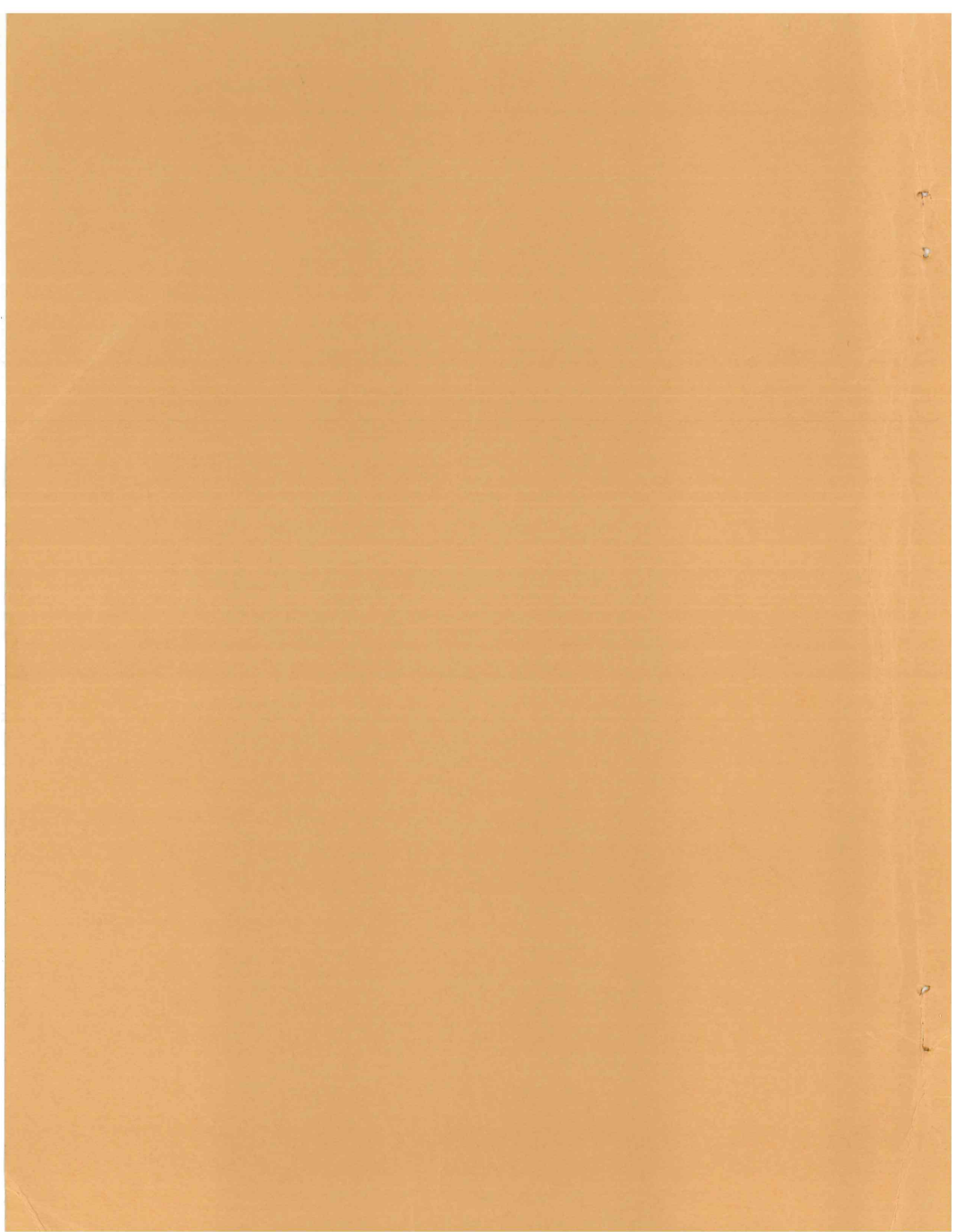


**ZONING ORDINANCE FOR THE  
TOWN OF TUSTEN  
SULLIVAN COUNTY, NEW YORK**

(includes all amendments  
adopted on September 7, 1982)



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ZONING ORDINANCE  
FOR THE  
TOWN OF TUSTEN  
SULLIVAN COUNTY, NEW YORK

Title of Ordinance

This shall be an Ordinance regulating the location, construction and use of buildings, structures, and the use of land in the Town of Tusten and for said purpose dividing the Town into districts.

Enacting Clause

Pursuant to the authority conferred by Article 16, Section 261 of the Town Law of the State of New York, the Town Board of the Town of Tusten hereby adopts and enacts as follows.

ARTICLE I PURPOSE

Section 100. Purpose of Zoning Ordinance

The purpose of this Zoning Ordinance, its regulations, and its zoning districts as outlined on the zoning map, is to provide for orderly growth in accordance with a comprehensive plan, to lessen congestion in streets, to secure safety from fire, flood and other dangers, to provide adequate light and air, to prevent overcrowding of land, to avoid undue concentration of population, to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefore, to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements, and to promote the health, safety, and general welfare of the public.

ARTICLE II DEFINITIONS

Section 200. Definitions of Key Terms

Accessory Building - A building subordinate to the main building located on the same lot. Where an accessory building is attached to the main building in a substantial manner, as by a wall or roof, such accessory building shall be considered part of the main building.

Accessory Use - A use subordinate to the main use. In no case shall such dominate in area, extent or purpose, the principal lawful use.

Acre - For the purpose of calculating lot area under this Ordinance, an acre shall be considered to consist of 40,000 contiguous square feet.

Administrator - The Federal Insurance Administrator, to whom the Director has delegated the administration of the local Flood Insurance Program (Program 34 FR 2680-81, February 27, 1969, as amended 39 FR 2787, January 24, 1974.)

Agricultural Practices - The use of land for the raising of crops, horticulture, gardening and the necessary accessory uses for packing, treating and storing the produce.

Alteration - A change or rearrangement in the structural parts of a building or an enlargement, whether by extending to a side or by increasing the height.

Animal Husbandry - The care and breeding of domestic animals, including but not limited to cattle, hogs, horses, poultry and sheep. (See definition of Livestock Unit.) For purposes of this Ordinance operation of a kennel shall be considered animal husbandry. Animals for educational or cultural projects are exempted.

Boarding house - A dwelling or part thereof, other than a hotel, motel, or restaurant having not more than six guest rooms and housing not more than fifteen persons for compensation. Meals may or may not be provided. Not to include resthomes or homes for the aged.

Building - A structure wholly or partially enclosed with exterior walls and a roof, affording shelter to persons, animals or property.

Campground - A general term describing a parcel of land providing sites for portable sleeping accommodations. Usually preceded with a prefix designating type and extent of development. (See Recreational Campground.)

Canoe Livery - A parcel of land upon which related facilities exist for the leasing or renting of water-borne vessels (primarily canoes) for outdoor water-based recreation.

Cemetery - A area of land set aside as permanent open space for a final resting place; a place for the dead.

Certificate of Occupancy - A form of protection afforded the owner or occupant of a structure by serving as proof of compliance with the regulations in effect at the time of construction or alteration.

Clearcutting - Denuding the land vegetation in excess of one acre.

Code Enforcement Officer - An individual appointed by the Town Board and given the responsibility to oversee and enforce all codes set forth in the Town relating to the maintenance of the general public welfare.

Commercial Recreation - A parcel of land which may include facilities for recreation purposes, utilized by the public for a fee. Activities include but are not limited to bowling alleys, ski slopes, tennis courts and golf courses.

Cultural Recreation - Indoor or outdoor establishments promoting social and intellectual advancement such as libraries, museums, art galleries, concert halls and theaters, but excluding movie houses and drive-ins.

Director - The Director of the Federal Emergency Management Agency.

Dwelling - A building designed or used as the living quarters for one or more families. The term dwelling shall include seasonal homes, modular homes, and mobile homes, provided that they meet all of the requirements of this Ordinance, the building code, and all other regulations or ordinances applicable to dwellings.

Dwellings, One Family - A detached building containing one unit only.

Dwelling, Two Family - A detached building containing two units only.

Dwelling, Multiple - A building or portion thereof containing more than two dwelling units.

Dwelling Unit - A building or entirely self-contained portion thereof containing housekeeping facilities for only one family, including any domestic servants employed on the premises, and having no enclosed space (other than vestibules, entrances or other hallways or porches) and no cooking or sanitary facilities in common with any other "Dwelling Unit." A boarding house, dormitory, hotel, inn, nursing home or other similar structure shall not be deemed to constitute a dwelling unit.

Eating and Drinking Establishment - A restaurant, tavern, or combination thereof.

Family - One or more persons living in a domestic relationship based upon birth, marriage, adoption or similar social bonds occupying a dwelling unit.

Flood or Flooding - a. A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature which results in flooding as defined in (a) (1) of this section.

Flood Plain - Any land area susceptible to being inundated by water from any source.

Floodproofing - Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damages to properties, water and sanitary facilities, structures and their contents.

Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood. Said flood shall be the flood having a one percent chance of being equalled or exceeded in any given year.

Floor Area - The total number of square feet of floor space within a building.

Forest Management Practices - Management of natural vegetation for timber harvesting, firewood, wildlife habitat improvement, and water quality.

Garage, Private - An accessory building or part of a principal building used for the storage of one or more motor vehicles provided that no business, occupation or service is conducted for profit therein.

Height - The vertical distance measured from the lowest average elevation of the finished grade to the high point of a structure.



Home Occupation - Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof. Home occupants must be clearly incidental and secondary to the use of the dwelling purposes, must not change the character of the dwelling, or produce more than normal residential traffic. The conducting of a clinic, hospital, animal hospital, restaurant, kennels or any similar uses shall not be considered home occupations.

Hotel - An establishment which provides accommodations for a fee to transient guests and where only a general kitchen and dining room are provided. Customary hotel services such as maid service, provision of linens, telephone, bellboy, and clerk service are commonly offered in this type of establishment.

Household Pet - An animal that is normally or can generally be kept within the immediate living quarters of a residential structure. Any member of the swine, sheep, bovine, poultry, or equidae family of quadrupeds, deer or reptiles having a venomous or dangerous nature are not to be considered pets.

Junk Yard - Any area of land including buildings thereon which is used primarily for the collection, storage and sale of waste paper, rags, scrap metal or material, or for the collection, dismantling and storage or salvaging of machinery or vehicles stored outside.

Kennel - A place for the care and/or breeding of dogs as defined in the Agricultural Markets Law, Section 107.

Line of Sight - That space encompassing the seen area, all inclusive, from the center of the Delaware River to such location as geographic character precludes such visibility.

Livestock Unit - For purposes of this Ordinance a livestock unit shall be one cow or two calves or one horse or two ponies or two pigs or two goats or two sheep or one hundred fowl or fifty rabbits or the equivalent thereof.

Lot - A parcel of land occupied or used by one principal building or use with its accessory buildings and required open space and yards.

Lot Area - The total area of a lot computed by multiplying the average distance between side of lot lines measured along the street line and the rear lot line by the average distance between the street line and the rear lot line measured along the side of lot lines.

Lot Coverage - The proportion of a lot area expressed as a percent that is covered by the maximum cross section of a building or buildings at finish grade level.

Lot Depth - The minimum distance from the street line of a lot to the rear lot line of such lot.

Lot Line, Rear - The lot line generally opposite the street line.

Lot Width - The distance between side lot lines at the required minimum front yard depth measured along a line parallel to a line connecting the end points of the front lot line.

Major Recreational Equipment - Including boats and boat trailers, trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

Mining - Operations extracting greater than 750 cubic yards per year of material such as gravel, sand, fill or minerals from the surface or below the ground.

Mobile Home - A transportable single-family dwelling, with a body width equal to or exceeding eight feet and a body length exceeding thirty-two feet, which may be towed on its own running gear, and which may be temporarily or permanently affixed to real estate, used for non-transient or residential purposes, and which conforms with American Standards Association Code in Provision A-199 of 1968, "American Standard of Installation in Mobile Homes of Electrical, Heating, and Plumbing Systems," or "Mobile Home Manufacturers" Association: Mobile Homes Standard for Plumbing, Heating and Electrical Systems."

Mobile Home Park - A parcel of land under single ownership which has been specifically planned and improved for the long term placement (over 30 days) of three or more mobile homes for nontransient use.

Motel - A building or group of buildings providing individual sleeping accommodations complete with bathrooms for travelers. Each lodging unit has direct access to the outside and a parking spot.

Non-Conforming Building or Use - A building or use that does not conform to the regulations prescribed for the district in which it is situated.

Nursing, Convalescent Home or Home for the Aged - Any dwelling with sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire, or a home operated by a non-profit group and operated as an institution.

Open Space - An area between buildings, or between a building and a boundary line of the parcel, that is situated for recreation, gardening, or other outdoor activities conducive to the principal lot use and lot size. Such space must be free of automobile traffic, parking and undue hazards as well as being readily accessible to all those whom it shall be used by.

Parking Space, Curb - Curb-side parking adjacent to a road, alley, driveway, sidewalk or any other passageway shall be no less than 8 1/2 feet wide by 22 feet long for each vehicle. The parking space shall not, when used, interfere with such public emergency facilities as fire hydrants, police call boxes or emergency snow areas.

Parking Space, Off-Street - A space adequate to park one automobile with room for opening doors on both sides simultaneously while allowing sufficient access to a public street or alley without interfering with pedestrians, other motorists, or another person's property. For purposes of rough computation, an off-street parking space, including necessary access, may be estimated at 300 square feet.

Performance Standard - A criterion established to control, but not limited to, noise, odor, smoke, toxic or hazardous matter, vibration, fire and explosive hazards, and glare or heat generated by , or inherent in, uses of land or buildings.

Permitted Use - For purpose of this Ordinance, any use which is allowed by right in a zoned district without review by the Planning Board.

Person - Any individual, firm, company, association, agency, society, corporation or group.

Planned Unit Development - A tract of land upon which residential, commercial, or industrial buildings, or a mixture thereof are designed, maintained, or operated as a unit in single ownership or control by an individual, partnership, corporation, or cooperative group. Such developments have certain facilities in common such as yards and open spaces, recreation, garages and parking areas, and are based upon a plan having flexibility of design, allowing for the modification of normal zoning district requirements.

Planning Board - Refers to the Town of Tusten Planning Board.

Principal Use - The specific purposes for which land or a building is used, occupied or maintained.

Private Recreation, Noncommercial - Clubs or recreation facilities operated by a nonprofit organization and open only to bona fide members of such non profit organizations.

Professional Offices - Offices in which an occupation or vocation requiring training and advanced study in a specialized field is practiced. Examples can be doctor, lawyer, real estate offices. Such offices generally reflect the architectural character of the neighborhoods in which they are located.

Property Lines - Any boundary of a lot, inclusive of street lines.

Public Facilities and Utilities - Land set aside for the development and maintenance of services provided for the public good.

Public Parks and Recreation Facilities - Land in public ownership set aside for public use which may or may not have developed recreational facilities such as playgrounds, tennis courts, baseball fields, picnic areas, and/or lavatories.

Public Utilities - Water and sewer treatment plants, and lines, telephone, television, gas and electric facilities.

Religious Institution - Church, Temple, parish house, convent, seminary, and retreat house.

Recreational Campground - A camping area where moderate- to high-density camping activities are permitted, where general road or vehicular access is provided and where the provisions of services, including electric hook-ups, water and sanitary facilities, may be provided. River access may also be provided if appropriate. Site disturbance would be generally moderate; however, scenic quality should be maintained and vegetative screening used to minimize visual impacts. Typical site development may include road access and individual campsite development which may include, but not be limited to, parking areas, fire grates, picnic benches and utility hook-ups. Other recreationally-associated improvements such as central showers, a children's playground, and a small convenience food store may be permitted if the activities largely serve camping visitors and are in harmony with the overall values of the area.



Retail Store - Enclosed store for sale of retail goods, personal service shop, department store, and restaurant; shall exclude any drive-up service, free-standing retail stand, gasoline service and motor vehicle repair service, new and used car sales and service, trailer and mobile home sales and service.

River Corridor - That portion of the Town of Tusten extending from the northern to the southern Town boundaries and encompassing the area from the center of the Delaware River to the landward limits of the line-of-sight, as defined on the original Town of Tusten Zoning Map (Figure 2.)

Seasonal Residences - Residential family dwellings intended for intermittent seasonal use; a building which is temporarily occupied by persons having permanent residence elsewhere.

Service Station - Any garage other than a private garage, available to the public, operated for gain, and which is used for storage, repair, rental, greasing, washing, servicing, adjusting, fueling, or equipping of automobiles or other motor vehicles.

Setback Line - The minimum allowed distance between the front line of a building or structure and front property line.

Sign - Any structure which is in the nature of an announcement, direction, advertisement or any other similar message either free standing or printed on a building or structure.

Special Permit - A permit issued by the Zoning Board of Appeals as a means of regulating the location, character of development, and impact of certain uses which, as a general rule, would not be desirable in an area unless the standards for the principal permitted uses were substantially modified.

Special Use - A use which because of its unique characteristics require individual consideration through a review procedure established by the Planning Board, and may require certain conditions and safeguards before being permitted.

Stand, Roadside - A permanent or temporary structure used for the display, support and protection of products with the intent to sell to buyers.

Street - A public or private way which affords the principal means of access to abutting properties.

Streetline - The right-of-way line of a street as indicated by usage, dedication, or by deed or record.

Structure - Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. Utility poles and their attendant lines shall not be considered structures for all purposes of this Ordinance.

Subdivision - The division or redivision of a lot, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land or lease including changes in street lines or lot lines for the purpose, whether immediate or future, of transfer of ownership or building or lot development; provided, however, that the division of land for agricultural purposes in parcels of more than ten acres, not involving any new street or easement access, shall be exempted.

Substantial Improvement - Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure, either:

- a. before the improvement or repair is started, or
- b. if the structure has been damaged and is being restored to its condition before the damage occurred.

The term does not, however, include either:

1. any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
2. any alteration of a structure listed on a National Register of Historic Places.

Useable Area - The general area requirements as found in the bulk regulations governing minimum lot sizes for on-site sewage and water and off-site sewage and water.

Variance - A modification of a provision of this Ordinance by the Zoning Board of Appeals where strict enforcement of said provisions would cause undue hardship, owing to circumstances unique to the individual property on which the variance is sought.

Wildlife Management - Management of natural wildlife and associated habitats with the intent of enhancing such.

Yard, Front - An open space extending across the entire width of the lot between the building line or front main wall of a building and the center line of the street or road right-of-way and into which space there shall be no extension of building parts other than steps, open porches, eaves, cornices and similar fixtures.

Yard, Rear - An open space extending across the entire width of the lot between the rear wall of the principal building, excluding open porches, and the rear lot line.

Yard, Side - An open, unobstructed space on the same lot with a principal building, between the principal building and the side line of the lot and extending through from the front yard to the rear yard, into which space there shall be no extension of building parts other than eaves with an overhang, rain water leaders, window sills, and other such fixtures and open steps.

Zoning Board of Appeals - A zoning review organization consisting of five members appointed in accordance with Section 267 of the Town Law. Such Board shall have responsibility for interpretation and variance determination.

Zoning District - Is an area within the Town of Tusten for which the regulations and requirements governing land use and structures upon it are uniform.

### ARTICLE III ESTABLISHMENT OF DISTRICTS

#### Section 300. List of Districts

For the purpose specified in this Ordinance, the Town of Tusten is divided into the following districts:

1. Rural Residential -- R-1
2. Residential Business -- R-2
3. Recreational River -- RR
4. Scenic River -- SR
5. Hamlet (subdivided into:) -- H
  - a. Downtown Business -- DB
  - b. River Edge Business -- EB
  - c. Roadside Business -- RB
  - d. General Residential -- GR
  - e. Open Land Residential -- OR
  - f. Old Neighborhood Residential -- NR
  - g. Municipal Services -- MS

6. Scenic Road Overlay - SO

Section 310. Zoning Map

The zoning districts are shown, defined and bounded on the zoning maps accompanying this Ordinance (Figure 2 and 3). The zoning maps are hereby made a part of this Ordinance and shall be on file in the office of the Town Clerk.

Section 320. Interpretation of District Boundaries

Questions concerned with the exact location of district boundary lines as shown on the zoning map shall be resolved by the Zoning Board of Appeals utilizing the following guidelines:

1. Boundaries shown as following or approximately following streets shall be construed to follow the centerline of such streets.
2. Boundary lines which follow or approximately follow platted lot lines or other property lines as shown on the Town of Tusten Tax Maps shall be construed as following such lines.
3. Boundaries shown as following or approximately following railroad lines shall be construed to lie midway between the main tracks of such railroad lines.
4. Boundaries shown as following a stream, lake or other body of water shall be deemed to be at the limit of the jurisdiction of the Town of Tusten unless otherwise indicated.
5. Boundaries shown as separated from, and parallel or approximately parallel to, any of the features listed in paragraphs 1-4 above shall be construed to be parallel to such features and at such distance therefrom as shown on the map.
6. Where a district boundary line divides a lot of record at the time such line is adopted, the regulations for the less restricted part of such lot shall extend not more than fifty feet into the more restricted part, provided the lot has frontage on a street in the less restricted district.
7. Boundary lines which define the extent of the River Corridor shall be construed to be the accepted limit of the line-of-sight from river center as defined on the Town of Tusten Zoning Map.



## ARTICLE IV REGULATIONS

### Section 400. Application of Regulations

Except as hereinafter provided:

1. No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the district in which it is located.
2. No building shall hereafter be erected or altered
  - a. To exceed the height,
  - b. To accommodate or house a greater number of families,
  - c. To occupy a greater percentage of lot area, or
  - d. To have narrower or smaller rear yards, front yards, or side yards than are specified herein for the district in which such building is located.
3. No part of a yard or other open space about any building required for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space similarly required for another building

### Section 410. Schedule of Regulations

#### Section 410.1 SR District: Scenic River District

The following regulations shall apply in the Scenic River District:

##### A. Permitted Principal Uses

1. Single and two family dwelling units on slopes of 15 percent or less
2. Agriculture, exclusive of animal husbandry in excess of one livestock unit per each two acres, provided, however, that no offensive odor or dust-producing substance or any use producing incessant odor or dust be permitted within one hundred feet of any property line
3. Forest management practices
4. Wildlife management practices
5. Accessory uses

B. Permitted Accessory Uses, Located on the Same Lot with the Permitted Principal Use

1. Private garage
2. Customary home occupations or professional offices conducted solely by the resident, provided that there be no external evidence of such use except an announcement or professional sign not over six square feet in area
3. Other customary accessory uses and buildings, provided such uses are clearly incidental to the principal use and do not include any activity commonly conducted as a business

C. Uses Permitted Upon Issuance of a Special Permit, as Provided in Section 420

1. Single and two family dwelling units on slopes greater than 15 percent upon submittal of evidence documenting the structural stability of such construction
2. Sportsmen clubs or preserves, operated for benefit of members and not for gain
3. Seasonal residences, upon submittal of site plan documenting minimal visual impact of such construction upon the River Corridor

D. Building Height Limit

No building shall be erected to a height in excess of two stories and not to exceed 28 feet

E. Required Lot Area

Lot area shall be not less than 5 acres and shall have not less than 200 feet minimum river or road frontage

F. Setback Required

Each structure on said lot must exhibit a minimum of 100 feet setback from centerline of road fronting said lot, or 50 feet from property line, whichever is greater

Section 410.2 RR District: Recreational River District

The following regulations shall apply in the Recreational District:

A. Permitted Principal Uses

Same as SR District

B. Permitted Accessory Uses, Located on the Same Lot with the Permitted Principal Use

Same as SR District

C. Uses Permitted Upon Issuance of a Special Permit, as Provided in Section 420

Same as SR District

In addition, subject to Site Plan Review:

1. Public park and/or recreation facility
2. Recreational campground
3. Canoe livery
4. Commercial recreation facility

D. Building Height Limit

No building shall be erected to a height in excess of two stories and not to exceed 28 feet

E. Required Lot Area

Lot area shall be not less than 2 acres and shall have not less than 200 feet minimum river or road frontage

F. Setback Required

Each structure on said lot must exhibit a minimum of 100 feet setback from centerline of road fronting said lot, or 50 feet from property line, whichever is greater

Section 410.3 R1 District: Rural Residential District

The following regulations shall apply in the Rural Residential District:

A. Permitted Principal Uses

1. Single and two family dwelling units on slopes of 15 percent or less

2. Agriculture, exclusive of animal husbandry in excess of one livestock unit per each two acres, provided however, that no offensive odor or dust-producing substance or any use producing incessant odor or dust be permitted within one hundred feet of any property line
  3. Forest management practices
  4. Outdoor recreation with no alteration to land
  5. Mobile home dwelling on slopes of 15 percent or less
  6. Public elementary and high schools, public parks and playgrounds
  7. Churches and similar places of worship
  8. Accessory uses
- B. Permitted Accessory Uses, Located on the Same Lot with the Permitted Principal Uses
1. Private garage
  2. Customary home occupations or professional offices conducted solely by the resident, provided that there be no external evidence of such use except an announcement or professional sign not over six square feet in area
  3. Other customary accessory uses and buildings, provided such uses are clearly incidental to the principal use and do not include any activity commonly conducted as a business
- C. Uses Permitted Upon Issuance of a Special Permit, as Provided in Section 420
1. Single and two family dwelling units on slopes greater than 15 percent upon submittal of evidence documenting the structural stability of said construction
  2. Mobile home dwellings on slopes greater than 15 percent upon submittal of evidence documenting the structural stability of said construction
  3. Outdoor recreation
  4. Agriculture, inclusive of animal husbandry
  5. Commercial agriculture and/or on-site sale of such produce



6. Mine/Quarry
7. Planned unit development
8. Public utilities and facilities
9. Cemeteries
10. Mobile home parks
11. Campgrounds
12. Commercial recreation
13. Nature centers
14. Summer camps
15. Service stations
16. Sportsmen clubs or preserves
17. Sanitary landfills
18. Enclosed storage
19. Health facilities
20. Boarding house
21. Associated parking facilities

D. Building Height Limit

No building shall be erected to a height in excess of 28 feet

E. Required Lot Area

Lot area shall be of size adequate to support on-site sewer and water, but no less than two acres, and lot width shall be not less than 200 feet

F. Yard Required

Each lot shall have front, side, and rear yards with depths and widths of not less than the following:

1. Front yard depth - 50 feet from highway right-of-way (R-O-W)

2. Each side yard width - 35 feet

3. Rear yard depth - 50 feet

G. Percentage of Lot Coverage

All buildings, including accessory buildings, shall cover not more than 10 percent of the area of the lot

Section 410.4 R-2 District: Residential Business District

The following regulations shall apply in the Residential Business District:

A. Permitted Principal Uses

1. Single and two family dwelling units on slopes of 15 percent or less

2. Agriculture, exclusive of animal husbandry in excess of one livestock unit per each two acres, provided, however, that no offensive odor or dust-producing substance or any use producing incessant odor or dust be permitted within 100 feet of any property line

3. Accessory uses

B. Permitted Accessory Uses, Located on the Same Lot with the Permitted Principal Use

1. Private garage

2. Customary home occupations or professional offices conducted solely by the resident, provided that there be no external evidence of such use except an announcement or professional sign not over six square feet in area

3. Other customary accessory uses and buildings, provided such uses are clearly incidental to the principal use and do not include any activity commonly conducted as a business

C. Uses Permitted Upon Issuance of a Special Permit, as Provided in Section 420

1. Single and two family dwelling units on slopes greater than 15 percent upon submittal of evidence documenting the structural stability of such construction

2. Retail shops

3. Service establishments
4. Public facilities and utilities
5. Commercial agriculture and/or on-site sale of such produce
6. Commercial recreation
7. Cultural recreation
8. Motor vehicle, trailer, boat or farm equipment service and sales
9. Service stations, provided:
  - a. No repair work is performed out-of-doors
  - b. Pump, lubricating or other devices are located at least 20 feet from any street line or highway right-of-way, whichever is greater
  - c. All fuel, oil, or similar substances are stored at least 35 feet distance from any street or lot line
  - d. All automobile parts, dismantled vehicles, and similar articles are stored within a building or shielded from view by a fence or vegetative screening
10. Eating and drinking establishments
11. Storage buildings and warehouses
12. Hotels, motels, boarding houses
13. Churches and similar places of worship
14. Building supply and lumber yards
15. Mobile homes
16. Multiple family dwelling
17. Public parks and recreation facilities
18. Enclosed manufacturing establishments which produce minimal noise, odor, and glare and produce no industrial wastes which reduce the quality of air, water or land

19. Outdoor advertising signs, not to exceed 32 square feet, for on-site retail or service establishments

20. Associated parking facilities

D. Building Height Limit

No building shall be erected to a height in excess of 28 feet

E. Required Lot Area

Lot area shall be of size adequate to support on-site sewer and water, but no less than one acre, and lot width shall be not less than 150 feet

F. Yards Required

Each lot shall have front, side, and rear yards with depth and widths of not less than the following:

1. Front yard depth - 50 feet from R-O-W

2. Each side width - 35 feet

3. Rear yard depth - 50 feet

G. Percentage of Lot Coverage

All buildings, including accessory buildings, shall not cover more than 30 percent of the area of the lot. In the event that a Special Use requires greater development than allowed by this provision, the required lot area shall be increased as necessary to provide that the 30 percent coverage limit is not exceeded

Section 410.5 H District: Hamlet District

The Hamlet District encompasses seven subdistricts. Regulations pertaining to said district shall be those which apply to respective subdistricts.

Section 410.5a GR Subdistrict: General Residential

The following regulations shall apply in the General Residential Subdistrict:

A. Permitted Principal Uses

1. Single and two family dwelling units constructed on slopes of 15 percent or less

B. Permitted Accessory Uses, Located on the Same Lot with the Permitted Principal Uses

1. Private garage
2. Customary home occupations or professional offices conducted solely by the resident, provided that there be no external evidence of such use except an announcement or professional sign not over six square feet in area
3. Other customary accessory uses and buildings, provided such uses are clearly incidental to the principal use and do not include any activity commonly conducted as a business

C. Uses Permitted Upon Issuance of a Special Permit, as Provided in Section 420

1. Single and two family dwelling units on slopes greater than 15 percent upon submittal of evidence documenting the structural stability of such construction
2. Public park and recreation facilities
3. Public facilities and utilities
4. Limited agriculture, exclusive of animal husbandry
5. Forest management practices
6. Associated parking facilities

D. Building Height Limit

No building shall be erected to a height in excess of 28 feet

E. Required Lot Area

Lot area shall not be less than 15,000 square feet when said lot is serviced by public water and sewer facilities; 20,000 square feet when serviced by either public water or sewer; one acre when serviced by neither public water or sewer

Lot width shall not be less than 100 feet

F. Yard Required

Each lot shall have front, side, and rear yards with depth and width of not less than the following:

1. Front yard depth - 40 feet from R-O-W
2. Each side yard width - 25 feet
3. Rear yard depth - 50 feet

G. Percentage of Lot Coverage

All buildings, including accessory buildings, shall not cover more than 15 percent of the area of the lot

Section 410.5b NR Subdistrict: Old Neighborhood Residential Subdistrict

The following regulations shall apply in the Old Neighborhood Residential Subdistrict:

A. Permitted Principal Uses

1. Single and two family dwelling units
2. Accessory uses

B. Permitted Accessory Uses, Located on the Same Lot with the Permitted Principal Use

1. Private garage
2. Customary home occupations or professional offices conducted solely by the resident, provided that there be no external evidence of such use except an announcement or professional sign not over six square feet in area
3. Other customary accessory uses and buildings, provided such uses are clearly incidental to the principal use and do not include any activity commonly conducted as a business

C. Uses Permitted Upon Issuance of a Special Permit, as Provided in Section 420

1. Public facilities and utilities

D. Building Height Limit

No building shall be erected to a height in excess of 28 feet

E. Required Lot Area

Lot size must be, at a minimum, equal to the average of such consideration of the parcels closest to each side of the proposed structure

F. Yards Required

Yard widths and depths must be, at a minimum, equal to the average of such considerations of the developed parcel closest to each side of the proposed structure

G. Percentage of Lot Coverage

All buildings, including accessory buildings, shall not cover more of said parcel than exhibited in the average of buildings and accessory uses closest to each side of the proposed structure

Section 410.5c OR Subdistrict: Open Land Residential

The following regulations shall apply in the Open Land Residential Subdistrict:

A. Permitted Principal Uses

1. Single and two family dwelling units
2. Accessory uses

B. Permitted Accessory Uses, Located on the Same Lot with the Permitted Principal Use

1. Private garage
2. Customary home occupations or professional offices conducted solely by the resident, provided that there be no external evidence of such use except an announcement or professional sign not over six square feet in area
3. Other customary accessory uses and buildings, provided such uses are clearly incidental to the principal use and do not include any activity commonly conducted as a business

C. Uses Permitted Upon Issuance of a Special Permit, as Provided in Section 420

1. Public park and recreation facilities
2. Public facilities and utilities
3. Public schools and related facilities

D. Building Height Limit

No building shall be erected to a height in excess of 28 feet

E. Required Lot Area

Lot area shall be not less than 15,000 square feet when said lot is serviced by public water and sewer facilities; 20,000 square feet when serviced by either public water or sewer; one acre when serviced by neither public water or sewer.

Lot width shall be not less than 100 feet

F. Yards Required

Each lot shall have front, side, and rear yards with depths and widths of not less than the following:

1. Front yard depth - 40 feet from R-O-W
2. Each side yard width - 25 feet
3. Rear yard depth - 50 feet

G. Percentage of Lot Coverage

All buildings, including accessory buildings, shall not cover more than 15 percent of the area of the lot

Section 410.5d RB Subdistrict: Roadside Business

The following regulations shall apply in the Roadside Business Subdistrict:

A. Permitted Principal Uses

1. Retail shops
2. Business offices
3. Professional offices
4. Service establishments
5. Accessory uses

B. Permitted Accessory Uses, Located on the Same Lot with the Permitted Principal Use

1. Any customary use incident to a permitted use, but not including any outdoor storage



2. Non-flashing signs pertaining to a permitted use on the same lot therewith
3. Exterior spot lighting of buildings or grounds, provided such be from shaded sources and be located so that the beams are not directed toward any lot in a residential district or a public highway

C. Uses Permitted Upon Issuance of a Special Permit, as Provided in Section 420

1. Service stations, provided:

- a. No repair work is performed out-of-doors
- b. Pumps, lubricating or other devices are located at least 20 feet from any street line or highway right-of-way
- c. All fuel, oil, or similar substances are stored at least 35 feet distance from any street or lot line
- d. All automobile parts, dismantled vehicles, and similar articles are stored within a building or shielded from view by a fence or vegetative screening

2. Eating and drinking establishments

3. Commercial recreation

4. Upper floor single family dwelling unit

5. Other uses which, in the opinion of the Board of Appeals, are of the same general character as those listed as permitted uses and which will not be detrimental to the district in which they are located

D. Building Height Limit

No building shall be erected to a height in excess of 28 feet

E. Required Lot Area

Lot areas shall not be less than 20,000 square feet and lot width not less than 150 feet

F. Yard Required

Each lot shall have front, side, and rear yards with depth of not less than the following:

1. Front yard - 40 feet from R-O-W
2. Each side yard - 25 feet
3. Rear yard - 30 feet

G. Percentage of Lot Coverage

All buildings, including accessory buildings, shall not cover more than 50 percent of the area of the lot

Section 410.5e EB Subdistrict: River Edge Business

The following regulations shall apply in the River Edge Business District.

A. Permitted Principal Uses

1. Single and two family dwelling units
2. Professional offices
3. Business offices
4. Accessory uses

B. Permitted Accessory Uses, Located on the Same Lot with the Permitted Principal Use

1. Private garage
2. Any customary use incident to a permitted use
3. Non-flashing signs pertaining to a permitted use on the same lot therewith
4. Exterior spot lighting of buildings or grounds, provided such be from shaded sources and be located so that the beams are not directed toward any lot in a residential district or a public thoroughfare

C. Uses Permitted Upon Issuance of a Special Permit, as Provided in Section 420

1. Retail shops
2. Service establishments

3. Eating and drinking establishments

D. Building Height Limit

No building shall be erected to a height in excess of 28 feet

E. Required Lot Area

Lot area shall be not less than 20,000 square feet and lot width not less than 150 feet

F. Yard Required

Each lot shall have front, side and rear yards with depths and widths of not less than the following:

1. Front yard depth - 40 feet from R-O-W
2. Each side yard width - 25 feet
3. Rear yard depth - 50 feet

G. Percentage of Lot Coverage

All buildings, including accessory buildings, shall not cover more than 50 percent of the area of the lot

Section 410.5f DB Subdistrict: Downtown Business

The following regulations shall apply in the Downtown Business Subdistrict:

A. Permitted Principal Uses

1. Retail shops
2. Service establishments
3. Accessory uses

B. Permitted Accessory Uses, Located on the Same Lot with the Permitted Principal Use

1. Any customary use incident to a permitted use, but not including any outdoor storage
2. Non-flashing signs pertaining to a permitted use on the same lot therewith

3. Exterior spot lighting of buildings or grounds, provided such be from shaded sources and be located so that the beams are not directed toward any lot in a residential district or a public highway

C. Uses Permitted Upon Issuance of a Special Permit, as Provided in Section 420

1. Upper floor single family dwelling unit
2. Cultural recreational facilities
3. Public facilities and utilities
4. Eating and drinking establishments
5. Financial establishments
6. Professional and business offices
7. Associated parking facilities and municipal parking lots
8. River access facilities: i.e., stairs, ramps

D. Building Height Limit

No building shall be erected to a height in excess of 35 feet

E. Required Lot Area

Lot area shall be not less than 5,000 square feet and lot width not less than 50 feet

F. Yard Required

Front, side, and rear yards are not required except:

1. Where one is provided it shall be at least 4 feet in width
2. Where one is used as a vehicular access way, it shall be at least 25 feet in width
3. Where the side lot line abuts any lot or land area in a residential district, lot shall be at least 75 feet in width, and a 20 foot strip adjoining such residential district shall be maintained as a landscaped buffer area

Section 410.5g MS Subdistrict: Municipal Services

The following regulations shall apply to the Municipal Services Subdistrict:

A. Permitted Principal Uses

1. Public utilities and facilities, subject to Site Plan Review

B. Uses Permitted Upon Issuance of a Special Permit, as Provided in Section 420

1. Public parks and recreation facilities, subject to site plan review

C. No building shall be erected to a height in excess of 28 feet

Section 410.6 SO District: Scenic Overlay District

The following regulations shall apply to the Scenic Overlay District; said district extends 250 feet to either side of the Route 97 right-of-way:

A. Permitted Principal Uses

As allowed in respective districts with additional regulations. Uses other than residential shall be subject to Site Plan Review.

B. Permitted Accessory Uses, Located on the Same Lot with the Permitted Principal Use

As allowed in respective districts with additional regulations. Accessory uses related to other than residential uses shall be subject to Site Plan Review

C. Uses Permitted Upon Issuance of a Special Permit, as Provided in Section 420

As allowed in respective districts with additional regulations

D. Building Height Limit

No building shall be erected to a height in excess of 28 feet

E. Required Lot Area

As required in respective districts

#### F. Yard Required

Each lot shall have front, side and rear yards with depths and widths of not less than the following:

1. Front yard depth - As required in respective districts plus 50 percent of minimum allowable. All lots shall maintain depth of 15 feet from edge of R-O-W.
2. Each side yard width - As required in respective districts.
3. Rear yard depth - As required in respective districts.

#### G. Percentage of Lot Coverage

1. All buildings, including accessory buildings, shall not cover more than that percentage of the area of the lot as allowed in the respective district
2. In no district shall greater than 60 percent of the natural vegetative cover be removed

### Section 420. Standards for Special Permits

#### Section 420.1 General Provisions

In every case where a Special Permit is required the Zoning Board of Appeals shall issue such Permit only after:

1. Referral to the Planning Board for their recommendation and receipt of their report
2. A public hearing has been held by the Board of Appeals

#### Section 420.2 Required Plan

Application for a special permit shall be accompanied by three sets of preliminary plans, and/or other descriptive matter to clearly portray intentions of the owner. These documents shall become a part of the record. Such plans shall show location of all buildings, parking, traffic access and circulation drives, open spaces, landscaping and any other information necessary to determine if the proposed special use meets the requirements of this Ordinance.

### Section 420.3 Expiration

A special permit shall be construed to be authorization for only one particular special use and shall expire if the special use shall cease for more than six months for any reason. Special uses inherently of a seasonal nature including, but not limited to nature centers, campgrounds, recreation areas, and roadside stands shall have the period extended to 12 months prior to expiration of special permits.

### Section 420.4 Standards Applicable to all Special Uses

All special uses necessarily require site plan review. Site plan review may be waived if, in the opinion of the Zoning Board of Appeals, the following standards and conditions have been satisfied:

1. Location, use and size of structure, nature and intensity of operations involved, size of site in relation to it, and location of site with respect to existing or future streets giving access, are such that it will be in harmony with orderly development of the district.
2. Location, nature and height of buildings, walls, fences and signs will not discourage the appropriate development and use of adjacent land and buildings or impair their value.
3. Special use shall not conflict with the Comprehensive Plan.
4. Operation of any special use shall not be more objectionable to nearby properties by reason of noise, fumes, vibration, or flashing lights than would be the operation of any permitted use.
5. Necessary provisions have been made to assure that all surface runoff to adjacent properties does not exceed levels in existence prior to construction.
6. Solar access of adjacent properties is not obstructed by said use.

If said conditions and standards are not met, a Site Plan Review shall be undertaken in accordance with Section 430; Site Plan Review.

No special permit shall be issued for a use on a property where there is an existing violation of this Ordinance.

In addition, when making a determination concerning a special use within an area of Special Flood Hazard, the Zoning Board of Appeals shall consider all technical evaluation standards specified in other sections of this Ordinance, and the following factors:

- a. The danger to life and property due to increased flood velocities caused by encroachments;
- b. The danger that materials may be swept onto other lands to the injury of others;
- c. The susceptibility of the proposed facility and its contents to flood damage and the effect of the damage on the individual owners;
- d. The importance of the services provided by the proposed facility to the community;
- e. The availability of alternative locations, not subject to flooding damage, for the proposed use;
- f. The compatibility of the proposed use with existing and anticipated development;
- g. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- h. The expected height, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site;
- i. The cost of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, electric and water systems, and streets and bridges.

#### Section 430. Site Plan Review

##### Section 430.1 Site Plan Review Approval

The Planning Board, at a regular public meeting, shall review and approve, or approve with modifications, all permitted uses listed as requiring site plan approval, before a building permit is issued.

##### Section 430.2 Submission of Site Plan and Supporting Data

Owner shall submit a site plan and supporting data to the Planning Board a minimum of 14 days prior to the regular monthly



meeting. Included shall be the following information presented in drawn form and accompanied by written text:

1. Survey of property showing existing features, including contours, large trees, buildings, structures, streets, utility easements, rights-of-way, land use, zoning and ownership of property.
2. Site Plan showing proposed lots, blocks, building locations and land use areas.
3. Traffic circulation, parking and loading spaces and pedestrian walks.
4. Landscaping plans including site grading, landscape design, and open areas.
5. Preliminary architectural drawings for buildings to be constructed including floor plans, exterior elevations and sections.
6. Preliminary engineering plans including street improvements, storm drainage, water supply and sanitary sewer facilities.
7. Engineering feasibility study of any anticipated problem which might arise due to proposed development as required by the Planning Board.
8. Construction sequence and time schedule for completion of each phase for buildings, parking and landscaped areas.
9. Description of proposed uses including hours of operation, and expected number of employees, volumes of business and volumes of traffic generated.

#### Section 430.3 Site Plan Approval

The Planning Board shall review the site plan and supporting data before approval or approval with stated conditions is given, and take into consideration the following:

1. Harmonious relationship between proposed uses and existing adjacent uses.
2. Maximum safety of vehicular circulation between the site and street.
3. Adequacy of interior circulation, parking and loading facilities with particular attention to pedestrian safety.

4. Adequacy of landscaping and setbacks to achieve compatibility with, and protection of, adjacent residential uses
5. Factors deemed necessary by the Planning Board for the health, safety, and welfare of the public

The Planning Board may require changes or additions in relation to yards, driveways, and landscaping, to insure safety, to minimize traffic difficulties, and to safeguard adjacent properties. Should changes or additional facilities be required by the Board, final approval of site plan shall be conditional upon satisfactory compliance by owner with the changes or additions.

Any owner wishing to make changes in an approved site plan shall submit a revised site plan to the Planning Board for review and approval.

#### Section 430.4 Performance Bond as a Condition of Site Plan Approval

The Planning Board may require, as a condition of site plan approval, that the owner file a performance bond in such amount as it determines to be in the public interest, to ensure that the proposed development will be built in compliance with accepted plans.

#### Section 440. Supplementary Regulations

The provisions of this Ordinance shall be subject to such exceptions, additions, or modifications as herein provided by the following supplementary regulations:

##### Section 440.1 Height Exceptions

The height limitations contained in the Schedule of Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, solar energy devices, windmills, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

##### Section 440.2 Erection of More than One Principal Structure on a Lot

In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot provided that yard, minimum lot size, and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot.

### Section 440.3 Structures to Have Access

Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

### Section 440.4 Parking, Storage or Use of Major Recreational Equipment \*

No major recreational equipment shall be parked or stored on any lot in a residential district except in a car port or enclosed building or behind the nearest portion of a building to a street provided, however, that such equipment may be parked anywhere on residential premises not to exceed 24 hours during loading and unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use in excess of 14 days in any 60 day period.

### Section 440.5 Parking and Storage of Certain Vehicles \*

Two or more automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residential zoned property other than in completely enclosed buildings or so they are visually screened from the road and adjacent properties.

Farm vehicles shall be exempt.

### Section 440.6 Visibility at Intersections in Residential Districts

On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and a half and ten feet above the centerline grades of the intersecting streets within the triangular area formed by the intersecting street lines and a straight line joining said street lines at points which are 30 feet distant from the point of intersection, measured along said street lines.

### Section 440.7 Off-Street Parking

For every building hereafter erected, altered or changed in use, there shall be provided off-street parking spaces as set forth in the following:

#### a. Dwelling -

At least one parking space for each dwelling unit in the building or buildings.

- b. Professional Residence Office -  
Two parking spaces, plus one additional parking space for every 200 square feet of office area.
- c. Hotel, Motel, Tourist Home, Boarding House - Three parking spaces, plus one for every guest room.
- d. Places of Public Assembly -  
One parking space for every five seats; or one parking space for every 100 square feet of floor area, whichever provides the greater capacity.
- e. Business, Professional and Medical Offices -  
Two parking spaces, plus one space for every 200 square feet of office area.
- f. Commercial and Business; in groups over 20,000 square feet of business floor area -  
One parking space for every 100 square feet of business area.
- g. Commercial and Business; individual establishments on separate lots -  
One parking space for every motor vehicle used directly in the business, plus one parking space for every 200 square feet of business area.
- h. Restaurant, Eating and Drinking Establishments -  
One parking space for every 100 square feet of floor area.
- i. Industrial, Wholesale, Warehouse, Storage, Freight and Trucking Uses -  
One parking space for every motor vehicle used directly in the business, plus additional parking as required by the Planning Board.
- j. Unspecified Uses -  
As required by the Board of Appeals based on use intensity, turnover, customers, employees and vehicles used.
- k. Except for dwellings -
  - a. Off-street parking spaces are to be arranged so that backing movements take place entirely within the parking area.
  - b. Required driveway shall be at least twenty feet wide.

#### Section 440.8 Landscaping Requirements

Following are minimum landscaping requirements:

1. Where any land use in a non-residential district abuts land in any residential district, a strip of land at least 20 feet wide shall be maintained by the owner as a landscaped area in front, side, and rear yards which adjoin these other districts.
2. Where any permitted non-residential land use, multiple family development or mobile home park in a residential district, a strip of land at least 20 feet wide shall be maintained as a landscaped area in front, side and/or rear yard which adjoin these uses.
3. In a commercial district each use shall have a strip of land at least 15 feet wide in any required rear and side yard, which shall be maintained as a landscaped area.
4. In a planned unit development, as required by the Planning Board under its powers of site plan review and approval.
5. Required landscaping shall be installed and maintained in a healthy growing condition and shall take the form of any or all of the following: shade trees, deciduous shrubs, evergreens, well-kept grassed areas or ground cover.

#### \*Section 440.9 Performance Standards

In all districts uses are not permitted which exceed the following standards measured at individual property lines. The Planning Board under its powers of site plan review and approval shall decide whether uses meet the standards. Uses shall meet State air and water pollution standards and shall not:

1. Emit noise in excess of 70 decibels, dbA scale, of a standard sound level meter.
2. Emit odor which is considered offensive.
3. Emit dust or dirt which is considered offensive.
4. Emit smoke in excess of Ringlemann Chart No. 2.
5. Emit noxious gases which endanger health, comfort, safety, or welfare of any person, or have a tendency to cause injury or damage to property, business or vegetation.



6. Cause, as a result of normal operations, a vibration which creates displacement of 0.003 of one inch at the property line.
7. Create glare by lighting or signs which could impair a driver's vision.
8. Cause a fire, explosion or safety hazard.
- \* 9. Cause harmful waste to be discharged into sewer, streams, or bodies of water, or to be stored on said property.

#### Section 440.10 Uses Not Permitted

\* In all districts the following uses are not permitted: junk yards, machinery wrecking yards, dumps, manufacture or bulk storage of fuels and explosives, unenclosed manufacturing or processing of goods and materials, except after issuance of a special permit. Storage of reasonable supplies of fuel for domestic use shall be exempt.

#### Section 440.11 Mobile Homes

No person shall park a mobile home which does not meet State construction standards on any public or private property. An approved mobile home shall be placed only as follows:

1. In an approved mobile home park.
2. In a district zoned to permit such mobile homes as living accommodations.
3. In an approved mobile home sales lot.
4. Board of Appeals may issue a Special Permit for a mobile home to be located on a construction site of a new residence for a period not to exceed one year, if in its opinion it finds that not to do so would cause a hardship. Extensions may be granted if so approved by the Zoning Board of Appeals.

#### Section 440.12 Mobile Home Park Permit

1. No person shall construct or operate a mobile home park without first obtaining site plan approval and a permit.
2. Application for a mobile home park permit shall be made to the Zoning Board of Appeals, and shall be accompanied by a site plan in accordance with the procedures outlined in this Ordinance.

3. The Board may accept, accept with recommended changes, or reject plans.

#### Section 440.13 Mobile Home Park Standards

The following regulations shall apply to all mobile homes in mobile home parks:

1. Mobile home parks shall be at least ten acres in area and shall provide for individual mobile home lots, access driveways and parking.
2. Each mobile home lot shall be at least 8,000 square feet in area, 80 feet wide by 100 feet deep, and shall front onto an access driveway or street.
3. All access driveways within a mobile home park must be at least 30 feet wide and built to subdivision regulation street standards.
4. Each mobile home lot shall have an attachment for sewer and water supply. Water supply source must be approved by the New York State Department of Health.
5. Each mobile home lot shall have an attachment for sewage disposal. Sewage disposal system must meet the standards required by the New York State Department of Health and the Town of Tusten Sewage Disposal Ordinance.
6. No mobile home lot or service building shall be closer to a public street right-of-way than 50 feet, nor closer to a property line than 30 feet.
7. A strip of land at least 20 feet wide shall be maintained as a landscaped area abutting mobile home park property lines, inclusive of that portion of said property fronting a public street.
8. No additions shall be made to a mobile home except a canopy and/or porch open on three sides, or an addition made by mobile home manufacturer or built in conformance with State Building Construction Code Regulations.

#### Section 440.14 Sewer and Water Facilities

All sewer and water facilities installed as part of any construction project or individual dwelling shall meet standards set forth in the Subdivision Regulations of the Town of Tusten.

#### Section 440.15 Public Utility Facilities

Public utility substations and similar structures, shall comply with the following:

1. Facility shall be surrounded by a fence set back from property lines in conformance with district regulations for front, side, and rear yards.
2. Landscaped area at least 15 feet wide shall be maintained in front, rear and side yards.
3. There shall be no equipment visible from surrounding property.
4. Low profile equipment shall be used where practical.
5. Utility poles and attendant lines will be allowed, as necessary, in all districts.

#### Section 440.16 Extraction of Natural Products

In any district, removal of soil, sand, gravel or quarried stone for sale, except when incidental to, or connected with, construction of a building on the same premises shall be permitted only after issuance of a special permit. In instances where Department of Environmental Conservation (D.E.C.) permits are required, this regulation shall not apply when said D.E.C. permit is issued.

In addition:

1. Stripping of topsoil for sale or use on other premises, except as may be incidental to a construction project, is prohibited within the Town without issuance of a special permit.
2. Before approval of any new, or extension to, sand, gravel or stone quarrying operation, a performance bond shall be secured from the owner sufficient to insure that upon completion of extraction operations the abandoned site will be left in a safe, attractive, and useful condition in the interest of public safety and general welfare. The bond shall be sufficient to cover cost of redevelopment of the site as a park, recreation area, or other useable open space. The above-mentioned bond shall not be required by this Section if such bond is required and supplied to D.E.C. to accomplish the stated purpose.



#### Section 440.17 Clearcutting

No clearcutting shall be allowed in the Town without special permit.

#### Section 440.18 Signs

Off-premises advertising signs, billboards and roof signs are not permitted in any district. The following signs are permitted in any district:

1. Professional residence-office and home occupation signs not exceeding six square feet.
2. One "For Rent" or "For Sale" sign not exceeding six square feet in residential districts, 32 square feet in other districts.
3. Direction or information signs not exceeding four square feet.
4. Signs necessary for public safety or welfare.
5. Signs identifying a construction project and the specialists concerned, not exceeding eight square feet for a dwelling and sixteen square feet for other buildings.
6. Signs identifying any permitted non-residential use in a residential district, one square foot of sign for each lineal foot of building frontage, but not exceeding a total of thirty-two square feet.
7. Trespassing or posted signs shall be allowed in all districts when such signs comply with the existing laws and regulations for posting property.

In addition, signs must be of sound construction and visually appealing.

#### Section 440.19 Signs by Special Permit

Other signs may be permitted after issuance of a Special Permit if the Planning Board, or other organization so designated by the Planning Board, finds that such a sign:

1. Is in the public interest and is not detrimental to public safety, welfare or surrounding properties.
2. Is of a character, size and location that will be in harmony with orderly development of the district.

#### Section 440.20 Signs in Business Districts

The following additional signs are permitted in commercial districts:

1. All signs permitted under Section 440.18 above.
2. Business signs, total area not to exceed two square feet for each one lineal foot of building frontage.

#### Section 440.21 Ground Signs

Every ground sign shall:

1. Not exceed 20 feet in height above grade.
2. Be set back at least 10 feet from any street line, and at least 20 feet from any other lot line.
3. Be at least 8 feet above any pedestrian walk.

#### Section 440.22 Traffic Hazard, Safety and Obstruction Signs

Every sign shall be designed and located in such a manner as to:

1. Not impair public safety.
2. Not restrict clear vision between a sidewalk and street.
3. Not be confused with any traffic sign or signal.
4. Not prevent free access to any door, window or fire escape.
5. Withstand a wind pressure load of thirty pounds per square foot.

#### Section 440.23 Illuminated and Flashing Signs

1. Signs may be illuminated by a steady light provided that lighting does not illuminate adjacent property.
2. Flashing, oscillating and revolving signs are not permitted, unless necessary for public safety or welfare.

#### Section 440.24 Residential Lot Existing Prior to Adoption of Ordinance

In residential districts nothing shall prohibit use of a lot of less area or less frontage than required for a one-family

dwelling in the district in which the lot is located, when such lot was held under separate ownership from adjoining lots at time of enactment or adoption of this Ordinance, contingent upon the provision of sewerage and water as required by the New York State Department of Health and the Town of Tusten Sewage Disposal Ordinance. All other regulations of this Ordinance governing setback, side and rear yard requirements shall apply.

#### Section 440.25 Calculation of Building Coverage

In determining percentage of building coverage of a lot or size of yard, all principal buildings, roofed porches, garages, carports, and other accessory buildings shall be included.

#### Section 440.26 Required Yards

1. No space necessary under this Ordinance to satisfy area, yard or other open space requirements in relation to any lot, building or use, shall be counted as part of required open space in relation to any other lot, building or use.
2. Every part of a required yard shall be open, unobstructed from ground to sky, except for ordinary projections of sills, chimneys and eaves, provided that no such projections extend more than two feet into the required yard.
3. Any yard adjoining a street shall be considered a front yard for purposes of this Ordinance. Only one front yard is required to comply with minimum depth requirements, other front yards shall either equal minimum, or be at least twenty-five feet in depth, whichever is less.

#### Section 440.27 Permit for Temporary Uses and Structures

1. The Zoning Enforcement Officer may issue a temporary permit for a period not exceeding one year, for incidental nonconforming uses as follows:
  - a. Temporary uses incidental to a construction project.
  - b. Temporary real estate sales office incidental to a subdivision.
  - c. Other similar temporary incidental uses.
2. Permits shall be conditioned upon agreement by owner to remove use on expiration of permit.
3. Permits may be re-issued for additional periods of six months.

Section 440.28 Abandonment of Construction and Excavation

1. Within three months following a construction project or the demolition or abandonment of a building or structure, all construction materials shall be removed from the site and excavation filled to normal grade by owner.
2. Unfenced excavation shall not be carried for a period in excess of sixty days.

Section 440.29 Minimum Habitable Floor Area

1. One-family and two-family dwellings shall have a habitable floor area of at least 500 square feet.
2. No habitable rooms are permitted in basements of multiple family dwellings.

Section 440.30 Residential Front Yard Grade

Surface grade of residential front yards, measured at the mid-point of a residence front wall, shall be at least one foot above the elevation of street center line, unless adequate site drainage is provided.

Section 440.31 Historical and Architectural Buildings in the  
Downtown Business District

Any demolition of, or alteration of buildings in the Downtown Business District must be reviewed by the Planning Board or other group designated by the Town Board. The Planning Board or other designated group shall take into account architectural and historical significance as well as the total appearance of the streetscape.

Section 450 Nonconforming Uses

The lawful use of any building or land existing at the time of the enactment of this Ordinance may be continued although such use does not conform with the provisions of this Ordinance.

Section 450.1 Unsafe Structures

Any structure or portion thereof declared by the Code Enforcement Officer to be unsafe by reason of fire or any other natural or unnatural occurrence shall within one year be removed or restored to a safe condition.

## Section 450.2 Alterations

A nonconforming building may not be reconstructed or structurally altered during its life to an extent exceeding in aggregate cost 50 percent of the assessed value of the building unless said building is changed to a conforming use. Assessed value shall be the amount of assessment times 100 divided by the equalization rate as established by the New York State Board of Equalization and Control.

### Example

House assessed at \$700  
1981 New York State Board of Equalization and Control  
Ratio is 2.03

Therefore -  $700 \times \frac{100}{2.03} = \$34,482.75$  Assessed value for  
this in 1981

Likewise - Assessment of \$ 50 = \$2,463 Assessed Value  
\$1,000 = \$49,261 Assessed Value

## Section 450.3 Extension

A nonconforming use shall not be extended, but the extension of a lawful use to any portion of a nonconforming building which existed prior to the enactment of this shall not be deemed the extension of such nonconforming use.

## Section 450.4 Construction Approved Prior to Adoption of Ordinance

Nothing herein contained shall require any change in plans, construction or designated use of a building for which a building permit has been heretofore issued and the construction of which shall have been diligently prosecuted within three month's of the date of such permit, and the ground story framework of which, including the second floor of beams, shall have been completed within one year of the date of the permit, and which entire building shall be completed according to such plans as filed within two years from date of this Ordinance.

## Section 450.5 Restoration

No building damaged by fire or other causes to the extent of more than 75 percent of its assessed value shall be repaired or rebuilt except in conformity with the regulations of this Ordinance. Assessed value shall be the amount of assessment times 100 divided by the equalization rate as established by the New York State Board of Equalization and Control.

Section 450.6 Discontinuance

Whenever a nonconforming use has been discontinued for a period of one year, such use shall not thereafter be re-established, and any future use shall be conformity with the provisions of this Ordinance.

Section 450.7 Changes

Once changed to a conforming use no building or land shall be permitted to revert to a nonconforming use. A nonconforming use may not be changed to other than a conforming use.

Section 450.8 Displacement

No nonconforming use shall be extended to displace a conforming use.

Section 450.9 District Changes

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any nonconforming uses existing therein.

Section 460 Areas of Special Flood Hazard

Section 460.1 Establishment and Delineation of Areas of Special Flood Hazard

- a. Special Flood Hazard Areas are hereby established to accomplish the purpose of protection of the residents of Tusten from hazards due to periodic flooding. This shall include the protection of persons and property, the preservation of water quality and the minimizing of expenditures for relief, insurance and flood control projects.
- b. This provision does not imply that land outside of the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damage.
- c. The provision of Section 460, Areas of Special Flood Hazard, shall take precedence over any other zoning article to the extent that these provisions are inconsistent with such other less restrictive conflicting local laws, ordinances or codes.
- d. Areas of Special Flood Hazard shall be deemed to be those areas delineated as such by the U.S. Department of Housing and Urban Development, Federal Insurance

Administration Flood Hazard Boundary Maps H 01-04 for the Town of Tusten, New York, or any superceding maps used in administering the Federal Flood Insurance Program.

#### Section 460.2 Establishment of Districts

In furtherance of the purpose of this section, the following districts are hereby established.

##### Section 460.2 a Floodway District

The Floodway District consists of an area comprising the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood. The base flood shall be the flood having a one percent change of being equalled or exceeded in any given year. (Also Known as the "100-Year Flood.") The extent of the Floodway District is depicted in Figures 1a and 1b.

##### Section 460.2b Flood Hazard District

The Flood Hazard District means any land susceptible to being inundated by water from any source. The extent of the Flood Hazard District is depicted in Figure 1.

##### Section 460.2c Amendment of Districts

From time to time the Floodway and Flood Hazard District boundaries may be amended by the Federal Insurance Administrator and/or the New York State Department of Environmental Conservation. Due notice of such amended District boundaries shall be given by publication in a local newspaper of general circulation ten (10) days before such amendment shall go into effect. Maps of such amended Districts shall be posted in the office of the Town Clerk and shall become the Official Flood Hazard Boundary Map.

#### Section 460.3 Permitted Uses

The following uses which have low flood damage potential and which do not obstruct flood flows may be permitted within Special Flood Hazard Areas to the extent that these uses do not constitute development or substantial improvement to a structure and are not otherwise prohibited by any other Ordinance:

1. Agricultural uses such as pasture or grazing as long as they do not require development within the flood plain.
2. Private and public recreational areas such as swimming areas, open space, wildlife or natural preserves, hunting and fishing areas, hiking and horseback trails as long as they do not require development within the flood plain.

No uses shall diminish or constrict the capacity of the channel or floodway of any watercourse, or any tributary to the main stream, or any other watercourse, drainage ditch or any other facility or system to discharge the waters from the base flood.

#### Section 460.4 Issuance of Building Permits

- a. No building shall hereafter be erected, relocated or altered as to outside dimensions or so to permit a change in its use and no excavation for any building shall be begun unless and until a permit therefore has been issued. For purposes of this section, mobile homes, modular homes or any other structure permanently affixed to a foundation shall be deemed a building.
- b. Permits will not be necessary for minor repairs, unenclosed patios, painting, plumbing, waterwells, new roofs, and accessory structures at the discretion of the Code Enforcement Officer with the approval of the Planning Board.
- c. Upon receipt of the application for building permit, the Code Enforcement Officer shall determine if the location of such proposed building falls within the Floodway District or the Flood Hazard District. Appeals to such determination shall be made to the Zoning Board of Appeals.
- d. If such proposed construction is outside the delineated boundaries of the Floodway District or the Flood Hazard District, then a building permit shall be issued pursuant to Section 3.2 of the Town of Tusten Building Permit Ordinance.

#### Section 460.5 Building Standards

All development uses within the Floodway District or the Flood Hazard District as identified in Federal Insurance Administration Flood Hazard Boundary Maps H 01-04 for the Town of Tusten, New York, except those uses permitted by right under Section 460.3 of this Ordinance are allowed only in compliance with the following standards:

- a. New construction or substantial improvement of any residential structures shall have the lowest habitable floor, including basement, elevated to, or above, the base flood elevation at that point.



b. New construction or substantial improvement of any nonresidential structures shall either have the lowest floor including the basement, elevated to, or above, the base flood level, or together with attendant utility and sanitary facilities, be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capacity of resisting external water pressure and effects of bouyancy. The design of floodproofed structures may include the following measures or techniques as appropriate:

1. Anchorage to resist flotation and lateral movement.
2. Reinforcement of walls to resist water pressure.
3. Installation of watertight doors, bulkheads and shutters.
4. Use of paints, membranes, or mortars to reduce seepage of water through walls.
5. Addition of mass or weight to resist flotation.
6. Installation of pumps to lower water levels in structures.
7. Pumping facilities to relieve water pressure on external walls and basement floors.
8. Elimination of gravity flow drains.
9. Construction to resist rupture or collapse caused by water pressure or floating debris.

c. Mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specifically:

1. Over-the-top ties shall be provided at each of the four corners of the mobile home with two additional ties per side at intermediate locations, except that a mobile home less than 50 feet in length requires only one additional tie per side.
2. Frame ties shall be provided at each corner of the mobile home with five additional ties per side at intermediate points, except that a mobile home less than 50 feet long need have only four additional ties per side.

3. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
  4. Any additions to the mobile home shall be similarly anchored.
- d. All new construction or substantial improvements of buildings and other structures, including new or replaced utility and sanitary facilities, shall include the following measures as appropriate:
1. Anchored to prevent flotation, collapse, or lateral movement of structure.
  2. Constructed with materials and utility equipment resistant to flood damage.
  3. Constructed by methods and practices that minimize flood damage.
  4. Public facilities and utilities such as sewer, electrical, and water systems located and constructed to minimize flood damage.
  5. Adequate drainage provided to reduce exposure to flood damage.
  6. New and replacement water supply systems designed to minimize or eliminate the infiltration of flood waters into the system. Design of such water supply, sanitary sewage, and on-site waste disposal systems shall be in compliance with the State Sanitary Code (Public Health Law Section 225; 10 NYCRR Section 1.1 et seq.), and, where applicable, with County and Town health or sanitary codes.
  7. New and replacement sanitary sewer systems designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters. Design shall be in compliance as above.
  8. On-site waste disposal systems located to avoid impairment to them or contamination from them during flooding. Design shall be in compliance as above.
- e. Where elevation of the first floor or basement floor above the base flood elevation is required, fill deposited shall extend at least 15 feet beyond the limits of any structure or building erected thereon,

and such fill shall be protected against erosion by riprap, vegetation, bulkheading, or other forms of cover.

- f. In any area of shallow flooding the following standards shall apply:
  - 1. New construction or substantial improvements of residential structures shall have the lowest floor, including the basement, elevated above the crown of the nearest street.
  - 2. New construction or substantial improvements of nonresidential structures shall meet above standards, or together with attendant utility and sanitary facilities, be completely floodproofed to, or above, that level in a manner specified in Part b of Section 460.5.
- g. No new construction, substantial improvements, or other development (including fill) shall be permitted within the Floodway unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community.

#### Section 460.6 Floodway

All development or uses within the Floodway, except those uses permitted by right in Section 460.3, are allowed only as special permit uses in compliance with the following standards:

- a. Encroachments including fill, new construction, substantial improvements and other developments shall be prohibited within the Floodway if such encroachment would result in any increase in flood levels during the occurrence of the base flood discharge.
- b. If Part (a) is satisfied, all new construction and substantial improvements of nonresidential structures allowed in the Floodway shall meet the standards of Section 460.5 (b) and (c) of this Ordinance.
- c. Any new construction and substantial improvements of residential structures satisfying the requirements of Part (a) shall meet the standards of Section 460.5 (a) and (e) of this Ordinance.

- d. No mobile home shall be placed in the Floodway except within an existing mobile home park or mobile home subdivision and only in compliance with the standards of Section 460.5 (c) and (d).

Section 460.7 Local Submission, Filing, and Public Record

- a. Applications for a special permit within a Special Flood Hazard Area shall, in addition to standards set forth in Section 420, be accompanied by written certification of either a professional engineer or architect licensed to practice in the State of New York that the appropriate standards of Section 460.5 have been met, and all necessary permits have been obtained from those federal, state, and local governmental agencies from which prior approval is required. Such application shall be kept on file with the Town Clerk and shall be available for public inspection.
- b. The Code Enforcement Officer shall obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures and whether or not the structure contains a basement. He shall also obtain, verify, and record the actual elevation to mean sea level to which any new or substantially improved nonresidential structures have been floodproofed. All such records shall be maintained for public inspection.

Section 460.8 Subdivision Proposals

For the purpose of maintenance of the provisions of this Ordinance, the Planning Board shall require that all subdivision proposals and other proposed new developments include within such proposals base flood elevation data.

Section 460.9 Watercourse Alteration

To maintain in compliance with those regulations pertaining to Areas of Special Flood Hazard, the Planning Board shall notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Administrator, and shall assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

ARTICLE V ADMINISTRATION

Section 500. Enforcement

Section 500.1 Enforcement Officer

This Ordinance shall be enforced by the Code Enforcement Officer, who shall be appointed by the Town Board. No building permit or certificate of occupancy shall be issued by him/her except where all the provisions of this Ordinance have been compiled with.

Section 500.2 Building Permits

1. No building or structure shall be erected, added to, or structurally altered until a permit therefore has been issued by the Code Enforcement Officer. Except upon a written order of the Zoning Board of Appeals, no such building permit or certificate of occupancy shall be issued for any building where said construction, addition, or alteration of use thereof would be in violation of any of the provisions of this Ordinance.
2. There shall be submitted with all applications for building permits two copies of a layout or plot plan drawn to scale showing the actual dimensions of the lot to be built upon, the exact standard locations on the lot of buildings already existing, if any, the exact size and location on the lot of the building and accessory buildings to be erected, and other such information as may be necessary to determine and provide for the enforcement of this Ordinance.
3. One copy of such layout or plot plan shall be returned when approved by the Code Enforcement Officer with such permit to the applicant. Fees for construction, renovation or alteration shall be \$10.00 for the first \$5,000 plus \$1.00 for each additional \$5,000.
4. Unless there has been substantial progress in the work for which a building permit was issued, said building permit shall expire 12 months from the date of issuance.

Section 500.3 Certificate of Occupancy

1. No land shall be occupied or used and no building hereafter erected, altered or extended shall be used or changed in use until a certificate of occupancy shall have been issued by the Code Enforcement Officer stating that the building or proposed use thereof complies with the provisions of this Ordinance.

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g. The local administrator shall maintain the records of all appeal and variance actions, including justification for their issuance, and report any variance to the Federal Insurance Administrator upon request, or with the community's annual report to the Federal Insurance Administration.

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Section 510.3 Procedure

1. The Board of Appeals shall act in strict accordance with the procedure specified by the Town Law and by this Ordinance. All appeals or applications made shall be in writing, on forms prescribed by such Board. Every appeal or application shall refer to specific provisions of the Ordinance, and shall set forth interpretation claimed, or use for which special permit is sought, or details of variance applied for the grounds on which it is claimed that a variance should be granted.
2. At least thirty days before date of the hearing required by law on an application or appeal to the Board of Appeals, the secretary of said Board shall transmit to the Planning Board a copy of said application or appeal and notice of hearing. The Planning Board shall submit a report of its advisory opinion prior to the hearing. Failure of the Planning Board to submit a report shall be deemed to signify approval of application.
3. Every Board of Appeal's decision shall be by resolution, which shall contain a full statement of its findings of fact in the case, and shall be recorded in its minutes.

Section 520. Violations

Section 520.1 Violation and Penalties

A violation of this Ordinance is an offense punishable by a fine not exceeding \$50 or by imprisonment for a period not exceeding 60 days or by both such fine and imprisonment. Each week's continued violation shall constitute a separate additional violation.

Section 520.2 Complaint of Violations

Whenever a violation of this Ordinance occurs, any person may file a complaint in regard thereto. All such complaints must be in writing, signed, and shall be filed with the Code Enforcement Officer who shall properly record such complaint and immediately investigate and report thereon to the Town Board.



### Section 520.3 Notice of Violation

Whenever, in the opinion of the Code Enforcement Officer after proper examination and inspection, there appears to exist a violation of any provision of this Ordinance, or of any rule or regulation adopted pursuant thereto, he/she shall serve a written notice of violation. Such notice of violation shall inform the recipient of:

- a. The nature and details of such violation;
- b. Recommended remedial action which if taken will effect compliance with the provisions of this Ordinance and with rules and regulations adopted pursuant thereto;
- c. The date of compliance by which the violation must be remedied or removed.

### ARTICLE VI AMENDMENTS

#### Section 600. Procedure for Amendments

The Town Board may from time to time on its own motion, or on petition, or on recommendation of the Planning Board, amend, supplement or appeal the regulations and provisions of this Ordinance according to the following guidelines:

1. Official notice must be given and a public hearing held by the Town Board as required by law prior to approval of amendments or other such modifications as mentioned herein.
2. Each petition requesting a change of zoning regulations or district boundaries shall be typewritten, signed by the owner, filed in triplicate, and accompanied by the required fee.
3. Every such proposed amendment shall be referred to the Planning Board for a report prior to the public hearing. The Planning Board may require a plan of proposed development for which a zoning district change is sought to assist said board in the understanding of the case.
4. In case, however, of a protest against such change signed by the owners of twenty percent or more of the area of the land included in such proposed change, or of that immediately adjacent extending 100 feet therefrom, or of that directly opposite thereto and extending 100 feet from the street frontage of such

opposite land, such amendment shall not become effective except by the favorable vote of at least four members of the Town Board as set forth by Section 265 of the Town Law of the State of New York.

#### ARTICLE VII MISCELLANEOUS

##### Section 700. Interpretation

Whenever the requirements of any other lawfully adopted rules, regulations, or ordinances conflict in their interpretation and application with those herein set forth, the most restrictive, or that imposing the higher standards, shall govern. The provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety, or the general welfare.

##### Section 710. Validity

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

##### Section 720 Short Title

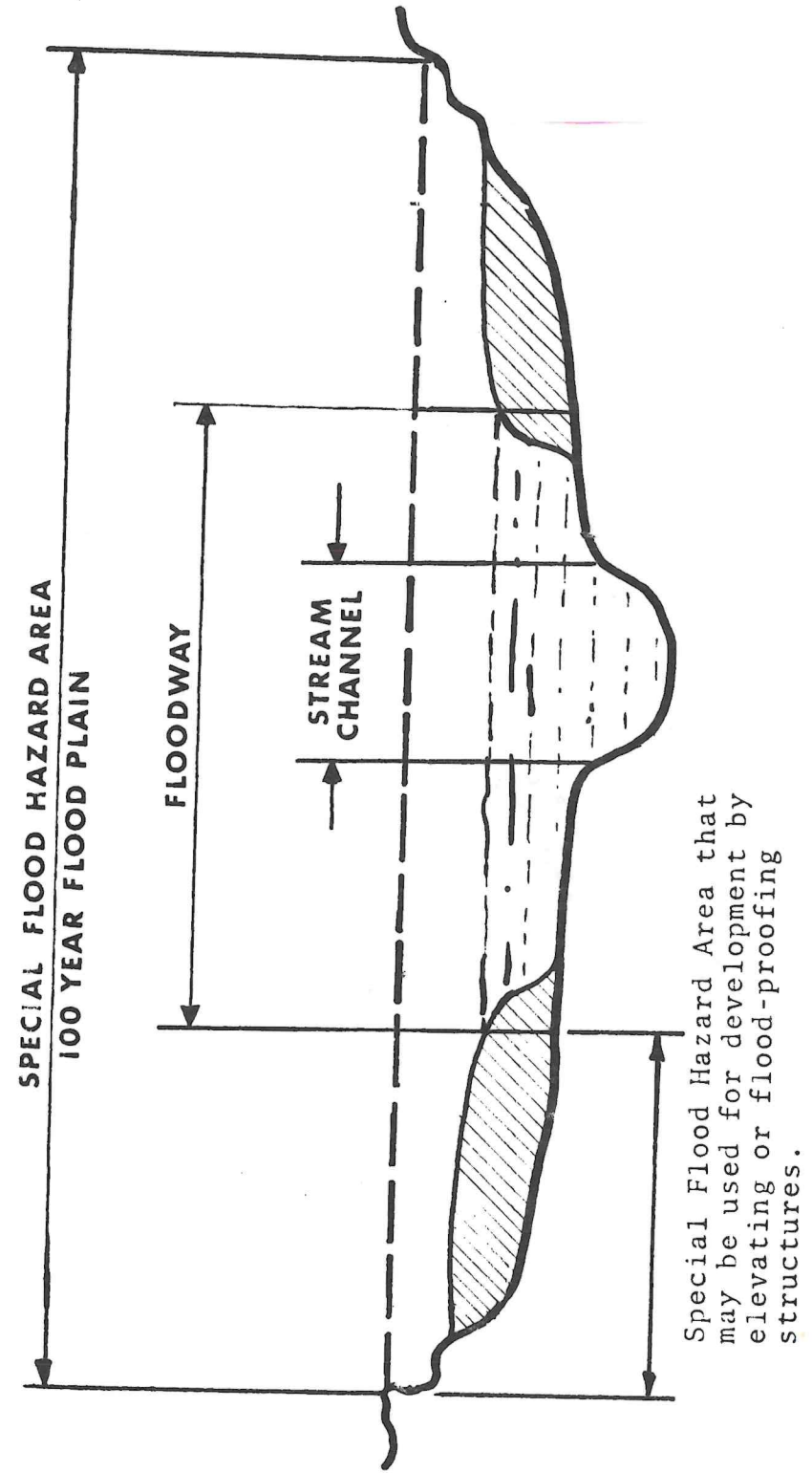
This Ordinance shall be known and may be cited as "The Town of Tusten, New York, Zoning Ordinance".

##### Section 730 Effective Date

This Ordinance shall become effective on June 11, 1982.



FIGURE 1a  
Typical Cross-section



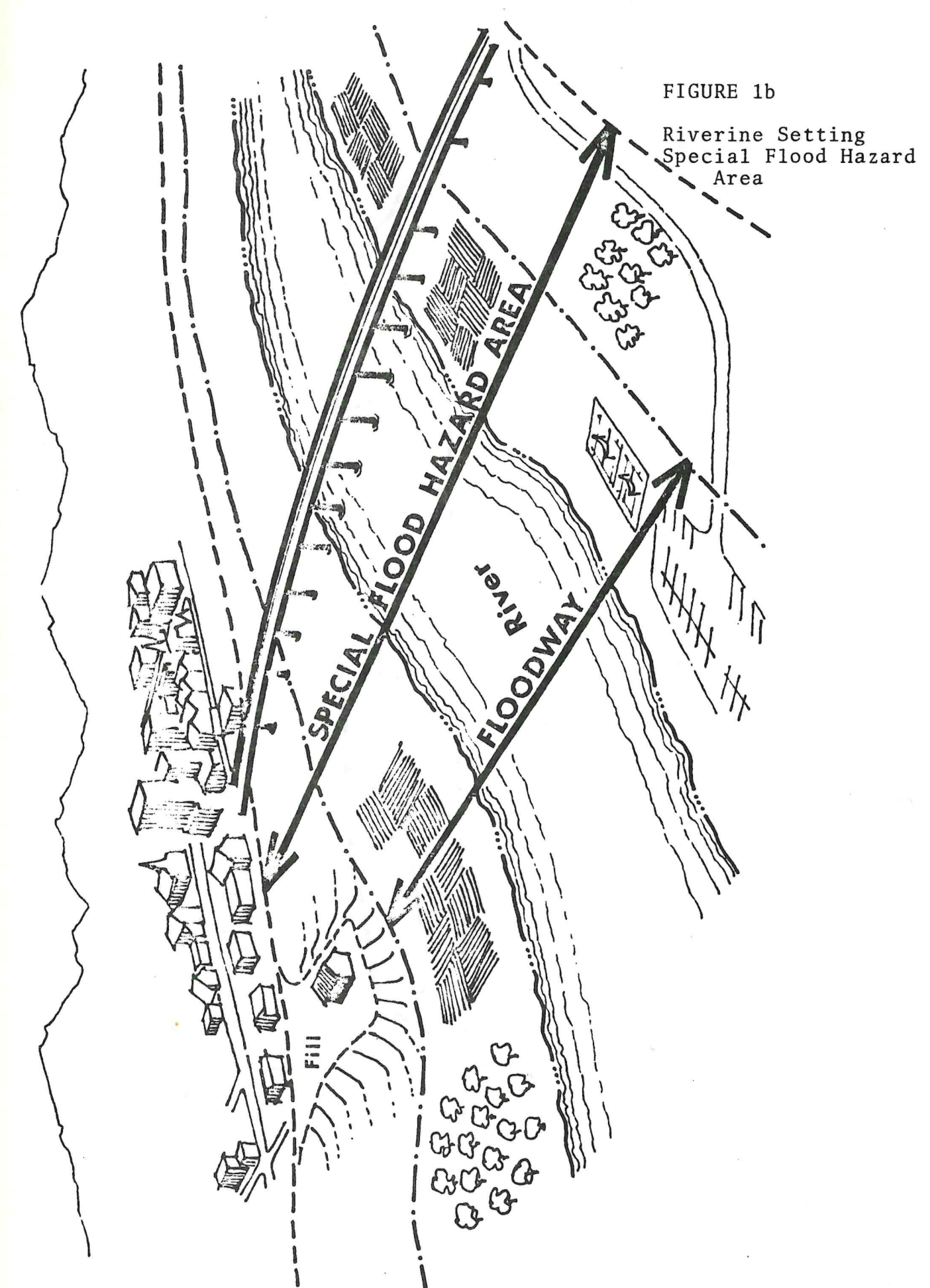


FIGURE 1b

Riverine Setting  
Special Flood Hazard  
Area

Figure 2

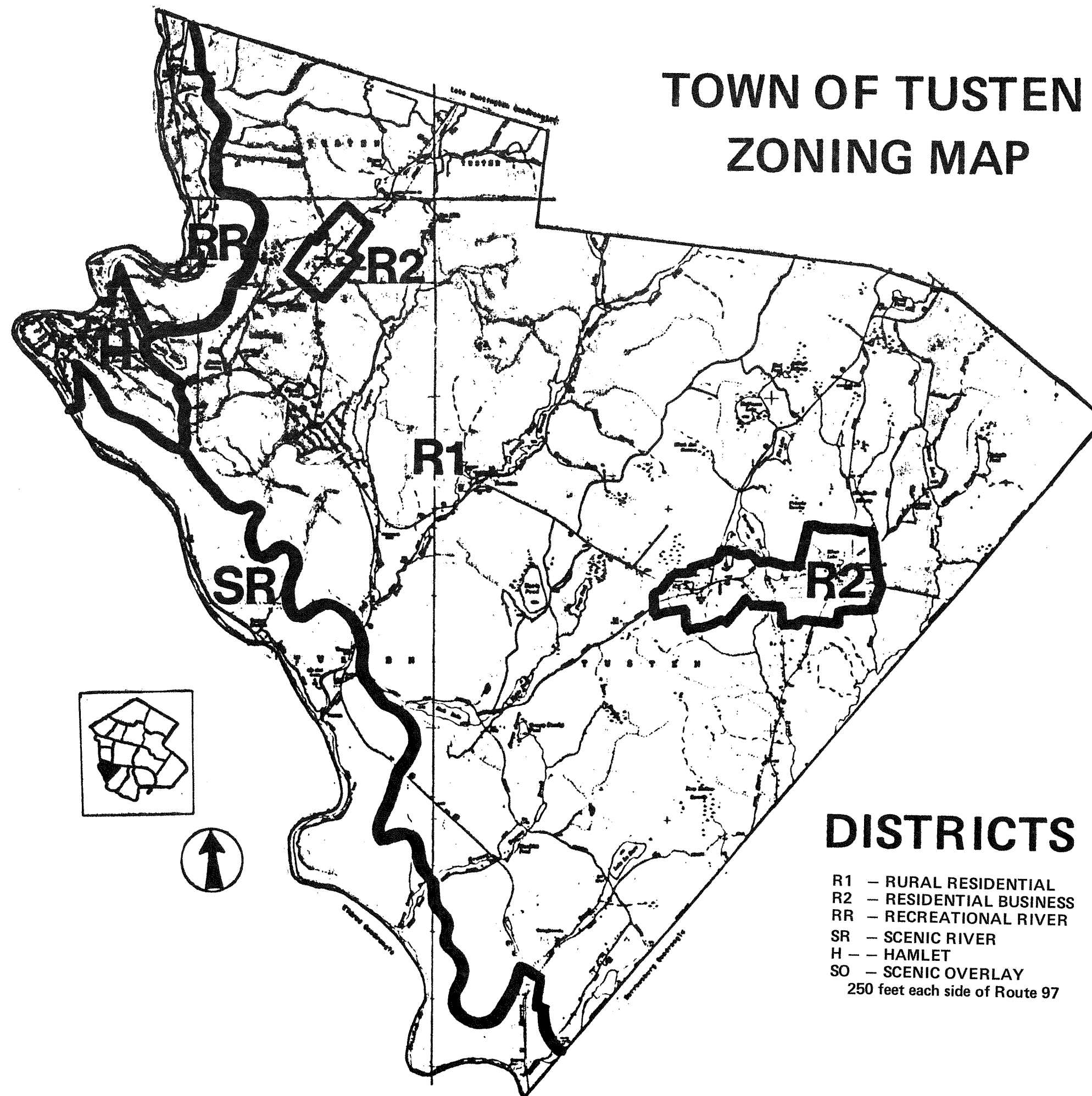


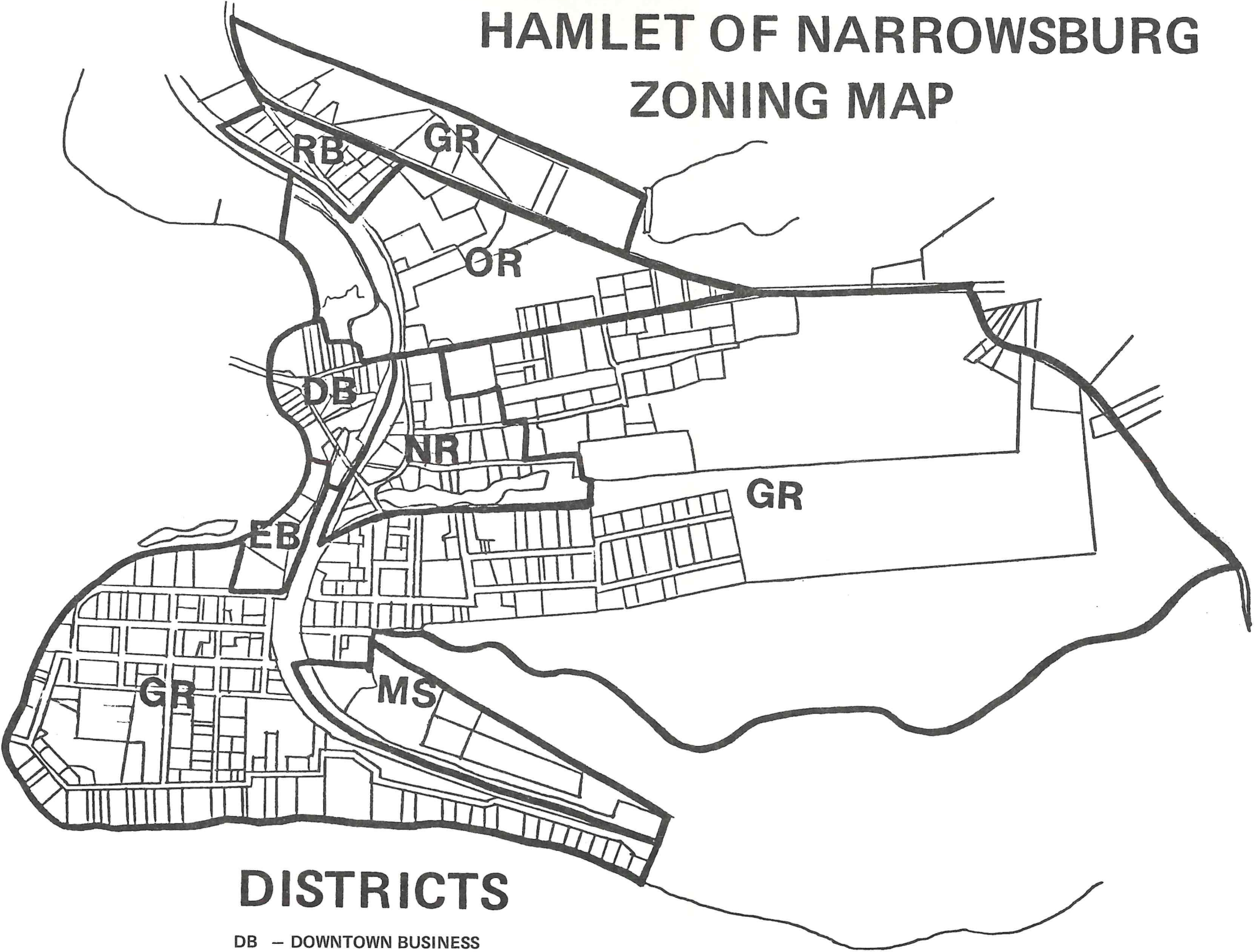








Figure 3



## DISTRICTS

- DB – DOWNTOWN BUSINESS
- EB – RIVER EDGE BUSINESS
- RB – ROADSIDE BUSINESS
- GR – GENERAL RESIDENTIAL
- OR – OPEN LAND RESIDENTIAL
- NR – OLD NEIGHBORHOOD RESIDENTIAL
- MS – MUNICIPAL SERVICES

