

TOWN OF CAMPBELL

ZONING LAW

Adopted in 1987

Amended sign section on August 11, 2008

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Town of Campbell, New York

Local Law No. 1 of the Year 1987

A local Zoning Law, Town of Campbell

(As Amended through August 11, 2008)

Be it enacted by the Town Board
of the Town of Campbell as follows:

ARTICLE 1. TITLE, PURPOSE, AND AUTHORITY

The following is a Law duly adopted by the Town Board of the Town of Campbell, Steuben County, New York on January, 1987 to wit:

A LAW to promote the health, safety, and general welfare of the Town of Campbell; regulating and restricting the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, 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; creating districts for said purposes, and establishing the boundaries, thereof; establishing a Zoning Board of Appeals to determine and vary the application of such regulations and restrictions in harmony with their general purposes and intent, and in accordance with general and specific rules herein contained; and providing for the enforcement of such Law. This Zoning Law shall be known and may be cited as the ***“Zoning Law of the Town of Campbell.”***

IN PURSUANCE of authority conferred by Article 16 of the Town Law of the State of New York, and in accordance with a comprehensive plan designed to lessen congestion in the streets and highways; to secure safety from fire, flood, panic and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to provide for accommodation of solar energy systems, equipment, and access to sunlight necessary therefore; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements, with reasonable consideration, among other things, of the character of each district and its peculiar suitability for particular uses, and with a view to conserving the value of property, and encouraging the most appropriate use of the land throughout the town; and also in pursuance of Article 9 of the Town Law, to the extent applicable, the Town Board of the Town of Campbell, in the County of Steuben, State of New York, hereby ordains, enacts and publishes as follows:

ARTICLE 2. INTERPRETATION

Section 2.0 Interpretation, Separability and Conflict.

- A. The following rules of construction of language shall apply to the text of this Zoning Law.
1. Words used in the present tense include the future tense.
 2. Words used in the singular include the plural, and words used in the plural include the singular.
 3. Words used in the masculine form shall also include the feminine.
 4. The words “lot” includes the word “plot” or “parcel”.
 5. The word “person” includes an individual, firm or corporation.
 6. The word “shall” is always mandatory; the word “may” is always permissive.
 7. The words “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged or designed to be used or occupied”.
 8. A “building” or “structure” includes any part thereof.
 9. The phrases, “to erect”, “to construct”, and “to build” a building, each has the same meaning and includes to excavate for a building and to relocate a building by moving it from one location to another.
- B. If any section, paragraph, subdivision, or provision of this Zoning Law shall be held invalid, such invalidity shall apply only to this Section, paragraph, subdivision, or provision judged invalid, and the rest of this Zoning Law shall remain valid and effective.
- C. This Zoning Law shall be interpreted in such a way wherever possible so that the meaning of the words and phrases and sections herein shall make them valid and legal in their effect.
- D. This Zoning Law is not intended to abrogate or annul any easement, covenant, or any other private agreement. Such private agreements shall not allow what the law prohibits.
- E. Whenever the requirements of this Zoning Law are at variance with the requirements of other lawfully adopted rules, regulations or ordinances, the ordinance with the most restrictive provisions or those imposing the higher standards shall govern.

Section 2.1 Definitions.

The following words or phrases as used in this ordinance are defined as follows:

ACCESSORY STRUCTURE – A structure detached from and subordinate to a principal structure on the same lot and used for purposes customarily incidental to those of the principal structure. Accessory structures include but are not limited to portable, demountable or permanent enclosures, shade structures, carports, garages and storage sheds.

ACCESSORY USE – A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

ADULT USE AND ENTERTAINMENT ESTABLISHMENTS – A public or private establishment, or any part thereof, which presents any of the following entertainments, exhibitions or services: topless and/or bottomless dancers; strippers; topless waitressing, busing or serving; topless hair care or massages; service or entertainment where the servers or entertainers wear only pasties or G-strings or both; adult arcade; adult bookstore or adult video stores; adult cabarets; adult motels; adult motion picture theaters; adult theaters; escort agencies; nude model studios and sexual encounter centers. Adult Use and Entertainment Establishments customarily exclude minors by reason or age.

ADULT ARCADE – Any place which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by depicting or describing “specified sexual activities” or “specified anatomical areas”.

ADULT BOOKSTORE OR ADULT VIDEO STORE – A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

Books, magazines, periodicals or other printed matter, or photographs, films, motion picture, videocassettes or video reproductions digital video disks (DVD’s), compact disks (CD’s), slides, or other visual representations which depict or describe “specified sexual activities” or “specified anatomical areas”; or

Instruments, devices, or paraphernalia, which are primarily intended, labeled, designed, advertised or promoted for use in connection with “specified sexual activities”.

A commercial establishment may have principal business purposes that do not involve the offering for sale or rental of material depicting or describing: “specified sexual activities” or “specified anatomical areas” and still be categorized as “ADULT” BOOKSTORE or “ADULT” VIDEO STORE so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe “specified sexual activities” or “specified anatomical areas”. For purposes of this definition, “principal business purpose” shall mean twenty-five percent (25%) or more of any of the following:

- 1) The number of different titles or kinds of such merchandise;
- 2) The number of copies or pieces of such merchandise;
- 3) The amount of floor space devoted to the sale and/or display of such merchandise;
or
- 4) The amount of advertising which is devoted to such merchandise, either in print or broadcast media.

ADULT CABARET – A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- (a) Persons who appear in a state of nudity; or
- (b) Live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”; or

- (c) Films, motion pictures, video cassettes, video cable, satellite internet connections, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or specified anatomical areas”.

ADULT MOTEL – A hotel, motel or similar commercial establishment which offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, CD ROM’s, DVD’s, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; and has a sign visible from the public right of way which advertises the availability of this adult type of visual reproductions.

ADULT VISUAL THEATER – A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, CD’s, regularly shown which are characterized by the depiction or description of “specified sexual activities” or specified anatomical areas”.

AGRICULTURAL USE – The raising of agricultural products including livestock, poultry, dairy products, farm crops, fruit, vegetables and nursery stock whether for gain or otherwise. This term does not include livery or boarding stables, or manufacturing or processing of agricultural products as the principal use.

ALTERATION – As applied to a building or structure, a change or rearrangement in the structural parts or existing facilities of such building or structure, or any enlargement thereof, whether by extension on any side or by any increase in height, or the moving of such building or structure from one location to another.

ANTIQUE MOTOR VEHICLE – A motor vehicle, but not a reproduction thereof, manufactured more than twenty-five (25) years prior to the current year, which has been maintained in or restored, or will be maintained in or restored to a condition which is substantially in conformance with the manufacturer’s specifications. (As amended by Local Law No. 3 of the year 1997).

APPEAL – A request for a review of the Local Administrator’s interpretation of any provision of this Local Law or a request for a Variance.

APPROVED – Approved by the enforcement officer under the regulations of this Zoning Law, or approved by an authority designed by Law or this Zoning Law.

AREA, BUILDING – The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of terraces, and uncovered steps.

AREA, LOT – The total area within the lot boundary lines excluding any area included in a public street right-of-way.

AREA OF SHALLOW FLOODING – A designated AO, AH or VO Zone on a community’s Flood Insurance Rate Map (FIRM) with a one percent (1%) or greater annual chance of flooding to an average annual depth of one to three feet (3’) where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD – The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-A30, A99, V, VO, VE, or V1-V30. It is also commonly referred to as the Base Floodplain or 100-Year Floodplain.

ATTIC – That space of building which is immediately below and wholly or partly within the roof framing (see STORY, HALF).

AZIMUTH – The angular distance between true south and the point on the horizon directly below the sun. Values to the east of south (in the morning) shall be negative. Values to the west of south (in the afternoon) shall be positive.

BANNER – A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to paper, plastic, fabric of any kind, or other flexible material and is spanned between two or more devices or wall mounted.

BARNYARD – Any area of land adjacent to or associated with the barn, accessory, or out buildings used for the storage of agricultural equipment, product, livestock, poultry including the incidental or customary processing of farm products.

BASE FLOOD – The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

BASEMENT – A story partly below finished grade, but having at least one-half of its height measured from floor to ceiling, but no less than four feet, above average finished grade (see also CELLAR).

BED AND BREAKFAST – A building containing a single dwelling unit in which one, but not more than three, sleeping rooms are provided by the owner/occupant for compensation, for the accommodation of transient guests with or without meals.

BOARDING HOUSE – A building, other than a hotel, containing a general kitchen and general dining room, in which at least three, but no more than six, sleeping rooms are offered for rent, with or without meals. A lodging house, tourist house or rooming house shall be deemed a boarding house.

BUFFER – An area of land forming a visual and/or physical separation or barrier between two uses. In the case of a visual barrier the land shall be covered with natural plantings or man-made material to provide a continuous physical screen preventing visual access and reducing noise.

BUILDING – Any structure that is permanently affixed to the land, has one or more floors and a roof, and is intended for the shelter, housing or enclosure of persons, animals or chattel.

BUILDING, ACCESSORY – See “ACCESSORY STRUCTURE”.

BUILDING, DETACHED – A building surrounded by open space on the same lot.

BUILDING, HEIGHT – The vertical distance measured from the average elevation of the proposed or existing finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING, PRINCIPAL – A building in which is conducted the main or principal use of the lot on which said building is situated.

BUILDING, SEMI-DETACHED – A building attached by a party wall to another building normally of the same type on another lot, but having one side yard.

BUILDING GROUP – A group of two or more principal buildings and any buildings accessory normal of the same type on another lot, but having one side yard.

BUILDING LINE – The line, established by statute, local law or ordinance, beyond which the exterior surface of a building on any side shall not extend, as specifically provided by law. In the instance of a cantilevered section of a building or projected roof or porch, said line shall coincide with the most projected surface.

BULK – A term to describe the size, volume, area, and shape of buildings and structures, and the physical relationship of their exterior walls or their location to lot lines, other buildings and structures, or other walls of the same building; and all open spaces required in connection with a building, other structure, or tract of land.

BULLETIN BOARD – A type of changeable copy sign that displays copy in a casement made of glass, plastic or other material.

CAMPGROUND – A parcel of land used or intended to be used, let or rented for occupancy by recreational campers utilizing tents, recreational vehicle campers, camping coaches, or accommodations of similar design for temporary or seasonal living purposes.

CELLAR – Any space in a building the structural ceiling level of which is less than four feet (4') above average finished grade where such grade meets the exterior walls of the building (See also BASEMENT).

CERTIFICATE OF OCCUPANCY – A certificate issued by the Code Enforcement Officer upon completion of construction, alteration or change in occupancy or use of a building. Said certificate shall acknowledge compliance with all the requirements of this Zoning Law and such adjustments thereto granted by the Board of Appeals.

CLASSIC MOTOR VEHICLE – A motor vehicle, but not a reproduction thereof, manufactured more than ten (10) years prior to current year and which, because of discontinued production and limited availability, is considered to be a model or make of significant value to collectors or exhibitors and which has been maintained in or restored in a condition which is substantially in conformity with the manufacturer's specifications and appearances. (As amended by Local Law No. 3 of the Year 1997).

CLUB, MEMBERSHIP – An organization catering exclusively to members and their guests, or premises and buildings for recreational or athletic purposes, which are not conducted primarily for gain, providing there are not conducted any vending stands, merchandising or commercial activities except as required generally for the membership and purposes of such club.

COMMERCIAL VEHICLE – A vehicle of more than one ton capacity used for the transportation of persons or goods primarily for gain.

COMMUNITY POLE – A sign owned and maintained by the Town Board, or by a group of businessmen as approved by the Town Board, and which sign contains several directional signs for the purpose of directing persons to business and community establishments within the community.

CONDITIONAL USE – Uses that may be permitted under this Zoning Law as specified in Section 4.6 subject to site plan approval.

CONTIGUOUS PARCEL – A tract of land under the control of the applicant or his agent that is not divided by any natural or man-made barriers such as existing roads and highways, rivers, areas with slopes greater than thirty-five percent (35%), and not bisected by water bodies.

CONTRACTOR’S YARD – Any space, whether inside or outside a building, used for the storage or keeping of construction equipment, machinery, or registered vehicles, which are in active use by a construction contractor. (As amended by Local Law No. 3 for the Year 1997.)

COTTAGE, CAMP or CABIN DEVELOPMENT – Any parcel of land on which are located two or more cottages, cabins, or other accommodations of a design or character suitable for seasonal or other temporary living purposes, including a summer colony or resort, but not including a manufactured/mobile home park, boarding house, hotel or motel. (As amended by Local Law No. 1 of the Year 2000.)

COVERAGE – That lot area or percentage of lot area covered by buildings or structures, including accessory buildings and structures.

CRAWL SPACE – An enclosed area beneath the lowest elevated floor, eighteen inches (18”) or more in height, which is used to service the underside of the lowest elevated floor. The elevation of the floor of this enclosed area, which may be soil, gravel, concrete or other material, must be equal to or above the lowest adjacent exterior grade. The enclosed crawl space area shall be properly vented to allow for the equalization of hydrostatic forces which would be experienced during periods of flooding.

DEVELOPMENT – Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

DISTRICT or ZONE – That portion of the Town within which specific uses are permitted according to the designation applied thereto in Section 4.6 and in conformity with the provisions of this Zoning Law.

DRIVE-IN MOVIE – An open lot or part thereof, with appurtenant facilities devoted primarily to the showing of moving pictures, on a paid admission basis, to patrons seated in automobiles or on outdoor seats.

DUMP – A lot or land used primarily for the disposal by abandonment, burial, burning or any other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste materials of any kind. Open storage of two (2) or more inoperable, abandoned, unregistered or junk vehicles, including antique or classic vehicles, shall meet the requirements of the Town Law regulating abandoned, junk and inoperable vehicles. (As amended by Local Law No. 3 of the Year 1997.)

DWELLING – A building designed or used principally as the living quarters for one or more families in one or more dwelling units.

DWELLING, IN-GROUND – A dwelling that is constructed principally below the finished average grade elevation of the lot on which it is located and with at least one wall open for a height of at least six (6) feet and/or special light and ventilation designs.

DWELLING, ONE-FAMILY – A building containing one dwelling unit only. This term shall not be deemed to include motel, hotel, rooming house or other accommodations used for more or less transient occupancy.

DWELLING, ONE-FAMILY DETACHED – A house accommodating but a single family and having two side yards. This term shall not be deemed to include motel, hotel, rooming house or other accommodations used for more or less transient occupancy.

DWELLING, ONE-FAMILY SEMI-DETACHED – A one-family house having one party wall and one side yard. This term shall not be deemed to include motel, hotel, rooming house or other accommodations used for more or less transient occupancy.

DWELLING, TWO-FAMILY – A building containing two dwelling units. This term shall not be deemed to include motel, hotel, rooming house or other accommodations used for more or less transient occupancy.

DWELLING, MULTI-FAMILY – A dwelling containing three or more dwelling units with shared entrances and/or other essential facilities and services. This term shall not be deemed to include motel, hotel, rooming house or other accommodations used for more or less transient occupancy.

DWELLING GROUP – A group of three (3) or more, but not over ten (10) attached single or two-family dwellings with party walls between.

DWELLING UNIT – One room or rooms connected together, consisting of a separate, independent housekeeping establishment for owner occupancy, rental, or lease, and containing independent cooking, sanitary and sleeping facilities. This shall include modular, standard designed manufactured home, and residential designed manufactured home units provided they meet the standards of this Zoning Law and the New York State Building and Fire Prevention Code. It shall not include motel, hotel, lodging establishments, substandard mobile homes or trailers. (As amended by Local Law No. 1 for the Year 2000.)

ELEVATED BUILDING – A non-basement building.

- (i) built, in the case of a building in Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, to have the top of the elevated floor, or in the case of a building in Zones V1-V30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water, and
- (ii) be adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood.

In the case of Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, “elevated building” also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-V30, VE, or V, “elevated building” also includes a building otherwise meeting the definition of “elevated building”, even though the lower area is enclosed by means of breakaway walls that meet the Federal standards.

EXISTING MANUFACTURED HOME PARK or SUBDIVISION – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is complete before the effective date of the floodplain management regulations adopted by the community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK or SUBDIVISION – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FAMILY – A “family” consists of (a) one person, or two or more persons related by blood, marriage or adoption, or (b) not more than five persons not related by blood, marriage or adoption, and in addition any domestic servants or gratuitous guests, who live together in a single dwelling unit and maintain a common household.

FARM – A parcel of land having more than five (5) acres of which five (5) acres are used for cultivation, pasture or other customary agricultural uses.

FARMSTEAD – That part of a farm consisting of the main set of buildings and adjacent yards. (As amended by Local Law No. Six of the Year 2000.)

FEDERAL EMERGENCY MANAGEMENT AGENCY – The Federal agency that administers the National Flood Insurance Program.

FINISHED GRADE – The elevation at which the finished surface of the surrounding lot intersects the walls or supports of a building or other structure. If the line of intersection is not reasonably horizontal, the finished grade – in computing height of buildings and other structures or for other purposes – shall be the average elevation of all finished grade elevations around the periphery of the building.

FLEA MARKET – Any area where individual stands or spaces are assigned to two (2) or more individuals for the purpose of selling, buying, or exchanging new and/or used goods.

FLOOD or FLOODING – A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (i) the overflow of inland or tidal waters; or
- (ii) the unusual and rapid accumulation or runoff of surface water from any source.

“Flood” or “flooding” also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature,

such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in (i) above.

FLOOD BOUNDARY and FLOODWAY MAP (FBFM) – An official map of the community published by the Federal Emergency Management Agency as part of a riverine community’s Flood Insurance Study. The FBFM delineates a Regulatory Floodway along watercourses studied in detail in the Flood Insurance Study.

FLOOD ELEVATION STUDY – An examination, evaluation, and determination of the flood hazards and, if appropriate corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

FLOOD HAZARD BOUNDARY MAP (FHBM) – An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A, but no flood elevations are provided.

FLOOD INSURANCE RATE MAP (FIRM) – An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY – see “FLOOD ELEVATION STUDY”

FLOODPLAIN or FLOOD-PRONE AREA – Any land area susceptible to being inundated by water from any source (see definition of FLOODING).

FLOODPROOFING – Any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY – Has the same meaning as REGULATORY FLOODWAY.

FLOOR AREA – The aggregate sum of the gross horizontal area of the several floors of the building or buildings, measured from the exterior walls or from the centerlines of walls separating the buildings. In particular, the “floor area” of a building or buildings shall include:

- (1) Basement space.
- (2) Elevator shafts and stairwells at each floor.
- (3) Floor space for mechanical equipment, with structural headroom of six (6) feet or more.
- (4) Penthouses.
- (5) Attic space (whether or not a floor has actually been laid) providing structural headroom of six (6) feet or more.
- (6) Interior balconies and mezzanines.
- (7) Enclosed porches
- (8) Accessory uses, not including space for accessory off-street parking.

However, the “floor area” of a building shall not include:

- (1) Cellar space, except that cellar space used for retailing shall be included for the purposes of calculating requirements for accessory off-street parking spaces and accessory off-street loading berths.
- (2) Elevator and stair bulkheads’ accessory water tanks, and cooling towers.
- (3) Floor space used for mechanical equipment, with structural headroom of less than six (6) feet.
- (4) Attic space, whether or not a floor has actually been laid, providing structural headroom of less than six (6) feet.
- (5) Uncovered steps; exterior fire escapes.
- (6) Terraces, breezeways, open porches, and outside balconies and open spaces.
- (7) Accessory off-street parking spaces.
- (8) Accessory off-street loading berths.

FUNCTIONALLY DEPENDENT USE – A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, and ship repair facilities. The term does not include long-term storage, manufacturing, sales, or service facilities.

GARAGE, SERVICE/REPAIR – Any building or premises used for the repair of motor vehicles, including painting and the sale of parts and accessories. A junk is not to be construed as a garage. (As amended by Local Law No. 3 for the Year 1997.)

GASOLINE FILLING STATION – An area of land, including structures thereon, or any building or part thereof, that is used primarily for the sale and direct delivery to the motor vehicle of gasoline or any other motor vehicle fuel or oil and other lubricating substances, including any sale of motor vehicle accessories, and which may or may not include facilities for lubricating, washing, (which does not require mechanical equipment) or otherwise servicing motor vehicles, but not including auto body work, welding, or painting.

GASOLINE/GROCERY SERVICE MART – A commercial retail use which combines the sale of motor vehicle fuel and accessory substances, as well as the sale of beverages, dairy and baked goods, snack foods, and similar grocery stuffs.

HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

HISTORIC STRUCTURE – Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior), or preliminarily determined by the

Secretary of the Interior as meeting the requirements for individual listing on the National Register; or

- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
- (3) Individually listed in a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (a) by an approved State program as determined by the Secretary of the Interior, or
 - (b) directly by the Secretary of the Interior in States without approved programs.

HOME OCCUPATION – A business conducted as an accessory use which is clearly incidental to or secondary to the residential use of the dwelling unit and does not change the character thereof and is carried on wholly within the enclosed walls of a dwelling unit by the occupant(s) of such dwelling and in which not more than one (1) person not residing in such dwelling may be employed on site. Home Occupations are either “off-site or “on-site.”

HOME OCCUPATION, OFF-SITE SERVICE – A home occupation in which the owner meets customers off premises or electronically and thus does not generate additional traffic.

HOME OCCUPATION, ON-SITE SERVICE – A home occupation in which the owner meets customers on premises and thus the business generates additional traffic.

HOSPITAL – A building containing beds for four or more patients, and used for the diagnosis, treatment, or other care of ailments, and shall be deemed to be limited to places for the diagnosis, treatment, or other care of human ailments.

HOTEL – A building, or any part thereof, which contains living and sleeping accommodations for transient occupancy, has a common exterior entrance or entrances and which may contain one or more dining rooms.

JUNK YARD – an area of land with or without buildings used for or occupied by the storage, keeping, abandonment or the salvage of junk material, including processing such as sorting, baling, packing, disassembly, exchange and/or purchase and sale of materials, and including scrap metals or other scrap, used or salvaged building materials, or the dismantling, demolition, or abandonment of automobiles or other vehicles, machinery or parts thereof with the exception of agricultural machinery.

Open storage of two (2) or more inoperable, abandoned, unregistered, or junk vehicles, including antique or classic vehicles, shall meet the requirements of the Town Law regulating abandoned, junk and inoperative vehicles. (No 3. Of the Year 1997)

KENNEL – Any place at which there are kept four or more dogs or cats more than four months of age or any number of dogs that are kept for the primarily commercial purposes of sale or for the boarding, care or breeding for which a fee is charged or paid.

LOCAL ADMINISTRATOR – The person appointed by the community to administer and implement this Local Law by granting or denying development permits in accordance with its provisions. This person is often the Code Enforcement Officer, Building Inspector or employee of an engineering department.

LOT – A contiguous parcel of land considered as a unit, devoted to a specific use or occupied by a building or a group of buildings that are united by a common interest, use or ownership, and the customary accessories and open spaces belonging to the same and which abuts and is accessible from a private or public street.

LOT, CORNER – A lot situated at the junction of and adjacent to two or more intersecting streets when the interior angle or intersection does not exceed one hundred thirty-five (135) degrees.

LOT, DEPTH OF – The mean distance from the front street line of a lot to its rear line.

LOT, THROUGH – a lot which faces on two streets at opposite ends of the lot and which is not a corner lot.

LOT COVERAGE – See “COVERAGE”.

LOT FRONTAGE – A lot line which is coincident with the right-of-way line of a public road or which is measured thirty (30) feet from the center line of a private road.

LOT LINES – The lines bounding a lot as defined herein.

LOT WIDTH – The width of a lot measured along the rear lines of the required front yard.

MANUFACTURED HOME – A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. This term does not include RECREATIONAL VEHICLE.

MANUFACTURED HOME PARK or SUBDIVISION – A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

MANUFACTURED HOME, RESIDENTIAL DESIGNED – A single family dwelling built according to the Federal Manufactured Housing Construction and Safety Standards (24 CFR 3280) HUD Code, which meets or exceeds the following criteria:

- a. The manufactured home has a minimum width over twenty (20) feet (multi-section).
- b. The manufactured home has a minimum of nine hundred (900) square feet of enclosed living area.
- c. The pitch of the roof has a minimum nominal three-twelfths (3/12) pitch; and has a type of shingle commonly used in standard residential construction.

- d. The exterior siding consists of vinyl or aluminum lap siding, wood, Masonite, or other materials similar to the exterior siding commonly used in standard residential construction.
- e. All towing devices, wheels, axles, and hitches must be removed. (As amended by Local Law No. 1 of the Year 2000.)

MANUFACTURED HOME, STANDARD DESIGN – A single family dwelling built according to the Federal Manufactured Housing Construction and Safety Standards (24 CFR 3280) HUD Code, which does not meet the criteria of a Residential Designed Manufactured Home. (As amended by Local Law No. 1 of the Year 2000.)

MANUFACTURED/MOBILE HOME PARK – A contiguous parcel of land, which is planned and improved specifically for such a purpose, on which two (2) or ore manufactured/mobile homes (with or without the wheels and axles in place) are located. Such a park consists entirely of manufactured/mobile homes, each located on a site leased or rented to its occupants who either own, rent or lease the living unit as a permanent residence. (As amended by Local Law No. 1 of the Year 2000.)

MANUFACTURED/MOBILE HOME SPACE (LOT) – The site in a mobile home park that is rented to an individual for the exclusive right of occupancy which can accommodate one manufactured/mobile home, off-street parking, private outdoor space and patios, storage buildings and other accessory structures. (As amended by Local Law No. 1 of the Year 2000.)

MANUFACTURED/MOBILE HOME STAND – That part of an individual manufactured/mobile home lot which has been reserved for the placement of the manufactured/mobile home. (As amended by Local Law No. 1 of the Year 2000.)

MEAN SEA LEVEL – For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

MOBILE HOME – See MANUFACTURED HOME

MOBILE HOME PARK – A contiguous parcel of land divided into two (2) or more lots, for sale or lease on which Standard Designed manufactured Homes will be placed for non-transient use. (As amended by Local Law No. 1 of the Year 2000.)

MOBILE HOME, SUBSTANDARD – A single family dwelling that is wholly, or in part, fabricated in an off-site manufacturing facility for installation or assembly at the building site, designed to be a permanent residence, and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of June 15, 1976. (As amended by Local Law No. 1 of the Year 2000.)

MODULAR HOME – A single family dwelling which is constructed according to the standards set forth in local or state building codes, and may consist of two or more sections transported to the site in a manner similar to a manufactured home, or a series of panels or room sections transported on a truck and erected or joined together on the site. Modular homes may or may not have an integrated chassis. (As amended by Local Law No. 1 of the Year 2000.)

MOTEL – A building or group of buildings containing individual living and sleeping accommodations for hire, each of which is provided with a separate exterior entrance and a parking space, is offered for rental and use principally by motor vehicle travelers. The term “motel” includes, but is not limited to, every type of similar establishment known variously as an auto court, motor hotel, motor court, motor inn, motor lodge, tourist cabins, roadside hotel.

NATIONAL GEODETIC VERTICAL DATUM (NGVD) – As corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the flood plain.

NEW CONSTRUCTION – Structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by the community and includes any subsequent improvements to such structure.

NEW MANUFACTURED HOME PARK or SUBDIVISION – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

NON-CONFORMING BULK – That part of a building, other structure or tract of land which does not conform to one or more of the applicable bulk regulations of the Zoning Law, either following its effective date or as a result of subsequent amendment thereto.

NON-CONFORMING USE – Any use of a building, other structure, or tract of land which does not conform to the use regulations for the District in which such use is located, either at the effective date of this Zoning Law or as a result of subsequent amendment thereto.

NON-RESIDENTIAL PLANNED DEVELOPMENT – One or more commercial uses proposed as a unit and sized to serve a specific residential neighborhood, or one or more Industrial uses proposed as a unit, conformance with ARTICLE 8.

NURSING or CONVALESCENT HOME – A building with sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire.

NURSERY SCHOOL – Any place, however designated, operated for the purpose of providing daytime care and instruction for two or more children from two (2) to five (5) years of age inclusive, and operated on a regular basis, including kindergartens, day nurseries and day care centers.

ONE-HUNDRED YEAR FLOOD or 100-YEAR FLOOD – See BASE FLOOD.

PARKING SPACE – An off-street space available for the parking of one motor vehicle and having an area of not less than two hundred (200) square feet exclusive of passageways and driveways appurtenant thereto and giving access thereto, and having direct access to a street or alley.

PLANNED RESIDENTIAL DISTRICT – A form of residential development characterized by a unified site design, providing density increases, a mix of building types and providing common open space. It permits the calculation of densities over the entire parcel and involves additional requirements as set forth in ARTICLE 9.

PREMISES – A lot together with all the buildings and uses thereon.

PRINCIPALLY ABOVE-GROUND – At least fifty-one percent (51%) of the actual cash value of the structure, excluding land value, is above ground.

RECREATIONAL VEHICLE – A vehicle which is:

- (1) Building on a single chassis;
- (2) Four hundred square feet (400 sq. ft.) or less when measured at the largest horizontal projections;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Not designed primarily for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

REFLECTOR – A device for which the sole purpose is to increase the solar radiation received by the solar collector.

REGULATORY FLOODWAY – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in Section 4.42 of this Local Law.

RESIDENCES, RESIDENTIAL – A building, or any part of a building, which contains dwelling units for permanent occupancy. “Residence”, therefore, includes all one-family, and multi-family, boarding, fraternity and sorority houses. However, “residences” shall not include the following:

- a. transient accommodations, such as hotels, motels and hospitals; or
- b. that part of a building containing both residences and other uses which is used for any non-residential uses, except accessory uses for residences.

RESIDENTIAL CLUSTER DEVELOPMENT – A flexible zoning technique whereby subdivision may be laid out on smaller lot sizes than required in this Zoning Law, provided that the overall density requirements are met for the total parcel.

RESTAURANT – Any establishment, however, designated, at which food is prepared and sold for consumption to patrons seated within an enclosed building or on the premises. However, a snack bar or refreshment stand at a public or quasi-public community swimming pool, playground, playfield or park operated by the agency or group or an approved vendor operating the recreational facilities and for the convenience of the patrons of the facility shall not be deemed to be a restaurant.

RIDING ACADEMY – Any commercial establishment at which horses are boarded, stabled, ridden or riding lessons offered for compensation.

RIGHT-OF-WAY – The property under ownership or easement normally (STREET-WIDTH) used for movement of vehicles, including, but not restricted to, the pavement area.

ROADSIDE STAND – A light structure with a roof, either attached to the ground or movable, not for year-round use and at which produce is offered for sale to the general public.

SATELLITE TELEVISION ANTENNA – An antenna the purpose of which is to receive television and/or radio signals from orbiting satellites.

SETBACK – The required distance in feet from:

- (1) any survey boundary forming a lot or contiguous parcel
- (2) the right-of-way of a public street
- (3) a distance measured thirty (30) feet from the centerline of a private road to any building on such lot.

SIGN – Any structure or part thereof, or any device painted or represented on a structure or device which shall display or include any lettering, wording, model, drawing, picture, banner, insignia, device, marking, or representation used as, or which is in the nature of, an announcement, direction or advertisement which is viewable from a public place. A “sign” does not include the flag or insignia of any nation or of any governmental agency or of any political, educational, charitable, philanthropic, civic, professional, religious or similar organization, campaign, drive, movement, or event. A sign shall not include decorations or collectable signs which are not displayed for a commercial gain. A vehicle with a state authorized license plate and inspection and bearing a message shall not be considered a sign.

SIGN, ABANDONED – A sign that otherwise meets the zoning code that is no longer in use and/or displays a commercial message of a business that no longer exists at such location.

SIGN, ACCESSORY – Any sign other than the primary identification sign.

SIGN, AREA – The area within the shortest straight lines that can be drawn around the outside perimeter of a sign including all decorations and lights, but excluding the supports if they are not used for advertising purposes. Each separate face of a sign shall be counted as part of the sign area, except that any neon tube, string of lights, or similar device shall be deemed to have minimum dimensions of one foot within a sign.

SIGN, AWNING – Any visual message incorporated into an awning attached to a building.

SIGN, COPY-CHANGE – A sign that is designed so that its characters, letters illustrations or other content can be changed, altered or rearranged without physically altering the surface of the sign. This includes manual, electrical, electronic, or other variable message signs.

SIGN, COMMERCIAL – A sign which promotes a commercial enterprise and/or advertises a product or service.

SIGN, CONSTRUCTION – A type of a temporary sign which denotes the architect, engineer, contractor, and the like working upon the premises where the construction is proposed or underway.

SIGN, DIRECTIONAL – An on-site sign which serves solely to designate the location of or direction to any premise or area located on the premises. These signs include arrows, enter/exit signs and the like.

SIGN, FREESTANDING – Any sign not attached to or part of any building but is separate and permanently affixed by any other means, in or upon the ground. Included are pole signs, pylon signs, and monument signs.

SIGN, HIGH-RISE – An on-site freestanding sign directing travelers to essential services such as gas, food, and lodging. (As amended by Local Law No. 2 of 1996.)

SIGN, ILLUMINATED – A sign illuminated in any manner by an artificial light source, whether internally or externally lit, including but not limited to neon signs and any sign which has characters, letters, figures, designs or outlines illuminated by artificial lighting.

SIGN, DIRECTLY ILLUMINATED – A sign which incorporates any artificial lighting as an inherent part of its feature, which depends for illumination on transparent or translucent material, electricity or radioactivated or gaseous material or substance. (As amended by Local Law No. 2 of 1996.)

SIGN, FLASHING – An illuminated sign on which the artificial lighting is not maintained stationary or constant in intensity and color at all times while in use. This includes neon-flashing signs and copy-change signs with images that flash to draw attention to the sign.

SIGN, INDIRECTLY ILLUMINATED – A sign illuminated with an artificial light which is separated from or is not an intrinsic part of the sign itself.

SIGN, MONUMENT – A freestanding sign with a base affixed to the ground, where the length of the base is at least two-thirds the horizontal length of the sign area.

SIGN, NAME PLATE – A wall sign which indicates the name, occupation, or profession of each occupant on the premises.

SIGN, NON-COMMERCIAL – A sign which displays a message that is representative of a personal expression, view, faith, or the like. Such sign is not connected with or engaged in the pursuit of a commercial enterprise.

SIGN, NON-TRADITIONAL – A sign which is made of non-traditional media for communication such as streamers, balloons and inflatables. The sign shall be measured by the maximum extent that is visible at any one given time. Such signs include representational signs.

SIGN, OFF-SITE – A “sign” which is located elsewhere than on the premises which directs attention to commercial or non-commercial establishments, events, products, or services, including billboards. (As amended by Local Law No. 2 of 1996.)

SIGN, PORTABLE – Any sign capable of being easily transported or moved, whether on its own trailer, wheels or otherwise designed to be movable and not structurally attached to the ground, a building, a structure or another sign. Such signs can include those that are leased or rented by the property owner.

SIGN, PRIMARY IDENTIFICATION– An on-site sign which directs attention to the primary use of the property. Such signs may be a freestanding sign, wall sign, projecting sign, window sign, or non-traditional sign.

SIGN, PROJECTING – A sign which is attached to the building wall, structure, or device and which extends horizontally more than nine inches from the plane of such wall, or a sign which is perpendicular to the face of such wall or structure.

SIGN, REAL ESTATE – A sign used for the sale or rental of a piece of property. Such sign shall be allowed to remain until the sale/lease of said property.

SIGN, REPRESENTATIONAL – Any three-dimensional sign which is built so as to physically represent the object advertised.

SIGN, TEMPORARY – A sign displayed for a fixed length of time. Temporary signs are intended to be removed after the temporary purpose has been served. Included are for sale, lease, or rent signs, political signs, service signs, special-event signs, construction signs, direction signs to special or temporary events and the like.

SIGN, WALL – A sign which is painted on or attached to the outside of a building, structure, or device with the face of the sign in the plane parallel to such wall and not extending more than nine inches from the face of such wall.

SIGN, WINDOW – A sign visible from a sidewalk, street or other public place, painted or affixed on glass or other window material or located inside within four feet of the window, but not including graphics in connection with customary window display or products.

SINGLE OWNERSHIP – Possession of land under single or unified control, whether by sole, joint, common, or other ownership or by a lease having a term of not less than thirty years, regardless of any division of such land into parcels for the purpose of financing.

SITE PLAN – Maps and supporting information required under ARTICLE 10 for uses as specified in Section 4.6 Use Regulation Table.

SOIL MINING EXCAVATION (GRAVEL PIT) – A lot or land or part thereof used for the purpose of extracting stone, sand, gravel, or top soil for sale, as an industrial or commercial operation, and exclusive of the process of grading a lot preparatory to the construction of a building.

SOLAR COLLECTOR – A device, or combination of devices, structure or part of a device or structure that transforms direct solar energy into thermal, chemical or electrical energy, and that contributes to a structure's energy supply, and components for containing and supporting such device.

SOLAR COLLECTOR, DETACHED – A solar collector as defined herein physically detached from the structure for which solar energy is to be supplied.

SOLAR ENERGY SYSTEM – A complete design or assembly consisting of a solar energy collector (herein called a solar collector), and energy storage facility (where used), and components for the distribution of transformed energy (to the extent that they cannot be used jointly with a conventional energy system). Passive solar energy systems are included in this definition, but not to the extent that they fulfill other functions such as structural and recreational.

STABLE, PRIVATE – An accessory building in which horses are kept for private use and not for hire, remuneration or sale.

START OF CONSTRUCTION – Substantial improvement and the initiation, excluding planning and design, of any phase of a project, physical alteration of the property, and shall include land preparation, such as clearing, grading and filling; installation of streets and/or walkways; excavation for a basement, footings, piers, or foundations or the erection of temporary forms.

Also including the placement and/or installation on the property of accessory buildings (garages, sheds), storage trailers, and building materials. For manufactured homes, the “actual start” means affixing of the manufactured home to its permanent site.

STORAGE FACILITY, OUTDOOR – A lot designed for and/or used for the common, long-term and/or seasonal outdoor storage of individual or business property for compensation. (As amended by Local Law No. 3 of the Year 1997.)

STORY – The part of a building comprised between a floor and the floor or roof next above it. A basement shall be considered a story. A cellar shall not be considered a story.

STORY, HALF – That portion of a building situated above a full story and having at least two opposite exterior walls meeting a sloping roof at a level not higher above the floor than a distance equal to one-half the floor-to-ceiling height of the story below. An attic with a finished floor shall be considered a half story.

STREET – An existing public or private way that affords principal means of access to abutting properties and is suitably improved; or a proposed way shown on a plan approved by the Town Planning Board and/or recorded in the office of the County Clerk.

STREET, LOCAL – A street or road designed primarily to provide access to abutting properties.

STREET, PRIMARY (ROAD, PRIMARY) – A street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic areas.

STREET, PRIVATE – A drive that serves no more than two principal uses and is built to town specifications that remains in the ownership of and is maintained by the developer or development association and it not dedicated to the town.

STREET, PUBLIC – A road or street that serves three or more principal uses, that is built to town specifications and is dedicated to the town for maintenance.

STREET, SECONDARY – A public street which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a primary street.

STRUCTURE – A static construction of building materials, including buildings, stadiums, platforms, towers, sheds, display stands, storage bins, signs, fences, reviewing stands, gasoline pumps, mobile dwellings, (whether mobile or stationary at the time), and the like.

STRUCTURE – (For purposes of Local Law No. 2 of the Year 1998 as outlined in Article 6 of these Zoning Regulations). A walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT – Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the “start of construction” of the improvement. The term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code inspections which have been identified by the local Code Enforcement official and which are the minimum necessary to assure safe living conditions, or;
- (2) Any alteration of a “Historic Structure”, provided the alteration will not preclude the structure’s continued designation as a “Historic Structure.”

SWIMMING POOL – An artificial pool of water having a depth at any point of more than eighteen (18) inches and a surface area of greater than one hundred (100) square feet, designed or intended for the purpose of bathing or swimming and including all appurtenant equipment.

SWIMMING POOL, PRIVATE – A swimming pool operated as an accessory use to a residential dwelling unit or units and located on an individual residential lot or site.

SWIMMING POOL, PUBLIC – A public or privately owned pool open to the general public or on a membership basis and having appropriate dressing room facilities, recreation facilities and off-street parking area.

TOWNHOUSE – A building consisting of three or more attached dwelling units having common party walls. (See also BUILDING, SEMI-DETACHED).

TRAILER – A structure that is (1) intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle), and (2) designed for temporary use as sleeping quarters, but does not satisfy one or more of the definition criteria of a manufactured or mobile home as defined in this ordinance. (As amended by Local Law No. 1 of the Year 2000.)

USE – This term is employed in referring to:

- a. The purpose for which any buildings, other structures, or land may be arranged, designed, intended, maintained, or occupied;
- b. Any occupation, business activity, or operation conducted in a building or other structure, or on land.

USE, PRINCIPAL – The main or primary purpose of which a building, other structure and/or parcel is designed, arranged or intended or for which they may be used, occupied or maintained under this Zoning Law.

VACATION RESORT – Any area of land on which are located two or more cabins, cottages, or a hotel or group of buildings, containing living and sleeping accommodations hired out for compensation, which has a public lobby serving the guests, and may contain one or more dining rooms and recreation facilities of a design and character suitable for seasonal or more of less temporary living purposes, regardless of whether such structures or other accommodations actually are occupied seasonally or otherwise.

VARIANCE – A grant of relief from the requirements of this Local Law which permits construction or use in a manner that would otherwise be prohibited by this Local Law.

VETERINARY HOSPITAL – A building for the treatment of animal illness including kennels or other similar facilities for boarding animals.

WAY – A thoroughfare, however designated, permanently established for passage of persons or vehicles.

WIND ENERGY CONSERVATION SYSTEM (WINDMILL) – Any mechanical device designed for the purpose of converting wind energy into electrical or mechanical power.

YARD, REQUIRED – That portion of the open area of a lot extending open and unobstructed from the ground upward, along a lot line for a setback depth or width as specified by the bulk regulations of the District in which the lot is located. No part of such yard shall be included as part of a yard or other open space similarly required for buildings on another lot.

YARD, FRONT – A yard extending along the full length of the front lot line between the side lot lines, not including any land within the right-of-way of public or private streets.

YARD, REAR – A yard extending along the full length of the rear line, between the side lot lines.

YARD, SIDE – A yard situated between the building and the sideline of a lot and extending from the front yard rear line (or from the front lot line, if there is no required front yard) to the rear yard front line (or rear lot line).

ARTICLE 3. ESTABLISHMENT OF DISTRICTS

Section 3.0 Application of Regulations.

Except as hereinafter provided:

- 3.0.1** No building or land shall hereafter be used or occupied, and no building or structure or part thereof shall be erected, moved, or altered, unless in conformity with the regulations herein specified for the District in which it is located.
- 3.0.2** No building or structure shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of dwelling units, to occupy a greater percentage of lot area, or to have narrower or smaller rear yards, front yards or side yards, than is specified herein for the District in which such building is located.
- 3.0.3** No lot shall be occupied by more than one principal use.
- 3.0.4** No part of a required yard or other open space about any building required for the purpose of complying with the provisions of this Zoning Law shall be included as part of a yard or other open space similarly required for another building.
- 3.0.5** No lot shall be so reduced in size that its area or any of its dimensions or open spaces shall be smaller than required by this Zoning Law.
- 3.0.6** The Code Enforcement Officer shall, prior to issuing a building permit, be satisfied that the issuance of such permit is not in violation of the Land Subdivision Rules and Regulations of the Planning Board or any other ordinance, laws or regulations of record. Cases that appear in violation of the Subdivision Regulations shall be referred to the Chairman of the Zoning Board of Appeals and the Chairman of the Town Planning Board for review and recommendation.
- 3.0.7** In their interpretation and application, the provisions of this Zoning Law shall be held to be minimum requirements adopted for the promotion of the public health, safety, and general welfare.

Section 3.1 Names of Zoning Districts

- 3.1.1** In order to fulfill the purpose of this Zoning Law, the Town of Campbell establishes the following seven (7) Zoning Districts:

A - Agricultural Residential	B-1 - Neighborhood Business
R-1 - Residential – Rural	B-2 - Highway Business
R-2 - Residential – Suburban	I - Industrial
FDPD - Flood Plain Protection District	

- 3.1.2** This Zoning Law also establishes flexible districts that may be applicable anywhere in the Town that specified criteria and conditions are met.

RCD – Residential Cluster Development
PRD – Planning Residential District
NRPD – Non-Residential Planned District

Section 3.2 Zoning Map.

The location and boundaries of said zoning districts are shown on the map designated “Official Zoning Map of the Town of Campbell”, adopted January 12, 1987 and certified by the Town Clerk. Said map, together with everything shown thereon and all amendments thereto, is hereby adopted and is declared to be an appurtenant part of this Zoning Law.

Section 3.3 Interpretation of District Boundaries.

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

- 3.3.1** Where district boundaries are indicated as approximately following the centerlines or right-of-way lines of streets, highways, public utility easements, or watercourses, said boundaries shall be construed to be coincident with such lines. Such boundaries shall be deemed to be automatically moved if a centerline or right-of-way of such street, highway, public utility or watercourse is moved not more than fifty (50) feet.
- 3.3.2** Where district boundaries are indicated as approximately following the Town boundary line, property lines, lot lines, or projections thereof, said boundaries shall be construed to be coincident with such lines or projections thereof.
- 3.3.3** Where district boundaries are so indicated that they are approximately parallel to the Town boundary line, property lines, lot lines, right-of-way lines, or projections thereof, said boundaries shall be construed as being parallel thereto and at such distances therefrom as indicated on the Zoning Map or as shall be determined by the use of the scale shown on the Zoning Map.
- 3.3.4** Where a district boundary line divides a lot in a single or joint ownership of record at the time such line is established, the regulations for the less restricted portion of such lot shall apply to no more than fifty (50) feet beyond the District boundary line.
- 3.3.5** District boundaries shall be determined by use of the scale of the Zoning Map. In no instance shall a District boundary be set a less than the minimum lot depth required in the Density Control Schedule.
- 3.3.6** In the event of a questionable District boundary, the questionable boundary shall be referred to the Board of Appeals, and they shall, to the best of their ability, establish the exact boundary.
- 3.3.7** The copy of the Zoning Map showing any such determinations under this Section shall be on file at the office of the Town Clerk.
- 3.3.8** Precise zone boundary determinations made by the Board of Appeals in accordance with the above rules shall be considered final and conclusive, and may only be altered by amendment of the Zoning Map by the Town Board.

ARTICLE 4. USE DISTRICTS

Section 4.0 Agricultural Residential District (AR).

4.0.1 Intent. The Agricultural Residential District is intended to promote and encourage a suitable environment for low density family living while conserving those areas in the Town suitable for farm and agricultural purposes. The topographic and soil condition in this district limit development in many areas. Therefore, development guidelines as specified in ARTICLE 11 shall be applied where appropriate to ensure the health, safety, and general welfare of the community and to maintain rural nature of the countryside.

4.0.2 Uses. Permitted and site plan uses allowed in the AR District shall be as specified in Section 4.6 of this ARTICLE , Use Regulation Table.

4.0.3 Dimensional Requirements. The dimensional requirements set forth in Section 5.1 Town of Campbell Density Control Schedule (Area and Bulk Schedule) shall be observed for all uses in the Agricultural Residential District.

Section 4.1 Rural Residential District (R-1).

4.1.1 Intent. The Rural Residential District is intended to promote and encourage a suitable environmental for family living and protect and stabilize the residential characteristics of the District.

4.1.2. Uses. Permitted and site plan uses allowed in the Rural Residential District shall be as specified in Section 4.6 of this ARTICLE, Use Regulation Table.

4.1.3 Dimensional Requirements. The dimensional requirements set forth in Section 5.1, Town of Campbell Density Control Schedule (Area and Bulk Schedule) shall be observed for all uses in the Rural Residential District.

Section 4.2 Suburban Residential District (R-2).

4.2.1 Intent. The Suburban Residential District is intended to promote and encourage a suitable environment for family living and protect and stabilize the residential characteristics of the older more densely populated areas in the Town.

4.2.2 Uses. Permitted and site plan uses allowed in the Suburban Residential District shall be as specified in Section 4.6 of this ARTICLE, Use Regulation Table.

Section 4.3 Neighborhood Business District (B-1).

4.3.1 Intent. To provide for local shopping through a range of neighborhood retail stores and personal service establishments which cater to the frequently recurring needs of a residential area. These types of business are required in convenient locations near residential areas.

4.3.2 Uses. Permitted and site plan uses allowed in the Neighborhood Business District shall be as specified in Section 4.6 of this ARTICLE, Use Regulation Table.

4.3.3. Dimensional Requirements. The dimensional requirements set forth in Section 5.1, Town of Campbell Density and Control Schedule (Area and Bulk Schedule) shall be observed for all uses in the Neighborhood Business District.

Section 4.4. Highway Business District (B-2).

4.4.1 Intent. To provide for a wide range of essential highway services not involving regular local shopping. Since these service establishments often involve objectionable influences, such as large volumes of traffic, and they tend to break the continuity of prime retail frontage by frequent customer visits, they are incompatible with both residential and certain retail uses and are associated with highly traveled transportation routes.

4.4.2 Uses. Permitted and site plan uses allowed in Highway Business District shall be as specified in Section 4.6 of this ARTICLE, Use Regulation Table.

4.4.3 Dimensional Requirements. The dimensional requirements set forth in Section 5.1, Town of Campbell Density and Control Schedule (Area and Bulk Schedule) shall be observed for all uses in the Highway Business District.)

Section 4.5 Industrial District (I).

4.5.1 Intent. The purpose of this district is to provide for the establishment of industrial uses essential to the development of a balanced economic base in an industrial environment and to regulate such industrial development so that it will not be detrimental or hazardous to the surrounding community and the citizens thereof. The intent is to establish and preserve areas for industrial and related uses of such a nature that they do not create serious problems of compatibility with other kinds of land uses, and to make provisions for certain kinds of commercial uses which are most appropriately located as neighbors of industrial uses or which are necessary to service the immediate needs of people in these areas.

4.5.2 Uses. Permitted and site plan uses allowed in Industrial District shall be as specified in Section 4.6 of this ARTICLE, Use Regulation Table.

4.5.3 Dimensional Requirements. The dimensional requirements set forth in Section 5.1, Town of Campbell Density and Control Schedule (Area and Bulk Schedule) shall be observed for all uses in the Industrial District.)

Section 4.6 Use Regulation Table.

The following use regulations apply to the major uses as listed as well as to those accessory (minor related uses) which normally occur with the major uses. For example, a garage for one or two cars is permitted wherever residences (the major use) are allowed. Accessory uses may occur as an open land use, as a separate buildings, or within the principal building.

Section 4.7 Activities Prohibited in all Districts.

- 4.7.1 No effluent or matter of any kind shall be discharged into any stream or body of water which violates established stream standards of the New York State Department of Environmental Conservation or otherwise causes objectionable odors or fumes or which is poisonous or injurious to human, plant or animal life.
- 4.7.2 The practice of soil stripping shall be limited to incidental filling of areas within the Town to bring them up to grade, except insofar as is necessary or incidental to excavations for cellars and other structures.
- 4.7.3 No use shall be permitted which will produce corrosive, toxic or noxious fumes, glare, fire, explosion, electromagnetic disturbance, radiation, smoke cinders, odors, obnoxious dust or waste, undue noise or vibration or other objectionable features so as to be detrimental to the public health, safety, or general welfare unless conducted under proper and adequate standards.
- 4.7.4 Storage of material in a manner that facilitates the breeding of vermin or endangers health in any way.

Section 4.8 Fire, Safety and Sanitation Regulations.

- 4.8.1 No habitable building except a silo or church steeple shall be constructed either over three (3) stories or thirty-five (35) feet in height unless built of noncombustible materials.
- 4.8.2 Any building which has been damaged to the extent that renders it uninhabitable, unsafe, or unusable for its intended purpose, must be reconstructed, or razed in a fashion, which leaves the site clean and safe within three (3) months.

All buildings shall be in conformance with applicable NYS Fire Prevention and Building Codes.

USE REGULATION TABLE

Key to Abbreviations:

AG - Agricultural

P - Permitted

S - Site Plan Approval Required

No Letter - Not Permitted

R1 - Residential- Rural

R2 - Residential - Suburban

B1 - Neighborhood Business

B2 - Highway Business

I - Industrial

	AG	R1	R2	B1	B2	I
RESIDENTIAL USES (As amended by Local Law No. 1 of the Year						
Detached one-family dwellings (includes Residential Designed	P	P	P	P		
Semi-detached one-family dwelling	P	P	P	P		
Two-family dwelling	P	P	P	P		
Multi-family dwelling		S	S	S	S	
Bed and Breakfast	S	S	S	S	S	
Boarding house	S	S	S	S	S	
Single lot Standard Designed Manufactured Home	S					
Manufactured/Mobile Home Park	S	S				
GENERAL USES						
Agriculture (not including the keeping of fowl or farm animals)	P	P	P	P	P	P
Agriculture (including the keeping of fowl or farm animals on						
> 2 acres	P	P				P
Agriculture (including fowl or farm on < 2 acres	S	S				S
Agricultural produce (retail sales of), grown on the same lot from	P	P	P		P	P
road stand						
Vacation resort, camp, cottage, or cabin development	S	S				
Church or other place of worship	S	S	S	S		
Private, public or parochial school	S	S	S	S		
Day Nursery	S	S	S	S		
Hospital or sanitarium	S	S		S	S	
Nursing or convalescent home	S	S				
Cultural facilities (library, art gallery, museum, etc)	S	S	S	S	S	
Non-profit club	S	S	S	S		
Institutional or philanthropic use	S	S	S	S	S	
Cemetery in compliance with	S					
Crematory in compliance with	S					
Golf course or country club	S					
Public utility or transportation use	S	S	S	S	S	S
ACCESSORY USES						
Home Occupation, Off-Site Service	P	P	P	P	P	P
Home Occupation, On-Site Service	S	S	S	S	S	S
Accessory use customarily incident to any of the uses mentioned herein,	P	P	P	P	P	P
	AG	R1	R2	B1	B2	I
Accessory use customarily incident to any of the uses mentioned herein	S	S	S	S	S	P
Stables, private	P	S	S			P

Wind energy conversion system	S					
Satellite TV antennas > 3'	S	S	S	S	S	S
Satellite TV antennas < 3'	P	P	P	P	P	P
Automobile Sales of five vehicles or less on a farm at one time (as The Year 2000)	S	S	S	S	S	S
BUSINESS USES (As amended by Local Law No. 1 of the Year 2000)						
Airport	S					
Automobile repair, service	S			S	S	
Bar or night club	S			S	S	
Bowling alley	S				S	
Car washing station				S	S	
Dance hall or skating rink	S				S	
Drive-in movie	S					
Equipment rental or sales yard	S			S	S	S
Flea Market				S	S	S
Funeral Home			S	S	S	
Gasoline filling station	S			S	S	S
Gasoline/grocery service mart				S	S	S
Laundry or dry cleaning plant					S	S
Manufactured/Mobile home park, or camp	S	S				
Motel – hotel	S				S	
Newspaper offices and printing shops				S	S	S
Office building (general, professional, corporate and administration)				S	S	S
Restaurant	S			S	S	S
Retail business or service, not otherwise hereby mentioned herein				S	S	
Riding academy	S					
School conducted for profit	S			S	S	
Self-service laundry				S	S	
Theater or concert hall					S	
Veterinarian office, animal hospital, or kennels	S					
Wholesale business or service, not otherwise specifically mentioned herein	S			S	S	S
INDUSTRIAL USES (As amended by Local Law No. 3 of the Year 1997)						
Contractors yard equipment	S					S
Extractive operations and soil mining	S					
Junk and trash storage (automobile and other materials) Outdoor Storage	S					S
Manufacture, fabrication, extraction assembly, warehousing and other						S
Research laboratories	S				S	S
MIXED USES (As amended by Local Law No. 3 of the Year 2000)	S	S	S	S	S	S

ARTICLE 5. AREA BULK REGULATIONS – DENSITY CONTROL

Section 5.0 Purpose.

In order to provide adequate open spaces for access of light and circulation of air, to facilitate the prevention and fighting of fires, to prevent undue concentration of population, and to lessen congestion on streets, no building or premises shall be erected, altered or used except in accordance with the standards set forth in this ARTICLE.

Section 5.1 Density Control Schedule (Area and Bulk Schedule).

The attached schedule of density control regulations is hereby adopted and declared to be a part of this Zoning Law and is hereinafter referred to as the “Town of Campbell Density Control Schedule”.

Section 5.2 Corner Lots.

Wherever a side or rear yard is adjacent to a street, the standards for front yards shall apply.

Section 5.3 Projections into Required Yards.

5.3.1 The following projections into required yards are allowed:

5.3.1.1 Open fire escapes – four feet into side or rear yards.

5.3.1.2 Awnings or movable canopies and overhangs – six feet into any yard.

5.3.1.3 Cornices, eaves, insulation walls and roofs, and other similar architectural features – three (3) feet into any yard.

5.3.1.4 Apparatus needed for the operation of active or passive solar energy systems, included detached solar collectors, reflectors, piping or ductwork, and insulation necessary for efficient utilization thereof.

5.3.2 Any open or enclosed porch or attached carport or garage shall be considered a part of the building in the determination of the size of the required yard or lot coverage. Non-roofed paved terraces shall not be considered a part of the building.

5.3.2.1 Accessory uses and buildings may be located in accordance with Section 11.6.

Section 5.4 Compliance with Maximum Average Residential Density.

5.4.1 In all districts where residences are permitted, a lot held in single ownership may be improved for residential use according to the minimum lot size per dwelling unit and bulk regulations for each district as set forth in the Density Control Schedule provided that there shall be no more than one principal building and use on each lot.

If two or more principal residential structures are located on the same lot, the maximum average density requirement must be complied with and the lot shall be partitioned so as to provide adequate width and yards.

A residential lot of required or larger than required size as set forth in this Zoning Law shall not be reduced in size for transfer of ownership if such lot so subdivided will form one or more lots which shall not be in compliance with the requirements for the maximum average residential density for the District in which such lot or lots are situated, except as provided in ARTICLES 7 and 8.

Section 5.5 Side Yards for Multi-Family Dwelling Units.

Side yards for semi-detached, townhouses or multi-family dwelling units, where permitted, shall be required at the ends of the total structure only.

Section 5.6 Distance Between Principal Buildings on Same Lot.

No detached principal building shall be closer to any other principal building on the same lot than a distance equal to the average heights of said buildings.

Section 5.7 General Exception to Lot Size Requirements.

If at the time of passage of this Zoning Law a lot, or the aggregate of contiguous lots of land parcels held in a single ownership, has an area or dimension less than required for the zoning district in which the property is located, the lot or aggregate holdings may be occupied by any permitted use in the District subject to compliance with all other requirements of the District, provided, however, that the use of a lot for a residence which has an area deficiency shall be limited into a single-family dwelling.

Section 5.8 Exceptions to Front Yard Requirements.

If there are dwellings on both abutting lots with front yards of less than the required depth for the District, the front yard for the proposed lot need not exceed the average front yard of the abutting dwellings. If there is a dwelling on one abutting lot with a front yard of less than the required depth for the District, the front yard of the proposed lot need not exceed a depth one-half way between the depth of the abutting lot and the required front yard depth.

If there are dwellings on both abutting lots with front yards greater than the required depth for the District, or, if there is a dwelling on one abutting lot with a front yard greater than the required depth for the District, the front yard for the lot shall be determined by averages as specified.

Section 5.9 General Exception to Height Regulations.

Projections such as chimneys, silos, spires, domes, elevator shaft housings, towers, aerials, flagpoles, solar energy collectors and equipment used for the mounting and operation of such collectors, and other similar objects not used for human occupancy are not subject to the building height limitations of this Zoning Law.

Section 5.10 Exceptions to Side Yard Requirements.

The combined total side yard requirements, as specified in the Density Control Schedule, shall be reduced by six (6) inches for each foot by which a lot is less than the minimum lot width requirement specified in that Schedule for the zone in which located except as provided in Section 12.5. In any case, the side yard width shall be reduced to no less than fifty (50) per cent of the requirement of the Density Control Schedule.

ARTICLE 6. FLOOD DAMAGE PREVENTION

STATUTORY AUTHORIZATION & PURPOSE

Section 6.1 Findings.

The Town Board of the Town of Campbell finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Town of Campbell and that such damages may include: destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this local law is adopted.

Section 6.2 Statement of Purpose.

It is the purpose of this Local Law to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- 6.2.1** Regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- 6.2.2** Require that uses vulnerable to floods, including facilities which serve as uses, be protected against flood damage at the time of initial construction;
- 6.2.3** Control the alteration of natural floodplains, stream channels, and natural protective barriers that are involved in the accommodation of floodwaters;
- 6.2.4** Control filling, grading, dredging and other development that may increase erosion or flood damages;
- 6.2.5** Regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands; and,
- 6.2.6** Qualify and maintain for participation in the National Flood Insurance Program.

Section 6.3 Objectives.

The objectives of this Local Law are:

- 6.3.1** To protect human life and health;
- 6.3.2** To minimize expenditure of public money for costly flood control projects;
- 6.3.3** To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- 6.3.4** To minimize prolonged business interruptions;

- 6.3.5** To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard;
- 6.3.6** To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- 6.3.7** To provide that developers are notified that property is in an area of special flood hazard; and
- 6.3.8** To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

GENERAL PROVISIONS

Section 6.4 Lands to Which This Local Law Applies.

This Local Law shall apply to all areas of special flood hazard within the jurisdiction of the Town of Campbell, Steuben County.

Section 6.5 Basis for Establishing the Areas of Special Flood Hazard.

The areas of special flood hazard are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- 6.5.1** Flood Insurance Rate Map (multiple panels) Index No. 360768 0005C, 0010C, 0015C, whose effective date is June 11, 1982.
- 6.5.2** A scientific and engineering report entitled “Flood Insurance Study, Town of Campbell, New York, Steuben County” dated June 11, 1982.
- 6.5.3** Flood Boundary and Floodway Map (multiple panels) Index No. 360768 0005, 0010, and 0015, whose effective date is June 11, 1982.
- 6.5.4** Letter of Map Revision, Case Number 01-02-039P, amending Panel 0005C of the Flood Insurance Rate Map and amending Panel 0005 of the Flood Boundary and Floodway Map, whose effective date is December 20, 2002.

The above documents are hereby adopted and declared to be a part of this Local Law. The Flood Insurance Study and/or maps are on file at: Town of Campbell Town Hall, 8529 Main Street, Campbell, NY 14821.

Section 6.6 Interpretation and Conflict with Other Laws.

This Local Law includes all revisions to the National Flood Insurance Program through November 1, 1989 and shall supersede all previous laws adopted for the purpose of flood damage prevention.

In their interpretation and application, the provisions of this Local Law shall be held to be the minimum requirements, adopted for the promotion of the public health, safety, and welfare.

Whenever the requirements of this Local Law are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

Section 6.7 Severability.

The invalidity of any section or provision of this Local Law shall not invalidate any other section or provision thereof.

Section 6.8 Penalties for Non-Compliance.

No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this Local Law and any other applicable regulations. Any infraction of the provisions of this Local Law by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this Local Law or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250.00 or imprisoned for not more than fifteen (15) days or both. Each day on noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Town of Campbell from taking such other lawful action as necessary to prevent or remedy an infraction.

Any structure found not compliant with the requirements of this Local Law for which the developer and/or owner has not applied for an received an approved variance under ARTICLE 6.0 will be declared non-compliant and notification sent to the Federal Emergency Management Agency.

Section 6.9 Warning and Disclaimer of Liability.

The degree of flood protection required by this Local Law is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Local Law does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Local Law shall not create liability on the part of the Town of Campbell, any officer, or employee thereof, nor the Federal Emergency Management Agency, for any flood damages that result from reliance on this Local Law or any administrative decision lawfully made thereunder.

ADMINISTRATION

Section 6.10 Designation of the Local Administrator.

The Planning Board is hereby appointed Local Administrator to administer and implement this Local Law by granting or denying floodplain development permits in accordance with its provisions.

Section 6.11 Floodplain Development Permit.

6.11.1 Purpose. A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased

flood hazards and ensuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in Section 6.5, without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the Local Administrator and may include, but not be limited to: plans, in duplicate, drawn to scale and showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

- 6.11.2 Fees.** All applications for a floodplain development permit shall be accompanied by an application fee of \$0. In addition, the applicant shall be responsible for reimbursing the Town of Campbell for any additional costs necessary for review, inspection, and approval of this project. The Local Administrator may require a deposit of no more than \$500.00 to cover these additional costs.

Section 6.12 Application for a Permit.

The applicant shall provide the following information as appropriate. Additional information may be required on the permit application form.

- 6.12.1** The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in Zones A1-A30, AE or AH, or Zone A if base flood elevation data area available. Upon completion of the lowest floor, the permittee shall submit to the Local Administrator the as-built elevation, certified by a licensed professional engineer or surveyor.
- 6.12.2** The proposed elevation, in relation to mean sea level, to which any new or substantially improved non-residential structure will be flood-proofed. Upon completion of the flood-proofed portion of the structure, the permittee shall submit to the Local Administrator the as-built flood-proofed elevation, certified by a professional engineer or surveyor.
- 6.12.3** A certificate from a licensed professional engineer or architect that any utility flood-proofing will meet the criteria in Section 7.2.3, Utilities.
- 6.12.4** A Certificate from a licensed professional engineer or architect that any non-residential flood-proofed structure will meet the flood-proofing criteria in Section 7.4, Non-Residential Structures.
- 6.12.5** A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrates that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in Section 6.14.2, when notified by the Local Administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.

- 6.12.6** A technical analysis prepared by a licensed professional engineer, if required by the Local Administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.
- 6.12.7** In Zone A, when no base flood elevation data are available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either fifty (50) lots or five (5) acres.

Section 6.13 Duties and Responsibilities of the Local Administrator.

Duties of the Local Administrator shall include, but not be limited to the following:

6.13.1 Permit Application Review. The Local Administrator shall conduct the following permit application review before issuing a floodplain development permit:

- 6.13.1.1** Review all applications for completeness, particularly with the requirements of Subsection 6.21, Application for a Permit, and for compliance with the provisions and standards of this law.
- 6.13.1.2** Review subdivision and other proposed new development, including manufactured home parks to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantially improved structures shall meet the applicable standards of Section 6.14, Construction Standards, and in particular, Subsection 6.14.1, Subdivision Proposals.
- 6.13.1.3** Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The Local Administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination.

If the proposed development may result in physical damage to any other property or fails to meet the requirements of Section 6.14, Construction Standards, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and re-submit the application.

- 6.13.1.4** Determine that all necessary permits have been received from those governmental agencies from which approval is required by State or Federal law.

6.13.2 Use of Other Flood Data.

6.13.2.1 When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate Map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A or V on the FIRM), nor identified a floodway, the Local Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed pursuant to paragraph 6.3(7), as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this Local Law.

6.13.2.2 When base flood elevation data are not available, the Local Administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this Local Law.

6.13.3 Alteration of Watercourses. Notification to adjacent communities and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse, and submittal of evidence of such notification to the Regional Director, Region II, Federal Emergency Management Agency.

6.13.4 Construction Stage.

6.13.4.1 In Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, upon placement of the lowest floor or completion of flood-proofing of a new or substantially improved structure, obtain from the permit holder a certification of the as-built elevation of the lowest floor or flood-proofed elevation, in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured home, the permit holder shall submit the certificate of elevation upon placement of the structure on the site.

A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for one hundred-eighty (180) consecutive days or longer (unless it is fully licensed and ready for highway use).

6.13.4.2 Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The Local Administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop-work order for the project unless immediately corrected.

6.13.5 Inspections. The Local Administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and

enable said inspector to certify, if requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.

6.13.6 Stop-Work Orders.

6.13.6.1 The Local Administrator shall issue, or cause to be issued, a stop-work order for any floodplain development found ongoing without a development permit. Disregard for a stop-work order shall subject the violator to the penalties described in Section 6.8 of this Local Law.

6.13.6.2 The Local Administrator shall issue, or cause to be issued, a stop-work order for any floodplain development found non-compliant with the provisions of this Local Law and/or the conditions of the development permit. Disregard of a stop-work order shall subject the violator to the penalties described in Section 6.8 of this Local Law.

6.13.7 Certificate of Compliance.

6.13.7.1 In areas of special flood hazard, as determined by documents enumerated in Section 6.5 it shall be unlawful to accompany or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the Local Administrator stating that the building or land conforms to the requirements of this Local Law.

6.13.7.2 A certificate of compliance shall be issued by the Local Administrator upon satisfactory completion of all development in areas of special flood hazard.

6.13.7.3 Issuance of the certificate shall be based upon the inspections conducted as prescribed in Section 6.13.5 Inspections, and/or any certified elevations, hydraulic data, flood-proofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.

6.13.8 Information to be Retained. The Local Administrator shall retain and make available for inspection, copies of the following:

6.13.8.1 Floodplain development permits and certificates of compliance;

6.13.8.2 Certifications of as-built lowest floor elevations of structures, required pursuant to sub-sections 6.13.4.1 and 6.13.4.2, and whether or not the structures contain a basement;

6.13.8.3 Flood-proofing certificates required pursuant to sub-section 6.13.4.1, and whether or not the structures contain a basement;

- 6.13.8.4 Variances issued pursuant to Section 6.19 VARIANCE PROCEDURES; and,
- 6.13.8.5 Notices required under sub-section 6.13.3 Alteration of Watercourses.

CONSTRUCTION STANDARDS

Section 6.14 General Standards.

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 6.5.

6.14.1 Subdivision Proposals. The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):

- 6.14.1.1 Proposals shall be consistent with the need to minimize flood damage;
- 6.14.1.2 Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage; and,
- 6.14.1.3 Adequate drainage shall be provided to reduce exposure to flood damage.

6.14.2 Encroachments.

- 6.14.2.1 Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:
 - 6.14.2.1.1 The applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any location; or,
 - 6.14.1.1.2 The Town of Campbell agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Campbell for all fees and other costs in relation to the application. The applicant must also provide all data, analyses, and mapping and reimburse the Town of Campbell for all costs related to the final map revision.

6.14.2.2 On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map, or the Flood Insurance Rate Map adopted in Section 6.5, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:

6.14.2.2.1 A technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood; or,

6.14.2.2.2 The Town of Campbell agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Campbell for all fees and other costs in relation to the application. The applicant must also provide all data, analyses, and mapping and reimburse the Town of Campbell for all costs related to the final map revisions.

Section 6.15 Standards for All Structures.

6.15.1 Anchoring. New and substantially improved structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

6.15.2 Construction Materials and Methods.

6.15.2.1 New construction and substantially improved structures shall be constructed with materials and utility equipment resistant to flood damage.

6.15.2.2 New construction and substantially improved structures shall be constructed using methods and practices that minimize flood damage.

6.15.2.3 For enclosed areas below the lowest floor of a structure within Zones A1-A30, AE, AE or AH, and also Zone A if base flood elevation data are available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect and meet or exceed the following minimum criteria:

6.15.2.3.1 A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding; and,

- 6.15.2.3.2** The bottom of all such openings no higher than one (1) foot above the lowest adjacent finished grade.

6.15.3 Utilities.

- 6.15.3.1** Machinery and equipment servicing a building must either be elevated to or above the base flood level or designed to prevent water from entering or accumulating within the components during a flood. This includes heating, ventilating, and air conditioning equipment, hot water heaters, appliances, elevator lift machinery, and electrical junction and circuit breaker boxes. When located below the base flood elevation, a professional engineer's or architect's certification of the design is required;
- 6.15.3.2** New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- 6.15.3.3** New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic back-flow valves or other automatic back-flow devices that are installed in each discharge line passing through a building's exterior wall; and,
- 6.15.3.4** On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

Section 6.16 Residential Structures.

6.16.1. Elevation. The following standards, in addition to the standards in Subsections 6.14.1, Subdivision Proposals, and 6.14.2, Encroachments, and Section 6.15, Standards for All Structures, apply to structures located in areas of special flood hazard as indicated.

- 6.16.1.1** Within Zones A1-A30, AE and AH and also Zone A if base flood elevation data are available, new construction and substantially improved structures shall have the lowest floor (including basement) elevated two (2) feet or more above the base flood level.
- 6.16.1.2** Within Zone A, when no base flood elevation data are available, new and substantially improved structures shall have the lowest floor (including basement) elevated at least three (3) feet above the highest adjacent grade.
- 6.16.1.3** Within Zone AO, new and substantially improved structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's Flood Insurance Rate Map enumerated in Section 6.5 (at least two feet if no depth number is specified).

- 6.16.1.4** Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

Section 6.17 Non-Residential Structures.

The following standards apply to new and substantially improved commercial, industrial and other non-residential structures, in addition to the requirements in sub-sections 6.14.1, Subdivision Proposals, 6.14.2, Encroachments, and Section 6.15 Standards for All Structures.

- 6.17.1** Within Zones A1-A30, AE and AH, and also Zone A, if base flood elevation data are available new construction and substantially improved non-residential structures, together with attendant utility and sanitary facilities, shall either:

- 6.17.1.1** Have the lowest floor, including basement or cellar, elevated two (2) feet or more above the base flood elevation; or,

- 6.17.1.2** Be flood-proofed so that the structure is watertight below a level of two (2) feet above the base flood level with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

- 6.17.2** Within Zone AO, new construction and substantially improved non-residential structures shall:

- 6.17.2.1** Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or

- 6.17.2.2** Together with attendant utility and sanitary facilities, be completely flood-proofed to that level to meet the flood-proofing standard specified in sub-section 6.17.1.1.

- 6.17.3** If the structure is to be flood-proofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for construction. A Flood-proofing Certificate or other certification shall be provided to the Local Administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Section 6.17.1.2, including the specific elevation (in relation to mean sea level) to which the structure is to be flood-proofed.

- 6.17.4** Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

- 6.17.5** Within Zone A, when no base flood elevation data are available, the lowest floor (including basement) shall be elevated at least three (3) feet above the highest adjacent grade.

Section 6.18 Manufactured Homes and Recreational Vehicles.

The followings standards in addition to the standards in Section 6.14 General Standards and Section 6.15 Standards for All Structures apply as indicated in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard.

6.18.1 Recreational vehicles placed on sites within Zones A1-A30, AE and AH shall either:

6.18.1.1 Be on site fewer than one-hundred-eighty (180) days,

6.18.1.2 Be fully licensed and ready for highway use, or

6.18.1.3 Meet the requirements for manufactured homes in sub-paragraph 6.18.2, 4 and 5.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect-type utilities and security devices and has no permanently attached additions.

6.18.2 A manufactured home that is placed or substantially improved in Zones A1-A30, AE and AH that is on a site either:

6.18.2.1 Outside of an existing manufactured home park or subdivision as herein defined;

6.18.2.2 In a new manufactured home park or subdivision as herein defined;

6.18.2.3 In an expansion to an existing manufactured home park or subdivision as herein defined; or

6.18.2.4 In an existing manufactured home park or subdivision as herein defined on which a manufactured home has incurred substantial damage as the result of a flood;

shall be elevated on a permanent foundation such that the lowest floor is elevated two (2) feet or more above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. Elevation on piers consisting of dry stacked blocks is prohibited. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

6.18.3 A manufactured home to be placed or substantially improved in Zone A1-A30, AE and AH in an existing manufactured home park or subdivision that is not to be placed on a site on which a manufactured home has incurred substantial damage shall be:

6.18.3.1 Elevated in a manner such as required in paragraph 6.18.2, or

6.18.3.2 Elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Elevation on piers consisting of dry stacked blocks is prohibited.

6.18.4 Within Zone A, when no base flood elevation data are available, new and substantially improved manufactured homes shall be elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above the lowest adjacent grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Elevation on piers consisting of dry stacked blocks is prohibited.

6.18.5 Within Zone AO, the floor shall be elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map enumerated in Section 6.5 (at least two feet if no depth number is specified). Elevation on piers consisting of dry stacked blocks is prohibited.

VARIANCE PROCEDURE

Section 6.19 Appeals Board.

6.19.1 The Zoning Board of Appeals as established by the Town of Campbell shall hear and decide appeals and requests for variances from the requirements of this Local Law.

6.19.2 The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Local Administrator in the enforcement or administration of this Local Law.

6.19.3 Those aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.

6.19.4 In passing upon such application, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other Sections of this Local Law, and:

6.19.4.1 The danger that materials may be swept onto other lands to the injury of others;

6.19.4.2 The danger to life and property due to flooding or erosion damage;

6.19.4.3 The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

- 6.19.4.4** The importance of the services provided by the proposed facility to the community;
 - 6.19.4.5** The necessity to the facility of a waterfront location, where applicable;
 - 6.19.4.6** The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - 6.19.4.7** The compatibility of the proposed use with existing and anticipated development;
 - 6.19.4.8** The relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - 6.19.4.9** The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - 6.19.4.10** The costs to local governments and the dangers associated with conducting search-and-rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.
- 6.19.5** Upon consideration of the factors of Section 6.19.4 and the purposes of this Local Law, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Local Law.
- 6.19.6** The Local Administrator shall maintain the records of all appeal actions including technical information and report any variances to the Federal Emergency Management upon request.

Section 6.20 Conditions for Variances.

- 6.20.1** Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items 1-12 in Section 6.19.4, have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increase.
- 6.20.2** Variances may be issued for the repair or rehabilitation of historic structures upon determination that:
- 6.20.2.1** The proposed repair or rehabilitation will not preclude the structure's continued designation as a "Historical Structure."
 - 6.20.2.2** The variance is the minimum necessary to preserve the historic character and design of the structure.

- 6.20.3** Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
- 6.20.3.1** The criteria of sub-paragraph 1, 4, 5 and 6 of this Section are met;
 - 6.20.3.2** The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.
- 6.20.4** Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- 6.20.5** Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- 6.20.6** Variances shall only be issued upon receiving written justification of:
- 6.20.6.1** A showing of good and sufficient cause;
 - 6.20.6.2** A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - 6.20.6.3** A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- 6.20.7** Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice over the signature of a community official that the cost of flood insurance will be commensurate with the increased risk resulting from lowest floor elevation.

ARTICLE 7. RESIDENTIAL CLUSTER DEVELOPMENT

Section 7.0 Intent.

The intent of this Article is to permit variation in lot size and housing type, to provide the opportunity for development to occur on the most suitable lands, to facilitate the adequate and economical provisions of public services and to preserve open space areas. The purpose is achieved by permitting a reduction in lot sizes required for the Zoning District in which a proposal occurs, while maintaining the imposed density limitation through the provision of open space.

Section 7.1 Authorization to Grant or Deny Residential Cluster Development.

In accordance with Section 281 of the Town Law, the Town Board authorizes the Planning Board to permit variations in the dimensional requirements of this Zoning Law under their subdivision review powers. The Planning Board shall comply with all procedures and standards set forth in this ARTICLE when implementing such power.

Section 7.2 Standards Governing Residential Cluster Development.

Any residential cluster development considered shall conform to the following standards which are regarded as minimum requirements.

- 7.2.1** This procedure shall apply only to residential zoned land that shall be a minimum of ten (10) contiguous acres in size. In addition, it shall be determined that such development will not be detrimental to the health, safety or general welfare of persons residing in the vicinity, or injurious to property or improvements in close proximity, and that the proposed development create an attractive residential environment that is in conformity with the objectives of the Town Comprehensive Plan, and that the gross density will be no greater than if the tract were developed in accordance with the existing zoning requirements, and that the permanent retention of open space areas along with their care and maintenance is guaranteed.
- 7.2.2** When such development is proposed adjacent to any existing residence or residential area, a buffer area of at least five hundred (500) feet in width shall be maintained within the proposed development along any lot line that abuts an existing residential development area or a conventionally platted residential map that has been filed with the Steuben County Clerk. The five hundred (500) foot buffer area may be developed in a conventionally platted manner (non-clustered) consistent with the residential zoning district upon which such land is situated.
- 7.2.3** The size of lots in a residential cluster development may vary from the normal requirements, but no dimensional or area requirement of the District shall be reduced by more than fifty (50) percent.
 - 7.2.3.1** Single-Family Detached Houses: Single-family detached houses may be grouped in clusters with maximum lot size reductions for each residence as follows:

A District-25,000 sq. ft
R-1 District-10,000 sq. ft.
R-2 District-5,000 sq. ft.

and shall be subject to the following minimum setback requirements:

Front Yard	Rear Yard	Side Yard
25 ft.	25 ft.	12.5 ft.

7.2.3.2 Townhouse and multi-family: Shall comply with all standards set forth in Section 11.22.

7.2.4 Residential cluster development plans may be required to be prepared by competent professional assistance and shall be consistent with the spirit and intent of this Zoning Law and Town Subdivision Regulations.

7.2.5 In areas without public water and sewer, any reduction in lot size allowed under this Article shall be dependent on approval of the on-lot water and sewer system by N.Y.S. Department of Health, N.Y.S. Department of Environmental Conservation and the Town Code Enforcement Officer.

7.2.6 All the land not contained in the lots or the road right-of-way, if provided, shall be contiguous, and of such size and shape as to be usable for recreation or agriculture. No such lands shall be in parcels of less than three (3) acres.

Such land shall either be deeded to the town or be held in corporate ownership by the owners of lots within the development, and the developer shall incorporate into the deeds of all property within the development, if appropriate, a clause giving to the owners an interest in such open land which shall be used for recreation, cultural or agricultural purposes only. No structure save those incidental to the recreational, cultural or agricultural use shall be permitted thereon.

The open space lands shall be subject to taxation, unless deeded to the Town. In the case of such tracts, the developer may petition to the Town to take over the land to be used in perpetuity as open space.

7.2.7 Special Designs: In cases where a developer has proposed architecturally unusual groups of dwellings and garages, the Town Planning Board after inspecting the plans and elevations, may recommend approval of smaller minimum lot sizes than those specified in Section 7.2 C, provided that the sanitary systems are approved by the NYS DEC, that the gross density does not exceed that permitted within the zoning district in which the land occurs, and the layout is not detrimental to the health, general welfare, and aesthetic character of the community.

7.2.8 Construction shall start within one year of the date of approval and shall be completed within a timeframe agreed to by the developer and the Planning Board. If the developer does not meet such timeframe, the Residential Cluster Development approval shall be revoked.

7.2.9 In the event that the organization established to own and maintain common property, or any successor organization shall fail to maintain the common property, in reasonable order and condition in accordance with the plan, the Town of Campbell may serve written notice upon such organization or upon the residents and owners of the development setting forth the manner in which the organization has failed to maintain the common property in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice.

At such hearing, the Town may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within thirty (30) days or any extension thereof, the Town, in order to preserve the taxable values of the properties within the development and to prevent the common property from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one (1) year. Said entry and maintenance shall not vest in the public any rights to use the common open space except when the same is voluntarily dedicated to the public by the residents and owners. Before the expiration of said year, the municipality shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common property, call a public hearing upon notice to such organization, or to the residents and owners of the development to be held by the Town, at which hearing such organization or the residents and owners of the development shall show cause why such maintenance by the Town shall not, at the election of the Town, continue for a succeeding year.

If the Town shall determine that such organization is ready and able to maintain said common property in reasonable condition, it shall cease to maintain said common property at the end of said year. If the Town shall determine such organization is not ready and able to maintain said common property in a reasonable condition, the Town may in its discretion, continue to maintain said common property during the next succeeding year, subject to a similar hearing and determination in each year thereafter. The cost of such maintenance by the Town shall be assessed at the same proportion as each unit's assessed value bears to the total assessment of the development.

Section 7.3 Review of Residential Cluster Plans.

The approval procedure shall be generally the same as that specified in the subdivision regulations for the review and approval of a proposed subdivision of land. The applicant shall submit at successive stages a sketch plan, preliminary layout, and subdivision plat in accordance with the requirements of the subdivision regulations. In addition the applicant at each stage shall provide the following information:

- 7.3.1** Proposed number of dwelling units and computation of overall residential density per gross acre.
- 7.3.2** A tabulation of the total number of acres in the proposed project; the percentage designated for each use area.

7.3.3 Proposed location and acreage for parks, playgrounds, natural watercourses and other open space.

Section 7.4 Public Hearing on Residential Cluster Development.

A residential cluster development shall not be approved as a subdivision plat by the Planning Board until a public hearing has been held on the proposal in the manner specified in the subdivision regulations and by Section 281 of the Town Law.

ARTICLE 8. PLANNED RESIDENTIAL DISTRICT

Section 8.0 Intent.

It is the intent of this Article to provide flexible land use and design regulations through the use of performance criteria so that small-to-large neighborhoods or portions thereof may be developed that incorporate a variety of residential densities and building types. This district may contain both individual building sites and common property, which is planned and developed as a unit. The Planned Residential District designation is a rezoning which shall be processed as an amendment to this Zoning Law and which shall be subject to site plan approval and shall only be applicable in the Agricultural Residential and Residential Districts in the Town where the applicant can demonstrate that the characteristics of his holdings will meet the objectives of this ARTICLE.

Section 8.1 Permitted Uses.

All residential uses and their accessory or associated uses subject to site plan approval.

Section 8.2 Standards Governing Planned Residential Districts.

Any development proposal to be considered as a Planned Residential District allowing density area increases shall conform to the following standards, which are regarded as minimum requirements, in addition to applicable standards in other sections of this Zoning Law:

- 8.2.1** The minimum area required to qualify for a Planned Residential District designation shall be a contiguous parcel of ten (10) acres in size. Where the applicant can demonstrate that the characteristics of his holdings will meet the objectives of this ARTICLE, the Planning Board may consider projects with less acreage.
- 8.2.2** When such development is proposed adjacent to any existing residence or residential area, a minimum setback of two hundred (200) feet shall be required from the parcel's perimeter to all principal buildings.
- 8.2.3** All plans/proposals shall be prepared by a licensed professional architect or engineer.
- 8.2.4** All parcels shall be serviced by public water and sanitary sewer systems.
- 8.2.5** The Planning Board shall consider in each case the appropriate dwelling unit density and placement of such units on the parcel. The gross density shall in no instance exceed ten (10) dwelling units per acre. Such density shall be calculated using the total gross parcel acreage.
- 8.2.6** The development shall have dedicated for open space purposes all undeveloped lands that are not included in any required yard areas.
- 8.2.7** Single-family detached house developments shall meet the following standards:
Yard Requirements:

Front Yard
Minimum 30 feet

Rear Yard
Minimum 20 feet

Side Yard
Minimum 10 feet

- 8.2.8** Townhouses and multi-family developments shall comply with standards set forth in Section 11.22.

Section 8.3 Special Provisions Applying to the Planned Residential District (PRD).

- 8.3.1** In order to carry out the purpose of this district, a development shall achieve the following objectives:

8.3.1.1 A maximum choice in the types of environment, occupancy, tenure, types of housing, lot sizes and community facilities available to existing and potential town residents at all economic levels.

8.3.1.2 More useable open space and recreation areas.

8.3.1.3 The preservation of trees and outstanding natural features.

8.3.1.4 A creative use of land and related physical development.

8.3.1.5 An efficient use of land resulting in smaller networks of utilities and streets and thereby lower housing costs.

8.3.1.6 A development pattern in harmony with the objectives of the Comprehensive Plan for the Town.

8.3.1.7 Be compatible with all applicable guidelines and standards set forth in ARTICLE 11.

- 8.3.2** The tract of land for a project may be owned, leased, or controlled either by a single person, or corporation or a group of individuals or corporations. An application must be filed by the owner or jointly by owners of all property included in a project. In the case of multiple ownership, the approved plan shall be binding on all owners.

- 8.3.3** When common property exists, the ownership of such common property may be either public or private. When common property exists in private ownership, satisfactory arrangements must be made for the improvements, operation and maintenance of common property and facilities, including private streets, drives, service and parking areas and recreational and open space areas.

- 8.3.4** In the event that the organization established to own and maintain common property, or any successor organization, fails to maintain such property in reasonable order, the Town Board may cause such property to be maintained in accordance with the procedure set forth in Section 7.3.1.

- 8.3.5** For the purposes of regulating the development and use of property after initial construction and occupancy, any changes shall be subject to a site plan approval by the Planning Board. Properties lying in the PRD are unique and shall be so

considered by the Planning Board when evaluating these requests; and maintenance of the intent and function of the planned unit shall be of primary importance.

Section 8.4 Procedures for Establishing a Planned Residential District.

- 8.4.1** Any applicant wishing approval for a Planned Residential District shall submit his request to the Town Board and the Planning Board in the form of a concept site plan as defined in Section 10.2. Upon conditional approval of the concept plan by the Town Board and the Planning Board, the applicant shall submit an application for preliminary site plan approval to the Planning Board in conformance with the procedures and requirements set forth in ARTICLE 10.
- 8.4.2** The Town Planning Board, in its review of the proposed planned district, will consider, among other things, the need for the proposed use in the proposed location, the existing character of the neighborhood in which the use would be located and the safeguards provided to minimize possible detrimental effects of the proposed use on adjacent property.
- 8.4.3** The Planning Board shall, based on its review of the preliminary site plan, provide a recommendation to the Town Board on the proposal. Such recommendation shall include a detailed explanation of the reasons for its finding. The Town Board shall not act contrary to the Planning Board's recommendation, except on a vote of at least four (4) members in favor of such proposal and shall state all reasons for such decision.
- 8.4.4** Within forty-five (45) days of the approval of the final application, the Town Board shall, after the required publication of notice, hold a public hearing on the rezoning. Within fifteen (15) days after such hearing the Town Board shall act on the rezoning. The Board may attach such conditions on the approval, as it deems necessary.
- 8.4.5** If approved, the Town Board shall then amend this Zoning Law and Map to define the boundaries of the Planned District, but such action shall have the effect of only granting permission for the development of the specific proposed use in accordance with the specifications and plans shown on the final site plan filed with the Town Board.
- 8.4.6** If the Planned Residential District proposal involves the subdivision of land into parcels for sale to individuals owners, the site plan review and public hearing required for the PRD may suffice for Planning Board review under the Town's subdivision regulations. In such cases the developer shall prepare a subdivision plat suitable for filing with the Steuben County Clerk in addition to the required site plan drawings. Coincident with final site plan approval final plat approval may be given under the Town subdivision regulations; the plat shall then be signed by the Planning Board Chairman, or his designate, and filed with the County Clerk in the manner prescribed by said regulations.

ARTICLE 9. NON-RESIDENTIAL PLANNED DEVELOPMENT

Section 9.0 Intent.

The intent of the non-residential planned development is to provide an opportunity for center of convenient shopping to serve residential neighborhoods and small industrial activities to locate in the most suitable locations without causing detrimental effects to neighboring uses or the health, safety and general welfare of the community. These districts shall be encouraged to locate in clusters throughout the town in proportion to the population served. The non-residential planned development is a rezoning which shall be processed as an amendment to this Town Law and shall be subject to site plan approval, and may be applicable to any district in the Town where the applicant can prove his holdings will meet the objectives of this Article.

Section 9.1 Dimensional Requirements.

- 9.1.1** The minimum area required to qualify for a planned neighborhood business district shall be a two (2) acre contiguous parcel.
- 9.1.2** The minimum area required to qualify for a planned industrial district shall be a five (5) acre contiguous parcel.

Section 9.2 Special Provision Applying to the Non-Residential Planned Development.

Special provisions applying to a non-residential planned development shall be the same as those stated in Section 8.3 and below:

- 9.2.1** The tract of land proposed for a project may be owned, leased, or controlled either by a single person, or corporation, or a group of individuals or corporations. An application must be filed by the owner or jointly by owners of all property included in a project. In the case of multiple ownership, the approved plan shall be binding on all owners.
- 9.2.2** The Town Board and Planning Board, review of the proposed planned district, will consider among other things, the need for the proposed use in the proposed location, the existing character of the neighborhood in which the use would be located and the safeguards provided to minimize possible detrimental effects of the proposed use on an adjacent property.
- 9.2.3** Upon acceptance of the final site plan application, the Town Board shall, after the required publication of notice, hold a public hearing on the rezoning.
- 9.2.4** The Town Board may then amend this Zoning Law to define the boundaries of the Planned District, but such action shall have the effect of only granting permission for the development of the specific proposed use in accordance with the specifications and plans shown on the final application filed with the Town Board.

Section 9.3 Procedures for Establishing a Non-Residential Planned District.

The procedures for establishing a non-residential planned district shall be the same as those specified in Section 8.3 for a planned residential district.

ARTICLE 10. SITE PLAN APPROVAL

Section 10.0 Intent.

The intent of site plan approval is to determine compliance with the objectives of this Zoning law and with regard to uses as specified in Section 4.6 that may be permitted in the Town of Campbell. The objective is to evaluate various land uses that may cause a conflict between existing and proposed uses or be in conflict with natural site conditions and thereby minimize the adverse affects concerning health, safety, and overall welfare of the residents of the community. The Town Board, at its discretion, may waive the final application procedure.

Section 10.1 Authorization.

The power to approve, approve with modification, or deny site plans for conditional uses as required by this Zoning Law is vested in the Town Board. Prior to issuing a building permit for the construction, expansion or change in use of any use, as specified in Section 4.6 a site plan and supporting documentation shall be submitted to the Town Board for its review and approval. The Town Board may require that the site plans be prepared by a licensed architect or engineer. Such requirement shall be based on the complexity of the site features and of the proposed structures or land use as related to same.

The Town Board shall refer all applications for site plan approval and supporting documentation to the Planning Board for a recommendation. The Planning Board shall make such recommendation on the application in writing to the Town Board at least seven (7) days prior to the scheduled public hearing.

Section 10.2 Concept Plan Conference.

The Concept Plan submittal is optional. The purpose of the concept is to encourage the person applying for a site plan use to consult early and informally with the Planning Board in order to save time and money and to make the most of opportunities for desirable development. The Planning Board shall be authorized to carry out the concept site plan review.

10.2.1 Requirements. A concept plan shall be prepared and submitted in triplicate to the Planning Board. Before preparing a concept layout, the developer may discuss with the Planning Board or the Town Planning Consultant the general requirements as to design of streets, reservations of land, drainage, sewerage, water supply, fire protection, and other improvements as well as procedural matters.

Developers of land adjoining State or County highways are advised to consult with the District Engineer of the New York State Department of Transportation or County Highway Superintendent at the concept layout stage in order to resolve problems of street openings or storm water drainage at the earliest possible stage in the design process.

The Planning Board shall provide written comments on the concept plan of a proposed development in relation to the applicable requirements of this ARTICLE and ARTICLE 11, existing or potential development of the adjacent area, the

Town Comprehensive Plan, and in the course of its review may consult with other interested public agencies.

10.2.2 The Concept Plan shall include in as much detail as possible the following information:

10.2.2.1 An area map showing:

10.2.2.1.1 Applicant's entire holdings, that portion of the applicant's property under consideration for development and any adjacent parcels owned by the applicant.

10.2.2.1.2 Existing natural features such as water bodies, watercourses, wetlands, wooded areas, individual large trees, flood hazard areas.

10.2.2.1.3 Zoning Districts, certified agricultural districts, school districts.

10.2.2.1.4 Special improvement districts (water, sewer, light, fire, drainage, and the like).

10.2.2.1.5 Easements.

10.2.2.1.6 All properties, their ownership and uses, subdivisions, streets, zoning districts, easements, and adjacent buildings within five hundred (500) feet of the applicant's property.

10.2.2.1.7 All existing man-made features.

10.2.2.1.8 All proposed buildings, man-made structures and public improvements.

10.2.2.2 A map of site topography (USGS topo map).

10.2.2.3 A soils overlay, if general site grades exceed fifteen (15) percent of portions of the site have susceptibility to erosion, flooding or ponding.

Section 10.3 Preliminary Site Plan Application.

Application for preliminary site plan approval shall be made in writing in triplicate to the Town Clerk fifteen (15) days prior to a scheduled Town Board meeting. The Town Clerk shall refer all preliminary site plan applications to the Planning Board for its review, certification that the application is complete, and in compliance with requirements set forth in this Article and ARTICLE 11, and recommendation. For the purposes of this Zoning Law, the submission date shall be the date of the first regular Town Board meeting following the Planning Board's certification.

Section 10.4 Preliminary Site Plan Requirements.

The preliminary site plan application shall include the information listed below. The Town Board may at its discretion waive any preliminary requirements, which are clearly not relevant to the proposed use and site.

10.4.1 An area map showing that portion of the applicant's property under consideration for development, any adjacent parcels owned by the applicant, and all properties, their ownership, uses thereon, subdivisions, streets, zoning districts, easements and adjacent buildings within five hundred (500) feet of applicant's property.

10.4.2 A preliminary site plan shall include the following information:

10.4.2.1 Title of drawing, including name and address of applicant.

10.4.2.2 North point, scale and date.

10.4.2.3 Boundaries of the project plotted to scale of not more than one hundred (100) feet to one (1) inch.

10.4.2.4 Existing natural features such as watercourses, water bodies, wetlands, wooded areas and individual large trees. Features to be retained should be noted.

10.4.2.5 Existing and proposed contours at intervals of not more than five (5) feet of elevation.

10.4.2.6 Location of proposed land uses and their areas in acres and location proposed use and height of all buildings.

10.4.2.7 Location of all existing or proposed site improvements including streets, drains, culverts, retaining walls, fences and easements, whether public or private.

10.4.2.8 Description of sewage disposal and water systems and location of such facilities.

10.4.2.9 Location and proposed development of buffer areas and other landscaping.

10.4.2.10 Delineation of the various residential areas, if applicable, indicating for each such area its general extent, description and composition of dwelling unit type, and a calculation of the residential density in dwelling units per gross acre for each such area.

10.4.2.11 Location of all parking and truck-loading areas, with access and egress drives thereto.

10.4.2.12 Location, design and size of all signs and lighting facilities.

- 10.4.2.13** The approximate locations and dimensions of areas proposed for neighborhood parks or playgrounds, or other permanent open space.
 - 10.4.2.14** Building orientation and site design for energy efficiency.
 - 10.4.2.15** Location and design of all energy distribution facilities, including electrical, gas and solar energy.
 - 10.4.2.16** Grading and erosion. Description and location of control measures including proposed location of sediment sink/settling pond and interceptor swales, etc.
 - 10.4.2.17** Location and design for stormwater management facilities.
 - 10.4.2.18** Drainage report including supporting design data and copies of computations used as a basis for the design capacities and performance of drainage facilities.
 - 10.4.2.19** The lines and dimensions of all property which is offered, or to be offered, for dedication for public use, with the purpose indicated thereon, and of all property that is proposed to be reserved by deed covenant for the common use of the property owners of the development.
- 10.4.3** The Town Board may require such additional information that appears necessary for a complete assessment of the project.
- 10.4.4** The Planning Board's review of the preliminary site plan for a recommendation to the Town Board shall include, but is not limited to the following considerations:
- 10.4.4.1** Adequacy and arrangement of vehicular traffic access and circulation.
 - 10.4.4.2** Location, arrangement, appearance and sufficiency of off-street parking and loading.
 - 10.4.4.3** Location, arrangement, size and design of buildings, lighting and signs.
 - 10.4.4.4** Relationship of the various uses to one another and their scale.
 - 10.4.4.5** Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise deterring buffer between adjacent uses and adjoining lands.
 - 10.4.4.6** Adequacy of storm water and sanitary waste disposal.
 - 10.4.4.7** Adequacy of structures, roadways, and landscaping in areas susceptible to flooding and ponding and/or erosion.

- 10.4.4.8** Compatibility of development with natural features of the site and with surround land uses.
- 10.4.4.9** Adequacy of flood proofing and prevention measures consistent with flood hazard prevention district regulations.
- 10.4.4.10** Adequacy of building orientation and site design for energy efficiency. The extent to which the proposed plan conserves energy use and energy resources in the community including the protection of adequate sunlight for use by solar energy systems.
- 10.4.4.11** Adequacy of open space for play areas, informal recreation and the retention of natural areas such as wildlife habitats, wetlands and wooded areas.
- 10.4.4.12** Adequacy of pedestrian access, circulation, convenience and safety.

In their review of a preliminary site plan, the Planning Board and Town Board may consult with the Code Enforcement Officer, Fire Commissioners, other local and County officials, and its designated private consultants, in addition to representatives of Federal and State agencies including, but not limited to, the Soil Conservation Service, the State Department of Transportation and the State Environmental Conservation.

Section 10.5 Public Hearing.

Upon the Planning Board's certification that the preliminary site plan application is complete and satisfactory, a public hearing shall be scheduled within forty-five (45) days from the time of such certification. For the purpose of this Zoning Law, the submission date shall be taken as the date of the first regular Town Board meeting following the certification by the Planning Board. The Planning Board shall submit its recommendations in writing on any preliminary site plan to the Town Board at least one week prior to the scheduled public hearing. The Planning Board's recommendation shall include:

- 10.5.1** Recommended action, approval, approval with conditions or disapproval.
- 10.5.2** All desirable revisions that should be incorporated in the final site plan application.

The hearing shall be advertised at least five (5) days prior to the scheduled date in a newspaper of general circulation in the Town.

Section 10.6 Notification of Decision on Preliminary Site Plan.

Within forty-five (45) days of the public hearing at which a preliminary site plan is considered, the Town Board shall act upon it. The Town Board's action shall be in the form of a written statement to the applicant stating whether or not the preliminary site plan is approved, approved with modifications, or disapproved. A copy of the appropriate minutes of the Town Board shall be a sufficient report. The Town Board's statement may include recommendations as to desirable revisions to be incorporated in the final site plan application. If the preliminary layout

is disapproved, the Town Board's statement will contain the reasons for such findings. In such a case the Town Board may recommend further study of the proposal and resubmission of the preliminary site plan after it has been revised or redesigned.

Section 10.7 Final Site Plan Application.

After receiving approval, with or without conditions, from the Town Board on a preliminary site plan, and approval for all necessary permits and curb cuts from state and county officials, the applicant may prepare his final site plan and submit it to the Town Board for its review and approval. However, if more than six (6) months have elapsed between the time of the Town Board's report on the preliminary site plan and if the Town Board finds that conditions have changed significantly in the interim, the Town Board may require a resubmission of the preliminary site plan for further review and possible revisions prior to accepting the proposed final site plan for review. The final site plan shall conform to the approved preliminary site plan, and shall incorporate any revisions or other features that may have been recommended by the Town Board at the preliminary review. All compliances shall be clearly indicated by the applicant.

Section 10.8 Notification of Decision on Final Site Plan.

Within forty-five (45) days of the submission of the final site plan, the Town Board shall render a decision. If no decision is made within the forty-five (45) day period, the final site plan shall be considered approved.

10.8.1 Upon approval, the Town Board shall endorse its approval on a copy of the final site plan and forward it to the Code Enforcement Officer who shall then issue a building permit if the project conforms to all other applicable requirements. The Town Board shall notify the applicant in writing of its decision. Minutes of the appropriate meeting shall suffice for this notice.

10.8.2 Upon disapproval, the Town Board shall so inform the Code Enforcement Officer and he shall deny a building permit. The Town Board shall also notify the applicant in writing of its decision and its reasons for disapproval. A copy of the appropriate minutes may suffice for this notice.

10.8.3 Specifications for improvements shown on the site plan shall be those set forth in this ordinance and in other ordinances, rules and regulations, or in construction specifications of the Town of Campbell.

Section 10.9 Appeal.

The applicant or any interested person may appeal a decision of the Town Board. The appeal is made to the Supreme Court for review by a proceeding under Article 78 of the Civil Practice Law and Rules. Such proceedings shall be instituted within four (4) months after the filing of a decision on a conditional use application.

ARTICLE 11. DEVELOPMENT GUIDELINES AND GENERAL PROVISIONS

(As amended by Local Law No. 1 of the Year 2000)

Section 11.0 General.

The Town Board and Planning Board, in reviewing a site plan, shall be guided by the considerations and standards presented in this Article. In the review, they shall take into consideration the prospective character of the development and require improvements be designed to such standards as are consistent with reasonable protection of the public health, safety, or welfare. For permitted uses the Code Enforcement Officer shall ensure compliance with this Article and any other applicable ordinances, articles or sections.

Section 11.1 Lots and Blocks.

11.1.1 Lot Size and Arrangement. The dimensions and arrangements of lots shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in providing access to buildings on such lots or in securing building permits to build. In general, side lot lines shall be at right angles or radial to street lines, unless a variation from this can be shown to result in a better plan.

11.1.2 Access. Insofar as possible, lots shall not derive access from a major road. Access to lots adjacent to a primary road shall, in general, be from marginal access streets or other streets within the development. Where a watercourse separates the buildable area of a lot from the street by which it has access, provision shall be made for installation of a culvert or other structure, which shall be subject to the same design criteria and review as all other storm water drainage facilities in the development.

Section 11.2 Street, Road, and Pavement Design.

11.2.1 Street Arrangement.

11.2.1.1 Street systems shall be designed with due regard to the needs for convenient traffic access and circulation; traffic control and safety; access for fire fighting, snow removal, and street maintenance equipment; and stormwater drainage and sewage disposal. Streets shall be designed to accommodate the prospective traffic, and so arranged as to separate through traffic from neighborhood traffic insofar as practicable.

11.2.1.2 The streets in contiguous developments shall be coordinated so as to compose a convenient system. Where a development adjoins undeveloped land, its streets shall be laid out so as to provide suitable future street connections with the adjoining land when the latter shall be developed. A street thus temporarily dead-ended shall be constructed to the property line and shall be provided with a temporary turn-around of the same dimensions as for permanent dead-end streets if in excess of two hundred (200) feet, with a

notation on the construction plat providing for temporary easements for the turn-around until such time as the street is extended.

11.2.1.3 Streets shall be logically related to the topography, and all streets shall be arranged so as to obtain as many as possible of the building sites at or above the grade of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and sharp curves shall be avoided.

11.2.1.4 Where a development abuts on or contains an existing or proposed primary street, the Town Board may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with or without rear service alleys, or such treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

11.2.1.5 Where a development borders or contains an existing or proposed railroad right-of-way or controlled access highway right-of-way, the Town Board may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for business, commercial or industrial purpose in appropriate districts. Such distances shall also be determined with due regard to the requirements of approach grades and future grade separations.

11.2.2 Standards for Street Design. All streets and roads shall be designed and constructed to conform to N.Y.S. and Town specifications. The Town Highway Superintendent shall approve all street and road design and construction.

11.2.3 Dead-end Streets. Where a street does not extend to the boundary of the development and its continuation is not needed for access to adjoining property, it shall be separated from such boundary by a distance sufficient to accommodate a lot meeting the requirements of this Zoning Law. Reserve strips of land shall not be left between the end of a proposed street and an adjacent piece of property. However, the Town Board may require the reservation of an easement fifteen (15) feet wide for pedestrian traffic or utilities. A turn-around of a minimum right-of-way radius of eighty (80) feet shall be provided at the end of any permanent dead-end street. For greater convenience to traffic and more efficient police and fire protection, the length of permanent dead-end streets shall be limited to six (6) times the minimum lot width for the zoning district, such length to be measured to the center point of the turn-around.

11.2.4 Sidewalks. Concrete sidewalks at least four (4) feet wide may be required on both sides of all streets. They may also be required within pedestrian easements through blocks to provide a system of pedestrian walkways to schools, parks and other community facilities. Sidewalks should be two (2) feet from the property line inside the right-of-way, unless the adjacent street is a state or county highway, in which case the sidewalk shall be placed adjacent to and outside of the

right-of-way. Sidewalks within pedestrian easements shall be generally centered within the easement.

- 11.2.5 Trees.** The developer shall take adequate measures to preserve desirable existing trees in suitable locations within the development. Street trees shall be planted on both sides of the street and ten (10) feet outside the right-of-way, at intervals of approximately fifty (50) feet, subject to location of drives, street intersections or other features.

In general, the street right-of-way shall be cleared of existing trees, but occasional existing trees of unusual value may be preserved within the street right-of-way if approved by the Planning Board.

- 11.2.6 Street Names and Signs.** All streets shall be named, and such names shall be subject to the approval of the Town Board. A street which is a continuation of an existing street shall bear the same name. Relating street names to features of local historical, topographical, or other natural interest is encouraged. Street signs shall be provided by the developer at all intersections and shall be of a type approved by the Town Highway Superintendent.

- 11.2.7 Street Improvements – General.** In addition to the required improvements specifically referred to elsewhere in these regulations, plans shall provide for all other customary elements of street construction and utility service that may be appropriate in each locality as determined by the Town. Such elements may include, but shall not be limited to, street pavement, gutters, storm water inlets, manholes, curbs, sidewalks, street lighting standards, water mains, fire hydrants, fire alarm signal devices, and sanitary sewers. Underground utilities within the street right-of-way shall be located as required by the Town and underground service connections to the property line of each lot shall be installed before the street is paved. All street improvements and other construction features of the development shall conform to municipal specifications which may be established from time to time and shall be subject to approval as to design, specifications, and construction by the Town Highway Superintendent.

- 11.2.8 Widening of Existing Street Right-of-Way.** Where a development adjoins an existing street which does not conform to the Town's right-of-way standards, the Town Board may request that additional right-of-way width be provided as necessary on the development side of the normal street centerline, a width which is equal to at least one-half of the minimum standard width for the respective type of street.

- 11.2.9 Typical Road Section.** The typical section shall be as approved by the Town in the Town highway specifications and by the Highway Superintendent and shall be used for all roads. Pavement and R.O.W. widths shall vary with type of use.

Section 11.3 Off-Street Parking.

11.3.1 General Requirements.

- 11.3.1.1** It shall be the responsibility of the owner of a property to provide the off-street parking spaces required in the listing below for any

use that is erected, enlarged, or altered after the effective date of this Zoning Law.

11.3.1.2 No exit or entrance drive connecting a parking area and a street shall be permitted within thirty (30) feet of the intersection of two public rights-of-way.

11.3.1.3 Where appropriate, the Zoning Board of Appeals may, upon the presentation of evidence, vary the number and circumstance of the following parking space requirements, in order that the general welfare be served and the prospective uses be equitably treated.

11.3.1.4 In stadiums, churches, and other places of assembly, in which patrons or spectators occupy benches, pews, or other similar seating facilities; each twenty (20) inches of such seating facilities shall be counted as one seat.

11.3.1.5 The lighting of off-street parking lots shall not be directed into adjacent properties.

11.3.1.6 If the uses, structures or parcels are under separate ownership, the right to joint use of the parking space must be evidenced by a deed, lease, contract or other appropriate written document to establish the joint use.

11.3.2 Required Off-Street Parking Spaces. The minimum cumulative number of spaces shall be determined by the amount of dwelling units, bedrooms, floor area, members, equipment, employees, and/or seats contained in such new buildings or structures or added by alteration of buildings or structures, and such minimum number of spaces shall be maintained by the owners of such buildings or structures, as follows:

11.3.2.1 Single-Family Residences – Two (2) spaces per dwelling unit.

11.3.2.2 Multi-Family Residences – Two (2) spaces per dwelling unit.

11.3.2.3 Manufactured/Mobile Home parks – Two (2) spaces per dwelling unit.

11.3.2.4 Home Occupation – One (1) space per dwelling unit plus one (1) additional.

11.3.2.5 Hospitals, Sanitariums, Nursing Homes – One (1) space for each bed.

11.3.2.6 Tourist Home, Rooming House – One (1) space for each bedroom within the facility.

11.3.2.7 Motels/Hotels – One (1) space for each unit plus one (1) space for every four (4) employees.

- 11.3.2.8** Offices – Service, Retail, Professional, Private Utility – One (1) space for each two hundred (200) sq. ft. of gross floor area.
- 11.3.2.9** Medical and Dental Clinics – One (1) space for each one hundred (100) sq. ft. of gross floor area.
- 11.3.2.10** Retail Establishments, Funeral Homes, Veterinary Hospitals, Banks, and Related Commercial Establishments of a Personal Service or Business Service Nature – One (1) space for each one hundred (100) sq. ft. of gross floor area.
- 11.3.2.11** Restaurants – One (1) space for each fifty (50) sq. ft. of customer floor area plus one (1) additional space for each two (2) employees.
- 11.3.2.12** Commercial Recreation, Private Membership Clubs – One (1) space for every one hundred (100) sq. ft. of gross floor area.
- 11.3.2.13** Roadside Stands – One (1) space for every fifty (50) sq. ft. of area devoted to selling or displaying.
- 11.3.2.14** Nursery and Elementary Schools – One (1) space per employee plus two (2) additional spaces per classroom.
- 11.3.2.15** High Schools and Colleges – Five (5) spaces for each classroom.
- 11.3.2.16** Churches, Temples, Auditoriums, Theaters – One (1) space for every five (5) seats of seating capacity.
- 11.3.2.17** Industrial Uses –
 - 11.3.2.17.1** One (1) space for each eight hundred (800) sq. ft. of floor area devoted to manufacture including printing, publishing, and laundry or dry cleaning plants.
 - 11.3.2.17.2** One (1) space for each one thousand five hundred (1,500) sq. ft. of floor area devoted to storage or stationary operating equipment.
 - 11.3.2.17.3** One (1) space for each three thousand (3,000) sq. ft. of area devoted to outside storage, including used car lots and equipment rental or sales yards.
 - 11.3.2.17.4** For any industrial use, one (1) space for each company vehicle.

11.3.3 Calculation of Required Spaces. In the case of combination of uses, the total requirements for off-street automobile parking spaces shall be the sum of the requirements for the various uses, unless it can be proven that staggered hours of use would permit modification. Whenever a major fraction of a space is required, a full space shall be provided.

- 11.3.4** Dimensions for Off-Street Automobile Parking Space. Every such space provided shall be at least ten (10) feet wide and twenty (20) feet long, and every space shall have direct and usable driveway access to a street or alley with minimum maneuver area between spaces as follows:
- 11.3.4.1** Parallel Club Parking: Five (5) feet end to end with twelve (12) foot aisle width for one (1) directional flow and twenty-four (24) foot aisle width for two (2) directional flow.
- 11.3.4.2** Thirty (3) Degree Parking: Thirteen (13) foot aisle width for one (1) directional flow and twenty-six (26) foot aisle width for two (2) directional flow.
- 11.3.4.3** Forty-five (45) Degree Parking: Sixteen (16) foot aisle width for one (1) directional flow and twenty-six (26) aisle width for two (2) directional flow.
- 11.3.4.4** Sixty (6) Degree Parking: Twenty-one (21) foot aisle width for one (1) directional flow and twenty-six (26) foot aisle width for two (2) directional flow.
- 11.3.4.5** Perpendicular Parking: Twenty-six (26) foot aisle widths for one (1) directional flow and two (2) directional flow.
- 11.3.5** Location of Required Parking Spaces. In any residential district, required automobile parking spaces shall be provided on a buildable portion of the same lot. This space shall be graded for parking use and readily accessible from the street.
- In any residential district, no open or enclosed parking area shall encroach on any required front yard. Open parking areas may encroach on a required side or rear yard to within three (3) feet of a property line.
- For business and industrial uses, such spaces shall be provided on the same lot, or not more than four hundred (400) ft. therefrom. Vehicles and equipment for display or for sale shall not be parked or stored within the front yard requirement.
- 11.3.6** Construction of Parking Areas. Parking areas, with the exception of single family residences, shall be paved with a suitable all-weather, dust-free surface.
- The individual spaces shall be visibly marked with paint or other durable material.
- 11.3.7** Buffers. (As amended by Local Law No. 3 of the Year 1996.) At least eight percent (3%) of the area of the lot usable for off-street parking shall be devoted to landscaping with lawn, trees, shrubs, or other plant material. All loading berths and parking areas of three or more spaces that abut a residential lot line, and any parking lot for more than twenty (20) cars

shall be screened by a six (6) foot high, opaque fence or compact evergreen hedge or other buffer so designed as to form a visual screen from adjoining property. All parking areas and landscaping shall be properly maintained thereafter in a sightly and well kept condition. See also Section 11.8.

Section 11.4 Off-Street Loading and Unloading Requirements.

11.4.1 Dimensions of Loading Berths. Each loading berth, either open or enclosed, shall be sixty-five (65) feet long, twelve (12) feet wide and fourteen (14) feet high; businesses utilizing vehicles not larger than panel trucks may have berths which are not smaller than twenty (20) feet long, ten (10) feet wide and eight (8) feet high.

11.4.2 Location of Berths. All off-street loading areas shall be located on the same lot as the use for which they are permitted or required. Open off-street loading areas shall not encroach on any required front or side yard, access way or off-street parking areas except in business districts. Off-street parking areas where they exist may be used for loading or unloading provided that such spaces shall not be used for more than three (3) hours during the daily period that the establishment is open for business.

11.4.3 Required Loading Berths. The following shall be considered minimum requirements:

Use	Gross Floor Area (Sq. Ft.)	Loading and Unloading Berth
Retail Stores, Wholesale Establishments	3,000 – 15,000	1
Storage Uses, Other Commercial Uses	15,000 – 40,000	2
	each 25,000 additional	1 additional
Motels – Hotels Office Buildings	100,000 or less	1
	100,001 – 300,000	2
	each 200,000 additional	1 additional
Industrial	15,000 or less	1
	15,000 – 40,000	2
	40,001 – 100,000	3
	each 40,000 additional	1 additional

The Planning Board may required additional berths as necessary to adequately accommodate the use.

11.4.4 Buffers as required in Section 11.3.7 and 11.8. (As amended by Local Law No. 3 of the Year 1996.)

Section 11.5 Signs. (As amended by Local Law No. 2 of 1996.)

11.5.0 Purpose and Intent

The purpose of this Section is to promote the public health, safety, and welfare by establishing standards and criteria for the construction, installation, maintenance, and

operation of all types of signs in the Town of Campbell, which are subject to the provisions of this section. It is the further purpose to provide for the removal of those signs that do not comply with these regulations. More specifically, this article is intended to:

11.5.0.1. Enhance and protect the physical appearance of the municipality.

11.5.0.2. Protect property values.

11.5.0.3. Promote and maintain visually attractive, high-value residential, business, and industrial districts.

11.5.0.4. Promote the economic well being of the community by creating a favorable physical image.

11.5.0.5. Ensure that signs are located and designed to:

11.5.0.5.1. Provide an effective means of directional information in the community.

11.5.0.5.2. Afford the community an equal and fair way to advertise and promote its products and services.

11.5.0.5.3. Reduce sign clutter and the distractions and obstructions that may contribute to traffic accidents, and to reduce hazards that may be caused by signs overhanging or projecting over public rights-of-ways.

11.5.0.5.4. Preserve scenic views and the visual character of neighborhoods, historic districts and parkland.

No sign or other outdoor devices for the purpose of advertising of any kind may be erected or established in the Town except in conformance with the standards in this section.

11.5.1 General Provisions.

11.5.1.1 All signs other than those listed in Section 11.5.2 require a building permit and shall comply with applicable regulations of the Building Code.

11.5.1.2 No permanent or temporary sign shall be erected or placed in the highway right-of-way at or near the intersection of any streets in such a manner as to cause a traffic hazard at the intersection; or at any location where, by reason of the position, shape, or color of the sign it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or which makes use of the words, "Stop", "Look", "Drive-in", "Left", or any other words, phrase, symbol, or character in such a manner as to interfere with, mislead or confuse traffic.

11.5.1.3 No attached sign shall be placed or erected above the maximum elevation of the main roofline of the building.

- 11.5.1.4** Any free-standing sign shall not be more than twenty-six (26) feet in height above the average surface of the ground within a fifty (50) ft. radius from the base of the proposed sign.
- 11.5.1.5** All signs shall be set back a minimum of ten (10) feet from any lot line unless otherwise specified.
- 11.5.1.6** The provisions of this Section shall not apply to safety signs, road signs, historical markers or highway directional signs erected by municipal or public agencies or to mailboxes or fire numbers or other identification required by a municipal or public agency.
- 11.5.1.7** Non-Commercial signs shall be permitted where commercial signs are also permitted.
- 11.5.1.8** Illumination of signs shall not be intermittent or of varying intensity and may not produce glare beyond the limits of the property lines.
- 11.5.1.9** Signs with mechanically moving parts are prohibited.
- 11.5.1.10** Large temporary signs shall require written permission from the landowner. Maximum size is thirty-two (32) square feet.
- 11.5.1.11** Permanent off-site advertising signs are prohibited. Temporary Off-site signs larger than thirty-two (32) sq. ft, are prohibited.
- 11.5.1.12** Total sign area shall include all on-site and off-site signs located on the premises.
- 11.5.1.13** Projecting signs over a public right-of-way shall have a clearance of not less than ten (10) feet above the sidewalk or surrounding ground and not less than fifteen (15) feet above any public driveway or thoroughfare.
- 11.5.1.14** Temporary signs shall be removed or replaced after ninety (90) days unless otherwise noted and shall be counted towards the accessory sign area for the property where such sign is located.

11.5.2 Signs Permitted In Any District without a Building Permit.

- 11.5.2.1** Signs permitted shall meet the provisions of Section 11.5.1.
- 11.5.2.2** Permanent Signs
 - 11.5.2.2.1** On-site memorial signs or tablets.
 - 11.5.2.2.2** Traffic or other municipal signs, legal notice and such temporary or non-advertising signs for government purposes.

- 11.5.2.2.3** Temporary signs denoting architect, engineer, contractor, etc. when placed upon the premises where the construction is proposed or underway. Such signs shall be removed within thirty (30) days after construction is completed. Maximum size is thirty-two (32) square feet.
- 11.5.2.2.4** All signs, certificates and licenses that are mandated to be on display by any local, county, state or federal law or authority.
- 11.5.2.2.5** On-site two (2) directional signs each not exceeding four (4) sq. ft. in area, indicating or calling attention to traffic entrances and exists, provided that, if illuminated, such illumination shall cease at the close of business hours or 11:30 p.m. whichever is later. Such signs located between five (5) feet and ten (10) feet to any lot line and shall not project more than two and five-tenths (2.5) above grade. Such signs located greater than ten (10) feet from any lot line shall not project more than four (4) feet above grade.
- 11.5.2.2.6** Name plate signs shall not exceed two (2) sq. ft. for each profession, business, or landowner located on the premises

11.5.2.3 Temporary Signs

- 11.5.2.3.1** On-site temporary signs
- 11.5.2.3.2** Construction signs shall be removed within thirty (30) days after construction is completed. Maximum size is thirty-two (32) square feet.
- 11.5.2.3.3** Temporary paper poster covering such things as political and special events, and shows. Such signs shall be no larger than six (6) square feet in area and shall not be displayed for more than four (4) weeks after which such sign shall be replaced or removed
- 11.5.2.3.4** Temporary banners and similar devices may be displayed for the occasion of a special event or message and shall be displayed for no longer than a ninety (90) day period. Maximum size is twenty (20) square feet.
- 11.5.2.3.5** Small off-site temporary signs provided that such signs located between five (5) feet and ten (10) feet to any lot line shall not project more than two and five-tenths (2.5) feet above grade and those signs located greater than ten (10) feet from any lot line shall not project more than four (4) feet above grade. The owner of said sign shall obtain written permission from the owner of the land on which it is to be located. Maximum size is six (6) square feet.

11.5.2.3.6 Large off-site temporary signs exceeding twelve (12) sq. ft. shall require a building permit and written permission from the landowner. Maximum sign area is thirty-two (32) sq. ft.

11.5.2.3.7 Real estate signs shall be allowed to remain until fourteen days after the sale/lease of the property.

11.5.3 Signs Permitted for Agricultural and Residential Districts.

11.5.3.1 A dwelling unit, in which a home occupation is permitted, may display a name plate sign noting such occupation. Such sign shall be no more than two (2) sq. ft. in area.

11.5.3.2 Any person offering lots for sale in a subdivision which has been approved by the Town Planning Board, may erect a sign advertising such subdivision so long as the sign area does not exceed thirty-two (32) square feet. Such sign shall be removed sixty (60) days after all of the lots within the subdivision have been sold or taken off the market.

11.5.3.3 An apartment complex, mobile home park, and/or a housing community may display on-site information signs which do not have a total face area of more than fifteen (15) sq. ft.

11.5.3.4 Real estate signs shall not exceed eight (8) sq. ft. in sign area.

11.5.3.5 One (1) primary identification sign, Such sign shall not exceed a total sign area of twenty (20) sq. ft.

11.5.3.6 Accessory signs shall not exceed five-tenths (0.5) sq. ft. of sign area for each linear foot of building frontage or fifty (50) sq. ft., whichever is lesser.

11.5.3.7 Institutional signs. Two (2) primary identification signs, one of which may be a double-sided freestanding sign and the other may be a wall sign, shall not exceed one hundred twenty five (125) square feet in total sign area.

11.5.4 Signs Permitted for Business Districts.

11.5.4.1 Two (2) primary on-site identification signs are permitted, one of which may be a free standing high rise sign, or monument sign with a maximum of two (2) display faces and one wall sign displayed on the same lot as the business with which they are associated. The total display area of both signs shall not exceed an area equal to one and five-tenths (1.5) square feet of sign area for each linear foot of building frontage or one hundred fifty (150) square feet, whichever is the lesser. In no instance shall a single face of either sign exceed fifty (50) square feet. A monument sign shall not extend more than eight (8) feet above the ground.

11.5.4.2 One (1) high rise sign may be within one thousand (1,000) feet of the right-of-way of a limited access highway provided that the supports and foundations of such sign are designed by a licensed professional engineer and the drawings of such have his seal and signature. Such sign shall not exceed twenty-six (26) ft. in height.

11.5.4.3 Accessory signs may be displayed at each establishment provided that such signs conform with the following:

11.5.4.3.1 Window signs shall not exceed thirty percent (30%) of the window area.

11.5.4.3.2 Additional signs may be located on the building façade or on merchandise displays as may be appropriately stored outside during business hours.

11.5.4.3.3 The total sign area of all such signs does not exceed an area equal to five-tenths (.5) square feet per linear foot of building frontage or one hundred (100) sq. ft., whichever is lesser..

11.5.4.4 Portable Signs – as defined herein may be used as part of the accessory sign square footage, provided that the following minimum standards are met:

11.5.4.4.1 All such signs shall be adequately anchored to the ground to withstand wind loads as per the Uniform Fire Prevention and Building Code.

11.5.4.4.2 All such signs shall conform to the Uniform Fire Prevention and Building Code.

11.5.4.4.3 All such signs shall be located in conformance with the required setbacks as set forth in Subsection 11.5.1 of this Section.

11.5.4.4.4 All such signs shall be maintained in a reasonable manner and shall display a message. Failure to display a message for one (1) week or more time frame shall be grounds for removal.

11.5.4.5.4 Gasoline Filling Stations, Service and Repair Garages, Automobile Sales Areas shall not exceed four hundred twenty (420) sq. ft.

11.5.5 Signs Permitted for Industrial Districts

11.5.5.1 Three (3) primary business identification signs may be displayed on the same lot as the business with which they are associated. The total display area of all three signs shall not exceed an area equal to twelve (12) square feet of sign area per each linear foot of building frontage or five hundred (500) square feet whichever is

the lesser. In no instance shall a single sign face exceed two hundred twenty-five (225) square feet.

11.5.5.2 Accessory signs may be displayed at each establishment provided that such signs conform to the following:

11.5.5.2.1 Window signs shall not exceed thirty percent (30%) of the window area.

11.5.5.2.2 Additional signs may be located on the building façade or merchandise displays as may be appropriately stored outside during business hours.

11.5.5.2.3 The total sign area does not exceed an area equal to seventy-five one hundredths (.75) square feet per linear foot of building frontage.

11.5.6 On-Site Plaza or Mall Permitted Signs.

11.5.6.1 Two (2) freestanding double-faced signs identifying the group of businesses. Each sign shall have a maximum total face area of one hundred fifty (150) square feet with no single face exceeding one hundred (100) square feet.

11.5.6.2 One (1) freestanding directory sign identifying each business located within the Plaza. Such sign shall not exceed one hundred fifty (150) square feet and each business name identified on such sign shall be of a uniform size.

11.5.6.3 Each business in the group may have one (1) primary identification sign as a wall sign which shall not exceed ten (10) percent of the front façade on which it is mounted. Corner establishments with more than one (1) front façade visible may have up to two (2) wall signs with a maximum sign area as calculated herein.

11.5.6.4 Accessory signs may be displayed at each establishment provided that such signs conform with the following:

11.5.6.4.1 Window signs shall not exceed thirty (3) percent of the window area.

11.5.6.4.2 Additional signs may be located on the building façade or on merchandise displays as may be appropriately stored outside during business hours.

11.5.6.4.3 The total sign area of all such signs does not exceed an area equal to five tenths (.5) square feet per linear foot of each building frontage or one hundred (100) sq. ft., whichever is lesser.

11.5.7 Removal of Certain Signs.

11.5.7.1 The message on any sign that otherwise meets the requirements of this section which no longer advertises a bona fide business conducted, or a product sold, shall be taken down and removed by the owner, agent, or person having the beneficial use of the building or structure upon which such sign may be found within sixty (60) days after written notification from the Code Enforcement Officer, and, upon failure to comply with such notice within the time specified in such order, the Code Enforcement Officer is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the building or structure to which such sign is attached.

11.5.7.2 Legitimate nonconforming uses in any district may continue the use of signs established prior to the effective date of this Ordinance. All other nonconforming signs shall be removed within three (3) years of enactment of the amendments made on _____.

11.5.8 Enforcement

See Section 17 for enforcement procedures.

Section 11.6 Accessory Buildings and Uses.

11.6.1 Accessory Buildings. Accessory buildings not attached to principal buildings shall comply with the following:

11.6.1.1 All structures one hundred (100) sq. ft. or more in size shall require a building permit.

11.6.1.2 Be located in compliance with all setback requirements as stated in the Density Control Schedule.

11.6.1.3 Be located no closer to the principal building or other accessory buildings than twelve (12) feet or a distance equal to the height of each accessory building, whichever is greater.

11.6.2 Accessory Uses. In a residential district, accessory uses not enclosed in a building, including swimming pools and tennis courts, shall be erected only on the same lot as the principal structure, shall not be located in front yard on such lot and shall be located not less than twenty (20) feet from any lot line nor less than ten (10) feet from the principal structure, nor occupy more than forty percent (40%) of the yard in which it is located inclusive of all accessory structures, and shall not adversely affect the character of any residential neighborhood by reason or noise or glare or safety.

11.6.2.1 A swimming pool or the lot or any part thereof within which a pool is located shall be completely enclosed by a chain link fence, or a type of fence that offers the same degree of security against

accidental or unauthorized entry. Such fence shall be four (4) to six (6) feet in height and all entrance gates thereof shall be self-enclosing, self-latching and capable of being locked. The fence shall be separate and physically detached from the swimming pool itself, and shall be a minimum distance of four (4) feet from the water's edge.

11.6.2.2 An above ground pool with no part of its side wall height less than four (4) feet above ground and so constructed by the manufacturer that the vertical sides are smooth, sheer and do not provide any means for intermediate foot or hand holds, and any pool with decking and a ladder that are designed to restrict access, may be exempt from the full provisions of the above fence requirement. However, a full height fence with a self-closing, self-latching gate capable of being locked shall enclose the ladder area not less than four (4) feet in width and four (4) feet in depth, and the ladder shall remain permanently therein. Above ground pools provided with foot or hand holds (draw-banded) and above ground pools less than four (4) foot side wall height above ground are not exempt from the full fencing requirement.

11.6.3 Residential Accessory Buildings. Where twenty-five percent (25%) or more of the lots in a block are occupied by buildings, the average yard dimensions, average of lot coverage of such buildings and the average side and rear yard set-back shall determine the yard set-back and coverage requirements for any new accessory building or use, within the block. Or, where no standard block exists the word "block" as used above shall be interpreted to mean those structures within two-hundred fifty (250) feet of either side of the lot in question, on the same side of the street. The average setback shall be based on no fewer than two similar uses.

11.6.4 Special Designs. In cases where a developer has designed a grouping of buildings, the Town Board may approve the siting of accessory buildings such as garages and carports in the front yard, provided that the buildings are in compliance with all required setbacks.

Section 11.7 Driveway Standards.

No person, firm or corporation shall construct or locate any driveway entrance or exit into a highway of the Town of Campbell without having first met the provisions of this Section. The "Standard Entrance and Exit Crossing Requirements" shall be as follows:

11.7.1 All work and materials shall be furnished as required to meet the conditions set by the Town Highway Superintendent and County and State Highway Departments.

11.7.2 No alteration or addition shall be made to any driveway without first securing permission from the Town Highway Superintendent, County Highway Department or the N.Y.S. Department of Transportation as required.

11.7.3 No more than two driveways to a single commercial establishment entering on one highway shall be permitted.

- 11.7.4** The maximum width for a single combined entrance or exit shall be not more than fifty (50) feet for commercial use and not more than twenty (20) feet for residential use, and thirty (30) feet for individual commercial drives.
- 11.7.5** The slope of the driveway shall not be greater than ten percent (10%).
- 11.7.6** Slope of the driveway shall not exceed five percent (5%) within twenty-five (25) feet of the intersecting public highway.
- 11.7.7** The driveway shall be constructed with a suitable crown so as to lessen the erosion effect of surface runoff. In addition, as specified by the appropriate Highway Superintendent, a catch basin at a point near the intersection of the driveway and town highway may be required. This will prevent surface water and debris from being discharged onto the highway.

Section 11.8 Fences, Hedges and Buffers (As amended by Local Law No. 3 of the Year 1996.)

The erection of a fence requires a permit. Requirements for fences, hedges and buffers are as follows:

- 11.8.1** Driveways – where the driveway meets the road, the fence, hedge, buffer, or any temporary or permanent structure shall not exceed two and one half (2 ½) feet in height to within eight (8) feet of the right-of-way.
- 11.8.2** Clear Vision Areas. In any use, a minimum clear vision area shall be maintained at a distance of twenty-five (25) feet from the edge of the pavement at an intersection. The clear vision area shall contain no plantings, fences, temporary or permanent structures exceeding two and one-half (2 ½) feet in height as measured from the top of the pavement, unless such plantings located in this area have all branches and foliage removed to a height of eight (8) feet above the grade.
- 11.8.3** Fences, hedges or buffers may be required, in multi-family, commercial or industrial districts, by the Town Board, as is necessary to protect the residential quality of adjacent property.
- 11.8.4** A fence shall be constructed on the owner’s lot. Fences built as barriers between lots shall be constructed along the lot line.
- 11.8.5** Residential Districts.
- 11.8.5.1** A maximum height of six (6) feet shall be allowed for fences, but those located in the front yard at a street intersection shall not hinder clear vision in conformance with Section 11.8B.
- 11.8.5.2** Fences may not be constructed of barbed ire, electric wire, or any other potentially harmful material or material not consistent with the character of the neighborhood.

- 11.8.6 Non-Residential Districts.** Any fence located within fifty (50) feet of a required setback from a residence or within fifty (50) feet of a residential district boundary shall be no more than six (6) feet in height at the lot line.
- 11.8.7 Junk Yard Fences** – A junk yard must completely surround its property with a fence at least eight (8) feet in height that substantially screens the yard unless the topography provides a significant screen. The fence also must have a gate, closed and locked when the facility is not open, and be at least fifty (50) feet from any public highway.

Section 11.9 Steep Slope Guidelines.

The Town of Campbell is characterized by numerous steep slope (15% or greater) areas. Special design treatment for streets, building sites and other development is needed to preserve the natural terrain, trees, rock formation, scenic views, etc. Development on steep slopes will be permitted subject to the following guidelines:

- 11.9.1** Development proposals shall be of sufficient detail to show site work (cut and fill), housing site location, erosion and drainage control measures (terraces, sediment basin diversions, retaining walls, stream channel improvements, etc.) and road location (including cross-sections).
- 11.9.2** Padding, which is the creation of level building sites, shall be permitted only when it can be clearly demonstrated by exhibits that the final treatment of the site will not reflect an unfavorable environmental impact and/or unfavorable visual appearance.
- 11.9.3** Design principles shall include, but not be limited to, the following:
- 11.9.3.1** Landscaping of areas around structures making them compatible with the natural terrain.
 - 11.9.3.2** Shaping, grouping and placement of man-made structures to complement the natural landscape.
 - 11.9.3.3** Arrange buildings so they complement one another to promote visual interest. Clustering of residential units and multiple dwellings shall be encouraged to house a given population with a minimum spoilage of land. The developer shall first of all determine the qualities of the site and then plan and build to accentuate these qualities rather than destroy them.
 - 11.9.3.4** Shape of essential grading to complement existing land forms and prohibit any appearance of successive padding, terracing or other similar forms for building sites in the hill area.
 - 11.9.3.5** Encourage the development of off-street parking bays.
 - 11.9.3.6** Encourage the use of turning circles at mid-block points to avoid the use of private driveways for turning and parking movement.

- 11.9.3.7 Encourage split-level building sites.
- 11.9.3.8 Use one-way streets when consistent with traffic safety, circulation needs, and natural topography. This guideline allows for smaller road right-of-way, less cut and fill within a given area and a highway network consistent with the natural terrain. Roads shall be parallel with the hillside wherever possible and have variable width right-of-way. This not only provides the most economical routing, but also minimizes the amount of grading required.
- 11.9.3.9 Land within the hill area that is in excess of twenty-five percent (25%) slope shall not, to the greatest extent possible, be developed as individual residential lots.
- 11.9.3.10 Outstanding natural features such as the highest crest of the hill, range, natural rock outcroppings, particularly desirable vegetation, etc. should be retained.

Section 11.10 Drainage System and Erosion Control.

- 11.10.1 Drainage Systems. Adequate and comprehensive drainage systems shall be provided to convey the storm water runoff originating within and outside the proposed development as follows:
 - 11.10.1.1 Drainage systems shall have sufficient capacity to accommodate the potential future runoff based upon the probable land use and ultimate development of the total watershed upland of the development.
 - 11.10.1.2 Preservation of natural watercourses is generally preferable to the construction of drainage channels.
 - 11.10.1.3 Interior drainage systems shall be designed to accommodate a ten (10) year storm.
 - 11.10.1.4 The design of natural watercourses and structures shall depend upon the drainage area, but in general:
 - 11.10.1.4.1 Watersheds of less than one (1) square mile shall be designed for a fifty (50) year storm frequency.
 - 11.10.1.4.2 Areas of one (1) square mile and over shall be designed for a one-hundred (100) year storm frequency.
 - 11.10.1.5 All structures shall be set back a minimum of fifty (50) feet from the streambank.
 - 11.10.1.6 Utilizing the drainage guidelines outlined above, the Town Board may require the developer to submit the following:

- 11.10.1.6.1** Plan profiles and typical and special cross-sections of proposed storm water drainage facilities.
- 11.10.1.6.2** Supporting final design data and copies of computations used as a basis for the design capacities and performance of the drainage facilities.
- 11.10.1.6.3** The grading plan shall be developed to suitable contour interval with grading details to indicate proposed street grades and elevations and building site grades and elevations.
- 11.10.1.6.4** If the development is within or adjacent to any designated floodplain, a detailed analysis of the area with respect to the management of the floodplain shall be included in the drainage report.
- 11.10.1.6.5** Design criteria as specified in additional adopted town design standards shall be applicable to this Section.

11.10.2 Erosion Control. In order to insure that the land will be developed with a minimum amount of soil erosion, the Town Board shall require the developer to follow certain erosion control practices. Both the Town Board and the developer shall consult with the Soil Conservation Service, as required, and the Soil Conservation Service shall determine whether or not the required procedures are being put into practice. Such procedures may include:

- 11.10.2.1** Exposing the smallest practical area of land at any one time during the development.
- 11.10.2.2** Provision of temporary vegetation and/or mulching to protect critical areas.
- 11.10.2.3** Provision of adequate drainage facilities to accommodate effectively the increased runoff caused by changes soil and surface conditions during and after development. The developer's engineer shall show, as part of their submitted plans, the interceptor swales and sedimentation basins along the lower edges of all developments. Topographic data and design grades for the swales shall be shown on the plans.
- 11.10.2.4** Fitting of the development plan to the topography and soils so as to minimize the erosion potential.
- 11.10.2.5** Retention and protection of natural vegetation wherever possible.
- 11.10.2.6** Installation of permanent final vegetation and structures as soon as practicable.

- 11.10.2.7 Provision of adequate protective measures when slopes in excess of fifteen (15) percent are grade, and minimizing such steep grading.
- 11.10.2.8 Installation of temporary sedimentation basins as required by the Soil Conservation Service.

Section 11.11 Open Space, Parks and Playgrounds.

The Town Board may, as a condition of site plan approval, require that specific areas be designated for recreational purposes. Such designation shall depend upon the magnitude and character of the project, and accessibility to existing recreational areas. All lands proposed for park or recreation purposes shall meet the following minimum standards.

- 11.11.1 Such land shall either be deeded to the Town or be held in corporate ownership and maintained by an established organization.
- 11.11.2 Shall have physical characteristics and locations which render them readily usable for appropriate recreation purposes, and their locations shall be selected with a view to minimize hazards and vehicular traffic for children walking between such facilities and their homes in the neighborhood.
- 11.11.3 No such area may be smaller than two (2) acres, and in general, recreation areas shall be located at a suitable place on the edge of the development so that additional land may be added at such time as the adjacent land is developed.
- 11.11.4 A detailed development plan shall be provided for each neighborhood park or playground. As a minimum, the development plan shall provide for an approximately level area at least one hundred seventy-five (175) feet square for children's field games.
- 11.11.5 The development plan shall show how the entire area is to be graded, drained, and landscaped to make it a useful and attractive feature of the neighborhood.

Section 11.12 Utilities.

- 11.12.1 Water Supply and Sewage Disposal. Provisions for water supply and sewage disposal shall comply with requirements of the Town of Campbell, N.Y.S. Health Department, and/or N.Y.S. Department of Environmental Conservation. All habitable structures shall meet minimum requirements as identified by the Town or N.Y.S. Health Department.
- 11.12.2 Underground Installation. All utility companies (telephone, electric, etc.) are now equipped to make underground installation of their services; underground installation shall be required when practical.

Section 11.13 Standard Designed Manufactured Homes.

Single lot Standard Designed Manufactured Homes are allowed as specified in the Use Regulation Table, Section 4.6, subject to site plan approval and shall meet the minimum lot size and setback requirements for a residential use in said district.

11.13.1 Standard Designed Manufactured Home Standards. All standard Designed Manufactured Homes installed in the Town of Campbell shall meet the following minimum requirements:

- 11.13.1.1** Minimum Size – seven hundred twenty (720) square feet.
- 11.13.1.2** No less than two (2) means of exit.
- 11.13.1.3** The home(s) must be connected to the water and sewer system or well and septic tank, which is applicable, approved by municipality/County Health Department.
- 11.13.1.4** The home must be properly installed per the Manufacturer’s Installation Manual. In the event that the Manufacturer’s Installation Manual is not provided, the home, must be installed according to ANSI A225.1 (1994).
- 11.13.1.5** Skirting or a curtain wall, unpierced except for required ventilation and access door must be installed and may consist of brick masonry, vinyl, or similar materials designed and manufactured for permanent outdoor installation.
- 11.13.1.6** Permanent landing and steps with handrails are required at each exterior doorway. The structure must include steps that lead to the ground level.

11.13.2 Temporary Location. A Standard Designed Manufactured Home to be used as a temporary business office, storehouse, or construction field office may be temporarily located within any zoning district. Such temporary location, however, shall be subject to the site plan provision and shall be allowed for a period not to exceed six (6) months. This time limit may be extended if in the opinion of the Code Enforcement Officer, such extension is a proper continuance of the temporary purpose.

Section 11.13A Placement of Residential Designed Manufactured Homes.

A home meeting the criteria of a Residential Designed Manufactured Home shall be allowed in all residential districts subject to the provisions and requirements of such districts, and shall be regulated uniformly with site-built homes in those districts. Additionally, they must meet the limitations set forth.

11.13A.1 In the event that no district requirements call for the orientation of the homes, the manufactured home shall be placed on the lot in such a manner that is compatible with and reasonably similar in orientation to the site-built housing in adjacent or nearby locations.

- 11.13A.2 The home must be permanently installed in accordance with the Manufacturer's Installation Manual. In the event that the Manufacturer's Installation Manual is not provided, the home, must be installed according to ANSI A225.1 (1994), Manufactured Home Minimum Installation Standards.
- 11.13A.3 Permanent landing and steps with handrails are required at each exterior doorway. The structure must include steps that lead to the ground level.
- 11.13A.4 Skirting or a curtain wall, unpierced except for required ventilation and access door must be installed and may consist of brick masonry, vinyl, or similar materials designed and manufactured for permanent outdoor installation.

Section 11.14 Manufactured/Mobile Home Parks.

It is the intent of the Town of Campbell to provide for the development and operation of manufactured/mobile home parks in an appropriate, safe, sanitary and attractive environment. All new manufactured/mobile home park developments and improvements to or expansion of existing parks shall be subject to site plan approval. Operational permits shall also be required and shall be renewed biannually. All existing manufactured/mobile home parks shall be required to obtain an operation permit within two (2) years of the enactment of this Zoning Law. All construction and operation permits shall be reviewed and issued in conformance with the site plan provision of this Zoning Law. The following standards shall apply to any manufactured/mobile home part. Existing manufactured/mobile home parks shall be required to upgrade the facility to reasonably comply with the standards contained herein to promote the health, safety, and general welfare in the Town. The Town Board may use some discretion in the application of the standards.

- 11.14.1 Standards Governing Manufactured/Mobile Home Parks. Any manufactured/mobile home park shall conform to the following standards that are to be regard as minimum requirements.
 - 11.14.1.1 Sites for manufactured/mobile home parks shall be a contiguous parcel a minimum of ten (10) acres in size. Where the applicant can demonstrate that the characteristics of his holding will meet the objectives of this Section, the Town Board may consider projects with less acreage.
 - 11.14.1.2 Conformance with health regulations – all sanitary and health regulations, state and local shall be met.
 - 11.14.1.3 No park shall be permitted whose proposed boundaries are within two hundred (200) feet of an existing permanent residential dwelling unit, unless there exists a natural vegetation barrier or an artificial man-made screen is erected that are of sufficient height and opacity to screen the park from the residence, or unless all of the property owners residing in the area within said two hundred (200) feet, consent in writing to the establishment of that park.

- 11.14.1.4** Site Dimensions. Boundaries of manufactured/mobile home spaces shall be well defined and permanently marked. Manufactured/mobile home spaces shall meet the following requirements:
- 11.14.1.4.1** The density of development shall not exceed six (6) units per developed acre.
 - 11.14.1.4.2** The private area associated with each lot shall be a minimum of five thousand (5,000) square feet with a minimum lot width of fifty (50) feet.
 - 11.14.1.4.3** All manufactured/mobile homes larger than fourteen (14) feet x seventy (70) shall have lots designed and laid out accordingly.
 - 11.14.1.4.4** Maximum site coverage by all buildings shall be thirty (30) percent of the lot area.
- 11.14.1.5** Parking. Parking spaces shall be provided in conformance with Section 11.3. At least one parking space shall be situated on a side yard of each lot, and the remainder shall be located in adjacent parking bays along the park streets. Each parking space shall have dimensions of at least ten (10) feet by twenty (20) feet. Auxiliary parking areas shall also be provided for parking trucks, maintenance equipment, boat trailers, utility trailers, incapacitated or unregistered vehicles and similar such equipment and vehicles. All such parking areas shall be effectively screened from roads and manufactured mobile home sites. (As amended by Local Law No. 1 of the Year 2000.)
- 11.14.1.6** Yard Dimensions.
- 11.14.1.6.1** Minimum front setback – fifteen (15) feet from pavement edge.
 - 11.14.1.6.2** Minimum rear setback – ten (10) feet.
 - 11.14.1.6.3** Minimum side yard setback – ten (10) feet.
- 11.14.1.7** Manufactured/Mobile Home Stand. Each manufactured/mobile home lot shall be capable of containing a manufactured/mobile home in a fixed position. The manufactured/mobile home stand shall be graded with an impenetrable material at least six (6) inches in thickness. It may be surfaced with a layer of uniform sized crushed stone to a depth of nine (9) inches in lieu of paving. The topographic change of the manufactured/mobile home stand shall not exceed one and one-half (1 ½) feet for the length of the stand. The elevation, distance, and angle of the manufactured/mobile home stand in relation to the access way shall be such as to

facilitate the safe and efficient placement and removal of the manufactured/mobile home.

- 11.14.1.8** Patios. A patio, if proposed for the individual manufactured/mobile home lots, shall be constructed of concrete, asphalt, or similar suitable material. It shall be located so as to provide easy access to the manufactured/mobile home and shall extend the full size of any awning or patio cover to allow adequate anchoring.
- 11.14.1.9** Sidewalks. Individual sidewalks shall be constructed to each manufactured/mobile home stand from a paved street or from a paved driveway or parking space connecting to a paved street. Common walks shall be constructed in a suitable layout and width as determined by the Town Board taking into consideration the following; locations where pedestrian traffic is concentrated; for example, at the court entrance, and to the court office and other important facilities.
- 11.14.1.10** Entrances and Streets. All manufactured/mobile home parks containing twenty (20) or more manufactured/mobile home lots shall have access from two (2) points along a single street or highway, or if bordering on two streets, access can be one for each street, such access points being separated by at least one hundred (100) feet. Streets shall be provided on the site where necessary to furnish principal traffic ways for convenient access to the manufactured/mobile home stands and other important facilities on the property. Streets shall be privately owned with right-of-way widths of not less than thirty (30) feet. All streets within the manufactured/mobile home park shall be hard surfaced, not less than twenty-four (24) feet in width, and shall be adequately lighted for safety of pedestrians and vehicular traffic as outlined in Subsection 11.14.1.18.
- 11.14.1.11** Service Buildings. Each park shall provide community service buildings to house laundry facilities and other sanitary facilities, as required by the N.Y.S. Department of Health. Services buildings shall be well lighted at all times from dawn to 11:00 p.m. and capable of being lighted between 11:00 p.m. and dawn.
- 11.14.1.12** Private Service Building. One accessory building, not to exceed one-hundred (100) square feet in dimension may be located on each site. Such building shall required a building permit and shall be placed on a permanent foundation or permanently anchored to the ground.
- 11.14.1.13** Drainage Facilities. The manufactured/mobile home park shall be provided with a storm water system per Town of Campbell Drainage Standards for Land Development.

- 11.14.1.14** Landscaping. Manufactured/mobile home parks shall be landscaped to provide an attractive setting for manufactured/mobile homes and other improvements, to provide adequate privacy, and pleasant outlooks for living units, to minimize reflected glare, and to afford summer shade. Such landscaping shall include the planting and maintenance of at least the following:
- 11.14.1.14.1** Every attempt shall be made to retain any existing trees four (4) inches or larger in caliper.
 - 11.14.1.14.2** Trees and shrubs at suitable intervals along park streets, within recreation areas, and around park borders.
 - 11.14.1.14.3** Special planting to screen objectionable views such as laundry drying yards, garbage and trash collection stations, nonresidential uses, and any unsightly objects or conditions on adjacent properties.
 - 11.14.1.14.4** Lawns on all areas which are not paved or used as sites for manufactured/mobile homes or buildings.
- 11.14.1.15** Skirts. Each manufactured/mobile homeowner shall be required to enclose the bottom portion of the manufactured/mobile home with either a metal or vinyl skirt properly ventilated within fifteen (15) days after arrival in the park.
- 11.14.1.16** Recreation Facilities. Recreation areas and, facilities, such as playgrounds, swimming pools, and community buildings shall be provided to meet the anticipated needs of the residents the court is designed to serve. Not less than ten (10) percent of the gross site area shall be devoted to recreation facilities, generally provided in a location or locations convenient to all.
- 11.14.1.17** Utilities. All electric utility, telephone, and cable conduit shall be installed underground and maintained in accordance with applicable codes and regulations governing such systems. An electrical connection receptacle or terminal box of an approved weatherproof type shall be provided at each manufactured/mobile home lot. Such receptacle shall be properly grounded and shall provide adequate voltage.
- 11.14.1.18** Lighting. The minimum requirements for such shall be a street light at the end of a street, at any street intersection and near recreation areas.
- 11.14.1.19** Water Supply. An adequate supply of water must be available to all occupants of manufactured/mobile homes in the park and the quality must be satisfactory to the New York State Department of Health.

- 11.14.1.20** Sewage Disposal. An adequate and safe sewerage system shall be provided in all manufactured/mobile home parks for conveying and disposing of all sewage. Such systems shall be designed, constructed, and maintained in accordance with local and state health laws.
- 11.14.1.21** Refuse Disposal. The storage, collection and disposal of refuse in the manufactured/mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident of fire hazards or air pollution. All refuse shall be stored in fly-tight, watertight, rodent proof containers, which shall be located no more than one-hundred fifty (150) feet from any manufactured/mobile home site. Containers shall be provided in sufficient number and capacity to properly store refuse.
- 11.14.1.22** Sales Lot. A sales lot or area for the purpose of selling or parking manufactured/mobile homes shall be permitted, subject to Town Board approval, within the manufactured/mobile home park. However, manufactured/mobile homes may be sold if set up on specified lots, complete with electrical, sanitary and water services. The lots shall be landscaped and the manufactured/mobile homes shall be suitable for living quarters.

Section 11.15 Excavations for Soil Mining.

Excavation for the purpose of commercial soil mining of one thousand (1,000) Tons (650 cubic yards) in a twelve (12) month successive period of any material such as gravel pits, quarrying, or any subsoil removal shall be allowed only by permit, subject to site plan approval procedures and shall be subject to the following provisions:

- 11.15.1** Before a site plan approval and permit is issued, the applicant shall submit to the Town Board the following information:
- 11.15.1.1** Two copies of a map at a scale of one inch equals not more than one hundred (100) feet showing all land within two hundred (200) feet thereof, with exact locations of all buildings, streets, utilities, drainage or other easements, watercourses, lot lines, block and lot numbers and names of landowners. Such map shall also show the present topography at two (2) foot contour intervals. The map shall be signed by a professional engineer or land surveyor for certification of its accuracy.
- 11.15.1.2** Two copies of the proposed plan of excavation at the same scale as above showing the proposed finished elevations at two (2) foot intervals and the proposed drainage plan.
- 11.15.1.3** Two copies of a reclamation plan. The plan must show the land restored to a configuration permitting reuse of the land for another purpose such as housing, industrial parks, commercial areas, parks, etc. Such a plan would illustrate road and building layout as well as final contour elevations. Pre-planning for such future use

enables an efficient, sequential restoration of land as excavation progresses, thereby permitting an economically efficient operation. The plans shall be prepared by competent professionals such as architects, landscape architects, or civil engineers.

- 11.15.2** Excavation operations for which a N.Y.S. Department of Environmental Conservation permit is required shall obtain such permit prior to the issuance of a site plan approval by the Town.
- 11.15.3** During excavation of quarry operations, open pits and quarry walls shall be entirely surrounded by a substantial fence at least six (6) feet high that will effectively block access to the area, with suitable gates provided with locks. The top of the slope shall not be closer than forty (40) feet to a property line. Suitable landscaping may also be required in appropriate to the public health, safety, or welfare. In those cases where excavating is already in progress but has not as yet come within forty (40) feet of the property line, this Zoning Law shall be retroactive to prevent excavation within forty (40) feet of the property line.
- 11.15.4** No rock crusher, cement plant, or other crushing, grinding, polishing, or cutting machinery or other physical or chemical process for treating the product of such excavation shall be permitted, without prior approval of the Zoning Board of Appeals.
- 11.15.5** The proposed finished grading plan shall show the land to be smooth-graded and topsoil re-spread to a minimum depth of four (4) inches; the slope shall not exceed the normal angle of repose of the material removed but in no instance shall a finished slope exceed one (1) foot vertical to two (2) feet horizontal. Slopes shall be seeded with appropriate grasses and reforestation seedlings may be required to be planted.
- 11.15.6** The applicant may be required to furnish a performance bond, in an amount determined by the Town Board to be sufficient to guarantee completion of the finished grading and drainage plan. Such bond shall be released by the Town Board only upon certification that all requirements including the finished grading and drainage have been complied with.
- 11.15.7** No permit for excavation operations or soil mining shall be granted for a period of more than five (5) years, but such time may be extended for an additional five (5) year periods upon approval of the Town Board. To receive such an extension, the applicant must provide plans and information showing the sequence and timing of excavation operations.
- 11.15.8** Upon approval, one copy of the approved excavation plan shall be returned to the applicant by the Town Clerk together with a permit upon payment of a fee as set by Town Board resolution to cover all engineering and other costs directly attributable to the approval and office and field checking of the proposed soil mining operation.

Section 11.16 Industrial Use Regulations.

11.16.1 Design Standards.

11.16.1.1 General Standards. The following general standards are hereby adopted for the control of any Industrial Use. No such use shall be permitted, established, maintained or conducted therein which shall cause or be likely to cause:

11.16.1.1.1 Excessive smoke, fumes, gas, dust, odor, or any other atmospheric pollutant beyond the boundaries of the lot whereon such use is located. What smoke is excessive shall be determined according to the Ringelmann's Scale for Grading the Density of Smoke, published by the U.S. Bureau of Mines, when the shade or appearance of such smoke is darker than No. 2 on said Ringelmann Smoke Chart.

11.16.1.1.2 Noise levels greater than fifty-five (55) dba measured at the boundaries of the lot occupied by such use causing the same.

11.16.1.1.3 Any pollution by discharges of any effluent whatsoever into any watercourse, open ditch, or land surface.

11.16.1.1.4 Discharge of any effluent whatsoever into any sanitary disposal system or sewerage system except only in accordance with the rules of, and under the control of, public health authorities or the public body controlling such sewerage system. Any chemical or industrial waste that places undue loads, as determined by the Town Engineer, shall not be discharged into any municipal system and must be treated by the industrial use.

11.16.1.1.5 Storage or stocking of any waste materials whatsoever.

11.16.1.1.6 Glare, objectionably high light levels, or vibration perceptible beyond the lot lines whereon such use is conducted.

11.16.1.1.7 Hazard to person or property by reason of fire, explosion, radiation, or other cause.

11.16.1.1.8 Any other nuisance harmful to person or property.

11.16.1.2 Specific Standards. The following specific standards are hereby adopted and must be complied with, for, any use in any Industrial district and before the same be permitted, established, maintained or conducted:

- 11.16.1.2.1** Storage Facilities: Materials, supplies, or semi-finished products shall be stored on the rear one-half of the property and shall be screened from any existing or proposed street.
- 11.16.1.2.2** Loading Docks: No loading docks shall be on any street frontage. Provision for handling of all freight shall be on those sides of any building which do not face on any street or proposed streets.
- 11.16.1.2.3** Landscaping: All areas of the plot not occupied by buildings, parking, driveways, or walkways, or storage shall be landscaped with lawn, trees, shrubs, or other plant material. Such landscaping shall take into consideration the natural growth presently on the premises and the nature and condition of the terrain, as well as the situation of the lands and premises themselves and with regard to adjoining lands and premises.
- 11.16.1.2.4** Fences and Walls: Property that is adjacent to a residential or business use shall be provided along such property lines, with a wall, fence, compact evergreen hedge, or a landscaped strip of trees and shrubs so designed as to form a visual screen not less than six (6) feet high at the time of planting. Except for landscaped areas and parking areas, a use which is not conducted within a completely enclosed building shall be screened by a six (6) foot solid masonry wall, chain link fence covered with an evergreen vine, or compact evergreen hedge. Where a front yard adjoins a street, the wall, fence, or hedge shall be located not closer to the street than the depth of the required yard.
- 11.16.1.2.5** Off-Street Parking and Loading: Refer to Sections 11.3 and 11.4.
- 11.16.1.2.6** Signs: Refer to Section 11.5.
- 11.16.1.2.7** Buffer Strip: In addition to the fences, walls and hedges, all principal buildings shall be set back from any lot lines abutting residential use a minimum of one hundred (100) feet. Such buffer shall be landscaped in accordance with Section 11.16.1.2.3.
- 11.16.1.2.8** Utilities: All water and sewer facilities shall be designed and installed according to NYS DOH, DEC and Town standards.
- 11.16.1.2.9** Access: Special consideration shall be given to access to and from public streets and traffic volumes generated by the proposed use. Access shall not be allowed from residential streets unless a variance is approved by the Zoning Board of Appeals. A projection of expected

vehicular use of neighborhood streets, including estimates of traffic volumes, shall be submitted.

No access drive for any industrial use shall be within three hundred (300) feet of and on the same side of the street as a school, public library, theater, church, or other public gathering place, park, playground, or fire station unless a street fifty (50) feet or more wide lies between such access drive and such building or use.

Section 11.17 Solar Energy Systems and Solar Access.

To the maximum extent possible, all new development proposals totaling ten (10) or more acres may be designed so that the maximum number of buildings shall receive direct sunlight sufficient for using solar energy systems for space, water, or industrial process heating or cooling. Buildings and vegetation should be sited and maintained so that unobstructed direct sun light reaches the southern exposure of the greatest number of buildings according to the following guidelines:

- 11.17.1** Solar Access shall be protected between the solar azimuths of – 45 degrees (east of due south) to + 45 degrees (west of due south).
- 11.17.2** In considering dimensional modifications permitted in ARTICLE 7, 8 and 9 the Town Board shall also consider solar access and design considerations.
- 11.17.3** For purposes of solar access, streets, lots, and building setbacks should be designed so that the buildings are oriented with their long axes running from east to west for single-family development, and north to south for townhouse and multi-family development.
- 11.17.4** In order to maximize solar access, the highest densities shall to the maximum extent possible be placed on the south-facing slopes with lower densities sited on north-facing slopes.
- 11.17.5** Streets should be oriented on an east/west axis to the greatest possible extent.
- 11.17.6** Buildings shall to the greatest extent possible be sited as close to the north lot line or lines as possible to increase yard space to the south for better owner control of shading.
- 11.17.7** Tall buildings shall to the greatest possible extent be sited to the north of shorter ones and be buffered from adjacent development.
- 11.17.8** Existing vegetation shall be retained and incorporated into the design as practicable.
- 11.17.9** A description of any mechanisms, such as deed restrictions, covenants, etc., that are to be applied shall be provided.

Section 11.18 Wind Energy Conversion Systems (Windmill).

The intent of this Section is to regulate the placement of and access to wind energy conversion systems for the purposes of protecting the health and safety of individuals on adjacent properties as well as the general public.

11.18.1 Setback. The installation shall not be erected nearer to any lot line than the total height of the structure. Such height shall be defined as the tower height plus one-half ($\frac{1}{2}$) the rotor diameter on a horizontal axis installation, and, on vertical axis installations, the distance from the base of the tower to the top of the unit.

11.18.2 Dimensions.

11.18.2.1 Maximum allowable height shall be eight (80) feet unless otherwise prohibited by State or Federal statutes or restrictions.

11.18.2.2 Minimum blade height shall be fifteen (15) feet at the lowest point of the arc.

11.18.3 Safety.

11.18.3.1 The foundation and supports for the windmill shall either be designed by a licensed professional engineer and the drawings bear his seal and signature, or carry a manufacturer's seal or certification.

11.18.3.2 At least one sign shall be posted at the base of the tower warning of high voltage.

11.18.3.3 Tower climbing apparatus shall be no lower than twelve (12) feet from the ground.

11.18.3.4 All installations shall be designed with braking systems.

11.18.4 Noise. The maximum level of noise permitted to be generated by an installation shall be 55 dba, measured at the property line.

11.18.5 Design Considerations.

11.18.5.1 All electric lines serving the installation shall be installed underground.

11.18.5.2 All towers proposed to have guy wire supports shall have the guy wire foundation setback the minimum distance as specified for the tower in Section 11.18.1.

Section 11.19 Home Occupation.

An on-site service home occupation, as defined in this chapter, may be permitted in a zoning district subject to site plan approval by the Planning Board, provided that such use is not

specifically prohibited in the district. (See the Use Regulation Table.) Such use shall conform to the following standards, which shall be minimum requirements:

- 11.19.1** No more than twenty-five percent (25%) of the total floor area of a dwelling unit or five hundred (500) square feet, whichever is the lesser, may be used for such use.
- 11.19.2** The use shall be carried on wholly within the enclosed walls of the dwelling.
- 11.19.3** There shall be no external evidence of such use except for one (1) sign not exceeding two (2) square feet in area mounted flush with and on the front façade of the dwelling unit. Stock, merchandise, equipment or displays of any kind shall not be visible outside the dwelling unit.
- 11.19.4** No external structural alterations which are not customary to a residential building shall be allowed.
- 11.19.5** Any form of business whose primary function is the wholesale or retail sale of goods or articles from the premises, such as a small grocery store, shall not be deemed a home occupation. Automobile sales are not considered a home occupation.
- 11.19.6** The use shall not result in or cause vehicular traffic that will create a nuisance to abutting properties or be detrimental to the residential character of the neighborhood.
- 11.19.7** Such use shall also be subject to any other conditions the Planning Board deems necessary to meet the intent of these requirements.
- 11.19.8** No more than one profession or occupation, and office shall be allowed per dwelling unit.

Section 11.20 Kennel Standards.

A kennel as defined in this Zoning Law may be permitted as stated in Section 4.6, Use Regulation Table. Such use shall conform to the following standards that shall be minimum requirements:

- 11.20.1** Minimum Lot Size – five (5) acres.
- 11.20.2** Setback – the actual kennel facility and all associated runs or fenced areas shall be setback a minimum of one hundred fifty (150) feet from all lot lines.
- 11.20.3** Buffer – all kennel facilities and associated shall be adequately screened by fence, plantings or landscaping from all roads and adjacent properties.
- 11.20.4** Kennel Facility – shall have sufficient indoor boarding areas and associated outdoor runs to accommodate the proposed number of animals to be boarded:

11.20.4.1 Indoor Area –

11.20.4.1.1. Shall be a minimum of sixteen (16) square feet in size.

11.20.4.2 Outdoor runs –

11.20.4.2.1 Shall be a minimum four and one-half (4 ½) feet wide and twelve (12) feet long;

11.20.4.2.2 Shall be appropriately separated from adjacent runs by fencing, concrete, block or other appropriate materials;

11.20.4.2.3 Shall provide a form of shelter if not directly linked to a separate indoor kennel area.

Section 11.21 Satellite TV Antennas.

No satellite television antenna of any kind may be erected or established in the Town except in conformance with the standards in this Section.

11.21.1 Satellite Antenna Size.

11.21.1.1 In agricultural, residential and business districts, satellite antennas shall not exceed twelve (12) feet in diameter.

11.21.1.2 In industrial districts such antennas shall not exceed fifteen (15) feet in diameter.

11.21.1.3 For residential and business uses, the total height of ground-mounted antennas shall not exceed fifteen (15) feet above the ground.

11.21.1.4 All other uses, the total height of ground-mounted antennas shall not exceed twenty (20) feet in height above the ground.

11.21.1.5 All uses, roof-mounted installations shall not exceed the height restricts as set for the zoning district within which the installation is placed.

11.21.2 Satellite Antenna Location.

11.21.2.1 For any use, subject to the provisions contained herein, such antenna shall be located only in the rear yard of any lot provided that such antenna is located at least five (5) feet from any principal building and lot line. If a usable satellite signal cannot be obtained from such rear yard, the antenna may be located on the side or front yard of the property subject to site plan approval. For purposes of this Zoning Law, a usable satellite signal is a satellite signal which when viewed on a conventional television set, is at

least equal in picture quality to that received from local commercial television stations or by way of cable television.

- 11.21.2.2** In the event that a usable satellite signal cannot be obtained by locating the antenna on the rear, side or front yard of the property, such antenna may be placed on the roof of the dwelling structure, provided that site plan approval is obtained prior to such installation. Such permit shall be issued upon a showing by the applicant that a usable satellite signal is not obtainable from any other location on the property, and provided further, that the construction and erection otherwise is in compliance with the applicable building code and electrical code.

11.21.3 General Provisions.

- 11.21.3.1** For all uses, satellite television antennas shall be located and designed to reduce visual impacts from surrounding properties at street level and from public streets.
- 11.21.3.2** No more than one satellite television antenna shall be allowed on any residential lot less than one-half (1/2) acre in size.
- 11.21.3.3** All antennas and the construction and installation thereof shall conform to applicable building and electrical code regulations and requirements.
- 11.21.3.4** Antennas shall meet all manufacturer's specifications, be of non-combustible and corrosive-resistant material, and be erected in a secure, wind-resistant manner.
- 11.21.3.5** Every antenna must be adequately grounded for protection against a direct strike by lightning.

Section 11.21(A) Communication Towers.

(As amended by Local Law No. 4 of the Year 2000.)

No communications tower shall hereafter be used, erected, moved, or modified except after the granting of Site Plan approval by the Town Board in conformity with the provisions of this Section. No existing structure shall be modified to serve as a communications tower unless in conformity with this Section.

In reviewing an application for Site Plan approval for a communications tower, the Town Board shall, at a minimum, require that the following criteria be met;

11.21A.1 Site Location.

- 11.21A.1.1** Documentation of the need for the use of the site proposed. Higher intensity/density sites are preferred in the following order:

- 11.21A.1.1.1** Property with an existing structure suitable for co-location.

11.21A.1.1.2 Industrial Districts.

11.21A.1.1.3 Rural Districts.

11.21A.1.2 A completed Visual Environmental Assessment Form (visual EAF), including simulated photographic visualization of the site, with attention to visibility from key viewpoints.

11.21A.2 Height. Documentation of the minimum height necessary for the applicant's needs.

11.21A.3 Co-Location and Use of Pre-Existing Structures.

11.21A.3.1 Applicants are encouraged to provide their towers for use by other carriers, to co-locate on existing towers or locate antenna on existing structures. An application must include an inventory of existing towers within a reasonable distance of the proposed site with documentation of intent from an existing tower to allow co-location.

11.21A.3.2 Inventory of pre-existing structures as alternatives to new construction.

11.21A.3.3 If 1 and 2 above are not feasible, communications tower design to accommodate future demand for additional facilities. This requirement may be waived by the Town Board provided that the applicant demonstrates that future shared usage is not feasible based upon.

11.21A.3.3.1 The number of Federal Communications Commissioner (FCC) licenses anticipated for the area.

11.21A.3.3.2 The number of existing and potential licenses without tower spaces/sites.

11.21A.3.3.3 Available spaces on existing and approved towers.

11.21A.3.3.4 Setbacks. Communication towers, guy wire anchors and any accessory structures shall be erected no nearer to the lot line than the greater of:

11.21A.3.3.4.1 The required setback as specified in the Density Control Schedule, or

11.21A.3.3.4.2 The tower height plus the tallest antenna.

11.21A.3.5 Visibility and Aesthetics.

11.21A.3.5.1 Monopoles or guyed towers shall be preferred to freestanding communications towers.

11.21A.3.5.2 Towers shall not be artificially lighted except as required by the Federal Aviation Administration (FAA). Towers shall be galvanized finish or painted gray above the surrounding tree line and painted gray, green, or black below the surrounding tree lines, unless other standards are required by the FAA. Towers shall be designed and sited to avoid the application of FAA lighting and painting requirements.

11.21A.3.5.3 Accessory facilities shall maximize use of location, building materials, colors and textures designed to blend with natural surroundings.

11.21A.3.5.4 No communications tower, antenna or accessory facility shall contain any signs or advertising devices.

11.21A.3.6 Existing Vegetation. Existing on-site vegetation shall be preserved to the maximum extent possible.

11.21A.3.7 Fencing and Screening.

11.21A.3.7.1 Screening of communication towers shall comply with standards set forth in Sections 11.8 and 11.16.

11.21A.3.7.2 All communications towers and accessory facilities shall be enclosed by a fence not less than six (6) feet in height or otherwise sufficiently protected from trespassing and vandalism. Any guy supports shall be sleeved, visibly marked or entirely fenced in to a height of eight (8) feet above the finished grade to protect against accidental impact by persons or animals.

11.21A.3.8 Access. Access is required to assure adequate emergency and service access. Construction of previous roadways (crushed stone, gravel, etc.) are preferred.

11.21A.3.9 Radio Frequency Effects. Communications antennas may be operated only at FCC frequencies and power levels unless otherwise justified.

11.21A.3.10 Applicant Build-Out Plan.

11.21A.3.10.1 A build-out plan will include:

- (a) A map of the applicant's facilities in the Town.
- (b) Potential locations for additional facilities within the next twenty-four (24) months.
- (c) A description of the proposed facility's impact on existing communications towers in the Town.

(d) A map of discontinued or relocated facilities.

11.21A.3.10.2 A build-out plan and certification of use of existing facilities shall be submitted by January 31st of each year, including any further application for additional facilities.

11.21A.3.11 Removal of Facilities.

11.21A.3.11.1 Upon abandonment, the applicant shall remove any and all communication structures immediately upon the discontinuance of the permitted use, shall reasonably restore the site, and shall incur all expenses related to the abandonment.

11.21A.3.11.2 The applicant shall post a bond or other surety to be renewed annually with the Town of Campbell to ensure #1, above.

11.21A.3.12 Exceptions. The provisions of this Section shall not apply to the following:

11.21A.3.12.1 Individual, scientific, medical, weather, navigational, military or government radar antennas and associated communications towers.

11.21A.3.12.2 Pre-existing towers including repair and maintenance of existing communication towers and antennas.

11.21A.3.12.3 Antennas used solely for the residential household television and radio reception.

Section 11.22 Townhouse and Multi-Family Developments.

All townhouses and multi-family residential development, as permitted in ARTICLE 7 and 8 of this Zoning Law, shall, in addition to the requirements set forth in said section and articles, conform to the following standards. These standards shall be regarded as minimum requirements.

11.22.1 Townhouse developments shall meet the following standards:

11.22.1.1 There shall be no more than eight (8) townhouse units in any contiguous group.

11.22.1.2 Yard Requirements: Front Yard – Minimum thirty (30) feet (from interior project road) Rear Yard – Minimum twenty-five (25) feet Side Yard – Minimum ten (10) feet (at ends of buildings).

11.22.1.3 All principal and accessory buildings shall be set back a minimum of fifty (50) feet from the right-of-way of any dedicated street and from any lot line.

11.22.1.4 Maximum building height shall be three (3) stories or thirty-five (35) feet whichever is the lesser.

- 11.22.1.5 Maximum site coverage by all buildings and structures shall not be more than thirty percent (30%) of the lot area, such percentage to be calculated on the basis of the total project area.
- 11.22.1.6 Accessory buildings, including unattached garages, shall be located a minimum distance of ten (10) feet from any lot line and shall only be permitted in the rear or side yard.

11.22.2 Multi-family developments shall meet the following standards:

11.22.2.1 Yard Requirements:

11.22.2.1.1.1 No building shall be nearer than fifty (50) feet to the right-of-way of any dedicated road peripheral to the site.

11.22.2.1.1.2 No building shall be nearer than thirty (30) feet from the road line of any interior project road. In the case of non-dedicated streets and roads, this setback shall be measured from the limits of the paved area.

11.22.2.1.1.3 No principal or accessory building shall be nearer than fifty (50) feet from any lot line.

11.22.2.1.1.4 No accessory building, including unattached garages, shall be nearer than ten (10) feet to any lot line and shall be located in the rear or side yard only.

11.22.2.2 The maximum building height shall be three (3) stories or thirty-five (35) feet whichever is the lesser.

11.22.2.3 Maximum site coverage by all buildings and structures shall not be more than thirty percent (30%) of the lot area, such percentage to be calculated on the basis of total project area.

11.22.2.4 No building shall contain more than twelve (12) dwelling units.

11.22.3 Minimum unit size of multi-family dwelling units:

Efficiency: 550 sq. ft.

One bedroom: 700 sq. ft.

Two bedrooms: 850 sq. ft.

Three bedrooms: 1,000 sq. ft.

An additional one hundred twenty (120) sq. ft. for each bedroom shall be added for larger apartment sizes.

Section 11.23 Gasoline Filling Stations, Service and Repair Garages, Automobile Sales Areas.

Where permitted, a gasoline filling station, service and repair garage and automobile sales areas shall conform to the following standards which shall be regarded as minimum requirements:

- 11.23.1** Minimum lot size shall be:
- 11.23.1.1** Thirty thousand (30,000) sq. ft. for a gasoline filling stations, service and repair garage.
 - 11.23.1.2** Forty-five thousand (45,000) sq. ft. for a combination gas station, mini-mart convenience food store.
 - 11.23.1.3** Additional lot area and setbacks shall be required as deemed to be adequate by the Town Board to accommodate tractor-trailer servicing.
- 11.23.2** Lot frontage and width shall be at least one hundred fifty (150) feet.
- 11.23.3** No gasoline service station or repair garage shall be located within five hundred (500) feet of any public entrance to a church, school, library, hospital, charitable institution, or place of public assembly. Such distance shall be measured in a straight line from said public entrance to the lot line nearest said entrance along the street line.
- 11.23.4** Fuel pumps and other service device shall be located at least thirty-five (35) feet from any front lot line and fifty (50) feet from any side and rear lot lines. This distance shall be measured from the outside edge of the fuel island.
- 11.23.5** All automobile parts, including tires and dismantled vehicles are to be stored within a building. Old tires that are offered for sale may be placed outside during normal business hours, but must be stored in a rack. Old tires to be scrapped or sold for junk must be stored either inside a building or behind a six (6) foot high fence, wall, or natural screen.
- 11.23.6** Accessory goods for sale may be displayed on the pump island and the building island only. The outdoor display of oil cans, and/or anti-freeze and similar products may be displayed on the respective island if provided for in a suitable stand or rack.
- 11.23.7** All repair work is to be performed within a building. Automobiles waiting to be serviced or stored on the premises shall not encroach on any required yard area. Wrecked automobiles being held for insurance adjuster inspection may be stored for a period not to exceed thirty (30) days and must be stored in the rear of the premises, out of sight as much as is possible.
- 11.23.8** Parking:
- 11.23.8.1** No vehicle shall be parked, stored, or left standing within thirty-five (35) feet of the street line.
 - 11.23.8.2** Parking requirements shall be in conformance with Section 11.3. Such parking areas shall not conflict with the traffic pattern

established for the use of the fuel pumps. Additional parking area may be required by the Planning Board to accommodate tractor-trailer parking areas.

11.23.8.3 Where parking areas abut a residential use, they shall be screened by a buffer area no less than ten (10) feet in depth composed of densely-planted evergreen shrubbery, solid fencing, or a combination of both which, in the opinion of the Town Board, will be adequate to prevent the transmission of headlight glare across the zone boundary line. Such buffer screen shall have a minimum height of six (6) feet above finished grade at the highest point of the parking area. The materials used shall be in keeping with the character of the adjacent residential area. If said shrubbery becomes decayed and fails to provide an adequate screen, the Code Enforcement Officer may direct the property owner to replace said shrubs.

11.23.9 All storage and display areas shall be provided with a hard, dust-free surface, shall be adequately drained, and if lighted, shall produce no glare on adjacent properties.

11.23.10 A maximum of two driveways and curb cuts shall be permitted. These shall be no less than twenty (20) and no wider than thirty (30) feet and located a minimum of thirty (30) feet from any street intersection and a minimum distance of forty (40) feet shall be maintained between such driveways and curb cuts.

11.23.11 Signage.

11.23.1 The total allowable signage shall not exceed 420 square feet.

11.23.2 One free standing sign not to exceed 26 feet in height measured from the existing grade directly below the sign to the top of the sign board.

The size of the sign board shall not exceed 33 square feet per side for a total sign of 66 square feet this is to include the gas pricing part of the sign.

11.23.3 One sign on the facade of the building that is a total of 60 square feet.

11.23.4 The canopy sign have copy on only two ends of the canopy, the dimensions are 3 feet x 24 feet for a total of 144 square feet.

11.23.5 Two wall signs 2.5 ft. x 4 ft. for a total of 10 square feet each = 20 square feet.

11.23.6 One copy change sign [portable sign] 4 ft. x 8 ft. = 32 square feet per side for a total of 64 square feet.

Section 11.24 Campgrounds for Recreational Camping.

- 11.24.1** Campgrounds may be located in agricultural and residential districts only.
- 11.24.2** The potential developer of such a facility shall prepare a concept plan for submission to the Planning Board. This should generally conform to requirements outlined in the Town of Campbell Subdivision Regulations. Upon approval of the overall plan by the Planning Board, an application for a site plan approval must be submitted to the Town Board for a public hearing and decision.
- 11.24.3** The potential developer shall obtain N.Y.S. Department of Health approval of such a facility prior to any Town action on a final site plan and minimum acreage requirements.
- 11.24.4** Design of such facilities shall be such as to insure that the objectives of health, safety, convenience, and public accommodation are achieved. The Town Board may require such special features are deemed necessary to achieve this end.

Section 11.25 Design Standards for Standard Designed Manufactured Homes as Second Principal-Residential Uses.

A Standard Designed Manufactured Home may be allowed as a second principal residential use on a lot in single ownership subject to site plan approval and the following standards:

- 11.25.1** A Standard Designed Manufactured Home, if proposed on a separate lot, shall meet the setback and yard requirements of residential use.
- 11.25.2** If a Standard Designed Manufactured Home is to be permitted on a lot containing a principal residential use, all residential setback requirements must be met by such Standard Designed Manufactured Home, except that in no event shall it be situated closer than twenty (20) feet from the principal residential building.
- 11.25.3** The applicant shall justify the adequacy of the proposed water and sewer arrangement for the Standard Designed Manufactured Home to the Town Board.
 - 11.25.3.1** The Town Board may determine upon showing of adequate data such as flow tests and quality reports that a single water supply source is adequate.
 - 11.25.3.2** In all instances, separate distance sewage disposal systems shall be required.
 - 11.25.3.3** A Standard Designed Manufactured Home, when used as an accessory structure or dwelling, shall be located to the rear of the principal structure.

- 11.25.4** The granting of site plan approval shall be for a period of two (2) years, and may be renewed. Such approval, however, may be renewed if, in the opinion of the Town Board, it is a proper extension of the permit.

Section 11.26 Standards for Mixed Uses.

(As amended by Local Law No. 3 of the Year 2000.)

In all districts where mixed uses are permitted, a lot held in single ownership may be improved for a mixed use. The lot must meet at least one minimum lot size, as required for each of the permitted uses in a mixed use, whichever is largest. The lot must also accommodate all requirements for each of the uses, such as parking, buffering, coverage, etc. The building group, as a unit, must meet all setbacks. The construction of a new building must provide for future partition of the lot by providing adequate width and yards to allow the creation of conforming lots.

Section 11.27 Automobile Sales on Farms

(As amended by Local Law No. Six of the Year 2000.)

- 11.27.1.** Vehicle(s) shall be parked, stored, displayed or left standing only within the side or rear yard of the farmstead.
- 11.27.2** No sales or junk cars or parts of vehicles.
- 11.27.3** Signs.
- 11.27.3.1** One (1) business identification sign no more than two (2) square feet in area may be mounted flat against the wall of a principal or accessory building.
- 11.27.3.2** Accessory signs may be exhibited in any vehicle window area provided that the display area does not exceed thirty (30) percent of the window area.
- 11.27.3.3** Banners, flags, streamers, balloons and similar advertising display materials are prohibited.

Section 11.28 Rural Enterprises on Farms.

(As amended by Local Law #2 of 2002)

- 11.28.1** Farms may establish rural enterprises and may construct new, or expand any existing, buildings and/or improvements for rural enterprises as an accessory use, provided they do not significantly impair the parcel's current or future agricultural viability and are consistent with the farm use.
- 11.28.2** The total aggregate foot print of the associated buildings and improvements for rural enterprises may not exceed an aggregate square footage of 600 square feet.

- 11.28.3 Such rural enterprises include, but are not limited to, professional offices, cottage industries, antique sales, crafts production, computer repair, and firewood distribution.
- 11.28.4 Enterprises which market petroleum or chemical products are prohibited.
- 11.28.5 Rural Enterprises would require a Site Plan Review.

Section 11.29 Adult Uses.

(As amended by Local Law #2 of the Year 2003)

11.29.1 Intent. It is the purpose of this law to regulate the creation, opening, commencement and/or operation of Adult Use and Entertainment Establishments, as herein defined, in order to achieve the following:

- 11.29.1.1 To preserve the character and the quality of life in the Town of Campbell's neighborhood and business areas.
- 11.29.1.2 To control such documented harmful and adverse secondary effects of adult uses on the surrounding areas as: decreased property values; attraction of transients; parking and traffic problems; increased crime; loss of business for surrounding non-adult businesses; and deterioration of neighborhoods.
- 11.29.1.3 To restrict minors' access to adult uses.
- 11.29.1.4 To maintain the general welfare and safety for the Town of Campbell's residents and the general public.

11.29.2 Allowed Zoning Districts.

All Adult Use and Entertainment Establishments as defined herein may only be created, opened, commenced or operated within the Agricultural zoning districts within the Town of Campbell created by Article 3 of the Town of Campbell Zoning Ordinance.

11.29.3 Additional Conditions for Location Within Allowed Zoning Districts.

An Adult use and Entertainment Establishment shall be allowed ONLY on a Town road and not be allowed:

- 11.29.3.1 Within five hundred (500) feet of the boundary of any residential zoning district in the town;
- 11.29.3.2 Within five hundred (500) feet of the property line of a parcel used for residential purposes in the Town;
- 11.29.3.3 Within five hundred (500) feet of the property line of a parcel containing a church, synagogue, other place of worship, library, school, daycare facility, park, or playground, within the Town;

- 11.29.3.4** On the same parcel as another Adult Use and Entertainment Establishment;
- 11.29.3.5** Within one thousand (1,000) feet of the property line of another Adult Use and Entertainment Establishment, whether or not such other establishment is located in the Town;
- 11.29.3.6** Within one thousand (1,000) feet of the property line of an establishment with a liquor license; or
- 11.29.3.7** Within one thousand (1,000) feet of a state or county road.

The above distances of separation shall be measured from the nearest exterior wall of the portion of the structure containing the Adult Use and Entertainment Establishment.

11.29.4 Display Prohibited.

All adult uses and entertainment establishments shall be conducted in an enclosed building. It shall be a violation to display or exhibit (in the open air, through a window, or by means of a sign, depiction or decoration), or to allow to be displayed or exhibited, any “special anatomical area” or “specified sexual activity”.

11.29.5 Site Design.

The building may be no more than 1,600 SF gross floor area and must be finished in muted colors.

ARTICLE 12. DISCONTINUANCE

Section 12.1

Any building or land which is used for or occupied by a non-conforming use and which changed to or replaced by a conforming use, shall not thereafter be used for or occupied by a non-conforming use.

Section 12.2

When a non-conforming use has been discontinued for a period of one year, it shall not thereafter be re-established and the future use shall be in conformity with the provisions of this Zoning Law.

Section 12.3 Necessary Maintenance and Repairs.

A building or structure of non-conforming use may be repaired or restored to a safe condition.

Section 12.4 Change to Other Non-Conforming Use.

A non-conforming use of a building, structure, or land may be changed to another non-conforming use more nearly conforming to the character and requirements of the District in which it is situated.

Section 12.5 Construction Started Prior to this Zoning Law.

Any building or structure for which construction was begun prior to the effective date of this Zoning Law, or any subsequent amendment thereof applying, may be completed and used in accordance with the plans and specifications for such building and structure.

Section 12.6 Existing Undersized Lots.

12.6.1 Any lot held in single and separate ownership prior to the adoption of this Zoning Law and whose area and/or width and/or depth are less than the specified minimum lot requirements of this Zoning Law for the District, may be considered as complying with such minimum lot requirements and no variance shall be required, provided that:

12.6.1.1 Such lot does not adjoin any other lot or lots held by the same owner whose aggregate area is equal to or greater than the minimum lot area required for that district.

12.6.1.2 Such lot has an area of at least five thousand (5,000) square feet and a minimum width of at least fifty (50) feet at the required setback line if it is to be used for residential purposes.

12.6.1.3 The following minimum yard dimensions are maintained for residences:

Side yards – 8 feet

Rear yards – 25 feet
Front yards – 25 feet

When the street right-of-way width is not known, the front yard setback shall be fifty (50) feet from the centerline of the street.

12.6.1.4 No detached accessory building shall be located closer to a side lot line than five (5) feet, provided, however, that the side yard requirement for accessory buildings shall not be less than three (3) feet, if such accessory building is ten (10) feet or more to the rear of the residence building and is located behind the rear line of such residence building. No accessory building shall be located closer to the rear lot line than three (3) feet if no easement is located along such rear lot line.

12.6.1.5 All other bulk requirements for that district are complied with.

12.6.2 In any district where residences are permitted, such undersized non-conforming lots may be used for not more than one (1) single family dwelling.

Section 12.7 Alterations.

A non-conforming building may not be reconstructed or structurally altered during its life to an extent exceeding in aggregate cost fifty (50) percent of the assessed value of the building unless said building is changed to conform to the requirements of this Zoning Law.

Section 12.8 Restoration.

No building damaged by fire or other causes to the extent of more than seventy-five (75) percent of its assessed valuation shall be repaired or rebuilt except in conformity with the regulations of this Zoning Law. Nothing in this Zoning Law shall prevent the strengthening or restoring to a safe condition any wall, floor or roof which has been declared unsafe by the Code Enforcement Officer.

Section 12.9 Reduction in Lot Area.

A building permit shall not be issued for any lot that is reduced in area so that it creates a non-conforming bulk or use in violation of any regulations contained in this Zoning Law.

Section 12.10 Exemption of Lots Shown on Approved Subdivision Plats.

In accordance with Town Law, Section 265-a, any lot proposed for residential use in a subdivision whose plat delineates one or more new streets, roads or highways, and which said subdivision plat has been properly approved by the Planning Board, and filed in the office of the County Clerk, prior to the passage of this Zoning Law and whose area and/or width and/or depth are less than the specified minimum lot requirements for that zoning district shall be considered as complying with such minimum lot requirements for two years after the filing of the subdivision plat.

If at the time of the filling of the subdivision plat referred to above there was no Planning Board vested with authority to approve subdivision plats, then the exemption provided for in such

subdivision shall apply for a period of one year after the filing of said subdivision plat in the office of the County Clerk.

ARTICLE 13. GENERAL EXCEPTIONS

Section 13.0 Public Properties.

Nothing in this Zoning Law shall restrict construction or use in the exercise of a governmental function of public buildings, lands or property supported in whole or in part by taxes imposed on property in the Town of Campbell.

Section 13.1 Public Utilities.

Nothing in this Zoning Law shall restrict the construction or use of underground or overhead distribution facilities of public utilities operating under the Laws of the State of New York. Other facilities may be constructed subject to a conditional use permit.

ARTICLE 14. ZONING BOARD OF APPEALS

Section 14.0 Establishment and Duties.

Pursuant to Town Law, the Town Board shall appoint a Zoning Board of Appeals consisting of five (5) members, shall designate its chairman, and also provide for such expenses as may be necessary and proper. A member of the Zoning Board of Appeals shall not at the same time be a member of the Town Board. The Town Board shall have the power to remove any member of the Zoning Board of Appeals for cause and after public hearing.

14.0.1 Term of Appointment. Of the members of the Zoning Board of Appeals first appointed, one shall hold office for the term of (1) year, one for the term of two (2) years, one for the term of (3) years, one for the term of four (4) years, one for the term of five (5) years, from and after his appointment. The appointment of a chairman shall be for a term of one (1) year.

Their successor shall be appointed for a term of five (5) years from and after the expiration of the terms of their predecessors in office. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by the Town Board by appointment for the duration of the unexpired term.

14.0.2 Staff. The Zoning Board of Appeals may employ such clerical or other staff assistance as may be necessary, and prescribe their duties, provided that it shall not at any time incur expenses beyond the amount of the appropriations made by the Town Board and then available for that purpose.

14.0.3 Rules of Procedure, By-Laws, Forms. The Zoning Board of Appeals shall have the power to make, adopt, and promulgate such written rules of procedure, by-laws, and forms as they may deem necessary for the proper execution of their duties and to secure the intent of this Zoning Law. Such rules, by-laws and forms shall not be in conflict with, nor have the effect of, waiving any provisions of this Zoning Law or any other zoning law or ordinance of the Town of Campbell.

ARTICLE 15. ADMINISTRATION

Section 15.0 Enforcement.

This Zoning Law shall be enforced by the Code Enforcement Officer, who shall be appointed by the Town Board. No building permit shall be issued by him except where all the provisions of this Zoning Law have been complied with. He shall keep the Zoning Board of Appeals advised of all matters pertaining to the enforcement of this Zoning Law other than routine duties, and shall submit a monthly report to the Town Board enumerating the application received, inspections made, permits issued or refused, and other actions taken.

Whenever a violation of this Zoning Law occurs, any person having knowledge thereof may lay any information in regard thereto before a proper magistrate as provided by law, and the procedures thereafter shall be as set forth in the Code of Criminal Procedure.

Section 15.1 Building Permits.

- 15.1.1** No building or structure shall be erected, added to, or structurally altered until a permit thereof has been issued by the Code Enforcement Officer. Except on written order of the Zoning Board of Appeals, no such building permit shall be issued for any building where said construction, addition, or alteration or use thereof would be in violation of any of the provisions of this Zoning Law. Further, the Code Enforcement Officer shall be satisfied that issuance of a building permit is not in violation of the Town's Land Subdivision Rules and Regulations of the Planning Board.
- 15.1.2** There shall be submitted with all applications for building permits two copies of a layout or plot plan drawn to scale showing the actual dimensions of the lot to be built upon, the exact size and location on the lot of the building and accessory buildings to be erected, and such other information as may be necessary to determine and provide for the enforcement of this Zoning Law.
- 15.1.3** One copy of such layout or plot plan shall be returned when approved by the Code Enforcement Officer, together with such permit to the applicant, upon the payment of a fee as set by Town Board resolution.
- 15.1.4** In the event that an application for a building permit is not approved, the applicant shall be entitled to a refund of fifty (50) percent of the fee paid, provided no construction has been commenced. If construction work has been started and the application is not approved, the fees paid shall not be refunded.
- 15.1.5** Upon approval of the application, and upon receipt of the legal fees therefor, the Code Enforcement Officer shall issue a building permit to the applicant upon the form prescribed by him and shall affix his signature or cause his signature to be affixed thereto.
- 15.1.6** Upon approval of the application, both sets of plans and specifications shall be endorsed with the word "approved". One set of such approved plans and specifications shall be retained in the Town files and the other set shall be

returned to the applicant together with the building permit and shall be kept at the building site open to inspection by the Code Enforcement Officer or his authorized representative at all reasonable times.

- 15.1.7** If the application together with the plan, specifications, and other documents filed therewith, describe proposed work, which does not conform to all of the requirements of the applicable building regulations, the Code Enforcement Officer shall disapprove the same and shall return the plans and specifications to the applicant. Upon the request of the applicant, the Code Enforcement Officer shall cause refusal, together with the reasons therefor, to be transmitted to the applicant in writing.

Section 15.2 Certificate of Occupancy.

No land shall be used or occupied, and no building or structure hereafter erected, altered, or extended shall be used or changed in use until a certificate of occupancy shall have been used by the Code Enforcement Officer in accordance with the provisions of this Zoning Law.

All certificates of occupancy for new or altered buildings or structures shall be applied for coincident with the application for a building permit. Such certificate of occupancy shall be issued within thirty (30) days after the erection or alteration shall have been approved as complying with the provisions of this Zoning Law.

ARTICLE 16. AMENDMENTS

Section 16.0 Procedure.

The Town Board may, from time to time, on its own motion, or on petition, or on recommendation from the Planning Board, amend the regulations and districts established under this Zoning Law after public notice and hearing in each case. All proposed amendments of the regulations or districts herein established shall be filed in writing in a form required by the Town Board.

Section 16.1 Advisory Report by Town Planning Board.

Every proposed amendment, unless initiated by the Town Planning Board, shall be referred to the Town Planning Board. The Planning Board shall report in writing its recommendations thereon to the Town Board, accompanied by a full statement of the reasons for such recommendations, prior to the public hearing. If the Planning Board fails to report within a period of 45 days from the date of receipt of notice or such longer time as may have been agreed upon by it and the Town Board, the Town Board may act without such report. If the Planning Board disapproves the proposed amendment, or recommends modification thereof, the Town Board shall not act contrary to such disapproval of recommendation except by the adoption of a resolution fully setting forth the reasons for such contrary action.

Section 16.2 Public Notice and Hearing.

The Town Board, by resolution, shall fix the time and place of the public hearing and cause notice to be given as follows:

16.2.1 By publishing notices of the proposed amendment and the time and place of the public hearing in a newspaper of general circulation in the Town, not less than ten (10) days prior to the date of the public hearing.

16.2.2 By giving written notice of hearing to any required Municipal, County, Regional, Metropolitan, State, or Federal agency in a manner prescribed by law.

Section 16.3 Protest by Owners.

If a protest against the proposed amendment is presented to the Town Board, duly signed and acknowledged by the owners of twenty (20) percent or more of the area of land included in such proposed amendment, or by the owners of twenty (20) percent or more of the area of land immediately adjacent extending one hundred (100) feet therefrom, or by the owners of twenty (20) percent or more of the area of land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such amendment shall not be passed except by the favorable vote of at least a three-fourths ($\frac{3}{4}$) majority of the Town Board.

Section 16.4 Decision by Town Board.

The Town Board shall set the public hearing as required and shall render its decision within sixty (60) days of the receipt of the Planning Board's report. If the Town Board deems it advisable, it

may require as a condition for approval of the amendment, that the amended area be put to use within a reasonable length of time.

Section 16.5 Notification of Decision.

The Town Board shall notify the applicant for an amendment of its decision in writing within five (5) days after the decision has been rendered.

Section 16.6 Filing with Secretary of State.

Every amendment to this Local Law shall be filed with the Secretary of State of New York State and become effective five (5) days thereafter.

ARTICLE 17. REMEDIES

Section 17.0 Penalty.

Any person, firm, company or corporation owning, controlling or managing any building, structure or premises therein or whereon there shall be placed, or there exists anything in violation of any of the provisions of this Zoning Law; and any person, firm, company or corporation who shall assist in the commission of any violation of this Zoning Law or any conditions imposed by the Town Board or the Zoning Board of Appeals; or who shall build, contrary to the plans or specifications submitted to the Code Enforcement Officer and by him certified as complying with this Zoning Law shall be guilty of an offense and subject to a fine of not less than fifty dollar (\$50) or more than two hundred and fifty dollars (\$250), or imprisonment for a period of not less than one (1) day, or more than six (6) months, or both such fine and imprisonment. Every such person, firm, company or corporation shall be deemed guilty of a separate offense for each week such a violation, omission, neglect or refusal shall continue.

Section 17.1 Alternative Penalty.

In case of any violation or threatened violation of any of the provisions of this Zoning Law, or conditions imposed by the Town Board, Code Enforcement Officer, or Zoning Board of Appeals, in addition to other remedies herein provided, the Town Board may institute any appropriate action or proceeding to prevent such unlawful erection, structural alteration, reconstruction, moving and/or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

ARTICLE 18. FEE SCHEDULE

Section 18.0

A schedule of fees for all building permits and approval applications as required in this Zoning law shall be set by Town Board resolution from time to time.

ARTICLE 19. EFFECTIVE DATE

This local law shall be filed with the Secretary of State and shall become effective five (5) days thereafter.

APPENDIX A

ZONING BOARD OF APPEALS RULES AND PROCEDURES

Section 1.0 Meetings.

All meetings of the Zoning Board of Appeals shall be held at the call of the chairman and at such other times as such Board may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of such Board shall be open to the public. The concurring vote of a majority of all members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Building Inspector or to decide in favor of an applicant in any matter upon which they are required to pass under any ordinance to effect any variation in this Zoning Law.

Section 2.0 Minutes.

The Zoning Board of Appeals shall keep minutes of its proceedings showing the vote of each member on every question. If a member is absent or fails to vote, the minutes shall indicate such fact. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Board of Zoning Appeals shall immediately be filed in the office of the Town Clerk and shall be a public record.

Section 3.0 Referrals to the Town Planning Board.

At least forty-five (45) days before the date of hearing held in connection with any appeal or application submitted to the Zoning Board of Appeals, said Board shall transmit to the Planning Board a copy of said appeal or application submitted to the Board of Zoning Appeals, and shall request that the Planning Board submit to the Zoning Board of Appeals its advisory opinion prior to the date of said public hearings.

Section 4.0 Public Notice and Hearing.

Public notice of any required hearing by the Zoning Board of Appeals shall be given in accordance with Town Law as follows:

- 4.0.1** By publishing a note of any appeal or application and the time and place of the public hearing in the official newspaper of the Town of Campbell, not less than five (5) days prior to the date of such hearing.
- 4.0.2** By giving written notice of hearing to any appellant or applicant, and any other such notice to property owners in an affected area as may be required by the Zoning Board of Appeals, and to the Planning Board, not less than five (5) days prior to such hearing.
- 4.0.3** By giving written notice of hearing to any required Municipal, County, Metropolitan, Regional, State, or Federal agency in the manner prescribed by Law.

Section 5.0 Appeals.

The Zoning Board of Appeals shall hear and decide appeals from, and review any order, requirement, decision, or determination made by the Code Enforcement Officer under this Zoning Law in accordance with the procedure set forth herewith:

- 5.0.1** Notice of Appeal shall be filed with the Code Enforcement Officer and/or the Secretary to the Zoning Board of Appeals in writing, in a form required by such Board, within thirty (30) days from the date of the action appealed from, specifying the grounds thereof.
- 5.0.2** Upon filing of a Notice of Appeal and payment of a filing fee, as set by Town Board resolution, by the appellant or applicant, the Code Enforcement Officer shall forthwith transmit to the Zoning Board of Appeals all the paper constituting the record upon which the action appealed from was taken.
- 5.0.3** The Zoning Board of Appeals shall set a reasonable date for the hearing of each appeal, of which hearing date the appellant shall be given notice and at which hearing he shall appear in person or by agent or by attorney. The Zoning Board of Appeals shall decide on the appeal within sixty (60) days after the final hearing.
- 5.0.4** An appeal stays all proceedings in the furtherance of the actin appealed from, unless the Code Enforcement Officer certifies to the Zoning Board of Appeals, after Notice of Appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record on application, on notice to the Code Enforcement Officer and on due causes shown.
- 5.0.5** Following public notice and hearing, the Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or determination appealed from and shall make such order, requirement, decisions or determination as in its opinion ought to be made in the premises and to that end shall have all the power of the Code Enforcement Officer. If the action by the Zoning Board of Appeals is to reverse the action of the Code Enforcement Officer in whole, the filling fee shall be refundable to the appellant.

Section 6.0 Variances.

- 6.0.1** Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Zoning Law, the Zoning Board of Appeals shall have the power, after public notice and hearing, to vary or modify through a variance the application of any of the regulations or provisions of this Zoning Law. There are two types of variance that the Zoning Board of Appeals will have to act on and it is imperative that a clear distinction be made between them.
- 6.0.2** Area Variance. So called because the applicant requests relief in dimensional nature from requirements such as setback lines, lot coverage, and frontage requirements, a peculiar size, shape lot, etc. Area variances may be granted upon

the applicant's showing of practical difficulties and by satisfying all of the following criteria:

- 6.0.2.1.1** The variation is the minimum necessary to meet the needs of the applicant. To this end the Board may permit a lesser variance than that applied for.
- 6.0.2.1.2** A substantial change in the character of the neighborhood or a substantial detriment to adjoining properties or the public welfare is not created.
- 6.0.2.1.3** Where the applicant can prove significant economic injury, the Board must determine that the public health, safety, and general welfare will be served by denying the variance.
- 6.0.2.1.4** The difficulty cannot be avoided by some method feasible for the applicant to pursue other than a variance.
- 6.0.2.1.5** In view of the manner in which the difficulty arose and in considering all the above factors, the interest of justice will be served by allowing the variance.

The granting of an area variance can only result in a restriction or modification that permits the applicant to use his land for one of the uses permitted in the District.

6.0.3 Use Variance. A use variance is requested when the applicant desires to utilize the land for a use not allowed by this Zoning Law in the District. The established rule is that the Appeal Board has the power to grant a use variance only when the applicant has proved that the literal application of the Zoning Regulations will result in an unnecessary hardship. When determining unnecessary hardship for a use variance, all of the following criteria shall be satisfied.

- 6.0.3.1.1** The land in question cannot yield a reasonable return if used only for uses permitted in the Zoning District.
 - 6.0.3.1.1** Financial loss alone will not satisfy an unnecessary hardship, such loss may be considered along with the criteria listed here.
 - 6.0.3.1.2** Proof of a more profitable return if the variance is granted is not itself evidence of hardship.
 - 6.0.3.1.3** An applicant who maintains a non-conforming use or structure must show not only that all permitted uses will be unprofitable, but that his non-conforming use of the premises is incapable of yielding a reasonable return.

6.0.3.2 The modification or use to be authorized will not alter the essential character of the locality. The proposed modification of the property must

not materially change the essential character or quality of the neighborhood and the spirit of the Law shall be preserved.

6.0.3.3 The unnecessary hardship claimed as a ground for the variance has not been created by the owner or by a predecessor in title. Where all other required findings are made, the purchase of a zoning lot subject to the restrictions sought to be varied shall not itself constitute a self-created hardship.

6.0.3.4 The unnecessary hardship that will support granting of a variance must relate to the uniqueness of the land not to the applicant/owner.

6.0.4 All applications for variances shall be filed with the Secretary of the Zoning Board of Appeals in writing, shall be made in a form required by the Zoning Board of Appeals, and shall be accompanied by payment of a filing fee, and a plot plan, drawn to scale and accurately dimensioned, showing the location of all existing and proposed buildings and structures on the lot.

6.0.5 Any variance which is not exercised within one (1) year from the date of issuance is hereby declared to be revoked without further hearing by the Zoning Board of Appeals.

Section 7.0 Relief from Decisions.

Any person or persons, jointly or severally aggrieved by any decision of the Zoning Board of Appeals may apply to the Supreme Court for relief by a proceeding under Article 78 of the Civil Practice Law and Rules of the State of New York. Costs shall not be allowed against the Zoning Board of Appeals unless it shall appear to the court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from.

TOWN OF CAMPBELL

DENSITY CONTROL SCHEDULE
(AREA AND BULK SCHEDULE)

Use	Zoning District	Min. Area Per Dwell. Unit (Sq. Ft.)	Min. Area Principle Use (Sq. Ft.)	Min. Width at Bldg. Line	Minimum Yard Dimensions			Max. Lot Cover** (Inc. All Accessory Buildings)
					Front	Side	Rear	
Residential	A*	50,000***	--	250'	75'	50'	80'	10%
	R-1*	20,000	--	100'	35'	20'	50'	25%
	R-2*	10,000	--	60'	30'	10'	25'	30%
	B-1*	10,000	--	60'	35'	20'	25'	50%
	B-2*	10,000	--	60'	35'	20'	25'	50%
	I	--	--	--	--	--	--	--
Non-Residential	A	--	85,000	250'	75'	50'	150'	10%
	R-1	--	25,000	200'	35'	20'	50'	25%
	R-2	--	25,000	200'	30'	10'	25'	30%
	B-1	--	5,000	50'	30'	20'	25'	50%
	B-2	--	12,500	100'	35'	20'	25'	50%
	I	--	15,000	100'	100'	50'	25'	50'

* See “Residential Cluster Development” Regulations (Article 7) for permitted special grouping of houses in clusters and for different yard dimensions.

** Where 25% or more of the lots in a block are occupied by buildings, the average yard dimensions and average of lot coverage of such buildings shall determine the yard and coverage requirements for any new building, or use, within the block.

*** Where soil and drainage conditions permit, the minimum lot size may be reduced to 20,000 square feet upon the presentation to the Code Enforcement Officer of a satisfactory percolation test. In such cases, “RI”, residential setback yard and coverage requirements will be met.