

**TOWN OF PARISH  
ZONING LAW**

**Adopted April 15, 2021**



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## **ARTICLE 1. INTRODUCTION**

### **Section 110. Preamble**

Pursuant to the authority conferred by Article 16 of the Town Law and Articles 2 and 3 of the Municipal Home Rule Law of the State of New York, the Town Board of the Town of Parish does hereby enact the Town of Parish Zoning Law. This law shall replace and supersede the prior existing zoning law of the Town of Parish.

### **Section 120. Short Title**

This law may be known and cited as the "Town of Parish Zoning Law."

### **Section 130. Purpose**

This law is adopted to promote and protect the public health, safety, and general welfare, and in furtherance of these related and more specific purposes:

1. To guide and regulate orderly growth, development and redevelopment with the principles and standards deemed beneficial to the interests and welfare of the people.
2. To protect the established character, natural resources and the social and economic well-being of both private and public property.
3. To promote in the public interest, the utilization of land for the purposes for which it is most desirable and best suited.
4. To secure safety from fire, flood, and other dangers, and to provide adequate light, air and convenience of access.
5. To prevent overcrowding of the land and excessive density of population.
6. To make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor.

### **Section 140. Applicability**

This law, and any amendment thereto, shall apply on its effective date to all uses which have not been substantially commenced, and structures which have not been substantially constructed, regardless of the status of permits or certificates of occupancy issued pursuant to the New York State Uniform Fire Prevention and Building Code.

### **Section 150. Conflict**

A conflict between the requirements of this law and those of any other law, ordinance, rule, regulation, statute or other provision of law shall be resolved by giving effect to the provision imposing the more restrictive requirement or higher standard.

## ARTICLE 2. DEFINITIONS

### Section 210. General

Except where specifically defined herein, all words used in this law carry their customary meanings. Words in the present tense include the future and the word "shall" indicates a mandate.

### Section 220. Specific Definitions

**Accessory Apartment:** A dwelling unit located on the same lot as a one-family dwelling, located within an accessory building. Such a dwelling is an accessory use to the one-family dwelling.

**Accessory Building:** A building which is an accessory structure.

**Accessory Structure:** A structure incidental and subordinate to a principal structure and located on the same lot with such principal structure. Where an accessory structure is attached to the principal structure in a substantial manner, as by a wall or roof, such accessory structure shall be considered part of the main structure. Accessory structures shall not include temporary construction debris containers or temporary storage units.

**Accessory Use:** A use customarily incidental and subordinate to a principal use, and which is located on the same lot with such principal use.

**Agriculture or Forestry Structure:** A structure used for agriculture or forestry.

**Agricultural Use:** Land used for the raising of crops, cows, horses, pigs, poultry and other livestock, horticulture or orchards, including the sale of products grown or raised directly on such land, and including the construction, alteration, or maintenance of fences, agricultural roads, agricultural drainage systems and farm ponds.

**Alteration:** Any change, rearrangement, extension or increase in area or height to a building or structure, other than repairs; or modifications in construction or in building services, such as heating, plumbing, electrical, etc.

**Antenna:** A system of electrical conductors that transmit or receive radio frequency waves. Such waves shall include but not be limited to radio navigation, radio, television, and microwave communications. The frequency of these waves generally range from 10 hertz to 300,000 megahertz.

**Bed and Breakfast:** An owner occupied dwelling offering overnight accommodations and a morning meal to transients for compensation.

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

**Building, Accessory:** *See Accessory Building.*

**Building-Integrated Photovoltaic (BIPV) System** – A solar energy system that consists of integrating photovoltaic modules into the building structure, such as the roof or the façade, which does not alter relief of the roof.

**Building-Mounted Solar Energy System** – A solar energy system that is affixed to the roof or sides(s) of a building or other structure, either directly or by means of support structures or other mounting devices. Solar energy systems constructed over a parking lot are considered building-mounted solar energy systems.

**Campground:** Any lot on which are located three or more cabins, recreational camping vehicles or tents of a design or character suitable for seasonal or other more or less temporary living purposes, public or private.

**Camping Trailer:** *See Recreational Camping Vehicle.*

**Campsite:** A portion of a campground where one cabin, recreational camping vehicle or tent is to be located.

**Car Wash:** Any commercial building or premises or portions thereof used for washing motor vehicles.

**Cemetery:** Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, mausoleums and mortuaries when operated in conjunction with and within the boundaries of such "cemetery."

**Certificate of Compliance:** A certification by the enforcement officer that a lot, structure, or use of land has been developed in conformity with an approved zoning permit and/or complies with the provisions of this law, and may be occupied and used for the purposes specified in such zoning permit and/or certificate of compliance.

**Commercial Sign:** *See Sign, Commercial.*

**Commercial Use:** Any use involving the sale, rental, or distribution of goods and services, either retail or wholesale.

**Convenience Store:** Any retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods for offsite consumption. The establishment may or may not sell gasoline.

**Corner Lot:** *See Lot, Corner.*

**Crematory:** Any place, however designated, operated for the purpose of reducing deceased bodies to ashes.



**Directional Signs:** See *Signs, Directional*.

**Distribution center:** An establishment engaged in the receipt, storage, and distribution of goods, products, cargo, and materials.

**Domestic Hoofed Livestock:** Cattle, goats, horses, llamas, mules, sheep, and swine kept for non-commercial purposes.

**Domestic Small Livestock, Poultry, and Fowl:** Chickens, chinchillas, ducks, pigeons, rabbits, small birds, and turkeys kept for non-commercial purposes.

**Dumping:** The act of abandoning, burying or disposing, in any manner, of garbage, sewage, trash, refuse, hazardous wastes, junk, furniture, discarded machinery, automobiles or parts thereof, recreational vehicles, or other waste or scrap in any location other than in a manner and/or at a facility which is approved by the town for such purpose.

**Dwelling:** A building designed for human habitation.

**Dwelling Unit:** A building or portion thereof providing complete housekeeping facilities for one family.

**Dwelling, Multiple-Family:** A principal building containing three or more dwelling units.

**Dwelling, One-Family:** A principal building containing one dwelling unit.

**Dwelling, Two-Family:** A principal building containing two dwelling units.

**Eating and Drinking Establishment:** Retail establishment selling food and drink for consumption on and off the premises.

**Essential Facility:** The operation and maintenance by municipal agencies or public utilities of telephone dial equipment centers; electrical or gas transmission facilities and substations; water treatment, storage and transmission facilities; pumping stations; and similar facilities.

**Family:** One or more persons occupying a dwelling unit and living as a single housekeeping unit.

**Farm Stand:** A permanent structure for the display and sale of farm products.

**Flood Hazard Area:** Maximum area of a flood plain that is likely to be flooded once every 100 years. It includes the areas shown on the Flood Insurance Rate Map as Zone A, AE, AO, AH and A1 to A99.

**Floor Area:** The sum of the gross horizontal areas of all floors of a building or structure from the exterior face of exterior walls.

**Footprint:** The gross horizontal area of the first floor of a building or structure from the exterior face of exterior walls.

**Forestry Use:** Any management, including logging, of a forest, woodland or plantation, including the construction, alteration, or maintenance of wood roads, skidways, landings, fences, and forest drainage systems, and the incidental processing of products grown on the premises.

**Freestanding Sign:** *See Sign, Freestanding.*

**Front Lot Line:** *See Lot Line, Front.*

**Front Yard:** *See Yard, Front.*

**Frontage, Lot:** *See Lot Frontage.*

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

**Golf Course:** a tract of land laid out for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a clubhouse and shelter that may or may not serve food or drink.

**Ground-Mounted Solar Energy Systems** – A solar energy system that is affixed to the ground either directly or by support structures or other mounting devices and that is not attached or affixed to an existing structure. Pole-mounted solar energy systems shall be considered ground-mounted solar energy systems.

**Home-Based Business:** A nonresidential activity that is conducted for financial gain within a dwelling unit or in a building or structure accessory to a dwelling unit; and is clearly incidental and secondary to the use of the dwelling unit for residential purposes; and meets one or more of the following criteria:

1. one or more nonresidents are employed;
2. total floor area devoted to the business exceeds 400 square feet;
3. the business is open to off-street customer or client traffic;
4. two or more customers or clients are present on the site at one time.

**Hotel:** A building containing primary hotel units, for the purpose of furnishing lodging, with or without meals, for transient occupancy; and with management maintaining a register, and providing daily housekeeping and other incidental services, including desk, telephone, or bellboy services.

**Hunting and Fishing Cabin:** A cabin, camp, or lean-to or other similar structure, designed for occasional occupancy for hunting, fishing, or other purposes. These structures are classified as Group U (Utility) occupancy by the New York State Building Code and do not have connections to public utilities such as electric power, telephone, water, or sewer. Hunting and Fishing Cabins are not considered single family dwellings for the purposes of this law.

**Industrial Use:** Any use involving the act of storing, preparing for treatment, manufacturing or assembling any article, substance or commodity.

**Institutional Use:** A nonprofit, religious, or public use, such as a church, library, public or private school, hospital, or government owned or operated building, structure, or land used for public purpose.

**Kennel:** Any lot, building, structure, enclosure or premises whereupon or wherein are kept eight or more dogs, cats (four months or older in age) in any combination, whether such keeping is for profit, breeding, or exhibiting, and including places where dogs or cats or similar small animals in any combination are boarded, kept for sale, or kept for hire.

**Large Scale Solar Energy System** –Any solar energy system that cumulatively on a lot meets one of the following provisions:

- a. Is intended to supply energy principally into a utility grid for the purpose of off-site sale or consumption, OR
- b. Has a total ground surface area of greater than 4,000 square feet.

**Light Manufacturing:** A use engaged in the manufacture, exclusively from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing of raw materials.

**Lot:** A parcel of land that consists of one or more contiguous lots of record. If a public or private road right-of-way or a municipal boundary divides a parcel of land otherwise characterized as a lot by this definition, then the land on either side of this division shall constitute a separate lot.

**Lot, Corner:** A lot abutting two or more roads at their intersection. Lot lines abutting the roads are designated as front lot lines and the lot line opposite and most distant from one of the front lot lines is designated as the rear lot line. All remaining lot lines are designated as side lot lines.

**Lot, Through:** A lot having frontages on two parallel or converging roads that do not intersect at the boundaries of the lot. Lot lines abutting the roads are designated as front lot lines. All remaining lot lines are designated as side lot lines.

**Lot Area:** The total horizontal area included within the lot lines of a lot. No part of the area within a public right-of-way shall be included in the computation of lot area.

**Lot Depth:** The greatest distance between the front lot line and the rear lot line measured along a straight line perpendicular to the front lot line.

**Lot Frontage:** The length of the front lot line measured as a straight line between each end of the front lot line.

**Lot Line:** A line bounding a lot that divides one lot from another lot.

**Lot Line, Front:** The lot line separating a lot from a public road or private road. Where a road right-of-way is not established or is irregularly shaped, the front lot line shall be considered to be a line parallel to and 25 feet from the centerline of the road pavement of county, town and private roads or 35 feet from the centerline of the road pavement of state roads.

**Lot Line, Rear:** The lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

**Lot Line, Side:** Any lot line other than a front or rear lot line.

**Lot of Record:** A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title.

**Lot Width:** The greatest distance between side lot lines.

**Manufactured Home:** A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling unit, with or without a permanent foundation when connected to the required utilities. A manufactured home shall be construed to remain a manufactured home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. This term shall not include factory manufactured homes known as "modular homes" bearing an insignia issued by the State Fire Prevention and Building Code Council as required in 9 NYCRR 1212.

**Manufactured Home Park:** Land on which three or more manufactured homes are parked, or which is used for the purpose of supplying to the public a parking space for three or more manufactured homes.

**Manufacturing, Light:** *See Light Manufacturing.*

**Motor Vehicle Repair Garage:** Any commercial building, premises, and land in which or upon which a business, service, or industry involving the maintenance, servicing, repair, or painting of vehicles is conducted or rendered. Vehicles include, but are not limited to, automobiles, snowmobiles, ATVs, and motorized equipment.

**Motor Vehicle Sales:** The use of any building, land area, or other premise for the display and sale of new or used automobiles generally but may include light trucks or vans, trailers, or recreation vehicles and including any vehicle preparation or repair work conducted as an accessory use.

**Motor Vehicle Service Station:** Any commercial building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels; servicing and repair of automobiles; and including as an accessory use the sale and installation of lubricants, tires,

batteries, and similar vehicle accessories.

**Motorized Vehicle Park:** A tract of land for recreational use by all terrain vehicles, motorcycles, snowmobiles, or trucks operated for commercial purposes or as a private club.

**Multiple-Family Dwelling:** See *Dwelling, Multiple-Family*.

**Non-commercial Sign:** See *Sign, Non-commercial*.

**Nonconformity:** A lot, structure, or use of land which lawfully existed prior to the enactment of this law, or conformed to the regulations of the zoning district in which it was located prior to the amendment of this law; which does not conform to the regulations of the zoning district in which it is located following the enactment or amendment of this law.

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

**One-Family Dwelling:** See *Dwelling, One-Family*.

**Parking Area:** Area designed and used for parking motor vehicles.

**Permit, Special Use:** See *Special Use Permit*.

**Permit, Zoning:** See *Zoning Permit*.

**Prime Farmland** – Land, designated as “Prime Farmland” in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)’s Soil Survey Geographic (SSURGO) Database on Web Soil Survey, that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these land uses.

**Principal Building:** A building which is a principal structure.

**Principal Structure:** A structure in which is conducted the principal use of the lot on which it is located.

**Principal Use:** The primary or predominant use of any lot.

**Private Road:** See *Road, Private*.

**Projecting Sign:** See *Sign, Projecting*.

**Public Road:** See *Road, Public*.

**Rear Lot Line:** See *Lot Line, Rear*.

**Rear Yard:** See *Yard, Rear*.

**Recreational Camping Vehicle:** Any enclosed motor vehicle or trailer used or designed to be used for recreational travel and temporary living and/or sleeping purposes including motor homes, truck campers, camping trailers, campers, pop-up trailers, tent trailers, and over-night trailers.

**Residential Use:** One-family dwelling, two-family dwelling, multiple-family dwelling, accessory apartment and manufactured home.

**Retail Sales, Indoor:** Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

**Retail Sales, Outdoor:** A commercial facility including sales, rental, lease and service or repair for manufactured homes, boats, recreational vehicles, farm implements, and other large items stored outdoors as well as farm markets.

**Retail Services:** Establishments providing services or entertainment, as opposed to products, to the general public for personal or household use, including hotels and motels, finance, real estate and insurance, personal service, motion pictures, amusement and recreation services, health, educational, and social services, museums, and galleries. *Not including car wash, crematory, eating and drinking establishment, funeral home, golf course, hotel, motor vehicle repair garage, motor vehicle service station, or motorized vehicle park.*

**Road, Private:** A private way for vehicular traffic which affords the primary means of access to abutting properties.

**Road, Public:** A public way for vehicular traffic which affords the primary means of access to abutting properties.

**Road Line:** A right-of-way line of a road as dedicated by a deed or record

**Side Lot Line:** See *Lot Line, Side*.

**Side Yard:** See *Yard, Side*.

**Sign, Commercial:** A sign that directs attention to a business or profession conducted, or to a commodity or service sold, offered, or manufactured, or to an entertainment offered on the premises where the sign is located.

**Sign, Freestanding:** Any nonmovable sign not affixed to a building.

**Sign, Non-Commercial:** A sign that expresses a personal, political or religious view.

**Sign, Projecting:** A sign that is wholly or partly dependent upon a building for support and that projects more than twelve inches from such building.

**Sign, Wall:** A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than twelve inches from such building or structure.

**Site Plan:** A plan, to scale, showing uses and structures proposed for a lot. It includes, but is not limited to lot lines, roads, building sites, reserved open space, buildings, major landscape features, and the locations of existing or proposed utility lines.

**Small Scale Solar Energy System** – Any solar energy system that cumulatively on a lot meets all of the following provisions:

- a. Is an accessory use or structure designed and intended to generate energy primarily for a principal use located on site. and
- b. Has a total ground surface area no larger than 4,000 square feet.

**Solar Collector** – A solar or photovoltaic cell, plate, panel, film array, reflector or other structure affixed to the ground, a building or other structure that harnesses solar radiation to directly or indirectly generate thermal, chemical, electrical or other usable energy, or that reflects or concentrates solar radiation to a solar or photovoltaic cell, plate, panel, film, array, reflector or other structure that directly or indirectly generated thermal, chemical, electrical or other usable energy.

**Solar Energy:** Radiant energy (direct, diffuse, and reflected) received from the sun.

**Solar Energy System** – A complete system intended for the collection, inversion, storage and/or distribution of solar energy and that directly or indirectly generates thermal, chemical, electrical or other usable energy. A solar energy system consists of, but is not limited to, solar collectors, mounting devices or structure, generators/turbines, water and energy storage and distribution systems, storage maintenance and/or other accessory buildings, inverters, combiner boxes, meters, transformers and all other mechanical structures.

**Solar Panel** – A device for the indirect conversion of solar energy into electricity.

**Solar Thermal System** – A system that directly heats water or other liquid using sunlight.

**Special Use Permit:** A permit for special uses which must be approved by the planning board, granting permission to the zoning officer to issue a zoning permit.

**Storage Facility:** A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

**Story:** That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it and including those basements used for the principal use.

**Structure:** An assembly of materials forming a construction framed of component structural parts for occupancy or use, including buildings.

**Structure, Accessory:** *See Accessory Structure.*

**Structure Height:** The vertical distance from the mean finished grade to the highest point of the structure measured at the front wall of the structure.

**Structure, Principal:** A structure through which the principal use of the lot on which it is located is conducted.

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

**Temporary Construction Debris Containers:** Container boxes or dumpsters used to store construction debris.

**Temporary Storage Units:** Structures or containers used for the storage of personal property, including, but not limited to, commercial transport trailers (with or without wheels attached), truck boxes and container boxes. Storage units shall not include vans, station wagons, mobile homes, campers (motorized or not), or any motor vehicle.

**Through Lot:** *See Lot, Through.*

**Travel Trailer:** *See Recreational Camping Vehicle.*

**Two-Family Dwelling:** *See Dwelling, Two-Family.*

**Use, Accessory:** *See Accessory Use.*

**Use, Principal:** *See Principal Use.*

**Wall Sign:** *See Sign, Wall.*

**Warehousing:** A building used primarily for the storage of goods and materials by the owner of the goods or operated for a specific commercial establishment or group of establishments in a particular industrial or economic field.

**Wetland:** Any lands that are defined as wetlands according to the New York State Freshwater Wetlands Act, Section 24-0107(1) and are mapped pursuant to 6 NYCRR Part 664; such areas as are regulated by the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act, 33 USC Section 1344; and such areas as are mapped in the U.S. Department of the Interior, Fish and Wildlife Service, National Wetlands Inventory.

**Wind Energy System:** Facilities, including windmills, energy storage devices, and related materials, hardware or equipment necessary to the process by which wind is converted into another form of energy, and such energy is stored, protected from unnecessary dissipation and distributed for private purposes.



**Yard:** Any open space located on the same lot with a structure, unoccupied and unobstructed from the ground up, except for accessory structures, or such projections as are expressly permitted in this law. The minimum depth of a yard shall consist of the horizontal distance between a lot line and a line, parallel to the lot line, that passes through the point of the principal structure nearest the lot line.

**Yard, Front:** The space within and extending the full width of the lot from the front lot line to a line, parallel to the front lot line, that passes through the point of a principal structure nearest the front lot line.

**Yard, Rear:** The space within and extending the full width of the lot from the rear lot line to a line, parallel to the rear lot line, that passes through the point of a principal structure nearest the rear lot line.

**Yard, Side:** Any yard other than a front yard or rear yard.

**Zoning Officer:** An individual designated by the town board to enforce this law.

**Zoning Permit:** A permit issued by the zoning officer certifying that all plans for the use and development of land comply with the regulations of this law and granting permission to commence development activities in conformity with the conditions of the approved permit.

### **ARTICLE 3. ZONING DISTRICTS AND ZONING MAP**

#### **Section 310. Establishment of Zoning Districts**

For the purpose of this law, the Town of Parish is hereby composed of the following zoning districts:

**R** Rural

The purpose of the RURAL zoning district is to: protect sensitive lands and natural resources; preserve rural character; preserve the critical road network; conserve agriculture and working lands; and promote appropriate residential development.

**R/MU** Rural/Mixed Use

The purpose of the RURAL/MIXED USE zoning district is to: provide for appropriate agricultural, residential and commercial development while preserving rural character.

**HC** Highway Commercial

The purpose of the HIGHWAY COMMERCIAL zoning district is to: provide for automobile oriented commercial uses that are inappropriate in other parts of the town.

### **Section 320. Zoning District Map**

The zoning districts are shown, defined and bounded on the map accompanying this law entitled "Zoning District Map," dated \_\_\_\_\_. This zoning district map is hereby made a part of this law, and shall be on file in the office of the town clerk.

### **Section 330. Interpretation of Zoning District Boundaries**

Where uncertainty exists with respect to the boundaries of the various zones, as shown on the zoning map, the following rules shall apply:

1. Where the designation on the zoning map indicates a boundary approximately upon a road, the centerline of the road shall be construed to be the boundary.
2. Where the designation on the zoning map indicates a boundary approximately upon a lot line, such lot line shall be construed to be the boundary.
3. Distances shown on the zoning map are perpendicular distances from road centerlines measured to the zone boundary. In all cases where distances are given, zone boundaries are parallel to the road centerline.
4. In other cases the zone boundary shall be determined by the use of the scale on the zoning map.

### **Section 340. Metes-and-Bounds Descriptions**

In the event that a metes-and-bounds description has been filed for a zoning district change or a variance as required by this law, such metes-and-bounds description may be used in lieu of other provisions of this article.

### **Section 350. Lots Divided by Zoning District Boundaries**

Where a zoning district boundary divides a lot at the time such boundary is adopted, the requirements of the least restrictive portion of such lot shall extend 50 feet into the more restrictive portion of the lot, provided the lot has frontage on a road in the less restrictive zoning district.

**ARTICLE 4. ZONING DISTRICT REGULATIONS**

**Schedule A: Permitted Uses**

	<b>R</b>	<b>R/MU</b>	<b>HC</b>
accessory apartment	SITE	SITE	-
accessory structure	Z	Z	Z
agricultural or forestry structure	Z	Z	-
alteration or reconstruction of nonconforming commercial, industrial or multi-family residential use	SPEC	SPEC	SPEC
bed and breakfast	SITE	SITE	-
campground	SPEC	SPEC	-
car wash	-	SPEC	SITE
cemetery	Z	Z	-
convenience store	-	SPEC	SITE
crematory	-	SPEC	SPEC
distribution center	-	SPEC	SITE
dwelling, multi-family	SITE	SITE	-
dwelling, one-family	Z	Z	-
dwelling, two-family	Z	Z	-
dumping	-	-	
eating and drinking establishment	-	SPEC	SITE
essential facility	SITE	SITE	SITE
farm stand	SITE	SITE	SITE
funeral home	-	SPEC	SPEC
golf course	SPEC	SPEC	-
home-based business	Z	Z	-
hotel		SITE	SITE
hunting and fishing cabin	Z	-	-
institution	SPEC	SPEC	SITE
joint use of parking facility	SPEC	SPEC	SPEC
kennel	-	-	SPEC
light manufacturing	-	SPEC	SPEC
manufactured home	Z	Z	-
manufactured home park	SPEC	SPEC	-
motor vehicle repair garage	-	SPEC	SITE
motor vehicle sales	-	SPEC	SITE
motor vehicle service station	-	SPEC	SITE
motorized vehicle park	SPEC	-	-
office	-	SPEC	-
parking area	SPEC	SPEC	SITE
retail sales, indoor	-	SPEC	SITE
retail sales, outdoor	-	SPEC	SITE
retail services	-	SPEC	SITE
solar energy system, large scale	SPEC	SPEC	SPEC
solar energy system, small scale	Z	Z	Z
storage facility	-	SPEC	SITE

telecommunication tower	SPEC	SPEC	SPEC
two one- or two-family dwellings on a single lot	SPEC	SPEC	-
warehouse	-	SPEC	SITE
wind energy system	Z	Z	Z

- = use prohibited

Z = zoning permit required (special use permit required if activity exceeds thresholds in §. 1410)

SITE = site plan review required (special use permit required if activity exceeds thresholds in §. 1410)

SPEC = special permit review required

### Schedule B: Dimensional Requirements

lot size, minimum:	1.5 acres (65,340 square feet)
lot frontage, minimum:	220 feet
lot frontage to lot width ratio, min.:	1:3 (frontage must be at least one third of width)
Lot width to lot depth ratio, min.:	1:5 (width must be at least one fifth of depth)
front yard, minimum:	25 feet from R-O-W or 50 feet from road centerline (whichever is greater)
side yard, minimum:	20 feet
rear yard, minimum:	40 feet
building footprint, maximum:	40,000 square feet
building height, maximum:	3 stories
off-street parking, maximum:	120 spaces per lot

## **ARTICLE 5. NONCONFORMITIES**

### **Section 510. Intent**

The intent of this article is to recognize lots, structures and uses of land and structures which legally existed prior to the enactment or subsequent amendment of this law which would be prohibited or unreasonably restricted by the requirements herein. All rights of nonconformity shall continue regardless of the transfer of ownership of nonconforming lots, structures or uses.

### **Section 520. Nonconforming Lots**

Any lot held under separate ownership prior to the enactment or amendment of this law, and having a frontage, depth or area less than the minimum requirements set forth in this law, may be developed for one- or two-family residential use, provided that such lot has sufficient frontage, depth and area to undertake development which will:

1. maintain the required minimum front yard depth;
2. maintain at least 2/3 of the required minimum side and rear yard depths.

### **Section 530. Nonconforming Structures**

No structure which by the enactment or amendment of this law is made nonconforming or placed in a nonconforming situation with regard to yard sizes, lot coverage, height or any requirement of this law, other than the use to which it is put, shall be changed so as to increase its nonconformity. If a structure is nonconforming as to use, see Section 540 below. Any such nonconforming structure may be used for any compatible use listed for the zoning districts in which it is located as designated in Article 4 of this law.

### **Section 540. Nonconforming Uses of Land or Structures**

Any use of land or structures which by the enactment or amendment of this law is made nonconforming may be continued on the premises and to the extent preexisting provided that:

1. no nonconforming use shall be increased in size so as to occupy a greater area of land or floor area than was committed to the nonconforming use at the time of such enactment or amendment;
2. no nonconforming use which has for any reason been discontinued for a period of one year or more shall be re-established; and
3. a special use permit shall be required for any alteration or reconstruction which is on the premises of a nonconforming commercial, industrial or multiple-family residential use.

## **Section 550. Nonconforming Structures Damaged or Destroyed**

Any structure which is nonconforming as to use, yard sizes, lot coverage, height or any other requirement of this law, which is damaged or destroyed by fire or other hazard, may be repaired, restored or reconstructed provided that such work is undertaken within one year of the date on which the damage or destruction occurred. No such work shall increase the nonconformity of the structure.

## **ARTICLE 6. SPECIAL DEVELOPMENT STANDARDS**

### **Section 601. Principal Residential Structures Per Lot**

There shall be no more than one one-family or two-family dwelling on a single lot except in the following circumstance:

1. A temporary special use permit may be issued allowing a maximum of two one-family or two-family dwellings on a single lot where it can be demonstrated that any future subdivision of the lot, which would result in the dwellings being located on separate lots, can be accomplished in such a way that: 1) the resulting dwellings and accessory structures will have front, side and rear yard depths in accordance with this law; 2) the resulting lots will have areas and dimensions in accordance with this law; and 3) all sewage and wastewater systems will be in accordance with the NYS Sanitary Code. All principal structures shall be separated by a distance of at least twice the side yard depth requirement, or such greater distance as deemed appropriate by the planning board so as to allow for lawful future subdivision. Such special use permits granted for this purpose shall expire five years after the date of issuance, at which point the lot shall require legal subdivision.
2. A zoning permit may be issued for one interim dwelling located on the site of the construction of a one- or two-family dwelling for which a valid zoning and building permit is in effect; for one interim manufactured home unit for commercial or industrial use on the site of the construction of a commercial or industrial use for which a valid zoning and building permit is in effect; or for temporary uses and structures incidental to a construction project for which a valid zoning and building permit is in effect. All interim structures shall be removed within 60 days of the issuance of a certificate of compliance.

### **Section 602. Accessory Uses and Structures**

1. Accessory uses and structures shall be allowed in any zoning district.
2. The establishment or change of an accessory use or structure which is incidental to a use requiring a site plan review pursuant to Article 13 of this law shall likewise require a site plan review.

3. The establishment or change of an accessory use or structure which is incidental to a use requiring a special use permit pursuant to Article 14 of this law shall likewise require a special use permit review.
4. When an accessory structure is attached to a principal structure, it shall comply in all respects with the requirements of this law applicable to the principal structure.
5. Accessory structures shall comply with all front, side and rear yard requirements of principal structures as indicated in Article 4 of this law.
6. There shall be a maximum of five accessory structures per 1.5 acres on any lot. This total shall be calculated by dividing the lot size by 1.5, rounding down to the nearest whole number, and multiplying that number by five. The combined footprint of all accessory structures shall in no case be greater than 30% of the lot's size.

### **Section 603. Height of Structures**

No structure shall exceed 40 feet in height except agricultural structures, chimneys, communication towers, television and radio masts and antennas, water tanks, spires, and windmills. Structures exceeding 40 feet in height shall be allowed only upon approval of a special use permit. Such permit shall not be approved until the applicant has demonstrated the following:

1. that there is a demonstrated public need for the proposed use, and that this need cannot be met by any means other than by exceeding the general height limitations of this law;
2. that the height of the structure is the minimum necessary to accomplish its intended purpose;
3. that all practical means have been used to minimize any negative aesthetic impacts identified by the planning board;
4. that the structure does not significantly impair solar or wind access to other structures or solar or wind energy systems equipment.

### **Section 604. Line of Sight for Traffic Safety**

No accessory structure, fence, wall or hedge shall be erected in such a manner as to confuse or obstruct the views of any traffic sign, signal, or device, or obstruct the visibility of vehicles entering or exiting roads. The design of all lot accesses shall conform to the standards set forth in Policy and Standards for Entrances to State Highways, published by NYS Department of Transportation.

## Section 605. Off-Street Parking and Loading

1. **Parking Space Dimensions:** Each parking space shall contain a rectangular area at least 18 feet long and 9 feet wide. Handicapped accessible parking spaces shall contain a rectangular area at least 18 feet long and 12 feet wide.
2. **Location:** Parking spaces accessory to a principal use shall be located on the same lot as the principal use, unless a special use permit is granted in accordance with subdivision 4 below.
3. **Siting:** No parking space shall be located in any front yard or within five feet of any side or rear lot line, except in driveways. Parking shall be designed to eliminate the need to back out onto public roads.
4. **Joint Use of Parking Facilities:** The planning board may approve, by special use permit, the use of joint parking facilities by one or more applicants, upon a finding that:
  - a. No substantial conflict will exist during principal hours or periods of peak demand of the uses for which the joint space is provided;
  - b. Such spaces shall not be located further than 500 feet from any of the principal uses which they serve;
  - c. The applicant provides written evidence that the lot owner has granted permission for such shared parking.
5. **Off-Street Loading Requirements:** Off-road loading activities shall be subject to the following standards:
  - a. Each loading berth shall be at least 10 feet by 50 feet in size and have a minimum clear height providing access to the road of 14 feet.
  - b. Off-street loading facilities shall otherwise be subject to the provisions applicable to parking spaces.

## Section 606. Dumping

All dumping is prohibited in all zoning districts.

## Section 607. Streams, Wetlands and Water Bodies

1. The following activities are prohibited within 50 feet of all streams and natural bodies of water: construction of any principal or accessory use; construction of a public road or public utility line; feed lots, trash or waste disposal.
2. Man-made ponds, including those requiring a NYSDEC permit or whether excavated or created by an earthen dam, shall comply with the following:



- a. The high-water line of any pond shall be at least 150 feet from any leach field, 100 feet from any structure or public road and 50 feet from any adjoining property.
- b. Ponds large enough to require a NYSDEC permit shall be at least 100 feet from the nearest public road as measured from a) the base of the outside slope of the dam, or b) the lowest point on the side of an excavated pond closest to the road.
- c. Ponds small enough to not require a NYSDEC permit shall be at least 50 feet from the nearest public road as measured from a) the base of the outside slope of the dam, or b) the lowest point on the side of an excavated pond closest to the road.
- d. Ponds created by the construction of an earthen dam shall have a minimum side slope of three to one (3:1) on both sides.

### **Section 608. Storm Water Drainage**

No land use shall result in a net increase in storm water runoff onto adjacent properties. For any use requiring planning board site plan approval, a storm water drainage plan shall be prepared by the applicant. A surface channel system shall be designed to convey through the project the peak storm runoff from a 100-year storm. Controlled release and storage of excess storm water runoff shall be required in combination for all commercial and industrial projects and for residential projects larger than one acre whenever the capacity of the natural downstream outlet channel is inadequate. No habitable structures shall be constructed within this floodway, but roads, parking and playground areas and utility easements may be considered. Outlet control structures shall be of ample design requiring little or no alteration for proper operation. Each storm water drainage area shall be provided with an emergency overflow facility designed for a storm of 100-year intensity. An adequate easement over the land within the project shall be dedicated for the purpose of improving and maintaining any drainageways and facilities. Drainage plans should be in conformance with the NYS Stormwater Management Design Manual. Operators of construction activities that involve one acre or more of land disturbance must obtain a State Pollutant Discharge Elimination System (SPDES) permit from NYSDEC.

### **Section 609. Home-Based Businesses**

Home-based businesses shall be subject to the following standards:

1. Total floor area devoted to the business shall not exceed 49% of the total floor area of the principal residential use located on the lot.
2. Operation shall be limited to the interior of a building.
3. The exterior of a building containing a home-based business shall not be altered to accommodate the business.
4. One on-premises sign not to exceed six square feet shall be allowed.

5. Manufacturing and assembly operations shall be limited to five-horsepower tools.
6. Excessive noise, glare, vibrations, and/or electronic and microwave interference with radios, TVs and other household appliances shall not be produced.
7. Hours of operation shall be limited to 6 a.m. - 9 p.m. Monday through Saturday, and 7 a.m. - 8 p.m. on Sundays.
8. All parking shall be provided on-site in accordance with Section 605, and there shall be no on-street parking.
9. The business shall employ a maximum of three people.
10. Home-based businesses shall not include the following operations: motor vehicle repair garage, motor vehicle sales, motor vehicle service station.

**Section 610. Uses and Structures Located Greater Than 500 Feet From a Public Road Right-of-Way**

The planning board may approve, by special permit, uses and structures located greater than 500 feet from a public road right-of-way. Access to the structure must meet Fire Code of New York State standards.

**Section 611: Accessory Apartments**

No more than one accessory apartment shall be allowed per lot. Each accessory apartment shall be a maximum of 750 square feet. Accessory apartments shall require site plan approval.

**Section 612: Manufactured Homes**

1. Manufactured homes shall be in compliance with standards equal to or more stringent than the U.S. Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety Standards, 24 CFR Part 3280 (1976). The applicant is responsible for providing adequate evidence of compliance with these standards. The presence of a permanent certification label affixed to the manufactured home by the manufacturer shall be presumptive evidence that the construction of a manufactured home is in compliance with such standards.
2. No used manufactured home shall be relocated in the Town of Parish unless it is deemed habitable after being inspected and approved by the Building Code Enforcement Officer of the Town of Parish.
3. Manufactured homes shall not be used for nonresidential purposes.

4. Manufactured homes shall be installed in compliance with manufacturer's standards and/or Residential Code of New York State.
5. In addition, manufactured homes shall:
  - a. be sited so that their long dimension sides shall be parallel to the road on which they front (except in cases where a manufactured home is being sited on an approved foundation). Alternate placement may be allowed by the building code enforcement officer.
  - b. have a minimum floor area of 960 square feet.
  - c. have exterior siding that consists of clapboards, shingles or shakes, including synthetic or metal siding manufactured to closely resemble clapboards, shingles or shakes.
  - d. have skirting made of masonry or one of the siding types listed in Section 612.5.c.

#### **Section 613. Flood Hazard Areas**

All activities occurring within the areas shown on the Flood Insurance Rate Map for the Town of Parish, published by the Federal Emergency Management Agency shall conform to the Town of Parish Flood Hazard Regulations.

#### **Section 614. Erosion and Sedimentation Control**

All activities must conform to the standards and practices contained in the USDA Soil Conservation Service Engineering Field Handbook (EFH) and NYS Standards and Specifications for Erosion and Sediment Control, or other erosion and sediment control manuals recognized by the planning board, including EPA MS4 regulations.

#### **Section 615. Cemeteries**

No burial or memorial plots or buildings shall be located closer than 50 feet to any adjacent lot line. All burials shall be undertaken in strict accordance with all applicable regulations of the New York State Department of State and Department of Health.

#### **Section 616. Dwelling Size**

All dwellings shall have a minimum habitable space of 960 square feet. Smaller dwellings may be permitted by special use permit.

#### **Section 617. Motorized Vehicle Parks**

Motorized vehicle parks shall be subject to the following standards:

- a. Minimum lot size shall be 50 acres;
- b. Trails shall avoid unstable soils, wet areas, and steep areas;
- c. Trails shall avoid significant habitats;
- d. Maximum decibel level measured at property lines shall not exceed 55;
- e. No trail shall be closer than 1,000 feet to any neighboring residential use.

### **Section 618. Recreational Camping Vehicles Outside Campgrounds**

- 1. A recreational camping vehicle not located in a campground may be occupied for up to 30 days per calendar year without a zoning permit.
- 2. A recreational camping vehicle not located in a campground may be occupied for up to six months between May 1 and October 31 by temporary special permit (fee to be determined by the town board). Special permits must be renewed annually.
- 3. Any occupied recreational camping vehicle must be licensed, registered, inspected, and drivable or towable. Copies of documents must be submitted with application.
- 4. No recreational camping vehicle shall be attached to any fixed structure or permanently connected to water or septic systems.

### **Section 619. Wind Energy Systems**

- 1. There shall be no more than one wind energy system turbine per lot.
- 2. 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.
- 3. The minimum setback for any turbine from property lines shall be equal to 1.5 times the sum of the wind turbine height plus the rotor radius *OR* the documented blade throw distance, whichever is greater.
- 4. The minimum setback for any turbine from any critical or endangered species habitat shall be equal to 1.5 times the sum of the wind turbine height plus the rotor radius.
- 5. No wind energy system shall be installed in any location where its proximity with fixed broadcast, retransmission or reception antenna for radio, television or wireless phone or other personal communications systems would produce electromagnetic interference with signal transmission or reception.
- 6. Wind energy systems must comply with all New York State Energy Research and Development Authority (NYSERDA) recommendations.

### **Section 620. Tractor Trailers On Residential Lots**

No more than two tractor trailers shall be parked at any time on any residential lot. For the purposes of this section, a tractor trailer is considered to include the power unit and the trailer. Tractor trailers must be owned by residents of the lot, registered, inspected, and insured, and currently used for hauling or transporting cargo. Proof of registration, inspection and insurance must be made available to the Zoning Enforcement Officer upon demand. Tractor trailers shall not be parked within ten feet of principal buildings.

### **Section 621. Kennels**

Kennels shall be subject to the following standards:

- a. Kennels must conform with the standards listed in NYS Agriculture and Markets Law, Article 26-A.
- b. Operations must be at least 500 feet from any residence or residentially zoned land.
- c. The premises shall be kept in a clean and sanitary manner by the daily removal of waste and by the use of spray and disinfectants to prevent the accumulation of flies, the spread of disease or offensive odor.
- d. Animal odors shall not be detectable beyond the lot lines of the property wherein the kennel is located.
- e. Dust and drainage from the kennel enclosure shall not create a nuisance or a hazard to adjoining property or uses.
- f. The kennel enclosure shall be screened by a nontransparent fence of a minimum of six feet in height.
- g. Maximum decibel level measured at property lines shall not exceed 55.

### **Section 622. Hunting and Fishing Cabins**

Hunting and fishing cabins shall be subject to the following standards:

- a. A maximum of one hunting and fishing cabin shall be permitted on lot less than three acres. A maximum of two hunting and fishing cabins shall be permitted on lots three acres or greater.
- b. Cabins must be set back at least 50 feet from all property lines.

### **Section 623. Transient Occupancy**

No overnight accommodation for compensation or barter shall be permitted anywhere in the

Town for less than 30 consecutive days except in a hotel or a bed and breakfast. Hotels and bed and breakfasts, as defined in Section 220 of this law, may offer overnight accommodations for any duration.

#### **Section 624. Crematories**

Crematories shall be subjected to the following standards:

- a. Crematories must be located within cemeteries.
- b. Crematory operations must be at least 500 feet from any residence or residentially zoned land.
- c. Operations must be limited to the hours between 8 am and 5 pm, Monday through Friday.

#### **Section 625. Temporary Storage**

Temporary construction debris containers and temporary storage units may be placed on a lot for up to 30 days without a zoning permit. After 30 days, a zoning permit shall be required, subject to the following conditions:

1. Containers and units shall be allowed on a lot for a maximum period of six months. One extension of 90 days may be granted.
2. Containers and units may not be placed on a lot within six months of the expiration of a permit for a container or unit previously placed on the same lot.
3. In no case shall containers or units be located closer than two feet to a side or rear lot line or 10 feet to a front lot line.

#### **Section 626. Domestic Livestock on Nonagricultural Lots**

Domestic Hoofed Livestock and Domestic Small Livestock, Poultry, and Fowl are allowed in the Rural and Rural/Mixed Use zoning districts subject to the following standards:

- a. No domestic livestock shall be allowed on lots smaller than 1.5 acres.
- b. Each domestic hoofed livestock animal shall require a minimum of one eighth of an acre.
- c. Each domestic small livestock, poultry, and fowl animal shall require a minimum of one tenth acre.
- d. A fenced containment area must be provided and shall not be closer than 50 feet from the property boundary.
- e. Animals shall be properly housed and sheltered in an accessory structure.

- f. Regular removal or spreading of manure is required so that it does not become unsightly or emit odor beyond the property boundary.
- g. Drainage improvements shall be provided and constructed so as to protect adjoining properties from runoff containing contaminants, including sediment or organic wastes.

**ARTICLE 7. SIGNS**

**Section 705. Zoning Permits**

All signs shall require site plan review except those listed in Section 715 and Section 720.

**Section 710. Prohibited Signs**

The following sign types shall not be allowed at any location:

- 1. Portable signs (not listed in Section 715 and Section 720).
- 2. Signs which have flashing, moving, rotating or intermittent lights other than to show time and temperature.
- 3. Signs having moving parts; banners, ribbons, streamers, pennants, spinners, or other similar moving, fluttering, or revolving devices; projections beyond their area; mirror or mirror-like surfaces; or fluorescent paint or pigment.

**Section 715. Exempt Temporary Signs**

A permit shall not be required for the following temporary signs that are displayed for 60 days or less. Site plan review is required for signs that are displayed longer than 60 days. Date of placement must be printed in permanent ink on back of sign. Date of placement shall be printed in one inch tall letters with name of month spelled out.

- 1. **Announcing Signs:** One sign per road frontage of a building which is under construction, structural alteration or repair, announcing the character of the building enterprise or the purpose for which the building is intended, or one sign per other construction project, including names of architects, engineers, contractors, developers, financiers, and others, not to exceed 32 square feet. Placement shall not exceed 60 days.
- 2. **Real Estate Signs:** One sign per road frontage not to exceed 32 square feet advertising the sale, rental, or lease of the premises on which displayed. Placement shall not exceed 60 days following the sale, rental or lease of the property. The display period may be extended upon approval of the planning board for a reasonable period of time, not to exceed one year at any given time.
- 3. **Subdivision Signs:** One sign per road entrance to the subdivision and located on the

property to be subdivided, not to exceed 32 square feet. Such sign may not be erected until the subdivision has been approved by the appropriate officials. Placement shall not exceed 60 days from the date of subdivision approval. The display period may be extended upon approval of the planning board for a reasonable period of time, not to exceed one year at any given time.

4. ***Sale Ad Signs:*** Signs advertising special sales of goods or merchandise which will be on sale for no longer than one month. Placement shall not exceed 60 days.
5. ***Political Signs:*** Political posters, banners, promotional devices and similar signs, not to exceed 32 square feet. Placement shall not exceed 60 days.
6. ***Window Posters:*** Nonilluminated window signs and posters not to exceed 32 square feet. Placement shall not exceed 60 days.
7. ***Roadside Stand Signs:*** One sign for roadside stands selling agricultural produce grown on the premises in season, not to exceed 32 square feet. Placement shall not exceed 60 days.

#### **Section 720. Exempt Permanent Signs**

A zoning permit shall not be required for the following permanent signs:

1. ***Flags:*** Official flags of government jurisdictions, including flags indicating weather conditions and flags which are emblems of on-premises religious, charitable, public, and nonprofit organizations.
2. ***Plaques:*** Commemorative plaques placed by historical agencies recognized by the town, the county or state.
3. ***Architectural Features:*** Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
4. ***Parking Signs:*** Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
5. ***Residential Signs:*** Signs bearing only property numbers, post box numbers, or names of occupants of premises, not to exceed one square foot.
6. ***Driveway Signs:*** Signs bearing only the name of a driveway, not to exceed one square foot, and using a color scheme distinctly different than that of the color scheme used for official town or county road signs.
7. ***Vegetative Signs:*** Signs made exclusively of vegetative material.
8. ***No Trespassing and/or Posted Signs.*** Signs indicating private property, not to exceed one square foot.



## Section 725. Permanent Signs Requiring Site Plan Review

1. **On-site signs** shall be subject to the following standards:
  - a. Wording and graphics of commercial signs shall be limited to the name of the establishment and its principal service or purpose.
  - b. Wording and graphics of non-commercial signs shall be limited to speech that is protected by the First Amendment of the U.S. Constitution.
  - c. **Wall signs** shall not exceed 48 square feet per wall in HC zones and 32 square feet per wall in other zones (except those listed in Sec. 730.2). One sign allowed per wall.
  - d. **Projecting signs** shall not exceed 16 square feet (except those listed in Sec. 725.3.b.) and shall have a minimum ground clearance of ten feet. One sign allowed per wall.
  - e. **Freestanding signs** shall not exceed 48 square feet in HC zones and 32 square feet in other zones (except those listed in Sec. 730.2). One sign allowed per road-front if frontage is 500 feet or less. Two signs allowed per road-front if frontage is greater than 500 feet. Freestanding signs may contain wording and graphics on both sides.
2. **Off-site signs** shall be subject to the following standards:
  - a. Wording shall be limited to the name of an establishment and the direction thereto.
  - b. Off-premises signs shall be **freestanding signs** and shall not exceed twelve square feet.
  - c. Signs must be placed within six miles of the establishment to which they relate.

## Section 730. Requirements For All Signs

1. Signs shall not exceed 20 feet in height, measured from the highest level of natural ground immediately beneath the sign to the highest point of the sign or the supporting structure thereof.
2. Signs advertising home-based businesses shall not exceed six square feet.
3. Signs shall not project into the public right-of-way.
4. Signs shall not project above the roofline or parapet of a building.

5. Luminous signs, indirectly illuminated signs, and lighting devices shall not be placed or directed so as to cause glaring or non-diffuse beams of light to be cast upon any public road, or adjacent premises, or otherwise to cause glare or reflection that may constitute a traffic hazard or nuisance.
6. Signs shall not be placed, painted or drawn upon trees or natural features of the site, or on utility poles, bridges, culverts, towers or similar structures.
7. Signs shall be kept in good repair and display surfaces shall be kept neatly painted at all times.
8. Signs shall be designed and constructed in keeping with the character of the neighborhood.
9. Signs shall be constructed from commercial grade materials.
10. Signs shall comply with all applicable NYSDOT sign standards.
11. Design, color, and placement of signs shall not confuse, detract from, or obstruct any traffic regulating devices or signs.
12. Signs with light emitting diode (LED) components shall be subject to the following standards:
  - a. LED signs shall be prohibited in the Rural zoning district.
  - b. a minimum distance of 100' shall be required, to the extent practicable, between any two LED signs or any LED sign and a residential use.
  - c. A static duration of one minute shall be required before a message changes.
  - d. Signs colors must be approved by the planning board.
  - e. Sign brightness shall be approved by the planning board.
  - f. Signs must be dimmed between the hours of 10:00 pm and 6:00 am.
  - g. Signs shall not include animation, such as scrolling, spinning, or flashing.

### **Section 735. Enforcement**

Violations of this article will subject to the enforcement procedures outlined in Section 1250 of this law.

## **ARTICLE 8. CAMPGROUNDS**

### **Section 805. Campground License**

1. No person shall operate a campground unless a license to operate has first been issued pursuant to this law. Such license shall be applied for coincident with an application for a special use permit, and shall be granted coincident to the final approval of a special

use permit.

2. All licenses shall be issued for a period of one year, after which time renewal shall be required. All licenses shall expire on July 1, annually. The license shall be displayed conspicuously at all times at the site of the campground.
3. Prior to license renewal, all campgrounds shall be inspected by the zoning officer. Such license shall not be renewed until certified by the zoning officer as operating in compliance with this law.
4. The zoning officer shall not enter the premises of any private property without the consent of the owner. It shall be the responsibility of the applicant to arrange for all required inspections of the premises prior to license issuance or renewal. If access is denied, the license shall be subject to the provisions of Section 810 of this law.

#### **Section 810. License Revocation or Failure to Renew**

1. The town board may revoke such license upon reasonable cause should the applicant fail to comply with any provision of this law. Before the license may be revoked, a public hearing shall be held by the town board. Notice of the hearing shall be made in a newspaper in general circulation in the town at least five days prior to the date thereof. The license holder shall be notified of the hearing by certified mail at least ten days prior to the hearing. At the hearing the town board shall hear the license holder and all other persons wishing to be heard on the revocation of the license. Should the town board decide to revoke a license, the reasons for such revocation shall be stated in the town board minutes. The license holder shall be immediately notified of the revocation by certified mail.
2. Should any campground license be revoked or fail to be renewed, the operator shall cease and desist from operating a campground.

#### **Section 815. Campground Location, Conditions and Size**

1. Campgrounds shall be located where orderly development can be undertaken in harmony with the development of the surrounding area in terms of traffic generation, ease and safety of vehicular access to and circulation within the campground, safety of pedestrian movement, location of structures, adequacy of off-road parking, placement and sizing of sewage treatment and water supply systems and other utilities, safety of fuel storage and supply, provision of open space, recreation facilities or areas, delivery of services and adequacy of landscaping and buffering.
2. Campgrounds shall have generally level to gently rolling topography over an area of sufficient size to allow development without significant alteration or disturbance of existing natural features such as stands of mature trees, stream courses, shorelines, wetlands or bedrock outcroppings.

3. Campgrounds shall be free from adverse, unsafe or unhealthful conditions including but not limited to flooding, ponding, poor drainage, erosion, slumping or other soil instability, breeding areas for insects or rodents, smoke, odors, heat, glare, or toxic or volatile substances.
4. Campgrounds shall have a minimum size of ten acres.
5. Campgrounds shall have a minimum frontage of 220 feet.

#### **Section 820. Campsites**

1. Campgrounds shall be divided (exclusive of internal roads and open space) and marked off into campsites numbered consecutively, the number being conspicuously posted on each campsite with such number to correspond to the campsite shown on the site plan submitted.
2. The number of campsites allowed per campground shall be calculated by multiplying the campground's total acreage (rounded down to the nearest whole number) by five.
3. Campsites shall have a minimum size of 1,500 square feet and a minimum width to depth ratio of 1:3.
4. All campsites shall contain a contiguous area of at least 500 square feet that has a slope of 3% or less.
5. All campsites shall face on, and be serviced by internal roads.
6. No campsite, internal road, parking lot, recreation area or storage facility for fuels, supplies or equipment shall be located less than 75 feet from the campground's front lot line or less than 25 feet from a side or rear lot line.
7. A minimum of 5% of the total acreage of the campground shall be dedicated to a recreation area and shall be reasonable equipped and fully maintained by the campground operator.

#### **Section 825. Campground Entrance**

1. Campgrounds shall have a single entrance road located either directly opposite or not less than 125 feet from the nearest intersection of public roads, if any.
2. A registration office shall be located between the entrance to the campground and any structure, service facility or campsite for control of ingress and egress.
3. Entrance roads shall be located to allow safe line-of-sight distances to and from their points of intersection with the public road.
4. Entrance roads shall intersect public roads at right angles and at compatible grades and

shall meet the Town of Parish Road Standards.

### **Section 830. Campground Internal Roads**

1. Internal roads shall be privately owned and maintained and shall provide for the safe and convenient movement of vehicles.
2. All internal roads shall be designed, graded and leveled with a durable surface of either blacktop, gravel, or concrete so as to license the safe passage of emergency and other vehicles at a speed of 15 miles per hour.
3. One-way internal roads shall be a minimum of 10 feet in width. Two-way internal roads shall be a minimum of 20 feet in width.

### **Section 835. Campground Design Standards**

1. Water supply and sewage disposal systems shall be designed and constructed in compliance with all Oswego County, New York State Health Department and Environmental Conservation Department requirements.
2. Internal roads and service buildings shall be adequately lighted.

### **Section 840. Campground Operations**

1. The operator shall operate the campground in compliance with the standards set forth in this law and shall provide adequate supervision to maintain the campsites, roads, facilities and equipment in good repair and in a neat and sanitary condition.
2. Recreational camping vehicles shall not be parked for occupancy in a campground for more than 180 days in any one year, unless a winterized service building is provided. However, the campground operator may designate an area of the campground to be used to store unoccupied recreational camping vehicles for longer periods than 180 days.
3. The operator shall maintain an office in the campground and shall maintain a register containing a record of all occupants. Such register shall be available to the zoning officer and shall contain:
  - a. the names and permanent addresses of all campsite occupants;
  - b. the make, model and license number of the recreational camping vehicle and tow vehicle; and
  - c. the dates of arrival and departure of a unit and its occupants.
4. The rules and regulations of the campground shall be posted in the campground office or made available upon request.

5. No excessive noise (decibel levels over 85 measured at lot lines) shall be produced after 11:00 p.m. and before 7:00 a.m. Sunday through Thursday or after 11:59 p.m. and before 7:00 a.m. Friday and Saturday.
6. All receptacles, including cans and dumpsters, shall be kept in a sanitary condition at all times.
7. Each campground owner or manager shall cooperate with the fire chief of the district in which the campground is located in arranging an annual inspection of the premises and conditions within the campground.

#### **Section 845. Compliance with New York State Sanitary Code**

Campgrounds shall be developed and operated in compliance with the design and licensing provisions set forth in 10 NYCRR Subpart 7-1.

### **ARTICLE 9. MANUFACTURED HOME PARKS**

#### **Section 905. Manufactured Home Park License**

1. No person shall operate a manufactured home park unless a license to operate has first been issued pursuant to this law. Such license shall be applied for coincident with an application for a special use permit, and shall be granted coincident to the final approval of a special use permit.
2. All licenses shall be issued for a period of one year, after which time renewal shall be required. All licenses shall expire on July 1, annually. The license shall be displayed conspicuously at all times at the site of manufactured home park.
3. Prior to license renewal, all parks shall be inspected by the zoning officer. Such license shall not be renewed until certified by the zoning officer as operating in compliance with this law.
4. The zoning officer shall not enter the premises of any private property without the consent of the owner. It shall be the responsibility of the applicant to arrange for all required inspections of the premises prior to license issuance or renewal.

#### **Section 910. License Revocation or Failure to Renew**

1. The town board may revoke such license upon reasonable cause should the applicant fail to comply with any provision of this law. Before the license may be revoked, a public hearing shall be held by the town board. Notice of the hearing shall be made in a newspaper in general circulation in the town at least five days prior to the date thereof. The license holder shall be notified of the hearing by certified mail at least ten days prior to the hearing. At the hearing the town board shall hear the license holder and all other

persons wishing to be heard on the revocation of the license. Should the town board decide to revoke a license, the reasons for such revocation shall be stated in the town board minutes. The license holder shall be immediately notified of the revocation by certified mail.

2. Should any manufactured home park license be revoked or fail to be renewed, the operator shall cease and desist from operating a manufactured home park and shall remove all manufactured homes and appurtenant structures from the premises within 90 days of the revocation.

#### **Section 915. Manufactured Home Park Location, Conditions and Size**

1. Parks shall be located where orderly development can be undertaken in harmony with development of the surrounding area in terms of traffic generation, ease and safety of vehicular access to and circulation within the park, safety of pedestrian movement, location of structures, adequacy of off-road parking, placement and sizing of sewage treatment and water supply systems and other utilities, safety of fuel storage and supply, provision of open space, recreation facilities or areas, delivery of services and adequacy of landscaping and buffering.
2. Parks shall have generally level to gently rolling topography over an area of sufficient size to allow development without significant alteration or disturbance of existing natural features such as stands of mature trees, stream courses, shorelines, wetlands or bedrock outcroppings.
3. Parks shall be free from adverse, unsafe or unhealthy conditions including but not limited to flooding, ponding, poor drainage, erosion, slumping or other soil instability, breeding areas for insects or rodents, smoke, noise, odors, heat, glare, or toxic or volatile substances.
4. Parks shall be five acres in size, minimum.

#### **Section 920. Manufactured Home Sites**

1. Parks shall be divided (exclusive of internal roads, open space or common areas) and marked off into sites numbered consecutively, the number being conspicuously posted on each site with such number to correspond to the site shown on the site plan submitted. Each site shall be defined by permanent markers set at the corners thereof.
2. Sites shall be a minimum of 6,000 square feet.
3. Site shall have a minimum width to depth ratio of 1:3.
4. All manufactured homes shall satisfy the following setback requirements:
  - a. Minimum of 50 feet from the road line of any public road.

- b. Minimum of 25 feet from any internal road.
  - c. Minimum of ten feet from all site lines.
5. No site, internal road, parking lot, recreation area or storage facility for fuels, supplies or equipment shall be located within 50 feet of the external boundaries of the park.
  6. Each site shall provide off-road parking for two vehicles.

#### **Section 925. Manufactured Home Park Entrances**

1. Entrances shall be located directly opposite or not less than 125 feet from the nearest intersection of public roads, if any, and not less than 150 feet from any other entrances to the park, if any.
2. Entrances shall have sufficient width to allow reasonable turning movements of vehicles with manufactured homes attached and of service or delivery vehicles.
3. Entrances shall be located to allow safe line-of-sight distances to and from their points of intersection with the public road.

#### **Section 930. Manufactured Home Park Access Roads**

1. All manufactured home sites shall have adequate access to public roads.
2. Access roads shall intersect public roads at right angles and at compatible grades and shall meet the Town of Parish Road Standards.

#### **Section 935. Manufactured Home Park Internal Roads**

1. Internal roads shall be privately owned and maintained and shall provide for the safe and convenient movement of vehicles, with or without manufactured homes attached.
2. All sites shall face on and be serviced by internal roads.
3. All internal roads shall be designed, graded and leveled so as to permit the safe passage of emergency vehicles at a speed of 15 miles per hour.
4. Cul-de-sacs with a minimum turning radius of 35 feet shall be provided in lieu of closed end roads.
5. All internal roads shall have a minimum width of 16 feet and shall be designed, graded and leveled with a durable surface of either blacktop, gravel, or concrete.

#### **Section 940. Manufactured Home Park Design Standards**

1. Easily accessible and usable open spaces shall be provided in all parks. Such open space



shall have a total area equal to at least ten percent of the gross land area of the park and shall be fully maintained by the park owner.

2. A dedicated pedestrian walkway shall be provided along and at least five feet from each access road between the entrance to the public road and either the first unit or such location within the park as may be required by the planning board to assure pedestrian safety.
3. Water supply and sewage disposal systems shall be designed and constructed in compliance with all Oswego County, New York State Health Department and Environmental Conservation Department requirements.
4. Service buildings, if provided, housing sanitation facilities and/or laundry facilities shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installations and plumbing and sanitation systems.
5. The park shall be landscaped in a manner suitable to the planning board.

#### **Section 945. Manufactured Home Park Operations**

1. The operator shall operate the manufactured home park in compliance with the standards set forth in this law and shall provide adequate supervision to maintain the manufactured home park, its common grounds, roads, facilities and equipment in good repair and in a neat and sanitary condition.
2. A list of operator and occupant responsibilities shall be posted in the manufactured home park office or made available upon request.
3. All receptacles, including cans and dumpsters, shall be kept in a sanitary condition at all times. It shall be the responsibility of the operator to ensure that garbage and rubbish shall be collected and properly disposed of outside of the park. All areas of the park shall be maintained free from organic and inorganic material that might become a health, accident or fire hazard.
4. The operator shall place or supervise the placement of each manufactured home on its manufactured home pad which includes ensuring its stability by securing all tie-downs and installing all utility connections.
5. Occupants shall be responsible for the maintenance of personal manufactured homes and any appurtenances thereto, and shall keep all personal yard space in a neat and sanitary condition.
6. Recreational camping vehicles shall not be used for residential purposes, whether permanently or temporarily, in any manufactured home park.
7. The operator shall maintain a register containing the names of all occupants and the make, year, and serial number, if any, of each manufactured home. Such register shall

be available to any authorized person inspecting the manufactured home park.

## **ARTICLE 10. TELECOMMUNICATION TOWERS**

### **Section 1005. Shared Use**

1. At all times, shared use of existing towers shall be preferred to the construction of new towers. Additionally, where such shared use is unavailable, location of antennae on pre-existing structures shall be considered. An applicant shall be required to present an adequate report inventorying existing towers within reasonable distance of the proposed site and outlining opportunities for shared use of existing facilities and use of other pre-existing structures as an alternative to new construction.
2. An applicant intending to share use of an existing tower shall be required to document intent from an existing tower owner to share use. The applicant shall pay all reasonable fees and costs of adapting an existing tower or structure to a new shared use. Those costs include but are not limited to structural reinforcement, preventing transmission or receiver interference, additional site screening, and other changes including real property acquisition or lease required to accommodate shared use.
3. In the case of new towers, the applicant shall be required to submit a report demonstrating good faith efforts to secure shared use from existing towers as well as documenting capacity for future shared use of the proposed tower. Written requests and responses for shared use shall be provided.

### **Section 1010. Setbacks**

Towers and antennae shall be setback from all lot lines a distance equal to the height of the tower plus 25 feet. Additional setbacks may be required by the planning board to contain on-site substantially all ice-fall or debris from tower failure and/or to preserve privacy of adjoining residential and public property. Setbacks shall apply to all tower parts including guy wire anchors, and to any accessory facilities.

### **Section 1015. Visibility**

1. All towers and accessory facilities shall be sited to have the least practical adverse visual effect on the environment.
2. Towers shall not be artificially lighted except to assure human safety as required by the Federal Aviation Administration (FAA). Towers shall be a galvanized finish or painted gray above the surrounding treeline and painted gray, green or black below the surrounding treeline unless other standards are required by the FAA. In all cases, guyed towers shall be preferable to free-standing structures. Towers should be designed and sited so as to avoid, whenever possible, application of FAA lighting and painting requirements.

3. Accessory structures shall maximize use of building materials, colors and textures designed to blend with the natural surroundings.

### **Section 1020. Existing Vegetation**

Existing on-site vegetation shall be preserved to the maximum extent possible, and no cutting of trees exceeding four inches in diameter (measured at a height of four feet off the ground) shall take place prior to approval of the permit. Clearcutting of all trees in a single contiguous area exceeding 20,000 square feet shall be prohibited.

### **Section 1025. Screening**

Deciduous or evergreen tree plantings may be required to screen portions of the tower from nearby residential property as well as from public sites known to include important views or vistas. Where the site abuts residential or public property, including roads, the following vegetative screening shall be required. For all towers, at least one row of native evergreen shrubs or trees capable of forming a continuous hedge at least ten feet in height within two years of planting shall be provided to effectively screen the tower base and accessory structures. In the case of poor soil conditions, planting may be required on soil berms to assure plant survival. Plant height in these cases shall include the height of any berm.

### **Section 1030. Access and Parking**

A road and parking will be provided to assure adequate emergency and service access. Maximum use of existing roads, public or private, shall be made. Road construction shall be consistent with standards for private roads and shall at all times minimize ground disturbance and vegetation cutting to within the toe of fill, the top of cuts, or no more than ten feet beyond the edge of any pavement. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential. Public road standards may be waived in meeting the objectives of this section.

### **Section 1035. Inspection**

Towers shall be inspected annually for structural integrity and continued compliance with this law by a licensed professional engineer. A copy of the inspection report shall be submitted to the Town Board indicating repairs made.

## **ARTICLE 11. SOLAR ENERGY SYSTEMS**

### **Section 1110. Purpose and Intent**

1. The Town of Parish recognizes that solar energy is a clean, readily available and renewable energy source. It further recognizes that energy generated from solar energy systems can be used to offset energy demand on the grid where excess solar power is generated.
2. The Town of Parish has determined that comprehensive regulation regarding the

development of solar energy systems are necessary to protect the interests of the Town, its residents and its businesses. This article aims to accommodate solar energy systems while balancing the potential impact on neighbors and preserving the rights of property owners to install solar energy systems. This article is intended to promote the effective and efficient use of solar energy resources, set provisions for the placement, design, construction and operation of such systems to be consistent with the Town of Parish Comprehensive Plan, to uphold the public health, safety and welfare, and to ensure that such systems will not have a significant adverse impact on the ecological, environmental, agricultural, economic, or aesthetic qualities and character of the Town.

### **Section 1120. Applicability**

1. A zoning permit shall be required for installation of all solar energy systems, with the exception of:
  - a. Photovoltaic systems that are integrated directly into building materials, such as roof shingles, and that are a permanent and integral part of, and not mounted on the building or structure;
  - b. Small solar panels of less than one square yard used individually for charging of batteries and powering small equipment or devices (such as lighting); and
  - c. Photovoltaic systems that meet the requirements of the New York State Unified Solar Permit (systems with a rated DC capacity of 25 kW or less that meet other requirements).
2. All large scale solar energy systems shall obtain special use permit approval from the Planning Board prior to the issuance of a zoning permit.

### **Section 1130. Solar Design Standards**

1. All solar energy systems shall be designed, erected, and installed in accordance with all applicable codes, regulations, and industry standards as referenced in the NYS Uniform Fire Prevention and Building Code ("Building Code") and the NYS Energy Conservation Code ("Energy Code").
2. All on-site electrical wires associated with Solar Energy Systems shall be installed underground, except for "tie-ins" to a public utility company and public utility company utility poles, towers and lines. This standard may be modified by the Town if the project terrain is determined to be unsuitable due to reasons of excessive grading, biological impacts or similar factors.
3. All Solar Energy Systems shall be operated such that no damage is caused by stray voltage. If it has been demonstrated that a system is causing stray voltage, the system operator shall promptly mitigate the damage or cease operation of the system.

4. All solar panels shall have anti-reflective coatings.
5. All solar collectors and related equipment shall be surfaced, designed and sited to minimize glare on adjacent properties and roadways.
6. All solar collectors and their associated support elements shall, at the time of installation, be designed according to generally accepted engineering practice to withstand wind pressures applied to exposed areas by wind from any direction, to minimize the migration of light or sound from the installation and to minimize the development of sight obstructions for adjacent structures or land parcels.
7. All solar energy systems, solar collectors and solar panels shall be maintained in good condition and in accordance with all requirements of this article and all applicable state laws.
8. All Solar Energy Systems shall be located in a manner to reasonably minimize view blockage for surrounding properties and shading of property to the north, while still providing adequate solar access for collectors.
9. Solar Energy Systems and equipment shall be permitted only if they are determined by the Town of Parish not to present safety risks, including, but not limited to, weight load on structures, ingress or egress to property in the event of an emergency, traffic site lines, and wildlife habitat.

#### **Section 1140. Small Scale Solar Energy Systems**

1. Building-mounted Solar Energy Systems shall incorporate the following design requirements:
  - a. Solar panels on pitched roofs shall be mounted with a maximum distance of eight inches between the roof surface and the highest edge of the system.
  - b. Solar panels on pitched roofs shall be installed parallel to the roof surface on which they are mounted or attached.
  - c. Solar panels on pitched roofs shall not extend higher than the highest point of the roof surface on which they are mounted or attached.
  - d. Solar panels on flat roofs shall not extend above the top of the surrounding parapet, or more than 24 inches above the flat surface of the roof, whichever is higher.
  - e. Solar panels shall not restrict chimney function in any way.
  - f. Solar panels shall not create unsafe structural loads on roofs or walls.
  - g. Solar panels shall not be located near any flammable materials.
  - h. Signage displaying disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface.

2. Ground-mounted solar collectors for a Small Scale Solar Energy System are subject to the following conditions:
  - a. Lot Size. Lot size shall be no less than 1.5 acres.
  - b. Height and Setback. Ground-mounted solar energy systems shall not exceed a maximum height of fifteen (15) feet and shall adhere to the setback requirements of the underlying district. Small scale ground mounted solar energy systems shall not be located between the front lot line and the principal structure.
  - c. The lower edge of each ground-mounted solar collector shall have a minimum ground clearance of six feet.

### **Section 1150. Large-Scale Solar Energy Systems**

1. Large-Scale Solar Energy Systems are permitted through the issuance of special use permit approval subject to the requirements set forth in this Section.
2. If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted in the application.
3. Plans showing the layout of the Solar Energy System shall be signed by a Professional Engineer registered in New York State. Any Solar Energy Systems attached to a structure shall be required to submit a structural report to address all load impacts.
4. The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.
5. Lot Size. Large Scale Solar Energy System shall be located on lots with a minimum size of 10 acres.
6. Setbacks. Large Scale Solar Energy Systems shall comply with the setback requirements of the underlying district for principal structures. The Planning Board may require greater setbacks if deemed necessary to lessen the impacts of the project on neighboring properties.
7. All Large Scale Solar Energy System shall be enclosed by fencing with a self-locking gate to prevent unauthorized access. Warning signs with the owner's contact information shall be placed on the entrance and perimeter of the fencing. The fencing and the system may be required to be screened by landscaping as needed to avoid adverse aesthetic impacts.
8. Signage.
  - a. No signage or graphic content shall be displayed on the Solar Energy System except the manufacturer's name, equipment specific information, safety information, and

- 24-hour emergency contact information. Said information shall be depicted within an area no more than eight square feet.
- b. As required by National Electrical Code (NEC), disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.
9. Lighting. Lighting shall be limited to that minimally required for safety and operational purposes and shall be reasonable shielded and downcast from abutting properties.
10. Construction of on-site access roadways shall be minimized.
11. Tree-Cutting. Removal of existing trees larger than six inches in diameter should be minimized to the extent possible.
12. Prime Farmland. To the maximum extent practicable, Large Scale Solar Energy Systems located on prime farmland, as defined by the Natural Resource Conservation Service, shall be constructed in accordance with the construction requirements of the New York State Department of Agriculture and Markets.
13. Any application under this Section shall meet any substantive provisions contained in the Town's site plan requirements.
14. Property Operation and Maintenance Plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming, fence maintenance, signage, and lighting.
15. Decommissioning Plan. To ensure the proper removal of a Large Scale Solar Energy System, a Decommissioning Plan shall be submitted as part of the application. Compliance with this plan shall be made a condition of the issuance of special use permit approval under this Section. The Decommissioning Plan must specify that after the Large Scale Solar Energy System can no longer be used, it shall be removed and disposed of by the applicant or any subsequent owner in a lawful and environmentally proper manner. The plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction. The plan shall also include an expected timeline for execution. A cost estimate detailing the projected cost of executing the Decommissioning Plan shall be prepared by a Professional Engineer or Contractor. Cost estimations shall take inflation into account. Removal of Large Scale Solar Energy Systems must be completed in accordance with the Decommissioning Plan. If the Large Scale Solar Energy System is not decommissioned after being considered abandoned, the town may remove the system and restore the property and impose a lien on the property to cover these costs to the municipality.

16. Sureties/Bond. The applicant may be required to provide sureties, as set forth, for the removal of a Large Scale Solar Energy System. Pursuant to the execution of the decommissioning plan, the applicant shall provide the town with a bond in an amount determined by the Planning Board, but in no case less than 20% of the component/material costs (adjusted for inflation 20 years into the future after installation) to cover the expense of removal of the system and remediation of the landscape, in the event the town must remove the facility. The bond shall be in a form acceptable to the town attorney, which includes, but is not limited to, a letter of credit, perpetual bond, or any combination thereof.
17. The Planning Board may impose conditions on its approval under this Section in order to enforce the standards referred to in this Section or in order to discharge its obligations under the State Environmental Quality Review Act (SEQRA).

### **Section 1160. Abandonment and Removal**

Solar Energy Systems are considered abandoned when the Code Enforcement Officer determines the site and system has not been maintained, is a safety risk, or after one year without electrical energy generation and must be removed from the property. If the Solar Energy System ceases to perform its originally intended function for more than twelve (12) consecutive months, the property owner shall remove the system, mount and associated equipment and facilities by no later than ninety (90) days after the end of the twelve (12) month period. Failure to comply with this section will result in enforcement action detailed in Section 1250.

## **ARTICLE 12. ADMINISTRATION AND ENFORCEMENT**

### **Section 1205. Zoning Permits Required**

No land-use activity as listed below shall be carried out until a zoning permit has been issued by the zoning officer stating that the proposed building, structure, use of land, or development activity complies with the requirements of this law:

1. Erection, re-erection or movement of a building or structure;
2. Change of the exterior structural dimensions of a building or structure;
3. Change in use of land, buildings or structures through the establishment of a new use, or through the expansion or enlargement of an existing use;
4. The resumption of any use which has been discontinued for a period of one year or longer;
5. Establishment or change in dimensions of a parking area for nonresidential or multiple-family residential uses;



6. Placement of a sign as regulated in Article 7 of this law;
7. Change in the contours of land.

### **Section 1210. Zoning Permit Exceptions**

A zoning permit shall not be required for:

1. Accessory structures with less than 144 square feet of ground coverage, unless over 15 feet in height;
2. Alterations of less than 32 square feet of ground coverage;
3. Fences or walls complying with Section 604 of this law;
4. Interior structural alterations or routine maintenance and improvement that does not expand the exterior dimensions of the structure (e.g., roofing, window replacement, siding replacement, etc.);
5. Minor accessory structures such as posts, sidewalks, driveways, flagpoles, playground equipment, etc.;
6. Family day care homes and group family day care homes;
7. Nonstructural agriculture and forestry uses.

### **Section 1215. Application Procedure for Zoning Permits**

1. Applications for zoning permits shall be signed by the property owner and submitted to the zoning officer and shall include four copies of a layout or plot plan showing the actual dimensions of the lot to be used; the size and location on the lot of existing and proposed structures and accessory structures; the setbacks of structures from all lot lines, road lines, mean high water lines of lakes, streams, ponds and wetlands, and any other features of the lot; and such other information as may be necessary to provide for the enforcement of this law. This information, and other relevant application data, shall be provided on forms issued by the zoning officer.
2. When establishing measurements to meet the required setbacks and yard sizes, the measurements shall be taken from the lot line, road line, or nearest mean high water line to the furthestmost protruding part of the use or structure. This shall include such projecting facilities as porches, carports, attached garages, etc.
3. The zoning officer shall take action to approve or disapprove the application within 15 days of the receipt of a completed application and the payment of all fees.

4. A zoning permit shall expire one year from the date of issue if construction is not substantially started or the use has not commenced. Such permit may be renewed upon payment of all fees.

#### **Section 1220. Permit Fees**

1. A fee as determined by town board resolution shall be paid for each application for a zoning permit, site plan review, or special use permit. No permit shall be issued until full payment has been received by the zoning officer. Fees are nonrefundable.
2. The planning board may retain consulting services from engineers, architects, landscape architects, lawyers, planners, or other professional services during the course of site plan reviews and special use permit reviews conducted pursuant to this law. The applicant shall pay any actual costs attributable to a consultant's review of an application. The planning board may require the applicant to deposit such funds as may be necessary to pay for these services with the town in advance.

#### **Section 1225. Certificate of Compliance**

No use or structure requiring a zoning permit shall be occupied, used, or changed in use until a certificate of compliance has been issued by the zoning officer stating that the use or structure complies with the provisions of this law. All certificates of compliance shall be applied for coincidentally with the application for a zoning permit and shall be issued within 15 days after the use has been approved as complying with the provisions of this law.

#### **Section 1230. Unapproved Lots**

No zoning permit or certificate of compliance shall be issued for any use or structure on any lot which has been filed in the office of the county clerk after the effective date of the Town of Parish Subdivision Law, unless such lot is included in a plat which has been approved by the planning board and filed with the office of the county clerk, or was exempt from said law at the time of filing.

#### **Section 1235. Zoning Officer**

This law shall be enforced by the zoning officer, who shall be appointed by the town board. The duties of the zoning officer shall be to:

1. Approve and disapprove zoning permits and certificates of compliance;
2. Scale and interpret zoning district boundaries on the zoning map;
3. Refer appropriate matters to the zoning board of appeals, planning board, or town board;
4. Revoke zoning permits or certificates of compliance where there is false, misleading or insufficient information or where the applicant has varied from the terms of the application;

5. Investigate violations, issue stop work orders and appearance tickets, and refer violations to the town justice or the town board;
6. Report at regular town board meetings the number of zoning permits and certificates of compliance issued.

#### **Section 1240. Zoning Board of Appeals**

A zoning board of appeals is hereby created pursuant to Town Law Section 267. The board of appeals shall have all the power and duties prescribed by Town Law Section 267-b. and by this law, which are more particularly specified as follows:

1. Interpretations: Upon appeal from a decision by the zoning officer, to decide any question involving the interpretation of any provision of this law, including determination of the exact location of any zone boundary.
2. Variances: Upon appeal from a decision by the zoning officer, or upon referral by the planning board, to vary the strict application of any of the requirements of this law.

All applications for interpretations and variances shall be made and reviewed in compliance with the administrative regulations established by the zoning board of appeals.

#### **Section 1245. Planning Board**

The planning board shall have the following powers and duties with respect to this law:

1. Approval of site plans.
2. Approval of special use permits.
3. Approval of temporary permits.

#### **Section 1250. Violations and Penalties**

1. Whenever a violation of this law occurs any person may file a complaint in regard thereto. All such complaints shall be in writing and shall be filed with the zoning officer who shall properly record and immediately investigate such complaint. If the complaint is found to be valid, the zoning officer shall issue a stop work order requiring all work to cease until the violation is corrected. If the violation is not corrected within the specified time the zoning officer shall take action to compel compliance.
2. Pursuant to Criminal Procedure Law Section 150.20 (3), the zoning officer is hereby authorized to issue an appearance ticket to any person causing a violation of this law, and shall cause such person to appear before the town justice.

3. Pursuant to Municipal Home Rule Law Section 10 and Town Law Section 268, any person, firm, or corporation who commits an offense against, disobeys, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this law shall, upon conviction, be deemed guilty of a violation and subject to fine. Any violation of this law is an offense punishable by a fine not exceeding \$350 for conviction of a 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 nor more than \$700; 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 \$750 nor more than \$1000. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this 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 violation shall constitute a separate additional violation.
4. The town board may maintain an action or proceeding in the name of the town in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of this law.

## **ARTICLE 13. SITE PLAN REVIEW**

### **Section 1305. Authority**

The planning board is hereby authorized to review and approve, approve with modifications, or disapprove site plans pursuant to Town Law Section 274-a. and in accordance with the standards and procedures set forth in this law.

### **Section 1310. Applicability**

All uses designated as requiring site plan review shall have a site plan approved by the planning board prior to the issuance of a zoning permit or a certificate of compliance by the zoning officer.

### **Section 1315. General Site Plan Review Criteria**

The planning board shall require that all site plans comply with the following general review criteria:

1. that the site is designed in the interests of the public health, safety, welfare, and comfort and convenience of the public in general, the residents of the proposed development, and the residents of the immediate surrounding area;
2. that the site is designed so as to be in harmony with the comprehensive plan for the community;
3. that parking areas are adequate for the intended level of use, and arranged and screened so as to minimize negative impacts on adjacent properties;

4. that access to the site is safe and convenient and relates in an appropriate way to both the internal circulation on the site as well as the town road system;
5. that the internal circulation of the site is arranged so as to minimize impacts on the town road system;
6. that the site is suitably landscaped, and appropriately screened from adjacent properties and the road so as to protect the visual character of the area and to minimize negative impacts on adjacent properties and the neighborhood;
7. that pedestrian ways are safe and adequate, and are properly integrated with the pedestrian ways of adjacent properties and the neighborhood;
8. that any activities on the site which are incompatible with adjacent properties are suitably buffered so as to minimize negative impacts on such adjacent properties;
9. that signs, site lighting, and the locations of all buildings and structures are in keeping with the character of the neighborhood;
10. that any changes to existing drainage patterns, or increased drainage due to development activity have no negative impacts on adjacent property;
11. that proposed water supply and sewage disposal facilities are safe and adequate;
12. that development activity complies with all other standards and requirements of this law.

### **Section 1320. Application**

The zoning officer shall refer any application for a zoning permit which requires a site plan review to the planning board. An application for a site plan review shall be filed with the planning board, and the appropriate fee as determined by the fee schedule adopted by town board resolution shall be paid to the town clerk. Four or more copies of the application and site plans shall be provided which shall include the following:

1. Name and address of applicant and owner, if different, and of the person responsible for preparation of drawings;
2. Date, north point, written and graphic scale
3. Boundaries of the site plotted to scale, including distances, bearings, and areas;
4. Locator map showing the site in relationship to the town;
5. Location and ownership of all adjacent lands as shown on the latest tax records;
6. Location of all zoning district boundaries;

7. Location, name, jurisdiction and width of adjacent roads;
8. Location, width, and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to public use or adjoining the property;
9. Complete outline of existing or proposed deed restrictions or covenants applying to the property;
10. Existing hydrologic features together with a grading and drainage plan showing existing and proposed contours at a maximum of five foot intervals;
11. Location of any archeological resources;
12. Location, proposed use, and height and dimensions of all buildings including the number and distribution by type of all proposed dwelling units, and the designation of the amount of gross floor area and gross leasable area proposed for retail sales and services, office and other commercial or industrial activities;
13. Location and design of all parking and loading areas, access and egress drives, fire lanes and emergency access areas;
14. Provision for pedestrian access, including public and private sidewalks;
15. Location of outdoor storage;
16. Location and design of all existing or proposed site improvements, including drains, culverts, retaining walls, and fences;
17. Description of the method of securing water supply and disposing of sewage, and the location and design of such facilities;
18. Location and design of all energy distribution facilities, including electrical, gas, and solar energy;
19. Location, size and design of all proposed signs;
20. Location and design of outdoor lighting facilities;
21. General landscaping plan and planting schedule, including the location and proposed development of all buffer areas;
22. Erosion and sediment control plan conforming to the standards and practices contained in the USDA Soil Conservation Service Engineering Field Handbook (EFH) and New York Guidelines for Urban Erosion and Sediment Control, or other erosion and sediment control manuals recognized by the planning board;
23. An agricultural data statement pursuant to Town Law Section 283-a., when applicable;

24. A statement of the nature and extent of the interest of any state employee, or officer or employee of the town in the applicant pursuant to General Municipal Law Section 809, when applicable;
25. An environmental assessment form (EAF) and, when applicable, a draft environmental impact statement (EIS) pursuant to 6 NYCRR Part 617;
26. Other elements integral to the proposed development as considered necessary by the planning board.

### **Section 1325. Waiver of Submission Requirements**

The planning board may waive any of the submission requirements listed in Section 1320 above where it deems that the information is either not applicable or is unnecessary to a particular site plan review.

### **Section 1330. Environmental Impact Review**

The planning board shall be responsible for the completion of an environmental assessment form (EAF) for each application for site plan review. The planning board shall be responsible for compliance with 6 NYCRR Part 617 (State Environmental Quality Review Act regulations) in cooperation with other involved agencies in the review of any site plan.

### **Section 1335. Review**

Upon a determination by the planning board that the application for a site plan review is complete, the board shall review the site plan taking into consideration the objectives for site plan review as outlined in Section 1315 above and all other requirements of this law.

### **Section 1340. Area Variance**

During the course of the review, should the planning board determine that a site plan approval may not be feasible without the granting of an area variance as defined by Town Law Section 267-b., the planning board may, at its discretion, during the course of the review, refer the application and site plans to the zoning board of appeals for the consideration of such variance. Upon granting or denying a variance, the zoning board of appeals shall provide a letter stating its decision to the planning board.

### **Section 1345. Public Hearing**

The planning board shall conduct a public hearing. Such public hearing shall be conducted within 62 days of the receipt of the completed application for a site plan review and shall be advertised at least five days before the hearing in a newspaper in general circulation in the town. A notice of the hearing shall be mailed to the applicant at least ten days before the hearing.

### **Section 1350. Referral to County Planning Board**

At least ten days before the hearing, the planning board shall refer all site plan review matters that fall within those areas specified under General Municipal Law Section 239-m to the county planning board. This shall include any use that falls within 500 feet of the following: the boundary of the town or any town within the town; a state or county park or recreation area; a state or county highway or expressway; a state or county owned drainage channel; state or county land where a public building or institution is located; or a farm operation in an agricultural district. If the county planning board does not respond within 30 days from the time it received a full statement on the referral matter, then the planning board may act without such report.

### **Section 1355. Waiver of Public Hearing**

The planning board may waive the public hearing.

### **Section 1360. Final Action**

1. Within 62 days of the public hearing, or within 62 days of the acceptance of a complete application by the planning board where such hearing has been waived pursuant to Section 1355 above, the planning board shall act on the site plans. The time within which the planning board must render its decision may be extended upon mutual consent of the applicant and the planning board. The action of the planning board shall be in the form of a written statement to the applicant stating whether or not the site plans are approved, approved with modifications, or disapproved. In its approval, the planning board shall have the authority to impose such reasonable conditions and restrictions on the issuance of a zoning permit for the application as are directly related to and incidental to a proposed site plan. The decision of the planning board shall be filed in the office of the town clerk within five business days of the decision, and a copy mailed to the applicant.
2. If the site plans are approved, and upon payment by the applicant of all fees and reimbursable costs due the town, the planning board shall endorse its approval on a copy of the application and site plans.
3. If the site plans are approved with modifications, the planning board shall specify in the statement all modifications to be made. Upon payment by the applicant of all fees and reimbursable costs due to the town, and upon approval of the modified application and site plans, the planning board shall endorse its approval on a copy of the application and site plans.
4. If the site plans are disapproved, the statement shall contain the reasons for such findings. In such case, the planning board may recommend further study of the application and resubmission after it has been revised or redesigned.



### **Section 1365. Report to County Planning Board**

Within 30 days of final action on any matter referred to the county planning board pursuant to Section 1350 above, the planning board shall file a report of the final action it has taken with the county planning board.

### **Section 1370. Expiration of Approval**

Zoning permits requiring site plan review approval shall expire one year from the date of issue if construction is not substantially started or the use has not commenced. Such permits may be renewed upon payment of all fees.

## **ARTICLE 14. SPECIAL USE PERMITS**

### **Section 1405. Authority**

The planning board is hereby authorized to review and approve, approve with modifications, or disapprove special use permits pursuant to Town Law Section 274-b. and in accordance with the standards and procedures set forth in this law.

### **Section 1410. Applicability**

All uses that meet one or more of the following conditions shall have a special use permit and site plan approved by the planning board prior to the issuance of a zoning permit or a certificate of compliance by the zoning officer.

1. the use requires a special use permit pursuant to Article 4 of this law;
2. the use is a Type I SEQR action and is determined by the planning board to have environmental significance;
3. the use is over 10,000 square feet in floor or ground area;
4. the use is located greater than 500' from a public road right-of-way;
5. the use includes a structure over 40' feet in height;
6. the use is within 100' of a DEC designated wetland area, within 100' of a stream or a body of open water, or in a FEMA designated floodplain area;
7. the use results in the alteration or development of three or more acres (excluding customary agricultural and forestry uses); or
8. the use requires an increase or change in public water supply facilities, sewerage facilities, drainage facilities, sidewalks, roads, curbs, gutters, or other public improvements.

### **Section 1415. General Special Use Permit Criteria**

1. In considering and acting on special use permits, the planning board shall consider the public health, safety, welfare, and comfort and convenience of the public in general, the residents of proposed developments, and the residents of the immediate surrounding area.
2. The planning board may prescribe such appropriate conditions and safeguards as may be required in order that the results of its action shall, to the maximum extent possible, further the accomplishment of the following objectives:
  - a. That the proposed use is of a character compatible with the surrounding neighborhood and in harmony with the comprehensive plan for the community.
  - b. That the public facilities to service the proposed use, including water supply, sewage disposal, drainage facilities, and road facilities, and any other utilities and public services are adequate for the intended level of use.
  - c. That the proposed use complies with all requirements for site plans as specified in this law and any other special requirements as may be set forth for the use in this law.
3. Additional standards must be satisfied for Campgrounds, Crematories, Kennels, Joint Use of Parking Facilities, Large Solar Energy Systems, Manufactured Home Parks, Motorized Vehicle Parks, Structures over 40' in Height, Telecommunication Towers, Two One- or Two-Family Dwellings on a Single Lot, and Uses and Structures Greater than 500' from a Public Road Right-of-Way.

### **Section 1420. Application and Review Procedure**

All applications for special use permits shall be submitted and reviewed in compliance with the submission requirements and review procedures for site plan reviews as provided in Article 13 of this law.

## **ARTICLE 15. MISCELLANEOUS PROVISIONS**

### **Section 1510. Amendments**

The town board may amend the provisions of this law pursuant to Town Law Section 265 and Municipal Home Rule Law Article 3 after public notice, public hearing, compliance with the State Environmental Quality Review Act regulations (6 NYCRR Part 617), and following appropriate referral to the county planning board pursuant to General Municipal Law Section 239-m.

### **Section 1520. Separability**

The provisions of this law are separable and the invalidity of a particular provision shall not invalidate any other provision.

**Section 1530. Effective Date**

This law shall be effective on the \_\_\_\_\_.