounts to reduce unnecessary impervious surface area wherever possible.
- e. Gas Stations. Gas stations are encouraged to locate their building toward the front of the lot, with the pump canopy along the side, behind or toward the rear of the lot as shown in Figure 3. Pump canopies, if provided, should match the style and materials of the building roof.

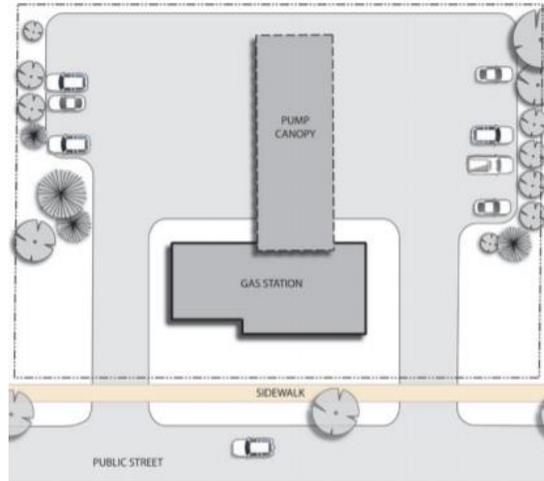


Figure 5.14.d.1.e Gas Stations

- f. Drive thru facilities. Drive thru windows should be located at the side or rear of the building so that they do not face a public street. At corner locations, drive thru windows should be located at the rear of the building. Vehicle canopies, if provided, should match the style and materials of the primary or principle building roof.
- g. Solar Access. It is recommended that new construction orient buildings and rooflines to accommodate existing (or future) solar panel installations with southern exposures.

2. Landscaping

- a. A landscape plan must be submitted as part of the site plan review process. A tree schedule must also accompany the preliminary plan submitted for site plan review.
- b. Existing Site Character. Existing mature trees, notable vegetation and site topography should be considered for preservation and incorporation into the site plan design, as it may provide opportunities to enhance the design.
- c. Front Yard Design. The front yard area between the building facade and the road, where not occupied by permitted convenience parking or driveway, shall be limited to acceptable landscaping, pedestrian walkways, amenities and outdoor patios or dining areas only.
- d. Acceptable Landscaping. All greenspace areas on the site shall be covered by one or more of the following:
 - (1) lawn or sod

- (2) trees and shrubbery
 - (3) nursery plants or other variety of groundcover with appropriate non-stone mulch. Stone mulch is discouraged except as described in subsection G - Stormwater Management.
 - (4) native vegetation
- e. Building Perimeter Landscaping. A variety of shrubs and flowers with non-stone mulch shall be provided along the base of the entire building perimeter, at least 3 feet in depth from the facade.
 - f. Pedestrian Walkway Landscaping. Pedestrian walkway and outdoor patio plaza areas should be accented where possible with a dense planting of a variety of shrubs and flowers to create an attractive and welcoming setting.
 - g. New Site Trees. Where pre-existing native trees on the site cannot be preserved or do not exist, new tree plantings should be incorporated into the site where possible to provide shade in larger areas of lawn.
 - h. Street Trees. Street trees may be provided along all public road frontages. Typical distances are should be approximately 50 feet on center. The trees shall be provided either within a minimum five-foot-wide continuous lawn strip/planting bed between the public sidewalk and the road; or within a minimum five foot by five foot tree grate set within the sidewalk for areas with on-street parking. Street trees shall be shade trees (not ornamental) with a minimum caliper of three inches and a minimum height of eight feet and be native to the area.
 - i. Maintenance. Required landscaping must be permanently maintained in a healthy growing condition at all times. The property owner is responsible for regular weeding, mowing of grass, irrigating, fertilizing, pruning and other permanent maintenance of all plantings as needed.
3. Parking Lot Landscaping
- a. General. All new or reconfigured surface parking areas within 100 feet from an abutting public street shall meet the Parking Lot Landscaping requirements outlined in this section, except as modified below.
 - (1) Convenience parking areas in the front yard, where provided, shall be kept a minimum of eight feet from the public sidewalk.
 - b. Interior parking areas with more than 25 parking spaces shall be at a minimum 10% landscaped.

- c. Frontage Perimeter Bulb-Out. All parking areas abutting a public right-of-way frontage shall provide landscaped bulb-outs so that there are not more than 25 continuous parking spaces in a row uninterrupted along that frontage without a landscaped bulb-out. The bulb-out should be equal in width and depth to the adjacent parking spaces, shall include at least one ornamental tree, as well as groundcover including grass, shrubs or flowers where not more than 50% of the groundcover is mulch or gravel.

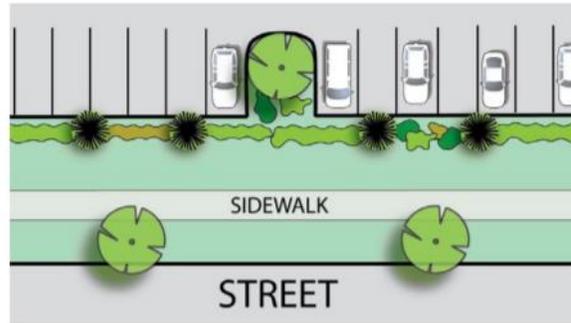


Figure 5.14.d.3.c Parking lot frontage bulb-out

- d. Corner Bulb-Out. A landscaped bulb-out should be located at the ends of any perimeter parking rows, such as parking lot corners, or abutting a vehicle travel lane. The bulb-out should be equal in width and depth to the adjacent parking spaces, shall include at least one ornamental tree, as well as groundcover including grass, shrubs or flowers where not more than 50% of the groundcover is mulch or gravel. These corner conditions are ideal locations to include pedestrian walkways. Figure 5.14.d.3.d.

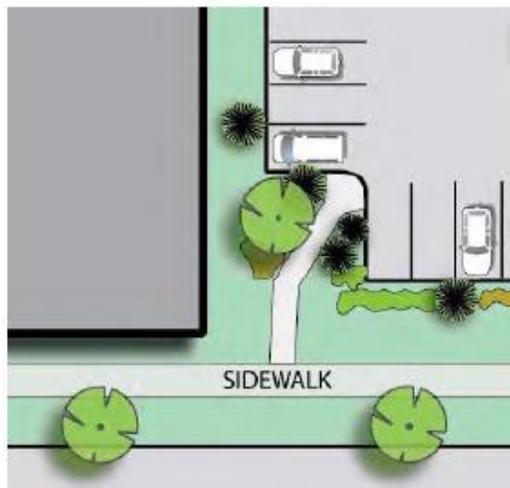


Figure 5.14.d.3.d Parking lot corner bulb-out

- e. Internal Landscaped Islands. Internal parking rows should provide

landscaped islands at either end of the rows of parking, as well as at intermediate locations so that there are not more than 25 continuous parking spaces in a row without a landscaped island. The islands shall be equal in length to the rows and at least 9 feet wide, or of equivalent size if an irregular shape is necessary. Islands shall include at least 2 trees with shrubs, flowers, grass or other plantings so that not more than 50% of the groundcover is mulch or gravel. Figures 5.14.d.3.e.i/ii.



*Figure 5.14.d.3.e.i
Internal landscaped islands*



*Figure 5.14.d.3.e.ii
Internal landscaped islands*

- f. Side and Rear Yard Parking Screening. Parking areas abutting a side or rear yard to a different commercial or residential property shall provide screening in the form of both deciduous and coniferous trees, flowers, shrubs and a low wall or fence to screen the parking area from the adjacent property except in places where adjacent parking lots connect as part of a shared parking arrangement. Figure 5.14.d.3.f.



*Figure 5.14.d.3.f
Side and rear yard parking and screening*

- g. Stormwater Management. Required parking lot landscaping areas may be suitably replaced with, and are encouraged to incorporate, integrated stormwater management areas such as rain gardens which capture rainwater on the site, provided they are adequately engineered, landscaped and maintained.
 - h. Screening. Parking lots in the front of a building must be screened. Screening must be a minimum of three (3) feet high and extend along at least 75% of the entire street frontage of the parking lot, exclusive of driveways and visibility.
4. Pedestrian Access
- a. Continuous Sidewalks. Concrete sidewalks shall be continued uninterrupted across driveways and curb-cuts to provide a safer and clearer path for pedestrians and act as a visual warning to motorists.
 - b. Frontage Sidewalks. Public sidewalks shall be provided along the full width of all public street frontages, a minimum of 5 feet wide and constructed of concrete. Concrete sidewalks shall be continued across all driveway curb-cuts to provide an uninterrupted pedestrian path and visual cue for motorists to watch for people. Where curbs are provided, sidewalk ramps shall be installed to maintain a fully ADA accessible route across the driveway.
 - c. Dedicated Pedestrian Paths. Larger parking lot areas with significant distances to and from the building should attempt to provide a dedicated pedestrian path through the parking lot which provides a reasonable

protected route through the parking lot. Figure 5.14.d.4.c.i.



Figure 5.14.d.4.c.i
Dedicated pedestrian path. Dedicated pedestrian paths through a parking lot create a more attractive and softer shopping destination, giving people a safe route to walk through the parking area



Figure 5.14.d.4.c.ii
Parking lot pedestrian paths. Another example of a dedicated parking pedestrian path through a parking area

- d. Internal Crosswalks. Pedestrian connections through parking lots shall be provided with marked crosswalks. Figure 5.14.d.4.d



Figure 5.14.d.4.d
Internal parking lot crosswalk

- e. Asphalt may be used for internal site circulation and other informal pedestrian connections.

5. Vehicle Access

- a. **Parking Location.** All new surface parking areas shall be kept at the side or rear of the building whenever possible, except where site-specific limitations such as lot configuration, topography (e.g., steep slopes), and natural resources restrict need parking capacity and require locating necessary parking in the front. Other reasons deemed reasonable by the Planning Board may be considered as well. Limited convenience parking is permitted for ground floor commercial uses as described in Site Planning above. Side yard parking areas shall not extend closer to the street than the front facade of the building, except where necessary to connect with allowable convenience parking.
- b. **Shared Access and Parking.** Shared vehicular and pedestrian access between adjacent parking lots is strongly encouraged. All new or reconfigured parking lots should provide vehicular connections to adjacent property parking lots where feasible, unless waived by the reviewing board due to existing site complexities.
- c. **Driveway Curb cuts.** Driveway access from a public street should be limited to no more than one curb cut per street frontage where possible. Driveway widths should be limited to no more than 12 feet wide per vehicle lane (12 feet wide for one-way traffic, 24 feet wide for two-way traffic) to minimize pedestrian crossing distance unless the Planning Board determines that a wider driveway width is necessary for truck turning radius. All pedestrian sidewalks shall be continued across the full width of driveways.
- d. **Shared Driveways.** The use of shared driveways between two or more properties is strongly encouraged to help reduce the number of curb-cuts on primary roads and improve vehicle safety. The number of vehicle curb-cut driveways into and out of a site should be minimized.

6. Equipment Screening

- a. All off-street loading, service, dumpster or mechanical equipment areas shall be located in the rear or side of the building and screened from view from the public right-of-way. Properties with multiple dumpsters shall consolidate their location to a centralized pickup area.
- b. Dumpster areas and mechanical equipment shall be screened from view by a wall of landscaping or screening walls on at least three sides which is equal or more in height to the equipment being screened. Materials used

should match or complement the exterior materials of the primary building.

- c. Chain-link fences may be used for screening purposes at the discretion of the Planning Board if they located in an obscure area, are dark or muted colors, and incorporate slats that obscure the visibility of the respective dumpster area or mechanical equipment.

7. Building Massing

- a. General. Overall building massing should be broken up into smaller, discrete parts where possible, especially for larger structures, to avoid the appearance of one monolithic structure and to provide visual interest. Any significant areas of blank wall, which are devoid of windows, doors or other decorative features, are prohibited along front facades or pedestrian areas. Any remaining exterior wall areas without any windows or doors should be screened with the use of adjacent landscaping such as shrubs and trees to help soften the architecture.

Long building facades, which may stretch for a hundred feet or more, should break up their design massing along public frontages by providing significant articulations in facade depth or height at regular intervals. These can be achieved with facade bump-outs, recesses, roof dormers, changes in materials or similar features. When using different materials to help break up the facade, avoid the appearance of several different building facades stuck together, which can give the building a cheap appearance.

8. Roof Design

- a. General. A sloped roof is preferred for all new buildings which are one or two stories tall. All new buildings which are greater than two stories in height shall have a sloped roof, or sloped parapet design which provides the appearance and character of a sloped roof from ground level. Flat roof structures shall be capped by an articulated parapet design which provides a noticeable “cap” to the building. The parapet on a single-story facade should express at least six inches in overhang depth, and be at least 18 inches tall. Parapet overhang depth and height for taller facades should be increasingly larger.
- b. Roof-Mounted Mechanical Equipment. Mechanical equipment such as HVAC heating and cooling installed on rooftops shall be fully screened from view from adjacent public right of ways, properties and pedestrian walkways with the use of parapets or sloped parapet roof designs. This screening requirement shall not apply to solar panels installed parallel or flush with the roof surface.

9. Windows, Doors & Entrances

- a. General. Each principal building on the site should have a clearly defined, highly visible public entrance which is visible from the public street. The primary entry should be highlighted with the use of architectural treatments such as a recess in the façade, an overhang, canopy or awning, raised roofline or parapet, or similar method to highlight its location.
- b. The ground floor areas of a facade, especially along pedestrian sidewalks, should exhibit the highest levels of articulation, with larger window openings and changes in facade depth, especially around entry doors, and windowless areas facing shall be limited.
- c. Window and door openings in masonry facades should display a structural lintel above the opening to visually show how it is carrying the weight of the facade above.

10. Exterior Materials & Colors

- a. The use of traditional building materials, such as brick, stone, and wood cladding and shakes is encouraged. The use of synthetic materials that mimic these materials is also acceptable.

11. Façade Appurtenances

- a. General. Façade Appurtenances, such as porches, awnings, balconies, stoops or galleries are encouraged to be used to give building facades shade, scale and more visual interest, especially along street frontages.

12. Site Amenities

- a. General. All new development or redevelopment projects which require site plan review should provide common site amenities such as benches, bicycle racks, trash and recycling receptacles or public transit shelters commensurate with the size of the development and anticipated public use.
- b. Bicycle Racks. One (1) bicycle parking or storage space should be provided for each commercial use or building. For residential uses, one (1) bicycle parking or storage space should be provided for every (5) dwelling units.

13. Energy Efficiency Guidelines

High efficiency building systems are encouraged to maximize energy efficiency and minimize energy use. Examples of these systems include:

- a. Photo-Voltaic (PV) systems
- b. Hydronic heating systems

- c. Geothermal heating and cooling systems
- d. Heat pump systems
- e. High efficiency heating and air conditioning systems
- f. Light colored or high-albedo roof sheathings
- g. Southern solar building orientations
- h. High performance windows should be selected and the use of glazing with low solar heat gain is encouraged
- i. Insulation should be used to maximize energy efficiency

E. Industrial District Guidelines

Buildings should be oriented to present their main façade and entrance toward a public or interior private street. Buildings should be oriented parallel or perpendicular to public sidewalks. In addition, where practicable and consistent with the foregoing, buildings should be sited to take advantage of solar gain wherever possible.

1. Architectural Guidelines

- a. Roofs
 - (1) Prohibited: gambrel or mansard roofs.
 - (2) Allowed: Flat, hip roofs; other roof types at the discretion of the Planning Board.
- b. Pitched roofs:
 - (1) Should complement the overall style of the building.
 - (2) Materials should not be reflective
 - (3) Colors should complement the overall character of the building.
 - (4) Should incorporate measures to prevent snow and ice from falling onto the sidewalk.
- c. Façade treatment and fenestration. The architectural treatment of the building façade should be continued in its major features, around all visible sides from the primary street.
- d. Specialty equipment.

- (1) Rooftop mechanical equipment, satellite dishes, antennas, and all other rooftop equipment should be screened so as to not be visible from public view from adjoining roadways. Screening should consist of architecturally compatible materials, parapets, sloped roof form or walls that are at least as high as the equipment being screened.
- (2) Ground-level equipment, such as dumpsters and loading docks, should be screened so as to not be visible from public view. Screening should consist of landscaping, natural material walls, fencing, or other design treatments compatible with the finish of the principal building.

2. Energy Efficiency Guidelines

High efficiency building systems are encouraged to maximize energy efficiency and minimize energy use. Examples of these systems include:

- a. Photo-Voltaic (PV) systems
- b. Hydronic heating systems
- c. Geothermal heating and cooling systems
- d. Heat pump systems
- e. Ceiling fans
- f. High efficiency heating and air conditioning systems
- g. Light colored or high-albedo roof sheathings
- h. Southern solar building orientations
- i. High performance windows should be selected and the use of glazing with low solar heat gain is encouraged
- j. Insulation should be used to maximize energy efficiency

Section 5.15 Lighting Requirements

Purpose. The purpose of this Section is to ensure that vehicle circulation areas, pedestrian circulation areas, parking areas, public gathering spaces, approaches to buildings, and other areas have adequate outdoor illumination to promote safety and walkability at night; to control the negative impacts associated with nuisance outdoor lighting, excessive lighting, dramatic contrasts between lit and unlit areas; to minimize objectionable light spillover onto adjacent properties; to

promote energy efficiency and high-quality lighting with excellent color rendering; and to utilize lighting to improve the nighttime aesthetics of site, landscape, and architectural design.

- A. All lighting fixtures shall be architecturally compatible with the primary building.
- B. Fixtures shall be shielded and have cut-offs to direct light to the ground. This must be accomplished so that light dispersion or glare does not shine above a ninety-degree horizontal plane from the base of the fixture. The bare light bulb, lamp or light source shall be completely shielded from direct view of an observer at the property line.
- C. Cut-off fixtures must be installed in a horizontal position as designed.
- D. Flat lens cut-offs are required.
- E. Fixtures shall generally be of dark colors. Pole-mounted fixtures shall not exceed a fourteen (14) foot height limit for sites with less than 5,000 square feet of development; 25 feet for sites with 5,000 – 60,000 square feet of development; and 35 feet for sites with more than 60,000 square feet of development. All heights shall be measured from ground level.
- F. Lexan lenses or similar low-glare materials are required.
- G. The maximum illumination at the property line shall be 0.5-foot candle (fc) measured at ground level, except that the level shall be 0.2 fc when adjoining residential and districts and all roadways.
- H. The maximum illumination level under any canopy shall be 20 fc.
- I. The maximum illumination level measured on a vertical plane within 10 feet of any wall shall not exceed 5 fc.
- J. Lighting shall not interfere with or impair pedestrian or motorist vision.
- K. All externally lit signs shall be illuminated only with steady, stationary, fully shielded light sources aimed directly onto the sign. Light bulbs or lighting tubes used for illuminating a sign shall not be visible from any location.
- L. The intensity of sign lighting shall not exceed that necessary to illuminate and make legible a sign from the closest adjacent public right-of-way.
- M. The fixtures used to illuminate signs shall not be directed toward any adjacent properties.
- N. All light sources shall be fully shielded or hooded.

- O. Exterior lighting is recommended to be provided from Induction or L.E.D. (light emitting diode) fixtures to provide quality light while minimizing energy use, provided the color temperature of the light is between 2500 and 3800 kelvin. Mercury vapor and low pressure sodium lamps are not recommended.

ARTICLE VI

SIGNS

Section 6.1 Purpose

The purpose of this Article is to promote and protect the general welfare, public health, safety and property values of the community, create a more attractive business climate, enhance and protect the physical appearance of the community, preserve the scenic and natural beauty of the designated areas, and provide a more enjoyable and pleasing community. It is further intended hereby to reduce sign and advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, and curb the deterioration of natural beauty and community environment. The provisions of this article are intended to serve the above purposes without violating rights concerning speech which are guaranteed by law within the United States and the State of New York.

Section 6.2 Applicability

No sign, whether new or existing, shall hereafter be erected, replaced, or altered, except in conformity with the provisions of this Article.

Section 6.3 Severability

Should any section or provision of this article be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the zoning ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 6.4 General Regulations

A. Construction

All signs shall be constructed in accordance with the New York State Uniform Fire Prevention and Building Code, shall be maintained in a good condition, shall be kept free of defects or hazards and shall not be allowed to become dilapidated or deteriorated. Excessively weathered or faded signs shall be removed or put into a good state of repair. All non-operative or broken interior lighted illuminated signs shall be repaired.

B. Signs may be erected or maintained only in connection with permitted uses or uses with a valid certificate of non-conformity.

C. Illumination

Any illuminated sign or lighting device shall employ only lights emitting a light of constant intensity and no sign shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights, nor shall any flashing signs as herein defined be permitted. In no event shall an illuminated sign or lighting device be so placed or directed so as to permit the beams and illumination therefrom to be directed or beamed skyward, upon a public street, highway, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.

D. Prohibitions

1. No sign shall obstruct any fire escape (or door leading thereto) or window, nor shall any sign be attached to a fire escape.
2. No signs, printed bills or other advertising shall be affixed to any tree, utility pole, power pole, or placed in any public space or public right of way that obscures a driver's vision.
3. No electronic messaging centers, changeable copy signs, or digital signs are allowed in any district.
4. No signs shall be erected which revolve or which display any motion or animation.
5. Billboards and other outdoor advertising structures shall be prohibited unless exempt from the jurisdiction of this ordinance.

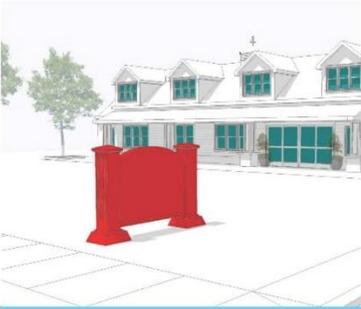
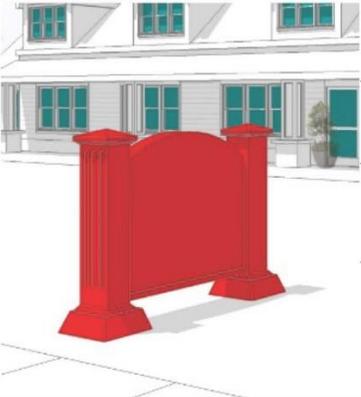
Section 6.5 Specific Regulations Regarding Types of Signs

Commercial Districts heading on Table X includes: Commercial Districts and Industrial Districts as listed in Article II Section 2.1 Establishment of Districts.

TABLE X. Sign Requirements

| Type of Sign | | Residential Districts | Commercial Districts | T6 Town Center Districts | | | |
|---|--------------------------------|-----------------------|---|--|-----------------------|-----|-----------------------|
| | | | | T5/T4 | T3C | T3R | SD |
| WALL SIGN | | | | | | | |
|  | MAX. SIGN AREA | 6 sq. feet | 0.5 sq. ft. per linear foot of business frontage, up to a maximum of 100 sq. ft. ¹ | 0.5 sq. ft. per linear foot of business frontage, up to a maximum of 100 sq.ft. ¹ → | | | |
| | MAX. SIGN HEIGHT | n/a | n/a | n/a | n/a | n/a | n/a |
| | SIGNS PER FRONTAGE | 1 | 1 | 1 | 1 | 1 | 1 |
| <i>¹If sign is located between 50-100 ft from the public ROW, the maximum area may be increased by 30%. If sign is located more than 100 ft from the public ROW, the maximum area may be increased by 60%.</i> | | | | | | | |
| PROJECTING SIGN | | | | | | | |
|  | MAX. SIGN AREA | n/a | 15 sq. ft. per side | 15 sq. ft. per side | 6 sq. ft. per side | n/a | n/a |
| | MAX. PROJECTION | n/a | 4 ft. | 4 ft. | 3 ft. | | |
| | MIN. CLEARANCE ABOVE SIDEWALK | n/a | 8 ft. | 8 ft. | 8 ft. | | |
| | SIGNS PER FRONTAGE | n/a | 1 | 1 | 1 total all frontages | | |
| MARQUEE SIGN | | | | | | | |
|  | MAX. SIGN AREA TOTAL ALL SIDES | n/a | 200 sq. ft. | 200 sq. ft. | n/a | n/a | 200 sq. ft. |
| | MAX. HEIGHT ABOVE SIDEWALK | n/a | 20 ft. No Higher than facade | 20 ft. | | | 20 ft. |
| | MAX. PROJECTION | n/a | 8 ft. | 8 ft. | | | 8 ft. |
| | MIN. CLEARANCE ABOVE SIDEWALK | n/a | 10 ft. | 10 ft. | | | 10 ft. |
| | SIGNS PER FRONTAGE | n/a | 1 total all frontages | 1 total all frontages | | | 1 total all frontages |

TABLE X. Sign Requirements

| Type of Sign | Residential Districts | Commercial Districts | T6 Town Center Districts | | | |
|--|-----------------------|----------------------|------------------------------------|---|----------------|------------------------------------|
| | | | T5/T4 | T3C | T3R | SD |
| SANDWICH BOARD / SIDEWALK SIGN | | | | | | |
|  | MAX. SIGN AREA | n/a | 8 sf. per side | ← 8 sf. per side → | | |
| | HEIGHT | n/a | 4 ft. | ← 4 ft. → | | |
| | SIGNS PER FRONTAGE | n/a | 1 per business | ← 1 per business → | | |
| <p><i>Note: Sandwich board / sidewalk signs shall only be on display during business hours.</i></p> | | | | | | |
| FREESTANDING / MONUMENT SIGN | | | | | | |
|  | MAX. SIGN AREA | n/a | 50 sq. ft. | 50 sq. ft. | n/a | 50 sq. ft. |
| | HEIGHT | n/a | 20 ft. max above surrounding grade | 10 ft. Max (Inclusive of a Landscaped Base) | n/a | 20 ft. max above surrounding grade |
| | SIGNS PER FRONTAGE | n/a | 1 per property | 1 per property | 1 per property | n/a |
| <p>Freestanding/monument signs shall not obstruct the view for motorists entering and exiting the property. This style of monument sign is intended for small commercial centers and plazas.</p> | | | | | | |
| MULTI-TENANT FREESTANDING SIGN | | | | | | |
|  | MAX. SIGN AREA | n/a | 50 sq. ft. | 50 sq. ft. | n/a | 50 sq. ft. |
| | HEIGHT | n/a | 20 ft. max above surrounding grade | 10 ft. Max (Inclusive of a Landscaped Base) | n/a | 20 ft. max above surrounding grade |
| | SIGNS PER FRONTAGE | n/a | 1 per property | 1 per property | 1 per property | n/a |
| <p>Freestanding/monument signs shall not obstruct the view for motorists entering and exiting the property. This style of monument sign is intended for major shopping centers and commercial centers such as malls.</p> | | | | | | |

Section 6.6 Temporary Signs

- A. All temporary signs shall conform to the regulations and requirements relating to the zoning district in which the sign shall be located. Temporary signs may not exceed twenty (20) square feet in size.

- B. All temporary signs shall be plainly marked with the name and address of the applicant and/or property owner relative to said sign in a manner prescribed by the Department of Codes Enforcement.

- C. Temporary signs may be displayed and/or erected for a period of time not to exceed an aggregate amount of sixty (60) days from January 1 to December 31. The sixty (60) day limitation applies to the display of all temporary signs related to a business rather than to each individual sign. Only one temporary sign per business is allowed at any time.

- D. Signs promoting or advertising an event sponsored by a not-for-profit organization are permitted following submission of a written request by said organization to the Zoning Enforcement Officer stating the date the sign will be displayed/erected, the text of the sign, and the date the sign will be removed. Only advertising or sponsorship for the event shall be permitted on the sign.

Section 6.7 Exceptions

The following shall be exempt from the regulations of this Article to the extent described herein:

- A. Signs erected and maintained pursuant to and in discharge of any government function, or, signs required by any law, ordinance or governmental regulation.

- B. Signs or bulletin boards customarily incidental to places like places of worship, libraries, schools, or museums; provided, however, that such signs or bulletin boards shall not exceed twelve (12) square feet per face, shall be illuminated only by light of constant intensity, (and may not be illuminated by a flashing or animated light) shall be located only in the front yard on the premises of such institutions, and shall not exceed one (1) sign per front yard.

- C. Non-illuminated signs advertising the sale, lease or rental of the premises upon which the sign is located, having an aggregate face area of not more than four (4) square feet within any residential district and not more than twenty (20) square feet in any industrial or commercial district.

- D. One externally lit professional nameplate not exceeding one (1) square foot for each professional practice located therein.
- E. Memorial signs or tablets depicting names of buildings and dates of erection, when cut into any masonry surface or when constructed of bronze, stainless steel or other similar material.
- F. Refurbishing or general maintenance, which does not alter the size and location of any sign(s) lawfully erected or in existence on the date of the original adoption of this Ordinance.
- G. One sign, not exceeding twenty (20) square feet, listing the architect, engineer, contractor, owner or other professional where construction, renovation or repair is in progress.
- H. Outdoor advertising signs and billboards, which are controlled by federal and state regulations (i.e., Federal Highway Beautification Act of 1965 [23 USC Section 131] and New York Highway Law [Section 88], respectively.)
- I. Signs of no more than twenty (20) square feet in area identifying an existing subdivision of property.
- J. "Grand Opening" displays for a period of fourteen (14) days, only after written notice to the Town. Such signs shall not be considered temporary signs as regulated by this section.
- K. Flags or insignia of any government, except when displayed in connection with a commercial promotion.
- L. Message flag signs.
- M. On premise informational signs identifying public parking areas, fire zones, entrances and exits and similar signs, internally illuminated or non-illuminated, not exceeding three (3) square feet per face and four (4) feet tall.
- N. Non-illuminated warning, private drive, posted or no trespassing signs not exceeding two (2) square feet per face.

- O. House building numbers not exceeding two (2) square feet in size.
- P. Lawn signs identifying residences.
- Q. Private owner merchandise sale signs for garage sales and auctions not exceeding four (4) square feet for a period not exceeding three calendar days in a year.
- R. One temporary sign for a roadside stand selling agricultural produce grown on the premises, provided that such sign not exceed twenty (20) square feet.
- S. Residential holiday decorations, including lighting.
- T. Gasoline station signs attached to gasoline pumps not exceeding four (4 square feet) and not exceeding the width of the pump.
- U. Non-Commercial Temporary Signs, Posters, banners, and signs, providing:
 - 1. Placement shall not exceed forty-five (45) days prior to an advertised event and must be removed within three (3) days after the event.
 - 2. Non-commercial temporary signs may not be placed in locations that obstruct vision or create a safety hazard.
 - 3. Signs in public rights-of-way may not exceed four (4) square feet in size.

Section 6.8 Permits and Procedures

A. Permits

After the effective date of this Article and except as otherwise herein provided, no person shall erect any sign as defined herein as requiring a permit without first obtaining such permit or approval from the Zoning Enforcement Officer or Zoning Board of Appeals.

B. Application for Permit

Application for the permit shall be made to Town of Plattsburgh in writing upon forms provided by the Zoning Enforcement Officer and shall contain the following information.

1. Name, address and telephone number of applicant; and
2. Location of building, structure or land to which or upon which the sign is to be erected, together with a statement as to all other existing signs on said premises; and
3. A detailed drawing or blueprint showing size of the proposed sign, together with a description of the construction details of the proposed sign and the lettering and/or pictorial matter of which the sign will be composed; position of lighting or other extraneous devices; and
4. A location plan showing the position of the sign on any building or lot and its position in relation to nearby buildings or structures and to private or public street or highway and lot lines; and
5. Written consent of the owner (or the duly authorized agent) of the building, structure or land to which or on which the sign is to be erected, in the event the Applicant is not the owner thereof.

No sign shall be permitted and no permit issued unless the construction or erection thereof complies with safe and existing methods of construction or erection and does not endanger the users of the public streets or sidewalks of the Town. Electric signs or parts thereof must display an Underwriters Laboratories Seal of Approval or owner must furnish a Board of Fire Underwriters Certificate within thirty (30) days.

C. Permit Fees

The permit fees shall be established from time to time by the Town Board and posted in the Town Hall.

D. Issuance of Permit

It shall be the duty of the Zoning Enforcement Officer upon the filing of an application for a permit to erect a sign, to examine such plans, specifications and other data submitted to him/her with the application, and, if necessary, the building or premises upon which it is proposed to erect the sign or other advertising structure.

The Zoning Enforcement Officer shall, if it appears to him/her that the proposed sign is in compliance with all requirements of this Ordinance and other laws and ordinances of the Town, issue a permit for the erection of the proposed sign. If the sign authorized under any such permit has not been completed within six (6) months from the date of the issuance of such permit, the permit shall become null and void but may be renewed within ten (10) days from the expiration thereof for a good cause shown upon payment of an additional fee.

E. Revocation of Permit

In the event of a violation of any of the foregoing provisions, the Zoning Enforcement Officer shall give written or personal notice specifying the violation to the named owner of the sign and the named owner of the land upon which the sign is erected, sent to the addresses as stated in the application for the sign permit, to conform or remove such sign. The sign shall thereupon be confirmed by the owner of the sign and the owner of the land within thirty (30) days from the date of said notice. In the event such sign shall not be so conformed within thirty (30) days, the Zoning Enforcement Officer shall thereupon revoke the permit and such sign shall be removed by the named owner of the sign and/or the named owner of the land.

Section 6.9 Measurement

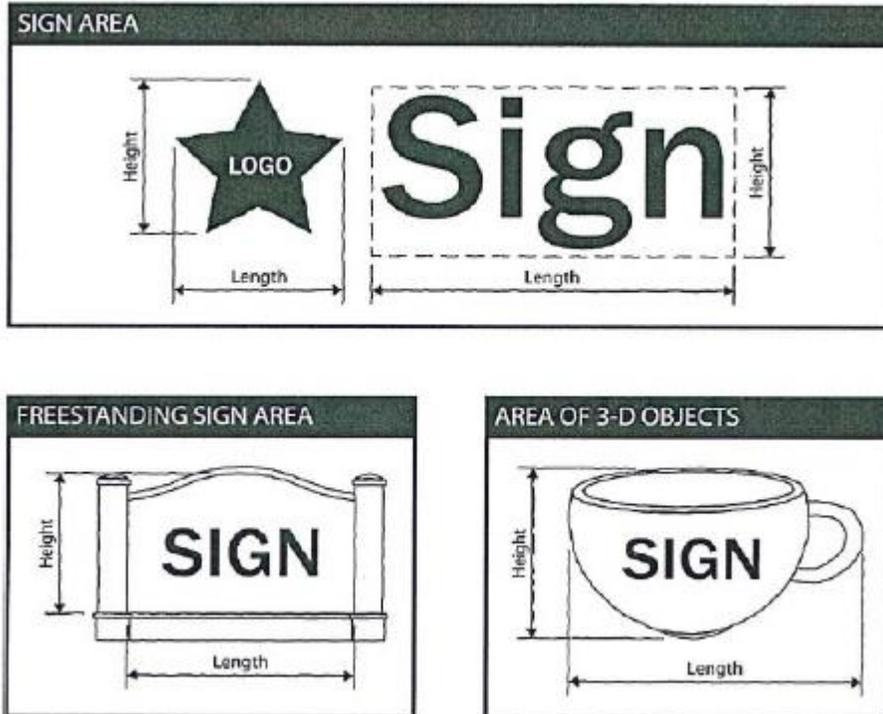
A. Measurement of area

Sign measurement shall be based upon the entire area of the sign, with a single continuous perimeter enclosing the extreme limits of the sign surface. For a sign painted or applied on a building, the area shall be considered to include the smallest rectangle or other shape which encompasses all lettering, numbering, designs, logos or lights, together with any background of a different color than the finish material of the building. The area of supporting framework, such as brackets or posts, shall not be included in the area if such framework is incidental to the display. When a sign has two or more faces or is composed of multiple signs each with a face, the sum of the areas of all the faces shall be included in determining the area, except where two faces are placed back-to-back and are at no point more than two feet from each other. In this latter case, the sign area shall be taken as the area of either face; and if the faces are unequal, the larger shall determine the area.

B. Measurement of height

The height of any sign shall be measured from the highest point of the sign to the surface of the ground.

C. Measurement Diagram



Section 6.10 Design Guidelines

To encourage appropriate and compatible graphic design, material, colors, illumination and placement of proposed signs, the following should be considered:

- A. Compatibility with the surroundings and appropriateness to the architectural character of the buildings on which they are placed. Sign panels and graphics should relate to and not cover architectural features and should be in proportion to them.
- B. Appropriateness to the types of activities they represent.
- C. Orderly layout.
- D. A limited number of typefaces on one sign or group of signs.
- E. Consistency of colors with the design and use.

- F. Illumination appropriate to the size of the sign and surroundings.
- G. Groups of related signs should express and create a sense of harmonious appearance.

Section 6.11 Nonconforming Signs

- A. All permanent signs existing at the time of adoption of this chapter may continue although not in conformity with the provisions herein.
- B. All temporary signs existing at the time of adoption of this chapter must be removed or brought into compliance with the requirements of Section 6.6 “Temporary Signs” within 90 days of the adoption of this chapter.
- C. Removal of nonconforming on-premises signs. Any sign, except advertising signs, lawfully existing and erected prior to the effective date of this ordinance, but which becomes nonconforming by virtue of this chapter, shall be removed, including all support structures, when the business, to which such sign is related, ceases.
- D. No nonconforming sign shall be structurally altered, enlarged, moved or replaced, except as to bring the sign into conformance with this chapter. Exception: the replacement of a panel with a panel of the same size and location.
- E. Any nonconforming sign which has deteriorated to such an extent that cost of restoration would exceed 50% of the replacement cost shall not be repaired or rebuilt except to conform to the requirements of this chapter.

Section 6.12 Removal of Signs

- A. Any sign existing on or after the effective date of this Article which no longer advertises an existing business conducted or product sold on said premises or any sign for which the permit has been revoked, shall be removed by the owner of the premises upon which such sign is located within thirty (30) days after written notice has been served, either personally or by delivering same to owner at his/her last known place of residence. If the name of the owner or his/her place of residence cannot be ascertained after due diligence, said written notice shall be posted in a conspicuous place upon the premises. Upon failure to comply with such notice within the prescribed time, the Town Board shall remove such sign or cause same to be removed. In such case, a bill for the expenses incurred thereby shall be presented to the owner in the same manner as the service of notice above cited. If the owner shall fail to pay the same, cost of the removal, together with a statement as to the premises from which the said sign was removed, shall be added to the next Town assessment levied on that premises and collected in the same manner as the general Town tax.
- B. Upon the Zoning Enforcement Officer finding that any sign regulated by this Article is unsafe or insecure, or is a menace to the public, s/he shall give five (5) business days' written notice to the owner of the premises and shall have the same power as set

forth in paragraph A, above, to remove any such sign or cause same to be removed and shall seek reimbursement for any such removal by filing with the Town Board a certificate of actual removal costs, together with a statement as to the premises from which any sign was removed and said costs shall be collected in the same manner as the general Town tax.

C. The Zoning Enforcement Officer may cause any sign, which is a source of immediate peril to persons or property to be removed summarily and without notice and may seek reimbursement as herein provided.

Section 6.13 Appeals

Any person aggrieved by the decision or action of the Zoning Enforcement Officer under this Article shall be entitled to make application to the Town Zoning Board of Appeals. Such Applicant shall comply with all procedural requirements prescribed by the Board.

ARTICLE VII

SITE PLAN REVIEW

Section 7.1 Site Plan Review and Approval

A. Purpose

The purpose of site plan review is to ensure that a site can properly accommodate proposed new uses and/or structures or expansion of existing uses and structures with minimal effect on neighboring properties and the general area within the vicinity of the site and to ensure that such development is appropriately integrated into the community in accordance with the goals and objectives of this chapter, the Comprehensive Plan, and the Town of Plattsburgh Smart Growth Plan. The purpose of this article is to provide the required procedures and criteria to be followed for site plan review for those uses and actions requiring such review as set forth throughout this chapter. Because of their characteristics or the special characteristics of the area in which they are to be located, these uses and actions require special consideration so that they may be properly located and planned with respect to:

1. The objectives of this chapter.
2. Their effect on surrounding properties.
3. The ability of the Town to accommodate the growth resulting from the proposed use without undue adverse effect on the Town and its citizens and taxpayers, and the protection of health, safety and welfare of the Town and its citizens.
4. The objectives of the Comprehensive Land Use Plan.

Section 7.2 Applicability

A. Land use activities requiring site plan review are listed in Schedule A, except the following shall not require site plan review:

1. Construction of a one or two-family dwelling and permitted accessory to such dwellings on approved existing lots or structures.
2. Landscaping, grading, clearing, grubbing or logging not carried out in association with a use subject to site plan review or special use permit.
3. Ordinary repair, maintenance or interior alterations to existing structures or uses.
4. In districts outside of the T3C, T3R, T4, T5, and T6 district, addition or other site change affecting less than 1,000 square feet, cumulatively from the date of

enactment of this section. Any such change must be in conformance with the other requirements of this law.

5. Change in use of an existing building which results in an increase in parking requirements of less than 5 cars, cumulatively from the date of enactment of this section. Any such change must be in conformance with the other requirements of this law.
 6. The production and sale of agricultural produce grown or manufactured on the premises and temporary structures related to sale of agricultural produce.
 7. Construction of any fence, driveway or residential lighting in the R5 R-1, R-2, R-3, R-4 and L districts.
- B. All projects, additions, or site changes affecting less than 1,000 square feet cumulatively within the T3R, T3C, T4, T5, or T6 are subject to administrative review as per section 7.6.
- C. Any person uncertain of the applicability of this Ordinance to a given land use activity may apply in writing to the Zoning Enforcement Officer for a written jurisdictional determination.

Section 7.3 Authority to Approve and Disapprove

In accordance with § 274-a of the Town Law and this article, the Planning Board is authorized to review and to approve, approve with modifications and/or conditions, or disapprove site plans, prepared to specifications set forth in this chapter and in regulations of the Planning Board, showing the arrangement, layout and design of the proposed use of the land shown on such plan. For projects under 1,000 square feet in the Town Center districts, the Town Planning Department is authorized to provide administrative approvals of site plans.

Section 7.4 Sketch Plan

- A. A sketch plan conference (S.P.C.) shall be held between the Planning Board and the Applicant prior to the preparation and submission of a detailed formal site plan application. The S.P.C. is intended to:
1. Enable the Applicant to inform the Planning Board of his/her proposal prior to the submittal of a formal detailed site plan application; and
 2. Allow the Planning Board to review the basic site design concept; and
 3. Allow the Planning Board to advise the Applicant as to potential problems and concerns; and
 4. Allow the Planning Board to determine the information to be required with the

formal detailed site plan application; and

5. Allow the Planning Board and Applicant to review the project so as to determine the type of action and procedures to be followed in accordance with Article 8 provisions of the New York State Environmental Quality Review Act (“SEQRA” hereafter).
- B. In order to accomplish these objectives, the Applicant should provide the following information to the Secretary of the Planning Board a minimum of twenty-one (21) consecutive days prior to the S.P.C.:
1. A statement describing the proposed land use activity relative to the current zoning district use and area requirements; and
 2. A sketch, drawn to a scale of one (1) inch equals two hundred feet (200’), or the scale of the existing tax map for that parcel, showing the locations and dimensions of all existing and proposed land use activities, buildings, structures, parking areas, all proposed signs, access signs (with descriptions, and size) existing and proposed vegetation, existing and proposed site drainage, NYSDEC and US Army Corps of Engineers designated wetlands, the 100-year floodplain, public and private utilities, and other planned features; anticipated changes in the existing topography and natural features; and, where applicable, measures and features to comply with wetland, flood hazard and flood insurance regulations; and
 3. An area map showing the parcel under consideration, all properties, subdivisions, streets, rights-of-way, easements and other pertinent features within two hundred (200) feet of the boundaries of the parcel; and
 4. A topographic or contour map at one (1) inch equals two hundred (200) foot scale minimum to show site topography.
 5. The applicable fee(s) as established from time to time by Town Board resolution.

Section 7.5 Application for Detailed Site Plan Approval

An application for detailed site plan approval shall be made in writing and shall be accompanied by a detailed site plan and report prepared by a Qualified Professional along with required site plan fees. The application, including the detailed site plan and fees, shall be submitted to the Secretary of the Planning Board a minimum of twenty-one (21) consecutive days before the scheduled Planning Board meeting at which the detailed site plan is to be reviewed. Said detailed site plan application packet shall contain all information as designated on the following checklist. If the Applicant and Planning Board discussed the project at a S.P.C., the required information shall be drawn from the following checklist together with other elements as determined necessary by the Planning

Board at said S.P.C.

All plans and specifications shall be drawn to a scale of one (1) inch equals fifty (50) feet unless otherwise allowed by the Planning Board at the S.P.C.

- A. Title of drawing, including name and address of applicant and person responsible for preparation of such drawing; and
- B. North arrow, graphic and numeric scale and date (initial plan date and provisions for plan revision dates); and
- C. Metes and bounds dimensions of the property prepared by a New York State Licensed Land Surveyor; and
- D. All existing and proposed structures, features, and land use activities. For new construction or alterations to any structure, a table containing the following information shall be included:
 - 1. Gross building area of structure to be used for particular purposes such as retail operation, office, storage, etc.; and
 - 2. Estimated maximum number of employees on maximum working shift; and
 - 3. Maximum seating capacity, where applicable; and
 - 4. Number of parking spaces existing and required for the intended use; and
 - 5. Existing and proposed open space; and
 - 6. Proposed building setbacks for each yard; and
- E. Parcels immediately adjacent to the subject parcel, prepared by a New York State Licensed Land Surveyor, and, for each parcel, the owner's name and address with current deed date and recording data; and
- F. Existing watercourses, flood hazard areas, flood insurance zones, and New York State- designated and Army Corps of Engineers wetland areas, prepared by a Licensed Land Surveyor; and
- G. Grading and drainage plan, showing existing and proposed contours at a maximum of two (2) foot contour interval (USGS –NGVD datum for contour information on the detailed site plan shall be taken from existing USGS-NGVD Vertical Control monuments with their benchmark reference designated on the site plan). Planimetric and topographic information shall extend a minimum of fifty feet (50') beyond the property boundary; and
- H. Comparison of proposed project's NGVD elevations with elevations designated on

the public sanitary system. Results thereof shall appear on the detailed site plan. (This applies only when a proposed site plan project is within 2,000 feet of an existing public sanitary sewer collection or treatment facility.); and

- I. Exterior dimensions of all existing and proposed structures, with distances between all structures and distances between all structures and property lines properly dimensioned; and
- J. Type of construction materials and exterior color(s), height (eave and peak) and other exterior features for all existing and proposed structures, properly dimensioned; and
- K. Elevations of all views for all existing and proposed structures; and
- L. Location, design and type of construction of all existing and proposed parking, truck loading areas, snow storage areas, vehicular access and egress, with profile elevations and cross-section details provided at fifty (50) foot intervals; and
- M. Existing and proposed provision for pedestrian access and movement; and
- N. Existing and proposed pedestrian and vehicular links to adjacent lots and public rights-of-way; and
- O. Analysis of traffic impacts, including, if requested by the Planning Board, a traffic impact study; and
- P. Location of existing and proposed outdoor storage, if any, properly dimensioned; and
- Q. Location, design, construction materials and written specifications of all existing and proposed site improvements including drains, culverts, retaining walls, and fences; and
- R. Method of sewage disposal with location, design, construction materials and written specifications of such facilities, properly dimensioned, with profiles, elevations and cross sections details provided at fifty (50) foot intervals; and
- S. Method of securing water with location, design, construction materials and written specifications of such facilities, properly dimensioned with profiles, elevations and cross sections details provided at fifty (50) foot intervals;) and
- T. Location of existing and proposed fire and other emergency zones, including the location of fire hydrants with fire flow test results not more than twenty-four (24) months old; and
- U. Location, design, construction materials and written specifications of all energy distribution facilities, including electrical, gas and solar energy, properly dimensioned; and

- V. Location, size, design and type of construction of all existing and proposed signs demonstrating either compliance with Article VI or proof of a granted Variance; and
- W. Location of existing and proposed buffer areas, including existing and proposed vegetative cover; and
- X. Location, design and written specifications of all existing and proposed outdoor lighting facilities, including a photometric plan; and
- Y. Identification of each land use activity and the numerical amount of building area for all existing and proposed structures and land use activities within the project; and
- Z. Location, design and written specifications of all materials to be used in the landscaping plan and planting schedule for the proposed project, including a comparison of any previously approved planting plan with the current site plan; and
- AA. Information for landscaping and planting schedule previously approved for the site relative to approved planting and planting existing at the time of the new detailed site plan approval; and
- BB. An estimated project site plan improvement construction cost sheet (excluding building cost); and
- CC. Project schedule for all site plan improvements and proposed buildings or structures; and
- DD. Identification of all federal, state, county or other local permits required for the project's execution; and
- EE. Record of all other applications and approval status of all necessary permits from federal, state, county and local officials; and
- FF. A Storm Water Management Report, prepared by a licensed engineer, surveyor, landscape architect or other qualified professional providing, at a minimum, the following information:
 - 1. Narrative of proposed storm water management system and basis of design. The stormwater management report shall analyze the impacts of the project using a 10-year and 25-year return interval for residential projects and a 10-year, 25-year and 50-year return interval for commercial projects. Impacts on downstream properties shall be analyzed as part of the report. All projects that require coverage under the NYSDEC SPDES General permit for Stormwater Discharges from Construction Activities shall be designed in accordance with said permit and the NYSDEC Stormwater Management Design Manual; and

2. Basis of closed storm water conveyance systems to be a ten (10) year storm event. Provide computations for flow, size and scope of each pipe section; and
 3. Pre-development and post development runoff generation. Detention facilities shall be based upon a twenty-five (25) year post development runoff with peak discharge limited to the pre-development runoff from a ten (10) year storm event at the discharge point; and
- GG. An Erosion and Sediment Control Plan consistent with New York State standards and specifications shall be formulated and presented as part of the submitted plan; and
- HH. Location of designated snow stockpiling areas in compliance with the Project's Stormwater Management Plan; and
- II. The applicable fee(s) as established from time to time by Town Board resolution; and
- JJ. Information to demonstrate that the length and width of drive-through lanes, both before and after the drive-through window or other feature is sufficient to provide enough stacking need for the vehicles entering and exiting the facility, along with adequate bypass lanes; and
- KK. Other elements integral to the proposed site plan development as considered necessary by the Planning Board.

Section 7.6 Administrative Review of Site Plan Applications for Projects Under 1,000 square feet in the Town Center District

Purpose. In order to allow for the diligent review of smaller projects in the Town Center Districts without requiring applicants to receive full site plan review. This applies only to projects that would be considered type 2 actions.

- A. Projects in the T3R, T3C, T4, T5, T6 and SD districts impacting less than 1,000 square feet may qualify for administrative review by the Town Planning Department.
- B. Applicants are required to meet with Town Planning Staff and to submit an application for administrative planning review and approval to determine which, if any, elements of the sketch plan (Section 7.4) and detailed sketch plan application (Section 7.5) are required in order for the Planning Staff to administratively approve the proposed project.

Section 7.7 Public Notice and Hearing

The Planning Board shall provide notice of public hearing and data regarding the substance of the application to the owners of all property abutting that land held by the Applicant and, at the discretion of the Planning Board, all other owners within five hundred (500) feet, or such additional distances that the Planning Board may deem advisable, of the land involved with such application. Notice shall be mailed at least five (5) calendar days prior to the meeting.

The Planning Board shall additionally provide notice as follows:

- A. By publishing at least five (5) calendar days prior to the date thereof a legal notice in the official newspaper of the Town of Plattsburgh; and
- B. By providing written notice of the public hearing, which shall include a brief summary of the substance of the application to the owners of all property abutting or adjacent to the property being reviewed and within 500 feet of said property. Notice shall be mailed at least five (5) calendar days prior to the hearing. The names of owners notified shall be taken from the last completed tax roll of the Town; and
- C. If the land involved in the hearing lies within five hundred (500) feet of the boundary of any other municipality, the Secretary of the Planning Board shall also submit, at least ten (10) calendar days prior to the public hearing, to the municipal Clerk of such other municipality or municipalities, a copy of the notice of the substance of the appeal, together with a copy of the official notice of such public hearing;
- D. Provided that there has been substantial compliance with these provisions, the failure to give notice in exact performance herewith shall not invalidate an action taken by the Town in connection with granting or denying a permit application.

Section 7.8 Referral to the County Planning Board

Prior to taking action on the site plan application, the Planning Board shall refer a copy of the detailed application with completed Environmental Assessment Form and related plans, specifications and reports to the Clinton County Planning Board for its review in accordance with Section 239m of the General Municipal Law, if applicable. No action shall be taken by the Planning Board on such detailed site plan application until an advisory recommendation has been received from the County Planning Board or thirty (30) calendar days have lapsed since the County received such detailed site plan application materials. Applicable uses include any site plan within five hundred (500) feet of:

- A. The boundary of any city, village, or town; or
- B. Any existing or proposed county or state park or other recreation area; or

- C. The right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway; or
- D. the existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines; or
- E. The existing or proposed boundary of any county or state-owned land on which a public building or institution is situated; or
- F. The boundary of a farm operation located in an agricultural district, as defined by Article Twenty-Five AA of the Agriculture and Markets Law; or
- G. Other uses as may be determined in General Municipal Law Section 239-m as amended and in effect at the time of site plan application submittal to the Planning Board.

Section 7.9 Review of Detailed Site Plan

The Planning Board's review of the detailed site plan shall include but not be limited to, the following general considerations:

- A. Location, arrangement, size, design and general site compatibility of buildings, lighting, and signs; and
- B. Adequacy and arrangement of on and off-site vehicular traffic access, circulation and safety therein, including intersections, pavement widths, pavement surfaces, dividers, traffic control devices, and links to adjoining lots and access rights-of-way; and
- C. Impacts of off-site traffic and circulation; and
- D. Location, arrangement, appearance and sufficiency of off-street parking and loading; and
- E. Adequacy and arrangement of on and off-site pedestrian traffic access and circulation, including connections to adjacent lots and public rights-of way, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience; and
- F. Adequacy of proposed storm water detention/retention basins, the engineering hydraulic report, and other proposed drainage facilities, including impact upon adjoining properties and downstream structures; and
- G. Adequacy of existing and proposed water supply and sewage disposal facilities; and
- H. Adequacy, type and arrangement of existing and proposed trees, shrubs and other

planting and landscaping plans constituting a visual and/or noise buffer between the Applicant's project and adjoining lands, including the maximum retention of existing vegetation; and

- I. Adequacy, type and arrangement of existing and proposed trees, shrubs, other landscaping constituting a visually aesthetic project; and
- J. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants; and
- K. Adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion; and
- L. Adequacy of lighting, including the functionality; efficiency; aesthetic appearance; and, impact on adjacent properties, pedestrian and vehicular travel-ways, and the skies; and
- M. The extent to which cultural, historic and/or archaeological resources are incorporated in or protected by the plan.

Section 7.10 Compliance with State Environmental Quality Review Act

Proposed projects are actions subject to the provisions of SEQRA. Prior to rendering its decision, the Planning Board shall follow all applicable procedures in accordance with Article 8 of the Environmental Conservation Law and Part 617 NYCRR.

Section 7.11 Planning Board Action on Site Plan

- A. Within sixty-two (62) days of the receipt of a complete site plan application for site plan approval, as determined by the Planning Board, the Planning Board shall grant preliminary approval, preliminary approval with modifications, preliminary approval with conditions, or disapproval of the site plan. The Planning Board shall file said decision with the Town Clerk and mail such decision to the Applicant with a copy to the Town Planning Department and the Zoning Enforcement Officer. The time within which a decision must be rendered may be extended by mutual consent of the Applicant and Planning Board.
- B. Upon the Planning Board's review of the detailed site plan application and related material and the adoption of a Planning Board resolution granting the preliminary approval, preliminary approval with modifications, or preliminary approval with conditions of the detailed preliminary site plan, and upon the Applicant meeting all the conditions of the Planning Board as stated in the Planning Board's resolution granting the preliminary approval, if any, and the payment by the Applicant of all fees and reimbursable costs due to the Town, the Planning Board Chair shall endorse the Planning Board's preliminary approval on a copy of what is hereinafter referred

to as the “Approved Detailed Preliminary Site Plan” (ADPSP) and shall forward a copy of the Planning Board’s resolution with supporting materials and the ADPSP executed by the Planning Board Chair to the Applicant. The Planning Board shall forward a copy of the Planning Board’s resolution granting approval of the detailed preliminary site plan to the Town Planning Department and Zoning Enforcement Officer, and file same with the Town Clerk. Upon the Applicant’s, Town Planning Department’s and Zoning Enforcement Officer’s receipt of the ADPSP and Planning Board’s resolution, the Zoning Enforcement Officer shall process a building permit for the proposed buildings, structures, utilities and other site plan related improvements as shown on the ADPSP on file with the Town. The Applicant shall construct all site plan improvements in accordance with and as shown on the ADPSP.

- C. Upon disapproval of a detailed site plan application, the Planning Board shall so inform the Town Planning Department and Zoning Enforcement Officer and the Zoning Enforcement Officer shall deny a permit to the Applicant. The Planning Board shall also notify the Applicant in writing of its decision and its reasons for disapproval. Such disapproval shall be filed with the Town Clerk.
- D. Expiration of approval. Unless otherwise specified or extended by the Planning Board, a decision on any site plan review shall expire if;
 - 1. The applicant fails to undertake the proposed action or project, or
 - 2. Fails to obtain any necessary building permits, within one year from the filing date of this decision. A Site Plan Review Decision may be renewed upon application by the Applicant, payment of any applicable fee and approval of the application by the Planning Board.

Section 7.12 Reimbursable Costs

Costs incurred by the Planning Board for consultation fees, staff review costs, or other expenses in connection with the review of a detailed site plan application shall be charged to the Applicant.

The Planning Board may require the posting of financial security in the form of cash, bank check or such other form acceptable to the Town Planning Attorney in order to ensure that reimbursements and/or improvements are carried out as specified in the plans and approvals.

Section 7.13 As-Built Plans

The Town Planning Department shall be responsible for the general inspection of the ADPSP improvements, including coordination with the Planning Board and other officials and agencies, as appropriate. The Applicant shall submit "as built plans", prepared and certified to by a licensed land surveyor, architect, landscape architect or professional engineer to the Town Planning Department. Said as built plans shall show to

scale all improvement(s) as they were built, as compared to the way they were submitted and approved on the detailed site plan. Said as built plans shall include a zoning data table. As built plans shall be reviewed by the Town, and when necessary revised by the Licensed Land Surveyor or Professional Engineer, to show “as built data” and then be resubmitted for review. The as built plan submittal process shall be repeated until all ADPSP improvements are shown thereon and the information is in compliance with the ADPSP. If the as built site plan data does not comply with the ADPSP conditions, the Applicant shall correct the condition and cause a new as-built plan to be submitted for review. All costs associated with the preparation and submittal of the as built plans or any reconstruction of the site plan improvements to comply with the ADPSP shall be the responsibility of the Applicant.

Section 7.14 Performance Guarantee

No certificate of occupancy for any portion of the proposed project shall be issued until all improvements shown on the site plan are installed and found to be in compliance with the ADPSP by the Town Planning Department, with the final as built plans, or a sufficient performance guarantee has been posted for site plan improvements not yet completed. The sufficiency of such performance guarantee shall be determined by the Town Planning Department in consultation with appropriate parties.

Section 7.15 Certificate of Occupancy Prior to Completion of Site Work

A Temporary Certificate of Occupancy may be issued by the Zoning Enforcement Officer for a building area or complex of structures within the *Approved Detail Site Plan Review*, ADPSP provided the following items are provided by the Applicant and accepted by the Town Planning Department and the Zoning Enforcement Officer:

- A. All building improvements for the area to be occupied have been completed, inspected and found to meet the minimum life safety requirements of the New York State Uniform Fire Prevention and Building Code by the Zoning Enforcement Officer; and
- B. As-built plans, as required above, have been prepared and submitted and show all site plan improvement data for site plan improvements completed to date; and
- C. A list of uncompleted but required site plan improvements shown on the ADPSP, together with a cost estimate representing the costs associated with the work necessary to complete all required site plan improvements as shown on the ADPSP; and

Section 7.16 Integration of Procedures

Whenever the particular circumstances of proposed development require compliance with other requirements of the Town, the Planning Board shall attempt to integrate, as appropriate, site plan review as required by this Article with the procedural and

submission requirements for such other compliance.

Section 7.17 Appeal of Board Decision

Any person aggrieved by a decision of the Planning Board may apply to the Supreme Court for a review by a proceeding under Article 78 of the Civil Practice Law and Rules. Such proceedings shall be instituted within thirty (30) days after the filing of a decision by such board in the office of the Town Clerk.

ARTICLE VIII

SPECIAL USE PERMIT REVIEW

Section 8.1 Special Use Permit Review and Approval

Prior to the issuance of any permit for which a special use permit is required, the Zoning Enforcement Officer shall require special use permit approval by the Planning Board pursuant to this Article. The Zoning Enforcement Officer shall notify an Applicant for a permit when special use permit approval is required in accordance with the provisions of this Ordinance.

Section 8.2 Applicability and Granting of Special Use Permit

All special permit uses specified in Schedule A, Use Regulations, shall be subject to review and approval by the Planning Board in accordance with the procedures and standards included herein. In all cases where this Ordinance requires such special use permit authorization by the Planning Board, no permit or certificate of occupancy shall be issued by the Zoning Enforcement Officer except upon authorization of and in full conformity with plans approved by the Planning Board.

Section 8.3 Procedure

The Planning Board shall review and act on all special use permit applications in accordance with the procedure set forth in Article VII except that a public hearing shall be mandatory.

Section 8.4 Public Notice and Hearing

The Planning Board shall provide notice of public hearing and data regarding the substance of the application to the owners of all property abutting that land held by the Applicant and, at the discretion of the Planning Board, all other owners within five hundred (500) feet, or such additional distances that the Planning Board may deem advisable, of the land involved with such application. Notice shall be mailed at least five (5) calendar days prior to the meeting.

The Planning Board shall additionally provide notice as follows:

- A. By publishing at least five (5) calendar days prior to the date thereof a legal notice in the official newspaper of the Town of Plattsburgh.
- B. By providing written notice of the public hearing, which shall include a brief summary of the substance of the application to the owners of all property abutting or adjacent to the property being reviewed and within 500 feet of said property

boundary. Notice shall be mailed at least five (5) calendar days prior to the hearing. The names of owners notified shall be taken from the last completed tax roll of the Town.

- C. If the land involved in the hearing lies within five hundred (500) feet of the boundary of any other municipality, the Secretary of the Planning Board shall also submit, at least ten (10) calendar days prior to the public hearing, to the municipal Clerk of such other municipality or municipalities, a copy of the notice of the substance of the appeal, together with a copy of the official notice of such public hearing.
- D. Provided that there has been substantial compliance with these provisions, the failure to give notice in exact performance herewith shall not invalidate an action taken by the Town in connection with granting or denying a permit application.

Section 8.5 Application

All applications made to the Planning Board shall be in writing on forms prescribed by the Town and accompanied by the applicable fee(s) as established by Town Board resolution. The Applicant shall be required to furnish such preliminary plans, drawings and specifications as may be required for an understanding of the proposed development.

Section 8.6 General Standards

Approval is conditional upon the provision of adequate safeguards to protect the health, safety, and general welfare of the public and minimize possible detrimental effects of the proposed use on adjacent property.

A. Adjacent Land Uses

The proposed use should not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof. To the extent possible, the proposed use shall not have a negative effect on adjacent land uses.

B. Location and Size of Use

The nature, scale and intensity of the operations involved, the size of the site in relation to the use, and the location of the site with respect to existing and future streets providing access, shall, to the extent possible, be in harmony with the orderly development of the district.

C. Vehicular Access and Circulation

Adequacy and arrangement of vehicular traffic access and circulation, including intersections, drive-through stacking and exit lanes, links with adjacent and nearby land uses, road widths, alignment, grade, pavement surfaces, channelization structures, visibility and traffic controls shall be considered.

D. Pedestrian Circulation

Adequacy and arrangement of pedestrian traffic access and circulation, links with adjacent and nearby land uses, walkway structures, control of intersections with vehicular traffic, and overall pedestrian convenience shall be considered.

E. Parking

Location, arrangement, appearance and sufficiency of off-street parking and loading shall be considered.

F. Layout

The location, arrangement, size, design and general site compatibility of buildings, lighting and signage shall be considered.

G. Drainage Facilities/Erosion Control

Adequacy of stormwater management plans and drainage facilities with regard to their impact on adjoining properties and downstream structures shall be considered.

H. Water and Sewer

Adequacy of water supply and sewage disposal facilities and their compliance with all applicable regulations shall be required.

I. Vegetation

The type and arrangement of trees, shrubs and other landscaping components shall be considered. Existing vegetation shall be retained to the extent possible.

J. Emergency Access

Adequate provision of fire, police and other types of emergency vehicles shall be made.

K. Flooding

Special attention shall be given to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

L. Lighting

The impacts of lighting on adjacent areas and areas within viewing distance shall be considered.

M. Other

Other elements integral to the proposed site plan development as considered necessary by the Planning Board

Section 8.7 Additional Specific Standards

In addition to the above general standards, the following specific standards shall apply:

A. Gasoline Sales Stations

Specific consideration shall be given to traffic flow as well as danger to the general public due to hazards of fire and explosion.

B. Bulk Storage of Flammable Liquids

When above ground and intended for commercial or industrial purposes, all storage and handling facilities shall be at least four hundred (400) feet from any residential district.

C. Adult Uses

1. Adult uses are recognized as having serious objectionable operational characteristics, including deleterious effects upon nearby areas. Special regulation of such uses is necessary to ensure they do not contribute to the blighting of the area.
2. No adult use shall be located within five hundred (500) feet of the nearest district boundary in which it is located.
3. No adult use shall be located within one thousand (1,000) feet of the nearest property line of any residential use; public, parochial or private school; educational institution; museum; library; commercial recreational facility; public recreation facility; or, place of worship.
4. No adult use shall be within one thousand five hundred (1,500) feet of any other adult use.

Section 8.8 Referral to County Planning Board

Prior to taking action on the special use permit application, if applicable, the Secretary of the Planning Board shall refer a copy of the application materials to the Clinton County Planning Board for its review in accordance with Section 239m of the General Municipal Law. No action shall be taken by the Planning Board on such application until an advisory recommendation has been received from the County Planning Board or thirty (30) calendar days have lapsed since the County received such full statements. Applicable uses

include any site plan within five hundred (500) feet of:

- A. The boundary of any city, village, or town; or
- B. Any existing or proposed county or state park or other recreation area; or
- C. The right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway; or
- D. The existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines; or
- E. The existing or proposed boundary of any county or state-owned land on which a public building or institution is situated; or
- F. The boundary of a farm operation located in an agricultural district, as defined by Article 25 AA of the Agriculture and Markets Law, or
- G. Other uses as may be determined in General Municipal Law Section 239-m as amended and in effect at the time of site plan application submittal to the Planning Board.

Section 8.9 Compliance with State Environmental Quality Review Act

Proposed projects are actions subject to the provisions of SEQRA. Prior to rendering its decision, the Planning Board shall follow all applicable procedures in accordance with Article 8 of the Environmental Conservation Law and Part 617 NYCRR.

Section 8.10 Reimbursable Costs

Costs incurred by the Planning Board for consultation fees, staff review cost or other expenses in connection with the review of a proposed Special Use Permit site plan shall be charged to the Applicant.

Section 8.11 As-Built Plans

The Town Planning Department shall be responsible for the general inspection of the *Approved Detailed Preliminary Site Plan* ADPSP improvements, including coordination with the Planning Board and other officials and agencies, as appropriate. The Applicant shall submit "as built plans", prepared and certified to by a Licensed Land Surveyor or Professional Engineer to the Town Planning Department. Said as built plans shall show to scale all improvement(s) as they were built, as compared to the way they were submitted and approved on the detailed site plan. Said as built plans shall include a zoning data table. As built plans shall be reviewed by the Town, and when necessary revised by the Licensed Land Surveyor or Professional Engineer, to show "as built data" and then be resubmitted for review. The as built plan submittal process shall be repeated until all ADPSP improvements are shown thereon and the information is in compliance with the

ADPSP. If the as built site plan data does not comply with the ADPSP conditions, the Applicant shall correct the condition and cause a new as-built plan to be submitted for review. All costs associated with the preparation and submittal of the as built plans or any reconstruction of the site plan improvements to comply with the ADPSP shall be the responsibility of the Applicant.

Section 8.12 Performance Guarantee

No certificate of occupancy for any portion of the proposed project shall be issued until all improvements shown on the site plan are installed and found to be in compliance with the ADPSP by the Town Planning Department, with the final as built plans, or a sufficient performance guarantee has been posted for site plan improvements not yet completed. The sufficiency of such performance guarantee shall be determined by the Town Planning Department in consultation with appropriate parties.

Section 8.13 Certificate of Occupancy Prior to Completion of Site Work

A Temporary Certificate of Occupancy may be issued by the Zoning Enforcement Officer for a building area or complex of structures within the *Approved Detail Site Plan Review* provided the following items are provided by the Applicant and accepted by the Town Planning Department and the Zoning Enforcement Officer:

- A. All building improvements for the area to be occupied have been completed, inspected and found to meet the minimum life safety requirements of the New York State Uniform Fire Prevention and Building Code by the Zoning Enforcement Officer; and
- B. As-built plans, as required above, have been prepared and submitted and show all site plan improvement data for site plan improvements completed to date; and
- C. A list of uncompleted but required site plan improvements shown on the ADPSP, together with a cost estimate representing the costs associated with the work necessary to complete all required site plan improvements as shown on the ADPSP.

Section 8.14 Integration of Procedures

Whenever the particular circumstances of proposed development require compliance with other requirements of the Town, the Planning Board shall attempt to integrate, as appropriate, special use permit review as required by this Article with the procedural and submission requirements for such other compliance.

Section 8.15 Appeal of Board Decision

Any person aggrieved by a decision of the Planning Board may apply to the Supreme

Court for a review by a proceeding under Article 78 of the Civil Practice Law and Rules. Such proceedings shall be instituted within thirty (30) days after the filing of a decision by such Board in the office of the Town Clerk

ARTICLE IX

PLANNED DEVELOPMENT DISTRICTS

Section 9.1 Purpose and Objectives

It is the purpose of this Planned Development District (PDD) procedure to provide flexible land use and design regulations to provide for the rezoning of land so that well designed medium to large scale commercial or mixed use developments may be developed in a compatible and unified plan of development. This section specifically encourages innovation in mixed-use development so that demand for housing at all economic levels may be met by greater variety in type, design and siting of dwellings and by the conservation of important open space and more efficient use of land. The conventional use and area specifications set forth by other sections of this Ordinance are replaced by the approved PDD plan, which then becomes the legislative basis for detailed design, review and control of subsequent development.

While flexibility in substantive regulations is encouraged, it is intended that this procedure and the purposes of this Ordinance, as specified in Section 1.2, shall ensure the general welfare through equal treatment under the law, as well as precise control of aspects of the development as approved.

Section 9.2 Criteria

A. Location

A PDD may only be created in the Commercial, Service Center and Neighborhood Commercial District and those portions of the R-2 District designated on the Zoning map as the PDD Overlay District.

B. Development Area

The minimum development area required to qualify for a PDD in the Commercial, Service Center and PDD Overlay Districts shall be five (5) contiguous acres. The minimum development area to qualify for a PDD in a Neighborhood Commercial District shall be two (2) acres. The calculation of such land area shall not include existing streets, easements, parks, or otherwise dedicated land or acreage, State or federally regulated wetlands or slopes in excess of 25%.

C. Ownership

The tract of land for a project shall be owned, leased or controlled either by a single person or corporation, or by a group of individuals or corporations. An application packet must be filed by the owner, jointly by the owners of all property included in

the project, or by the optionee(s) having an interest in the property. In the case of multiple ownership, the approved plan and its amendments shall be binding on all owners, or their successors in title and interest.

D. Permitted Uses

The following uses are permitted in PDDs. A use variance may not be granted in a PDD.

1. Educational institutions
2. Places of Worship, Convents, Parish Houses
3. Public and Commercial Recreation Facilities
4. Public Schools, Parochial Schools, Private Schools
5. Public Utility Structures or Facilities
6. Clinics
7. Educational Institutions
8. Public Libraries, Museums
9. Hospitals
10. Business/Professional Offices
11. Financial Institutions
12. Commercial Recreation/Entertainment Facilities
13. Conference Centers
14. Health and Fitness Centers
15. Night Clubs
16. Public Building/Use
17. Restaurants or Other Places for Serving of Food or Beverages
18. Theater
19. Performing Arts Center

20. Retail Sales
21. Multi-family dwelling units
22. Townhouses
23. Dwellings above Commercial Uses
24. Single family residential development in an R-2 PDD overlay district destination (*Zoning Ordinance Amendment Town Board Resolution 013-290 dated December 23, 2013, effective date January 11, 2014*).

E. Bulk Regulations

1. PDD in Commercial, Service Center and PDD Overlay Districts.
 - a. Minimum Lot Size: Five (5) acres
 - b. Minimum Frontage: 200 feet
 - c. Maximum Building Area: 50%
 - d. Minimum Open Space: 15%
 - e. Minimum Setback: As determined by the Town Board during the approval process.
 - f. Maximum Height: 60 feet.
 - g. Density: As determined by the Town Board during the approval process.
2. PDD in Neighborhood Commercial Districts
 - a. Minimum Lot Size: Two (2) acres
 - b. Minimum Frontage: 100 feet
 - c. Maximum Building Area: 50%
 - d. Minimum Open Space: 15%
 - e. Minimum Setback: As determined by the Town Board during the approval process.
 - f. Maximum Height: 60 feet
 - g. Density: As determined by the Town Board during the approval process.

F. Design Standards

Innovation in design is encouraged in PDDs. Applicants may vary the road and other infrastructure standards in the Plattsburgh Town Code, including the road design standards in the Town Subdivision regulations, if the Town Board finds that doing so will further the objectives of this chapter while not adversely affecting the public health, welfare and safety.

G. Energy Efficiency

All buildings in a PDD shall be designed to meet Energy Star guidelines for energy efficiency set by the United States Environmental Protection Agency.

Section 9.3 Procedure

A. Summary of Procedure. Whenever any PDD is proposed, before any permit for the erection of a permanent building in such PDD shall be granted and before any subdivision plat or any part thereof may be filed in the office of the Clinton County Clerk, the developer or his authorized agent shall apply for and secure approval of such PDD in accordance with the following procedures:

1. Submit sketch plan to the Town Board for consideration. If the Town Board determines that the proposal merits further review, then it may refer the application to the Planning Board.
2. Planning Board review of rezoning referral and sketch plan and public hearing held by Planning Board.
3. Planning Board report to Town Board.
4. Town Board conducts a public hearing on rezoning and conducts SEQR review.
5. Upon approval of rezoning by the Town Board, the Planning Board will review project elements for subdivision or site plan approvals.

B. Application for sketch plan approval.

1. Sketch plan drawing. The application shall include a sketch plan drawn to scale and it shall clearly show the following information:
 - a. The location of the various uses and their areas; and
 - b. The general outlines of the interior roadways system and all existing rights-of-way and easements, whether public or private; and
 - c. The interior open space system; and

- d. The overall drainage system; and
 - e. If more than 10% of the site has grades exceeding 5%, a topographic map showing contour intervals of not more than five feet of elevation, along with an overlay outlining slopes over 5%. If grades are less than 5% on 90% or more of the site, the topographic map may be at ten-foot contour intervals; and
 - f. Principal ties to the community at large with respect to transportation, water supply and sewage disposal; and
 - g. A location map showing uses and ownership of abutting lands; and
 - h. A long-form environmental assessment form.
2. Additional sketch plan documentation. In addition, the following documentation shall accompany the sketch plan:
- a. Evidence of how the developer's proposed mix of land uses meets existing community demands; and
 - b. A general statement as to how common open space is to be owned and maintained; and
 - c. If the development is to be staged, a general indication of how the staging is to proceed. Whether or not the development is to be staged, the sketch plan of this section shall show the intended total project; and
 - d. A description of how the plan is in conformance with the Town's Comprehensive Plan; and
 - e. Evidence of the applicant's physical and financial competence to carry out the plan; and
 - f. A draft Zoning Ordinance amendment creating and describing the Planned Development District, including use and bulk regulations and any conditions applicable to the Planned Development District, for review by the Town Board; and
 - g. A fiscal impact analysis identifying projected short- and long-term impacts on municipal and school district budgets.
3. In order to allow the Town Board and the developer to reach an understanding on basic design requirements prior to detailed design investment, the developer shall submit his proposal to the Town Board as set forth in Section 9.3.B. The

Town Board, at its next regularly scheduled meeting, may, if it determines that the proposal merits review, refer the application to the Planning Board for review and recommendation. The date of Planning Board receipt of the application shall be the next regular meeting of the Planning Board. If the Town Board determines that the proposal does not merit review because it does not meet the objectives of this article, it shall not refer the application to the Planning Board and no further action on the application shall be taken. After referral by the Town Board and after receipt of all required information, as determined by the Planning Board, the Planning Board shall hold a public hearing in accordance with the hearing requirements of § 7.6 of Article VII and shall render either a favorable or an unfavorable report to the Town Board within 45 days of the closing of the public hearing. The time period for review may be extended by mutual consent of the developer and the Planning Board.

4. A favorable report shall include a recommendation to the Town Board that the proposal has merit and should proceed to further consideration by the Town Board, including a public hearing to be held for the purpose of considering planned PDD districting. It shall set forth the reasons supporting the recommendation and shall be based on the considerations set forth in § 9.4. Said report must include, at a minimum, the following findings, which shall be included as part of this report:
 - a. That the proposal meets the intent and objectives of PDD districting, as expressed in this article.
 - b. That the proposal meets all the general requirements in this article.
 - c. That the proposal is conceptually sound in that it conforms to accepted design principles in the proposed functional roadway system, land use configuration, open space system, drainage system and scale of the elements, both absolutely and in relation to one another.
 - d. That there are adequate services and utilities available or proposed to be made available in the construction of the development.
 - e. That the proposal is in accordance with the Comprehensive Plan and furthers the policies, goals and/or objectives of the Comprehensive Plan.
5. An unfavorable report shall state clearly the reasons therefor and, if appropriate, point out to the applicant what might be necessary in order to receive a favorable report. The applicant may, within 10 days after receiving an unfavorable report, file an application for PDD districting with the Town Board. The Town Board may then determine, on its own initiative, whether or not it wishes to call a public hearing. If the Town Board determines not to hold a hearing, no further action shall be taken and the application shall be considered denied.

6. If no report has been rendered by the Planning Board after 45 days from the date of the closing of the public hearing, unless extended by mutual consent, the applicant may proceed as if a favorable report was issued by the Planning Board.
- C. Application for PDD districting.
1. Upon receipt of a favorable report from the Planning Board or upon its own determination subsequent to an appeal from an unfavorable report, the Town Board shall conduct a public hearing for the purpose of considering planned commercial development districting for the applicant's plan, in accordance with the procedures established by the Town Board for holding meetings, said public hearing to be conducted within 45 days of the receipt of the favorable report or the decision on appeal from an unfavorable report.
 2. If required, the Town Board shall refer the application to the Clinton County Planning Board for its analysis and recommendations if required by New York State General Municipal Law § 239-m, and the Town Board shall also refer the application to such other agencies or consultants it deems appropriate. If County Planning Board review is not required, the Town Board may still refer the application for its review and recommendations.
 3. Within 30 days following receipt of the report from the County Planning Board, the Town Board shall render its decision on the application.
- D. Zoning for planned commercial development district. If the Town Board grants the PDD districting, the Zoning Map shall be so amended. The Town Board shall, in order to fully protect the public health, safety and welfare of the community, attach to its zoning resolution any additional conditions or requirements for the applicant to meet. Such requirements may include, but are not confined to, visual and acoustical screening, land use mixes, order of construction and/or occupancy, circulation systems, both vehicular and pedestrian, availability of sites within the area for necessary public services such as schools, firehouses, and libraries, protection of natural and/or historic sites and other physical or social demands.
- E. Site plan and subdivision approvals. Subsequent to obtaining any rezoning under this article, individual project elements shall be subject to subdivision or site plan approvals, as applicable. The procedure for such approvals shall be as specified in Article VII, Site Plan Review, of this chapter for site plan approvals and in the Town of Plattsburgh Subdivision Regulations for subdivision approvals. Due to the intent of PDDs and their flexible, yet cohesive, nature, the subdivision and site plan approval processes may take place simultaneously. Where procedures are in conflict, the more restrictive process will apply.

Section 9.4 Considerations

In determining whether a PDD shall be allowed, the Town Board shall consider the following factors.

- A. The availability and adequacy of water service.
- B. The availability and adequacy of sanitary waste disposal facilities.
- C. The availability and adequacy of transportation systems, including the impact on the road network.
- D. The pedestrian circulation and open space in relation to structures, throughout the proposed development, and as part of an adjoining or future connecting Town wide open and linear pathway system.
- E. The character of the neighborhood in which the PDD is being proposed, including the safeguards provided to minimize possible detrimental effects of the proposed use on adjacent properties and the neighborhood in general.
- F. The height and mass of buildings and their relation to other structures in the vicinity.
- G. Potential impacts on local government services.
- H. Potential impacts on environmental resources, including wetlands, surface water, floodplains, and plant and wildlife communities.
- I. The general ability of the land to support the development, including such factors as slope, depth to bedrock, depth to water table and soil type.
- J. Other factors as may be deemed appropriate by the Town Board.

Section 9.5 Common Property

- A. Common property in a PDD is a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the owners and occupants of the individual building sites. Common property shall be allowed within a PDD and may include private streets, drives, services, parking areas, and recreational and open space areas.
- B. The ownership of land dedicated for park, recreation or open space use shall be determined by the property owner or applicant. The person or entity having the right of ownership shall be responsible for its proper maintenance and continued upkeep. Ownership shall be with one of the following: the Town; another public jurisdiction or agency subject to its acceptance; a private, nonprofit organization incorporated

with a purpose consistent with the use and management requirements of the dedicated land; shared, common interest by all property owners in a subdivision; a condominium or cooperative association or organization; or private ownership encumbered by a conservation easement pursuant to §247 of General Municipal Law or §§ 49-0301 through 49-0311 of the Environmental Conservation Law. When common property exists in private ownership, satisfactory arrangements must be made for the improvement, operation and maintenance of such common property and facilities, including private streets, drives, services, and parking areas and recreational and open space areas.

Section 9.6 Applicability of Conditions

All conditions imposed by the Town Board, including those the performance of which are conditions precedent to the issuance of any permit necessary for the development of the PDD, or any portion thereof, shall run with the land and shall neither lapse nor be waived as a result of any subsequent change in the tenancy or ownership of any or all of said area. Such conditions shall further be a part of any certificate of occupancy issued for any use or structure in such PDD.

Section 9.7 Other Requirements

Additional performance requirements which may have been specified by the Town Board in its PDD approval action, such as a time limit for either initiation or completion of improvements and other construction work on the PDD development, shall also be strictly enforced. If these performance requirements are not met, the property shall revert to its prior zoning classification, unless the Town Board, upon specific application and for good cause, authorizes an extension of such performance requirements.

Section 9.8 Review Fees

The Town Board and the Planning Board may call upon the County Planning Department and any other public or private agencies or consultants that the Boards find necessary to provide a sound review of the proposal. In addition to the fee listed on the schedule of fees, the Town Board and the Planning Boards may charge a fee to developers of projects requiring legal and technical review, provided that the fee reflects the actual cost of legal and technical assistance to the Town Board and the Planning Board.

ARTICLE X
AIRPORT DEVELOPMENT DISTRICT

Article X of the Town of Plattsburgh Zoning Ordinance was repealed as of 6-1-2023 by zoning amendment.

ARTICLE XI
WELLHEAD PROTECTION OVERLAY
DISTRICT

Section 11.1 Purpose

The Town of Plattsburgh provides potable water to residents through groundwater supply wells. It is therefore in the interest of public health, welfare and safety to protect the Town's public water supply from contamination.

Section 11.2 Location

The Wellhead Protection Overlay District applies to an area of 1,000 feet around each of the Town's public water supply wells. The locations of the wells and corresponding 1,000 foot buffer are shown on the Town of Plattsburgh Zoning Map.

Section 11.3 Applicability

The regulations for this district apply in addition to the regulations in the zoning district in which the water supply well is located. Other local, State and Federal regulations may also apply to the Town's water supply wells.

Section 11.4 Regulations

- A. The following regulations apply within 200 feet of a public water supply well.
 - 1. No sanitary sewage disposal system may be constructed.
 - 2. No manure, septage, food waste or composted sludge may be spread.
 - 3. Open storage of agricultural chemicals or fertilizer is prohibited.
- B. The following activities are prohibited within the entire Wellhead Protection Overlay District.
 - 1. Disposal of any solid waste, petroleum, radioactive material, brine, solvents or hazardous material onto land or into a surface water body is prohibited, except for sanitary sewage disposal systems located more than 200 feet from the wellhead of the public water supply well.
 - 2. Commercial use, storage or application of pesticides.
 - 3. Establishment or operation of any solid waste treatment, management or

disposal facility or hazardous waste treatment, management or disposal facility.

4. Installation or operation of any petroleum product or chemical storage other than residential home heating oil, kerosene or other fuel not to exceed 550 gallons.
5. Cemetery.
6. Dumping or disposing of snow or ice collected from roads, streets or parking areas within 100 feet of any water body.
7. Bulk storage of chloride salts.
8. Construction of commercial pipelines that carry petroleum or other liquid hazardous material.
9. Mining and blasting.

Section 11.5 Non-Conforming Activities

- A. A lawful activity which exists at the time of the effective date of this chapter that does not conform with the requirements of this section is not subject to the restrictions and requirements of this section.
- B. A non-conforming use or activity shall not be expanded or enlarged without a variance pursuant to the procedures in Article XV.
- C. In the event that a non-conforming activity is stopped, suspended or abandoned for a period of 12 months or longer, the activity shall permanently desist and shall be subject to the requirements of this Article.

ARTICLE XII
PLACEMENT OF MANUFACTURED HOMES,
MANUFACTURED HOME PARK
REGULATIONS AND MAINTENANCE OF
MANUFACTURED HOME PARKS

Section 12.1 Manufactured Homes

No manufactured home shall be moved, placed or relocated in the Town of Plattsburgh without first obtaining a permit to park and occupy that manufactured home on a lot as approved by the Zoning Enforcement Officer. Upon submittal of the application and receipt of the permit, the manufactured home may be moved. The manufactured home may not be occupied until a certificate of occupancy has been granted for that manufactured home. A manufactured home shall be deemed to be a conforming single-family dwelling as long as the following conditions are met:

- A. Manufactured homes shall have the United States Department of Housing and Urban Development (HUD) seal crest and are subject to a detailed compliance inspection by the Zoning Enforcement Officer. The compliance inspection will ascertain the degree of compliance with energy conservation factors established by HUD standards.
- B. Manufactured homes shall meet all setback and height requirements and placed on lots that meet all density, size, and dimensional standards set forth in Section 12.3 of this chapter.
- C. Manufactured homes shall be affixed to a permanent foundation that meets New York State Building Construction Codes for single-family dwellings, as well as any requisite floodplain standards when relevant. Permanent foundations typically include provisions for basements or crawlspaces or slab-on-grade. Skirting, screening of fuel canisters, and other similar features shall not be considered permanent foundations.
- D. Manufacture homes shall be subject to the same water service and wastewater disposal provisions as a single-family dwelling in the residential district or service district in which the manufactured home is to be sited. This shall include meeting all standards of the New York State Departments of Health and/or Environmental Conservation.
- E. Manufactured homes shall conform, to the maximum extent practicable, with the identical development specification and standards, including general aesthetic and architectural standards, applicable to conventional, site-built single-family dwellings

in the residential district in which the manufactured home is to be sited.

- F. No manufactured home, wherever placed in the Town of Plattsburgh, will be occupied without first having obtained a certificate of occupancy.
- G. No manufactured home shall be used for any use other than its intended use within the Town of Plattsburgh.

Section 12.2 Manufactured Home Sales

- A. Manufactured homes shall be placed only at authorized locations for refurbishing or sale. Authorized areas will only be designated within Service Center Districts or Industrial Districts.
- B. All manufactured home sale locations shall be subject to site plan review standards that are outlined in Section VIII, of this chapter.

Section 12.3 Manufactured Home Parks

The following standards shall apply to manufacture home parks:

- A. All manufactured home park requests will utilize the special use permit review procedure.
- B. In addition to the conditions outlined in Section 12.1, manufacture home parks special use permits shall provide the following information and/or be subject to the following additional conditions.
 - 1. No manufactured home park shall be contiguous nor in such proximity to another manufactured home park so as to cause congestion, hazard, overcrowding of land and an undue concentration of population, which would result in an overuse of public facilities.
 - 2. A manufactured home park shall have an area of not less than five (5) acres.
 - 3. A minimum site of 5,000 square feet is required per manufactured home.
 - 4. Minimum lot dimensions and setbacks shall be as follows:
 - a. Minimum lot width: 50 feet
 - b. Minimum lot frontage: 25 feet
 - c. Minimum front yard setback: 20 feet

- d. Minimum side yard setback: 15 feet
 - e. Minimum rear yard setback: 20 feet
5. No more than one (1) manufactured home shall be placed on a site.
6. Plans prepared by a licensed land surveyor, engineer or landscape architect shall include:
- a. The location and widths of all entrances, exits, streets, walkways and parking area
 - b. The location, size and arrangement of each lot within the park.
 - c. The method and plan for electric lighting.
 - d. The location and plan of all proposed structures and improvements.
 - e. Any proposed grading and plans for landscaping.
 - f. Any proposed stormwater drainage.
 - g. Any proposed utilities.
 - h. Any public improvements proposed by the Town in or adjoining the proposed park.
 - i. Existing zoning.
7. Construction requirements:
- a. Building permits and certificate of occupancy shall be required for all manufactured homes placed on a site.
 - b. Park-owned buildings shall be constructed in accordance with the applicable New York State Building Construction Codes and the New York State Fire Prevention Code (9 NYCRR) or their successor(s), including the list of generally accepted standards.
 - c. Any manufactured or mobile home built after January 15, 1974 that does not meet the State Code for Construction and Installation of Mobile Homes (9 NYCRR) shall not be installed in a manufactured home park.
 - d. Any manufactured or mobile home built after June 15, 1976 that does not meet the U.S. Department of Housing and Urban Development Mobile Home Construction and Safety Standard (CFR, Title 24, Part

3280) shall not be installed in a manufactured home park.

- e. Each manufactured home shall be skirted to adequately secure the manufactured home against weather conditions, rodents and to further ensure safety. This will be done within thirty (30) days from time of initial hookup.
- f. Fuel containers will be mounted so as not to be visible from the road in front of the manufactured home. All fuel containers will be mounted on an approved metal structure. Liquefied Petroleum Gas bottles will be mounted with consideration to safety. The standards for the Liquefied Petroleum Gas and the fuel containers shall be as provided by the New York State Uniform Fire Prevention and Building Code and the National Fire Protection Agency.
- g. The manufactured or mobile home stand shall be improved to provide adequate support for the placement and anchoring of the manufactured or mobile home in accordance with generally accepted standards. The stand shall not heave, shift or settle unevenly under the weight of the manufactured or mobile home due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure. The stand shall inhibit the ponding of water under and around the home.
- h. Entrance steps shall be installed at all doors leading to the inside of the manufactured home. Such steps shall be constructed of materials intended for permanence, weather resistance and attractiveness. Handrails shall be provided if steps contain three (3) or more risers.
- i. No more than two (2) accessory structures are permitted per site. Accessory structures will be at least ten (10) feet from the manufactured home and placed entirely within that manufactured home site. All accessory buildings will conform to the required setbacks as outlined in Article V. Additions to manufactured homes require a permit. The application will be signed by the manufactured homeowner and the owner/manager of the manufactured home park.
- j. Parking for two (2) automobiles will be provided on each manufactured home lot. There shall be no storage of any automobiles or automobile parts allowed within a manufactured home park. Any automobile parked on a lot shall be a duly registered and inspected vehicle. Further, when a manufactured home park is configured at more than fifteen (15) manufactured homes, there may be a designated parking area for additional vehicles as recommended by the Planning Board during special use permit review.

8. Spacing. Accessory structures, including superintendent office, service buildings, and storage buildings shall meet all required lot setbacks standards established in Section 12.3 of this article.

9. Accessibility.
 - a. Each manufactured home park shall have a curb cut on an existing public highway or street. No dead-end streets or cul-de-sac shall be permitted in any manufactured home park.
 - b. Entrances and exits shall be located at a minimum distance of 100 feet between them, for the safe and convenient movement into and out of the park.
 - c. All entrances and exits shall be at right angles to the existing public highway or street.
 - d. All entrances and exits shall be free of all objects which would impede the visibility of the driver entering or exiting a public highway or street for a distance of 20 feet from the edge of pavement of the public highway and park road.
 - e. All entrances and exits shall be of sufficient width to facilitate the turning movements of vehicles with manufactured homes attached.

10. Streets and Drives. Streets shall be improved to meet the same standards as required by the Standard Specifications for Town Center Roads and Highways.

11. Water Supply
 - a. Drinking water shall be adequate in quantity, of a quality which complies with the requirements of the Health Department, and shall be readily available to occupants of the property. Non-potable water shall not be accessible to park occupants.
 - b. A minimum water pressure of 20 pounds per square inch shall be provided at the riser pipe of each site at all times.
 - c. A water service connection consisting of a service box with a shut-off valve installed below the frost line and a three-quarter inch riser pipe shall be supplied on each site. Surface drainage shall be diverted from the connection. The park operator shall be responsible for maintaining the shut-off and riser pipe, except where the responsibility for the riser pipe has been transferred to the mobile

home occupant by formal written agreement. Such formal written agreement shall be available for review by the Zoning Enforcement Officer.

- d. The riser pipe shall be provided with a watertight seal when not connected to a home.

12. Sewage Facilities

- a. All sewage facilities shall be designed, constructed and maintained in accordance with the appropriate standards of the Departments of Health and/or Environmental Conservation.
- b. No construction of new or modified facilities shall commence until approval in writing from the agency having jurisdiction has been received by the operator. All construction shall be in accordance with the approved plans.
- c. Each site shall be provided with a minimum four-inch sewer pipe below the ground surface and a four-inch riser pipe.
- d. The connecting pipe (minimum of three-inch diameter) from the manufactured or mobile home to the riser pipe shall be non-collapsible and semi-rigid. All connections shall be watertight.
- e. The riser pipe shall be provided with a watertight seal when not connected to a manufactured or mobile home.
- f. Inadequately treated sewage on the ground shall be prohibited.
- g. The operator shall be responsible for maintaining the sewage system to include the riser pipe. The connecting pipe shall also be the responsibility of the operator unless the responsibility has been transferred to the manufactured or mobile home occupant by formal written agreement. Such formal written agreement shall be available for review by the Zoning Enforcement Officer.

- 13. Distribution systems for electricity, including the manufactured or mobile home service agreement and feeder assembly, gas and fuel oil shall be in accordance with applicable State and local regulations or generally accepted standards. The operator shall be responsible for maintaining these systems, including the connection top each home, unless such responsibility has been transferred to the manufactured or mobile home occupant by formal written agreement. Such formal agreement shall be available for review by the Zoning Enforcement Officer.

14. Refuse Storage and Disposal

- a. Adequate and sanitary facilities shall be provided and maintained for the storage and disposal of refuse. Sanitary methods shall be used for the temporary storage, collection, handling and disposal of refuse. Any on-premise refuse processing, treatment, and disposal facilities shall meet the requirements of the Department of Environmental Conservation.
 - b. The operator shall provide for refuse pick-up or central refuse storage.
 - c. If refuse pick-up is not provided, the occupant shall be responsible for transporting refuse to the central refuse storage point.
 - d. The occupant shall be responsible for the proper maintenance and storage of refuse on each site.
15. Open Space and Recreation. At least 10% of the gross land area of any new mobile home park, excluding the area for perimeter screening shall be used for recreation and/or open space uses. Maintenance of said area shall be the responsibility of the park operator. The allocation of the recreational or open space usage is at the discretion of the Planning Board.
16. Insect and Rodent Control. Grounds and buildings shall be maintained in such a manner as to control noxious insect and rodent infestations. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the agency having jurisdiction.
17. Weed Control. The growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds shall be controlled. Control measures and materials shall conform with the requirements of the agency having jurisdiction. The elimination of such weeds where growth is limited to a single site shall be the responsibility of the occupants.
18. No part of any park shall be used for non-residential purposes, except such uses that are required for direct servicing and the well-being of the park, its residents and its management and maintenance.
19. Outdoor Wood Boilers. Outdoor wood boilers are prohibited in manufactured home parks.
- C. All lots will be numbered and each manufactured home will display the lot number on the side facing the road in compliance with 911 rules.

- D. The owner/manager of the manufactured home park shall maintain a register of all dog owners and dogs within the park. The list shall conform to the standards as stated by the Town of Plattsburgh Dog Control Officer. It should be further noted that all dogs within a manufactured home park shall be leashed. The owner/manager will provide the Town Dog Control Officer with a letter consenting to the Town dog control law enforcement within the park.
- E. USPC approved mailboxes shall be placed in an orderly and aesthetically pleasing fashion, in a place of mutual agreement to the park manager and postal authorities, so as not to block the line of sight of entering or exiting vehicles.
- F. The owner/manager of the manufactured home park shall maintain a register of all manufactured homes within the park. This register will include the name of the owner/tenant(s) residing in the manufactured home, the size and make of the manufactured home, and date of arrival. When the manufactured home is removed the register will reflect the month, day and year of departure from the park. This registry will be available for inspection. There is no need to obtain permits for manufactured homes leaving a park. Permits are mandated on any manufactured home coming into a park.
- G. The park owner/manager is responsible for maintaining the manufactured home park in such a condition as complies with regulations stated herein. This shall include, but not be limited to, hedges, bushes and roads.
- H. Conditions of roads, ground water and other items for new manufactured home parks or additions to a manufactured home park shall be established at a site plan review.
- I. Manufactured home parks shall be maintained in a neat, safe and healthy manner as determined by the Zoning Enforcement Officer in accordance with Section 12.3, herein. Thirty (30) days prior to receiving a renewal permit from the Clinton County Health Department, the owner/manager will contact the Town of Plattsburgh's Zoning Enforcement Officer to schedule an inspection. Upon inspection and re-certification by the Clinton County Health Department, a copy of the license will be given to the Town of Plattsburgh.
- J. Manufactured Home Parks will maintain a central trash pick-up. Trash will be removed on a weekly basis.
- K. No manufactured home shall be used for any use other than its intended use within the Town of Plattsburgh.
- L. No part of any park shall be used for non-residential purposes, except such uses that are required for direct servicing and the wellbeing of the park, residences and for the management and maintenance of the park.

Section 12.4 Existing Nonconforming Manufactured Home Parks

- A. A manufactured home park shall qualify for status as a legal nonconforming use, provided that the park was legally permitted by the Town of Plattsburgh after this date and legally located in the Town at the date of the adoption of this chapter.
- B. Any manufactured home park which qualifies as a legal nonconforming use pursuant to the provisions of this chapter shall comply with the following requirements:
 - a. It shall comply with all applicable federal and state laws, rules and regulations.
 - b. It shall comply with all provisions contained in this regulation, including securing a three-year permit issued by the Town of Plattsburgh as outlined in Section 12.5 of this article, including payment of required fees.

Section 12.5 Permit Requirements for Existing Manufactured Home Parks

- A. All manufactured home parks existing as of the effective date of this chapter shall apply to the Code Enforcement Officer for an initial permit within three (3) years after adoption of this chapter. This permit shall be renewed every three (3) years and must be kept current in order to operate a park. If the applicant for a permit is not the owner of the manufactured home park to which the application pertains, the application shall be accompanied by an original or certified copy of a lease of the premises to the applicant and a statement signed and acknowledged by the owner or owners of the premises consenting that the premises be used as a manufactured home park. Permits shall not be transferable or assignable.
- B. Information required for the initial permit, and renewals, are the same and must include a current map drawn to scale showing all existing lots. The map shall indicate if each lot is vacant or occupied at the time of application. Additional information required shall include:
 - a. The name and address of the owner of the manufactured home.
 - b. The name and address of each occupant of the manufactured home and specifically identifying occupants that are within the age requirements to attend public schools as of July 1 each year.
 - c. The registration year and number of the manufactured home and the state in which so registered.

- d. The make or factory name, the year of manufacture, the exterior color, number of rooms and the overall dimensions of the manufactured home, including any additions.
 - e. A colored photograph showing the exterior of the home.
 - f. The number and issuance date of the certificate of occupancy.
 - g. The number and address of the manufactured home lot upon which such manufactured home is located.
 - h. The date of the departure of the manufactured home from the park.
- C. Upon receipt of the completed application and required annual fee, and approval of the application, the Code Enforcement Officer shall issue such permit to be effective for a period of three years commencing on the date of approval.
- D. After one (1) year from the date of adoption of this chapter, no new building permits will be issued until the annual permit described in of this chapter is obtained.
- E. Permit renewal for manufactured home parks. A completed application and annual fee for the renewal of any manufactured home park permit shall be submitted to the Code Enforcement Officer on or before the 60th day before the expiration date of the current permit.
- F. Fees. To defray a portion of the cost incurred by the Town for permitting, inspection and compliance verification, the owner of a manufactured home park shall pay an annual fee. The amount of the fee shall be established by the Town of Plattsburgh and provided in their fee schedule.

Section 12.6 Required Record Keeping

The owner of each manufactured home park shall keep a record of information required in Section 12.5 of this chapter. These records shall be available for inspection by the Code Enforcement Officer upon request. An up-to-date copy of all forms, or a spreadsheet or database printout containing all required information, shall be provided to the Code Enforcement Officer when requested.

Section 12.7 Requirements when Changes are Made

- A. Any change to an individual manufactured home (including, but not limited to,

replacement or relocation) shall trigger the following requirements:

- a. In accordance with Section 12.3 of this chapter, each manufactured home shall be placed on a site having a total area of not less than 5,000 square feet
- b. Each manufactured home lot must have iron pins set by a licensed surveyor for the comers of each lot. Pins shall be a minimum of 24 inches in length and 1/2 inch in diameter. No home may be located on a lot prior to placement of the boundary corner pins.
- c. A corresponding revised site map shall be provided to the Code Enforcement Officer and shall be included in subsequent biannual manufactured home park permits outlined in Section 12.5 of this chapter.

Section 12.8 Violations and Penalties

Notwithstanding the provisions of Section 12.8 of this Ordinance, any person or persons who willfully violates any provisions of this Article shall, upon conviction, be subject to a fine of not more than five hundred dollars (\$500.00) or by imprisonment not exceeding fifteen (15) days, or both.

Each day after conviction that such violation continues shall constitute a separate offense.

ARTICLE XIII

WOOD BOILERS

Section 13.1 Purpose

Although wood boilers may provide an economical alternative to conventional heating systems, concerns have been raised regarding the safety and environmental impacts of these heating devices, particularly the production of offensive odors and potential health effects of uncontrolled emissions. The purpose of this Article is to ensure that wood boilers, whether indoor or outdoor, are utilized in a manner that does not create a nuisance and is not detrimental to the health, safety and general welfare of the residents of the Town.

Section 13.2 Permit Required

No person shall cause, allow or maintain the use of an Indoor or Outdoor Wood Boiler within the Town of Plattsburgh without first having obtained a permit from the Town Zoning Enforcement Officer. Application for a permit shall be made to the Zoning Enforcement Officer on the forms provided.

Section 13.3 Specific Requirements

All Indoor or Outdoor Wood Boilers shall be EPA and DEC approved and comply with the following requirements.

- A. Permitted Fuel. Only Firewood and Untreated Lumber are permitted to be burned in any Indoor or Outdoor Wood Boiler. Burning of any and all other materials in an Indoor or Outdoor Wood Boiler is prohibited.
- B. Permitted Districts. Indoor or Outdoor Wood Boilers shall be permitted only in the R-2, R-3 and R-4 & R5 zoning districts as shown on the Town Zoning Map.
- C. Minimum Lot Size. Indoor or Outdoor Wood Boilers shall be permitted only on lots of two (2) acres or more.
- D. Setbacks. Indoor or Outdoor Wood Boilers shall be set back not less than 200 feet (200') from the nearest lot line.
- E. Chimney Height. The minimum chimney height shall be twenty (20) feet.
- F. Months of Operation. Indoor or Outdoor Wood Boilers shall be operated only between September 5th and May 31st.
- G. Spark Arrestors. All Indoor or Outdoor Wood Boilers shall be equipped with properly functioning spark arrestors.

H. Nonconforming:

1. No Indoor or Outdoor Wood Boiler in operation prior to insert date of Local Law Enactment may be extended, enlarged, relocated or restored beyond 75% of its value, unless in conformance with this Local Law.
2. Discontinued use of any Indoor or Outdoor Wood Boiler for more than 11 months, shall not be reestablished unless in conformance with this Article.
3. Indoor and Outdoor Wood Boilers are prohibited in Manufactured Home Parks.

Section 13.4 Suspension of Permit

A permit issued pursuant to this Local law may be suspended as the Zoning Enforcement Officer may determine to be necessary to protect the public health, safety and welfare of the residents of the Town of Plattsburgh if any of the following conditions occur:

- A. Emissions from the Indoor or Outdoor Wood Boiler exhibit greater than twenty percent (20%) opacity (six minute average), except for one continuous six-minute period per hour of not more than twenty-seven (27%) opacity, which shall be determined as provided for in 6NYCRR 227-1.3(b);
- B. Malodorous air contaminants from the Indoor or Outdoor Wood Boiler is detectable outside the property of the person on whose land the Indoor or Outdoor Wood Boiler is located;
- C. The emissions from the Indoor or Outdoor Wood Boiler interfere with the reasonable enjoyment of life or property;
- D. The emissions from the Indoor or Outdoor Wood Boilers cause damage to vegetation, property or health;
- E. The emissions from the Indoor or Outdoor Wood Boilers is or may be harmful to human or animal health.

A suspended permit may be reinstated once the condition which resulted in the suspension is remedied and reasonable assurances are given that such condition will not recur. Recurrence of a condition which has previously resulted in suspension of a permit shall be considered a violation of this Article subject to the penalties in Article XVI.

Section 13.5 Waivers

Waivers from this Article may only be made by the use variance procedure in Article XV.

Section 13.6 Effect of Other Regulations

Nothing contained herein shall authorize or allow burning which is prohibited by codes, laws, rules or regulations promulgated by the United States Environmental Protection Agency, the New York State Department of Environmental Conservation. And other Federal, State, regional or local agency. Indoor or Outdoor Wood Boilers and any electrical, plumbing or other apparatus or device used in connection with an Indoor or Outdoor Wood Boiler, shall be installed, operated and maintained in conformity with the manufacturer's specifications and any and all local federal, State or local ordinances, codes, laws, rules or regulations. In all cases, the more restrictive or stringent provision or requirement shall prevail.

ARTICLE XIV

SMALL WIND ENERGY FACILITIES

Section 14.1 Purpose

The conversion of wind into electrical power provides the benefits of being a renewable energy source which can supplement energy usage needs for homes, farms and business owners, as well as allow the sale of excess electrical power into the National Grid. However, wind development also has secondary impacts to the community and adjoining properties such as noise, shadow flicker, impacts to the environment, birds and bats, wetlands, scenic views and negative property values. All of these issues can be debated and argued by consultants swaying either way, but the fact remains the impacts exist. Balancing the benefits and impacts from wind development projects is necessary.

Limiting the size of such facilities, providing setbacks for locations of towers, acknowledging and protecting existing utility poles and lines, roads used by general public and emergency responders, considering scenic views, adjacent properties, existing uses and otherwise provide for proper siting of such development with oversight regulations.

The Town Board of the Town of Plattsburgh has reviewed the benefits and impacts from wind energy development and the benefits of the use of small wind energy facilities as an accessory use to the primary use such as a commercial, industrial, business, residential, or agricultural use. Oversight regulations can balance impacts by small wind energy facilities with the general welfare and safety of the community and adjoining property owners' interests.

This local law is adopted to regulate the placement of small wind energy facilities and provide oversight in permitting small wind energy facilities to preserve and protect the health, safety and general welfare of the inhabitants of the Town from the impacts of such small wind development.

The Town recognizes that wind resources within the Town are sporadic and unpredictable and that the development of a commercial wind farm in the Town will have substantially more significant impact than from small wind energy facilities and not be in harmony with the Town Comprehensive Plan. Regulations pertaining to commercial wind farms cannot easily measure and provide a balance from such impacts free from varying opinions of consultants and consistent with the Town's Comprehensive Plan. Thus, the Town cannot assure its community or adjoining property owners that the character of their neighborhoods will not be adversely changed from such development with oversight regulations or that such development will not otherwise affect the general welfare and safety of neighboring properties, and that adjoining and nearby property values will not

be impacted. Therefore, at this time, commercial wind farms within the Town are prohibited.

Section 14.2 Findings

The Town Board of the Town of Plattsburgh finds and declares that:

- A. The Town of Plattsburgh has only limited undeveloped large parcels viable for development of a commercial wind farms. The development of a commercial wind farm would have adverse negative impacts to adjacent property and restrict the continued and further development in accordance with Town master plan.
- B. Winds to sustain commercial wind farms are sporadic and inconsistent in the Town, thereby limiting the economic feasibility for large commercial wind farms.
- C. Wind energy facilities represent significant potential aesthetic impacts because of their large size, lighting, and shadow flicker effects, and if not properly sited, the impacts will adversely limit the long term development envisioned in the Town Master Plan.
- D. Installation of commercial wind farms with several or more wind energy facilities can create drainage problems through erosion and lack of sediment control for the facility and its access road sites, and harm farmlands through improper construction methods.
- E. Commercial wind farms with wind energy facilities present a risk to bird and bat populations substantially more than small wind energy facilities.
- F. Commercial wind farms present risks to the property values of adjoining property owners and adversely affect the development of adjoining properties limiting and restricting permitted uses thereon.
- G. Commercial wind farms having one or more large wind energy facilities may be significant sources of noise, can create traffic problems and damage local roads, can cause electromagnetic interference issues with various types of communications, can negatively impact adjoining properties and neighborhoods and restrict other residential, retail, commercial, and recreational permitted uses.
- H. The Town finds that impacts in development of commercial wind farms in the Town outweigh the benefits and that such development is not consistent in promoting and protecting the general welfare of the Town's neighborhoods and communities.
- I. Without proper planning and siting, construction of small wind energy facilities may present similar risks. These facilities are not conducive to dense neighborhoods such as Cliff Haven, Champlain Park, trailer parks, and other densely populated areas or

densely developed commercial corridors and areas such as Route 3 Corridor, Smithfield Boulevard, and Hammond Lane which form part of the county commercial retail sector with the exception being roof mounted to permitted structures within allowable height restriction of the district or zone and having adequate fall zone.

- J. The placement and development of commercial wind farms in the Town will have adverse impacts on the neighborhoods and adjoining property owners and such impacts substantially outweigh the benefits to the general welfare of the Town's neighborhoods and communities and by reasons thereof their development is not a permitted or allowed use by this local law or by the Town Zoning Ordinance in any district. Further, the Town finds that a commercial wind farm having one or more wind energy facilities shall not be defined or otherwise considered a public utility or otherwise interpreted as permissible for the purpose of this law and or the application of the Town Zoning Ordinance.
- K. Wind energy is a renewable and nonpolluting energy resource and its conversion to electricity with small wind energy facilities can reduce the cost for operating agricultural farming, business, industry and homeowners for which it is accessory and concurrently provide power back into the National Grid, provided the impacts from such facilities can be mitigated and addressed in permitting process.
- L. Regulations for the siting and installation of small wind energy facilities are necessary for the purpose of protecting the health, safety and welfare of neighboring property owners and the general public.

Section 14.3 Procedure

Site plan approval in accordance with the procedures in Article VII of this ordinance shall be required for the placement, construction or operation of any small wind energy facility, except that site plan approval is not required for the placement of a small wind energy facility used wholly for agricultural use and with necessary fall zone on only its property.

Section 14.4 Development Standards

- A. Small wind energy facilities shall comply with the setback requirements of the district in which they are located.
- B. Development Standards. Small wind energy facilities may be allowed in all zoning districts, except as otherwise specifically provided herein, in the Town, however, only as accessory structures providing power to structures on the same lot with excess power net-metered to the public utility system, and subject to the following requirements:
 - 1. The fall zone around any tower constructed as part of a small wind energy

facility shall be a circular area around the tower, the center point of which is marked by the center of the base of the tower, with a radius at least equal to the turbine height plus fifty percent (50%) of the turbine height as measured in feet. The fall zone may not include public roads, overhead transmission lines, dwellings or any other human-occupied buildings, and must be located on property owned by the tower owner or for which the owner has obtained an easement or deed restriction that prohibits any such uses within the fall zone area and be so designated. Notwithstanding any tower must comply with applicable Federal Aviation Administration requirements.

2. The maximum hub-height shall be 100 feet.
3. The maximum blade length shall be 20 feet.
4. Turbine height may not exceed the combined length of the hub height and an additional blade length of 20 feet, with blade length measured from the center point of the hub of the turbine to the blade tip.
5. The rotor diameter shall not exceed 40 feet.
6. No blade of any small wind energy facility shall, at its lowest point of its vertical extension be less than 15 feet above the ground.
7. The noise from a small wind energy facility shall not exceed a reading of 5 dBA above the ambient sound level or 55 dBA, whichever is less, measured at any property line abutting a property owned by an entity other than the owner of the property on which the small wind energy facility is located .
8. The number of wind energy towers per lot shall be limited to one (1). There is no limit on the number of roof-mounted small wind energy facilities on nonresidential structures, provided weight limitations are adhered to.
9. Small wind energy facilities are an accessory use and they shall be located on the roof of a building or in a side or rear yard only.
10. The location of a small wind energy facility shall meet all applicable setbacks and buffer requirements of the zone in which it is located, but in no event shall the setback from adjacent property lines, and any principle building be less than the turbine height plus fifty percent (50%) of the turbine height, measured in feet.
11. Co-location of equipment or facilities that are not used for wind power purposes on a wind energy tower is permitted only upon receipt of site plan approval for same from the Town Planning Board.
12. A building permit must be obtained for a small wind energy facility after the

site plan approval. It is unlawful for any person to construct, install, or operate a small wind energy facility that is not in compliance with this law or any condition contained in any building permit issued pursuant to this law. Small wind energy facilities installed prior to the adoption of this law are exempt.

13. Site plan approval in accordance with Article VII is required for small wind energy facilities as defined herein. The site plan application shall be submitted along with a long environmental assessment form (EAF) with a visual impact assessment and such other assessments as the Planning Board may determine necessary after review of the EAF. The site plan review shall include a review of the adequacy, location, arrangement, size, design, compliance with fall zone regulations, adequacy of any easement for providing the required fall zone, and general site compatibility of the proposed small wind energy facilities (safety standards as herein defined), noise, aesthetics and compatibility with adjacent properties and neighborhood uses. The site plan approval shall show and establish the compliance with safety standards as provided herein and conformance with appearance requirements and other provisions of this law.
14. A wind resource assessment for the site of a proposed small wind energy facility is required at the proposed height of the facility and with the surrounding terrain, including tree heights and structure heights identified in the assessment. The assessment shall, also, include an energy prediction using the proposed specific turbine or wind energy equipment to estimate annual energy production and provide an economic analysis that will include the above referenced energy production estimate, installation and maintenance costs, and any NYSERDA incentive and federal tax credits in order to reflect that the proposal is economical and the rate of return on such investment. This analysis may be waived only for good cause shown to the Planning Board.
15. No small wind energy facility shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer owned generator. Off grid systems shall be exempt from this requirement.
16. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the small wind energy facilities and is otherwise prescribed by applicable laws, regulations and ordinances.

Section 14.5 Safety Standards

A. General Small Wind Energy Facility Standards.

1. The small wind energy facility must meet all applicable New York State Uniform Fire Prevention and Building Code requirements.

2. All wiring connected with the small wind energy facility shall be underground, except for the wiring that runs from the turbine to the base of the facility.
3. The small wind energy facility shall be equipped with an automatic breaking or governing system to prevent uncontrolled rotation, over speeding, and excessive pressure on the tower structure, rotor blades and other wind energy components.
4. The small wind energy facility shall not interfere with electromagnetic communications such as radio, telephone, television or emergency communication systems.
5. All small wind energy facilities shall be installed by a qualified wind energy installer, and prior to operation, the electrical connections and structural integrity must be inspected by the Town and by the New York Board of Fire Underwriters or other appropriate electrical and structural inspection person or agency as determined by the Town.
6. The small wind energy facility, if connected to a public utility system for net-metering purposes, shall meet the requirements for interconnection and operation as set forth in the public utility's then-current service regulations applicable to wind power generation facilities, and the connection shall be inspected by the appropriate public utility.

B. Roof-Mounted Small Wind Energy Facility Standards.

The following requirements apply to roof-mounted small wind energy facilities only:

1. The rotor diameter of the roof-mounted small wind energy facility may not exceed 7 feet.
2. Roof-mounted small wind energy facility hub height shall not exceed 10 feet as measured from the base of the tower (the location at which the tower and the exterior layer of the structure meet).
3. The lowest vertical extension of any blade or other moving component of a roof-mounted small wind energy facility shall be at least 15 feet above the ground (at grade level) and in addition at least 15 feet above any outdoor surfaces intended for human occupancy, such as balconies or roof gardens, that are located directly below the facility.
4. If more than one roof-mounted small wind energy facility is installed, a distance equal to the length of the turbine height plus 15 feet of the tallest roof-mounted small wind energy facility must be maintained between the bases of each roof-mounted small wind energy facility.
5. A letter or certificate bearing the signature of a certified New York State

professional engineer must be submitted to the Zoning Enforcement Officer, indicating that the existing structure onto which the roof-mounted small wind energy facility will be attached is capable of withstanding the additional load, force, torque, and vibration imposed by the roof-mounted small wind energy facilities for the foreseeable future; will comply with seismic and structure provisions set out in state and national building codes; all related components have been designed in accordance with generally accepted good engineering practices and in accordance with generally accepted industry standards; and if constructed in accordance with the plans the, entire facility, including the building onto which the wind energy facility will be attached, will be safe, will be in accordance with all applicable governmental building codes, laws, and regulations, and in. accordance with generally accepted good engineering practices and industry standards, including without limitation, acceptable standards for stability, wind and ice loads.

6. The total height of a roof-mounted small wind energy facility and the structure it is mounted on shall not exceed the height limitations for a structure in the district in which it is located.

Section 14.6 Appearance

- A. No small wind energy facilities shall be used for signage, promotional or advertising purposes, including but not limited to company names, phone numbers, banners, streamers, and balloons. Reasonable identification of the manufacturer or owner of the small wind energy facility is permitted.
- B. All small wind energy facilities shall be painted with a non-obtrusive color. The turbine blades may be painted black.
- C. No small wind energy facility shall be artificially lighted except to the extent required by the Federal Aviation Administration or other applicable authority.

Section 14.7 Removal

If a small wind energy facility ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall remove the tower, rotor, guy wires, and associated equipment and facilities by no later than 90 days after the end of the twelve months.

Section 14.8 Administration

The Town Planning Board shall administer the permitting for small wind energy facilities as promulgated by this local law and issue conditional operating permits for same under the site plan review process in Article VII. The operating permits shall be issued by the Zoning Enforcement Officer only upon application for the same showing compliance

with the provision of this law, including but not limited to development and safety standards herein provided, together with a site plan. The Zoning Enforcement Officer shall enforce the law, issue order to abate any violations, issue citation for any violation and may refer any violation to the Town Attorney for enforcement.

ARTICLE XV

ZONING BOARD OF APPEALS

Section 15.1 Creation, Appointment and Organization

A Zoning Board of Appeals of five (5) members is hereby established in accordance with the provisions of Section 267 of the Town Law. The appointment of members to the Board shall be for terms so fixed that one member's term shall expire at the end of the calendar year in which such members were initially appointed. The remaining members' terms shall be so fixed that one member's term shall expire at the end of each year thereafter. At the expiration of each original member's appointment, the replacement member shall be appointed for a term of five years. Members now holding office for terms, which do not expire at the end of a year shall, upon expiration of their term, hold office until the end of the year and their successors shall then be appointed for five years.

Section 15.2 Amendments to New York State Town Law Section 267

Amendments of New York State Town Law Sections 267, 267-a, 267-b, and 267-c shall supersede the applicable provisions of this Article as this Article is intended to reflect New York State Town Law Sections 267, 267-a, 267-b, and 267-c.

Section 15.3 Powers and Duties

The Zoning Board of Appeals shall have all the powers and duties prescribed by law and this Ordinance which are specified as follows:

A. Rules of Procedure

The Zoning Board of Appeals shall have the power to make, adopt, and promulgate such written rules of procedure, bylaws and forms as may be provided for in Section 267 of the Town Law, for the proper execution of its duties. Such rules, bylaws and forms shall not be in conflict with, or have the effect of waiving, any provisions of this Ordinance or any other ordinance or law of the Town of Plattsburgh. The Zoning Board may refer applications to the Planning Board for an advisory opinion. Such advisory opinions shall be rendered within 45 days of referral unless extended by mutual consent. The Planning Board may consult with Town Planning staff, the Town attorney or other experts when making its deliberations.

B. Interpretation

The Zoning Board of Appeals shall have the power to hear and decide on questions where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Enforcement Officer involving the interpretation

of any provision of this Ordinance or on request by an administrative official, board or agency of the Town, to decide any of the following questions:

1. Determination of the meaning of any portion of the text of this Ordinance or of any conditions or requirements specified or made under the provisions of this Ordinance; or
2. Determination of the exact location of any district boundary shown on the Zoning Map

C. Use Variances

The Zoning Board of Appeals, on appeal from a decision or determination of the Zoning Enforcement Officer, shall have the power to grant use variances.

No use variance shall be granted 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 Zoning Board of Appeals that for each and every permitted use under the land use regulations for a particular district where the property is located:

1. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
2. The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
3. The requested use variance, if granted, will not alter the essential character of the neighborhood; and
4. The alleged hardship has not been self-created.

The Zoning 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 and the health, safety and welfare of the community.

D. Area Variances

The Zoning Board of Appeals, on appeal from a decision or determination of the Zoning Enforcement Officer, shall have the power to grant area variances.

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 shall also consider:

1. 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;
2. Whether the benefit sought by the Applicant can be achieved by some method; feasible for the Applicant to pursue, other than an area variance;
3. Whether the requested area variance is substantial;
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.

The Zoning Board of Appeals, in granting the area variance, shall grant the minimum variance that it shall deem necessary and adequate at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

Section 15.4 Imposition of Conditions

The Zoning Board of Appeals shall, in the granting of both use 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. Such conditions shall be consistent with the spirit and intent of this Ordinance, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

Section 15.5 Procedures

A. Meetings and Voting Requirements

Meetings shall be held at the call of the Chairman or at such other times as the Zoning Board of Appeals may determine. A quorum shall consist of three (3) members. In order to reverse a decision of the Zoning Enforcement Officer or to authorize a variance, an affirmative vote of at least three (3) members shall be required. A vote of a majority plus one of all members shall be required if the action taken by the Zoning Board of Appeals is contrary to an advisory recommendation received from the Clinton County Planning Board under the provisions of Section 239m of the General Municipal Law. The Board shall keep accurate minutes of its proceedings,

documenting fully all findings and showing the vote of each member upon each question. All meetings of the Zoning Board of Appeals shall be open to the public.

B. Appeals

1. All appeals shall be filed within sixty (60) days of the action appealed from and shall be accompanied by a fee. Fees shall be determined from time to time by the Town Board and posted in the Town Hall. Every appeal or request shall refer to the specific provision of this Ordinance that is involved and shall precisely set forth either the interpretation that is claimed or the details of the variance that is applied for and the grounds on which it is claimed that such variance should be granted.
2. All appeals and requests made to the Board shall be in writing, on forms prescribed by the Board and furnished by the Zoning Enforcement Officer.
3. The Zoning Board of Appeals has the right to waive any of the aforementioned application requirements, which it feels are inapplicable.

C. Public Notice and Hearing

The Board shall fix a reasonable time and place for a public hearing on any such appeal or request of which hearing date the Applicant shall be given notice and at which hearing s/he shall appear in person or by agent. Additionally, notice shall be provided as follows:

1. By publishing at least five (5) calendar days prior to the date thereof a legal notice in a newspaper with a general circulation in the Town.
2. By providing notice of the public hearing and data regarding the substance of the appeal to the owners of all property abutting that *land* held by the Applicant and, at the discretion of the Zoning Board of Appeals, all other owners within five hundred (500) feet, or such additional distances that the Board of Appeals may deem advisable, of the land involved in such appeal. Notice shall be mailed at least five (5) calendar days prior to the hearing. The names of owners notified shall be taken from the last completed tax roll of the Town.
3. If the land involved in the appeal lies within five hundred (500) feet of the boundary of any other municipality, the Secretary of the Board of Appeals shall also submit, at least five (5) calendar days prior to the public hearing, to the Municipal Clerk of such other municipality or municipalities, a copy of the notice of the substance of the appeal, together with a copy of the official notice of such public hearing.

D. Required Referral

A full statement of any appeal that meets the referral requirements of Section 239m of the General Municipal Law shall also be referred not less than five (5) days prior to the public meeting of the Clinton County Planning Board. No action shall be taken by the Zoning Board of Appeals on such appeal until an advisory recommendation has been received from said Board or thirty (30) calendar days have elapsed since the Board received such full statement.

E. Decisions

Every decision of the Zoning Board of Appeals on an appeal or request shall be made within sixty-two (62) days of the close of the hearing by the Board, shall be recorded in accordance with standard forms adopted by the Board, shall fully set forth the circumstances of the case and shall contain a full record of the findings on which the decision is based. Every decision shall be by resolution of the Board, with each such decision being filed in the Office of the Town Clerk within five (5) business days thereof. The Board shall also notify the Zoning Enforcement Officer, the Secretary of the Planning Board and any affected municipality given notice of hearing of its decision in each case. If applicable, a report on the action taken shall also be filed within seven (7) calendar days of said action with the Clinton County Planning Board.

F. Attachment of Conditions

In all cases where the Zoning Board of Appeals grants a variance from the strict application of the requirements of this Ordinance, it shall be the duty of such Board to attach such conditions and safeguards as may be required in order that the result of its action shall be as nearly as possible in accordance with the spirit and intent of this Ordinance.

G. Effect of Appeal

Unless the Zoning Enforcement Officer finds there to be an imminent peril to, either life or property, an appeal stops all work related to the action which is the subject of the appeal, by either the Town or Applicant.

H. Expiration of Approval

Unless construction or use is commenced and diligently pursued within one (1) year from the date of the granting of a variance, such variance shall become null and void without further hearing by the Zoning Board of Appeals.

I. Discontinued Use

When a use granted by variance has been discontinued or abandoned for a period of not less than one (1) year, it shall not thereafter be reestablished, and the future use

shall be in conformity with the provisions of this Ordinance.

J. Compliance with State Environmental Quality Review Act

Proposed projects are actions subject to the provisions of SEQRA. Prior to rendering its decision, the Zoning Board of Appeals shall follow all applicable procedures in accordance with Article 8 of the Environmental Conservation Law and Part 617 NYCRR.

K. Appeals

Any person or persons, jointly or severally aggrieved by any decision of the Zoning Board of Appeals, may apply to the Supreme Court of the State of New York for relief through a proceeding under Article 78 of the Civil Practice Laws and Regulations of the State of New York. Such proceeding shall be governed by the specific provisions of Article 78 except that the action must be initiated as therein provided within thirty (30) days after the filing of the Board's decision in the Office of the Town Clerk.

L. Rehearing

A motion for the Zoning Board of Appeals to hold a rehearing to review any order, decision or determination of the Board not previously reheard may be made by any member of the Board. A unanimous vote of all members of the Board then present is required for such rehearing to occur. Such rehearing is subject to the same notice provisions as an original hearing. Upon such rehearing the Board may reverse, modify or annul its original order, decision or determination upon the unanimous vote of all members then present, provided the Board finds that the rights vested in persons acting in good faith in reliance upon the reheard order, decision or determination, will not be prejudiced thereby.

ARTICLE XVI

ADMINISTRATION AND ENFORCEMENT

Section 16.1 Enforcement

This ordinance shall be enforced by the Zoning Enforcement Officer. The Zoning Enforcement Officer shall administer this chapter in the first instance so that all land use applications must start with the Zoning Enforcement Officer. Land use applications may then be forwarded to the Town Board, the Planning Board or the Zoning Board of Appeals depending on the appropriate jurisdiction over such applications pursuant to this chapter. Compliance with this chapter and all permits, approvals and decisions that are rendered under this chapter shall be enforced by the Zoning Enforcement Officer. Specifically, the Zoning Enforcement Officer shall have the following powers and duties.

- A. Initial review and processing of all applications submitted under this chapter.
- B. Issue building permits, certificates of occupancy, temporary certificates of occupancy and certificates of compliance.
- C. Enforce the conditions of any variance, site plan review or special use permit.
- D. Enforce the specific provisions of this chapter.

Section 16.2 Permits

- A. Issuance

No building, structure or land use activity, as defined in this Ordinance, shall be commenced, extended or structurally altered except pursuant to a permit issued by the Zoning Enforcement Officer. The Zoning Enforcement Officer shall in no case, except under written order of the Zoning Board of Appeals, grant any permit for any building, structure, or land use activity where the proposed construction, alteration or use thereof would be in violation of any provision of this Ordinance.

- B. Fee

The fee to be charged for site plan review, special use permit, Planned development District and for the issuance of a permit for both residential and non-residential construction shall be as set forth by the Town Board from time to time after a public hearing thereon and amendments thereto held at least ten (10) days after due publication of the notice of the time and place of such respective hearing.

- C. Expiration

A permit shall become void after a period of six (6) months from the date of issuance unless construction has been started pursuant to the issue of such permit. Permits become active from the date of issuance and are valid for a period of twelve (12) months. In the event that the project is not completed in that given time the permit shall become void after a period of twelve (12) months. A renewal may be applied for. Renewal permits are valid for a twelve (12) month period and fees will be as established in the initial permit.

D. Requirements

All applicants for permits shall submit two (2) copies of a layout or plot plan drawn to scale and with all dimensions shown, showing the exact size and location on the lot of the proposed building, accessory buildings, structures, and/or land use activities and the intended use of the building.

Section 16.3 Inspection of Improvements

The Zoning Enforcement Officer shall have the right to enter upon, examine and inspect or cause to be entered, examined and inspected, any building or property at any reasonable time for the purpose of carrying out his/her duties and to determine compliance with the provisions of this Ordinance. A written report of such examination and inspection shall be prepared on an appropriate form and kept on file by the Zoning Enforcement Officer.

Section 16.4 Certificates of Occupancy

- A. No building, structure or portion thereof hereafter erected, altered or extended, and no land, the use of which is hereafter changed, shall be used until a certificate of occupancy has been issued by the Zoning Enforcement Officer. The Zoning Enforcement Officer shall in no case, except under a written order of the jurisdictional entity, grant any certificate of occupancy or temporary certificate of occupancy where the use of any building, structure or land would be in violation of the terms and provisions of this Ordinance.
- B. For projects involving multiple buildings a certificate of occupancy, temporary or otherwise, shall be required for each building.
- C. For Temporary Certificates of Occupancy, see Article VII, Section 7.14 of this ordinance.

Section 16.5 Issuance of Notices of Violation

Whenever, in the opinion of the Zoning Enforcement Officer, after proper examination and inspection, there appears to exist a violation of any provision of this Ordinance, or of any rule or regulation adopted pursuant thereto, s/he shall on his/her own initiative serve

a written notice upon the person responsible for such alleged violation. Such notice shall inform the recipient of the following:

- A. The nature and specific details of such violation;
- B. The date of compliance by which the violation must be remedied or removed, which period shall not exceed twenty (20) days from the date of notice;

If the person served fails to comply within the prescribed period of time, the Zoning Enforcement Officer shall issue an appearance ticket stating date and time to appear before the Town Justice, notify the person, and bring the matter to the attention of the Town Justice. The Town Justice shall take the action deemed appropriate.

Section 16.6 Issuance of Stop Work Orders

Whenever the Zoning Enforcement Officer has grounds to believe that work on any building or structure or any use of land is occurring either in violation of the provisions of this Ordinance, not in conformity with any application made, permit granted or other approval issued hereunder, or, in an unsafe or dangerous manner, the Zoning Enforcement Officer shall promptly notify the responsible person to suspend work on any such building or structure or the use of any such land. Such persons shall forthwith suspend such activity until such time that the stop order has been rescinded. Such order and notice shall be in writing, shall state the conditions under which the work or use may be resumed and shall be served upon the person to whom it is directed either by delivering it personally to him/her or by posting the order and notice upon a conspicuous portion of the building under construction or premises in use and by sending a copy by certified mail.

Section 16.7 Penalties

Violation of any provision or requirement of this Ordinance or violation of any statement, plan, application, permit or certificate approved under the provision of this Ordinance shall be considered an offense.

- A. Conviction of a first offense is punishable by a fine of not more than three hundred fifty dollars (\$350) and/or imprisonment for not more than six (6) months.
- B. Conviction of a second offense, when both offenses are within a five (5) year period, is punishable by a fine of not less than three hundred fifty dollars (\$350) nor more than seven hundred dollars (\$700) and/or imprisonment for not more than six (6) months.
- C. Conviction of a third or subsequent offense, when all offenses are committed within a five (5) year period, is punishable by a fine of not less than seven hundred dollars (\$700) nor more than one thousand dollars (\$1,000) and/or imprisonment for not more than six (6) months.

For the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this Ordinance shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional offense.

In addition to other remedies, the Town may institute any appropriate action or proceeding to prevent any unlawful erection, alteration, conversion, maintenance or use, to correct or abate such violation, to prevent the occupancy of a building, a structure or land, or to prevent any illegal act, conduct, business or use.

ARTICLE XVII AMENDMENTS

Section 17.1 Authority

This Ordinance, or any part thereof, including the Zoning Map indicating the various district boundaries, may from time to time be amended or repealed by the Town Board in the manner provided by Sections 264 and 265 of the New York State Town Law and this Article.

Section 17.2 Initiation

An amendment to this Ordinance may be initiated in any one of four (4) ways:

- A. By the Town Board upon its own motion;
- B. By resolution of the Planning Board, filed with the Town Clerk, wherein certain changes to or repeal of specific provisions of this Ordinance are recommended, in which case the Town Board shall, by resolution, determine either to schedule a public hearing on the proposed amendment or terminate consideration of the proposed amendment within ninety (90) days of the time such resolution is filed by the Planning Board with the Town Clerk.
- C. By petition duly signed and acknowledged from the owners of fifty (50) percent or more of the frontage in any district or part thereof requesting an amendment in the regulations prescribed for such district or part thereof, in which case the Town Board shall, by resolution, determine either to schedule a public hearing on the proposed amendment or terminate consideration of the proposed amendment within ninety (90) days of the time such petition is filed by the petitioners with the Town Clerk. Said petition shall be accompanied by a fee, said fee to be determined from time to time by the Town Board.
- D. By a committee appointed by the Town Board for the purpose of amending this Ordinance.

Section 17.3 Report of the Planning Board

All proposed amendments originating by petition or by motion shall be referred to the Planning Board for a report and recommendation thereon. In undertaking such review, the Planning Board shall make inquiry and provide recommendation concerning the items specified below:

- A. Whether such amendment is consistent with the purposes embodied in this

Ordinance as applied to the particular districts concerned;

- B. Which area and establishments in the Town will be directly affected by such amendment and in what way will they be affected;
- C. Whether adequate public services and other support facilities exist or can be created to serve the needs of any additional development that may occur as result of such amendment;
- D. The indirect implications of such amendment in its effect on other regulations;
- E. Whether such proposed amendment is consistent with the underlying objectives of the Town Master Plan.

The Planning Board shall submit its report to the Town Board within forty-five (45) days after receiving such referral. Failure of the Planning Board to report within the required time shall be deemed to be a recommendation of approval of the proposed amendment.

Section 17.4 Town Board Procedure

A. Public Notice of Hearing

- 1. The Town Board by resolution adopted at a stated meeting shall fix the time and place of a public hearing on the proposed amendment and cause notice thereof to be given as follows:
 - a. At least ten (10) days prior to the date of such public hearing, a notice of the time and place of such hearing shall appear in a newspaper of general circulation in the Town. Such notice shall describe the area, boundaries, regulations or requirements that such proposed amendment involves.
 - b. Notice of any proposed amendment affecting property within five hundred (500) feet of any other municipality, state park or parkway shall be provided to the clerk of the municipality(ies) or commissioner, respectively, at least ten (10) calendar days prior to the date of such public hearing.
 - c. Written notice of such proposed amendment affecting property within the protectively zoned area of a housing project authorized under the Public Housing Law shall be given to the executive director of the housing authority and the chief executive officer of the municipality providing financial assistance thereto at least ten (10) calendar days prior to the date of such hearing.

B. Required Referral

If applicable, the Town Board shall transmit a full statement of any proposed amendment, either map or text that meets the referral requirements of Section 239m of the General Municipal Law to the Clinton County Planning Board for its review and recommendation.

Section 17.5 Compliance with State Environmental Quality Review Act

Proposed amendments actions are subject to the provisions of SEQRA. Prior to rendering its decision, the Town Board shall follow all applicable procedures in accordance with Article 8 of the Environmental Conservation Law and Part 617 NYCRR.

Section 17.6 Town Board Action

The Town Board may approve any such proposed amendment by a majority vote of said Board, except that a favorable vote of at least four (4) members of the Town Board, i.e., a majority plus one (1) shall be required if:

- A. Action being taken is contrary to the advisory recommendation received from the Town Planning Board or from the County Planning Board under the provisions of Section 239m of the General Municipal Law;
- B. In accordance with the provisions of Section 265 of New York State Town Law, a protest petition against such amendment has been duly signed by the owners of at least twenty (20) percent of the land area included in such proposed change or of that immediately adjacent extending one hundred (100) feet therefrom or that directly opposite.

Section 17.7 Conformance with Town Master Plan

In all cases where the Town Board shall approve an amendment to this Ordinance, said Board shall find, for reasons fully set in its resolution, such amendment to be in conformance with the Town Master Plan.

Section 17.8 Effective Date of Amendment

The effective date of any amendment shall be ten days after the publication of the amendment in accordance with Section 265 of Town Law in the Town's newspaper of record.

ARTICLE XVIII

MISCELLANEOUS

Section 18.1 Construal of Provisions

Interpretation and application of the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety or the general welfare. Whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances or local laws, the more restrictive provisions or those imposing the higher standards shall govern.

Section 18.2 Relationship of This Ordinance to Other Laws and Regulations

This Ordinance in no way affects the provisions or requirements of any other federal, state, or local law or regulations. The provisions of this Ordinance are in addition to, and not in place of, any other federal, state or local law or regulation. Where the provisions of this law conflict with other laws or regulations, the more restrictive shall apply.

Section 18.3 Repealer

The following laws are hereby repealed: Local Law No. 3 of the Year 1999 – Commercial Parking; Local Law No.1 of the Year 2009 – Regulating Outdoor Wood Boilers; and Local Law No. 2 of the Year 2011 – Small Wind Energy Facilities.

Section 18.4 Existing Violations

No site plan or special use permit shall be approved, no permit or certificate of occupancy issued or variance granted under this Ordinance for premises upon which there is an existing violation of this Ordinance or any related Town regulation governing either building construction or the use of land and structures within the Town of Plattsburgh. This limitation, does not, however, prohibit such approval, issuance or grant with respect to a legal nonconforming use or structure.

Section 18.5 Severability

Should any section or provision of this Ordinance be directed by the courts to be unconstitutional or otherwise invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than the section or provision so declared to be unconstitutional or invalid.

Section 18.6 When Effective

This Ordinance shall take effect ten (10) days after publication in accordance with Section

265 of Town Law in the Town's official newspaper.

ARTICLE XIX
TOWN CENTER SMART GROWTH ZONING CODE

Section 19

This section is found under a separate cover.