

# TOWN OF MURRAY ZONING ORDINANCE

**Effective May 25, 2009**

Town Board

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Henry Wagner, Deputy Supervisor  
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Zoning Enforcement Officer

Lynda Woolston

Code Enforcement Officer

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Superintendent of Highways

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Town Attorney

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## **ARTICLE I - GENERAL PROVISIONS**

### **SECTION 101 - TITLE**

The title of this Ordinance is the "Town of Murray Zoning Ordinance" 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 All existing zoning ordinances of the Town of Murray, Orleans County, New York are hereby repealed upon the effective date of this Ordinance.

### **SECTION 102 - PURPOSE**

The purpose of this Zoning Ordinance 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 Ordinance has been adopted pursuant to New York State Town Law.

### **SECTION 103 - CONFLICT WITH OTHER LAWS**

Whenever the requirements of this Zoning Ordinance 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 Ordinance be decided by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the Zoning Ordinance as a whole or any part thereof other than the part decided to be unconstitutional or otherwise invalid.

### **SECTION 105 - FEES**

Permit fees shall be collected and paid according to the fee structure in effect at the time of application. All permit fees are non-refundable. A fee schedule is posted at the office of the Town Clerk.

### **SECTION 106 - VIOLATIONS AND PENALTIES**

Any person, firm or corporation, who violates, disobeys, neglects, or refuses to comply with any provision of this Zoning Ordinance, 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.

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 Ordinance. The Town may also obtain a temporary restraining order, temporary injunction, or an injunction to restrain, correct, or abate any violation of this Zoning Ordinance or any failure to comply with the provisions of this Ordinance.

**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 Ordinance 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 Ordinance 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 Ordinance. The repeal of the previous 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.

## **ARTICLE II - DEFINITIONS**

### **SECTION 200 - WORDS, TERMS and DEFINITIONS**

For the purpose of this Zoning Ordinance, 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 Ordinance, such terms shall have ordinarily accepted meanings such as the context implies.

### **SECTION 210 - 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 implements, 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 use conducting one or more farm operations as a commercial enterprise.

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

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

**ALTERNATIVE ENERGY SYSTEMS:** Structures, equipment, devices or construction techniques used for the production of heat, light, cooling, electricity or other forms of energy on site and may be attached to or separate from the principal or accessory

structure. This term shall include photovoltaic cells, solar panels, solar collectors, and any other device that converts sunlight into electrical power.

**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.

**BED AND BREAKFAST:** A single-family owner-occupied dwelling where overnight lodging, with or without the service of meals, is offered to a maximum of eight transient guests for compensation. Such use shall be clearly incidental and secondary to the principal use of the dwelling.

**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 camping units.

**CARPOR:** 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.

**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 Ordinance, 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 Ordinance, 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 Ordinance, 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 playgrounds, bowling, horseback riding, swimming pools and skating rinks. 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 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 CENTER:** Day care of not more than six children provided in a family home.

**DAY CARE-PUBLIC 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.

**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.

- **SINGLE FAMILY DWELLING:** A detached residential dwelling designed for and occupied by not more than one family.
- **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.
- **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 produce Christmas trees or land used for the processing or retail merchandising of woodland products.

**FARM WORKER HOUSING:** Any dwelling used to house permanent and/or seasonal employees of a farm operation and their families. Farm worker housing shall provided by the farm operator on land owned, rented or leased by the operator.

**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 OCCUPATION-DIRECT SALES:** An occupation conducted within a single-family, occupied dwelling or detached accessory structure for gainful employment involving performance of services which are primarily utilized away from the premises and which involve a single client at any given time. Such occupation shall be clearly incidental and subordinate to the dwellings primary residential use.

**HOME OCCUPATION-INDIRECT SALES:** An occupation conducted within a single-family, occupied dwelling or detached accessory structure for gainful employment involving performance of services which are primarily utilized away from the premises and which involve no customer vehicular traffic. Such occupation shall be clearly incidental and subordinate to the dwellings primary residential use.

**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 General Municipal Law shall be included within this definition.

**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 of 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.

**MOBILE HOME:** A factory-manufactured home, built on a permanent steel-framed chassis and designed to be transported to a site in one or more sections, which is intended to be used as permanent living quarters by a single family unit when connected to the required plumbing, heating, and electric utilities. For the purposes of

this Ordinance, the removal of transport wheels and/or the anchoring of the mobile home to a permanent foundation shall not remove it from this definition. This term shall also include manufactured homes, single-wide manufactured homes, and double-wide manufactured homes.

**MOBILE HOME PARK:** Any site, lot, field, plot, parcel or tract of land on which two or more mobile homes are parked or located and are occupied or intended for occupancy on the premises, and for which either the premises or the mobile 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 mobile homes.

**MODULAR HOME:** A factory-manufactured home having no permanent support frame and designed to be transported to a site in one or more sections for the erection, construction, or installation as a permanent structure. Modular Homes shall be affixed to a permanent, site-built foundation and shall meet the requirements of the New York State Uniform Fire Prevention and Building Code. For the purposes of this Ordinance, Modular Homes shall be regulated as a DWELLING.

**MOTEL:** A building or group of buildings, whether detached or in connected units, containing transient and/or permanent lodging facilities for nine or more guests. 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 used primarily for agricultural purposes.

**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 Ordinance and which does not conform to the regulations of the district or zone in which it is located.

**NON-CONFORMING LOT, BUILDING, or STRUCTURE:** A lot, building or structure existing at the time of enactment of this Ordinance 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 Ordinance.

**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, recreational or community use where the chief activity is service carried on as a business, which includes any grounds and accessory buildings necessary for their use as designated and limited to any one or more of the following uses:

- 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. Golf courses and country clubs, including banquet and meeting facilities, food service, lounge facilities, pro shop, and equipment rentals and sales, provided they are ancillary to the principal use.
- e. Public libraries and museums.
- f. Not-for-profit fire, ambulance and public safety buildings.
- g. 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.
- h. Not-for-profit Membership Corporation established for cultural, social or recreational purposes.
- i. Recreational facilities, specifically, swimming, skating, skiing, hockey, racket sports, handball, baseball, softball, basketball, volleyball, soccer, archery, weight lifting, bowling, track and field, polo, horse trails, hiking and picnic facilities.

**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 center of the road 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.

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

SOLAR ACCESS: Space 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.

**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 670 of this Ordinance. 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 VII of this Ordinance. 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 Ordinance 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 shall include 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.

**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 Ordinance, 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 saw mill, 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.

**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. No yard sale shall continue at the same location in excess of three weeks per year, after which the provisions of HOME OCCUPATION shall be met. 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 Ordinance.

**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 Ordinance.

## **ARTICLE III - PERMITS AND PROCEDURES**

### **SECTION 300 - 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 Ordinance. 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 301 - 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 302 - 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 X of this Ordinance.
- 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.
- 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 303 - TYPES OF PERMITS AND APPROVALS**

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

- 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 described in Article VII of this Ordinance. 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 Ordinance, 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 670 of this Ordinance.

#### **SECTION 304 - GRANTING BUILDING PERMITS**

When all applicable requirements of this Zoning Ordinance 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”.

#### **SECTION 305 - 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 306 - 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 308 - 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 Ordinance, 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.

## **ARTICLE IV - ESTABLISHMENT OF ZONING DISTRICTS**

### **SECTION 400 - ESTABLISHMENT OF DISTRICTS**

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

- RH Residential-Hamlet District
- RA Residential-Agricultural District
- RR Rural Residential District
- B Business District
- I Industrial District
- F Flood Hazard Overlay District
- C Conservation Overlay District
- SCOD Stream Corridor Overlay District
- ECOD Erie Canal Overlay District

### **SECTION 401 - ZONING MAP**

The 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 Ordinance.

### **SECTION 402 - 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.

## **ARTICLE V - DISTRICT REGULATIONS**

### **SECTION 500 - RESIDENTIAL-HAMLET DISTRICT (RH)**

#### **SECTION 501 - 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 502 - PERMITTED USES**

- Agriculture (Farm Operations)
- Single Family Dwelling
- Two-Family Dwelling
- Day Care-Family Center
- Recreation Area

#### **SECTION 503 - PERMITTED ACCESSORY USES**

- Accessory Structure
- Alternative Energy Systems
- Storage Shed
- Temporary Structures
- Yard Sales

#### **SECTION 504 - USES REQUIRING A SPECIAL PERMIT (SEE ARTICLE VII)**

- Bed and Breakfast
- Business, Convenience
- Business, Drive-In
- Clubs
- Day Care-Public Center
- Essential Services
- Home Occupation-Indirect Sales
- Home Occupation-Direct Sales
- Multiple Family Dwelling
- Professional Offices
- Public and Semi-Public Buildings & Grounds

#### **SECTION 505 - MINIMUM SPECIFICATIONS**

- Front Setback: 65 feet
- Side Setback: 15 feet
- Rear Setback: 15 feet
- Lot Frontage: 100 feet



- Building Height: Not to exceed 35 feet
- Lot Size: 25,000 square feet

**SECTION 510 - RESIDENTIAL-AGRICULTURAL DISTRICT (RA)**

**SECTION 511 - 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 512 - PERMITTED USES**

- Agriculture (Farm Operations)
- Agri-Business
- Day Care-Family Center
- Recreation Area
- Single Family Dwelling
- Two-Family Dwelling
- Businesses located along Ridge Road which legally exist on the effective date of this Ordinance

**SECTION 513 - PERMITTED ACCESSORY USES**

- Accessory Structure
- Alternative Energy Systems
- Storage Shed
- Temporary Structures
- Yard Sales

**SECTION 514 - USES REQUIRING A SPECIAL PERMIT (SEE ARTICLE VII)**

- Airports
- Animal Hospital
- Kennel
- Bed and Breakfast
- Boat Rental Business
- Camping Grounds
- Essential Services
- Farm Worker Housing
- Home Occupation-Indirect Sales
- Home Occupation-Direct Sales
- Public and Semi-Public Buildings & Grounds
- Solid Waste Management Facility
- Storage and Sale of Topsoil, Mulch, Wood Chips, or Similar Type Products
- Storage and Incidental Repair of Construction Equipment

## **SECTION 515 - MINIMUM SPECIFICATIONS**

- Front Setback: 75 feet
- Side Setback: 20 feet
- Rear Setback: 20 feet
- Lot Frontage: 150 feet
- Building Height: Not to exceed 35 feet
- Lot Size: 37,500 square feet

## **SECTION 520 - RURAL RESIDENTIAL DISTRICT (RR)**

### **SECTION 521 - 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 522 - PERMITTED USES**

- Agriculture (Farm Operations)
- Single Family Dwelling
- Two-Family Dwelling
- Day Care-Family Center
- Recreation Area

### **SECTION 523 - PERMITTED ACCESSORY USES**

- Accessory Structure
- Alternative Energy Systems
- Storage Shed
- Temporary Structures
- Yard Sales

### **SECTION 524 - USES REQUIRING A SPECIAL PERMIT (SEE ARTICLE VII)**

- Bed and Breakfast
- Home Occupation-Indirect Sales
- Home Occupation-Direct Sales
- Essential Services
- Public and Semi-Public Buildings & Grounds
- Storage and Sale of Topsoil, Mulch, Wood Chips, or Similar Type Products
- Storage and Incidental Repair of Construction Equipment

## **SECTION 525 - MINIMUM SPECIFICATIONS**

- Front Setback: 75 feet
- Side Setback: 20 feet
- Rear Setback: 20 feet
- Lot Frontage: 100 feet
- Building Height: Not to exceed 35 feet
- Lot Size: 25,000 square feet

## **SECTION 530 - BUSINESS DISTRICT (B)**

### **SECTION 531 - 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 532 - PERMITTED USES**

- Agriculture (Farm Operations)
- Agri-Business
- Single Family Dwelling
- Two-Family Dwelling
- Day Care-Family Center
- Building Material Sales Yard
- Recreation Area

### **SECTION 533 - PERMITTED ACCESSORY USES**

- Accessory Structure
- Alternative Energy Systems
- Storage Shed
- Temporary Structures
- Yard Sales

### **SECTION 534 - USES REQUIRING A SPECIAL PERMIT (SEE ARTICLE VII)**

- Automobile Sales/Rental
- Amusement Center
- Animal Hospital
- Kennel
- Day Care-Public Center
- Clubs
- Essential Services
- Mobile Home Park
- Motel
- Motor Vehicle Repair Shop
- Public and Semi-Public Buildings & Grounds

- Restaurant/Tavern
- Retail Fuel Station or Outlet
- Truck and Construction Equipment Sales/Repair/Rental
- Home Occupation-Indirect Sales
- Home Occupation-Direct Sales
- Bed and Breakfast
- Storage Facility
- Business, Convenience
- Business, Drive-In
- Business, General
- Professional Offices
- Multiple Family Dwellings
- Solid Waste Management Facility
- Cold Storage Facility
- Machining/Tool and Die Facility
- Warehouse/Distribution Facility
- Storage and Sale of Topsoil, Mulch, Wood Chips, or Similar Type Products
- Storage and Incidental Repair of Construction Equipment

### **SECTION 535 - 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. No driveway shall be located less than 50 feet from an intersection and less than 20 feet from a side property line. The use of common access with other business establishments is encouraged.
- E. The minimum distance between driveways on the site shall be 70 feet, measured in a straight line from the two closest driveway curbs.
- F. No driveway shall be less than 20 feet in width.
- G. 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.
- H. 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.

- I. 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 610 of this Ordinance.
- J. All signs shall comply with the general sign standards found in Section 601 of this Ordinance.
- K. Water supply and sewage disposal systems shall be reviewed and approved by the Orleans County Health Department.

**SECTION 536 - MINIMUM SPECIFICATIONS**

- Front Setback: 75 feet
- Side Setback: 30 feet
- Rear Setback: 30 feet
- Lot Frontage: 100 feet
- Building Height: Not to exceed 35 feet
- Lot Size: 30,000 square feet

**SECTION 540 - INDUSTRIAL DISTRICT (I)**

**SECTION 541 - 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.

**SECTION 542 - PERMITTED USES**

- Agriculture (Farm Operations)
- Agri-Business
- Building Material Sales Yard
- Recreation Area

**SECTION 543 - PERMITTED ACCESSORY USES**

- Accessory Structure
- Alternative Energy Systems
- Storage Shed
- Temporary Structures

**SECTION 544 - USES REQUIRING A SPECIAL PERMIT (SEE ARTICLE VII)**

- Business, General
- Solid Waste Management Facility
- Essential Services
- Truck and Construction Equipment Sales/Repair/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
- Warehouse/Distribution Facility

**SECTION 546 - MINIMUM SPECIFICATIONS**

- Front Setback: 100 feet
- Side Setback: 50 feet
- Rear Setback: 50 feet
- Building Height: Not to exceed 35 feet
- Lot Frontage: 150 feet
- Lot Size: One acre

**SECTION 550 - 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 560 - CONSERVATION OVERLAY DISTRICT (C)**

**SECTION 561 - 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 562 - 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. The Freshwater Wetland Act is hereby adopted by reference.

## **SECTION 570 - STREAM CORRIDOR OVERLAY DISTRICT (SCOD)**

### **SECTION 571 - 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 572 - APPLICABILITY**

- A. 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:
  - The water surface and stream bed of Sandy Creek.
  - All land located within 150 feet of the centerline of Sandy Creek. 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 573 - REGULATED ACTIVITIES**

- A. All uses and activities, except those listed in Section 574, are prohibited in the SCOD unless a Streambank Development Permit is first issued by the Planning Board pursuant to the requirements of this Ordinance.
- B. A Streambank Development Permit shall be supplemental to any other permits, special permits and approvals that may be required by this Ordinance 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 574 - PERMITTED USES AND ACTIVITIES**

- A. The following uses and activities are permitted within the SCOD and are exempt from the requirement to obtain a Streambank Development Permit:
  - Customary repair and maintenance of existing structures, accessory structures, fences, pools and other existing site features.

- Customary lawn care and gardening activities.
- Customary agricultural operations, except that construction of new buildings associated with agricultural operations are not exempt.
- Construction and maintenance of fences for agricultural purposes.
- Withdrawal of water for agricultural purposes (such as crop irrigation) where no alteration of the stream bed or banks is required.
- Removal of storm debris, fallen trees, dead vegetation and trash provided construction equipment is not driven in the water.
- Paths and trails for non-motorized traffic, including but not limited to, footpaths, bicycle paths, hiking paths and horse paths.
- Docks or piers for launching non-motorized boats, including but not limited to, canoes, kayaks and row boats.
- Streambank stabilization using vegetative treatments.
- Installation of riparian plantings and/or reforestation of the site.
- Selective harvesting of vegetation for agricultural purposes.
- Pruning or removal of vegetation along public utility transmission line easements by the responsible utility company.

**SECTION 575 - 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).
  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 576 - 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 shall be mailed to the applicant.

#### **SECTION 577 - 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 1005.C of this Ordinance.

## **SECTION 580 - ERIE CANAL OVERLAY DISTRICT (ECOD)**

### **SECTION 581 - 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 582 - APPLICABILITY**

- A. 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 583 - 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:
  - Public parks.
  - Paths and trails for non-motorized traffic, including but not limited to, footpaths, bicycle paths, hiking paths and horse paths.
  - Public recreation and swimming.
  - Flood and erosion protection structures.

**SECTION 584 - PERMITTED ACCESSORY USES**

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

**SECTION 585 – USES REQUIRING A SPECIAL PERMIT (SEE ARTICLE 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:
  - Bed and Breakfast
  - Boat Rental Business
  - Camping Grounds
  - Motel
  - Public and Semi-Public Buildings & Grounds
  - Restaurant/Tavern

**SECTION 586 - 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.

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

### **SECTION 601 - GENERAL SIGN STANDARDS**

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

- A. No sign shall include lights which flash, move, or appear to move.
- B. No sign affixed to a building shall be taller than the highest point of the roof.
- C. Free standing signs shall not be higher than 20 feet above ground level as measured from the base of the sign pole to the highest point on the sign.
- D. General advertising signs related to the permitted use of the premises shall be allowed as secondary signs.
- E. No sign shall project into a public right-of-way, create a traffic hazard, be unduly distracting to motorists and pedestrians, or reduce the effectiveness of signs needed to direct the public.
- F. No sign shall be posted on a public utility pole or traffic control pole or structure.
- G. All existing signs that are legal at the time of the enactment of this Ordinance shall be allowed to remain as long as they are properly maintained and their use remains current. If an existing sign is replaced for any reason, the replacement sign shall be in accordance with the more restrictive clauses of this Ordinance.
- H. Temporary, unlighted signs shall be allowed to be posted a maximum of thirty days prior to any and all general election campaigns and non-profit organization functions such as banquets, suppers, benefits, fund raising sales, and similar events. All signs shall be removed within forty-eight hours of the completed event or election.
- I. One site sign is permitted, not to exceed 32 square feet per side (except as otherwise specified in this Ordinance).
- J. Signs required by federal, state, county or town agencies are permitted as secondary signs.
- K. Placement of a sign on premises other than the site of the business advertised shall be prohibited, unless approved by the Planning Board prior to placement.
- L. 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.

## **SECTION 610 - FENCES**

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

- A. Fences may be erected, altered or reconstructed to a maximum height of 7 feet. A building permit is not required for any fence 7 feet or less in height.
- B. Fences may be substituted for lot line landscaping during Site Plan Review at the discretion of the Planning Board.
- C. 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.
- D. No fence shall be constructed so as to obstruct vision at street intersections.
- E. The finished side of any fence shall front the neighboring properties.

## **SECTION 620 - INDIVIDUAL MOBILE HOMES**

- A. No individual mobile home, with the exception of those mobile homes currently legally existing on an individual parcel of land, shall be allowed to locate outside an approved Mobile Home Park in the Town of Murray. Refer to Section 713 of this Ordinance for Mobile Home Park provisions.
- B. Those individual mobile homes located on single lots which lawfully exist at the time of enactment of this Ordinance, shall be allowed to continue subject to the provisions found in Section 640 of this Ordinance.
- C. Individual mobile homes may be used to house permanent and/or seasonal employees of a farm operation and their families. Mobile homes must be provided by the farm operator and be located on land owned, rented or leased by the farm operator. Farm worker housing shall be subject to the provisions found in Section 625 and/or Section 708 of this Ordinance.

## **SECTION 625 - 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. Farm worker housing located on land parcels not included in a certified agricultural district shall be exempt from this Section, but shall comply with the requirements found in Section 708 of this Ordinance.
- B. Minimum Specifications:
  - Front Setback: 65 feet
  - Side Setback: 20 feet
  - Rear Setback: 20 feet
  - Lot Frontage: 100 feet
  - Lot Size: 10,000 square feet per dwelling unit

- C. Buildings and/or mobile homes may be used for farm worker housing. If mobile homes are used, they shall be exempt from the requirements found in Section 620 and Section 713 of this Ordinance.
- D. Any mobile 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 mobile 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 mobile 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 mobile home used for farm worker housing shall comply with all applicable State and local building and sanitary codes.
- H. Any building or mobile home used for farm worker housing shall comply with the Property Maintenance Code of New York State and the property maintenance standards found in Section 671 of this Ordinance.
- I. Every building or mobile 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 630 - CAMPING UNITS**

- A. Camping Units may be occupied on a private lot, on an overnight basis, for a period not to exceed forty-five days per calendar year. Camping Units may be occupied on an overnight basis at an approved campground for a period not to exceed eight months per year.
- B. No more than two Camping Units 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 Camping Units in use shall have self-contained sanitation or be connected to adequate sanitation facilities.

## **SECTION 635 - 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. Article 8 and Part 617 of Title 6 of the New York Code of Rules and Regulations (6NYCRR Part 617) are hereby adopted by reference.
- 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 delegated by the Town Board:
- Zoning Text Amendments - Town Board
  - Zoning District Amendments - Town Board
  - Special Use Permits - Planning Board
  - Site Plan Review - Planning Board
  - Area Variances - Zoning Board of Appeals
  - 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 640 - 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 Ordinance and which would be prohibited or restricted under the terms of this Ordinance may be continued subject to the following provisions:

- A. Intent - It is the intent of this Zoning Ordinance 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 Ordinance.

- 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 Ordinance. 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.
- G. Changes - Once changed to a conforming use, no structure or land so changed shall be permitted to revert to a non-conforming use.
- H. Displacement - No non-conforming use shall be extended to displace a conforming use.
- I. Moving - Should any structure be moved for any reason for any distance, it shall thereafter conform to the requirements for the district in which it is located after it is moved.
- J. Existing Undersized Lots of Record - Any record lot held in single and separate ownership prior to the adoption of this Ordinance and whose area and/or width and/or depth are less than minimum requirements specified herein for the district, may be considered as complying with this Ordinance and no variance 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.
- K. The minimum yard requirements set by these regulations are met.
- L. In any district where residences are permitted, such undersized non-conforming lots may be used for not more than one single-family dwelling.
- M. 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 650 - SWIMMING POOLS**

Private swimming pools may be installed only as accessory structures to a dwelling for the private use of the owners or occupants of such dwelling and their families and guests. Public swimming pools may be installed as either the principal or secondary use on a site. Swimming pools shall be installed and maintained as follows:

- A. Private swimming pools shall be installed in the rear or side yard of the premises.
- B. Private swimming pools shall be setback a minimum of 15 feet from side and rear lot lines. Public swimming pools shall be setback a minimum of 50 feet from any lot line. Decks and patios/aprons which are accessory to a private or public swimming pool shall not be located within the setback area.
- C. This section does not apply to farm ponds or other natural or artificial made bodies of water located in residential areas.
- D. All swimming pools and appurtenances such as ladders, fences, gates and alarms, shall be in compliance with the New York State Uniform Fire Prevention and Building Code and the New York State Energy Conservation Construction Code. Public swimming pools shall also comply with the New York State Sanitary Code.

## **SECTION 655 - 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. Photovoltaic cells (solar panels) may be mounted on the rooftop of a primary or accessory structure. Flush-mounted solar panels shall not extend more than 12 inches above the roof. Solar panels that are not mounted flush on a roof shall not be taller than the highest point of the roof.
- B. Photovoltaic cells (solar panels) may be mounted on the ground. Ground mounted panels shall not be located in a front yard, shall not exceed 10 feet in height above the ground surface, and must be setback a minimum of 20 feet from side and rear property lines.
- C. Reflectors or mirrors shall not be added around any solar panel to increase the amount of power generated.
- D. Solar panels shall be carefully positioned to prevent glare from being cast onto adjacent properties.

## **SECTION 660 - 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 723 herein.

### **SECTION 665 - ROADSIDE STANDS**

- A. Roadside stands which utilize a temporary, movable structure that is not fixed to a foundation shall be operated in accordance with this Section.
- B. A majority of the products sold at a roadside stand shall be grown by the stand owner on land owned, leased or rented as part of their farm operation. 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 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).
- D. Roadside stands 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.
- E. Roadside stands 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.
- F. Roadside stands 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).
- G. Roadside stands shall not operate more than nine months per calendar year.
- H. Roadside stands shall be located so customers can park vehicles completely off the highway while purchasing products.

- I. Roadside stands operating at or near road intersections shall be located so that sight distance is not impaired.
- J. Roadside stands 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.
- K. Signs shall comply with the general standards found in Section 601 of this Ordinance. All signs relating to a roadside stand shall be completely removed from the roadside during those months the stand is not in operation.
- L. Roadside stands shall be completely removed from the roadside during those months the stand is not in operation.
- M. The ZEO shall have the authority to enforce these conditions, and shall have the authority to order the owner or operator of the roadside stand to move, improve or remove the stand to comply with these requirements.

#### **SECTION 666 - SATELLITE PARABOLIC ANTENNAE**

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 670 - TEMPORARY SPECIAL EVENTS**

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

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

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

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

C. Special Events Not Requiring a Permit. Special events meeting the Type 1 definition are allowed without a Special Event Permit, provided all of the following performance standards are met:

1. The special event is conducted entirely on private property owned or leased by the sponsoring organization as a permanent facility.
2. Any structure used in conjunction with the special event shall meet all applicable yard setbacks, shall be the subject of a valid zoning certificate, and shall be promptly removed upon cessation of the event.
3. The special event shall be restricted to hours of operation between 6:00 a.m. and 10:00 p.m., to a maximum duration of four days, and to a maximum frequency for similar events of two times per calendar year.

D. Special Events Subject to an Administrative Permit. Special events meeting the following standards may be issued a Special Event Permit administratively by the Zoning Enforcement Officer. In administering the provisions of this Section, the ZEO shall be guided by applicable County policies adopted by the Town Board. Any applicant denied a Special Event Permit shall be notified in writing of the reasons for the denial and of the opportunity to appeal the denial to the Town Board.

1. Special events meeting the Type 2 definition may be permitted administratively by the Zoning Enforcement Officer, provided that all of the following performance standards are met:
  - a. An application is made and a fee is paid in accordance with Section 670.F.
  - b. No more than one banner will be displayed when attached to the wall of a building.
  - c. The size and design of the banners will be appropriate given the size of the building to which they are attached and the character of the surrounding neighborhood.
  - d. The banner will be displayed for a maximum duration of 15 days per permit.
  
2. Special events meeting the Type 3 or Type 4 definition, and Type 1 events not meeting the standards of Section 670.C. may be permitted administratively by the Zoning Enforcement Officer subject to the prior review and approval of special arrangements for traffic and crowd control by the Sheriff, Fire Chief of the appropriate Fire District, and Town Highway Superintendent. No such administrative permit shall be issued unless all of the following performance standards are met:
  - a. An application is made and a fee is paid in accordance with Section 670.F.
  - b. The special event will not cause undue traffic congestion or accident potential given anticipated attendance and the design of adjacent streets, intersections, and traffic controls.
  - c. The activity shall not cause the overcrowding of parking facilities given anticipated attendance and the possible reduction in the number of available spaces caused by the event itself.
  - d. The special event shall not endanger the public health, safety or welfare given the nature of the activity, its location on the site, and its relationship to parking and access points.
  - e. The special event shall not impair the usefulness, enjoyment or value of adjacent property due to the generation of excessive noise, smoke, odor, glare, litter, or visual pollution.
  - f. Any structure used in conjunction with the special event shall meet all sight distance requirements, shall be the subject of a valid building permit, and shall be promptly removed upon the cessation of the event.
  - g. The special event shall be conducted on private property where the property owner has granted permission.

- h. The duration and hours of operation of the special event shall be consistent with the intent of the event and the surrounding land issues, but in no case shall the duration exceed 10 days.
- E. Special Events Subject to Planning Board Approval. Any special event not meeting the criteria of Sections 670.C. or 670.D. may be granted a Special Event Permit by the Planning Board. Such permit may be subject to such conditions and safe guards as the Planning Board may deem necessary to protect the public health, safety and welfare. These conditions may include, but shall not be limited to:
  - 1. Restrictions on the hours of operation, duration of the event, size of the activity, or other operational 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 the Planning Board expectations.
  - 3. The provision of traffic control or security personnel to increase the public safety and convenience.
  - 4. Obtaining liability and personal injury insurance in such form and amount as the Planning Board may find necessary to protect the safety and general welfare of the community.
- F. Application and Fee.
  - 1. No Special Event Permit shall be issued until an application has been submitted to the Zoning Enforcement Officer and the appropriate fee paid. The application shall be made on forms provided by the ZEO, and shall be accompanied by the following items as applicable:
    - a. A letter from the applicant describing the proposed event, the hours of operation, the duration of the event, anticipated attendance, and any structures, signs or attention-attracting devices used in conjunction with the event.
    - b. A sketch plan showing the location of the proposed activities, structures and signs in relation to existing buildings, parking areas, streets and property lines.
    - c. A letter from the property owner or manager, if different from the applicant, agreeing to the special event.
  - 2. Each application for a Special Event Permit shall be accompanied by an application fee, except that such fee shall be waived for any applicant registered with the State of New York as a nonprofit organization. The fees shall be as established by the Town Board by separate resolution.
  - 3. The Special Event Permit shall be posted on the site for the duration of the event.

## **SECTION 671 - PROPERTY MAINTENANCE STANDARDS**

- A. Purpose. The purpose of this section is to establish property maintenance standards to prevent the gradual encroachment of blight, deterioration, unsightliness, and devaluation of properties within the Town, and to ensure that all buildings and premises within the Town are maintained in a manner that, in the discretion of the Zoning Enforcement Officer, protects public health, safety and welfare.
- B. Applicability. The maintenance standards defined in this Section shall apply to the exterior of all buildings, structures and premises, regardless of whether the buildings, structures, premises, or portions thereof are occupied or vacant. These standards shall supplement the Property Maintenance Code of the State of New York. However, agricultural buildings, including barns, sheds, poultry houses, and other buildings and equipment on the premises used directly and solely for agricultural purposes shall be exempt from the requirements of this Section.
- C. Maintenance Standards for Exterior Property Areas. All exterior property and premises shall be maintained in a clean, safe and sanitary condition and in conformance with the following standards:
1. Sidewalks and Driveways. All sidewalks, walkways, driveways, parking lots, parking spaces and similar paved areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. Holes, ruts, cracks and buckled pavement shall be repaired in a clean and workmanlike manner.
  2. Vegetation. All trees, brush, shrubs, hedges and similar plantings shall be kept trimmed to avoid an unsightly appearance, to prevent obstruction of sidewalks, roads and sight distances, and to prevent a blighting influence that could impair the character of the immediate neighborhood and depreciate adjoining property.
  3. Lawns. The lawn surrounding the principal occupied structure shall be kept mowed to a height of 10 inches or less. The following mowing limits shall apply unless otherwise determined by the Zoning Enforcement Officer: the minimum depth of mowing shall be from the front property line to 30 feet beyond the rear facade of the building and the minimum width of mowing shall be equal to the minimum lot frontage required in the applicable zoning district OR the minimum area to be mowed shall be equal to the minimum lot size required in the applicable zoning district, whichever is less. For non-conforming lots or flag lots, the mowing limits shall be determined by the Zoning Enforcement Officer. Lawns surrounding vacant buildings shall be kept mowed to a height of 10 inches or less, and the minimum mowing limits defined above shall apply.
  4. Accessory Structures. All accessory structures, including detached garages, storage sheds, fences and retaining walls shall be maintained in a structurally sound condition and in good repair. Exterior surfaces shall comply with the Building Exterior Standards defined in Section 671.D.

5. Rodents. All structures and exterior property shall be kept free of rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated using processes that will not harm or injure humans or pets. After extermination, any structural repairs and/or measures that are necessary to prevent re-infestation shall be completed within 30 days.
6. Sanitation. All exterior property and premises shall be kept in a clean, safe and sanitary condition, free from any accumulation of rubbish or garbage, and in conformance with other applicable state and local sanitary codes. The building owner and every occupant shall be responsible for keeping the exterior property clean and for storing rubbish and garbage in suitable containers at all times.
7. Material Stockpiles. Piles of materials, such as topsoil, subsoil, gravel, stone, sand, mulch and similar materials shall be completely used on the premises or removed within 30 days of the date of delivery. Compost piles created exclusively for home garden use, compost piles created as part of a farm operation, and material stockpiles authorized under Section 726 of this Ordinance shall be exempt from the requirements of this paragraph.
8. Outdoor Storage. No outdoor storage or accumulation of unused or irreparable crates, pallets, drums, storage tanks, debris, tree stumps, tree limbs, or other similar materials, shall be permitted at any time. New building materials and construction and demolition debris may be temporarily stored outdoors while work is in progress, but construction debris must be properly containerized and removed from the premises within 30 days of the date construction is complete.

D. Maintenance Standards for Building Exteriors.

1. General Appearance. The exterior of any building, including accessory structures, shall have a clean and neat appearance, be kept structurally sound and in good repair, and maintained so that the appearance of the building and premises do not create a blighting influence that could impair the character of the immediate neighborhood and depreciate adjoining property.
2. Protective Treatment. All exterior surfaces, including but not limited to, doors, windows, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. All siding and masonry joints, as well as spaces between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion. Surfaces with existing rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Surfaces designed for stabilization by oxidation are exempt from this requirement.
3. Painted and Coated Surfaces. Exterior surfaces that have been painted, stained or sealed shall have a clean, neat and uniform appearance and be kept in good condition. Surfaces with excessive peeling, flaking or chipped paint shall be scraped and repainted to provide a neat and uniform appearance. Surfaces



with faded or weathered coatings shall be recoated with a suitable stain, preservative or similar coating to provide a neat and uniform appearance.

4. Foundation Walls. All foundation walls shall be kept plumb, free from open cracks and holes, and maintained in a weather tight condition. Walls shall also have a clean and neat exterior appearance.
5. Exterior Walls. All exterior walls shall be kept plumb, free from open cracks and holes, and maintained in a weather tight condition. Walls shall also have a clean and neat exterior appearance.
6. Windows and Doors. All exterior windows and doors, including associated frames and hardware, shall have a clean and neat appearance and be kept in a sound and weather tight condition. All panes of glass shall be free from cracks and holes.
7. Roofs and Gutters. All roofing materials, including but not limited to, shingles and flashing, shall have a clean and neat appearance and be kept in a watertight condition to prevent water from infiltrating the interior of the structure. Roof drains, gutters and downspouts shall be kept in a sound condition and free from obstructions. Roof water shall not drain onto adjacent properties, public sidewalks or public streets.
8. Decks, Porches, Balconies and Stairways. All exterior decks, porches, balconies and stairways shall have a clean and neat appearance, be kept in a structurally sound condition, and be capable of supporting the intended loads.
9. Building Attachments. All building attachments, including but not limited to, canopies, awnings, signs and fire escapes, shall have a clean and neat appearance, be kept in a structurally sound condition, and be firmly anchored or fastened. When required, all exposed surfaces of wood and metal shall be protected from the elements and against decay or rust by periodic application of weather-coating materials such as paint, stain or preservatives. Any attached sign that is no longer needed by the owner shall be promptly and completely removed from the building. Any attached sign for a business or use that is no longer in operation shall be completely removed from the building within 30 days from the date the business ceases to operate.
10. Securing Vacant Buildings. Any building or structure which has been vacant for more than 120 consecutive days shall be considered vacant. All exterior openings, including but not limited to doors, windows and garage doors shall be locked, blocked, sealed or otherwise protected to prevent entry by unauthorized individuals. The materials and methods used to block or seal a vacant building must have a clean and neat appearance, and meet the approval of the Zoning Enforcement Officer as to design and building material.

## **ARTICLE VII - SPECIAL PERMIT USE REGULATIONS**

- 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 may 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, provided the subsequent owner or occupant submits a Special Permit Transfer Form and pays a Special Permit Transfer Fee to the Town.
- 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.

### **SECTION 700 - AIRPORTS**

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

- A. Name and address of the 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 X.
  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.

## **SECTION 701 - CAMPING GROUNDS**

Camping grounds shall be occupied only by non-motorized travel trailers, pick-up coaches, self-contained motor homes, camping trailers, recreational vehicles, and tents suitable for temporary habitation and used for travel, vacation and recreation purposes. The removal of wheels and placement of a unit on a foundation in a camping ground is prohibited.

- A. Overall Site - Minimum Specifications:
  - Front Setback: 75 feet
  - Side Setback: 50 feet
  - Rear Setback: 50 feet
  - Lot Frontage: 200 feet
  - Lot Size: Ten acres
- B. Individual Lot - Minimum Specifications:
  - Front Setback: 20 feet
  - Side Setback: 20 feet
  - Rear Setback: 20 feet
  - Lot Frontage: 60 feet
  - Lot Size: 3000 square feet

- C. The maximum gross density shall not exceed ten individual lots per acre.
- D. 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.
- E. A camping ground shall be so located that no entrance or exit from a site shall discharge traffic into any residential area nor require movement of traffic from the camping ground through a residential area.
- F. Streets in camping grounds shall be private, but shall be constructed with a stabilized surface and shall meet the following minimum width requirements:
- One way, no parking: 12 feet
  - One way, parking one side: 22 feet
  - One way, parking both sides: 32 feet
  - Two way, no parking: 24 feet
  - Two way, parking one side: 34 feet
  - Two way, parking both sides: 44 feet
- G. 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.
- H. Management headquarters, recreational facilities, toilets, dumping stations, showers, coin-operated laundries, and other uses and structures customarily incidental to the operation of camping grounds are permitted as accessory uses to the camping grounds. In addition, retail stores and other convenience establishments shall be permitted as accessory uses in camping grounds in such districts where such uses are not allowed as principal uses, subject to the following restrictions:
1. Such 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. Such establishments shall be restricted in their use to occupants of the camping ground.
  2. Such establishments shall present no visible evidence from any street outside the camping ground of their commercial character which would attract customers other than occupants of the camping ground.
  3. The structures housing such facilities shall not be located closer 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.

- I. Plans for sewage disposal and water supply shall be designed in accordance with standards promulgated by the New York State Department of Health and/or New York State Department of Environmental Conservation, and shall receive approval from said agencies.
- J. All applicable sanitation standards promulgated by the State of New York, County of Orleans and the Town of Murray shall be met.
- K. Not less than one covered 20 gallon garbage receptacle shall be provided for each camp site. Garbage and rubbish shall be collected and disposed of as often as may be necessary to ensure sanitary conditions.
- L. All utilities shall be underground.
- M. The minimum distance between driveways on the site shall be 70 feet measured in a straight line from the two closest curbs.
- N. No driveway shall be less than 20 feet in width.

**SECTION 703 - CLUBS (LODGES, FRATERNAL ORGANIZATION, ETC.)**

- A. Minimum Specifications:
  - Front Setback: 75 feet
  - Side Setback: 25 feet
  - Rear Setback: 25 feet
  - Lot Frontage: 150 feet
  - Lot Size: 30,000 square feet
- B. 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.
- C. Landscaping areas or screening adequate to protect adjacent properties and land uses shall be provided on all side and rear lot lines.
- D. All signs shall comply with the general sign provisions found in Section 601 of this Ordinance.
- E. 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 721 of this Ordinance.

**SECTION 704 - DAY CARE (PUBLIC CENTER)**

- A. Minimum Specifications:
  - Front Setback: 75 feet
  - Side Setback: 25 feet
  - Rear Setback: 25 feet
  - Lot Frontage: 150 feet
  - 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 601 of this Ordinance.

**SECTION 705 – DRIVE-IN BUSINESS; CONVENIENCE BUSINESS; PROFESSIONAL OFFICES; GENERAL BUSINESS**

- A. Minimum Specifications:
  - Front Setback: 75 feet
  - Side Setback: 25 feet
  - Rear Setback: 25 feet
  - Lot Frontage: 200 feet
  - Lot Size: 30,000 square feet
- 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. No driveway shall be located less than 50 feet from an intersection and the use of common access with other similar uses is encouraged.
- F. No driveway shall be located less than 20 feet from a property line.
- G. The minimum distance between driveways on the site shall be 70 feet, measured in a straight line from the two closest driveway curbs.
- H. No driveway shall be less than 20 feet in width.
- I. 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.

- J. 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.
- K. 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 610 of this Ordinance.
- L. All signs shall comply with the general sign provisions found in Section 601 of this Ordinance.
- M. Water supply and sewage disposal systems shall be reviewed and approved by the Orleans County Health Department.

**SECTION 706 - 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 708 - 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 shall be exempt from this Section, but shall comply with the requirements found in Section 625 of this Ordinance.

- B. Minimum Specifications:
- Front Setback: 65 feet
  - Side Setback: 20 feet
  - Rear Setback: 20 feet
  - Lot Frontage: 100 feet
  - Lot Size: 10,000 square feet per dwelling unit
- C. Buildings and/or mobile homes may be used for farm worker housing. If mobile homes are used, they shall be exempt from the requirements found in Section 620 and Section 713 of this Ordinance.
- D. Any mobile 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 mobile 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 mobile 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 mobile home used for farm worker housing shall comply with all applicable State and local sanitary codes.
- H. Any building or mobile home used for farm worker housing shall comply with the Property Maintenance Code of New York State and the property maintenance standards found in Section 671 of this Ordinance.
- I. Every building or mobile 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 709 - HOME OCCUPATIONS - DIRECT SALES; HOME OCCUPATIONS - INDIRECT SALES**

- A. No persons other than a member of the immediate family occupying such dwelling shall be employed.
- B. There shall be no outdoor storage or display of materials, goods, supplies, or equipment related to the operation of the Home Occupation.
- C. The use shall not generate vehicular traffic in greater volumes than that normal to the zoning district in which the use is located. Home Occupations-Direct Sales shall



provide a minimum of two off-street parking spaces. A parking space shall not be less than 10 x 20 feet in size.

- D. In no way shall the appearance of the structure be altered or the business be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs or the emission of sounds, noise or vibrations.
- E. The use shall not generate noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the applicable zoning district.
- F. One sign shall be allowed not to exceed 4 square feet in area and shall comply with the general sign provisions found in Section 601 of this Ordinance. No signs shall be allowed for Home Occupation-Indirect Sales.
- G. Home occupations shall be subject to the following floor area limitations:
  - 1. Up to twenty-five (25) percent of the gross floor area of a dwelling may be used for the conduct of a home occupation, provided no part of the business is conducted within any other structure on the lot. The floor area of an attached garage shall not be included in the gross floor area of a dwelling.
  - 2. Up to seventy-five (75) percent of the gross floor area of an attached garage may be used for the conduct of a home occupation, provided no part of the business is conducted within the principal structure or any other structure on the lot.
  - 3. Up to fifty (50) percent of the gross floor area of a detached accessory structure may be used for the conduct of a home occupation, provided no part of the business is conducted within any other structure on the lot.
- H. No more than one commercial vehicle type shall be used in connection with the home occupation.
- I. No home occupation shall be permitted where access is provided only by a shared private road.
- J. There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential purposes.
- K. Typical examples of those uses qualifying as Home Occupations-Direct Sales include: art & photography studio; offices of Doctor, Lawyer, Dentist, Architect, or Accountant, insurance agent or real estate agent within a dwelling occupied by the same; teaching musical instruction to a single pupil at a time; beauty shop, operated by a person occupying the dwelling.
- L. Typical examples of uses qualifying as Home Occupations-Indirect Sales include: dress making/alterations; answering service; professional typing service; crafts construction sold elsewhere.

## **SECTION 710 - MOTELS**

- A. Minimum Specifications:
- Front Setback: 100 feet
  - Side Setback: 50 feet
  - Rear Setback: 50 feet
  - Lot Frontage: 250 feet
  - Lot Size: Two acres
- B. 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.
- C. No driveway shall be located less than 50 feet from an intersection and the use of common access with other similar uses is encouraged.
- D. No driveway shall be located less than 20 feet from a property line.
- E. The minimum distance between driveways on the site shall be 70 feet, measured in a straight line from the two closest driveway curbs.
- F. No driveway shall be less than 20 feet in width.
- G. 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.
- 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. 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 610 of this Ordinance.
- J. All signs shall comply with the general sign provisions found in Section 601 of this Ordinance.
- K. Water supply and sewage disposal systems shall be reviewed and approved by the Orleans County Health Department.
- L. Restaurant/Tavern facilities are permitted as accessory uses provided all provisions found in Section 721 of this Ordinance are complied with in full.

## **SECTION 712 - KENNELS; ANIMAL HOSPITALS**

- A. Minimum Specifications:
- Front Setback: 125 feet
  - Side Setback: 75 feet
  - Rear Setback: 75 feet
  - Lot Frontage: 300 feet
  - Lot Size: Five acres
- B. 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.
- C. All animals shall be kept within a totally enclosed building between 8:00 p.m. and 6:00 a.m.
- D. Adequate landscaping or fencing shall be provided to create a visual, sound and smell buffer between such facility and adjacent properties.
- E. Lot coverage shall not exceed fifty percent.
- F. All signs shall comply with the general sign provisions found in Section 601 of this Ordinance.
- G. All fencing shall comply with the provisions found in Section 610 of this Ordinance.

## **SECTION 713 - MOBILE HOME PARKS**

- A. Park Site - Minimum Specifications:
- Front Setback: 75 feet
  - Side Setback: 75 feet
  - Rear Setback: 75 feet
  - Site Frontage: 500 feet
  - Site Size: Ten acres
- B. Individual Lot - Minimum Specifications:
- Front Setback: 25 feet
  - Side Setback: 20 feet
  - Rear Setback: 20 feet
  - Lot Frontage: 100 feet
  - Lot Size: 10,000 square feet
- C. Tapered lots occurring on curvilinear streets and cul-de-sacs shall have an average lot width of 65 feet. The "average lot width" is defined as the sum of the lengths of the front and rear lot lines divided in half. In no case shall the front lot width on such tapered lots be less than 50 feet. The minimum requirements for the total area and yard dimensions as hereinafter stated shall apply to such tapered lot.

- D. No more than one mobile home shall be located on any one mobile home lot. Mobile homes shall only be placed on lots shown on the approved site plan for the mobile home park.
- E. A minimum of one service building shall be constructed in the mobile home park for the storage of equipment, tools and materials necessary to maintain the park. All equipment, tools and materials shall be stored within said building when not in use.
- F. Each mobile home lot shall provide an asphalt or concrete driveway capable of parking a minimum of three automobiles without blocking common-use sidewalks. A parking space shall not be less than 10 x 20 feet in size. Driveways shall be connected to the entrance of the mobile home by a concrete sidewalk having a minimum width of 3 feet.
- G. Accessory vehicles such as campers, travel trailers, pick-up coaches, motor homes, recreational vehicles, boats, personal watercraft, snowmobiles, unregistered motor vehicles and unlicensed motor vehicles shall not be parked or stored on any mobile home lot or in any driveway. Such vehicles shall be parked or stored in designated accessory vehicle storage areas. Accessory vehicle parking shall be provided at the rate of one and one-quarter (1-1/4) parking spaces for each mobile home lot. A parking space shall not be less than 10 x 30 feet in size. Vehicle storage areas shall be paved with asphalt and completely surrounded by a decorative fence at least 10 feet in height. Trees and shrubs shall be planted around the outer perimeter of the fence.
- H. Each mobile home lot shall front on an internal street. All streets shall accommodate two-way travel and be aligned so they intersect at approximately right angles.
- I. All internal streets shall be paved with asphalt and shall meet the following minimum pavement width requirements:
- Minimum travel lane width: 12 feet
  - Minimum cul-de-sac diameter: 100 feet
- J. No daytime or overnight parking shall be allowed on any internal street in a mobile home park.
- K. The alignment and gradient of all internal streets shall be properly adapted to site topography, but in no case shall street gradients exceed eight percent (8%).
- L. All internal streets shall be named, and said names shall be clearly shown on signs erected at each street intersection.
- M. All internal streets and common-use sidewalks within a mobile home park shall be maintained in good repair and remain passable at all times. Park management shall be responsible for providing and paying the cost of all maintenance and snow removal.

- N. Each mobile home lot shall be assigned a permanent number, and said number shall be permanently displayed on the mobile home lot in a location clearly visible from the street.
- O. Street lighting shall be provided along all internal streets and at street intersections and recreational areas. Light poles and lamps shall be sized and spaced to provide an average illumination level of six-tenths (0.6) foot-candle on all parts of the street system.
- P. One decorative lamp post, not exceeding 8 feet in height, shall be located in the front yard of each mobile home lot.
- Q. Common-use sidewalks shall be provided along both sides of all internal streets. Sidewalks shall be at least 4 feet wide, constructed of concrete and separated from the street by a minimum of 4 feet.
- R. Each mobile home lot shall provide a 3 foot wide concrete sidewalk which connects the mobile home entrance to the common-use sidewalk at the street.
- S. Every mobile home park shall provide one or more recreational areas for use by park residents. Recreational areas shall be located so they are easily accessible by all residents. A recreational area measuring a minimum of 20,000 square feet in size shall be provided for the first ten mobile home lots, with an additional 2000 square feet of area provided for each mobile home lot established thereafter. An adequate quantity of playground equipment shall be installed and maintained at each recreational area.
- T. A public water distribution system shall be provided in the mobile home park, with said system approved by the Orleans County Health Department, Town of Murray Water Department, local fire department, and all other appropriate agencies. A water-service line shall be provided for each mobile home lot and service building, along with appropriately spaced fire hydrants.
- U. A public sanitary sewage disposal system shall be provided in the mobile home park, with said system approved by the Orleans County Health Department and all other appropriate agencies. A sewer-service pipe shall be provided for each mobile home lot.
- V. All utility lines within the mobile home park, including but not limited to, electric, natural gas, cable television, and telephone, shall be installed underground.
- W. All fuel storage tanks used in the mobile home park, including fuel tanks used for the heating of mobile homes, shall be installed and maintained in accordance with current National Fire Protection Agency (NFPA) and New York State Department of Environmental Conservation standards and regulations.
- X. Each property line of the mobile home park shall be provided with screening, such as decorative fencing, vegetated earth berms and/or trees and shrubs, which effectively separates the mobile home park from adjacent uses.

- Y. Trees and shrubs shall be planted along internal streets and at service buildings, accessory vehicle storage areas, recreational areas and park property lines. Landscaping shall be installed in accordance with the approved site plan.
- Z. One storage shed, not exceeding 144 square feet in floor area, shall be provided on every mobile home lot. All storage sheds shall be placed on and securely anchored to a concrete slab.
- AA. Each mobile home shall be enclosed at the bottom with fire resistant skirting within 30 days from the date the home is placed on the lot. The style and appearance of all skirting shall be uniform throughout the park.
- BB. No structure, addition or enclosure shall be added or attached to the exterior of any mobile home unless a building permit is issued by the Code Enforcement Officer.
- CC. No mobile home shall be located on a mobile home lot until all streets, street lights, street signs, lot number signs, common-use sidewalks, recreation areas, perimeter screening, landscaping, fences, service buildings, accessory vehicle storage areas, sanitary sewage disposal system, water supply system and storm drainage system serving said mobile home lot have been installed in accordance with the approved site plan.
- DD. Home occupations shall not be allowed in any mobile home located within a mobile home park.
- EE. Park management shall maintain a register containing the names of all park occupants, and shall mail a copy of said register to the Zoning Enforcement Officer and Code Enforcement Officer by January 15<sup>th</sup> of each year. A copy of the register shall also be made available to town officials at any time upon written or verbal request.
- FF. Park management will maintain written rules and regulations for park occupants, and shall mail a copy of said rules and regulations to the Zoning Enforcement Officer and Code Enforcement Officer by January 15<sup>th</sup> of each year. A copy of the park rules and regulations shall also be made available to town officials at any time upon written or verbal request.
- GG. Park management shall provide adequate staff to supervise the park, and sufficient staff to maintain the park and its infrastructure in good repair and in a clean and sanitary condition.
- HH. Park management shall provide weekly curbside garbage collection for every mobile home lot, recreational area, and service building in the park.
- II. Park management shall notify park occupants of all provisions of this Section and inform them of their duties and responsibilities under this Section and all other applicable regulations.
- JJ. Park occupants shall comply with the provisions of this Section and all other applicable regulations, and shall maintain their mobile homes, lots, facilities and

equipment in good repair and in a clean and sanitary condition.

## **SECTION 714 - MULTIPLE FAMILY DWELLINGS**

- A. Minimum Specifications:
- Front Setback: 75 feet
  - Side Setback: 30 feet
  - Rear Setback: 30 feet
  - Site Frontage: 150 feet
  - Site Size: 30,000 square feet
- B. The maximum gross density shall not exceed eight units per acre.
- C. Minimum Habitable Floor Area Specifications:
- Townhouse Units - two bedrooms or less: 850 square feet
  - Townhouse Units - three bedrooms or more: 1000 square feet
  - Apartment Unit - efficiency: 550 square feet
  - Apartment Unit - one bedroom: 675 square feet
  - Apartment Unit - two bedrooms: 800 square feet
  - 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 715 - MOTOR VEHICLE REPAIR SHOPS**

- A. Minimum Specifications:
- Front Setback: 75 feet
  - Side Setback: 30 feet
  - Rear Setback: 30 feet
  - Site Frontage: 150 feet
  - 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 716 - PUBLIC AND SEMI-PUBLIC BUILDINGS & GROUNDS**

- A. Minimum Specifications:
- Front Setback: 75 feet
  - Side Setback: 30 feet
  - Rear Setback: 30 feet
  - Lot Frontage: 150 feet
  - 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. Entrance and exit points shall be from major or secondary roads.
- D. Parking areas shall not be within 15 feet of any property line.
- E. 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 717 - RETAIL FUEL STATION OR OUTLET**

- A. Minimum Specifications:
  - Front Setback: 75 feet
  - Side Setback: 30 feet
  - Rear Setback: 30 feet
  - Lot Frontage: 150 feet
  - 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. Entrance and exit point shall be from a major or secondary road.
- D. 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.
- E. 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.
- F. The entire area of the site traveled by motor vehicles shall be hard surfaced.
- G. No repair of motor vehicles shall be performed and no motor vehicles shall be offered for sale on the site at any time.
- H. 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.
- I. 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.

- J. 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.
- K. 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.
- L. 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 610 of this Ordinance.
- M. All signs shall comply with the general sign provisions found in Section 601 of this Ordinance.
- N. Water supply and sewage disposal systems shall be reviewed and approved by the Orleans County Health Department.

#### **SECTION 718 - 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 720 - BED AND BREAKFAST**

- A. A maximum total of eight guests shall be allowed to occupy a bed and breakfast establishment on an overnight basis. Guests shall be accommodated in no more than three rentable units.
- B. A maximum of two adult guests and minor children shall be allowed to occupy each rentable unit in a bed and breakfast establishment.
- C. The principal dwelling shall be owner-occupied.
- D. The dwelling shall not be altered in a manner which would cause the premises to differ from its residential character, nor shall any extensions or additions to the dwelling be made for the purpose of renting such space for overnight accommodations.

- E. The use of out buildings detached from the principal dwelling shall not be used for the purpose of a bed and breakfast establishment.
- F. No bed and breakfast establishment shall be permitted where access is provided by a shared private driveway.
- G. No bed and breakfast establishment shall be permitted in an individual mobile home or mobile home park.
- H. A minimum of one off-street parking space shall be provided per rentable unit. A parking space shall not be less than 10 x 20 feet in size and no parking shall occur in the front yard.
- I. The dwelling may display a sign, not to exceed 2 x 2 feet in size.
- J. All bed and breakfast establishments shall comply in full with the Orleans County Sanitary Code and the New York State Uniform Fire Prevention and Building Code.

#### **SECTION 721 – RESTAURANT/TAVERN**

- A. Minimum Specifications:
  - Front Setback: 75 feet
  - Side Setback: 25 feet
  - Rear Setback: 25 feet
  - Lot Frontage: 150 feet
  - 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 space shall not be less than 10 x 20 feet in size. Parking for more than fifty vehicles shall delineate fire lanes.
- C. No driveway shall be located less than 50 feet from an intersection and the use of common access with similar uses is encouraged.
- D. No driveway shall be located less than 20 feet from a property line.
- E. The minimum distance between driveways on the site shall be 70 feet, measured from the two closest driveway curbs.
- F. No driveway shall be less than 20 feet in width.
- G. 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.
- 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. 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 610 of this Ordinance.
- J. All signs shall comply with the general sign provisions found in Section 601 of this Ordinance.
- K. Water supply and sewage disposal systems shall be reviewed and approved by the Orleans County Health Department.

**SECTION 722 - AUTOMOBILE SALES/RENTAL**

- A. Minimum Specifications:
  - Front Setback: 75 feet
  - Side Setback: 30 feet
  - Rear Setback: 30 feet
  - Lot Frontage: 200 feet
  - Lot Size: One acre
- 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 less than 20 feet from any side property line.
- C. 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.
- D. 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.
- E. The entire area of the site to be traveled by motor vehicles shall be hard surfaced.
- F. No vehicles shall be displayed for sale or rent within 25 feet of any property line.
- G. No retail sale of fuels shall occur on site at any time.
- H. All signs shall comply with the general sign provisions found in Section 601 of this Ordinance.
- 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. Repair of motor vehicles on site is prohibited unless the provisions found in Section 715 of this Ordinance are complied with in full.

## **SECTION 723 - SOLID WASTE MANAGEMENT FACILITY**

- A. No solid waste disposal or solid waste management facility shall be permitted, with the following limited exceptions:
1. Disposal of manure in normal farming operations.
  2. An operation or facility which receives or collects only non-putrescible, non-hazardous solid waste and beneficially uses or reuses or legitimately recycles or reclaims such waste. Such exempt facilities include citizen recycling programs, municipal recycling operations and bonafide salvage dealers.

## **SECTION 724 - STORAGE FACILITY**

- A. Minimum Specifications:
- Front Setback: 75 feet
  - Side Setback: 25 feet
  - Rear Setback: 25 feet
  - Lot Frontage: 200 feet
  - 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 located less than 50 feet from an intersection and the use of common access with other similar uses is encouraged.
- E. No driveway shall be located less than 20 feet from a property line.
- F. The minimum distance between driveways on the site shall be 70 feet, measured in a straight line from the two closest driveway curbs.
- G. No driveway shall be less than 20 feet in width.
- 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. 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 610 of this Ordinance.
- J. All signs shall comply with the general sign provisions found in Section 601 of this Ordinance.

- K. The outdoor storage of materials and property is prohibited.
- L. 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 725 - 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. No driveway shall be located less than 50 feet from an intersection, and less than 40 feet from a side property line. The use of common access with other establishments under this section is encouraged.
- E. The minimum distance between driveways on the site shall be 70 feet, measured in a straight line from the two closest curbs.
- F. No driveway shall be less than 30 feet in width.
- G. 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.
- H. 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.
- I. 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.
- J. 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.

- K. All work operations shall be performed in an enclosed building.
- L. Incidental storage out of doors may be permitted provided such materials are shielded from public view by fencing, landscaping, or other appropriate measures.
- M. All signs shall comply with the general sign provisions found in Section 601 of this Ordinance.
- N. Water supply and sewage disposal systems shall be reviewed and approved by the Orleans County Health Department.
- O. 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.
- P. 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 726 - STORAGE AND SALE OF TOPSOIL, MULCH, WOOD CHIPS OR SIMILAR TYPE PRODUCTS**

- A. 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:
  - 1. The parcel on which the storage and sale of the specified products will occur shall be no less than 5 acres in size.
  - 2. 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.
  - 3. No material stockpile shall exceed 25 feet in height.
  - 4. 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.
  - 5. 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.
  - 6. 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.

7. 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.
8. 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.
9. 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.
10. 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.
11. The location of all access roads or driveways shall be approved by the Planning Board.
12. 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:
  - a. The proposed use will not adversely affect the orderly pattern of development in the area.
  - b. 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.
  - c. The proposed use will not create a hazard to public health, safety or general welfare.
  - d. The proposed use will not be detrimental to the flow of traffic in the area.
  - e. The proposed use will not place an excess burden on existing public facilities, services or utilities, nor require improvements to these facilities.
13. The applicant shall comply with all applicable laws, rules, and regulations governing the activities carried on by the applicant pursuant to this special permit.
14. 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.
15. Material stockpiles that are authorized under this Special Permit shall be exempt from the requirements found in Section 671.C.7 of this Ordinance.



**SECTION 727 - STORAGE & INCIDENTAL REPAIR OF CONSTRUCTION EQUIPMENT**

- A. The Planning Board may grant a special permit for the storage and minor repair of construction equipment pursuant to the following criteria:
1. 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.
  2. 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.
  3. The parcel of land on which the use will occur shall be no less than 5 acres in size.
  4. The parcel of land on which the use will occur shall have at least one occupied residential structure located thereon.
  5. 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.
  6. 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.
  7. 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.
  8. At no time shall more than 20 pieces of self-propelled equipment and 5 trailers be stored on the site.
  9. 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:
    - a. Access to the site and the size of the site are adequate for the proposed use.
    - b. The proposed use will not adversely affect the orderly pattern of development in the area.

- c. 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.
  - d. The proposed use will not create a hazard to public health, safety or general welfare.
  - e. The proposed use will not be detrimental to the flow of traffic in the area.
  - f. The proposed use will not place an excess burden on existing public facilities, services or utilities, nor require improvements to these facilities.
10. 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.
  11. 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 728 - BOAT RENTAL BUSINESS**

- A. Minimum Specifications:
  - Front Setback: 75 feet
  - Side Setback: 30 feet
  - Rear Setback: 30 feet
  - Lot Frontage: 150 feet
  - 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 610 of this Ordinance. Fencing shall not block scenic views to or from the canal.
- I. All signs shall comply with the general sign provisions found in Section 601 of this Ordinance.
- 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.

### **SECTION 729 – FARM MARKET**

- A. Minimum Specifications:
  - Front Setback: 75 feet
  - Side Setback: 30 feet
  - Rear Setback: 30 feet
  - Lot Frontage: 150 feet
  - 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. All driveways shall have an unrestrictive width of not less than 25 feet and shall be located not less than 25 feet from any property line, and shall be designed to avoid the necessity of any vehicle backing out into any public right-of-way.
- J. 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.
- K. 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.
- L. Roadside stands operating at or near road intersections shall be located so that sight distance is not impaired.
- M. 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.
- N. 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.
- O. Fences, if erected on the site, shall comply with the fence standards found in Section 610 of this Ordinance.
- P. Signs shall comply with the sign standards found in Section 601 of this Ordinance.
- Q. 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.

- R. 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.
- S. Any Farm Market that sells or offers food products for on-site consumption shall also comply with the Restaurant provisions found in Section 721 of this Ordinance.

## **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 Ordinance. 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 Ordinance. The Zoning Enforcement Officer shall review all permit applications to determine compliance with this Zoning Ordinance. 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 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 904 of this Ordinance 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 Ordinance, 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 Ordinance.
- 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 of all permit actions.

### **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".
- 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.

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

The Town Board authorizes the appointment of a five (or seven) member Planning Board as more fully described in Section 271 of Town Law. At least one member shall be a person engaged in agricultural pursuits as defined in Section 271, Subsection 11 of 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. Training received by a member in excess of four hours in any one year may be carried over by the member into succeeding years.
- E. All training courses must be approved by the Town Board. Traditional classroom-style training shall be the preferred training format. Self-study programs involving on-line courses, on-line tutorials, or the reading of journal articles or books shall not be an acceptable form of training. 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.

- F. 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.
- G. 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.
- H. 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.
- I. 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.

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

- A. Prepare or change a comprehensive land development plan for the Town.
- B. Review and comment on all proposed zoning amendments after referral to the County Planning Board.
- C. Conduct site plan review as authorized by Section 274-A of Town Law, and as prescribed in Article X of this Ordinance.
- D. Review, grant or deny special permits as authorized by Section 274-B of Town Law, and as prescribed in Article IX of this Ordinance.
- 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.

**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 of 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. All training courses must be approved by the County Planning Board. Traditional classroom-style training shall be the mandatory training format. Self-study programs involving on-line courses, on-line tutorials, or the reading of journal articles or books shall not be an acceptable form of training. 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 re-appointment to the County Planning Board.
- E. No decision of the County Planning Board shall be voided or declared invalid because of a failure to comply with the training requirements specified in Section 239-c of General Municipal Law.

#### **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 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 ZBA may adopt rules or bylaws for its operation.
- 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 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. Training received by a member in excess of four hours in any one year may be carried over by the member into succeeding years.
- E. All training courses must be approved by the Town Board. Traditional classroom-style training shall be the preferred training format. Self-study programs involving on-line courses, on-line tutorials, or the reading of journal articles or books shall not be an acceptable form of training. 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.

- F. 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.
- G. 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.
- H. 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 non-compliance to the board member, and offer a hearing, prior to dismissal.
- I. 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.

### **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 Ordinance.
- B. Appeals for Variances. Upon denial of a permit by the Zoning Enforcement Officer or Code Enforcement Officer, the ZBA shall hear requests for variances as more fully described in Section 830 of this Zoning Ordinance.

### **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 granting of variances shall be principally for those seeking an Area Variance. Use Variances allow activities otherwise prohibited in the Zoning District and these requests shall be carefully reviewed.

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

- A. Area variances may be granted where setback, frontage, lot size, density or yard requirements of this Zoning Ordinance 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 Ordinance, 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.

### **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 each 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 Ordinance, 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 Ordinance involved and include a detailed explanation on why the variance should be granted.
- C. Upon receipt of the completed application the ZBA shall:
  - 1. Schedule a public hearing.
  - 2. Publicize the public hearing as described in Section 835.
  - 3. Refer the application to the Orleans County Planning Board as required by Section 239 of General Municipal Law, if required. Refer to Section 840 of this Ordinance 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.

**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 Ordinance.
- 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 tape recorder means and shall be accurate but not necessarily a verbatim transcript, but may be in narrative form. The factual record shall be taken by the secretary to the 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 approval, change in the zoning ordinance or map (re-zoning, amending zoning text) which would affect real property lying within a distance of 500 feet from the boundary of:

- any county
- any town
- any village
- any existing or proposed county or state park
- any county or state road or parkway right-of-way
- any stream or canal owned by the county
- any existing or proposed county or state owned land on which a public building or institution is situated;

must be referred to the 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**

In accordance with Section 283-a of 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.

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.

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 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.

If the project location meets any of the criteria set forth in Section 840 of this Ordinance, 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 General Municipal Law.

## **ARTICLE IX - SPECIAL PERMITS**

### **SECTION 900 - PURPOSE**

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

### **SECTION 901 - ADMINISTRATION**

Pursuant to Section 274-B of Town Law, the Planning Board shall review, grant and administer all Special Permits.

### **SECTION 902 - 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 General Municipal Law, and as described in Section 840 of this Zoning Ordinance.
- 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 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 X.
- H. Each Special Permit application must receive site plan approval before the Special Permit may be granted.

**SECTION 903 - FINDINGS**

- A. The Planning Board may grant a Special Permit for those uses found in Article VII of this Zoning Ordinance, provided all of the requirements and conditions set forth in that Article 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 904 – 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 may 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, 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, provided the subsequent owner signs a permit transfer form and pays a special permit transfer fee to the Town.
- 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 full 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 shall terminate.

## **ARTICLE X - SITE PLAN REVIEW**

### **SECTION 1000 - 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 Ordinance.

### **SECTION 1001 - 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 Ordinance have been met.

### **SECTION 1002 - 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 Ordinance, 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 1003 - 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 1004 - 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.
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 1005 - 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.
  12. Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to flooding and/or erosion.
- B. 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 in determining the adequacy of the site plan.
- C. 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.

## **ARTICLE XI - INCENTIVE ZONING**

### **SECTION 1100 - 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 1101 - DISTRICTS DESIGNATED FOR INCENTIVES**

All zoning districts established within this Ordinance 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 1102 - 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 Ordinance.

### **SECTION 1103 - INCENTIVES WHICH MAY BE GRANTED BY THE TOWN**

- A. 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 Ordinance as deemed necessary by the Town Board for the achievement of the community benefit or amenity.

## **SECTION 1104 - 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 Ordinance, 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.
    - a. 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.
- 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 1105 - 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.