

# TOWN OF MURRAY ZONING UPDATE 2021

The proposed revisions to the Town of Murray Zoning Ordinance focus on those provisions that would advance the main goals of the updated Comprehensive Plan. The other revisions noted will improve clarity and user-friendliness of the regulations.

Most of the Town's current regulations will remain as they are. Revised sections are referenced in the below list.

## Summary of Proposed Revisions – May 2021

### A. Zoning Map revisions (see map)

1. Revised boundaries for Residential Hamlet district
2. Expanded Stream Corridor Protection zone to include all mapped streams
3. Removed the Rural Residential zoning district from the zoning map (regulations remain in the text in case there is need for it in the future.)
4. Modified boundaries of Business and Industrial zones.

### B. Zoning district regulations – permitted and special permit uses (Article IV)

Many changes to the list of uses that are permitted “by right” and with a special permit. See Table for a complete summary of proposed uses by district.

### C. Encourage tourism, especially relating to natural resources, recreation and agriculture

1. Eliminated regulations and the requirement for a permit for a “Bed & Breakfast.” The current definition would include short-term rentals such as through AirBNB. We suggest that B&B's and short-term rentals, whether or not the owner is present, should not require a permit unless there are 6 or more guestrooms. If there are 6 or more guestrooms, the facility would require a permit as a “motel/ lodging facility” subject to **Section 745**.
2. Revised special use permit criteria for campgrounds/ recreational vehicle parks (Section 715.) Requires screening for visual buffering. Limits noise. Adds requirements for waste disposal, outdoor lighting and special events.
3. Revised regulations for occupying camping units on private property. (**Section 530**)

### D. Natural Resource Protection

Expands the Stream Protection Corridor Overlay zone to include land within 150 feet of all mapped streams. The Town's current overlay zone is along Sandy Creek only. No changes to existing permit procedures and criteria.

### E. Support Agriculture

1. Clarified regulations on farm worker housing. Definition revised to exclude single family dwellings occupied by a group of farm workers as this dwelling type is permitted in the Town and it is not appropriate to regulate the occupants of a household. Regulations revised

# TOWN OF MURRAY ZONING UPDATE 2021

(**Section 525** for facilities that are part of farm operations in a NYS-certified Agricultural District and **Section 735** for other farm worker housing.)

2. “Agribusinesses” are defined and allowed with a special use permit in the AR district and are permitted uses in the B district. Manufacturing facilities larger than 4,000 sq. ft. are not included in the definition.
3. Regulations for “roadside stands” revised (**Section 565**)

## F. Residential neighborhoods and housing

1. “Home Occupation” defined as a business operated within a home that is not evident from the outside (no clients, no on-site sales.) These are allowed without any permit subject to provisions in **Section 590**. “Home Businesses” utilize more of the home and may be evident from outside. A special permit is required. Class A (**Section 740**) and Class B (**Section 741**) Home Businesses have different criteria. Class B businesses include display of goods outside the home.
2. “Manufactured home” is used in place of “mobile home.” Manufactured homes are regulated the same way as other construction types, as required by NYS. Dimensional requirements including minimum width of 20 feet and minimum floor area of 720 feet apply to all dwellings regardless of the construction type. (**Section 520**)
3. Removed provisions for Manufactured home parks (formerly permitted with a special use permit in the AR district)
4. Revised provisions for Temporary Dwellings (**Section 585**) to remove reference to “mobile homes.” Manufactured homes or recreational vehicles may be permitted for use as an interim dwelling during construction of a house or on an emergency basis with a permit from the Zoning Enforcement Officer.

## G. Miscellaneous Revisions

1. New visual sign regulations (**Section 501**). This section includes examples of many types of signs that are not currently in the Town but may be proposed in the future. Pole signs are prohibited. A permit is not required to erect a sign.
2. Revised fence regulations. (**Section 510**)
3. Expanded the definition of “alternative energy facilities” to include wind and biomass as well as solar. Only on-site facilities are allowed. Solar farms must comply with the Town’s solar local law. (**Section 555**)
4. Clarified that landfills and hazardous waste disposal is prohibited in the Town (**Section 560**). A special permit is required for recycling facilities and other “solid waste management facilities” that do not deal with hazardous or noxious materials. (**Section 770**)
5. Streamlined and clarified application procedures and permit criteria for “temporary special events” (**Section 570**)

# TOWN OF MURRAY ZONING UPDATE 2021

## H. Site Plan Review standards (Section 905)

1. Added standards for outdoor lighting
2. Added standards for driveway location and design

## I. Administrative Procedures

1. Changed “ordinance” to “Local Law” throughout. Adoption as a local law is recommended.
2. Reordered provisions for non-conforming lots, uses and structures and edited for clarity. **(Section 540)**
3. Added general criteria that apply to all applications for special use permits **(Section 701)**
4. Added provisions to require members of the Planning Board and Zoning Board of Appeals to obtain training.
5. Clarified number of members (5) and duties of the Planning Board **(Section 810)**
6. Removed Property Maintenance regulations as these are covered in the NYS Uniform Code requirements enforceable by the Code Enforcement Officer.

# TOWN OF MURRAY ZONING UPDATE

## Permitted Principal Uses Table

	Zoning District				
Use	RA	RH	B	I	ECO (1)
Agriculture/ Agribusiness					
Agriculture (Farm Operations)	P	P	P	P	
Agricultural Support Business (Agri-Business)	P		P	P	
Farm Worker Housing	SP		SP	SP	
Residential/ Home Business					
Single Family Dwelling	P	P	P		
Two-Family Dwelling	P	P	P		
Multiple Family Dwellings		SP	SP		
Mobile Home Park			SP		
Day Care-Family Center	P	P	P		
Home Occupation	P	P	P		
Home Business	SP	SP	SP		
Business uses					
Amusement Center			SP		
Animal Hospital	SP		SP		
Automobile Sales				SP	
Building Material Sales Yard			P	P	
Business, Convenience/ Small		P	P		
Business, Drive-In			SP		
Business, General			P	SP	SP
Kennel	SP		SP	SP	
Motor Vehicle Repair Shop			SP	SP	
Professional offices		P	P		
Restaurant/Tavern		P	P		SP
Retail Fuel Station or Outlet			SP	SP	
Truck and Construction Equipment Sales/Repair/Rental			SP	SP	
Public/ Institutional/ Utilities					
Airports	SP				
Essential Services	SP	SP	SP	SP	

P: Permitted "as of right"

SP: Special Permit  
Required

Uses not listed as permitted are  
prohibited

NOTE: Site Plan review is required for all uses except for single family dwellings, two-family dwellings, their customary accessory uses, and farm uses

(1) Special Permit uses in the Erie Canal Overlay District that are not permitted in the underlying zoning district will be allowed only if they require or directly benefit from proximity, access to and/or utilization of the water or waterfront

(2) Business uses in the Hamlet district subject to limitations on size and frontage

# TOWN OF MURRAY ZONING UPDATE

## Permitted Principal Uses Table

Use	Zoning District				ECO (1)
	RA	RH	B	I	
Public and Semi-Public Buildings & Grounds	SP	SP	SP		SP
Clubs		SP	SP		
Day Care-Public Center		SP	P	SP	
Public Utility Facility				SP	
<b>Outdoor Recreation / Tourism</b>					
Boat Rental Business					SP
Camping Grounds/ RV Park	SP				SP
Recreation Area	P	P	P	P	
Commercial Recreation		SP	SP		SP
Motel			SP		SP
Public parks					P
Paths and trails for non-motorized traffic					P
Public recreation and swimming					P
Flood and erosion protection structures					P
<b>Storage / Industrial / Waste Management</b>					
Storage and Incidental Repair of Construction Equipment	SP		SP	P	
Storage and Sale of Topsoil, Mulch, Wood Chips, or Similar Type Products	SP		SP	P	
Cold Storage Facility			SP	P	
Storage Facility			SP	P	
Warehouse/ Distribution Facility			SP	P	
Machining/Tool and Die Facility			SP	P	
Food Processing/Bottling Facility				P	
Product Assembly Facility			SP	P	
Product Fabrication/Manufacturing Facility			SP	P	
Scientific Research Facility				P	
Solid Waste Management Facility	SP		SP	SP	

P: Permitted "as of right"

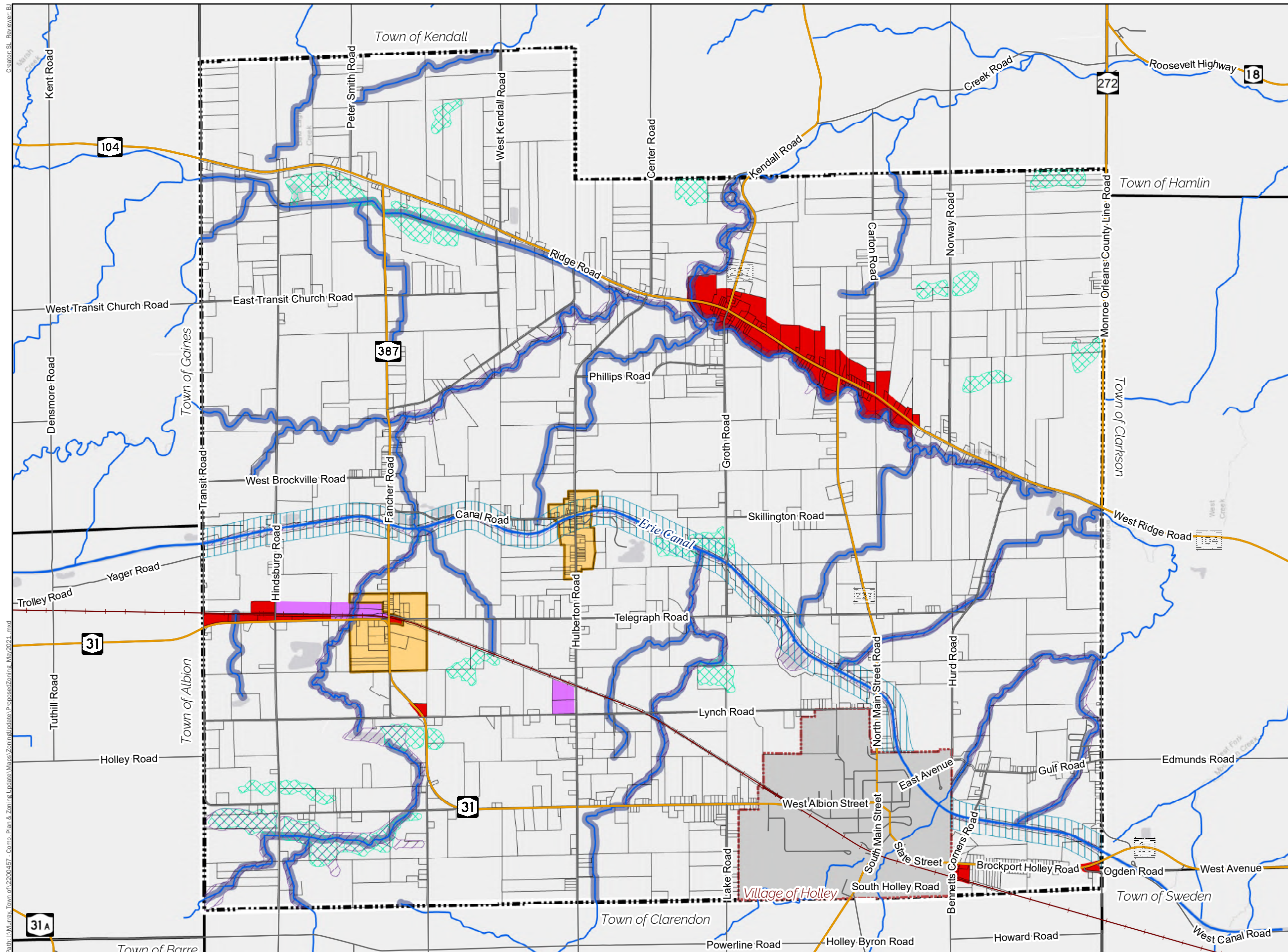
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NOTE: Site Plan review is required for all uses except for single family dwellings, two-family dwellings, their customary accessory uses, and farm uses

- (1) Special Permit uses in the Erie Canal Overlay District that are not permitted in the underlying zoning district will be allowed only if they require or directly benefit from proximity, access to and/or utilization of the water or waterfront
- (2) Business uses in the Hamlet district subject to limitations on size and frontage

















## Base Zoning Districts

-  Residential-Agricultural (RA)  
 Business District (B)  
 Industrial District (I)  
 Residential-Hamlet (RH)

## Overlay Zones

-  Stream Corridor Overlay District (SCOD)  
 Erie Canal Overlay District (ECOD)  
 Flood Hazard Overlay (F)  
 Conservation Overlay (C)

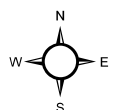
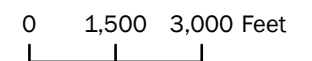
-  Local Road  
 State Highway  
 Railroad  
 Streams  
 Erie Canal  
 Parcels  
 Town Boundary  
 Other Municipal Boundaries



LaBella Project No: 2200457  
MAY 2021

Sources:

1. Municipality Boundaries and Roads: NYS GIS Program Office
2. Zoning: Parcel data provided by Orleans County
3. Streams and Erie Canal: U.S. Geological Survey, National Geospatial Program
4. Railroad: Federal Railroad Administration (FRA)
5. Basemap: ESRI



# **PROPOSED REVISED TOWN OF MURRAY ZONING REGULATIONS**

*Prepared by the Murray Comprehensive Plan and Zoning Update Committee  
to be considered for adoption by the  
Murray Town Board*

*May 2021*





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**TOWN OF MURRAY ZONING LOCAL LAW**  
**ARTICLE I - GENERAL PROVISIONS**

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**ARTICLE I - GENERAL PROVISIONS**

**SECTION 101 - TITLE**

The title of this Local Law is the "Town of Murray Zoning Local Law" and shall include this text and zoning map. All existing zoning ordinances of the Town of Murray, Orleans County, New York are hereby repealed upon the effective date of this Local Law.

**SECTION 102 - PURPOSE**

The purpose of this Zoning Local Law is to promote and protect the health, safety and general welfare of the Town of Murray and its citizens, and to regulate land use and development in accordance with the Town of Murray Comprehensive Plan. The Zoning Local Law has been adopted pursuant to New York State Town Law.

**SECTION 103 - CONFLICT WITH OTHER LAWS**

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

**SECTION 104 - VALIDITY AND SEVERABILITY**

Should any section(s) or provision(s) of this Zoning Local Law be decided by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the Zoning Local Law as a whole or any part thereof other than the part decided to be unconstitutional or otherwise invalid.

**SECTION 105 - FEES**

- A. Permit fees shall be collected and paid according to the fee structure in effect at the time of application. All permit fees are non-refundable. A fee schedule is posted at the office of the Town Clerk.
- B. The cost of engineering and other professional reviews required to review an application will be borne by the applicant. The Town may require advance payment as specified in the fee schedule adopted by the Town Board.

**SECTION 106 - VIOLATIONS AND PENALTIES**

Any person, firm or corporation, who violates, disobeys, neglects, or refuses to comply with any provision of this Zoning Local Law, and any failure to comply with a written order of the Zoning Enforcement Officer within the time fixed for compliance, shall be guilty of an offense, and upon conviction thereof, shall be subject to a fine and/or imprisonment as enumerated in [Section 268](#) of New York State Town Law. Each week a violation continues shall be deemed a new and separate offense.

# **TOWN OF MURRAY ZONING LOCAL LAW**

## **ARTICLE I - GENERAL PROVISIONS**

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The owner or tenant of any building, structure, property or part thereof, who commits, participates in, assists in, or maintains a violation, may be found guilty of a separate offense, and upon conviction thereof, be subject to the penalties herein provided.

### **SECTION 107 - ACTIONS**

The Zoning Enforcement Officer shall have the authority to issue an appearance ticket to any violator of this Local Law. The Town may also obtain a temporary restraining order, temporary injunction, or an injunction to restrain, correct, or abate any violation of this Zoning Local Law or any failure to comply with the provisions of this Local Law.

### **SECTION 108 - ENFORCEMENT OF ZONING PROVISIONS**

Any building or structure constructed without a building permit, or any use or activity conducted without a building permit, Special Permit, streambank development permit, variance, special event permit, certificate of occupancy, or certificate of compliance, where required, or not in conformity with the provisions of this Local Law may be removed, closed or halted by the Zoning Enforcement Officer with the issuance of a stop work order.

### **SECTION 109 –REPEALER**

The Town of Murray Zoning Local Law and Zoning District Map as previously adopted by the Town Board of the Town of Murray, and all previous amendments thereto, shall be repealed on the effective date of this Local Law. The repeal of the previous Zoning Ordinance, and all amendments thereto, shall not affect any rights accrued under such ordinance at the effective date hereof, or affect the prosecution of violations committed prior to the effective date hereof.

# **TOWN OF MURRAY ZONING LOCAL LAW**

## **ARTICLE II - PERMITS AND PROCEDURES**

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### **ARTICLE II - PERMITS AND PROCEDURES**

#### **SECTION 200 - PERMITS REQUIRED**

No land shall be developed, no use established, and no structure constructed until all required permits have been issued by the Town Board, Planning Board, Zoning Board of Appeals, Zoning Enforcement Officer and Code Enforcement Officer. Variances, Special Permits, Site Plan Approval, Streambank Development Permits and Special Event Permits shall be issued in accordance with this Zoning Local Law. Building permits shall be issued in accordance with Town of Murray Local Law No. 5 of 2006 - "A Local Law Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code." All permit applications shall be filed with the Zoning Enforcement Officer.

#### **SECTION 201 - PRE-APPLICATION CONFERENCE WITH PLANNING BOARD**

A pre-application conference with the Planning Board is encouraged for all applicants seeking permits for non-residential uses or non-farm uses.

#### **SECTION 202 - APPLICATION PROCEDURE AND REQUIRED INFORMATION**

Applications must be submitted to the Zoning Enforcement Officer using forms approved by the Town. Forms are available at the office of the Town Clerk and from the Zoning Enforcement Officer. For a permit application package to be deemed complete, the following information must be submitted with the appropriate application form:

- A. Sketch Plan. A sketch plan is required for applications involving single family dwellings, two family dwellings, their customary accessory uses, and farm uses. The sketch plan shall be drawn to scale and show the dimensions and location of the lot, exact size and location of all existing and proposed buildings on the lot, proposed or existing location of water and sewage disposal systems, parking areas and driveway locations, natural watercourses, ponds, surface drainage patterns and the location of existing or proposed easements.
- B. Detailed Site Plan. A detailed site plan is required for applications involving all other uses. The requirements and procedures for site plan review and approval are described in Article IX of this Local Law.
- C. Water and Sewage Disposal Systems. Applications must contain design plans signed by a licensed engineer and/or evidence that water supply and sewage disposal systems have been approved by the Orleans County Health Department.
- D. Evidence of Property Ownership or Intent to Purchase. Applications must contain copies of deeds, titles, purchase agreements, or other proof of ownership or intent to purchase.
- E. Previous Permits and Licenses. Applications must contain copies any federal, state, county or town issued licenses or permits which have already been obtained for the proposed use. For uses already lawfully operating within the town, applicants must submit a copy of their currently valid permit or license before an expansion permit will be considered.
- F. Fee. Applications must contain the appropriate non-refundable fee as established by the Town Board. The permit fee schedule is available at the office of the Town Clerk and from the Zoning Enforcement Officer.

# **TOWN OF MURRAY ZONING LOCAL LAW**

## **ARTICLE II - PERMITS AND PROCEDURES**

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- G. Flood Hazard Area Certificate. Applications must contain a certificate or letter issued by the Orleans County Planning Department, FEMA, or a credible financial lending institution certifying whether or not the property is located in a designated flood hazard area.
- H. Construction Documents. Applications shall contain at least two sets of construction documents (drawings and specifications) that define the scope of the proposed work. Refer to Town of Murray Local Law No. 5 of 2006 - "A Local Law Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code" for additional information regarding construction documents.

### **SECTION 203 - TYPES OF PERMITS AND APPROVALS**

The following types of permits and approvals may be granted under the terms of this Zoning Local Law:

- A. Building Permit. A building permit for a permitted use may be issued by the Code Enforcement Officer on his own authority, provided the Zoning Enforcement Officer has determined the use complies with all applicable zoning provisions. Building permits shall be issued in accordance with Town of Murray Local Law No. 5 of 2006 entitled "A Local Law Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code".
- B. Special Permit. A Special Permit may be issued by the Planning Board for those uses listed in the zoning district regulations in Article IV. A Special Permit cannot be issued until the Planning Board conducts a public hearing and completes the site plan review process.
- C. Site Plan Review and Approval. Site plans must be reviewed and approved by the Planning Board for all uses except single family dwellings, two family dwellings, their accessory uses, and farm uses. A public hearing may be conducted at the discretion of the Planning Board.
- D. Variance or Zoning Interpretation. When a permit application is determined to be in violation of any provision of this Local Law, the permit request will be denied. The applicant may appeal the denial by requesting a zoning interpretation and/or variance from the Zoning Board of Appeals. An interpretation or variance cannot be issued until the ZBA conducts a public hearing.
- E. Streambank Development Permit. A Streambank Development Permit may be issued by the Planning Board for regulated uses within the Stream Corridor Overlay District. A public hearing may be conducted at the discretion of the Planning Board.
- F. Special Event Permit. Depending on the type of event or activity, a Special Event Permit may be issued by the Zoning Enforcement Officer or Planning Board as described in [Section 570](#) of this Local Law.

### **SECTION 204 - GRANTING BUILDING PERMITS**

When all applicable requirements of this Zoning Local Law have been met, the Zoning Enforcement Officer shall direct the Code Enforcement Officer to issue a building permit to the applicant. The Code Enforcement Officer shall issue the building permit in accordance with Town of Murray Local Law No. 5 of 2006 - A Local Law Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code".

# **TOWN OF MURRAY ZONING LOCAL LAW**

## **ARTICLE II - PERMITS AND PROCEDURES**

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### **SECTION 205 - TERMINATION OF PERMITS**

Building Permits, Special Permits and Streambank Development Permits shall become invalid unless the work or use authorized is commenced within six months following the date of issuance.

### **SECTION 206 - CERTIFICATE OF OCCUPANCY & CERTIFICATE OF COMPLIANCE**

The applicant shall contact the Code Enforcement Officer when the structure or use is ready for final inspection. The final inspection shall be conducted at a mutually agreed upon time. If the CEO determines that all appropriate codes and regulations were met and the project was completed in accordance with the approved application, he shall issue a Certificate of Occupancy granting permission to occupy the structure. A Certificate of Compliance will be issued for structures that will not be occupied. Inspections shall be performed and certificates shall be issued in accordance with Town of Murray Local Law No. 5 of 2006 - "A Local Law Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code".

### **SECTION 208 - STOP WORK ORDERS**

- A. The Zoning Enforcement Officer is authorized to issue a stop work order to halt work that is determined to be contrary to the provisions of this Local Law, or is being performed without obtaining a required permit.
- B. The Code Enforcement Officer is authorized to issue a stop work order to halt work that is determined to be contrary to provisions of the New York State Uniform Fire Prevention and Building Code, or is being conducted in a dangerous or unsafe manner, or is being performed without obtaining a required permit.
- C. All stop work orders shall state the reason for its issuance and the conditions which must be satisfied before work will be permitted to be resumed.



**TOWN OF MURRAY ZONING LOCAL LAW**  
**ARTICLE III - ESTABLISHMENT OF ZONING DISTRICTS**

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**ARTICLE III - ESTABLISHMENT OF ZONING DISTRICTS**

**SECTION 300 - ESTABLISHMENT OF DISTRICTS**

The following zoning districts have been established within the Town of Murray:

- A. Base Zoning Districts
  - 1. RH Residential-Hamlet District
  - 2. RA Residential-Agricultural District
  - 3. B Business District
  - 4. I Industrial District
- B. Overlay Zones
  - 1. F Flood Hazard Overlay District
  - 2. C Conservation Overlay District
  - 3. SCOD Stream Corridor Overlay District
  - 4. ECOD Erie Canal Overlay District
- D. Floating Zone for which regulations exist but boundaries have not been delineated.
  - 1. RR Rural Residential District

**SECTION 301 - ZONING MAP**

The base and overlay zoning districts described above are shown on a map entitled "Town of Murray Zoning District Map." This map, with all explanatory matter, is hereby made part of this Zoning Local Law.

**SECTION 302 - DETERMINATION OF BOUNDARY LINES**

In case of uncertainty as to the true location of a zoning district boundary line, the Zoning Enforcement Officer shall request the Zoning Board of Appeals to render a determination.

**TOWN OF MURRAY ZONING LOCAL LAW**  
**ARTICLE IV - DISTRICT REGULATIONS**

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**ARTICLE IV - DISTRICT REGULATIONS**

**SECTION 400 - RESIDENTIAL-HAMLET DISTRICT (RH)**

**SECTION 401 - PURPOSE**

The purpose of the Residential-Hamlet District (RH) is to recognize that the crossroads community is a unique area where residential and commercial business uses co-exist, providing basic services for the surrounding community and homes for those who provide the services.

**SECTION 402 - PERMITTED USES**

1. Agriculture (Farm Operations)
2. Single Family Dwelling
3. Two-Family Dwelling
4. Day Care, Family
5. Recreation Area

**SECTION 403 - PERMITTED ACCESSORY USES**

1. Accessory Structure
2. Alternative Energy Systems
3. Storage Shed
4. Temporary Structures
5. Yard Sales
6. Home Occupation

**SECTION 404 - USES REQUIRING A SPECIAL PERMIT (SEE ARTICLES VI and VII)**

1. Business, Convenience
2. Business, Drive-In
3. Clubs
4. Day Care Center
5. Essential Services
6. Home Business
7. Multiple Family Dwelling
8. Professional Offices
9. Public and Semi-Public Buildings & Grounds
10. Commercial Recreation

**SECTION 405 - MINIMUM SPECIFICATIONS**

1. Front Setback: 10 feet
2. Side Setback: 15 feet
3. Rear Setback: 15 feet
4. Lot Frontage: 100 feet
5. Building Height: Not to exceed 35 feet
6. Lot Size: 25,000 square feet

# **TOWN OF MURRAY ZONING LOCAL LAW**

## **ARTICLE IV - DISTRICT REGULATIONS**

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### **SECTION 410 - RESIDENTIAL-AGRICULTURAL DISTRICT (RA)**

#### **SECTION 411 - PURPOSE**

The purpose of the Residential-Agricultural District (RA) is to protect agricultural lands and uses from incompatible land uses and to limit non-farm residential, commercial, and industrial uses due to their need for public services.

#### **SECTION 412 - PERMITTED USES**

1. Agriculture (Farm Operations)
2. Day Care, Family
3. Recreation Area
4. Single Family Dwelling
5. Two-Family Dwelling

#### **SECTION 413 - PERMITTED ACCESSORY USES**

1. Accessory Structure
2. Alternative Energy Systems
3. Storage Shed
4. Temporary Structures
5. Yard Sales
6. Home Occupation

#### **SECTION 414 - USES REQUIRING A SPECIAL PERMIT (SEE ARTICLES VI and VII)**

1. Agribusiness
2. Airports
3. Animal Hospital
4. Kennel
5. Bed and Breakfast
6. Boat Rental Business
7. Camping Grounds
8. Essential Services
9. Farm Worker Housing
10. Home Business
11. Public and Semi-Public Buildings & Grounds
12. Solid Waste Management Facility
13. Storage and Sale of Topsoil, Mulch, Wood Chips, or Similar Type Products
14. Storage and Incidental Repair of Construction Equipment

#### **SECTION 415 - MINIMUM SPECIFICATIONS**

1. Front Setback: 40 feet
2. Side Setback: 20 feet
3. Rear Setback: 20 feet
4. Lot Frontage: 150 feet
5. Building Height: Not to exceed 35 feet

# **TOWN OF MURRAY ZONING LOCAL LAW**

## **ARTICLE IV - DISTRICT REGULATIONS**

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6. Lot Size: 37,500 square feet

### **SECTION 420 - RURAL RESIDENTIAL DISTRICT (RR)**

#### **SECTION 421 - PURPOSE**

The purpose of the Rural Residential District (RR) is to provide a stable environment for rural residential development, free from incompatible uses. Areas in this district are either served by public water and/or sewer, or have densities high enough to support such facilities if growth occurs or is encouraged.

#### **SECTION 422 - PERMITTED USES**

1. Agriculture (Farm Operations)
2. Single Family Dwelling
3. Two-Family Dwelling
4. Day Care, Family
5. Recreation Area

#### **SECTION 423 - PERMITTED ACCESSORY USES**

1. Accessory Structure
2. Alternative Energy Systems
3. Storage Shed
4. Temporary Structures
5. Yard Sales
6. Home Occupation

#### **SECTION 424 - USES REQUIRING A SPECIAL PERMIT (SEE ARTICLES VI and VII)**

1. Home Business
2. Essential Services
3. Public and Semi-Public Buildings & Grounds
4. Storage and Sale of Topsoil, Mulch, Wood Chips, or Similar Type Products
5. Storage and Incidental Repair of Construction Equipment

#### **SECTION 425 - MINIMUM SPECIFICATIONS**

1. Front Setback: 40 feet
2. Side Setback: 20 feet
3. Rear Setback: 20 feet
4. Lot Frontage: 100 feet
5. Building Height: Not to exceed 35 feet
6. Lot Size: 25,000 square feet

# **TOWN OF MURRAY ZONING LOCAL LAW**

## **ARTICLE IV - DISTRICT REGULATIONS**

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### **SECTION 430 - BUSINESS DISTRICT (B)**

#### **SECTION 431 - PURPOSE**

The purpose of the Business District (B) is to provide retail and service-type businesses which will serve the basic needs of town residents. The types of uses permitted are intended to create a business district free from conflicting land uses.

#### **SECTION 432 - PERMITTED USES**

1. Agriculture (Farm Operations)
2. Agri-Business
3. Single Family Dwelling
4. Two-Family Dwelling
5. Day Care, Family
6. Building Material Sales Yard
7. Recreation Area
8. Business, Convenience
9. Business, General
10. Professional Offices
11. Restaurant/Tavern
12. Day Care Center

#### **SECTION 433 - PERMITTED ACCESSORY USES**

1. Accessory Structure
2. Alternative Energy Systems
3. Storage Shed
4. Temporary Structures
5. Yard Sales
6. Home Occupation

#### **SECTION 434 - USES REQUIRING A SPECIAL PERMIT (SEE ARTICLES VI and VII)**

1. Amusement Center
2. Animal Hospital
3. Kennel
4. Clubs
5. Essential Services
6. Manufactured Home Park
7. Motel
8. Motor Vehicle Repair Shop
9. Public and Semi-Public Buildings & Grounds
10. Commercial Recreation
11. Retail Fuel Station or Outlet
12. Storage Facility
13. Business, Drive-In
14. Multiple Family Dwellings



# **TOWN OF MURRAY ZONING LOCAL LAW**

## **ARTICLE IV - DISTRICT REGULATIONS**

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15. Solid Waste Management Facility
16. Cold Storage Facility
17. Machining/Tool and Die Facility
18. Warehouse/Distribution Facility
19. Storage and Sale of Topsoil, Mulch, Wood Chips, or Similar Type Products
20. Storage and Incidental Repair of Construction Equipment

### **SECTION 435 - OTHER PROVISIONS AND REQUIREMENTS**

- A. All Business establishments and Professional Offices shall be located not less than 200 feet from a similar use, which distance is measured in a straight line between the two closest property lines.
- B. All Business establishments and Professional Offices shall provide a minimum of one parking space for every 200 square feet of gross floor area. A parking space shall not be less than 10 x 20 feet in size. Parking areas for 50 or more vehicles shall delineate fire lanes.
- C. All Business establishments, with the exception of Professional Offices, shall provide a minimum of one off-street loading area for every 4000 square feet of gross floor area. An off-street loading area shall not be less than 20 x 50 feet in size.
- D. All Business establishments and Professional Offices shall provide a commercial refuse container placed on a concrete slab which is screened from view and located to permit safe, easy removal of refuse by truck or hand.
- E. No exterior light source shall be erected in excess of 25 feet above the ground and shall be placed as to eliminate casting of direct light or glare upon adjacent properties.
- F. Landscaping and/or fencing shall be provided as to minimize visual conflicts with adjacent land uses. All fencing shall comply with the provisions found in [Section 510](#) of this Local Law.
- G. All signs shall comply with the general sign standards found in [Section 501](#) of this Local Law.
- H. Water supply and sewage disposal systems shall be reviewed and approved by the Orleans County Health Department.

### **SECTION 436 - MINIMUM SPECIFICATIONS**

- Front Setback: 0 feet
- Side Setback: 30 feet if abutting a residence; 15 ft. for adjoining business
- Rear Setback: 30 feet if abutting a residence; 15 ft. for adjoining business
- Lot Frontage: 100 feet
- Building Height: Not to exceed 35 feet
- Lot Size: 30,000 square feet

### **SECTION 440 - INDUSTRIAL DISTRICT (I)**

#### **SECTION 441 - PURPOSE**

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

# **TOWN OF MURRAY ZONING LOCAL LAW**

## **ARTICLE IV - DISTRICT REGULATIONS**

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### **SECTION 442 - PERMITTED USES**

1. Agriculture (Farm Operations)
2. Agri-Business
3. Building Material Sales Yard
4. Recreation Area
5. Cold Storage Facility
6. Food Processing/Bottling Facility
7. Machining/Tool and Die Facility
8. Product Assembly Facility
9. Product Fabrication/Manufacturing Facility
10. Public Utility Facility
11. Scientific Research Facility
12. Warehouse/Distribution Facility
13. Storage and Incidental Repair of Construction Equipment
14. Storage and Sale of Topsoil, Mulch, Wood Chips, or Similar Type Products

### **SECTION 443 - PERMITTED ACCESSORY USES**

1. Accessory Structure
2. Alternative Energy Systems
3. Storage Shed
4. Temporary Structures

### **SECTION 444 - USES REQUIRING A SPECIAL PERMIT (SEE ARTICLES VI and VII)**

1. Business, General
2. Business, Drive-In
3. Kennel
4. Motor Vehicle Repair Shop
5. Automobile Sales
6. Solid Waste Management Facility
7. Essential Services
8. Truck and Construction Equipment Sales/Repair/Rental
9. Day Care Center
10. Public Utility
11. Farm Worker Housing
12. Retail Fuel Station or Outlet

### **SECTION 446 - MINIMUM SPECIFICATIONS**

1. Front Setback: 40 feet
2. Side Setback: 50 feet
3. Rear Setback: 50 feet
4. Building Height: Not to exceed 35 feet
5. Lot Frontage: 150 feet
6. Lot Size: One acre

# **TOWN OF MURRAY ZONING LOCAL LAW**

## **ARTICLE IV - DISTRICT REGULATIONS**

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### **SECTION 450 - FLOOD HAZARD OVERLAY DISTRICT (F)**

The Flood Hazard Overlay District (F) is an overlay district and has been designated as such on the Town of Murray Zoning District Map. The Flood Hazard Overlay District includes the flood hazard areas shown on the "Flood Insurance Rate Map" prepared by the Federal Emergency Management Agency (FEMA). The provisions of this overlay district shall take precedence over any other zoning law or ordinance to the extent that the provisions of this district are inconsistent with other such provisions. Town of Murray Local Law No. 1 of 1989 - "Flood Damage Prevention" is hereby adopted by reference.

### **SECTION 460 - CONSERVATION OVERLAY DISTRICT (C)**

#### **SECTION 461 - PURPOSE**

The purpose of the Conservation Overlay District (C) is to protect the unique and irreplaceable wetlands and wildlife habitats in the Town of Murray.

#### **SECTION 462 - APPLICABILITY**

The Conservation Overlay District (C) is an overlay district and has been designated as such on the Town of Murray Zoning District Map. The Conservation Overlay District includes all freshwater wetlands defined and protected by Article 24 of New York State Environmental Conservation Law (Freshwater Wetlands Act). The provisions of this overlay district shall take precedence over any other zoning law or ordinance to the extent that the provisions of this district are inconsistent with other such provisions.

### **SECTION 470 - STREAM CORRIDOR OVERLAY DISTRICT (SCOD)**

#### **SECTION 471 - PURPOSE**

- A. The purpose of the Stream Corridor Overlay District (SCOD) is to preserve and protect the Sandy Creek corridor, preserve streambank vegetation, maintain soil stability, reduce soil erosion and sedimentation, regulate water temperatures for fish habitation, attenuate flood flow, and encourage recreational access without jeopardizing natural features and landforms.
- B. A segment of Sandy Creek has been designated a "Warm Water Fish Concentration Area" by the NYS Department of Environmental Conservation due to its medium gradient, vegetated banks, sandy/gravelly bottom and significant salmonoid activity.
- C. The overlay district and associated regulations are designed to provide the Town with an additional level of review for development activities within this sensitive and unique ecological area.

#### **SECTION 472 - APPLICABILITY**

The Stream Corridor Overlay District is an overlay district and has been designated as such on the Town of Murray Zoning District Map. The SCOD includes the following areas:

- 1. The water surface and stream bed of Sandy Creek and other mapped streams (see Zoning Map).

# **TOWN OF MURRAY ZONING LOCAL LAW**

## **ARTICLE IV - DISTRICT REGULATIONS**

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2. All land located within 150 feet of the centerline of Sandy Creek and other mapped streams (see Zoning Map.) This distance shall be measured in a horizontal line from the creek centerline. If the creek centerline cannot be reasonably delineated, the Zoning Enforcement Officer shall make the final determination.

### **SECTION 473 - REGULATED ACTIVITIES**

- A. All uses and activities permitted in the underlying zoning district are permitted in the Stream Corridor Overlay District subject to a Streambank Development Permit issued by the Planning Board pursuant to the requirements of this Local Law.
- B. A Streambank Development Permit shall be supplemental to any other permits, Special Permits and approvals that may be required by this Local Law or by other local, state and federal agencies. It does not relieve the obligation for compliance with all other land use and zoning regulations applicable to the property.

### **SECTION 474 - PERMITTED USES AND ACTIVITIES**

- A. The following uses and activities are exempt from the requirement to obtain a Streambank Development Permit:
  1. Customary repair and maintenance of existing structures, accessory structures, fences, pools and other existing site features.
  2. Customary lawn care and gardening activities.
  3. Customary agricultural operations, except that construction of new buildings associated with agricultural operations are not exempt.
  4. Construction and maintenance of fences for agricultural purposes.
  5. Withdrawal of water for agricultural purposes (such as crop irrigation) where no alteration of the stream bed or banks is required.
  6. Removal of storm debris, fallen trees, dead vegetation and trash provided construction equipment is not driven in the water.
  7. Paths and trails for non-motorized traffic, including but not limited to, footpaths, bicycle paths, hiking paths and horse paths.
  8. Docks or piers for launching non-motorized boats, including but not limited to, canoes, kayaks and row boats.
  9. Streambank stabilization using vegetative treatments.
  10. Installation of riparian plantings and/or reforestation of the site.
  11. Selective harvesting of vegetation for agricultural purposes.
  12. Pruning or removal of vegetation along public utility transmission line easements by the responsible utility company.

### **SECTION 475 - APPLICATION FOR A STREAMBANK DEVELOPMENT PERMIT**

- A. A Streambank Development Permit must be issued by the Planning Board prior to the commencement of any regulated activity and prior to the issuance of a building permit by the ZEO.
- B. The applicant shall submit a Streambank Development Permit application form and a scaled site plan which includes the following information:
  1. Title of drawing, name and address of applicant, and name of person(s) responsible for preparation of the site plan drawing(s).

## **TOWN OF MURRAY ZONING LOCAL LAW**

### **ARTICLE IV - DISTRICT REGULATIONS**

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2. North arrow, scale and date.
  3. Boundaries of the property.
  4. Boundaries of all applicable zoning districts.
  5. Stream boundary and other bodies of water.
  6. Existing vegetation, vegetation to be removed, and proposed vegetation.
  7. Existing and proposed contours shown in one foot intervals.
  8. Location of all existing and proposed buildings and major site features, including setback distances from the water's edge and from the road.
  9. Location and construction materials of all paths, trails, driveways and parking areas, including points of entry and exit from the site.
  10. Location of existing and proposed sewage disposal facilities.
  11. Location of existing and proposed drinking water wells or public water facilities.
- C. The applicant shall submit documentation which adequately demonstrates to the Planning Board that the proposed use or activity:
1. Maintains water quality.
  2. Maintains flood storage and carrying capacity.
  3. Preserves or enhances the natural state of the stream, streambanks and adjacent land.
  4. Prevents or controls soil erosion and sedimentation.
  5. Protects or enhances wildlife habitat.
  6. Protects or enhances vegetative cover.
  7. Protects or enhances the scenic value of the stream corridor.
  8. Will not adversely affect adjacent and downstream properties.
- D. If the use or activity will alter the alignment or natural flow pattern of Sandy Creek, the applicant shall submit documentation which adequately demonstrates to the Planning Board that the alteration is necessary and that the activity will not impair the natural ecological and biological functions of Sandy Creek.
- E. The applicant shall submit copies of any permits, letters of permission or letters of exemption received from the NYS Department of Environmental Conservation, U.S. Army Corps of Engineers, or any other federal or state agencies. The applicant is responsible for obtaining all necessary environmental permits and approvals before submitting an application for a Stream Development Permit.

#### **SECTION 476 - PERMIT PROCEDURE**

- A. Each application for a Streambank Development Permit shall be referred to the Planning Board. The application shall be made to the Planning Board by filing it with the Town Clerk or the ZEO. The Zoning Enforcement Officer shall present it to the Planning Board at their next regularly scheduled meeting. The applicant may wish to attend the Planning Board meeting to answer questions concerning the application.
- B. Within sixty-two days of receipt of the application the Planning Board shall render a decision to approve, approve with conditions, or deny the application. This decision shall be forwarded to the Zoning Enforcement Officer. Any extension of this sixty-two day period may be granted upon consent of both the applicant and the Planning Board.
- C. A full written record of the Planning Board minutes and decisions, together with all documents pertaining to the case, shall be filed with the Town Clerk and a copy of the decision shall be mailed to the applicant.

# **TOWN OF MURRAY ZONING LOCAL LAW**

## **ARTICLE IV - DISTRICT REGULATIONS**

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### **SECTION 477 - PLANNING BOARD REVIEW**

- A. Considerations. In evaluating the proposal and in reaching its decision regarding the granting, denying, or conditioning of a Streambank Development Permit, the Planning Board shall consider the following criterion:
1. Access to the site and the size of the site are adequate for the proposed use.
  2. The proposed use will not adversely affect the stream, streambanks and adjacent land.
  3. The proposed use will not adversely affect fish and wildlife habitat, water quality, water temperatures, or flood flow and capacity.
  4. The nature, duration and intensity of the proposed use will be compatible with nearby uses and will not be detrimental to adjacent properties.
  5. The proposed use will not create a hazard to public health, safety or welfare.
- B. Conditions. The Planning Board may, at its discretion, impose any conditions it deems necessary in order to preserve the Sandy Creek corridor and to protect public health, safety and welfare.
- C. Consultant Review. The Planning Board may consult with the town attorney, zoning enforcement officer, code enforcement officer, fire inspector, highway department, county planning department, local, state and federal agencies, and the town's consulting engineer regarding any Streambank Development Permit application.
- D. Public Hearing. The Planning Board may conduct a public hearing regarding the proposed application if deemed necessary by a majority of the Planning Board. If necessary, the public hearing shall be scheduled and publicized as described in [Section 905.C](#) of this Local Law.

### **SECTION 480 - ERIE CANAL OVERLAY DISTRICT (ECOD)**

#### **SECTION 481 - PURPOSE**

The purpose of the Erie Canal Overlay District (ECOD) is to recognize the importance of the canal corridor as a recreational, historic, cultural, economic and scenic resource. The overlay district is designed to encourage the establishment of water-related uses, recreational uses and tourist-based businesses along the Erie Canal corridor.

#### **SECTION 482 - APPLICABILITY**

The Erie Canal Overlay District is an overlay district and has been designated as such on the Town of Murray Zoning District Map. The ECOD includes the following areas:

- North and South Side of the Erie Canal - all land within 500 feet of the canal right-of-way line. This distance shall be measured in a horizontal line from the defined canal boundary.

#### **SECTION 483 - PERMITTED USES**

- A. Any use permitted in the underlying zoning district, subject to the requirements of the underlying zoning district.
- B. Public uses which depend on proximity, access and/or utilization of the water, including but not limited to, the following:
1. Public parks.
  2. Paths and trails for non-motorized traffic, including but not limited to, footpaths, bicycle paths, hiking paths and horse paths.

# **TOWN OF MURRAY ZONING LOCAL LAW**

## **ARTICLE IV - DISTRICT REGULATIONS**

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3. Public recreation and swimming.
4. Flood and erosion protection structures.

### **SECTION 484 - PERMITTED ACCESSORY USES**

Any accessory use permitted in the underlying zoning district, subject to the requirements of the underlying zoning district.

### **SECTION 485 –USES REQUIRING A SPECIAL PERMIT (SEE ARTICLES VI and VII)**

- A. Any use allowed by Special Permit in the underlying zoning district, subject to the requirements of the underlying zoning district.
- B. Uses which depend on proximity, access and/or utilization of the water, including but not limited to, the following:
  1. Boat Rental Business
  2. Camping Grounds
  3. Motel/ Lodging Facilities
  4. Public and Semi-Public Buildings & Grounds
  5. Restaurant/Tavern
  6. Business, General
  7. Commercial Recreation

### **SECTION 486 - MINIMUM SPECIFICATIONS**

- A. All permitted uses and accessory uses shall comply with the minimum dimensional specifications required in the underlying zoning district.
- B. All Special Permit uses shall comply with the minimum dimensional specifications required for the individual Special Permit use.

**TOWN OF MURRAY ZONING LOCAL LAW**  
**ARTICLE V - REGULATIONS APPLICABLE TO ALL ZONING**  
**DISTRICTS**

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**ARTICLE V - REGULATIONS APPLICABLE TO ALL**  
**ZONING DISTRICTS**

**SECTION 501 - SIGN STANDARDS**

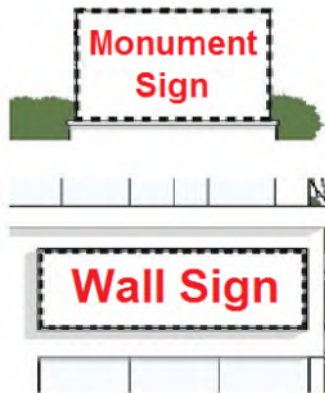
All signs erected in the Town of Murray shall adhere to the following standards unless otherwise specified in this Local Law:

- A. Signs shall be informative, enhance the rural character of the community, and shall be consistent with the Town of Murray Comprehensive Plan. Signs that are manufactured from wood, or wood simulated products, or stone, or stone simulated products (with the appearance of natural wood or stone) are recommended.
- B. All signs must be located on the same lot as the permitted use. No off-premises signs shall be allowed unless approved by the Planning Board prior to placement.
- C. Sign permits. A sign permit is not required. However, the size, type and location of all signage must be included in any application for site plan review. The Planning Board will review the proposed signage as part of site plan review.
- D. Computation of sign type area. The area of a sign type is determined as follows:

- 1. For signs consisting of freestanding letters or logos, sign area is calculated as the total area of the rectangle, circle or square that fully encloses each word or logo.



- 2. For wall signs and signs on a background, the entire area of the background is calculated as sign area, including any material or color forming the sign face and the background used to differentiate the sign from the structure against which it is mounted. Sign area does not include any supports or bracing.



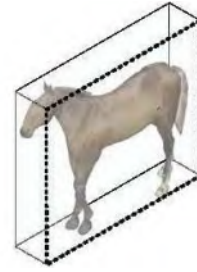


# **TOWN OF MURRAY ZONING LOCAL LAW**

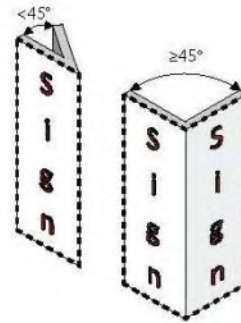
## **ARTICLE V - REGULATIONS APPLICABLE TO ALL ZONING DISTRICTS**

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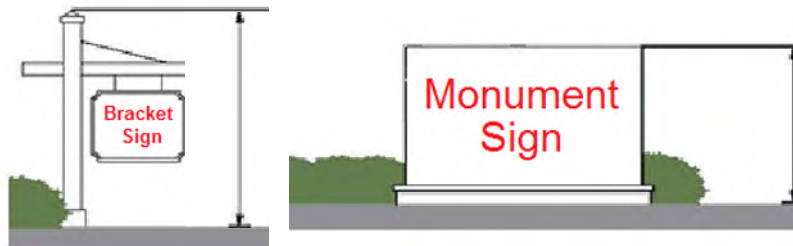
3. The sign area of a three-dimensional sign is calculated as total area of the smallest rectangle, circle or square that fully encloses the largest profile of the three-dimensional sign.



4. The area for a sign with more than one face is computed by adding together the area of all sign faces, except where the angle at which the two sign faces are placed does not exceed 45 degrees.



E. Measurement of Sign Height. The total height of a freestanding sign is measured from the highest point of the sign or supporting structure to the adjacent grade.



- F. No sign shall include lights which flash, move, or appear to move.
- G. No sign shall impair or cause confusion of vehicular or pedestrian traffic, in its design, color or placement
- H. No sign shall be posted on a public utility pole or traffic control pole or structure.
- I. Portable and Temporary Signs
1. Any portable or temporary signs powered by electricity must meet all the construction standards of the New York State Uniform Fire Prevention and Building Code.
  2. A portable or temporary sign must not exceed 32 square feet in size. The bottom of the sign must be no higher than five feet above grade.
  3. Portable and temporary signs must be removed after 60 days.
- J. Sign Types Allowed by District. Signs are allowed by district as set forth below. Specific requirements for each sign are shown on the following pages.

**TOWN OF MURRAY ZONING LOCAL LAW**  
**ARTICLE V - REGULATIONS APPLICABLE TO ALL ZONING**  
**DISTRICTS**

Sign Types				
	RA	B	RH	I
Wall Sign	•	•	•	•
Awning Sign		•	•	•
Canopy Sign		•	•	•
Projecting Sign	•	•	•	
Shingle Sign	•	•	•	
Window Sign		•	•	•
Pole Sign				
Monument Sign	•	•	•	•
Iconic Sign		•	•	
Bracket Sign	•	•	•	•
Sidewalk Sign		•	•	

KEY: • = Sign type allowed □ = Sign type allowed on State highways Blank Cell = Sign type not allowed

**K. Allocation of Overall Sign Area**

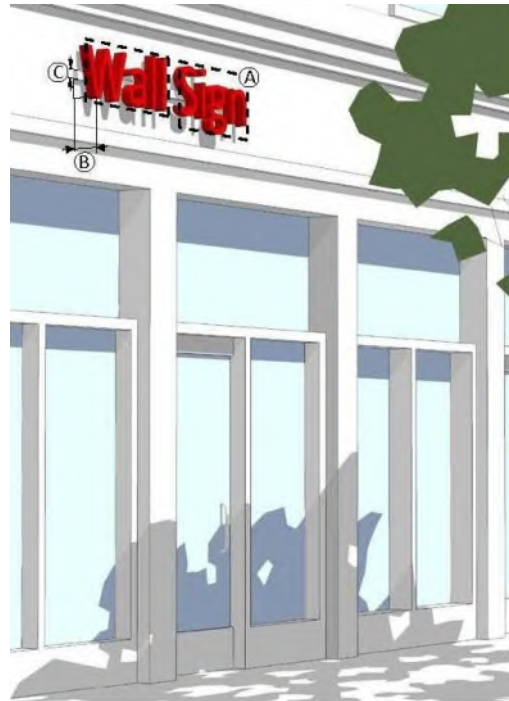
The maximum sign area allocation for each sign type is determined by the district and is established below. For each cell, there is a maximum sign area allocation that may be utilized with any combination and any number of signs associated with that cell, except for only one free standing sign per 200 feet of street frontage and one building mounted sign per establishment per building wall visible from a public right-of-way is allowed (awning and window signs excluded). The total area of wall or canopy signs must not exceed what would be allowed on the largest wall visible from the public right-of-way. Sign area is measured in square feet or percentage of wall area and total window space for window signs.

Sign Types				
	RA	B	RH	I
Wall Sign	15%	15%	15%	15%
Awning Sign	25%	25%	20%	20%
Canopy Sign	25%	25%	20%	20%
Projecting Sign	10 sf	10 sf	10 sf	10 sf
Shingle Sign	10 sf	10 sf	10 sf	10 sf
Window Sign	25%	25%	25%	25%
Pole Sign	Not applicable			
Monument Sign	36 sf	36 sf	15 sf	15 sf
Iconic Sign	36 sf	36 sf	15 sf	
Bracket Sign	10 sf	10 sf	10 sf	10 sf
Sidewalk Sign	20 sf	20 sf	20 sf	
Temporary Sign	32 sf	32 sf	32 sf	32 sf

# TOWN OF MURRAY ZONING LOCAL LAW

## ARTICLE V - REGULATIONS APPLICABLE TO ALL ZONING DISTRICTS

### L. Wall Signs.



Description		
A sign placed or painted against a building and attached to the exterior front, rear or side so that the display surface is parallel to the plane of the wall.		
General Provisions		
<ol style="list-style-type: none"> <li>1. No portion of a wall sign may extend beyond the ends, above the roof line, above a parapet wall of a building with a flat roof, or above the second story in a building with more than two stories.</li> <li>2. No portion of a wall sign may extend above the lower eave line of a building with a pitched roof.</li> <li>3. A wall sign cannot cover windows or architectural details.</li> <li>4. A wall sign may be illuminated in accordance with <u>Sec. Y below</u>.</li> </ol>		
Standards		
A	Overall area allocation (max)	<u>Sec. L above</u>
B	Projection - measured from building facade (max)	15 in.
C	Electrical raceway (max % of letter height)	50%

# TOWN OF MURRAY ZONING LOCAL LAW

## ARTICLE V - REGULATIONS APPLICABLE TO ALL ZONING DISTRICTS

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### M. Awning Signs.



Description		
A sign where graphics or symbols are painted, sewn, or otherwise adhered to the awning material as an integrated part of the awning itself.		
General Provisions		
<ol style="list-style-type: none"> <li>1. An awning sign cannot extend outside the awning.</li> <li>2. Only awnings over ground story doors or windows may contain signs.</li> <li>3. A maximum of one sign is allowed per awning face per establishment.</li> <li>4. Signs are only allowed in the vertical areas of the awning.</li> <li>5. An awning sign may only be externally illuminated in accordance with <u>Sec. Y</u> below.</li> </ol>		
Standards		
A	Overall area allocation (max)	<u>Sec. L above</u>
B	Width (max % of awning width/depth)	75%
C	Height of text and graphics on valance (max)	2 ft.

# TOWN OF MURRAY ZONING LOCAL LAW

## ARTICLE V - REGULATIONS APPLICABLE TO ALL ZONING DISTRICTS

### N. Canopy Signs.



Description		
A sign placed on a canopy so that the display surface is parallel to the plane of the wall.		
General Provisions		
<ol style="list-style-type: none"> <li>1. A canopy sign cannot extend outside the overall length or width of the canopy. However, a canopy sign may extend above or below the canopy.</li> <li>2. A maximum of one sign is allowed per canopy per establishment.</li> <li>3. A canopy sign must be located over an accessible building entrance.</li> <li>4. Electrical raceways are permitted for signs extending below or above the canopy. Otherwise, electrical raceways are not permitted and the sign must be flush with the canopy face.</li> <li>5. A canopy sign may be illuminated in accordance with <u>Sec. Y</u> below.</li> </ol>		
Standards		
A	Overall area allocation (max)	<u>Sec. L</u> above
B	Width (max % of canopy width)	75%
C	Height of text and graphics (max)	2 ft.
D	Depth (max)	1 ft.
E	Electrical Raceway (max % of letter height)	50%
F	Clear height above sidewalk (min)	10 ft.



# TOWN OF MURRAY ZONING LOCAL LAW

## ARTICLE V - REGULATIONS APPLICABLE TO ALL ZONING DISTRICTS

### O. Projecting Signs.



#### Description

A sign attached to the building facade at a 90-degree angle, extending more than 15 inches. A projecting sign may be two or three-dimensional.

#### General Provisions

1. A projecting sign must not be located within 25 feet from any other projecting sign.
2. A projecting sign may be erected on a building corner when the building corner adjoins the intersection of two streets. Allocation of sign area from both streets may be used; however, in no case can the sign exceed the maximum height and width standards.
3. The top of a projecting sign can be no higher than the top of the building. However, on one story buildings, the top of a projecting sign may have a maximum of 20% of the sign height above the top of the building.
4. Buildings three stories and higher, a projecting sign must be located below the window sills of the 3rd story.
5. A projecting sign may be illuminated in accordance with Sec. Y below.

#### Standards

A	Overall area allocation (max)	<u>Sec. L above</u>
B	Height <sup>(1)</sup> (max)	
	Mounted below 2nd floor	4 ft.
	Mounted on 2nd or 3rd floor	8 ft.
C	Spacing from building facade (min/max)	1 ft./2 ft.
D	Projection width (max)	6 ft.
E	Depth (max)	1 ft.
F	Clear height above sidewalk (min)	10 ft.

(1) If a sign is mounted across two floors then the maximum height is the average of the maximum heights for each respective floor.

*Revisions for Consideration by the Murray Town Board  
Comprehensive Plan and Zoning Update Advisory Committee, 5/14/21*

# TOWN OF MURRAY ZONING LOCAL LAW

## ARTICLE V - REGULATIONS APPLICABLE TO ALL ZONING DISTRICTS

### P. Shingle Signs.



Description		
A small projecting sign that hangs from a bracket or support.		
General Provisions		
<ol style="list-style-type: none"> <li>1. A shingle sign must be located within 5 feet of an accessible building entrance.</li> <li>2. The hanging bracket must be an integral part of the sign design.</li> <li>3. A shingle sign must be located below the window sills of the second story on a multi-story building or below the roof line on a single-story building.</li> <li>4. A shingle sign cannot be illuminated.</li> </ol>		
Standards		
A	Overall area allocation (max)	<u>Sec. L above</u>
B	Height (max)	3 ft.
C	Spacing from building facade (min/max)	6 in./12 in.
D	Projection width (max)	3.5 ft.
E	Depth (max)	6 in.
F	Clear height above sidewalk (min)	10 ft.

# TOWN OF MURRAY ZONING LOCAL LAW

## ARTICLE V - REGULATIONS APPLICABLE TO ALL ZONING DISTRICTS

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### Q. Window Signs.



Description		
A sign visible from a sidewalk, street or other public place, painted or affixed on glass or other window material, or located inside within four feet of the window, but not including graphics in connection with customary window display of products.		
General Provisions		
<ol style="list-style-type: none"> <li>1. Windows signs are only allowed on ground and second story windows and doors, except that second story windows signs are only allowed if for a different establishment than that of the ground story and if no other sign is attached to the building for that establishment.</li> <li>2. A window sign can only be internally illuminated in accordance with <u>Sec. Y</u> below.</li> <li>3. Overall area allocation will be calculated for all windows per floor, per establishment, per side of the building.</li> </ol>		
Standards		
A	Overall area allocation (max)	<u>Sec. L above</u>



# TOWN OF MURRAY ZONING LOCAL LAW

## ARTICLE V - REGULATIONS APPLICABLE TO ALL ZONING DISTRICTS

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### R. Pole Signs.



<b>Description</b>
A freestanding sign constructed on a structure of one or more poles.
<b>General Provisions</b>
Pole signs are not permitted.

# TOWN OF MURRAY ZONING LOCAL LAW

## ARTICLE V - REGULATIONS APPLICABLE TO ALL ZONING DISTRICTS

### S. Monument Signs

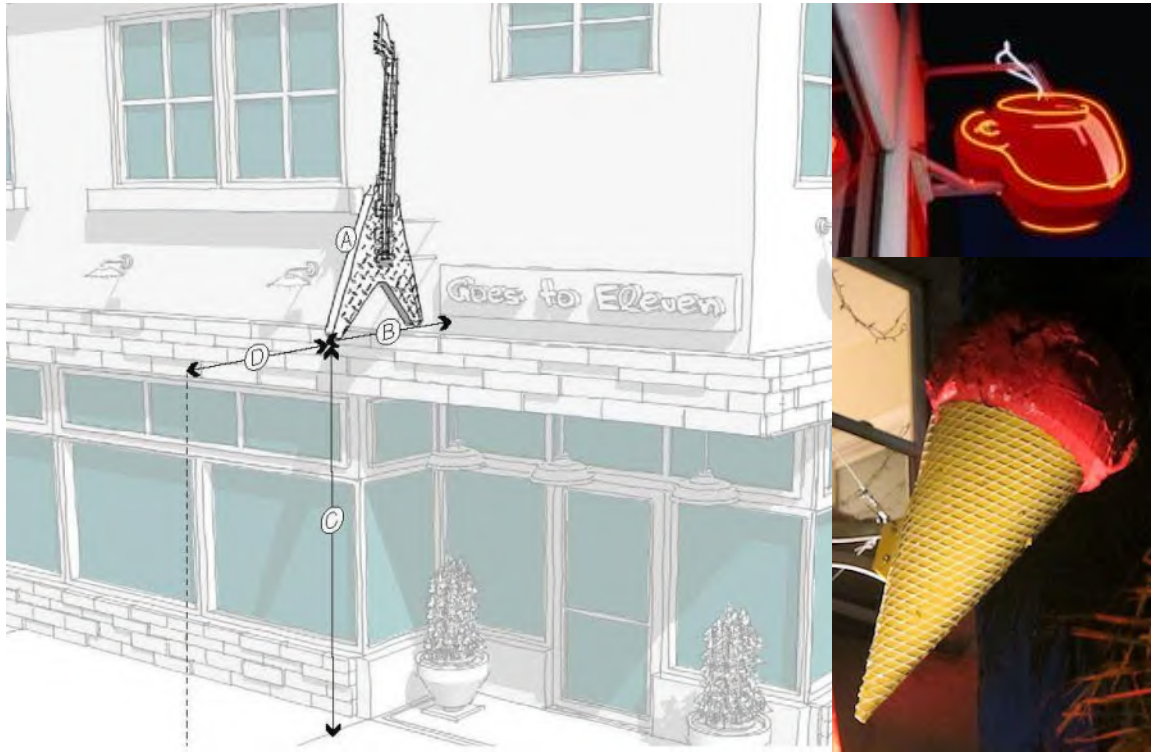


Description		
A freestanding sign attached to the ground along its entire length to a continuous pedestal. A monument sign is horizontally oriented or is square.		
General Provisions		
<ol style="list-style-type: none"> <li>1. One monument sign is allowed per street frontage, except that one additional monument sign is allowed for properties with 200 feet or more of street frontage. Where more than one monument sign is permitted, signs along the same street frontage must be spaced a minimum of 150 feet apart.</li> <li>2. A monument sign must be set back at least 5 feet from any property line, except for signs in the Conservation (C) District where the sign has to be 10 feet from any property line.</li> <li>3. A sign erected on a retaining wall is required to meet the standards for a monument sign. The height of the wall is included in the overall height calculation.</li> <li>4. A monument sign may be illuminated in accordance with <u>Sec. Y</u> below.</li> </ol>		
Standards		
A	Overall area allocation (max)	<u>Sec. L above</u>
B	Height (max)	6 ft.
C	Depth (max)	18 in.

# TOWN OF MURRAY ZONING LOCAL LAW

## ARTICLE V - REGULATIONS APPLICABLE TO ALL ZONING DISTRICTS

### T. Iconic Signs



#### Description

A sculptural, typically three-dimensional sign whose form suggests its meaning, and which can either be building-mounted or freestanding.

#### General Provisions

1. A maximum of one iconic sign is permitted per establishment.
2. An iconic sign may contain only iconographical elements representing a product or service offered on site, and may not contain any other items of information.
3. The top of an iconic sign can be no higher than the top of the building. However, on one story buildings, the top of an iconic sign may have a maximum of 20% of the sign height above the top of the building.
4. Buildings three stories and higher, an iconic sign must be located below the window sills of the 3rd story.
5. An iconic sign may be illuminated in accordance with Sec. Y below.

#### Standards

A	Overall area allocation (max)	<u>Sec. L above</u>
B	Projection from wall (max, including supports)	5 ft.
C	Vertical clearance from sidewalk level (min)	10 ft.
D	Setback from curb line (min)	18 in.

# TOWN OF MURRAY ZONING LOCAL LAW

## ARTICLE V - REGULATIONS APPLICABLE TO ALL ZONING DISTRICTS

### U. Bracket Signs.



Description		
A freestanding sign attached to the ground by one or more support structures that is not higher than 5 feet and hangs from a bracket or support.		
General Provisions		
<ol style="list-style-type: none"> <li>1. Only one bracket sign is allowed per building.</li> <li>2. A bracket sign must be located at least 25 feet from any other bracket sign.</li> <li>3. The hanging bracket must be an integral part of the sign design.</li> <li>4. A bracket sign can only be externally illuminated in accordance with <u>Sec. Y</u> below.</li> </ol>		
Standards		
A	Overall area allocation (max)	<u>Sec. L above</u>
B	Sign structure height (max)	5 ft.
C	Sign area height (max)	3 ft.
D	Sign area width (max)	3 ft.
E	Sign structure/area depth (max)	6 in.



# TOWN OF MURRAY ZONING LOCAL LAW

## ARTICLE V - REGULATIONS APPLICABLE TO ALL ZONING DISTRICTS

### V. Sidewalk Signs.



Description		
A moveable sign not secured or attached to the ground or surface upon which it is located.		
General Provisions		
<ol style="list-style-type: none"> <li>1. Sidewalk signs do not require a permit but must be taken inside the place of business at the close of business.</li> <li>2. A sidewalk sign must be located at least 25 feet from any other sidewalk sign.</li> <li>3. Sidewalk signs cannot obstruct vehicular, bicycle or pedestrian traffic and must comply with ADA clearance and accessibility.</li> <li>4. A sidewalk sign cannot be illuminated.</li> </ol>		
Standards		
A	Overall area allocation (max)	<u>Sec. L above</u>
B	Height (max)	5 ft.
C	Width (max)	4 ft.

# TOWN OF MURRAY ZONING LOCAL LAW

## ARTICLE V - REGULATIONS APPLICABLE TO ALL ZONING DISTRICTS

### W. Sign illumination.

Illumination of signs must be in accordance with the following requirements.

#### 4. External Illumination

- (a) Lighting directed toward a sign must be shielded so that it illuminates only the face of the sign and does not shine directly onto public right-of-way or adjacent properties.
- (b) Projecting light fixtures used for externally illuminated signs must be simple and unobtrusive in appearance, and not obscure the sign.



External light sources

#### 5. Internal Illumination

- (a) The background must be opaque or a darker color than the message of the sign.

#### 6. Exposed Neon

- (a) Exposed neon may be used for lettering or as an accent, except in the HR District



Internally lit channel letters

#### 7. Backlit Illumination

- (a) Light can be white or a color
- (b) Background surface that the light shines onto will not be reflective



Back lit channel letters

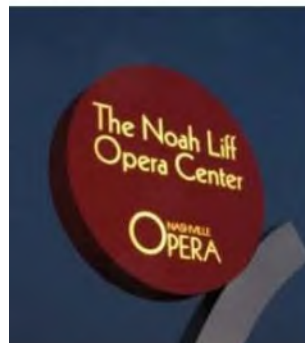
#### 8. Prohibited Light Sources.

The following light sources are not allowed:

- (a) Blinking, flashing and chasing.
- (b) Bare bulb illumination

#### 9. Electrical Raceways and Transformers

- (a) If a raceway is necessary, it cannot extend in width or height beyond the area of the sign.
- (b) A raceway must be finished to match the background wall or canopy, or integrated into the overall design of the sign.
- (c) Visible transformers are not allowed.



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- X. Nonconforming signs. All existing signs that are legal at the time of the enactment of this Local Law shall be allowed to remain as long as they are properly maintained and their use remains current. If an existing sign is replaced for any reason, the replacement sign shall be in accordance with the more restrictive clauses of this Local Law.
- Y. Removal of signs. Any sign that is no longer needed by a property owner or occupant shall be removed within 30 days. Any sign for a business or industrial use that is no longer in operation shall be removed within 30 days from the date the business or industry ceases to operate.
- Z. Maintenance. All signs must be maintained in such a condition so as to not constitute a danger to the public health, safety or welfare. The Code Enforcement Officer will inspect and have the authority to order the painting, repair and alteration or removal of signs which become dilapidated or are abandoned, or which constitute physical hazard to the public safety.
- AA. Construction Standards. All signs must be constructed and installed in conformance with the New York State Uniform Fire Prevention and Building Code. Separate certification may be required for illuminated signs indicating compliance with the National Electrical Code (NFPA 70). The Code Enforcement Officer will have the option to require a review by the Town Engineer. If the Town Engineer finds the mounting technique questionable, a professional review by a New York State registered engineer would be required.
- BB. Appeal procedures. Any person aggrieved by a decision of the Code Enforcement Officer relative to dimensional provisions of this section may appeal such decision by applying for an area variance. The Code Enforcement Officer will refer the application to the Zoning Board of Appeals for approval or denial. In granting a variance, the Zoning Board of Appeals must determine that the sign is in harmony with the general purposes of this section, does not harm the neighborhood character, and is not detrimental to public health, safety or welfare. The Zoning Board of Appeals should also consider the benefit to the applicant versus the detriment to the community in the granting of any variance.
- CC. Substitution Clause. The owner of any sign which is otherwise allowed by this law may substitute noncommercial copy in lieu of any other commercial or non-commercial copy. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary.

**TOWN OF MURRAY ZONING LOCAL LAW**  
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**SECTION 510 - FENCES**

Fences erected in the Town shall adhere to the following standards unless otherwise specified in this Local Law:

- A. Fences may be erected, altered or reconstructed to a maximum height of four (4) feet in the front yard (in front of the front building line) and seven (7) feet in the side and rear yards. A building permit is not required for any fence 7 feet or less in height.
- B. The height shall be measured from the ground to the top of the front finished face of the fence.
- C. Fences may be substituted for lot line landscaping during Site Plan Review at the discretion of the Planning Board.
- D. Any fence erected along a lot line shall be erected wholly on the property of the owner and neither the fence itself nor any supporting accessory components thereof shall encroach upon the adjoining properties.
- E. No fence shall be constructed so as to obstruct vision at street intersections.
- F. The finished side of any fence shall front the neighboring properties.
- G. All fences shall be adequately maintained.
- H. Fences located in the front yard must be at least 50% transparent unless it is stone wall.
- I. Fences must be constructed from materials typically used for fencing., such as chain link, slats, pickets, etc.

**SECTION 515 FARM ANIMALS**

The keeping, breeding, and raising of farm animals, except as part of a farm operation that meets the threshold for protection under NYS Agricultural Districts Law, is subject to the following restrictions:

- A. No stable, similar animal housing or confining areas shall be allowed on lots of less than three (3) acres.
- B. No structure housing such animals shall be located closer than fifty (50) feet to any street or property line.

**SECTION 520                      REQUIREMENTS FOR DWELLINGS**

- A. The minimum width of a dwelling, at its narrowest dimension, not including porches, patios or breezeways, will be twenty (20) feet, except that manufactured homes in approved manufactured home parks will have a minimum width of 14 feet. The width requirement will not be met by joining together, in any fashion, two or more manufactured homes.
- B. The construction and installation of all structures, including seasonal dwellings, manufactured homes and appurtenant utilities must conform to provisions of the Codes of New York State and all other applicable standards.
- C. The minimum size of a single-family dwelling shall be 960 ft.



# **TOWN OF MURRAY ZONING LOCAL LAW**

## **ARTICLE V - REGULATIONS APPLICABLE TO ALL ZONING DISTRICTS**

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### **SECTION 525 - FARM WORKER HOUSING WITHIN AGRICULTURAL DISTRICTS**

- A. This Section shall apply to farm worker housing located on land parcels within an Orleans County-adopted, New York State-certified agricultural district and must be used in support of a farm operation that meets the threshold for protection under NYS Agricultural Districts Law. Farmworker housing located on land parcels not located within a NYS-certified agricultural district must comply with the requirements found in Section 735 of this Local Law.
- B. Farm operations located within NYS-certified Agricultural Districts may develop housing for farm workers on the lot as the principal farming use or on another parcel owned by the farm operator.
- C. Housing structures must meet the setback standards for accessory uses as required in the zoning district the housing is located.
- D. All farm worker housing shall be connected to a public water supply system or be serviced by a private well system that has been reviewed and approved by the Orleans County Health Department.
- E. Farm worker housing shall be connected to a sanitary sewage disposal system that has been reviewed and approved by the Orleans County Health Department.
- F. Farm worker housing shall comply with all applicable State and local building and sanitary codes.
- G. Farm worker housing that does not comply with required setbacks, lot size or other requirements of this Local Law that apply to residences and which has not been used for farm worker housing for 3 or more years must be brought into compliance with this Zoning Local Law.

### **SECTION 530 - CAMPING UNITS**

- A. Tents, recreational vehicles and other Camping Units may be occupied on a private lot other than an approved Campground, on an overnight basis, for a period not to exceed forty-five days per calendar year.
- B. No more than two Recreational Vehicles shall be parked on any private lot at the same time.
- C. All Camping Units located on private lots shall be located on the side and rear yards of the property.
- D. Placement of Camping Units on private lots shall be in accordance with the setbacks required for buildings in the respective zone of the property.
- E. All Recreational Vehicles in use shall have self-contained sanitation or be connected to adequate sanitation facilities and all other camping units must have access to adequate sanitation.

### **SECTION 535 - STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)**

- A. The State Environmental Quality Review Act requires that local government examine the environmental impact of all actions they permit, fund, or construct as specified in Article 8 and Part 617 of Title 6 of the New York Code of Rules and Regulations (6NYCRR Part 617).
- B. All SEQR "Type I" actions shall require submittal and review of a Full Environmental Assessment Form. SEQR "Unlisted" actions shall require submittal of either a Short or Full Environmental Assessment Form.
- C. For zoning actions reviewed by the Town, the following bodies shall serve as lead agency, unless otherwise determined by agreement among the involved agencies:
  - 1. Zoning Text Amendments - Town Board
  - 2. Zoning District Amendments - Town Board

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3. Special Permits - Planning Board
  4. Site Plan Review - Planning Board
  5. Area Variances - Zoning Board of Appeals
  6. Use Variances - Zoning Board of Appeals
- D. If the Environmental Assessment Form demonstrates the potential for a significant environmental impact to occur, the lead agency shall require the applicant to prepare an Environmental Impact Statement (EIS). Review, notice and action on the EIS shall be conducted according to 6NYCRR Part 617.
- E. In accordance with SEQR requirements, every Draft EIS, Final EIS, Draft Generic EIS and Final Generic EIS prepared for a project in the Town shall be posted on the Town of Murray website. A Draft EIS shall be posted upon its acceptance and shall remain posted until the Final EIS is accepted. The Final EIS shall be posted when it is accepted and shall remain posted for at least one year after all final approvals have been issued for the project. For projects where a Generic EIS has been prepared, the Draft Generic EIS shall be posted upon its acceptance and shall remain posted until the Final Generic EIS is accepted. The Final Generic EIS shall be posted when it is accepted and shall remain posted for at least one year after all final approvals have been issued for the project.

**SECTION 540 - NON-CONFORMING USES, LOTS and STRUCTURES**

Lots, structures, uses of land and structures and characteristics of use which lawfully existed at the time of the enactment of this Zoning Local Law and which would be prohibited or restricted under the terms of this Local Law may be continued subject to the following provisions:

- A. Intent - It is the intent of this Zoning Local Law to permit non-conforming uses to continue until they are removed, but not to encourage their survival.
- B. Enlargement - No non-conforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was legally occupied at the effective date of the adoption of this Zoning Local Law.
- C. Unsafe Structures - Any structure or portions thereto declared unsafe by a proper authority may be restored to a safe condition.
- D. Alterations - A non-conforming structure may not be reconstructed or structurally altered to an extent exceeding in aggregate cost fifty percent of the assessed value of the structure, as adjusted to full value, based upon the State Board of Equalization and Assessment rates of said structure, unless the structure shall be changed to a conforming use.
- E. Restoration - A non-conforming structure damaged by fire or other natural causes may be repaired or reconstructed up to, but not exceeding, its current assessed value. The structure may not occupy a greater area of land than was legally occupied at the time of the damage.
- F. Discontinuance - Whenever a non-conforming use has been discontinued or abandoned for a period of one year, the use shall not thereafter be re-established and any future use shall be in conformity with the provisions of this Local Law.
- G. Any structure and/or property recognized as having historic or architectural significance by the New York State Office of Parks, Recreation and Historic Preservation shall be allowed to remain.
- H. Changes - Once changed to a conforming use, no structure or land so changed shall be permitted to revert to a non-conforming use.
- I. Displacement - No non-conforming use shall be extended to displace a conforming use.

# **TOWN OF MURRAY ZONING LOCAL LAW**

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- J. Moving - Should any structure be moved for any reason for any distance, it shall thereafter conform to the requirements for the district in which it is located after it is moved.
- K. Existing Undersized Lots of Record - Any record lot held in single and separate ownership prior to the adoption of this Local Law and whose area and/or width and/or depth are less than minimum requirements specified herein for the district, may be considered as complying with this Local Law and no variance shall be required, provided that such lots do not adjoin any other lot or lots held by the same owner, the aggregate area of which lots is equal to or greater than the minimum lot area required for the district.
- L. The minimum yard requirements set by these regulations are met.
- M. In any district where residences are permitted, such undersized non-conforming lots may be used for not more than one single-family dwelling.
- N. A lot of non-conforming size may be subdivided if each and every subdivision of such lot is purchased by the owner or owners of the adjoining properties to increase the size of said owner's property.

### **SECTION 555 - ALTERNATIVE ENERGY SYSTEMS**

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

#### **A. Solar Energy**

Solar energy facilities must comply with the requirements of the Town of Murray Local Law No.2 of 20 17 Regulating Solar Energy Systems and Facilities in the Town of Murray or subsequent local laws regulating solar energy systems and facilities.

#### **B. Wind Energy and other Alternative Energy Systems**

Wind energy facilities and other alternative energy generation facilities must be designed and constructed to generate energy for on-site use or, if located within a NYS-certified Agricultural District for use in a farm operation that meets the threshold for protection under the NYS Agricultural Districts Law.

- C. Alternative energy systems must comply with all applicable state and local codes and regulations to ensure safe operation.

### **SECTION 560 - PROHIBITED USES**

In order to protect the public health and safety of the citizens of the Town of Murray and adjacent residents, to protect community character and to effectuate land use and planning objectives, the following operations, uses and activities shall be prohibited in the Town of Murray:

- A. No hazardous, radioactive or infectious waste treatment, storage, or disposal facility shall be permitted.
- B. No solid (including liquid) waste management facility (landfill, ashfill, solid waste incinerator, etc.) shall be permitted unless consistent with [Section 770](#) herein.

# **TOWN OF MURRAY ZONING LOCAL LAW**

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### **SECTION 565 - ROADSIDE STANDS**

- A. Roadside stands may be permitted as a seasonal accessory use to sell agricultural and homemade products produced on the premises or produced by the owner of a local farm or property.
- B. Roadside stands shall also be permitted to sell packaged food products provided the products are labeled in accordance with New York State food labeling requirements. Misrepresenting store bought baked goods as “homemade” or “home baked” and market bought fresh produce as “home grown” is prohibited. The stand owner shall be responsible for tracking the origin of all products available for sale and, upon written or verbal request, be capable for providing satisfactory evidence to the Zoning Enforcement Officer.
- C. Roadside stands shall not operate more than nine months per calendar year.
- D. Roadside stands shall be located so as to minimize visual conflicts with adjacent properties.
- E. Signs shall comply with the general standards found in [Section 501](#) of this Local Law. All signs relating to a roadside stand shall be completely removed from the roadside during those months the stand is not in operation.

### **SECTION 566 - SATELLITE PARABOLIC ANTENNAE (SATELLITE DISH)**

Satellite Parabolic Antennae shall be permitted within the Town of Murray provided the conditions described below are complied with in full. Satellite parabolic antennae measuring 3 feet or less in diameter shall be exempt from these regulations.

- A. All satellite parabolic antennae measuring greater than 3 feet in diameter shall be located on the ground at natural grade only and shall not be installed on or above any buildings.
- B. All satellite parabolic antennae measuring greater than 3 feet in diameter shall be located in rear yards, except they may be placed in a front yard if a 200 foot setback from the front lot line can be obtained.
- C. One satellite parabolic antennae shall be allowed per lot.
- D. All satellite parabolic antennae measuring greater than 3 feet in diameter shall be completely screened from the view of adjoining property owners.
- E. The ZEO shall have the authority to enforce these conditions, and shall have the authority to order the owner of the satellite parabolic antennae to move, improve, or remove the antennae to comply with these conditions.

### **SECTION 570 - TEMPORARY SPECIAL EVENTS**

- A. Purpose and Intent. The purpose and intent of this Section is to:
  - 1. Provide for the temporary use of land for special events in a manner consistent with its normal use and beneficial to the general welfare of the public.
  - 2. To protect nearby property owners, residents and businesses from special events which may be disruptive, obnoxious, unsafe or inappropriate given site conditions, traffic patterns, land use characteristics, and the nature of the proposed use.
  - 3. To preserve the public health, safety and convenience.
- B. Exempt from a permit:
  - 1. Fund raising or non-commercial events operated by bona fide not-for-profit religious, educational, or community service organizations; including any on-site signs and structures

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- in conjunction with the event. Such events must be located within the organization's own property.
- C. The Zoning Enforcement Officer is authorized to issue an Administrative Permit for the following types of Temporary Special Events provided the procedures, standards and criteria specified in this Section are met.
1. Temporary banners attached to the wall of a building or placed across a street right-of-way.
  2. Promotional activities or devices intended to attract attention to a specific place, business, organization, event or district, such as signs, searchlights or balloons.
  3. Commercial activities intended to sell, lease, rent or promote specific merchandise, services or product lines, such as a tent sale, trade show, farmers market, Christmas tree sale, or product demonstration.
- D. Requirements and Standards for Temporary Special Events
1. Any structure used in conjunction with the special event shall:
    - a. Meet all sight distance requirements
    - b. Meet minimum setback requirements for accessory structures
    - c. Have a valid building permit if required by the NYS Uniform Code
    - d. Be promptly removed upon the cessation of the event.
  2. The special event shall be conducted on private property where the property owner has granted permission.
  3. The duration and hours of operation of the special event shall be consistent with the intent of the event and the surrounding land issues, but in no case shall the duration exceed 10 days.
  4. Where applicable, prior review and approval of special arrangements for traffic and crowd control by the Sheriff, Fire Chief of the appropriate Fire District, NYS Department of Transportation, Orleans County Highway Department or Town Highway Superintendent.
  5. Temporary banners attached to the wall of a building or placed across a street right-of-way are subject to the following standards:
    - a. No more than one banner will be displayed when attached to the wall of a building.
    - b. The size and design of the banners will be appropriate given the size of the building to which they are attached and the character of the surrounding neighborhood.
    - c. The banner will be displayed for a maximum duration of 15 days per permit.
- E. The Planning Board may issue a Temporary Special Event Permit for the following temporary special events and uses:
1. Public events or a series of events intended primarily for entertainment or amusement, such as concerts, festivals, carnivals, circuses or parades; or large private events such as film production.
  2. The temporary placement of a portable asphalt plant during construction work on any public road when placement is not adjacent to said construction but will be placed within one mile of said construction.
  3. Other temporary events and uses that are not listed in Section 670.B above
- F. The Planning Board may require the applicant to meet the following conditions prior to approving a Temporary Special Event Permit
1. Restrictions on the hours of operation, duration of the event, size of the activity, or other operational characteristics.
  2. The posting of a performance bond to help ensure that the operation of the event and the subsequent restoration of the site are conducted according to permit specifications.

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3. The provision of traffic control or security personnel to increase the public safety and convenience.
4. Obtaining liability and personal injury insurance in such form and amount as the Planning Board may find necessary to protect the safety and general welfare of the community.
- G. Application Requirements. All applications for Temporary Special Events must include the following:
  1. A letter from the applicant describing the proposed event, the hours of operation, the duration of the event, anticipated attendance, and any structures, signs or attention-attracting devices used in conjunction with the event.
  2. A sketch plan showing the location of the proposed activities, structures and signs in relation to existing buildings, parking areas, streets and property lines.
  3. A letter from the property owner or manager, if different from the applicant, agreeing to the special event.
  4. Application Fee as specified in the Fee Schedule adopted by the Town Board, except that such fee shall be waived for any applicant registered with the State of New York as a nonprofit organization

**SECTION 580 YARD SALES**

No yard sale shall continue at the same location in excess of three weeks per year without a Special Permit for a Home Business Class B.

**SECTION 575 FILLING**

- A. Filling that involves the deposit of more than 300 cubic yards of fill material within any parcel or contiguous area requires a Special Permit from the Planning Board, subject to the following requirements and criteria.
- B. The application for filling must include:
  1. A map that depicts the following features:
  2. Existing topography at contour intervals of no greater than five feet within a distance of 300 feet of the parcels on which site preparation activities are proposed to be undertaken
  3. All vegetation areas on the site proposed for site preparation activities, including areas of grass, areas of brush and wooded areas and tree clusters
  4. The boundaries of all parcels on which filling is proposed to be undertaken.
  5. All structures and roads within a distance of 300 feet of the parcel on which filling is proposed to be undertaken, the structures identified by their uses and the roads identified by their surface material and width of surface.
  6. All watercourses within a distance of 300 feet of the parcels on which filling is proposed to be undertaken.
  7. A sketch of the site that depicts:
    - a. The boundaries of all parcels on which filling is proposed to be undertaken.
    - b. Existing topography, vegetation, watercourses and structures on and adjoining the site.
    - c. The area where filling is proposed to be undertaken.
    - d. Existing and proposed contours of the site in intervals no greater than two feet.
  8. Description of the depth, volume and nature of the materials involved.

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9. A statement or letter of intent from the applicant or his authorized agent that describes the proposed filling activities and assumes full responsibility for the performance of the activities as stated in the application and presented on the appropriate maps or plans.
- C. Application Requirements
1. Filling will be permitted only in such locations and in such a manner as to minimize the potential of erosion and sediment and the threat to the health, safety and welfare of neighboring property owners and the general public.
  2. Filling must not adversely affect the free flow of water by encroaching on, blocking or restricting watercourses.
  3. All fill material shall be of a composition suitable for the ultimate use of the fill. Fill material must be free of rubbish, hazardous and contaminated materials and carefully restricted in its content of brush, stumps, tree debris, rocks, frozen material and soft or easily compressible material.
  4. Fill material shall be compacted sufficiently to prevent problems of erosion.
  5. The natural drainage system shall generally be preserved except where modifications are necessary to reduce levels of erosion and sediment and adverse effects on neighboring property owners.

**SECTION 585 TEMPORARY DWELLINGS.**

- A. Interim dwelling. The Zoning Enforcement Officer may grant a temporary permit for a period not to exceed one year for the installation of one manufactured or recreational vehicle as an interim dwelling on an individual lot during the construction of a single-family dwelling on such lot, conditioned upon the following:
1. Temporary arrangements for safe access to the property, adequate potable water supply, sanitary disposal of sewage, safe storage of liquefied petroleum gas and anchoring are provided within 48 hours of such placement (and occupancy);
  2. The Planning Board may grant as many as two extensions of six months each as circumstances warrant; and
  3. Such manufactured home or recreational vehicle shall be removed within 30 days after the occurrence of any one of the following:
    - a. The property owner obtaining a certificate of occupancy for the permanent single-family structure; or
    - b. The date of expiration of the temporary approval and extensions thereto; or
    - c. The use of the manufactured home or recreational vehicle as an interim dwelling has ceased.
- B. Emergency dwelling. A manufactured home or recreational vehicle may be temporarily placed and occupied as an emergency dwelling on any property in the Town, regardless of prior development on or current use of such property, provided that:
1. The need for such emergency dwelling resulted from the loss, by flood, fire or other disaster, of an existing dwelling within the Town;
  2. A temporary permit is obtained for the emergency dwelling within 48 hours of such placement and occupancy;
  3. Temporary arrangements for safe access to the property, adequate potable water supply, sanitary disposal of sewage, safe storage of liquefied petroleum gas and anchoring are

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provided within 48 hours of such placement (and occupancy) by means either on site or off site;

4. Such temporary permit shall expire and the emergency dwelling shall be removed from the property within 90 days of such placement and occupancy; and
5. Except as provided herein, no other improvements to or alteration or disturbance of the property shall be caused by such placement and occupancy of an emergency dwelling and no rights to develop such property shall be thus established other than as are permitted in full compliance with the provisions, regulations, standards and procedures of this chapter.

**SECTION 590 HOME OCCUPATIONS**

- A. No person other than a member of the immediate family occupying such dwelling shall be employed full time as part of the home occupation.
- B. The home occupation shall not involve more than one client or customer visits to the residence at any one time and not more than six (6) per day.
- C. A Home Occupation must be conducted within a dwelling which is the residence of the principal practitioner or in an accessory building associated with a residential use.
- D. A maximum of 25 percent of the gross floor area of the residence may be used for the conduct of a home occupation.
- E. A maximum of 1,000 square feet of gross floor area of one (1) detached accessory structure may also be permitted for use of a home business in addition to space within the dwelling.
- F. The home occupation shall not result in alteration of the appearance of the structure and shall not cause the premises to differ from its residential character.
- G. The home occupation shall not employ any mechanical or electrical equipment that causes noise or vibrations perceptible at the property boundary.
- H. No outdoor storage or display of materials, goods, supplies or equipment related to the operation of the home occupation is permitted.
- I. The use of utilities or community facilities required to operate the home occupation shall not exceed the typical use of the property for residential purposes.
- J. One nameplate sign is allowed. It may display the name of the occupant and/or the name of the home occupation. It shall not exceed one (1) square foot in area and shall be attached to the structure.
- K. Only one (1) commercial vehicle may be used in connection with home occupation.
- L. The home occupation shall not create noise dust, vibration, smell, smoke glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in a typical residence.
- M. Any home occupation that exceeds the thresholds established in this Section will require a Special Permit for a home business Class A or Class B (See Section 740 and 741).



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**ARTICLE VI - SPECIAL PERMITS: APPLICATION AND**  
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**ARTICLE VI - SPECIAL PERMITS: APPLICATION AND**  
**ENFORCEMENT PROCEDURES**

**SECTION 600 - PURPOSE**

It is the intent of this Zoning Local Law to use Special Permits to control the impact of certain uses upon areas where they will be incompatible unless conditioned in a manner suitable to a particular location. Special Permits bring needed flexibility and individuality to the otherwise rigid controls of zoning regulations.

**SECTION 601 - ADMINISTRATION**

Pursuant to [Section 274-B of NYS Town Law](#), the Planning Board shall review, grant and administer all Special Permits.

**SECTION 602 - PROCEDURE**

- A. The Zoning Enforcement Officer shall refer the completed Special Permit application to the Planning Board within ten days after receiving a completed application.
- B. At its next regular or special meeting, the Planning Board shall designate a public hearing date within a reasonable period of time, not to exceed sixty-two days from the date application was made or ninety days in cases when the application must be referred to the Orleans County Planning Board in accordance with [Section 239m of NYS General Municipal Law](#), and as described in [Section 840](#) of this Zoning Local Law.
- C. The Planning Board shall send a public hearing notice to the applicant, to adjacent property owners residing in the Town of Murray, and to the Orleans County Planning Board (if applicable) at least ten calendar days prior to the date of the public hearing. The Planning Board shall also publish a public hearing notice in the official newspaper of the town.
- D. A public hearing notice shall be published in the official town newspaper at least five calendar days prior to the date of the public hearing, and the notice shall include sufficient information so as to identify the property involved and the nature of the proposed action. If the hearing involves a Special Permit on property that is within 500 feet of an adjacent municipality, a copy of the public hearing notice shall be mailed or electronically transmitted to the clerk of the adjacent municipality at least ten calendar days prior to the date of the public hearing in accordance with [Section 239-nn of NYS General Municipal Law](#).
- E. The Planning Board shall make a factual record of all its proceedings involving the granting of a Special Permit. The decision of the Planning Board shall contain the reasons for its decision.
- F. The Planning Board shall render its decision, either approving, approving with conditions, or denying, within sixty-two days after the hearing, unless an extension is mutually agreed upon.
- G. Each application for a Special Permit shall be accompanied by a proposed plan showing the information required for site plan approval in [Article IX](#).
- H. Each Special Permit application must receive site plan approval before the Special Permit may be granted.

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**ARTICLE VI - SPECIAL PERMITS: APPLICATION AND**  
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**SECTION 603 - FINDINGS**

- A. The Planning Board may grant a Special Permit for those uses listed as permitted with a Special Permit Article IV provided all of the requirements and conditions set forth in [Article VII: Special Permit Criteria](#) are complied with in full.
- B. The Planning Board shall make written findings for each Special Permit decision. The findings shall state the reasoning behind, the basis for, and the evidence relied upon to reach the final decision. The applicant's compliance with the requirements of Article VII shall be substantiated.

**SECTION 604 –SPECIAL PERMIT TERM AND TRANSFERS**

- A. Special Permits shall have a term of two years, and shall be renewed by the Zoning Enforcement Officer if the use is in full compliance with the original Special Permit conditions.
- B. Special Permits shall be personal to the permit holder. However, Special Permits will be transferred to a subsequent owner or occupant provided the subsequent owner or occupant continues to comply with all of the conditions and provisions applicable to the original Special Permit.
- C. Prior to the sale or transfer of the premises to the subsequent owner or occupant, the permit holder shall allow the ZEO to conduct an inspection of the premises to ensure Special Permit compliance.
- D. If the ZEO determines the use is in full compliance with the original Special Permit conditions, the Special Permit shall be transferred to the subsequent owner or occupant.
- E. If the ZEO determines the use is not in compliance, the permit holder shall have 30 calendar days from the date of inspection to bring the use into compliance with the original Special Permit conditions. If full compliance is not achieved within the 30 day period, the Special Permit shall not be transferred and the permit shall terminate.

**TOWN OF MURRAY ZONING LOCAL LAW  
ARTICLE VII - SPECIAL PERMIT CRITERIA**

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**ARTICLE VII - SPECIAL PERMIT CRITERIA**

**SECTION 701 GENERAL CONDITIONS AND STANDARDS FOR ALL SPECIAL PERMIT USES**

- A. The use will not be detrimental to the health, safety, and welfare of the residents of the Town.
- B. The use will not be detrimental to residents of the surrounding neighborhood or cause a substantial decrease in the value of surrounding properties.
- C. The proposed use shall not cause undue noise, vibration, odor, lighting glare, and unsightliness so as to detrimentally impact on adjacent properties.
- D. Electrical disturbances shall not be caused so as to disrupt radio or television communications in the immediate area.
- E. The proposed use must provide adequate off-street parking and loading.
- F. Appropriate drainage shall be provided so as to eliminate any potential on-site water related problems and avoid detrimental impacts on neighboring properties.
- G. The site shall be attractively landscaped.
- H. A special permit shall not be issued for a use on a lot where there is an existing violation of this Zoning Law.
- I. Access and Traffic
  - 1. The use must be located on, or have direct access to, public highways of sufficient size, volume and construction to accommodate safely and adequately without congestion any projected traffic the use may generate, along with the actual and projected traffic for the area.
  - 2. Traffic access to and from the use site, as well as on-lot traffic circulation, shall be designed so as to reduce traffic hazards.
  - 3. The location and design of driveways and other road access points must comply with the applicable driveway spacing and design regulations, policies and design standards.
- J. The orderly development of the Town will be ensured and any proposed use will not cause an increase in town residents or increased demand for services beyond that which can be adequately accommodated by schools, highways and other governmental facilities and services, giving due consideration to the general projected increase of town residents.
- K. The use and its buildings and site improvements will in no way, directly or indirectly, materially alter the ecology or contribute to the degrading or deterioration of the quality of streams, groundwater, wildlife habitat or other natural features.

**SECTION 702 SPECIFIC CONDITIONS FOR CERTAIN SPECIAL PERMIT USES**

- A. For any industrial, commercial, or recreational use which may generate substantial noise, whether by mechanical or musical devices or by public participation or any other cause, the Board may require additional setbacks from property lines, buffers and other arrangements to ensure that noise associated with the use will not be detrimental or annoying to neighboring properties.
- B. If business or industrial development is proposed within 100 feet of a residence, fences, walls, or year-round screen planting to shield adjacent residential properties must be provided.

# **TOWN OF MURRAY ZONING LOCAL LAW**

## **ARTICLE VII - SPECIAL PERMIT CRITERIA**

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### **SECTION 703 ADDITIONAL STANDARDS AND CRITERIA**

In addition to the general standards for Special Permits as set forth herein, the authorizing board may, as a condition of approval for any such use, establish any other additional standards, conditions, and requirements, it deems necessary or appropriate to promote the public health, safety and welfare, and to otherwise implement the intent of this Zoning Law.

### **SECTION 710 - AIRPORTS**

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

- A. Name and address of the applicant.
- B. Classification of the proposed airport (commercial, non-commercial, or restricted).
- C. Type of aviation activities proposed (aircraft sales or service, flight instruction, crop dusting, parachuting, or similar activities).
- D. Number of aircraft expected to be based at the airport initially and within five years.
- E. Type of aircraft expected to be based at the airport initially and within five years.
- F. Whether an instrument approach procedure will be offered.
- G. Statement as to the anticipated number of daily operations.
- H. A copy of the airspace clearance granted by the Federal Aviation Administration for this airport, including a USGS topographic map.
- I. A copy of the determination issued by the Commissioner of the New York State Department of Transportation as required by Article 14, Section 249 of New York State General Business Law. The Commissioner must determine whether or not the airport will conflict with or affect the safety or operation of public highways or waterways; and whether or not the volume, character and direction of traffic at the airport will constitute a menace to the safety or operation of other airports in the area.
- J. A site plan of the airport, as approved by the Planning Board, which includes the following in addition to other site plan requirements given in Article IX.
  - 1. The site plan shall have a scale no smaller than 1 inch equals 100 feet (1" = 100').
  - 2. Location of existing and proposed structures.
  - 3. Alignment of existing and/or proposed runways shall be shown in exact location and magnetic bearing to the nearest 30 minutes.
  - 4. Existing and proposed contours at 1 foot intervals.
  - 5. Location of aircraft parking and tie-down areas.
  - 6. Provisions for access and off-street parking.
  - 7. Provisions for sanitary waste disposal and water supply.
  - 8. Location and method of fuel storage.
- K. An area map at a scale of no less than 1 inch equals 500 feet (1" = 500') showing:
  - 1. Distances to power lines or other possible obstructions within 2000 feet of the ends of runways shall be accurately plotted.
  - 2. Properties within 500 feet shall be plotted and owners identified.

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**ARTICLE VII - SPECIAL PERMIT CRITERIA**

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**SECTION 715 - CAMPING GROUNDS/ RECREATIONAL VEHICLE (RV) PARK**

- A. Camping grounds and RV Parks shall be occupied only by non-motorized travel trailers, pick-up coaches, self-contained motor homes, camping trailers, recreational vehicles, passenger vehicles and tents suitable for temporary habitation and used for travel, vacation and recreation purposes. No improvement or living unit designed for permanent occupancy shall be erected or placed on any campground lot.
- B. All recreational vehicles in the development shall be maintained in a transportable condition at all times and meet all requirements which may be imposed by the State of New York. Any action toward removal of wheels or to attach the recreational vehicle to the ground for stabilization purposes is hereby prohibited.
- C. Overall Site - Minimum Specifications:
  - Front Setback: 85 feet
  - Side Setback: 50 feet
  - Rear Setback: 50 feet
  - Lot Frontage: 200 feet
  - Lot Size: Ten acres
- D. Each campsite must have a minimum size of 3,000 sq. ft. No campsites may be located within the overall site setbacks.
- E. The Planning Board may require screening or noise barriers to be placed between the campground and any adjacent residential property. All approved screening shall be maintained after placement by the campground operator.
- F. A minimum of ten percent of the gross area of the camping ground shall be set aside and developed as common use areas for open or enclosed recreation facilities. No travel-trailer, storage area or utility site shall be counted as meeting recreational purposes.
- G. Entrances and exits to campgrounds or recreational vehicle campgrounds shall be designed for safe and convenient movement of traffic into and out of the facility and to minimize friction with free movement of traffic on adjacent streets.
- H. Streets in camping grounds shall be private, but shall be constructed with a stabilized surface and shall meet the following minimum width requirements:
  - 1. One way, no parking: 12 feet
  - 2. One way, parking one side: 22 feet
  - 3. One way, parking both sides: 32 feet
  - 4. Two way, no parking: 24 feet
  - 5. Two way, parking one side: 34 feet
  - 6. Two way, parking both sides: 44 feet
- I. Every campground shall be accessible by fire and emergency equipment and shall be maintained in such condition, free of obstacles to access. The Planning Board shall consult with emergency services prior to site plan and Special Permit approval to ensure emergency access.
- J. Conditions of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors, or to other adverse influences, and no portion of the camping grounds subject to flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazards.

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### **ARTICLE VII - SPECIAL PERMIT CRITERIA**

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- K. Management headquarters, recreational facilities, toilets, dumping stations, showers, coin-operated laundries, and other uses and structures customarily incidental to the operation of camping grounds are permitted as accessory uses to the camping grounds.
- L. Retail stores, restaurants, recreational facilities and other establishments shall be permitted as accessory uses in camping grounds in such districts where such uses are not allowed as principal uses, subject to the following restrictions:
  - 1. Such establishments and the parking areas primarily related to their operations shall not occupy more than five percent of the gross area of the camping ground.
  - 2. The structures housing such facilities shall not be located closer than 100 feet to any public street and shall not be directly accessible from any public street or road, but shall be accessible only from a street within the camping ground.
  - 3. Any commercial, entertainment or recreational facilities that are designed or intended to attract customers other than the occupants of the camping ground must be specifically authorized in the Special Permit. The Planning Board may limit the size, type and manner of operation of these facilities to protect the character of the surrounding neighborhood and well-being of residents.
  - 4. Temporary outdoor events such as concerts, fireworks, or sporting events that would be evident from outside the camping ground require a Temporary Special Event Permit
- M. The campground shall be serviced by a municipal or approved private water and sanitary sewage disposal system, reviewed and permitted as per New York State Department of Health requirements and consistent with any other local or county laws. Temporary bath houses or portable toilets shall be removed at the end of each season. Electric and cable connections may be provided for each campground site at the discretion of the applicant. A campground shall have an adequate supply of potable water complying with New York State Department of Health regulations. A water system for all campsites may be provided for. If campground-wide water sources are not supplied for individual campsites, then a water source shall be provided.
- N. Garbage and rubbish shall be collected and disposed of as often as may be necessary to ensure sanitary conditions.
- O. All utilities shall be underground.
- P. All Loudspeaker, public address system or amplifying devices used shall be designed so as to not be audible beyond the property lines.
- Q. Outdoor lighting must be dark sky compliant (See Section \_\_.)
- R. Picnic tables, benches, storage sheds, fireboxes or fireplaces and similar items of personal property may be placed on a campsite. All such items shall be removed at the end of the camping season. All personal property on a campground shall be maintained in good condition so as not to become unsightly.
- S. Exterior lighting for the convenience and safety of campers shall meet all requirements of this local law, and shall be fully shielded and directed downward to prevent light trespass beyond the property boundary line.
- T. No owner or occupant of any individual campsite within the day camp or campground shall permit or allow the dumping or placement of any sanitary or other waste anywhere within the development, except in places designated therefor.
- U. Fireplaces and campfires. All fires in any camp shall be in a designated approved location with at least a stone or other fireproof enclosure demarcating the usable area from which all vegetative growth or other flammable material which might contribute to the accidental spread of the fire shall be removed.

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## **ARTICLE VII - SPECIAL PERMIT CRITERIA**

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- V. Concerts or other entertainment or recreational activities must be operated in a manner that does not create noise outside of the boundaries of the campgrounds or recreational vehicle park unless a temporary special event permit is granted that allows for the activity.

### **SECTION 720 - CLUBS (LODGES, FRATERNAL ORGANIZATION, ETC.)**

A. Minimum Specifications:

1. Front Setback: 85 feet
  2. Side Setback: 25 feet
  3. Rear Setback: 25 feet
  4. Lot Frontage: 150 feet
  5. Lot Size: 30,000 square feet
- A. A minimum of one parking space per employee and one parking space for each three members is required. A parking space shall not be less than 10 x 20 feet in size.
- B. Landscaping areas or screening adequate to protect adjacent properties and land uses shall be provided on all side and rear lot lines.
- C. All signs shall comply with the general sign provisions found in [Section 501](#) of this Local Law.
- D. Any Club equipped with restaurant/tavern facilities open to both club members and the general public shall also comply in full with the provisions found in [Section 720](#) of this Local Law.

### **SECTION 725 - DAY CARE CENTER**

A. Minimum Specifications:

1. Front Setback: 75 feet
  2. Side Setback: 25 feet
  3. Rear Setback: 25 feet
  4. Lot Frontage: 150 feet
  5. Lot Size: 30,000 square feet
- B. A minimum active outdoor play area of 100 square feet per child is required. All outdoor play areas shall be appropriately fenced or protected from roads and nearby properties.
- C. No outdoor play equipment shall be placed within 15 feet of any property line, fence, or structure.
- D. A minimum of one parking space per employee and one parking space for each five children is required. A parking space shall not be less than 10 x 20 feet in size.
- E. All signs shall comply with the general sign provisions found in [Section 501](#) of this Local Law.

### **SECTION 730 DRIVE-IN BUSINESS; CONVENIENCE BUSINESS; PROFESSIONAL OFFICES; GENERAL BUSINESS**

A. Minimum Specifications:

1. Front Setback: 85 feet
2. Side Setback: 25 feet
3. Rear Setback: 25 feet
4. Lot Frontage: 200 feet
5. Lot Size: 30,000 square feet

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- B. All Business establishments and Professional Office buildings shall be located no less than 200 feet from other such uses, which distance shall be measured in a straight line between the two closest property lines.
- C. All Business establishments and Professional Offices shall provide a minimum of one parking space for each 200 square feet of gross floor area. A parking space shall not be less than 10 x 20 feet in size. Parking areas for fifty or more vehicles shall delineate fire lanes.
- D. All Business establishments, with the exception of Professional Offices, shall provide a minimum of one off-street loading area for each 4000 square feet of gross floor area. An off-street loading area shall not be less than 20 x 50 feet in size.
- E. All Business establishments and Professional Offices shall provide a commercial refuse container placed on a concrete slab which is screened from view and located as to permit safe and easy removal of refuse by hand or truck.
- F. No exterior light source shall be erected in excess of 25 feet above the ground and shall be placed as to eliminate the casting of direct light or glare upon adjacent properties.
- G. Landscaping and/or fencing shall be provided to minimize visual conflicts with adjacent land uses. All fencing shall comply with the fencing provisions found in [Section 510](#) of this Local Law.
- H. All signs shall comply with the general sign provisions found in [Section 501](#) of this Local Law.
- I. Water supply and sewage disposal systems shall be reviewed and approved by the Orleans County Health Department.

#### **SECTION 731 - ESSENTIAL SERVICES**

- A. Essential Services shall be allowed as Special Permit uses in all districts by the Planning Board.
- B. The design of any building in connection with such facility shall conform to the general character of the area and will not adversely affect the safe and comfortable enjoyment of property rights in the district in which it is to be located.
- C. Adequate landscaping shall be provided to create a visual and sound buffer between such facilities and adjacent property.
- D. All new and replacement electric distribution, telephone, cable TV and other lines shall be placed underground.
- E. All service connections from distribution lines to consumers shall be placed underground.
- F. All points of necessary access, or transformers, shall be placed in secure structures at ground level.
- G. All major electrical transformer facilities or substations, if above ground, shall be secured by an outer and inner fence, each 10 feet from each other at any point. Also, no transformer or associated switches shall be closer than 100 feet from any lot line.

#### **SECTION 735 - FARM WORKER HOUSING**

- A. This Section shall apply to farm worker housing on land parcels that are not included in an Orleans County-adopted, New York State-certified agricultural district. Farm worker housing located on land parcels within a certified agricultural district and be used to support a farm operation that meets the threshold for protection under the NYS Agricultural District Law shall be exempt from this Section, but shall comply with the requirements found in [Section 525](#) of this Local Law.
- B. Minimum Specifications:
  - 1. Front Setback: 65 feet



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2. Side Setback: 20 feet
3. Rear Setback: 20 feet
4. Lot Frontage: 100 feet
5. Lot Size: 10,000 square feet per dwelling unit
- C. Buildings and/or manufactured homes may be used for farm worker housing. If manufactured homes are used, they shall be exempt from the requirements found in [Section 520](#) of this Local Law.
- D. Any manufactured home used for farm worker housing shall either: have a manufacturer's seal or data plate certifying compliance with the U.S. Department of Housing and Urban Development (HUD) construction and safety standards that were in effect at the time of manufacture; or pass an inspection by the Code Enforcement Officer to ensure the home is structurally sound and free of heating and electrical system hazards (as provided in Residential Code of New York State, Section AE 102.6).
- E. Any building or manufactured home used for farm worker housing shall be connected to a public water supply system or be serviced by a private well system that has been reviewed and approved by the Orleans County Health Department.
- F. Any building or manufactured home used for farm worker housing shall be connected to a sanitary sewage disposal system that has been reviewed and approved by the Orleans County Health Department.
- G. Any building or manufactured home used for farm worker housing shall comply with all applicable State and local sanitary codes.
- H. Any building or manufactured home used for farm worker housing shall comply with the Property Maintenance Code of New York State .
- I. Every building or manufactured home used for farm worker housing shall provide a minimum of two parking spaces per dwelling unit. A parking space shall not be less than 10 x 20 feet in size. All parking spaces and driveways shall be hard surfaced using asphalt, concrete, stone or gravel.

### **SECTION 740 HOME BUSINESS (CLASS A)**

The Planning Board may approve a special permit for Home Businesses in any District where residences are permitted, provided that the following standards and provisions are maintained:

#### **A. Intent**

The purpose of this section is to provide opportunities for the economic advancement among residents of the Town and to protect the character of residential and agricultural areas of the Town. Any business established pursuant to this section are expected to blend in with the existing character of the area in which it is located.

#### **B. Type of Business**

A variety of commercial and manufacturing uses are permitted subject to the requirements of this section.

#### **C. Neighborhood Character**

1. The home business shall not result in alteration of the appearance of the structure and shall not cause the premises to differ from its residential character.

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2. The home business shall not employ any mechanical or electrical equipment that causes noise or vibrations perceptible at the property boundary.

### **D. Operation and Employees**

1. The operator of the Home Business shall reside in the single family dwelling located on the same lot as the Home Business.
2. No more than two (2) persons, other than members of the immediate family occupying such dwelling shall be employed in such home business at any time.

### **E. Floor Space**

1. A maximum of 25% of the gross floor area of a dwelling may be used for the conduct of a home business up to a maximum of 1,000 square feet, provided that the portion of the dwelling used for residential purposes complies with all applicable laws and codes.
2. A maximum of 1,000 square feet of gross floor area of one (1) detached accessory structure may also be permitted for use of a home business in addition to space within the dwelling.

### **F. Outdoor Storage of materials and Equipment**

1. Outside storage of material used in the Home Business is prohibited except in the AR District. In the AR District, any outside storage must be adequately screened from view from public streets and neighboring property. Such screening may consist of vegetation, fencing or a combination.
2. A maximum of two (2) pieces of equipment, other than commercial vehicles, may be parked outdoors on the lot, provided that such equipment is operable and necessary for the conduct of the Home Business.
3. Outdoor storage of equipment used for home business is permitted in the rear yard only. Such equipment shall be completely screened from view of neighboring properties and public roads.

### **G. Signage**

1. One sign shall be permitted to identify a Home Based Business. No sign shall have more than two (2) printed sides.
2. In the AR District such sign shall not exceed four (4) square feet in area per side.
3. All signs must comply with standards in [Section 501](#).

### **H. Commercial Vehicles**

No more **than two (2)** licensed Commercial Vehicles may be used in connection with a Home Business. Such vehicles may be parked outside but at the rear of the structure.

### **I. Number of Clients**

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With the exception of the Family Day Care, the home business shall be conducted in such a manner that at one time, the maximum Number of vehicles of clients, customers, and others (except for Employees) at the site of the Home Business is not greater than off Road Parking spaces provided.

### **J. Hours of Operation**

Any clients, customers and others coming to do business must arrive and depart between the hours of 7:00 A.M. and 9:00 P.M.

### **K. Number of Home Based Business Permitted;**

More than one (1) home based business may be permitted for each residential property, provided that the combined impact of such home Business does not exceed any of the thresholds established by this section.

### **L. Parking and Access**

1. Off -Street parking shall be permitted as long as adequate space is provided with a turn-around area so that the vehicles do not have to back out into a public roadway. The off-street parking for the Home Business shall be in addition to the parking required for the employees and residents. Parking space limited to 30% and must be at the side or rear of the principal building.
2. No home business shall be permitted where access is provided only by a shared private road.

### **M. Setbacks**

Any accessory building used in connection with the Home Business, shall be setback in compliance with the existing regulations of the Zoning Districts it is located in. This also applies to off-street parking, loading areas, and outdoor storage areas.

### **N. Deliveries**

No Home Business shall be permitted that requires tractor-trailer deliveries on a regular basis (more than once a week) unless the Planning Board determines that the site can provide an adequate access and turning around space.

- O. A Motor vehicle, heavy equipment or farm equipment repair shop is not permitted to be operated as a home businesses.

## **SECTION 741 HOME BUSINESS CLASS B**

The Planning Board shall permit Home based Business (Class B) with a special permit provided the following requirements and conditions are maintained.

The Zoning Enforcement Officer shall review the premises operating under the Special Permit for compliance a minimum of every five (5) years and within six (6) months of change of ownership.

### **A. Intent**

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The purpose of this section is to provide opportunities for economic advancement among residents of the Town and to protect the character of residential and agricultural areas of the town. All businesses established pursuant to this section are expected to blend in with the existing character of the area in which it is located.

**B. Type of Business;**

A variety of commercial and manufacturing uses may be permitted provided that the requirements of this section are met. However no business that is listed as a use that requires a special permit in any commercial or industrial zoning district shall be permitted as a home based business.

**C. Neighborhood Character**

The appearance of the structure shall not be altered and the business shall not be conducted in a manner that would cause the premises to differ from its existing residential/agricultural character either by the use of colors, materials, construction, lighting, signs, or emission of sounds, noises or vibrations.

**D. Operation and Employees**

1. The operator of the Home Business shall reside in a single family dwelling located on the same lot as the Home Business. However the Planning Board may waive this requirement.
2. No more than eight (8) persons other than members of the family occupying such dwelling shall be employed in such home business at any time. All family members employed in this business must be residents of the dwelling.

**E. Floor Area**

1. No more than forty (40%) percent of the gross floor area of a dwelling shall be used for the conduct of a home business, up to a maximum of 1,000 square feet, provided that the portion of the dwelling used for residential purposes shall comply with all applicable laws and codes.
2. No more than one (1) detached accessory structure may also be permitted for use in a home business in addition to space within the dwelling. The total gross floor area of the detached accessory structure used for the home business shall not exceed 7,500 square feet.

**F. Outdoor Storage of Equipment and Materials;**

1. Outdoor storage of material used in the home business may be permitted. Such storage shall be adequately screened from view from public streets and neighboring property. Such screening may consist of vegetation, fencing or a combination of plantings and fencing.
2. A maximum of two (2) pieces of equipment, other than commercial vehicles, may be on the lot parked or stored outdoors as long as it is not visible to the public street. Such equipment shall be operable and necessary for the conduct of the home business.

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3. Outdoor storage of equipment used for the home business shall only be permitted in the rear yard. Such equipment shall be completely screened from view from neighboring properties and public streets.

G. Outdoor Display of Goods

Outdoor display of goods may be permitted, provided that the goods are displayed in a neat and orderly fashion. The area displayed in must be limited to 2,000 square feet, and shall be 150 feet from the road right-of-way and 200 feet from the nearest property line.

H. Signage

Two signs shall be allowed one (1) of sixteen (16) square feet on a detached structure and one (1) of four (4) square feet elsewhere on the property. No sign will be allowed on the residence.

I. Commercial Vehicles

*Licensed commercial vehicles used in connection with the home business may be parked outside, but must comply with the setbacks in item N of this section. The Planning Board may require appropriate screening to minimize the visual impact of such vehicles on neighboring properties.*

J. Number of Clients

The home business shall be conducted in such a manner that at any one time the maximum number of vehicles of clients, customers and others (except for employees) at the site of the home business is not greater than (off road parking spaces provided).

K. Hours of Operation

The Home Business shall be conducted in such a manner that all client, customers and others coming to do business shall arrive and depart between the hours of 7:00 A.M. and 9:00 P.M.

L. Number of Home Based Business Permitted

More than one (1) home based business may be permitted for each residential property, provided that the combined impact of such home business does not exceed any of the thresholds established by this section

M. Parking

Off street parking shall be provided in order to safely require all vehicles to safely enter and leave the premises. Adequate parking and turning space must be displayed in a site plan review, which also includes location of structures and spaces utilized for storage etc. The off-street parking for home business shall be in addition to the parking required for the employees and residents.

N. Setbacks and Frontage

Any accessory building used in connection with the home business, shall be set back a minimum of 200 feet from all property lines. Off street parking and loading spaces as well as

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outdoor storage display shall be setback a minimum of 200 feet from all side and rear property lines and not less than 150 feet from all public right-of-ways. Minimum frontage for Class B Home Business operation shall be 600 feet.

O. Deliveries

Tractor-trailer deliveries shall be permitted, unless the Planning Board determines that the site does not provide adequate access and/or turning around space.

#### **SECTION 745 – MOTELS/ LODGING FACILITIES**

- A. A Special Permit is required for a motel or any property that offers six or more guest rooms or cottages for short-term (less than one month) occupancy.
- B. Minimum Specifications:
  - 1. Front Setback: 100 feet
  - 2. Side Setback: 50 feet
  - 3. Rear Setback: 50 feet
  - 4. Lot Frontage: 250 feet
  - 5. Lot Size: Two acres
- C. All Motels shall provide a minimum of one parking space for each 100 square feet of gross floor area. A parking space shall not be less than 10 x 20 feet in size. Parking areas for fifty or more vehicles shall delineate fire lanes.
- D. All Motels shall provide a commercial refuse container placed on a concrete slab which is screened from view and located as to permit safe and easy removal of refuse by hand or truck.
- E. No exterior light source shall be erected in excess of 25 feet above the ground and shall be placed as to eliminate the casting of direct light or glare upon adjacent properties.
- F. Landscaping and/or fencing shall be provided to minimize visual conflicts with adjacent land uses. All fencing shall comply with the fencing provisions found in [Section 510](#) of this Local Law.
- G. All signs shall comply with the general sign provisions found in [Section 501](#) of this Local Law.
- H. Water supply and sewage disposal systems shall be reviewed and approved by the Orleans County Health Department.
- I. Restaurant/Tavern facilities are permitted as accessory uses provided all provisions found in [Section 765](#) of this Local Law are complied with in full.

#### **SECTION 747- KENNELS; ANIMAL HOSPITALS**

- A. Minimum Specifications:
  - 1. Front Setback: 125 feet
  - 2. Side Setback: 75 feet
  - 3. Rear Setback: 75 feet
  - 4. Lot Frontage: 300 feet
  - 5. Lot Size: Five acres
- A. A minimum of one parking space per employee and one parking space for each three kennel spaces shall be required. A parking space shall not be less than 10 x 20 feet in size.
- B. All animals shall be kept within a totally enclosed building between 8:00 p.m. and 6:00 a.m.
- C. Adequate landscaping or fencing shall be provided to create a visual, sound and smell buffer between such facility and adjacent properties.

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- D. Lot coverage shall not exceed fifty percent.
- E. All signs shall comply with the general sign provisions found in [Section 501](#) of this Local Law.
- F. All fencing shall comply with the provisions found in [Section 510](#) of this Local Law.

### **SECTION 750 - MULTIPLE FAMILY DWELLINGS**

- A. Minimum Specifications:
  - 1. Front Setback: 75 feet
  - 2. Side Setback: 30 feet
  - 3. Rear Setback: 30 feet
  - 4. Site Frontage: 150 feet
  - 5. Site Size: 30,000 square feet
- B. The maximum gross density shall not exceed eight units per acre.
- C. Minimum Habitable Floor Area Specifications:
  - 1. Townhouse Units - two bedrooms or less: 850 square feet
  - 2. Townhouse Units - three bedrooms or more: 1000 square feet
  - 3. Apartment Unit - efficiency: 550 square feet
  - 4. Apartment Unit - one bedroom: 675 square feet
  - 5. Apartment Unit - two bedrooms: 800 square feet
  - 6. Apartment Unit- three bedrooms: 950 square feet
- D. No more than twenty percent of the total units within a multiple-family dwelling development shall be three or more bedroom units.
- E. All stairways to the second floor or higher shall be located inside the building.
- F. All multiple-family dwelling developments must have direct access to public road.
- G. If there are more than fifteen dwelling units in a multiple-family development, direct access shall be provided to a public road by a private driveway or a road dedicated to the Town by the developer.
- H. If there are more than fifty dwelling units in a multiple-family development, or if in the opinion of the Planning Board the location of topography of the site indicates the need for additional access, the Planning Board may require such additional access as a condition of site plan approval.
- I. Off-street parking shall be provided in the amount of two spaces for each unit. A parking space shall not be less than 10 x 20 feet in size.
- J. The aggregate of lot coverage of multiple-family dwelling development shall not exceed thirty percent of the total lot area.
- K. Plans submitted for site plan approval shall include but are not limited to: sewage disposal, water supply, storm drainage, landscaping, guest parking and lighting.
- L. A minimum of ten percent of the gross area of the multiple dwelling complex shall be set aside and developed as common use area for recreation.

### **SECTION 752 - MOTOR VEHICLE REPAIR SHOPS**

- A. Minimum Specifications:
  - 1. Front Setback: 75 feet
  - 2. Side Setback: 30 feet
  - 3. Rear Setback: 30 feet
  - 4. Site Frontage: 150 feet



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- 5. Site Size: 30,000 square feet
- B. Entrance and exit driveways shall have an unrestricted width of not less than 25 feet and not more than 30 feet, and shall be located not nearer than 10 feet from any property line, and shall be designed as to avoid the necessity of any vehicle backing out into any public right-of-way.
- C. No more than 5 licensed motor vehicles per service bay, that are being serviced or repaired, shall be stored or parked outdoors for more than 48 hours, and these shall be in areas effectively screened from all property lines. All such vehicles shall be stored in a neat, orderly manner.
- D. No such establishment shall be located within a distance of 200 feet of a residence, cemetery, school, church, hospital, nursing home, senior citizen housing or other place of public assembly designed for occupancy by more than fifty persons, or within 500 feet of another motor vehicle repair shop or gasoline station on the same side of the street. Said distance shall be measured in a straight line between the nearest points of each of the lots or premises.
- E. A buffer strip shall be established, as determined by site plan review, along a side or rear property line facing any of the uses listed in D above.
- F. The entire area of the site traveled by motor vehicle shall be hard surfaced.
- G. All motor vehicle repairs shall be performed in a fully enclosed building with no motor vehicles being offered for sale on the premises at any time.
- H. All motor vehicle parts or partially dismantled motor vehicles shall be stored inside an enclosed building.
- I. All operations shall be conducted between the hours of 8:00 a.m. and 6:00 p.m. with no Sunday or holiday hours.

### **SECTION 755 - PUBLIC AND SEMI-PUBLIC BUILDINGS & GROUNDS**

- A. Minimum Specifications:
  - 1. Front Setback: 75 feet
  - 2. Side Setback: 30 feet
  - 3. Rear Setback: 30 feet
  - 4. Lot Frontage: 150 feet
  - 5. Lot Size: 30,000 square feet
- B. Landscaped areas at least 10 feet in width or other suitable screening shall be provided for the entire length of any lot line adjacent to any residence or adjacent street.
- C. Parking areas shall not be within 15 feet of any property line.
- D. A minimum of one parking space per employee; one parking space per 400 square feet of gross floor area; and one parking space per three seats in a public meeting place are required. A parking space shall not be less than 10 x 20 feet in size.

### **SECTION 757 - RETAIL FUEL STATION OR OUTLET**

- A. Minimum Specifications:
  - 1. Front Setback: 75 feet
  - 2. Side Setback: 30 feet
  - 3. Rear Setback: 30 feet
  - 4. Lot Frontage: 150 feet
  - 5. Lot Size: 30,000 square feet
- B. Gasoline pumps shall be located not less than 30 feet from the street line and not less than 30 feet from all other property lines.

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- C. No such establishment shall be located within a distance of 200 feet of a school, church, hospital, nursing home, senior citizen housing or other place of public assembly designed for occupancy by more than fifty persons, or within 500 feet of another gasoline station or repair garage on the same side of a street. Said distance shall be measured in a straight line between the nearest points of each of the lots or premises, regardless of the distance where either premises is located.
- D. The entire area of the site traveled by motor vehicles shall be hard surfaced.
- E. No repair of motor vehicles shall be performed and no motor vehicles shall be offered for sale on the site at any time.
- F. A minimum of one parking space shall be provided for each employee. If the retail fuel station or outlet includes an on-site convenience store/business, a minimum of one parking space shall also be provided for each 200 square feet of gross floor area. A parking space shall not be less than 10 x 20 feet in size. Parking areas for fifty or more vehicles shall delineate fire lanes.
- G. If the retail fuel station or outlet includes an on-site convenience store/business, a minimum of one off-street loading area shall be provided for each 2000 square feet of gross floor area. An off-street loading area shall not be less than 20 x 50 feet in size.
- H. A minimum of one commercial refuse container shall be provided. The container shall be placed on a concrete slab, screened from view, and located as to permit safe and easy removal of refuse by hand or truck.
- I. No exterior light source shall be erected in excess of 25 feet above the ground and shall be placed as to eliminate the casting of direct light or glare upon adjacent properties.
- J. Landscaping and/or fencing shall be provided to minimize visual conflicts with adjacent land uses. All fencing shall comply with the fencing provisions found in [Section 510](#) of this Local Law.
- K. All signs shall comply with the general sign provisions found in [Section 501](#) of this Local Law.
- L. Water supply and sewage disposal systems shall be reviewed and approved by the Orleans County Health Department.

### **SECTION 760 - AMUSEMENT CENTER**

- A. Amusement Centers shall not be permitted as home occupations.
- B. Amusement Centers shall be closed between the hours of 12:00 a.m. (midnight) and 8:00 a.m.
- C. No one under the age of sixteen shall be permitted in an Amusement Center while school is in session.
- D. An owner or responsible person over the age of eighteen must be on the premises during all hours of operation.

### **SECTION 765 RESTAURANT/TAVERN**

- A. Minimum Specifications:
  - 1. Front Setback: 75 feet
  - 2. Side Setback: 25 feet
  - 3. Rear Setback: 25 feet
  - 4. Lot Frontage: 150 feet
  - 5. Lot Size: 30,000 square feet
- B. All Restaurant/Taverns shall provide a minimum of one parking space per three seats. One parking space shall also be provided for each employee of the restaurant/tavern. A parking

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space shall not be less than 10 x 20 feet in size. Parking for more than fifty vehicles shall delineate fire lanes.

- C. All Restaurant/Taverns shall provide a commercial refuse container which is screened from view and located as to permit safe and easy removal of refuse by hand or truck.
- D. No exterior light source shall be erected in excess of 25 feet above the ground and shall be placed as to eliminate the casting of direct light or glare upon adjacent properties.
- E. Landscaping and/or fencing shall be provided to minimize visual conflicts with adjacent land uses. All fencing shall comply with the fencing provisions found in [Section 510](#) of this Local Law.
- F. All signs shall comply with the general sign provisions found in [Section 501](#) of this Local Law.
- G. Water supply and sewage disposal systems shall be reviewed and approved by the Orleans County Health Department.

### **SECTION 767 - AUTOMOBILE SALES/RENTAL**

- A. Minimum Specifications:
  - 1. Front Setback: 75 feet
  - 2. Side Setback: 30 feet
  - 3. Rear Setback: 30 feet
  - 4. Lot Frontage: 200 feet
  - 5. Lot Size: One acre
- B. Not more than twenty-five automobiles shall be offered for sale or rent on any lot at any one time, and all automobiles shall be displayed in a neat and orderly manner.
- C. All automobiles shall be in proper working order at all times and shall bear a current New York State Department of Motor Vehicles' inspection sticker.
- D. The entire area of the site to be traveled by motor vehicles shall be hard surfaced.
- E. No vehicles shall be displayed for sale or rent within 25 feet of any property line.
- F. No retail sale of fuels shall occur on site at any time.
- G. All signs shall comply with the general sign provisions found in [Section 501](#) of this Local Law.
- H. No exterior light source shall be erected in excess of 25 feet above the ground and shall be placed as to eliminate the casting of direct light or glare upon adjacent properties.
- I. Repair of motor vehicles on site is prohibited unless the provisions found in [Section 752](#) of this Local Law are complied with in full.

### **SECTION 770 - RECYCLING FACILITY**

- A. The Planning Board may grant a special permit for a recycling operation or facility which receives or collects only non-putrescible, nonhazardous solid waste and beneficially uses or reuses or legitimately recycles or reclaims such waste. Such facilities include but are not limited to citizen recycling programs and municipal recycling operations.
- B. No other types of solid waste disposal or solid waste management facility shall be permitted.

### **SECTION 772 - STORAGE FACILITY**

- A. Minimum Specifications:
  - 1. Front Setback: 75 feet
  - 2. Side Setback: 25 feet

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3. Rear Setback: 25 feet
4. Lot Frontage: 200 feet
5. Lot Size: 30,000 square feet
- B. All Storage Facilities shall be located no less than 150 feet from other such uses, which distance shall be measured in a straight line between the two closest property lines.
- C. All Storage Facilities shall provide a minimum of one parking space for every five storage spaces or units. A parking space shall not be less than 10 x 20 feet in size. Parking areas for fifty or more vehicles shall delineate fire lanes.
- D. No driveway shall be less than 20 feet in width.
- E. No exterior light source shall be erected in excess of 25 feet above the ground and shall be placed as to eliminate the casting of direct light or glare upon adjacent properties.
- F. Landscaping and/or fencing shall be provided to minimize visual conflicts with adjacent land uses. All fencing shall comply with the fencing provisions found in [Section 510](#) of this Local Law.
- G. All signs shall comply with the general sign provisions found in [Section 501](#) of this Local Law.
- H. The outdoor storage of materials and property is prohibited.
- I. The architectural treatment and general appearance of Storage Facilities shall be of such quality and design as to be a visual asset to the area in which they are located.

#### **SECTION 775 -TRUCK & CONSTRUCTION EQUIPMENT SALES/SERVICE/RENTAL; COLD STORAGE FACILITY; FOOD PROCESSING/BOTTLING FACILITY; MACHINING/TOOL AND DIE FACILITY; PRODUCT ASSEMBLY FACILITY; PRODUCT FABRICATION/MANUFACTURING FACILITY; PUBLIC UTILITY FACILITY; SCIENTIFIC RESEARCH FACILITY; OR WAREHOUSE/DISTRIBUTION FACILITY**

- A. All establishments under this section shall be located not less than 300 feet from a similar use, which distance shall be measured in a straight line between the two closest property lines.
- B. All establishments under this section shall provide one parking space for each employee on the maximum working shift. A parking space shall not be less than 10 x 20 feet in size. Parking areas for fifty or more vehicles shall delineate fire lanes.
- C. All establishments under this section shall provide a minimum of one off-street loading area for every 12,000 square feet of gross floor area. An off-street loading area shall not be less than 20 x 50 feet in size.
- D. All establishments under this section shall provide a commercial refuse container placed on a concrete slab which is screened from view and located to permit safe, easy removal of refuse by truck or hand.
- E. No exterior light source shall be erected in excess of 25 feet above the ground and shall be placed as to eliminate casting direct light or glare upon adjacent properties.
- F. All structures under this section shall be located a minimum of 100 feet from any non-industrial district. This 100 foot setback shall provide a natural buffer strip and shall be perpetually maintained.
- G. All establishments under this section shall set aside a minimum of ten percent of the total lot area for seeding, planting, tree cover or other landscaping. This area shall not at any time be used for any industrial or commercial purposes.
- H. All work operations shall be performed in an enclosed building.
- I. Incidental storage out of doors may be permitted provided such materials are shielded from public view by fencing, landscaping, or other appropriate measures.

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- J. All signs shall comply with the general sign provisions found in Section 501 of this Local Law.
- K. Water supply and sewage disposal systems shall be reviewed and approved by the Orleans County Health Department.
- L. At no time shall dust, smoke, smog, observable gas, fumes, odors, noise, vibration, or other atmospheric pollution be discernable beyond the property lines of any establishment under this section.
- M. The architectural treatment and general appearance of all buildings and grounds under this section shall be of such quality and design as to be a visual asset to the area in which they are located as well as to adjacent development.

### **SECTION 780 - STORAGE AND SALE OF TOPSOIL, MULCH, WOOD CHIPS OR SIMILAR TYPE PRODUCTS**

The Planning Board may grant a Special Permit for the storage and sale of topsoil, mulch, wood chips or similar type products pursuant to the following criteria:

- A. The parcel on which the storage and sale of the specified products will occur shall be no less than 5 acres in size.
- B. Any area in which materials are stored or sold shall be at least 300 feet from any residential structure and 50 feet from any property line, with said distances being measured in a straight line between the material storage/sale area and the closest residential structure or property line. This requirement may be varied when there is sufficient visual screening as determined by the Planning Board.
- C. No material stockpile shall exceed 25 feet in height.
- D. Any equipment, such as trucks, screeners, backhoes, loaders, etc. and any activity relating to the storage, sale or use of said products shall not be located within the setbacks set forth above.
- E. The parcel of land on which the storage and sale of the specified products will occur shall have at least one occupied residential structure located thereon.
- F. The Planning Board, at its discretion, may require the visual screening of material storage and sales areas, driveways, roads, parking areas, and equipment work areas for the protection of the general public and neighboring properties. Visual screening may include, but shall not be limited to, fences, vegetation, earth berms, or any combination of these features.
- G. The applicant shall provide adequate protection of adjacent and neighboring properties from any airborne materials and stormwater runoff that may be created by or result from the activities carried out on the property pursuant to this permit.
- H. All driveways, access roads and parking areas shall be constructed of asphalt, concrete or compacted stone. All compacted stone surfaces must be maintained in such a way as to not allow dust or dirt from becoming airborne.
- I. All equipment repairs shall be performed inside a building. The building shall be sited to comply with the setback requirements specified above. Repair of equipment shall be limited to equipment owned by the applicant and used for the conduct of the specified activities.
- J. For the protection of the general public and neighboring properties, this use may be operated between the hours of 7:00 a.m. and 7:00 p.m. with no Sunday or holiday operations, unless otherwise approved by the Planning Board.
- K. The Planning Board may take into consideration any other set of circumstances it deems necessary in granting or denying the Special Permit. These considerations may include, but shall not be limited to, the following:

## **TOWN OF MURRAY ZONING LOCAL LAW**

### **ARTICLE VII - SPECIAL PERMIT CRITERIA**

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1. The proposed use will not adversely affect the orderly pattern of development in the area.
  2. The nature, duration and intensity of the proposed use will be compatible with nearby uses and will not alter the essential character of the neighborhood or be detrimental to neighboring residents.
  3. The proposed use will not create a hazard to public health, safety or general welfare.
  4. The proposed use will not be detrimental to the flow of traffic in the area.
  5. The proposed use will not place an excess burden on existing public facilities, services or utilities, nor require improvements to these facilities.
- L. The applicant shall comply with all applicable laws, rules, and regulations governing the activities carried on by the applicant pursuant to this Special Permit.
- M. None of the materials hereby authorized to be stored on the applicant's property shall be mined, excavated or otherwise extracted from the storage site.

#### **SECTION 782 - STORAGE & INCIDENTAL REPAIR OF CONSTRUCTION EQUIPMENT**

The Planning Board may grant a Special Permit for the storage and minor repair of construction equipment pursuant to the following criteria:

- A. No storage area or business-related structure shall be within 300 feet from any residential structure or within 50 feet from any property line. These distances shall be measured in a straight line between the storage area or business-related structure and the closest property line or residential structure.
- B. The Planning Board, at its discretion, may require the visual screening of equipment storage areas, driveways, roads, parking areas and/or business-related structures for the protection of the general public and neighboring properties. Visual screening may include, but shall not be limited to, fences, vegetation, earth berms, or any combination of these features.
- C. The parcel of land on which the use will occur shall be no less than 5 acres in size.
- D. The parcel of land on which the use will occur shall have at least one occupied residential structure located thereon.
- E. All driveways, access roads, parking areas and equipment storage areas shall be constructed of asphalt, concrete or compacted stone. All compacted stone surfaces must be maintained in such a way as to not allow dust or dirt from becoming airborne. The location of all access roads or driveways shall be approved by the Planning Board.
- F. All equipment repairs shall be performed inside a building. The building shall be sited to comply with the setback requirements specified above. Repair of equipment shall be limited to equipment owned by the applicant and stored on the premises.
- G. The daily storage of construction equipment may occur as needed. However, equipment repairs may only be performed between the hours of 7:00 a.m. and 7:00 p.m. with no Sunday or holiday operations, unless otherwise approved by the Planning Board.
- H. At no time shall more than 20 pieces of self-propelled equipment and 5 trailers be stored on the site.
- I. The Planning Board may take into consideration any other set of circumstances it deems necessary in granting or denying the Special Permit. These considerations may include, but shall not be limited to, the following:
  1. Access to the site and the size of the site are adequate for the proposed use.

# **TOWN OF MURRAY ZONING LOCAL LAW**

## **ARTICLE VII - SPECIAL PERMIT CRITERIA**

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2. The proposed use will not adversely affect the orderly pattern of development in the area.
  3. The nature, duration and intensity of the proposed use will be compatible with nearby uses and will not alter the essential character of the neighborhood or be detrimental to neighboring residents.
  4. The proposed use will not create a hazard to public health, safety or general welfare.
  5. The proposed use will not be detrimental to the flow of traffic in the area.
  6. The proposed use will not place an excess burden on existing public facilities, services or utilities, nor require improvements to these facilities.
- J. The Planning Board, at its discretion, may impose additional conditions it deems necessary to protect the health, safety and general welfare of the public and the community.
- K. The applicant shall comply with all applicable laws, rules, and regulations governing the activities carried on by the applicant pursuant to this Special Permit.

### **SECTION 783 - BOAT RENTAL BUSINESS**

- A. Minimum Specifications:
1. Front Setback: 75 feet
  2. Side Setback: 30 feet
  3. Rear Setback: 30 feet
  4. Lot Frontage: 150 feet
  5. Lot Size: 30,000 square feet
- B. All driveways shall have an unrestrictive width of not less than 25 feet and shall be located not less than 20 feet from any property line, and shall be designed to avoid the necessity of any vehicle backing out into any public right-of-way.
- C. The entire area of the site traveled by motor vehicles shall be hard surfaced.
- D. Only non-motorized boats shall be rented and kept on-site. Examples of acceptable non-motorized boats include canoes, kayaks, row boats and rafts.
- E. A minimum of one parking space shall be provided for every one and one-half (1-1/2) boats available for rental, plus one parking space for each employee on the largest shift. Additional parking spaces shall be provided as necessary for accessory uses. A parking space shall not be less than 10 x 20 feet in size.
- F. A minimum of one commercial refuse container shall be provided. The container shall be placed on a concrete slab, screened from view, and located as to permit safe and easy removal of refuse by hand or truck. Suitable trash disposal receptacles shall also be provided.
- G. No exterior light source shall be erected in excess of 25 feet above the ground and shall be placed as to eliminate the casting of direct light or glare upon adjacent properties.
- H. Landscaping and/or fencing shall be provided to minimize visual conflicts with adjacent land uses. All fencing shall comply with the fencing provisions found in [Section 510](#) of this Local Law. Fencing shall not block scenic views to or from the canal.
- I. All signs shall comply with the general sign provisions found in [Section 501](#) of this Local Law.
- J. A permit shall be required from the New York State Canal Corporation for any facilities proposed within the Erie Canal right-of-way, including docks, piers, moorings, trails and signs. Additional permits may also be required from the U.S. Coast Guard, U.S. Army Corps of Engineers and New York State Department of Environmental Conservation.
- K. Water supply and sewage disposal systems shall be reviewed and approved by the Orleans County Health Department, Town of Murray Water Department, and all other applicable agencies.



# **TOWN OF MURRAY ZONING LOCAL LAW**

## **ARTICLE VII - SPECIAL PERMIT CRITERIA**

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### **SECTION 785 FARM MARKET**

- A. Minimum Specifications:
  - 1. Front Setback: 75 feet
  - 2. Side Setback: 30 feet
  - 3. Rear Setback: 30 feet
  - 4. Lot Frontage: 150 feet
  - 5. Lot Size: 30,000 square feet
- B. Farm Markets shall comply with all applicable State and local laws and regulations, including but not limited to, New York State Uniform Fire Prevention and Building Code, New York State Health Department requirements, NYS Department of Agriculture and Markets Laws.
- C. A majority of the products sold at a Farm Market shall be grown by the market owner on land owned, leased or rented as part of their farm operation. The market owner shall be responsible for tracking the origin of all products available for sale and, upon written or verbal request, be capable for providing satisfactory evidence to the Zoning Enforcement Officer.
- D. Farm Markets shall be permitted to sell farm produced foods such as the following:
  - 1. Fresh whole fruits.
  - 2. Fresh whole vegetables.
  - 3. Grains and Legumes.
  - 4. Honey and Maple Syrup.
  - 5. Eggs (only if clean and properly refrigerated at 45° F or less).
- E. Farm Markets shall be permitted to sell packaged food products provided the products are labeled in accordance with New York State food labeling requirements. Misrepresenting store bought baked goods as “homemade” or “home baked” and market bought fresh produce as “home grown” is prohibited.
- F. Farm Markets shall be permitted to sell perishable products, such as meat and dairy products, if the products are processed at a licensed food processing facility, prepackaged and properly labeled, and kept at required cold temperatures to prevent spoilage or contamination.
- G. Farm Markets shall not sell the following food products:
  - 1. Home-canned or jarred fruits and vegetables, pickled products, sauces, relishes and other low-acid foods (unless manufactured under a NYS Department of Agriculture & Markets-approved processing method at an inspected facility).
  - 2. Cream, custard, pumpkin, meat or other single-crust pies, cream or cheese-filled baked goods (unless prepared in an approved, inspected baking facility, packaged and properly refrigerated).
  - 3. Any other prepared foods made with highly-perishable ingredients for immediate consumption or reheating (unless manufactured and vended under proper food processing and vending licenses).
- H. The entire area of the site traveled by motor vehicles shall be hard surfaced.
- I. One parking space shall be provided for every 100 square feet of gross floor area, plus one parking space for each employee on the largest work shift. A parking space shall not be less than 10 x 20 feet in size.
- J. One off-street loading area shall be provided for each 4000 square feet of gross floor area. An off-street loading area shall not be less than 20 x 50 feet in size.
- K. Roadside stands operating at or near road intersections shall be located so that sight distance is not impaired.

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### **ARTICLE VII - SPECIAL PERMIT CRITERIA**

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- L. A minimum of one commercial refuse container shall be provided. The container shall be placed on a concrete slab, screened from view, and located as to permit safe and easy removal of refuse by hand or truck. Suitable trash disposal receptacles shall also be provided.
- M. No exterior light source shall be erected in excess of 25 feet above the ground and shall be placed as to eliminate the casting of direct light or glare upon adjacent properties.
- N. Fences, if erected on the site, shall comply with the fence standards found in Section 510 of this Local Law.
- O. Signs shall comply with the sign standards found in Section 501 of this Local Law.
- P. Farm Markets shall be located so as to minimize visual conflicts with adjacent properties, and be constructed of materials that compliment, rather than compromise, the character of the community.
- Q. Water supply and sewage disposal systems shall be reviewed and approved by the Orleans County Health Department, Town of Murray Water Department, and all other applicable agencies.
- R. Any Farm Market that sells or offers food products for on-site consumption shall also comply with the Restaurant provisions found in [Section 765](#) of this Local Law.

**TOWN OF MURRAY ZONING LOCAL LAW**  
**ARTICLE VIII - ADMINISTRATION AND ENFORCEMENT**

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**ARTICLE VIII - ADMINISTRATION AND ENFORCEMENT**

**SECTION 800 - ENFORCEMENT**

The Town Board shall appoint a Zoning Enforcement Officer who shall be responsible for administering and enforcing the provisions of this Zoning Local Law. The Zoning Enforcement Officer shall receive compensation as determined by the Town Board.

**SECTION 801 - DUTIES OF THE ZONING ENFORCEMENT OFFICER**

- A. Administer the Zoning Local Law. The Zoning Enforcement Officer shall review all permit applications to determine compliance with this Zoning Local Law. If the zoning requirements are not met, the permit shall be denied. If the zoning requirements are met, the ZEO shall refer the application to the Code Enforcement Officer who shall determine compliance with the New York State Uniform Fire Prevention and Building Code and issue a building permit if appropriate.
- B. Referral to the Zoning Board of Appeals. An applicant who is denied a permit may appeal to the Zoning Board of Appeals for an interpretation of the zoning regulation or for a variance. Should an appeal be requested, the ZEO shall notify the Chairperson of the Zoning Board of Appeals and forward all applicable information.
- C. Referral to the Planning Board or Town Board. The Zoning Enforcement Officer shall forward all applications for a Special Permit, requests for a change of zoning, and site plan review drawings to the Planning Board or Town Board as appropriate.
- D. Special Permit Renewal and Transfer. The Zoning Enforcement Officer shall renew and transfer Special Permits in accordance with Section 604 of this Local Law if the use is determined to be in full compliance with the original Special Permit conditions.
- E. Cite Zoning Violations. If the Zoning Enforcement Officer determines any plans, construction, building, or use of premise are in violation of this Local Law, the ZEO shall order the responsible party, in writing, to remedy the conditions. The ZEO shall have the authority to commence proceedings to punish violations pursuant to Section 106 of this Zoning Local Law.
- F. Report to Town Board. The ZEO shall submit a monthly report to the Town Board describing and enumerating all actions taken and all permits issued.
- G. Public Record. The ZEO shall keep and maintain a file and map of all permit actions to determine compliance with the conditions and safeguards placed on variances and special permits.

**SECTION 802 - DUTIES OF THE CODE ENFORCEMENT OFFICER**

- A. Administer and Enforce the Uniform Code. The Code Enforcement Officer shall administer and enforce the New York State Uniform Fire Prevention and Building Code.
- B. Duties and Powers. The duties and powers of the CEO are enumerated in Town of Murray Local Law No. 5 of 2006 - "A Local Law Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code".
- C. Building Permits, Inspections and Certifications. The CEO shall review building permit applications, review construction documents, perform construction inspections, and issue building permits, certificates of occupancy and certificates of compliance in accordance with Town of Murray Local Law No. 5 of 2006 - "A Local Law Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code".

# **TOWN OF MURRAY ZONING LOCAL LAW**

## **ARTICLE VIII - ADMINISTRATION AND ENFORCEMENT**

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- D. Report to Town Board. The CEO shall submit a monthly report to the Town Board describing and enumerating all actions taken and all permits issued.
- E. Public Record. The CEO shall keep and maintain a file all permit actions.
- F. The CEO shall maintain a map of all non-conforming uses to determine if discontinuance or destruction, or change in use or vacancy has taken place.

### **SECTION 810 - APPOINTMENT OF THE PLANNING BOARD**

The Town Board authorizes the appointment of a five member Planning Board as more fully described in [Section 271 of NYS Town Law](#). The Town Board may appoint at least one member shall be a person engaged in agricultural pursuits as defined in Section 271, Subsection 11 of NYS Town Law. The terms of the Planning Board members shall be staggered as the law requires.

### **SECTION 812 - OFFICERS, RULES AND EXPENSES**

- A. The Town Board may select a Chairperson of the Planning Board, if the Planning Board fails to select a chairperson from its own members.
- B. The Planning Board may adopt rules or bylaws for its operations.
- C. The Town Board shall provide an appropriation to the Planning Board to cover necessary expenses, including training course registration fees and the means for the Planning Board to maintain a written record of its meetings and public hearings.
- D. Pursuant to Section 271 of Town Law, each member of the Planning Board shall complete at least four hours of land use, zoning or planning-related training in each year of their term.
  - 1. Training received by a member in excess of four hours in any one year may be carried over by the member into succeeding years.
  - 2. Training sessions which relate to the duties of members of the Planning Board may include programs offered by the New York State Department of State, New York State Association of Towns, New York State Department of Environmental Conservation, the Orleans County Planning Department, the New York State Planning Federation, and other such entities, as well as in-house updates of seminars. The Town Board, after discussion with the Chairpersons of the Zoning Board of Appeals and Planning Board, shall designate such seminars, workshops, or continuing education courses which may be offered within a reasonable distance or virtually and which may be helpful to or of assistance to the Planning Board in carrying out its functions in a timely, fair and lawful manner.
  - 3. Planning Board members shall provide the Town Clerk with a copy of the training certificate issued by the training provider within 14 calendar days of receipt. The Town Clerk shall keep a record of the training completed by each member.
  - 4. Any member of the Planning Board that has not fulfilled the training requirement by the expiration of their term shall not be eligible for re-appointment to the Planning Board.
  - 5. The Town Board may, at their discretion, remove any member of the Planning Board, prior to expiration of their term, for failure to meet the minimum training requirements. The Town Board shall send a written notice of non-compliance to the board member, and offer a hearing, prior to dismissal.
  - 6. No decision of the Planning Board shall be voided or declared invalid because of a failure to comply with the training requirements specified in Section 271 of Town Law.

# **TOWN OF MURRAY ZONING LOCAL LAW**

## **ARTICLE VIII - ADMINISTRATION AND ENFORCEMENT**

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### **SECTION 813 - FUNCTIONS OF THE PLANNING BOARD**

- A. Prepare or change a comprehensive land development plan for the Town Board to consider adopting.
- B. Review and comment on all proposed zoning amendments after referral to the County Planning Board.
- C. Conduct site plan review as authorized by [Section 274-A of NYS Town Law](#), and as prescribed in Article IX of this Local Law.
- D. Review, grant or deny Special Permits as authorized by [Section 274-B of NYS Town Law](#), and as prescribed in Article VI of this Local Law.
- E. Render assistance to the Zoning Board of Appeals at its request.
- F. Research and report on any matter referred to it by the Town Board.
- G. Authority to make investigations, reports, maps and recommendations in any matter relating to the planning and development of the town as it deems desirable, providing the total expenditures of the Board do not exceed its appropriation (per Section 271 of Town Law).
- H. Authority to approve cluster development subdivisions simultaneously with plat approval in accordance with Section 278 of Town Law.
- I. To make referrals to other Town Departments, Boards and/or officials to request advisory opinions to assist the Planning Board in making decisions which affect the development of the Town.
- J. All such powers and duties as are conferred upon Town Planning Boards and subject to the limitations set forth in §§ 272, 272-a, 274, 274-a, 275, 276, 277, 278, and 281 of the New York State Town Law, as the same may be amended, modified, or changed from time to time, or any sections subsequently adopted pertaining to Planning Boards.

### **SECTION 814 - COUNTY PLANNING BOARD REPRESENTATIVES**

- A. The Town Board shall nominate a member of the Planning Board or other qualified individual to serve on the Orleans County Planning Board when vacancies occur. An alternate member shall also be nominated. Final appointments to the Orleans County Planning Board are made by the Orleans County Legislature.
- B. Pursuant to [Section 239-C of NYS General Municipal Law](#), County Planning Board members and alternate members shall complete at least four hours of land use, zoning or planning-related training in each year of their term. Training received by a member in excess of four hours in any one year may be carried over by the member into succeeding years.
- C. The County Planning Board shall designate and approve of the seminars, workshops, or continuing education courses which may be offered within a reasonable distance or virtually and which may be helpful to or of assistance to the Planning Board in carrying out its functions in a timely, fair and lawful manner. Training may be provided by a municipality, regional or county planning office or commission, county planning board, state agency, statewide association, college or similar entity.
- D. Any County Planning Board member or alternate member that has not fulfilled the training requirement by the expiration of their term shall not be eligible for reappointment to the County Planning Board.

# **TOWN OF MURRAY ZONING LOCAL LAW**

## **ARTICLE VIII - ADMINISTRATION AND ENFORCEMENT**

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### **SECTION 820 - ZONING BOARD OF APPEALS (ZBA)**

### **SECTION 821 - APPOINTMENT OF THE ZONING BOARD OF APPEALS**

The Town Board authorizes the appointment of a five member Zoning Board of Appeals as more fully described in [Section 267 of NYS Town Law](#). The members of the Zoning Board of Appeals shall hold staggered five year terms as the law requires. The Town Board shall appoint a ZBA Chairperson.

### **SECTION 822 - OFFICERS, RULES AND EXPENSES**

- A. The Zoning Board of Appeals shall establish such rules and regulations as are required by state and local laws for the transaction of their business and may amend, modify and repeal the same from time to time.
- B. The Town Board shall provide an appropriation to the ZBA to cover necessary expenses, including training course registration fees and the means for the ZBA to maintain a written record of its meetings and public hearings.
- C. All decisions shall be by a majority vote of the membership (three), except in those cases where the Orleans County Planning Board recommends disapproval of a zoning referral. In such cases, a majority plus one vote (four) shall be required for any decision to override the Orleans County Planning Board recommendation.
- D. Pursuant to Section 267 of NYS Town Law, each member of the ZBA shall complete at least four hours of land use, zoning or planning-related training in each year of their term.
  1. Training received by a member in excess of four hours in any one year may be carried over by the member into succeeding years.
  2. Training sessions which relate to the duties of members of the Zoning Board of Appeals may include programs offered by the New York State Department of State, New York State Association of Towns, New York State Department of Environmental Conservation, the Orleans County Planning Department, the New York State Planning Federation, and other such entities, as well as in-house updates of seminars. The Town Board, after discussion with the Chairpersons of the Zoning Board of Appeals and Planning Board, shall designate such seminars, workshops, or continuing education courses which may be offered within a reasonable distance or virtually and which may be helpful to or of assistance to the Zoning Board of Appeals in carrying out its functions in a timely, fair and lawful manner.
  3. ZBA members shall provide the Town Clerk with a copy of the training certificate issued by the training provider within 14 calendar days of receipt. The Town Clerk shall keep a record of the training completed by each member.
  4. Any member of the ZBA that has not fulfilled the training requirement by the expiration of their term shall not be eligible for re-appointment to the Zoning Board of Appeals.
  5. The Town Board may, at their discretion, remove any member of the Zoning Board of Appeals, prior to expiration of their term, for failure to meet the minimum training requirements. The Town Board shall send a written notice of noncompliance to the board member, and offer a hearing, prior to dismissal.
  6. No decision of the Zoning Board of Appeals shall be voided or declared invalid because of a failure to comply with the training requirements specified in Section 267 of Town Law.

# **TOWN OF MURRAY ZONING LOCAL LAW**

## **ARTICLE VIII - ADMINISTRATION AND ENFORCEMENT**

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### **SECTION 823 - FUNCTIONS OF THE ZONING BOARD OF APPEALS**

- A. Interpretation. Upon appeal of a decision made by the Zoning Enforcement Officer or Code Enforcement Officer, the ZBA shall decide any question involving interpretation of any provision of this Zoning Local Law, including the determination of exact district boundaries, are not clear.
- B. Appeals for Variances. The Zoning Board of Appeals shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative officer or body, as more fully described in [Section 830](#) of this Zoning Local Law.

### **SECTION 830 - APPEALS FOR VARIANCES THROUGH THE ZONING BOARD OF APPEALS**

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

### **SECTION 831 - VARIANCE POLICY**

The Board of Appeals is empowered to authorize, upon appeal in specific cases, such variance from the terms of this chapter as will not be contrary to the public interest where, owing to conditions peculiar to the property, and not the result of the action of the applicant, a literal enforcement of the provisions herein would result in unnecessary hardship or practical difficulties.

### **SECTION 832 - GRANTING AREA VARIANCES**

- A. Area variances may be granted where setback, frontage, lot size, density or yard requirements of this Zoning Local Law cannot be reasonably met.
- B. In determining whether to grant or deny an area variance, the ZBA shall take into consideration the benefit to the applicant if the variance is granted, weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making its determination, the ZBA shall also consider:
  - 1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.
  - 2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.
  - 3. Whether the requested area variance is substantial.
  - 4. Whether the proposed area variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
  - 5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the ZBA, but shall not necessarily preclude the granting of the area variance.
- C. The ZBA, in the granting of an area variance, shall grant the minimum variance that it shall deem necessary and adequate, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
- D. The ZBA, in the granting of an area variance, shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this Local Law, and shall be imposed for the purpose of minimizing any adverse impacts such variance may have on the neighborhood or community.
- E. Area Variances Procedures. Area variances shall be granted by the procedure established in Section 834.



# **TOWN OF MURRAY ZONING LOCAL LAW**

## **ARTICLE VIII - ADMINISTRATION AND ENFORCEMENT**

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### **SECTION 833 - GRANTING USE VARIANCES**

- A. No use variance shall be granted by the ZBA without a showing by the applicant that the applicable zoning regulations and restrictions have caused unnecessary hardship. In determining whether to grant or deny a use variance, the ZBA shall consider [all](#) of the following factors:
  - 1. That for each and every permitted use under the zoning regulation for the particular district where the property is located, the applicant cannot realize a reasonable return, provided the lack of return is substantial as demonstrated by competent financial evidence.
  - 2. That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood.
  - 3. That the requested use variance will not alter the essential character of the neighborhood.
  - 4. That the hardship has not been self-created.
- B. The ZBA, in the granting of a use variance, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
- C. The ZBA, in the granting of a use variance, shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this Local Law, and shall be imposed for the purpose of minimizing any adverse impacts such variance may have on the neighborhood or community.
- D. Use Variance Procedure. Use variances shall be granted by the procedure established in Section 834.

### **SECTION 834 - PROCEDURES FOR GRANTING A VARIANCE**

- A. All applications for variances shall be in writing on forms established by the town. Forms are available from the Zoning Enforcement Officer.
- B. Every application shall list the specific provision(s) of the Zoning Local Law involved and include a detailed explanation on why the variance should be granted.
- C. Upon receipt of the completed application Upon receipt of the completed application The CEO, after determining that an application is in proper form, shall transmit copies of the application and all supporting documents to the Board of Appeals for action thereon. The ZBA shall:
  - 1. Schedule a public hearing.
  - 2. Publicize the public hearing as described in Section 835. The cost of sending or publishing any notices relating to such appeal, or a reasonable fee relating thereto, shall be borne by the appealing party and shall be paid to the Board of Appeals prior to the hearing of such appeal.
  - 3. A copy of the complete variance application and supporting documents shall also be transmitted to the County Planning Board for review when required either under Article 12-B, §§ 239-l and 239-m of the General Municipal Law, or § 283-a of the New York State Town Law. Refer to [Section 840](#) of this Local Law for the procedure.
  - 4. Determine whether a Draft Environmental Impact Statement is required.
- D. Within sixty-two days of the public hearing, the ZBA shall render a decision. If the matter was referred to the Orleans County Planning Board, a copy of the ZBA's findings and decision must be sent to the Orleans County Planning Board.



# **TOWN OF MURRAY ZONING LOCAL LAW**

## **ARTICLE VIII - ADMINISTRATION AND ENFORCEMENT**

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### **SECTION 835 - NOTICE OF PUBLIC HEARING**

- A. The ZBA shall fix a reasonable time for the public hearing not to exceed sixty days from the date the application was received, or ninety days if Orleans County Planning Board review is necessary.
- B. The ZBA shall send a notice of the public hearing to the applicant and to adjacent property owners residing in the Town of Murray, and shall publish a notice of the public hearing in the official newspaper of the town.
- C. The public hearing notice shall be published at least five calendar days prior to the date of the public hearing and shall include sufficient information so as to identify the property involved and the nature of the proposed action.
- D. If the hearing involves the granting of a Use Variance on property that is within 500 feet of an adjacent municipality, a copy of the public hearing notice shall be mailed or electronically transmitted to the clerk of the adjacent municipality at least ten calendar days prior to the date of the public hearing in accordance with Section 239-nn of General Municipal Law.

### **SECTION 836 - MEETINGS OF THE ZONING BOARD OF APPEALS**

- A. The Zoning Board of Appeals shall hold meetings at the call of the Chairperson, or the request of three or more members.
- B. The presence of three members shall constitute a quorum for the conduct of business before the ZBA.
- C. A concurring vote of three members of the ZBA shall be necessary to act on the application for any variance or to decide upon any other matter brought before the ZBA, unless otherwise stipulated in the Zoning Local Law.
- D. All votes of the Zoning Board of Appeals shall be taken by roll call.
- E. In accordance with Section 809 of General Municipal Law, a member of the Zoning Board of Appeals having a conflict of interest shall abstain from any discussion or voting on that matter.
- F. The Zoning Board of Appeals may request and obtain advice or opinions on the law relating to any matter before the ZBA from the Town Attorney, and require the Town Attorney to attend its meetings.
- G. The Zoning Board of Appeals may require the Zoning Enforcement Officer to attend its meetings to present any facts relating to any matter before the ZBA.
- H. All meeting of the Zoning Board of Appeals shall be open to the public.
- I. The Board of Appeals shall keep minutes of all its meetings. The Town Board shall provide a secretary for the Zoning Board of Appeals.
- J. The Zoning Board of Appeals shall make factual record of all its proceedings including the reading of the case, public hearing, deliberation, voting and decisions of the ZBA. These factual records shall be taken by stenographic and/or audio recording means and shall be accurate but not necessarily a verbatim transcript, but may be in narrative form. The factual record shall be taken by the secretary to the ZBA.

### **SECTION 840 - REQUIRED REFERRALS TO THE COUNTY PLANNING BOARD**

Zoning enabling laws require certain types of zoning actions be referred to the Orleans County Planning Board prior to action by a local board. Any proposal for a Special Permit, variance, site plan

# **TOWN OF MURRAY ZONING LOCAL LAW**

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approval, change in the zoning Local Law or map (re-zoning, amending zoning text) which would affect real property lying within a distance of 500 feet from the boundary of:

- a municipal boundary
- any existing or proposed county or state park or recreation area
- property enrolled in an agricultural district (this does not apply for area variances)
- a County or State road, existing or proposed;
- the right-of-way of any stream or drainage channel owned by the county
- any existing or proposed county or state owned land on which a public building or institution is situated;

must be referred to the Orleans County Planning Board, except those categories of actions which have been exempted from County Planning Board review pursuant to Section 239-m.3(c) of General Municipal Law. The County Planning Board shall have 30 days from date of county receipt to take action on the matter. By mutual agreement of the county and the municipality, such 30 day period may be extended in special cases.

### **SECTION 845 - EFFECT OF COUNTY PLANNING BOARD REVIEW**

- A. If the Orleans County Planning Board approves a referral, then the local board's decision is governed by a majority vote.
- B. If the Orleans County Planning Board disapproves or approves subject to stated conditions or modifications, the local board may override the county opinion only by a majority plus one vote.

### **SECTION 846 - REPORT ON FINAL LOCAL ACTION**

The local board must send a copy of its final decision and reasons for such decision on a county referral case to the Orleans County Planning Board within 30 days after the local decision is reached.

### **SECTION 847 - AGRICULTURAL DATA STATEMENT**

- A. In accordance with [Section 283-a of NYS Town Law](#), any application for a Special Permit, site plan approval, use variance or subdivision approval requiring municipal review and approval by the planning board or zoning board, that would occur on property within an agricultural district containing a farm operation or on property with boundaries within 500 feet of a farm operation located within an agricultural district, shall include an agricultural data statement. The planning board or zoning board shall evaluate and consider the agricultural data statement in its review of the possible impacts of the proposed project upon the functioning of farm operations within the agricultural district.
- B. Upon receipt of such application by the planning board or zoning board, the clerk of the board shall mail written notice of the application to the owners of land as identified by the applicant in the agricultural data statement. The notice shall include a description of the proposed project and its location, and may be sent in conjunction with any other notice required by state or federal law, ordinance, rule or regulation for the project. The cost of mailing the notices shall be borne by the applicant.
- C. An agricultural data statement shall include the following information: the name and address of the applicant; a description of the proposed project and its location; the name and address of any owner of land within 500 feet of the boundary of the property upon which the project is

# **TOWN OF MURRAY ZONING LOCAL LAW**

## **ARTICLE VIII - ADMINISTRATION AND ENFORCEMENT**

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proposed; and a tax map or other map showing the site of the proposed project relative to the location of the farm operations identified in the agricultural data statement.

- D. If the project location meets any of the criteria set forth in [Section 840](#) of this Local Law, the clerk of the planning or zoning board shall refer all applications and the agricultural data statement to the Orleans County Planning Board as required by Section [239m](#) and [239n](#) of NYS General Municipal Law.

# **TOWN OF MURRAY ZONING LOCAL LAW**

## **ARTICLE IX - SITE PLAN REVIEW**

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### **ARTICLE IX - SITE PLAN REVIEW**

#### **SECTION 900 - PURPOSE**

The intent of this Section is to set forth additional standards applying to certain land uses and activities. The nature of these uses and activities require special consideration of their impacts upon surrounding properties, the environment, community character and the ability of the town to accommodate development consistent with the objectives of this Zoning Local Law.

#### **SECTION 901 - APPLICATIONS**

All applications for Zoning Permits, Zoning Variances, or Special Permits (except for one and two family dwellings and their permitted accessory uses) shall require site plan approval. No Zoning Permit shall be issued until all the requirements of this Article and all other applicable provisions of this Zoning Local Law have been met.

#### **SECTION 902 - APPLICATION PROCEDURE**

- A. Each application for a building permit, variance or Special Permit for any structure, building or use (other than one or two family dwellings and their permitted accessory use) shall be referred to the Planning Board for site plan review. The application shall be made to the Planning Board by filing it with the Town Clerk or the ZEO. The Zoning Enforcement Officer shall present it to the Planning Board at their next regularly scheduled meeting. The applicant may wish to attend the Planning Board meeting to answer questions concerning the application.
- B. Within sixty-two days of receipt of the application or ninety days in cases when the application must be referred to the Orleans County Planning Board as described in Section 840 of this Local Law, the Planning Board shall render a decision to approve, approve with conditions, or deny the application. This decision shall be forwarded to the Zoning Enforcement Officer. Any extension of this sixty-two day period may be granted upon consent of both the applicant and the Planning Board. If the Planning Board fails to act within the sixty-two day period or the extension that has been granted, the site plan shall be considered approved.
- C. A full written record of the Planning Board minutes and decisions, together with all documents pertaining to the case, shall be filed with the Town Clerk and shall be mailed to the applicant.

#### **SECTION 903 - PRE-APPLICATION CONFERENCE**

A pre-application conference may be held between the Planning Board and applicant to review the basic site design concept and generally determine the information to be required on the site plan.

#### **SECTION 904 - APPLICATIONS FOR SITE PLAN APPROVAL**

An application for site plan approval shall be made in writing to the Zoning Enforcement Officer and shall be accompanied by the following information. The Planning Board may require additional information, if necessary, to complete its review.

- A. Plan checklist for all site plans:
  - 1. Title of drawing, name and address of applicant, and name of person(s) responsible for preparation of the site plan drawings.
  - 2. North arrow, scale and date.

# **TOWN OF MURRAY ZONING LOCAL LAW**

## **ARTICLE IX - SITE PLAN REVIEW**

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3. Boundaries of the property plotted to scale.
  4. Existing watercourses and bodies of water.
  5. Location of any land with slopes of 5 percent or greater.
  6. Proposed grading and drainage.
  7. Locations and heights of all existing and proposed buildings and site features, including culverts, drains, retaining walls and fences.
  8. Location, design and construction materials of all parking and truck loading areas, including points of entry and exit from the site.
  9. Location of outdoor storage areas, if any.
  10. Description of the method of sewage disposal and location of the facilities.
  11. Identification of water source. If water source is a well, show location.
  12. Location, size and design and construction materials of all proposed signs.
  13. Location and proposed development of all buffer areas, including existing vegetation cover.
  14. Location and design of outdoor lighting facilities.
  15. General landscaping plan.
- B. As necessary, the Planning Board may require the following:
1. Provision for pedestrian access, if necessary.
  2. Location of fire lanes and hydrants.
  3. Designation of the amount of building area proposed for retail sales or similar commercial activity.
  4. Other elements integral to the proposed development as considered necessary by the Planning Board.

### **SECTION 905 - PLANNING BOARD REVIEW OF SITE PLANS**

The Planning Board's review of the site plan shall include, as appropriate, the following:

- A. General Considerations.
1. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, medians and traffic controls.
  2. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
  3. Location, arrangement, appearance and sufficiency of off-street parking and loading.
  4. Location, arrangement, size, and design and general site compatibility of buildings, lighting and signs.
  5. Adequacy of storm-water and drainage facilities.
  6. Adequacy of water supply and sewage disposal facilities.
  7. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum feasible retention of existing vegetation.
  8. In the case of an apartment complex or to other multiple dwelling, the adequacies of useable open space for play areas and informal recreation.
  9. Protection of adjacent or neighboring properties against noise, glare, unsightliness or nuisances.
  10. Protection of solar access on adjacent properties.
  11. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.

# **TOWN OF MURRAY ZONING LOCAL LAW**

## **ARTICLE IX - SITE PLAN REVIEW**

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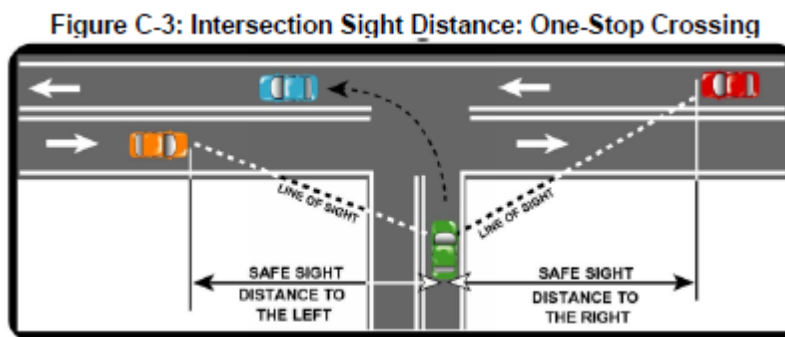
12. Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to flooding and/or erosion.

**B. Outdoor lighting**

1. All outdoor lighting fixtures shall be shielded or full cut-out fixtures to prevent glare and "light trespass" onto neighboring properties.
2. The Planning Board may require outdoor light fixtures to be full cutoff fixtures, so as not to illuminate above the 90-degree horizontal plane. Light fixture specification sheets or catalog cut sheets must be submitted that verify the proposed fixture is full cutoff.
3. Parking lots. Parking lot lighting shall not exceed light levels necessary for safety and for locating vehicles at night. The lighting plan shall be designed so that the parking lot is lit from the outside perimeter inward and/or incorporate design features with the intent of eliminating off-site light spillage.
4. Canopy and roof overhang. Lights installed on canopies or roof overhangs shall be recessed so that the lens cover is flush with the bottom surface of the canopy or overhang. Lights shall not be mounted on the sides or top of the canopy or overhang.
5. Outdoor signs. Lighting fixtures used to illuminate an outdoor sign shall be mounted on the top of the sign and shall be shielded or directed in such a way that the light illuminates the sign only. Internal illumination of a sign shall be concealed behind opaque, translucent, or other similar types of glass or plastic.
6. Bottom-mounted or up-lighting. To comply with "dark skies" and minimize unnecessary lighting, up-lighting shall be only allowed for flagpoles that display federal, state, and/or local government flags only, provided that the illumination is directed onto the flagpole only.
7. Security cameras. Facilities which employ security cameras may employ appropriate lighting to ensure proper function during all times when such cameras are in use.

**C. Driveway Location and Standards**

1. Sight distance. The locations of new driveway connections must provide for adequate sight distance to allow for a stopped vehicle to safely cross the roadway. (see Figure C-3).



**2. Driveway width**

- a. Driveways must be clearly delineated and identifiable. Open road frontages (where entire frontage is paved or used for access) are not permitted.
- b. The width of driveways, measured parallel to the edge of travel way and from edge of pavement to edge of pavement at the narrowest width, shall be within the following minimum and maximum limits, except that the Planning Board may allow a maximum width of 50 feet if needed to accommodate the types of vehicles expected to utilize the driveway.

# **TOWN OF MURRAY ZONING LOCAL LAW**

## **ARTICLE IX - SITE PLAN REVIEW**

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- (1) One-way: 12 foot minimum; 24 feet maximum
    - (2) Two-way: 20 feet minimum; 36 feet maximum.
  - 3. Driveway angle. The recommended driveway angle is 90°.
  - 4. Distance between driveways, measured along the right-of-way line between the inside edges of adjacent driveways (not centerline to centerline) shall be at least 125 feet.
  - 5. Driveway throat. A protected driveway throat (also referred to as "stem") of a sufficient length may be required as a condition of site plan approval.
  - 6. Circulation.
    - a. The internal circulation pattern should allow all desirable maneuvers to be made with ease, including service, delivery and emergency vehicle movements.
    - b. A pedestrian connection to link pedestrian generators or connect to existing or planned pedestrian facilities may be required
  - 7. Setbacks. Improvements on private property adjacent to the public right-of-way shall be located so that parking, stopping, storage and maneuvering of vehicles will not be necessary within the right-of-way and shall not restrict the sight distance of adjacent driveways.
- D. Consultant Review.
- 1. The Planning Board may consult with the town attorney, zoning enforcement officer, code enforcement officer, fire inspector, highway department, county planning department, local, state and federal agencies, and the town's consulting engineer in determining the adequacy of the site plan.
  - 2. The cost of engineering and other consultant reviews will be borne by the applicant. The Town may require advance payment as specified in the fee schedule adopted by the Town Board.
- E. Public Hearing. The Planning Board may conduct a public hearing regarding the proposed site plan if deemed necessary by a majority of the Planning Board.
- 1. The public hearing shall be held within sixty-two days of the date the application is received.
  - 2. The Planning Board shall send a public hearing notice to the applicant, to adjacent property owners residing in the Town of Murray, and to the Orleans County Planning Board (if applicable) at least ten calendar days prior to the date of the public hearing. The Planning Board shall also publish a public hearing notice in the official newspaper of the town.
  - 3. A public hearing notice shall be published in the official town newspaper at least five calendar days prior to the date of the public hearing, and the notice shall include sufficient information so as to identify the property involved and the nature of the proposed action.
  - 4. If the public hearing involves property that is within 500 feet of an adjacent municipality, a copy of the public hearing notice shall be mailed or electronically transmitted to the clerk of the adjacent municipality at least ten calendar days prior to the date of the public hearing in accordance with Section 239-nn of General Municipal Law.
  - 5. A decision shall be rendered within sixty-two days of the date of the public hearing.

# **TOWN OF MURRAY ZONING LOCAL LAW**

## **ARTICLE X - INCENTIVE ZONING**

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### **ARTICLE X - INCENTIVE ZONING**

#### **SECTION 1000 - PURPOSE AND INTENT**

The purpose and intent of this Article is to offer incentives to applicants who provide amenities that assist the Town in implementing specific physical, cultural and social policies established in the Town of Murray Comprehensive Plan, or in any other laws and ordinances adopted by the Town Board.

#### **SECTION 1001 - DISTRICTS DESIGNATED FOR INCENTIVES**

All zoning districts established within this Local Law are eligible for zoning incentives. Incentives may be offered to applicants who offer an acceptable amenity to the Town in exchange for the incentive.

#### **SECTION 1002 - AMENITIES WHICH MAY BE ACCEPTED BY THE TOWN**

- A. The Town Board may accept the following amenities from the applicant. These amenities may be provided either on or off the site of the subject application:
  - 1. Public water lines and related facilities.
  - 2. Public sewer lines and sewage treatment facilities.
  - 3. Public road improvements.
  - 4. Public parks and recreational facilities.
  - 5. Public trails and trail linkages.
  - 6. Public access to waterfronts (Erie Canal and local streams).
  - 7. Cultural or historic facilities.
  - 8. Permanent conservation of natural areas or agricultural land.
  - 9. Affordable housing for persons of low and moderate income.
  - 10. Other facilities or amenities that would benefit the residents of the community.
  - 11. Any combination of amenities and/or cash in lieu of any amenity(s)
- B. These amenities shall be in addition to any mandated requirements pursuant to other provisions of this Local Law.

#### **SECTION 1003 - INCENTIVES WHICH MAY BE GRANTED BY THE TOWN**

The Town Board may grant the following incentives to the applicant on the site of the subject application:

- 1. Increases in residential unit density.
- 2. Increases in non-residential unit density.
- 3. Changes of use.
- 4. Changes in required minimum lot areas, setbacks or building heights.
- 5. Reduction in open space.
- 6. Changes in any other provision of this Local Law as deemed necessary by the Town Board for the achievement of the community benefit or amenity.



# **TOWN OF MURRAY ZONING LOCAL LAW**

## **ARTICLE X - INCENTIVE ZONING**

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### **SECTION 1004 - PROCEDURE FOR APPROVAL**

- A. Applications for incentives in exchange for amenities shall be submitted to the Town Board. In order to evaluate the adequacy of the amenities to be accepted in exchange for the requested incentive, the following information shall be provided by the applicant:
1. A description of the requested incentive.
  2. A description of the proposed amenity, including the benefits it will provide to the community and the benefit area(s).
  3. The estimated economic value of the proposed amenity to the Town as compared with the estimated economic value of the proposed incentive to the applicant.
  4. An explanation as to how the proposed amenity would help implement the policies outlined in the Town of Murray Comprehensive Plan.
  5. A preliminary demonstration that the water, sewer, transportation, waste disposal and fire protection facilities in the zoning district in which the proposal is located are adequate to handle the additional demand the incentive and amenity may place on these facilities, beyond the demand that would otherwise occur with conventional development.
- B. The Town Board shall review the proposal and inform the applicant within 45 calendar days as to whether or not the proposal is worthy of further consideration. If deemed worthy of further consideration, the applicant shall submit the following to the Town Board:
1. Sketch Site Plan - With Incentive and Amenity.
    - a. This sketch plan shall show how the site would be developed with the incentive and amenity (if the amenity will occur on-site). The drawing must include existing features on the site, property owner's names and tax account numbers for all properties within 500 feet of the property lines of the proposed project.
    - b. If the incentive would result in a setback or open space reduction, the drawing must show these reductions in relation to the principal structures on-site and on adjacent properties, as well as property line locations.
    - c. If the incentive would result in a building height increase, a scaled elevation view must be included which shows the maximum height permitted by the Local Law, and the proposed building height. The location and heights of buildings on properties within 200 feet of the site must also be shown.
  2. Sketch Site Plan - Without Incentive and Amenity.

This sketch plan shall show how the site would be developed exclusive of any incentive or amenity. The drawing must include existing features on the site, and property owner's names and tax account numbers for all properties within 500 feet of the property lines of the proposed project.
  3. The applicant shall also provide any other information or materials needed or requested by the Town Board.
- C. The Town Board shall then review the proposal and evaluate the adequacy with which the incentive and amenity fits the site and how they may affect adjacent land uses and buildings.
- D. The Town Board shall notify the applicant within 45 calendar days as to whether or not it is willing to further consider the proposal. If the Town Board decides to further consider the proposal, it shall hold a public hearing thereon. The Town Clerk shall give public notice of the hearing in the official newspaper of the Town at least five days prior to the date of the hearing.

# **TOWN OF MURRAY ZONING LOCAL LAW**

## **ARTICLE X - INCENTIVE ZONING**

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- E. All applicable requirements of the State Environmental Quality Review Act (SEQRA) shall be complied with as part of the review and hearing process, including the preparation of an Environmental Assessment Form and/or Environmental Impact Statement, if necessary. In addition to the information that may be required as part of the environmental assessment of the proposal, the assessment shall include verification that the zoning district in which the proposal is to be located has adequate water, sewer, transportation, waste disposal, and fire protection facilities to:
  - 1. First, serve the remaining vacant land in the zoning district as though it were developed to its fullest potential under the district regulations in effect at the time of the incentive and amenity proposal; and
  - 2. Then, serve the on-site incentive and amenity, given the development scenario in subsection E.1 above.
- F. Following the public hearing and in addition to compliance with SEQRA requirements, the Town Board shall, before taking action, refer the proposal to other governmental agencies as may be required and may refer the proposal to other municipal boards for review and comment.
- G. In order to approve an incentive/amenity proposal, the Town Board shall determine that the proposed amenity provides sufficient public benefit to warrant the requested incentive. In no circumstance, however, shall the Town Board be compelled to approve any such incentive and it may deny any such incentive in its sole and absolute discretion. The Town Board may also impose conditions upon its approval as it may deem appropriate to promote the health, safety and welfare of the community.
- H. Following the approval of the Town Board, the applicant may proceed to apply for any additional permits or approvals as may be required by any other law or regulation. No such additional permit or approval by any other board of the Town shall materially alter the conditions imposed by the Town Board under paragraph G. above, and in the event that any permit or approval by any agency outside the Town materially alters any such condition, then the project may not proceed until and unless the Town Board approves the modification.

### **SECTION 1005 - CASH PAYMENT IN LIEU OF AMENITY**

If the Town Board determines that a suitable community benefit or amenity is not immediately feasible or practical, the Town Board may accept a cash payment in lieu of the provision of the amenity. The sum of the cash payment shall be determined by the Town Board. These funds shall be used by the Town Board exclusively for amenities specified prior to the acceptance of the funds. Cash payments in lieu of amenities shall not be used to pay general and ordinary town expenses.

# **TOWN OF MURRAY ZONING LOCAL LAW**

## **ARTICLE XI - DEFINITIONS**

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### **ARTICLE XI - DEFINITIONS**

#### **SECTION 1200 - WORDS, TERMS and DEFINITIONS**

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

- A. Words used in the present tense include the future tense.
- B. The singular includes the plural.
- C. The words "shall" and "must" are mandatory.
- D. The word "lot" includes the words "plot" or "parcel".
- E. The word "person" includes an individual, firm, association, partnership, trust, estate, municipality, industry, limited liability company, public or private corporation, or any other legal entity whatsoever.
- F. The words "used" or "occupied" include the words "intended", "designed" or "arranged to be used or occupied".

Where words or terms are not defined in this Local Law, such terms shall have ordinarily accepted meanings such as the context implies.

#### **SECTION 1210 - DEFINITIONS**

**ACCESSORY STRUCTURE:** A contributory structure located on the same lot as a principal structure, and of a nature customarily incidental and subordinate to the principal structure.

**ACCESSORY USE:** A contributory use on the same lot and of a nature customarily incidental and subordinate to the principal use.

**AGRICULTURE:** See FARM OPERATION.

**AGRICULTURAL BUILDING:** A structure designed and constructed to house farm equipment, hay, grain, poultry, livestock, or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.

**AGRICULTURAL BUSINESS ESTABLISHMENTS (AGRI-BUSINESS):** Any business that is designed or intended to provide services predominantly (at least 50% of gross sales) to agricultural operations. Such businesses include, but are not limited to, professional services, equipment repair, agricultural equipment dealerships, transportation, storage, packing, and small-scale processing. Manufacturing facilities with a gross floor area larger than 4,000 sq. ft. shall not be included in the definition of "Agri-business."

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

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

# **TOWN OF MURRAY ZONING LOCAL LAW**

## **ARTICLE XI - DEFINITIONS**

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**ALTERNATIVE ENERGY SYSTEMS:** Structures, equipment, devices or construction techniques used for the production of heat, light, cooling, electricity or other forms of energy on site and may be attached to or separate from the principal or accessory structure. This term shall include photovoltaic cells, solar panels, solar collectors, and any other device that converts sunlight into electrical power as well as wind energy, biomass, thermal solar and other alternative energy facilities..

**AMUSEMENT CENTER:** Any structure which is maintained or operated for the amusement, patronage, or recreation of the public where three or more amusement devices, including the type commonly known as foosball, pinball, billiards, and video games are operated.

**ANIMAL HOSPITAL:** A business which provides medical services and care to animals and regularly houses them on the premises overnight and for extended periods of time.

**BOAT RENTAL BUSINESS:** A business which rents non-motorized watercraft, including but not limited to, canoes, kayaks, row boats and rafts to the general public.

**BUILDING:** Any structure which is permanently affixed to the land, has one or more floors and a roof, and is intended for the shelter, housing or enclosure of persons, animals or cattle.

**BUILDING HEIGHT:** The vertical distance measured from the mean level of the ground surrounding the structure to the highest point on the roof, but not including chimneys, spires, tanks and similar projections.

**BUILDING PERMIT:** A document which is issued by the Code Enforcement Officer of the Town of Murray allowing the construction, reconstruction, remodeling, alteration or repair of a structure after review and approval of the plans submitted for said structure.

**BUSINESS, CONVENIENCE:** Any commercial establishment, not exceeding 4000 square feet of floor area, catering primarily to nearby residential areas providing convenience goods and services including but not limited to grocery stores, drug stores, beauty salons, barber shops, carry out dry cleaning and laundry pickup stations.

**BUSINESS, DRIVE-IN:** A traffic-generating facility where a product is sold or a service performed for customers while they are in or near their motor vehicles in off-street parking or service areas. This term shall include drive-in banking, drive-in restaurant, fast food service, drive-in photo processing, drive-in outdoor theaters, auto wash establishments, and similar uses. This term shall not include RETAIL FUEL STATION OR OUTLET.

**BUSINESS, GENERAL:** Any commercial establishment, exceeding 4000 square feet of floor area, engaged in sale of goods or services not otherwise identified in this section.

**CAMPING UNIT:** Any temporary structure or vehicle used or intended to be used for temporary living quarters for travel, recreation, or vacation purposes. This term shall include tents, pick-up coaches, recreational vehicles, non-motorized travel trailers, and self-contained motor homes.

**CAMPING GROUND:** A parcel of land which is used or intended to be used, let or rented for occupancy by campers or for occupancy by two or more camping units, excluding placement of camping units on a private lot in accordance with [Section 530](#).

**CARPORT:** A roofed structure, with or without enclosing walls, used for the storage of one or more vehicles. This use shall be regulated as an accessory structure.

# **TOWN OF MURRAY ZONING LOCAL LAW**

## **ARTICLE XI - DEFINITIONS**

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**CERTIFICATE OF COMPLIANCE:** A certificate issued by the ZEO that certifies work was done in compliance with approved construction documents or that the materials and products used met the required standards.

**CERTIFICATE OF OCCUPANCY:** A certificate issued by the ZEO that certifies building codes, fire codes, and all other applicable local laws and ordinances are complied with before occupancy of a building takes place. A building permit must be issued by the ZEO before starting construction of a new structure.

**CHURCH:** Any structure used for worship or religious instruction, including social and administrative rooms that are accessory thereto. For the purpose of this Local Law, Churches shall be regulated under the PUBLIC AND SEMI-PUBLIC BUILDINGS AND GROUNDS provisions.

**CLUB:** Any organization catering to members and their guests, or premises and building for recreational, general social, or athletic purposes and not open to the general public, which are not conducted primarily for gain, providing they are not conducting any vending stands, merchandising, or commercial activities except as required for membership and purposes of such club. For the purpose of this Local Law, Clubs shall include religious organizations, lodges, fraternal organizations, mutual benefit societies, and other like organizations.

**CODE ENFORCEMENT OFFICER (CEO):** The official charged with the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (Uniform Code).

**COLD STORAGE FACILITY:** A building or group of buildings used for the storage of food products in a refrigerated or frozen state and sold off premises. For the purpose of this Local Law, cold storage facilities located on a farm and used specifically for the storage of food products grown on that farm shall be considered part of the farm operation and shall not be separately regulated as a Cold Storage Facility.

**COMMERCIAL HORSE BOARDING OPERATION:** An agricultural enterprise, consisting of at least seven acres and boarding at least ten horses, regardless of ownership, that receives ten thousand dollars or more in gross receipts annually from fees generated either through the boarding of horses or through the production for sale of crops, livestock, and livestock products, or through both such boarding and such production. Under no circumstances shall this term be construed to include operations whose primary on site function is horse racing. A commercial horse boarding operation that is proposed or in its first or second year of operation may qualify as a farm operation if it is an agricultural enterprise, consisting of at least seven acres, and boarding at least ten horses, regardless of ownership, by the end of the first year of operation.

**COMMERCIAL RECREATION:** All open and/or covered areas designed for the conduct of business related to sports, leisure time activities and other customary recreational activities including but not limited to playgrounds, bowling, horseback riding, cross country skiing facilities swimming pools and skating rinks, paintball, as well as martial arts, fitness or dance studios. This may include as accessory uses education and instruction, retail sales and repair of equipment directly related to the activities provided on site as well as food and beverage service for recreation users only.

**COMPOST, MULCH OR OTHER ORGANIC BIOMASS CROPS:** The on-farm processing, mixing, handling or marketing of organic matter that is grown or produced by such farm operation to rid such farm operation of its excess agricultural waste; and the on-farm processing, mixing or handling of off-farm

# **TOWN OF MURRAY ZONING LOCAL LAW**

## **ARTICLE XI - DEFINITIONS**

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generated organic matter that is transported to such farm operation and is necessary to facilitate the composting of such farm operation's agricultural waste. This shall also include the on-farm processing, mixing or handling of off-farm generated organic matter for use only on that farm operation. Such organic matter shall include, but not be limited to, manure, hay, leaves, yard waste, silage, organic farm waste, vegetation, wood biomass or by-products of agricultural products that have been processed on such farm operation. The resulting products shall be converted into compost, mulch or other organic biomass crops that can be used as fertilizers, soil enhancers or supplements, or bedding materials. For purposes of this term, "compost" shall be processed by the aerobic, thermophilic decomposition of solid organic constituents of solid waste to produce a stable, humus-like material.

**CONDOMINIUM:** A condominium shall be regulated as a **DWELLING, TWO-FAMILY** if it contains two dwelling units. It shall be regulated as a **DWELLING, MULTIPLE-FAMILY** if it contains three or more dwelling units.

**CORNER LOTS:** On corner lots, the sides facing both streets shall be considered front yards. One of the two remaining sides shall be considered a rear yard, and the other a side yard, to be determined by the ZBA.

**CROPS, LIVESTOCK AND LIVESTOCK PRODUCTS:** This term shall include, but not be limited to, the following:

- a. Field crops, including corn, wheat, oats, rye, barley, hay, potatoes and dry beans.
- b. Fruits, including apples, peaches, grapes, cherries and berries.
- c. Vegetables, including tomatoes, snap beans, cabbage, carrots, beets and onions.
- d. Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers.
- e. Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, ratites, such as ostriches, emus, rheas and kiwis, farmed deer, farmed buffalo, fur bearing animals, wool bearing animals, such as alpacas and llamas, milk, eggs and furs.
- f. Maple sap.
- g. Christmas trees derived from a managed Christmas tree operation whether dug for transplanting or cut from the stump.
- h. Aquaculture products, including fish, fish products, water plants and shellfish.
- i. Woody biomass (i.e. - short rotation woody crops raised for bioenergy) but does not include farm woodland.
- j. Apiary products, including honey, beeswax, royal jelly, bee pollen, propolis, package bees, nucs and queens.

**DAY CARE:** Care provided for three or more children away from their own home for more than 3 hours but less than 24 hours per day per child, which care is provided with or without compensation or payment.

**DAY CARE, FAMILY:** Day care of not more than six children provided in a family home.

**DAY CARE CENTER:** A place other than an occupied residence which provides day care of children, or an occupied residence which provides group care for seven or more children away from their homes.

# **TOWN OF MURRAY ZONING LOCAL LAW**

## **ARTICLE XI - DEFINITIONS**

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

**DWELLING:** Any building, or portion thereof, designed or used exclusively as a residence or sleeping place for one or more persons. Structures which do not have permanent and approved sanitation facilities shall not be considered a residential dwelling. In addition, no basement sited independently of a structure shall be used exclusively as a dwelling.

- a. **SINGLE FAMILY DWELLING:** A detached residential dwelling designed for and occupied by not more than one family.
- b. **TWO-FAMILY DWELLING:** A detached residential building containing two dwelling units, designed for occupancy by not more than two families. This term shall include Duplexes.
- c. **MULTIPLE-FAMILY DWELLING:** A residential building designed for or occupied by three or more families with the number of families in residence not exceeding the number of dwelling units provided.

**DWELLING UNIT:** One or more connected rooms that provide complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**ESSENTIAL SERVICES:** The installation, construction, alteration, operation or maintenance of telephone dial equipment centers, electrical substations, gas substations, water treatment facilities, water storage facilities, pumping stations, and similar facilities, or public receiving and retransmission of communication signals, by a municipal agency or a public utility.

**EXCAVATION: (Quarry, Sand Pit, Gravel Pit):** A lot or land or part thereof used for the purpose of extracting topsoil, subsurface soil, clay, sand, stone, gravel or other substances for sale, as an industrial or commercial operation, but does not include the process of grading a lot preparatory to the construction of a building which has an approved zoning permit.

**FAMILY:** A group of persons related by blood, marriage or adoption, or a group of persons functioning as the equivalent of such a group and generally operating and interacting as a single housekeeping unit.

**FARM MARKET:** A retail outlet, consisting of a permanent structure fixed to a foundation, which sells agricultural products grown principally by the operator. A retail outlet that sells agricultural products from a non-permanent structure (temporary and moveable structure) shall be regulated as a **ROADSIDE STAND**.

**FARM OPERATION:** A farm operation shall mean the land and on-farm buildings, equipment, manure processing and handling facilities and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise. A farm operation shall also include commercial horse boarding operations; timber processing; compost, mulch or other biomass crops; and the production, management and harvesting of farm woodland. Such farm operations may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

**FARM WOODLAND:** Land which is used for the production or sale of woodland products, including but not limited to logs, lumber, posts and firewood. Farm woodland shall not include land used to

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produce Christmas trees or land used for the processing or retail merchandising of woodland products.

**FARM WORKER HOUSING:** Any dwelling, other than a dwelling that is the principal use on a lot and complies with all zoning requirements, that is used to house permanent and/or seasonal employees of a farm operation and their families and that is owned and maintained by the farm operator on land owned, rented or leased by the operator.

**FILLING:** Any activity which deposits natural or artificial material on or in ground or water so as to modify the surface or subsurface conditions of land, lakes, ponds or watercourses.

**FLOOD HAZARD AREA:** Those areas designated by the U.S. Department of Housing and Urban Development, Flood Insurance Administration as being the limits of flooding of a natural watercourse and as outlined on the official FEMA Flood Hazard Boundary Maps for the Town of Murray.

**FLOOR AREA, GROSS:** The total floor area to be used or intended to be used by tenants, or for service to the public as customers, patrons, clients or patients, including areas occupied by fixtures and equipment used for display or sales or merchandise. It shall not include areas used principally for non-public purpose such as storage, incidental repair, restrooms, fitting or alteration rooms or general maintenance or enclosed pedestrian malls or corridors.

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

**FOOD PROCESSING/BOTTLING FACILITY:** A building or group of buildings used in the processing, bottling or packaging of liquid or solid food products to be sold off premises.

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

**HOME BUSINESS** – An accessory use, other than a “Home Occupation” as defined herein, that is conducted within a single family, occupied dwelling or an attached or detached accessory structure (including a barn) for gainful employment and involves the manufacture, provision or sale of goods and/or services principally on the premises.

**HOME OCCUPATION** – Any occupation or profession conducted as an accessory use entirely within a dwelling or accessory building by the occupants of the dwelling, which is secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. By definition, a home occupation involves few client or customer visits to the dwelling, is not evident by observation from the street or any of the adjoining properties, and meets all of the criteria specified in [Section 590](#) of this Local Law. (See also “Home Business.”)

**JUNK YARD:** Any lot, land or structure or part thereof used for the collection, storage, disassembly, packing, sorting, salvage, buying, selling or exchange of waste paper, rags, scrap, or discarded material or machinery not in operating condition or parts of any sort. Two or more abandoned, unregistered, disabled, dismantled, or partly dismantled vehicles or pieces of equipment allowed to remain unhoused on a premises for a period of more than 30 days shall constitute a junkyard. Automobile Junk Yards as defined in [Section 136 of NYS General Municipal Law](#) shall be included within this definition.



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**KENNEL:** Any business in which four or more domestic animals, in excess of four months of age are housed, groomed, bred, boarded, trained, or sold.

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

- **CORNER LOT:** A parcel of land at the junction of, and fronting on two or more intersecting streets or roads.
- **THROUGH LOT:** An interior lot having frontage on two parallel or approximately parallel streets or roads.

**LOT DEPTH:** The main distance from the center line of the road to its opposite rear line measured in the general direction of side lines of the lot.

**LOT FRONTAGE:** The front of a lot shall be construed to be the portion nearest the road. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to roads shall be considered frontage, and yards shall be provided as indicated under, YARDS, in these definitions.

**LOT LINE:** Any boundary line of a lot.

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

**MACHINING/TOOL AND DIE FACILITY:** A building or group of buildings where raw stock is turned, shaped, planed, milled, cast or otherwise worked into a finished product or part by power-driven machines and sold off premises.

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

**MANUFACTURED HOME:** A dwelling unit or units manufactured off premises in whole or in a small number of large, pre-assembled sections and constructed in compliance with either the requirements of the U.S. Department of Housing and Urban Development in effect at the time of its manufacture and bearing a seal evidencing this fact, or the New York State Uniform Fire Prevention and Building Code. Such dwelling units are commonly referred to as mobile or modular homes.

**MANUFACTURED HOME PARK:** Any site, lot, field, plot, parcel or tract of land on which two or more manufactured homes are parked or located and are occupied or intended for occupancy on the premises, and for which either the premises or the manufactured homes are offered to the public or to any person for a fee of any type, including cost sharing. This includes the rental of the premises and/or the rental of the manufactured homes.

**MOTEL:** A building or group of buildings, whether detached or in connected units, containing transient and/or permanent lodging facilities for six or more guestrooms. The term shall include buildings designated as auto courts, motor lodges, tourist courts, hotels and similar terms.

**MOTOR VEHICLE:** Any vehicle designed to be propelled or drawn by power other than muscle power. This term shall include automobiles, trucks, buses, motorcycles, tractor-trailers, motor homes, snowmobiles, garden tractors and lawn tractors. This term shall not include equipment designed, intended and used primarily for agricultural purposes.

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**MOTOR VEHICLE REPAIR SHOP:** A building, or portion of a building, arranged, intended or designed to be used for making repairs to motor vehicles.

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

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

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

**PARKING SPACE, OFF-STREET:** An off-street area of berth with an appropriate means of vehicular access to a street, intended for the temporary parking of vehicles.

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

**PRODUCT ASSEMBLY FACILITY:** A building or group of buildings used in the assembly of previously prepared materials into finished products to be sold off premises.

**PRODUCT FABRICATION/MANUFACTURING FACILITY:** A building or group of buildings used in the manufacturing of materials or products predominately from extracted or raw materials, and sold off premises.

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

**PROHIBITED USE:** Any use, activity or operation disallowed by the Town in order to protect the health, safety and general welfare of its citizens; to protect the character of the community; and/or to be consistent with its land use and planning objectives.

**PUBLIC and SEMI-PUBLIC BUILDING and GROUNDS:** A social, educational or community use, including any grounds and accessory buildings necessary for their use, including but not limited to the following:

- a. Churches, places of worship, parish houses, synagogue, and convents.
- b. Public parks, playgrounds, recreational areas when authorized or operated by a governmental authority.
- c. Nursery schools, elementary schools, high schools, colleges and universities.
- d. Public libraries and museums.
- e. Not-for-profit fire, ambulance and public safety buildings.
- f. Not-for-profit or proprietary hospitals for the care of human beings, nursing homes, convalescent homes, homes for adults, homes for the aged as the same are defined under the Public Health Law or the Social Services Law of the State of New York.
- g. Not-for-profit Membership Corporation established for cultural, social or recreational purposes.

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**RECREATION AREA:** All non-business open and/or covered areas used for recreation purposes.

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

**RETAIL FUEL STATION OR OUTLET:** Any establishment that sells gasoline, diesel, kerosene, propane or similar fuels to the public.

**RIGHT-OF-WAY:** Land set aside for use as a street, alley, or other means of travel.

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

**ROAD, PRIVATE:** Roads, streets, or highways whose primary function is to serve private needs on private property. Private roads for commercial purposes, such as roads for mobile home parks, subdivisions and campgrounds, shall be built to town standards.

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

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

**ROADSIDE STAND:** A retail outlet, consisting of a non-permanent structure (temporary and moveable), which sells agricultural products grown principally by the operator. A retail outlet that sells agricultural products from a permanent structure fixed to a foundation shall be regulated as a FARM MARKET.

**SATELLITE PARABOLIC ANTENNAE:** An antennae which is capable of receiving radio, television or similar signals from a satellite in planetary orbit.

**SCIENTIFIC RESEARCH FACILITY:** A building or group of buildings used for scientific research, investigation, testing, or experimentation of products or materials.

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

**SETBACK-FRONT:** The required open space between the road right of way and the front of the main structure, including porches, entrance steps and other similar structures on the front of the main structure.

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

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

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

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

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**SITE PLAN REVIEW:** A review and approval process, conducted by the Planning Board, whereby Site Plans are reviewed utilizing criteria stated in this Local Law.

**SOLAR ACCESS:** Space that is open to the sun and clear of overhangs or shade. Solar structures constructed on private property will not infringe on the rights of adjacent properties.

**SOLID WASTE:** All putrescible and non-putrescible materials or substances that are discarded or rejected as being spent, useless, worthless, or in excess to the owners at the time of such discard or rejection, including but not limited to garbage, rubbish, refuse and construction and demolition debris generated by and defined herein as industrial, commercial and household waste. In addition:

- A. A material is “discharged” if it is abandoned by being:
  - 1. disposed of;
  - 2. burned or incinerated, including being burned as a fuel for the purpose of recovering usable energy; or
  - 3. accumulated, stored, or physically, chemically, or biologically treated (other than burned or incinerated) instead of or before being disposed of.
- B. A material is “disposed of” if it is discharged, deposited, injected, dumped, spilled, leaked, land filled, or placed into or on any land or water.

**SOLID WASTE MANAGEMENT FACILITY:** Any facility employed beyond the initial solid waste collection process and managing solid waste including, but not limited to: storage areas or facilities; transfer stations; rail-haul or barge-haul facilities; processing facilities; landfills; ash fills; disposal facilities; solid waste incinerators; recycling facilities; and commercial composting facilities. Disposal of manure is specifically excluded from the definition of solid waste management facility.

**SPECIAL EVENT:** A temporary, short-term use of land or structures, not otherwise included as a permitted or accessory use by these regulations, for one or more of the types of activities defined in [Section 570](#) of this Local Law. This term shall not include amusement enterprises, garage sales at an individual residence, transient merchants, or off-site promotional signs.

**SPECIAL PERMIT:** A permit issued by the Planning Board granting the holder the right to use land in a manner prescribed in Article VI and VII of this Local Law. Special permits have a term of two years, and are renewed by the ZEO if the use is in full compliance with the original Special Permit conditions.

**SPECIAL PERMIT USES:** Those particular uses which are specifically permitted in a given district only when the conditions, criteria and standards enumerated in this Local Law are met.

**STORAGE FACILITY:** Any structure, other than a residential garage, operated for gain and available on a rental basis for the storage of motor vehicles, recreational vehicles, boats and other tangible personal property. This term includes mini-storage or self-storage type facilities.

**STORAGE SHED:** A detached structure, located on the same lot as a principal structure, which is used as a tool shed, storage shed, playhouse or similar type use, with a gross floor area that does not exceed 144 square feet. One storage shed is allowed per lot without the need for a building permit.

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

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**STRUCTURE:** Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. For example, structures include buildings, walls, fences, signs, sheds, and poster panels.

**SWIMMING POOL:** Any structure, basin, chamber or tank which is intended for swimming, diving, recreational bathing or wading and which contains, is designed to contain, or is capable of containing water more than 24 inches deep at any point. This includes in-ground, above-ground and on-ground pools; indoor pools; hot tubs; spas; and fixed-in-place wading pools. A pool which is capable of containing more than 24 inches of water shall be considered a swimming pool, even if the pool is filled to a depth of less than 24 inches.

**SUBDIVISION:** The division of any parcel of land into two or more parcels, lots, blocks, or sites, with or without streets or roads, including re-subdivision. All subdivision of land shall be subject to the Town of Murray Subdivision Regulations.

**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, before the damage occurred.

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

**TEMPORARY USE:** An activity or use conducted for a specified limited period of time, not exceeding six months. This term shall include those uses incidental to construction projects, such as temporary real estate sales offices incidental to a subdivision project.

**TIMBER PROCESSING:** The on-farm processing of timber grown on a farm operation into woodland products, including but not limited to logs, lumber, posts and firewood, through the use of a readily moveable, nonpermanent sawmill, provided that such farm operation consists of at least seven acres and produces for sale crops, livestock or livestock products of an annual gross sales value of ten thousand dollars or more and that the annual gross sales value of such processed woodland products does not exceed the annual gross sales value of such crops, livestock or livestock products.

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

**VARIANCE, AREA:** The authorization by the ZBA for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

**VARIANCE, USE:** The authorization by the ZBA for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.

**WAREHOUSE/DISTRIBUTION FACILITY:** A building or group of buildings used for the storage and distribution of manufactured products, supplies, equipment, but does not include the bulk storage of hazardous, flammable or explosive materials.

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

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**YARD, FRONT:** The unoccupied space within and extending the full width of the lot between the front wall of the principal building and the front of the lot.

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

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

**YARD SALES:** The temporary displaying of household items and clothing for sale on a yard, porch or in a barn or garage. This term shall include garage sales, barn sales, porch sales and sales similar in nature.

**ZONING ENFORCEMENT OFFICER (ZEO):** The official charged with the administration and enforcement of this Local Law.

**ZONING PERMIT:** A document issued by the Zoning Enforcement Officer authorizing the use of a lot or structure upon determination that the use or structure is in conformance with this Local Law.