

The following pages are the Draft Proposed Zoning Law Amendments. You can also get a copy at the Town Barn on County Route 66. The Draft Proposed Zoning Map follows.

Any comments will be taken by written format with signature, you must mail them to:

Town of Hounsfield
Zoning Law Amendments
18774 Co. Route 66
Watertown, New York 13601

The deadline for comments will be October 31, 2009.

Thank you
Town of Hounsfield Town Board

Town of Hounsfield Zoning Law
January 1, 1989

With Amendments as of May, 1990

* Local Law No. 2 of the year 2002

Amending Local Law # 2 of the year 1988, the Town of Hounsfield Zoning Law, as amended, to provide for an Arterial Corridor Protection Overlay District, Planned Development District, and other various amendments.

** Local Law No. 2 of the year 1998

Amending Local Law # 2 of the year 1988, the Town of Hounsfield Zoning Law, providing for regulations concerning Telecommunications Towers.

*** Local Law No. 1 of the year 2001

A Local Law, in part, Local Law No.2 of the year 1988, as amended, the Town of Hounsfield Zoning Law.

**** Local Law No. 2 of the year 2006

Amending, in part, Local Law No. 2 of the year 1988 as amended, the Town of Hounsfield Zoning Law.

***** Local Law No. 1 of the year 2006

Amending, in part, Local Law No.2 of the year 1988, as amended, the Town of Hounsfield Zoning Law.

***** Local Law No. 2 of the year 2008

Amending, in part, Local Law No 2 of the year 1988, as amended, the Town of Hounsfield Zoning Law.

TABLE OF CONTENTS

<u>ARTICLE I - General Provisions</u>	Page 5
<u>Section 105 - Authority</u>	<u>Page 5</u>
<u>Section 110 - Statement of Findings and Purposes</u>	<u>Page 5</u>
<u>Section 115 -Title</u>	<u>Page 5</u>
<u>Section 120 - Application of this Local Law</u>	<u>Page 5</u>
<u>Section 125 - Prior Local Laws or Ordinances</u>	<u>Page 6</u>
<u>ARTICLE II - Definitions</u>	Page 7
<u>Article III - Establishment Of Districts</u>	Page 18
<u>Section 305 - District Names</u>	<u>Page 18</u>
<u>Section 310 - Town Zoning Map</u>	<u>Page 18</u>
<u>Section 315 - Interpretation of District Boundaries</u>	<u>Page 18</u>
<u>Article IV - District Regulations</u>	Page 19
<u>Section 400 - General Provisions</u>	<u>Page 19</u>
<u>Section 405 - AR, Agricultural/Residential District</u>	<u>Page 19</u>
<u>Section 410 - H, Hamlet District</u>	<u>Page 21</u>
<u>Section 415 - I, Industrial District</u>	<u>Page 22</u>
<u>Section 420 - MU, Multi-Use District</u>	<u>Page 23</u>
<u>Section 425 - MR, Marine District</u>	<u>Page 25</u>
<u>Section 430 – State Highway Overlay District (Overlay)</u>	<u>Page 27</u>

Town of Hounsfield Zoning Laws

<u>Section 435 - PDD, Planned Development District (Overlay)</u>	<u>Page 31</u>
--	----------------

Table of Contents (Continued)

<u>Article V. - General Regulations</u>	<u>Page 33</u>
<u>Section 505 - Home Occupations</u>	<u>Page 33</u>
<u>Section 510 - Antennae and Satellite Dishes</u>	<u>Page 33</u>
<u>Section 515 – Single and Double-Wide Mobile Homes</u>	<u>Page 33</u>
<u>Section 520 - Fences</u>	<u>Page 35</u>
<u>Section 525 - Campgrounds, Camping or Temporary Dwelling</u>	<u>Page 35</u>
<u>Section 530 - Storage Shed, Storage Unit</u>	<u>Page 36</u>
<u>Section 535 - Outdoor Wood-Burning Furnaces</u>	<u>Page 37</u>
<u>Section 540 – Swimming Pools</u>	<u>Page 38</u>
<u>Section 545 – Parking and Off-Street Loading</u>	<u>Page 38</u>
<u>Article VI-A - Site Plan Review</u>	<u>Page 42</u>
<u>Section 605 – Purpose and Scope</u>	<u>Page 42</u>
<u>Section 610 - Application for Site Plan Review</u>	<u>Page 42</u>
<u>Section 615 – General Site Plan Review Criteria</u>	<u>Page 45</u>
<u>Section 620 - Guarantees for Installation and Maintenance of Improvements</u>	<u>Page 46</u>
<u>Section 625 - Performance Standards</u>	<u>Page 47</u>
<u>Section 630 – Site Plan Regulations Concerning Specific Uses</u>	<u>Page 52</u>
<u>Section 630 A. Mobile Home Parks</u>	<u>Page 53</u>
<u>Section 630 B. Multi-Family Dwellings</u>	<u>Page 54</u>
<u>Section 630 C. Junkyards and Excavations</u>	<u>Page 55</u>

Town of Hounsfield Zoning Laws

<u>Section 630 D. Adult Entertainment</u>	<u>Page 56</u>
<u>Section 630 E. Application for Telecommunication Tower Site Plan Review</u>	<u>Page 57</u>
Table of Contents (Continued)	
<u>Section 630 F. Additional Requirements for Telecommunication Towers</u>	<u>Page 58</u>
<u>Section 630 G. Nightclubs</u>	<u>Page 59</u>
<u>Section 630 H. Childcare Facilities</u>	<u>Page 59</u>
<u>Section 630 I. Flea Markets</u>	<u>Page 60</u>
<u>Article VI-B - Special Use Permits</u>	<u>Page 61</u>
<u>Section 635 - Applicability</u>	<u>Page 61</u>
<u>Section 640 - Application Requirements</u>	<u>Page 61</u>
<u>Section 645 - Procedure</u>	<u>Page 61</u>
<u>Section 650 - Review Criteria</u>	<u>Page 63</u>
<u>Article VII - Non-Conformities</u>	<u>Page 65</u>
<u>Section 705 - General</u>	<u>Page 65</u>
<u>Article VIII, Administration and Enforcement</u>	<u>Page 66</u>
<u>Section 805 - Zoning Permits</u>	<u>Page 66</u>
<u>Section 810 - Zoning Officer</u>	<u>Page 69</u>
<u>Section 815 - Zoning Board of Appeals</u>	<u>Page 70</u>
<u>Section 820 - Planning Board</u>	<u>Page 72</u>
<u>Section 825 - Fees</u>	<u>Page 72</u>
<u>Section 830 - Violations and Penalties</u>	<u>Page 73</u>
<u>Section 835 - Amendments</u>	<u>Page 73</u>

Article I
General Provisions

Section 105: Authority

The Town Board of the Town of Hounsfield, pursuant to the authority granted it under Article Sixteen of Town Law of The State of New York and Articles Two and Three of Municipal Home Rule Law of the State of New York, hereby enacts as follows:

Section 110: Statement of Findings and Purposes

The purpose of this Local Law is to promote and guide development in an orderly and efficient manner. This will reduce land use conflicts, promote traffic safety, enhance and protect the historical and recreational attributes of the Town of Hounsfield, conserve and improve land values, encourage quality development consistent with the Comprehensive Plan of the Town of Hounsfield, ensure wise use of utilities, and promote the general health and welfare of Town of Hounsfield residents. This Local Law is designed to protect existing development while providing some control of growth so that future land development will not be detrimental to the Town of Hounsfield or its residents.

Section 115: Title

This Local Law shall be known and cited as “The Town of Hounsfield Zoning Law”.

Section 120: Application of this Local Law

- A. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or altered unless used, occupied, erected, constructed, reconstructed, moved or altered in conformity with all of the regulations herein specified for the district within which said building, structure or land is located.
- B. The regulations of this Local law shall not apply to Buildings, Structures, land or the uses thereof, in existence prior to the effective date of this Local law. Any physical alteration of existing Buildings, Structures or land, or any change in the uses thereof occurring after the effective date of this Local law shall be subject to and may only be undertaken and continued to the extent said Building, Structure, Land or the Use thereof is in conformity with all of the regulations herein specified for the district within which said Building, Structure, Land or Use is located.

Town of Hounsfield Zoning Laws

Section 125: Prior Local Laws or Ordinances

- A. This Local Law supersedes and REPEALS in their entirety the following Local Laws and Ordinances of the Town of Hounsfield:
 - 1. The Town of Hounsfield Mobile Home and Mobile Home Park Law, enacted as Local Law #1 of 1985; and
 - 2. The Town of Hounsfield Junkyard Ordinance.
- B. Said repeal shall not in any respect revive any Local Laws or Ordinances enacted prior to and dealing with the subject matter of the above enumerated and repealed Local Laws and Ordinances.

Town of Hounsfield Zoning Laws

Article II

DEFINITIONS

Except where specifically defined herein all words used in this Local Law shall have their customary meaning. Words in the present tense may be read to include the future tense; words of singular number may be read to include the plural number and words of the plural number may be read to include the singular. The word "Lot" shall be read to include the word "Plot". Doubt as to the precise meaning of any word used in this Local Law shall be interpreted in the first instance by the Zoning Board of Appeals.

Accessory Structure: A subordinate structure located on the same lot with the main structure or building, occupied by or devoted to an Accessory Use. Where an Accessory Structure is attached to the main structure or building in a substantial manner, as by a wall or roof, such Accessory Structure shall, for the purposes of this Local Law, be considered a part of the main structure or building.

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

Adult Entertainment Use: Any person, establishment, business, or use which has 10% or more of its Net Floor Area set aside for or 10% or more of its stock-in-trade devoted to the display, viewing or dissemination of material distinguished or characterized by an emphasis on matter depicting, describing or related to Sexual Activity or Specified Anatomical Areas, including but not limited to: bookstores, motion picture theaters, massage establishments employing persons giving massages not licensed to do so by the State of New York , and any establishment that allows or promotes dancers, performers, employees or invitees, whether male or female, to display specified Anatomical Areas.

Agriculture: The raising of crops, the selling of products grown on premises, dairy farming, and any other commonly accepted agricultural operations; including the incidental mechanical processing of products, **accepted by the State Commissioner of Agriculture.**

Agricultural Business: A business engaged in performing agricultural or animal husbandry services on a fee or contract basis including, but not limited to: corn shelling, sorting, grading and packing fruit and vegetables for the grower, agricultural produce milling and processing, crop dusting, grain cleaning **and winery.**

Agriculture Structure: Barns, silos, storage building, equipment sheds, and other structures customarily used for agricultural purposes.

Airstrip: An area used by aircraft for take-offs and landings.

Town of Hounsfield Zoning Laws

Antenna: A system of electrical conductors that transmit or receive radio frequency waves, to include satellite dishes. Such waves shall include, but not limited to, radio navigation, radio, television, and microwave communications.

Automobile Service Station: Any lot or building or portion thereof used or occupied for the sale or supply of gasoline or motor vehicle fluids, oils, or lubricants, or for the polishing, greasing, washing or servicing (but not painting) of motor vehicles.

Bed and Breakfast Inn: A house, or portion thereof, where short-term lodging rooms are provided. Meals for non-family members, if any, are provided for guests only. The operator of the inn shall live on the premises or in adjacent premises.

Buffer: Open spaces, landscape areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights or other nuisances.

Building: A **structure** having a roof supported by columns or walls and intended for the shelter or enclosure of persons, animals, or property.

Campground: A parcel of land used by more than one tent, travel trailers, cottages, cabins, recreational vehicles, or any combination of these, which are used for temporary living or sleeping purposes, excluding mobile home parks and hotels/motels, which is conducted principally as a business. All campgrounds shall comply with the NYS Department of Health campground regulations.

Child-Care – Family Day Care: An establishment for the care, supervision, and protection of children conducted as a home occupation in a private residence with no more than 5 children daily. Children related to the provider are not included in the number limit.

Child-Care – Licensed Center: An establishment for the care, supervision, and protection of children licensed by New York State.

Dwelling Unit: A building or portion thereof used or occupied as living quarters for the exclusive use of a single family as complete living quarters, including cooking, sanitary, living and sleeping facilities. The term includes modular homes and mobile homes but does not include guest accommodations, transient accommodations, travel trailers or recreational vehicles, half-way houses, or nursing homes.

Dwelling, Single-Family: A detached building occupied exclusively by one (1) family.

Dwelling, Single-Family (Waterfront): A detached building occupied exclusively by one (1) family except that the lot on which such building is located shall only be located within the area which is contiguous to Lake Ontario **or the Black River**, west and east of the New York State Route 180.

Dwelling, Two-Family: A building on a single lot containing two (2) Dwelling Units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or

Town of Hounsfield Zoning Laws

an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both Dwelling Units.

Dwelling, Multi-Family: A building on a single lot containing three (3) or more Dwelling Units, all of which are separated from the others by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for common stairwells exterior to the Dwelling Unit.

Erosion and Sedimentation Control Plan: A plan to minimize the detachment and movement or deposition of soil or rock fragments, or the wearing away of the land surface by water, wind and gravity.

Essential Services: The operation or maintenance by municipal agencies or publicly regulated utilities of telephone dial equipment centers, electrical or gas substations, water or sewer treatment or storage structures, pumping stations, telecommunication towers and similar structures related to public service.

Excavation: The process of removal or recovery by whatever means of stone, minerals, sand, gravel, organic matters other than vegetation or soil for sale, as an industrial or commercial operation. The term "Excavation" 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 together as a single housekeeping unit.

Fence: A vertical wall, barrier or other assemblage of material erected outdoors for the purposes of delineating property boundaries, preventing trespass or theft, containing animals, landscaping, or providing for privacy.

Flea Market: A market held at regular, periodic intervals or occasional where new, used and hand-made items, food, and antiques are sold by multiple vendors.

Flea Market - Temporary: A one time, (less than 2 week time period) market where new, used and hand-made items, food and antiques are sold by multiple vendors.

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

Gross Density: The "Gross Density" of a lot shall be equal to the number of dwelling units located on the lot divided by the total acreage of the lot upon which they are located. Such a calculation shall be exclusive of any buildings or structures not used for residential purposes.

Gross Floor Area (GFA): The total area of a building measured by adding together the outside horizontal dimensions of the building at each floor area.

Height: The vertical distance of a building or structure above the ground measured from the average grade at the front of the building or structure to the highest point of the building or structure.

Town of Hounsfield Zoning Laws

Highway, Local: A road or highway owned and maintained by a Local government, usually secondary in nature or designation.

Highway, State: A road or highway owned and maintained by the State of New York, usually designated as a primary road or thoroughfare.

Home Occupation: A particular type of accessory use of a service character customarily conducted within a dwelling unit and/or building accessory by the resident of the premises which is clearly secondary to the use of the premises for living purposes and does not substantially change the character thereof or have any exterior evidence of such use.

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

Industry, Light: A facility which manufactures, assembles, fabricates, process or packages a product for wholesale or retail sale, from raw materials or component parts, which does not produce hazardous materials as regulated by New York State or Federal Laws or Regulations and does not produce by-products or wastes from the assembling, fabricating, processing or packaging activities of hazardous materials or unacceptable volumes of pollution and is compatible with the surrounding neighborhood.

Institutional Uses: Any one (1) or more of the following, including the lot on which such an Institutional Use is located and any accessory building or structure necessary for the Institutional Use:

1. Religious Institutions;
2. Public parks, playgrounds and recreational area when authorized, organized or operated pursuant to governmental authority;
3. Schools;
4. Public Libraries;
5. Buildings or structures owned by not-for-profit fire, ambulances and/or public safety corporations or associations;
6. Public or private meeting halls, or places of assembly, not operated primary for profit;
7. Government offices; and
8. Medical and health facilities such as hospital, clinics, hospices, and nursing homes.

Town of Hounsfield Zoning Laws

Inoperative Motor Vehicle: Any motor vehicle or recreational vehicle, which is unregistered and inoperative for a period of six successive months or more.

Junkyard: A lot, with or without buildings, used for the collection and storage outside of a completely enclosed building, of used and discarded rags, metal, building materials, house furnishing, machinery, vehicles or parts thereof, with or without the dismantling, procession, salvage, sale, other use or disposition of the same, **the operation of which is duly licensed by New York State.** The deposit or storage of two (2) or more inoperative or unregistered motor vehicles, **recreational vehicles** or the major parts of two (2) or more such vehicles, shall be deemed to make the lot a “Junkyard”.

Kennel: A commercial establishment keeping of more than four (4) dogs over the age of five (5) months.

Lot: A parcel of land occupied or designated to be occupied by one (1) Building or Use and the Accessory Buildings, Structures or Uses customarily incident to such Building or Use including such open spaces as are required by this Local Law.

Lot, Corner: A lot bounded on at least two (2) sides by public roads, whenever the lines of such roads, extended, form an interior angle of one hundred thirty five degrees (135) or less. A Corner Lot shall be deemed to have two (2) front yards.

Lot Frontage: The distance between the boundary lines of a lot measured between the points where such boundary lines intersect with the road line.

Lot Line: Property lines bounding a lot.

1. **Front Lot Line:** The property line separating a plot or parcel of property from a public road Line. If a lot adjoins two (2) or more such roads, it shall be deemed to have a Front Lot Line respectively on each.
2. **Rear Lot Line:** That lot line, which is opposite and most distant from the Front Lot Line. A Rear Lot Line shall not be adjacent to a Front Lot Line. In the case of a Corner Lot, there may be no Rear Lot Line.
3. **Side Lot Line:** A lot line, which is not either, a Front Lot Line or a Rear Lot Line.

Lot of Record: Any lot which individually or as part of a subdivision has been recorded in the Jefferson County Clerk’s Office or for which proof can be given that the lot was intended for development prior to the effective date of this Local Law.

Marina: A lot, building, structure, pier, dock or portion thereof located with shoreline frontage and access to navigable water and used for the launching, mooring, rental, sale, fueling and/or repair of watercraft and including such boat storage and sales of bait, tackle and marine supplies as may be accessory to such marinas.

Town of Hounsfield Zoning Laws

Mobile Home: Manufactured housing built on a **permanent** chassis allowing for its transportation as a unit on roads. A Mobile Home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not the wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation upon which the mobile home is located or sited. The term "Mobile Home" shall not be construed to include Modular Home, Travel Trailers or other forms of Recreational Vehicle.

Mobile Home (Waterfront): A Mobile Home located on a lot within the area, which is contiguous to Lake Ontario or the Black River, West of the New York State Route 180 Bridge.

Mobile Home Park: A Lot with two (2) or more occupied mobile homes located on it.

Modular Home: A prefabricated dwelling unit in two or more sections on a temporary chassis and designed for use as a permanent dwelling when installed on a permanent foundation. A modular home shall be considered to be the same as a site-built home for purposes of this Law.

Motel/Hotel: A commercial facility offering transient lodging accommodations to the general public, excluding bed and breakfast facilities.

Net Floor Area (NFA): That portion of a building devoted to the display of a business's stock in trade or to the conduct of the business. "Net Floor Area" shall include all areas of a building except entry area, stockrooms, closets, storage areas or any area from which the public is excluded or restrooms whether public and private.

Nightclub: An establishment dispensing alcoholic beverages and/or meals and in which music, dancing, or entertainment is conducted, where the performance area exceeds 100 square feet, or customer dancing occurs. For the purposes of this definition, a restaurant/bar with a performance area smaller than 100 square feet is not considered a nightclub.

Non-Conformities: A building, lot, structure or use, which does not conform to the regulations of the district in which it is situated, but which was legally and substantially existing at the effective date of the original adoption of this local law (January 1989) or which was otherwise legally and substantially existing prior to having been made unlawful by any subsequent amendment thereto.

Landscape Nursery: A lot, building or structure located thereon used principally for the growing and/or sale of trees, shrubs, flowers, plants, grass seed, peat moss, mulch and other products, tools, implements and equipment for lawn or garden care. The term shall include commercial greenhouses.

Offices: A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government.

Town of Hounsfield Zoning Laws

Office, Small: A room or group of rooms less than 7,500 square feet in net floor area, and less than three (3) stories in height used for conducting the affairs of a business, profession, service industry, or government, and generally furnished with desks, tables, files, computer and communications equipment, and storage incidental thereto.

Open Space: Any parcel or area of land or water which is not occupied by any structure or impervious surfaces, essentially unimproved and set aside, dedicated, retained or reserved for the public or private use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space. Primary use of the open space lands shall be open fields, passive or active outdoor recreation, agriculture, and protection of natural resources. To a limited extent access roads and driveways shall be permitted on preserved open space, provided that they do not impair the value of the open space.

Open Space Useable: Open space not in flood plains, wetlands, or with a slope exceeding ten percent (10%).

Outdoor Wood Furnace: Any equipment, device or apparatus which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat to a structure or any other site structure on the residential premises.

Parent Tract: The lot which the owner intends to divide or subdivide for which a valid conveyance with description was recorded in the County Clerk's Office prior to the effective dates of this amendment.

Person: An individual, partnership, firm, society, voluntary association, **Limited Liability Company or Corporation.**

Planned Development District: (PDD): A planned Development District is a Zoning District which may be created anywhere in the town for the purpose of permitting property to be developed:

1. With one or more uses not otherwise permitted or conditional in the Zoning District in which the property is located, subject to certain development regulations and one or more development site plans; or
2. Subject to development regulations not otherwise permitted in the Zoning District in which the property is located. The ordinance creating a Planned Development District must describe the permitted uses to be allowed within the district. A Planned Development District may combine with the uses otherwise prohibited, which are permitted or conditional in the Zoning District in which the property is located.

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

Town of Hounsfield Zoning Laws

Recreational Vehicle: Shall include motor homes, truck campers, camping trailers, travel trailers and pop-up trailers used for recreation, travel and occasional/temporary dwelling purposes. No person shall occupy a travel trailer, camper, motor home or tent for more than six (6) months in a twelve-month period. Ex. (May –October).

Recreation, Outdoor: Facilities for the enjoyment of the out-of-doors where the activities comprising its principal use are intended to take place outside of buildings. Outdoor Recreation uses shall be deemed “motorized” if one or more activities at the facility include the use of motorized vehicles or aircraft, by participants or otherwise, excluding those used for maintenance of the facilities. All outdoor recreation uses which do not involve the use of a **motorized vehicle** in the conduct of its activities, by participants or otherwise, shall be deemed “non-motorized”. Golf courses and marinas are deemed non-motorized uses even if motorized vehicles are used in connection therewith. The use of motorized wheelchairs or other such apparatuses intended for use by persons with disabilities, so that such person may participate in activities, which do not otherwise involve the use of motorized vehicles or aircraft, shall not, in and of itself, cause an Outdoor Recreation Use to be deemed a motorized use.

Religious Institution: A church, temple, parish house, convent, seminary or retreat house.

Rental Cottages: A building or group of buildings, **whether detached or connected**, containing transient lodging facilities for the general public and which contain accessory structures to accommodate the occupants.

Restaurant/Bar: Any establishment, however designated, at which food and /or alcoholic beverages are prepared and/or sold. However, a snack bar or refreshment stand at public or semi-public community pool, playground, **Institutional Use** or park operated by the **public** 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 a restaurant **and or bar**. **The distinction between restaurant/bar and a nightclub is that a restaurant/bar's primary use is food and beverage service, not to provide an environment for dancing and/or entertainment.**

Retail, Large: Establishments having a greater **than** 7,500 square foot in **net** floor area engaged in selling goods or merchandise to the general public for personal or household consumption and the rendering of such services incidental to the sale of such goods, or the display and sale of products and services primarily outside of a building or structure, including but not limited to, vehicles, fuels, tires and lubricants, food and beverage, boats, aircraft, farm equipment, construction equipment and materials, mobile or motor homes, manufactured homes, burial monuments, building and landscape materials and lumber yards.

Retail, Small: Establishments having less than 7,500 square feet **in net** floor area and less than three (3) stories in height, engaged in the direct, on-premises sale of goods, merchandise or service to the public for personal or household consumption, and including on-premise manufacturing, processing, servicing and preparation customarily incidental to the sale of such goods or services. This definition shall not include restaurants.

Road Lines: The boundary of a public road as established by the legal right-of-way of the road.

Town of Hounsfield Zoning Laws

Road, Public: State, County, Town or other municipal way for vehicular traffic, which affords the principal means of access to abutting properties.

Road Stands: A stall or booth, temporary in nature, used for business which is limited to the sale of farm or garden products, of which at least ten percent (10%) shall be grown or produced by the proprietor.

School: Any building or part thereof, which is designated, constructed or used for educational, vocational or instructional purposes in any branch of knowledge excluding commercially, operated schools of beauty, culture, business, dancing, music and similar establishment.

Seasonal Housekeeping Units: See Rental Cottages.

Sediment: Soils or other surficial materials transported by surface water as a product of erosion.

Self-Storage Units – Commercial: Structures constructed for the sole purpose of renting self-storage spaces to rental space tenants on a periodic basis. The rental spaces are typically secured by the tenant's own lock and key. Facility operators do not have casual access to the contents of the space unlike a warehouse.

Setback: Distance measured between the edge of a building or structure and any lot line.

Sexual Activity: Any act of sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person be female, breast.

Shopping Center: A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site.

Sign: Any material, structure, device, natural object or inscription, or part thereof, composed of lettered or pictorial matter, which is located outdoors or on the exterior of any building, or indoors and visible from the outside, displaying an advertisement, announcement, notice or name, and shall include any declaration, demonstration, display, representation, illustration, words, numerals, emblems, symbols, models, banners, flags, pennants, trademarks or insignia used to attract attention to any object, person, product, place, activity, institution, organization or business or advertise or promote the interest of any person, business or cause when such is displayed in view of the general public.

Specified Anatomical Areas: Human male or female genitals, pubic area, buttocks or female breast with less than full opaque covering.

Storage Shed: A building accessory to a one or two-family dwelling that is designed and principally intended for storage of personal property of the occupants at that dwelling. No storage unit or motor vehicle of any type shall be used as a storage shed.

Town of Hounsfield Zoning Laws

Storage Unit: Any storage structure, other than storage sheds, that are designed for the temporary storage of materials on a site. Storage units include trailers and PODS, as well as indoor boats, vehicles, recreational vehicles and equipment storage, which may be stored in such storage units.

Structure: Any assemblage of materials constructed, erected or installed on or moved onto a lot, the uses of which require a location on the ground. The term includes, buildings, dwellings, sheds, swimming pools, decks with roofs, stadiums, towers, billboards, and any fixtures and additions to a structure. The term is not intended to include driveways, parking areas, curbs, sidewalks, fences, walls or live vegetation.

Telecommunication Tower: A structure on which transmitting and/or receiving antenna (e) is located.

Townhouses: A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other by one or more vertical common fire-resistant walls.

Travel Trailer: See Recreational Vehicle.

Travel Trailer Park: A lot used for the occupation of three (3) or more recreational vehicles on an overnight or longer-term basis.

Use: The specific purpose, for which a lot or a building or structure is designed, arranged, intended, or for which it is or may be occupied or maintained.

1. Use, Permitted: A Use not requiring Planning Board review, but requiring a Zoning Permit issued by the Zoning Officer.
2. Use, Site Plan Review: A Use requiring Site Plan Review approval of the Planning Board prior to the issuance of a Zoning Permit by the Zoning Officer.
3. 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, and seasonal **road stands**.
4. Use, Special: A Use which may be deemed allowable within a given Zoning District, but which is potentially incompatible with other uses and therefore is subject to special standards and conditions set forth for such use subject to approval or disapproval by the Town of Hounsfield Planning Board, depending upon the use's consistency with the Zoning Law and the Town of Hounsfield Comprehensive Plan, including any amendments thereto.

Town of Hounsfield Zoning Laws

Variance: Any departure from the strict letter of this Local Law granted by the Zoning Board of Appeals as it applies to a particular lot after public hearing as set forth in Section 815 of this Local Law. Variances run with the land and are not particular to any one landowner.

1. Area Variance: A Variance of the area (dimensional) requirements of this Local Law.
2. Use Variance: A Variance from the permitted use or permitted Site Plan use requirements of this Local Law to allow a use that is not permitted in a particular district.

Warehouse: A building or structure that stores goods for future transport, truck terminals and distribution centers. **The term is not intended to include Self-Storage Unit - Commercial.**

Yard: The space on a lot not occupied with a building or structure. Porches, whether enclosed or unenclosed, shall be considered a part of the main building and shall not project into a required yard.

1. Yard, Front: The space within and extending the full width of the lot from the Road Line of the Public Road to the part of the principal building which is nearest to such Road Line. If a lot adjoins two (2) or more Public Roads, it shall be deemed to have a Front Yard respectively on each. In the case of a "Waterfront" use (see Single-Family Dwelling (Waterfront) and Mobile Home (Waterfront) the Front Yard shall be that portion of the lot between the principal building and the body of water adjacent to the lot.
2. Yard, Rear: The space within and extending the full width of the lot from the Rear Lot Line to the part of the principal building which is nearest such Lot Line.
3. Yard, Side: The space within the lot extending the full distance from the Front Yard to the Rear Yard and from the Side Lot Line to the part of the principal building which is nearest to such Side Lot Line.

Zoning Officer: The Town official appointed by the Town Board to enforce the regulations of this Local Law.

Zoning Permit: A permit issued under this chapter by the Zoning Enforcement Officer evidencing compliance with the requirement of this chapter prior to any change in use or construction, alteration, demolition or removal of any structure.

Zoning Permit Display: The applicant shall display the Zoning Permit on the building, structure or site in such a manner that it is visible to the public until such time as a Certificate of Occupancy is issued or the Zoning Permit expires.

Town of Hounsfield Zoning Laws

ARTICLE III

ESTABLISHMENT OF DISTRICTS

Section 305: District Names

For the purpose of this Local Law, the unincorporated area of the Town of Hounsfield is hereby divided into the following districts:

- Agricultural/Residential----- (AR)
- Hamlet----- (H)
- Industrial----- (I)
- Multi-Use----- (MU)
- Marine----- (MR)
- State Highway Overlay----- (SHO)
- Planned Development District ----- (PDD)

Section 310: Town Zoning Map

The location and boundaries of the Zoning Districts established in the Town of Hounsfield are shown on a map entitled “Town of Hounsfield Zoning Map” dated **June, 2009**, and filed in the office of the Town Clerk. Said map and all explanatory matter thereon is incorporated into and made a part of this Local Law by this reference.

Section 315: Interpretation of District Boundaries

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

- A. District boundaries are to be construed as street centerlines, unless otherwise shown.
- B. District boundaries approximately on Lot Lines are to be construed as if they are exactly on the Lot Lines, unless otherwise shown.
- C. Distances between district boundaries as shown on the Zoning Map are to be construed as perpendicular distances from street centerlines to the district boundary line; district lines are to be construed as parallel to street centerlines, unless otherwise shown.
- D. In other cases district boundary lines shall be determined by the use of the scale of the Zoning Map.
- E. Any dispute concerning district boundaries shall be referred to the Town of Hounsfield Zoning Board of Appeals for interpretation.

Town of Hounsfield Zoning Laws

ARTICLE IV
District Regulations

Section 400: General Provisions

- A. Permitted Uses as listed in each district are allowed upon the issuance of a Zoning Permit pursuant to the provisions of Article VIII of this Local Law, subject to any special requirements set forth below. * No other uses will be permitted in any district unless specifically set forth as a Site Plan Review Use, or a Special Permit Use, or as specifically contained in a Planned Development District and the requirements pertaining to such uses are met as forth in the Town of Hounsfield Zoning Law.
 - B. Site Plan Review Uses require Site Plan approval pursuant to Article VI-A of the Town of Hounsfield Zoning Law, Special Permit Uses require approval pursuant to Article VI-B of the Town of Hounsfield Zoning Law, and Planned Development Districts require approval and creation as provided in Section 435 of the Town of Hounsfield Zoning Law. Approval of Site Plan Review, Special Permit Uses and Planned Development Districts are also subject to any special requirements contained in the Town of Hounsfield Zoning Law or other applicable law of the State of New York.
 - C. All home occupations are subject to the requirements of Section 505 of this Local Law.
-

Section 405: AR, Agricultural/Residential District

A. Purpose:

It is the purpose and intent of the Agricultural-Residential District to protect **Agriculture**, to preserve the rural character of the district, and to minimize the conflicts between Agricultural businesses, Residential Uses, and other desired small businesses.

B. Permitted Uses:

- 1. Agriculture
- 2. Single and Two-Family Dwellings
- 3. Individual Mobile Homes, in accordance with the provisions of Section 515 of this Local Law
- 4. Home Occupations
- 5. Accessory Uses of the above listed uses
- 6. Outdoor Wood Burning Furnaces
- 7. **Child-Care – Family Day Care**

Town of Hounsfield Zoning Laws

C. Site Plan Review Uses:

1. Auto Service Stations
2. Agricultural Businesses
3. Bed & Breakfast Inn
4. Campgrounds/Travel Trailer Parks
5. Essential Services
6. Excavation
7. **Flea Markets - Temporary**
8. Funeral Homes
9. Institutional Uses
10. Kennels
11. **Landscape Nursery**
12. Multi-Family Dwellings less than 35' in height
13. Outdoor Recreation
14. Office, Small
15. Restaurant/**Bar**
16. Small Retail
17. **Self-Storage Units - Commercial**
18. Townhouses
19. **Storage – Indoor**
20. **Child-Care – Licensed Center**

D. Dimensional Regulations (AR):

1. Minimum Lot Area	1 Acre
2. Minimum Lot Frontage	150 Feet
3. Minimum Front Yard	50 Feet
4. Minimum Rear Yard	75 Feet
Except Accessory Uses of 150 Square Feet or less	3 Feet
5. Minimum Side Yard	25 Feet
Except Accessory Uses of 150 Square Feet or less	3 Feet
6. Maximum Building Height (Exclusive of Religious and Agricultural Structures)	35 Feet

Town of Hounsfield Zoning Laws

Section 410: H, Hamlet District

A. Purpose:

It is the purpose and intent of the Hamlet District to provide a mix of medium density residential and commercial development similar in size and character to the existing neighborhood.

B. Permitted Use:

1. Single and Two Family Dwelling
2. Home Occupations
3. Individual Mobile Homes, in accordance with the provisions of Section 515 of this Local Law
4. Accessory Uses of the above listed uses
5. Outdoor Wood Burning Furnaces
6. Childcare – Family Day Care

C. Site Plan Review Uses:

1. Essential Services
2. Institutional Uses
3. Outdoor Recreation
4. Funeral Homes
5. Flea Markets
6. Motels/Hotels
7. Offices
8. Restaurants/Bars
9. Automobile Service Stations
10. Small Retail
11. Multi-Family Dwellings less than 35' in height
12. Bed & Breakfast Inn
13. Townhouses
14. Child-Care – Licensed Center

D. Dimensional Regulations (H).

1. Minimum Lot Area	1/2 Acre
2. Minimum Lot Frontage	75 Feet
3. Minimum Front Yard	50 Feet
4. Minimum Rear Yard	75 Feet
Except Accessory Uses of 150 Square Feet or less	3 Feet
5. Minimum Side Yard	10 Feet
Except Accessory Uses of 150 Square Feet or less	3 Feet
6. Maximum Building Height (Religious and Agricultural Structures)	35 Feet

Town of Hounsfield Zoning Laws

Section 415: I, Industrial District

A. Purpose:

It is the purpose and intent of the Industrial District to concentrate heavy industrial uses in suitable areas of the Town, while accommodating and protecting existing and future residential **and business** development.

B. Permitted Uses:

1. Single and Two-Family Dwellings
2. Agriculture
3. Home Occupations
4. Multi-Family Dwellings under thirty-five feet (35') in height and in accordance with the provisions of Article VI-A of this Local Law
5. **Individual Mobile Homes, in accordance with the provisions of Section 515 of this Local Law**
6. Collocation of antenna on existing telecommunication towers or other structures not extending the overall exterior dimensions by more than five (5) feet
7. Accessory Uses of the above listed uses
8. Outdoor Wood Burning Furnaces
9. **Childcare – Family Day Care**

C. Site Plan Review Uses:

1. Heavy Industry
2. Light Industry
3. Warehouses
4. Airstrips
5. Auto Service Stations
6. Essential Services
7. Excavation
8. **Flea Markets**
9. Adult Entertainment Uses
10. Multi-Family Dwellings exceeding thirty-five feet (35') in height.
11. Junkyards
12. Telecommunication Towers.
13. Bed & Breakfast Inn
14. Restaurant/**Bar**
15. Retail, Large
16. Retail, Small
17. Office, Small
18. Offices
19. Townhouses
20. **Self-Storage Units – Commercial**
21. **Shopping Center**
22. **Nightclub**
23. **Storage, Indoor**
24. **Child-Care – Licensed Center**

Town of Hounsfield Zoning Laws

D. Dimensional Regulations (I)

	<u>Permitted Uses</u>	<u>All Other Uses</u>
1. Minimum Lot Area	1 Acre	5 Acre
2. Minimum Lot Frontage	150 Feet	200 Feet
3. Minimum Front Yard	50 Feet	150 Feet
4. Minimum Rear Yard	75 Feet	75 Feet
Except Accessory Uses of 150 square feet or less	3 Feet	
5. Minimum Side Yard	25 Feet	50 Feet
Except Accessory Uses of 150 square feet or less	3 Feet	

Section 420: MU, Multi-Use District

A. Purpose:

It is the purpose and intent of the Multi-Use District to accommodate residential, commercial and light industrial land use expansion in order to promote harmonious use.

B. Permitted Uses:

1. Single and Two-Family Dwellings.
2. Individual Mobile Homes
3. Agriculture
4. Home Occupations
5. Multi-Family Dwellings under thirty-five feet (35') in height and in accordance with the provisions of Article VI-A of this Local Law.
6. Accessory Uses of the above listed uses.
7. Outdoor Wood Burning Furnaces
8. **Childcare – Family Day Care**

C. Site Plan Review Uses:

1. Essential Services
2. **Flea Markets**
3. Institutional Uses
4. Small Retail
5. Large Retail

Town of Hounsfield Zoning Laws

- 6. Auto Service Stations
- 7. Agricultural Businesses
- 8. Kennels
- 9. Outdoor Recreation
- 10. Campgrounds/Travel Trailer Parks
- 11. Light Industrial
- 12. Warehouses
- 13. Hotels/Motels
- 14. Restaurants
- 15. Offices
- 16. Multi-Family Dwellings exceeding thirty-five feet (35') in height
- 17. Mobile Home Parks
- 18. Excavation
- 19. Telecommunication Towers
- 20. Office, Small
- 21. Bed & Breakfast Inn
- 22. Townhouses
- 23. Self-Storage Units – Commercial
- 24. Shopping Center
- 25. Storage, Indoor
- 26. Child-Care – Licensed Center

D. Dimensional Regulations (MU)

1. Minimum Lot Area	1 Acre
2. Minimum Lot Frontage	150 Feet
3. Minimum Front Yard	50 Feet From existing right-of-way
4. Minimum Rear Yard	75 Feet
Except Accessory Uses of 150 Square Feet or less	3 Feet
5. Minimum Side Yard	25 Feet
Except Accessory Uses of 150 Square Feet or less	3 Feet
6. Maximum Building Height (Exclusive of Religious and Agricultural Structures)	35 Feet

Town of Hounsfield Zoning Laws

Section 425: MR, Marine District

A. Purpose:

It is the purpose and intent of the Marine District to promote agricultural, **water related** recreational **and commercial**, rural, residential and open space uses to enhance scenic, natural and recreational opportunities.

B. Permitted Uses:

1. Agriculture
2. Single-Family Dwellings (Waterfront)
3. Individual Mobile Homes
4. Individual Mobile Homes (Waterfront)
5. Home Occupations
6. Single and Two-Family Dwellings
7. Rental Cottages
8. Seasonal Housekeeping Units
9. Accessory Uses of the above listed uses
10. **Childcare – Family Day Care**

C. Site Plan Review Uses

1. Travel Trailer Parks
2. Camp Grounds
3. Outdoor Recreation
4. Essential Services
5. **Flea Markets - Temporary**
6. Small Retail
7. Marinas
8. **Restaurants/Bar**
9. Motels/Hotels
10. Institutional Uses
11. Multi-Family Dwellings
12. Townhouses
13. **Storage, Indoor**
14. **Child-Care – Licensed Center**

Town of Hounsfield Zoning Laws

Marine District continued.

D. Dimensional Regulations (MR) (excepting certain waterfront uses)

1. Minimum Lot Area	1 Acre
2. Minimum Lot Frontage	150 Feet
3. Minimum Front Yard	50 Feet
4. Minimum Rear Yard	75 Feet
5. Minimum Side Yard	25 Feet
Except Accessory Uses of 150 Square Feet or less	3 Feet
6. Maximum Building Height (Exclusive of Religious and Agricultural Structures)	35 Feet

E. Dimensional Requirements for Single-Family Dwellings (Waterfront) and Individual Mobile Homes (Waterfront)

1. Minimum Lot Area	10,000 Square Feet
2. Minimum Shoreline Frontage	75 Feet
3. Minimum Front Yard	20 Feet
	<i>(Back From High Water Line) (½ Distance if Lot of Record)</i>
4. Minimum Rear Yard	20 Feet
	<i>(½ Distance if Lot of Record)</i>
5. Minimum Side Yard	10 Feet

Town of Hounsfield Zoning Laws

Section 430: (SHO), State Highway Overlay

A. Establishment of District

There is hereby established an overlay zone to be known as The State Highway Overlay District (SHO) in the Town of Hounsfield, outside village boundaries, which shall encompass the area located within 1000 feet on each side of the New York State Highway designated Route 3 and NYS Highway 180, and Route 12F as shown on the Town of Hounsfield Zoning Map, as amended.

1. Purpose:

The intent and purpose of the State Highway Overlay (SHO) District is to retain the agricultural and open character and maintain the natural and scenic quality of the area while fostering residential, limited commercial and agricultural related development while preserving the arterial function of the state highways that comprise the Scenic Byway and arterial corridor areas of the Town. Development in the area should be consistent with the Corridor Vision, Area Goals, and Strategies, in the amended Town Comprehensive Plan, as found in the Water District #2 Corridor Plan. Therefore the State Highway Overlay District establishes an additional set of standards along State Roads, which are supplemental to those of the underlying districts within the Town of Hounsfield (see Town of Hounsfield Zoning Map).

B. Uses Allowed by Special Permit

For Site Plan Review or Special Use Permit projects proposed within 1,000 feet of a State Road and/or Scenic Byway, portions of Agricultural, Multi-Use, and Industrial Districts have additional regulations. In order to ensure that development that occurs within close proximity of NYS Highways and/or Scenic Byways, as described in the above purpose and intent; Special Use Permits are required for the more intense uses as listed in the following table of Permitted Uses, Site Plan Review Uses, and Special Use Permit Uses. Special Use Permits shall be issued only after the proper procedure and review process has been followed and the proposal has been determined to be consistent with the Town of Hounsfield Comprehensive Plan, and any amendments thereto, pursuant to the Water District #2 Corridor Plan, and all applicable provisions of this law.

Town of Hounsfield Zoning Laws

C. Permitted Uses/ Site Plan Review/ Special Permit Uses:

For those portions of Agriculture, Multi-Use and Industrial Districts within 1,000 feet of a State Road and/or Scenic Byway, the following chart identifies those uses requiring Site Plan Review or Special Use Permit. It also identifies the level of review required.

Uses Per Underlying District Within the State Highway Overlay District				
District	AR	MU	I	MR
USE				
Accessory uses of the above listed uses	P	P	P	*
Adult Entertainment Uses	NP	NP	SUP	*
Agricultural	P	P	P	*
Agricultural Business	SUP	SPR	SPR	*
Airstrips	NP	NP	SPR	*
Auto Service Stations	NP	SPR	SPR	*
Bed and Breakfast Inn	SUP	SUP	NP	*
Campgrounds / Travel Trailer Parks	SPR	SPR	SPR	*
Childcare – Family Day Care	P	P	P	*
Child-Care – Licensed Center	SPR	SPR	SPR	*
Essential Services	SPR	SPR	SPR	*
Excavation	NP	NP	SUP	*
Flea Markets – Temporary	SPR	SPR	SPR	*
Flea Markets – Permanent	NP	SPR	SPR	*
Funeral Homes	SPR	SPR	SPR	*
Heavy Industry	NP	NP	SPR	*
Home Occupation	P	P	P	*
Hotel/Motel	SPR	SPR	SPR	*
Individual Mobile Homes	P	P	P	*
Institutional Uses	SPR	SPR	NP	*
Junkyards	NP	NP	SUP	*
Kennels	SUP	SPR	SPR	*
Landscape Nursery	SPR	SPR	SPR	*
Large Retail	NP	SUP	NP	*
Light Industry	NP	SPR	SPR	*
Multi-Family Dwellings	SUP	P	P	*
Outdoor Wood-Burning Furnaces	P	P	P	*

Town of Hounsfield Zoning Laws

Uses Per Underlying District Within the State Highway Overlay District (continued)				
District	AR	MU	I	MR
USE				
Recreation, Outdoor - Motorized	NP	SUP	SUP	*
Recreation, Outdoor – Non-Motorized	SUP	SPR	SPR	*
Restaurants	SUP	SPR	NP	*
Road Stands	P	P	P	*
Self Storage Units – Commercial	SPR	SPR	SPR	*
Shopping Center	NP	SPR	SPR	*
Single and Two Family Dwellings	P	P	P	*
Small Offices	SUP	SUP	SPR	*
Small Retail	SUP	SUP	SPR	*
Storage, Indoor	SUP	SPR	SPR	*
Townhouses	SUP	SUP	SPR	*
Warehouses	NP	SPR	SPR	*
KEY				
* = Refer to Underlying District				
P = Permitted Use				
SPR = Site Plan Review Required				
SUP = Special Use Permit Required				
NP = Not Permitted				

Town of Hounsfield Zoning Laws

For those portions of Agriculture, Multi-Use and Industrial Districts within the State Highway Overlay District, the following chart identifies the dimensional requirements.

D. Dimensional Regulations (SHO)

Dimensional Regulations Per Underlying District Within the State Highway Overlay District								
District		AR		MU		I		MR
Dimension	Use Category	Frontage Type		Frontage Type		Frontage Type		
		Local Hwy	State Hwy	Local Hwy	State Hwy	Local Hwy	State Hwy	
Minimum Lot Area	Permitted Uses	1 Acre	2 Acres	1 Acre	2 Acres	1 Acres	2 Acres	*
Minimum Lot Area	SUP Uses	1 Acre	2 Acres	1 Acre	2 Acres	1 Acres	5 Acres	*
Minimum Lot Area	SPR Uses	1 Acre	2 Acres	1 Acre	2 Acres	1 Acre	5 Acres	*
Minimum Lot Frontage	Permitted Uses	150 Ft.	200 Ft.	150 Ft.	200 Ft.	150 Ft.	200 Ft.	*
Minimum Lot Frontage	SUP&SPR Uses	150 Ft.	300 Ft.	150 Ft.	300 Ft.	150 Ft.	200 Ft.	*
Minimum Yard Setback from ROW	ALL	50 Ft.	100 Ft.	50 Ft.	100 Ft.	50 Ft.	150 Ft.	*
Minimum Rear Yard	ALL	75 Ft.	75 Ft.	75 Ft.	75 Ft.	75 Ft.	75 Ft.	*
Minimum Side Yard	ALL	25 Ft.	25 Ft.	25 Ft.	25 Ft.	50 Ft.	50 Ft.	*
Maximum Building Height	ALL	35 Ft.	35 Ft.	35 Ft.	35 Ft.	35 Ft.	35 Ft.	*
Maximum Building Coverage	ALL	20%	20%	40%	50%			*

Town of Hounsfield Zoning Laws

Section 435: PDD-Planned Development District (Overlay)

A. General Requirements

1. Minimum Area - The proposal must include at least five (5) contiguous acres of land.
2. Ownership - The land involved may be owned, leased or controlled by either a single owner or by a group of owners. An application must be filed by all owners of all property included in the project. In case of multiple ownership, the approved plan shall be binding on all owners.
3. If the applicant can demonstrate that the proposal's characteristics meet the objectives of this law, a PDD may be designated in any area of the Town by the Town Board by enactment of a Local Law amending the Town of Hounsfield Zoning Law.
4. Common property is not required for PDDs. However, it is often characteristic of such proposals. Common property is one or more contiguous parcels of land, with or without improvements, the use and enjoyment of which is shared by the owners and occupants of the individual building sites. When common property exists, its ownership may be either public or private. When common property exists in private ownership, satisfactory arrangements must be presented for the improvement, operation and maintenance of the common property and facilities, including private streets, drives, parking areas, recreational and open space areas.
5. Specific use requirements shall be determined by the Town Board.

B. Planned Development District Procedure.

To establish a Planned Development District, the Town Zoning Map must be amended in accordance with the following procedures and the requirements for amending of the Town of Hounsfield Zoning Law.

1. Prior to the preparation and submission of a completed application and Site Plan, the owners may request a meeting with the Planning Board and the Town Board for the purpose of reviewing and discussing the proposed uses, densities, infrastructures, common areas and other elements of the proposed PDD. This meeting is intended to assist the owners in planning and preparing the application and Site Plan. However it should be noted that the more detail the owners provide to the Planning Board and the Town Board, the more those Boards will be able to provide the owners with guidance and advice prior to their final preparation of the plans and specifications.
2. An application for a PDD shall be delivered to the Planning Board, with copies to the Town Board, by the owner (s) of the property included in the proposal. The application shall consist of all information required for Site Plan Review.

Town of Hounsfield Zoning Laws

3. The Planning Board shall review the application according to the criteria and procedures for Site Plan Review and Special Use Permit review, except that a public hearing is not required. The Planning Board shall not be limited by the use and area requirements, except for density requirements of the existing underlying Zoning Districts. The Planning Board shall have a maximum of 92 days from the receipt of all materials and information required by it to make its recommendations to the Town Board.
4. The Planning Board has no authority to take final action, but it shall recommend approval, approval with modifications or conditions, or disapproval of the application and Site Plan to the Town Board in writing.
5. Within 60 days of receipt of the Planning Board recommendation, the Town Board shall hold a public hearing on the proposal. Within 62 days after the public hearing has been closed, the Town Board shall deny, approve, or approve with modifications or conditions the application for the PDD and its Site Plan.
6. If the particular PDD is approved, the development allowed thereby must be confined to the specific designated area, and the approved site plan must be adhered to in all respects. Anything different from these requirements shall constitute a violation of this law.
7. If, after thirty days (30) notice to the owners, the Town Board by resolution finds that no noticeable progress towards development has been demonstrated within one year from the date that PDD status has been granted, then the land shall revert to its former Zoning status upon filing of said resolution with the Town Clerk, who shall make the necessary notation on the Town Zoning Map. The owners may request that the Town Board, in its sole discretion, grant extensions and modifications to the projected construction schedules and staging phases contained in the approved Site Plan.
8. A particular PDD shall not be changed to increase the number of dwelling units, to increase housing density, to increase nonresidential square footage, or to change any specific condition placed upon the approval of the application by the Town Board without undergoing a complete PDD review procedure as outlined in the Town of Hounsfield Zoning Law. A change of only the approved Site Plan, which does not result in one of the above effects, will require only Site Plan review by the Planning Board.
9. As part of the legislation creating the new PDD the Town Board shall specify lot dimensions and area requirements for each use, which is allowed in the PDD.

Town of Hounsfield Zoning Laws

ARTICLE V

GENERAL REGULATIONS

Section 505: Home Occupations.

A. Home Occupations shall not require a Zoning Permit unless the following conditions are met:

1. Occupies more than twenty-five percent (25%) of the habitable space of the Dwelling Unit.
2. Employs more than two (2) individuals who do not reside within the habitable space of the Dwelling Unit; or
3. Creates a hazard to persons or property or results in electrical interference.

B. Any Home Occupation requiring a Zoning Permit under Section 505. A., above must meet the following performance standards:

1. Parking- All Home Occupations must demonstrate parking in accordance with **Section 545.A. and 5.b. of this January 1989 Local Law;**
2. Traffic- All Home Occupations must demonstrate adequate ingress, egress and sight distance for any members of the public including employees and suppliers that would visit the premises in connection with the Home Occupation; and
3. Water and Sewer -All Home Occupations must demonstrate adequate water and sewer capacity to adequately meet any increased requirement for those facilities resulting from the Home Occupation.

Section 510: Antennae and Satellite Dishes

No antennae or satellite dish shall be located in a front yard.

Section 515: Single and Double-Wide Mobile Homes

A. Each mobile home must be permanently installed in accordance with the Manufacturer's Installation Manual. In the event that the Manufacturer's Installation Manual is not provided, the mobile home must be installed according to the then current ANSI Standards, Manufactured Home Minimum Installation Standards.

Town of Hounsfield Zoning Laws

B. All mobile homes shall comply with the then current applicable Federal Mobile Home Construction and Safety Standards (first adopted in June 1976), and shall bear a data plate affixed by the manufacturing containing:

1. The statement "This Mobile Home is designed to comply with the Federal Mobile Home Construction and Safety Standards in force at the time of manufacture" and
2. Reference to the structural and wind zones for which the Mobile Home was designed which also must comply to the structural and wind zone requirements of the New York State Fire Prevention and Building Code.
3. All used mobile/manufactured homes being placed in the Town of Hounsfield will require inspection by a Certified Home Inspector prior to Zoning approval to insure the home meets standards. The mobile/manufactured home shall also require a county inspection for Certificate of Occupancy.

C. Mobile Home Skirting

1. Within 60 days of the date of installation, a mobile home shall be provided with permanent fire retardant skirting which shall consist of brick or masonry except for the required ventilation and access door, or
2. Vinyl or similar materials designed and manufactured for permanent outdoor installation to screen that space between the mobile home and the ground.

D. Mobile Home Foundation or Stand

Each mobile home shall have the hitch assembly and running lights removed and shall be installed with tie-down anchors to a foundation or stand, as follows:

1. Each mobile home site shall be provided with a stand or foundation, which will give a firm base and adequate support for the mobile home.
2. Such stand shall have a minimum dimension of the width and length of the mobile home and any expansions or extensions thereto.
3. The mobile home shall have the minimum number of tie downs required by the **Manufacturer's** Installation Manual, or as required by the then current ANSI Standards, Manufactured Home Minimum Installation Standards, and installed according to those standards.
4. Stand shall be a full concrete slab at least six inches (6") thick. The stand area shall be graded to ensure adequate drainage but in no event shall the difference in grade exceed six inches (6") from one end of the stand to the other. **If a foundation is used, it shall be designed by an Engineer, with stamped drawings for verification, and constructed of mortared or bonded masonry blocks, or poured concrete, on a footer reaching below the frost line.**

Town of Hounsfield Zoning Laws

- E. Each Mobile Home shall have a minimum gross floor area of seven hundred twenty (720) square feet.
- F. On a lot used for agricultural purposes, where an additional dwelling is needed for a farm employee, or family member, a mobile home is permitted in addition to an existing Single Family Dwelling if:
 - 1. The Mobile Home shall not be occupied by persons other than employees or family members; and
 - 2. The Mobile Home shall be removed within six (6) months from the date when the mobile home is no longer needed.

Section 520: Fences

- A. Fences and retaining walls are permitted in all Zoning Districts and a no fee Zoning Permit is required for their construction. They shall be set back from the front property line a minimum of five feet and the other property lines a minimum of two feet. Fences used for agricultural purposes are exempt from the setback requirements. They shall not be placed so as to cause traffic hazards. They shall be kept in good structural repair so that they are not a safety hazard or eyesore.
- B. In all Zoning Districts, any fences, retaining walls or shrubbery over 3 ½ feet in height above street level are not permitted to be maintained within a triangular area of any corner lot. This triangular area is formed by lines along both streets at right-of-way line to points forty feet distant from the intersection and then a line connecting these points.
- C. All fences, to include barbed wire fences, running alongside a public sidewalk shall be no closer than one foot from the edge of the sidewalk farthest from the road.

Section 525: Campgrounds, Camping or Temporary Dwelling

- A. Camping – No travel trailers, campers, motor homes or tents shall be used for overnight camping, except as follows:
 - 1. In a campground for which a Site Plan Review has been approved by the Town Planning Board.
 - 2. On a private lot for not more than 30 days per year, provided that occupancy is limited to personal use (property owner or others with the owner's consent) and not conducted as a business; and further provided that sewage disposal and water supply facilities are either self-contained or available within an existing dwelling on the lot. Any travel trailer, camper, motor home or tent, which is connected to water or septic facilities, which is serviced by an outhouse or port-a-john, or which has a separately metered electrical hook-up shall be deemed to be occupied for more than 30 days. The same shall be presumptive evidence that such travel trailer, camper, motor home or tent is used for overnight camping for a period in excess of 30 days.

Town of Hounsfield Zoning Laws

B. Campground or Recreational Vehicle Park

Campgrounds or Recreational Vehicle Park shall comply with the following:

1. Each travel trailer/RV space shall be at least 2,500 square feet in size.
2. Streets or drives internal to the park shall have a fire lane at least fifteen feet in width, which provide clear access to each individual space. The park owner or operator shall be responsible for constructing, maintaining and plowing these roads.
3. Each campground or RV park shall provide a building containing a minimum of one toilet, lavatory, and shower for each sex, for each 20 sites, unless admission to the campground is restricted to travel trailers equipped with these facilities; or the minimum required by NYS Law.
4. The owner or operator of a campground shall maintain an office on the campground, and shall maintain a current list of all persons using the campground.
5. Campgrounds are restricted to temporary, recreational use and shall not be used as a residence or dwelling place by users. No person shall occupy a travel trailer, camper motor home or tent in the park for more than six (6) months in a twelve month period. Ex. (May through October).
6. No enclosed structures shall be constructed, installed, or attached to travel trailers, campers or motor homes.

Section 530: Storage Shed, Storage Unit:

A. Storage Sheds - are permitted as accessory structures on residential properties. A Zoning Permit is required.

B. Storage Units - are permitted subject to the following regulations:

1. Storage Units are permitted for a period of 30 days without a permit.
2. No Storage Unit shall be placed on property for a period of more than 30 days without obtaining a renewable permit from the Zoning Enforcement Officer. No storage container shall be placed on a property for more than 270 days.
3. Storage Units at a minimum must be kept in the driveway of the property at the maximum furthest accessible point from the street.
4. No more than two Storage Units shall be placed on a residential property at one time.

C. Motor vehicles and other units, structures or items not principally designed for storage shall not be used for storage.

Town of Hounsfield Zoning Laws

Section 535: Outdoor Wood-Burning Furnaces

- A. No person shall cause, allow or maintain the use of an outdoor wood-burning furnace within the Town of Hounsfield without first having obtained a Zoning Permit from the Zoning Enforcement Officer.
- B. No person shall, from the effective date of this local law operate an Outdoor Wood Furnace unless such operation conforms with the manufacturer's instructions regarding such operation and the requirements of this Local Law regarding fuels that may be burned in an Outdoor Wood Furnace.
- C. All new Outdoor Wood Furnaces shall be constructed, established, installed, operated and maintained in conformance with the manufacturer's instructions and the requirements of this Local Law. In the event of a conflict, the requirements of this Local Law shall apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions shall apply.
- D. If an existing Outdoor Wood Furnace is determined by the Zoning Enforcement Officer to be a public nuisance, the Zoning Enforcement Officer and owner shall take the following steps:
 - 1. Modifications shall be made to the unit to eliminate the nuisance such as extending the chimney, or relocating the Outdoor Wood Furnace or both.
 - 2. The owner shall cease and desist operating the unit until reasonable steps can be taken to ensure that the Outdoor Wood Furnace will not be a nuisance.

A. Substantive Requirements

Outdoor Wood Furnaces shall be constructed, established, installed, operated and maintained pursuant to the following conditions:

- 1. Fuel burned in any new or existing Outdoor Wood Furnace shall be only firewood, untreated and unpainted wood, wood pellets, corn products or other listed fuels specifically permitted by the manufacturer's instructions such as fuel oil, natural gas or propane backup. No Outdoor Wood Furnace shall be utilized as a waste incinerator.
- B. The following fuels are strictly prohibited in new or existing Outdoor Wood Furnaces:
- 1. Wood that has been painted, varnished or coated with similar material and/or has been pressure treated with preservatives and contains resins or glues as in plywood or other composite wood products.

Town of Hounsfield Zoning Laws

2. Rubbish or garbage, including but not limited to food wastes, food packaging, food wraps.
3. Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
4. Rubber including tires or other synthetic rubber-like products.
5. Newspaper, cardboard, or any paper with ink or dye products.
6. Any other items not specifically allowed by the manufacturer or this provision.

C. Setbacks for any new Outdoor Wood Furnace:

1. The Outdoor Wood Furnace shall be located 25 feet from the property line.
2. The Outdoor Wood Furnace shall be located on the property in compliance with manufacturer's recommendations and or testing and listing requirements for clearance to combustible materials.
3. The Outdoor Wood Furnace shall be located 100 feet from any residence that is not served by the outdoor wood furnace.

Section 540: Swimming Pools

- A. Swimming pools are permitted as accessory structures on residential properties. Any swimming pool subject to New York State Building Codes shall require a Zoning Permit.
- B. Swimming pools must be installed in accordance with Manufacturer Specifications, New York State Building Codes.

Section 545: Parking and Off-Street Loading.

A. General

1. All uses shall have sufficient off-street parking for all vehicles during typical peak use periods. Off-street parking may be located off-site but must be within 300 Feet (300') of the site. Any such off-site parking must be proven by written authority of the off-site owner **and maintained as such.**
2. A parking space shall be no less than nine feet (9') by twenty feet (20') exclusive of access ways and driveways.

Town of Hounsfield Zoning Laws

3. A pre-existing use that expands and requires a Zoning Permit shall meet the standards of this **Section 545** if such use expands its gross floor area by twenty percent (20%) or more from that which existed prior to the effective date of this Local Law.
4. All parking areas other than those for Dwelling Units and Dwelling Units with a Home Occupation shall be based on Net Floor Area (“NFA”). Where net floor area figures are unavailable, the same standards will be used based upon Gross Floor Area (“GFA”).
5. The following minimum standards for parking shall be met for the uses listed:
 - a. Dwelling Units-Two (2) spaces per unit
 - b. Dwelling Units with a Home Occupation-One (1) space for each two hundred fifty (250) sq. ft. of floor space devoted to the Home Occupation, in addition to the two (2) spaces required per Dwelling Unit.
 - c. Offices One (1) space per two hundred fifty (250) square feet of NFA.
 - d. Retail and Services One (1) space per **two hundred fifty (250 square feet of NFA. Outside display will have 200 square feet space.**
 - e. Large Product Retail and Services **One (1) space per two hundred and fifty (250) square feet of NFA and one (1) space per two hundred and fifty (250) square feet outdoor space. Outside display will have 200 square feet space.**
 - f. Shopping Centers

Square Feet of NFA

25,000 – 400,000

400,000 – 600,000

600,000 +

Spaces Required

One (1) space per two hundred fifty (250) Sq, Ft, of NFA.

One (1) space per two hundred twenty-five (225) sq. ft. of NFA.

One (1) space per two hundred (200) sq. ft. of NFA.

Office Space in Shopping Centers, which occupies greater than ten percent (10%) NFA must meet office standards.

Town of Hounsfield Zoning Laws

- g. Facilities with drive-up service windows In addition to the required parking for the NFA of the facility, three (3) twenty foot (20') waiting spaces for each drive-up lane shall be required. Where multiple drive-up windows exist there shall be one (1) additional waiting space which shall be a common lane.
 - h. Institutional Uses One (1) space per every four (4) seats.
 - i. Funeral Homes One (1) space per fifty (50) square feet, of space used for funerals.
 - j. Industrial Facilities One (1) space per two hundred fifty (250) square feet of NFA.
 - k. Restaurants or Bars One (1) space per fifty (50) square feet of NFA.
 - l. Flea Markets One (1) space per employee and one (1) space per booth.
 - m. Child Care Center One (1) space per employee and one (1) space per 5 children.
 - n. Nightclub One (1) space per 50 square feet of dining, seating, and lounge areas, and one(1) space per 30 square feet of dance floor.
6. All fractional portions or parking spaces as calculated by Net Floor Area (NFA) shall be deleted if the fraction is less than five tenths (.50); otherwise one additional parking space shall be required.
7. Where the use, traffic generation or function of a site is such that the applicant can show that the number of parking spaces set out above for said use is not justified, the Planning Board may, in its discretion, modify these requirements.
- B. Off-Street Loading: The following requirements for off-street loading must be met for the uses listed.
- 1. All uses other than Dwelling Units or Dwelling Units with Home Occupations must comply with the following off-street loading standards:

<u>Area</u>	<u># of Berths Required</u>
First five thousand (5,000) sq. ft. of NFA.	1 berth
Each additional ten thousand (10,000) sq. ft. of NFA	1 additional berth

Town of Hounsfield Zoning Laws

2. With the exception of Funeral Homes, each loading berth shall be a minimum of twelve feet (12') wide, fifty feet (50') long and fourteen (14') in height.
3. Loading berths for Funeral Homes shall be a minimum of ten feet (10') wide, twenty-five feet (25') long and eight feet (8') in height.
4. Where the use, traffic generation or function of a site is such that the applicant can show that the number of berths set out above as required is not justified, the Planning Board may, in its discretion, modify these requirements.

Town of Hounsfield Zoning Laws

ARTICLE VI-A

SITE PLAN REVIEW

Section 605: Purpose and Scope

- A. The purpose of Site Plan review is to allow the Town Planning Board to insure that reasonable safeguards and conditions are in place for certain uses in order to mitigate the potential deleterious effects on the environment, the character of the neighborhood, or the Town residents' health, safety and welfare those uses might produce. The Planning Board is authorized to attach reasonable conditions to its approval of uses subject to Site Plan Review, which are, in its judgment, appropriate to mitigate adverse effects, or to disapprove a use where such effects cannot be reasonably mitigated.
- B. Uses subject to Site Plan Review shall be required to comply with all requirements of this Local Law pertaining to the district in which the use is located and to comply with the performance standards of this Article.
- C. No uses subject to Site Plan Review shall be commenced until it has been granted Site Plan Approval by the Town Planning Board.

Section 610: Application for Site Plan Review

All applications for Site Plan Review shall be submitted to the Town Planning Board **on a form provided by the Town.**

- A. Pre-submission Conference If the applicant or the Town Planning Board so requests, a pre-submission conference between the applicant and the Planning Board shall be held to review the proposed development. At the conference the applicant shall provide a statement and a rough sketch describing what is proposed and showing the location of the proposed use and its relationship to the surrounding area. Such conference may be used to outline procedure and identify problem areas for the applicant and/or the Planning Board.
- B. Application Requirements the following elements shall constitute a complete application.
 - 1. Application containing the following information:
 - A. Name and address of applicant and owner, if different, and of the person responsible for the preparation of any drawings submitted;
 - B. Written authorization from the owner that application may proceed with Site Plan Review, if the applicant is not the owner:
 - C. Property location, including street address and tax map designation;

Town of Hounsfield Zoning Laws

- D. Size of property;
 - E. All Zoning Districts in which property is located;
 - F. Current use of property;
 - G. Proposed use of property;
 - H. List of all current easements or restrictive covenants affecting the use of the property;
 - I. List of all other involved agencies;
 - J. List of all other permits (Federal, State, County or other Town of Hounsfield) required;
 - K. Names and addresses and phone numbers of all consultants to be used before the Planning Board;
 - L. Estimated cost of construction;
 - M. Construction schedule;
 - N. Infrastructure improvements contemplated;
 - O. Representation by applicant that applicant will be responsible for all fees established for Site Plan Review including reimbursement of the Town Planning Board for all fees incurred for Planning Board's consultants' review: and
 - P. Applicant's signature and date.
2. Site Plan prepared by licensed architect, engineer, landscape architect or surveyor containing the following:
- A. Date, north point, written and graphic scale;
 - B. Boundaries of the area plotted to scale, including distances, bearings and areas;
 - C. Location and ownership of all adjacent lands as shown on the latest tax records;
 - D. Location, name, and existing width and right-of-way of adjacent roads;
 - E. Location, width and purpose of all existing and proposed easements, set backs, reservation and area dedicated to public use or adjoining the property;

Town of Hounsfield Zoning Laws

- F. Location, size, design of the following: existing and proposed buildings, driveways, parking, outdoor storage, sidewalks or pedestrian paths, drainage facilities, sewage facilities, water facilities, signs, outdoor lighting, landscaping or screening and snow storage.
 - G. Plans for controlling soil erosion and sedimentation during the development;
 - H. Plans for grading and drainage showing existing and proposed contours of five-foot intervals;
 - I. Designation of the amount of Net Floor Area proposed for each non-residential use;
 - J. Inset containing location map;
 - K. All Zoning district boundaries or municipal boundaries; and
 - L. Location of any significant natural features such as lakes, ponds, streams, rivers, waterways, wetlands, forested areas, etc.
- 3. An Environmental Assessment Form (EAF) completed in compliance with the New York State Environmental Quality Review Act, as amended; and
 - 4. Payment of required fees **and cost of publications**.
- C. The Town Planning Board may require whatever additional information, tests or surveys as it determines to be reasonably necessary to review the application. Once a completed application has been formally received by the Planning Board, the Board shall have a maximum of ninety (90) days (from the date of receipt) to review and approve, approve with conditions, or disapprove the proposal.
 - D. Within forty-five (45) days from the date the Planning Board has received the completed application; a public hearing shall be held. Notice shall be published in the official newspaper of the Town at least five (5) days prior to the hearing.
 - E. The Planning Board shall render its final decision within forty-five (45) days following the hearing, in writing, specifying the reasons for the decision, any conditions attached to an approval and the vote by the Planning Board members. All decisions shall be filed in the Office of the Town Clerk and a copy mailed to the applicant.
 - F. The Town Planning Board shall refer all Site Plan matters that fall within those areas specified under New York State General Municipal Law Section Two Hundred Thirty Nine-m (239-m) to the Jefferson County Planning Board upon receipt of a completed application from the applicant. The Town Planning Board shall follow the same procedure outlined in Section 815.D. of this Local Law.

Town of Hounsfield Zoning Laws

Section 615: **General Site Plan** Review Criteria.

The Town Planning Board shall consider the following factors in reaching a determination on a Site Plan Review application:

- A. Status of any federal, state, or county permits required;
- B. Environmental (including physical, social and economic factors) impact on community and adjacent areas;
- C. Compatibility with the Comprehensive Plan of the Town;
- D. Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.
- E. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, roads widths, pavement surfaces, dividers and traffic controls;
- F. Location, arrangement, appearance and sufficiency of off-street parking and loading;
- G. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience;
- H. Adequacy of storm water, drainage and erosion control facilities;
- I. Proximity to and impact on flood plain, wetland or other natural features;
- J. Adequacy of water supply and sewage disposal facilities;
- K. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation;
- L. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants;
- M. Adequacy and impact of structures, roadways and landscaping in area with susceptibility to ponding, flooding and/or erosion; and
- N. The conformance of the proposed use with all other provisions of this Local Law.

Town of Hounsfield Zoning Laws

Section 620: Guarantees For Installation and Maintenance of Improvements

A. Installation Guarantee

In order that the Town has the assurance that the construction and installation of improvements that will be offered for dedication to the Town such as storm sewer, water supply, sewage disposal, landscaping, road signs, sidewalks, parking access facilities and road surfacing will be constructed, the Planning Board may require that the applicant complete said improvements before final approval is granted or that the applicant shall enter into one of the following agreements with the Town;

1. Furnish a bond executed by a surety company 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. Such bond shall require the approval of the Town Board and the Town Attorney as to form, sufficiency, manner of execution and surety; or
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. Acceptable substitutes, if furnished, shall be kept on deposit with the Town for the duration of the bond period.

B. Maintenance Guarantee

In order that the Town has the assurance that the improvements set forth in Section 620.A. above function properly for a reasonable period, the applicant shall enter into an agreement with the Town upon completion of the work required under the installation guarantee so that;

1. Such work is guaranteed for a minimum of two (2) years after it is completed and inspected; and
2. Such work is guaranteed for a minimum of ten percent (10%) of the total improvement costs, or five thousand dollars (\$5,000) whichever is greater.

A maintenance bond shall be the preferred guarantee, but other methods are permitted, provided they are acceptable to the Town Attorney and to the Town Board.

Acceptance of Road and Facilities

When the Town Highway Superintendent and the Zoning Officer, following final inspection of the improvements, certify to the Town 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 **and discharge the bond or return the check.**

Town of Hounsfield Zoning Laws

Section 625: Performance Standards.

A. Traffic

The Town Planning Board shall review the proposed traffic to be generated by any Site Plan Use proposed. Traffic flow including road cuts, driveways and parking facilities shall be designed to minimize any potential impact on existing public facilities and shall in no event create an unsafe condition or exceed the capabilities of existing facilities. The Planning Board may require, when it deems necessary, a traffic impact study, conducted by a qualified traffic engineer. Such study shall show current and projected levels of service of public roads within one (1) mile of the development, and shall describe any on or off-site improvements required to offset any significant traffic impact. Such study shall be conducted at the developer's expense. The Town may, retain a consultant to perform a second traffic impact study.

The applicant may enter into an agreement with the Town, County or State, to provide improvements or funds for improvements needed to mitigate the adverse traffic impact of his development according to the findings of any study or the findings of the Planning Board.

B. Screening

1. Where an Industrial or Commercial Use will be adjacent to a Residential Use or where a Multi-Family Dwelling will be adjacent to a Single or Two-Family Dwelling, the applicant shall provide screening from the ground to a minimum height of six feet (6'). Such a screen may be comprised of living plants, walls of wood or brick, landforms, (berms, mounding), or combinations of the above as approved by the Planning Board.
2. For Site Plan Review or Special Use Permit projects proposed within 1,000 feet of a State Road and/or Scenic Byway, additional vegetation and/or landscaping shall be provided to help preserve the natural character of the area and to minimize the visual impact of the proposed development.
3. Developments proposed within 1,000 feet of a State Road and/or Scenic Byway shall provide additional buffering when visible from the County or State highways. Existing vegetation shall be retained where feasible or new trees/shrubs planted where necessary. Vegetation to be saved shall be identified on site plans along with protection measures to be used during grading and construction. Native and naturalized trees and shrubs shall be planted whenever possible.

Town of Hounsfield Zoning Laws

4. Parking lots and parking areas, open storage areas, exposed machinery, and outdoor areas used for storage and collection of solid waste, shall be visually screened from roads and surrounding land uses as required below, including minimizing glare from vehicle headlights at night onto neighboring residences where possible.
5. Where landscape materials are required for screening purposes, the following guidelines shall be used in combination with existing vegetation where appropriate:
 - A. When sufficient space is available, a dense screen of evergreen plant materials shall be used.
 - B. Materials may include: White Pine, Spruce, Hemlock, or Arborvitae
 - C. Plant material shall be eight (8) to ten (10) feet in height when planted and shall be spaced to form an opaque screen either in a single row or in multiple rows with alternate spacing.
 - D. Where limited space is available, stockade or other approved fence may be used in conjunction with climbing or trellised plants.
6. Natural areas: where landscape materials are used primarily to beautify otherwise vacant spaces, the following guidelines shall be used:

- A. Planting material shall consist of a variety of evergreen and deciduous shrubs and trees selected from the following

Evergreen

Spreading Yew
Boxwood
Laurel
Euonymous
Juniper
Japanese Andromeda
White Pine
Mug Pine
Rhododendron
Other similar
Native varieties

Deciduous

Japanese Red Maple
Crab Apple
Cherry
Dogwood
Azalea
Forsythia
Lilac
Other similar
Native varieties

- B. Where practical, earth forms should be used such as two (2) to three (3) foot landscaped mounds.
- C. Planting beds shall be covered with licorice mulch or approved equivalent at a minimum depth of four inches (4”).

Town of Hounsfield Zoning Laws

C. Drainage

1. Drainage shall be based on a One-Hundred (100) year storm standard.
2. The peak discharge of storm water resulting from the development shall not exceed the peak discharge calculated prior to the development.
3. Provisions for storm drainage shall be designed to safely retain storm water or adequately carry and discharge runoff into drainage channels, storm sewers or natural water courses so it does not cause damage or flooding downstream.

D. Lighting

1. General: Parking Lot, signs, and other onsite lighting shall be designed, located and installed to minimize offsite glare and light impact, and to adequately promote business operation and public safety. Lighting intensity shall be limited and fixtures shall direct their light onsite and have lighting shaded or inwardly directed so that no direct lighting is cast onto adjacent Lots or roads. Offsite glare shall also be minimized where possible. Flood lighting and dramatic landscape lighting should be minimized and used only for special effects as noted by the developer on the lighting plan. Flashing lights shall also be prohibited to maintain safety.
2. Design: The following guidelines shall be followed on all site development plans:
 - A. The maximum height of freestanding lights should not exceed (35) feet in height.
 - B. All lights should be shielded to restrict the maximum apex angle of the cone of illumination to one hundred fifty (150) degrees.
 - C. Where lights along property Lines will be visible to adjacent residences or highways, the lights should be properly shielded.
 - D. The following intensity in foot-candles should be provided:
 1. Parking Lots, an average of one (1.0) foot-candles.
 2. Intersections, two (2.0) foot-candles.
 3. Maximum at property Lines, six-tenths (0.6) foot-candles.
 4. In residential areas, average of six-tenths (0.6) foot-candles.

Town of Hounsfield Zoning Laws

- E. Parking Areas/Lots: For Site Plan Review or Special Use Permit projects proposed within 1,000 feet of a State Road and/or Scenic Byway, parking areas or parking lots shall be provided as required, however, their placement in relation to the building (s) shall be designed to limit their visibility where possible. A minimum of 50% of the required parking spaces shall be provided to the side and/or rear of the building, away from the roadway, to limit their visual dominance from the primary highway. Any portion of a parking area or parking lot in the front yard shall have a seventy-five (75) foot setback from the right-of-way, and the area between such parking areas and the right-of-way shall be buffered and landscaped in accordance with Paragraph B of Section 625 hereof to maintain a natural appearance from the highway.
- F. Access Drives/Driveways: For Site Plan Review or Special Use Permit projects proposed within 1,000 feet of a State Road and/or Scenic Byway, access drives or driveways shall be limited in order to preserve the arterial highway function of the New York State Highway. In order to ensure the safe and efficient movement of traffic along such road and between the roads and properties abutting the road, shared driveways, cross-access driveways, access and service roads, internal circulation systems or interconnected parking lots are strongly encouraged and, in cases it deems appropriate, shall be required by the Planning Board. The Planning Board, as part of Site Plan Review, should evaluate the effect of proposed driveway locations on development of abutting properties. Shared driveways are encouraged in the overlay district. Proposals for shared driveways may require cross access easements.

At a minimum, driveways shall be located so as to meet or exceed the minimum required driveway spacing standards for residential and commercial entrances, per the "Policy and Standards for Entrances to State Highways", as revised, published by the New York State Department of Transportation.

Access to commercial/retail/office developments shall be from a county/town/or private road where possible.

G. Signs:

A. Regulations applicable to all signs.

1. Zoning Permit - No sign shall be erected in any district without a Zoning Permit.
2. The size of signs affixed to the wall of a building shall not exceed 10% of the total square footage of that side of the building to which the sign will be affixed.

Town of Hounsfield Zoning Laws

3. Calculation of Sign Area - The sign area shall include any frame around the sign face. When individual letters, numbers, symbols or logos are to be mounted directly on the face of a building or structure, the sign area shall be calculated as the area of the smallest rectangle which will encompass such letters, symbols, etc. The maximum sign areas established by this Section shall apply to each face of a freestanding sign.
4. Free-standing signs placed directly in front of a wall shall not exceed the lesser of fifty (50) square feet or 10% of the square footage of that building wall.
5. Free-standing signs not placed directly in front of a wall shall not exceed fifty (50) square feet in the AR District, and seventy-five (75) square feet in the MU and I Districts.
6. Freestanding signs shall not exceed 20 feet in height, measured from the highest level on natural ground immediately beneath the sign to the highest point of the sign or supporting Structure thereof.
7. Signs shall be set back at least 15 feet from the road right-of-way unless attached flush to a building and protruding not more than 12 inches from the wall of the building.
8. Safety - All signs shall be appropriately constructed and securely supported, hung and affixed to prevent toppling or separation.
 - a. Signs shall not project into the public sight of way.
 - b. Signs shall not project above the roof line or parapet of a building.
9. Illumination
 - (a) An illuminated sign shall not employ flashing or intermittent light and shall not cause glare that would hamper a motorist's sight or spill excessive light onto adjacent residential property.
 - (b) All internally illuminated signs shall be constructed in compliance with the Standards for Electric Signs of Underwriters Laboratory or by the NY Board of Fire Underwriters. All transformers, wires and related items shall be concealed.
 - (c) Illuminated advertising signs shall be turned off nightly from 12:00 am to 6:00 am within the AR District.
10. Maintenance - Each sign erected shall be maintained in reasonable condition so that its appearance will not detract from visual quality in the town.

Town of Hounsfield Zoning Laws

11. Signs shall not be placed, painted or drawn upon trees, works or natural features on the site, or on utilities poles, bridges, culverts, towers or similar Structures.
12. Off-Premises Signs - No more than two (2) off-premises signs shall be allowed for each business, other than as provided for certain exempt signs. Not to include New York State signage.
13. Removal of signs - When the need for any sign ceases, signs will be removed within 90 days, and exempt signs will be removed within 7 days.
14. Height - The height of a sign shall not exceed the lower of 20 feet above the surrounding grade or the roof line or parapet of a building.
15. Farm and Home Occupations - Signs advertising farm and home occupations shall not exceed twenty (20) square feet in area
16. Garage or lawn sale signs, an auction sign or similar privately owned items for sale signs, which may be on- or –off premises and shall be removed within one week of sale.
17. A motor vehicle inspection station sign, gasoline pump price signs or other signs required by State or Federal law; sign area not to exceed the minimum area required thereby.
18. Banners shall not be permitted except for special temporary events or the opening of new establishments, and shall be limited to a reasonable period of time not to exceed 30 consecutive days.
19. Temporary Signs, other non-permanent or temporary signs, such as announcements signs, real estate sale signs, subdivision signs, sale ad signs, political signs, or roadside stand signs are permitted, however, they shall not be lighted. All temporary signs shall be removed from the premises within a reasonable period of time after the conclusion of the event or activity to which they refer, but placement shall not exceed a period of 90 consecutive days except for real estate sale signs and subdivision signs. Their size shall not be permitted to exceed more than the square footage of sign space permitted for any given use.

Section 630: Site Plan Regulations Concerning Specific Uses

In addition to the General Site Plan Review Criteria established by Section 615 of this Local Law the following uses have additional requirements in connection with Site Plan Review

Town of Hounsfield Zoning Laws

A. Mobile Home Parks

Every Mobile Home Park shall be subject to the following requirements:

1. Each Mobile Home in a Mobile Home Park shall comply with the requirements of Section 515 of this Local Law.
2. A Mobile Home Park shall have a minimum area of three (3) acres.
3. Each Mobile Home Park shall have adequate access to a paved Public Road. Such access shall be at a grade not to exceed ten percent (10%) and have a sight distance appropriate to the speed limit posted for the Public Road accessed.
4. Mobile Home Parks consisting of five (5) or more Mobile Homes shall have a minimum of two (2) access points to a Public Road; which access points shall be separated by a sufficient distance to allow for safe ingress and egress.
5. The following setbacks from the boundaries of the lot on which the Mobile Home Park is located shall apply to all buildings and mobile homes in the Mobile Home Park:
 - A. From the centerline of any Public Road bounding the lot seventy-five feet (75')
 - B. From the centerline of a private road bounding the lot thirty feet (30')
 - C. From side and rear lot lines twenty-feet (20')
6. The minimum distance between each Mobile Home shall be forty feet (40')
7. Individual Mobile Home lots within the Mobile Home Park shall be a minimum seven thousand five hundred (7,500) square feet in size, excluding private roads and common open space.
8. The owner or manager of a Mobile Home Park shall maintain an office in the immediate vicinity of the Park and shall maintain accurate records of the names of Park residents; their home address; and the make, description, year and license or identification number of their mobile homes. These records shall be available to any Law Enforcement Official, the Town Zoning Enforcement Officer and/or Town Assessor.

Town of Hounsfield Zoning Laws

9. Private, interior roadways shall be of durable construction, adequately lighted, and improved to a width of not less than twenty feet (20'). All Mobile Homes shall be served from such interior roadways. Lesser roadway widths may be permitted, in the discretion of the Planning Board, if the specific site design of the Mobile Home Park is such that lesser roadway widths will not endanger the health or safety of the residents or visitors to the Park. The owner or operator shall be responsible for constructing, maintaining and plowing such roads.
10. Each Mobile Home lot shall provide two (2) off-street parking spaces.
11. Sewer, water and other utilities shall be provided in accordance with the requirements of Chapter 1, Part 17 of the New York State Sanitary Code, as amended.
12. A minimum of five percent (5%) of the total area, not including required setbacks, shall be dedicated to a recreation area and shall be maintained by the Park owner.
13. Wherever a Mobile Home Park is adjacent to a Single Family Dwelling, the screening requirements of Section 630 of this Local Law shall be met.
14. Adequate screening, as determined by the Town Planning Board shall be provided between the Mobile Home Park and any Public Road.
15. Each Mobile Home site shall be identified by a prominently displayed numbered sign. Such numbering shall be according to a logical sequential order.
16. Zoning Permits as required of Mobile Home Parks by this Local Law are separate and in addition to license requirements, if any, of Town of Hounsfield Local Laws, or any rules or regulations adopted pursuant to the authority of said Local Laws or New York State Law. Prior to any owner or operator receiving a Zoning Permit for a Mobile Home Park proof of any license required shall have to be presented.

B. Multi-Family Dwellings

The following requirements shall apply to all Multi-Family Dwellings that are subject to Site Plan Review:

1. Multi-Family Dwellings development shall not exceed a gross density of six (6) dwellings units per acre.
2. Fifty percent (50%) of any lot on which Multi-Family Dwellings are constructed shall be reserved as Open Space, twenty-five percent (25%) of which shall be usable Open Space.

Town of Hounsfield Zoning Laws

3. To the greatest extent possible, the site design shall provide for the maximum solar access to the Dwelling Units.
4. To the greatest extent possible, each Dwelling Unit shall have at least two (2) exterior walls.
5. Adequate snow storage areas shall be provided and maintained by the owner.
6. Buildings and parking areas shall be a minimum distance of twenty-five feet (25') from any Lot Line.
7. Buildings and parking areas shall be a minimum distance of seventy-five feet (75') from the centerline of a Public Road.
8. There shall be a minimum of two (2) access points to an existing Public Road; which access point shall be separated by a sufficient distance to allow for safe ingress and egress

C. Junkyards and Excavations

The following requirements shall apply to all Junkyards and Excavations:

1. No Junkyard or Excavation shall be located within fifteen hundred feet (1,500') of any adjoining property line, or within fifteen hundred feet (1,500) of any Dwelling Unit (except that belonging to the owner of the Junkyard), public park, church, educational facility, nursing home, public building or other place of public gathering or any stream, lake, pond, wetland or other body of water.
2. The Junkyard or Excavation shall be set back at least fifteen hundred feet (1,500') from the centerline of any Public Road.
3. An eight foot (8') high fence adequate to prohibit the entrance of children and others into the area of activity or business and to contain within such fence the materials collected by the operator of a Junkyard shall be provided and maintained. All material collected by the operator of a Junkyard shall be kept within such fence at all times. Whenever the Junkyard is not open for business, or a responsible party is not at the Junkyard, this fence, and any gate thereto, shall be secured or locked to prevent entry. The Town Planning Board may, in its discretion, waive the requirements of fencing where topography or other natural conditions effectively prohibit the entrance of children or others.
4. Where a Junkyard is or would be visible from a Public Road or from neighboring properties the fence required in Section 630.C.3. Of this Local Law shall be of wood or other material sufficient to totally screen the junkyard from view. In addition, the applicant/owner shall plant and maintain evergreen trees or shrubbery between the fence and such road line.

Town of Hounsfield Zoning Laws

5. A Junkyard shall not be used as a dumping area by the public and there will be no burning of automobiles or other materials except in connection with the periodic crushing and removal of automobiles or other materials from such yards in compliance with the New York State Open Burning Law, as amended.
6. Zoning Permits as required of Junkyard or Excavation by this Local Law are separate and in addition to license requirements, if any, of Town of Hounsfield Local Laws, or any rules or regulations adopted pursuant to the authority of said Local Laws or New York State Law. Prior to any owner operator receiving a Zoning Permit for a junkyard or excavation proof of any license required shall have to be presented.

D. Adult Entertainment Uses

The following requirements shall apply to all Adult Entertainment Uses:

1. All such Uses shall be at least one thousand feet (1,000') from the nearest district line of any District in which Adult Entertainment Uses are not permitted or from any Institutional Use (excluding not-for-profit fire, ambulance and public safety buildings).
2. All such Uses shall be at least one thousand feet (1,000') from any municipal boundary.
3. No such Use shall be located within a one thousand foot (1,000') radius of any other such Use.
4. All building openings, entries, windows, doors, etc, of an Adult Entertainment Use shall be located, covered or screened in such a manner as to prevent a view into the interior from any **member of the public**.
5. Zoning Permits as required of Adult Entertainment Use by this Local Law are separate and in addition to license requirements, if any, of Town of Hounsfield Local Laws, or any rules or regulations adopted pursuant to the authority of said Local Laws or New York State Law. Prior to any owner or operator receiving a Zoning Permit for an Adult Entertainment use proof of any license required shall have to be presented.

Town of Hounsfield Zoning Laws

E. Application for Telecommunication Tower Site Plan Review

In addition to the other Site Plan Review requirements described in Section 610 of this Local Law, an application for a Telecommunications Tower shall include the following information:

1. The location of all structures, trees exceeding four (4) inches in diameter (measured at a height of four (4) feet off the ground) and other significant and unusual features on the site and on any other adjacent property within twenty (20) feet of the property line.
2. All information prepared by the manufacturer of the antenna or telecommunication tower, or the applicant for which the Site Plan Review application is being sought, including, but not limited to, the following;
 - a. Make and model of the tower to be erected.
 - b. Manufacture's design data, installation instructions and construction plans.
 - c. Applicant's proposed tower maintenance and inspection procedures and records system.
 - d. Anti-climb devices for the tower and any guy wires.
3. Documentation on the proposed intent and capacity of use as well as a justification for the height of any tower or antennae and justification for any land or vegetation clearing required.
4. A completed Environmental Assessment Form (long form).
5. A completed Visual Environmental Assessment Form (Visual EAF), and an analysis and an analysis demonstrating that location of the telecommunications tower as proposed is necessary to meet the frequency reuse and spacing needs of the applicant and to provide adequate service and coverage to the intended area. The Planning Board may require submission of a more detailed visual analysis based on the results of the Visual EAF.
6. Shared use of existing towers shall be preferred to the construction of new towers. Where such shared use is unavailable, location of antenna on pre-existing Structures shall be considered. An applicant shall be required to present an adequate report inventorying existing towers within a reasonable distance of the proposed site and outlining opportunities for shared use of existing facilities and use of other pre-existing structures as an alternative to new construction.
7. The applicant shall be required to submit a report demonstrating its good faith efforts to secure shared use from existing towers as well as documenting capacity for future shared use of the proposed tower.

Town of Hounsfield Zoning Laws

F. Additional Requirements for Telecommunication Tower Site Plan Review Applications

No Site Plan Review application for the construction or modification of a telecommunications tower shall be approved unless the following criteria are satisfied:

1. Towers and antennae shall be set back a minimum of the height of the tower and any antennae or other fixture on top of the tower plus fifty (50) feet. All other structures, including guy wires, anchors and accessory facilities shall observe the required setbacks within the affected zone. Additional setbacks may be required by the Planning Board to contain on-site substantial all ice fall or debris from tower failure and/or to preserve privacy of adjoining residential and public property.
2. All towers and accessory uses thereto shall be sited to have the least practical adverse visual effect on the environment. The use of any part of the telecommunications tower or any accessory use thereto for signs, promotional or advertising purposes is prohibited.
3. Towers shall not be artificially lighted except to assure human safety as required by the Federal Aviation Administration (FAA). All towers shall be designed and sited so as to avoid, whenever possible, application of FAA lighting and painting requirements. Towers shall have a galvanized finish or be painted grey or green unless other standards are required by the FAA.
4. Accessory facilities shall maximize use of building materials, colors, and textured designed to blend with natural surroundings.
5. Existing on site vegetation shall be preserved to the maximum extent possible, and no cutting of trees exceeding four (4) inches in diameter (measured at a height of four (4) feet off the ground) shall take place prior to approval of the site plan application. Clear cutting of all trees in a single contiguous area exceeding 20,000 square feet shall be prohibited.
6. The telecommunications tower and any accessory use thereto shall be screened, disguised or camouflaged to the extent that such alteration does not impair the ability of the facility to perform its designated function. The Planning Board shall require that the facility have appropriate vegetative buffering around the fences, accessory structures, and guy wire anchor points.
7. All telecommunication towers, accessory uses thereto, and guy anchors, if any, shall be enclosed by a fence not less than eight (8) feet in height to protect them from trespassing and vandalism. The use of razor wire shall be prohibited.

Town of Hounsfield Zoning Laws

8. A gated and locked road turnaround and two (2) parking spaces shall be provided to assure adequate service and emergency vehicle access.
9. The applicant must comply with all applicable state and federal regulations, and must submit written evidence of such compliance.
10. The Board may request a review of the application by a qualified engineer in order to evaluate the need for, and the design of, any new tower.
11. The applicant shall agree, in writing, to remove the telecommunications tower if it becomes obsolete or ceases to be used for its intended purpose for ninety (90) days within thirty (30) days of the receipt of a written notice from the Zoning Officer.
12. The applicant shall agree, in writing, to use its best efforts, within commercial reasonableness, to allow other entities to collocate antenna and other communication devices on the approved tower. Failure to commercially reasonably to allow others such collocations shall be deemed a violation of this law and shall result in a revocation of the site plan approval and Zoning permit.

G. Nightclubs

1. Nightclubs shall maintain a 500 setback from neighboring residences, place of worship, public or private school, to limit noise impacts on noise sensitive uses.
2. Such noise generated by sound systems at the nightclub shall not exceed 60 decibels at the property line. Examples of 50 - 65 decibel sound include a normal conversation at 3 feet, typical vacuum cleaners and hair dryers often reach 70 decibels, which would interfere with a normal conversation.

H. Childcare Facilities

1. Childcare facilities shall provide "drop-off" and "pick-up" areas onsite and arranged so that passengers do not have to cross traffic lanes on or adjacent to the site.
2. An outdoor play area shall be provided, at a rate of fifty (50) square feet per individual enrolled. Outdoor play areas shall not be located in the front yard, must be set back twenty-five (25) feet from all property lines, and shall be enclosed by a fence.

Town of Hounsfield Zoning Laws

I. Flea Markets

1. Flea markets shall be permitted within certain districts following Site Plan Review and approval by the Town Planning Board.
2. In determining whether to grant such approval, the Planning Board shall give substantial weight to the following factors:
 - A. Suitability of the use to the general neighborhood and adjacent properties,
 - B. Any adverse effect upon public safety, particularly as related to possible traffic and pedestrian hazards,
 - C. Any adverse effect on public health, such as vermin and litter,
 - D. Any public nuisance arising from the proposed use,
 - E. Any adverse effect upon the aesthetics or scenic environment of the area.
3. Any flea market facility shall be so designed, buffered and screened so that noise, odors, litter, dust or lighting glare shall not affect adjacent or nearby properties.
4. All sanitary facilities shall be built and maintained pursuant to the New York State Department of Health and Department of Environmental Conservation regulations.
5. All tables, stands and/or other display equipment and all vehicles shall be removed from the lot at any time that the flea market is not open to the public for any time greater than seventy-two (72) hours.
6. Parking spaces and aisles shall be constructed of an all weather surface and adequately delineated and separated from the vendor areas to ensure safe interior circulation.
7. All buildings, structures and accessory uses shall be set back a minimum of 100 feet from all property lines.

Town of Hounsfield Zoning Laws

Article VI-B

Special Use Permits

Section 635 Applicability:

Uses requiring a Special Use Permit **in the State Highway Overlay (SHO) District** shall be controlled by the regulations in this article in addition to the regulations, which apply in each district or for specific uses. Any individual desiring to establish, enlarge, alter, modify, or change any of the uses requiring a special use permit shall first make application to the Planning Board for a Special Use Permit. No Zoning Permit shall be issued for any use or structure requiring a Special Use Permit until approval has been given by the Planning Board.

Section 640 Application Requirements:

Applications shall be made upon the forms available from and provided by the Zoning Officer. An application shall be signed by all owners of the affected property. Such application shall be accompanied by seven copies of a map or plan containing all of the information required on a Site Plan as specified in this Law. Upon receipt of an application and all supporting documentation as may be required by this law and any other law, ordinance, rule or requirement of the Town of Hounsfield or the State of New York, (including Article 8 of the Environmental Conservation Law – the State Environmental Quality Review Act), the Zoning Officer shall cause copies of the Special Use Permit to be sent to the Town Planning Board.

Section 645 Procedure:

The review and approval of all Special Use Permits will comply with the requirements of New York State Law, those procedures and criteria for Site Plan Review contained in Article VI-A of this law, and the following procedures and criteria.

A. Pre-Submission Conference

The applicant may request a pre-submission conference with the Planning Board, prior to formal submission of an application in order to discuss rough conceptual drawings, propose uses, the possible waiver of submission requirements, the review procedure, and criteria that the project must meet.

B. Waiver of Requirements

The Planning Board is empowered to waive, when reasonable, any application requirements for the approval, approval with modifications or disapproval of Special Use Permits submitted for approval. Such waiver may be exercised in the event requirements are found not to be requisite in the interest of the public health, safety or general welfare and inappropriate to a particular Site Plan or Special Use Permit. The reason for, and the scope of any such waiver granted by the Planning Board shall be in writing and entered into the minutes of the Board.

Town of Hounsfield Zoning Laws

C. Public Hearing

Once a completed application has been formally accepted by the Planning Board at a public meeting, the Planning Board shall hold a public hearing on the application within 45 days to receive public comment thereon. The time period within which a public meeting must be held may be extended upon the mutual consent of the Planning Board and the applicant.

D. Public Hearing Notice

At least five days advance public notice of the hearing shall be published in a newspaper in general circulation in the town. A notice of the hearing shall be mailed to the applicant at least ten (10) days before the hearing. The notice shall also be mailed to any farm operations listed on the agricultural data statement.

E. County Planning Board Review

Whenever required pursuant to General Municipal Law Section 239-m, the Planning Board shall refer a Special Use Permit application to the County Planning Board.

F. State Environmental Quality Review

The Planning Board shall be responsible for directing the completion of an Environmental Assessment Form (EAF) for each application, and for compliance with the State Environmental Quality Review Act and regulations (6 NYCRR Part 617) prior to final action on application.

G. Conditions on Approval

In its approval, the Planning Board shall have the authority to impose such reasonable conditions and restrictions upon its approval as are directly related and incidental to the proposed special use permit. **Including, but not limited to such issues as hours of operation notice, interference with conditions of neighborhood, etc.** Upon approval of the project, any such conditions must be met in connection with the issuance of permits by applicable enforcement officers of the Town.

H. Final Decision

The final decision by the Planning Board must be made within **45 days** after the public hearing. The final decision shall be in writing and shall set forth the reasons for the Planning Board decision, whether the application is approved, approved with conditions or denied, and the vote of Planning Board. The time period for final decision may be extended upon mutual consent of the Planning Board and the applicant.

Town of Hounsfield Zoning Laws

I. Filing of Decision

All decisions shall be filed in the office of the Town Clerk within five business days of final action, and a copy mailed to the applicant. Within thirty (30) days of final action on any matter referred to the County Planning Board, the Planning Board shall file a report of the final action with the County Planning Board.

Section 650: Review Criteria

The decision shall be based on the following criteria, as well as those contained in Article VI-A of this Law:

- A. Whether the proposed development is consistent with the Corridor Vision, Area Goals, and Strategies, in the amended Town Comprehensive Plan, as found in the Water District #2 Corridor Plan.
- B. That all other necessary approvals, permits or authorizations required by any department, agency or bureau of the Town or any other governmental agency, including the County of Jefferson, State of New York or the United States, has been obtained or, if not, that any grant of a special use permit shall be conditioned upon obtaining such approvals, permits or authorizations.
- C. That the character and neighborhood integrity of the land in the vicinity of the proposed use or structure will not be significantly disrupted, disturbed, or impacted by the proposed use.
- D. That the proposed use is reasonable considering the following factors:
 - 1. Increase in traffic generation and the resultant impact on existing transportation systems; that the proposed access points are not excessive in number, are adequate in width, grade, alignment and visibility, are not located too close to intersections or places of public assembly; and other traffic or highway safety concerns.
 - 2. Proximity to other uses inherently incorporated with the proposed use.
 - 3. Visual and aesthetic impacts and considerations regarding the proposed use.
 - 4. That the proposed use is of a scale and character compatible with surrounding neighborhood, other uses in the vicinity, and with the Comprehensive Plan.
 - 5. Availability of existing municipal services and public facilities to service the proposed use, including water, sewage disposal, drainage facilities, roads, parks and open space, which are adequate for the intended level of use.

Town of Hounsfield Zoning Laws

6. That adequate off road parking, queuing and loading spaces are provided in the application and plans to prevent the parking or standing of vehicles on public roads by any persons connected with or visiting the premises; and that the interior circulation system for pedestrian traffic is adequate to provide safe accessibility to all required parking lots with adequate separation of pedestrian and vehicular movements provided.
 7. That all parking, storage, loading, and service areas are reasonably screened at all seasons of the year from the view of the highway and adjacent residential areas, and that the general landscaping of the site is in character with the surrounding areas.
 8. That the proposed use is compatible with the geologic, hydrologic and soil conditions of the site and adjacent areas.
 9. That the existing natural scenic features are preserved to the maximum extent possible.
 10. Any other factors affecting the general health, safety or welfare of the inhabitants of the Town of Hounsfield as the Planning Board may deem germane or important.
- E. Compliance with any other specific criteria as set forth in this law as applicable to the proposed use.
- F. That the proposed use or structure in all respects meets the minimum requirements of the Town of Hounsfield Zoning Law.
- G. The Planning Board may condition the approval of any such Special Permit upon the applicant obtaining Site Plan approval.

Town of Hounsfield Zoning Laws

ARTICLE VII

NON-CONFORMITIES

Section 705: General

- A. A Non-Conforming Use may be continued, although such use does not conform to the standards set forth in this Local Law. No such Non-Conforming Use shall be increased by the erection of any additional structures or extensions or the enlargement of existing structures.
- B. A Non-Conforming Use may be extended within any parts of an existing structure so long as no additions, extensions or enlargements to the existing structure are required for such an extension of the Non-Conforming Use.
- C. A Non-Conforming Use that is discontinued for a period of twelve (12) months shall not be resumed or re-established and any further use of the building, structure or land where such discontinued Non-Conforming Use was in existence shall be in conformity with the requirements of this Local Law.

D. Non-Conforming Structures

Nothing contained in this Local Law shall prevent the repair, restoration or reconstruction and continued use of a Non-Conforming structure. However, no such damaged structure shall be repaired, restored or re-constructed until an application has been made to and approved by the Zoning Officer, which application must specifically set forth:

- 1. That such repair, restoration and reconstruction shall be commenced within one (1) year of the date on which the damage occurred and completed within nine (9) months of the commencement date; and
- 2. That such repair, restoration and reconstruction shall be undertaken only at the location of the damaged structure and shall be limited solely to the extent of the damage to the non-conforming structure.

E. Non-Conforming Lots

Any Non-Conforming Lot of Record having a lot width, a lot depth or both, less than the lot depth or lot width required within the district in which said Lot of Record is located may be developed with any use allowed within the district in which such lot is located without requiring a Variance provided that such lot:

- 1. Does not adjoin other property held by the same owner such that sufficient land could be transferred to the Non-Conforming Lot of Record and thereby eliminate the non-conformity without reducing such other property to non-conforming dimensions;

Town of Hounsfield Zoning Laws

2. Has sufficient area, width, and depth so that the proposed use shall comply with the following requirements of the district in which said Lot of Record is located:
 - A. Maintain the required minimum front setback,
 - B. Meet or exceed at least one-half (1/2) of the required minimum side and rear setbacks,
 - C. Not exceed the maximum permitted lot coverage; and
3. Satisfies all applicable provisions of this Local Law.

ARTICLE VIII

ADMINISTRATION AND ENFORCEMENT

Section 805: Zoning Permits.

- A. No building or structure or part thereof shall be erected, constructed, reconstructed, moved or altered, or use instituted, until a Zoning Permit for said building, structure or use has been issued. The exterior structural area of a building shall not be enlarged until a Zoning Permit therefore has been issued.
- B. A Zoning Permit shall not be required for:
 1. Construction of a fence or wall;
 2. Routine maintenance and improvements (e.g., roofing, window replacement, siding replacement, etc.) that does not expand the exterior dimensions of the building or structure.
 3. Television antenna and satellite dishes, placed in accordance with Section 510 of this Local Law.
- C. Zoning Permits for any building, structure or use requiring Site Plan Approval, a Special Use Permit and/or a Variance by the Zoning Board of Appeals under the provision of the Town of Hounsfield Zoning Law, shall be **issued** by the Zoning Officer or Town Clerk within ten (10) days of receipt by the applicant of such Site Plan approval, Special Use Permit and/or Variance required, as the case may be, and no further application for a Zoning Permit shall be required.
- D. No Zoning Permit shall be issued until all reviews and permits required by the building, structure or use in question have been completed and/or granted. Such reviews and permits required pursuant to the authority of any federal, state or other Town of Hounsfield Local Law may include, but are not necessarily limited to, those **required by Section Two Hundred Thirty Nine-m (239-m) of General Municipal Law and Article Eight (8) of Environmental Conservation Law** .

Town of Hounsfield Zoning Laws

- E. When established measurements to meet the required Front Yard and Structure Setback, such measurements shall be taken from the Lot Line or, in the case of Waterfront Uses, the nearest high water elevation, to the furthestmost protruding part of the structure.
- F. No such Zoning Permit 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 Local Law.
- G. A Zoning Permit issued under this Local Law shall expire six (6) months from the date of issue if construction has not been commenced.
- H. Any construction commenced pursuant to issuance of a Zoning Permit that has been discontinued for a period of twelve (12) months or longer shall be deemed abandoned and may not be reinstated except upon the granting of a new Zoning Permit pursuant to the requirements of this Local Law.
- I. The application for a Zoning Permit, and related documents, shall contain sufficient information to permit a determination that the intended work accords with the requirements of this Local Law and shall be in a form set forth by resolution, as may be amended from time to time, by the Town Board and shall contain the following;
 - 1. The application form with;
 - a. Name and address of applicant and owner, if different, and of the person responsible for the preparation of the application;
 - b. Written authorization from the owner that applicant may proceed under authority of the Zoning Permit, if the applicant is not the owner;
 - c. Property location including street address and tax map designation;
 - d. Size of the property;
 - e. All Zoning districts in which property is located;
 - f. Current use of property;
 - g. Proposed use of property; and
 - h. Applicant's signature and the date of the application;
 - 2. A plot plan, subject to Section 805.J. below, with;
 - a. Date, north point, written and graphic scale;
 - b. Boundaries of the area plotted to scale, including distances, bearings and areas;

Town of Hounsfield Zoning Laws

- c. Location, size and design of existing and proposed buildings, driveways, parking, outdoor storage, sidewalks, or pedestrian paths, drainage facilities, sewage facilities, water facilities, signs, outdoor lighting, landscaping or screening and snow storage, if any;
- d. Location, name and existing right-of-way of adjacent roads;
- e. Location, width and purpose of all existing and proposed easements, setbacks, reservations and areas dedicated to public use or adjoining the property;
- f. All Zoning District boundaries or municipal boundaries crossing or adjacent to the lot; and
- g. Location of any significant natural features such as lakes, ponds, streams, rivers, waterways, wetlands, forested areas, etc; and

3. Payment of the required application fee.

- J. The Zoning Officer may waive the requirements for filing plans and specifications set forth in Section 805.I.2 above and issue a Zoning Permit so stating. The Zoning Officer may not waive the requirements for a complete application.
- K. Where required, any plans (including plot plans) or specifications which comprise a portion of the Zoning Permit application, whether submitted with an application or subsequently upon requirement of the Zoning Officer, shall bear the signature of the person responsible for the design and drawings and shall bear the seal of a professional engineer or land surveyor or an architect licensed in New York State where required by Section Seven Thousand Two Hundred Nine (7209) or Section Seven Thousand Three Hundred Seven (7307), as amended, of Article One Hundred Forty Five (145) and One Hundred Forty Seven (147) of the Education Law of the State of New York.
- L. Temporary Zoning Permits may be issued by the Zoning Officer, for a period not exceeding one (1) year, for Conforming and Non-Conforming Uses. Such temporary Zoning Permits shall only be granted upon the submission, by the owner or applicant, if different, of the information required for a Zoning Permit as set forth in Section 805.H. above, and upon the execution of an agreement between the owner or applicant, if with the owner's authority, with the Town of Hounsfield Board requiring the owner or applicant to remove the Non-Conforming structures or equipment upon expiration of the Temporary Zoning Permit or to bring the Use into compliance by a specified time.
- M. Parking lots for places of public assembly and commercial or business uses shall require a Zoning Permit for placement. They shall meet the requirements of Section 545 of this Local Law.

Town of Hounsfield Zoning Laws

- N. Zoning Permits as required by this Local Law are separate and in addition to Building Permits, if any, required under the authority of Article Eighteen (18) of the Executive Law of the State of New York (“The New York State Uniform Fire Prevention and Building Code”), as amended. Prior to an owner operator applying for a Building Permit as required under said Uniform Fire Prevention and Building Code, a Zoning Permit shall have to be obtained.

Section 810: Zoning Officer

- A. The Town Board of the Town of Hounsfield hereby establishes the position of Zoning Officer to administer and enforce this Local Law. The Zoning Officer shall be an official of the Town of Hounsfield appointed for a term and compensation set by resolution of the Town Board, as may be amended from time to time.
- B. Except as otherwise specifically provided by law, ordinance, rule or regulation, or except as herein otherwise provided, and to the extent the Town Board determines, the Town Board may contract for services related to the administration and enforcement of this Local Law and any rules and regulations adopted by the Boards charged with enforcement of this Local Law.
- C. The Zoning Officer shall:
1. Approve and/or deny Zoning Permits within thirty (30) days of receipt of a completed Zoning Permit application;
 2. Scale and interpret district boundaries on the Town of Hounsfield Zoning Map;
 3. Refer appropriate appeal matters to the Zoning Board of Appeals.
 4. Revoke a Zoning Permit where the Zoning Permit was obtained based upon false, misleading or insufficient information;
 5. Revoke a Zoning Permit where the construction detailed in the Zoning Permit application has not been completed as approved;
 6. Issue Stop Work Orders for noncompliance with the requirements of this Local law; and
 9. Take such other actions as are necessary to administer and enforce this Local Law.

Town of Hounsfield Zoning Laws

Section 815: Zoning Board of Appeals

- A. Creation, Appointment, and Organization: A five member Zoning Board of Appeals is hereby created, the members of which shall be appointed by the Town Board for terms of office as provided for in the Town Law. In addition, the office of an alternate member of the Zoning Board of Appeals is hereby created, the term of office, which shall be 5 official town years; with the term expiring on December 31. The alternate member shall act as a full member of the Zoning Board of Appeals at any meeting, or portion thereof, in which a member of the Zoning Board of Appeals is not present for any reason or has recused, himself or herself or by a lawful authority from participation or voting on any matter. Zoning Board of Appeals is hereby created. Said Board shall be appointed in conformance with Section Two Hundred Sixty Seven (267) of the Town Law of the State of New York, as amended. The Town Board shall appoint a Chairman and Vice-Chairman. The Zoning Board of Appeals shall select a secretary and shall prescribe rules for the conduct of its affairs.
- B. Powers and Duties: The Zoning Board of Appeals shall have all the powers and duties prescribed by Section Two Hundred Sixty Seven (267) of the Town Law of the State of New York, as amended, and by this Local Law, including, but not limited to, the following:
1. Interpretation: Upon appeal from a decision by the Zoning Officer, to decide any question involving the interpretation of any provision of this Local Law, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.
 2. Variances: To vary the strict application of any of the requirements of this Local Law as provided by New York Town Law.
 - a. Area Variance: where the strict application of the area requirements of this Local Law would cause the owner practical difficulty.
 - b. Use Variance: where the strict application of the use requirements of the Local law would deprive the owner of a reasonable return on the use of his land, and upon determination that this deprivation is due to unique circumstances and not to general conditions in the neighborhood.
 - c. However, no variance shall be granted unless it:
 1. Observes the spirit of this Local law and would not, as determined by the Zoning Board of Appeals, damage the character of the district in which it is requested; and
 2. Observes the intent of the Comprehensive Plan of the Town of Hounsfield.

Town of Hounsfield Zoning Laws

- d. In granting any variance, the Zoning Board of Appeals shall prescribe any conditions that it deems necessary or desirable in order to protect the health, safety and general welfare of the residences of the Town of Hounsfield and to preserve the intent of the Comprehensive Plan of the Town of Hounsfield.
- C. Procedure: The Zoning Board of Appeals shall act in strict accordance with the procedure specified by law. All appeals and applications made to the Board shall be in writing and on a form adopted by resolution of the Town Board, as may be amended from time to time. Every appeal or application shall refer to the specific provisions of this Local Law being appealed and shall exactly set forth the interpretation that is claimed, or the details of the appeal being made and the grounds on which it is claimed that the appeal should be granted, as the case may be. A hearing shall be held for all variance actions or interpretive appeals in conformance with the requirements of Section Two Hundred Sixty Seven (267) of the Town Law of the State of New York, as amended. Every decision of the Zoning Board of Appeals shall contain a full statement of the reasons for its action. The reasons for the action shall also be set forth in minutes of the Zoning Board of Appeals meeting at which the action was taken. A tally of each member's vote shall be recorded. Meetings and hearings of the Board shall be open to the public in accordance with the requirements of article seven (7) of the Public Officers Law of the State of New York ("Open Meetings Law"), as amended.
- D. Referrals to Jefferson County Planning Board: Prior to taking action on any matter which will result in a change in the regulation of land, buildings or structures or the uses of land, buildings or structures as specified in Section Two Hundred Thirty Nine-m (239-m) of the General Municipal Law of the State of New York, as amended, the Zoning Board of Appeals shall make a referral of proposed action to the Jefferson County Planning Board in accordance with said Section Two Hundred Thirty Nine-m (239-m). If within thirty (30) days after receipt of a full statement of such proposed action from the Town of Hounsfield Zoning Board of Appeals, the Jefferson County Planning Board disapproves the proposal or recommend modification thereof, the Zoning Board of Appeals shall not act contrary to such disapproval or recommendations except by a vote of a majority plus one of all the members thereof and after the adoption of a resolution fully setting forth the reasons for such contrary action. The Chairperson shall read the report of the Jefferson County Planning Board at the public hearing on the proposed action. If the Jefferson County Planning Board fails to report its determination to the Zoning Board of Appeals within such thirty (30) day period or such longer period as may have been agreed upon by the Jefferson County Planning Board and the Zoning Board of Appeals, the Zoning Board of Appeals may act without such report. The Zoning Board of Appeals shall notify the Jefferson County Planning Board of its final action within seven (7) days of such final action.

Town of Hounsfield Zoning Laws

Section 820: Planning Board

Creation, Powers and Duties:

A five member Town Planning Board is hereby created, the members and alternate of which shall be appointed by the Town Board for terms of office as provided for in the Town Law. In addition, the office of an alternate member of the Town Planning Board is hereby created, the term of office, which shall be 5 official town years, with the term expiring on December 31. The alternate member shall act as a full member of the Planning Board at any meeting, or portion thereof, in which a member of the Planning Board is not present for any reason or has recused himself or herself or by a lawful authority from participation or voting on any matter. **The Town Board shall appoint a Chairman and Vice-Chairman.** The Planning Board shall have the following powers and duties with respect to this Local Law:

1. Approval, approval with conditions or disapproval of Site Plan application made pursuant to Article VI-A "Site Plan Review" of this Local Law;
2. Advisory opinions, when requested by the Zoning Board of Appeals or the Town Board; and
3. Referral to the Jefferson County Planning Board of all Site Plans which are subject to the requirements of Section Two Hundred Thirty Nine-m (239-m) of the General Municipal Law of the State of New York, as amended in accordance with the procedures outlined in Section 815.D. of this Local Law.
4. Approval, approval with conditions, or denial of Special Use Permit applications made pursuant to Article VI-B "Special Uses" in accordance with the standards and procedures set forth in this Local Law and the New York State Town Law.
5. Review and recommend to the Town Board the approval, approval with conditions or modifications, or denial of applications for Planned Development Districts made pursuant to applicable provisions of the Hounsfield Zoning Law.

Section 825: Fees

A schedule of fees shall be adopted, and may be amended from time to time, by resolution of the Town Board. Said fee schedule shall include fees for Zoning Permits, Interpretive Appeals, Variance Appeals, Site Plans and Land Divisions shall provide for the reimbursement of the Town for reasonable expenses incurred by the Zoning Officer, the Town Planning Board and/or the Town Zoning Board of Appeals for the use of consultants to assist in the review of any particular application made pursuant to this Local Law or for the enforcement of the provisions of this Local Law.

Town of Hounsfield Zoning Laws

Section 830: Violations and Penalties

- A. Complaints of Violations: Whenever a violation of this Local Law occurs, the Zoning Officer, Town Board, or any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Zoning Officer who shall properly record such complaint and immediately investigate and, if warranted, issue a Stop Work Order, or an order to correct the violation. If the violation is not corrected within the time specified on the order, the Town Board shall take action to compel compliance with this Local Law.
- B. A violation of a provision of this Local Law is hereby declared to be an offense punishable by a fine not to exceed three hundred fifty dollars (\$350) or imprisonment for a period not to exceed ninety (90) days, or both, for conviction of a first offense; for a conviction of a second offense both of which were committed within a period of five (5) years, punishable by a fine of not less than three hundred fifty dollars (\$350) nor more than seven hundred dollars (\$700) or imprisonment, for a period not to exceed ninety (90) days or both; and upon conviction for a third or subsequent offense all of which were committed within a period of five (5) years, punishable by a fine not less than seven hundred dollars (\$700) nor more than one thousand dollars (\$1,000) or imprisonment for a period not to exceed ninety (90) days, or both. Each week's continuing violation shall constitute a separate additional violation.
- C. In addition to the foregoing remedies the Town Board may also maintain an action or proceeding in the name of the Town of Hounsfield in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of this Local Law.

Section 835: Amendments

The Town Board may from time to time amend, supplement, or repeal the regulations and provisions of this Local Law after public notice and public hearing. All proposed changes shall be referred to the Jefferson County Planning Board for their recommendations and for a report thereon prior to final action. The Town Board, by resolution adopted at a public meeting, shall fix the time and place of a public hearing on the proposed amendment and cause notice to be given as required by Section Two Hundred Sixty Four (264) and Section Two Hundred Sixty Five (265) of the Town Law of the State of New York, as amended.

Town of Hounsfield Zoning Laws

Section 840: Interpretation and Separability

- A. Interpretation: Interpretation and application of the provisions of this Local 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 Local Law differ from the requirements of any other lawfully adopted rules, regulations, ordinances or Local Laws 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 judgment 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.