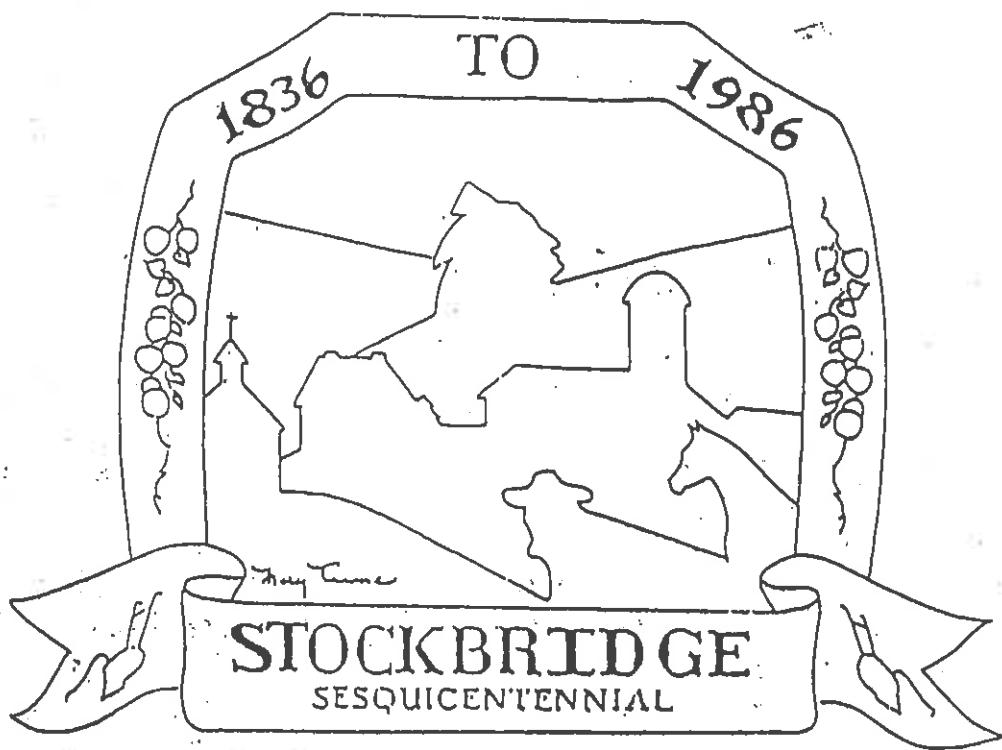


# LAND USE LAW

For The

## TOWN OF STOCKBRIDGE



Stockbridge N.Y.  
13409

Enacted: October 30, 1989  
Amended: October 15, 2002  
Amended: May 19, 2003

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TOWN OF STOCKBRIDGE LAND USE LAW - 1989  
(WITH 2002 & 2003 AMENDMENTS)

ARTICLE 1 - ENACTMENT AND APPLICATION

SECTION 100.1 - TITLE

THIS LOCAL LAW SHALL BE KNOWN AND MAY BE CITED AS THE TOWN OF STOCKBRIDGE LAND USE LAW.

SECTION 100.2 - ENACTING CLAUSE

THE TOWN BOARD OF THE TOWN OF STOCKBRIDGE IN THE COUNTY OF MADISON UNDER THE AUTHORITY OF SECTION 261 OF THE NEW YORK STATE TOWN LAW HEREBY ORDAINS, ENACTS AND PUBLISHES AS FOLLOWS.

SECTION 100.3 - PURPOSES OF THE LAND USE LAW

THE PURPOSES OF THIS LAND USE LAW AND THE LAND USE DISTRICTS AND REGULATIONS HEREIN SET FORTH AND AS OUTLINED ON THE ATTACHED MAPS ARE TO PROVIDE FOR THE ORDERLY GROWTH OF THE TOWN, TO ENCOURAGE THE MOST APPROPRIATE USE OF LAND, TO PROTECT AND CONSERVE THE VALUE OF PROPERTY, TO PREVENT OVERCROWDING ON THE LAND, TO PROTECT AND CONSERVE OUR MAJOR SOURCE OF GROUND WATER AND TO PROMOTE THE HEALTH, SAFETY AND GENERAL WELFARE OF THE PUBLIC.

SECTION 100.4 - APPLICATION OF REGULATIONS

EXCEPT FOR EXISTING USES AND OTHER FACILITIES AS HEREIN PROVIDED;

- A. NO BUILDING OR LAND SHALL HEREAFTER BE USED OR OCCUPIED AND NO BUILDING OR PART THEREOF SHALL BE ERECTED, EXTENDED, OR PUT IN PLACE UNLESS IN CONFORMITY WITH THE REGULATIONS HEREIN SPECIFIED FOR THE DISTRICT IN WHICH IT IS LOCATED.
- B. NO BUILDING SHALL HEREAFTER BE ERECTED, ALTERED, OR PUT IN PLACE:
  1. TO ACCOMMODATE OR HOUSE A GREATER NUMBER OF FAMILIES,
  2. TO OCCUPY A GREATER PERCENTAGE OF LOT, AREA, OR,
  3. TO HAVE NARROWER OR SMALLER BORDERING YARDS THAN SPECIFIED FOR THE DISTRICT IN WHICH SUCH BUILDING IS LOCATED. (SEE TABLE I, P. 5)
- C. NO PART OF A YARD OR OTHER OPEN SPACE AROUND ANY BUILDING REQUIRED IN CONFORMITY WITH THE PROVISIONS OF THIS LAW SHALL BE INCLUDED AS PART OF A YARD OR OTHER OPEN SPACE SIMILARLY REQUIRED FOR ANOTHER BUILDING.

ARTICLE 2 - DISTRICTS AND BOUNDARIES

SECTION 201 - ESTABLISHMENT OF DISTRICTS

THE TOWN OF STOCKBRIDGE IS HEREBY DIVIDED INTO THE FOLLOWING DISTRICTS:

RD - RESIDENTIAL DISTRICT

ARC - AGRICULTURAL-RESIDENTIAL COMMERCIAL DISTRICT

AP - AQUIFER PROTECTION OVERLAY DISTRICT

### SECTION 202 - LAND USE MAPS

THE LAND USE DISTRICTS ARE SHOWN, DEFINED AND BOUNDED ON THE MAPS ENTITLED "TOWN OF STOCKBRIDGE LAND USE MAP", WHICH WITH ALL EXPLANATORY MATTER THEREON IS HEREBY MADE PART OF THIS LAW. THE LAND USE MAP SHALL BE ON FILE IN THE TOWN OFFICE.

### SECTION 203 - LAND USE SCHEDULE (TABLE I, P. 5)

THE LAND USE SCHEDULE SHOWS FOR ALL DISTRICTS THE PERMITTED MINIMUM SIZES OF THE LOTS, SIDES, AND BORDERING YARDS. THE TOWN BOARD MAY EXEMPT CERTAIN PUBLIC FACILITIES FROM THESE REQUIREMENTS.

#### NOTES FOR TABLE I

A. FOR THOSE PORTIONS OF ANY LOT THAT ADJOIN A PUBLIC ROADWAY, THE FOLLOWING DIMENSIONS SHALL BE ADDED TO THOSE MINIMUM DIMENSIONS FOR FRONT YARDS SET FORTH IN TABLE I, LAND USE SCHEDULE, AND MEASUREMENTS SHALL BE TAKEN FROM THE CENTER OF THE ROAD PAVEMENT:

<u>ROAD WIDTH OR TYPE</u>	<u>ADDITIONAL DISTANCE</u>
3 ROD ROADS	ADD 25 FEET
4 ROD ROADS	ADD 33 FEET

FOR WIDER ROADS, THE ADDED DISTANCE SHALL BE EQUAL TO ONE HALF THE ROAD RIGHT-OF-WAY WIDTH. ONE ROD EQUALS 16.5 FEET.

B. WHERE EXISTING (AS OF 1989) COMMUNITY WATER SUPPLY IS USED, ONE-HALF LOT AREA AND SMALLER BORDERING YARDS ARE PERMITTED: LOT 100' FRONT X 75' DEPTH; YARDS: 50' FRONT X 20' SIDES X 20' REAR. HOWEVER, THE LAND USE SCHEDULE (TABLE I) FOR FRONT YARDS DOES APPLY ALONG ROADWAYS RECEIVING COMMUNITY WATER AND/OR SEWER (AFTER 1989).

C. REQUIRES A SPECIAL USE PERMIT ISSUED BY THE PLANNING BOARD.

D. A LANDSCAPED BUFFER ZONE, AT LEAST 15 FT. WIDE, SHALL BE MAINTAINED BY THE OWNER AND THOSE SIDES OF HIS LOT THAT ADJOIN ANY RESIDENTIAL PROPERTY OWNED BY ANOTHER PERSON.

E. SUPPLEMENTARY HOUSING FOR HIRED HANDS, SHARING A SATISFACTORY SEWAGE DISPOSAL SYSTEM, DOES NOT REQUIRE SEPARATE LOTS AND ARE EXEMPT FROM MEETING REQUIREMENTS IN THE TOWN OF STOCKBRIDGE MOBILE HOME PARK LAW, SUBJECT ONLY TO THE CONDITIONS SET FORTH IN SECTION 13 OF THAT LAW.

F. NO NEW MULTI-FAMILY OR CLUSTER DEVELOPMENT SHALL BE ALLOWED WITHOUT ACCESS TO PUBLIC, OR POSSESSION OF A SELF-CONTAINED, SEWAGE TREATMENT SYSTEM.

G. REFER TO SECTIONS 504-506 FOR SPECIAL REQUIREMENTS AND LIMITATIONS. IF THEY ARE NOT SPECIFICALLY LISTED, THESE REQUIREMENTS WILL BE DETERMINED BY THE PLANNING BOARD BASED ON HEALTH, SAFETY, AND GENERAL WELFARE STANDARDS AND EXISTING DEVELOPMENT IN THE IMMEDIATE VICINITY. MINIMUM DIMENSIONS WILL IN NO CASE BE LESS THAN FOR THE SAME USE OUTSIDE OF THE AP-1 DISTRICT. APPLICANTS ARE ENCOURAGED TO MEET INFORMALLY WITH THE PLANNING BOARD PRIOR TO ANY DETAILED SITE PLANNING AND DESIGN.

- H. REFER TO TOWN OF STOCKBRIDGE MOBILE HOME PARK ORDINANCE FOR PERMITTING PROCEDURE AND SPECIAL REQUIREMENTS.
- I. THE MINIMUM SETBACK DISTANCE BETWEEN EACH PRODUCTION LINE COMMERCIAL WIND POWER ELECTRICITY GENERATION UNIT (WIND TURBINE TOWER) AND ALL SURROUNDING PROPERTY LINES, PUBLIC ROAD RIGHTS-OF-WAY, OVERHEAD UTILITY LINES, ANY DWELLINGS, AND ANY OTHER GENERATION UNITS, ABOVE-GROUND TRANSMISSION FACILITIES, ELECTRICAL SUBSTATIONS, AND SEPARATE METEOROLOGICAL FACILITIES, SHALL BE EQUAL TO NO LESS THAN 1.5 TIMES THE SUM OF THE PROPOSED TOWER HEIGHT (HUB HEIGHT) PLUS THE ROTOR RADIUS. THE PROPERTY LINE SETBACK REQUIREMENT MAY BE REDUCED BY THE PLANNING BOARD AS AN INCIDENT OF SPECIAL PERMIT REVIEW WHEN THE PLANNING BOARD FINDS THAT THE FOLLOWING CIRCUMSTANCES APPLY: EITHER, I) BOTH PROPERTIES ON EACH SIDE OF THE BOUNDARY LINE IN QUESTION WILL HAVE ABOVE GROUND ELECTRICITY GENERATION OR TRANSMISSION FACILITIES CONSTRUCTED ON THEM AS PART OF THE PROJECT UNDER REVIEW, OR II) THE OWNER OF THE PROPERTY FOR WHICH THE REDUCED SETBACK IS SOUGHT EXECUTES AND PRESENTS FOR RECORDING A DEVELOPMENT EASEMENT SATISFACTORY TO THE TOWN IN WHICH THE REDUCED SETBACK IS CONSENTED TO, AND CONSTRUCTION WITHIN AND USE OF THE EASEMENT AREA IS APPROPRIATELY RESTRICTED.

NO EXPERIMENTAL HOMEBUILT OR PROTOTYPE WIND TURBINES SHALL BE ALLOWED WITHOUT DOCUMENTATION BY THE APPLICANT OF THEIR MAXIMUM PROBABLE BLADE THROW DISTANCE IN THE EVENT OF FAILURE AND DETERMINATION BY THE PLANNING BOARD OF APPROPRIATE SETBACK DISTANCES ON THE BASIS OF THAT DOCUMENTATION.

#### SECTION 204. - INTERPRETATION OF LAND USE DISTRICT BOUNDARIES

WHERE UNCERTAINTY EXISTS WITH RESPECT TO THE BOUNDARIES OF THE VARIOUS DISTRICTS AS SHOWN ON THE LAND USE MAP, THE FOLLOWING RULES SHALL APPLY;

- A. DISTANCES SHOWN ON THE LAND USE MAP ARE PERPENDICULAR OR RADIAL DISTANCES FROM THE ROAD PROPERTY LINES MEASURED BACK TO THE DISTRICT BOUNDARY LINE, WHICH LINES IN ALL CASES, WHERE DISTANCES ARE GIVEN ARE PARALLEL TO THE ROAD RIGHT-OF-WAY. (SECTION 203, P. 2 INDICATES THE WIDTH OF EACH RIGHT-OF-WAY, WITHIN WHICH ROADS ARE USUALLY CENTERED.)
- B. WHERE DISTRICT BOUNDARIES ARE INDICATED AS APPROXIMATELY FOLLOWING THE CENTER LINES OF THE ROADS, RAILROAD LINES, OR STREAMS, SUCH CENTER LINES SHALL BE CONSTRUED TO BE SUCH BOUNDARIES.
- C. WHERE DISTRICT BOUNDARIES ARE SO INDICATED THAT THEY APPROXIMATELY FOLLOW THE LOT LINES, SUCH LOT LINES SHALL BE CONSTRUED TO BE BOUNDARIES. OTHERWISE, THE DISTRICT BOUNDARIES SHALL BE THE 200' BACK FROM THE NEAREST ROAD RIGHT-OF-WAY LINE.
- D. WHERE DISTRICT BOUNDARIES ARE SO INDICATED THAT THEY ARE APPROXIMATELY PARALLEL TO THE CENTER LINES OF ROADS, SUCH DISTRICT BOUNDARIES SHALL BE CONSTRUED AS BEING PARALLEL THERETO AND AT SUCH DISTANCE FROM THE ROAD PROPERTY LINE AS INDICATED ON THE LAND USE MAP (APPENDIX 2).
- E. WHERE THE BOUNDARY OF A DISTRICT FOLLOWS A RAILROAD LINE, SUCH BOUNDARY SHALL BE DEEMED TO BE LOCATED IN THE MIDDLE OF THE MAIN TRACKS OF SAID RAILROAD LINE.

- F. WHERE THE BOUNDARY OF A DISTRICT FOLLOWS A STREAM, LAKE, OR OTHER BODY OF WATER, SAID BOUNDARY LINE SHALL BE DEEMED TO BE AT THE LIMIT OF THE JURISDICTION OF THE TOWN OF STOCKBRIDGE UNLESS OTHERWISE INDICATED.
- G. QUESTIONS CONCERNING THE EXACT LOCATION OF THE DISTRICT BOUNDARY LINES SHALL BE RESOLVED BY THE BOARD OF APPEALS.

TABLE I.1. LAND USE SCHEDULE

RESIDENTIAL DISTRICT, RD	MINIMUM LOT AREA			MINIMUM LOT			MINIMUM SET-BACK*			Notes (See pp. 2 & 3)
	Front ft.	Depth ft.	Front ft.	Side ft.	Rear ft.	Front ft.	Side ft.	Rear ft.	Front ft.	
Single-family unit with public water	20,000 sq. ft. 40,000 "	100 150	125 "	50 "	20 "	20 "	20 "	20 "	20 "	A,B
without public water										
Two-family unit with public water	30,000 sq. ft. 60,000 sq. ft.	150 "	125 "	50 "	25 "	50 "	25 "	50 "	50 "	A,B
without public water										
Multi-family with public water	10,000 sq. ft./unit 20,000 sq. ft./unit	150 "	125 "	50 "	25 "	50 "	25 "	50 "	50 "	A,C,D A,C I
without public water										
Cluster development	On separate application for a special use permit from Planning Board									
Wind Power Facilities										
AGRICULTURAL-RESIDENTIAL-COMMERCIAL DISTRICT, ARC										
All 'RD' uses, as above	5 acres	150	125	50	75	50	50	50	50	A,C,E A,B A,C,D A,H
Farm	On separate application for a special use permit from Planning Board									
Farm buildings	5 acres									
Business, professional, or industrial use										
Mobile home park										
AQUIFER PROTECTION OVERLAY DISTRICT, AP-1										
Single-family unit	40,000 sq. ft.	100	125	Same as for RD	"	"	"	"	"	A
Two-family unit	60,000 sq. ft.	150	125	"	"	"	"	"	"	A
Multi-family & Cluster development	On separate application for a special use permit from Planning Board									A,C,D,F
Business, professional, or industrial use	On separate application for a special use permit from Planning Board									A,C,D,G

\* Corner lots are considered to have two front yards, along the two roadways, and two side yards.

## ARTICLE 3 - LAND USE DISTRICT

SECTION 301 - RESIDENTIAL DISTRICT, RD

THE PURPOSE OF THIS DISTRICT IS TO PROVIDE ATTRACTIVE BUILT-UP HOUSING IN RURAL SETTINGS THAT WILL MAINTAIN HEALTH VIA PROPER SEWAGE DISPOSAL, SAFE WATER SUPPLY, AND THE MINIMUM OF NUISANCE IN DIFFERENT LAND USES.

SECTION 301.1 - PRINCIPAL USES PERMITTED

- A. ONE-FAMILY DWELLINGS, INCLUDING MOBILE OR MODULAR HOMES, BUILT ON A FOUNDATION. MOBILE HOMES IN ADDITION, MUST BE COMPLETELY SKIRTED WITH SKIRTING MANUFACTURED FOR THE PURPOSE OR AN UNBROKEN MASONRY SURFACE.
- B. TWO-FAMILY DWELLINGS BUILT ON A FOUNDATION.
- C. FARMS AND FARM BUILDINGS ALREADY PRESENT.
- D. ORCHARDS, TREE NURSERIES AND REFORESTATION AREAS.

SECTION 301.2 - ACCESSORY USES PERMITTED

- A. PRIVATE GARAGES.
- B. CUSTOMARY ACCESSORY STRUCTURES: TOOL HOUSES, PLAYHOUSES, GREENHOUSES, NOT TO EXCEED 750 SQUARE FEET AND NOT TO BE LESS THAN 10 FEET FROM THE REAR OF THE LOT.
- C. ANIMAL SHELTERS FOR DOMESTIC PETS, PROPERLY MAINTAINED.
- D. OTHER STRUCTURES SUCH AS PRIVATE SWIMMING POOLS AND FIREPLACES.
- E. CUSTOMARY FARM BUILDINGS LOCATED ON THE SAME PARCEL AS THE PRINCIPAL USE.
- F. OFF-STREET PARKING.

SECTION 301.3 - USES REQUIRING A SPECIAL USE PERMIT

- A. MULTI-FAMILY HOUSING.
- B. CLUSTER DEVELOPMENT OF DWELLINGS.
- C. PLANNED DEVELOPMENT DISTRICTS.
- D. CHURCHES AND OTHER SIMILAR PLACES OF WORSHIP, PARISH HOUSES, CONVENTS, AND SIMILAR FACILITIES OF RELIGIOUS GROUPS
- E. PUBLIC RECREATION AREAS INCLUDING PARKS, PLAYGROUNDS, AND PLAYFIELDS.
- F. PUBLIC BUILDINGS, LIBRARIES, MUSEUMS, PUBLIC AND NON-PROFIT PRIVATE SCHOOLS ACCREDITED BY THE STATE EDUCATION DEPARTMENT.
- G. HOSPITALS, COLLEGES THAT ARE LICENSED OR ACCREDITED BY NEW YORK STATE.
- H. PROFESSIONAL OFFICES.

- I. PUBLIC UTILITY USES.
- J. DEVELOPMENT
  - 1. WITHIN 50' OF STREAM BANKS OR LAKE SHORES,
  - 2. ON SLOPES OF A NATURAL GRADIENT OF 15% OR GREATER,
  - 3. ON LAND OUTSIDE FEDERALLY DESIGNATED FLOOD HAZARD ZONES, BUT FOR WHICH SOIL STUDIES HAVE SHOWN TO BE SUBJECT TO PERIODIC FLOODING. ON LAND WITHIN FEDERALLY DESIGNATED FLOOD BOUNDARIES. THE PROVISIONS OF THE TOWN OF STOCKBRIDGE FLOOD DAMAGE LAW SHALL APPLY.
  - 4. LAND OVERLYING THE ONONDAGA LIMESTONE FORMATION, AND THE COEYMAN'S & MANLIUS LIMESTONE FORMATION (ALSO REFERRED TO AS HELDERBERG GROUP) IN THOSE AREAS WHERE THE BEDROCK IS WITHIN 3' OF THE GROUND SURFACE OR IS ITSELF OVERLAIN BY COURSE-GRAINED, HIGHLY PERMEABLE DEPOSITS.
- K. WINDPOWER ELECTRICITY GENERATION AND TRANSMISSION FACILITIES. (SEE NOTE I TO TABLE 1)

SECTION 302 - AGRICULTURAL-RESIDENTIAL COMMERCIAL DISTRICT, ARC

THE PURPOSE OF THIS DISTRICT IS TO PRESERVE FARM LANDS AND ADJOINING SETTLEMENTS AS LONG AS POSSIBLE, TO PROVIDE FOR SEPARATE RESIDENCES OF ALL KINDS, AND TO INVITE ALL OTHER USES, UNDER CERTAIN CONTROLS, IN ORDER TO ASSURE THE LIVELIHOOD AND ENJOYMENT OF THOSE WHO LIVE THERE.

SECTION 302.1 - PRINCIPAL USES PERMITTED

- A. SAME AS SECTION 301.1.
- B. FARMS AND FARM BUILDINGS FOR RELATED AGRICULTURAL ACTIVITIES.

SECTION 302.2 - ACCESSORY USES PERMITTED

- A. SAME AS SECTION 301.2.
- B. ROADSIDE STANDS FOR THE SALE OF SEASONAL FARM PRODUCE OR GARAGE SALES. SUCH STANDS ARE TO BE SET BACK AT LEAST 20 FEET FROM THE EDGE OF PAVED HIGHWAY, PROVIDE SAFE OFF-STREET PARKING FOR AT LEAST THREE MOTOR VEHICLES, AND INCLUDE A DRIVEWAY THAT PERMITS VEHICLES TO ENTER THE ROAD WITHOUT BACKING ON TO IT.
- C. CUSTOMARY HOME BUSINESSES OR PROFESSIONAL OFFICES CONDUCTED BY THE RESIDENTS.
- D. SEASONAL CAMP.
- E. WILDLIFE CONSERVATION AND HARVESTING.
- F. FISHING AND HUNTING PRESERVES.
- G. NON-INTENSIVE OUTDOOR RECREATION, NON-COMMERCIAL.
- H. ACCESSORY BUILDINGS NECESSARY TO THE PRINCIPAL USE AND WHICH DO NOT INCLUDE ANY ACTIVITY COMMONLY CONDUCTED AS A SEPARATE BUSINESS.

SECTION 302.3 - USES REQUIRING A SPECIAL USE PERMIT

- A. SAME AS SECTION 301.3.
- B. HOUSING OF ANIMALS OTHER THAN DOMESTIC ANIMALS OR PETS WHICH ARE ALSO NOT KEPT FOR COMMERCIAL PURPOSES.
- C. MOBILE HOME ON SAME LOT FOR CLOSE RELATIVES ON A WORKING FARM.
- D. ALL BUSINESS, PROFESSIONAL, AND INDUSTRIAL ESTABLISHMENTS.
- E. DAY CAMPS, GUEST OR VACATION HOMES FOR PAY, AND PRIVATE CLUBS.
- F. COMMERCIAL OUTDOOR RECREATION SUCH AS SKI RUNS, SNOWMOBILE PARKS, MINIATURE GOLF COURSES, DRIVING RANGES AND RACE TRACKS.
- G. DEVELOPMENT
  - 1. WITHIN 50' OF STREAM BANKS OR LAKE SHORES,
  - 2. ON STEEP SLOPES AS INDICATED ON THE TOWN OF STOCKBRIDGE STEEP SLOPES MAP (SEE APPENDIX 2),
  - 3. ON LAND OUTSIDE FEDERALLY DESIGNATED FLOOD HAZARD ZONES, BUT FOR WHICH SOIL STUDIES HAVE SHOWN TO BE SUBJECT TO PERIODIC FLOODING (AS INDICATED ON THE TOWN OF STOCKBRIDGE FLOOD PLAIN MAP (SEE APPENDIX 2)),
  - 4. LAND OVERLYING THE ONONDAGA LIMESTONE FORMATION AND THE COEYMAN'S & MANLIUS LIMESTONE FORMATION (ALSO REFERRED TO AS HELDERBERG GROUP) IN THOSE AREAS WHERE THE BEDROCK IS WITHIN 3' OF THE GROUND SURFACE OR IS ITSELF OVERLAIN BY COURSE-GRAINED, HIGHLY PERMEABLE DEPOSITS AS INDICATED ON FORMATIONS 6 & 7 ON THE GEOLOGICAL MAP OF MADISON COUNTY.

ARTICLE 4 - SUPPLEMENTARY REGULATIONSSECTION 401 - ADDITIONAL REGULATIONS FOR ALL LOTS

- 1. THIS ARTICLE PROVIDES FOR THE SAFETY OF THE OCCUPANTS OF BUILDINGS AND OF THOSE WHO USE THE ROADS. THEREFORE THOSE WHO BUILD, USE, BUY, REPAIR, OR REMODEL ANY BUILDINGS MUST OBSERVE THE NEW YORK STATE FIRE AND BUILDING CODE, THE TOWN OF STOCKBRIDGE MOBILE HOME PARK ORDINANCE, THE TOWN OF STOCKBRIDGE BUILDING AND SANITARY ORDINANCE, THE TOWN OF STOCKBRIDGE FLOOD DAMAGE PREVENTION LAW AND ALL OTHER APPLICABLE LAWS.
- 2. COMPLIANCE WITH THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) WILL BE ACCOMPLISHED DURING ADMINISTRATION OF THESE REGULATIONS.

SECTION 402 - OBSTRUCTION OF VISION

ON A CORNER LOT, THERE SHALL BE NO OBSTRUCTION OF VISION CREATING A SAFETY HAZARD FOR ANYONE USING THE INTERSECTING ROADS. THE DETERMINATION OF AN APPROPRIATE "CLEAR" ZONE SHALL BE MADE BY THE CODE ENFORCEMENT OFFICER AND COUNTY OR TOWN HIGHWAY SUPERINTENDENT.

#### SECTION 403 - ACCESS AND SAFETY

CHANGES OR ADDITIONS TO EXISTING YARDS, DRIVEWAYS, DRIVEWAY ENTRANCES AND THE LOCATION AND HEIGHT OF BUILDINGS AND ENCLOSURES MAY BE REQUIRED BY THE TOWN BOARD IN SUSTAINING APPEALS TO REDUCE TRAFFIC HAZARDS OR TO SAFEGUARD ADJACENT PROPERTIES.

#### SECTION 404 - ON-PREMISES PARKING SPACE FOR VEHICLES

FOR EVERY BUILDING HEREAFTER ERECTED, OR CONVERTED TO MULTIPLE TENANT RENTAL USE, THE FOLLOWING MINIMUM PARKING SPACES SHALL BE PROVIDED ON THE PREMISES:

RESIDENTIAL USES: TWO PER DWELLING UNIT.

MULTIPLE TENANT USES: ONE PER TENANT PLUS ONE EXTRA.

HOTEL, MOTEL, TOURIST HOME, BOARDING HOUSE, BED AND BREAKFAST: ONE PER GUEST ROOM PLUS THREE FOR SERVICE.

OTHER BUSINESSES: ONE PER 100 SQUARE FEET OF CUSTOMER FLOOR SPACE UP TO 1000 SQUARE FEET, SPECIAL USE PERMIT THEREAFTER.

PUBLIC ASSEMBLY BUILDINGS AND OUTDOOR RECREATION FACILITIES: AS REQUIRED BY THE PLANNING BOARD.

#### SECTION 405 - PERFORMANCE STANDARDS

IN ALL DISTRICTS ANY USES THAT ENDANGER THE HEALTH, SAFETY, OR WELFARE OF ANY PERSON ARE PROHIBITED. ANY EXISTING USES JUDGED TO BE A MENACE OR NUISANCE MAY BE CITED TO THE CODE ENFORCEMENT OFFICER BY A WRITTEN COMPLAINT, AS PROVIDED IN SECTION 608. A.

#### SECTION 406 - OPEN BURNING

THE BURNING OF DRY HOUSEHOLD RUBBISH (NOT GARBAGE), YARD WASTES AND CUTTINGS MAY BE DONE IN THE OPEN WITHOUT A TOWN BOARD PERMIT BY INDIVIDUAL HOUSEHOLDS UNDER THE FOLLOWING CONDITIONS:

- A. IN DAYLIGHT WHEN CLEAR VISIBILITY IS AT LEAST TWO MILES.
- B. WHEN WIND SPEED AND WIND DIRECTION WILL NOT BLOW THE SMOKE INTO THE HOUSE, BUSINESS PREMISES, PLACE OF ASSEMBLY OF ANOTHER, OR ACROSS PUBLIC ROADS.
- C. ON A SITE SAFELY DISTANT FROM ANY STRUCTURE OR COMBUSTIBLE MATERIAL, AND,
- D. UNDER THE CARE OF A RESPONSIBLE PERSON AT ALL TIMES EQUIPPED TO EXTINGUISH THE FIRE WHEN NECESSARY.

#### SECTION 407 - STORAGE OF FLAMMABLE LIQUIDS, CHEMICALS AND EXPLOSIVES

THE DESIGN, CONSTRUCTION, MAINTENANCE, AND OPERATION OF STORAGE FACILITIES FOR FLAMMABLE LIQUIDS, CHEMICALS, AND EXPLOSIVES SHALL COMPLY WITH ALL APPLICABLE LAWS, CODES, AND REGULATIONS. A COPY OF THESE MATERIALS CAN BE EXAMINED IN ANY PUBLIC FIRE HOUSE.

SECTION 408 - SCREENING JUNKYARDS

NEW AND EXISTING JUNKYARDS VISIBLE FROM AN ADJACENT PUBLIC ROAD SHALL BE SCREENED ON ALL SIDES BY A FENCE AND/OR EVERGREENS TO PROVIDE A VISUAL BARRIER NOT LESS THAN SIX FEET HIGH. THE BARRIER SHALL NOT BE CLOSER TO THE LOT LINE THAN SPECIFIED FOR OTHER BUSINESS ESTABLISHMENTS IN SECTION 203.

SECTION 409 - EXTRACTION OF TOPSOIL, SAND, GRAVEL, OR STONE

ALL LAND OWNERS SHALL COMPLY WITH THE NEW YORK STATE MINED LAND RECLAMATION LAW (CHAPTERS 1043, 1044) WHICH REQUIRES THAT OPERATORS WHO MINE MORE THAN 1000 TONS OF MINERALS FROM THE EARTH WITHIN 12 SUCCESSIVE CALENDAR MONTHS MUST OBTAIN A PERMIT FOR SUCH OPERATIONS FROM THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

SECTION 410 - CONSERVATION OF STEEP SLOPES

THE CONSTRUCTION OF NEW BUILDINGS, ROADS, AND OTHER FACILITIES ON SLOPES OF 15% OR MORE GRADE (15% = 1.5 FOOT RISE IN 10 FEET HORIZONTAL DISTANCE) SHALL REQUIRE A SPECIAL USE PERMIT, AND A PERFORMANCE BOND MAY BE REQUIRED. LOGGING ON SUCH AREAS SHALL COMPLY WITH NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION STANDARDS (SEE APPENDIX I).

SECTION 411 - PUBLIC UTILITIES AND SERVICES

ALL NEW CONSTRUCTION AND ERECTION, EXCEPT HOOKUPS TO SINGLE CUSTOMERS FROM EXISTING FACILITIES, REQUIRE THE GRANTING OF A SPECIAL USE PERMIT. THIS APPLIES TO, BUT IS NOT LIMITED TO, THOSE UTILITIES THAT FURNISH POWER, FUEL, WATER, COMMUNICATIONS, AND SUCH PUBLIC SERVICES AS FIRE, POLICE, SOLID WASTE DISPOSAL, AND PREMISES FOR GOVERNMENT AGENCIES.

SECTION 412 - NON-CONFORMING USES

- A. LAWFUL USE OF ANY BUILDING OR LAND EXISTING AT THE TIME OF ENACTMENT OR AMENDMENT OF THIS MAY BE CONTINUED, ALTHOUGH SUCH USE DOES NOT CONFORM WITH THIS LOCAL LAW, EXCEPT AS HEREINAFTER PROVIDED.
- B. WHEN A NON-CONFORMING USE HAS BEEN DISCONTINUED FOR A PERIOD OF ONE YEAR, SUCH USE SHALL NOT THEREAFTER BE RE-ESTABLISHED, AND ANY FUTURE USE SHALL BE IN CONFORMITY WITH THIS LOCAL LAW.
- C. NO NON-CONFORMING USE SHALL BE CHANGED TO OTHER THAN A CONFORMING USE FOR THE DISTRICT IN WHICH IT IS SITUATED.
- D. A NON-CONFORMING USE MAY BE REBUILT OR RESTORED FOLLOWING DAMAGE BY NATURAL CAUSES (INCLUDING FIRE, WIND, AND MOTOR VEHICLES) PROVIDED THAT IT SHALL NOT BE ENLARGED WITHOUT ISSUANCE OF A SPECIAL PERMIT.
- E. EXPANSION OR ENLARGEMENT OF A NON-CONFORMING USE SHALL BE SUBJECT TO ISSUANCE OF A SPECIAL PERMIT.

## ARTICLE 5 - AQUIFER PROTECTION OVERLAY DISTRICT

SECTION 501 - STATEMENT OF INTENT

THE PURPOSE AND INTENT OF THE AQUIFER PROTECTION OVERLAY DISTRICT IS, IN THE INTEREST OF PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE, TO PRESERVE THE QUALITY AND QUANTITY OF THE TOWN'S GROUNDWATER RESOURCES IN ORDER TO INSURE A SAFE AND HEALTHY DRINKING WATER SUPPLY. THIS IS TO BE ACCOMPLISHED BY REGULATING LAND USES WHICH MIGHT CONTRIBUTE TO THE CONTAMINATION OF THE AQUIFER IDENTIFIED AS NECESSARY FOR THE PRESENT AND FUTURE WATER SUPPLY OF THE TOWN OF STOCKBRIDGE.

IT IS THE INTENT OF THESE REGULATIONS THAT CURRENT FARMING PRACTICES OCCURRING IN AP-I AND AP-II WILL BE ALLOWED TO CONTINUE REGARDLESS OF WHETHER OR NOT THEY ARE IN THE MADISON COUNTY AGRICULTURAL DISTRICT #3 UNLESS A NEW RESIDENTIAL AND/OR INDUSTRIAL DISTRICT IS CREATED WHICH WOULD EXCLUDE NEW FARMING AREAS.

SECTION 502 - SCOPE AND AUTHORITY

THE AQUIFER PROTECTION OVERLAY DISTRICT SHALL BE CONSIDERED AS OVERLAYING OTHER LAND USE DISTRICTS. USES PERMITTED IN THE PORTIONS OF THE DISTRICTS SO OVERLAID SHALL BE PERMITTED, WHEN NOT SPECIFICALLY PROHIBITED BY THE PROVISIONS OF THIS DISTRICT, SUBJECT TO ALL REGULATORY PROVISIONS OF THIS DISTRICT. IN ANY CASES WHERE CONFLICTS ARISE BETWEEN THESE SUPPLEMENTAL REGULATIONS AND ANY OTHER EXISTING REGULATIONS, THE MORE RESTRICTIVE REGULATIONS SHALL APPLY.

SECTION 503 - DELINEATION OF AQUIFER PROTECTION OVERLAY DISTRICT

THE DISTRICT CONSISTS OF THE LAND OVERLYING UNCONSOLIDATED AQUIFER MATERIAL SERVING AS A SIGNIFICANT SOURCE OF WATER FOR INDIVIDUAL WELLS IN THE TOWN. IT IS DIVIDED INTO:

- A. AREAS UNDERLAIN BY AQUIFER AREAS WITH HIGH POTENTIAL FOR CONTAMINATION (HEREAFTER DESIGNATED AP-1)
- B. AREAS UNDERLAIN BY AQUIFER AREAS WITH A MODERATE POTENTIAL FOR CONTAMINATION (HEREAFTER DESIGNATED AP-2)

SECTION 503.1 - BASIS FOR DELINEATION

THE ABOVE AREAS HAVE BEEN IDENTIFIED AND DELINEATED BY THE MADISON COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL, ACTING IN ITS CAPACITY AS MADISON COUNTY'S OFFICIALLY DESIGNATED WATER QUALITY MANAGEMENT AGENCY, ON A MAP ENTITLED "MADISON COUNTY UPLAND VALLEY UNCONSOLIDATED AQUIFERS AND THEIR POTENTIAL FOR CONTAMINATION" AND COMPILED IN 1987 ON THE BASIS OF THE BEST AVAILABLE HYDROGEOLOGICAL INFORMATION FOR THE AREA.

SECTION 503.2 - CRITICAL ENVIRONMENTAL AREA

ALL LAND WITHIN THIS DISTRICT IS HEREBY DESIGNATED A CRITICAL ENVIRONMENTAL AREA, PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA). ANY ACTION, SUBJECT TO THE SEQRA PROCESS AND OTHERWISE CLASSIFIABLE AS AN UNLISTED ACTION, WHICH WOULD AFFECT PROPERTY WITHIN THE DISTRICT MUST

THEREFORE BE TREATED AS A TYPE I ACTION. AS SUCH, IT REQUIRES COMPLETION OF THE LONG VERSION OF THE ENVIRONMENTAL ASSESSMENT FORM (EAF) AND LEAD AGENCY CONSIDERATION OF THE SPECIFIC CRITERIA FOUND IN IT BEFORE A DECLARATION OF SIGNIFICANCE CAN BE MADE.

#### SECTION 504 - PROHIBITED AND SPECIAL USES

THE FOLLOWING ARE PROHIBITED, FROM ESTABLISHMENT AS NEW PRIMARY OR ACCESSORY USES ANYWHERE IN THE AQUIFER PROTECTION OVERLAY DISTRICT (AP-1 AND AP-2) OR SUBJECT TO A SPECIAL USE PERMIT.

##### SECTION 504.1 - PROHIBITED USES

- A. HAZARDOUS WASTE MATERIAL STORAGE.
- B. CEMETERY.
- C. SANITARY LANDFILL.

##### SECTION 504.2. - USES REGULATED BY A SPECIAL USE PERMIT

THE FOLLOWING USES ARE PERMITTED ON APPLICATIONS FOR A SPECIAL USE PERMIT, SUBJECT TO APPROVAL, WITH ANY SPECIFIED CONDITIONS OR MODIFICATIONS, OF THE PLANNING BOARD. IN ADDITION TO THE REQUIREMENTS OF SECTIONS 605.7 - 605.12, THE APPLICATION SHALL INCLUDE PLANS PREPARED BY A LICENSED ENGINEER OR ARCHITECT SHOWING ALL FEATURES OF THE SYSTEM NECESSARY FOR THE SATISFACTORY CONVEYANCE, STORAGE, DISTRIBUTION, USE, AND DISPOSAL OF PROCESS WASTES, TOXIC SUBSTANCES AND HAZARDOUS MATERIALS, SOLID WASTES, AND INCIDENTAL WASTES WITHIN THE PROPERTY BOUNDARIES OF THE ESTABLISHMENT. IN THE CASE ACCESSORY HOME BUSINESS EXAMPLES OF THESE USES, THE PLANNING BOARD MAY WAIVE THE REQUIREMENT FOR THE PREPARATION BY A LICENSED ENGINEER OR ARCHITECT FOR THE ABOVE REQUIRED PLANS.

- A. JUNK OR SALVAGE YARD.
- B. UNDERGROUND FUEL OIL, PETROLEUM DISTILLATE, OR HAZARDOUS CHEMICAL STORAGE TANK.
- C. ABOVEGROUND FUEL OIL, PETROLEUM DISTILLATE, OR HAZARDOUS CHEMICAL STORAGE TOTALING MORE THAN 660 GALLONS PER 1 ACRE LOT.
- D. ROCK (CHLORIDE) SALT OR DE-ICING CHEMICAL STORAGE IN BULK.
- E. AUTO SERVICE OR SALES AND SERVICE BUSINESS OR CAR WASH.
- F. FURNITURE STRIPPING OR REFINISHING BUSINESS.
- G. METAL PLATING OR ETCHING BUSINESS.
- H. NON-FARM ANIMAL FEED LOT OF OVER 25 ANIMALS PER ACRE.
- I. CHEMICAL OR BACTERIOLOGICAL LABORATORY.
- J. TRUCKING TERMINAL.
- K. PHOTO-PROCESSING OR PRINTING BUSINESS.
- L. CONTRACTOR YARD.
- M. USES AS IN SECTION 301.3 A.-K. (ON PAGE 6).

#### SECTION 505.1 - LIMITATIONS ON PERMITTED USES

THE FOLLOWING LIMITATIONS APPLY IN AREAS WITH A HIGH POTENTIAL FOR AQUIFER CONTAMINATION (AP-1).

- A. COMMERCIAL, INDUSTRIAL AND OTHER NON-RESIDENTIAL USES: LOT COVERAGE, TO INCLUDE STRUCTURES, PAVEMENT, AND PARKING, SHALL NOT EXCEED 40% OF THE LOT'S AREA.
- B. (1) FERTILIZED VEGETATION (EXCLUDING LAWNS): TO MINIMIZE THE POTENTIAL FOR AQUIFER CONTAMINATION FROM FERTILIZERS, PESTICIDES, AND HERBICIDES, FERTILIZED VEGETATION SHALL NOT EXCEED 15% OF ANY LOT OR 20,000 SQUARE FEET, WHICHEVER IS LESS.
- (2) ANY APPLICATION FOR A BUILDING PERMIT SHALL PROVIDE A LANDSCAPE PLAN (EXCLUDING LAWNS) IF FERTILIZED VEGETATION IS TO BE USED.
- (3) LANDS USED IN AGRICULTURAL PRODUCTION WHETHER IN THE AGRICULTURAL DISTRICT CREATED UNDER THE N.Y.S. AGRICULTURE AND MARKETS LAW, ARTICLE 25AA, OR ELIGIBLE FOR INCLUSION IN SUCH A DISTRICT UNDER SECTION 301.4 OF SAID ARTICLE (25AA), SHALL BE EXCLUDED FROM THE REQUIREMENTS OF THIS PROVISION.

#### SECTION 505.2 - MINIMUM DIMENSIONS

- A. RESIDENTIAL USES: LOT AREA, LOT FRONTAGE AND DEPTH, AND YARD SETBACKS SHALL BE GOVERNED BY THE MINIMUMS SHOWN IN THE LAND USE SCHEDULE FOR "AQUIFER PROTECTION OVERLAY DISTRICT", AP-1.
- B. COMMERCIAL, INDUSTRIAL AND OTHER NON-RESIDENTIAL USES WITH THE EXCEPTION OF FARM USES: MINIMUM DIMENSIONS WILL BE DETERMINED BY THE PLANNING BOARD, BASED ON:
  - (1) EXPECTED MAXIMUM WASTEWATER GENERATION PER DAY;
  - (2) EXISTING DEVELOPMENT IN THE VICINITY; AND
  - (3) ANY OTHER APPLICABLE HEALTH, SAFETY, OR GENERAL WELFARE CRITERIA. HOWEVER, THE MINIMUM DIMENSIONS SHALL IN NO CASE BE LESS THAN FOR THE SAME USE OUTSIDE THE AP-1 AREA, AS SHOWN IN THE LAND USE SCHEDULE FOR "AGRICULTURAL-RESIDENTIAL COMMERCIAL DISTRICT", ARC (BUSINESS, PROFESSIONAL OR INDUSTRIAL, ON SEPARATE LOTS). WHENEVER ACCESS TO PUBLIC SEWER OR A SELF-CONTAINED SEWAGE TREATMENT SYSTEM ARE UNAVAILABLE, THE PLANNING BOARD SHALL USE THE RATIO OF 1 ACRE OF LOT AREA REQUIRED FOR EACH 150 GALLONS OF WASTER WATER GENERATED PER DAY AS A GUIDELINE FOR DETERMINING LOT SIZE.
- C. FARM USES: MINIMUM LIMITATIONS ARE UNCHANGED FROM THOSE FOUND IN THE LAND USE SCHEDULE FOR "AGRICULTURAL-RESIDENTIAL COMMERCIAL DISTRICT", ARC FOR FARM OR FARM BUILDINGS, AS APPROPRIATE.

#### SECTION 506 - SITE DESIGN REQUIREMENTS

THE FOLLOWING PROVISIONS APPLY THROUGHOUT THE AQUIFER PROTECTION OVERLAY DISTRICT (AP-1 AND AP-2):

#### SECTION 506.1 - ALL DEVELOPMENT

WHERE THE PREMISES ARE PARTIALLY OUTSIDE THE AQUIFER PROTECTION OVERLAY DISTRICT, SITE DESIGN SHALL, TO THE DEGREE FEASIBLE, LOCATE SUCH POTENTIAL POLLUTION SOURCES AS ON-SITE SEWAGE DISPOSAL SYSTEMS OUTSIDE THE DISTRICT. WHERE THE PREMISES ARE PARTIALLY IN AN AP-1 AREA AND PARTIALLY IN AN AP-2 AREA, SITE DESIGN SHALL, TO THE DEGREE FEASIBLE, LOCATE SUCH POTENTIAL

POLLUTION SOURCES IN THE AP-2 AREA.

SECTION 506.2 - UNDERGROUND STORAGE OF HAZARDOUS MATERIALS (FOR COMMERCIAL, INDUSTRIAL, AND OTHER NON-RESIDENTIAL USES)

- A. ALL UNDERGROUND TANKS FOR THE STORAGE OF HAZARDOUS CHEMICALS, FUEL OIL, OR PETROLEUM DISTILLATES, MUST BE DOUBLE-WALLED, CONSTRUCTED EITHER OF STEEL OR FIBERGLASS REINFORCED PLASTIC (FRP) AND PRESSURE TESTED AFTER INSTALLATION TO STATE STANDARDS. IF CONSTRUCTED OF STEEL TANKS MUST BE PROTECTED FROM CORROSION BY MEANS OF A COAL TAR EPOXY, URETHANE, OR BONDED FIBERGLASS COATING. THIS COATING MUST BE INSPECTED AFTER DELIVERY TO THE SITE, AND, IF NECESSARY, REPAIRED PRIOR TO THE TANK'S COVERING.
- B. STEEL REPLACEMENT TANKS INSTALLED ADJACENT TO OLDER TANKS OR PIPES MUST BE ELECTRICALLY ISOLATED FROM THE OLD UNDERGROUND COMPONENTS DURING INSTALLATION, IN ORDER TO PREVENT TRANSMITTAL OF CORROSION FROM OLD COMPONENTS TO NEW.

SECTION 506.3 - ABOVEGROUND STORAGE OF HAZARDOUS MATERIALS (FOR COMMERCIAL, INDUSTRIAL, AND OTHER NON-RESIDENTIAL USES)

- A. SOLIDS. BULK (2000 POUNDS OR MORE) STORAGE OF CHLORIDE SALT OR OTHER DE-ICING MATERIALS MUST BE IN FACILITIES DESIGNED TO PREVENT LEACHATE CONTAMINATION. SUCH MEASURES MAY INCLUDE, BUT ARE NOT LIMITED TO, BUILDING ENCLOSURES, IMPERVIOUS PADS AND PAVEMENTS, SELF-CONTAINED DRAINAGE SYSTEMS, DETENTION BASINS, FILTERS, AND SEPARATORS.
- B. LIQUIDS. ABOVEGROUND TANK OR DRUM STORAGE OF HAZARDOUS CHEMICALS, FUEL OIL, OR PETROLEUM DISTILLATES REQUIRE COATED CONCRETE FLOORS AND SURROUNDING DIKES SUFFICIENT TO CONTAIN LEAKS AND WORST-CASE ACCIDENTAL SPILLS. THEY FURTHER REQUIRE A PERMANENT ROOF TO PROTECT THE TANKS AND/OR DRUMS AND TO PREVENT PRECIPITATION FROM ENTERING DIKED AREAS.

SECTION 506.4 - AUTO SERVICE BUSINESS

- A. FLOOR DRAINS MUST BE CONNECTED TO A HOLDING TANK OR SANITARY SEWER EQUIPPED WITH AN OIL AND GRIT SEPARATING TANK.
- B. STORAGE FACILITIES FOR TANKS AND/OR DRUMS REQUIRE COATED CONCRETE FLOORS AND DIKES SUFFICIENT TO CONTAIN LEAKS AND WORST-CASE ACCIDENTAL SPILLS. THEY FURTHER REQUIRE A PERMANENT ROOF TO PROTECT THE TANKS AND/OR DRUMS AND TO PREVENT PRECIPITATION FROM ENTERING DIKED AREAS.

SECTION 507 - OVERLAY DISTRICT BOUNDARY DISPUTES

WHEN THE LOCATION OF AQUIFER PROTECTION OVERLAY DISTRICT BOUNDARY, AS SHOWN ON THE LAND USE MAP, IS IN DISPUTE BY ANY OWNER OR ABUTTER AFFECTED BY SAID BOUNDARY, THE OWNER OR ABUTTER AT HIS OR HER OWN EXPENSE MAY EXCAVATE A SOIL PROFILE TO A DEPTH OF AT LEAST 10 FEET WHICH IS WITNESSED BY THE CODE ENFORCEMENT OFFICER OR MAY ENGAGE A LICENSED ENGINEER, PROFESSIONAL HYDROGEOLOGIST OR WELL DRILLER TO CONDUCT SUCH INVESTIGATIONS AS ARE NECESSARY TO DETERMINE IF A DISCREPANCY EXISTS IN THE MAPPED BOUNDARY.

THE OWNER OR ABUTTER SHALL SUBMIT A REQUEST FOR BOUNDARY INTERPRETATION,

WITH ALL PERTINENT FINDINGS, TO THE CODES ENFORCEMENT OFFICER, WHO SHALL IN TURN TRANSMIT THE SUBMISSION TO THE BOARD OF APPEALS. THE CODES ENFORCEMENT OFFICER SHALL, IN ADDITION, FORWARD A COPY OF THE SUBMISSION TO THE MADISON COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL FOR REVIEW AND COMMENT ON REQUEST OF THE TOWN SUPERVISOR.

ALL AMENDMENTS OR ADJUSTMENTS TO AN AQUIFER PROTECTION OVERLAY DISTRICT BOUNDARY OR DESIGNATION SHALL BE OFFICIALLY RECORDED ON THE LAND USE MAP.

#### ARTICLE 6 - ADMINISTRATION AND ENFORCEMENT

##### SECTION 601.- ENFORCEMENT

THIS LOCAL LAW SHALL BE ENFORCED BY THE CODE ENFORCEMENT OFFICER.

##### SECTION 602 - SITE DEVELOPMENT PERMIT PROCEDURE

- A. NO BUILDING SHALL BE ERECTED, EXTENDED, OR PUT IN PLACE NOR EXCAVATION COMMENCED UNTIL THE CODE ENFORCEMENT OFFICER HAS ISSUED A SITE DEVELOPMENT PERMIT CERTIFYING THAT IT MEETS ALL THE REQUIREMENTS.
- B. APPLICATION FOR A SITE DEVELOPMENT PERMIT, INCLUDING INSTRUCTIONS ON PROCEDURE, SHALL BE OBTAINED FROM THE TOWN CLERK BEFORE CONSTRUCTION BEGINS.
- C. THE SITE DEVELOPMENT PERMIT SHALL BE ISSUED OR DENIED, BY THE CODE ENFORCEMENT OFFICER, WITHIN 30 DAYS OF RECEIPT OF THE COMPLETE APPLICATION.
- D. IF CONSTRUCTION AUTHORIZED BY A SITE DEVELOPMENT PERMIT HAS NOT BEEN STARTED AND CONTINUED WITHIN ONE YEAR, THE PERMIT SHALL BE CANCELLED.
- E. THE LOCATION OF A NEW ACCESS (DRIVEWAY) ONTO TOWN, COUNTY AND STATE ROADWAYS SHOULD BE CLEARED WITH THE APPROPRIATE HIGHWAY DEPARTMENT FOR APPROVAL OF THE LOCATION.

##### SECTION 603 - CERTIFICATE OF COMPLIANCE PROCEDURE

- A. A CERTIFICATE OF COMPLIANCE SHALL BE APPLIED FOR COINCIDENT WITH THE APPLICATION FOR A SITE DEVELOPMENT PERMIT.
- B. NO LAND SHALL BE OCCUPIED OR USED AND NO BUILDING, STRUCTURE OR SYSTEM HEREAFTER ERECTED, ALTERED OR EXTENDED, SHALL BE USED OR CHANGED IN USE, UNTIL A CERTIFICATE OF COMPLIANCE SHALL HAVE BEEN ISSUED BY THE CODE ENFORCEMENT OFFICER STATING THAT THE BUILDING, STRUCTURE, SYSTEM, OR LAND ALTERATION AND PROPOSED USE THEREOF COMPLY WITH THE PROVISIONS OF THIS LOCAL LAW. SAID CERTIFICATE SHALL BE ISSUED WITHIN TEN (10) DAYS AFTER THE ERECTION OR ALTERATION SHALL HAVE BEEN INSPECTED AND FOUND TO COMPLY WITH THE PROVISIONS OF THIS LOCAL LAW.
- C. THE TOWN CLERK SHALL MAINTAIN A RECORD OF ALL CERTIFICATES, AND COPIES SHALL BE FURNISHED UPON REQUEST.

##### SECTION 604 - MINOR ALTERATIONS

ANY EXTERIOR STRUCTURAL ALTERATION OR ANY ADDITION OF BUILDINGS OR

SHELTERS MUST CONFORM BOTH TO THIS ORDINANCE AND TO THE TOWN SANITATION ORDINANCE AND THE N.Y.S. FIRE & BUILDING CODE.

SECTION 605 - VARIANCES, APPEALS AND SPECIAL USE PERMIT PROCEDURES

SECTION 605.1 - APPOINTMENT OF BOARD OF APPEALS

THE TOWN BOARD SHALL APPOINT A FIVE MEMBER BOARD OF APPEALS, PURSUANT TO THE TOWN LAW OF THE STATE OF NEW YORK ARTICLE 16, SECTION 267. THE PURPOSE OF THE BOARD IS NOT TO MAKE LAWS BUT TO PROVIDE INTERPRETATION AND FLEXIBILITY WHERE NEEDED IN THE APPLICATION OF THIS LOCAL LAW.

SECTION 605.2 - POWERS AND DUTIES OF BOARD OF APPEALS

A. THE BOARD OF APPEALS SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

1. UPON APPEALS FROM A DECISION, TO DECIDE QUESTIONS INVOLVING INTERPRETATION OF ANY PROVISION OF THIS LOCAL LAW.
2. TO GRANT AREA AND USE VARIANCES UPON APPLICATION, IF JUSTIFIED.

SECTION 605.3 - APPLICATION PROCEDURES -- INTERPRETATIONS AND VARIANCES

AN APPEAL FOR INTERPRETATION OF A DECISION MADE BY AN OFFICER OF THE TOWN ON ANY PART OF THIS LOCAL LAW, OR A REQUEST FOR A VARIANCE, OR FOR A SPECIAL USE PERMIT MAY BE MADE TO THE TOWN CLERK OR TO THE CODE ENFORCEMENT OFFICER. IN REPLY, THE TOWN CLERK WILL FURNISH AN APPLICATION FORM AND INSTRUCTIONS, ALONG WITH A STATEMENT OF THE STANDARDS TO BE FOLLOWED AND THE PROCEDURE, INCLUDING A PUBLIC HEARING, REQUIRED BY LAW. WHEN THE APPLICATION FORM IS FILLED IN AND RETURNED TO THE TOWN CLERK, IT WILL BE GIVEN TO THE APPROPRIATE BOARD WITHIN ONE (1) WEEK.

SECTION 605.4 - VARIANCES

A VARIANCE IS A LEGAL PERMIT FOR A MODIFICATION OF SOME PART OF THE LAND USE LAW TO MEET AN INDIVIDUAL HARDSHIP. IT MAY AUTHORIZE A CHANGE IN THE PERMITTED SIZE OR USE OF A SPECIFIC BUILDING OR A PARCEL OF LAND. ONCE APPROVED, THE VARIANCE GOES WITH THE LAND, REGARDLESS OF CHANGE OF OWNERSHIP.

WHEN A VARIANCE IS GRANTED, THE APPROPRIATE BOARD MAY PRESCRIBE ANY CONDITIONS TO BE OBSERVED IN ORDER TO PROTECT THE HEALTH, SAFETY, OR WELFARE OF THE PUBLIC, TO PRESERVE THE GENERAL CHARACTER OF THE NEIGHBORHOOD, AND TO MINIMIZE POSSIBLE DETRIMENTAL EFFECTS ON NEARBY PROPERTY.

NO VARIANCE SHALL BE GRANTED WITH RESPECT TO ANY PROPERTY OR ANY USE ON OR FOR WHICH A VIOLATION CURRENTLY EXISTS.

SECTION 605.5 - GRANTING OF VARIANCES

- A. THE BOARD OF APPEALS SHALL ACT IN STRICT ACCORDANCE WITH THE PROCEDURE SPECIFIED BY THE LAW AND BY THIS LAW. ALL APPLICATION MADE SHALL BE IN WRITING ON FORMS PRESCRIBED BY THE BOARD. EVERY APPLICATION SHALL REFER TO THE SPECIFIC PROVISION OF THE LAW INVOLVED, THE DETAILS OF THE VARIANCE THAT IS APPLIED FOR, AND THE GROUNDS ON WHICH IT IS CLAIMED THAT THE VARIANCE SHOULD BE GRANTED.

- B. AT LEAST 35 DAYS BEFORE THE DATE OF THE PUBLIC HEARING REQUIRED BY LAW, THE SECRETARY SHALL TRANSMIT TO THE PLANNING BOARD A COPY OF THE APPLICATION, WITH SUPPORTING DOCUMENTS, AND NOTICE OF HEARING. THE PLANNING BOARD SHALL SUBMIT A REPORT OF ITS ADVISORY OPINION PRIOR TO THE HEARING. FAILURE OF THE PLANNING BOARD TO SUBMIT A REPORT SHALL SIGNIFY ITS APPROVAL OF THE APPLICATION.
- C. WRITTEN NOTICE SETTING FORTH THE GENERAL NATURE OF THE VARIANCE APPLICATION AND THE DATE OF ANY PUBLIC HEARING SHALL BE FORWARDED BY FIRST-CLASS MAIL BY THE TOWN CLERK TO THOSE ADDRESSES AS APPEAR ON TAX ROLLS IN USE AT THE TIME OF MAILING FOR OWNERS OF PROPERTY LOCATED ADJACENT TO AND/OR WITHIN 500 FEET OF THE AREA AFFECTED BY THE PROPOSED VARIANCE.

SECTION 605.6 - STANDARDS FOR GRANTING VARIANCES

NO VARIANCE FOR MODIFICATION OF THE STRICT APPLICATION OF ANY PROVISION OF THIS LAW SHALL BE GRANTED BY THE BOARD UNLESS IT FINDS THAT:

FOR USE VARIANCES:

- A. STRICTLY LIMITING THE APPLICANT'S USE OF THE PROPERTY TO THOSE USES ALLOWED FOR IT BY THIS LAW WOULD CAUSE UNNECESSARY HARDSHIP FOR THE APPLICANT BY DENYING THE APPLICANT ANY REASONABLE USE OF THE PROPERTY;
- B. THE HARDSHIP IS UNIQUE AND IS NOT SHARED BY ALL PROPERTIES ALIKE IN THE IMMEDIATE VICINITY OF THE PROPERTY AND THE DISTRICT;
- C. THE APPLICANT'S PROPOSED USE OF THE PROPERTY WOULD NEITHER BE INCOMPATIBLE WITH EXISTING USES IN ITS VICINITY NOR CONTRARY TO THE PURPOSES OF THIS LAW, AS STATED IN SECTION 100.3.

FOR AREA VARIANCES:

- D. STRICTLY REQUIRING THE APPLICANT TO MEET THE LAND USE REQUIREMENTS FOR THE PROPERTY IN QUESTION WOULD CAUSE THE APPLICANT SERIOUS ECONOMIC INJURY BEYOND THE LEVEL OF MERE INCONVENIENCE;
- E. THE VARIANCE REQUESTED IS THE MINIMUM DEVIATION FROM THE LAND USE REGULATIONS WHICH COULD RELIEVE SUCH INJURY AND THERE IS NO FEASIBLE ALTERNATIVE METHOD BY WHICH APPLICANT COULD RELIEVE IT;
- F. DENYING THE REQUESTED VARIANCE WOULD NOT DEMONSTRABLY SERVE THE INTEREST OF PUBLIC HEALTH, SAFETY OR WELFARE.

SECTION 605.7 - POWERS AND DUTIES OF PLANNING BOARD

- A. THE PLANNING BOARD SHALL HAVE THE FOLLOWING POWERS AND DUTIES:
  - 1. TO ISSUE OR DENY SPECIAL PERMITS REQUIRED BY THIS LAW.
  - 2. TO CONDUCT SUBDIVISION REVIEWS AS REQUIRED BY SUCH SUBDIVISION REGULATIONS AS THE TOWN OF STOCKBRIDGE MAY ENACT;
  - 3. TO CONDUCT SITE PLAN REVIEWS AS REQUIRED BY THIS LAW.
  - 4. TO UNDERTAKE PLANNING ACTIVITIES AS ALLOWED BY TOWN LAW OR AS REQUESTED BY THE TOWN BOARD.

SECTION 605.8 - SPECIAL USE PERMITS

A SPECIAL USE PERMIT GIVES SOME MEANS OF CONTROL OF PROPOSED NEW USES OF LAND AND BUILDINGS THAT ARE SPECIFICALLY PERMITTED BY THIS LAW. UNLESS EXTENDED BY THE PLANNING BOARD, IF A USE OR CONSTRUCTION AUTHORIZED BY A SPECIAL USE PERMIT HAS NOT BEEN STARTED WITHIN ONE YEAR, THE SPECIAL USE PERMIT WILL EXPIRE.

WHEN A SPECIAL USE PERMIT IS GRANTED, THE APPROPRIATE BOARD MAY PRESCRIBE ANY CONDITIONS TO BE OBSERVED IN ORDER TO PROTECT THE HEALTH, SAFETY, OR WELFARE OF THE PUBLIC, TO PRESERVE THE GENERAL CHARACTER OF THE NEIGHBORHOOD, AND TO MINIMIZE POSSIBLE DETERIMENTAL EFFECTS ON NEARBY PROPERTY.

NO SPECIAL USE PERMIT SHALL BE GRANTED WITH RESPECT TO ANY PROPERTY OR ANY USE ON OR FOR WHICH A VIOLATION CURRENTLY EXISTS.

SECTION 605.9 - GRANTING OF SPECIAL USE PERMITS

- A. AN APPLICATION TO THE PLANNING BOARD FOR A SPECIAL USE PERMIT SHALL BE ACCOMPANIED BY THREE (3) SETS OF PRELIMINARY SITE PLANS AND OTHER DESCRIPTIVE MATTER TO SHOW CLEARLY THE INTENTIONS OF THE APPLICANT. THESE DOCUMENTS SHALL BECOME A PART OF THE RECORD TO DETERMINE IF THE PROPOSED SPECIAL USE MEETS THE REQUIREMENTS OF THIS LAW. ALL SPECIAL USE PERMITS WILL REQUIRE SITE PLAN APPROVAL AS HEREINAFTER SET FORTH.
- B. ALL SPECIAL USE PERMITS REQUIRE FORMAL SITE PLAN APPROVAL AS SET FORTH IN SECTIONS 605.9 THROUGH 605.12.
- C. WRITTEN NOTICE SETTING FORTH THE GENERAL NATURE OF THE SPECIAL PERMIT APPLICATION AND THE DATE OF ANY PUBLIC HEARING SHALL BE FORWARDED BY FIRST-CLASS MAIL BY THE TOWN CLERK TO THOSE ADDRESSES AS APPEAR ON TAX ROLLS IN USE AT THE TIME OF MAILING FOR OWNERS OF PROPERTY ADJACENT TO AND/OR WITHIN 500 FEET OF THE AREA AFFECTED BY THE PROPOSED SPECIAL USE PERMIT.

SECTION 605.10 - STANDARDS FOR GRANTING SPECIAL USE PERMITS

THE PLANNING BOARD SHALL REVIEW THE SPECIAL USE PERMIT APPLICATION TO ASSURE THAT IT ACCORDS WITH THE FOLLOWING:

- A. LOCATION, SIZE AND USE OF STRUCTURE, NATURE AND INTENSITY OF OPERATIONS INVOLVED, SIZE OF SITE IN RELATION TO IT, AND THE LOCATION OF THE SITE WITH RESPECT TO ROADS GIVING ACCESS TO IT ARE SUCH THAT IT WILL BE IN HARMONY WITH ORDERLY DEVELOPMENT OF THE TOWN;
- B. LOCATION AND NATURE OF BUILDINGS, WALLS AND FENCES WILL NOT DISCOURAGE THE APPROPRIATE DEVELOPMENT AND USE OF ADJACENT LAND AND BUILDINGS, OR IMPAIR THEIR VALUE;
- C. THE SPECIAL USE SHALL NOT CONFLICT WITH ANY MASTER PLAN, OR PART THEREOF;
- D. OPERATIONS OF ANY SPECIAL USE SHALL NOT BE MORE OBJECTIONABLE TO NEARBY PROPERTIES THAN WOULD BE THE OPERATIONS OF ANY PERMITTED USE WITH REGARD TO NOISE, SMELL AND OBSTRUCTION OF VIEW;

- E. A SPECIAL USE PERMIT SHALL NOT BE ISSUED FOR A USE ON A PROPERTY WHERE THERE IS AN EXISTING VIOLATION OF THIS LAW;
- F. SPECIAL USE PERMITS ARE NOT TRANSFERABLE AND SHALL HAVE AN EXPIRATION DATE DETERMINED BY THE PLANNING BOARD; RENEWAL SHALL BE CONTINGENT ON FINDINGS OF THE CODE ENFORCEMENT OFFICER THAT ANY CONDITIONS ORIGINALLY IMPOSED BY THE PLANNING BOARD FOR GRANTING THE PERMIT HAVE BEEN, AND CONTINUE TO BE, COMPLIED WITH;
- G. THE USE SHALL NOT HAVE AN ADVERSE EFFECT ON THE AGRICULTURAL INDUSTRY OF THE AREA;
- H. THE USE SHALL BE IN STRICT COMPLIANCE WITH THE REQUIREMENTS OF THE TOWN OF STOCKBRIDGE FLOOD DAMAGE PREVENTION LAW;
- I. THE USE SHALL NOT HAVE AN ADVERSE EFFECT ON THE QUALITY OF THE TOWN'S GROUNDWATER;
- J. THE PLANNING BOARD MAY IMPOSE ADDITIONAL STANDARDS ON THE SPECIAL USE TO PROVIDE ADEQUATE SAFEGUARDS TO PROTECT THE HEALTH, SAFETY, OR GENERAL WELFARE OF THE PUBLIC, TO PRESERVE THE GENERAL CHARACTER OF THE NEIGHBORHOOD IN WHICH SUCH PROPOSED SPECIAL USE IS TO BE PLACED, AND TO MINIMIZE POSSIBLE DETRIMENTAL EFFECT OF USE ON ADJACENT PROPERTY;
- K. ADDITIONAL STANDARDS FOR GRANTING SPECIAL USE PERMITS FOR WIND POWER ELECTRICITY GENERATION AND TRANSMISSION FACILITIES.

NO SPECIAL USE PERMIT SHALL BE GRANTED FOR COMMERCIAL WIND POWER ELECTRICITY GENERATION AND/OR TRANSMISSION FACILITIES UNLESS THE PLANNING BOARD DETERMINES THAT THE PROPOSED USE MEETS ALL OF THE FOLLOWING CRITERIA, IN ADDITION TO THOSE GENERAL CRITERIA LISTED ABOVE:

- (1) NO INDIVIDUAL TOWER FACILITY SHALL BE INSTALLED IN ANY LOCATION ALONG THE MAJOR AXIS OF AN EXISTING MICROWAVE COMMUNICATIONS LINK WHERE ITS OPERATION IS LIKELY TO PRODUCE ELECTROMAGNETIC INTERFERENCE IN THE LINK'S OPERATION.
- (2) NO INDIVIDUAL TOWER FACILITY SHALL BE INSTALLED IN ANY LOCATION WHERE ITS PROXIMITY WITH EXISTING FIXED BROADCAST, RETRANSMISSION, OR RECEPTION ANTENNA (INCLUDING RESIDENTIAL RECEPTION ANTENNA) FOR RADIO, TELEVISION, OR WIRELESS PHONE OR OTHER PERSONAL COMMUNICATION SYSTEMS WOULD PRODUCE ELECTROMAGNETIC INTERFERENCE WITH SIGNAL TRANSMISSION OR RECEPTION.
- (3) USE OF NIGHTTIME, AND OVERCAST DAYTIME CONDITION, STROBOSCOPIC LIGHTING TO SATISFY TOWER FACILITY LIGHTING REQUIREMENTS FOR THE FEDERAL AVIATION ADMINISTRATION MAY BE SUBJECT TO ON-SITE FIELD TESTING BEFORE THE PLANNING BOARD AS A PREREQUISITE TO THAT BOARD'S APPROVAL WITH SPECIFIC RESPECT TO SECTION 605.10 (D) AS IT APPLIES TO EXISTING RESIDENTIAL USES WITHIN 1500 FEET OF EACH TOWER FOR WHICH SUCH STROBE LIGHTING IS PROPOSED, ON PROPERTY BELONGING TO ANYONE OTHER THAN THE OWNER OF THE PROPERTY WHERE THE TOWER IS LOCATED.
- (4) INDIVIDUAL WIND TURBINE TOWERS SHALL BE LOCATED WITH RELATION TO

PROPERTY LINES SO THAT THE LEVEL OF NOISE PRODUCED DURING WIND TURBINE OPERATION SHALL NOT EXCEED 50 DBA, MEASURED AT THE NEAREST NEIGHBORING RESIDENCE AT THE TIME OF SPECIAL USE PERMIT APPLICATION.

- (5) NO WIND TURBINES SHALL BE PERMITTED THAT LACK AN AUTOMATIC BRAKING, GOVERNING, OR FEATHERING SYSTEM TO PREVENT UNCONTROLLED ROTATION, OVERSPEEDING, AND EXCESSIVE PRESSURE ON THE TOWER STRUCTURE, ROTOR BLADES, AND TURBINE COMPONENTS.
- (6) THE MINIMUM DISTANCE BETWEEN THE GROUND AND ANY PART OF THE ROTOR BLADE SYSTEM SHALL BE THIRTY (30) FEET.
- (7) ALL POWER TRANSMISSION LINES FROM THE WIND ELECTRICITY GENERATION FACILITIES TO ON-SITE SUBSTATIONS SHALL BE UNDERGROUND.
- (8) PROCEDURES ACCEPTABLE TO THE PLANNING BOARD FOR EMERGENCY SHUT-DOWN OF POWER GENERATION UNITS SHALL BE ESTABLISHED AND POSTED PROMINENTLY AND PERMANENTLY ON AT LEAST ONE LOCATION ON THE ROAD FRONTAGE OF EACH INDIVIDUAL UNIT SITE.
- (9) PRIOR TO ISSUANCE OF A BUILDING PERMIT, THE APPLICANT SHALL PROVIDE THE TOWN PROOF, IN THE FORM OF A DUPLICATE INSURANCE POLICY OR A CERTIFICATE ISSUED BY AN INSURANCE COMPANY, OF LIABILITY INSURANCE, OF A LEVEL TO BE DETERMINED BY THE TOWN BOARD IN CONSULTATION WITH THE TOWN'S INSURER, TO COVER DAMAGE OR INJURY WHICH MIGHT RESULT FROM THE FAILURE OF A TOWER OR TOWERS OR ANY OTHER PART(S) OF THE GENERATION AND TRANSMISSION FACILITY.

#### SECTION 605.11 - ISSUANCE OF SITE DEVELOPMENT PERMITS

THE PLANNING BOARD, AT A REGULAR OR SPECIALLY CALLED PUBLIC MEETING OF THE BOARD, SHALL REVIEW AND APPROVE, DISAPPROVE OR APPROVE WITH MODIFICATIONS, ALL APPLICATIONS FOR PERMITTED USES REQUIRING SITE PLAN APPROVAL AND/OR A SPECIAL USE PERMIT BEFORE SITE DEVELOPMENT PERMIT IS ISSUED. FAILURE TO DO SHALL RESULT IN DENIAL OF A PERMIT.

#### SECTION 605.12 - SUBMISSION OF SITE PLANS AND SUPPORTING DATA

A SITE PLAN AND SUPPORTING DATA FOR A SPECIAL USE PERMIT SHALL BE SUBMITTED TO THE PLANNING BOARD. THE OWNER SHALL SUBMIT A SITE PLAN AND SUPPORTING DATA REQUIRED AND SHALL INCLUDE ALL OR A PORTION OF THE FOLLOWING INFORMATION PRESENTED IN DRAWN FORM AND ACCOMPANIED BY A WRITTEN TEXT. THE AMOUNT OF INFORMATION REQUIRED WILL DEPEND ON THE SCOPE OF THE PROPOSAL AND SHALL BE DETERMINED BY THE PLANNING BOARD.

- A. SURVEY OF THE PROPERTY, SHOWING EXISTING FEATURES OF THE PROPERTY, INCLUDING SUCH CONTOURS, LARGE TREES, BUILDINGS, STRUCTURES, STREETS, UTILITY EASEMENTS, RIGHT-OF-WAY, LAND USE, ZONING AND OWNERSHIP OF SURROUNDING PROPERTY;
- B. SITE PLAN SHOWING PROPOSED LOTS, BLOCKS, BUILDING LOCATIONS, AND LAND USE AREA;
- C. TRAFFIC CIRCULATION, PARKING AND LOADING SPACES, AND PEDESTRIAN WALKS;
- D. LANDSCAPING PLANS, INCLUDING SITE GRADING, LANDSCAPE DESIGN, AND OPEN AREAS;

- E. PRELIMINARY ARCHITECTURAL DRAWINGS FOR BUILDINGS TO BE CONSTRUCTED, INCLUDING FLOOR PLANS, EXTERIOR ELEVATIONS, AND SECTIONS;
- F. PRELIMINARY ENGINEERING PLANS, INCLUDING ROAD IMPROVEMENTS, STORM DRAINAGE SYSTEM, PUBLIC UTILITY EXTENSIONS, WATER SUPPLY, AND SANITARY SEWER FACILITIES;
- G. ENGINEERING FEASIBILITY STUDIES OF ANY ANTICIPATED PROBLEMS WHICH MIGHT ARISE DUE TO THE PROPOSED DEVELOPMENT, AS REQUIRED BY THE PLANNING BOARD;
- H. CONSTRUCTION SEQUENCE AND TIME SCHEDULE FOR COMPLETION OF EACH PHASE FOR BUILDINGS, PARKING SPACES, AND LANDSCAPED AREAS;
- I. A DESCRIPTION OF THE PROPOSED USES, INCLUDING HOURS OF OPERATION, NUMBER OF EMPLOYEES, EXPECTED VOLUME OF BUSINESS, AND TYPE AND VOLUME OF TRAFFIC EXPECTED TO BE GENERATED.
- J. A COMPLETED ENVIRONMENTAL ASSESSMENT FORM.
- K. SUBMISSION OF ADDITIONAL SUPPORTING DATA FOR SITE PLAN OF WIND POWER ELECTRICITY GENERATION AND TRANSMISSION FACILITIES.

IN ADDITION, THE FOLLOWING MATERIAL SHALL BE SUBMITTED TO THE PLANNING BOARD FOR COMMERCIAL WIND POWER ELECTRICITY GENERATION AND/OR TRANSMISSION FACILITIES:

- (1) DIGITAL ELEVATION MODEL-BASED PROJECT VISIBILITY MAP SHOWING THE IMPACT OF TOPOGRAPHY UPON VISIBILITY OF THE PROJECT FROM OTHER LOCATIONS, TO A DISTANCE RADIUS OF THREE MILES FROM THE CENTER OF THE PROJECT. SCALE USED SHALL DEPICT 3-MILE RADIUS AS NO SMALLER THAN 2.7 INCHES, AND THE BASE MAP USED SHALL BE A PUBLISHED TOPOGRAPHIC MAP SHOWING CULTURAL FEATURES.
- (2) NO FEWER THAN FOUR, AND NO MORE THAN THE NUMBER OF PROPOSED INDIVIDUAL WIND TURBINES PLUS THREE, COLOR PHOTOS, NO SMALLER THAN 3" X 5" TAKEN FROM LOCATIONS WITHIN A 3-MILE RADIUS FROM IT AND TO BE SELECTED BY THE PLANNING BOARD, AND COMPUTER-ENHANCED TO SIMULATE THE APPEARANCE OF THE AS-BUILT ABOVEGROUND SITE FACILITIES AS THEY WOULD APPEAR FROM THESE LOCATIONS.

#### SECTION 605.13 - SITE PLAN APPROVAL

THE PLANNING BOARD SHALL REVIEW THE SITE PLAN AND SUPPORTING DATA BEFORE APPROVAL, REJECTION, OR APPROVAL WITH STATED CONDITIONS AS GIVEN, AND TAKE INTO CONSIDERATION THE FOLLOWING:

- A. HARMONIOUS RELATIONSHIP BETWEEN PROPOSED USES AND EXISTING ADJACENT USES;
- B. MAXIMUM SAFETY OF VEHICULAR CIRCULATION BETWEEN THE SITE AND ROAD NETWORK;
- C. ADEQUACY OF INTERIOR CIRCULATION, PARKING AND LOADING FACILITIES, WITH PARTICULAR ATTENTION TO VEHICULAR AND PEDESTRIAN SAFETY;

D. ADEQUACY OF LANDSCAPING AND SETBACKS IN REGARD TO ACHIEVING MAXIMUM COMPATIBILITY AND PROTECTION TO ADJACENT RESIDENTIAL DISTRICTS;

SHOULD CHANGES OR ADDITIONAL FACILITIES BE REQUIRED BY THE BOARD, FINAL APPROVAL OF THE SITE PLAN SHALL BE CONDITIONAL UPON THE SATISFACTORY COMPLIANCE BY THE OWNER WITH THE CHANGES OR ADDITIONS.

ANY OWNER WISHING TO MAKE CHANGES IN AN APPROVED SITE PLAN SHALL SUBMIT A REVISED SITE PLAN TO THE BOARD OF APPEALS FOR REVIEW AND APPROVAL.

SECTION 605.14 - PERFORMANCE BOND AS A CONDITION OF SITE PLAN APPROVAL

THE PLANNING BOARD MAY REQUIRE AS A CONDITION OF SITE PLAN APPROVAL THAT THE OWNER FILE A PERFORMANCE BOND IN SUCH AMOUNT AS THEY DETERMINE TO BE IN THE PUBLIC INTEREST TO INSURE THAT THE PROPOSED DEVELOPMENT WILL BE BUILT IN COMPLIANCE WITH THE ACCEPTED PLANS.

SECTION 606 - CHANGES AND AMENDMENTS OF THE LAND USE LAW

SECTION 606.1 - PERIODIC REVIEW

FROM TIME TO TIME, AT INTERVALS OF NOT MORE THAN THREE YEARS, THE TOWN PLANNING BOARD SHALL REEXAMINE THE PROVISIONS OF THIS LOCAL LAW AND THE LOCATION OF DISTRICT BOUNDARY LINES AND SHALL SUBMIT A REPORT TO THE TOWN BOARD RECOMMENDING SUCH CHANGES OR AMENDMENTS, IF ANY, WHICH MAY BE DESIRABLE IN THE INTEREST OF THE SAFETY, HEALTH, OR WELFARE OF THE PUBLIC.

SECTION 606.2 - PROCEDURE FOR AMENDMENTS

- A. REGULATIONS, DISTRICTS AND BOUNDARIES ESTABLISHED BY THIS LOCAL LAW MAY BE AMENDED OR REPEALED AFTER OFFICIAL NOTICE HAS BEEN GIVEN AND A PUBLIC HEARING HAS BEEN HELD BY THE TOWN BOARD AS REQUIRED BY LAW AND AFTER COUNTY PLANNING BOARD REVIEW RECEIVED IN CERTAIN CASES AS MANDATED IN ARTICLE 12-B, SEC. 239-M OF THE GENERAL MUNICIPAL LAW.
- B. EACH PETITION REQUESTING A CHANGE OF LAND USE REGULATIONS OR DISTRICT BOUNDARIES SHALL BE TYPEWRITTEN, SIGNED BY THE PETITIONER(S), AND FILED IN TRIPPLICATE WITH THE TOWN BOARD TO THE CODE ENFORCEMENT OFFICER, AND ACCOMPANIED BY THE REQUIRED FEE.
- C. AT LEAST 35 DAYS BEFORE THE DATE OF THE PUBLIC HEARING REQUIRED BY LAW, THE TOWN BOARD SHALL TRANSMIT TO THE PLANNING BOARD A COPY OF THE PROPOSED AMENDMENT OR CHANGE, WITH SUPPORTING DOCUMENTS, AND NOTICE OF HEARING. THE PLANNING BOARD SHALL SUBMIT ITS RECOMMENDATION WITHIN 35 DAYS, FAILING WHICH ITS APPROVAL SHALL BE ASSUMED.
- D. THE PLANNING BOARD MAY REQUIRE A SITE PLAN OF ANY PROPOSED DEVELOPMENT FOR WHICH A CHANGE OF LAND USE DISTRICT IS SOUGHT TO ASSIST THEM IN THEIR UNDERSTANDING OF THE CASE.
- E. THE TOWN BOARD SHALL HOLD A PUBLIC HEARING WITHIN 60 DAYS OF THE SUBMISSION DATE OF ANY PETITION AS REQUIRED BY THIS SECTION.

SECTION 607 - REFERRAL TO COUNTY PLANNING BOARD

UNDER SEC. 239(I), (M), AND (N) OF ARTICLE 12B OF NEW YORK STATE GENERAL MUNICIPAL LAW, ALL REQUESTS FOR VARIANCES, SPECIAL PERMITS, AND SITE PLAN REVIEWS SHALL BE REFERRED TO THE MADISON COUNTY PLANNING BOARD IF THE LAND IS WITHIN 500 FEET OF:

1. THE BOUNDARY OF ANY CITY, VILLAGE OR TOWN;
2. THE BOUNDARY OF ANY EXISTING OR PROPOSED COUNTY OR STATE PARK OR OTHER RECREATION AREA;
3. THE RIGHT OF WAY OF ANY EXISTING OR PROPOSED COUNTY OR STATE ROAD OR HIGHWAY;
4. THE EXISTING OR PROPOSED RIGHT OF WAY OF ANY STREAM OR DRAINAGE CHANNEL OWNED BY THE COUNTY OR FOR WHICH THE COUNTY HAS ESTABLISHED CHANNEL LINES;
5. THE EXISTING OR PROPOSED BOUNDARY OF ANY COUNTY OR STATE OWNED LAND ON WHICH A PUBLIC BUILDING OR INSTITUTION IS SITUATED.

SECTION 608 - VIOLATIONS

- A. ANY PERSON MAY FILE A COMPLAINT ABOUT A VIOLATION OF THIS LAW. SUCH COMPLAINTS MUST BE IN WRITING, SIGNED, AND FILED WITH THE CODE ENFORCEMENT OFFICER, THE TOWN CLERK, OR THE TOWN BOARD. THE CODE ENFORCEMENT OFFICER SHALL INVESTIGATE PROMPTLY AND TAKE THE APPROPRIATE ACTION TO SATISFY THAT COMPLAINT.
- B. ANY PROVED VIOLATION OF THIS LAW MUST BE REPORTED TO THE OFFENDER BY THE CODE ENFORCEMENT OFFICER OR THE TOWN BOARD, WITH THE DATE BY WHICH THE VIOLATION MUST BE CORRECTED.
- C. A VIOLATION OF THIS LOCAL LAW IS HEREBY DECLARED TO BE AN OFFENSE, PUNISHABLE BY A FINE NOT EXCEEDING \$350.00 OR IMPRISONMENT FOR A PERIOD NOT TO EXCEED SIX MONTHS, OR BOTH FOR CONVICTION OF FIRST OFFENSE; FOR CONVICTION OF A SECOND OFFENSE BOTH OF WHICH WERE COMMITTED WITHIN A PERIOD OF FIVE YEARS, PUNISHABLE BY A FINE NOT LESS THAN \$350.00 NOR MORE THAN \$700.00 OR IMPRISONMENT FOR A PERIOD NOT TO EXCEED SIX MONTHS, OR BOTH; AND, UPON CONVICTION FOR A THIRD OR SUBSEQUENT OFFENSE ALL OF WHICH WERE COMMITTED WITHIN A PERIOD OF FIVE YEARS, PUNISHABLE BY A FINE NOT LESS THAN \$700.00 NOR MORE THAN \$1000.00 OR IMPRISONMENT FOR A PERIOD NOT TO EXCEED SIX MONTHS, OR BOTH. HOWEVER, FOR THE PURPOSE OF CONFERRING JURISDICTION UPON COURTS AND JURIDICAL OFFICERS GENERALLY, VIOLATIONS OF THIS LOCAL LAW SHALL BE DEEMED MISDEMEANORS AND FOR SUCH PURPOSE ONLY ALL PROVISIONS OF LAW RELATING TO MISDEMEANORS SHALL APPLY TO SUCH VIOLATIONS. EACH WEEK'S CONTINUED VIOLATIONS SHALL CONSTITUTE A SEPARATE ADDITIONAL VIOLATION.
- D. IN CASE ANY BUILDING OR STRUCTURE IS ERECTED, CONSTRUCTED, RECONSTRUCTED, ALTERED, CONVERTED, OR MAINTAINED, OR ANY BUILDING, STRUCTURE OR LAND IF USED, OR ANY LAND IS DIVIDED INTO LOTS, BLOCKS, OR SITE IN VIOLATION OF THIS ARTICLE OR OF ANY ORDINANCE OR OTHER REGULATION MADE UNDER AUTHORITY CONFERRED THEREBY, THE PROPER LOCAL AUTHORITIES OF THE TOWN, IN ADDITION TO OTHER REMEDIES, MAY INSTITUTE ANY APPROPRIATE ACTION OR PROCEEDINGS TO PREVENT SUCH UNLAWFUL ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, CONVERSION, MAINTENANCE, USE OR DIVISION OF LAND, TO RESTRAIN, CORRECT OR ABATE SUCH VIOLATION, TO PREVENT THE OCCUPANCY OF SUCH BUILDINGS, STRUCTURE,

OR LAND OR TO PREVENT ANY ILLEGAL ACT, CONDUCT, BUSINESS OR USE IN OR ABOUT SUCH PREMISES.

#### SECTION 609 - STOP WORK ORDERS

- A. WHENEVER THE CODE ENFORCEMENT OFFICER HAS REASONABLE GROUNDS TO BELIEVE THAT WORK ON ANY BUILDING OR STRUCTURE IS PROCEEDING WITHOUT PERMIT OR IS OTHERWISE IN VIOLATION OF THE PROVISION OF THIS LAW OR IS NOT IN CONFORMITY WITH ANY OF THE PROVISIONS OF THE APPLICATION, PLANS OR SPECIFICATIONS ON THE BASIS OF WHICH A PERMIT WAS ISSUED, OR IS BEING CONDUCTED IN AN UNSAFE AND DANGEROUS MANNER, HE SHALL NOTIFY EITHER THE OWNER OF THE PROPERTY OR THE OWNER'S AGENT OR THE PERSON, FIRM, OR CORPORATION PERFORMING THE WORK TO IMMEDIATELY SUSPEND ALL WORK. IN SUCH INSTANCE, ANY AND ALL PERSONS SHALL IMMEDIATELY SUSPEND ALL RELATED ACTIVITIES UNTIL THE STOP-WORK ORDER HAS BEEN DULY RESCINDED.
- B. SUCH STOP-WORK ORDER SHALL BE IN WRITING ON A FORM PRESCRIBED BY THE CODE ENFORCEMENT OFFICER AND SHALL STATE THE REASONS FOR THE STOP-WORK ORDER, TOGETHER WITH THE DATE OF ISSUANCE. THE STOP-WORK ORDER SHALL BEAR THE SIGNATURE OF THE CODE ENFORCEMENT OFFICER OR THAT OF A DULY AUTHORIZED DESIGNEE AND SHALL BE PROMINENTLY POSTED AT THE WORK SITE.

#### SECTION 610 - APPEARANCE TICKETS

UPON RESOLUTION OF THE TOWN OF STOCKBRIDGE SPECIFICALLY SO DESIGNATING, THE CODE ENFORCEMENT OFFICER SHALL HAVE AUTHORITY, PURSUANT TO ARTICLE 150 OF THE NEW YORK CRIMINAL PROCEDURE LAW, TO ISSUE APPEARANCE TICKETS AS DEFINED THEREIN FOR THE PURPOSE OF ENFORCING THE LOCAL LAW.

#### SECTION 611 - STATE SUPREME COURT REVIEW

PURSUANT TO THE TOWN LAW OF THE STATE OF NEW YORK, SECTION 267: "ANY PERSON OR PERSONS, JOINTLY OR SEVERALLY AGGRIEVED BY ANY DECISION OF THE BOARD OF APPEALS OR ANY OFFICER, DEPARTMENT, BOARD OR BUREAU OF THE TOWN, MAY APPLY TO THE SUPREME COURT FOR REVIEW BY A PROCEEDING UNDER ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES. SUCH PROCEEDING SHALL BE INSTITUTED WITHIN THIRTY DAYS AFTER THE FILING OF A DECISION IN THE OFFICE OF THE TOWN CLERK."

#### SECTION 612 - SEPARABILITY

IF ANY PART OF THIS LAW IS FOUND TO BE INVALID BY ANY COURT OF COMPETENT JURISDICTION, SUCH JUDGMENT SHALL NOT INVALIDATE THE REMAINDER OF THIS LAW.

#### SECTION 613 - ENFORCEMENT

THE PROVISIONS OF THIS LAW SHALL BE STRICTLY ENFORCED BY THE CODE ENFORCEMENT OFFICER.

#### SECTION 614 - EFFECTIVE DATE

THE TOWN OF STOCKBRIDGE LAND USE LAW OF 1989 SHALL TAKE EFFECT AT THE TIME AND IN THE MANNER PRESCRIBED BY LAW.

## DEFINITIONS

**ANIMAL HOSPITAL:** ANY STRUCTURE UNDER VETERINARY SUPERVISION FOR THE TREATMENT OF SICK OR INJURED ANIMALS.

**BUILDING:** ANY STRUCTURE OTHER THAN A BOUNDARY WALL OR FENCE WHICH COVERS OR ENCLOSES SPACE. SILOS OF ALL KINDS AND LIVESTOCK SLURRY STORAGE TANKS ARE CONSIDERED TO BE BUILDINGS.

**BUILDING, ACCESSORY:** A SUPPLEMENTAL BUILDING, THE USE OF WHICH IS INCIDENTAL TO THAT OF A MAIN OR PRINCIPAL BUILDING OR INCIDENTAL TO THE PRINCIPAL USE AND LOCATED ON THE SAME LOT THEREWITH. ALL ACCESSORY BUILDINGS MUST CONFORM TO FRONT AND SIDE YARD REQUIREMENTS OF THE DISTRICT IN WHICH THEY ARE LOCATED.

**BUILDING AREA:** THE TOTAL OF AREAS TAKEN ON A HORIZONTAL PLANE AT THE MAIN GRADE LEVEL OF THE PRINCIPAL BUILDING AND ALL ACCESSORY BUILDINGS EXCLUSIVE OF UNCOVERED PORCHES, TERRACES, AND STEPS. ALL DIMENSIONS SHALL BE MEASURED BETWEEN THE EXTERIOR FACES OF WALLS.

**BUILDING, FARM:** ANY BUILDING USED FOR THE HOUSING OF AGRICULTURAL EQUIPMENT, PRODUCE, LIVESTOCK, OR POULTRY, OR FOR THE INCIDENTAL OR CUSTOMARY PROCESSING OF FARM PRODUCTS, AND PROVIDED THAT SUCH BUILDING IS LOCATED ON, OPERATED IN CONJUNCTION WITH, AND NECESSARY TO THE OPERATION OF THE FARM.

**BUILDING HEIGHT:** THE VERTICAL DISTANCE MEASURED FROM THE AVERAGE ELEVATION OF THE PROPOSED FINISHED GRADE AT THE FRONT OF THE BUILDING TO THE HIGHEST POINT OF THE ROOF FOR FLAT ROOFS, TO THE DECK LINE OF MANSARD ROOFS, AND TO THE MEAN HEIGHT BETWEEN EAVES AND RIDGE FOR GABLE, HIP AND GAMBREL ROOFS.

**BUILDING LINE:** THE LINE OF THAT FACE OF THE BUILDING NEAREST THE FRONT LINE OF THE LOT. THIS FACE INCLUDES SUN PARLORS, COVERED PORCHES WHETHER ENCLOSED OR UNENCLOSED (BUT DOES NOT INCLUDE STEPS), AND ANY OVERHANG. IN THE CASE OF A CANTILEVERED BUILDING, THE BUILDING LINE SHALL COINCIDE WITH THE MOST PROJECTED SURFACE.

**BUILDING, PRINCIPAL OR MAIN:** A BUILDING IN WHICH IS CONDUCTED THE PRINCIPAL USE OF THE LOT ON WHICH IT IS LOCATED.

**CAMP, SEASONAL:** LAND ON WHICH IS LOCATED ONE CABIN, CAMPING TRAILER, SHELTER, OR OTHER ACCOMMODATION SUITABLE FOR SEASONAL OR TEMPORARY LIVING PURPOSES, EXCLUSIVE OF MOBILE DWELLINGS, PRIMARILY FOR THE USE OF THE OWNER.

**CAMP, DAY:** ANY LAND INCLUDING ANY BUILDING THEREON USED FOR ANY ASSEMBLY OF PERSONS FOR WHAT IS COMMONLY KNOWN AS "DAY CAMP" PURPOSES, WHETHER OR NOT CONDUCTED FOR PROFIT AND WHETHER OR NOT OCCUPIED BY ADULTS OR BY CHILDREN, EITHER AS INDIVIDUALS, FAMILIES, OR GROUPS.

**CAMPING GROUND:** A PARCEL OF LAND USED OR INTENDED TO BE USED, LET, OR RENTED FOR OCCUPANCY BY PERSONS UTILIZING TRAILERS, TENTS, CAMPERS, OR OTHER SUCH FORMS OF RECREATIONAL DWELLINGS.

**CLUB, MEMBERSHIP:** AN ORGANIZATION CATERING EXCLUSIVELY TO MEMBER AND THEIR GUESTS, INCLUDING PREMISES AND BUILDINGS FOR RECREATIONAL OR ATHLETIC PURPOSES, WHICH ARE NOT CONDUCTED PRIMARILY FOR GAIN PROVIDING THEY ARE NOT OPERATING ANY VENDING MACHINES OR MERCHANDISING OR COMMERCIAL ACTIVITIES

EXCEPT REQUIRED GENERALLY FOR THE MEMBERSHIP AND PURPOSES OF SUCH CLUB.

**CLUSTER DEVELOPMENT:** A DEVELOPMENT OF RESIDENTIAL LOTS, EACH CONTAINING LESS AREA THAN THE MINIMUM LOT AREA REQUIRED FOR THE ZONE WITHIN WHICH SUCH DEVELOPMENT OCCURS, BUT MAINTAINING THE DENSITY LIMITATION IMPOSED BY SAID MINIMUM LOT AREA THROUGH THE PROVISION OF AN OPEN SPACE AS PART OF THE SUBDIVISION PLAN.

**COMMERCIAL OR BUSINESS:** OF OR PERTAINING TO PURCHASE, SALE OR TRANSACTION INVOLVING THE DISPOSITION OF ANY ARTICLE, SUBSTANCE, COMMODITY OR SERVICE; THE MAINTENANCE OR CONDUCT OF OFFICES, PROFESSIONS, OR RECREATIONAL OR AMUSEMENT ENTERPRISES CONDUCTED FOR PROFIT; AND ALSO THE RENTING OF ROOMS, BUSINESS OFFICES AND SALES DISPLAY ROOMS AND PREMISES.

**CONTRACTOR YARD:** AN AREA OF LAND USED FOR CONSTRUCTION BUSINESS ON WHICH NO FEWER THAN TWO PIECES OF CONSTRUCTION EQUIPMENT, INCLUDING DUMP TRUCKS, ARE REGULARLY PARKED OR STORED.

**COVERAGE:** THAT PERCENTAGE OF THE PLOT OR LOT AREA COVERED BY THE BUILDING AREA.

**DOMESTIC ANIMALS OR PETS:** ANIMALS WHICH NORMALLY LIVE IN THE SAME DWELLING UNIT AS THEIR OWNER AND ARE NOT KEPT FOR A COMMERCIAL USE.

**DUMP:** A LOT OF LAND OR PART THEREOF USED PRIMARILY FOR THE DISPOSAL BY ABANDONMENT, DUMPING, BURIAL, BURNING, OR ANY OTHER MEANS AND FOR WHATEVER PURPOSE OF GARBAGE, SEWAGE, TRASH, REFUSE, JUNK, DISCARDED MACHINERY, VEHICLES, OR PARTS THEREOF, OR WASTE MATERIAL OF ANY KIND.

**DWELLING, PERMANENT:** A BUILDING DESIGNED OR USED AS THE PERMANENT LIVING QUARTERS FOR ONE OR MORE FAMILIES. THE TERM "DWELLING" SHALL NOT BE DEEMED TO INCLUDE AUTOMOBILE COURT, ROOMING HOUSE, TOURIST HOME, MOTEL, HOTEL, BED AND BREAKFAST, OR TEMPORARY CAMPS.

**DWELLING, SEASONAL:** A BUILDING SUCH AS A CABIN, SHELTER, OR OTHER ACCOMMODATION SUITABLE ONLY FOR SEASONABLE LIVING QUARTERS, EXCLUSIVE OF A MOBILE DWELLING.

**DWELLING, ONE-FAMILY:** A DETACHED BUILDING CONTAINING ONE DWELLING UNIT ONLY AND INTENDED FOR THE USE OF A SINGLE FAMILY.

**DWELLING, TWO-FAMILY:** A DETACHED BUILDING CONTAINING TWO DWELLING UNITS.

**DWELLING, MULTI-FAMILY:** A BUILDING OR PORTION THEREOF CONTAINING THREE OR MORE DWELLING UNITS AND USED FOR OCCUPANCY BY THREE OR MORE FAMILIES LIVING INDEPENDENTLY OF EACH OTHER.

**FAMILY:** ONE OR MORE PERSONS WHO LIVE TOGETHER IN ONE DWELLING UNIT AND MAINTAIN A COMMON HOUSEHOLD, MAY CONSIST OF A SINGLE PERSON OR OF TWO OR MORE PERSONS, WHETHER OR NOT RELATED BY BLOOD, MARRIAGE OR ADOPTION. MAY ALSO INCLUDE DOMESTIC SERVANTS AND OCCASIONAL GUESTS.

**FARM:** ANY PARCEL CONTAINING FIVE OR MORE ACRES OF LAND WHICH IS NORMALLY USED FOR GAIN IN THE RAISING OF AGRICULTURAL PRODUCTS, INCLUDING CROPS, LIVESTOCK, POULTRY, DAIRY PRODUCTS, ORCHARDS, NURSERIES, AND TREE PLANTATIONS, MAPLE SUGAR, AND STABLE ANIMALS. IT INCLUDES NECESSARY FARM BUILDINGS AND

STRUCTURES WITHIN THE PRESCRIBED LIMITS AND THE STORAGE OF EQUIPMENT USED.

FOUNDATION: AN ASSEMBLY OF MATERIALS CONSTRUCTED, AND NOT INTENDED TO BE REMOVED FROM ITS INSTALLATION SITE, WHICH IS DESIGNED TO SUPPORT THE STRUCTURE AND ENGINEERED TO RESIST THE IMPOSITION OF EXTERIOR NATURAL FORCES.

GARAGE, PRIVATE: AN ACCESSORY BUILDING USED IN CONJUNCTION WITH A PRINCIPAL BUILDING WHICH PROVIDES FOR THE STORAGE OF MOTOR VEHICLES AND IN WHICH NO OCCUPATION, BUSINESS, OR SERVICES FOR PROFIT ARE CARRIED ON.

GARAGE, PUBLIC: ANY GARAGE OTHER THAN A PRIVATE GARAGE, AVAILABLE TO THE PUBLIC, OPERATED FOR GAIN, AND WHICH IS USED FOR STORAGE, REPAIR, RENTAL, SERVICING, OR EQUIPPING AUTOMOBILES OR OTHER MOTOR VEHICLES.

GARAGE SALE: AN EVENT CONDUCTED TWICE A YEAR FOR NO MORE THAN THREE DAYS EACH TIME, IN WHICH THE ITEMS FOR SALE ARE STOCKED FROM MATERIAL PREVIOUSLY USED BY THE PERSON OR PERSONS CONDUCTING THE SALE.

HOME BUSINESS (TO BE PERMITTED WITHOUT PERMIT): THE ACCESSORY USE OF A SERVICE CHARACTER CONDUCTED WITHIN A DWELLING BY RESIDENTS THEREOF, WHICH IS CLEARLY SECONDARY TO DWELLING USE FOR LIVING PURPOSES AND DOES NOT CHANGE TO THE FOLLOWING ADDITIONAL CONDITIONS: "HOME BUSINESS" SHALL BE CARRIED ON WHOLLY WITHIN THE PRINCIPAL OR ACCESSORY BUILDING. ONE PERSON OUTSIDE THE FAMILY MAY BE EMPLOYED. THERE SHALL BE NO EXTERIOR STORAGE OF MATERIALS USED IN THE BUSINESS. "HOMES BUSINESS" INCLUDES BUT IS NOT LIMITED TO: ANTIQUE SALES, BABYSITTING, COOKING, DRAFTING, DRESSMAKING, FURNITURE REFINISHING, LAUNDERING, UPHOLSTERING, ART, PHOTOGRAPHY AND ELECTRICAL, RADIO AND TELEVISION REPAIR. NO OFFENSIVE NOISES, VIBRATION, SMOKE, DUST, ODORS, HEAT OR GLARE SHOULD BE PRODUCED.

HOSPITAL: UNLESS OTHERWISE SPECIFIED, THE TERM "HOSPITAL" SHALL BE DEEMED TO INCLUDE WITHOUT LIMITATION SANITARIUM, SANATORIUM, PREVENTORIUM, CLINIC, REST HOME, CONVALESCENT HOME, NURSING HOME, AND ANY OTHER PLACE FOR THE DIAGNOSIS, TREATMENT, OR OTHER CARE OF AILMENTS, AND SHALL BE DEEMED TO BE LIMITED TO PLACES FOR THE DIAGNOSIS, TREATMENT, OR OTHER CARE OF HUMAN AILMENTS.

HOTEL, MOTEL, TOURIST HOME, BED AND BREAKFAST: A BUILDING OR BUILDINGS IN WHICH OVERNIGHT ACCOMMODATIONS ARE PROVIDED FOR TRANSIENT GUESTS FOR COMPENSATION.

INDUSTRY OR INDUSTRIAL: MEANS AND INCLUDES STORAGE, MANUFACTURE, PREPARATION, PROCESS, OR REPAIR OF ANY ARTICLE, SUBSTANCE, OR COMMODITY AND THE CONDUCT OF THE INDUSTRIAL TRADE BUT SHALL NOT MEAN SUCH PREPARATION, PROCESSING, OR REPAIR AS ARE CUSTOMARILY APPLIED TO ARTICLES, SUBSTANCES, OR COMMODITIES IN RETAIL BUSINESSES OR TRADE FOR THE ON-THE-PREMISE TRANSACTIONS.

INSTITUTION: A BUILDING OCCUPIED BY A NO-PROFIT ESTABLISHMENT FOR PUBLIC USE.

JUNKYARD: LAND USED FOR THE COLLECTING, STORAGE, AND SALE OF WASTE PAPER, RAGS, SCRAP METAL, OR DISCARDED MATERIAL, OR FOR THE COLLECTING, DISMANTLING, STORAGE AND SALVAGING OF TWO OR MORE MOTOR VEHICLES EITHER UNLICENSED OR NOT IN OPERATING CONDITION. MOTOR VEHICLES REGISTERED ON A SEASONAL BASIS ARE EXEMPT FROM THIS DEFINITION.

KENNEL: ANY PREMISES ON WHICH FOUR OR MORE DOGS OVER FOUR MONTHS OF AGE ARE KEPT FOR COMMERCIAL CARE.

LANDSCAPED AREA: ANY NON-BUILT-UPON AREA OF GRASS, AGRICULTURAL FIELDS, PASTURE, WOODLOT, FOREST, STANDING OR FLOWING WATER MAINTAINED IN HEALTHY CONDITION.

LANDSCAPED BUFFER ZONE: A NON-BUILT-UPON AREA DESIGNED TO PROTECT ADJACENT PROPERTY FROM NOISE OR VISUAL IMPACTS, WHICH SHALL INCLUDE LIVING SHRUBS AND/OR TRESS OF A HEIGHT NOT TO OBSTRUCT THE VIEW OF ADJACENT PROPERTY.

LOT: A PARCEL OF LAND OCCUPIED OR CAPABLE OF BEING OCCUPIED BY ONE BUILDING AND THE ACCESSORY BUILDINGS OR USES CUSTOMARILY INCIDENTAL TO IT, INCLUDING SUCH OPEN SPACES AS ARE REQUIRED BY THIS LOCAL LAW. NO AREA SHALL BE COUNTED AS ACCESSORY TO MORE THAN ONE MAIN BUILDING OR USE, AND NO AREA NECESSARY FOR COMPLIANCE WITH THE OPEN SPACE REQUIREMENTS FOR ONE MAIN BUILDING OR USE SHALL BE INCLUDED OR COUNTED IN THE CALCULATION OF THE OPEN SPACE ACCESSORY TO ANY OTHER MAIN BUILDING OR USE. (SEE DIAGRAM OF DIMENSIONS OF LOTS AT END OF THESE DEFINITIONS.)

LOT AREA: AN AREA OF LAND WHICH IS DETERMINED BY THE LIMITS OF THE LOT LINES BOUNDING THAT AREA AND EXPRESSED IN TERMS OF SQUARE FEET OR ACRES. ANY PORTION OF A LOT INCLUDED IN A PUBLIC ROAD RIGHT-OF-WAY SHALL NOT BE INCLUDED IN CALCULATING LOT AREA.

LOT DEPTH: THE MEAN DISTANCE BETWEEN THE FRONT AND REAR LOT LINES, MEASURED IN THE GENERAL DIRECTION OF THE SIDE LINES OF THE LOT.

LOT LINES: THE PROPERTY LINES BOUNDING THE LOT.

LOT, THROUGH: AN INTERIOR LOT HAVING FRONTAGE ON TWO PARALLEL OR APPROXIMATELY PARALLEL ROADS.

LOT, WIDTH OF: THE MEAN WIDTH MEASURED AT RIGHT ANGLES TO ITS DEPTH.

MOBILE DWELLING: ANY VEHICLE, OR COMBINATION THEREOF, USED, DESIGNED FOR USE, OR CAPABLE OF BEING USED FOR COMPLETE HOUSEKEEPING PURPOSES, INCLUDING, COOKING, SANITATION AND SLEEPING FOR ONE OR MORE PERSONS, ORIGINALLY DESIGNED TO BE MOVED FROM ONE LOCATION TO ANOTHER BY MEANS OF WHEELS AFFIXED TO THE VEHICLE, WHETHER PROPELLED BY ITS OWN POWER OR BY THE POWER OF ANOTHER VEHICLE TO WHICH IT MAY BE ATTACHED, AND WHETHER THE AXLE OR CARRIAGE TO WHICH THE WHEELS MAY BE AFFIXED ARE DETACHABLE OR DETACHED REGARDLESS OF WHETHER IT IS ATTACHED OR UNATTACHED FOR PERMANENT FOUNDATION, AND IRRESPECTIVE OF THE NAME OR TITLE ASSIGNED OR DESIGNATED BY THE MANUFACTURER OF THAT UNIT OR ANY OTHER PERSON. A PREFABRICATED DWELLING BUILT TO FEDERAL AND STATE BUILDING CODE REGULATIONS, OR A SECTIONAL DWELLING AND ALL TRAVEL TRAILERS, TRUCK CAMPERS, MOTOR HOMES SHALL NOT BE CONSIDERED A MOBILE DWELLING.

MOBILE DWELLING PARK OR "MOBILE HOME PARK" SHALL MEAN AND IS THE SAME AS HOUSE TRAILER CAMPS, TOURIST CAMPS OR SIMILAR ESTABLISHMENTS AS DESCRIBED IN SECTION 130 AND 136 OF THE "TOWN LAW" OF THE STATE OF NEW YORK AND WHICH SHALL ALSO MEAN ANY LOT, PIECE OR PARCEL OF GROUND ON WHICH ARE LOCATED OR WHICH IS OFFERED TO THE PUBLIC FOR THE LOCATION OF MORE THAN ONE HOUSE TRAILER OR MOBILE HOME.

NON-CONFORMING BUILDING: A BUILDING WHICH IN ITS DESIGN OR LOCATION UPON A LOT DOES NOT CONFORM TO THE REGULATION OF THIS LAW FOR THE DISTRICT IN WHICH IT IS LOCATED.

NON-CONFORMING LOT: A LOT OF RECORD EXISTING AT THE DATA OF THE PASSAGE OF THIS LAW WHICH DOES NOT CONFORM TO THE USE REGULATIONS OF THE DISTRICT IN WHICH IT IS SITUATED.

NON-CONFORMING USE: ANY USE OF ANY BUILDING, STRUCTURE, OR LAND EXISTING AT THE TIME OF ENACTMENT OF THIS LAW WHICH DOES NOT CONFORM TO THE USE REGULATIONS OF THE DISTRICT IN WHICH IT IS SITUATED.

PARKING SPACE OR PARKING SPACE UNIT: AN OFF-STREET SPACE AVAILABLE FOR THE PARKING OF ONE MOTOR VEHICLE AND HAVING AN AREA OF NOT LESS THAN 200 SQUARE FEET EXCLUSIVE OF PASSAGEWAYS OR DRIVEWAYS, AND HAVING DIRECT ACCESS TO A ROAD, HIGHWAY, OR ALLEY.

PLAT: A MAP, PLAN OR LAYOUT OF A CITY, TOWN, SECTION OR SUBDIVISION INDICATING THE LOCATION AND BOUNDARIES OF INDIVIDUAL PROPERTIES.

"PUBLIC WATER" OR "PUBLIC SEWER": WHATEVER THE PHRASE "PUBLIC WATER" AND/OR "PUBLIC SEWER" IS USED, IT SHALL BE DEEMED TO REFER TO A WATER OR SEWAGE SYSTEM WHICH IS OWNED AND OPERATED BY A GOVERNMENT AUTHORITY OR BY A UTILITY COMPANY OR A SEWER DISTRICT ADEQUATELY CONTROLLED BY A GOVERNMENT AUTHORITY.

RESTAURANT: ANY ESTABLISHMENT, HOWEVER DESIGNATED, AT WHICH FOOD IS REGULARLY SOLD FOR CONSUMPTION ON THE PREMISES TO PATRONS SEATED WITHIN AN ENCLOSED BUILDING, OR ELSEWHERE ON THE PREMISES. HOWEVER, A SNACK BAR OR REFRESHMENT STAND AT A PUBLIC, SEMI-PUBLIC OR COMMUNITY POOL, PLAYGROUND, PLAYFIELD OR PARK OPERATED BY THE AGENCY OR GROUP OF AN APPROVED VENDOR OPERATING THE RECREATIONAL FACILITIES AND FOR THE CONVENIENCE OF THE PATRONS OF THE FACILITY SHALL NOT BE DEEMED TO BE A RESTAURANT.

RIGHT-OF-WAY: THE LINE DETERMINING THE ROAD OR HIGHWAY PUBLIC LIMIT OF OWNERSHIP. ALSO, AN EASEMENT ESTABLISHED FOR PASSAGE ACROSS LAND.

SELF-CONTAINED SEWER TREATMENT SYSTEM: A WASTE MANAGEMENT SYSTEM WHICH MEETS THE CRITERIA OF THE N.Y.S. DEPT. OF HEALTH AND MADISON COUNTY HEALTH DEPT.

SIGN: ANY DEVICE FOR VISUAL COMMUNICATION THAT IS USED FOR THE PURPOSE OF BRINGING THE SUBJECT THEREOF TO THE ATTENTION OF THE PUBLIC; EACH DISPLAY SURFACE SHALL BE CONSIDERED TO BE A "SIGN".

SIGN, OFF-PREMISES: ANY SIGN UNRELATED TO A BUSINESS OR PROFESSION CONDUCTED, OR TO A COMMODITY OR SERVICE SOLD OR OFFERED UPON THE PREMISES WHERE SUCH IS LOCATED.

SIGN, ON-PREMISES: ANY SIGN RELATED TO A BUSINESS OR PROFESSION CONDUCTED, OR TO A COMMODITY OR SERVICE SOLD OR OFFERED UPON THE PREMISES WHERE SUCH SIGN IS LOCATED.

SITE DEVELOPMENT PERMIT: A PERMIT ISSUED BY THE CODE ENFORCEMENT OFFICER UPON APPROVAL OF A SITE PLAN CERTIFYING THAT ANY BUILDING THAT IS TO BE ERECTED, EXTENDED OR PUT IN PLACE CONFORMS TO THE DISTRICT REQUIREMENTS AND THE LAND

USE SCHEDULE OF THIS LOCAL LAW AND TO ITS PROVISIONS FOR TRAFFIC SAFETY AND PARKING SPACE, AND IF NECESSARY, TO THE TOWN SANITARY ORDINANCE.

SITE PLAN: MAPS AND DETAILED DESCRIPTIVE TEXT REQUIRED FOR ANY PROPOSED DEVELOPMENT SO DESIGNATED BY THE PLANNING BOARD. (SEE SECTION 605.12.)

SPECIAL FLOOD HAZARD AREA: THAT AREA ALONG A WATERWAY DESIGNATED AND MAPPED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT UNDER THE FLOOD DISASTER PROTECTION ACT OF 1973 AS SUBJECT TO FLOODING THAT COULD DAMAGE BUILDINGS, STRUCTURES, AND ACCESSORY INSTALLATIONS IN THAT AREA.

SPECIAL USE PERMIT: A PERMIT THAT ALLOWS THOSE USES OF LAND OR BUILDINGS SPECIFICALLY LISTED IN THIS LAW AND WITH THE CONDITIONS SET OUT IN THE GRANTING OF SUCH PERMIT.

STABLE, PRIVATE: AN ACCESSORY BUILDING IN WHICH HORSES ARE KEPT FOR PRIVATE USE AND NOT FOR HIRE, REMUNERATION, OR SALE.

STABLE, PUBLIC: A BUILDING IN WHICH ANY HORSES ARE KEPT FOR REMUNERATION, HIRE, OR SALE.

SWAMPS, WETLANDS: AREAS WITH PERMANENT OR SEASONAL STANDING WATER, OR THOSE SO DESIGNATED BY THE SOIL CONSERVATION SERVICE AND OTHER GOVERNMENT AGENCIES.

USE, ACCESSORY: A USE CUSTOMARILY INCIDENTAL AND SUBORDINATE TO THE PRINCIPAL USE OF BUILDING AND LOCATED ON THE SAME LOT WITH SUCH PRINCIPAL USE OF BUILDING.

USE, PRINCIPAL: THE SPECIFIC PURPOSE FOR WHICH LAND OR A BUILDING IS DESIGNATED, ARRANGED, INTENDED, OR FOR WHICH IT IS OR MAY BE OCCUPIED OR MAINTAINED. THE TERM "PERMITTED USE" OR ITS EQUIVALENT SHALL NOT BE DEEMED TO INCLUDE ANY NON-CONFORMING USE.

UTILITIES, COMMUNITY: COMMUNITY FACILITIES FOR WATER SUPPLY AND DISTRIBUTION, SEWAGE COLLECTION AND DISPOSAL, STORM DRAINAGE, OWNED AND OPERATED BY A PRIVATE OWNER, SEMI-PUBLIC AGENCY OR A PUBLIC AGENCY, FOR THREE OR MORE DWELLINGS OR ESTABLISHMENTS.

UTILITIES, PUBLIC AND/OR SEMI-PUBLIC: DISTRIBUTION POINTS, TRANSMISSION LINES AND STATIONS, SUB-STATIONS, STORAGE YARDS, GARAGES, AND OTHER CENTRAL BUILDINGS AND/OR RELATED USES FOR THE OPERATION AND PROVISION OF PUBLIC AND SEMI-PUBLIC POWER, FUEL, WATER, AND COMMUNICATIONS SERVICE LICENSED BY THE PUBLIC SERVICE COMMISSION.

VARIANCE, AREA: A LEGALLY PERMITTED MODIFICATION OF A LAND USE LAW TO ALLOW FOR DIFFERENT DIMENSIONS IN THE AREA COVERAGE OF A SPECIFIC PARCEL OF LAND.

VARIANCE, USE: A LEGALLY PERMITTED MODIFICATION OF A LAND USE LAW TO ALLOW A DIFFERENT USE OF A SPECIFIC PARCEL OF LAND OR OF A SPECIFIC STRUCTURE.

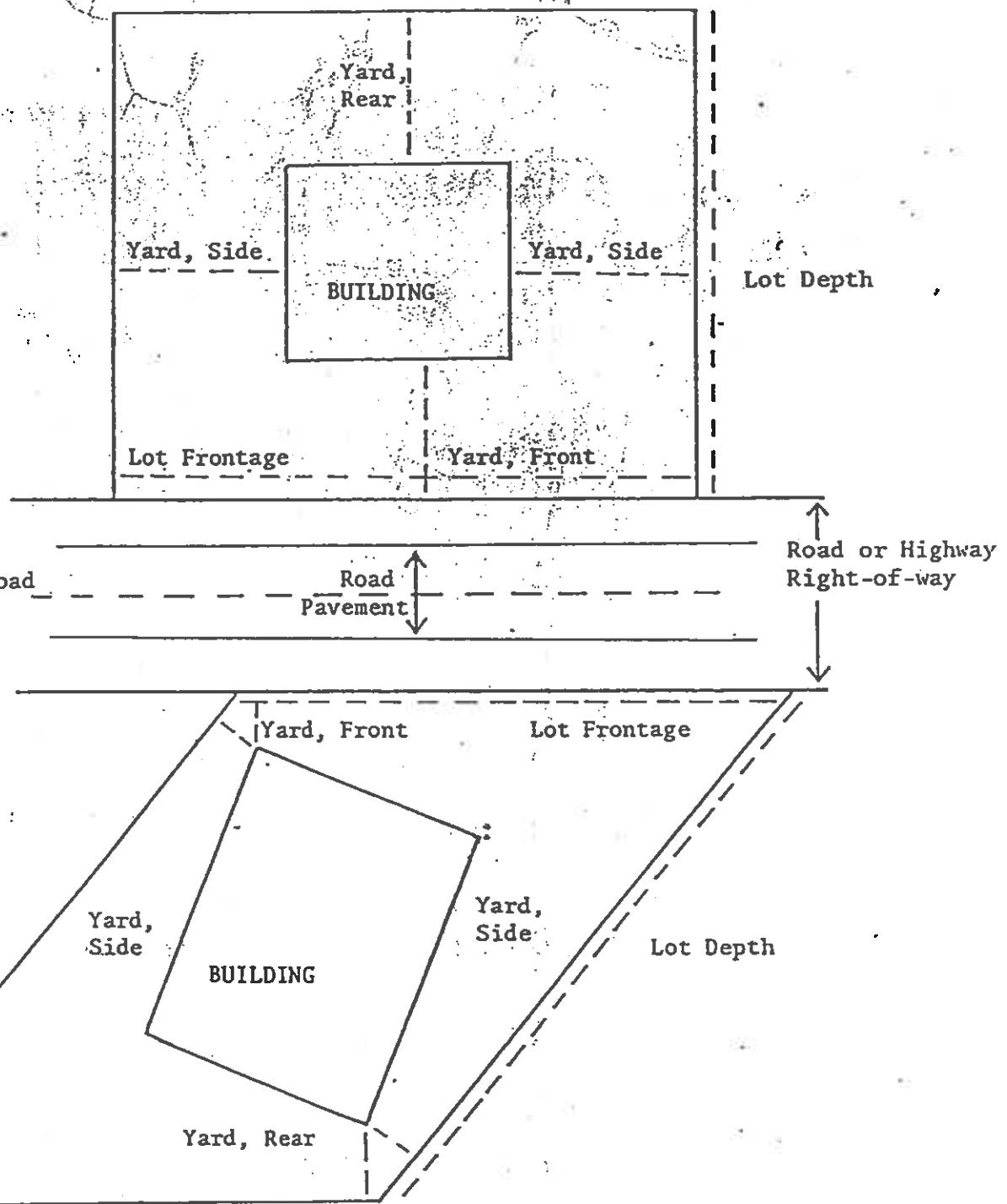
YARD, FRONT: AN OPEN UNOCCUPIED SPACE ON THE SAME LOT WITH A MAIN BUILDING, EXTENDING THE FULL WIDTH OF THE LOT AND SITUATED BETWEEN THE EDGE OF THE HIGHWAY RIGHT-OF-WAY AND THE FRONT LINE OF THE BUILDING PROJECTED TO THE SIDE LINES OF THE LOT. THE DEPTH OF THE FRONT YARD SHALL BE MEASURED BETWEEN

THE NEAREST POINT OF THE FRONT LINE OF THE BUILDING AND THE ROAD RIGHT-OF-WAY. COVERED PORCHES, WHETHER ENCLOSED OR UNENCLOSED, SHALL BE CONSIDERED AS PART OF THE MAIN BUILDING AND SHALL NOT PROJECT INTO A REQUIRED FRONT YARD. THE FRONT YARD MUST BE FREE OF ANY MAN-MADE BUILDING OR STRUCTURE. THE ONLY EXCEPTION IS SOME TYPES OF PERMITTED ROADSIDE STANDS. (SEE SECTION 302.2.)

YARD, REAR: AN OPEN UNOCCUPIED SPACE ON THE SAME LOT WITH A MAIN BUILDING, EXTENDING FULL WIDTH OF THE LOT AND SITUATED BETWEEN THE REAR LINE OF THE LOT AND THE REAR LINE OF THE BUILDING PROJECTED TO THE SIDE LINES OF THE LOT. THE DEPTH OF THE REAR YARD SHALL BE MEASURED BETWEEN THE REAR LINE OF THE LOT, OR THE ROAD RIGHT-OF-WAY IF THERE IS A ROADWAY, AND THE NEAREST POINT OF THE REAR LINE OF THE MAIN BUILDING. ACCESSORY BUILDINGS MAY BE BUILT ON THE REAR YARD UNLESS THE LOT IS A "THROUGH LOT". (SEE DEFINITION.)

YARD, SIDE: AN OPEN UNOCCUPIED SPACE ON THE SAME LOT WITH THE PRINCIPAL BUILDING SITUATED BETWEEN THE BUILDING AND THE SIDE LINE OF THE LOT AND EXTENDING FROM THE FRONT YARD TO THE REAR YARD. ANY LOT LINE NOT A REAR LINE OR A FRONT LINE SHALL BE DEEMED A SIDE LINE.

## DIMENSIONS OF LOTS



**TOWN OF  
STOCKBRIDGE  
ISON COUNTY, NEW YORK**

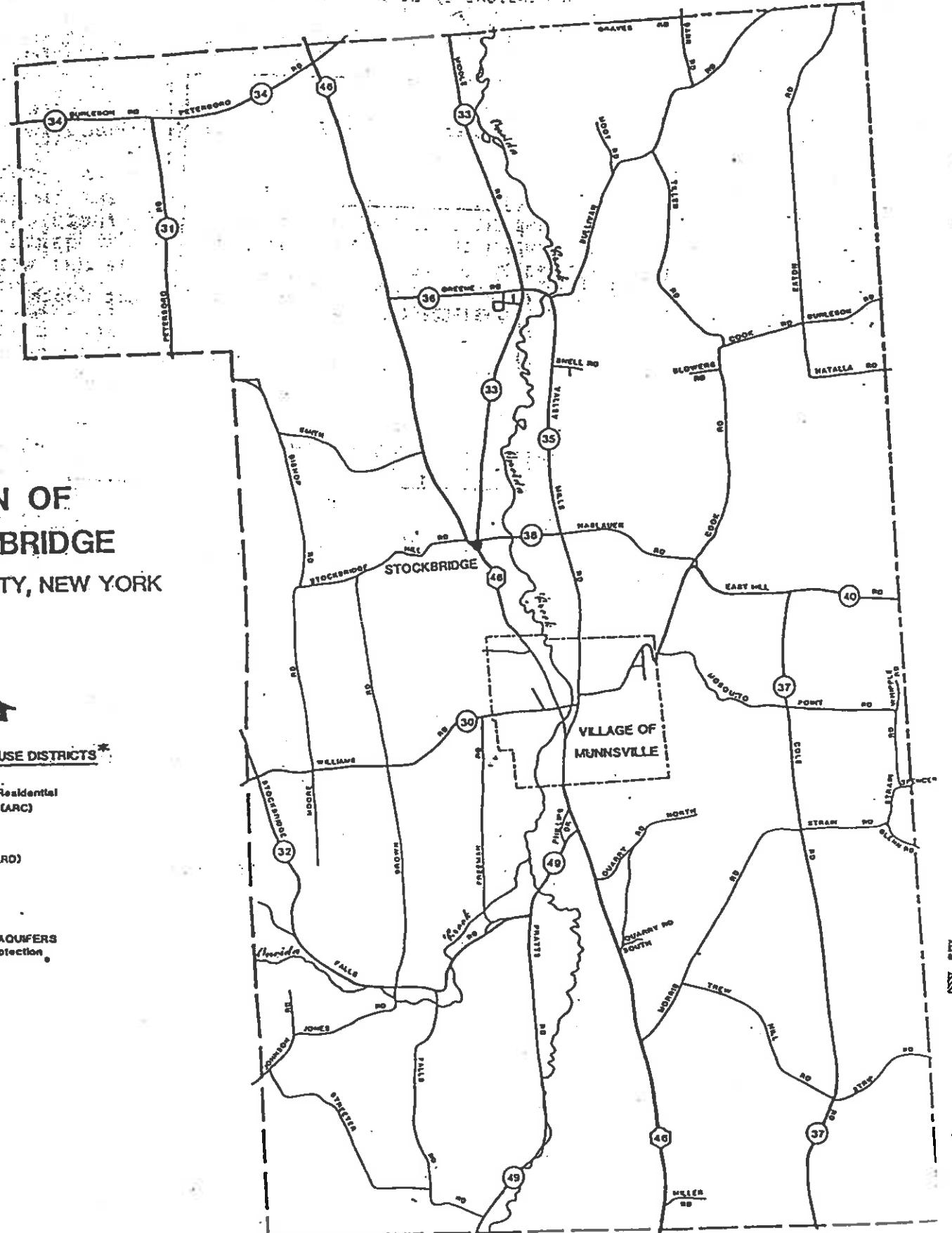


### MUNICIPAL LAND USE DISTRICTS\*

Agricultural-Residential  
-Commercial (ARC)

 Residential (R0)

\* See PRINCIPAL AQUIFERS  
Map for Aquifer Protection  
Overley District



**SCALE**

## TOWN OF STOCKBRIDGE

DISON COUNTY, NEW YORK

N

### PRINCIPAL AQUIFERS

#### AQUIFER PROTECTION OVERLAY DISTRICT

AP-1 (Highly vulnerable to contamination)

AP-2 (moderately vulnerable to contamination)

(This is a reduced-scale version of the original  
1 in = 2000 ft map on file with Codes Enforcement  
Officer and Town Clerk.)

SCALE

0 1000 2000 3000 4000 5000 FEET

