B. Mufford's copy

TOWN OF CARLTON

ESTABLISHED 1822

ZONING LAW

Original zoning adopted 1984

New version with substantial revisions

2003

Adopted Oct. 2003

ALL NEW CONSTRUCTION OR RECONSTRUCTION OF OLD BUILDINGS OR STRUCTURES REQUIRE A BUILDING PERMIT

IF YOU ARE IN DOUBT, PLEASE CONTACT ONE OF THE FOLLOWING OFFICERS:

ZONING OFFICERS

ZONING OFFICER.....LYNDA WOOLSTON

BUILDING INSPECTOR.....DANIEL STRONG

BUILDING CELL PHONE.....520-0039

PHONE.....585-682-4358

FAX.....585-682-4358

MAILING ADDRESS:

TOWN OF CARLTON
ZONING OFFICE
14341 WATERPORT-CARLTON ROAD
ALBION, NEW YORK 14411

OPERATING HOURS FOR BOTH.....EVERY TUESDAY EVENING 6-8 P.M.

OR BY APPOINTMENT

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TOWN OF CARLTON ZONING DISTRICT USES

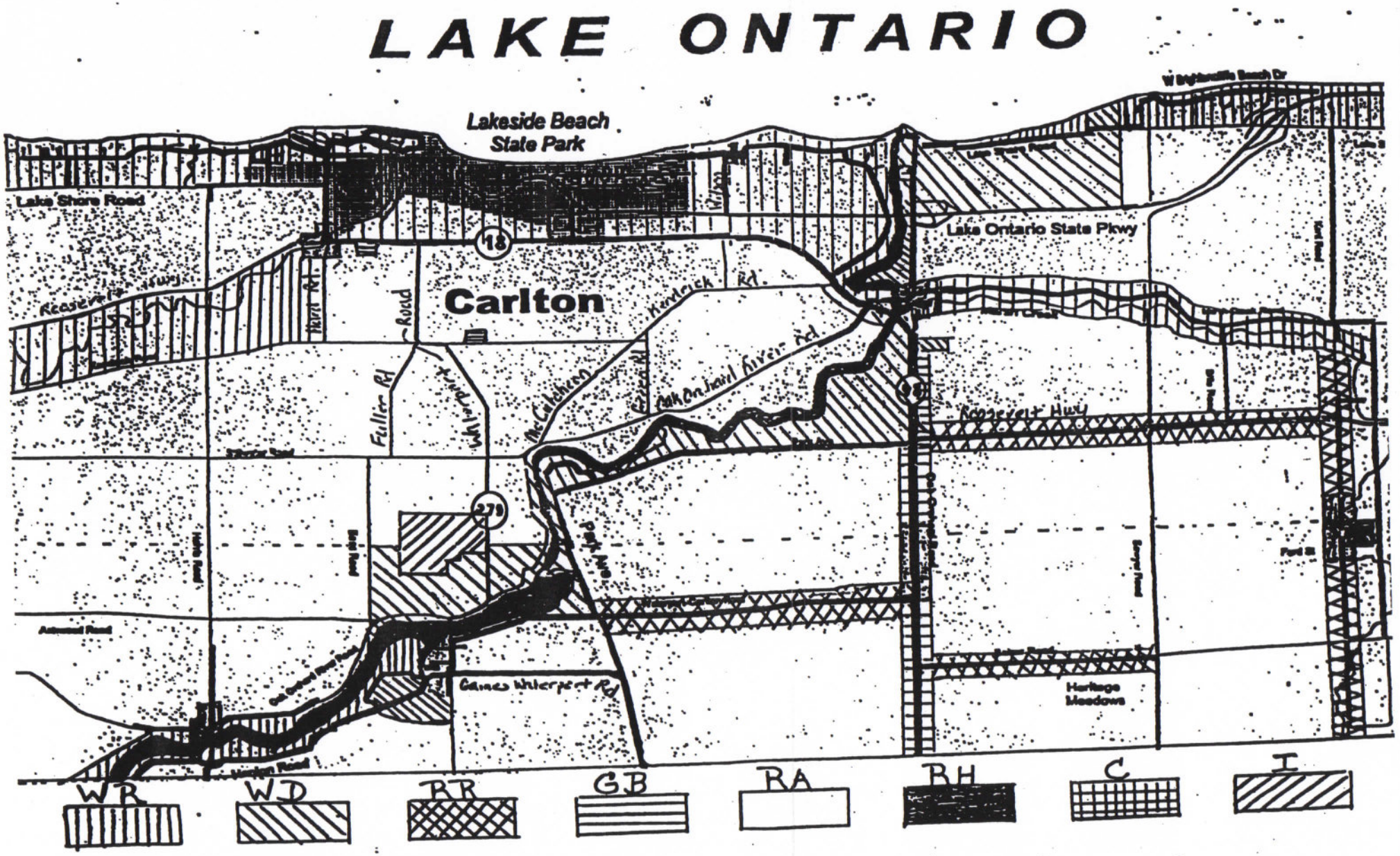
DISTRICT LOT MEASUREMENT	RA RESIDENTIAL AG.	RH RESIDENTIAL HAMLET	RR RESIDENTIAL RURAL	RS RESIDENTIAL SUBDIVISION	WR WATERFRONT RESIDENTIAL	WD WATERFRONT DEVELOPMENT	B GENERAL BUSINESS
Minimum lot area with Water and Sewer	1 ACRE	20000	20000	11250	20000	20000	20000
Minimum Lot Area	1 ACRE	28000	28000	28000	28000	28000	28000
Minimum Frontage	200	100	100	75	100	100	100
Minimum Front Setback	75	75	75	60	75	75	75
Minimum Side Setback	30	15	15	10	15	15	15
Minimum Rear Setback	30	20	20	20	20	20	50
Maximum Building Height	35	35	35	35	35	35	35
Minimum Dwelling Size	800	800	800	800	800	800	800
Minimum Dwelling Side	20'	20'	20'	20'	20'	20'	20'

TOWN OF CARLTON ZONING DISTRICT USES

USE TITLE	RA RESIDENTIAL AG	RH RESIDENTIAL HAMLET	RR RESIDENTIAL RURAL	RS RESIDENTIAL SUBDIVISION	WR WATERFRONT RESIDENTIAL	WD WATERFRONT DEVELOPMENT	B GENERAL BUSINESS	I INDUSTRIAL
ADULT ENTERTAINMENT	X	X	X	X	X	X	X	SP
Adult Home/Assist. Living	SP	SP	SP	SP	SP	SP	SP	X
AGRICULTURE	P	P	P	SP	P	P	P	P
AIRPORTS (public&private)	SP	X	X	X	X	X	X	SP
ANIMAL HOSPITAL	SP	SP	SP	X	X	X	SP	X
BAIT & TACKLE SHOP	SP	SP	X	X	X	SP	SP	X
BED & BREAKFAST	SP	SP	SP	X	SP	SP	SP	P
BUSINESS, AGRI	SP	X	SP	X	X	X	SP	P
BUSINESS, RETAIL	SP	SP	SP	SP	X	SP	SP	P
BUSINESS, SEASONAL/TOURIST	SP	SP	SP	X	X	SP	P	P
BUSINESS, SERVICE	SP	SP	X	X	X	SP	SP	P
BUSINESS, WHOLESALE	SP	SP	X	X	X	X	SP	P
CAMPGROUND	SP	X	X	X	X	SP	X	X
CHARTER BOAT SERVICE	X	SP	X	X	SP	SP	X	X
CHURCH	SP	SP	SP	X	SP	SP	SP	X
CLUB	SP	SP	SP	X	X	SP	SP	X
CLUSTER DEVELOPMENT	SP	X	X	SP	X	X	SP	X
CONDOMINIUM/TOWNHSE.	SP	X	X	SP	SP	SP	X	X
DAY CARE FACILITY	SP	SP	SP	SP	SP	SP	SP	X
DOG RUNS	P	P	P	X	P	P	P	X
DRIVE-IN SERVICE	SP	SP	X	X	X	SP	SP	X
ESSENTIAL SVS/UTILITIES	SP	SP	SP	SP	SP	SP	SP	SP
EXCAVATION/MINING	SP	X	X	X	X	X	X	SP
FARM LABOR CAMPS	SP	X	X	X	X	X	SP	X
FARM MARKET	SP	SP	SP	X	X	SP	SP	X
FARM PRODUCE STAND	P	P	P	X	P	P	P	X
FISH CLEANING STATION	X	X	X	X	SP	SP	X	X

TOWN OF CARLTON ZONING DISTRICT USES

USE TITLE	RA RESIDENTIAL AG	RH RESIDENTIAL HAMLET	RR RESIDENTIAL RURAL	RS RESIDENTIAL SUBDIVISION	WR WATERFRONT RESIDENTIAL	WD WATERFRONT DEVELOPMENT	B GENERAL BUSINESS	I INDUSTRIAL
GAS(FUEL)STATION, RETAIL	SP	SP	SP	X	X	SP	SP	X
HOME BUSINESS	SP	SP	SP	X	SP	SP	SP	X
HOME OCCUPATION	SP	SP	SP	X	SP	SP	SP	X
INDUSTRY, HEAVY	X	X	X	X	X	X	X	SP
INDUSTRY, LIGHT	SP	X	X	X	X	X	SP	P
JUNK/SALVAGE YARD	X	X	X	X	X	X	X	SP
KENNEL	SP	X	SP	X	SP	SP	SP	X
MANUFACTURED HOME PK	SP	X	SP	SP	X	X	X	X
MANUFACTURED HOME	P	X	P	X	SP	SP	SP	X
MARINA	X	SP	X	X	X	SP	SP	X
MEDICAL ESTABLISHMENT	SP	SP	SP	X	SP	SP	SP	X
MOTEL/HOTEL	X	SP	SP	X	X	SP	SP	X
MOTOR VEHICLE REPAIR	SP	SP	SP	X	X	SP	SP	SP
Motor Vehicle Sales/Rental	SP	SP	X	X	X	X	SP	SP
NURSERY/GREENHOUSE	SP	SP	SP	X	X	SP	SP	SP
NURSING HOME	SP	SP	SP	X	X	SP	SP	X
OFFICE PROFESSIONAL	SP	SP	SP	SP	SP	SP	SP	P
PLANNED INDUSTRIAL DEV	SP	X	SP	X	X	SP	SP	SP
PUBLIC BUILDINGS	SP	SP	SP	SP	X	SP	SP	X
PUBLIC RECREATION Indoor	SP	X	SP	SP	X	SP	SP	SP
PUBLIC RECREATION outdr.	SP	X	SP	SP	X	SP	SP	X
RESEARCH/DEV.FACILITY	SP	X	SP	X	X	X	SP	P
RESTAURANT	SP	SP	X	X	X	SP	SP	X
DWELLING MULTI-FAMILY	X	SP	SP	SP	SP	SP	SP	X
DWELLING SINGLE FAMILY	P	P	P	P	P	P	P	X
DWELLING TWO-FAMILY	P	P	P	SP	P	P	P	X
SHOOTING PRESERVES	SP	X	SP	X	X	X	SP	SP
STORAGE UNITS	SP	X	SP	SP	X	SP	SP	P
WAREHOUSE	SP	X	SP	X	X	SP	SP	P
			C		OO		H	
OVERLAY ZONING DISTRICTS			CONSERVATION		OAK ORCHARD PRESERVATION		HISTORIC	
P=PERMITTED USE SP=SPECIAL PERMIT USE			X=NOT PERMITTED					


LAKE ONTARIO
Lakeside Beach State Park
Lake Shore Road
Lake Ontario State Pkwy
Carlton
Hendrick Rd.
Fullers Rd
Roosevelt Hwy
Oak Orchard River Rd
McCutcheon
Ridge Road
Gaines Whirlpool Rd
Heritage Meadows
WR
WD
RR
GB
RA
RH
C
I

ARTICLE I

SECTION 101 TITLE

The title of this code is the, "Zoning Ordinance of the Town of Carlton, Orleans County, New York", and shall include this text, zoning map, and fee schedule. All existing Zoning Ordinances of the Town of Carlton, Orleans County, New York, are hereby repealed upon the effective date of this Ordinance.

SECTION 102 PURPOSE

This Zoning Ordinance is adopted pursuant to the Town Law of the State of New York, to promote and protect the public health, safety and general welfare and in furtherance of the following related and more specific purposes.

1) To protect the open, rural and natural character of the land and to encourage development consistent with the adopted master plan of the Town.

2) To preserve the Town's natural resources and habitats.

3) To guide and regulate the orderly growth, development and redevelopment of the Town of Carlton in accordance with a well-considered plan and with long-term objectives, principles and standards deemed beneficial to the interests and welfare of the people.

4) To encourage the use of alternative energy systems and protect solar and wind access.

5) To Preserve all vistas and create harmonious living conditions for the waterfront and all properties dependant on those vistas.

SECTION 103 CONFLICT WITH OTHER LAWS

Whenever the requirements of this Ordinance are in conflict with the requirements of any other lawfully adopted rules, regulations, codes or ordinances, the most restrictive such rules, regulation, codes or ordinances or those imposing the higher standards shall govern.

SECTION 104 VALIDITY AND SEVERABILITY

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

SECTION 105 FEES

Permit fees shall be collected and paid according to the fee structure in effect at the time of application. A

fee schedule is posted at the Town Clerk's office. Said fees are non-refundable.

SECTION 106 VIOLATIONS AND PENALTIES

Any person, firm or corporation who violates, disobeys, neglects or refuses to comply with any provision of this ordinance, shall be guilty of an offense and upon conviction thereof; shall be subject to a fine of not more than $250.00 or imprisonment for a period not more than six (6) months or both. Each week a violation is continued, shall be deemed a separate offense.

SECTION 107 ACTIONS

The town may maintain an action for a temporary restraining order, temporary injunction, or injunction to restrain, correct, or abate any violation of the Ordinance or any failure to comply with any of the provisions of this Ordinance.

SECTION 108 BOUNDRIES

All zones are a minimum of 500 feet deep from the middle of the road or waterway, unless otherwise stated or illustrated. Exact boundaries are subject to interpretation by the Zoning Board of Appeals.

ARTICLE II
DEFINITIONS

SECTION 200 WORDS TERMS AND DEFINITIONS

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows:

The word "person" includes a firm association, partnership, trust, company or corporation, as well as, an individual.
Words used in the present tense include the future tense.
The singular includes the plural.
The words "shall" and "must" are mandatory. The words "used or "occupied" include the words intended, designed or arranged to be used or occupied. The word "lot" includes the words plot or parcel.

Approved/Improved Property: Property on which is a habitable dwelling with approved water and sanitary facilities.

Additional definitions are obtained in the New York State Zoning Laws and Practices.

SECTION 210 DEFINITIONS

ACCESSORY USE OR STRUCTURE: Contributory use or structure on the same lot and of a nature customarily incidental and subordinate to the principal use or structure and may include alternate energy systems. Accessory uses or structures may be attached to or detached from principle use or structure.

ADULT HOME/ASSISTED LIVING HOME: An extended intermediate care facility licensed or approved to provide full-time convalescent or chronic care to greater than six (6) individuals who by reason of advanced age, chronic illness, or infirmity, or any other mental or physical disability or handicap, are unable to care for themselves.

ADULT ENTERTAINMENT: Any use, in pursuit of a trade or business, where the principle feature is the nudity or partial nudity of any person or caricature the use of words such as nude, topless, bottomless, sexy or similar words are used in any advertisement. This includes audio, video, printed material, as well as live entertainment.

AGRICULTURE: The use of land for agricultural purposes including tilling of the soil, dairying, pasture, apiculture, arboriculture, horticulture, floriculture, viticulture, accessory uses for packing or storing of products, provided that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

AGRICULTURAL BUSINESS ESTABLISHMENTS (AGRI-BUSINESS): A business engaged in performing agricultural, animal husbandry, or horticulture business on a fee or contract basis.

AIRPORT: Any facility for the purpose of engaging aircraft to flight.

ALTERATIONS: As applied to a building or structure, a change or rearrangement in the structural parts, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location to another.

ALTERNATIVE ENERGY SYSTEMS: Structures, equipment, devices, or construction techniques used for the production of heat, light, cooling, electricity or other forms of energy on site and may be attached to or separate from the principal structure. Current examples include windmills, solar collectors, heat pumps, or other related devices. For the purposes of this Ordinance, this definition shall apply to individual residents, or businesses; commercial generating plants excluded.

AMUSEMENT PARK: An outdoor place with various devices for entertainment, as a merry-go-round, roller coaster, etc., refreshment booths and the like.

ANIMAL HOSPITAL: A business that treats animals and regularly houses them on the premises overnight and for extended periods for treatment.

APPROVED/IMPROVED PROPERTY: Property on which is a habitable dwelling with approved water and sanitary facilities.

BAIT AND TACKLE SHOP: Store for retail sales of live bait, fishing equipment and small fishing accessories. Bait and Tackle shops are not to be considered Home Occupations.

BED AND BREAKFAST: A single family, owner occupied dwelling, where overnight lodging, with or without the service of meals, is offered to a maximum of eight (8) transient guests for compensation. Such use shall be clearly incidental and secondary to the principal use of the dwelling. This term includes hostels, but does not include motels, hotels, tourist courts, motor lodges, tourist cabins or similar terms.

BUFFER STRIP: A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another. A strip of land, identified on a site plan or by a zoning ordinance, established to protect one type of land use from another land use that is incompatible.

BUILDING: Any structure which 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 HEIGHT: The vertical distance measured from the average ground level surrounding the building to a point midway between the highest and lowest point of the roof, excluding; chimneys, spires, mechanical penthouses, towers, tanks, and similar projections.

BUILDING PERMIT: See Zoning Permit.

BUSINESS, AGRI: A business in support of agriculture. This is inclusive of, but not limited to, sales of chemicals, supplies, fertilizers, seeds or plants, machinery, parts, tools, and services.

BUSINESS, GENERAL: Any establishment engaged in sale of goods or services not otherwise identified in this section.

BUSINESS, HOME: See Home Business.

BUSINESS, RETAIL: Includes businesses engaged in the purchase, sale, or any other transactions involving the limited handling, servicing or disposition of any article, substance, or commodity as conducted for a profit or as a general enterprise.

BUSINESS, SEASONAL/TOURIST: A business that services tourists, as well as, residents during the relative seasonal operation, but not year round which includes but is not limited to:

a. Restaurants that have an inside seating capacity for 25 people or less and outdoor seating capacity governed by adequate parking and set backs and have coffee shops, lunch counters, ice cream parlors and the like.

b. Bakery, gift shops.

c. Farm market selling among other items, fruit, vegetables, groceries, syrups, candles and newspapers.

d. Shooting Preserves

e. Combination of the above uses.

A seasonal tourist business shall not include a campground, campsite or any other use or structure that is herein otherwise defined by this ordinance, except those listed in a - c above.

BUSINESS, SERVICE: A commercial establishment primarily providing services, rather than selling products.

BUSINESS, WHOLESALE: A business that sells it's products or services to another recognized, approved business.

CAMPING UNITS/RECREATIONAL VEHICLE: Any vehicle used or arranged for temporary living or sleeping purposes, mounted on wheels and drawn by a power-driven vehicle, or self-propelled unit.

CAMPGROUND: A parcel of land used or intended to be used, let or rented for seasonal occupancy by camper or for seasonal occupancy by or of trailers, tents, or movable or temporary dwellings, rooms or sleeping quarters of any kind.

CARPORT: A roofed structure, with or without enclosing walls, used for the storage of one or more vehicles.

CHARTER BOAT SERVICE: A waterfront facility having dockage where engagement of services could include a boat, crew, and captain for a fee, or other remuneration.

CHURCH: Any structure used for worship or religious instruction including administrative rooms accessory thereto.

CLUB: Any organization catering to members and their guests, or premises and building for recreational, general social, or athletic purposes and not open to the general public, which are not conducted primarily

for gain, providing there are not conducted any vending stands, merchandising, or commercial activities except as required for the membership and purposes of such club. For the purpose of this Ordinance, clubs shall include religious organizations, lodges, fraternal organizations, mutual benefit societies, and other like organizations.

CLUSTER DEVELOPMENT: A development of residential lots which may contain less area than the minimum lot area required for the zone within which development occurs but maintaining the density limitations imposed by said minimum lot area through the provision of open space as part of the subdivision plan.

COMMERCIAL USE: Any use involving the sale or rental or distribution of goods, services or commodities, whether retail or wholesale, or the provision of recreation facilities or activities for a fee.

CONDOMINIUM: A building, or group of buildings, in which dwelling units are owned individually, and the structure, common area and facilities are owned by all the owners on a proportional, undivided basis.

CONTRIBUTORY USE OR STRUCTURE: Contributory use or structure on the same lot and of a nature customarily incidental and subordinate to the principal use or structure and may include alternate energy systems and/or satellite dish.

CONVENIENCE STORE: Any retail establishment offering for sale prepackaged and/or prepared food products for consumption on or off premises and other goods commonly associated with the same and having gross floor area of less than 5,000 square feet. This may be permitted in conjunction with retail gasoline outlet.

CORNER LOTS: On corner lots, the sides facing both streets shall be considered front yards. Of the other sides, one shall be considered a rear yard, and the other a side yard, at the owner's option.

DAY NURSERY/DAY CARE: A place for the care of three or more children away from their own home who stay for a period of less than twenty-four hours during any day, for compensation or reward.

DEVELOPMENT: Any changes made to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations, excluding normal maintenance to farm roads.

DOCKS: A waterfront structure whether permanent or temporary for the purpose of providing access to water for fishing, boat mooring, or otherwise.

DOG RUNS: Outdoor fenced spaces for harboring or exercising dogs. It cannot exceed 200 sq. ft. and fencing shall not be incorporated as lot line or boundary fencing and cannot exceed 30% of the total lot size.

DRIVE-IN SERVICE: A traffic-generating facility where a product is sold or a service performed for customers while they are in or near their motor vehicles in off-street parking or service areas. This term includes drive-in banking, drive-in restaurant, fast food service, drive-in photo processing, drive-in outdoor theaters, auto wash or similar use. This term shall not include retail gasoline outlet.

DWELLING, SINGLE FAMILY: A detached residential dwelling designed for and occupied by one family only.

DWELLING, TWO FAMILY: A detached residential building containing two dwelling units, designed for the occupancy of not more than two families.

DWELLING, MULTIPLE FAMILY: A residential building designed for or occupied by three or more families with the number of families in residence not exceeding the number of dwelling units provided.

DWELLING, RESIDENTIAL: Buildings, facilities, or transient structures (such as boats, tents, campers, or camper trailers) which do not have permanent and approved sanitation facilities shall not be considered a Residential Dwelling.

DWELLING UNIT: One room or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

ENTERTAINMENT/GAMING FACILITY: Any indoor place or enclosure which is maintained or operated for the amusement, patronage or recreation of the public with three(3) or more coin controlled amusement devices, including the type commonly known as bagatelle, baseball, football, pinball, and video game, pool, billiards and the like.

ESSENTIAL SERVICES: Erection, construction, alteration, operation or maintenance by municipal agencies or public utilities of telephone dial equipment centers, electrical or gas substations, water treatment or storage facilities, pumping stations and similar facilities, or public receiving and retransmission of communication signals.

EXCAVATION (Quarry, Sand Pit, Gravel Pit, Top Soil Stripping): 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, but does not include the process of grading a lot preparatory to the construction of a building which has an approved zoning permit.

FARM AMINAL: As used in this article, means any ungulate, fowl, species of cattle, sheep, swine, goats, llamas, horse or fur-bearing animals, as defined in section 11-1907 of the Environmental Conservation Law, which are raised for commercial or subsistence purposes. Fur-bearing animals shall not include common pets (for example rabbits, dogs or cats).

FARM MARKET: The use of any permanent building for the sale of produce or other related farm products grown primarily on the related farm. It may also include for sale food or craft items related to the business.

FARM PRODUCE STAND: The seasonal use of a non-permanent stand for the sale of produce and similar related agricultural items.

FARM ROADSIDE STAND: Stand for the sale of produce and other related items in a permanent building.

FARM LABOR CAMP:

Private: Any structure or combination of structures building or buildings in which people are housed on a farmer's own land, who are employed in the individual farmer's personal farming operation, on that

farmer's land or land that he has under his control by a valid and existing lease.

Commercial: Any structure or combination of structures designed or intended to be used for the housing of persons engaged in casual or per diem labor on a profit basis for farmers other than owner of the camp.

FENCE: A work or structure consisting of either woven wire, woven wood, picket, board or other material, or combination thereof, designed to either limit access to an area or screen an area from view, or both.

FISH CLEANING STATION: A site location or structure for cleaning or processing of fish which is incidental to commercial use.

FLOOR AREA, GROSS: For the purpose of applying the requirements for off-street parking and loading, "gross floor area" in the case of offices, merchandising or service types of uses shall mean the total floor area to be used or intended to be used by tenants, or for service to the public as customers, patrons, clients or patients, including areas occupied by fixtures and equipment used for display or sales or merchandise. It shall not include areas used principally for non-public purpose such as storage, incidental repair, restrooms, fitting or alteration rooms or general maintenance or enclosed pedestrian malls or corridors.

FLOOR AREA, HABITABLE: The sum of the gross horizontal areas of the floor or floors of a building which are enclosed and usable for human occupancy or the conduct of business.

FRONTAGE: All of the property abutting on one side of a road, street or thoroughfare, measured along the road, street or thoroughfare line.

FRONT YARD: A front yard is determined to be the yard facing the road or right-of-way. This shall include waterfront properties.

GARAGES, PUBLIC: Any garage other than a private garage, operated for gain, available on a rental basis for the storage of motor vehicles, recreational vehicles, boats, and other tangible personal property.

HOME BUSINESS: An accessory use conducted within a single family, occupied dwelling or an attached or detached accessory structure (including barn) for gainful employment involving the manufacture, provision, or sale of goods and services principally on the premises.

HOME OCCUPATION: An accessory use conducted within a single family, occupied home or attached accessory structure for gainful employment involving performance of services which are primarily utilized away from the premises.

IMPROVED/APPROVED PROPERTY: Property on which is a habitable dwelling with approved water and sanitary facilities.

INDUSTRY, HEAVY: A use engaged in the basic processing and manufacturing of materials on products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage of manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

INDUSTRY, LIGHT: A use engaged in the manufacture predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging,

incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

JUNK YARD: A place where waste, discarded or salvaged materials are exchanged, stored, baled, cleaned, packed, disassembled or handled or where automobile wrecking takes place or upon which junk is otherwise situated. Junkyard shall also mean any place of storage or deposit, whether old, or secondhand motor vehicles, no longer intended or in condition for legal use on the public highways, are held whether for the purpose of resale of used parts there from, for the purpose of reclaiming for use some or all of the materials within, whether metal or glass, fabric or otherwise, for the purpose of disposing of the same or for any other purpose; such term shall include any place of storage or deposit for any purposes of used parts or waste materials from motor vehicles which taken together, equal in bulk two or more such vehicles. The term "junkyard" shall also include automobile salvage yards, automobile graveyards, scrap metal yards, building salvage materials and automobile recycling facilities. Pawn-shops, and establishments for sale, purchase or storage of used furniture, household equipment and clothing shall not be included.

KENNEL: Any premises where, for monetary compensation, on which four or more domestic animals other than farm animals, more than four (4) months of age are housed, groomed, bred, boarded, trained, or offered for sale.

LOT: A parcel or area of land, the dimensions and extent of which are determined by the latest official records or recordings.

(a) Corner Lot: A parcel of land at the junction of, and fronting on two or more intersecting streets, roads, or thoroughfares.

(b) Through Lot: An interior lot having frontage on two parallel or approximately parallel streets, roads, or thoroughfares.

LOT COVERAGE: That portion of a lot covered by impervious surfaces through which water can not be absorbed including all buildings and all concrete, asphalt, or similar surfaces used for parking, sidewalks, recreation, drives, and roads.

LOT DEPTH: The mean distance from the street line of the lot to it's opposite rear line measured in the general direction of side lines of the lot.

LOT FRONTAGE: The front of a lot shall be constructed to be portion nearest the highway; not the waterfront. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to highways shall be considered frontage, and yards adjacent to highways shall be considered frontage, and yards shall be provided as indicated under, "YARDS", in these definitions.

LOT LINE: Any boundary line of a lot.

LOT WIDTH: The width of the lot between side lot lines at the front building line as prescribed by the front yard regulations.

MANUFACTURED/MOBILE HOME: Any portable vehicle which is designed to be transported on its own wheels or those of another vehicle, which is used, designed to be used, and capable of being used as a detached single-family residence; and which is intended to be occupied as permanent living quarters

containing sleeping accommodations, a flush toilet, a tub or shower, kitchen facilities, and plumbing and electrical connections for attachment to outside systems. The definition of mobile home includes all additions made subsequent to installation. This definition does not include modular housing placed on a standard foundation or travel trailer.

MANUFACTURED/MOBILE HOME PARK: Any site, lot, field, plot, parcel, or tract of land on which one (1) or more, or group of mobile homes are parked or located, and for which said premises or mobile home(s) is (are) offered to the public or to any person for a fee of any type, including cost sharing. This includes the rental of premises and/or mobile home(s).

MARINA: A waterfront facility including any combination of the following: slip rental, boat rental, boat maintenance, supplies, fuel, or any other facility for boats or boaters or any such facility with more than five (5) boats of any size or configuration, will constitute a marina and be subject to the provisions of this Ordinance relative to marinas.

MEDICAL ESTABLISHMENT: A place where one or more members of the medical profession provide medical care to persons on an out patient basis. This includes doctors, dentists, chiropractors, osteopaths, therapists, or other licensed professionals.

MINING: The use of an area of land to remove minerals, metals or other items of value from the ground for a profit, including gas, and oil wells.

MODULAR HOUSE: A housing unit constructed off-site consisting of more than one segment and designed to be permanently anchored to a foundation, to become a fixed part of real estate, and which meets all the standards of the New York State Building Code.

MOTEL: A building or group of buildings, whether detached or connected units, containing transient and/or may include permanent lodging accessory facilities such as restaurants, meeting rooms, retail business activities and open to the general public. The term "motel" includes buildings designated as auto cabins, auto courts, motor lodges, tourist courts and similar terms.

MOTOR VEHICLE REPAIR /SERVICE: The utilization of a building or portion thereof for any or all types of motor vehicle repair and servicing but not including dismantling.

NON-CONFORMING USE: A use of land and/or building existing at the time of enactment of this Ordinance and which does not conform to the regulations of the district or zone in which it is located.

NON-CONFORMING LOT, BUILDING OR STRUCTURE: A lot, building or structure existing at the time of enactment of the Ordinance of any amendment thereto, and which does not conform to the area regulations of the district or zone in which it is situated.

NURSERY/GREENHOUSE: Land/greenhouses used to raise and/or sell flowers, plants, shrubs, trees and similar agricultural products.

NURSING HOME: An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to more than six (6) individuals, who, are incapacitated by reason of advanced age, chronic illness, or infirmity, or any other mental or physical disability or handicap.

PARKING SPACE: Space available for the parking of one motor vehicle and having an area of not less than 200 square feet (10 by 20 feet), exclusive of passageways and driveways giving access thereto.

PARKING SPACE, OFF-STREET: An off-street area of berth with an appropriate means of vehicular

access to a street, intended for the temporary storage of vehicles.

PERMITTED USE (or USE OF RIGHT): A land use allowed under the regulations of this Ordinance.

PLANNED INDUSTRIAL DEVELOPMENT: A type of planned unit development dedicated primarily to manufacturing and/or light industrial uses. It may include other non-residential uses permitted or permitted by special permit use in the applicable zoning district which are secondary to and compatible with the primary use or manufacturing and/or light industry.

PROFESSIONAL OFFICES: The office or place of business where professional services are offered and does not involve the sale of goods, or the keeping of stock in trade. Professional offices include but are not limited to, medical doctors, dentists, surgeons, attorneys, architects, engineers, planners, accountants, real estate brokers, insurance brokers, psychologists and chiropractors.

PRIVATE AIRPORT: Airport for the exclusive use of the owner, householder or family members thereto. For the purposes of this Ordinance, Private Airports shall meet the same regulations as AIRPORT.

PUBLIC BUILDING: Any school, municipal building, hospital, library, museum, rehabilitation center, or other similar buildings. This is also to include, the grounds and/or parking needed to support such activities.

PUBLIC AND SEMI-PUBLIC BUILDING AND GROUNDS: The words, "public and semi-public buildings and grounds", as used in this ordinance are intended to designate but not limited to any one (1) or more of the following uses, including grounds and accessory buildings necessary for their use:

a. Churches, places of worship, parish houses and convents.

b. Public parks, playgrounds and recreational areas when authorized or operated by a governmental authority.

c. Nursery Schools, elementary schools, high schools colleges or universities.

d. Golf courses and country clubs, however, not including clubs whose activities include the maintenance, storage or takeoffs or landings of aircraft.

e. Public libraries and museums.

f. Not-for-profit fire, ambulance and public safety buildings.

g. Proprietary or not-for-profit hospitals for the care of human beings, nursing homes, convalescent homes, defined under the Public Health Law or the Social Services Law of the State of New York.

h. Not-for-profit membership corporation established

of cultural, social, or recreational purposes.

l. Recreational facilities, either for profit or not-for-profit, such as swimming, tennis, platform tennis, bowling, hockey, ice skating or other indoor or outdoor sports.

j. Day-Care centers approved by the New York State Department of Social Welfare.

k. Any other public or semi-public building that is deemed similar in nature.

RECREATION AREA: Recreation area is the sum of all open or covered areas used for recreation purposes.

RECREATION, INDOORS: Business primarily devoted to the amusement of the general public. Examples include theaters, bowling alleys, skating rinks, amusement arcade, health club, and similar activities, incidental food service is also included.

RECREATION, OUTDOORS: Including amusement parks, golf courses, par three, or miniature golf, tennis courts, recreation courts, swimming pools, and playfields. Bike trails, hiking trails, horseback riding trails, go-cart, bike motorcycle tracts, and 4-wheeler/snowmobile courses. Paintball areas, archery or shooting ranges. These and other similar outdoor activities.

RESEARCH/DEVELOPMENT FACILITY: A place used for scientific research, investigation, or testing or experimentation but not for manufacturing or sale of products except as accessory to the research use.

RESIDENTIAL DWELLING: See dwellings.

RESTAURANT: Any establishment, however, designated, at which food or drink is sold for consumption to patrons seated within an enclosed building or on the premises.

RETAIL BUSINESS: Any establishment engaged in the sale of goods or services not otherwise covered in the Zoning Ordinance.

RETAIL GASOLINE STATION OR OUTLET: Any establishment that sells gasoline to the public. This includes service station, convenience stores, car washes or any other facility that sells gasoline.

RIGHT-OF-WAY: Land set aside for use as a street, alley, or other means of travel. Right of ways shall follow the same requirements as a road.

ROAD, MAJOR: Streets or highways connecting through roads with each other.

ROAD, SECONDARY: Streets or highways connecting through roads with each other.

ROAD, LOCAL: Streets which primarily function to give direct access to abutting property. Local roads are the internal part of the system to provide movement within residential or to other land use areas.

ROAD, PRIVATE: Road or drive NOT maintained or operated by the town or municipality. Not for Public use.

SATELLITE PARABOLIC ANTENNAE: A dish-shaped accessory structure capable of receiving, for the sole benefit of the principal use, radio or television signals from a satellite in planetary orbit.

SCREENING: The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features.

SETBACK-BACK: The required open unoccupied space measured from the rear lot line to the nearest part of the main or accessory structure.

SETBACK-FRONT: The required open space between the center of the road and the front of the main or accessory structure.

SETBACK-SIDE: The required open, unoccupied space measured from the side lot lines to the nearest part of the main or accessory structure.

SHOOTING PRESERVE: Defined by DEC or as amended.

SIGN: Any device, structure, or object for visual communication that is used for the purpose of bringing the subject thereof to the attention of others.

SIGN AREA: The area defined by the frame of the edge of a sign. Where there is no geometric frame or edge of the sign, the area shall be defined by projected, enclosed, four-sided (straight sides) geometric shape which most closely outlines the said sign.

SITE PLAN: A plan of a lot or subdivision on which is shown topography, location of all buildings, structures, roads, right-of-ways, boundaries, all essential dimensions and bearings and any other information deemed necessary by the Planning Board.

SITE PLAN REVIEW: A review and approval process, conducted by the Planning Board, whereby Site Plans are reviewed utilizing criteria stated in this Ordinance.
SOLAR ACCESS: Space open to the sun and clear of overhangs or shade.

SPECIAL PERMIT USES: Those particular uses which are specifically permitted in a given district only when conditioning criteria enumerated in this Ordinance are met.

STORAGE UNIT: A commercial structure used for the indoor storage of personal or commercial goods, equipment or supplies and/or used for the maintenance of such equipment.

STREETLINE: The limit of the street width or highway right-of-way, whichever is greater.

STRUCTURE: Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. For example, structures including buildings, mobile homes, walls, fences, signs, sheds, billboards and poster panels, docks, and/or similar form, or construction.

SWIMMING POOL: Any body of water, or receptacle for water, having a capability of a depth of eighteen (18) inches or more at any point, used or capable to be used for swimming, bathing, or wading, and permanently installed or constructed either above or below ground.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 75 percent (75%) of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the

damage occurred.

TAVERN: Any establishment, licensed by the State of New York, that engages in the sale for on premise consumption of alcoholic and non-alcoholic beverage(s). For the purpose of this Ordinance, TAVERNS shall meet all regulations required of RESTAURANTS.

TOWNHOUSE: One family dwelling units in a row of at least three such units in which each has its own front and rear access to the outside. No unit is placed over another, and each unit is separated from another by one or more vertical, common fire resistant walls.

USE: The specific purposes for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

VARIANCE: A variance is any departure from the strict letter of these regulations granted by the Zoning Board of Appeals as it applies to a particular piece of property. Variances run with the land and are not particular to any one landowner.

WAREHOUSE: A building used primarily for the storage of goods and materials.

WATER ENHANCED USES: Land uses that receive added value or importance because of proximity to a shoreline, often functioning as support services for water uses and water dependent uses.

YARD: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

YARD, FRONT: The space within and extending the full width of the lot from the front lot line to the part of the principal building which is nearest to such front line.

YARD, REAR: An open space extended across the entire width of the lot between the rear wall of the principal building and the rear line of the lot, and unoccupied except for accessory building and open porches.

YARD, SIDE: An open space on the same lot with a principal building between the principal building and the side line of the lot extending through from the front yard to the rear yard, into which space there shall be no extension of building parts other than two (2) feet for rain water leaders, window sills, and other such fixtures and open steps.

ZONING CERTIFICATE OF COMPLIANCE: A certificate issued by the Zoning Officer stating that a structure or the use thereof is in compliance with this Ordinance.

ZONING ENFORCEMENT OFFICER: The official designated to administer and enforce this Ordinance.

ZONING PERMIT: A document issued by the Zoning Officer authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses in conformity with this Ordinance.

ARTICLE III
Permits and Procedures

SECTION 300 PERMITS REQUIRED

No use or structure shall be established, erected, altered nor land developed until a permit has been issued by the Zoning Enforcement Officer who shall issue such permits in accordance with regulations in the Ordinance. Non permament utility type buildings 100 sq. ft. or less will be allowed under the discretion of the Zoning Officer. Permit applications shall be filed with the Zoning Enforcement Officer.

SECTION 301 BUILDING PERMIT TYPES

Under the terms of this Ordinance, the following classes of Building Permits may be issued:

A. Permitted Use. A building permit for a permitted use may be issued by the Zoning Enforcement Officer on his own authority.

B. Special Permit Uses and/or Site Plan Approval. A building permit for a special permit use may be issued by the Zoning Enforcement Officer after special permit or site plan approval from the Planning Board.

C. Building Permit-After an Appeal or Request for a Variance. A building permit may be issued by the Zoning Enforcement Officer upon order of the Zoning Board of Appeals after a public hearing as more fully described in Article VIII.

SECTION 302 PRE-APPLICATION CONFERENCE WITH THE PLANNING BOARD

Pre-application conferences with the Town's Planning Board are required for all applicants seeking special permits.

SECTION 303 APPLICATION PROCEDURE AND REQUIRED INFORMATION

A. Application

Application must be made with the Zoning Enforcement Officer on forms approved by the Town Board, and be made available at the Office of the Town Clerk, or Zoning Enforcement Officer.

B. Information

All information on the application form must be completed. In addition, the following information is also required to constitute a complete application.

1. Map Required

Two copies of a property map shall be submitted with all applications. The map shall be either:

a. Sketch Map

A sketch map is required for all permitted use application. The sketch map shall be drawn to scale and show the dimensions and location of the lot, exact size and location of all existing and proposed buildings on the lot, proposed location of water and sewage disposal systems, parking areas and driveway location, natural watercourses, ponds, surface drainage patterns and location of existing or proposed easements.

b. Site Plan

A site plan is required with all special permit applications. The requirements and procedure for site plan approval are in Article X.

2. Signs - A copy of proposed sign design and specifications shall accompany an application as in accordance with Section 601 of this Ordinance.

C. Approval of Water and Sewage Disposal Systems

Evidence of approval of sewage disposal system plans by the Orleans County Health Department or it's agent, must be submitted at the time of application. Applications lacking such information shall not be accepted.

D. Evidence of Property Ownership or Intent to Purchase

Copies of deeds, titles, purchase agreements, or other proof of ownership or intent to purchase must be attached to an application before it will be accepted.

E. Licenses
Any use currently licensed by Federal, State, County or Town Agencies and already operating within the Town shall present evidence of currently valid licenses before any expansion permits are considered.

F. Fee
The appropriate non-refundable fee established by the Town Board in it's fee structure shall be collected at the time of application. This fee structure shall be filed and posted at the Office of the Town Clerk.

G. All Special Permits
For example, such as special Health Department approval, SEQR, Dept. of Army Corp. of Engineers, etc, if applicable.

SECTION 304 BUILDING PERMIT GRANTED

When all requirements of this Ordinance have been met, the Zoning Enforcement Officer shall issue a building permit and return one approved copy to the applicant of the map no later than fifteen (15) days after approval. The Zoning Enforcement Officer shall file one copy of the approved permit in the Town Clerk's office.

SECTION 305 FIRE AND BUILDING CODE

Requirements of NYS fire and building codes must be met. See the Town Fire and Building Code Enforcement Officer.

SECTION 306 TERMINATION OF PERMIT

Any building permit, or conditional use permit for which construction, or use has not commenced on one (1) year after issuance can be renewed for one (1) additional year without a fee. Reapplication after two (2) years is required.

SECTION 308 CERTIFICATE OF OCCUPANCY

The applicant shall notify the Town Clerk when the structure or use is ready for final inspection and the Town Fire and Building Code Enforcement Office will grant permission to occupy and issue a Certificate of Occupancy.

ARTICLE IV
Establishment and Designation of Land Use Districts

SECTION 400 ESTABLISHMENT OF DISTRICTS

For the purpose of promoting the public health, safety, morals, and general welfare of the Town of Carlton, the Town is hereby able to be divided into the following types of districts.

RH - Hamlet

RA - Residential/Agricultural

RR - Rural Residential

WD - Waterfront Development

WR - Waterfront/Residential

B - General Business

C- Conservation

I - Industrial

H - Historic

SECTUIB 401 ZONING MAP

Said districts are bounded as shown on the map entitled "Zoning Map of the Town of Carlton", which is currently on file with the Town Clerk and Zoning Officer.

SECTION 402 DETERMINATION OF LOCATION OF BOUNDRIES

In case of uncertainty as to the true location of a district boundary line in a particular instance, the Zoning Enforcement Officer shall request the Zoning Board of Appeals to render it's determination.

SECTION 403 ZONING WATERS

Appropriate zone to be determined by measuring from the nearest shoreline commencing at the mean high water mark to the center of the navigable portion of the main channel.

Those waterways bordered on both sides by the same zoning classification shall be considered to be the same.
Lake Ontario for a distance of 1500 feet in a northerly direction shall be considered the same as adjacent shoreline.

ARTICLE V
District Regulations

SECTION 500 HAMLETS (RH)

SECTION 501 PURPOSE

The purposes of the hamlet zone are to recognize that the crossroads community is a unique area where residential and commercial business uses exist in harmony, providing necessary basic services for the surrounding community and residences for those people who provide the services.

SECTION 506 OTHER PROVISIONS AND REQUIREMENTS

A. BUFFER STRIP

Commercial structures shall provide a natural buffer strip and perpetually maintained so as to provide visual screening and separation between commercial and residential uses.

B. REFUSE CONTAINERS

Refer to Section 535 B.

C. CONSERVATION DISTRICT

Where applicable, the provisions of the Conservation District specified in Section 550 shall be maintained.

D. PRESERVATION DISTRICT

Where applicable, the provisions of the Preservation Overlay District specified in Section 560 shall be maintained.

SECTION 510 RESIDENTIAL/AGRICULTURAL (RA)

SECTION 511 PURPOSE

The purpose of the "RA" Residential/Agricultural Zone is to protect agricultural lands and uses from incompatible land uses and to limit non-farm residential, commercial and industrial uses to those areas best suited by reason of their requirements for public services.

SECTION 513 PERMITTED ACCESSORY USES

A. Uses and structures customarily incidental to permitted uses and structures.

B. Accessory structures are not to be used on a commercial basis except for home occupations and home businesses.

SECTION 516 OTHER PROVISIONS AND REQUIREMENTS

A. CONSERVATION DISTRICT
Where applicable, the provisions of the Conservation District specified in Section 550 shall be maintained.

B. PRESERVATION DISTRICT
Where applicable, the provisions of the Preservation Overlay District specified in Section 560 shall be maintained.

SECTION 520 RURAL RESIDENTIAL (RR)

SECTION 521 PURPOSE

The purpose of the "RR" Rural Residential Zone is to provide a stable environment for rural residential development, free from incompatible uses. Uses in this district are either served by public water and/or sewer or are areas with densities high enough to support such facilities if growth is likely or encouraged.

SECTION 526 OTHER PROVISIONS AND REQUIREMENTS

A. CONSERVATION DISTRICT
Where applicable, the provisions of the Conservation District specified in Section 550 shall be maintained.

B. PRESERVATION DISTRICT
Where applicable, the provisions of the Preservation Overlay District specified in Section 560 shall be maintained.

SECTION 530 GENERAL BUSINESS (B)

SECTION 531 PURPOSE

The purpose of the General Business District is to provide for business establishments serving the needs of area residents, especially retail and service businesses. Permitted uses are intended to create a business district free from conflicting land uses.

SECTION 533 PERMITTED ACCESSORY USES

Uses and structures customarily incidental to permitted uses and structures. Private garage space for the storage of commercial vehicles used in conjunction with a permitted business use.

Off-street parking, loading and unloading facilities subject to the provisions of Article VI Section 605 and

606 of this Ordinance.

One (1) sign shall be permitted per business for each street and parking area upon which said use fronts. Said sign shall not exceed thirty-two (32) square feet. Refer to Article VI, Section 600.

SECTION 534 CONDITIONAL USES REQUIRING A SPECIAL PERMIT ISSUED BY THE PLANNING BOARD (SUBJECT TO SPECIAL PERMIT USE REGULATIONS, ARTICLE VII)

Restaurant
Motor Vehicle Repair Shops
Hotels and Motels
Essential Services
Day Care Center
Bed and Breakfast
Business Services
Professional Offices
Business, General
Bait and Tackle Shops
Farm Labor Camps
Gasoline Stations or Outlets
Retail Business
Farm Roadside Stands
Public and Semi-Public
Buildings and Grounds
Class A Shooting Preserve

SECTION 535 OTHER PROVISIONS AND REQUIREMENTS

A. BUFFER STRIP

Commercial structure shall provide a natural buffer strip and perpetually maintained so as to provide visual screening and separation between commercial and residential uses.

B. REFUSE CONTAINERS

1. Dumpsters must be set on a stone bed, a minimum of 4" or any other hard surface.
2. Dumpsters must be painted and kept in good repair with no leaks.
3. Dumpsters must be covered and kept in the closed position.
4. Dumpsters must not be overfilled.
5. The area surrounding the dumpster must be kept clean.

C. RESIDENTIAL LOT LINE

No commercial structure shall be permitted within fifty (50) feet of the nearest lot line. All commercial lots shall have a minimum of two hundred (200) feet frontage.

D. CONSERVATION DISTRICT

Where applicable, the provisions of the Conservation District specified in Section 550 shall be maintained.

E. PRESERVATION DISTRICT

Where applicable, the provisions of the Preservation Overlay District specified in Section 560 shall be maintained.

SECTION 540 INDUSTRIAL (I)

SECTION 541 PURPOSE

The purpose of the Industrial district is to provide for the establishment of industrial uses essential to the development of a balanced economic base, and to regulate it's development so it will not be detrimental or hazardous to the surrounding community.

SECTION 542 PERMITTED USES

A. Any use of light industrial or agri-industrial nature is permitted which involves only the processing, assembly, or packaging of previously prepared or refined materials, provided that at no time will such use result in or cause:

1) Dust, smoke, smog, observable gas, fumes, or odors, or other atmospheric pollution, objectionable noise, glare, or vibration shall not be discernable beyond the property lines of the industry.

2) Hazard of fire or explosion or other physical hazard to any adjacent building or to any plant growth on any land adjacent to the site of the uses.

B. The following uses are indicative of those which are intended to be permitted:

1) Manufacture of machinery such as: carburetor and small machine parts, cash registers, sewing machines and typewriters, calculators and other office machines.

2) Fabrication of metal products such as: baby carriages, bicycles, metal foil, tin, aluminum, gold, metal furniture, musical instruments, sheet metal products and toys.

3) Fabrication of paper products such as: bags, book bindings, boxes and packaging material; office supplies and toys.

4) Fabrication of wood products such as: boats, boxes, cabinets and woodworking, furniture and toys.

5) Food and associated industries such as: bakeries, bottling of food processing, food sundry manufacturing, ice cream manufacturing and manufacturing of spirituous liquor.

6) The warehousing or storage of goods and products such as building materials, farm supplies and the like, which may be sold from the premises to the general public. The bulk storage of nuclear or radioactive products, toxic waste chemicals is specifically excluded from the intent of the above.

7) Office buildings for executive, engineering and administrative purposes.

8) Scientific or research laboratories devoted to research, design and/or experimentation and processing and fabrication incidental thereto.

9) The manufacturing and processing of pharmaceutical and cosmetic products.

10) Farm and garden implement stores.

11) Any other use which in the opinion of the Planning Board is similar in nature and effect to the conditional uses prescribed in this Section.

SECTION 543 PERMITTED ACCESSORY USES

A. Signs shall be permitted for advertising industrial activities on the premises which shall not exceed, in aggregate, fifteen (15) percent of the area of the front facade of the building. Such signs may be illuminated but shall not be of the flashing type. Signs shall be otherwise subject to the provisions of Article VI, Section 600, SIGNS, of this Ordinance.

B. Private garage and storage buildings, which are necessary to store any vehicle, equipment or materials on the premises.

C. Off-street parking, loading, and unloading facilities subject to provisions of Article VI, Section 605, PARKING of this Ordinance.

SECTION 544 OTHER PROVISIONS AND REQUIREMENTS

A. Residential uses shall be prohibited in this district.

B. Incidental storage out of doors, or processes may be permitted provided that such materials are shielded from view from public streets, adjacent off-street parking areas and adjacent non-industrial districts by fencing, landscaping or other appropriate measures.

C. All uses permitted in this district shall set aside not less that ten (10) percent of the lot to be devoted to seeding, planting, retention of tree cover, or other landscaping. This area shall be used for no other industrial or commercial purpose.

D. Each use in this district shall provide truck loading and unloading area in an amount sufficient to permit the transfer of goods and products in other than a public street, off street parking area or front yard.

E. Buffer Strip: Industrial structures shall be located as to be a minimum of one hundred (100) feet from any non-industrial district. This (100) foot buffer strip shall provide a natural buffer and be perpetually maintained so as to provide visual screening and separation between industrial and non-industrial uses.

F. Parking areas may be located in any of the required yard areas provided they are not less than fifty (50) feet from a right-of-way line or twenty (20) feet from a property line.

Refuse Containers: Refer to Section 535 B.

H. Where applicable, the provisions of the Conservation District specified in Section 550 shall be maintained.

I. Where applicable, the provisions of the Preservation Overlay District specified in Section 560 shall be maintained.

SECTION 550 CONSERVATION

SECTION 551 PURPOSE

The purpose of the Conservation District is to protect the unique and irreplaceable wetlands, wildlife habitats, geological formations, lake shores, and stream banks of the Town of Carlton.

SECTION 552 APPLICABILITY

A. The Conservation District is an overlay zone designed on the Zoning Map of the Town of Carlton. The

district includes all Freshwater Wetlands over 12.4 acres, and those of smaller area which have been determined to be of unusual local importance as defined and protected by Article 24 and Title 23 of Article 71 of the Environmental Conservation Law - the Freshwater Wetlands Act.

B. The provisions of this district take precedence over any other zoning district.

C. The guidelines of the Freshwater Wetlands Act, unless contrary to the Town of Carlton Ordinances, are hereby adopted, and incorporated by references.

D. The guidelines of the Coastal Zone Management Act of 1972, as amended, unless contrary to the Town of Carlton Ordinances, are hereby adopted, and incorporated by reference.

SECTION 560 OAK ORCHARD CREEK PRESERVATION DISTRICT

SECTION 561 PURPOSE

The Oak Orchard Creek Preservation District is established to protect and preserve the unique and irreplaceable natural condition of the Oak Orchard Creek waterway and its adjacent land resources, as well as serving to protect, preserve and where practical, restore those areas determined to be significant coastal fish and wildlife habitats pursuant to 19NYCRR Part 600 of the New York State Law.

SECTION 562 APPLICABILITY

A. The Oak Orchard Creek Preservation District is an overlay district designed on the Zoning Map of the Town of Carlton. The district includes the entire water surface area of Oak Orchard Creek, south of Rt. 18 to the Waterport Dam, including significant fish and wildlife habitat areas, all of the creek banks and a top of the bank (25) foot setback. The 25 ft. setback is measured horizontally back from the highest adjacent grade of the bank.

B. The provisions of this district shall take precedence over any other zoning district, with the exception of the Flood Hazard and Conservation Districts, to the extent that the provisions of this district are inconsistent with such other provisions.

C. The policies and procedures of the Waterfront Revitalization and Coastal Resources Act are hereby adopted by reference.

SECTION 563 OTHER PROVISIONS AND REQUIREMENTS

A. Any and all development activity within 250 ft. of the Oak Orchard Creek Preservation District shall require site plan approval by the Town of Carlton Planning Board.

B. Any special permit issued shall be of one year duration and be subject to an annual review by the Planning Board for compliance.

C. No building permit and/or special permit shall be issued for development which would or could impair or depreciate the natural, unique, and irreplaceable beauty and historic significance of Oak Orchard Creek or vistas.

D. New structures and roads, with the exception of fences, docks, boathouses, bridges, and stairs, shall not be constructed within the twenty-five (25) foot top of bank setback. This natural buffer strip shall serve to provide protection from flooding and erosion, as well as, preserving the stream corridor aesthetics.

E. No new dock or boathouse shall be located within 500 feet of another dock or boathouse, except when said new dock or boathouse is located on a separate and distinct, legally constituted lot or parcel, on the same side of Oak Orchard Creek. Said distance shall be measured in a straight line between the nearest points of each of the structures.

F. All construction of new structures shall be consistent with the general standards set forth in the Flood Damage Prevention Local Law.

G. No new dock, boathouse, bridge or fence shall be constructed which will impede the natural flow of the creek, and will be so located, designed and constructed as to minimize it's intrusion into the water body and avoid adverse environmental impacts.

H. These regulations shall not apply to structures in place prior to the adoption of the law or regulations establishing these standards.

I. The harvesting, cutting, removal or thinning of vegetation which would increase the erosion of the bank, from the mean high water point up the creek bank and including the twenty-five (25) foot top of bank setback, is prohibited.

J. The above cutting standard shall not be deemed to prevent the regular mowing of weeds or grass, the removal of diseased vegetation or of rotten and damaged trees or of vegetation that presents a safety, environmental or health hazard. The planting and promotion of vegetation to inhibit erosion is encouraged. When the creek bank is excavated in any way, vegetation to stabilize the bank and prevent erosion must be planted as per DEC specification.

SECTION 570 HISTORIC (H)

SECTION 571 PURPOSE

The purpose of the Historic District is to preserve certain areas of historical or cultural significance in the Town of Carlton.

SECTION 580 WATERFRONT RESIDENTIAL (WR)

SECTION 581 PURPOSE

The purpose of the "WR" Waterfront Residential district is to recognize the Lake Ontario shoreline, and it's tributaries, as a unique resource and to control future growth in a manner which respects the environmental limitations of the waterfront and afford maximum public enjoyment of the area.

SECTION 583 PERMITTED ACCESSORY USES

Uses and structures customarily incidental to permitted uses and structures. Accessory structures are not to be used on a commercial basis except for home occupations and home businesses.

SECTION 586 OTHER PROVISIONS AND REQUIREMENTS

A. Where applicable, the provisions of the Conservation Overlay District specified in Section 550 shall be maintained.

B. Site plans for development in this district shall be designed to preserve the scenic qualities of the

shoreline and vistas.

C. The use of common easements and cluster development shall be encouraged to maximize public access to and enjoyment of the lakeshore.

D. Roadways shall be planned to provide the most effective access to individual parcels and lots and the land area devoted to roadways should utilize the minimum land area required to provide such access.

E. No new roadway or an extension of an existing roadway shall be permitted within three hundred (300) feet of Lake Ontario, except where extreme need is shown.

F. No building permit and/or special permit shall be issued for development, construction or revision to any new or existing structure, dock, boat house, berm or fence which would impair or depreciate the natural, unique and irreplaceable beauty, historic significance or scenic vistas or any adjacent waterfront property.

SECTION 590 WATERFRONT DEVELOPMENT (WD)

SECTION 591 PURPOSE

The purpose of the Waterfront Development zone is to promote that particular mix to residential and commercial uses which make up a water-front recreational area, recognizing that certain businesses are desirable to service the seasonal recreational needs of both residents and tourists.

SECTION 596 OTHER PROVISIONS AND REQUIREMENTS

A. Conservation Overlay District

Where applicable, the provisions of the Conservation Overlay District specified in Section 550 shall be maintained.

A.1. Preservation Overlay District
Where applicable, the provisions of the Preservation Overlay District specified in Section 560 shall be maintained.

B. Site Plans
Site Plans for development in this district shall be designed to preserve the scenic qualities of the shoreline and vistas.

C. Cluster Development
The use of common easements and cluster development shall be encouraged to maximize public access to and enjoyment of the lakeshore.

D. Access
Roadways shall be planned to provide the most effective access to individual parcels and lots and the land area devoted to roadways should utilize the minimum land area required to provide such access.

E. New Roadways
No new roadway or an extension of an existing roadway shall be permitted within three hundred (300) feet of Lake Ontario, except where extreme need is shown.

F. Buffer Strip
Commercial structures shall provide a natural buffer strip and perpetually maintained so as to provide visual screening and separation between commercial and residential uses.

G. Refuse Containers
Refer to Section 535 B.

H. Residential Lot Line
No commercial structure shall be permitted within fifty (50) feet of the nearest lot line of any resident or residential district.

I. Water's Edge
All permanent structures shall be located at least fifty (50) feet from the water's edge with the exception of docks and boat houses.

J. Signs

All signs shall conform to the standards given in this Ordinance, Section 601. In addition, all signs shall meet the following standard(s):

1. No brand-name sponsored sign shall be permitted, as further described in Section 601.
2. Sample signs shall be available for inspection in the Town Offices.

3. These signs are indicative of preferred style to enhance the area's quiet fishing atmosphere and rustic quality.

K. No building permit and/or special permit shall be issued for development, construction or revision to any new or existing structure, dock, boat house, berm or fence which would or could impair or depreciate the natural, unique and irreplaceable beauty, historic significance or scenic vistas of any adjacent waterfront property.

SECTION 600 SIGNS

Signs shall be permitted only according to standards listed below unless otherwise stated in this Ordinance. A building permit is required with the exception of Section G,J, and K, temporary signs.

SECTION 601 GENERAL STANDARDS

A. No sign shall consist of lights which flash, or move, or appear to move.
B. No sign shall be higher than the principal building to which it is accessory.

C. General advertising signs related (associated) to the permitted use of the premises are allowed such as secondary advertisement of products or services. Off premises signs unrelated to the use are allowed as long as they comply with standards of this section.

D. No sign shall project into a public right-of-way, create a traffic hazard, be unduly distracting to motorists and pedestrians, or reduce the effectiveness of signs needed to direct the public.

E. No sign shall project on a public utility pole or traffic control structure.

F. All existing signs that are legal at the time of the enactment of this Ordinance shall be allowed to remain as long as they are properly maintained and their use remains current. Replacement of any existing sign for any cause shall be in accordance with the more restrictive clauses of this Ordinance. Upon transfer of any business property to new owner, the said new owner must comply with the terms of this section within thirty (30) days after the transfer day.

G. Temporary lighted or unlighted signs erected by and for non-profit organizations such as churches, American Legion, Boy Scouts, Girl Scouts, political organizations, military reserve associations, et al; advertising suppers, banquets, benefits, fund raising sales, etc: may be erected for a period of forty (40) days without a permit in any district.

H. One site sign is permitted, not to exceed thirty-two (32) square feet per side (except as otherwise specified in this Ordinance). e.g. Home Occupations and Home Business cannot exceed six (6) square feet.

I. Signs shall be informative, and not detract from the rural character of the community. Sign (s) shall be consistent with the Town of Carlton Policy Statements.

J. Permitted are small temporary signs, not to exceed sixteen (16) square feet, placed on premises while artisans, wrights, or makers are performing work on such premises, until thirty (30) days after completion of work.

K. Allowed are small temporary signs, not to exceed 6 square feet, placed on the premises for seasonal purposes and not to exceed a period of 6 months.

L. Permitted are brand name, logo, trademark (or the combination thereof) shall not exceed 25% (twenty-five percent) of the square footage of the sign.

M. Signs required by Federal, State, or County Agencies are permitted secondary signs.

N. Any persons desiring to place a sign on premises other than the site of the business advertised must apply for a special permit with the Town Planning Board and is subject to the Ordinance Special Permit Process.

O. The aggregate total area of accessory signs shall not exceed 50% of the original sign in size.

SECTION 605 PARKING

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

A. All uses shall provide adequate off-street parking for all vehicles parked during typical peak use periods. Parking should be designed to eliminate the need to back out or to park on the shoulder of public roads.

B. Violation is constituted by an observed overload of parking on to off-site areas, neighboring property or road right-of-ways more than three times per month.

C. A parking space shall be not less than ten by twenty feet (10 by 20 feet), exclusive of access-ways and driveways. Single family residence need not exclude driveway area.

D. Off-street parking areas for non-residential uses shall provide access lanes to parking spaces. Parking areas for fifty (50) or more vehicles shall delineate fire lanes and include no parking markers.

SECTION 606 MINIMUM PARKING STANDARDS

Minimum standards supplementary to the basic standard cited above is as follows:

A. One parking space is required for every three seats in a public meeting place.

B. One parking space is required for each employee at places of employment and one parking space per two hundred fifty (250) square feet of gross floor area in a commercial establishment unless otherwise specified herein.

C. One parking space is required for every two hundred (200) square feet of gross floor area in business and professional offices.

D. One parking space is required for every one hundred (100) square feet of gross floor area in supermarkets and self service food stores.

E. Parking Lots must include handicapped parking spaces according to the Americans With Disabilities Act.

Section 608 UTILITY SHEDS

One utility shed, having exterior dimensions of 10' x 10' x 10' or less do not have to meet the setback requirements provided in this Ordinance and may be erected no less than five (5) feet off the property line upon inspection and approval of the Zoning Enforcement Officer. Such sheds do not require a cement or wood base, but must be anchored to the satisfaction of the Zoning Enforcement Officer to mitigate against wind damage. Utility sheds having dimensions larger than 10' x 10' x 10' , and requests for more than one (1) 10' x 10' x 10' shed require the issuance of a standard building permit and must comply with all of the provisions of this Ordinance and all other local laws and statutory provisions.

SECTION 610 FENCES

Fences are erected in the Town shall adhere to the following unless otherwise specified in this Ordinance:

A. A building permit is required, showing the location of the fence on a tape map, or other map, drawn to scale; and describing the length, height and materials from which the fence is to be constructed.

B. The style and materials of any fence shall be in keeping with the character of the Town of Carlton.

C. Fences may be erected, altered or reconstructed to a height of four (4) feet for residential uses; ten (10) feet for non-residential uses; six (6) feet for swimming pools; eight (8) feet for dog runs.

D. Fences may be substituted for lot line landscaping during Site Plan Review upon the discretion of the Planning Board.

E. No fence shall cause obstruction to one's vision at street intersections.

F. Farm fencing shall be exempt from these provisions.

G. Fences may be erected on lot lines.

H. The finished side of a fence must face the neighboring property and must be within the character of the neighborhood. Fence and fence supports shall not encroach on neighboring property.

I. Fences, privacy vegetation and/or natural buffers must be constructed to retain views to and from the shore of any body of water and must not affect or obstruct the views of any body of water from adjoining lots.

SECTION 620 INDIVIDUAL MANUFACTURED HOMES

It is hereby recognized that manufactured homes are accepted housing by many individuals. It is also recognized that standards enacted at the Federal and State levels have caused newer units to be safe, energy efficient, fire retardant structures. The following standards and installation requirements are required:

A. Only manufactured homes manufactured after the implementation of the Housing and Community Development Act shall be hereafter placed in the Town of Carlton. No new placement, replaced or moved mobile home shall be older than five (5) years.

B. Manufactured homes shall not be less than eight hundred (800) square feet by measure of their exterior structural dimensions. All manufactured homes shall have peaked or pitched asphalt shingled roofs, and vinyl, wood, or aluminum lap siding.

C. Structures may be attached to the manufactured home if the manufactured home is mounted on full perimeter foundation and complies to all other rules set forth in this zoning. Patios, door porches and car ports will be allowed for any preexisting manufactured home that legally exists but fails to comply to conditions of this Ordinance.

D. A framed construction storage shed or garage must be located on each mobile home lot. The shed will provide necessary storage space to compensate for the units lack of an attic and basement.

E. All manufactured homes shall be fastened on a permanent full perimeter foundation below the frost line.

F. Manufactured homes are subject to all applicable portions of this Ordinance pertaining to single family dwellings.

G. Manufactured homes shall not be used for any other purpose than residence.

H. Manufacturer's Instructions which include installation criteria shall be included with the building permit or be made available for inspection during installation. The Zoning Enforcement Officer shall verify that the manufacturer's installation instructions were followed before an Occupancy Certificate is issued.

I. During construction of a new home, a livable trailer would be permitted for a period of 6 months. A permit must be obtained from the zoning officer which is renewable up to a period of one (1) year. The temporary unit must either have self-contained sanitation facilities or be connected to adequate sanitation facilities.

J. Refer to lot restrictions chart for minimum lot size requirements.

SECTION 625 CAMPING UNIT

A. A camping unit shall be placed only on improved property except at an approved camping ground, or on improved property with the consent of the owner.

B. For the purposes of this section, improved property shall be land (lot) upon which there is an occupied dwelling that conforms to the articles of this Ordinance.

C. No more than two (2) Camping Units may be parked on any improved property at the same time.

D. All Camping Units are to be placed on the side or rear areas of improved property.

E. Placement of Camping Units must be in accordance with the setbacks required for buildings in the respective zone of the property.

F. The Camping Unit must either have self contained sanitation facilities or be connected to adequate sanitation facilities.

G. Camping Units must not be used for monetary gain or rental purposes unless situated within an approved campground.

SECTION 630 STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)

A. The state environmental Quality Review Act requires that local governments examine the environmental impact of all actions they permit, fund, or construct. Article 8 and Part 617 of Title 6 of the New York Code of Rules and Regulations are hereby adopted by the reference.

B. All "Type I" actions (8 NYCRR Part 617) shall require the submission and review of an Environmental Assessment Form.

C. For zoning action reviewed by the Town, the following bodies shall be lead agency, unless otherwise delegated by the Town Board.
Zoning Amendments - Town Board
Zoning District Amendments - Town Board
Special Permits - Planning Board

D. If in the opinion of the local lead agency, after review of the environmental Assessment Form, there appears the potential for a significant environmental impact, the lead agency shall cause the applicant to prepare a Draft Environmental Impact Statement. Review, notice and action on the EIS shall be conducted according to Part 617.

SECTION 640 NON-CONFORMING USES, LOTS, STRUCTURES

Lots, structures, uses of land and structures and characteristics of use which lawfully existed at the time of enactment of this Ordinance and which would be prohibited or restricted under the terms of these regulations may be continued subject to the following provisions.

A. Intent - It is the intent of this Ordinance to permit non-conforming uses to continue until they are removed.

B. Enlargement - No non-conforming uses, lots or structures, shall be enlarged or increased, without a variance by the Zoning Board of Appeals.

C. Unsafe Structures - Any structure or portions thereto declared unsafe by a proper authority must be restored to a safe condition or removed at owner's expense.

D. Alterations - A non-conforming structure may be reconstructed or structurally altered on the original footprint in accordance with current building codes. Any change of size or height shall require a variance.

E. Restoration - Any non-conforming structure damaged by fire or other cause must be restored to current codes.

F. Discontinuance - Whenever a non-conforming use, lot or structure, has been discontinued for a period of one (1) year, use shall not thereafter be re-established and any future use shall be in conformity with the provisions of this Ordinance.

G. Changes - Once changed to a conforming use, no lot or structure or land so changed shall be permitted to revert to a non-conforming use.

H. Displacement - No non-conforming use shall be expanded to displace a conforming use.

I. Moving - Should any structure be moved for any reason for any distance, it shall thereafter conform to the requirements for the district in which it is located after it is moved.

J. Existing undersized Lots of Record

1) Any recorded lot held in single and separate ownership prior to the adoption of this Ordinance and whose area and\or width and\or depth are less than minimum requirements specified herein for the district, may be considered as complying with this Ordinance and no variance therefore shall be required, provided that:

   (a) Such lots do not adjoin any other lot or lots held by the same owner, the aggregate area of which lots is equal to or greater than the minimum lot area required for that district.

   (b) Provided that the minimum lot size of land for such non-conforming lot is at least eleven thousand five hundred (11,500) square feet and meets all set back requirements.

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

3) A lot of non-conforming size may be subdivided if each and every subdivision of such lot is purchased by the owner or owners of the adjoining properties to increase the size of said owner's property.

A. Entertainment or gaming facility shall not be permitted as home occupations.

B. Arcades shall be closed between the hours of 12:00 midnight and 8:00 a.m.

C. No one under the age of sixteen (16) shall be permitted in an entertainment facility while school is in session.

D. An owner or responsible person over the age of eighteen (18) must be on the premises during all hours of operation.

E. Adult Entertainment is not included in this section. See Local Law regarding Adult Entertainment.

F. Electronic screens must be visible from the entryway or outside the building.

G. The noise generated from the facility must be contained within the building. Soundproofing shall be required to meet New York State standards.

SECTION 650 ALTERNATE ENERGY SYSTEMS OR SIMILAR STRUCTURES

This section is intended to reduce impacts on neighboring property owners and health and safety problems which may accompany alternate energy systems.

A. All wind energy towers shall be located on the ground so as to allow an open zone around the tower on the owner's property and of a radius at least equal to the height of the tower.

B. All energy collection/storage facilities and appurtenant electrical equipment shall cause no undue interference or noise, or glare.

C. Windmill blades shall clear the ground at their lowest point by at least ten (10) feet.

D. Height Exemption: The height limitations of this Ordinance shall not apply to wind energy towers or solar collectors provided that such structures are erected only to such height as is necessary to accomplish the purpose for which they are intended, and that such structures do not obstruct solar access to neighboring properties. As long as they comply to article A of this section.

SECTION 655 HABITATION

All residential habitation shall be in residential dwellings as defined in this Ordinance.

SECTION 660 SWIMMING POOLS

Swimming pools may be installed only as accessory structures to a dwelling for the private use of the owners or occupants of said dwelling and their families and guests. No swimming pool shall be installed or maintained unless:

A. Such pools are installed in the rear or side yard of the premises, unless hardship is shown.

B. The set backs from the side and rear lot lines shall be at least fifteen (15) feet.

C. Anything in this Ordnance to the contrary notwithstanding, for in-ground pools, there shall be erected and maintained a good quality fence a minimum of four (4') feet not to exceed six (6') feet in height,

entirely surrounding the pool.

D. Fences and gates shall be required pursuant to the codes of NYS. Every gate or other opening in the fence enclosing any pool, except an opening through the dwelling or other main building of the premises, kept securely closed and locked at all times when the owner or occupant of the premises is not present at such pool.

E. This section does not apply to farm ponds or other natural or artificially made bodies of water.

SECTION 670 BUFFER STRIP/SCREENING

A. A device or materials used to conceal one element of a development from other elements or from adjacent or continuous development. Screening may include one or a combination of the following materials of sufficient mass to be opaque or that shall become opaque after 12 months and which shall be maintained in an opaque condition: fences, walls, berms, or plantings. This section does not apply to residential properties.

1. Parameters with the exception of berms subject to the discretion of the Planning Board shall be up to 4 ft. in depth and 10 ft. in height so as to provide an adequate sound and visual barrier.

2. Berms: parameters shall be up to the discretion of the Planning Board so as to provide an adequate visual and sound barrier.

Section 671 SOLID WASTE MANAGEMENT FACILITIES

Solid waste management facilities or any type of garbage disposal facilities or dumps or transfer stations are prohibited in the Town of Carlton.

Section 680 TEMPORARY SPECIAL EVENTS

A. Purpose and Intent: The purpose and intent of this Section is to provide for the temporary use of land for special events in a manner consistent with its normal use and beneficial to the general welfare of the public. Furthermore, it is the intent of this Section to protect nearby property owners, residents and businesses from special events which may be disruptive, obnoxious, unsafe or inappropriate given site conditions, traffic patterns, land use characteristics, and the nature of the proposed use. Finally, it is the intent of this section to preserve the public health, safety and convenience.

B. Special Event Defined: The term "special event" shall mean temporary, short-term use of land or structures, not otherwise included as a permitted or accessory use by these Regulations, for one or more of the following types of activities:

1. Type 1. Fund-raising or non-commercial events for nonprofit religious, educational, or community service organizations; including any on-site signs and structures in conjunction with the event.
2. Type 2. Temporary banners attached to the wall of a building or placed across street right-of-way.
3. Type 3. Promotional activities or devices intended to attract attention to a specific place, business, organization, event or district, such as signs, searchlights or balloons.
4. Type 4. Commercial activities intended to sell, lease, rent or promote specific merchandise, services or product lines, such as tent sale, trade show, farmers market, Christmas tree sales, or product demonstration.
5. Type 5. Public events intended primarily for entertainment or amusement, such as concerts, festivals, carnivals, circuses or parades; or large private events such as film production. In addition, the temporary placement of a portable asphalt plant during construction work on any public road when such placement is not adjacent to said construction but will be placed within 1 and ¼ miles of said construction.

The term "special event" shall not include amusement enterprises, garage sales at an individual residence, transient merchants, or off-site promotional signs.

C. Special Events Not Requiring a Permit: Special events meeting the Type 1 definition are allowed without a Special Event Permit, provided all of the following performance standards are met:
1. The special event is conducted entirely on private property owned or leased by the sponsoring organization as a permanent facility.
2. Any structure use in conjunction with the special event shall meet all applicable yard setbacks, shall be the subject of a valid zoning certificate, and shall be promptly removed upon cessation of the event.
3. The special event shall be restricted to hours of operation between 6:00 a.m. and 10:00 p.m., to a maximum duration of four (4) days, and to a maximum frequency for similar events of two (2) times per calendar year.
D. Special Events Subject to an Administrative Permit: Special events meeting the following standards may be issued a Special Event Permit administratively by the Zoning Enforcement Officer. In administering the provisions of this section, the Zoning Enforcement Officer shall be guided by applicable County policies as adopted by the Town Board. Any applicant denied a Special Event Permit shall be notified in writing of the reasons for the denial and of the opportunity to appeal the denial to the Town Board.
1. Special events meeting the Type 2 definition may be permitted administratively by the Zoning Enforcement Officer, provided that all of the following performance standards are met:
a. An application is made and a fee paid in accordance with Section 680F.
b. No more than one banner will be displayed when attached to the wall of a building.
c. The size and design of the banners will be appropriate given the size of the building to which they are attached and the character of the surrounding neighborhood.
d. The banner will be displayed for a maximum duration of fifteen (15) days per permit.
2. Special events meeting the Type 3 or Type 4 definition, and Type 1 events not meeting the standards of Section 680C, maybe permitted administratively by the Zoning Enforcement Officer subject to the prior review and approval of special arrangements for traffic and crowd control by the Sheriff, Fire Chief of the appropriate Fire District, and Town Highway Superintendent. No such administrative permit shall be issued unless all of the following performance standards are met:
a. An application is made and a fee paid in accordance with Section 680F.
b. The special event will not cause undue traffic congestion or accident potential given anticipated attendance and the design of adjacent streets, intersections and traffic controls.
c. The activity shall not cause the overcrowding of parking facilities given anticipated attendance and the possible reduction in the number of available spaces caused by the event itself.
d. The special event shall not endanger the public health, safety, or welfare given the nature of the activity, its location on the site, and its relationship to parking and access points.
e. The special event shall not impair the usefulness, enjoyment or value of adjacent property due to the generation of excessive noise, smoke, odor, glare, litter or visual pollution.
f. Any structure used in conjunction with the special event shall meet all sight distance requirements, shall be the subject of a valid building permit, and shall be promptly removed upon the cessation of the event.
g. The special event shall be conducted on private property where the property owner has granted permission.
h. The duration and hours of operation of the special event shall be consistent with the intent of the event and the surrounding land issues, but in no case shall the duration exceed ten (10) days.
E. Special Events Subject to Planning Board Approval: Any special event not meeting the criteria of Sections 680 C or D may be granted a Special Event Permit by the Planning Board. Such permit may be subject to such conditions and safe guards as the Planning Board may deem necessary to protect the public health, safety and welfare. These conditions may include, but shall not be limited to:
1. Restrictions on the hours of operation, duration of the event, size of the activity, or other operational characteristic.
2. The posting of a performance bond to help ensure that the operation of the event and the subsequent restoration of the site are conducted according to the Planning Board expectations.
3. The provision of traffic control or security personnel to increase the public safety and convenience.

4. Obtaining liability and personal injury insurance in such form and amount as the Planning Board may find necessary to protect the safety and general welfare of the community.

F. Application and Fee:

1. No Special Event Permit shall be issued until an application has been submitted to the Zoning Enforcement Officer and the appropriate fee paid. The application shall be made on forms provided by the Zoning Enforcement Officer, and shall be accompanied by the following items as applicable:

a. A letter from the applicant describing the proposed event, the hours of operation, the duration of the event, anticipated attendance, and any structures, signs or attention-attracting devices used in conjunction with the event.

b. A sketch plan showing the location of the proposed activities, structures and signs in relation to existing buildings, parking areas, streets and property lines.

c. A letter from the property owner or manager, if different from the applicant, agreeing to the special event.

2. Each application for a Special Event Permit shall be accompanied by an application fee, except that such fee shall be waived for any applicant registered with the State of New York as a nonprofit organization. The fees shall be as established by the Town Board by separate resolution.

3. The Special Event Permit shall be posted on the site for the duration of the eve

ARTICLE VII SPECIAL PERMIT USE REGULATIONS

SECTION 700 AIRPORTS

An application for the establishment, construction, enlargement or alteration of an airport shall include, in addition to requirements for special use permits outlined in Article IX, the following statements and information:

A. Name and address of the proponent.

B. Classification of the proposed airport (commercial, non-commercial, or restricted).

C. Type of aviation activities proposed (aircraft sales and service, flight instruction, crop dusting, air taxi, or similar).

D. Number of aircraft expected to be based at the airport initially and within five (5) years.

E. Type of aircraft expected to be based at the airport initially and within five (5) years.

F. Whether an instrumental approach procedure will be offered.

G. Statement as to the anticipated number of daily operations.

H. Copy of airspace clearance granted by the Federal Aviation Administration for this airport, including USGC topographic map.

I. A copy of the New York State Commissioner of Transportation's determination concerning this airport in accordance with the provisions of 249 of the New York State Business Law.

J. A site plan of the airport, as approved by the Planning board, which includes the following in addition to other site plan requirements given in Article X.

1. Scale no smaller than one inch equals one hundred feet (1" = 100').

2. Location of existing and proposed structures.

3. Alignment of existing and/or proposed runways shall be shown in exact location and magnetic bearing to the nearest thirty (30) minutes.

4. Existing and proposed contours at five (5) foot intervals.

5. Location of aircraft parking and tie-down areas.

6. Provision of access and off-street parking.

7. Provisions for sanitary waste disposal and water supply.

8. Location and method of fuel storage.

K. An area map at a scale of no less than one inch equals five hundred feet (1' = 500') showing:

1. Distances, power lines, or other possible obstructions within two thousand (2,000) feet of the ends of the runways shall be accurately plotted.

2. Properties within five hundred (500) feet shall be plotted and owners identified.

SECTION 701 CAMPING GROUNDS

Camping grounds shall be occupied only by travel trailers, pick-up coaches, motor homes, camping trailers, recreational vehicles, and tents suitable for temporary habitation and used for travel, vacation and recreation purposes. The removal of wheels and placement of a unit on a foundation in a camping ground is prohibited. No accessory structures shall be attached.

A. Minimum site area: ten (10) acres.

B. Not more than ten (10) travel trailers, campers, 15 tents, recreational vehicles or motor homes shall be permitted per acre of gross site area.

C. A camping ground shall be so located that no entrance or exit from a site shall discharge traffic into any residential area nor require movement of traffic from the camping ground through a residential area. A camping ground shall have a minimum of one hundred fifty (150) feet of frontage on a public street.

D. Conditions of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors,

or to other adverse influences, and no portion of the camping grounds subject to flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazards.

E. Management headquarters, recreational facilities, toilets, dumping stations, showers, coin-operated laundries, and other uses and structures customarily incidental to the operation of camping grounds are permitted as accessory uses to the camping grounds. In addition, retail stores and other convenience establishments shall be permitted as accessory uses in camping grounds in such districts where such uses are not allowed as principal uses, subject to the following restrictions:

1. Such establishment and the parking areas primarily related to their operations shall not occupy more than five (5) percent of the gross area of the camping ground. Such establishments shall be restricted in their use to occupants of the camping ground.

2. Such establishments shall present no visible evidence from any street outside the camping ground of their commercial character which would attract customers other than occupants of the camping ground.

3. The structures housing such facilities shall not be located closer to one hundred (100) feet to any public street and shall not be directly accessible from any public street, but shall be accessible only from a street within the camping ground.

F. Plans for sewage disposal and water supply shall be designed in accordance with standards promulgated by the New York State Department of Health and/or Environmental Conservation, and shall receive approval from said agencies.

G. Streets in camping grounds shall be private, but shall be constructed with a stabilized travel way and shall meet the following minimum stabilized travel way width requirements:

One way, no parking:
12 feet

One way with parking one side,
or two way with no parking:
18 feet

Two way with parking on one side:
27 feet

Two way with parking on both sides:
34 feet

H. Each travel-trailer site shall be at least two thousand five hundred (2,500) square feet in area and have a

minimum width of thirty-five (35) feet.

I. A minimum of eight (8) percent of the gross area for the camping ground shall be set aside and developed as common use areas for open or enclosed recreation facilities. No travel-trailer, storage area, or utility site shall be counted as meeting recreational purposes.

J. Entrances and exits to camping grounds shall be designed for safe and convenient movement of traffic into and out of the camping ground and to minimize friction with movement of traffic on adjacent streets. All traffic into or out of the camping ground shall be through such entrances and exits. An adequate lighting system shall be provided for the camping ground.

K. All utilities shall be underground.

L. Not less than one (1) covered twenty (20) gallon garbage receptacle shall be provided for each campsite. Garbage and rubbish shall be collected and disposed of as often as may be necessary to insure sanitary conditions.

M. All applicable sanitation standards promulgated by the State of New York, County of Orleans, or Town of Carlton shall be met.

N. Setbacks. Each building or structure within a camping ground shall comply with the setback regulations applicable to the zoning district in which such camping ground is located, except that travel trailers, campers, tents, motor homes and the motor vehicles propelling or carrying the same may be located not closer than fifteen (15) feet to any side or rear lot line nor closer than sixty (60) feet to any front lot line.

SECTION 702 CLUBS (LODGES, FRATERNAL ORGANIZATION, ETC.)

A. Minimum lot size: 40,000 square feet minimum lot frontage 200 feet.

B. Landscaping areas or screening adequate to protect adjacent properties and land uses shall be provided on all side and rear lot lines.

C. Minimum parking shall be one (1) space per employee and one (1) space per each three (3) members. See Section 605 subdivision C.

D. Entrances and exit points shall be from major or secondary roads.

SECTION 703 DAY CARE CENTERS (Non-Residential)

A. Must have an active outdoor play area of one hundred (100) square feet per child.

B. Outdoor play areas must be appropriately fenced in or otherwise protected from the roads and nearby properties.

C. No outdoor play equipment may be placed within ten (10) feet of any property line, fence, or structure.

D. Minimum parking shall be one (1) space per staff member plus one (1) space per each ten (10) children.

E. Parking - refer to Section 605 subdivision C.

F. Must comply with all N.Y. State Day Care Center rules and regulations.

SECTION 704 DRIVE-IN SERVICES & RESTAURANTS

A. The following information shall be submitted as part of the application for site plan approval and the special use permit for drive-in services and restaurants in addition to that information required in other section of Ordinance.

1. The location and dimensions of all structures including buildings, screened trash areas, fencing, and lighting (show direction and level of illumination).

2. The location and dimension of all off-street parking and ingress and egress locations.

3. Proposed landscaping of site.

B. All restaurants or drive-in services shall have a minimum of fifty (50) feet side set back and 75 feet front set back..

C. All restaurants or drive-in services shall provide suitable storage of trash in areas which are so designated and constructed as to allow no view of the trash storage from the street, to prevent waste paper from blowing around the site or onto adjacent properties or public right-of-way, and to permit safe, easy removal of trash by truck or hand.

D. Driveways for such restaurants and drive in services shall be constructed and maintained as follows:

1. The minimum distance of any drive-way to property line shall be fifteen (15) feet.

2. The minimum distance between driveways on the site shall be sixty-five (65) feet measured from the two (2) closest drive-ways' curbs.

3. The minimum distance into the site shall be thirty (30) feet measured from the intersection of the street right-of-way to the nearest end of the curb radius.

4. Drive-in services and restaurants adjacent to or integrated in a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center.

E. Exterior lighting proposed for the site shall be planned, erected and maintained so it will not cast direct light or glare upon adjacent properties or public right-of-way. The light source shall not be higher than twenty (20) feet.

F. Landscaping and fencing shall be provided to minimize visual unattractiveness and minimize conflicts with adjacent land uses.

G. Water supply and sewage disposal systems shall be reviewed by the Orleans County Health Department.

H. Parking -- Refer to Section 605 & 606 of this Ordinance.

SECTION 705 ESSENTIAL SERVICES

A. Essential services may be allowed as special permit uses in all districts by the Planning Board.

B. The Planning Board shall determine the following prior to approving a special permit:

1. The proposed installation in a specific location is necessary and convenient for the efficiency of the essential service or the satisfactory and convenient provision of the service to the area in which the particular use is located.

2. The design of any building in connection with such facility shall conform to the general character of the area and will not adversely affect the safe and comfortable enjoyment of property rights in the district in which it is to be located.

3. Adequate landscaping will be provided to create a visual and sound buffer between such facilities and adjacent property.

4. All major electrical transformer facilities or substations, if above ground, shall be secured by an outer and inner fence, each ten (10) feet from each other at any point; also no transformer or associated switches shall be closer than one hundred (100) feet from any lot line.

SECTION 706 EXCAVATION AND MINING

A. The applicant shall furnish evidence of a valid permit from the New York State Department of Environmental Conservation pursuant to Title 27, Article 23 of the Environmental Conservation Law when applicable.

B. Minimum lot area: ten (10) acres.

C. All buildings and excavation operations shall be located or shall occur not less than one hundred (100) feet from any street or property line.

D. All equipment used for excavations and processing shall be constructed, maintained, and operated in such a manner as to eliminate, as far as is practical, noises and vibrations, and dust conditions which are injurious or a nuisance to persons living in the vicinity.

E. All operations shall be conducted between the hours of seven o'clock in the morning (7:00 a.m.) and six o'clock in the evening (6:00 p.m.) with no Sunday or holiday operations, and except in the case of public or private emergency or whenever any reasonable or necessary repairs to equipment are required to be made.

F. All land which has been excavated must be rehabilitated in accordance with reclamation plans approved by the Planning Board as part of the site development plan review and approval process within one (1) year after the termination of operations, at the expense of the operator.

G. A performance bond or some other financial guarantee shall be required to assure that the conditions stipulated in the approval of the special use permit are carried out.

H. The Planning Board shall consider the following criteria in their review of the special use permit request:

1. The current use of the property proposed to be excavated as well as the proposed use of the area subsequent to completion of the excavation and restoration thereof.

2. The potential short-term and long-term effects of the proposal on the aesthetics and environment of the area or of surrounding areas.

3. The effect on the property of the proposal that may change the productivity or suitability of the land for agricultural purposes and/or the desirability or feasibility for future development purposes.

4. The amount of time, as estimated by the applicant, that will be required for the completion of the proposed excavation and the restoration of the property.

5. Noise and/or vibrations that may be created by the proposed operation.

6. Additional traffic that may be created by the proposed operation. Deleterious effects, if any, on the property in the general area of the proposed operation.

7. All other criteria which from time to time may be relevant to a proposed operation.

I. Special permits for excavation operations are of a two (2) year duration. Upon reapplication, the Zoning Enforcement Officer may grant a permit renewal if all conditions of the original permit are complied with.

J. No persons, firm or corporation shall strip, excavate, or otherwise remove top soil for sale or other use than on the premises from which, except in connection with the construction or alteration of a building on such premises and excavation or grading incidental thereto. Any area of land consisting of more than one (1) acre from which top soil has been removed or covered over by fill shall be seeded to provide an

effective cover crop within the first growing season following the start of said operation.

SECTION 707 FARM LABOR CAMPS

A. Special permits for the establishment and operation of Farm Labor Camps are of one (1) year duration. Upon application, if all of the conditions of the original permit have been complied with, the Planning Board shall grant a special permit renewal.

B. Minimum site area of proposed Labor Camp shall not be less than five (5) acres.

C. Minimum front, side and rear setbacks shall not be less than two hundred (200) feet,

D. Labor Camps may only operate during the growing and harvesting season (May to November) except when extraordinary circumstances are shown.

E. The Zoning Enforcement Officer may inspect the Camp at any time on one (1) day's notice to assure the provisions of this Ordinance are being complied with.

F. The Labor Camp and camp buildings must continually comply with all applicable local, state and federal ordinances, rules and regulations.

G. The Planning Board, during site plan review, may take into consideration the general suitability of establishment of a Labor Camp in the particular area required.

H. The Planning Board must hold a public hearing on such application for a labor camp. If at such public hearing substantial opposition to establishment of a labor camp in the location requested is received, the Planning Board may consider such opposition as one factor in making their determination of site plan approval or denial.

I. The Planning Board, during site plan review, may take into consideration the general suitability of establishment of a Labor Camp in the particular area requested.

SECTION 708 HOME BUSINESS

A. No more than two (2) persons other than a member of the immediate family occupying such dwelling shall be employed.

B. There shall be no outdoor storage or display of materials, goods, supplies, or equipment related to the operation of the home business.

C. The use shall not generate vehicular traffic in greater volumes than that which is normal to the zoning district in which the use is located; such parking shall be provided off the street and other than in a required front yard.

D. In no way shall the appearance of the structure be altered or the business be conducted in a manner which would cause the premises to differ from it's residential character either by the use of colors, materials, construction, lighting, signs or the emission of sounds, noise, or vibrations.

E. The use shall not generate noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the applicable zoning district.

F. One sign shall be allowed not to exceed six (6) square feet in area. Accessory signs will be permitted with the aggregate total area, not to exceed 50% of the original sign.

G. No more than forty (40) percent of the gross floor area of a dwelling shall be used for the conduct of a home business. The total gross floor area of a detached accessory structure shall be permitted for use of a home business provided that no part of the business is conducted within the principal structure.

H. No more than one (1) commercial vehicle type shall be used in connection with the home business.

I. No home business shall be permitted where access is provided only by a shared private road.

K. A physician or dentist or similar professional may use a residential structure owned by such practitioner for a professional office, even if he does not reside in such structure. No more than four (4) persons, including the practitioner, shall be employed.

L. Home Business will not include motor vehicle repair shops, stables and kennels, restaurants, bait and tackle, musical and dancing instruction, convalescent homes, mortuary establishments, garages or repair shops and other similar trades and businesses.

SECTION 709 HOME OCCUPATIONS

A. No person other than a member of the immediate family occupying such dwelling shall be employed as part of the home occupation.

B. A home occupation must be conducted within a dwelling which is a bona fide residence of the principal practitioner or in an accessory building thereto which is normally associated with a residential use.

C. No more than twenty-five (25) percent of the gross habitable floor area of such residence shall be used for the conduct of a home occupation. No more than forty (40) percent of the floor area of an accessory structure shall be used for a home occupation whether attached or unattached.

D. In no way shall the appearance of the structure be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from it's residential character whether by the use of colors, materials, construction, lighting, or the emission of sounds, noises, or vibrations.

E. No mechanical or electrical equipment shall be employed other than machinery or equipment customarily found in the home associated with a hobby or allocation not conducted for gain or profit or machinery or equipment which is essential in the conduct of the home occupation.

F. No outdoor display of goods or outside storage of equipment or materials used in the home occupation shall be permitted.

G. One (1) sign shall be permitted not to exceed six (6) square feet. Refer to Section 601, General Standards for all other specifications.

H. One (1) commercial type vehicle may be used in connection with the home occupation and be parked on the property.

I. No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in question under normal circumstance wherein no home occupation exists.

J. A home occupation shall not be interpreted to include the following: commercial stables and kennels, restaurants, bait and tackle shops, convalescent homes, mortuary establishments, garages or shops for the repair of motor vehicles and other trades and businesses of a similar nature.

K. If the business grows beyond specifications in this Ordinance and generates more traffic, it will be necessary to move the business and obtain the proper permits.

L. The classification of home occupation shall not be based primarily on wholesale and retail sales.

M. The home occupation shall not require client or customer visits to the residence.

SECTION 710 HOTELS AND MOTELS

A. Minimum lot dimensions:

Minimum lot size: Two (2) acres.

Minimum lot width: Two hundred (200) feet.

Minimum front setback: One hundred (100) feet.

Minimum side setback: Sixty (60) feet.

Minimum rear setback: Forty (40) feet

B. Restaurants, cafeterias, swimming pools, newsstands, pharmacies, barbershops, hairdressers, gift shops, and other personal service shops for the convenience of guests may be permitted as accessory uses.

C. Parking - must conform to Section 605 and 606 of this Ordinance.

D. A natural buffer strip along all contiguous parcels, shall be provided and maintained so as to provide a sufficient visual and sound barrier.

E. No exterior lighting shall be erected, operated, or maintained as to create an annoyance to surrounding properties or a hazard to traffic circulation.

SECTION 711 JUNKYARD REGULATIONS

A. Size

Minimum Lot Size: 10 acres.

B. Location

Junkyards are only permitted in the Industrial Zone, and shall be:

1. 50 feet from any side or rear property line.
2. 500 feet from any residence, park, church, educational facility, public building or other place of public gathering.
3. 500 feet from any stream, lake, pond, wetland, or other body of water, or such greater distance as any other law, rule or regulation requires.
4. 150 feet from the right-of-way of any public highway, or front set back.

C. Fencing

There must be erected and maintained a twelve (12) foot high opaque fence enclosing the entire junkyard and a secured locking gate, adequate to prohibit the entrance of children and others into the area of the activity or business, and to contain within such fence the materials dealt with by the operator of the junkyard. All materials dealt with must be kept stored and deposited within the enclosure at all times. Removal shall be allowed as necessary in the reasonable course of business during normal working hours. Where deemed necessary, The Town may require additional buffering materials as needed, such as adequate planting of evergreen trees or shrubbery.

D. Burning

No materials shall be burned in a junkyard except in compliance with the New York State Solid Waste Disposal Law (See NYCRR Part 215).

E. Burying

No Junkyard items shall be buried in a junkyard except in compliance with the New York State Solid Waste Disposal Law (See NYCRR Part 360).

F. Approved Junkyard Items

No junkyard items shall be stored in any junk storage area other than those items specified on a junkyard permit approved by the Town Board pursuant to this law.

G. Hard Surface Requirements

The entire area of the site to be traveled by any motor vehicle shall be hard surfaced with a minimum of 6" of crushed stone or any other hard surface as required by the Planning Board.

H. Accessible Lanes

The autos, parts and materials dealt in by the licensee shall be disassembled or dismantled by means other than burning. They shall be piled or arranged in neat rows so as to permit easy, clear passage through the area. Access for fire department equipment to yard areas, including areas where stripped vehicle bodies are stored, shall be unobstructed. All accessible lanes shall be kept clear of all combustible material. Items for sale shall be placed on shelving or approved storage to maintain resale ability of items.

I. Motor Vehicle Repair, Restoration and Sale

Motor Vehicle repair, restoration, or sale for legal use is prohibited.

J. Hazardous Materials

All fluids, batteries and hazardous materials must be removed from vehicles and disposed of in accordance with New York State, DEC regulations before being placed in storage for dismantling purposes.

K. Storm/Waste Water Management Plan

A plan for the management of storm water and waste water run-off must be provided, which complies with all New York State DEC regulations.

JUNKYARD PERMIT

A. Permit Required

1. No person shall establish or maintain a junkyard or store junk on any premises within the Town of Carlton unless a permit has first been issued for such junkyard pursuant to this law.

2. No person owning, having any right to, or any interest in any real property within the Town of Carlton shall license, rent, lease, or otherwise permit the use of such real property or any part thereof for a junkyard unless a permit has first been issued for such junkyard pursuant to this law.

3. All permits shall be issued for a period of one (1) year, after which time a renewal shall be required.

APPLICATION

A. Application

1. The applicant for a junkyard permit shall obtain application forms from the Zoning Enforcement Officer. The completed forms along with one (1) copy of the proposed site plan, and appropriate fees, shall be returned to the Zoning Enforcement Officer. The Zoning Enforcement Officer shall submit the application materials to the Planning Board. The Planning Board shall be the agency responsible for reviewing and approving applications. The Town Board shall be responsible for final approval following a recommendation by the Planning Board.

B. Application Eligibility

1. Each applicant for a license hereunder shall execute, under oath, an application therefore, to be supplied to him by the Zoning Enforcement Officer which shall contain the following information:

a. That the applicant is over twenty-one (21) years of age.
b. That he is a citizen of the United States.
c. Whether he has ever been convicted of a felony or misdemeanor and such other facts of evidence as are deemed necessary to establish that he is a person fit and capable of properly conducting the activity or business for which the license is sought.
d. A description of the exact type of activity or business he intends to conduct.
e. The nature of the materials he intends to handle.
f. The number of employees he intends to engage.
g. The name and address of the owner or owners of the land and the nature of the right of occupancy of the applicant to use of such land.

C. Site Plan Contents

The site plan shall be drawn to scale, indicating all dimensions, and show:
1. All existing and proposed structures, including fences and signs;
2. All property lines, including the names of owners of adjacent property;
3. All streams, lakes, wetlands, floodplains, and other bodies of water;
4. All wells and sanitary facilities;
5. All roads and easements;
6. All existing and proposed junk storage areas;
7. All existing and proposed access ways, and parking and loading areas;
8. All drainage ditches, directional flow and storm/waste water management.

D. Environmental Impact Statement

A Long Environmental Assessment Form (EAF) shall be completed and submitted with all applications pursuant to the provisions of the State Environmental Quality Review Act, 6 NYCRR Part 617. If the EAF indicated that the proposed activity may have significant environmental consequences, the Town Board shall require that a Draft Environmental Impact Statement (DEIS) be submitted with the application. The application shall not be considered complete until the DEIS has been accepted by the Planning Board.

E. Application Fee and Costs

A non -refundable application fee of five hundred dollars ($500.00) shall accompany all original applications. In addition, all fees of engineers and other experts retained by the Town concerning said application shall be paid in full by the applicant at such time(s) and under such terms as the Town Board and Planning Board require.

A non-refundable application fee of one hundred dollars ($100.00) shall accompany all renewal applications. In addition, all fees of engineers and other experts retained by the Town concerning said renewal application shall be paid in full by the applicant at such time(s) and under such terms as the Town Board requires.

F. Enforcement Officer Report

The Enforcement Officer shall inspect the application, plans and premises and report in writing to the Planning Board thirty (30) days after receipt thereof.

G. Planning Board Action

The application and site plan shall be forwarded to the Planning Board for study and recommendations. The Planning Board will report its recommendations in writing to the Town Board within sixty (60) days after receipt of the application and site plan.

H. Public Hearing

The Planning Board shall fix a time within sixty-two (62) days of the date a complete application is received for a public hearing. At the Town's expense, notice of the hearing shall be made in the official town newspaper at least ten (10) days prior to the date thereof.

Also, within said ten (10) days, the applicant, at his cost by certified or registered mail, must notify all adjacent property owners within 500 feet of all boundaries of the land of the date, time, place and purpose of said hearing. Due proof of such mailing must be submitted to the Planning Board at or before said hearing. At the hearing, The Planning Board shall hear the applicant and all other persons wishing to be heard on the application for a junkyard permit.

I. Town Board Action

Within sixty-two (62) days of said hearing, the Town Board shall render a decision to approve, approve subject to conditions, or disapprove the application for a junkyard permit. The sixty-two (62) day period may be extended by mutual consent of the applicant and the Town Board. All findings of the Board shall be entered into the official minutes of the Town. The written decision of the Board shall immediately be filed in the office of the Town Clerk and the applicant shall be notified of the decision and the reasons for such decisions by certified mail within five (5) business days of the decision of the Board. Upon approval of the site plan and application, and payment of the fees and reimbursable costs due the Town, the Board shall endorse its approval upon a copy of the final site plan and application. If determined appropriate by the Planning Board, a performance bond or other suitable financial guaranty can be required to assure

compliance with the conditions of the permit, at the time of permit approval.

J. Issuance of Permit

1. If the application is approved by the Town and all fees and reimbursable costs due the Town have been paid to the Town by the applicant, a Junkyard Permit may be issued by the Zoning Enforcement Officer.

GENERAL CONSIDERATIONS

The Town Board and Planning Board shall have the responsibility to apply conditions to the permit which are necessary to protect the general health, safety and general welfare of the community and to protect the character of the neighborhood from potential impacts of the permitted use.

Such conditions include, but are limited to the following:

A. Aesthetic Considerations
In granting or denying a permit, the Town Board and The Planning Board shall take the following aesthetic factors into consideration:
1. Type of road servicing the junkyard or from which the junkyard can be seen.
2. Natural or artificial barriers protecting the junkyard from view.
3. Proximity of the site to established residential or recreational areas or main access routes thereto.

B. Locational Considerations
In granting or denying a permit, the Town Board shall take the following location factors into consideration.
1. Nature and development of surrounding property.
2. Whether or not the proposed location can be reasonable protected from affecting the public health and safety by reason of offensive noise, odors or smoke, or other causes.
3. The proximity of streams, lakes, wetlands, floodplains, ground water supplies, and public water supplies.
4. Local drainage patterns.
5. Long range comprehensive plans for the Town.
6. Proximity of the site to established residential or recreational areas.
7. Availability of other sites for the junkyard.

C. Other Considerations
1. Proposed building, or hours of operation, or use shall not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety and general welfare;
2. All steps possible have been taken to minimize any adverse effects of the proposed building or use on the immediate vicinity through building design, site design, landscaping and screening.
3. Proposed building or use will be constructed, arranged and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring properties.

ADMINISTRATION and ENFORCEMENT

A. Waivers

Where the Town Board and the Planning Board finds that due to special circumstances of the particular case, a waiver of certain requirements as stated in Section 711 herein justified, then a waiver may be granted. No waiver shall be granted, however, unless the Board finds and records in its minutes that:

1. Granting the waiver would be in keeping with the intent and spirit of this law, and is in the best interests of the community.
2. There are special circumstances involved in the particular case.
3. Denying the waiver would result in undue hardship to the applicant, provided that such hardship has not been self-imposed.
4. The waiver is the minimum necessary to accomplish the purpose.

B. Enforcement Officer

1. The Enforcement Officer shall, upon request of the Board, make inspections of the premises of any junkyard for which application for a permit has been made, or any other existing junkyard within the Town, and shall report to the Board on the conditions of such junkyard.
2. The Enforcement Officer shall not enter the premises of any private property without the consent of the owner. It shall be the responsibility of the applicant to arrange for all required inspections of the premises prior to permit issuance or renewal. Once a permit is issued, as a condition of all permits, the junkyard owner or operator shall have deemed to have consented to allow the Enforcement Officer to enter onto the premises and inspect the junkyard at all times, with or without notice, the frequency thereof to be no more than twice (2 times) per month unless a violation is noted.

C. Revocation of Permit

The Town Board may revoke a junkyard permit upon reasonable cause should the applicant fail to comply with any provision of this law, or any conditions previously imposed. Before a permit may be revoked, a public hearing shall be held by the Board. Notice of the hearing shall be made in the official newspaper at least five (5) days prior to the date thereof. The permit holder shall be notified of the hearing by certified mail at least five (5) days prior to the hearing. At the hearing, the Board shall hear the permit holder and all other persons wishing to be heard on the revocation of the junkyard permit. Should the Board decide to revoke a permit, the reasons for such revocation shall be stated in the Town Board minutes. The permit holder shall be immediately notified of the revocation by certified mail.

D. Penalties
1. Any person who shall violate any of these provisions of this local law shall be guilty of an offense and subject to a minimum fine of two hundred fifty dollars ($250.00) for each offense and up to fifteen (15) days in jail. Every such person shall be deemed guilty of a separate offense for each week such violation, disobedience, omission, neglect or refusal shall continue.

2. In addition to the above provided penalties, the Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any article of this law.

3. Any violation of this law occurring on any premises shall be deemed a violation of all owners of the premises as well as all persons actually occupying the premises and all persons legally entitled to possession thereof.

E. Closure and Bond

Upon closure of a junk yard or the termination of the active operation of a junk yard or upon a previously licensed junk yard losing its license for any reason, the owner of the premises upon which the junk yard was located and the licensee of the junk yard shall remove and properly dispose of any petroleum substances, battery acid, coolant fluids, or other pollutants or hazardous materials that have been spilled upon or otherwise exist upon the premises. Each applicant whose application for a license hereunder is approved shall prior to the issuance of such license, post and file with the Town Clerk, a bond issued by an

insurance company authorized to do business in the State of New York for the proper clean up, removal and disposal of all junk and perimeter fencing on the licensed premises upon closure, such bond to be the amount of $100,000.00 for each acre of land included in the area to be licensed for use as a junk yard, with the minimum bond to be $1,000,000.00.

F. Attorneys Fees

In addition to all other remedies allowed, each person who violates any portion of this law shall also owe to the Town of Carlton all legal fees, court costs and disbursements incurred by the Town to enforce this Law and cure each said violation.

SEVERABILITY

If any clause, sentence, paragraph, section or article of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the controversy in which such judgment shall have rendered.

SECTION 712 KENNELS AND ANIMAL HOSPITALS

The Planning Board may approve a special use permit for kennels, provided that the following standards and provisions are maintained.

A. When applying for a purebred boarding license the applicant shall indicate the number of dogs that will be boarded on the premises.

B. Minimum lot size and frontage

Number of Dogs	Lot Size	Lot Frontage
4-5 dogs	2 acres	250 feet
6-10 dogs	5 acres	300 feet
11-20 dogs	10 acres	400 feet
21 + dogs	15 acres	400 feet

C. Adequate landscaping or fencing shall be provided to create a visual, sound and odor buffer between such facilities and adjacent properties. Kennels must have a security fence around the perimeter, unless enclosed in a building. Security fence must be 8 feet high and made of solid material.

D. All buildings, structures or other accessory uses shall be at least 75 feet from any property line, except that animal runs and structures that house animals shall be at least 100 feet from any property line.

E. No outdoor area enclosed by fences for the use of animals shall be permitted within a front yard. Fenced areas shall be setback not less than one hundred (100) feet from any side or rear property line.

F. All animals shall be kept within a totally enclosed building between 8:00 p.m. and 6:00 a.m.

G. Lot coverage, including buildings, animal runs and kennels shall not exceed 50%.

H. Entrance and exit points shall be from major or secondary roads only.

I. Adequate parking shall be provided in accordance with the size of the facility.

J. Adjacent properties shall be protected from noise, odors, and unsightly appearance.
K. Adequate provisions shall be made for disposing of animal waste. Applicants must indicate on application for permit the method of waste disposal and dead animal disposal. Recommended: septic system with 1,000 gallon tank for waste disposal. The proposed method of disposal of waste and/or dead animal carcasses shall be subject to review and approval by the Planning Board before any such method may be employed by any applicant.

L. Individual kennels must be 40 sq. ft. x 4' x6' high chain link or similar fencing.

M. Kennels in operation when this Ordinance goes into effect shall be considered a non-conforming use. Any increase in the number of dogs or the size of the facility shall require a Special Use Permit meeting the requirements of this Section.

SECTION 713 MANUFACTURED HOME PARKS

A. Special use permits for the establishment and operation of manufactured home parks are of a one (1) year duration. Upon reapplication, the Zoning Enforcement Officer shall grant a permit renewal if all conditions of the original permit, and/or current statutes of the Town of Carlton Ordinances are in compliance.

B. The minimum site area of proposed manufactured home parks shall not be less than twenty (20) acres.

C. Manufactured home lots shall have an area of not less than seven thousand two hundred (7,200) square feet. Each manufactured home lot shall front on an interior park roadway and have a minimum width of sixty (60) feet.

D. Minimum front setback for manufactured homes:
Twenty-five (25') feet.
Minimum side setback:
Five (5') feet on one side with total of twenty (20')
feet on both sides.
Minimum rear setback:
Ten (10') feet.

E. The minimum setbacks of every manufactured home, building or other structure in a manufactured home park from the nearest public street line shall be seventy (70) feet, and from every other lot line of the manufactured home park shall be forty (40) feet.

F. Not more than one (1) manufactured home shall be located on any one (1) manufactured home lot. Every manufactured home within a manufactured home park shall be located on a manufactured home lot or in a designated storage area shown on the approved site plan for said park.

G. At least one (1) framed service building shall be constructed in each manufactured home park which shall be adequate to provide for storage of all equipment, tools, and materials necessary for the maintenance of the park, and all such equipment, tools, and materials shall be stored within said building when they are not in use.

H. Each manufactured home lot must have not less than two (2) off-street parking spaces. Such parking spaces shall be connected to the entrance of the manufactured home by a paved sidewalk having a minimum width of twenty-four (24) inches.

I. No boats, campers, travel trailers, recreational vehicles, or unregistered or unlicensed motor vehicles shall be parked or stored at any place within a manufactured home park except in areas designated and approved for such storage as part of the site plan approval.

J. Every roadway within a manufactured home park shall have a minimum pavement width of twenty-two (22) feet and minimum right-of-way width of fifty (50) feet. If cul-de-sacs exist, they shall have a minimum diameter of seventy (70) feet.

K. A complete water distribution system approved by the Orleans County Health Department and other appropriate agencies, including a water-service pipe for each manufactured home lot and appropriately spaced fire hydrants shall be installed.

L. A public sanitary sewage disposal system approved by the Orleans County Health Department and other appropriate agencies shall be installed, including a sewer connection for each manufactured home.

M. All public utility, electric, gas, cable television and telephone lines shall be installed underground.

N. Appropriate street lighting shall be installed on interior roadways within the minimum number of lights being one at each intersection of interior roadways with each other, or with abutting public road, and at least every two hundred (200) feet where such intersections are more than two hundred (200) feet apart.

O. Pedestrian walkways shall be provided along at least one side of all interior streets having a width of approximately four (4) feet.

P. A landscape plan shall be prepared and carried out which will assure the Planning Board that an appropriate planting of trees and shrubs will be included in the park design, including screening where necessary.

Q. No manufactured home shall be located on a manufactured home lot until the roadways, sanitary sewage disposal system, water supply system and storm drainage system serving said manufactured home lot have been installed in accordance with the approved site plan for the manufactured home park.

R. Each roadway shall be named and noted upon signs at each roadway intersection. Each manufactured home lot shall be assigned a permanent number which shall be noted on the manufactured home lot in a location clearly visible from the roadway.

S. All fuel tanks used for heating within a manufactured home park, shall be adequately screened. (See Section 670)

T. Every manufactured home park shall have a recreational area or open-space area for use by the occupants of the manufactured home park. Such areas shall be as centrally located as the topography and design of the park permit. Such area shall be not less than ten thousand (10,000) square feet or one thousand (1,000) square feet per manufactured home lot in the park, whichever is greater.

U. The park owner/operator shall provide for the regular collection and disposal of garbage, trash and rubbish.

V. No more than one (1) accessory building shall be permitted on any manufactured home lot. Accessory buildings must be constructed on a poured concrete slab and maintained in a manner to prevent vermin infestation.

W. No enclosure or addition, with the exception of carports, door porches, and patios, shall be constructed on or added or attached to the exterior of any manufactured home.

X. No manufactured home shall be offered for sale, display for sale, or sold within a manufactured home park unless such manufactured home is located on a mobile home space and is connected to the following approved supplies: electric, sewer, and water.

Y. Every roadway within a manufactured home park shall be maintained in good repair and shall be open at all times reasonably possible for travel by occupants or the park and necessary fire, police, ambulance, public utility maintenance, and fuel supply vehicles. The park owner/operator shall be responsible for providing and paying the cost of such maintenance and all necessary snow removal. The provisions of this subsection shall apply to manufactured home parks hereafter established within the Town of Carlton.

Z. Sale of lots: Any sale of a manufactured home space or spaces or portion of a manufactured home park, other than the entire manufactured home park, as shown on the plan of such park approved by the town, shall thereupon immediately invalidate the permit for such park approved by the Town Board. Any use of any of the premises within the manufactured home park other than as a manufactured home park shall thereupon immediately invalidate the special permit for such park approved by the Planning Board.

AA. Home Occupations: Home Occupations or Home Businesses are not permitted in manufactured homes located within a manufactured home park.

BB. Manufactured home sites shall be improved so as to adequately support the placement and anchoring of the manufactured home in accordance with generally accepted practices as dictated by the N.Y. State Sanitary Code.

CC. Manufactured Homes must have regulatory approval.

DD. Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Parks and storage areas shall be maintained free of accumulations of debris, which may provide rodent harborage or breeding places for flies, mosquitoes and other pests. Lumber, pipe and other building materials shall be stored at least one (1) foot above the ground. Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials. The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

SECTION 714 MULTIPLE FAMILY DWELLINGS

A. The maximum gross density shall not exceed eight (8) units per acre. Minimum lot size for any number of units less than 8 is one acre.

B. Minimum habitable floor area requirements:

1. Townhouse units, two (2) bedrooms or less; eight hundred fifty (850) square feet.

2. Townhouse units, three (3) bedrooms or more:

one thousand (1,000) square feet.

3. Apartment unit, efficiency:
five hundred fifty (550) square feet.

4. Apartment unit, one bedroom:
six hundred seventy-five (675) square feet.

5. Apartment unit, two (2) bedroom:
eight hundred (800) square feet.

6. Apartment unit, three (3) bedroom:
nine hundred fifty (950) square feet.

C. Setback requirements:

1. The minimum front setback from any public street shall be seventy-five (75) feet.

2. The side and rear setbacks shall be fifty (50) feet from all other lot lines.

3. Minimum distance between buildings in a multiple family dwelling development shall be eighty (80) feet.

D. All stairways to the second floor or higher shall be located inside the building.

E. Access to public road:

1. All multiple-family dwelling developments must have direct access to public road.

2. If there are more than twelve (12) dwelling units in a multiple-family development, direct access must be provided to a public road by a private driveway or a road dedicated to the Town by the developer.

3. If there are more than fifty (50) dwelling units in a multiple-family development, or if in the opinion of the Planning Board the location of topography of the site indicate the need for additional access, the Planning Board may require such additional access as a condition of site plan approval.

F. Off-street parking shall be provided in the amount of two (2) spaces for each unit. Also refer to Section 605.

G. The aggregate of lot coverage of multiple-family dwelling developments shall not exceed thirty(30) percent of the total lot area.

H. Plans submitted for site plan approval shall include:
sewage disposal, water supply, storm drainage,
landscaping, and lighting.

SECTION 715 MOTOR VEHICLE REPAIR SHOPS

A. Minimum lot size: 60,000 square feet; minimum lot width; 250 feet, all buildings, structures, or other accessory uses shall be at least seventy-five (75) feet from any property line.

B. Entrance and exit driveways shall have an unrestricted width of not less than twenty-five (25) feet and

not more than thirty (30) feet, and shall be located not nearer than ten (10) feet from any property line, and shall be designed as to avoid the necessity of any vehicle backing out into any public right-of-way.

C. No more than ten (10) licensed motor vehicles being serviced or repaired shall be stored or parked outdoors for more than 48 hours, and these shall be in areas effectively screened from all property lines. All such vehicles shall be stored in a neat, orderly manner.

D. No such establishment shall be located within a distance of two hundred (200) feet of a cemetery, school, church, hospital, nursing home, senior citizen housing or other place of public assembly designed for occupancy by more than fifty (50) persons, or within 500 feet of another motor vehicle repair shop or gasoline station on the same side of the street. Said distance shall be measured in a straight line between the nearest points of each of the lots or premises.

E. The entire area of the site traveled by motor vehicles or used for the display of motor vehicles, shall be hard surfaced.

F. All repair of motor vehicles shall be performed in a fully enclosed building and no more than two (2) motor vehicles shall be offered for sale on the premises at any one time.

G. All motor vehicle parts or any partially dismantled motor vehicle shall be stored inside an enclosed building.

H. Landscaped areas of at least ten (10) feet in width shall be provided along property lines to lessen any visual unattractiveness in accordance with Section 670.

I. Hours of operation of a Motor Vehicle Repair or Sales Facility shall commence not earlier than 7:00 a.m. and shall cease no later than 11:00 p.m. on Monday through Saturdays and shall commence not earlier than 12:00 noon and shall cease no later than 11:00 p.m. on Sunday, provided however, that nothing herein contained shall prevent the operator of such facility from providing at any hour emergency service in the event of an accident or other emergency. The owner of a Motor Vehicle Repair or Sales Facility may perform work on vehicles actually owned by him at any hour, provided, such work does not violate any other Town, State, or Federal laws, rules or codes.

J. No new Motor Vehicle Repair or Sales Facility shall be conducted in any building attached to a dwelling.

K. All automobiles displayed on a lot shall be in proper working order at all times or shall have a valid Motor Vehicle Registration or Title.

SECTION 716 PUBLIC AND SEMI-PUBLIC BUILDINGS AND GROUNDS

A. Minimum lot size: 60,000 square feet; minimum lot frontage: 250 feet.

B. Suitable screening shall be provided for the entire length of any lot line adjacent to any residence or adjacent street in accordance with Section 670.

C. No structure of use shall be located within fifty (50) feet of any adjacent property line.

D. Entrance and exit points shall be from major or secondary roads.

E. Parking areas shall not be within ten (10) feet of any property line.

F. Any other conditions deemed necessary by the Planning Board after site plan approval.

SECTION 717 RETAIL GASOLINE OUTLET

A. Minimum lot size: 60,000 square feet: minimum lot width: 250 feet, all buildings. structures, or other accessory uses shall be at least seventy-five (75) feet from any property line.

B. Entrance and exit driveways shall have an un-restrictive width of not less than twenty-five (25) feet and not more than thirty (30) feet, and shall be located not nearer than fifteen (15) feet from any property line, and shall be designed to avoid the necessity of any vehicle backing out into any public right-of-way.

C. Entrance and exit points shall be from a major or secondary road.

D. All buildings shall be setback from the major or secondary street line in a distance of not less than thirty (30) feet.

E. Gasoline pumps shall be located not less than thirty (30') feet from the street line and not less than thirty (30') feet from all other property lines.

F. All buildings shall be setback from the major or secondary street line in a distance of not less than thirty (30) feet.

G. No such establishment shall be located within a distance of two hundred (200) feet of a school, church, hospital, nursing home, senior citizen housing or other place of public assembly designed for occupancy by more than fifty (50) persons, or within 500 feet of another gasoline station or repair garage on the same side of the street. Said distance shall be measured in a straight line between the nearest points of each of the lots or premises.

H. Landscaped areas shall be provided along property lines to lessen any visual unattractiveness.

I. The entire area of the site traveled by motor vehicles shall be hard surfaces.

J. Any repair of motor vehicles shall be performed in a fully enclosed building and no more than two (2) motor vehicles shall be offered for sale on the site at any one time. No motor vehicles parts, or partially dismantled motor vehicle shall be stored outside of an enclosed building.

717.5 MOTOR VEHICLE SALES/RENTAL

The Planning Board may approve a special use permit for the sales and rental of motor vehicles provided that the following standards and provisions are maintained:

A. Such sales may be conducted either in a fully enclosed building located on the same lot, or in an unenclosed area. If such sales are conducted in a fully enclosed building located on the same lot, such building shall have a building area of not less than 5,000 square feet devoted to the sale and service of automobiles.

B. Minimum Specifications:

Front Setback for building:	75 feet
Side Setback	30 feet
Rear Setback	30 feet
Lot Frontage	200 feet
Lot Size	60,000 square feet

C. No vehicle shall be displayed for sale or rent within 25 feet of any property line, including edge of any highway or roadway.

D. Entrance and exit driveways shall have a minimum width of 25 foot and shall be not less than 20 foot from any side property line.
E. No more than 25 automobiles per acre shall be offered for sale on any lot at any time, and all automobiles shall be displayed in a neat and orderly manner.
F. All automobiles displayed on a lot shall be in proper working order at all times and *shall have a* valid Motor Vehicle Registration or Title.
G. The entire surface of the site to be traveled by motor vehicles shall be hard surfaced. The permit shall specify the gross number of vehicles that may be offered for sale, rent or lease on the premises at any one time.
H. No retail sales of fuel shall occur on the site at any time.
I. No exterior light source shall be erected in excess of 35 feet above ground surface and all lighting shall be placed to eliminate the casting of direct light or glare upon the adjacent property and highway.
J. Repair of motor vehicles on site is prohibited unless regulations found in Section 715 of this Zoning Ordinance are complied with in full, in such case where two different specifications are *listed, the* greater dimension will apply.
K. No such establishment shall be located within a distance of 200 foot of a cemetery, school, church, hospital, nursing home, or senior citizen housing. Said distance shall be measured in a straight line between the nearest points of each of the lots or premises.
L. Permits must be renewed annually by the Town Planning Board, after inspection by the Zoning Enforcement Officer.

SECTION 718 CHARTER BOAT SERVICE

For the purpose of this section Charter Boat Service shall be subject to the following criteria:

1. Any more than 5 boats will be subject to the requirements of Marinas found in Section 724 of this Ordinance.

2. Adequate parking for the proposed operations shall be made in accordance with the terms and conditions of this Ordinance.

3. All other legal requirements for the operation of the charter boat service shall be maintained.

SECTION 719 BED AND BREAKFAST

A. On-site parking in accordance with this Ordinance is required. One parking space for each room to be rented must be provided.

B. All Bed and Breakfast establishments shall be owner occupied. The Bed and Breakfast shall contain no more than four (4) rooms for rent. More than four (4) rooms for rent shall be considered a motel/hotel.

C. Any other requirement deemed necessary by the Planning Board based on the particular circumstances of the application.

D. The dwelling may display a sign not to exceed six (6) square feet.

E. The dwelling shall not be altered in a manner which would cause the premises to differ from it's residential character, nor shall any extensions or additions to the dwelling be made for the purpose of renting such space for overnight accommodations.

F. Use shall be in compliance with the Orleans County Sanitary Code and the codes of New York State.

G. Outbuildings detached from the principal dwellings shall not be used for the purpose of a bed and breakfast establishment.

H. No bed and breakfast establishment shall be permitted in an individual Manufactured Home or Manufactured Home Park.

SECTION 721 SEASONAL TOURIST BUSINESS

A. The following information shall be submitted as part of the application for site plan approval and special use permit:

1. The location and dimensions of all structures, including, screened trash areas, fencing and lighting (show direction and level of illumination).

2. The location and dimensions of all off street parking and ingress, egress locations.

3. Proposed landscaping site.

B. Shall have a minimum setback of seventy-five (75) feet front and fifteen (15) feet side, and twenty (20) feet rear, with a minimum lot size of 28,000 square feet.

C. The seasonal business shall provide suitable storage or trash in areas which are so designated and constructed as to allow no view of the trash storage from the street to prevent waste paper from blowing around the site or on to adjacent properties or public right-of-way, and permit safe, easy removal of trash by truck or hand.

D. Exterior lighting proposed site shall be planned, directed and maintained so that it will not cast direct light or glare upon adjacent properties or public right-of-way. The light source shall not be higher than 20 feet.

E. Landscaping and fencing shall be provided to minimize visual unattractiveness and minimize conflicts with adjacent land uses. See Section 670.

F. Water Supply and sewage disposal systems shall be reviewed by Orleans County Health Department.

G. Please refer to Section 730

SECTION 722 FISH CLEANING STATION

A. In order to obtain a special permit the following conditions will be required:

1. Liquid waste (fish wash-down) disposal must be done by means of a permanent or temporary holding tank system. Introduction of fish wastes into conventional septic tank system will not be allowed as the high degree of organic solids would overload the system and cause premature failure of the system. The holding tank needs to be equipped with a buzzer/alarm which indicates when the tank is 2/3 full or daily stick measurements made to determine remaining capacity. The tank must be pumped out by a registered septic tank hauler, and delivered to an approved waste disposal site. Receipts must be kept on file, and a log of pump-out dates submitted annually and made available upon request for inspection to verify pump-out frequency.

Gurry waste (a mixture of fish wash-down and ground-up fish solids) disposal must also be done by means of a holding tank system. Again, a registered septic tank hauler with the appropriate permits to transport and dispose of the waste to an approved waste disposal site.

FISH WASTE DISPOSAL

Solid wastes (fish guts and carcass) disposal must be a part of the fish cleaning station. There are two acceptable means of solid waste disposal on land. They are: containerized disposal and composting.

Containerized Disposal:

Containerize solid fish waste in a sealed container for pick up by registered hauler and delivery to an approved waste disposal site. Pickup must be frequent enough to prevent odor problems. Dumpsters are not recommended unless they are deodorized and emptied frequently enough to prevent odors.

Composting:

Composting is an aerated mixture of fish waste and bio-filler of peat moss to produce a biological degradation of solid fish waste. Compost pile must be contained and covered to prevent exposure to animals. Compost must have air vents, layers of bio-filler and fish parts. Layers of bio-filler over fish parts must be adequate enough to eliminate odors. Air vents must be provided to insure adequate aeration to the biological process. Final disposal of compost pile can be used as a garden nutrient additive only after complete degradation of waste has taken place.

Solids handling, disposal, composting and containerized storage should be done in an area as far removed from residential developments as possible, and minimum separation distance from any property line must be 50 feet.

Applicant must comply with all current DEC and or Sea Grant and Orleans County Health Department regulations.

SECTION 723 RETAIL BUSINESS

A. Minimum lot size: 40,000 feet; minimum lot width: 150 feet.

B. Parking: Refer to Section 605 and 606 of this Ordinance.

C. Entrance and exit driveways shall have a restricted width of not less than twenty (20) feet and shall be located not nearer than fifteen (15) feet from a property line and shall be designed to avoid the necessity of any vehicle backing out into any public right-of-way. Driveways along state highways would be subject to D.O.T. approval.

D. All buildings shall be setback seventy-five (75') feet from the middle of the road.

E. Buffer: Refer to Section 670.

F. Refuse Containers: Refer to Section 535B.

G. A health department approved indoor restroom facility must be provided.

H. Minimum side setbacks shall be twenty-five (25') feet.

I. Hours of operations shall be specified and limited to protect the quality of life of neighboring residences.

SECTION 724 MARINAS

A. No commercial structures including docks may be built within fifty (50) feet of side lot lines.

B. All necessary permits from DEC and Army Corp. of Engineers shall be submitted for Site Plan Review.

C. No docks shall be built so as to restrict the normal flow of boat traffic in navigable waters.

D. Adequate lighting will be provided for safety and plans for lights submitted for Site Plan Review.

E. Buffer Strip - Commercial structures shall provide a natural buffer strip and maintained so as to provide visual screening and separation between commercial and residential uses in accordance with Section 670.

F. Marina operator/owner shall provide one (1) parking space per each boat space rental.

G. Parking shall be in accordance with Section 605 of this Ordinance.
H. Entrance and exit driveways shall have an unrestrictive width of not less than twenty-five (25) feet and not more than thirty (30) feet, and shall be located not nearer than fifteen (15) feet from any property line, and shall be designed to avoid the necessity of any vehicle backing out into any public right-of-way.

I. Adequate sanitary facilities, in accordance with the Orleans County Health Department regulations, will be provided by the owner of the Marina.

J. Camping Units shall be in accordance with Section 625 of this Ordinance.

SECTION 725 BAIT AND TACKLE SHOP

A. Minimum lot size: 40,000 feet; minimum lot width: 150 feet.

B. Parking: Refer to Section 605 of this Ordinance.

C. Entrance and exit driveways shall have an unrestrictive width of not less than thirty (30) feet and shall be located not nearer than fifteen (15) feet from a property line and shall be designed to avoid the necessity of any vehicle backing out into any public right-of-way.

D. All buildings shall be setback seventy-five (75) feet from the middle of the road.

E. Buffer: Refer to Section 670.

F. Refuse Containers: Refer to Section 506B.

SECTION 726 PROFESSIONAL OFFICES

A. Refer to Section 723 Retail Business.

SECTION 727 CHURCHES

A. Minimum lot size: 3 acres, minimum lot frontage: 250 feet.
B. All buildings and structures shall be at least fifteen (15) feet from any property line.

C. Parking areas: Refer to Section 605 & 606.

D. Entrance and exit points shall be from major or secondary roads.

E. Buffer: Suitable screening shall be provided for the entire length of any lot line adjacent to any residence or adjacent street in accordance with Section 670.

SECTION 728 FARM ROADSIDE STAND

A. Parking: Refer to Section 605 of this Ordinance.

B. Entrance and exit driveways shall have an unrestrictive width of not less than thirty (30) feet and shall be located not nearer than fifteen (15) feet from a property line and shall be designed to avoid the necessity of any vehicle backing out into any public right-of-way.

C. Buffer: Refer to Section 670.

D. Refuse containers: Refer to Section 535B.

SECTION 729 GENERAL BUSINESS
A. Refer to Section 723 Retail business

SECTION 730 CLASS A SHOOTING PRESERVE

Shooting Preserves under this section shall comply with the NYS DEC Law Section 11-1903 and is to be operated under Class A Preserve guidelines and laws.

A. The applicant shall furnish evidence of a valid license from the NYS DEC for a Class A Shooting Preserve and a license for a guide.

B. The applicant must meet all rules and regulations of the NYS Dec, Section 11-1903.

C. Minimum of 100 acres is required for a Class A Shooting Preserve permit issued by the Town of Carlton.

D. Minimum of 500 feet safety zone around the bordering adjacent property or dwelling, including any residential buildings owned by the business. The 500 foot safety zone shall be clearly marked every 200 feet. There will be no shooting allowed outward towards the adjacent properties from within this safety zone.

E. The operation of business well be allowed to run from Sept. 1 thru March 31. Operating hours will br from sunrise to sunset, following all NYS DEC rules and regulations.

F. There will be a maximum of five (5) hunters per guided group and (1) group for every 100 acres of property.

G. Must meet Town of Carlton Article IV Section 600 Signs and Section 605 Parking.

H. No lodging allowed on premises.

I. There will be no hunting with rifle, pistol or shotgun using slugs pursuant to the Class A permit.

J. There must be a minimum of a portable restroom and potable water on the premises during business operations.

K. The sale of hunting equipment, food or beverages will not be allowed on the premises.

L. All Town of Carlton permits for a Class A Shooting Preserve will be issued for one (1) year, after whick time a renewal shall be required every July.

SECTION 731

A. These regulations are intended to protect residents from the potentially adverse affects of keeping farm animals in residential areas, and will ensure that the affected farm animals are provided with a healthy living environment and sufficient area to roam within the boundaries of a property. These regulations shall not apply to commercial agriculture, farm animals harbored on a farm, domestic household pets (such as cats and dogs) or time-limited 4-H or educational projects.

Farm animals shall be allowed as defined in Article II- Definitions as indicated in the Town of Carlton Zoning District uses.

1. For residential and non-residential lots measuring less than two (2) acres in size, no farm animals shall be allowed.

2. Pre-Existing Animals – Farm animals maintained on a property at the time of enactment of this Local Law, in excess of the number allowed in this Section, may continue to be allowed. Existing number shall not be expanded. The occupant of such property shall register the total number and type of animal(s) with the Zoning Enforcement Officer within 30 days of the enactment of this Local Law.

3. Not more than one (1) adult or fully grown horse, cow, beef cattle, sheep, goat or other four-legged domestic-type farm animal, or combination thereof, may be kept per acre of land in a residential district.

4. For residential and non-residential lots greater than seven (7) acres in size, or those located in a County Legislature approved agricultural district or those that have entered into an individual commitment pursuant to Article 25AA of the New York State Agricultural and Markets Law, all customary farm practices involving the keeping of farm animals are permitted, provided that such practices are not injurious to the public health and do not violate standards set forth in the Orleans County Sanitary Code.

B. SHELTER

1. Permanent shelter shall be provided for all farm animals and equipped with food and water for the number and type(s) of animals harbored on the premises. At no time shall a dwelling unit or basement of a dwelling unit be used to shelter farm animals.

2. A shelter shall only be allowed in the rear yard, and shall be located a minimum of 50 feet from any property line.

C. FENCES

1. A fenced area or enclosed area shall be provided on the lot which is capable of containing the farm animals harbored on site.

2. Fences shall not exceed six (6) feet in height, as measured at the highest point of ground directly below the fence and shall be located wholly within the bounds of the owners parcel.

3. The finished side (good side) of any fence or enclosure shall face adjoining properties. Fence posts

shall face in and away from any adjoining lots of property owned by others.

4. Materials used for any fence or enclosure shall be of sufficient sturdiness and properly designed, installed and maintained so as to prevent straying.

D. ANIMAL WASTE

1. All excrement produced by farm animals shall be collected and disposed of on a regular basis for health purposes and to control flies, rodents and odor. If excrement must be temporarily stored on site, it shall be located a minimum of 75 feet from any property line, blue line stream, wetland, pond and drinking water well.

2. Stored excrement shall be either composted and reused on the premises, or entirely removed from the lot. Excrement which is removed from the premises shall be located and transported in a manner to prevent loss, discharge or spillage of excrement onto the highway or neighboring properties.

E. ENFORCEMENT

1. All farm animals, shelters, grounds and operations associated with this section shall be subject to periodic visual inspections by the Code Enforcement Officer. The Code Enforcement Officer shall determine the need for and timing of inspections.

2. A person shall be considered in violation of this ordinance if one or more of the following occurs: exceeding the number of animals listed under Section A; failure to provide proper food and water; failure to provide permanent shelter; failure to provide adequate pasture land; failure to properly clean and maintain the shelter and grounds; failure to properly collect, store, compost, reuse or dispose of excrement; failure to provide adequate fencing or enclosure; repeated straying of farm animals off the property; and failure to allow visual inspection of the premises. Any person deemed in violation of this ordinance shall be subject to the procedures and penalties set for herein.

3. If the owner of the farm animals fails to correct any identified violations(s) following due notice to correct same, the Town shall have the authority to issue a violation notice and/or appearance ticket.

ARTICLE VIII
ADMINISTRATION AND ENFORCEMENT

SECTION 800 ENFORCEMENT

The duty of the administering and enforcing the provisions of this Ordinance is hereby conferred upon the Zoning Enforcement Officer, who shall be appointed by the Town Board and receive compensation, as the Town Board shall determine.

SECTION 801 DUTIES AND PROCEDURES OF THE ZONING ENFORCEMENT OFFICER

A. Administer the Zoning Law
The Zoning Enforcement Officer shall review all applications for building permits and, if the minimum requirements of this Ordinance are met, the Officer shall issue a permit.

If the Applicants plans do not meet the Zoning requirements, the Officer must deny the permit. The Zoning Enforcement Officer may not use discretionary judgment.

The Officer must enforce the "Letter of the Law".

The Zoning Enforcement Officer shall be authorized and empowered to issue appearance tickets pursuant to New York State Criminal Procedure Law.

If the Applicants plans do not meet or adhere to the permitted requirements, the Zoning Officer shall issue a stop work order and issue a directive to remove the non-conforming condition and revoke the Building Permit.

B. Referral to the Zoning Board of appeals.
An applicant, after being denied a building permit, may appeal the Zoning Officer's findings to the Zoning Board of Appeals (ZBA) for an interpretation or a variance. Should an appeal be requested the Zoning Enforcement Officer shall notify the Secretary of the ZBA of the request and forward all necessary supporting information.

C. Referral to Town Planning Board
Any application for a special permit, change of zoning district or use that requires Site Plan Review shall be forwarded by the Zoning Enforcement Officer to the Secretary of the Town Planning Board of the request and forward all necessary supporting information.

D. Cite Zoning Violations
For any plans, construction, building, use on premise found in violation of this Ordinance, the Zoning Enforcement Officer shall order the responsible party, in writing, to remedy the conditions. He shall have the authority to commence proceedings to punish violations pursuant to Section 106 of this Ordinance.

E. Report to Town Board
A monthly report to the Town Board describing and enumerating actions taken and permits issued shall be given.

F. Public Record
The zoning Enforcement Officer shall file all permit actions with the Town Clerk.

SECTION 810 PLANNING BOARD

SECTION 811 APPOINTMENT OF A PLANNING BOARD

The Town Board authorizes the appointment of a five (or seven) member Planning Board as more fully described in Town Law Section 271. At least one member shall be a person engaged in agricultural pursuits as defined in Town Law Section 271 subsection 2. Terms of all Planning board members shall be staggered as the law requires.

SECTION 812 OFFICER, RULES AND EXPENSES

A. The Town Board may select a Chairman of the Planning Board, or on failure to do so, the Planning Board shall elect a chairman from it's own members.

B. The Planning Board may adopt rules or bylaws for it's operations.

C. The Town Board shall provide an appropriation to the Planning Board to cover necessary expenses including the means for the Planning Board to maintain a written record of it's meetings and public hearings.

SECTION 813 FUNCTIONS OF THE PLANNING BOARD

A. Prepare or change a comprehensive land development plan for the Town.

B. Review and comment on all proposed zoning amendments after referral to the County Planning Board.

C. Conduct Site Plan Review as authorized by Town Law 274A and prescribed in Article X of this Ordinance.

D. Review and grant or deny special permits as authorized by Article IX.

E. Render assistance to the Zoning Board of Appeals on it's request.

F. Research and report on any matter referred to it by the Town Board.

G. Make investigations, maps, reports, and recommendations in any matter related to Planning and Development as it seems desirable providing expenditure of the Board do not exceed appropriations (Town Law Section 275).

H. Authority to modify provisions of zoning ordinance simultaneously with plot approval in accordance with Town Law Section 281.

SECTION 814 COUNTY PLANNING BOARD REPRESENTATIVE

The town shall nominate a resident of the Town of Carlton to serve on the County Planning Board when vacancies occur. Appointment to the County Planning Board is made by the County Legislature.

SECTION 820 ZONING BOARD OF APPEALS

SECTION 821 APPOINTMENT OF ZONING BOARD OF APPEALS

Pursuant to Section 267 of Town Law, there shall be a Zoning Board of Appeals consisting of five (5) members holding staggered five (5) year terms appointed by the Town Board. The Town Board shall appoint the ZBA's Chairman.

SECTION 822 OFFICERS, RULES, AND EXPENSES

A. The ZBA may adopt rules or bylaws for it's operation.

B. The Town Board shall provide an appropriation to ZBA to cover necessary expenses including the means for the Zoning Board of Appeals to maintain a written record of it's meetings and public hearings.

C. All decisions shall be made by a majority vote of the membership (three) except in those cases of a County Planning Board disapproval referral recommendation. In such cases a majority plus one vote (four) shall be required for any decision.

SECTION 823 FUNCTIONS OF THE ZONING BOARD OF APPEALS

A. Interpretation. Upon appeal from a decision by the Zoning Enforcement Office, the ZBA shall decide any question involving interpretation of any provision of this Ordinance.

B. Appeals for Variances. Upon denial of a building permit by the Zoning Enforcement Office, the ZBA shall hear requests for variances as more fully described in Section 830 of this Ordinance.

SECTION 830 APPEALS FOR VARIANCE THROUGH THE ZONING BOARD OF APPEALS (ZBA)

All requests for variances shall be made to the ZBA after denial of a building permit by the Zoning Enforcement Officer.

SECTION 831 VARIANCE POLICY

The granting of variances shall be principally for those seeking area variance. Use variances allow activities prohibited in the Zoning District, this such request shall be carefully reviewed.

SECTION 832 GRANTING AREA OR DIMENSIONAL VARIANCES

Area variances may be granted where setback, frontage, lot size density or yard, or requirements of this Ordinance cannot be reasonably met.

B. The ZBA shall respond in it's findings to each of the following questions:

1. Whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created;

2. Whether the applicant can achieve his goals via a reasonable alternative which does not involve the necessity of an area variance;

3. Whether the variance is substantial;

4. Whether, the variance will have an adverse impact on physical or environmental conditions in the neighborhood or district;

5. Whether the difficulty is self-created..

The following shall not be considered:

1. The owner/applicant is merely inconvenienced.

2. The owner/applicant is prevented from building a second or subsequent structure.

3. The owner/applicant is prevented from building a structure as large as the applicant would like, provided the applicant can build one of reasonable size.

4. A large building will merely improve the efficiency of a business or yield.

D. Area Variance Procedures.

Area variances shall be granted by the procedure established in Section 834.

SECTION 833 GRANTING VARIANCES

A. A use variance may be granted by the ZBA only after the findings of the ZBA establish that "Unnecessary Hardship" exist.

B. In determining whether "Unnecessary Hardship" exists, the ZBA's findings must establish each of the following criteria:

1. The land in question cannot yield a reasonable return if used only for a purpose allowed in that zone. A promise of greater yield by allowing a prohibited use is not to be considered.

2. The use to be authorized by the variance will not alter the essential character of the neighborhood and is compatible with the area.

3. The use to be authorized by the variance will not be contradictory or detrimental to the spirit or intent of the Zoning District or Zoning Law itself.

C. Use Variance Procedure

Use variances shall be granted only by the procedure established in Section 834.

SECTION 834 PROCEDURES FOR GRANTING A VARIANCE

A. General Conditions for Variance Applications:

1. All applications for variances shall be in writing on forms established by the ZBA, signed by the owners of the premises and shall include the following:

(a) Owner of the premises
(b) When premises were purchased or acquired
(c) The specific provision of the Zoning Law involved.
(d) A complete description of the variance sought
(e) All facts showing the necessity for the variance
(f) The practical difficulty which will result to the owner of the premises in the event the variance is not granted.

2. Application for a variance must be accompanied by

a scale map of the property. This should include:

(a) Front, side and rear property lines
(b) All structures on property
(c) Driveways
(d) Set back of all structures on adjoining property (if applicable)

3. Forms for variance applications are available from the Zoning Enforcement Officer.

4. A fee set by the Town Board must accompany the completed variance application.

5. The applicant, or his duly authorized agent, must appear at all Public Hearings held on the application for the proposed variance.

B. Zoning Board of Appeals Responsibilities:

1. Schedule a Public Hearing

2. Arrange publication of notice of the public hearing as described in Section 835. Notice of any hearing before the Board of Appeals shall be published at least five (5) days prior to the date of said hearing.

3. Notice of any hearing shall be sent by regular mail to all property owners of the subject property, to all property owners within a distance of one hundred (100) feet of the subject property on both sides of the road on which the property fronts, and the adjoining property owner or owners to the side and rear of the property affected immediately adjacent extending one hundred (100) feet there from. In addition, the Board shall give any other notice required by law.

4. Refer the application, if applicable, to the County Planning Board as required by the General Municipal Law Section 239.

5. Determine whether a Draft Environmental Impact Statement should be required.

6. Within 30 days of the public hearing, the ZBA shall render a decision. If the matter was referred to the County Planning Board, a copy of the ZBA's

findings and decision must be sent to the County Planning Board.

SECTION 835 NOTICE OF PUBLIC HEARING

The Board shall fix a reasonable time for the hearing of appeals not to exceed 30 days from the date of ZBA receipt, or 60 days where cases are referred to the County Planning Board, and shall give due notice of the time met for the hearing to the applicant. Public notice shall be by the publication of a notice in the official newspaper of the town pursuant to law, and shall briefly describe the nature of the appeal and the time and place of the hearing.

SECTION 836 MEETINGS OF THE BOARD

A. The Zoning Board of appeals shall hold meetings at the call of the board.

B. The presence of three (3) members shall constitute a quorum for the conduct of business before the board.

C. The presence of three (3) members of the Board shall be necessary to act on the application for variance or to decide upon any other matter brought before the board, unless otherwise stipulated in the Ordinance.

D. All votes of the Zoning Board of Appeals shall be taken by roll call.

E. In accordance with General Municipal Law, Section 809, a member of the Zoning Board of Appeals having a conflict of interest shall abstain from any discussion or voting on that matter.

F. the Zoning Board of Appeals may request and obtain any advice or opinions on the law relating to any matter before the Board from the town attorney, and require the town attorney to attend it's meetings.

G. The Zoning Board of appeals may require the Zoning Enforcement Officer to attend it's meetings to present any facts relating to any matter before the Board.

H. All meetings of the Zoning Board of Appeals shall be open to the public.

I. The Board of Appeals shall keep minutes of all it's meetings. The Town Board shall provide a secretary for the Zoning Board of Appeals.

J. The Zoning Board of Appeals shall make factual record of all it's proceedings including the reading of the case, public hearing, deliberation, voting and decisions of the Board. These factual records shall be taken by stenographic and/or tape recorder means and shall be accurate but not necessarily a verbatim transcript, but may be in narrative form. The factual record shall be taken by the secretary to the Board.

SECTION 840 REQUIRED REFERRALS TO THE COUNTY PLANNING BOARD

The Zoning Enabling Laws require that any of the following local zoning actions must be referred to the County Planning Board prior to action by the local Board. Any proposal for a special permit, variance, site plan approval, change in the zoning law text or map (rezoning, amending the zoning law) which would

affect real property lying within a distance of 500 feet from the boundary of:
----any county,
----any town,
----any village,
----any existing or proposed county or state park,
----any right-of-way of any county or state road or parkway
----any stream or canal owned by the county,
----any existing or proposed county or state owned land on
which a public building or institution is situated;
must be referred to the County Planning Board who shall have 30 days from the date of County receipt to take action on the matter. By mutual agreement of the county and the municipality such 30 day period may be extended in special cases.

SECTION 845 EFFECT OF COUNTY PLANNING BOARD REVIEW

A. If the county approves a referral, then the local board's decision is governed by a majority vote.

B. If the county disapproves or approves subject to stated conditions or modifications, the local board may override the county opinion only by a majority plus one vote.

SECTION 846 REPORT ON FINAL LOCAL ACTION

The local board must send a copy of it's Final decision and reasons for such decision on a county referral case to the County Planning Board within 7 days after the local decision is reached.

ARTICLE IX

SPECIAL PERMITS

SECTION 900 PURPOSE

It is the intent of this Ordinance to use Special Permits to control the impact of certain uses upon areas where they will be incompatible unless conditioned in a manner suitable to a particular location. Special Permits bring needed flexibility and individuality to the otherwise rigid controls of zoning regulations.

SECTION 901 ADMINISTRATION

Pursuant to Town Law, Section 274A the Town Planning Board will administer the review and granting of

Special Permits.

SECTION 902 PROCEDURE

A. The Zoning Enforcement Officer shall refer the completed special permit application to the Town Planning Board within ten (10) days after receiving a completed application.

B. At it's next regular or special meeting, the Town Planning Board shall designate a public hearing date within a reasonable period of time, not to exceed forty-five (45) days from the date application must be referred to the County Planning Board in accordance with General Municipal Law, Section 239M as described in Section 840 of this Ordinance.

C. The Town Planning Board shall send a notice of the public hearing to the applicant and publish a notice of the public hearing in the official newspaper, one of general circulation in the Town.

D. The notice of public hearing shall be sent and published at least five (5) calendar days prior to the date of a public hearing, as well as sufficient information so as to identify the property involved and the nature of the proposed action.

E. The Town Planning Board shall make a factual record of all it's proceedings involving the granting of a special permit. The decision of the Planning Board shall contain the reasons for it's decision.

F. The Town Planning Board shall render it's decision, either approving, approving with conditions, or denying, within forty-five (45) days after the hearing, unless extension is mutually agreed upon.

G. Each application for a special permit shall be accompanied by a proposed plan showing the information required for site plan approval in Article X.

H. Each Special Permit application must also receive site plan approval before the special permit may be granted.

I. Special Permits shall be issued for a period of one (1) year and can be revoked by the Zoning Enforcement Office if not in compliance with the Zoning Ordinance of the Town of Carlton. The Zoning Enforcement Officer will be responsible to review the operation and report the findings to the Planning Board. Applicants will be required to be in compliance with all other town, county, state, or federal ordinances, laws, rules and regulations before any new permits can be issued. Permits will be renewed on a continuing yearly basis without fee unless revoked by the Zoning Enforcement Officer.

J. No special permit will be issued to anyone who is not in complete compliance with the Ordinance of the Town of Carlton.

SECTION 903 FINDINGS

A. The Town Planning Board may grant special permit for uses in Article VII provided that all requirements and conditions set forth in that Article are complied with.

B. The Planning Board shall make written findings for each special permit decision. Findings shall state the reasoning behind, the basis for, and the evidence relied upon to reach the decision. Compliance with the requirements of Article VII shall be substantiated.

ARTICLE X

SITE PLAN REVIEW

SECTION 1000 PURPOSE

The intent of this section is to set forth additional general standards applying to certain uses and activities. The nature of these uses and activities require special consideration of their impacts upon surrounding properties, the environment, community character and the ability of the Town to accommodate development consistent with the objectives of this Ordinance.

SECTION 1001 APPLICATIONS

All applications for zoning permits, zoning variances, or special permits, (except for all those listed under all articles and sections of this Ordinance) shall be accompanied by a site plan approval. Residential development within an Historic District must also have site plan approval. No zoning permit shall be issued until all the requirements of this Article and all other applicable provisions of the Ordinance have been met.

SECTION 1002 PROCEDURE

A. All applications shall be submitted to the Zoning Enforcement Officer. Special Permits will be submitted to the Planning Board, variance requests should be submitted to the Zoning Board of appeals. For a special permit the applicant must attend both a pre-application conference and the Public Hearing to answer questions concerning the application.

B. Within forty-five (45) days of receipt of the application or sixty (60) days in cases when the application must be referred to the County Planning Board in accordance with General Municipal Law, Section 239M, as described in Section 840 of this code, the Planning Board shall render a decision to approve with conditions, or deny, and forward the decision to the Zoning Enforcement Office. Any extension of this forty-five (45) day period may be granted upon consent of both the applicant and the Town Planning Board. If the Planning Board fails to act within said forty-five (45) day period or extension that has been granted, the site plan shall be considered approved.

C. A full written record of the Planning Board minutes and decisions together with all documents pertaining to the case shall be filed in the Office of the Zoning Enforcement Officer and shall be mailed to the applicant.

SECTION 1003 PRE-APPLICATION CONFERENCE

A pre-application conference shall be held between Planning Board and applicant to review the basic site design concept and generally determine the information to be required on the site plan.

SECTION 1004 APPLICATION FOR SITE PLAN APPROVAL

An application for site plan approval shall be made in writing to the Zoning Enforcement Officer and shall be accompanied by information drawn from the following checklist. The Planning Board may require additional information if necessary to complete it's review.

A. Plan Checklist for all site plans:

1. Title of drawing, including name and address of applicant and person responsible for preparation of such drawing.
2. North arrow, scale and date.
3. Boundaries if the property plotted to scale.
4. Existing watercourse and bodies of water.
5. Enclose a topographical map showing the location of any slopes of 5% or greater.

6. Proposed grading and drainage.

7. Location, proposed use and height of all buildings and site improvements including culverts, drains, retaining walls and fences.

8. Location, design and construction materials of all parking and truck loading areas, showing points of entry and exit from the site.

9. Location of outdoor storage, if any.

10. Description of the method of sewage disposal and location of the facilities.

11. Identification of water source; if well, locate.

12. Location, size and design and construction materials of all proposed signs.

13. Location and proposed development of all buffer areas, including existing vegetation cover.

14. Location and design of outdoor lighting facilities.

15. General landscaping plan.

B. As necessary, the Planning Board may require the following:

1. Provisions for pedestrian access, if necessary.

2. Location of fire lanes and hydrants.

3. Designation of the amount of building area proposed for retail sales or similar commercial activity.

4. Other elements integral to the proposed development as considered necessary by the Planning Board.

SECTION 1005 PLANNING BOARD REVIEW OF SITE PLAN

The Planning Board's review of the site plan shall include, as appropriate, the following:

A. General Considerations

1. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.

2. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.

3. Location, arrangement, appearance and sufficiency of off-street parking and loading.

4. Location, arrangement, size, and design and general site compatibility of buildings, lighting and signs.

5. Adequacy of storm-water and drainage facilities.

6. Adequacy of water supply and sewage disposal facilities.

7. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum feasible retention of existing vegetation.

8. In the case of apartment complex or to other multiple dwelling, the adequacy of usable open space for play areas and informal recreation.

9. Protection of adjacent or neighboring properties against noise, glare, unsightliness or nuisances.

10. Protection of solar access on adjacent or neighboring properties.

11. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.

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

B. Consultant Review

The Planning Board may consult with the town building inspector, fire commissioners, highway departments, county planning department, and other local county officials, 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 Department of Environmental Conservation.

C. Public Hearing

The Planning Board may conduct a public hearing of the site plan. If a public hearing is considered desirable by a majority of the Planning Board, such public hearing shall be conducted within forty-five (45) days of the receipt of the application and shall be advertised in the official newspaper of the town at least ten (10) days before the public hearing. Decision shall be rendered within forty-five (45) days of the public hearing.

ARTICLE XI

TELECOMMUNICATION FACILITIES

Section 1100 DEFINITION

Any commercial equipment used in connection, with the provision of wireless communication services, including cellular telephone services, personal communications services, radio and television broadcast communications and private radio communications services, and are regulated by the Federal Communications Commission, both in accordance with the Telecommunications Act of 1996 and other federal laws. A Telecommunication Facility shall include monopole, guyed, or latticework tower(s) as well as antenna(s), switching stations, principle and accessory telecommunication equipment, and supporting masts, wires, structures, and buildings.

Section 1111 Special Permit Criteria

A. Legislative Intent

The Town of Carlton recognizes the increased demand for wireless communications transmitting facilities and the need for the services they provide. Often, these facilities require the construction of a communication tower and similar facilities. The intent of this chapter is to protect the Town's interest in properly siting towers and similar facilities in a manner consistent with sound land use planning.

B. Purpose

The purpose of these regulations is to promote health, safety and the general welfare of the residents of the Town of Carlton, to provide standards for the safe provision of telecommunications consistent with applicable federal and state regulations; to minimize the total number of telecommunications towers in the community by encouraging shared use of existing tall buildings and other high structures; and to minimize adverse visual effects from telecommunications towers by requiring careful siting, visual impact assessment, and appropriate landscaping.

C. General Criteria

No Special Use Permit or renewal thereof or modification of a current Special Use Permit relating to a Telecommunications Facility shall be authorized by the Planning Board unless it finds that such Telecommunications Facility:

1. Is unnecessary to meet current or expected demands for service;

2. Conforms with all applicable regulations promulgated by the Federal Communications Commission, Federal Aviation Administration, and other federal agencies;

3. Is considered a public utility in the State of New York;

4. Is designed and constructed in a manner which minimizes visual impact to the extent practical;

5. Complies with all other requirements of this Ordinance, unless expressly superseded herein;

6. Is the most appropriate site among those available within the technically feasible area for the location of a Telecommunication Facility;

7. When including the construction of a tower, such tower is designed to accommodate future shared use by at least one (1) other telecommunication service provider. Any subsequent location of telecommunication equipment by other service providers on existing towers specifically designed for shared use shall not require a new or modified special permit if there would be no increase in the height of the tower. However, the additional equipment will require site plan review.

D. Co-Location

The shared use of existing Telecommunications Facilities or other structures shall be required, unless otherwise exempted by this chapter, to the construction of new facilities. Any Special Permit application, renewal or modification thereof shall include proof that reasonable efforts have been made to co-locate within (share) an existing Telecommunication Facility or upon an existing structure. The application shall include an adequate inventory report specifying existing Telecommunication Facility sites and structures

exceeding seventy-five percent (75%) of the height of the proposed tower within the search range of the cell grid. The inventory report shall contain an evaluation of opportunities for shared use as an alternative to the proposed location.

The applicant must demonstrate to the satisfaction of the Planning Board that the proposed Telecommunication Facility cannot be accommodated on existing Telecommunication Facility sites in the inventory due to one (1) or more of the following reasons:

1. The planned equipment would exceed the structural capacity of existing and approved Telecommunication Facilities or other structures, considering existing and planned use for those facilities:

2. The planned equipment would cause radio frequency interference with other existing or planned equipment, which cannot be reasonably prevented;

3. Existing or approved Telecommunications Facilities or other structures do not have space on which proposed equipment can be placed so it can function effectively and reasonably;

4. Other technical reasons make it impracticable to place the equipment proposed by the applicant on existing facilities or structures;

E. Dimensional Standards

1. A fall zone around any tower constructed as part of a Telecommunications Facility must have a radius of at least 1 ½ x's the height of the tower and any antennae(s) attached upon it zenith. The entire fall zone may not include public roads and must be located on property either owned or leased by the applicant or for which the applicant has obtained an easement, and may not contain any structure other than those associated with the Telecommunication Facility. If the Facility is attached to an existing structure, relief may be granted by specific permission of the Zoning Board of Appeals on a case-by-case basis.

2. All Telecommunications Facilities shall be located on a single parcel.

3. All Telecommunications Facilities shall comply with the setback standards of the underlying zoning district. The size of the leased or owned lot shall be, at a minimum, sufficiently large to include the entire fall zone. A lot leased or owned for the purpose of construction of a tower as part of a Telecommunications Facility shall not result in the creation of a non-conforming lot.

4. The frontage requirement of the underlying zoning district shall not apply, provided the Telecommunications Facility is not proposed on a parcel to be partitioned specifically for the Facility and/or is designed for occupancy by staff. In the absence of required frontage, an access way for service vehicles-either through assessment, lease or ownership-shall be in accord with paragraph H herein.

5. All Telecommunications Facilities shall be located on available Municipal property, when feasible. Should there be no feasible Municipal property available, the facilities shall be then allowed in the RA and GB Zones, only.

F. Lighting and Marking

1. Towers shall not be artificially lighted and marked beyond requirements of the Federal Aviation Administration (FAA).

2. Notwithstanding the preceding paragraph 1, an applicant may be compelled to add FAA-style lighting and marking, if in the judgement of the Planning Board, such a requirement would be of direct benefit to

public safety.

G. Appearance and Buffering

1. The use of any portion of a Telecommunications Facility for signs, promotional or advertising purposes, including but not limited to company name, phone numbers, banners, streamers, and balloons is prohibited.

2. The Planning Board shall determine the least practical visual effect on the environment. The Facility shall be located and buffered to the maximum extent, which is practical and technologically feasible to help ensure compatibility with surrounding land uses. In order to minimize any adverse aesthetic effect as possible, any tower that is not subject to FAA marking, pursuant to paragraphs F.1. and F.2. Herein, the Planning Board may impose reasonable conditions on the applicant, including but not limited to the following:

a. the facility must have a galvanized finish, or shall be painted gray above the surrounding tree line and gray or green below the tree line, as deemed appropriate by the Planning Board, or

b. the facility must be disguised or camouflaged to blend in with the surroundings, to the extent that such alteration does not impair the ability of the Facility to perform its designed function.

3. Accessory structures shall maximize the use of building materials, colors, and textures designed to blend in with the natural surroundings.

4. The Planning Board may require a State Environmental Quality Review (SEQR) Full EAF (Environmental Assessment Form) for proposed Facilities at key viewpoints in the community. A Visual Environmental Assessment Form (Visual EAF), may be required as an addendum to either the Full or Short EAF. The Planning Board may require submittal of a more detailed visual analysis based on the results of the Visual EAF.

5. The Planning Board shall require that the Facility have appropriate vegetative buffering around the fences of the tower base area, accessory structures and the anchor points of guyed towers to buffer their view from neighboring residences, recreation areas, or public roads. Such screening shall include the maximum feasible retention of existing vegetation. The Planning Board may similarly require screening adjacent to waterways, landmarks, refuges, community facilities, or conservation or historic areas within common view of the public. Existing on-site trees and vegetation shall be preserved to the maximum extent possible.

6. Equipment or vehicles not used in direct support, renovations, additions or repair of any Telecommunications Facility shall not be stored or parked on the Facility site.

H. Access and Parking

1. Access ways shall make maximum use of existing public or private roads to the extent practicable. New access ways constructed solely for Telecommunications Facilities must be at least twenty (20), but no more than thirty (30) ft. wide, and closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.

2. The road surface (driveways) shall be centered within access ways and shall not comprise more than 60% of the width of the access way.

3. Parking areas shall be sufficient to accomodate the greatest number of service vehicles expected on the

premises at one time.

4. Driveways or parking areas shall provide adequate interior turn-around, such that service vehicles will not have to back out onto a public thoroughfare.

5. All such access ways, roads and parking areas shall be maintained and kept free of snow to assure appropriate access at all times.

I. Security

1. Towers, anchor points of guyed towers, and accessory structures shall each be surrounded by fencing at least eight (8) ft. in height, the top foot of which may, at the discretion of the Planning Board in deference to the character of the neighborhood, be comprised of three-strands of barbed wire to discourage unauthorized access to the site.

2. Motion-activated or staff-activated security lighting around the base of tower or accessory structure entrance may be provided if such lighting does not project off the site. Such lighting should only occur when the area within the fenced perimeters has been entered.

3. There shall be no permanent climbing pegs within fifteen (15) feet of the ground of any tower.

4. A locked gate at the junction of the access way and a public thouroughfare may be required to obstruct entry by unauthorized vehicles. Such gate must not protrude into the public right-of-way.

5. If the Planning Board deems it appropriate, it may require a reasonably acceptable security alarm or alarms to be installed in connection with any tower or related facility as a condition to the issuance of a Tower permit.

J. Engineering and Mainteance

1. Site plans for all Telecommunications Facilities must bear the seal of a professional engineer licensed to practice in the State of New York. Every facility shall be built, operated and maintained to acceptable industry standards, including but not limited to the most recent, applicable standards of the Institute of Electric and Electronic Engineers (IEEE) and the American National Standards Institute (ANSI).

2. Every Facility shall be inspected at least every second year for structural integrity by a New York State licensed engineer, at the owner's expense. A copy of the inspection report shall be substituted to the municipal code enforcement officer.

3. A safety analysis by a qualified professional must accompany any special permit or site plan application, renewal thereof or modification, for the purpose of certifying that general public electromagnetic radiation exposure does not exceed standards set by Federal Regulations.

4. The municipality, at the expense of the applicant, may employ its own consulting assistance to review the findings and conclusions of safety analysis, visual analysis, or structural inspection, provided by the applicant.

5. Maintenance of Telecommunications Facility-notwithstanding any other provision contained herein, all Telecommunications Facilities shall be aesthetically and mechanically maintained in good order and repair as required by the Code Requirements and all applicable state and local statutes and regulations. Required landscaping around the facility shall be maintained at all times. Dead trees or shrubs shall be replaced within 150 days with similar sized trees or shrubs, regardless of height, if possible. The property shall be

mowed regularly to a height of 6 inches or less at a minimum of twice per month during growing season. Failure to make such repairs within 10 days of receipt of a written request to do so from the Town shall constitute a violation of this Chapter and subject applicant and/or any owner lessee or operator of such facility to fines of up to $500 per day with each day thereafter constituting a seperate violation of this Chapter. If said maintenance or repair is not completed within ninety (90) days of the violation, the Town is hereby authorized to dissemble said tower upon due notice to the Owner, at the Owner's expense.

6. Leases and Subleases:

a. All leases or subleases or operators of the Facility other than applicant as a condition of said use agree in writing to be bound by the provisions of any existing Tower Permit or Site Plan approval.

b. No applicant will lease or sublease or assign any approved Tower of Facility without the Town of Carlton's expressed written consent which will not unreasonably be withheld.

7. Notice of operation-at all times which a Facility regulated by this Chapter is located or operated within the Town of Carlton, the operator shall provide the Town Clerk written notification of the name, address and telephone number of at least two (2) individuals who are located within a fifty (50) mile radius of the Town, who can be reached on a twenty-four (24) hour basis in case of an emergency.

K. Removal

1. At the time of submittal of the application of a special use permit for a Telecommunications Facility, the applicant shall submit an agreement to remove all antennas, driveways, structures, buildings, equipment sheds, lighting, utilities, fencing, gates, accessory equipment or structures, as well as any tower(s) dedicated solely for use as well as any tower(s) dedicated solely for use within a Telecommunications Facility if such Facility becomes technologically obsolete or ceases to perform its originally intended function for more than twelve (12) consecutive months. Upon removal of said Facility, the land shall be restored to its previous condition, including but not limited to the seeding of exposed soils.

2. At the time of obtaining a building permit, the applicant must provide a financial security bond for removal of the Telecommunications Facility and property restoration, with the municipality as the assignee, in an amount approved by the Planning Board, but not less than one hundred thousand ($100,000.00) dollars. Said bond shall be held by the Town Clerk of the Town of Carlton.

3. At times of renewal or modification of the Special Use Permit, the Planning Board may adjust the required amount of the financial security bond to adequately cover increases in the cost of removal of the Telecommunications Facility and property restoration.

Dated: October 21, 2004
By the Order of

The Town Board
Town of Carlton