TOWN OF WATSON

ZONING LAW

ADOPTED

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TOWN OF WATSON
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ARTICLE 1. INTRODUCTION

Section 110 Enacting Clause

Pursuant to the authority conferred by Article 16 of the Town Law and Articles 2 and 3 of Municipal Home Rule Law of the State of New York, the Town Board of the Town of Watson hereby adopts and enacts the following law.

Section 120 Title

This law shall be known as the "Town of Watson Zoning Law".

Section 130 Purpose of the Zoning Law

The purpose of this Zoning Law is to promote and guide development in an orderly and efficient manner, to reduce land use conflicts, promote traffic safety, enhance and protect the historical and recreational attributes of the Town, retain and improve land values, encourage quality development, insure wise use of public resources and promote the general health and welfare of the Town residents. This law is designed to protect existing development while providing some control of growth so that future development will not be a detriment to the Town and its residents.

This Zoning Law has been made with reasonable consideration, among other things, as to the character of each zone and its suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Town of Watson.

Section 140 Applicability

This law and any amendments thereto, shall apply on its effective date to all uses which have not been substantially commenced, and structures which have not been substantially constructed, regardless of the status of permits or certificates of occupancy issued pursuant to the New York State Uniform Fire Prevention and Building Code.

Except as hereinafter provided, no building or structure shall be erected, moved, altered or extended, and no land, building or structure or part thereof, shall be occupied or used unless in conformity with the regulations specified for the district in which it is located.

The law shall not apply to existing buildings and structures, nor to the existing use of any building, structure or land to the extent to which it was used at the time of the enactment of this Zoning Law.

Section 150 Replaced, Superseded and Repealed Laws and Ordinances

A. The Mobile Home Ordinance of the Town of Watson adopted June 3, 1971, is hereby repealed.

ARTICLE 2. ESTABLISHMENT OF ZONES

Section 210 Types of Zones

For the purpose of this law, the Town of Watson is hereby divided into the following zones:

(1) H: Hamlet
(2) RR: Rural Residential

Section 220 Zoning Map

Said zones are shown, defined and bounded on the map accompanying this law entitled "Town of Watson Zoning Map," dated _____ and filed in the office of the Town Clerk, which map is hereby made a part of this law.

Section 230. Interpretation of Zone Boundaries on Zoning Map

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

A. Where the designation on the Zoning Map indicates a boundary approximately upon a road line, such line shall be construed to be the boundary.

B. Where the designation on the Zoning Map indicates a boundary approximately upon a lot line, such lot line shall be construed to be the boundary.

C. Where a zone boundary line divides a lot of record at the time such line is adopted, the use authorized on, and the zone requirements of the least restricted portion of such lot shall be understood as extending to cover the lot to a maximum of thirty (30) feet into the more restricted zone.

D. Distances shown on the Zoning Map are perpendicular distances from road lines measured back to the zone boundary line, which lines in all cases where distances are given are parallel to the road line.

E. In other cases the boundary line shall be determined by the use of the scale on the Town of Watson Zoning Map.

F. In the event that a mete-and-bound description has been filed for a change of zone or variance of use as required by this law, such mete-and-bound description shall be used in lieu of other provisions of this section.

G. Any dispute concerning district boundaries shall be determined in the first instance by the Zoning Officer, and in the event of a disagreement, appeal may be taken to the Zoning Board of Appeals for final interpretation pursuant to Section 320 of this Law.

ARTICLE 3. ADMINISTRATION AND ENFORCEMENT

Section 305. Permits

A. No building or structure, unless otherwise exempted by this section shall be erected, enlarged, moved, or use instituted, or land use changed, until a zoning permit, or a temporary permit has been issued in accordance with this law.

B. A zoning permit shall not be required for the following. However, these activities shall be required to meet the standards of this law, and shall be required to obtain a New York State Uniform Fire Prevention and Building Code Permit, as required.

1. Signs listed in Section 520.
2. Fences, walls, and shrubbery, see Section 565.
3. Interior structural alterations. No permit is needed for routine maintenance and improvement (e.g., roofing, window replacement, siding replacement, etc.) that does not expand the exterior dimensions of the structure.
4. Chimneys, smokestacks, placement of posts, playground equipment, and other similar accessory structures or uses.
5. Roadside stands.
6. Garage, lawn, and porch sales.
7. Alterations, additions to existing structures or construction of a structure with a floor area of one hundred-forty (140) square feet or less.
8. Agricultural structures and uses.
9. Satellite dishes, antennas, and towers, Section 545.

C. When establishing measurements to meet the required yard and structure setbacks, the measurements shall be taken from the center line of road, lot line, or nearest mean high water elevation to the furthermost protruding part of the structure. This shall include such projecting facilities as

porches, carports, attached garages, etc.

D. No permit or certificate of occupancy shall be issued for any building or structure where said construction, addition, and exterior expansion or use thereof would be in violation of any of the provisions of this law.

E. A zoning permit issued under this law shall expire one (1) year from the date of issue. Such permits may be renewed on a yearly basis.

F. Any use that has been discontinued for a period of two (2) years or longer shall be termed abandoned and may not be reinstituted without applying for a new permit.

G. Applications for zoning permits shall be submitted to the Enforcement Officer or Town Clerk and shall include two (2) copies of a layout or plot plan showing the actual dimensions of the lot to be built upon; the size and location on the lot of the structures and accessory structures; the distance from the existing and/or proposed structure(s) to all lot lines, centerlines, mean high water marks, and any other features of the lot; and such other information as may be necessary to determine and provide for the enforcement of this law. This information, and other relevant application data, shall be provided on a form issued by the Town.

H. A fee as determined by resolution of the Town Board shall be paid for each application for a permit of any kind.

I. Temporary permits may be issued by the Enforcement Officer, upon approval by the Planning Board (as meeting the intent and purpose of this law) for a period not exceeding one (1) year, for conforming and non-conforming uses. Such temporary permits are conditioned upon agreement by the owner or operator to remove any non-conforming structures or equipment upon expiration of the temporary permit or to bring the use into compliance by a specific time. Such permits may be renewed.

Section 310 Enforcement Officer

A. This law shall be enforced by the Enforcement Officer, who shall be appointed by the Town Board.

B. The Enforcement Officer's authorities shall include:

1. Approve or deny zoning permits and/or certificates of occupancy.
2. Scale and interpret zone boundaries on Zoning Maps.
3. Refer appropriate matters to the Zoning Board of Appeals, Planning Board, or Town Board.
4. Revoke permits and certificates of occupancy where there is false, misleading or insufficient information or where the applicant has varied from the terms of the application.
5. Issue stop work orders and appearance tickets and refer violations to the Town Justice or the Town Board.
6. The Enforcement Officer shall report at regular Town Board meetings the number of permits issued and fees collected.

Section 315 Certificate of Occupancy

A. No land, building, or structure shall be used, occupied, or changed in use until a certificate of occupancy has been issued by the Enforcement Officer stating that the building, structure, or proposed use complies with the provisions of this law.

B. All certificates of occupancy shall be applied for coincidentally with the application for a permit. The certificate shall be issued within ten (10) business days after the erection and alteration has been approved as in compliance with the provisions of this Law.

C. The Town Clerk shall maintain a record of all certificates of occupancy and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building affected.

D. Under such rules and regulations as may be established by the Planning Board, a temporary certificate of occupancy may be issued by the Enforcement Officer. Such temporary certificate may be renewed upon request for an additional ninety (90) days.

Section 320 Zoning Board of Appeals

A. Creation, Appointment, and Organization: A Zoning Board of Appeals is hereby created. Said Board shall consist of five(5) members. The Town Board shall appoint the members of the Board of Appeals for terms so fixed that one members' term shall expire at the end of the calendar year in which such members were initially appointed. The remaining members' terms shall be so fixed that one members' term shall expire at the end of each year thereafter. At the expiration of each original members' appointment, the replacement member shall be appointed for a term which shall be equal in years to the number of members of the Board, and the Town Board shall designate a Chairperson. The Board of Appeals shall select the Secretary and Vice Chairperson, and shall prescribe rules for the conduct of its affairs.

B. Powers and Duties: As provided in Town Law Section 267-b, the Zoning Board of Appeals shall have the following powers and duties:

1. Interpretation: Upon appeal, the Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement,decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the administrative official charged with the enforcement of the Local law, and to that end shall have all the powers of the administrative official from whose order, requirement, decision, interpretation of determination the appeal is taking.

2. Use Variances. Upon appeal from the decision or determination of the administrative official charged with the enforcement of this Local Law, the Board of Appeals shall have power to grant use variances, subject to the following:

(a) An applicant must show that applicable Zoning Regulations and Restrictions have caused unnecessary hardship. The applicant must demonstrate to the Board of Appeals that for each and every permitted use under the Zoning Regulations for the particular district where the property is located, (1) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence; (2) that the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood; (3) that the requested use variance, if granted, will not alter the essential character of the neighborhood, and (4) that the alleged hardship has not been self created.

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

(c) In granting a use variance, the Board of Appeals shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property, which conditions shall be consistent with the spirit and intent of the Zoning Law and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

3. Area variances. Upon appeal from a decision or determination of the administrative official charged with the enforcement of this Local Law, the Zoning Board of Appeals shall have power to grant area variances, subject to the following:

(a) The Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. The Board shall also consider (1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance; (3) whether the requested variance is substantial; (4) whether the proposed variance will have an adverse affect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created, which self created difficulty shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

(b) In the granting of an area variance, the Board of Appeals shall grant the minimum variance that it shall deem necessary and adequate, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

(c) In granting an area variance, the Board of Appeals shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property, which conditions shall be consistent with the spirit and intent of the Zoning Law and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

C. Procedure: Pursuant to Town Law Section 267-A, the procedure of the Board of Appeals shall be in strict accordance with law as follows:

1. Meetings, minutes, records. Meetings of such Board of Appeals shall be open to the public to the extent provided in article seven of the Public Officers Law. Such Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent of failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.

2. Filing requirements. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Board of Appeals shall be filed in the office of the Town Clerk within five business days and shall be a public record.

3. Assistance to Board of Appeals. Such Board shall have the authority to call upon any department, agency or employee of the Town for such assistance as shall be deemed necessary and as shall be authorized by the Town Board. Such department, agency or employee may be reimbursed for any expenses incurred as a result of such assistance.

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

5. Time of appeal. Such appeal shall be taken within sixty days after the filing in the Town Clerk's office of any order, requirement, decision, interpretation or determination of the administrative official charged with the enforcement of this Law by filing with such administrative official and with the Board of Appeals a notice of appeal, specifying the grounds thereof and the relief sought. The administrative official from whom the appeal is taken shall forthwith

transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken.

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

7. Hearing on appeal. The Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it and give public notice of such hearing by publication in a paper of general circulation in the Town at least five days prior to the date thereof. The cost of sending or publishing any notices relating to such appeal, or a reasonable fee relating thereto, shall be borne by the appealing party and shall be paid to the Board prior to the hearing of such appeal. Upon the hearing, any party may appear in person, or by agent or attorney.

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

9. Filing of decision and notice. The decision of the Board of Appeals on the appeal shall be filed in the office of the Town Clerk within five business days after the day such decision is rendered, and a copy thereof mailed to the applicant.

10. Notice to Park Commission or Planning Agency. At least five days before such hearing, the Board of Appeals shall mail notices thereof to the parties; to the Regional State Park Commission having jurisdiction over any state park or parkway within five hundred feet of the property affected by such appeal; and to the county, metropolitan or regional planning agency, as required by Section 239-m ofthe General Municipal Law, which notice shall be accompanied by a full statement of the matter under consideration, as defined in Subdivision One of Section 239-m of the General Municipal Law.

11. Compliance with State Environmental Quality Review Act. The Board of Appeals shall comply with the provisions of the State Environmental Quality Review Act under Article Eight of the Environmental Conservation Law and its implementing regulations as codified in Title Six, part 617 of the New York Codes, Rules and Regulations.

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

C. Vacancy in Office. If a vacancy shall occur otherwise than by expiration of term, the Town Board shall appoint the new member for the unexpired term.

D. Application for area variance: Notwithstanding any provision of law to the contrary, where a proposed special use contains one or more features which

do not comply with the zoning regulations, application may be made to the Zoning Board of Appeals for an area variance pursuant to Section 274-b of Town Law, without the necessity of a decision or determination of an administrative official charged with the enforcement of the zoning regulations.

Section 325 Planning Board

A. Creation, appointment, and organization: A Town Planning Board is hereby created and shall consist of five (5) members. The Town Board shall designate a Chairman in conformance with Town Law. The terms of members of the Board shall be for terms so fixed that the term of one member shall expire at the end of the calendar year in which such members were initially appointed. The terms of the remaining members shall be so fixed that one term shall expire at the end of each calendar year thereafter. At the expiration of the term of each member first appointed, his or her successor shall be appointed for a term which shall be equal in years to the number of members of the Board. The Town Planning Board shall select a Secretary, Vice-Chairman, and shall prescribe rules for the conduct of its affairs.

B. Powers and Duties: The Planning Board shall have the following powers and duties with respect to this law:

1. Submittal of an advisory opinion to the Town Board for proposed amendments to this law.
2. Review and approval, approval with modifications, or disapproval of special uses within the Town as designated pursuant to Section 274-b, as amended of the Town Law, and in accordance with the standards and procedures set forth in this local law. It is understood that the Planning Board may vary the strict application of general and specific special use review criteria in order that the applicant meet generally prescribed performance criteria.
3. Review, approve or disapprove temporary permits.

C. Procedure: The Planning Board shall act in accordance with the procedure specified by this law. All applications made shall be made in writing on forms prescribed by the Town.

Every decision of the Planning Board shall be made by resolution which shall contain a full record of findings in the case. All records, findings, and minutes shall be filed with the Town Clerk.

Section 330 Violations and Penalties

A. Whenever a violation of this law occurs, the Enforcement Officer, Town, or any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Enforcement Officer who shall properly record and immediately investigate such complaint. If the complaint is found to be valid, the Enforcement Officer shall issue a stop work order requiring all work to cease until the violation is corrected. If the violation is not corrected within the specified time the Enforcement Officer shall report such fact to the Town Board and the Town Board shall take action to compel compliance.

B. Pursuant to Section 150.20 (3) of the Criminal Procedure Law, the Enforcement Officer is hereby authorized to issue an appearance ticket to any person causing a violation of this law, and shall cause such person to appear before the Town Justice.

C. Pursuant to Town Law Section 268, and as amended, any person, firm, or corporation who commits an offense against, disobeys, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this law shall, upon conviction, be deemed guilty of a violation. A violation of this law shall be punishable by a fine not exceeding three hundred fifty dollars or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars nor more than seven hundred dollars or imprisonment for a period not to exceed six months, or both;

and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars nor more than one thousand dollars or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week an offense is continued shall be deemed a separate violation of this law.

D. In case any building or structure is erected, constructed, reconstructed, altered, converted, or maintained, or any building, structure or land is used in violation of the law, the proper local authorities of the town, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use of land, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure, or land or to prevent any illegal act, conduct, business or use in or about such premises; and upon the failure or refusal of the proper local officer, board or body of the town to institute any such appropriate action or proceeding for a period of ten days after written request by a resident taxpayer of the town so to proceed, any three taxpayers of the town residing in the district wherein such violation exists, who are jointly or severally aggrieved by such violation, may institute such appropriate action or proceeding in like manner as such local officer, board or body of the town is authorized to do.

E. The Town Board may 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 this law.

Section 335 Non-Conformities

A. Intent

The intent of this section is to recognize certain uses, lots of record, structures and any permits issued which legally exists at the time of enactment of this local law and which would be prohibited or unreasonably restricted by the provisions, regulations, standards, or procedures herein. This section shall not, however, be construed to perpetuate or encourage the survival or expansion of such uses, lots or structures.

B. Non-Conforming Uses

Any use of land or structures which by the enactment of this local law is made non-conforming may be continued on the premises and to the extent pre-existing provided that:

1. No non-conforming use shall be expanded, extended, or otherwise increased so as to occupy a greater area of land than was committed to the non-conforming use at the time of such enactment.
2. No non-conforming use shall be extended so as to displace a conforming use.
3. Any non-conforming use of land or structures which has, for any reason, been discontinued for a period of two (2) years, shall not be re-established and only conforming uses shall be thereafter permitted.
4. A non-conforming use of land or structures once changed to a conforming use shall not be permitted to change back to a non-conforming use.

C. Non-Conforming Lots of Record

Any lot of record held under separate ownership prior to the enactment of this local law and having lot width, lot depth, or area, or each less than the minimum requirements set forth in this local law may be developed with any compatible use listed for the zone in which such non-conforming lot is located without requiring a variance provided that such lot:

1. Does not adjoin other property held by the same owner where sufficient land could be transferred to eliminate the non-conformity without

reducing such other property to non-conforming dimensions.

2. Has sufficient area, width, and depth to undertake development which will:
   a. maintain a minimum front yard setback of 65';
   b. meet or exceed at least one-half (1/2) of the required minimum side and rear yard setback requirements; and
   c. maintain shoreline setback in accordance with Section 550.
3. Satisfies all other applicable provisions of this local law.

C. Non-Conforming Structures

Any pre-existing structure which by the enactment of this local law is made non-conforming may be used for any compatible use listed for the zone in which such structure is located provided that it shall not be enlarged or extended so as to increase its non-conformance in terms of front, side, and/or rear yard setback requirements:

1. Unless such expansion or extension shall have sufficient area, width, and depth to undertake development which will:

   a. maintain a minimum front yard setback of 65';
   b. meet or exceed at least one-half (1/2) of the required minimum side and rear yard setback requirements; and
   c. maintain shoreline setback in accordance with Section 550.

2. Satisfies all other applicable provisions of this local law, covering matters other than lot size and lot area requirements.

3. Nothing under the provisions of this local law shall prevent the repair, restoration, or reconstruction of a non-conforming structure damaged by fire or other hazard. Such repair, restoration, or reconstruction is undertaken:

   a. only on the premises and to the extent previously occupied by the non-conforming structure; and
   b. within two (2) years from the date on which the damage or destruction occurred.

Section 340 Amendments

A. The Town Board may amend the provisions of the Local Law pursuant to Town Law Section 265 and Municipal Home Rule Law Article 3 after public notice, public hearing, compliance with the State Environmental Quality Review Act, and following appropriate referral to the County Planning Board pursuant to General Municipal Law Section 239-M.

B. In case of a protest against such change signed by the owners of twenty (20) percent or more of the area of land included in such proposed change or of an adverse recommendation by the County Planning Board, the vote of the Town Board must have a majority plus one in favor to adopt the amendments.

Section 345 Interpretation and Separability

A. Interpretation: Interpretation and application of the provisions of this law shall be held to be minimal requirements, adopted for the promotion of the public health, safety, or the general welfare. Whenever the requirements of this law differ from the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

B. Separability: If any section or provision of this local law or the application thereof to any person or circumstance shall be judged invalid by a court of competent jurisdiction, such order or judgement shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the remainder of any provision of any section or the application of any part thereof to any other person or circumstances and to this end the provisions of this local law are hereby declared to be separable.

Section 350 Effective Date
This local law shall take effect upon filing with the office of the Secretary of State.

ARTICLE 4. ZONE REGULATIONS

Section 410 Hamlet (H) Zone

The following uses shall be allowed upon approval and issuance of a zoning permit by the Enforcement Officer:

- Accessory Apartments
- Accessory Structures and Uses
- Agricultural Services
- Bed & Breakfasts
- Dwellings, Single-Family
- Dwellings, Two-Family
- Funeral Homes
- Home Occupations
- Public and Semi-Public Facilities

The following uses shall be allowed upon approval by the Planning Board for a special use and a zoning permit issued by the Enforcement Officer:

- Business Manufacturing
- Business, Retail Sales & Service
- Business, Wholesale
- Dwellings, Multiple Family
- Essential Facilities
- Greenhouses/Nurseries
- Hospitals
- Kennels
- Laundromats
- Miscellaneous Non-Residential Uses
- Mobile Home Parks
- Motels/Hotels
- Motor Vehicle Repair/Paint Shops
- Motor Vehicle Sales
- Restaurants
- Retail Gasoline Outlets
- Warehousing/Storage Facilities

All uses and structures in the (H) Zone shall meet the following requirements:

lot size minimum (acres):	
on-site water	1
off-site water	1
lot frontage minimum (ft.):	
County, Town, private road	100
yard setback minimum (ft.): *	
front on County, Town, or private road	75
side **	25
rear	25
building height maximum:	
feet	40

* Setback shall be measured from the centerline of the road on County, Town, or private road.

** In the case of a corner lot refer to Section 540.

Section 420 Rural Residential (RR) Zone

The following uses shall be allowed upon approval and issuance of a zoning permit by the Enforcement Officer:

- Accessory Apartments
- Accessory Structures and Uses
- Agricultural Services
- Bed & Breakfasts
- Dwellings, Single-Family
- Dwellings, Two-Family
- Excavation
- Funeral Homes
- Home Occupations
- Junkyards
- Kennels
- Public and Semi-Public Facilities
- Warehousing/Storage Facilities

The following uses shall be allowed upon approval by the Planning Board for a special use and a zoning permit issued by the Enforcement Officer:

- Business Manufacturing
- Business, Retail Sales & Service
- Business, Wholesale
- Campgrounds
- Dwellings, Multiple-Family
- Essential Facilities
- Greenhouses/Nurseries
- Hospitals
- Industries, Heavy
- Laundromats
- Miscellaneous Non-Residential Uses
- Mobile Home Parks
- Motels/Hotels
- Motor Vehicle Repair/Paint Shops
- Motor Vehicle Sales
- Petroleum Bulk Storage
- Retail Gasoline Outlets
- Restaurants
- Saw Mills
- Slaughterhouses

All uses and structures in the RR Zone shall meet the following requirements:

Lot size minimum (acres):	
on-site water	2
off-site water	2
Lot frontage minimum (ft.):	
County, Town, or private road	200
Yard setback minimum (ft.): *	
front on County, Town, or private road	75
side **	25
rear	25
Building height maximum:	
feet	40

* Setback shall be measured from the centerline of the road on County, Town, or private road.

** In the case of a corner lot refer to Section 540.

Section 430 Industrial (I) Zone

A. Intent. Industrial zones may be established in the town and designated as specific locations on the zoning map using the procedure for amendments in Section 340 of this law. There are, at the time of adoption of this law, no centers of industrial use in the Town. The fact that there are some potentially adequate sites for industry, it is not feasible to select or limit the use to a few arbitrary spots. It was intended that industrial uses should not conflict with existing uses. For this reason, review criteria have been written in this section to mitigate any potential conflicts.

B. General Requirements and Review Criteria. The following are standards that apply when forming an Industrial Zone:

1. The zone change shall be for a minimum of ten (10) acres.
2. The proposed industrial use shall not cause interference or a nuisance that may be detrimental to adjacent uses.
3. The proposed industrial use shall be compatible with the surrounding neighborhood and in harmony with the general plan for the community.
4. Existing and proposed roads servicing the zone shall be suitable and adequate to carry anticipated traffic within and around the proposed zone.
5. Existing and proposed utility services shall be adequate for the proposed zone.

ARTICLE 5. GENERAL REGULATIONS

The following regulations shall apply to all structures and uses.

Section 505 Home Occupations

No home occupation shall be permitted that:

A. Generates traffic or parking, sewage or water use in excess of what is normal for a residential dwelling.

B. Creates a hazard to person or property, results in electrical interference, or becomes a nuisance.

C. Results in a display of anything (except signs allowed in this Article).

D. Any home occupation that does not meet the requirements of paragraphs A, B, or C above shall require special use permit as a miscellaneous non-residential use of the property, and shall be required to conform to the standards specific to that use in the zone in which the existing or proposed home occupation is located.

Section 510 Individual Mobile Homes

A. General

No mobile home shall locate or relocate in the Town without first obtaining a permit, with the following exceptions:

1. Temporary Living Quarters

A single mobile home may temporarily be located within the Town and occupied as living quarters, upon the following conditions:

a. The intended occupants are in the process of constructing or renovating a conventional dwelling upon the same lot or are engaged in employment within the Town;
b. A temporary permit is first obtained which may be renewed upon request for an additional six (6) months;
c. Temporary arrangements are first implemented for safe and adequate access, fuel and water supply, sewage disposal and anchoring for the mobile home; and

d. The mobile home is removed from such temporary site at the earliest to occur of the following: the expiration of six months from the issuance of the temporary permit; the expiration of three days from service of a notice of determination denying the temporary permit on account of failure to meet any of the foregoing conditions; the completion of the work associated with issuance of the temporary permit.

B. Mobile Home Skirting

1. The mobile home shall be provided with a skirt immediately upon placement at its site in order to screen space between the mobile home and the ground; and
2. Such skirts shall be of permanent material providing a finished exterior appearance.

C. Mobile Home Installation

All mobile homes shall be installed and anchored in accordance with NYS Fire and Building Codes, Title 9.

D. Non-Residential Uses

Mobile homes shall not be used for non-residential purposes except upon approval of a temporary zoning permit as provided for in Section 305 of the Law.

Section 515. Signs, Permit Required

A permit shall be required for the following signs.

A. Institutional Signs. One sign or bulletin board per road-front, setting forth or denoting the name of any public, non-commercial, charitable, or religious institution when located on the premises of such institution, provided such sign or bulletin board shall not exceed thirty-two (32) square feet in sign area. In the event of a two-sided sign, one side shall not exceed 16 sq. ft.

B. Subdivision, Mobile Home Park, or Tract Name Signs. One nonilluminated sign not to exceed thirty-two (32) square feet in area, or sixteen (16) square feet per side, per exclusive entrance to a subdivision or tract, such signs restricted to the subdivision or tract name.

C. For multiple dwelling projects, one (1) sign, building or ground mounted, indicating the name of the project. Such sign shall not exceed thirty-two (32) square feet in area or sixteen (16) square feet per side if double-faced.

D. Business Signs. Signs for businesses or industries as set forth in Section 530 Signs, General Standards.

Section 520 Signs, Exempt

A. Other Signs

1. Other than signs referenced in Section 515 above, no permit shall be required for any other signs.

Section 525 Signs, Prohibited

The following sign types shall not be allowed at any location within the Town.

A. All portable signs over thirty-two (32) square feet in size.

B. Any sign which has flashing lights, moving parts, or projections beyond its area.

C. Any sign which projects above the roof line or parapet of a building.

Section 530 Signs, General Standards

All signs shall be subject to the following general standards.

A. All signs shall be erected and constructed in a fashion so as not to obstruct traffic, cause visual blight, nor detract from the value of property adjacent to that property upon which said sign is erected. All signs shall be compatible with surrounding environment. In making such determination, consideration shall be given but not limited to the following elements:

1. Size, bulk, and mass.
2. Texture and materials.
3. Colors.
4. Lighting and illumination.
5. Orientation and elevation.
6. General and specific location.
7. Proximity to roads and highways.
8. Design, including size and character of lettering, logos, and related contents.
9. Message content.
10. The number and nature of all general and business signs and official regulatory signs and devices which are within the immediate field of vision.

B. The sign area of all signs unless otherwise specified shall not exceed ten percent (10%) of the total square footage of that side of the building upon which said sign is to be affixed or in front of which side said sign is to be placed. However, in no case shall a sign, excluding a farm name or other farm identification, exceed thirty-two (32) square feet in area, including all sides of the sign intended for advertising.

C. All signs advertising home occupations shall not exceed twelve (12) square feet per side.

D. No sign shall project into the public right-of-way.

E. All signs shall be limited in wording and graphics to the name of the establishment and its principal service or purpose.

F. No sign shall exceed twenty (20) feet in overall height, measured from the highest level of natural ground immediately beneath the sign to the highest point of the sign or the supporting structure thereof.

G. No luminous sign, indirectly illuminated sign, or lighting device shall be placed or directed so as to cause glaring or non-diffuse beams of light to be cast upon any public road, highway, sidewalk, or adjacent premises, or otherwise to cause glare or reflection that may constitute a traffic hazard or nuisance. No sign shall in its construction employ any mirror or mirror-like surface, nor any day-glowing or other fluorescent paint or pigment.

H. All signs, with the exception of real estate signs must be set back at least forty (40) feet from the centerline of the road unless said sign is to be attached to a building which is set back less than forty (40) feet from the centerline of the road, in which case said sign shall be attached flush to the building.

I. All signs shall not exceed one sign per road frontage of the building or use being advertised except that each five hundred (500) feet of frontage shall be considered an additional frontage. Provision can be made for more than one (1) sign but no more than two (2) signs per five hundred (500) feet of frontage provided that the cumulative total of sign areas does not exceed the standard set in Section 530.B., above.

J. In the event any standard set forth in this law is in conflict with any other standard set forth in this law the more restrictive standard shall be

held applicable.

K. All signs, together with their surfaces shall be kept in good repair. The display surfaces shall be kept neatly painted at all times, or be removed.

L. Any nonconforming sign existing in the town at the time of the adoption of this law, or an amendment thereto, shall only be replaced by a sign conforming to the regulations for this district.

M. Any business, enterprise, institution, or other advertising entity that ceases operations shall remove its signs within ninety (90) days of such cessation, including off premise signs.

N. The signs surface area shall consist of the entire area within a single, continuous perimeter, enclosing all elements which form an integral part of the sign. The structure shall be designed in a way to form an integral background for the display. Both faces of a double-faced sign shall be included as surface or area of such a sign.

Section 535 Outdoor Swimming Pools

Swimming pools that are deeper than 24 inches are required to have adequate fencing and/or barriers to prevent accidental entry and unauthorized use of the pool. Such fencing or barriers shall comply with the 9NYCRR Uniform Fire Prevention and Building Code, Subchapter B, Article 4, Part 744 for multiple dwellings and Subchapter B, Article 3, Part 720 for one and two-family dwellings.

Section 540 Corner Lots

In the case of a corner lot, all yards that front on public/private roads shall be considered front yards and must meet the appropriate front yard setback and frontage requirements of this law.

Section 545 Satellite Dishes, Antennas and Towers

Satellite dishes, antennas, and towers shall not require a permit. All dishes, antennas and towers shall be located a minimum distance of 3 feet from any property line, and not located within any public right-of-way.

Section 550 Shoreline Requirements

The following requirements shall apply to shoreline lands:

A. Setback, Water. The minimum setback from the mean high water mark of all principal and accessory buildings or structures in excess of one hundred forty (140) square feet other than docks, boathouses, or swimming floats, and other water related structures, shall be a minimum distance from the mean high water mark as follows:

1. 100' adjacent to portions of the Independence and Black Rivers within the resource management area of the Adirondack Park.
2. 75' adjacent to shoreline in the low intensity use and rural use areas within the Adirondack Park.
3. 50' adjacent to all other navigable bodies of water including rivers and streams.

Section 555 Roads

All public or private roads constructed to serve or intended to serve as public thoroughfares shall meet town road standards as set forth by the Watson Town Board.

Section 560 Septic Systems

If a use is not connected to public sewerage, it must meet the requirements of New York State Sanitary Code, Part 75A. Alternative on-site systems may be permitted upon approval of all appropriate state and local agencies.

Section 565 Fences, Walls, and Shrubbery

No zoning permit is required prior to the construction of a fence so long as the following standards are met.

Fences:

1. No fence, wall, or shrubbery shall be located within any public right-of-way.
2. No fence or wall shall be more than 8 feet high.

Section 570 Junkyard/Junk Vehicles

All junkyards and junk vehicles shall comply with the provisions of the County of Lewis Junkyard Law, Local Law No. 5-1987, and as amended. A Lewis County Junkyard License shall be required and issued by the County prior to issuance of a certificate of occupancy for a junkyard pursuant to this law. Nothing in this law shall be construed to pre-empt the enforcement of the Lewis County Junkyard Law by the County of Lewis in all areas of the Town of Watson.

Section 575 Recreational Vehicles

A recreational vehicle may not in any calendar year, be situated or remain within the Town of Watson on an occupied overnight basis for more than six months in aggregate, unless:

A. The recreational vehicle is located on a site within a campground in compliance with, or established prior to, the effective date of this law for which evidence can be provided by the owner; or

B. Being sold in a retail business; or

C. Being stored upon the premises of the owner or consenting landowner for the purposes of storage.

Section 580 Flood Plain Standards

All uses shall comply with the Town of Watson Flood Damage Prevention Local Law, as amended.

Section 585 Excavation

All mining and excavation activities for which 1,000 tons or 750 cubic yards, whichever is less, of minerals are removed from the earth within twelve successive calendar months shall abide by the Environmental Conservation Law (Mined Land Reclamation Law as amended) Art. 23, Title 27, in addition to the following:

1. access roads controlled by local government shall meet the public roads at right angles and at compatible grades;
2. entrances shall be located to allow safe line-of-sight distances to and from their points of intersection with the public road; and
3. the Town Board within 30 days of receipt of a complete mining application, (sent by the Department of Environmental Conservation), may submit a recommendation to the Department of Environmental Conservation in regard to the following:

   i. recommend appropriate setbacks from property lines and road lines;
   ii. recommend manmade or natural barriers designed to restrict access. The Town Board may recommend the type, length, height, and location thereof, consistent with the provisions of this law;
   iii. recommend appropriate methods of dust control;
   iv. recommend hours of operation; and
   v. advise whether mining is prohibited at the location.

Section 590 Accessory Apartments

A. No more than one accessory apartment shall be allowed for each dwelling

unit.

B. Each accessory apartment shall be a maximum of 45% of the total floor area of the principal dwelling unit, but shall not exceed 700 sq. ft.

C. If separate entrance to the accessory apartment is provided, such separate entrance shall be to the side or rear of the building.

D. Adequate off-road parking shall be provided.

Section 595 Kennels

A. Kennels housing less than four (4) dogs less than four (4) months old are exempt from these regulations.

B. Any fencing used as an extension of the kennel for confining the dogs, shall maintain a minimum of ten (10) feet as a setback from all adjoining property lines.

ARTICLE 6. PARKING, LOADING AND CIRCULATION

Section 610 General Parking Requirements

A. All uses shall be provided with off-road parking for all vehicles during typical peak use periods.

B. All uses with nonconforming parking situations shall comply with the parking requirements of this law if one or more of the following conditions occurs:

1. The use changes.
2. The use expands its gross floor area by 25% or more.
3. The use is destroyed and seeks to be re-established.
4. The use is discontinued for a period of 2 years or longer and seeks to be re-established.

C. A parking space shall not be less than 9 feet by 20 feet exclusive of access ways and driveways.

D. All parking areas for nonresidential and multi-family residential uses shall be designed to allow vehicles to exit front first onto roads.

Section 620 Number of Parking Spaces Required

A. To the greatest extent possible the size of all parking areas for commercial facilities shall be based on gross leasable area (GLA). Where gross leasable area figures are unavailable, gross floor area (GFA) figures shall be used.

B. All fractional proportions of parking spaces as calculated shall be rounded to the next higher whole number.

C. (See next page for Chart.)

C. Minimum parking spaces shall be required as follows:

Use	Parking Spaces Required
Business, Manufacturing	1 space/400 sq. ft. GLA
Business, Retail Sales and Service	1 space/200 sq. ft. GLA
Dwelling	2 spaces/unit
Home Occupation	1 additional space/200 sq. ft. GFA
Industries, Heavy	1 space/1000 sq. ft. GLA
Mobile Home Park	2 spaces/unit
Multi-family Dwelling: Units for non-elderly	2 spaces/unit
Offices	1 space/200 sq. ft. GLA
Other Uses	As determined necessary by the Planning Board
Public and Semi-public Facilities	1 space/4 seats or 1 space/60 sq. ft. seating area
Warehousing and storage facilities	1 space/2000 sq. ft. GLA

Section 630 Off-Road Loading Areas

A. All commercial and industrial uses shall be provided with off-road loading areas and facilities adequate to accommodate all loading activities on-site.

Section 640 Site Entrances

Access to all nonresidential and multi-family residential uses shall be consistent with the standards set forth in "Policy and Standards for Entrances to State Highways," as revised, published by the New York State Department of Transportation.

ARTICLE 7. SPECIAL USE PERMIT

Section 710 Authority

The Town of Watson Planning Board is hereby authorized to review and approve or disapprove, or approve with modifications, special uses within the Town of Watson as designated in accordance with the standards and procedures set forth in this law and Section 274-b of the Town Law.

Section 720 Applicability

All special uses shall have been approved by the Planning Board prior to the issuance by the Enforcement Officer of a zoning permit or a certificate of occupancy for a change in use. No land or structures shall be used until such time as the site has been inspected and has been certified as conforming to the site plans and conditions approved by the Planning Board.

Section 730 Objectives

In considering and acting on special uses, the Planning Board shall consider the public health, safety, welfare, and comfort and convenience of the public in general, the residents of the proposed development, and the residents of the immediate surrounding area. The Planning Board may prescribe such appropriate

conditions and safeguards as may be required in order that the results of its action shall, to the maximum extent possible, further the accomplishment of the following objectives:

A. Compatibility: That the proposed use is of a character compatible with the surrounding neighborhood and in harmony with the General Plan for the community.

B. Vehicular Access: That proposed access points are not excessive in number, but adequate in width, grade, alignment, and visibility; not located too close to intersections or places of public assembly; and other similar safety considerations.

C. Circulation and Parking: That adequate off-road parking and loading spaces are provided to prevent parking of vehicles on public highways by any persons connected with or visiting the development, that the interior circulation system is adequate to provide safe accessibility to all required parking lots, and that it provides adequate separation of pedestrian vehicular movements.

D. Landscaping and Screening: That all parking, storage, loading, and service areas are reasonably screened at all seasons of the year from the view of adjacent residential area and that the general landscaping of the site is in character with the surrounding areas.

E. Natural Features: That the proposed use, together with its sanitary and water service facilities, are compatible with geologic, hydrologic, and soil conditions of the site and adjacent areas and that existing natural scenic features are preserved to the greatest extent possible.

Section 740 Procedure

A. Application for special use permit. An application for a special use permit shall be filed with the Town Clerk together with the appropriate fee as determined by the fee schedule adopted by Town Board resolution. The application and plan shall include where applicable as determined by the Planning Board, but not be limited to, the following:

1. Name and address of applicant and owner, if different, and of the person responsible for preparation of such drawings;
2. Date, northpoint, written and graphic scale;
3. Boundaries of the area plotted to scale, including distances, bearings, and areas;
4. Location and ownership of all adjacent lands as shown on the latest tax records;
5. Location, name, and width of adjacent roads;
6. Location, width, and purpose of all existing and proposed easements, setbacks, reservations and areas dedicated to public use or adjoining the property;
7. Complete outline of existing or proposed deed restrictions or covenants to the property;
8. Existing hydrologic features together with grading and drainage plan showing existing and proposed contours at five foot intervals; refer to Section 815.5;
9. Location, proposed use, and height and dimensions of all buildings;
10. Location, design, construction materials of all parking and truck loading areas with access and egress drives thereto;
11. Provision for pedestrian access with special consideration to handicapped access, including public and private sidewalks;
12. Location of outdoor storage, if any;
13. Location, design, and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls, and fences;
14. Description of the method of sewage disposal and the location, design, and construction materials of such facilities;
15. Description of the method of securing public water and location, design, and construction materials of such facilities;
16. Location of fire lanes and other emergency zones including the location of fire hydrants;

17. Location, design, and construction materials of all energy distribution facilities, including electrical, gas, and solar energy;
18. Location, size, design, and construction materials of all proposed signs;
19. Location and proposed development of all buffer areas including indication of existing and proposed vegetative cover;
20. Location and design of outdoor lighting facilities;
21. Designation of the amount of gross floor area and gross leasable area proposed for retail sales and services, office, and other similar commercial or industrial activities;
22. Number and distribution by type of all proposed dwelling units;
23. General landscaping plan and planting schedule;
24. SEQR Environmental Assessment Form;
25. Other elements integral to the proposed development as considered necessary by the Planning Board including identification of any federal, state, or county permits required for the project's execution.

B. Planning Board Review of Special Use. The Planning Board shall consider the proposed special use and its net effect on the community. Such consideration shall include, as appropriate, but shall not be limited to, compatibility with the General Plan, the economic, social, physical, and environmental aspects of the proposal, and such other matters as may be determined pertinent. The board may consult with local and county officials, its designated consultants, (refer to Section 920), and also with representatives of federal, state, and county agencies, including but not limited to the Natural Resources Conservation Service, the New York State Department of Transportation, the Department of Environmental Conservation, and the Department of Health.

C. Public Hearing. The Planning Board shall conduct a public hearing on the special use application. Such public hearing shall be conducted within sixty-two (62) days of the receipt of the completed application and shall be advertised at least five (5) days before the hearing in a newspaper in general circulation in the Town. At least ten (10) days before such hearing the Planning Board shall mail notice thereof to the applicant.

D. Planning Board Action on Special Use. Within sixty-two (62) days of such public hearing, the Planning Board shall act on the special use application. The Planning Board's action shall be in the form of a written statement to the applicant stating whether or not the special use application is approved, disapproved, or approved with conditions. If the special use is disapproved, the statement will contain the reasons for such findings.

Upon approval of the special use and payment by the applicant of all fees and reimbursable costs due the Town, the Planning Board shall endorse its approval on a copy of the site plan, special use application, and all documents submitted as part of the application.

The decision of the Planning Board shall be filed in the office of the Town Clerk within five (5) business days after the day such decision is rendered, and a copy mailed to the applicant.

E. County Planning Board Review. The Planning Board shall provide notice of all special use review matters that fall within those areas specified under GML, Article 12-B, Section 239m to the County Planning Board at least ten (10) days prior to public hearing. Any special use that falls within 500 feet of the boundary of the Town; a State/County park or recreation area; a State/County highway; a State/County owned drainage channel; and State/County land where a public building or institution is located; or requires an agricultural data statement shall be referred to the County Planning Board for their recommendations thereon. The notice shall be accompanied by a full statement of the matter under consideration. The County Planning Board shall have thirty (30) days after receipt of a full statement of such proposed action, or such longer period as may have been agreed upon by the County Planning Board and the referring body, to report its recommendations to the referring body, accompanied by a statement of the reasons for such recommendations. If the County Planning Board fails to report within such period, the referring body may take final action on the proposed action without such report. However, if the County Planning Board's report is received after thirty (30) days or such longer period as may have been agreed

upon, but two or more days prior to final action by the referring body, shall be subject to the provisions of an extraordinary vote. If the County Planning Board recommends modification or disapproval of a proposed action, the referring body shall not act contrary to such recommendation except by a vote of a majority plus one of all the members thereof. Within thirty (30) days after final action, the referring body shall file a report of the final action it has taken with the County Planning Board. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.

F. Agricultural Data Statement; Requirements. An application for a special use that would occur on property within an agricultural district containing a farm operation or on property with boundaries within 500 feet of a farm operation located in an agricultural district, shall include an agricultural data statement. The Planning Board shall consider the agricultural data statement in its review of the possible impacts of the proposed project upon the functioning of farm operations within such agricultural district.

G. Agricultural Data Statement; Content. An agricultural data statement shall include the following information: the name and address of the applicant; a description of the proposed project and its location; the name and address of any owner of land within the agricultural district, which land contains farm operations and is located within 500 feet of the boundary of the property upon which the project is proposed; and a tax map or other map showing the site of the proposed project relative to the location of farm operations identified in the agricultural data statement.

H. Agricultural Data Statement; Notice Provision. Upon the receipt of such application by the Planning Board, the Secretary of such Board shall mail written notice of such application to the owners of land as identified by the applicant in the agricultural data statement. Such notice shall include a description of the proposed project and its location. The cost of mailing said notice shall be borne by the applicant.

I. Environmental Review. The Planning Board shall be responsible for compliance with the State Environmental Quality Review (SEQR) Act under Article 8 of the Environmental Conservation Law and its implementing regulations as codified in Title 6, NYCRR, 617.

ARTICLE 8. SPECIAL USE STANDARDS

Section 805 General

The requirements of this Article (and Article VII) may be waived by the Planning Board, where the requirements are found not to be requisite in the interest of the public health, safety, or general welfare or inappropriate to a particular Special Use.

Section 810 General Screening and Landscaping

A. Open storage areas, exposed machinery, and outdoor areas used for the storage and collection of solid waste, shall be visually screened year round from roads and surrounding land uses. Suitable types of screening could include fences (such as board on board), and mixed evergreen and deciduous hedges of a height necessary to screen the intended use. Where planted hedges are proposed, plant species, size and layout should be developed to provide an effective screen within three years of the time of installation.

B. In locations where potential health or safety hazards may arise, such as solid waste storage/collection areas, a solid fence, a minimum of six feet in height may be required to deter children and animals from entering the premises.

C. In areas of traffic movement, where landscape materials are required to define paths of traffic movement, the following standards may be required by the Planning Board:

1. Plants shall be selected to achieve not more than three (3) feet mature

height. Planting height shall be eighteen (18) to twenty-four (24) inches.
2. Plants shall be spaced to create a compact hedge border at time of planting.
3. Planting beds shall be covered with one of the following materials or approved equivalent:

a. Mulch at four (4) inches minimum depth.
b. Stone aggregate at three (3) inches minimum depth.

D. Where landscape materials are required to define the point of entrance to a commercial facility, plant materials shall consist of evergreen shrubs, or approved equivalent by the Planning Board:

E. Where landscape materials are required to complement areas intended for pedestrian activity, the following standards or approved equivalent shall be used when required by the Planning Board:

1. Pedestrian areas shall be paved with concrete or paving block set in an approved manner.
2. In order to minimize large areas of paving, landscape features, such as two (2) to three (3) foot earth mounds and planters, may be used.
3. Planting beds shall be covered with a mulch or approved equivalent.

F. Where landscape materials are required for screening purposes, the following standards or approved equivalent shall be used:

1. When sufficient space is available, a dense screen of evergreen plant materials shall be used.
2. Plant materials shall be planted at a height approved by the Planning Board and shall be spaced to form an opaque screen.
3. Where limited space is available, stockade or other approved fence may be used in conjunction with climbing or trellised plants.

G. Where landscape materials are required by the Planning Board to complement areas along a road right-of-way, the following standards or approved equivalent shall be used:

1. The area shall be covered with sod or, as an alternative, stone aggregate at a minimim three (3) inch depth may be substicuted.
2. Evergreen and/or deciduous materials shall be placed according to size approved by the Planning Board.

Section 815 Drainage

1. To the extent practicable, all development shall conform to the natural contours land and pre-existing manmade drainage ways shall remain undisturbed.

2. All developments shall be provided with a drainage system that is adequate to prevent the undue retention of surface water on the development site. Surface water shall not be regarded as unduly retained if:

a. The retention results from a technique, practice, or device deliberately installed as part of an approved sedimentation or storm water run-off control plan.

3. Wherever practicable, the drainage system of a development shall be coordinated with the connections to the drainage systems or drainage ways on surrounding properties or roads.

4. Construction specifications for drainage swales, and storm drainage shall be designed to Town requirements as follows:

a. Where the impervious surfaces of a site exceed 25 percent of the ground coverage, all applications for special permits shall be accompanied by a storm water drainage plan which complies with the standards of this Section.
b. The natural state of watercourses, swales, or rights-of-way shall be

maintained as nearly as possible. All drainage facilities shall be designed for a 20-year storm, minimum. The Planning Board may require facilities sized for more intensive storms should development conditions in the vicinity of the site warrant a greater degree of protection.

c. Surface water run-off shall be minimized and detained on-site as long as possible and practicable to facilitate ground water recharge.

5. All developments shall be constructed and maintained so that adjacent properties are not impacted by surface waters as a result of such developments. No development shall be constructed or maintained so that such development impedes the natural flow of water thereby causing damage to any adjacent properties, or unreasonably collects and channels surface water onto adjacent properties at such locations or at such volume as to cause substantial damage to such lower adjacent properties.

Section 820 Erosion Control

A. An Erosion Control Plan must be submitted and approved when an activity involves one of the following:
   1. Disturbs five (5) acres or more of land;
   2. Is to be conducted on a site which has a slope anywhere on the site that averages fifteen (15) percent or more over a horizontal distance of at least one hundred (100) feet.

   For purposes of this section, disturbed land shall mean any use of the land by any person, that results in a change in the natural cover or topography and that may cause or contribute to sedimentation. Sedimentation occurs whenever solid particulate matter, mineral or organic, is transported by water, air, gravity, wind, or ice from the site of its origin. This section shall not be construed to include the normal disturbance of the soil and its natural cover occurring in the ordinary course of agricultural use.

B. All measures necessary to minimize soil erosion and to control sedimentation in the disturbed land area shall be provided. Every effort shall be made by the applicant to minimize velocities of water run-off, and retain sedimentation within the development site as early as possible following disturbances.

Section 825 Retail Gasoline Outlets

A gasoline outlet establishment shall be developed in accordance with 6NYCRR Part 612, 613, and 614. In addition, compliance with 9NYCRR and NFPA 30 Regulations will be required.

A. Location: A retail gasoline outlet lot shall not be located within three hundred (300) feet of any lot occupied by a school, library, or religious institution.

B. Setbacks: Gasoline and/or fuel pumps and all fuel storage tanks shall not be located closer than seventy-five (75) feet to any side or rear lot lines.

Section 830 Motor Vehicle Repair/Paint Shops

A. Setback: All motor vehicle repair/paint shops shall be so arranged as to require all servicing on the premises no closer than fifty (50) feet to side and rear lot lines.

B. Storage of Waste Material: All junk wastes, discarded parts, etc., as a result of servicing motor vehicles, equipment, etc., shall be stored in an enclosed structure or fenced area so as not to be visible from adjacent lots until disposed of. None of these materials may be disposed of on the lot.

Section 835 Commercial Facilities/Uses

A. Setback: Such sales, rental or storage operations shall be located at least fifty (50) feet from side and rear lot lines.

8. Servicing Facilities: Such operation that also have service facilities for the same shall meet the requirements of Motor Vehicle Repair/Paint Shops. Section 830.

Section 840 Business Manufacturing and Saw Mills

A. Setback: A light industrial use or sawmill shall not be located closer than seventy-five (75) feet to any road line, side, or rear lot line.

B. Screening: All such operations shall be landscaped and screened to provide a year round visual and sound buffer from adjacent property in accordance with Section 810.F.

Section 845 Industries, Heavy

A. Location. A heavy industrial use shall not locate within three hundred (300) feet of a New York State designated wetland.

B. Setback. Heavy industrial uses shall not be located closer than two hundred (200) feet to any road line, side, or rear lot line.

C. Screening. All heavy industrial operations shall be screened from roads, and adjacent property that are other than an industrial use, by a minimum seventy-five (75) foot vegetative buffer area. Plant material shall be spaced to form a year round visual and sound buffer in multiple rows with alternate spacing or other equally acceptable screening techniques upon approval of the Planning Board.

Section 850 Slaughterhouses

A. Setback. A slaughterhouse shall be set back at least one hundred (100) feet from the side and rear lot line.

B. Screening. Such operation shall be substantially screened from roads and adjacent residential property in accordance with Section 810.F.

Section 855 Campgrounds

A. General

1. No campground shall be situated upon a lot less than ten acres in size.

B. Park Location and Condition

1. Each campground shall have adequate access to a public highway, and each campground site shall be serviced from interior roadways.
2. Mobile homes shall not be parked, whether permanently or temporarily, in any campground except when occupied by the park owner/operator.

C. Campground Site Size

Each campground site shall be a minimum two thousand (2,000) square feet in size.

D. Setbacks and Spacing

All buildings and campground sites shall have vegetative buffer setbacks of one hundred twenty-five (125) feet from the road line of all public roads, and fifty (50) feet from public and private adjacent properties.

E. Park Access

Access to all sites shall be consistent with the standards set forth in "Policy and Standards for Entrances to State Highways", as revised, published by the State of New York Department of Transportation.

F. Sewer, Water, and Public Facilities

1. Sewer, water, and other utilities shall be provided in accordance with the

requirements of Chapter 1, Part 7, New York State Sanitary Code, and subject to any other Town requirements.
2. All campgrounds shall provide a building containing at least one (1) toilet, lavatory and shower for each sex, for each ten (10) campground sites.

G. Construction

Any campground development and construction pursuant to a plan approved by the Planning Board shall be completed within two years of that approval. Upon reasonable cause shown, the Planning Board may extend these deadlines, but such extension shall not exceed six months.

Section 860 Mobile Home Parks

A. Park Location and Conditions

1. A proposed mobile home park shall be located where orderly development of a mobile home park can be undertaken in harmony with development of the surrounding area in terms of traffic generation, ease and safety of vehicular access to and circulation within the park, safety of pedestrian movement, placement and sizing of sewage treatment and water supply systems and other utilities, safety of fuel storage and supply, provision of open space, recreation facilities or areas, delivery of services and adequacy of landscaping and buffering.
2. No mobile home park shall be situated upon a lot less than four acres in size.

B. Mobile Home Skirting and Pad

As referenced in Article V. 5

C. Site Requirements

1. Site Size. Minimum site size shall be 10,000 square feet.
2. Site Width. There shall be a minimum 75 feet site width.
3. Site Depth. There shall be a minimum 100 feet site depth.

D. Setbacks and Spacing

1. All mobile homes and attached or detached accessory structures, and all other buildings, shall satisfy the following setback requirements:

a. Minimum of 150 feet from the road line of any public road;
b. Minimum of 30 feet from the centerline of any roadway internal to the mobile home park; and
c. Minimum of 15 feet from rear and side site lines.

E. Park Design Requirements

1. Access

Each mobile home park shall have safe, legal means of access from one or more public roads as follows:

a. Access roads shall meet the public roads at right angles and at compatible grade;
b. Entrances shall be located directly opposite, or at least 200 feet from, the nearest intersection of public roads, if any, and at least 150 feet from any other entrances to the mobile park, if any;
c. Entrances shall be wide enough to allow reasonable turning movements for vehicles with mobile homes attached and for service, delivery vehicles, and emergency vehicles;
d. Entrances shall afford safe line-of-sight distances to and from their points of intersection with the public road;
e. At least one common entrance and access road shall be required to serve

any mobile home park having nine or less mobile home sites;
f. At least two independent entrances and access roads shall be required to serve any mobile home park having ten or more mobile home sites: and
g. Access roads connecting mobile home park interior roads with the public roads shall meet Town road standards.

2. Internal Roads

a. Internal roads shall be privately owned and maintained and shall provide for the safe and convenient movement of vehicles, with or without mobile home attached;
b. All mobile home sites shall face on and be serviced by at least one internal road;
c. All roads shall have a minimum 30-foot right-of-way, 20 feet of which must consist of paving, crushed stone or crushed gravel, and all such roads shall be so designed, graded and leveled as to permit the safe passage of emergency and other vehicles at speeds of 15 miles per hour;
d. Straight, uniform gridiron road patterns should be avoided unless they can be relieved by mobile home clustering, landscaping and an open space system; and
e. Cul de sacs shall be provided in lieu of closed end roads with a turn around having an outside roadway arc of at least 90 ft..

3. Walkways

A four-foot wide hard surfaced pedestrian walkway shall be provided along and at least five feet from each access road between the entrance to the public highway and either:

a. The first mobile home; or
b. Such location within the mobile home park as may be required by the Planning Board to assure pedestrian safety.

4. Water Supply and Sewage Disposal

Water supply and sewage disposal system shall be designed and constructed in accordance with the New York State Department of Health and New York State Department of Environmental Conservation. Proof of such compliance for the mobile home park must be submitted prior to final consideration by the Planning Board.

5. Construction

A mobile home park development and construction pursuant to a plan approved by the Planning Board shall be completed within one year of that approval. Upon reasonable cause shown, the Planning Board may extend these deadlines, but such extension shall not exceed six months.

7. Service Buildings

a. Any service buildings, housing sanitation facilities and/or laundry shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installations, and plumbing and sanitation systems.

F. Responsibilities of Park Operators

1. The operator to whom a permit for a mobile home park is issued shall operate the park in compliance with the standards set forth in this local law and shall provide adequate supervision to maintain the park, its common grounds, roads, facilities and equipment in good repair and in a clean and sanitary condition, or said permit shall be revoked.

Section 865 Essential Facilities

A. Location: The proposed installation in a specific location must be demonstrated to be necessary and convenient for the efficiency of the essential service or the satisfactory and convenient provision of service to the area in which the particular use is located.

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

C. Landscaping: Adequate landscaping shall be provided to create a visual and sound buffer between such facilities and adjacent property.

D. Access: All points of necessary access, or transformers, shall be placed in secure structures at ground level.

E. Fencing: All major electrical transformer facilities or substations, if above ground, shall be secured by a fence. Also no transformer or associated switches shall be closer than two hundred (200) feet from any lot line.

ARTICLE 9 BOND FOR INSTALLATION OF IMPROVEMENTS

Section 910 Require Financial Security

In order that the Town Board has the assurance that the construction and installation of such improvements as storm sewer, water supply, sewage disposal, landscaping, noise abatement equipment and facilities, road signs, sidewalks, parking, access facilities, and road surfacing will be constructed, the Planning Board may require that the applicant enter into one of the following agreements with the Town Board.

1. Furnish bond executed by a surety company equal to the cost of construction of such improvements as shown on the plans and based on an estimate furnished by the applicant and approved by the Planning Board.
2. In lieu of the bond, the applicant may deposit cash, certified check, an irrevocable bank letter of credit, a certificate of deposit, or other forms of financial security acceptable to the Town Board. Acceptable substitutes, if furnished, shall be kept on deposit with the Town Clerk for the duration of the bond period.
3. Construct all improvements required by the Planning Board prior to the final approval of the special permit.

Section 920 Conditions

Before a special use is approved, the applicant shall have executed a contract with the Town Board if required, and a performance bond, certified check, or bank letter of credit shall have been deposited covering the estimated cost of the required improvements that have been designated by the Planning Board.

The performance bond, certified check, or bank letter of credit shall be to the Town Board and shall provide that the applicant, his heirs, successors, and assigns, their agent or servants, will comply with all applicable terms, conditions, provisions, and requirements of this law; will faithfully perform and complete the work of constructing and installing such facilities or improvements in accordance with the special use permit.

Any such bond shall require the approval of the Town Board and the Town Attorney as to form, sufficiency, manner of execution and surety.

Wherever a certified check is made, the same shall be made payable to the Town of Watson.

The Town Board and Planning Board reserves the right to employ the services of outside consultants for inspections, and all charges shall be reimbursed to the Town of Watson by the applicant.

Section 930 Extension of Time

The construction and/or installation of any improvements or facilities, other than roads, for which guarantee has been made by the applicant in the form of a bond or certified check deposit, shall be completed within one (1) year from the date of approval of the special use. Road improvements shall be completed within two years from the date of approval of the special use. The applicant may request an extension of time, provided he can show reasonable cause for inability

to perform said improvements within the required time. The Town Board may use as much of the bond or check deposit to construct the improvements as necessary. The same shall apply whenever construction of improvements is not performed in accordance with applicable standards and specifications.

Section 940 Schedule of Improvements

When a certified check, performance bond, or bank letter of credit are made pursuant to the preceding sections, the Town Board and applicant shall enter into a written agreement itemizing the schedule of improvements in sequence with the cost opposite each phase of construction or installation, provided that each cost as listed may be repaid to the applicant upon completion and approval after inspection of such improvement or installation. However, ten (10) percent of the check deposit or performance bond shall not be repaid to the applicant until one (1) year following the completion, inspection, and acceptance by the Town Board of all construction and installation covered by the check deposit or performance bond as outlined in the contract.

Section 950 Inspections

Periodic inspections during the installation of improvements shall be made by the Enforcement Officer and/or appointed project inspector, to insure conformity with the special permit and specifications as contained in the contract and this law. The applicant shall notify the Enforcement Officer and/or appointed project inspector, when each phase of improvements is ready for inspection. At least five (5) days prior to commencing construction of required improvements, the applicant shall pay to the Town Clerk the inspection fee required by the Town Board. Upon acceptable completion of installation and improvement, the Planning Board shall issue a letter to the applicant or his representative and such letter shall be sufficient evidence for the release by the Town Clerk of the portion of the performance bond or certified deposit as designated in the contract to cover cost of such completed work.

Section 960 Acceptance of Roads and Facilities

When the Enforcement Officer and/or appointed project inspector following final inspection of the improvements, certifies to the Planning Board that all installation and improvements have been completed in accordance with the contract, the Town Board may, by resolution, proceed to accept the facilities for which bond has been posted or check deposited.

ARTICLE 10. DEFINITIONS

Section 1010 General

Except where specifically defined herein, all words used in this law shall carry their customary meanings. Words used in the present tense include the future, and the singular includes the plural; the word "lot" includes "plot", the word "shall" is mandatory; "occupied" or "used" shall be considered as though followed by "or intended, arranged or designed to be used or occupied," "person" includes individual, partnership, association, corporation, company or organization. Doubt as to the precise meaning of any word used in this law shall be clarified by the Board of Appeals under its powers of interpretation.

Section 1020 Definitions

Accessory Apartments: A second dwelling unit located on same lot as a principal single-family dwelling, located either within the principal dwelling or within an accessory building, which is subordinate to the principal dwelling in terms of size, location, and appearance. Such a dwelling shall be an accessory use to the principal dwelling.

Accessory Structures: A subordinate structure located on the same lot with the main structure, occupied by or devoted to an accessory use. Where an accessory structure is attached to the main structure in a substantial manner, as by a wall or roof, such accessory structure shall be considered part of the main structure. This shall include but not be limited to storage sheds, satellite dishes, fences, swimming pools, or structures whose primary purpose is related to the recreational use of a waterway such as boathouses, docks, swimming floats, and other similar structures greater than 140 sq. ft. in size.

Accessory Use: A use incidental and subordinate to the principal use and located on the same lot with such principal use or structure.

Agricultural Services: Commercial office establishments primarily engaged in supplying landscaping, horticultural services, veterinary and other animal services, farm labor and management services/contracts including corn shelling; hay baling and threshing; sorting, grading and packing fruits and vegetables for the grower; fruit picking; grain cleaning; harvesting and plowing and the necessary storage of equipment and materials.

Agricultural Structures: Barns, silos, storage buildings, equipment sheds, roadside stands, and other accessory structures customarily used for agricultural purposes.

Agricultural Use: Land containing at least two (2) acres which is directly related to the raising of livestock, or the growing of crops for the sale of agricultural produce, including farm structures, storage of agricultural equipment, horticultural and fruit operations, riding and boarding stables, and the like, or other commonly accepted agricultural operations, and as an accessory use the sale of agricultural or forest products raised on the property.

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.

Area (of a sign): The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, as included within the definition of a sign, together with the frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed. On signs with more than one face, only that face or faces visible from any one direction at one time will be counted.

Bed and Breakfasts: An accessory and subordinate use of a one or two-family dwelling where transient guests are provided a sleeping room and/or board on an overnight basis by the family residing within the unit in return for compensation.

Building: Shelter having a roof supported by column or walls and intended for the shelter or enclosure of persons, animals, or property.

Building Height: Vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat and mansard roofs, and to the average height between eaves and ridge for other types of roofs.

Business Manufacturing: A commercial activity characterized by the transformation of substances into new products (including the assembly of component parts of manufactured products) such as are normally associated with light industry plants, factories and mills utilizing power driven machinery and materials handling equipment.

Business, Retail Sales & Service: A commercial activity characterized by the direct on-premise sale of goods and services to the ultimate consumer, including on-premise manufacturing, processing, and servicing and preparation customarily associated therewith and generally involving stock in trade such as are normally associated with department stores, food markets and similar establishments, but also including financial institutions, business and professional offices and services, restaurants, bars, and retail gasoline outlets.

Business, Wholesale: A commercial activity characterized by the sale of merchandise to retail, manufacturing, institutional or other wholesale establishments in bulk, including on-premise storage and distribution facilities.

Campgrounds: Land on which are located two (2) or more cabins, recreation vehicles, tents, shelters, or other accommodations suitable for seasonal or temporary living purposes, excluding mobile homes.

Campground Site: Any area of land within a campground intended for the exclusive occupancy of a single camping unit.

Commercial Facilities Uses: Activity carried out for capital gain.

Dwelling: Any building or portion thereof designed for, or used exclusively as, a residence or sleeping place of one (1) or more persons, including a mobile home and modular homes.

Single-Family: A detached residential dwelling designed for and occupied by one family only, including seasonal dwellings.

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 and living independently of each other.

Two-Family: A detached residential building containing two dwelling units, designed for occupancy by not more than two families living independently of each other.

Dwelling Unit: One room or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy or rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure and containing independent cooking and sleeping facilities, designed for occupancy by one family.

Enforcement Officer: An individual designated by resolution of the Town Board to assume, undertake, and exercise the duties and responsibilities reposed with that officer by the provisions of this law.

Essential Facilities: The operation or maintenance by municipal agencies or public/private utilities of telephone dial equipment centers; electrical or gas substations; water treatment, storage and transmission facilities and lines; pumping stations; and similar facilities operated or maintained by municipal agencies or public/private utilities.

Excavation: All mining and excavation activities for which 1,000 tons or 750

cubic yards, whichever is less, of minerals are removed from the earth, within twelve successive calendar months. This does not include the process of grading a lot preparatory to the construction of a building which has an approved zoning permit.

Family: One or more persons living, sleeping, cooking or eating on the same premises as a single housekeeping unit.

Fence: Any accessory structure, composed of any material, which is erected or maintained for the purpose of securing, screening, or partitioning of a lot, building, or structure. A wall is considered a "fence".

Funeral Homes: Establishments with facilities for the preparation of the dead for burial or cremation, for the viewing of the body and for the observances held incidental to burial or cremation.

Garages, Public: Any garage other than a private garage, operated for gain, available on a rental basis for storage.

Greenhouses/Nurserys: Land, structures or buildings used for the cultivation of flowers, plants or shrubs for subsequent sale, including on premises accessory retail sales of flowers, plants or shrubs, and on premises retail sales of accessory products, tools, and equipment.

Gross Leasable Area: The total floor area for which the tenant pays rent and which is designed for the tenant's occupancy and exclusive use.

Home Occupations: Professions or activities that are clearly a customary and incidental accessory use to the principal use.

Hospital: Includes sanitarium, clinic, rest home, nursing home, convalescent home, home for the aged, and any other place for the diagnosis, treatment of human ailments, and rehabilitation facilities.

Industries, Heavy: Any facility which manufactures, assembles, fabricates, processes or packages products from raw materials or component parts which are hazardous materials as regulated by State and Federal Laws or Regulations or where the by-products and wastes from the assembling, fabricating, processing or packaging activities are hazardous materials.

Junkyard/Junk Vehicles: Are as defined by the County of Lewis Junkyard Law and are incorporated by this reference.

Kennel: Establishments in which more than four (4) dogs more than four (4) months old are housed, groomed, bred, boarded, trained, or sold.

Laundromats: Commercial establishment providing washing, drying, or dry-cleaning machines on the premises for rental use to the general public for family laundering or dry-cleaning purposes.

Loading Space: Off-road space used for the temporary location of one licensed motor vehicle, which is at least twelve (12) feet wide and forty (40) feet long, not including access driveway, and having direct access to a road.

Lot: A designated parcel or tract of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit.

Lot, Corner: A lot abutting upon two (2) or more streets/roads at their intersection or upon two (2) parts of the same street/road.

Lot Frontage: The length of the front line measured at the road line.

Lot Line, Rear: That lot line which is opposite and most distant from the road line.

Lot Line, Side: A lot line that is not a road line or a rear lot line.

Lot of Record: A lot which exists as of this law's enaction, or such lesser portion of an existing lot as results from a subsequent sale, at arms length, pursuant to a written agreement entered into prior to this law's enaction.

Mean High Water Mark: The point at which terrestrial vegetation meets aquatic vegetation along rivers, streams, lakes and all other bodies of water. Terrestrial vegetation being defined as trees, grass, shrubs, and associated plant life, and aquatic vegetation being defined as cattails, floating or emergent vegetation.

Metes and Bounds: A method of describing the boundaries of land by directions and distances from a known point of reference.

Miscellaneous Non-Residential Uses: Any use except one, two, and multi-family dwellings, mobile homes, modular homes, and accessory structures.

Mobile Home: Manufactured housing designed with a chassis, and constructed to be towed, driven, or otherwise transported whole or in part to a site, and which is designed to permit occupancy for dwelling or sleeping purposes. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. The term mobile home shall not include modular homes or travel trailers.

Mobile Home Parks: Land on which are located, or which is maintained for use by (2) two or more mobile homes parked, and occupied for living purposes.

Modular Home: Manufactured housing bearing the insignia of approval issued by the State of New York. A modular home is designed to be permanently anchored to a foundation to become a fixed part of the real estate.

Motel/Hotel: A building or group of buildings, whether detached or in connected units, containing transient and/or permanent lodging facilities for the general public and which may contain accessory facilities such as restaurants, meeting rooms, retail business activities and related activities primarily to accommodate the occupants, but open to the general public, including buildings designated as auto cabins, auto courts, motor lodges, tourist courts and similar terms.

Motor Vehicle Repair/Paint Shops: A building, or portion of a building, arranged, intended or designed to be used commercially for making repairs to motor vehicles, and/or sanding, grinding or painting vehicles, machinery, or similar materials for capital gain.

Motor Vehicle Sales: Establishment for display and sale of new and used motor vehicles, trailers, mobile homes, and boats.

Nonconformity: Lot, structure, or use of land substantially existing at the time of enactment of this law, which does not conform to the regulations for the district in which it is located, where such use conformed to all applicable laws, ordinances and regulations prior to enactment of this law, or the zoning ordinance replaced by this law.

Parking Space: Off-road space used for the temporary location of one licensed motor vehicle, which is at least nine feet wide and twenty-two feet long, not including access driveway, and having direct access to a road.

Petroleum Bulk Storage: Any facility for the aboveground or underground storage of petroleum products such as gasoline, heating oil, heavy residual fuel oils, kerosene, or reprocessed waste oil for subsequent resale to distributors or retail dealers or outlets.

Portable Sign: Any sign which by its design is able to be and is commonly moved from place to place.

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

Public and Semi-Public Facility: Any one or more of the following uses.

including grounds and accessory buildings necessary for their use: playgrounds and recreational areas; schools; public libraries; fire, ambulance and public safety buildings; and public meeting halls and community centers.

Recreation Vehicle: Any vehicle used for recreating including but not limited to; motor homes, pickup campers, van campers, and pop-up campers.

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

Retail Gasoline Outlet: Any establishment that sells gasoline to the public. This includes service stations, convenience stores, car washes or any other facility that sells gasoline.

Road: A public or private way including easements and right-of-ways, for vehicular traffic which affords the principal means of access to abutting properties or sites.

Road Line: The right-of-way line of a road as dedicated by a deed or record. Where the width of a road is not established, the road line shall be considered to be twenty-five (25) feet from the centerline of the road pavement.

Roadside Stand: A stall or booth of a temporary nature, for the sale of farm or garden products grown on the premises.

Satellite Dish: A structure attached to the ground or any other structure built or intended for the purpose of the reception of television or radio programming transmitted or relayed from an earth satellite.

Saw Mill: Commercial facility engaged in the processing, milling, and/or dimensioning of logs.

School: Includes parochial, private, public and nursery school, college, university, and accessory uses; and shall exclude commercially operated school of beauty culture, business, dancing, driving, music, and similar establishments.

Setback: Of a building from a particular lot line is the horizontal distance from such lot line to the part of the building or of the story, respectively, which is nearest to such lot line, which shall be deemed to be the distance that such building or story is "set back" or that is "set back" from such lot line.

Shoreline: That line at which land adjoins the water of rivers, lakes, ponds, and streams at the mean high water mark.

Sign: Any material, structure or device, or part thereof, composed of lettered or pictorial matter which is located out-of-doors, or on the exterior of any building, or indoors as a window sign, displaying an advertisement, announcement, notice or name, and shall include any declaration, demonstration, display, representation, illustration or insignia used to advertise or promote the interests of any person or business or cause when such is placed in view of the general public.

Slaughterhouses: Places where the primary activity is the killing, butchering, or packaging of animals for compensation on a year-round basis. This shall not be interpreted to include: seasonal or incidental butchering of deer, bear, livestock, or poultry.

Story: That portion of a building included between the surface of any floor and the surface of the floor or roof next above; the first story of a wall is the lowest story which is seventy-five (75) percent or more above the average level of the ground about the building.

Structure: Any object constructed, installed, or placed on land to facilitate

land use and development or subdivision of land, such as buildings, sheds, signs, kennels, tanks, and any fixtures, additions, and alterations thereto. The word fences shall not be included in the definition of structure.

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.

Use Permit: A permit issued by the Enforcement Officer acknowledging an acceptable use according to the District Regulations. Such a permit is intended to inform the Town Board of new activity as well as make the applicant aware of any land use policies pertaining to the use.

Use, Permitted: A use not requiring Planning Board review, but requiring a zoning permit issued by the Enforcement Officer.

Use, Special: A use which is subject to conditions in a particular zone requiring a special use review and approval of the Planning Board prior to the issuance of a zoning permit by the Enforcement Officer.

Use, Temporary: An activity conducted for a specified limited period of time. Examples of such uses are buildings incidental to new construction which are removed after the completion of the construction work.

Variance: A variance is any departure from the strict letter of this law 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.

Variance, Area: Shall mean the authorization by the Zoning Board of Appeals for the use of the land in a manner which is not allowed by the dimensional or topographical requirements of the applicable zoning law.

Variance, Use: Shall mean the authorization by the Zoning Board of Appeals for the use of the land in a manner or for a purpose, which is not allowed or is prohibited by the applicable zoning law.

Warehousing: Terminal facilities for handling freight with or without maintenance facilities, and buildings used primarily for the storage of goods and materials.

Wetlands: Any lands or water that are defined as wetlands according to the New York State Freshwater Wetlands Act, Section 24-0107(1) and are mapped pursuant to 6NYCRR 664, and are filed with the State, County or Town Clerk.

Zoning Permit: A permit issued under this law by the Enforcement Officer, allowing the alteration, construction, or placement of any structure.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. **(Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. ...../..... -- of 19.97.. of the ~~(County)(City)~~(Town)~~(Village)~~ of ..... Watson ..... was duly passed by the ..... Town Board ..... on ~~Sept. 10~~ Oct. 8 19 97, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. **(Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)**

I hereby certify that the local law annexed hereto, designated as local law No. ..... of 19..... of the (County)(City)(Town)(Village) of ..... was duly passed by the ..... on ..... 19 ---, and was (approved)(not approved)(repassed after disapproval) by the ..... and was deemed duly adopted on ..... 19.....
(Name of Legislative Body) *(Elective Chief Executive Officer*)*
in accordance with the applicable provisions of law.

3. **(Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. ..... of 19..... of the (County)(City)(Town)(Village) of ..... was duly passed by the ..... on ..... 19.....and was (approved)(not approved)(repassed after disapproval) by the ..... on ..... 19..... Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on ..... 19..... in accordance with the applicable provisions of law.
(Name of Legislative Body) *(Elective Chief Executive Officer*)*

4. **(Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. ..... of 19..... of the (County)(City)(Town)(Village) of ..... was duly passed by the ..... on ..... 19.....and was (approved)(not approved)(repassed after disapproval) by the ..... on ..... 19 ---. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of ..... 19..... in accordance with the applicable provisions of law.
(Name of Legislative Body) *(Elective Chief Executive Officer*)*

* **Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.**

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. ..... of 19..... of the City of ..... having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on ..... 19...., became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. ..... of 19..... of the County of ..... State of New York, having been submitted to the electors at the General Election of November ..... 19...., pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph ....1...., above.

Carol L. Stiefel

~~City Clerk, Clerk of the Board of Supervisors, Clerk of the Town, Village Clerk or officer designated by local legislative body~~

October 8

(Seal) Date: ~~September 10,~~ 1997

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF LEWIS

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Joseph D. McGuire

Signature Joseph D. McGuire

Town Attorney

Title

~~County~~
~~City~~
Town of Watson
~~Village~~

October 14

Date: ~~September~~ , 1997