

ZONING ORDINANCE

MARCH 2007

TOWN OF DEERFIELD ONEIDA COUNTY NEW YORK

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Town of Deerfield Zoning Ordinance

This revision has evolved through the efforts of many persons over several years. The list of contributors is long, and a name omission would be hurtful. Therefore, acknowledgement is made of the contributions of Town officials, individual residents whether through formal input at public hearings or in casual suggestions, Town Attorney, County planners,

For those whose names do not appear,
the most fitting acknowledgement
is the building of the community they love.

Upper Canada Village

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ARTICLE 1. TITLE

TOWN OF DEERFIELD

ONEIDA COUNTY, NEW YORK

ZONING ORDINANCE

SECTION 1.01 TITLE

This Ordinance is enacted under ARTICLE 16 of the Town Law of the State of New York, being Chapter 634 of the Laws of 1932 as amended, and in accordance with the Town of Deerfield Comprehensive Master Plan (adopted 12/93) to regulate the efficient and proper use of land and natural resources; to regulate the location, size and types of uses; to specify standards such as minimum area, maximum height, setbacks, bulk and the maximum number of families that may be housed in structures to ensure sufficient open space, sanitary conditions, safety and other protective measures; to regulate and limit the density of population; and for said purposes divide the town into districts and establishing the boundaries thereof; to provide for changes in the regulations, restrictions, and boundaries of such districts; to define certain terms used herein; to provide methods to adopt amendments; to provide for administration; to provide for the collection of fees to administer and enforce the regulations of this Ordinance; to provide penalties for violations; to provide for petitions, public hearings and appeals; The Town Board of the Town of Deerfield, in the County of Oneida, State of New York, hereby ordains and enacts as follows:

SECTION 1.02 SHORT TITLE

This Ordinance shall be known and may be cited as the "Town of Deerfield Zoning Ordinance", or hereinafter referred to as "this Ordinance", adopted November 29, 1999

SECTION 1.03 PURPOSE

This Zoning Ordinance is based on the Town of Deerfield Comprehensive Master Plan. It is the intent of this Ordinance to implement the Comprehensive Master Plan by regulating the use of land, buildings and structures to promote the public health, safety and general welfare by accomplishing the following:

A. Accommodate and promote land uses which are compatible with the Town's character and conserve the property values and long term stability of residential neighborhoods, agricultural area, commercial districts, and special districts.

B. Encourage use of the lands and natural resources in accordance with their character and capability, thus preserving the sensitive and important environmental features in the Town, such as wetlands, woodlands, prime farmland, scenic public views, topography, open space, and wildlife habitat. This Ordinance acknowledges the importance of these features on the long-term economic climate of all uses in the Town and the overall quality of life for Town of Deerfield residents.

C. Limit or prohibit improper use of land.

D. Reduce hazards to life and property, particularly through standards for development in the 100-year floodplain.

E. Promote safe conditions for motorists, pedestrians and bicyclists by maintaining an acceptable level of service along streets and at driveways within the Town, while ensuring property owners with reasonable, though not always direct, access to property.

F. Facilitate adequate and cost effective infrastructure systems, and protect the substantial public investment in those systems, including: transportation, sewage disposal, safe and adequate water supply, education and recreational facilities.

G. Establish controls over potential conflicting land uses and uses which may need special regulations as special land uses to be compatible with surrounding development patterns and zoning.

H. Promote the gradual elimination of uses, buildings and structures that do not conform to the regulations and standards of this Ordinance.

I. Provide for administering this Ordinance, including resolving conflicts with other ordinances, collection of fees, procedures for petitions, hearings and appeals; and to provide for any other matters authorized by the Town Law of the State of New York.

J. Balance the Town's right to compatible and quality development with the property owners' right to a reasonable rate of return on investment.

K. The regulations herein established shall be the minimum regulations for promoting and protecting the public health, safety and general welfare, any conflicting laws of a more restrictive nature shall

supersede the appropriate provisions of this Ordinance.

L. The Town of Deerfield hereby repeals the previous Zoning Ordinance and all of the amendments thereto.

M. Uses, buildings and structures that were nonconforming under the previous zoning ordinance gain no new rights through the adoption of the standards of this Ordinance unless they become conforming or more conforming by the regulations of this Ordinance.

**SECTION 1.04 VALIDITY AND SEVERABILITY
CLAUSE**

This Ordinance and the various components, articles, sections, subsections, sentences and phrases are hereby declared to be severable. If any court of competent jurisdiction shall declare any part of this Ordinance to be unconstitutional or invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling. Further, if any court of competent jurisdiction shall declare unconstitutional or invalid the application of any provision of this Ordinance to a particular parcel, lot, use, building or structure, such ruling shall not affect the application of said provision to any other parcel, lot, use, building or structure not specifically included in said ruling.

End of Article

ARTICLE 2. DISTRICTS AND BOUNDARIES

SECTION 2.01 ESTABLISHMENT OF DISTRICTS

For the purpose of this Ordinance, the Town of Deerfield is divided into the following types of classes of districts:

- R-1, Residential District
- R-2, Residential District
- R-3, Residential District
- R-4, Proposed Residential District
- R-A, Residential-Agricultural District
- R-M, Mobile Home Park District
- A, Agricultural District
- C-1, Neighborhood Commercial District
- C-2, Highway Commercial District
- C-3, Communications Commercial District
- PD-R Planned Development-Residential District
- PD-C, Planned Development-Commercial District
- PD-E, Planned Development-Extraordinary District

Said districts are bounded and defined as shown on a map entitled "Zoning Map of the Town of Deerfield, Oneida County, New York", hereinafter called the "Zoning Map", adopted by the Town Board and certified by the Town Clerk which accompanies and which, with all explanatory matter thereon, is hereby made a part of this Ordinance.

SECTION 2.02 INTERPRETATION OF DISTRICT BOUNDARIES

The following rules shall apply to determine the boundaries of the districts shown on the Zoning Map:

- A. Where district boundaries follow streets or highways, the center lines of such streets and highways shall be considered the district boundaries.
- B. Where district boundaries follow lot lines, such lot lines shall be considered the district boundaries.
- C. Where district boundaries on the Zoning Map follow natural routes such as streams, etc., the center of such natural lines shall be considered to be the district boundaries.
- D. Where district boundaries are indicated as parallel to streets or highways, they shall be construed as being parallel thereto and at such distances therefrom as indicated in dimensions on

the appropriate map or, if no such dimensions

E. the appropriate map or, if no such dimensions appear, then by measurement of the scale of the map. In case of dispute as to the exact location of a district boundary, the decision of the Zoning Board of Appeals shall be final.

SECTION 2.03 APPLICATION OF REGULATIONS

Except as otherwise provided elsewhere in this Ordinance:

- A. No building shall be erected, constructed, reconstructed or altered, and no land or building or part thereof shall be used for any purpose or in any manner except as permitted for the district in which such building or land is located.
- B. No building shall be erected, constructed, reconstructed or altered, nor shall any open space surrounding any building be encroached upon or reduced in any way except in accordance with the yard, lot area and building location regulations of this Ordinance for the district in which such building is, or shall be located; or where such open space or land is located.
- C. No yard or other open space surrounding any building located in conformance with this Ordinance shall be considered as providing the requisite yard or open space are for another building. Likewise, no yard or open space on one lot shall be considered as providing a required yard or open space for a separately owned building on any other lot.
- D. No use of land or building shall be allowed which is contrary to the provisions of the respective zoning districts as contained in this Ordinance. In addition, no noxious, hazardous or offensive noise, odor, dust, vibration, glare, electrical interference, incineration or similar objectionable factor will be permitted as a result of any use or activity, as such may be discernible at the property line.

End of Article

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ARTICLE 3. DEFINITIONS

SECTION 3.01 CONSTRUCTION OF LANGUAGE

The following rules of construction shall apply to the text of this code:

- A. Words used in the present tense include the future; words used in the singular number include the plural, and the plural include the singular, unless context clearly indicates the contrary.
- B. The word "shall" is mandatory and not discretionary. The word "may" is permissive.
- C. All measurements shall be to the nearest integer, unless otherwise specified herein.
- D. The word "build" includes the words "erect" and "construct". A "building" or "structure" includes any part thereof.
- E. The word "person" includes an individual, a corporation, a partnership, an incorporated association or any other similar entity.
- F. "Abut," means having a common boundary or relationship at either a common property line, street or alley.
- G. Words not specifically defined herein shall be assigned their generally accepted meaning.

SECTION 3.02 DEFINITIONS

ACCESSORY BUILDING: Any structure, excluding fences, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter or enclosure of persons, animals, chattels or property of any kind. A building shall include mobile homes, manufactured housing, utility sheds, garages, barns, greenhouses, pole barns, semi-trailers, vehicles situated on a parcel and used for purposes of a building and similar structures. When a building is divided into separate parts extending from the ground up, each part so divided shall be deemed a separate building.

ACCESSORY STRUCTURE: A structure subordinate to the principle structure on the lot and used for purposes customarily incidental to that of the principle structure. Where an accessory structure is attached to the principle structure in a substantial manner, as by a wall or roof, such accessory structure shall be considered to be part of the principle structure.

ACCESSORY USE: A use which is customarily incidental and subordinate to the principal use on a lot, and located on the same lot therewith

ACRE: A tract of land having an area of 43,560 square feet.

AGRICULTURAL: The use of land for commercial agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, silviculture and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

ALTERATION: As applied to a building, any of the following shall be considered to be an alteration; a change or rearrangement of the structural parts, a change in the entrance or exit facilities, an enlargement, whether by extending on a side or by increasing in height or the moving from one position or location to another.

AMUSEMENT OR RECREATION

ESTABLISHMENT, INDOOR: A building where the commercial operation of recreational or amusement activities is conducted, including, but not limited to a bowling alley, skating rink, theater, billiard parlor, gymnasium and game arcade.

AMUSEMENT OR RECREATION

ESTABLISHMENT, OUTDOOR: A privately owned business which provides outdoor recreational services to the general public, including, but not limited to, miniature golf course, swimming pool, driving range, batting cage go-cart track, skating rink, riding stable, tennis court and skiing facility.

APARTMENT, ACCESSORY: A dwelling unit contained within a single family home, meeting the requirements specified in Section 15.17 of this Ordinance.

ATTIC: An unfinished space immediately below the roof of a principle building, not used for living purposes.

BAR: A business establishment engaged in the retail sale of alcoholic beverages for consumption on the premises. Bars may include the sale of prepared food as an activity incidental to the primary use stated above.

BAR, SPORTS: A bar that has on-site athletic or gaming fields and/or courts which are utilized by its patrons.

BASEMENT: A space of full story height constructed partly below grade and having at least half of its clear floor-to-ceiling height above the average grade of the adjoining ground, and which is not designed or used primarily for year-round living accommodations.

BED AND BREAKFAST: A structure containing sleeping rooms which are designed or intended for occupancy by or are occupied by up to 4 (four) guests

for compensation, including provision for a morning meal only for the overnight guest. A bed and breakfast is distinguished from a motel in that a bed and breakfast shall have only one kitchen facility.

BERM: A naturally or artificially raised area used for the planting of landscaping, most often as screening from adjacent properties.

BUILDING AREA: The total areas taken on the horizontal plane of the principal building and all accessory buildings, excluding uncovered porches, terraces and steps.

BUILDING, FLOOR AREA: The sum of the gross horizontal area of all of the floors of a principal building and all accessory structures on the same lot. All dimensions shall be measured between exterior faces of walls.

BUILDING, FRONT LINE OF: The line of the wall of the building nearest to the front line of the lot, including covered sun porches or parlors whether or not enclosed, but not including steps.

BUILDING HEIGHT: The vertical distance measured from the average grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the ridge of gable, hip and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

BUILDING, PRINCIPAL: A building in which the primary use of the lot on which the building is located is conducted.

BUILDING PERMIT: An authorization issued by the Town Building Inspector to move, erect or alter a structure within the Town.

BUSINESS OR COMMERCIAL: Pertaining or relating to the sale, exchange or trade of goods or services, where such action is the principal use to which the building or land is devoted. A commercial use is an occupation, employment or enterprise that is carried on for profit by the owner, lessee or licensee of a property for more than seven (7) days during a calendar year.

BUSINESS OFFICE: A building in which the administrative functions of a business operation are carried out. This shall not include the storage, sale or repair of any items related to the business operations which accommodations for temporary occupancy are located or may be placed, including cabins, tents and other recreational living units, and which is primarily used for recreational purposes and retains an open air or natural character.

CELLAR: That space of a building that is partly or entirely below grade which has more than half of its clear floor-to-ceiling height below the average elevation of the finished grade of the ground adjoining

the building, and which is not used primarily for year-round living accommodations.

CLUB OR LODGE, PRIVATE: A non-profit association of persons, who are bona fide members, which owns, hires or leases a building or land, the use of which is restricted to members and their guests.

CLUSTER DEVELOPMENT: A development technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space and preservation of environmentally sensitive areas.

COMMERCIAL EXCAVATION/MINING: A parcel or part thereof used for the purpose of extracting stone, sand, gravel or topsoil as a commercial product but exclusive of the process of grading a lot preparatory to the location of a building or use for which application for a permit under this ordinance has been made.

CONTRACTOR YARD: A site on which a building or construction contractor stores equipment, tools, vehicles, building materials and other appurtenances actively used in or associated with building or construction business.

CONVENIENCE STORE: Any retail establishment offering for sale prepackaged food products, household items and other goods commonly associated with the same. Also included may be the sale of prepared foods and beverages for consumption off of the premises.

DATA PROCESSING CENTER: A business area within which words and/or numbers are received, rearranged by formula, and then stored or sent elsewhere.

DAY CARE CENTER: A business engaged in the provision of day care services to any number of children of any age, operated in accordance with NYS Department of Social Services regulations.

DECK: A platform, without a roof, commonly constructed of wood, which is typically attached to a house and which is used for outdoor leisure activities.

DEVELOPMENT CENTER: An area within which plans are considered or investigations conducted which are intended to produce a new product, arrangement, or solution.

DRIVE-THROUGH BUSINESS: A business establishment so developed that its retail or service character is wholly or partly dependent on providing a driveway approach staging area and service window or facilities for vehicles.

DUMP:

A place where non-recyclable, non-salvageable waste, both decaying and inorganic, is deposited and stored.

DWELLING, SINGLE-FAMILY: A detached dwelling unit, other than a mobile home or temporary portable housing, designed for year-round occupancy by one family only.

DWELLING, TWO-FAMILY: A detached dwelling unit, other than a mobile home or temporary portable housing, designed for year-round occupancy by two (2) families living independently of each other.

DWELLING, MULTIPLE-FAMILY: A building containing three (3) or more dwelling units and designed for year-round occupancy by more than two (2) families living independently of each other, exclusive of hotels, motels, rooming houses or tourist homes.

DWELLING UNIT: One or more rooms in a residential building which are arranged, designed, used or intended for use as a complete independent living facility which includes permanent provisions for living, sleeping, eating, cooking and sanitation for use by one family.

EASEMENT: A right-of-way granted, but not dedicated, for limited use of private land for private, public or quasi-public purpose, such as for franchised utilities, a conservation easement or an access easement for a service drive, and within which the owner of the property shall not erect any permanent structures.

ESSENTIAL SERVICES: The erection, construction, alteration or maintenance of underground, surface or overhead communication, gas, electrical, steam, fuel or water transmission, distribution, supply and collection or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, call boxes, traffic signals, hydrants and similar equipment in connection therewith. Essential services shall not include storage yards, commercial reception towers, air quality monitoring stations, school bus parking yards, sales or business offices or any commercial buildings or activities.

FAMILY: Any number of individuals, related by blood, marriage or adoption or not more than five (5) individuals who are not so related, living together as a single housekeeping unit.

FAMILY DAY CARE HOME: A family residence wherein day care services are provided for three (3) to six (6) children of any age for more than three (3) hours per day. The director of this facility shall be a resident of the premises where these services are to be provided. All state licensing requirements are to be met and all operation is to be in accordance with NYS Department of Social Services regulations.

FARM: Any parcel of land containing at least seven (7) acres which is used for the commercial raising of agricultural and silvicultural (trees, shrubs, etc.) products, livestock, poultry and dairy products. It includes the necessary farm structures within the prescribed limits as well as the storage of equipment. It excludes the raising of fur-bearing animals, and dog kennels.

FENCE: A freestanding structure of metal, wood, stone, concrete or plastic or any combination thereof resting on or partially buried in the ground and used for confinement, screening or to mark a boundary.

FENCE, OPEN: A fence which is open and largely unobstructed for viewing the property behind it.

FENCE, SOLID: A fence which screens or obstructs the view of the property behind it.

FLOODPLAIN: Lands at a specified elevation subject to periodic flooding that have been defined by the Federal Emergency Management Agency (FEMA) as flood hazard areas (i.e., lands within the 100 year flood boundary) in the flood insurance study for the Town of Deerfield.

FRONTAGE: The linear dimension measured along the public street right-of-way line or along the private road access easement.

GARAGE: A building for the private use of the owner or occupant of a principal building situated on the same lot as the principal building and used for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

GRADE, ESTABLISHED: The elevation of the centerline of the roads or streets as established by the proper authorities.

GRADE, FINISHED: The completed surface of lawns, walks or roads, or the average of the finished ground level at the center of all walls of a building.

GREENHOUSE, COMMERCIAL: A business whose principal activity is the selling of plants grown on the site, including outside storage, growing or display.

GREENHOUSE, PRIVATE: An accessory building used primarily for the growing of plants for the personal use of the owner or resident of the property only.

GROUP FAMILY DAY CARE HOME: A family residence wherein day care services are provided for up to ten (10) children of any age for more than three (3) hours per day, including not more than four (4) children under two (2) years of age; or up to twelve (12) children where all such children are over two (2) years of age. Care services may also be provided for up to two (2) additional school age children during non-school hours, including school holidays, vacations and the summer. The operator of the

group family day care home must reside on the premises and one non-resident may be employed as an assistant. All state licensing requirements are to be met and all operation is to be in accordance with NYS Department of Social Services regulations.

HOME OCCUPATION: An occupation, profession, activity or use that is clearly a customary, incidental and secondary use of a residential dwelling unit, is conducted solely within the buildings on the property and does not alter the exterior of the property or affect the residential character of the neighborhood.

HOSPITAL: A facility for primary inpatient care and services for observation, diagnosis and active treatment of patients with medical, surgical, obstetric or chronic conditions requiring daily care and supervision of physicians and professional medical support staff. A hospital may include 24-hour emergency care services, inpatient/outpatient diagnostic and therapeutic services and medical clinics. A hospital may include a specialty or psychiatric hospital.

HOSPITAL, ANIMAL: An establishment for the diagnosis and medical or surgical care of sick or injured animals, including facilities for the temporary housing of such animals.

JUNK: Items including, but not limited to, old, dilapidated, scrap or abandoned metal, paper, building material and equipment, bottles, glass, appliances, furniture, beds and bedding, rags and rubber.

JUNK YARD: A lot, land or structure, or part thereof, used for the collecting, storage or sale of junk; or for the collecting, dismantling, storage and salvaging of machinery, and for the sale of the parts thereof.

JUNK VEHICLE: Any motor vehicle, trailer or semi-trailer which is inoperable and which by virtue of its condition cannot be economically restored. In addition, any vehicle may be deemed to be a junk vehicle when:

1. Valid license plates are not displayed or the registration has been expired for more than six (6) months; or
2. Valid state inspection stickers, as required for the use of the vehicle, are not displayed or have been expired more than six (6) months; or
3. The vehicle remains in an inoperable condition for more than six (6) months.

NOTE: Vehicles removed from the road and stored on a seasonal basis for not more than six (6) months shall not be considered to be junk vehicles.

KENNEL, COMMERCIAL: A building or land used for the grooming, breeding, boarding, training or selling

of more than three (3) domesticated animals older than six (6) months of age.

LAND DEVELOPMENT: Per Local Law #4-2006

LAUNDRY, SELF-SERVICE: A business that provides home-type washing, drying and/or ironing machines for hire to be used by customers on the premises.

LIGHT MANUFACTURING OR ASSEMBLY PROCESS: A business engaged in making of goods or wares by manual labor or machinery that are of a non-toxic or non-hazardous nature, or the assembly of such products.

LOADING SPACE: An off-street space on the same lot with a building or group of buildings, used for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

LOT: A parcel of land occupied, or intended to be occupied, by a building and its accessory buildings, or by group dwellings and their accessory buildings, together with such open spaces as are required, having at least the minimum area required for a lot in the zone where such lot is located and having its principal frontage on a public street or public way.

LOT AREA: The total horizontal area within the lot lines of a lot. No part of the area within a public right-of-way may be included in the computation of lot area.

LOT AREA, USABLE: That area of a lot which may be used for the erection of buildings, structures, wells and septic systems.

LOT, CORNER: A parcel of land at the junction of and fronting on two or more intersecting streets or roads so as to form an interior angle of 135 degrees or less.

LOT COVERAGE: The part or percent of the lot occupied by the above grade portion of all principal buildings and accessory buildings and structures. Lot coverage shall not be intended to include landscaped areas, driveways, parking areas and sidewalks.

LOT DEPTH: The mean horizontal distance between the front and rear lot lines, measured in the direction of the side lot lines.

LOT LINES: The boundary lines of a lot, including: Front Lot Line The lot line separating the front of the lot from the street right-of-way.

Rear Lot Line The lot line opposite and most distant from the front lot line.

Side Lot Line Any lot line other than a front or rear lot line. On a corner lot, a side lot line may also be a street lot line.

LOT OF RECORD: A lot whose existence, location and dimensions have been legally recorded on a deed or on a plat on file with the Town of Deerfield.

LOT WIDTH: The distance between side lot lines measured parallel to the front lot line at a distance from the front lot line equal to the front yard setback specified for the district. Where the front lot line is curvilinear in shape, the lot width shall be measured as the cord of the arc at the front yard setback in the district.

MASTER PLAN, COMPREHENSIVE: The Master Plan of the Town of Deerfield, and any corridor or subarea plans, adopted by the Town Board. The Master Plan provides a review and analysis of existing conditions, trends in land use for the future, goals and objectives and a future land use plan.

MINI OR SELF STORAGE WAREHOUSE: A business in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized and controlled access stalls or lockers for the storage of consumer's goods.

MOBILE HOME: A factory-built, single family mobile unit designed and built to meet the National Manufactured Home Construction and Safety Standards Act on a frame and wheels including plumbing, heating and electrical equipment so as to be towed on its own chassis to its destination. A unit may contain parts that may be folded, collapsed or telescoped when being towed, and expanded later to provide additional cubic capacity, as well as two or more separately towable components designed to be joined into one integral unit capable of being again separated into the components for repeated towing. Mobile units exclude travel trailers.

MOBILE HOME PARK: A parcel of land which has been designed or improved prior to its occupancy by two (2) or more mobile homes.

MODULAR HOUSING UNIT: A dwelling unit, partially prefabricated off-site and designed only for erection or installation on a site-built permanent foundation; and not designed to be moved once erected on such foundation; with a roof pitch having a 3 on 12 minimum pitch, and designed and manufactured in compliance with the New York State Uniform Fire Prevention and Building Code. For the purpose of this ordinance, a modular home is considered a dwelling, one-family.

MOTEL: A building or group of buildings, whether detached or in connected units, used as individual sleeping units designed primarily for transient automobile travelers and providing for accessory off-street parking facilities.

MOTOR VEHICLE REPAIR STATION: A business where the following services may be carried out; general motor vehicle repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, repairs

to and/or the painting of the shell or body of any motor vehicle, collision service, such as body, frame or fender straightening and repair and overall painting and undercoating. The sale of engine fuels may or may not be carried out.

MOTOR VEHICLE SERVICE STATION: A business where gasoline or any other motor vehicle engine fuel (stored only in underground tanks), kerosene, motor oil, lubricants, grease (for operation of motor vehicles) or minor accessories are retailed directly to the public on the premises and where the servicing or minor mechanical repair of motor vehicles or installation of mufflers or other specialty items may occur. Motor vehicle service stations shall not include sale or storage of motor vehicles or trailers (new or used).

MOTOR VEHICLE WASHING BUSINESS: Any structure or land where the washing and/or waxing of motor vehicles is carried on manually or by either high pressure spraying or the use of a chain or other conveyor system with water jets, blower and/or steam cleaning device.

NURSING HOME: An extended or intermediate care facility licensed by the New York Department of Health to provide full-time convalescent or chronic care of persons with, or recuperating from, illness or incapacity, where nursing services are furnished, or for the accommodation and care of persons of advanced age.

OPEN SPACE: An area that is intended to provide light and air, and is designed for either environmental, scenic or recreational purposes. Open space may include lawns, decorative planting, walkways, gazebos, active and passive recreation areas, playgrounds, fountains, swimming pools, woodlands, wetlands and water courses. Open space shall not be deemed to include driveways, parking lots or other surfaces designed or intended for vehicular travel.

OPEN SPACE OPTION: A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space and preservation of environmentally sensitive areas.

OVERLAY DISTRICT: A specially designated zoning district in which more intensive land use restrictions may apply in addition to those normally in effect in the area.

PARCEL - A separately assessed tract of land identified on the assessment rolls by a unique identification number.

PARKING SPACE: A space designed for the parking of one motor vehicle and having an area of at least one hundred eighty (180) square feet, with a minimum width of at least nine (9) feet and a minimum depth of at least eighteen (18) feet, exclusive of driveways and passageways giving access thereto.

PERSONAL SERVICE BUSINESS: Any building where the primary occupation is the repair, care and maintenance of personal properties that are worn or carried about the person or are a physical component of the person. For the purpose of this Ordinance, personal service establishments shall include, but not be limited to; barber shops, beauty parlors, hair stylists, tailors, dressmakers, shoe cleaning or repair shops and other similar places of business. The term "personal service establishment" is not construed to include offices of physicians, dentists and veterinarians, linen or diaper service establishments or dry cleaning plants.

PLANNED DEVELOPMENT: Land under unified control to be planned and developed as a whole in a single development operation or a definitely programmed series of development operations or phases. A planned development includes principal and accessory structures and uses substantially related to the character and purposes of the planned development. A planned development is built according to general and detailed plans that include not only streets, utilities, lots and building location, and the like, but also site plans for all buildings as are intended to be located, constructed, used and related to each other, and plans for designated open space and other uses and improvements on the land as related to the buildings. A planned development includes a program for the provision, operation and maintenance of such areas, facilities and improvements as will be for common use by some or all of the occupants of the planned development district, but which will not be provided, operated or maintained at general public expense.

PROFESSIONAL OFFICE / RESIDENCE: A structure, used principally as a home, wherein a paid business is conducted. Such business activity can be done independently of others; and requires extensive education, unusual talent, or long experience; and in which the practitioner is usually licensed or certified by a recognized group of peers.

RECREATIONAL LIVING UNIT: A mobile recreational housekeeping unit, not designed or intended for year-round living, including, but not limited to, motor home, travel trailer, pick-up camper, converted bus, pop-up camper, camper trailer, tent or similar device.

RELIGIOUS INSTITUTION: A building where people regularly congregate to participate in or hold religious services, meetings or other related activities.

REPAIR SERVICE BUSINESS: A building wherein the primary occupation is the repair and general service of common household appliances including, but not limited to musical instruments, sewing machines, televisions and radios, washing machines, vacuum cleaners, power tools, electric razors and walking lawn mowers not exceeding five (5) horsepower.

RESEARCH CENTER: A business area within which investigation is conducted to discover or establish facts or principles.

RESIDENTIAL LIVING AREA: The sum of the floor area of a dwelling unit exclusive of garages, unenclosed porches, or other area not normally considered part of the essential residential quarters. All dimensions shall be measured between the exterior faces of the walls.

RETAIL SALES BUSINESS: Any building wherein the primary occupation is the sale of merchandise in small quantities, not for resale. Retail sales establishment shall not be interpreted to include automotive service uses.

RESTAURANT: A business whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, where the customer usually consumes these foods while seated at tables or counters located within the building.

RESTAURANT, DRIVE-IN: A business that delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not it also serves customers who are not in motor vehicles, for consumption either on or off the premises.

SALES OFFICE: A business area within which arrangement is made for delivery to some other destination of goods or services not kept on the premises, including but not limited to catalog merchandise, insurance, travel, personal services

SCHOOL: A facility that provides a curriculum of elementary and / or secondary academic instruction, including kindergartens, elementary schools, junior high schools and high schools.

SETBACK: The distance required to obtain the minimum required distance between the front, side or rear lot lines and the building line or parking lot. Setbacks from a public street or private road shall be measured from the right-of-way line or easement. Front setbacks along curvilinear streets shall be established along a line connecting points along the side lot lines meeting the required front yard setbacks. Setbacks shall remain as open space as

defined herein, unless otherwise provided for in this Ordinance.

SHOPPING CENTER: A business or group of businesses which provides a variety of merchandise and/or services and which requires access to a major road and a large parking area to accommodate vehicular traffic. Shopping centers may be either a small neighborhood center, a discount store or a mall.

SIGN: Refer to Article 20 for definitions of all types of signs.

SITE PLAN: A document or group of documents containing sketches, text, drawings, maps, photographs and other material intended to present and explain certain elements of a proposed development, including physical design, siting of buildings and structures, interior vehicular and pedestrian access, the provision of improvements and the interrelationship of these elements.

SPECIAL USE PERMIT: A permit issued by the Planning Board to a person or persons intending to undertake the operation of an activity upon land or within a structure which is not specifically mentioned as a principally permitted use in this Ordinance .

STABLE, COMMERCIAL: A building where horses are kept for commercial uses, including hire, sale, boarding or show.

STABLE, PRIVATE: A building, incidental to an existing residential principal use, that shelters horses for the exclusive use of occupants of the premises.

STEEP SLOPE: The numerical result of a fraction, expressed as a percent, in which vertical distance is the numerator and horizontal distance is the denominator calculated at ten (10) foot intervals.

STORY: That portion of a building above the basement or cellar included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

STREET OR ROAD: A public thoroughfare which affords the principal means of access to abutting properties.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. Structures include, but are not limited to, principal and accessory buildings, towers, decks, fences, privacy screens, walls, antenna, swimming pools, signs, gas or liquid storage facility and mobile homes. Essential public utility poles, regulatory signs and the like are not considered structures when located within required setback open spaces.

SUBDIVISION: The division of any parcel of land into three or more lots, plots, sites or other division of land for the purpose, whether immediate or future, of

transfer of ownership or building development. The term "subdivision" shall include re-subdivision in whole or in part of any plat, filed or unfiled, which is entirely or partially undeveloped within a three-year period.

TELECOMMUNICATION TOWER: Any structure which is capable of receiving and/or transmitting signals for the purpose of communication.

VARIANCE: An authorized departure, granted by the Zoning Board of Appeals, from the requirements of this Ordinance.

WAYSIDE STAND: A temporary structure, generally seasonal, designed for the display and sale of agricultural produce.

WETLAND: A lowland area, such as a marsh or swamp, that is saturated with moisture and does not meet the minimum requirements necessary to be considered as a New York State designated wetland.

YARD, FRONT: An open, unoccupied space on the same lot with the principal building, defined as that area bounded by the public right-of-way, by the side property boundaries, and by a line which touches the most forward corner of the building and which intersects the side boundaries at equal distance from the right-of-way. (see Figures 1, 2 and 3)

YARD, REAR: An open space, unoccupied except for permitted accessory buildings and structures, if any, located on the same lot with the principle building and extending the full width of the lot and located between the rear line of the principle building and the rear line of the lot. (see Figures 1, 2 and 3)

YARD, SIDE: An open space, unoccupied except for permitted accessory buildings and structures, if any, located on the same lot with the principle building and located between the side-lines of the principle building and the adjacent lot side-lines and extending from the front yard to the rear yard. (see Figures 1, 2 and 3)

End of Article

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ARTICLE 4. R-1 and R-2, SINGLE- FAMILY RESIDENTIAL DISTRICTS

SECTION 4.01 INTENT

The R-1 and R-2 Single-Family Residential Districts are designed to be the most restrictive of the Residential Districts. The intent of these districts is to:

- A. Provide an environment of predominately high-density, one-family detached dwellings where public sewer and water are available or are anticipated to be available in the near future, along with residentially related facilities which serve the residents of the district;
- B. Encourage the preservation, rehabilitation and construction of single-family dwellings;
- C. Discourage the continuance of existing nonconforming uses, buildings and structures which detract from the long term viability of residential properties;
- D. Discourage land uses which may generate excessive traffic, noise, odors or other disruptive impacts in a residential area;
- E. Prohibit any land use, which would substantially interfere with the development, utilization or continuation of single-family dwellings in the Districts.

SECTION 4.02 PRINCIPAL PERMITTED USES

In an R-1 and R-2 Single-Family Residential District, no building or land shall be used and no building shall be erected except for one of the following specified uses, including any special conditions listed below, unless otherwise provided in this Ordinance:

- A. Single-family detached dwellings (Subdivisions must also meet the standards of the Town of Deerfield Subdivision Regulations);
- B. Family Day Care Homes;
- C. Essential services, such as public service/utility structures, telephone exchange structures, electric transformer stations and substations and gas regulator stations and uses; provided there is no outdoor storage yard. When operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity, the architecture shall be in keeping with the surrounding uses;
- D. Publicly owned and operated parks and playgrounds.

SECTION 4.03 SPECIAL USES

The following Special Uses may be permitted upon review and approval by the Planning Board in

accordance with the standards for all Special Uses found in Article 17:

- A. Religious Institutions;
- B. Public, parochial and private schools offering courses in general education;
- C. Municipal Buildings and Uses;
- D. Day Care/Child Care Centers when operated in conjunction with and accessory to an approved school or religious institution.
- E. Accessory apartments intended for the temporary housing of elderly or disabled persons related by blood or by law to the resident owner;
- F. Nursing Home:

SECTION 4.04 ACCESSORY USES & STRUCTURES

The following accessory uses and structures shall be permitted only when constructed, located and operated accessory to a principally or specially permitted use in the R-1 and R-2 Single-Family Residential Districts:

- A. Garages;
- B. Utility Sheds;
- C. Swimming Pools;
- D. Decks;
- E. Fence;
- F. Satellite Dish Antenna;
- G. Home Occupations, subject to the provisions of Article 21;
- H. Any other accessory uses, buildings and structures determined by the Planning Board to be customarily incidental to any of the principally or specially permitted uses allowed in the R-1 and R-2 Single-Family Residential Districts.

SECTION 4.05 ADDITIONAL SITE DEVELOPMENT STANDARDS

All Principally Permitted, Specially Permitted and Accessory Uses in the R-1 and R-2 Single-Family Residential Districts, shall comply with all applicable provisions of this Ordinance.

Table 1. R-1 RESIDENTIAL DISTRICT (8,000 Sq. Ft.) SCHEDULE A

Principal Permitted Uses	Site Plan Review Uses	Special Permit Uses	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width (Feet)	Maximum Lot Coverage	Maximum Building Height (Stories)	Maximum Building Height (Feet) Peak	Minimum Front Yard (Feet)	Minimum Side Yards One/Both (Feet)	Minimum Rear Yard (Feet)
Single Family Dwellings		Accessory Apartments	8,000	85	25%	2	35	25	10/20	35
Family Day Care Homes		Day Care/Child Care Center	8,000	85	25%	2	35	25	10/20	35
Parks			1 Acre							
	Municipal Buildings and Uses Nursing Homes		2 Acres	200	15%	2 1/2	35	50	50 / 100	50
	Religious Institutions		3 Acres	300	15%	2 1/2	35	50	50 / 100	50
	Schools		5 Acres	400	20%	2 1/2	35	50	50 / 100	50

Lots that are served by neither public water nor public sewer must have a minimum area of 2 acres with a minimum frontage of two hundred (200) feet. Lots that are served by only one public service must have a minimum area of 1 acre, and any dwelling erected thereupon must be connected to the public service before a certificate of occupancy is issued.

Table 2. R-1 RESIDENTIAL DISTRICT (8,000 Sq. Ft.) SCHEDULE B

Accessory Structures	Maximum Area (Sq. Ft.)	Maximum Height (Feet)	Minimum Front Yard (Feet)	Minimum Side Yards (Feet)	Minimum Rear Yard (Feet)
Garage	(*1)	15 / 20 (*2)	25	5	10
Accessory Buildings	180	10	N/ALLOW	5	5
Swimming Pool		N/APPL	N/ALLOW	8	8
Decks	N/APPL	(*3)	N/ALLOW	5	5
Fences	N/APPL	3 1/2 (Front Yard)(*4) 6 (Rear and Side Yards)	None	None	None
Satellite Dish Antenna	Satellite dish antennae regulated by Town of Deerfield Local Law No.4 of the year 1995				

- (*1) Garages may be no larger than the smaller of (864) square feet or 75% of the total living area or 7% of the lot area
- (*2) Fifteen (15) feet for a one-stall garage, twenty (20) feet for a two stall garage and twenty-five (25) feet for a three stall garage. Attached garages may not exceed the height of the principal building on the lot
- (*3) See Section 15.06A.
- (*4) Only ornamental fences (post, split rail, picket, wrought iron, brick, stone, etc.) may be erected in any front yard

Table 3. R-2 RESIDENTIAL DISTRICT (10,000 Sq. Ft.) SCHEDULE A

Principal Permitted Uses	Site Plan Review Uses	Special Permit Uses	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width (Feet)	Maximum Lot Coverage	Maximum Building Height (Stories)	Maximum Building Height (Feet) Peak	Minimum Front Yard (Feet)	Minimum Side Yards One/Both (Feet)	Minimum Rear Yard (Feet)
Single Family Dwellings		Accessory Apartments	10,000	100	20%	2	35	25	10/25	35
Family Day Care Homes		Day Care/Child Care Center	10,000	100	20%	2	35	25	10/25	35
Parks			1 Acre							
	Municipal Buildings and Uses	Nursing Homes	2 Acres	200	15%	2 1/2	35	50	50/100	50
	Religious Institutions		3 Acres	300	15%	2 1/2	35	50	50/100	50
	Schools		5 Acres	400	20%	2 1/2	35	50	50/100	50

Lots that are served by neither public water nor public sewer must have a minimum area of 2 acres with a minimum frontage of two hundred (200) feet. Lots that are served by only one public service must have a minimum area of 1 acre, and any dwelling erected thereupon must be connected to the public service before a certificate of occupancy is issued.

Table 4. R-2 RESIDENTIAL DISTRICT (10,000 Sq. Ft.) SCHEDULE B

Accessory Structures	Maximum Area (Sq. Ft.)	Maximum Height (Feet)	Minimum Front Yard (Feet)	Minimum Side Yards (Feet)	Minimum Rear Yard (Feet)
Garage	(*1)	15/20 (*2)	25	10	15
Accessory Buildings	210	10	N/ALLOW	5	5
Swimming Pool		N/APPL	N/ALLOW	10	10
Decks	N/APPL	(*3)	N/ALLOW	10	5
Fences	N/APPL	3 1/2 (Front Yard) (*4) 6 (Rear and Side Yards)	None	None	None
Satellite Dish Antenna	Satellite dish antennae regulated by Town of Deerfield Local Law No.4 of the year 1995				

- (*1) Garages may be no larger than the smaller of (864) square feet or 75% of the total living area or 7% of the lot area
- (*2) Fifteen (15) feet for a one-stall garage, twenty (20) feet for a two stall garage and twenty-five (25) feet for a three stall garage. Attached garages may not exceed the height of the principal building on the lot
- (*3) See Section 15.06A.
- (*4) Only ornamental fences (post, split rail, picket, wrought iron, brick, stone, etc.) may be erected in any front yard

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ARTICLE 5. R-3, SINGLE-FAMILY RESIDENTIAL DISTRICT

SECTION 5.01 INTENT

The R-3 Single-Family Residential District is designed to be somewhat less restrictive than the R-1 and R-2 Residential Districts. The intent of this district is to:

- A. Provide an environment of predominately low-density, one-family detached dwellings, along with residentially related facilities which serve residents of the district. The R-3 district is intended to be applied to areas where public sewer and water are available. Changes to the zoning map to apply the R-3 district should be considered following the extension of public water and/or sewer services to previously unserved areas.
- B. Encourage the preservation, rehabilitation and construction of single-family dwellings, while allowing more intensive quasi-residential uses which traditionally have minimal impact when located on larger size lots;
- C. Discourage the continuance of existing nonconforming uses, buildings and structures which detract from the long term viability of residential properties;
- D. Discourage land uses which may generate excessive traffic, noise, odors or other disruptive impacts in a residential area;
- E. Prohibit any land use which would substantially interfere with the development, utilization or continuation of single-family dwellings in the Districts.

SECTION 5.02 PRINCIPAL PERMITTED USE

In an R-3 Single-Family Residential District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, including any special conditions listed below, unless otherwise provided in this Ordinance:

- A. Single-family detached dwellings (Subdivisions must also meet the standards of the Town of Deerfield Subdivision Regulations);
- B. Family Day Care Homes;
- C. Essential services, such as public service/utility structures, telephone exchange structures, electric transformer stations and substations and gas regulator stations and uses; provided there is no outdoor storage yard. When operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity, the architecture shall be in keeping with the surrounding uses;
- D. Publicly owned and operated parks and playgrounds.

SECTION 5.03 SPECIAL USES

The following Special Uses may be permitted upon review and approval by the Planning Board in accordance with general standards for all Special Uses found in Article 17:

- A. Religious Institutions;
- B. Public, parochial and private schools offering courses in general education;
- C. Municipal Buildings and Uses;
- D. Group Family Day Care Homes;
- E. Professional Office/Residences;
- F. Bed & Breakfasts;
- G. Day Care Centers and Child Care Centers;
- H. Accessory apartments intended for the temporary housing of elderly or disabled persons related by blood or by law to the resident owner;
- I. Nursing Home:

SECTION 5.04 ACCESSORY USES & STRUCTURES

The following accessory uses and structures shall be permitted only when constructed, located and operated accessory to a principally or specially permitted use in the R-3 Single-Family Residential District:

- A. Garages;
- B. Utility Sheds;
- C. Swimming Pools;
- D. Decks;
- E. Fences;
- F. Satellite Dish Antenna;
- G. Home Occupations, subject to the provisions of Article 21;
- H. Any other accessory uses, buildings and structures determined by the Planning Board to be customarily incidental to any of the principally or specially permitted uses allowed in the R-3 Single-Family Residential District.

SECTION 5.05 ADDITIONAL SITE DEVELOPMENT STANDARDS

All Principally Permitted, Specially Permitted and Accessory Uses in the R-3 Single-Family Residential District, shall comply with all applicable provisions of this Ordinance.

Table 5. R-3 RESIDENTIAL DISTRICT (15,000 Sq. Ft.) SCHEDULE A

Principal Permitted Uses	Site Plan Review Uses	Special Permit Uses	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width (Feet)	Maximum Lot Coverage	Maximum Building Height (Stories)	Maximum Building Height (Feet) Peak	Minimum Front Yard (Feet)	Minimum Side Yards One/Both (Feet)	Minimum Rear Yard (Feet)
Single Family Dwellings		Accessory Apartments	15,000	100	20%	2	35	25	15 / 35	35
Family Day Care Homes		Day Care/Child Care Center	15,000	100	20%	2	35	25	15 / 35	35
	Group Family Day Care Homes		15,000	100	20%	2	35	25	15 / 35	35
	Professional Office/Residence		20,000	120	20%	2	35	25	15 / 35	35
	Bed & Breakfast		20,000	120	20%	2	35	25	15 / 35	35
Parks	Municipal Buildings and Uses		2 Acres	200	15%	2 1/2	35	50	50 / 100	50
	Religious Institutions Nursing Home		3 Acres	300	15%	2 1/2	35	50	50 / 100	50
	Schools		5 Acres	400	20%	2 1/2	35	50	50 / 100	50

Lots that are served by neither public water nor public sewer must have a minimum area of 2 acres with a minimum frontage of two hundred (200) feet. Lots that are served by only one public service must have a minimum area of 1 acre, and any dwelling erected thereupon must be connected to the public service before a certificate of occupancy is issued.

Table 6. R-3 RESIDENTIAL DISTRICT (15,000 Sq. Ft.) SCHEDULE B

Accessory Structures	Maximum Area (Sq. Ft.)	Maximum Height (Feet)	Minimum Front Yard (Feet)	Minimum Side Yards (Feet)	Minimum Rear Yard (Feet)
Garage	(*1)	15/20 (*2)	25	15	20
Accessory Buildings	225	12	N/ALLOW	10	10
Swimming Pool		N/APPL	N/ALLOW	15	15
Decks	N/APPL	(*3)	N/ALLOW	15	5
Fences	N/APPL	3 1/2 (Front Yard) (*4) 6 (Rear and Side Yards)	None	None	None
Satellite Dish Antenna	Satellite dish antennae regulated by Town of Deerfield Local Law No.4 of the year 1995				

- (*1) Garages may be no larger than the smaller of (864) square feet or 75% of the total living area or 7% of the lot area
- (*2) Fifteen (15) feet for a one-stall garage, twenty (20) feet for a two stall garage and twenty-five (25) feet for a three stall garage. Attached garages may not exceed the height of the principal building on the lot0
- (*3) See Section 15.06A.
- (*4) Only ornamental fences (post, split rail, picket, wrought iron, brick, stone, etc.) may be erected in any front yard

ARTICLE 6. THIS ARTICLE LEFT BLANK INTENTIONALLY

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ARTICLE 7. R-A, RESIDENTIAL-AGRICULTURAL DISTRICT

SECTION 7.01 INTENT

The R-A, Residential-Agricultural District is intended to:

- A. Accommodate residential development at a very low density for residents who prefer more rural, estate living and are willing to assume the costs and effort of providing many of their own services and amenities;
- B. Provide an environment for single-family dwellings on large lots, although some agriculturally-related uses are permitted, recognizing the rural character of many areas zoned R-A;
- C. Assure that the residential and agricultural uses peacefully coexist;
- D. Encourage the development in this district that is designed to preserve significant natural features. Preservation of open space, protection of flood prone areas, protection of wooded areas and preservation of other natural features is encouraged.
- E. Not conflict with any requirements set forth in the New York State Agricultural District Regulations, which may impose stricter controls on land uses than those provided for in this Ordinance;

SECTION 7.02 PRINCIPAL PERMITTED USES

In an R-A, Residential-Agricultural District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, including any special conditions listed below, unless otherwise provided in this Ordinance:

- A. Single-family detached dwellings (Subdivisions must also meet the standards of the Town of Deerfield Subdivision Regulations);
- B. Two-family detached dwellings (Subdivisions must also meet the standards of the Town of Deerfield Subdivision Regulations);
- C. Family Day Care Homes;
- D. Essential services, such as public service/utility structures, telephone exchange structures, electric transformer stations and substations and gas regulator stations and uses; provided there is no outdoor storage yard. When operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity, the architecture shall be in keeping with the surrounding uses;
- E. Publicly owned and operated parks and playgrounds;

F. General and specialized farming and other activities related to the operation of a farm.

G. Accessory apartments intended for the temporary housing of elderly or disabled persons related by blood or by law to the resident owner;

SECTION 7.03 SPECIAL USES

The following Special Uses may be permitted upon review and approval by the Planning Board in accordance with the standards for all Special Uses found in Article 17:

- A. Group Family Day Care Homes;
- B. Religious Institutions;
- C. Public, parochial and private schools offering courses in general education;
- D. Professional Office/Residences;
- E. Bed and Breakfasts;
- F. Municipal Buildings and Uses;
- G. Day Care Centers and Child Care Centers;
- H. Nurseries;
- I. Nursing Home;

SECTION 7.04 ACCESSORY USES & STRUCTURES

The following accessory uses and structures shall be permitted only when constructed, located and operated accessory to a principally or specially permitted use in the R-A, Residential-Agricultural District:

- A. Garages;
- B. Utility Sheds;
- C. Swimming Pools;
- D. Decks;
- E. Fences;
- F. Satellite Dish Antenna;
- G. Home Occupations, subject to the provisions of Article 21;
- H. Farm Buildings, when accessory to a farming operation;
- I. Private stables and riding arenas;
- J. Wayside stands, when accessory to a farming operation;

K. Any other accessory uses, buildings and structures determined by the Planning Board to be customarily incidental to any of the principally or specially permitted uses allowed in the R-A, Residential-Agricultural District.

SECTION 7.05 ADDITIONAL SITE DEVELOPMENT STANDARDS

All Principally Permitted, Specially Permitted and Accessory Uses in the R-A, Residential-Agricultural District, shall comply with all applicable provisions of this Ordinance.

End of Text

Table 11. R-A RESIDENTIAL AGRICULTURAL SCHEDULE A

Principal Permitted Uses	Site Plan Review Uses	Special Permit Uses	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width (Feet)	Maximum Lot Coverage	Maximum Building Height (Stories)	Maximum Building Height (Feet) Peak	Minimum Front Yard (Feet)	Minimum Side Yards One/Both (Feet)	Minimum Rear Yard (Feet)
Single and Two Family Dwellings			2 Acres	200	10%	2 1/2	35	50	50 / 100	50
Accessory Apartments										
Family Day Care Homes		Day Care/Child Care Center	2 Acres	200	10%	2 1/2	35	50	50 / 100	50
	Group Family Day Care Homes		2 Acres	200	10%	2 1/2	35	50	50 / 100	50
	Professional Office/Residence		2 Acres	200	10%	2 1/2	35	50	50 / 100	50
	Bed & Breakfast		2 Acres	200	10%	2 1/2	35	50	50 / 100	50
	Religious Institutions Nursing Home		5 Acres	300	10%	2 1/2	35	50	50 / 100	50
	Schools		5 Acres	400	20%	2 1/2	35	50	50 / 100	50
Parks	Municipal Buildings and Uses		5 Acres	200	10%	2 1/2	35	50	50 / 100	50
Farms	Farms	Exempt	7 Acres	Exempt	Exempt	As nec.	As nec.	50	As nec.	As nec.
	Nurseries		7 Acres	200	5%	2	35	50	50 / 100	50

Table 12. R-A RESIDENTIAL AGRICULTURAL SCHEDULE B

Accessory Structures	Maximum Area (Sq. Ft.)	Maximum Height (Feet)	Minimum Front Yard (Feet)	Minimum Side Yards (Feet)	Minimum Rear Yard (Feet)
Garage	(*1)	25 (*2)	50	50	100
(*5) Accessory Buildings	500	14	N/ALLOW	20	20
Swimming Pool		N/APPL	N/ALLOW	25	25
Decks	N/APPL	None	N/ALLOW	50	85
Fences	N/APPL	3 1/2 (Front Yard) (*3) 6 (Rear and Side Yards) (*4)	None	None	None
Satellite Dish Antenna	Satellite dish antennae regulated by Town of Deerfield Local Law No.4 of the year 1995				
Private Stables	700	20	N/ALLOW	50	50
Wayside Stands	500	14	25	50	50

- (*1) Garages may be no larger than the smaller of (864) square feet or 75% of the total living area or 7% of the lot area
- (*2) Attached garages may not exceed the height of the principal building on the lot. Detached garages may not exceed twenty-five (25) feet in height
- (*3) Only ornamental fences (post, split rail, picket, wrought iron, brick, stone, etc.) may be erected in any front yard
- (*4) Fences used in support of agricultural activities are unrestricted
- (*5) Farm accessory buildings for farms will be based upon what is reasonable and necessary to store equipment and supplies. Site plan is required for determination.

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ARTICLE 8. R-M, MOBILE HOME PARK DISTRICT

SECTION 8.01 INTENT

The intent of the R-M, Mobile Home Park District is to provide for the location and regulation of mobile home parks. It is intended that mobile home parks be provided with necessary community services in a setting that is designed to protect the health, safety and welfare and provide a high quality of life for the residents. Furthermore, such districts should be located where they will be compatible with adjacent land uses.

A. When regulations in this Article exceed the state law or Mobile Home Code requirements, they are intended to ensure that mobile home parks meet the development and site plan standards established in this Ordinance for other comparable residential development.

SECTION 8.02 PRINCIPAL PERMITTED USES

In an R-M, Mobile Home Park District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, including any special conditions listed below, unless otherwise provided in this Ordinance:

- A. Mobile homes located in a mobile home park;
- B. Mobile home parks and mobile home subdivisions;
- C. Single family detached dwellings, subject to the area, height, bulk, coverage and placement requirements for single family dwellings in the R-1, Residential District, Article 4.
- D. Essential public services, such as public service/utility structures, telephone exchange structures, electric transformer stations and substations and gas regulator stations and uses; provided there is no outdoor storage yard. When operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity, the architecture shall be in keeping with the surrounding uses;
- E. Publicly owned and operated parks and playgrounds;
- F. Private parks that are owned and maintained by a homeowner association or the proprietor of a housing project.

SECTION 8.03 SPECIAL USES

The following Special Uses may be permitted upon review and approval by the Planning Board in

accordance with the standards for all Special Uses found in Article 17:

- A. Municipal Buildings and Uses;
- B. Family Day Care Homes.

SECTION 8.04 ACCESSORY USES & STRUCTURES

The following accessory uses and structures shall be permitted only when constructed, located and operated accessory to a principally or specially permitted use in the R-M, Mobile Home Park District:

- A. Garages;
- B. Utility Sheds;
- C. Swimming pools owned and operated by the mobile home park for the exclusive use of park residents and their guests;
- D. Private swimming pools, when accessory to a single family dwelling;
- E. Decks;
- F. Fences;
- G. Satellite Dish Antenna;
- H. Home Occupations, subject to the provisions of Article 21;
- I. In a new housing development, temporary use of a residence as a model during the period of construction and selling or leasing of homes in the development;
- J. One (1) office building, to be used exclusively for conducting the business of the mobile home park;
- K. Any other accessory uses, buildings and structures determined by the Planning Board to be customarily incidental to any of the principally or specially permitted uses allowed in the R-M, Mobile Home Park District.

SECTION 8.05 ADDITIONAL SITE DEVELOPMENT STANDARDS

A. Site Plan Review

Site plan review and approval is required for all uses except detached single-family residential uses, in accordance with Article 16. Thus, the design of the mobile home park itself requires site plan approval, but site plan approval is not required for placement of individual mobile homes on a lot within the park.

B. Area, Height, Bulk and Placement Requirements

Buildings and uses in the R-M, Mobile Home Park District are subject to the requirements as set forth in Schedules A and B for this district.

C. Planned Unit Development

Planned Unit Development may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in Article 13.

D. Compliance

All Principally Permitted, Specially Permitted and Accessory Uses in the R-M, Mobile Home Park District, shall comply with all applicable provisions of this Ordinance.

End of Text

Table 13. R-M MOBILE HOME PARK DISTRICT, SCHEDULE A

Principal Permitted Uses	Site Plan Review Uses	Special Permit Uses	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width (Feet)	Maximum Lot Coverage	Maximum Building Height (Stories)	Maximum Building Height (Feet)	Minimum Front Yard (Feet)	Minimum Side Yards One/Both (Feet)	Minimum Rear Yard (Feet)
Mobile Home Parks	Mobile Home Parks									
Mobile Homes			6,000	60	25%			20	5 / 10	15
Single Family Dwellings			6,000	60	25%	2	30	25	5 / 10	35
	Family Day Care Homes		6,000	60	25%	2 *	30 *	25	5 / 10	35
Parks			1 Acre							
	Municipal Buildings and Uses		2 Acres	200	15%	2 1/2	35	50	50 / 100	50

* If conducted in a single family dwelling. If conducted in a mobile home, no second story is permitted, and the height is limited to average mobile home height.

Table 14. R-M MOBILE HOME PARK DISTRICT, SCHEDULE B

Accessory Structures	Maximum Area (Sq. Ft.)	Maximum Height (Feet)	Minimum Front Yard (Feet)	Minimum Side Yards (Feet)	Minimum Rear Yard (Feet)
Garage	(*1)	15 / 20 (*2)	25	5	10
Accessory Buildings	125	10	N/ALLOW	5	5
Swimming Pool, Park		N/APPL	N/ALLOW	25	25
Swimming Pool, Private		N/APPL	N/ALLOW	8	8
Decks	N/APPL	(*3)	N/ALLOW	5	5
Fences	N/APPL	3 1/2 (Front Yard) (*4) 6 (Rear and Side Yards)	None	None	None
Satellite Dish Antenna	Satellite dish antennae regulated by Town of Deerfield Local Law No.4 of the year 1995				
Office Building	500	15	25	5	35

- (*1) Garages may be no larger than the smaller of (864) square feet or 75% of the total living area or 7% of the lot area
- (*2) Fifteen (15) feet for a one-stall garage, twenty (20) feet for a two stall garage and twenty-five (25) feet for a three stall garage. Attached garages may not exceed the height of the principal building on the lot
- (*3) See Section 15.06A.
- (*4) Only ornamental fences (post, split rail, picket, wrought iron, brick, stone, etc.) may be erected in any front yard

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ARTICLE 9. A, AGRICULTURAL DISTRICT

SECTION 9.01 INTENT

The A, Agricultural District is intended to:

- A. Allow permitted uses in a very low-density setting, while preserving the rural-like features and character of the northern part of the Town;
- B. Provide areas of the Town for continued agricultural use along with orderly low-density residential uses in a manner that will not negatively impact farming operations;
- C. Allow other compatible uses which typically occupy large open land areas;
- D. Assure that the residential and agricultural uses peacefully coexist;
- E. Not conflict with any requirements set forth in the New York State Agricultural District Regulations, which may impose stricter controls on land uses than those provided for in this Ordinance;
- F. Permit development in this district that is designed to preserve significant natural features. Preservation of open space, protection of flood prone areas, protection of wooded areas and preservation of other natural features is encouraged.

SECTION 9.02 PRINCIPAL PERMITTED USES

In an A, Agricultural District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, including any special conditions listed below, unless otherwise provided in this Ordinance:

- A. Single-family detached dwellings;
- B. Two-family detached dwellings;
- C. General and specialized farming and other activities related to the operation of a farm;
- D. Tree farming;
- E. Family Day Care Homes;
- F. Nurseries;
- G. Essential public services, such as public service/utility structures, telephone exchange structures, electric transformer stations and substations and gas regulator stations and uses; provided there is no outdoor storage yard. When operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity, the architecture shall be in keeping with the surrounding uses.

H. Accessory apartments intended for the temporary housing of elderly or disabled persons related by blood or by law to the resident owner;

I. Publicly owned and operated parks and playgrounds.

SECTION 9.03 SPECIAL USES

The following Special Uses may be permitted upon review and approval by the Planning Board in accordance with the standards for all Special Uses found in Article 17:

- A. Group Family Day Care Homes;
- B. Bed and Breakfasts;
- C. Religious Institutions;
- D. Public, parochial and private schools offering courses in general education;
- E. Municipal Buildings and Uses;
- F. Cemeteries;
- G. Commercial Kennels;
- H. Commercial Stables and Riding Arenas;
- I. Animal Hospitals;
- J. Public or private golf courses, including country clubs and driving ranges;
- K. Agricultural sales and service establishments when located adjacent to a state maintained highway;
- L. Airports, private landing strips, helicopter pads and related uses;
- M. Landscaping contractor's operation;
- N. Campgrounds;
- O. Day Care Centers and Child Care Centers;
- P. Accessory dwelling units as housing for employees of an operating farm;
- Q. Accessory dwelling units for caretakers of cemeteries, campgrounds or similar facilities.
- R. Nursing Home;
- S. Professional Office/Residence

SECTION 9.04 ACCESSORY USES & STRUCTURES

The following accessory uses and structures shall be permitted only when constructed, located and

operated accessory to a principally or specially permitted use in the A, Agricultural District:

- A. Garages;
- B. Utility Sheds;
- C. Swimming Pools;
- D. Decks;
- E. Fences;
- F. Satellite Dish Antenna;
- G. Farm Buildings, when accessory to a farming operation;
- H. Home Occupations, subject to the provisions of Article 21;
- I. Private stables and riding arenas;
- J. Wayside stands, when accessory to a farming operation;
- K. Beekeeping, subject to the provisions of Article 15;
- L. Any other accessory uses, buildings and structures determined by the Planning Board to be customarily incidental to any of the principally or specially permitted uses allowed in the A, Agricultural District.

SECTION 9.05 ADDITIONAL SITE DEVELOPMENT STANDARDS

All Principally Permitted, Specially Permitted and Accessory Uses in the A, Agricultural District, shall comply with all applicable provisions of this Ordinance.

End of Text

Table 15. A, AGRICULTURAL DISTRICT, SCHEDULE A

Principal Permitted Uses	Site Plan Review Uses	Special Permit Uses	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width (Feet)	Maximum Lot Coverage	Maximum Building Height (Stories)	Maximum Building Height (Feet)	Minimum Front Yard (Feet)	Minimum Side Yards One/Both (Feet)	Minimum Rear Yard (Feet)
Single Family & Two Family Dwellings Accessory Apartments		Accessory dwelling Units	2 Acres	200	10%	2 1/2	35	50	50 / 100	50
Family Day Care Homes	Family Day Care Homes	Day Care/Child Care Center	2 Acres	200	10%	2 1/2	35	50	50 / 100	50
	Group Family Day Care Homes, Professional Office/Residence, Bed & Breakfasts		2 Acres	200	10%	2 1/2	35	50	50 / 100	50
Parks	Municipal Buildings and Uses Animal Hospital		5 Acres	200	10%	2 1/2	35	50	50 / 100	
	Religious Institutions, Nursing Homes Animal Hospital		5 Acres	300	10%	2 1/2	35	50	50 / 100	50
	Schools		5 Acres	400	20%	2 1/2	35	50	50 / 100	50
Nurseries	Nurseries		10 Acres	200	5%	2	30	50	50 / 100	50
	Commercial Stables & Riding Arenas, Landscaping Contractor's Operations, Agricultural Sales & Service Establishments, Commercial Kennels, Campgrounds		10 Acres	200	5%	2	30	50	50 / 100	50
Farms Tree Farms	Farms	Exempt	7 Acres	Exempt	Exempt	Exempt	Exempt		As nec.	As nec.
	Cemeteries		25 Acres							
	Public or Private Golf Courses		75 Acres							
	Airports and Related Uses		75 Acres							

Table 16. A, AGRICULTURAL DISTRICT, SCHEDULE B

Accessory Structures	Maximum Area (Sq. Ft.)	Maximum Height (Feet)	Minimum Front Yard (Feet)	Minimum Side Yards (Feet)	Minimum Rear Yard (Feet)
Garage	(*1)	25 (*2)	50	50	100
(*6) Accessory Buildings	500	14	N/ALLOW	20	20
Swimming Pool		N/APPL	N/ALLOIW	25	25
Decks	N/APPL	(*3)	N/ALLOW	50	85
Fences	N/APPL	3 1/2 (Front Yard) (*4) 6 (Rear and Side Yards) (*5)	None	None	None
Satellite Dish Antenna	Satellite dish antennae regulated by Town of Deerfield Local Law No.4 of the year 1995				
Private Stables & Riding Arenas	900	25	N/A	50	50
Wayside Stands	500	14	25	50	50

- (*1) Garages may be no larger than the smaller of (864) square feet or 75% of the total living area or 7% of the lot area
- (*2) Attached garages may not exceed the height of the first level of the principal building on the lot. Detached garages may not exceed twenty-five (25) feet in height.
- (*3) See Section 15.06A.
- (*4) Only ornamental fences (post, split rail, picket, wrought iron, brick, stone, etc.) may be erected in any front yard
- (*5) Fences used in support of agricultural activities are unrestricted
- (*6) Farm accessory buildings for farms will be based upon what is reasonable and necessary to store equipment and supplies. Site plan review is required for determination.

ARTICLE 10.C-1, NEIGHBORHOOD COMMERCIAL DISTRICT**SECTION 10.01 INTENT**

The C-1, Neighborhood Commercial District is established to accommodate retail business and services to meet the day-to-day convenience shopping and service needs primarily for nearby residential neighborhoods. These districts are located to concentrate such uses as recommended in the Town of Deerfield Comprehensive Master Plan. The purpose of these carefully located districts is to prevent excessive commercial developments which may negatively impact residential neighborhoods, deteriorate traffic operations and safety, create unattractive roadway corridors and eventually lead to blight.

A. The Town's ordinances, particularly regarding setbacks, parking, signs and dumpster enclosures, are intended to help ensure that Neighborhood Commercial Uses remain compatible with the predominant residential character of the surrounding neighborhoods and the Town overall. Some uses which typically serve the surrounding neighborhood may be more intrusive to adjacent districts. These uses are treated as Special Uses to allow the Planning Board to determine appropriate locations within these districts.

SECTION 10.02 PRINCIPAL PERMITTED USES

In a C-1, Neighborhood Commercial District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, including any special conditions listed below, unless otherwise provided in this Ordinance:

- A. Professional and medical offices, excluding clinics;
- B. Retail sales establishments, up to 10,000 square feet;
- C. Convenience Stores;
- D. Banks, credit unions, savings and loans and similar financial institutions with up to three drive-through teller windows, including any automatic teller drive-through lanes. All drive-through facilities must be within the principal building or attached by a canopy. Stand alone drive-through structures not attached to the principal building by a canopy shall require a Special Use Permit;
- E. Personal service establishments;
- F. Repair service establishments;
- G. Restaurants with a maximum seating capacity or patron occupancy of one hundred (100) persons.

H. Pet stores and grooming businesses, provided no outdoor runs or enclosures and no overnight boarding of animals are permitted;

I. Business services such as mailing, copying, data processing;

J. Child care centers, preschool and day care centers provided the outdoor play area shall be in the rear or side yard, fenced and screened from any adjacent residential district with landscaping (evergreen trees and shrubs). All other operation shall be in accordance with NYS Department of Social Services regulations;

K. Municipal buildings and other quasi-public uses such as town/state/county offices, court buildings, post offices, public museums, libraries and community centers;

L. Public or private parks and open space;

M. Residential uses that are legally conforming at the time this ordinance is adopted;

N. Essential services such as telephone exchange buildings and public utility offices, but not including storage yards, transformer stations, substations, or gas regulator stations, provided that the architecture is in keeping with surrounding uses, as determined by the Planning Board;

O. Tanning Salons

SECTION 10.03 SPECIAL USES

The following Special Uses may be permitted upon review and approval by the Planning Board in accordance with the general standards for all Special Land Uses found in Article 17:

- A. Motor vehicle service stations with up to 4 pump islands with a maximum of 2 pumps per island. Auto washes, truck stops, and stations providing fuel to semi-trucks are prohibited;
- B. Motor vehicle repair establishments;
- C. Motor vehicle parts sales provided no motor vehicles may be worked on or stored on the premises;
- D. Private clubs or lodges;
- E. Religious Institutions;
- F. Restaurants with outdoor eating areas not larger than 25% of the total floor area of the principal restaurant;
- G. Restaurants with drive-in, drive through, open front window service, and restaurants serving alcoholic beverages, sports bars and establishments with dancing or live entertainment;
- H. Dance studios;

- I. Shopping centers up to sixty thousand (60,000) square feet, providing goods and services otherwise permitted in this zoning district;
- J. The use or storage of hazardous materials in association with any principally permitted use;
- K. Nursing Homes;
- L. Multiple Family Dwellings.

SECTION 10.04 ACCESSORY USES & STRUCTURES

The following accessory uses and structures shall be permitted only when constructed, located and operated accessory to a principally or specially permitted use in the C-1, Neighborhood Commercial District:

- A. Utility Sheds;
- B. Fences;
- C. Satellite Dish Antenna;
- D. Dumpsters;
- E. Garages, subject to site plan review by the Planning Board;
- F. Any other accessory uses, buildings and structures determined by the Planning Board to be customarily incidental to any of the principally or specially permitted uses allowed in the C-1, Neighborhood Commercial District;
- G. Decks

SECTION 10.05 SPECIAL STANDARDS

All business establishments shall be retail or service establishments dealing directly with customers. All goods produced on the premises shall be sold at retail on premises where produced.

- A. All business, servicing, or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building, unless otherwise specifically permitted.

SECTION 10.06 ADDITIONAL SITE DEVELOPMENT STANDARDS

All Principally Permitted, Specially Permitted and Accessory Uses in the C-1, Neighborhood Commercial District, shall comply with all applicable provisions of this Ordinance.

End of Text

Table 17. C-1, NEIGHBORHOOD COMMERCIAL DISTRICT, SCHEDULE A

Principal Permitted Uses	Special Permit Uses	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width (Feet)	Maximum Lot Coverage	Maximum Building Height (Stories)	Maximum Building Height (Feet)	Minimum Front Yard (Feet)	Minimum Side Yards One/Both (Feet)	Minimum Rear Yard (Feet)
Professional & Medical Offices		20,000	100	25 %	2	30	35	20 / 35	50
Retail Sales Est., Convenience Stores, Personal Service Est., Repair Service Est., Business Service Est., Pet Stores & Grooming Business, Banks, Credit Unions, Etc., Tanning Salons	Dance Studios	20,000	100	25 %	2	30	35	25 / 50	50
Child Care Centers, Preschools & Day Care Centers, Restaurants	Motor Vehicle Service Stations, Motor Vehicle Repair Est., Motor Vehicle Parts Sales	1 Acre	150	25 %	2	30	50	25 / 50	50
	Private Clubs or Lodges, Restaurants w/Outdoor Seating, Drive-In Restaurants, Professional & Medical Office Buildings, Multiple Family Dwellings	2 Acres	200	25 %	2	30	50	25 / 50	50
Municipal Buildings and Uses, Parks		2 Acres	200	15 %	2 1/2	35	50	50 / 100	50
	Religious Institutions Nursing Home	3 Acres	300	15 %	2 1/2	35	50	50 / 100	50
	Shopping Centers (60,000 Square Feet or Less in Area)	10 Acres	400	15 %	2	50	50	50 / 100	50

Table 18. C-1, NEIGHBORHOOD COMMERCIAL DISTRICT, SCHEDULE B

Accessory Structures	Maximum Area (Sq. Ft.)	Maximum Height (Feet)	Minimum Front Yard (Feet)	Minimum Side Yards (Feet)	Minimum Rear Yard (Feet)
Accessory Buildings	325	12	N/ALLOW	15	15
Decks	None	(*1)	N/ALLOW	15	5
Fences	N/APPL	3 1/2 (Front Yard) (*2) 6 (Rear and Side Yards)	None	5	5
Satellite Dish Antenna	Satellite dish antennae regulated by Town of Deerfield Local Law No.4 of the year 1995				
Dumpsters	150 (*3)	6 (*4)	N/ALLOW	25	25

(*1) See Section 15.06A.

(*2) Only ornamental fences (post, split rail, picket, wrought iron, etc.) may be erected in any front yard.

(*3) Indicates the maximum allowable area of the dumpster pad.

(*4) Must be completely screened by a six (6) foot high solid fence.

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ARTICLE 11. C-2, HIGHWAY COMMERCIAL DISTRICT

SECTION 11.01 INTENT

The C-2, Highway Commercial District is established to accommodate those businesses offering a broad range of goods and services. The market for businesses in the C-2 district may include the Town population, residents in surrounding communities, and the people in transit. In addition, the permitted businesses are frequently auto-oriented rather than pedestrian oriented. Because of the impacts commonly generated by C-2 uses, these districts are not generally appropriate adjacent to residential uses, unless ample buffering is provided. One purpose of these districts is to direct all intensive commercial uses to these concentrated areas rather than allowing inefficient scattering of such development.

A. The Town's ordinances, particularly regarding setbacks, parking, signs and dumpster enclosures, are intended to help ensure long term viability of the major commercial areas in the Town. Uses which may generate significant impacts on adjacent uses or infrastructure are treated as Special Uses to allow the Planning Board to determine appropriate locations within these districts.

SECTION 11.02 PRINCIPAL PERMITTED USES

In the C-2, Highway Commercial District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, including any special conditions listed below, unless otherwise provided in this Ordinance:

- A. Professional and medical offices and office buildings;
- B. Retail sales establishments, up to 10,000 square feet;
- C. Convenience Stores;
- D. Banks, credit unions, savings and loans and similar financial institutions with up to three drive-through teller windows, including any automatic teller drive-through lanes. All drive-through facilities must be within the principal building or attached by a canopy. Stand alone drive-through structures not attached to the principal building by a canopy shall require a Special Use Permit;
- E. Personal service establishments;
- F. Repair service establishments;
- G. Restaurants with a maximum seating capacity or patron occupancy of one hundred (100) persons.;
- H. Pet stores and grooming businesses, provided no outdoor runs or enclosures and no overnight boarding of animals are permitted;

I. Business services such as mailing, copying, data processing;

J. Child care centers, preschool and day care centers provided the outdoor play area shall be in the rear or side yard, fenced and screened from any adjacent residential district with landscaping (evergreen trees and shrubs). All other operation shall be in accordance with NYS Department of Social Services regulations;

K. Municipal buildings and other quasi-public uses such as town/state/county offices, court buildings, post offices, public museums, libraries and community centers;

L. Public or private parks and open space;

M. Residential uses that are legally conforming at the time this ordinance is adopted;

N. Essential services such as telephone exchange buildings and public utility offices, but not including storage yards, transformer stations, substations, or gas regulator stations, provided that the architecture is in keeping with surrounding uses, as determined by the Planning Board;

O. Tanning Salons;

P. Motor vehicle parts sales;

Q. Greenhouse;

R. Wayside Stand.

SECTION 11.03 SPECIAL USES

The following Special Uses may be permitted upon review and approval by the Planning Board in accordance with the general standards for all Special Uses found in Article 17:

- A. Motor vehicle service stations with accessory motor vehicle washing facilities;
- B. Motor vehicle repair establishments;
- C. Motor vehicle sales (new) , as individual establishments or auto sales malls including accessory used auto sales, auto service, and auto body repair;
- D. Private clubs or lodges;
- E. Religious Institutions;
- F. Restaurants with outdoor eating areas not larger than 25% of the total floor area of the principal restaurant;
- G. Restaurants with drive-in, drive through, open front window service, and restaurants serving alcoholic beverages, sports bars and establishments with dancing or live entertainment;

- H. Dance studios;
- I. Shopping centers up to sixty thousand (60,000) square feet, providing goods and services otherwise permitted in this zoning district;
- J. The use or storage of hazardous materials in association with any principally permitted use.
- K. Nursing Homes;
- L. Multiple Family Dwellings.
- M. Motor vehicle sales (used) when located at least five hundred (500) feet from any single family residential district and 500 feet from any other used automobile establishment;
- N. Motor vehicle washing establishments, when within a completely enclosed building;
- O. Banks, savings and loan, credit unions and similar financial institutions with more than three (3) drive through teller window and/or automatic teller windows or stand alone automatic teller structures;
- P. Banquet halls, assembly halls, fraternal halls, dance halls, private clubs or fraternal organizations, lodge halls or similar places of assembly;
- Q. Bus passenger stations;
- R. Commercial kennels;
- S. Commercial outdoor display, sales or storage of items such as farmers market, flea market, new and used farm implements, mobile homes, swimming pools, motor homes, recreational vehicles and boats and/or rental of such vehicles;
- T. Essential service buildings and storage yards;
- U. Sports bars;
- V. Funeral homes and mortuary establishments, when adequate assembly area is provided off-street for vehicles to be used in a funeral procession in addition to required off-street parking and its related maneuvering area. A caretaker's residence may be provided within the principal building;
- W. Lawn and garden centers, nurseries and greenhouses when storage and display areas meet all setback requirements and the storage of any soil, fertilizer, lumber or other loose, unprotected material shall be in the side or rear, covered and contained to prevent runoff onto adjacent properties;
- X. Leasing and rental of recreational, landscaping, or moving equipment, including, but not limited to boats, canoes, jet skis, tillers, trucks, vans, and trailers. Accessory propane sales require a Special Use permit;
- Y. Indoor movie theaters, cinemas, concert halls, and playhouses;
- Z. Indoor amusement or recreation establishment;

- AA. Outdoor amusement or recreation establishment;
- BB. Veterinary offices and clinics (hospitals);
- CC. Campgrounds;

SECTION 11.04 ACCESSORY USES & STRUCTURES

The following accessory uses and structures shall be permitted only when constructed, located and operated accessory to a principally or specially permitted use in the C-2, Highway Commercial District:

- A. Garages, subject to site plan review by the Planning Board;
- B. Utility Sheds;
- C. Fences;
- D. Satellite Dish Antenna;
- E. Dumpsters;
- F. Any other accessory uses, buildings and structures determined by the Planning Board to be customarily incidental to any of the principally or specially permitted uses allowed in the C-2, Highway Commercial District.

SECTION 11.05 SPECIAL STANDARDS

All business establishments shall be retail or service establishments dealing directly with customers. All goods produced on the premises shall be sold at retail on premises where produced.

- A. All business, servicing, or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building, unless otherwise specifically permitted.

SECTION 11.06 ADDITIONAL SITE DEVELOPMENT STANDARDS

All Principally Permitted, Specially Permitted and Accessory Uses in the C-2, Highway Commercial District, shall comply with all applicable provisions of this Ordinance.

End of Text

Table 19. C-2, HIGHWAY COMMERCIAL DISTRICT, SCHEDULE A

Principal Permitted Uses	Special Permit Uses	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width (Feet)	Maximum Lot Coverage	Maximum Building Height (Stories)	Maximum Building Height (Feet)	Minimum Front Yard (Feet)	Minimum Side Yards One/Both (Feet)	Minimum Rear Yard (Feet)
Professional & Medical Offices		20,000	100	25 %	2	30	35	20 / 35	50
Retail Sales Est., Convenience Stores, Personal Service Est., Repair Service Est., Business Service Est., Pet Stores & Grooming Business, Banks, Credit Unions, Etc., Tanning Salons	Dance Studios	20,000	100	25 %	2	30	35	25 / 50	50
Child Care Centers, Preschools & Day Care Centers, Restaurants	Motor Vehicle Service Stations, Motor Vehicle Repair Est., Motor Vehicle Parts Sales	1 Acre	150	25 %	2	30	50	25 / 50	50
Wayside Stands Motor Vehicle Parts Sales	Motor Vehicle Service Stations w/Accessory Auto Washing , MV Sales (used), Banks with over 3 Drive-Thru Windows, Funeral Homes	1 Acre	150	25 %	2	30	50	25 / 50	50
	Banquet Halls, Indoor Amusement Est., Restaurants w/live entertainment, Outdoor Seating or Drive-thru Service; MV Washing Est. Bus Passenger Stations, Sport Bars	2 Acres	200	25 %	2	30	50	25 / 50	50
	Private Clubs or Lodges, Restaurants w/Outdoor Seating, Drive-In Restaurants, Multiple Family Dwellings	2 Acres	200	25 %	2	30	50	25 / 50	50
Municipal Buildings and Uses, Parks		2 Acres	200	15 %	2 1/2	35	50	50 / 100	50
	Religious Institutions Nursing Home	3 Acres	300	15 %	2 1/2	35	50	50 / 100	50
	Commercial Kennels, Veterinary Clinics, Commercial Outdoor Sales, MV Sales (new), Bus Terminals, Mini-Storage Warehouses, Outdoor Amusement Est.	5 Acres	300	15 %	2	30	50	50 / 100	50
Greenhouses	Indoor Movie Theaters, Playhouses & Concert Halls	10 Acres	400	15%	2	50	50	50/100	50
	Nurseries; Leasing & Rental of Recreational, Landscaping or Moving Equipment; Campgrounds	10 Acres	400	10 %	2	30	50	50 / 100	50
	Shopping Centers (60,000 Square Feet or Less in Area)	10 Acres	400	15%	2	50	50	50 / 100	50

Table 20. C-2, HIGHWAY COMMERCIAL DISTRICT, SCHEDULE B

Accessory Structures	Maximum Area (Sq. Ft.)	Maximum Height (Feet)	Minimum Front Yard (Feet)	Minimum Side Yards (Feet)	Minimum Rear Yard (Feet)
Accessory Buildings	650	18	N/ALLOW	20	20
Decks	None	(*4)	N/ALLOW	20	5
Fences	N/APPL	3 1/2 (Front Yard) (*1) 6 (Rear and Side Yards)	None	10	10
Satellite Dish Antenna	Satellite dish antennae regulated by Town of Deerfield Local Law No.4 of the year 1995				
Dumpsters	150 (*2)	6 (*3)	N/ALLOW	25	25

(*1) Only ornamental fences (post, split rail, picket, wrought iron, etc.) may be erected in any front yard

(*2) Indicates the maximum allowable area of the dumpster pad.

(*3) Must be completely screened by a six (6) foot high solid fence

(*4) See Section 15.06.A

ARTICLE 12. C-3, COMMUNICATIONS COMMERCIAL DISTRICT

SECTION 12.01 INTENT

The C-3, Communications Commercial District is established to accommodate businesses in the communications industry along with related accessory structures. These districts are located to concentrate such uses as recommended in the Town of Deerfield Comprehensive Master Plan. The purpose of these carefully located districts is to ensure that the communications activities remain compatible with the predominant residential character of the surrounding neighborhoods and the town overall. In particular, the standards of this district are intended to concentrate accessory communications structures in specific locations, thereby minimizing the visual impact caused by multiple locations.

SECTION 12.01 PRINCIPAL PERMITTED USES

In the C-3, Communications Commercial District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, including any special conditions listed below, unless otherwise provided in this Ordinance:

- A. Television transmission studios and general offices, including satellite dish antenna and transmission towers;
- B. Radio transmission studios and general offices, including satellite dish antenna and transmission towers;
- C. Satellite dish antennae and telecommunication towers;
- D. Essential services such as telephone exchange buildings and public utility offices, but not including storage yards, transformer stations, substations, or gas regulator stations, provided that the architecture is in keeping with surrounding uses, as determined by the Planning Board.

SECTION 12.02 SPECIAL USES

The following Special Uses may be permitted upon review and approval by the Planning Board in accordance with the general standards for all Special Uses found in Article 17:

- A. The use or storage of hazardous materials in association with any principally permitted use.

SECTION 12.03 ACCESSORY USES & STRUCTURES

The following accessory uses and structures shall be permitted only when constructed, located and

operated accessory to a principally or specially

permitted use in the C-3, Communications Commercial District:

- A. Garages, subject to site plan review by the Planning Board;
- B. Utility Sheds;
- C. Fences;
- D. Dumpsters;
- E. Any other accessory uses, buildings and structures determined by the Planning Board to be customarily incidental to any of the principally or specially permitted uses allowed in the C-3, Communications Commercial District.

SECTION 12.04 SPECIAL STANDARDS

All business, servicing, or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building, unless otherwise specifically permitted.

- A. The installation or erection of any satellite dish antenna or transmission towers shall be done in accordance with the regulations and requirements outlined in Article 16 of the Zoning Ordinance.

SECTION 12.05 ADDITIONAL SITE DEVELOPMENT STANDARDS

All Principally Permitted, Specially Permitted and Accessory Uses in the C-3, Communications Commercial District, shall comply with all applicable provisions of this Zoning Ordinance.

End of Text

Table 21. C-3, COMMUNICATIONS COMMERCIAL DISTRICT, SCHEDULE A

Principal Permitted Uses	Special Permit Uses	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width (Feet)	Maximum Lot Coverage	Maximum Building Height (Stories)	Maximum Building Height (Feet)	Minimum Front Yard (Feet)	Minimum Side Yards One/Both (Feet)	Minimum Rear Yard (Feet)
Television Transmission Studios and General Offices, Radio Transmission Studios and General Offices, Cellular Telephone Transmission Facilities, Cable Transmission Facilities, Studios, and General offices		5 Acres	400	15 %	2	30	50	50 / 100	50

Table 22. C-3, COMMUNICATIONS COMMERCIAL DISTRICT, SCHEDULE B

Accessory Structures	Maximum Area (Sq. Ft.)	Maximum Height (Feet)	Minimum Front Yard (Feet)	Minimum Side Yards (Feet)	Minimum Rear Yard (Feet)
Accessory Buildings	650	18	N/ALLOW	20	20
Decks	None	(*1)	N/ALLOW	20	5
Fences	N/APPL	3 1/2 (Front Yard) (*2) 6 (Rear and Side Yards)	None	5	5
Satellite Dish Antenna	SUBJECT TO REVIEW AND APPROVAL OF THE PLANNING BOARD				
Transmission Towers (*3)	SUBJECT TO REVIEW AND APPROVAL OF THE PLANNING BOARD				
Dumpsters	150 (*4)	6 (*5)	N/ALLOW	25	25

(*1) See Section 15.06A.

(*2) Only ornamental fences (post, split rail, picket, wrought iron, etc.) may be erected in any front yard.

(*3) Any guy anchorage or similar device shall be a minimum of fifteen (15) feet from any property line.

(*4) Indicates the maximum allowable area of the dumpster pad.

(*5) Must be completely screened by a six (6) foot high solid fence.

ARTICLE 13. PLANNED DEVELOPMENT DISTRICT REGULATIONS

SECTION 13.01 PURPOSE

The purpose of the Planned Development District is to provide a means of developing those land areas within the Town considered appropriate for new residential or business use, or a satisfactory combination of these uses, in an economic and compatible manner, while encouraging the utilization of innovative planning and design concepts or techniques in these areas without departing from the spirit and intent of this Ordinance. In no case shall the regulations of this Article be so interpreted as to circumvent the protection and benefits of this Ordinance to the residents or occupants of such development or the residents or occupants of adjoining properties.

SECTION 13.02 CLASSIFICATIONS OF PLANNED DEVELOPMENT

A proposal for development of a planned development district shall be identified by the general character or dominant use of the development, although the uses need not necessarily be exclusive of all other types of use. Such proposal shall be classified by the designations set out below:

13.02.A PD-R (Planned Development - Residential)

A development a minimum of seven and one-half (7 1/2) acres in size in which more than eighty (80) percent of the interior floor area of all buildings to be included in the development are used for residential purposes or those purposes customarily relating to residential use.

Permitted Uses include:

- 1. One-family, two-family, and multiple-family dwellings, or a combination thereof.
- 2. Cluster Development.
- 3. Neighborhood park, playground, recreation area, swimming pool, or golf course.
- 4. Such accessory uses as are customarily incidental to the foregoing uses.

13.02.B PD-C (Planned Development - Commercial)

A development a minimum of seven and one half (7 1/2) acres in size in which all of the interior floor area of all buildings to be included in the development is to be used for commercial purposes as defined in this Ordinance.

Permitted Uses include:

- 1. Retail store

- 2. Shopping center
- 3. Professional or business office
- 4. Sales office or agency
- 5. Development, research or data processing center
- 6. Motel, restaurant
- 7. Bank, savings and loan institution
- 8. Light manufacturing or assembly processes
- 9. Such accessory uses as are customarily incidental to the foregoing uses.

13.02.C PD-E (Planned Development - Extraordinary)

A development not otherwise distinguishable under either previous classification, occupying a district of a minimum of five (5) acres in area and containing less than the stated minimum proportions of any single or dominant use or function, and in which the proposed uses of interior and exterior spaces, although diverse or mixed, bear extraordinary design qualities resulting in a completely logical and complimentary conjunction of uses and functions not ordinarily encountered in normal development.

- 1. Permitted uses in a Planned Development - Extraordinary (PD-E) District may include any permitted use in a PD-R or PD-C district, as well as a combination of such uses. Additionally, any use determined by the Planning Board and Town Board to be in harmony with the goals of the Town of Deerfield Comprehensive Master Plan may be permitted in a PD-E district.

SECTION 13.03 PROCEDURE

The procedure for the establishment of, and approval for development within a Planned Development District is a multi-step process as described below:

13.03.A Pre-Submission Conference

Prior to the submission of any application for the establishment of a Planned Development District, a pre-submission conference shall be held wherein the applicant shall meet in person with the Planning Board, their consultant, if any, and any Town officials the Board feels appropriate. A conceptual site plan shall be presented at this pre-submission conference drawn to scale and showing site development features in sufficient detail to permit the Planning Board to evaluate whether the proposed planned

development district will be in harmony with the goals of the Town of Deerfield Comprehensive Master Plan.

13.03.B Procedure for Establishment

The procedure for the establishment of a Planned Development District shall be as follows:

1. Application for designation of a Planned Development District shall be referred to the Planning Board within ten (10) days of its receipt by the Building Inspector. The applicant shall furnish such data as is called for under Section 16.04.
2. The Planning Board and the Board's professional planning consultant, if any, shall review such application. The Board may require such changes in the preliminary plans that are found to be necessary to meet the requirements of this Section, to protect the established permitted uses in the vicinity, and to promote the orderly growth and sound development of the Town. In evaluating the proposal and in reaching its decision regarding the preliminary plans, the Planning Board shall consider and make findings regarding those applicable considerations set forth under Section 13.04 of this Article.
3. All applications for creation of a Planned Development District shall be referred to the Oneida County Planning Department which may review and comment on the referral within thirty (30) days.
4. The Planning Board shall report its findings and make its recommendations to the Town Board within sixty-two (62) days. It may recommend approval, disapproval or conditional approval subject to modifications regarding the proposed Planned Development District.
5. The Town Board shall consider the report and recommendations of the Planning Board, and all other comments, reviews and statements pertaining thereto and, if the Board chooses to pursue the creation of the proposed Planned Development District, shall hold a Public Hearing after public notice.
6. The Town Board may amend the Zoning Map to establish and define the type and boundaries of the Planned Development District, and in so doing may state specific conditions in addition to those provided by this Ordinance, further restricting the nature or design of the development. In the event that the Planning Board recommends disapproval of the proposal, or recommends conditional approval subject to modifications with which the applicant is not willing to comply, the Town Board may amend the Zoning Map in accordance with the application only upon an affirmative majority vote of the of the members of the Town Board.
7. Amendment of the Zoning Ordinance to create a Planned Development District shall not constitute authorization to develop in the District until the second step in the process described in Section 13.03 C below has been complied with.

13.03.C Procedure for the Approval of Development

Once the zoning district classification has been changed to Planned Development (PD), the procedure for the approval of development within the Planned Development District shall be as follows:

1. Authorization to initiate development after a Planned Development District has been established shall require that the proposal be submitted to the Planning Board for Final Site Plan Review as outlined in Section 16.05.
2. No Permit shall be issued until the Planning Board has approved the proposed site plan and has made a recommendation based on the development considerations as set forth under Section 13.04 of this Article and the Town Board has considered this recommendation and authorized issuance of a Permit by resolution. The Town Board may override the recommendation of the Planning Board in adopting its resolution to authorize or deny a Permit only by an affirmative majority vote of the members of the Town Board.
3. All conditions imposed by the Planning Board or Town Board, including any the performance of which may be conditions precedent to the issuance of any Permit shall run with the land and shall not lapse or be waived as a result of any change in tenancy or ownership of any or all of the designated Planned District.
4. If construction of the development in accordance with the approved plans and specifications has not begun within one (1) year after the date of the resolution authorizing issuance of the Permit(s), the Planning Board shall review the approved plan and may recommend to the Town Board that the Permit(s) previously issued be revoked. Upon resolution by the Town Board, such Permit(s) may be declared null and void, the approval shall be deemed revoked and vacated, and the Town Board shall have the authority to again amend the map to restore the zoning designation for the district to that which it had been prior to the application, or as may be otherwise appropriate.

SECTION 13.04 DEVELOPMENT CONSIDERATIONS

The following considerations will be evaluated in the process of reviewing the Preliminary and Final Plans submitted under the Planned Unit Development

District process and the Town shall be satisfied in every instance that these factors are to be adequately handled or provided for in the proposed development:

- A. The proposal is consistent with the Town of Deerfield Comprehensive Master Plan, this Zoning Ordinance and the purposes of the Planned Unit Development District process.

End of Article

B. The proposal shall be consistent with the established character and adjoining uses of the neighborhood and shall provide all reasonable safeguards for the protection of this character and property values.

C. The proposal shall be so located as to be efficiently served by the roadways, water supply, sewage disposal, refuse collection, school, and fire and police protection systems.

D. In particular, the proposal shall provide adequately for the movement of vehicular traffic according to the following:

1. It shall relate properly in terms of traffic volume, capacity and points of access and egress to the existing road system;
2. Internal roadways shall be designed and improved according to acceptable standards;
3. Adequate off-street parking and, where appropriate, loading space shall be provided.

E. The provisions for all utilities, including water, sanitary and storm sewer, electric, gas and telephone shall be satisfactory to the Town and according to acceptable standards.

F. The location of principal and accessory buildings on the site in relation to that site, to one another and to adjoining uses shall be satisfactory and in accordance with the recommendations of the Town.

G. The type of construction, building facade, and bulk and height of all structures shall be appropriate to their function and adjoining structures in the neighborhood.

H. The proposal shall provide for such open space, recreation area, buffer areas and pedestrian access and circulation as is appropriate and to the satisfaction of the Town.

I. The proposal shall include appropriate provisions for such signing, lighting, fencing and landscaping as the Town may require.

J. No land or building in any Planned Development District shall be used or occupied in such a manner as to create any dangerous, injurious, noxious, or other hazard due to odor, fire, noise, explosion, vibration, smoke, dust dirt, or other form of air pollution, glare, electrical or other disturbance.

K. The determination of potentially dangerous or objectionable elements shall be made at locations as follows:

1. At the point of origin for fire and explosion hazards, for radioactivity and electrical disturbances, and for smoke and other forms of air pollution;
2. At the property line for noise, vibration, glare, odors and other hazards or nuisances.

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ARTICLE 14. RESIDENTIAL OPEN SPACE DEVELOPMENT OPTION

SECTION 14.01 INTENT

The intent of this Section is to offer an alternative to traditional residential developments and subdivisions through the use of innovative development techniques for the purpose of:

- A. Encouraging the use of Town land in accordance with its character and adaptability;
- B. Assuring the permanent preservation of open space, woodlands, wetlands, natural topography and other natural resources;
- C. Helping promote long term preservation of natural features by promoting ownership by an association rather than individual lot owners;
- D. Allowing innovation and greater flexibility in the design of residential developments by permitting modifications to dimensional requirements of the Zoning Ordinance;
- E. Facilitating the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner;
- F. Ensuring compatibility of design and use between neighboring properties;
- G. Encouraging a less sprawling form of development, thus permanently preserving open space as undeveloped land;
- H. These overlay development regulations are intended to provide flexibility in location of buildings and in a slight bonus density to preserve natural features and open space which might be lost through more traditional subdivision development in the R-1, R-2, R-3, and R-4 Single Family Residential Districts. These standards are not intended as a device for circumventing the Zoning or Subdivision Regulations of the Town, the standards set forth therein, nor the planning concepts upon which the Zoning Ordinance has been based.

SECTION 14.02 ELIGIBILITY CRITERIA

To be eligible for open space community consideration, the applicant must present a proposal for residential development that meets each of the following:

- A. Recognizable Benefits: An open space community shall result in a recognizable and substantial benefit, both to the residents of the property and to the overall quality of life in the Town. This benefit should accrue, in spite of any foreseeable detriments of the proposed development;

B. Minimum Project Size: The minimum size of an open space community development shall be five (5) acres of contiguous land;

C. Open Space: The proposed development shall contain a minimum 20% of the total area designated as permanent open space;

D. Natural Features: The site shall contain natural features such as woodlands, wetlands, floodplains, slopes over ten percent (10%) or the site depth/ configuration would limit reasonable development on the site under standard zoning regulations;

E. Unified Control: The proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed;

F. Guarantee of Open Space: The applicant shall guarantee to the satisfaction of the Town and the Planning Board that all open space portions of the development will be maintained in the manner approved. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Town and the land uses continue as approved in the open space community plan.

SECTION 14.03 PROJECT DESIGN STANDARDS

A proposed open space community shall be reviewed and approved in accordance with the Site Plan Review procedures in Article 16 and must comply with the following project design standards:

14.03.A Location

An open space community may be approved upon any land in the Town that is zoned R-1 to R-4;

14.03.B Permitted Uses

Single family detached residential dwelling units are permitted;

14.03.C Base Zoning Regulations

Consistent with the intent and procedures of this Article, modifications to the dimensional requirements of this Ordinance may be granted upon a specific

request for such modifications by an applicant. Unless specifically modified by the Planning Board, the balance of all Zoning Ordinance requirements for the underlying zoning district, except for minimum lot area as stated herein, and other Town regulations shall remain in full force;

14.03.D Open Space Requirements

An open space community shall maintain a minimum of twenty percent (20%) of the gross area of the site as dedicated open space held in common ownership. The cumulative total of acreage within the 100 year flood plain, open bodies of water, state or federally regulated wetlands, and detention basins may not account for more than fifty percent (50%) of the required open space area. Public rights-of-way and easements for utilities shall not be calculated as open space;

14.03.E Open Space Location

The open space location shall meet one or more of the following standards:

1. The open space is provided along the public street right-of-way to provide additional buffering from the traffic and enhance views from the roadway;
2. The open space provides an ecological link to permanent open space in surrounding lands;
3. The open space is designed and located to be in close proximity to all or most of the dwelling units; and,
4. The open space preserves sensitive environmental feature areas in a natural state and adequately protects them as nature preserves or limited access areas.

14.03.F Guarantee of Open Spaces

The dedicated open space shall be set aside by the developer through an irrevocable conveyance that is found acceptable to the Planning Board, such as recorded deed restrictions, covenants that run perpetually with the land, or a conservation easement established per State of New York laws. Such conveyance shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. Such conveyance shall provide for the following:

1. Indicate the proposed allowable use(s) of the dedicated open space;
2. Require that the dedicated open space be maintained by parties who have an ownership interest in the open space;
3. Provide standards for scheduled maintenance of the open space; and,

4. Provide for maintenance to be undertaken by the Town of Deerfield in the event that the dedicated open space is inadequately maintained, or is determined by the Town to be a public nuisance, with the assessment of costs upon the property owners.

14.03.G Continuing Obligation

The dedicated open space shall forever remain open space, subject only to uses approved by the Town on the approved site plan. Further subdivision of open space land or its use for other than recreation, conservation or agricultural purposes, except for easements for utilities and septic systems, shall be strictly prohibited;

14.03.H Allowable Structures

Any structure(s) or building(s) accessory to a recreation, conservation or agriculture use, excluding parking lots, may be erected within the dedicated open space, subject to approval by the Planning Board;

14.03.I Dwelling Density

The permitted density of residential uses within an open space community shall not exceed the density allowed by the underlying residential zoning district as stated in the Schedule of Regulations provided the Planning Board may allow an increase in density of up to twenty percent (20%) upon a determination that significant natural features will be preserved that would not be preserved under a more traditional development design and that the open space meets the standards of this Article;

14.03.J Regulatory Flexibility To encourage flexibility and creativity consistent with the open space community concept, the Planning Board may grant specific departures from the requirements of the Zoning Ordinance for yard, lot, and bulk standards as a part of the approval process. Any regulatory modification shall be approved through a finding by the Planning Board that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards. Regulatory modifications are not subject to variance approval of the Zoning Board of Appeals. No part of an open space community plan may be appealed to the Zoning Board of Appeals. Any deviation of an approved plan shall require approval from the Planning Board;

14.03.K Access

Direct access onto a public Town, County or State road shall be required to an open space community;

14.03.K Internal Roads

Roads shall comply with all applicable Town standards for public roads. The required pavement width and easement area under these standards may be reduced, with approval of Highway Supervisor, where the Planning Board finds that significant natural features will be preserved;

14.03.L Driveways

The distance from the near edge of a street or road and a garage door shall be at least twenty five (25) feet if the garage door faces the street or road;

14.03.M Building Setbacks and Yard Requirements

1. Any side of a building adjacent to a public street or private road shall be setback at least thirty (30) feet from the right-of-way;
2. Detached single unit buildings shall be a minimum fifteen (15) feet apart, with a minimum of twenty five (25) feet between each fourth building. Garages shall be on the side or recessed from the front building line for at least twenty-five percent (25%) of the units;
3. The minimum floor area required for each residence shall be equal to the minimum floor area per unit as set forth in Article 15 for the district in which the cluster is located.

14.03.N Compatibility with Adjacent Uses

The setbacks, density, height, traffic, parking, circulation, landscaping, views and other design features shall be compatible with the character of the site and surrounding properties.

SECTION 14.04 REVIEW PROCEDURES

The request for an open space community shall follow the following procedures:

- A. Initial review by the concept by the Planning Board;
- B. A public hearing conducted by the Planning Board.

SECTION 14.05 PROJECT REVIEW STANDARDS

The Planning Board shall review an open space development project under the standards for site plan review in Article 16 and the following standards:

- A. Compliance with the Open Space Intent: The overall design and land uses proposed in connection

with an open space project shall be consistent with the stated intent of the open space development option, and with the specific standards set forth herein;

B. Compatibility with Adjacent Uses: The setbacks, density, height, parking, circulation, landscaping, views and other design features shall be compatible with the character of the site and surrounding properties; and,

C. Environmental and Traffic Impacts: The open space community shall be designed to protect sensitive natural features and to minimize the impact of traffic generated by the proposed development on surrounding uses. The Planning Board may require an environmental site analysis (which identifies and reviews in detail the environmental features of the land) for sites with significant natural features, or a traffic impact assessment or study, depending upon the size of the proposed development.

SECTION 14.06 REVISION OF APPROVED PLANS

14.06.A Minor Changes

Minor changes to an approved open space development project site plan may be permitted by the Planning Board subject to the finding of all of the following:

1. Such changes will not adversely affect the initial basis for granting approval;
2. Such changes will not adversely affect the overall open space community in light of the intent and purpose of such development as set forth in this Article; and,
3. Such changes shall not result in the reduction of open space area as required herein.

14.06.B Major Changes

Proposed changes to an approved plan which are not determined to be minor shall require a public hearing prior to any action on the requested change by the Planning Board.

End of Article

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ARTICLE 15. GENERAL PROVISIONS

SECTION 15.01 INTRODUCTION

The standards and regulations listed in this Article shall apply to all uses, buildings and structures within all zoning districts unless otherwise addressed.

SECTION 15.02 WITHHOLDING OF APPROVAL

The Planning Board, Zoning Board of Appeals and/or Town Board may withhold granting of approval of any use, special use, site plan, planned unit development plan, variance or other approval required by this Ordinance pending approvals which may be required by state, county or federal agencies or departments.

SECTION 15.03 PRINCIPAL BUILDING, STRUCTURE OR USE

No zoning lot may contain more than one (1) principal building, structure or use except: groups of multiple family dwellings under the same ownership, condominium developments, office complexes, planned unit developments or an operating farm. A basement or cellar shall be constructed under a minimum of 50% of the first floor living area of all residential buildings in accordance with Section 404 of the Property Maintenance Code of New York State.

SECTION 15.04 REGULATIONS ON ACCESSORY DWELLINGS

A. In an agriculturally zoned district on an operating farm, additional dwelling units shall be permitted in an accessory building if the unit is occupied by an elderly member of the family who occupies the principal building, a caretaker or employees of that operating farm.

B. Accessory dwelling units are not permitted in the residential districts, except for legal nonconforming dwellings existing at the time this Ordinance was adopted. Accessory dwelling units are not permitted in the commercial districts, except for legal nonconforming dwellings existing at the time this Ordinance was adopted, a caretakers quarters or housing used exclusively by security or custodial personnel, located within the principal building.

SECTION 15.05 ACCESSORY BUILDINGS (UTILITY SHEDS AND GARAGES)

With the exception of operating farms, all accessory buildings permitted by this Zoning Ordinance shall be subject to the following regulations:

15.05.A Relation to Principal Building

Accessory buildings are permitted only in connection with, incidental to and on the same lot with a principal building, structure or use which is permitted

in the particular zoning district. No accessory building shall be utilized unless the principal building to which it is accessory is occupied or utilized.

15.05.B Restrictions on Placement

Accessory buildings shall not be erected in any right-of-way, access easement, front yard or required side yard. In the case of attached residential dwelling complexes, detached parking garages or carports may be permitted in the non-required front yard provided the Planning Board approves the site plan, landscaping, elevation drawings and construction materials.

1. In reviewing such structures, the Planning Board shall consider the impact of headlights and views from nearby public streets and adjacent properties.

15.05.C Required Setbacks (Attached)

Where the accessory building is structurally attached to the principal building, it shall be subject to all the regulations applicable to principal buildings.

15.05.D Required Setbacks (Detached)

Detached accessory buildings shall be subject to the setback requirements as specified in Schedule B for each specific zoning district and must also be at least ten (10) feet from any principal building or other accessory building or public street right-of-way line and at least twenty-five (25) feet from the boundary of a wetland regulated by the NYS Department of Environmental Conservation (DEC) or the federal government. (See Article 22, Natural Features Overlay District).

15.05.E Maximum Lot Coverage in Residential Districts

The combined square footage of all accessory buildings shall occupy a maximum of twenty-five percent (25%) of the available rear yard area.

15.05.F Maximum Height

The maximum allowable height of an accessory building shall be subject to the height requirements as specified in Schedule B for each specific zoning district.

15.05.G Drainage

The placement and design of any accessory building or structure shall not have a significant impact on stormwater runoff. The Building Inspector may require grading plans or a sketch plan to ensure compliance with this provision.

15.05.H Maximum Number

There shall be a maximum of one (1) garage and a maximum of two (2) total detached accessory buildings on any lot.

15.05.I Restrictions on Use

Accessory buildings shall not be occupied for dwelling purposes nor used for any business profession, trade or occupation except when permitted as a Home Occupation.

15.05.J Maximum Size

§15.05."J" Maximum Size: The combined area of all accessory buildings shall be that specified as Maximum Area in the appropriate Zoning District

**SECTION 15.06 ACCESSORY STRUCTURES
(Decks, Swimming Pools, Fences,**

Satellite Dish Antennae and Transmission Towers)

15.06.A Decks

Attached or unattached uncovered decks, terraces, patios and unenclosed porches, with or without a roof, shall with the approval of the Building Inspector be subject to the applicable Schedule B and the Uniform Building Code of NYS specifications for each zoning district. Decks shall require a permit from the Building Inspector. The area between the ground and floor elevation of such decks shall remain open except for structure supporting posts and decorative skirting. In addition, the setback from a regulated wetland shall be a minimum of twenty-five (25) feet.

15.06.B Swimming Pools**15.06.B.1 Fencing Requirement**

A fence or similar enclosure shall be erected and maintained around any swimming pool greater than two (2) feet in depth in accordance with New York State regulations.

15.06.B.2 Relationship of Height to Setback Requirements

Swimming pools and surrounding decks, walks or similar accessories with an elevation measured from the mean grade at any point adjacent to such facility of two (2) feet or less shall be located at least six (6) feet from any property line. Where the elevation of the pool or surrounding deck, walk or similar accessory is greater than two (2) feet above grade at any point or in the case of an in-ground pool, the setback shall be as specified in Schedule B for each zoning district.

15.06.B.3 Restriction from Front Yard

Swimming pools shall not be located in any front yard.

15.06.B.4 Permits

A permit shall be applied for and issued from the Town Building Inspector prior to the excavation or construction of any swimming pool greater than two (2) feet in depth. If deemed necessary, the Building Inspector may require the construction of a dry well for the discharge of water from the pool. The application shall be accompanied by any documentation deemed necessary by the Building Inspector. A final inspection and approval from the Town Building Inspector must be obtained prior to the use of the swimming pool.

15.06.C Fences

Fences are permitted subject to the following regulations:

15.06.C.1 Permits

The erection, construction or alteration of any fence shall require a fence permit and shall be approved by the Building Inspector for compliance with the provisions of this Ordinance. Operating farms in an A or R-A district are exempt from this provision.

15.06.C.2 Location in Front Yards

Fences of an ornamental nature may be located in a front yard of any lot of record up to a maximum height of three and one-half (3 1/2) feet, provided that for corner lots adequate sight distance is provided as described in Section 15.12. Ornamental fences shall be of approved materials, of design as to be non-sight obscuring and of a type listed below:

- a. Post and Rail
- b. Split Rail

- c. Picket
- d. Wrought Iron
- e. Brick
- f. Stone
- g. Other - types of ornamental fences must be approved by the Planning Board prior to placement in a front yard area.

15.06.C.3 Location in Other Yards

A fence may be erected in any side or rear yard of a lot of record, provided the fence does not obscure sight distance for motorists on the street or exiting driveways.

15.06.C.4 Measurement of Height

The height of a fence shall be considered to be the distance from the ground to the top of the fence posts at every point along the fence. The height of a berm shall be included in determining fence height.

15.06.C.5 Wood Fence (Privacy Fence) Standards

Wooden fences may be erected in a side or rear yard on any lot of record provided the fence does not extend beyond the front building line or into the required front yard setback, whichever is greater. Wooden fences shall be a maximum of six (6) feet in height.

15.06.C.6 Chain Link Standards

No chain link fence shall hereafter be erected in any required side or rear yard area on any lot of record in excess of six (6) feet in height measured from the surrounding grade at every point along the fence line. Wire fences shall not exceed four (4) feet in height, except on operating farms in an A, Agricultural district.

15.06.C.7 Setbacks

Any permitted fence may be located directly on the property line.

15.06.C.8 Orientation of Finished Side

If a fence is only finished on one (1) side, the finished side of a fence shall face the exterior of the lot. Posts shall be placed on the interior of the fence.

15.06.C.9 Electric Fence Regulations

The following regulations shall apply to all permitted electric fences in the Town of Deerfield:

- a. Electric fences shall be permitted only in the R-A, Residential-Agricultural and A, Agricultural districts.

b. Electric fences shall only be used in conjunction with a permitted farming or stable operation.

c. The electric fence shall be constructed of smooth or poly wire and shall be charged using a UL-listed or U.S. Bureau of Standards approved energizer.

d. The output and pulse duration of the energizer shall not exceed accepted New York State agricultural practices.

e. Under no circumstances shall barbed wire be used in an electric fence.

f. Where an electric fence abuts a public right-of-way or a residentially or commercially zoned or used property, warning signs shall be placed on the fence, following these minimum standards:

(1) The warning sign shall be a minimum of four inches wide by eight inches high (4"x 8").

(2) .The warning sign shall display the words "ELECTRIC FENCE" or an approved symbol indicating an electric fence.

(3) .The lettering on the warning sign shall be at least one inch (1") high.

(4) .One warning sign shall be placed a minimum of every two hundred feet (200') along the length of the electric fence that abuts a public right-of-way or a residentially or commercially zoned or used property.

15.06.C.10 Restrictions on Barbed Wire

Barbed wire, spikes, nails or any other sharp instruments of any kind are prohibited on top of or on the sides of any fence, except for the following:

Barbed wire may be permitted for an animal enclosure in conjunction with a permitted farming or stable operation.

Barbed wire cradles may be placed on top of security fences enclosing public utility buildings or storage yards.

Barbed wire may be used where deemed necessary by the Planning Board in the interests of public safety or protection of private property.

15.06.C.11 Maintenance

All fences shall be maintained in a good condition, in an upright position and shall not constitute an unreasonable hazard or nuisance. Any fence which is not maintained, as determined by the Building Inspector, shall be removed or replaced (any required fence shall be replaced).

15.06.D Satellite Dish Antenna and Transmission Towers

Refer to Town of Deerfield Local Law No.4 of 1995.

SECTION 15.07 SITE DRAINAGE

No person shall construct any building, structure or improvement or install fill or landscaping in such a manner as to divert the natural drainage of water from their property onto an adjacent property.

SECTION 15.08 ACCESS TO APPROVED STREET

In any district, a lot to be used for building purposes shall have legal access to an approved street.

SECTION 15.09 LOTS IN TWO DISTRICTS

Where a district boundary line divides a lot in single ownership at the time of adoption of said district line, the regulations for the more restrictive portion of such lot shall extend a maximum of one hundred (100) feet into the less restrictive portion, provided the lot has frontage on a street in the more restrictive district.

SECTION 15.10 DRIVE-THRU SERVICES

Any drive-thru services facility shall be located at least sixty (60) feet from any right-of-way and the business shall be located on a property at least two hundred (200) feet from any residential district boundary.

SECTION 15.11 LEFT BLANK INTENTIONALY

SECTION 15.12 AREA AND HEIGHT REGULATIONS (Lots, Yards and Buildings)

Regulations governing lot area and lot width; front, side and rear yards; building coverage and building height are specified in Schedule A for Principal Buildings and Schedule B for Accessory Structures and in the regulations in this Article.

15.12.A Lots of Less than the Required Dimensions

Any lot with an area or a width less than that required in the district in which said lot is located may be used for any principal use permitted in the district, provided that all other regulations prescribed for the district shall be complied with, and further provided that said lot was held under separate ownership at the time of adoption of this Ordinance and the owner thereof owned no adjoining land that could be combined with said lot to meet the dimensional requirements.

15.12.B Area Regulations

Lots that are served by neither public water nor public sewers must have a minimum area of 2 acres with a minimum frontage of two hundred (200) feet. Lots that are served by only one public service must have a minimum area of 1 acre, and any dwelling erected

thereupon must be connected to the public service before a certificate of occupancy is issued.

15.12.C Reduction of Lot Area

The minimum yards and open spaces, including lot area per dwelling unit, required by this Ordinance shall not be encroached upon or considered as yard or open space requirements for any other building, nor shall any lot be reduced below the district requirements of this Ordinance.

15.12.D Corner Lot

On a corner lot in any district, a yard shall be provided on each street equal in depth to the required front yard in that district. One rear yard shall be provided on each corner lot and the owner shall designate the rear yard on his application for a Permit.

15.12.E Front Yard Exceptions

The minimum front yard setback of all principal buildings hereafter constructed within a residential district shall conform with Schedule A for the district in which the property is located and in addition shall not be less than the average front yard setback of all principal buildings in the block for a distance of 300 feet on each side of such building. A vacant lot within the 300-foot distance shall be considered as having the minimum front yard required in the district for the purpose of computing such average front yard.

15.12.F Transition Yard Requirements

1. Where two districts abut on the same street between two intersecting streets, and the front yard requirements of one district are less than those of the other district, there shall be provided for buildings hereafter constructed or structurally altered within a distance of fifty (50) feet from the district boundary line in the less restrictive district, a front yard equal in depth to the average of the required depth in the two districts.

2. Where the side or rear yard of a lot in a residential district abuts a side or rear yard of a lot in a commercial district, there shall be provided along such abutting line or lines in the commercial district, a side or rear yard equal in depth to that required in the more restrictive district. If deemed necessary, the Planning Board may require a planting buffer/screen at least fifty (50) feet wide to be located in an easement in the commercial district.

15.12.G Yard Encroachments Permitted

The following elements of structures are not considered in determining yard requirements:

1. Uncovered paved terraces and patios.
2. Special structural elements such as cornices, chimneys, gutters, eaves and similar structural features.
3. Fire escapes or open stairways which project into the yard a maximum of six and one-half (6.5) feet.

15.12.H Height Requirement Exceptions

The following subject to site plan review are exempted from height limit requirements, provided that no portion of the excepted structure may be used for human occupancy:

1. Those purely ornamental in purpose, such as church spires, belfries, cupolas, domes, ornamental towers, flagpoles and monuments.
2. Those necessary appurtenances to mechanical or structural functions, such as chimneys and smoke stacks, water tanks, elevator and stairwell penthouses, ventilators, bulkheads, fire and hose towers and cooling towers.
3. Those structural extensions deemed necessary for appropriate building design, such as cornices or parapet walls, which may extend a maximum of six and one-half (6.5) feet above the height limitations and shall have no window openings.

15.12.I Minimum Lot Width

No new lot shall be created unless said lot complies with all of the dimensional standards, including lot area and width, of the zoning district in which said lot is located.

15.12.J Calculation of Lot Coverage

In the calculation of lot coverage, no adjacent outlets or other open space be used in lieu of space contained within the stated boundaries of the subject lot or parcel.

15.12.K Finished Grade

The first floor elevation and lot grade shall be established in proper relation to each other, to existing topography and to the street grade, considering property protection, use and drainage.

15.12.L Clear Vision Areas

All corners at an intersection of two public streets or at a private road intersection with a public street shall maintain a clear vision zone free of buildings, fences, walls, signs, structures and foliage between a height of thirty (30) inches and six (6) feet above the centerline elevation of the intersecting streets within a triangular area formed by the intersecting street right-

of-way lines and a straight line joining said lines at points twenty-five (25) feet distant from the point of intersection, measured along said lines. An open fence may have a maximum height of thirty-six (36) inches in a clear vision zone. Pre-existing conditions affected by this Section cannot be "grandfathered" due to the serious impact on pedestrian and motorist safety. All nonconforming situations must be corrected within twelve (12) months from the date of citing. (see figure 4)

SECTION 15.13 TEMPORARY STORAGE BUILDINGS

Temporary storage buildings may be erected on any lot in the Town of Deerfield subject to the following conditions:

- A. The building must meet the requirements specified for garages in Schedule B for the district in which it is located.
- B. The building may be erected for a maximum of twelve (12) months. An additional six (6) months may be allowed upon approval from the Planning Board, provided the property owner can demonstrate some hardship which would require the allowance of the additional time.
- C. A permit from the Town of Deerfield Building Inspector is required prior to the erection of any temporary storage building.

SECTION 15.14 BEEKEEPING

The keeping of bees and beehives for the purposes of harvesting honey, beeswax or other by-products, whether for personal use or for commercial sale, shall be permitted subject to the following conditions:

- A. Beehives are permitted in the A, Agricultural zone only.
- B. Beehives may not be located on any lot having an area of less than five (5) acres.
- C. Beehives may be located no closer than five hundred (500) feet from any right-of-way.
- D. Beehives may be located no closer than five hundred (500) feet to any residential or outdoor oriented commercial uses.

SECTION 15.15 PROFESSIONAL OFFICE/RESIDENCE REGULATIONS

The following regulations shall apply to all permitted professional office/residences allowed in the Town of Deerfield:

- A. Professional Office/Residences shall be operated in strict accordance with the requirements outlined in Schedule A for all zoning districts where allowed.

B. Professional offices allowed under this section shall include but not limited to the following:

1. Medical
2. Osteopathic
3. Dental
4. Podiatric
5. Chiropractic
6. Optometric
7. Law
8. Psychiatric
9. Accounting
10. Architecture
11. Engineering
12. Financial Planning
13. Nutritionist
14. Nurse

C. The professional office may occupy no more than twenty-five percent (25%) of the floor area of the dwelling.

D. There shall not be more than one professional associated with each professional office/residence.

E. There may be no more than one employee working in the professional office who is not a resident of the principal dwelling.

F. No retail sale of goods or products shall be permitted, except as accessory and incidental to the professional office/residence use.

G. One sign for the professional office/residence shall be permitted. It may be either a freestanding or facial sign, shall not exceed two (2) square feet in area and shall be non-illuminated.

H. A person desiring to operate a professional office/residence must apply to the Town Building Inspector for a permit. Said permit shall be valid for a period of three (3) years and shall be renewable. An application for a permit shall include the following:

1. A site plan of the property, showing the availability of off-street parking and the location of the proposed sign.
2. A floor plan of the dwelling, showing the area to be devoted to the professional office.
3. The names and addresses of all persons employed in the professional office.
4. A drawing of the proposed sign, including all measurements.

SECTION 15.16 RESIDENTIAL LIVING AREA REQUIREMENTS

Minimum living areas measured from exterior faces of exterior walls, exclusive of garages and unenclosed porches, shall be shown in Table 23. The floor area of a split level or split foyer dwelling shall be the sum of the ground level living area of each such floor.

Table 23 MINIMUM LIVING AREA BY DISTRICT

ZONING DISTRICT	BUILDING STORIES	MINIMUM LIVING AREA
R-1 & R-2 Residential	One	864 sq. ft. per first floor,
Single Family Dwellings in an R-M District	More Than One	720 sq. ft. per first floor
R-3 & R-4 Residential	One	864 sq. ft. per first floor
	More Than One	720 sq. ft. per first floor
Residential-Agricultural	One	960 sq. ft. per first floor
Agricultural	More Than One	800 sq. ft. per first floor
Planned Development Residential		
One-Family Dwelling		Same as for R-3 & R-4
Two-Family Dwelling Unit		Same as for R-1 & R-2
Mobile Home Park		600 sq. ft.
Multiple Family Dwelling Unit	One	720 sq. ft. per first floor
	More Than One	600 sq. ft. per first floor

SECTION 15.17 ACCESSORY APARTMENTS

15.17.A Intent

1. To provide a process to assist family members in addressing the housing and social needs of the Town of Deerfield's increasing elderly population and the physically challenged in a non-institutional manner.
2. To reduce the necessity for public agencies to provide housing and support services by permitting an extended family to better participate in this role.

3. To establish a procedure to minimize potential impacts from these conversions on abutting single-family uses.

15.17.B Requirements

1. There shall be no more than one accessory apartment permitted per lot.
2. Permits issued by the Building Inspector will be required for both construction and for occupancy.
3. The occupancy permit shall state the name and relationship by blood or by law to the resident owner and shall be valid for as long as the one so named resides there. The applicant shall attest to the fact that the property owner(s) shall occupy either the main portion of the single-family dwelling or the accessory apartment.
4. At least one of the dwelling units shall be occupied by at least one elderly or handicapped person.
 - a. Elderly is defined as a person who is at least sixty-two (62) years old.
 - b. Handicapped is defined as a person who is declared by a recognized authority to be in need of supervision or help with activities of daily living.
5. *This paragraph left intentionally blank*
6. The dwelling may be enlarged by up to 600 square feet or fifty percent (50%) of the original area (whichever is greater), provided that both dwelling units shall be attached by a common wall and that all bulk, coverage and setback requirements are met.
7. The architectural treatment of the structure shall be such as to portray the character of the single-family dwelling. Only one main entrance will be permitted on the front side of the building; all other entrances shall be on the side or rear of the building.
8. In considering the approval of an existing accessory unit, the Planning Board may waive all or part of these requirements, provided the spirit of the requirements of this Section are maintained.

SECTION 15.18 EXCAVATION AND GRADING

15.18.A Intent

The Town recognizes that sand, gravel, rock and mineral resources are necessary and beneficial to the economy and welfare of the Town. To provide utilization of these resources in a manner compatible with nearby residential areas and to insure restoration of commercial excavation areas in such manner as to

conform with the Town of Deerfield Comprehensive Master Plan and appropriate land conservation practices, the following process and regulations are hereby established.

15.18.B Procedure

Except when incidental to the construction of a building on the same lot, the excavation, processing or sale of topsoil, earth, sand, gravel, clay or other natural mineral deposits, or the quarrying of any kind of rock formation thereafter is subject to the following conditions:

1. On any area of five (5) acres or more, an application shall be made for amendment of the Zoning Ordinance to create a C-2 Highway Commercial district and subsequently for a Permit for commercial excavation subject to compliance with the process established below.
2. On any area of less than five (5) acres, a Permit may be authorized by the Planning Board for excavation or grading, subject to compliance with the standards established below.

15.18.C Requirements

Before authorizing a Permit for such use, the Planning Board shall find that such excavation or quarrying will not endanger the stability of adjacent land or structures nor constitute a detriment to public welfare, convenience or safety by reason of excessive dust, noise, traffic or other condition. The Planning Board may specify any reasonable requirements to safeguard the public health, safety and welfare in authorizing such Permit, including the following:

1. The slope of material in such topsoil, sand, gravel, clay and other earth shall not exceed the normal angle of repose of such material.
2. The top and base of such slope shall not be nearer than fifty (50) feet to any property line nor nearer than one hundred (100) feet to the right-of-way line of any street or highway.

3. A plan for restoration and rehabilitation of a commercial earth excavation area or borrow pit shall accompany the application for a Permit and shall assure conformance with the public health, safety and welfare. The Planning Board, upon approval of such plan, shall require a performance bond to assure rehabilitation of commercial excavation sites in conformance herewith.

4. A plan for safeguarding the public health, safety and welfare in commercial rock or mineral excavation areas shall accompany the application for a Permit and shall be approved by the Planning Board.

SECTION 15.19 MAINTENANCE OF PROPERTY

Maintenance of property shall conform with Chapter 3 of the Property Maintenance Code of New York State. Exterior property areas shall be so maintained as to cause no measurable depreciation in property values.

No activity shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater extent or frequency than would normally be generated in a similarly zoned residential district.

SECTION 15.20 TELECOMMUNICATION TOWERS

Refer to the most recent Local Law

SECTION 15.21 JUNK YARD OR AUTOMOBILE JUNK YARD

A. The Town Board hereby declares that a clean, wholesome, attractive environment is important to the health and safety of the inhabitants of the Town and that safeguarding of their material rights against unwarranted invasion is deemed essential to the maintenance and continued development of the economy of the Town and the general welfare of its citizens.

B. No automobile junk yard shall be operated or established hereafter in any area of the Town except in accordance with Section 136 of the General Municipal Law regulating automobile junk yards, and those regulations which follow, including requiring a Permit to be granted by the Planning Board and a license to operate an automobile junk yard.

C. No dump shall be operated or established hereafter and no garbage, refuse or other waste material shall be dumped or deposited in any area of the Town of Deerfield. This requirement does not apply to a private dump on a farm for waste material produced on said premises.

D. Before a Permit for a junk yard or automobile junk yard is issued, the Planning Board shall find that such

junk yard or automobile junk yard will not constitute a detriment to the public health, safety, welfare, convenience and property values by reason of dust, smoke, fumes, noise, traffic, odors, vermin or other condition. The Planning Board may specify any reasonable requirements to safeguard the public health, safety, welfare, convenience and property values in granting such a Permit, including the following:

1. Said junk yard or automobile junk yard shall not be located within two hundred (200) feet from any highway, stream or property line; or five hundred (500) feet from any existing dwelling, church, school, hospital, public building or place of public assembly

2. Any junk yard or automobile junk yard shall be completely surrounded by a fence which substantially screens said area and having a suitable gate which shall be closed and locked except during the working hours of said junk yard or automobile junk yard. Such fence shall not be erected nearer than fifty (50) feet from any public highway. All junk and automobile junk deposited at the site shall be kept within the enclosure of the fence except during the transportation of same in the reasonable course of the business.

3. Where the topography, natural growth of timber or other considerations accomplish the purposes of this Section in whole or in part, the fencing requirements hereunder may be reduced by the Planning Board, provided, however, that such natural barrier conforms with the purposes of this Section.

SECTION 15.22 HORSES ON A SMALL LOT

15.22.A Intent

To allow property owners to keep horses on a lot smaller than a farm while protecting water supply, the horses, and neighboring properties.

15.22.B Requirements

Horses may be harbored in any A Agricultural or R-A Residential-Agricultural district on a lot smaller than 10 acres provided that the horses harbored on the parcel shall be for the private use of the parcel owners only, and not for hire, remuneration or sale. There must be an area dedicated for horses only in amount of 2 acres for 1 horse plus 1 additional acre for each additional horse up to 7 acres at which time the parcel becomes a farm and subject to the requirements of an Agricultural business. For this situation, the term "dedicated" means the area used only for the animals and their stable. It does not

include the area occupied by the dwelling, garage, or other accessory structures.

15.22.C Procedure

Before harboring horses on any parcel less than 7 acres in size, an applicant must submit a site plan review to the Planning Board showing the location and type of water wells and septic system dispersal fields. The application shall contain a written plan for storage and disposal of manure in such a manor that there will be no storage within 50 feet of a property line or within 200 feet of a stream, wetland, well or potable water source.

End of Article

ARTICLE 16. SITE PLAN REVIEW

SECTION 16.01 PURPOSE

The site plan review requirements in this Article are intended to provide a consistent and uniform method of review of proposed development plans, to ensure full compliance with the regulations in this Ordinance and other applicable ordinances and state and Federal laws, to achieve efficient use of the land, to protect natural resources, and to prevent adverse impact on adjoining or nearby properties and to promote harmony between adjacent residential and agricultural land uses. It is the intent of these provisions to encourage cooperation and consultation between the Town and the applicant to facilitate development in accordance with the Town's land use objectives.

SECTION 16.02 GENERAL PROCESS

The site development plan review process has three (3) steps: concept review, preliminary site plan review and final site plan review.

SECTION 16.03 CONCEPT REVIEW

A meeting is recommended between the Planning Board and applicant to review the basic site design concept and generally determine the information to be required on the preliminary site plan. The applicant should provide the data discussed in Section 16.04.C.1 and 2 below in addition to a statement or rough sketch describing what is proposed. The Planning Board may issue written comments as a result of this meeting.

SECTION 16.04 PRELIMINARY SITE PLAN REVIEW AND ACTION

A. Prior to the issuance of a building permit for any site plan review uses, the Building Inspector shall refer the application and all application materials as specified herein to the Planning Board for its review and approval in accordance with the provisions set forth in this section.

B. Within sixty-two (62) days of the receipt of a preliminary site plan, the Planning Board shall, in writing, inform the applicant of its decision.

C. Application for preliminary site plan approval.

1. An area map showing the parcel under consideration for site plan review and all properties, subdivisions, streets and easements within two hundred (200) feet of the boundaries thereof.

2. A map of site topography at contour intervals of no more than five (5) feet. If general site grades

exceeding five percent (5%) of portions of the site have susceptibility to erosion, flooding or ponding, a soils overlay and a topographic map showing contour intervals of not more than two (2) feet of elevation should also be provided.

3. An application for preliminary site plan approval shall be accompanied by a fee set by the Town Board. No further fee is required at the final site plan stage.

4. Anticipated costs which the Planning Board expects to incur due to consulting services or other review costs shall be paid by the applicant and placed in a escrow account. Any unspent funds shall be returned to the applicant within five (5) days of the Planning Board action on the final site plan.

5. An application for preliminary site plan approval shall be made in writing to the Building Inspector and shall be accompanied by information drawn from the following preliminary site plan checklist, as determined necessary by the Planning Board at the concept review meeting:

- a. Title of drawing, including name and address of the applicant and the person responsible for preparation of such drawing.
- b. Date, north arrow, and scale no smaller than 1 inch = 40 feet.
- c. Boundaries of the property plotted to scale.
- d. Existing watercourses.
- e. Grading and drainage plan, showing existing and proposed contours.
- f. Location, proposed use and height of all buildings
- g. Location, design and construction materials of all parking and truck loading areas, showing access and egress.
- h. Provision for pedestrian access.
- i. Location of outdoor storage, if any.
- j. Location, design and construction materials of all existing or proposed site improvements, including drain, culverts, retaining walls and fences.
- k. Description of the method of sewage disposal and location, design and construction materials of such facilities.
- l. Description of the method of securing public water and location, design and construction materials of such facilities.

- m. Location of fire and other emergency zones, including the location of fire hydrants in compliance with applicable fire codes.
- n. Location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy.
- o. Location, size and design and construction materials of all proposed signs.
- p. Location and proposed development of all buffer areas, including existing vegetative cover.
- q. Location and design of outdoor lighting facilities.
- r. Designation of the amount of building area proposed for retail sales or similar commercial activity.
- s. General landscaping plan and planting schedule.
- t. Other elements integral to the proposed development as considered necessary by the Planning Board, including identification of any state or county permits required for the project's execution.
- u. Completed environmental assessment form (EAF) in compliance with the State Environmental Quality Review (SEQR) Act.
- v. See Local Law #4 of 2006

D. Review criteria.

The criteria for the Planning Board review may include, but shall not be limited to, the following:

1. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
2. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
3. Location, arrangement appearance and sufficiency of off-street parking and loading.
4. Location, arrangement, size, design and general size compatibility of buildings, lighting and signs.
5. Adequacy of stormwater and drainage facilities.
6. Adequacy of water supply and sewage disposal facilities.
7. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
8. In the case of an apartment complex or other multiple dwelling, the adequacy of usable open space for play areas and informal recreation.

9. Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.
 10. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
 11. Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
 12. Relationship to active agricultural land and fallow land to ensure that the conversion of agricultural land to nonagricultural uses is minimized and to ensure that all potential conflicts with agricultural operations are minimized, recognizing that development within an Agricultural District must comply with the New York State Agriculture and Markets Law.
- #### E. Consultant review.

The Planning Board may consult with the Town Building Inspector, Fire Chief, Highway Superintendent, other local and county officials and its designated private consultants, in addition to representatives of federal and state agencies, including but not limited to the United States Department of Agriculture Soil Conservation Service, New York State Department of Transportation and New York State Department of Environmental Conservation. Should the Board decide that the services of a private consultant are needed during the course of project review, costs incurred for the private consultant's services shall be paid in full by the applicant prior to any hearing which the applicant seeks.

F. Public hearing.

The Planning Board may conduct a public hearing on the preliminary site plan. If a public hearing is considered desirable by a majority of the members of the Planning Board, such public hearing shall be conducted within sixty-two (62) days of the receipt of the application for preliminary site plan approval. The Board shall mail notice of said hearing to the applicant (and the County Planning Department if applicable) at least ten (10) days before said hearing, and notice shall be advertised in a newspaper of general circulation in the town at least five (5) days before the public hearing.

G. Planning Board action on preliminary site plan

1. The proposed development in question is subject to the provisions of the State Environmental Quality Review (SEQR) Act. First, the Planning Board should identify the type of action the proposed development is according to the SEQR Act. Depending on the size, location and other factors, it may be a Type I action or an unlisted action. To make a decision, the Planning Board should consult

Part 617 NYCRR, adopted pursuant to Article 8 of the Environmental Conservation Law. The Planning Board should also review the environmental assessment form (EAF) submitted as part of the application. The action type and related procedure will dictate the next steps, if any, to be taken to comply with the SEQR regulations.

2. If it is determined that an environmental impact statement will be prepared for the proposal in question, all time frames and deadlines are delayed until a draft environmental impact statement is filed. An application is not complete, and therefore the review clock does not start, until a determination of no significance has been made or until a draft environmental impact statement is completed. When the draft environmental impact statement is completed, the time frame for the Planning Board review begins. If another agency has determined that the proposal in question may have a significant effect on the environment, the Planning Board shall not issue a decision until a final environmental impact statement has been filed.

3. When compliance with SEQR is complete, the Planning Board shall act on the application within sixty-two (62) days. If no decision is made within the sixty-two day period, the preliminary site plan shall be considered approved. The Planning Board's action shall be in the form of a written statement to the applicant stating whether or not the preliminary site plan is approved, disapproved or approved with modifications.

4. The Planning Board's statement may include recommendations of desirable modifications to be incorporated in the final site plan, and conformance with said modifications shall be considered a condition of approval. Such conditions shall be supported by written findings of fact prepared by the Planning Board which explain the rationale for their imposition. If the preliminary site plan is disapproved, the Planning Board's statement will contain the reasons for such findings. In such a case, the Planning Board may recommend further study of the site plan and resubmission to the Planning Board after it has been revised or redesigned.

SECTION 16.05 FINAL SITE PLAN REVIEW AND ACTION

A. After receiving approval, with or without modifications, from the Planning Board on a preliminary site plan, the applicant shall submit a final, detailed site plan to the Planning Board for approval. If more than six (6) months have elapsed since the time of the Planning Board's action on the preliminary site plan and if the Planning Board finds that conditions may have changed significantly in the

interim, the Planning Board may require a resubmission of the preliminary site plan for further

review and possible revision prior to accepting the proposed final site plan for review.

B. The final site plan shall conform substantially to the approved preliminary site plan. It should incorporate any modifications that may have been recommended by the Planning Board in the preliminary review. All compliances shall be clearly indicated by the applicant on the appropriate submission.

C. The following additional information shall accompany an application for final site plan approval:

1. A record of application for and status of all necessary permits from state and county officials.
 2. Detailed sizing and final material specification of all required improvements.
 3. An estimated project construction schedule.
- D. Required referral.

Prior to taking action on the final site development plan, the Planning Board shall refer the plan to the County Planning Department for advisory review and report in accordance with §239 of the General Municipal Law and Article 25 of this ordinance.

E. Planning Board action on final detailed site plan.

Within sixty-two days of receipt of the application for final site plan approval, the Planning Board shall render a decision to the Building Inspector. If no decision is made within the sixty-two day period, the final site plan shall be considered approved. The time within which the Planning Board must render its decision may be extended by mutual consent of the applicant and the Board. The decision of the Planning Board shall immediately be filed in the office of the Town Clerk and a copy thereof mailed to the applicant.

End of Article

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ARTICLE 17. SPECIAL USE PERMITS

SECTION 17.01 PURPOSE

This Article is intended to provide regulations for Special Use Permits as authorized under New York State Town Law, Section 274-b, entitled "Approval of Special Use Permits." A Special Use Permit is the authorization of a particular land use, which is permitted in this zoning ordinance, subject to conditions imposed by this ordinance. The Planning Board will insure that the proposed use is in harmony with this zoning ordinance and will not adversely affect the neighborhood. Among the purposes to be accomplished by the Special Use Permit standards of this Article are the following:

- A. Provide a mechanism for public input on decisions involving more intense land uses.
- B. Establish criteria for both new development and infill/redevelopment consistent with the Town's land use goals and objectives as stated in the Town of Deerfield Comprehensive Master Plan.
- C. Regulate the use of land on the basis of impact to the Town overall, and adjacent properties in particular.
- D. Promote a planned and orderly development pattern which can be served by public facilities and services in a cost-effective manner.
- E. Ensure that uses can be accommodated by the environmental capability of specific sites.
- F. Provide site design standards to diminish negative impacts of potentially conflicting land uses.
- G. Provide flexibility to integrate land uses within the Town.

SECTION 17.02 APPLICATION, REVIEW AND APPROVAL PROCEDURES

The procedure for Special Use review shall be as follows:

- A. An applicant for a Special Use Permit shall submit an application to the Office of the Building Inspector. The application shall consist of:
 1. A site plan - if required by the Planning Board, containing the information detailed under Article 16.04.
 2. A detailed description of the Special Use requested, including information on hours of operation, number of employees and the anticipated number of vehicles visiting the site during the least busy and busiest hours.

B. Anticipated costs which the Planning Board expects to incur due to consulting services or other review costs shall be paid by the applicant to the town clerk and placed in an escrow account. Any unspent funds shall be returned to the applicant within five (5) days of the Planning Board action on the final site plan.

C. The Planning Board shall conduct a public hearing within sixty-two days from the day a complete application is received and accepted on any matter referred to it under this section, following the procedures for a public hearing as outlined in Article 25, Administration and Enforcement. This time period shall not commence on incomplete applications.

D. At least ten days before such hearing, the Planning Board, through its administrator, shall mail notices thereof to the applicant and to the Oneida County Planning Department, which notice shall be accompanied by a full statement of the matter under consideration.

E. The Planning Board shall conduct the required public hearing, providing an overview of the Special Use Permit application. All interested parties are invited to present evidence to be considered by the Planning Board. If the Planning Board feels that the proposed use will also require a public hearing as part of the site plan review process, one public hearing may be held in satisfaction of both hearing requirements.

F. The Planning Board shall review the application in terms of the General Review Standards of Section 17.03.

G. The Planning Board shall comply with the provisions of the State Environmental Quality review Act (SEQRA) under Article 8 of the Environmental Conservation Law and its implementing regulations.

H. The Planning Board shall decide upon the application within sixty-two days after the conduct of the hearing. The time within which the Planning Board must render its decision may be extended by mutual consent of the applicant and the Planning Board.

I. The Planning Board shall either approve, approve with conditions (as described below in Section 17.04) or deny the Special Use Permit. Approval of the Special Use Permit shall constitute approval of the site plan presented as a component of it, provided a separate Site Plan Review is not required under the provisions of Article 16, Site Plan Review.

J. The decision of the Planning Board on the application, made after the public hearing shall be

filed in the office of the Town Clerk within five business days after the date such decision is rendered, and a copy thereof mailed to the applicant.

K. Upon approval of an application for a Special Use Permit, the Building Inspector shall issue the permit within five (5) business days, provided all other requirements of this Ordinance have been met.

L. The Building Inspector shall be responsible for ensuring any conditions attached to the approval of the Special Use Permit are implemented.

SECTION 17.03 GENERAL REVIEW STANDARDS FOR ALL SPECIAL USE PERMITS

Prior to approving a Special Use Permit application, the Planning Board shall require the following general standards shall be satisfied for the use at the proposed location. The Planning Board shall determine all of the following are met:

A. The Special Use will be consistent with the goals, objectives and future land use plan described in the Town of Deerfield Comprehensive Master Plan.

B. The Special Use will be consistent with the stated intent of the zoning district.

C. The off-street parking spaces proposed are adequate to handle the use being requested.

D. The Special Use will be designed, constructed, operated and maintained to be compatible with, and not significantly alter, the existing or intended character of the general vicinity, considering environmental impacts, views, aesthetics, noise, vibration, glare, air quality, drainage, traffic, property values or similar Impacts.

E. The Special Use can be served adequately by public facilities and services such as sufficient roadway capacity, police and fire protection, drainage structures, water and sewage facilities.

F. The use will not cause undue traffic congestion or create a traffic hazard.

SECTION 17.04 CONDITIONS OF APPROVAL

A. Prior to granting any Special Use Permit, the Planning Board may impose any additional conditions or limitations deemed necessary for protection of the public health, safety and welfare. Such conditions shall ensure compliance with the standards in this zoning ordinance, the intent of the Comprehensive Master Plan, other town ordinances and applicable state or federal regulations.

B. Approval of a Special Use, including conditions made part of the approval, is attached to the property described in the application and not to the owner of such property.

C. A record of conditions imposed shall be made a part of the Planning Board minutes and maintained by the Town Building Inspector. The conditions shall remain unchanged unless an amendment to the Special Use Permit is approved by the Planning Board.

SECTION 17.05 VALIDITY OF PERMIT

A. Where actual physical construction of a substantial nature of structures authorized by a Special Use Permit has not commenced within one (1) year of issuance, and a written application for extension of the approval has not been filed as provided below, the permit shall become null and void and all rights thereunder shall terminate. (Note: It is the responsibility of the applicant to request such an extension).

B. Upon written application filed prior to the termination of the one (1) year period as provided above, the Planning Board may authorize a single extension of the time limit for a further period of not more than one (1) year. Such extension shall be granted only based on evidence from the applicant that the development has a reasonable likelihood of commencing construction during the one (1) year extension period.

C. Any approved Special Use shall be deemed a use permitted in the district in which it is located and is not to be considered a non-conforming use.

D. Any use for which a Special Use Permit has been granted and which ceases to continuously operate for one (1) year period shall be considered abandoned, and the Special Use Permit shall become null and void.

SECTION 17.06 REVOCATION

The Town Building Inspector shall make periodic investigations of developments authorized by Special Use Permit to determine continued compliance with all requirements imposed by the Planning Board and this Ordinance. Non-compliance with the requirements and conditions attached to the Special Use Permit shall constitute grounds to consider revocation of said permit pursuant to Article 25 according to the following:

A. The Planning Board through its designated administrators, shall notify the recipient, in writing, of any violations of Town codes or provisions of the Special Use Permit.

B. The recipient shall have thirty (30) days to correct all deficiencies to the satisfaction of the Planning Board.

C. If after thirty (30) days any deficiencies remain, the Planning Board may then revoke the Special Use

Permit, following a public hearing, or if the conditions warrant, allow additional time.

D. A repeat violation shall cause immediate revocation of the Special Use Permit.

End of Article

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ARTICLE 18. STANDARDS FOR NONCONFORMING SITUATIONS

SECTION 18.01 INTENT

Legal nonconformities: Certain existing lots, buildings, structures and uses of land were lawful prior to adoption of the zoning ordinance, but have become nonconforming under the terms of this Ordinance and its amendments. Such nonconformities, particularly nonconforming uses which are more intense than the uses permitted within the zoning district, are declared by this Ordinance to be incompatible with permitted uses and in conflict with the purposes of this Ordinance. An intent of this Ordinance is to permit such legal nonconforming lots, buildings, structures or uses to remain until they are discontinued or removed, but not to encourage their survival, or where discontinuance or removal is not considered feasible, to gradually upgrade such nonconformities to a more conforming status. A nonconforming use, building, structure or combination thereof, shall not be extended, enlarged, expanded or replaced, except as provided herein, and shall not be used as grounds for adding other nonconforming uses, buildings or structures

A. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

Illegal nonconformities: Any lot, use, building, structure or any combination thereof that was not lawful at the date of adoption of this Ordinance or any amendments, shall be classified as an illegal nonconformity and shall not receive any of the rights, privileges or protection conferred by this Article. Such illegal nonconformity shall be in violation of this Ordinance and shall be terminated and removed.

SECTION 18.02 NONCONFORMING LOTS OF RECORD

A lot of record in separate ownership and not contiguous with other lots in the same ownership that

existed at the date of adoption or amendment of this Ordinance which fails to meet the requirements for

area, width or both, that are applicable in the district, shall be considered to be a legal nonconforming lot. Permitted principal and accessory uses and structures shall conform to the regulations for the district.

A. A reduction of minimum setbacks and other requirements shall only be permitted upon granting of a variance by the Zoning Board of Appeals, based on the variance procedure of Article 24.

SECTION 18.03 NONCONFORMING USES OF LAND

Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

A. The nonconforming use shall not be enlarged, expanded or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;

B. No accessory use, building or structure shall be established;

C. The nonconforming use shall not be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance;

D. If such nonconforming use of land ceases for any reason for a period of more than one year, such use shall not be re-established. Subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

SECTION 18.04 NONCONFORMING BUILDINGS AND STRUCTURES

Where a lawful building or structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, landscape buffer, off-street parking, loading space, minimum setback, or other characteristics of the structure or its location on the lot, such building or structure may be continued provided it remains otherwise lawful, subject to the following provisions:

A. **Permitted expansions:** No such structure may be enlarged or altered in a way which increases its nonconformity, unless a variance is granted by the Zoning Board of Appeals. Nonconforming buildings

and structures may be enlarged or altered in a way which decreases its nonconformity or which does not increase its nonconformity. (Example, if the side yard setback is nonconforming, the building may be extended on the other side, rear or front yard provided that those setbacks remain conforming)

B. Replacement of nonconforming single family dwellings: A nonconforming single family dwelling and its accessory structures may be continued, replaced, repaired or remodeled if damaged by vandalism, fire or natural causes, if approved by the Zoning Board of Appeals. Such approval requires a finding that the resulting building footprint will be the same size or smaller than that of the building before such change. Replacement of such nonconforming single family building shall commence within one (1) year of the date of damage and work shall be diligently pursued toward completion. Failure to complete replacement or diligently work toward completion shall result in the loss of legal, nonconforming status unless good cause for the delay is accepted at a hearing before the Zoning Board of Appeals.

C. Damaged nonconforming buildings and structures: A nonconforming building or structure, which is damaged by vandalism, fire or natural causes may be continued, replaced, repaired or remodeled if approved by the Zoning Board of Appeals. Such approval requires a finding that the resulting building footprint and cubic content will be the same size or smaller than that of the building before such change. Replacement of such nonconforming buildings shall commence within one (1) year of the date of damage and work shall be diligently pursued toward completion. Failure to complete replacement or diligently work toward completion shall result in the loss of legal, nonconforming status unless good cause for the delay is accepted at a hearing before the Zoning Board of Appeals.

D. Relocation of a nonconforming building or structure: Should any nonconforming building or structure be relocated or moved for any reason for any distance, it shall thereafter conform to the regulations for the district in which it is located after it is relocated or moved.

the time of passage or amendment of this Ordinance shall be increased (see also Section 18.04.A).

B. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

End of Article

SECTION 18.05 REPAIRS AND MAINTENANCE

A. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on repairs or replacement, provided that neither building footprint nor the cubic content of the building as it existed at

ARTICLE 19. OFF-STREET PARKING AND LOADING REQUIREMENTS

SECTION 19.01 PURPOSE

The purpose of this section is to ensure sufficient off-street motor vehicle parking space with adequate access to all spaces at the time of erection, enlargement or change in use of any principle building or structure. Off-street parking and loading areas are to be designed, maintained and operated in a manner that will ensure their efficient use, promote public safety, improve aesthetics and, where appropriate, protect surrounding uses from undesirable impacts. The number of off-street parking spaces, in conjunction with all land or building uses shall be provided, prior to the issuance of a certificate of occupancy, as hereinafter prescribed.

SECTION 19.02 GENERAL REQUIREMENTS

19.02.A Applicability

Compliance with the off-street parking regulations shall be required under the following conditions:

- 1. For all buildings and uses established after the effective date of this Ordinance;
- 2. Whenever use or intensity of use of a building, structure or lot is changed, parking facilities shall be provided or increased as may be required by this Ordinance.

All off-street parking facilities required by this Ordinance shall be subject to site plan review and approval as specified in Article 16. Once approved, the total number of spaces or the size of individual spaces shall not be reduced without written approval from the Planning Board.

NOTE: The provisions of this Section shall not be deemed to apply to motor vehicle storage or display parking areas associated with a motor vehicle sale or rental establishment, except as may be required elsewhere in this Ordinance.

19.02.B Location

Off-street parking for multi-family and non-residential uses shall be located on the same lot or parcel as the building or use being served or on a lot or parcel within three hundred (300) feet of the use being served, has the same zoning classification as the lot being served.

- 1. Off-street parking for commercial, office, multi-family residential and institutional uses may only be located in a side, rear or non-required front yard, and may not be located within twenty-five (25) feet of a single-family residentially or agriculturally zoned or

used property, nor within ten (10) feet of any road right-of-way line.

19.02.C Landscaping/Screening

Perimeter and interior landscaping for off-street parking facilities may be required by the Planning Board during the site plan review process. A landscaped buffer strip or solid fence shall be provided in any instance where off-street parking for a non-residential use abuts a residentially used or zoned property.

19.02.D Accessibility

All uses where twenty (20) or more off-street parking spaces are required by the provisions of this Section shall be required to provide off-street parking spaces for the physically challenged. Such parking spaces shall be provided in accordance with the following requirements:

1. Location

Parking spaces for the physically challenged that serve a particular building shall be the spaces located closest to the nearest accessible entrance on an accessible route.

2. Parking Spaces

Parking spaces for the physically challenged shall be at least nine feet, six inches (9'6") in width and shall have an adjacent access aisle a minimum of five (5) feet wide. Two accessible parking spaces may share a common access aisle. Parking spaces and access aisles shall be level with surface slopes not exceeding 1:50 in all directions.

3. Signage

Accessible parking spaces shall be identified by a sign and suitable permanent markings on the paved surface indicating parking reserved for the physically challenged only

4. Requirements

The number of parking spaces for the physically challenged shall be included in the required number of parking spaces and shall be in accordance with Table 24.

Table 24 PHYSICALLY CHALLENGED PARKING

TOTAL NUMBER OF PARKING SPACES IN LOT	REQUIRED MINIMUM NUMBER OF ACCESSIBLE SPACES
20 TO 25	1
26 TO 50	2
51 TO 75	3
76 TO 100	4
101 TO 150	5
151 TO 200	6
201 TO 300	7
301 TO 400	8
401 TO 500	9
501 to 1,000	2 percent of total
1001 and over	20, plus 1 for each 100 over 1,000

19.02.E Residential Parking

Off-street parking spaces in residential districts shall consist of a parking strip, driveway, garage or combination thereof, and shall be located on the premises they are intended to serve. No parking shall be permitted on a regular basis on lawn areas and in no case shall more than fifty (50) percent of any front yard in a residential district be used for parking. A minimum three (3) foot wide lawn or landscape strip shall be required between the edge of pavement and all property lines.

19.02.F Commercial Vehicle Parking

1. One (1) commercial vehicle owned and operated by a resident of the premises with a rated capacity of less than one (1) ton, or less, may be parked on any lot located in a residential district provided that the vehicle is not a utility truck, such as a wrecker, septic tank pumper, or a truck that carries flammable or toxic materials.
2. The parking or storage of vehicles with a rated capacity of over one (1) ton may be permitted on the farm property where such vehicles are used in conjunction with the operation of a farm.
3. The parking of no more than one (1) commercial vehicle with a rated capacity of over one (1) ton may be permitted on a parcel in a residential district, subject to the following conditions:
 - a. The vehicle shall not be parked in the public right-of-way, any front yard or any side yard;

- b. The commercial vehicle must be owned and operated by a resident of the premises;
- c. The vehicle shall be screened when parked. Such screening may be provided by parking the vehicle in a garage or by parking the vehicle in a rear yard which provides complete screening from adjacent properties. Screening of vehicles located outdoors may be accomplished with existing or new landscaping, topographic barriers, or through construction of screening walls or fencing.
- d. Parked or stored recreational vehicles capable of being moved from place to place under their own power must be maintained in good running condition. All such vehicles must be properly registered in the name of the occupant of the dwelling unit;

19.02.G Recreational Vehicle Parking

Recreational vehicles, including recreational living units, boats, snowmobiles and other recreational equipment, may be parked or stored by the owner on residentially-used property subject to the following conditions:

1. Recreational living units parked or stored shall not be connected to electricity, water, gas, or sanitary sewer facilities;
2. At no time shall recreational living units parked or stored in residential districts be used for living or housekeeping purposes;
3. Recreational vehicles not parked in a building shall be parked or stored in the rear or side yard, but not closer than five (5) feet to a side or rear property line;
4. Recreational vehicles may occupy no more than twenty percent (20%) of the rear yard;
5. The provisions concerning connection to utilities, use as living quarters, and location may be waived for a period of up to two weeks to permit repair of the occupant's or owner's equipment or to permit the parking of a recreational living unit of a guest. Permits for any such waiver shall be obtained from the Building Inspector. No more than two (2) permits shall be issued for each activity (repair, storage of guest vehicle) per calendar year.

19.02.H Limitations on Storage

The use of required parking areas for material storage, refuse storage stations/dumpsters, storage or display of vehicles and or merchandise is expressly prohibited. The use of semi-trailers for storage purposes on the premises for five (5) or more consecutive days in a 30 day period is prohibited.

19.02.I Limitations on Repairs of Vehicles

The use of required parking areas for vehicle repair is prohibited, except when conducted on a residentially used property subject to the following conditions:

1. All vehicles being worked on outside of an enclosed building shall be on an approved driveway surface, and shall be licensed and operable;
2. Routine maintenance procedures conducted outside of an enclosed building on a residentially used lot shall only be permitted on a licensed vehicle that is owned or leased by the owner or tenant of the principal dwelling or their immediate family members;
3. Inoperable and unlicensed vehicles in the process of being restored and vehicle parts; shall be stored inside an enclosed building;
4. Nothing in this Section shall be meant to prohibit emergency service on vehicles at any time.

19.02.J Seasonal Parking

A vehicle removed from service on a seasonal basis may be parked in the rear yard of a residential lot for no longer than six (6) months. If the vehicle is to be unused for longer than six (6) months, it shall be parked inside an enclosed building;

SECTION 19.03 MINIMUM REQUIRED SPACES BY USE**19.03.A Definition of Floor Area**

1. For the purposes of determining required number of parking spaces, "floor area" shall mean the Gross Floor Area (GFA), unless otherwise noted.
2. Where the floor area measurement is specified as Gross Leasable Floor Area, (GLFA), or usable area, parking requirements shall apply to all internal building areas excluding the floor area used for storage, mechanical equipment rooms, heating/cooling systems and similar uses, and other areas not intended for use by the general public. Where these areas are yet undefined, leasable floor area shall be considered to be eighty five percent (85%) of the gross floor area.

19.03.B Units of Measure**1. Fractional Spaces**

When calculations for determining the required number of parking spaces results in a fractional space, any fraction of less than one-half ($\frac{1}{2}$) may be disregarded, while a fraction of one-half ($\frac{1}{2}$) or more shall be counted as one space.

2. Bench Seating

In calculating bench seating for places of assembly, each twenty-four (24) inches of benches, pews or other such seating, shall be counted as one seat.

3. Stacking Space

Each required drive-through waiting or stacking space shall be twenty-four (24) feet long and nine (9) feet wide.

19.03.C General

1. Where a given use or building contains a combination of uses as set forth in the following Table 25, parking shall be provided on the basis of the sum of the required spaces for each use.
2. Where the required number of parking spaces is not set forth for a particular use in the following Sections, the maximum requirement for the general type of use that is involved shall govern.
3. Where there is no similar general type of use listed, the Planning Board shall determine the required number of spaces to be provided.

End of Section

19.03.D Schedule of Off-Street Parking Requirements

Table 25 OFF-STREET PARKING REQUIREMENTS

RESIDENTIAL	MINIMUM NUMBER OF SPACES
Single and two-family dwellings	
Up to 3 bedrooms	2.0 spaces per dwelling unit
4 or more bedrooms	3.0 spaces per dwelling unit
Mobile/manufactured homes in a mobile home/manufactured housing park	2.0 spaces per each manufactured/mobile home unit or site

INSTITUTIONAL OR PUBLIC USES	MINIMUM NUMBER OF SPACES
Religious Institutions	1.0 space per each three (3) seats or six (6) linear feet of pews
Municipal Office Buildings	4.0 spaces per 1,000 sq. ft. gross floor area
Child Care or Day Care Centers	2.0 spaces plus 1.0 additional space for each eight (8) children of licensed authorized capacity; a paved, unobstructed pick-up space with adequate stacking (as determined by the Planning Board) shall be provided
Primary Schools (elementary and junior high schools)	1.0 space per each instructor, employee and administrator, plus drop-off areas for school busses, plus one space per four (4) seats in any assembly hall, gymnasium, auditorium or outdoor arena
Secondary (high) schools	1.0 space per each instructor, employee and administrator, plus 5.0 spaces per each classroom, plus drop-off areas for school busses, plus one space per four (4) seats in any assembly hall, gymnasium, auditorium or outdoor arena
Public utility use	1.0 space per every employee on the maximum shift
Nursing Home	1.0 space for each 2 beds

OFFICE	MINIMUM NUMBER OF SPACES
Professional and medical offices	7.0 spaces per 1,000 sq. ft. gross floor area
General Offices	1.0 space per 300 sq. ft. gross floor area
Bank, credit union or savings and loan	1.0 space per 200 sq. ft. gross floor area, plus 2.0 spaces per each 24 hour teller, plus 4.0 stacking spaces per each drive through window

COMMERCIAL/RETAIL/SERVICE	MINIMUM NUMBER OF SPACES
Appliance store	1.0 space per 250 sq. ft. gross leasable floor area
Motor vehicle service station	2.0 spaces per each service bay (pump island), plus 1.0 space per employee on peak shift, plus 1.0 space per each tow truck, plus 1.0 space for each 500 sq. ft. devoted to sales of automotive goods or convenience items
Motor vehicle repair establishment	3.0 spaces for employees on the peak shift, but not less than 2.0 spaces for each lubrication stall, rack, pit or similar service area, plus 2.0 waiting spaces for each service bay
Motor vehicle sales establishment	Two and one half (2.5) spaces for each one thousand (1000) sq. ft. of interior sales space plus one and one half (1.5) spaces for each one thousand (1000) sq. ft. of exterior display, plus three (3) spaces per service bay

Table 25 OFF-STREET PARKING REQUIREMENTS (Continued)

COMMERCIAL/RETAIL/SERVICE	MINIMUM NUMBER OF SPACES
Motor vehicle washing establishment	2.0 spaces, plus 1.0 designated space per each employee on peak shift, plus 12.0 stacking spaces per bay for an automatic car wash or 3.0 stacking spaces per bay for a self-serve car wash
Barber shop/Beauty parlor	2.5 spaces per each barber or beautician chair/station
Bookstore	1.0 spaces per 125 sq. ft. gross leasable floor area
Convenience store, with or without gasoline service	1.0 space per 250 sq. ft. gross leasable floor area, plus spaces required for auto service station activities or gasoline sales
Private clubs and lodges	1.0 space per every two persons as determined by the Capacity Limitations of the Fire Marshall
Dry cleaners	2.0 spaces per 1,000 sq. ft. of gross leasable floor area
Wayside stands	5.0 spaces, plus 1.0 space for each 100 sq. ft. of floor space
Furniture/carpet store	1.5 spaces per 1,000 sq. ft. of gross leasable floor space
General retail business	1.0 spaces per 150 sq. ft. of gross leasable floor space
Laundromat	1.0 space per each two washing machines
Mini or self storage	5.0 spaces for the first twenty (20) units, plus 1.0 space for each seven (7) additional units
Motel/hotel with lounge, restaurant and conference or banquet rooms	1.0 space per guest room, plus 1.0 space per 100 sq. ft. of lounge, restaurant, conference or banquet rooms or exhibit space
Motel with restaurant/lounge	1.0 space per guest room, plus 12.0 spaces per 1,000 sq. ft. of restaurant/ lounge space
Motel without restaurant/lounge; bed and breakfast inn	1.0 space per guest room, plus 2 spaces
Outdoor sales, display	1.0 space per 800 sq. ft. of such area
Recreational vehicle, boat, mobile home and similar sales	1.0 space per 800 sq. ft. gross leasable floor area, plus 2.0 spaces per each vehicle service bay
Restaurant with alcoholic beverages	22.0 spaces per 1,000 sq. ft. gross leasable floor area, or 0.6 space per seat, whichever is greater
Bars, lounges, taverns	25.0 spaces per 1,000 sq. ft. usable floor area
Restaurant	14.0 spaces per 1,000 sq. ft. gross leasable floor area or 0.5 space per seat, whichever is greater, plus 1.0 space for every two persons of Allowable Capacity as determined by the Fire Marshall, for banquet and meeting rooms
Restaurant with outdoor seating	14.0 spaces per 1,000 sq. ft. gross leasable floor area or 0.5 spaces per seat, whichever is greater, plus 2.0 spaces per each outdoor table
Restaurant with drive-through window	22.0 spaces per 1,000 sq. ft. of usable floor area, plus 5.0 spaces between the pick-up window and the order station, plus 10.0 stacking spaces which do not conflict with access to required parking spaces per order pick-up station, plus spaces for employees of a peak shift, plus at least 2.0 longer spaces designated for recreational vehicles and semi-trucks if the site is within 1/2 mile of a major highway
Shopping center	1.0 space per 200 sq. ft. gross leasable floor area, plus spaces required for supermarket or bookstore, if included
Supermarket	1.0 space per 175 sq. ft. gross leasable floor area
Video rental establishment	1.0 space per 100 sq. ft. leasable floor area, with a minimum of 8.0 spaces provided
Wholesale establishment	1.0 space per 500 sq. ft. gross leasable floor area

Table 25 OFF-STREET PARKING REQUIREMENTS (Continued)

RECREATIONAL/ENTERTAINMENT	MINIMUM NUMBER OF SPACES
Batting cages	3.0 spaces per cage
Bowling centers	5.0 spaces per lane, plus 25% of the required parking for any lounge
Commercial outdoor recreation centers	1.0 space per 200 sq. ft. gross floor area
Golf driving range	2.0 spaces per each tee
Golf course, miniature	1.0 space per each course hole
Golf course, par three	3.0 spaces per each course hole
Golf course/country club	6.0 spaces per each course hole
Ice/roller skating rink	6.0 spaces per 1,000 sq. ft. gross floor area
Swimming pool	1.0 space per each three persons of capacity authorized by the Town Building Inspector
Racquetball/tennis centers	1.0 space per 1,000 sq. ft. gross floor area of 6.0 spaces per court, whichever is greater
Video arcades	1.0 space per 50 sq. ft. leasable floor area, with a minimum of 6.0 spaces required

SECTION 19.04 OFF-STREET LOADING AREAS

At least one off-street loading space shall be provided for each commercial or institutional establishment hereafter erected or substantially altered to have a gross floor area in excess of 5,000 square feet. One additional loading space shall be provided for each additional 5,000 square feet of gross floor area (GFA). Space for off-street loading shall be in addition to space for off-street parking.

Each off-street loading space shall be subject to the following minimum requirements:

- A. Each loading berth shall not be less than twelve (12) feet wide, thirty-three (33) feet long and fourteen (14) feet in height.
- B. Space for such berth may occupy any part of any required side or rear yard, except that no such berth shall be located closer than fifty (50) feet to any residential district or use.

End of Article

ARTICLE 20. SIGN REGULATIONS

The purpose of this section is to protect the public health, welfare and safety by regulating existing and proposed outdoor advertising. It is intended to improve communications within the community, protect property values, create a more attractive economic and business climate, enhance and protect the physical appearances of the community, preserve the scenic and natural beauty of designated areas and provide a more enjoyable and pleasing community. It is further intended to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting into public right-of-way, provide more open space and curb the deterioration of natural beauty and community environment.

SECTION 20.01 SIGN DEFINITIONS

SIGN - Any material, symbol, emblem structure or device upon which lettered or pictorial matter is placed when used or located out of doors. It may be on the exterior or next to any building, including exterior and interior window surfaces. It is for display of an advertisement, announcement, notice, directional matter or name, and includes sign frames, advertising signs, signboards, painted wall signs, hanging signs, illuminated signs, pennants, fluttering devices, projecting signs or ground signs, and shall include any announcement, declaration, demonstration, display, illustration or insignia used to advertise or promote the interests of any person or business when the same is placed in view of the general public. The term "sign" includes signs related and unrelated to a business or profession or to a community service sold or offered upon the premises where such sign is located.

A-FRAME SIGN - Any sign which could have a double display message, erected on a frame in which the supports form a triangle using the ground as the third side of the triangle.

ADVERTISING SIGN - Any sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where such sign is located or to which it is attached.

AGRICULTURAL PRODUCTS SIGN - A sign displayed at any residence for the purpose of identifying or advertising homegrown agricultural products for sale.

AREA OF SIGN - The surface area of any sign that is within view of a public right-of-way, visible from any one point of view, and is that area of the smallest

rectangle that can be placed over the entire sign. This surface area includes its lettering, devices, frame and decorative moldings along its edges. The background of the sign is included in this surface area if it is a different color or shade from the predominant color or shade surrounding the sign. Only one face of a Double-Faced sign shall be used to determine sign area. (See figure 5)

AUDIBLE SIGN - A sign type designed to emit an audible message.

AWNING SIGN - Any Sign attached to or made part of a awning

BUSINESS SIGN - A sign that advertises a business conducted, services provided or products sold on the Parcel on which the sign is erected

CANOPY SIGN - Any Sign attached to or made part of a canopy attached to a building.

CIVIC SIGN - A sign that announces an event of quasi-civic nature.

CONSTRUCTION SIGN - A sign identifying individuals or companies involved in design, construction, wrecking, financing or development when placed upon the Parcel where work is under construction.

DIRECTORY SIGN - A sign located next to the main entrance of a building used as a shopping center or for professional offices, under the unified control, consisting of two or more occupants. It is designed for the pedestrian and indicates the name or address of the occupants and identification of any business or occupation which may exist at the site.

DIRECTIONAL SIGN - A sign directing traffic on private property, which includes signs identifying public walkways, parking areas and other similar facilities

DOUBLE-FACED SIGN - Any sign with two faces back to back. The two sides cannot be viewed from the same point.

ERECT - To build, construct, hang, place, suspend or affix and shall also include the painting of wall signs.

FLASHING SIGN - Any illuminated sign type on which the artificial source of light is not maintained stationary or constant in intensity or colors at all times.

FREESTANDING SIGN - Any sign not attached to a building. It is any sign erected, constructed or maintained on one or more posts or poles or other bracing device set into the ground.

GRADE OF SIGN - The highest elevation of the ground beneath and within a ten foot radius of the sign.

HEIGHT OF SIGN - Is the vertical distance, measured in feet after sign erection, from Sign Grade elevation to the highest elevation of a sign's Sign Area. (See figure 5)

HOME OCCUPATION SIGN - A sign advertising an occupation or business conducted within a dwelling unit.

HOUSEHOLD AND GOODS SALES SIGN - A sign advertising the sales of used domestic or personal items.

ILLUMINATED SIGN - A sign that is artificially lighted directly or through any transparent or translucent material. The source of light connected with such sign, or a sign illuminated by a source of light focused upon or chiefly directed at the surface of the sign. These light sources are maintained at a constant intensity or color at all times.

ILLUMINATED T&T SIGN - The same as an Illuminated Sign except it has a current time and temperature display that uses intermittent lighting only on the time and temperature display.

INFORMATIONAL SIGN - A sign designed to contain public service information of a non-commercial nature such as the location of public rest rooms, telephone, etc..

LEGAL NONCONFORMING SIGN - A Permanent Sign that was legal prior to November 29, 1999.

MONUMENT SIGN - Any Sign not attached to a building. It is any sign erected, constructed or maintained on the ground rather than on a pole or similar support.

MOVING SIGN - A sign which revolves, rotates, swings, or otherwise attracts attention through the movement of parts.

NAMEPLATE SIGN - A sign which displays only the legal name or names of the occupants living in a dwelling where the sign is erected.

OBSOLETE SIGN - A Permanent Sign including supports which no longer advertises a bona fide business conducted or product sold or the sign is no longer maintained in a good condition, kept free of defects or hazards, and is allowed to become excessively weathered or faded.

PENNANT SIGN - A sign attached to or made part of a pennant.

PERMANENT SIGN - A sign built to last longer than one year.

POLITICAL SIGN - A sign identifying a political candidate, issue or party.

PORTABLE SIGN - A sign, whether on its own trailer, wheels, or otherwise designed to be movable and not structurally attached to the ground, a building, a structure or another sign.

PROJECTING SIGN - Any sign which is supported by and projects at an angle from the exterior of any building.

PUBLIC BUILDING SIGN - A sign identifying public or quasi-public religious, school and community centers buildings.

REAL ESTATE SIGN - A sign where the purpose of the sign is to advertise the sale or lease or the completion of the sale or lease of real estate.

ROOF SIGN - Any sign or other object of display erected, constructed or maintained in whole or in part on, against or directly above the roof, parapet or wall and where the roof structure is the principal support of such sign.

SHOPPING CENTER - Four or more retail stores or service establishments sharing customer parking areas and common structures.

SIGNAGE - The total Sign Area of all obsolete and permanent signs on a Parcel.

SNIFE SIGN - Any sign of any material whatsoever that is attached in any way to a utility pole, tree, or any similar object located or situated on public or private property. These signs usually post warnings or some prohibited activity.

STATIONARY – Fixed in place, requiring reconstruction to move.

SUBDIVISION SIGN - A sign identifying a division or part, Parcel or area of land by the owner or agent by lots.

TEMPORARY SIGN - A sign constructed of cardboard, plywood, wallboard, cloth fabrics or similar materials, with or without a frame, related to a special limited time offer or event.

TRAFFIC SIGN - A sign whose message is to safely control vehicle or pedestrian traffic.

WALL ATTACHED SIGN - Any sign which is supported by or is attached parallel to an exterior wall, or other exterior surfaces of a building that are not transparent.

WALL PAINTED SIGN - Any sign which is painted or printed on the exterior wall, or other exterior surfaces of a building that are not transparent.

WINDOW ATTACHED SIGN - Any sign which is supported by or is attached to an exterior window, or other exterior surfaces of a building that are transparent.

WINDOW PAINTED SIGN - Any sign which is painted or printed on an exterior window, or other exterior surfaces of a building that are transparent.

SECTION 20.02 SIGNS EXEMPT FROM REGULATION

The following signs are exempt from regulation if the sign or its supporting structure does not constitute a hazard to public safety or health:

- A. Traffic signs, legal notices, signs for public safety or welfare authorized by a government agency.
- B. A Legal Nonconforming Sign until such time as it becomes an Obsolete Sign.
- C. A Snipe Sign erected on a Parcel ten acres or larger with a Sign Area no larger than one square foot used for the purpose of a No Trespassing or Posted notification. This Sign must be erected and maintained in conformance with NYS Dept. of Environmental Conservation regulations.
- D. Signs of a seasonal theme during the months of December and January providing that no audible or lighting device is placed, directed or beamed upon on a Street, or another Parcel that causes glare, reflection or sound that may constitute a traffic hazard or public nuisance.
- E. A Sign on a vehicle or trailer parked on a Street or Parcel which does not advertise a product, activity, or event located on the same or nearby Street or Parcel.
- F. A Sign not visible off the Parcel on which located if not a hazard to public safety or health.

SECTION 20.03 GENERAL REGULATIONS

The regulations, as set forth in the following sections of this Article, shall apply to all Zoning Districts or Land Use Areas. Sign Regulation Table 26 shall be used to determine signs that are prohibited in the Town and those signs that are regulated.

20.03.A LIFE OF ALL LEGAL NONCONFORMING AND OBSOLETE SIGNS

1. LEGAL NONCONFORMING SIGN

This sign remains legal after November 29, 1999 until such time as it becomes an Obsolete Sign.

2. OBSOLETE SIGN

A permanent sign that becomes an Obsolete Sign must be removed, repaired, or altered at the expense of the owner of the Parcel where the sign is located.

a. If the obsolete sign or a portion of the sign becomes a serious hazard to public safety or health the hazard must be corrected as soon as possible. The Building Inspector will make this determination. If the Parcel owner cannot correct this hazard, as quickly as the Town can correct this hazard, then the Town will remove the hazard without giving notice to the Parcel owner. The Town shall charge the Parcel owner a reasonable fee for correcting this hazard.

b. If the obsolete sign is not a serious hazard to public safety or health it must be removed or repaired or altered within 90 days. The Building Inspector shall give written notice, via certified mail, return receipt requested, to the owner of the Parcel where the sign is located. The notice will be mailed to the same name and address as appears on the Town tax roll. The notice shall contain the specifics of the violation. If the Building Inspector does not receive a written reply within 31 days after the date its written notice was delivered The Town may remove the sign. The Building Inspector may or may not, at his discretion, allow repairs or alterations to change the sign type from obsolete to permanent. The Town shall charge the Parcel owner a reasonable fee for all expenses incurred to resolve this removal, repair, or alteration matter.

20.03.B PERMANENT SIGNS - GENERAL

- 1. No sign shall be erected on a Parcel without the owners permission.
- 2. No Sign shall be erected, if a permit is required, before the permit is obtained.
- 3. No Sign shall be erected or maintained in such a manner as to project over or above any street. The sign shall be set back at least fifteen feet from any street, right-of-way, and at least ten feet from any other Parcel line.
- 4. All signs shall be constructed, erected, and maintained in compliance with all applicable State and Town Building, Safety, and Fire Prevention Codes.
- 5. No sign or lighting device shall be placed or so directed or beamed upon on a public street, highway, sidewalk, air corridor, or adjacent premises that cause glare or reflection that may constitute a traffic hazard or public nuisance.

6. No Sign shall be erected or maintained on a Parcel in such a manner as to hinder or block the operators view of a vehicle on a Street.
7. A permit is required for all signs except Home Occupation & Nameplate types.
8. A permit, and a Town Planning Board Site Plan Review is required for all signs with a Sign Area of 100 square feet or more. A review procedure shall not be started before receipt of drawing(s) approved by a State registered Architect or Professional Engineer.
9. On signs that require a permit, a sign label shall be permanently affixed to the sign or its structure. This label, its fastening hardware and the information contained on the label shall be made of non-corrosive material designed for a ten year life. A font size between 9 & 15 shall be printed, stamped or engraved on the label with the Town's sign permit number. The size and location of the label shall be reasonable and approved by the Building Inspector. The cost to install and maintain the sign label is the responsibility of the owner of the Parcel where the sign is located.

20.03.C TEMPORARY SIGNS - GENERAL

1. No sign shall be erected on a Parcel without the owners permission.
2. No sign, except those signs exempt from regulation in the previous Section 20.02, shall be erected on a road/street right of way.
3. No Sign shall be erected or maintained in such a manner as to project over or above any street. The sign shall be set back at least ten feet from any street, right-of-way and at least five feet from any other Parcel line.
4. No sign or lighting device shall be placed or so directed or beamed upon on a public street, highway, sidewalk, air corridor, or adjacent premises to cause glare or reflection that may constitute a traffic hazard or public nuisance.
5. All signs shall be constructed, erected, and maintained in compliance with all applicable State and Town Building and Fire Prevention Codes.
6. No sign in Town of any message type, except Real Estate, shall be displayed for more than 180 days in any 365 day period.
7. No sign shall weigh over 50 pounds. Ballast weights customarily used to hold the sign in place are excluded from the weight calculation.
8. No sign shall be greater than four feet in height or eight feet in width.

20.03.D AGRICULTURAL - Zoning District Or Land Use Area, Sign Restrictions.

1. Permanent Nameplate and Home Occupation message signs are allowed with restrictions to size and construction. All other permanent signs not prohibited in Table 26 shall not be erected until a permit has been obtained. A permit shall not be issued before review by the Planning Board.
2. The total Sign Area of all temporary signs on a Parcel shall not exceed 32 square feet on any day.
3. The total number of temporary signs on a Parcel shall not exceed two on any day.
4. A Parcel shall not have temporary signs on it for more than 180 days in any 365 day period with one exception. A real estate type sign shall not be used to determine displayed days of temporary signs.
5. Sign Height shall not exceed six feet.

20.03.E RESIDENTIAL - Zoning District Or Land Use Area, Sign Restrictions.

1. Permanent Nameplate and Home Occupation message signs are allowed with restrictions to size and construction. All other permanent signs not prohibited in Table 26 shall not be erected until a permit has been obtained. A permit shall not be issued before review by the Planning Board.
2. The total Sign Area of all temporary signs on a Parcel shall not exceed 16 square feet on any day.
3. The total number of temporary signs on a Parcel shall not exceed two on any day.
4. A Parcel shall not have temporary signs on it for more than 180 days in any 365 day period with one exception. A real estate type sign shall not be used to determine displayed days of temporary signs.
5. Sign Height shall not exceed four feet.

20.03.F RECREATIONAL & INSTITUTIONAL - Zoning District Or Land Use Area, Sign Restrictions.

1. Permanent signs not prohibited in Table 26 shall not be erected until a permit has been obtained. A permit shall not be issued before review by the Planning Board.
2. Signage shall not exceed one-half square foot for each linear foot of building frontage.
3. All signs of freestanding or monument type shall not exceed a Sign Height of five feet.
4. The total Sign Area of all temporary signs on a Parcel shall not exceed 32 square feet on any day.

5. The total number of stationary temporary signs on a Parcel shall not exceed two on any day.

6. A Parcel shall not have stationary temporary signs on it for more than 180 days in any 365 day period with one exception. A real estate type sign shall not be used to determine displayed days of temporary signs.

7. The total number of portable temporary signs on a Parcel shall not exceed fifty on any day.

8. A Parcel shall not have portable temporary signs on it for more than 30 days in any 365 day period.

20.03.G COMMERCIAL - Zoning District Or Land Use Area, Sign Restrictions.

1. Permanent signs not prohibited in Table 26 shall not be erected until a permit has been obtained. A permit shall not be issued before review by the Planning Board.

2. Signage shall not exceed one-half square foot for each linear foot of building frontage.

3. The Sign Height of a Freestanding sign shall not exceed either the building height of the principal building on a Parcel or twenty feet.

4. Only one Permanent Business Message, Freestanding, or Monument, or Projecting Construction type sign shall be allowed on a Parcel.

5. The total number of stationary temporary freestanding signs on a Parcel shall not exceed two on any day with one exception. A real estate type sign shall not be used to determine displayed days of temporary signs.

6. The total number of movable temporary signs on a Parcel shall not exceed fifty on any day.

7. All temporary signs of freestanding or monument type shall not exceed a Sign Height of five feet.

8. A Parcel shall not have portable temporary signs on it for more than 10 days in any 30 day period. with one exception. A real estate type sign shall not be used to determine displayed days of temporary signs.

9. The total Sign Area of all window attached or window painted type signs shall not exceed one-half of the surface area of the window where located.

20.03.H MESSAGE ON THE SIGN RESTRICTIONS

20.03.H.1 AGRICULTURAL PRODUCTS

a. Product advertised shall be only those products grown by a resident of Town.

b. Temporary Freestanding or Monument type allowed only in Agricultural District with restrictions previously set forth.

20.03.H.2 AUDIBLE

This type of sign is prohibited.

20.03.H.3 BUSINESS

a. Permanent signs allowed only in Commercial Districts or Areas with a permit. Permit shall not be issued if Signage limits are exceeded or a site plan review by the Town Planning Board is required.

b. Temporary signs allowed only in Commercial Districts or Areas with restrictions previously set forth. Display of a sign shall not exceed ten days in any thirty day period.

20.03.H.4 CIVIC

a. Temporary sign only. Allowed in all districts or areas except Residential with restrictions previously set forth.

b. Sign shall not be displayed more than 30 days before the announced event or more than 10 days after the announced event.

20.03.H.5 CONSTRUCTION

a. Only Temporary Freestanding signs allowed in all districts or areas with restrictions previously set forth.

b. If a building permit is required for construction, wrecking, or development, the sign shall not be displayed before a building permit has been issued.

c. If a building permit is not required for construction, wrecking, or development, the sign shall not be displayed before construction, wrecking, or development work starts on a continuous basis.

d. Sign display shall not exceed 30 days beyond completion, wrecking, financing or development work.

20.03.H.6 DIRECTIONAL

a. Only Permanent signs allowed in Recreational, Institutional, and Commercial Districts or Areas with a permit.

b. Temporary signs allowed in all districts with restrictions previously set forth.

20.03.H.7 DIRECTORY

Only Permanent signs allowed in Recreational, Institutional, and Commercial Districts or Areas with a permit.

20.03.H.8 HOME OCCUPATION

Signs shall be in accordance with provisions of Article 21

20.03.H.9 HOUSEHOLD AND GOODS SALES

- a. Temporary Freestanding or Monument type allowed only in Agricultural and Residential Districts or areas with restrictions previously set forth.
- b. Used domestic or personal items advertised shall be only those items used and owned by a resident of Town.
- c. A Parcel shall not have sign(s) displayed on it for more than 10 days in any 30 day period.

20.03.H.10 INFORMATIONAL

- a. Permanent signs allowed only in Recreational, Institutional, and Commercial Districts or Areas with a permit.
- b. Temporary signs allowed only in Recreational & Institutional districts or areas with restrictions previously set forth. Display of a sign shall not exceed ten days in any thirty day period.

20.03.H.11 NAMEPLATE

- a. Signage shall not exceed one square feet.

20.03.H.12 POLITICAL

- a. Only Temporary Freestanding signs allowed in all districts or areas with restrictions previously set forth.
- b. Sign Height shall not exceed twelve feet in Recreational, Institutional and Commercial Districts or Areas.
- c. Sign shall be removed within seven days after vote on issue or election.

20.03.H.13 PUBLIC BUILDING

Only Permanent Monument or Wall attached signs shall be allowed in Town after a permit has been issued.

20.03.H.14 REAL ESTATE

- a. Only Temporary Freestanding signs allowed in all districts or areas with restrictions previously set forth.

- b. Sign Area shall not exceed seven square feet in Residential Districts and twenty four square feet in all other districts or areas.
- c. Signs shall be erected only on the Parcel advertised in the sign message as being that real estate for sale or lease. Sign display shall not exceed 14 days after sale or lease.

20.03.H.15 SUBDIVISION

- a. Temporary Freestanding signs allowed in all districts or areas with restrictions previously set forth.
- b. The display of Temporary Freestanding signs shall not exceed 364 days in a 365 day period.
- c. Permanent Monument signs allowed in all districts

20.03.H.16 TRAFFIC

- a. Permanent signs allowed only in Recreational, Institutional, and Commercial Districts or Areas with a permit.
- b. Only Temporary signs allowed in all districts or areas with restrictions previously set forth. Display of a sign shall not exceed ten days in any thirty day period.

End of Text

The Table shall be used with the regulations (includes definitions) to determine if a sign is prohibited, allowed, allowed with a permit, or allowed with restrictions. The Table does not include all restrictions that may be applicable to a particular sign. Refer to Sections 20.03 for signs that are exempt from regulation.

Table 26 SIGN REGULATIONS

		SIGN TYPES																																						
		MESSAGE														CONSTRUCTION																								
																Lighted							Stationary							Movable										
																FLASHING	ILLUMINATED	ILLUMINATED T&T	A-FRAME	AWNING	CANOPY	FREESTANDING	MONUMENT	PROJECTING	ROOF	SNIPE	WALL ATTACHED	WALL PAINTED	WINDOW ATTACHED	WINDOW PAINTED	MOVING	PENNANT	PORTABLE	STREAMER						
ZONING DISTRICT or LAND USE AREA	AGRICULTURAL PRODUCTS	AUDIBLE	BILLBOARD	BUSINESS	CIVIC	CONSTRUCTION	DIRECTIONAL	DIRECTORY	HOME OCCUPATION	HOUSEHOLD & GOOD SALES	INFORMATIONAL	NAMEPLATE	POLITICAL	PUBLIC BUILDING	REAL ESTATE	SUBDIVISION	TRAFFIC	FLASHING	ILLUMINATED	ILLUMINATED T&T	A-FRAME	AWNING	CANOPY	FREESTANDING	MONUMENT	PROJECTING	ROOF	SNIPE	WALL ATTACHED	WALL PAINTED	WINDOW ATTACHED	WINDOW PAINTED	MOVING	PENNANT	PORTABLE	STREAMER				
PERMANENT LIFE SIGNS	AGRICULTURAL	■	■	■	■	■	■	■	A	■	■	A	■	P	■	P	■	■	■	■	■	■	■	A	P	■	■	■	■	A	■	■	■	■	■	■	■	■		
	RESIDENTIAL	■	■	■	■	■	■	■	A	■	■	A	■	P	■	P	■	■	■	■	■	■	■	■	P	■	■	■	■	A	■	■	■	■	■	■	■	■	■	
	RECREATIONAL & INSTITUTIONAL	■	■	■	■	■	P	P	■	■	P	■	■	P	■	P	P	■	■	■	■	■	■	P	P	P	■	■	■	■	P	■	■	■	■	■	■	■	■	
	COMMERCIAL	■	■	■	P	■	P	P	■	■	P	■	■	P	■	P	P	■	P	P	■	■	P	P	P	P	P	■	■	P	■	■	■	■	■	■	■	■	■	
TEMPORARY LIFE SIGNS	AGRICULTURAL	A	■	■	■	A	A	A	■	■	■	■	A	■	A	A	A	■	■	■	■	■	■	A	A	■	■	■	■	■	■	■	■	■	■	■	■	■	■	
	RESIDENTIAL	■	■	■	■	■	A	■	■	A	■	■	A	■	A	A	A	■	■	■	■	■	■	A	A	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
	RECREATIONAL & INSTITUTIONAL	■	■	■	■	A	A	A	■	■	■	■	A	■	A	A	A	■	■	■	■	■	■	A	A	■	■	■	■	A	■	A	A	A	A	A	A	A	A	A
	COMMERCIAL	■	■	■	A	A	A	■	■	■	■	■	A	■	A	A	A	■	■	■	■	■	■	A	A	■	■	■	■	A	■	A	A	A	A	A	A	A	A	A

- = PROHIBITED
- P = PERMIT REQUIRED
- A = Allowed with Restrictions

The following steps are recommended for using the Table:

- 1.) Determine the Life type of the sign. The definition of a permanent sign and a temporary sign are given under their respective headings on the left side of the Table.
- 2.) Move to the next heading in the Table (Zoning District or Land Use Area) and find the applicable district that the permanent or temporary sign will be located.
- 3.) Move to the next heading in the table (Message) and find the column that is applicable to the message on the sign. Refer to the definitions in Section 20.02. The sign is prohibited if the symbol in the table is a black box. If the symbol in the table is anything but a black box; then continue to the next heading (Construction) on the Table.
- 4.) Find the column that is applicable to the Construction of the sign. Refer to the definitions in Section 20.02. The sign is prohibited if the symbol in the table is a black box. If the symbol in the table is anything but a black box; refer to the applicable regulation in Section 20.04.

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ARTICLE 21.HOME OCCUPATIONS

SECTION 21.01 PURPOSE

The Town of Deerfield recognizes that historically people have utilized their homes for limited non-residential purposes, also known as home occupations. However, the Town is also concerned about maintaining the integrity of its residential areas and wants to ensure that all home occupations are limited in scope and activity. In essence, a home occupation is allowed only where it is secondary to the use of the dwelling for living purposes and the residential character of the property is maintained.

SECTION 21.02 APPLICABILITY

Home occupations are allowed in all districts in the Town of Deerfield contingent upon continued compliance with the provisions of this Article.

SECTION 21.03 CLASSIFICATION

MINOR HOME OCCUPATION

A minor home occupation may be conducted within the dwelling only and employ only the residents thereof. Parking requirements are the same as those of the zoning district. Application to operate is submitted to the Building Inspector who may issue the permit

MAJOR HOME OCCUPATION

A major home occupation may be conducted within the dwelling or within an accessory building and may employ no more than two persons in addition to the residents thereof. Employee parking is limited to three vehicles, parked off the street. Application to operate is submitted to the Building Inspector who may issue the permit only after a Special Use Permit is granted.

SECTION 21.04 HOME OCCUPATION PERMIT

Prior to the establishment of any home occupation in the Town of Deerfield, a "Home Occupation Permit" must first be obtained from the Town of Deerfield Building Inspector. This permit is renewable every four (4) years upon satisfactory proof that the requirements of this Article have been, and will be continuously followed. Permits are valid for the applicant only and shall terminate when the applicant no longer lives there or is no longer involved in the permitted occupation. Any home occupation that has operated illegally under the Town of Deerfield Zoning

Laws will continue to be an illegal use unless a Home Occupation Permit is obtained.

SECTION 21.05 GENERAL REQUIREMENTS

Home occupations shall be subject to the area requirements of the zoning district in which they are located, as well as the following standards:

- A. Home occupations must be clearly incidental to the use of the property as a residence.
- B. The appearance of the principal structure shall not be altered to an extent which would cause the premises to differ from its residential character by the use of colors, materials, construction, lighting or signs.
- C. One (1) double-faced sign, not more than four (4) square feet in area, shall be permitted. Said sign shall display only the name and occupation of the resident on the premises and may be externally illuminated until 9:00 PM only.
- D. Home occupations conducted on a residential parcel shall occupy the lesser of 500 square feet or 25% of the total floor area of the residence.
- E. More than one home occupation may operate within a dwelling, but restrictions apply to the total activities of all the occupations.
- F. Outdoor display and storage is limited to seasonal farm produce. Indoor storage of material shall comply with applicable state or federal standards.
- G. No more than ten (10) customers or clients shall come to the dwelling unit for services or products during any one day between the hours of 9AM to 9PM.
- H. Deliveries shall be between the hours of 8AM and 5PM Monday through Fridays.
- I. One truck of 1 ton maximum capacity which advertises the business may be parked outdoors.
- J. A home occupation shall be conducted in a manner so as to create no hazard or nuisance to any greater extent or frequency than would normally be generated in a similarly zoned residential district.
- K. No home occupation shall require the use of electrical or mechanical equipment that would change the fire rating of the structure.

SECTION 21.06 FEES

The Town of Deerfield may establish a schedule of fees for the administration, issuance and enforcement of a home occupation permit. This will include the actual cost of reviewing applications, conducting site inspections, investigating complaints, and renewing permit applications.

SECTION 21.07 REVOCATION OF HOME OCCUPATION PERMITS

The right to conduct a home occupation in a place of residence is contingent upon the continuous compliance with the requirements of this Article. The failure to do so will result in the immediate revocation of the Home Occupation Permit by the Town Building Inspector. Another permit cannot be applied for unless it can be proven that the requirements of this Article can and will be met during the period that the permit is in effect.

End of Article

ARTICLE 22.NATURAL FEATURES OVERLAY DISTRICT

SECTION 22.01 PURPOSE

The Natural Features Overlay District is an overlay district designed to provide comprehensive protection to land areas with wetlands, steep topography and scenic public views. It is intended to implement the goals and policies of the Town's Comprehensive Master Plan and comply with applicable local, State and Federal Laws.

In addition, the objectives of this article include:

- A. Promote the integration of land areas with wetlands, steep topography and scenic public views into site plans;
- B. Recognize the unique and valuable attributes of wetlands as storm water retention and ground water recharge areas, thereby controlling the rate of runoff, improving groundwater quality, providing erosion control, and lessening the effects of flooding;
- C. Encourage protection of important wetlands which may be exempt from DEC regulation;
- D. Maintain the integrity of land areas with very steep topography, thereby preventing soil erosion;
- E. Preserve scenic views that help make up the character of Deerfield;
- F. Preserve scenic views from public roads by proper placement of newly constructed buildings;
- G. Recognize the property owner's right to develop his or her property.

SECTION 22.02 APPLICABILITY

The Natural Features Overlay District requirements in this Article are applicable to all areas identified as overlay districts on Map 8 of the Comprehensive Master Plan titled Historic Structures and Scenic Survey dated 1992. The standards of this section shall overlay existing zoning districts delineated on the official Zoning Map of the Town of Deerfield. They shall supplement all existing zoning regulations and where there is conflict between the two, the stricter regulation shall apply. This Article also supplements any Federal or State laws that may be applicable to the natural features as defined in this ordinance.

SECTION 22.03 SITE PLAN APPROVAL

When applicable, the development of any new use, the construction of any new structures, any change of an existing use of land or structure, and all other

building or development activities on a property shall

require prior site plan approval pursuant to Article 16 of this Ordinance.

SECTION 22.04 ADDITIONAL REVIEW CONSIDERATIONS

In addition to the Standards for Site Plan Approval, the following additional factors shall be considered by the Planning Board when reviewing applications in the Natural Features Overlay District:

22.04.A Wetlands

- 1. Careful effort shall be made through site plan design to preserve non-DEC regulated wetlands which are between two (2) and twelve (12) acres in area, particularly those with standing water or considered to be important wildlife habitat.
- 2. A twenty-five (25) foot setback area from a wetland identified on the Natural Features Overlay District Map shall be established for any activities prohibited under this Article.
- 3. Activities which may adversely impact the natural values of a wetland are prohibited. Examples of prohibited activities in a wetland or setback area include:
 - a. construction of buildings, driveways, parking lots, roadways, septic systems, bulkheads, dikes, or dams;
 - b. placement of fill, excavation, or grading;
 - c. modification, expansion, or extensive restoration of existing structures;
 - d. drainage, except for agricultural purposes;
- 4. The preparation or storage of materials within the 25 foot wetland protection setback area shall require approval of the Planning Board. The Planning Board shall find that measures are being used to ensure the wetland is protected.

End of Section

22.04.B Steep Topography

Land improvement: Improvements proposed within areas of 15% or greater slope are subject to the site plan review requirement of Article 16.

22.04.C Scenic Views

Where the protection of scenic views is involved, structures should be located in such a way that the loss of public view from the road is minimized in accordance with the Comprehensive Master Plan.

22.04.D General

Land shall not be subdivided in a manner creating parcels or lots which cannot be used in conformance with the requirements of this Section.

End of Article

ARTICLE 23. PLANNING BOARD

SECTION 23.01 ESTABLISHMENT AND MEMBERSHIP

The Town of Deerfield Planning Board is created pursuant to Chapter 62, Article 16, Section 271, of the Town Law of the State of New York. The Planning Board shall consist of seven (7) members who shall be appointed by resolution of the Town Board. The Town Board shall also designate the chairperson of the Planning Board. In the absence of a chairperson the Planning Board may designate a member to serve as a chairperson. No member of the Planning Board shall be the Town Supervisor, a member of the Town Board or a member of the Zoning Board of Appeals. Each member shall be appointed for a term of seven (7) years.

SECTION 23.02 PROCEDURES OF THE BOARD

The Planning Board by resolution shall determine the time and place of meetings. A special meeting may be called by the chairman or upon written request by two (2) members of the Planning Board. The presence of four (4) members shall constitute a quorum. The concurring vote of four (4) members of the Planning Board shall be required to decide on any matter upon which the Board is required to pass under this chapter. The Planning Board shall adopt rules for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations. A copy of the minutes from all Planning Board meetings shall be filed in the office of the Town Clerk and any decision on a special use permit or site plan review request shall be dated and filed with the Town Clerk and copies forwarded to the Town Board for its information and to the Oneida County Planning Board on Form 239.

SECTION 23.03 HEARINGS

The Planning Board shall fix a reasonable time and date for all Public Hearings, whether required or optional, and shall give public notice by publication in the official paper of a notice of such Public Hearing prior to the Hearing date in accordance with the schedule in Article 25.06.

SECTION 23.04 JURISDICTION

The Planning Board shall discharge the following duties pursuant to this Ordinance:

A. Formulation of Zoning Ordinance and Amendments: The Planning Board shall be responsible for formulation of the Zoning Ordinance,

review of amendments to the Zoning Ordinance, holding hearings on a proposed Zoning Ordinance or amendments, and reporting its findings and recommendations concerning the Zoning Ordinance or amendments to the Town Board.

B. Site Plan Review: The Planning Board shall be responsible for holding hearings and shall review and approve, approve with modifications, or disapprove site plans prepared in accordance with Article 16.

C. Special Use Permit Review: The Planning Board shall be responsible for holding hearings and review of all applications for Special Use Permit approval in accordance with Article 17, and granting approval, approval subject to revisions, or denial of approval.

D. Planned Unit Development Review: The Planning Board shall be responsible for the review of all applications for planned unit development in accordance with Article 13. The Planning Board shall be responsible for making a recommendation to the Town Board to grant approval, approval with conditions, or denial of a Planned Unit Development proposal.

E. Subdivision Review: The Planning Board shall be responsible for reviewing all preliminary and final subdivision plats and making a recommendation on action to be taken by the Town Board.

F. Formulation of a Comprehensive Plan: The Planning Board shall be responsible for formulation, and submission to the Town Board for adoption, of a comprehensive master plan (i.e., the Town of Deerfield Comprehensive Master Plan) as a guide for the development of the Town.

G. Review of Matters Referred by the Town Board: The Planning Board shall be responsible for review of matters relating to land development referred to it by the Town Board. The Planning Board shall recommend appropriate regulations and action on such matters.

H. Report on Operation of the Zoning Ordinance: The Planning Board shall prepare an annual report for the Town Board on the operations of the Zoning Ordinance including recommendations as to the enactment of amendments or supplements to the Ordinance.

I. Comprehensive Review of the Zoning Ordinance: The Planning Board shall perform a comprehensive review of the Zoning Ordinance at least once every five (5) years and shall report their findings to the Town Board, including recommendations as to the enactment of amendments or supplements to the Ordinance.

End of Article

ARTICLE 24. ZONING BOARD OF APPEALS

SECTION 24.01 ESTABLISHMENT AND MEMBERSHIP

There is hereby created a Town of Deerfield Zoning Board of Appeals having the powers authorized under Chapter 62, Article 16, Section 267, of the Town Law of the State of New York. The Zoning Board of Appeals shall consist of five (5) members who shall be appointed by Town Board. The Town Board shall also designate a chairperson of the Zoning Board of Appeals. In the absence of the chairperson the Zoning Board of Appeals may designate a member to serve as chairperson. No member of the Zoning Board of Appeals shall be the Town Supervisor, a member of the Town Board or a member of the Planning Board. Each member shall be appointed for a term of five (5) years.

SECTION 24.02 PROCEDURES OF THE BOARD

A. The Zoning Board of Appeals shall adopt rules and regulations to govern its procedures. The presence of three (3) members shall constitute a quorum. The concurring vote of three (3) members of the Zoning Board of Appeals Board shall be necessary to reverse any order, requirement, decision or interpretation of the Town Building Inspector, or to decide in favor of an applicant on any matter upon which they are required to pass under this Ordinance.

B. Meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at such other times and the Board in its rules of procedure may specify. Minutes shall be kept of each meeting and the Board shall record into the minutes all findings, conditions, facts and other relevant factors, including the vote of each member upon each question, or if absent or failing to vote indicating such fact, and all of its official actions. All meetings and records shall be open to the public. A copy of the minutes from all Zoning Board of Appeals meetings shall be filed in the office of the Town Clerk and any decision on a variance request shall be dated and filed with the Town Clerk and copies forwarded to the Town Board for its information and to the Oneida County Planning Board on Form 239.

SECTION 24.03 HEARINGS

The Zoning Board of Appeals shall fix a reasonable time and date for a Public Hearing whether required or optional, and shall give public notice by publication in the official paper of a notice of such Public Hearing prior to the Hearing date in accordance with the schedule in Article 25.06.

SECTION 24.04 DUTIES AND POWERS

The Zoning Board of Appeals shall perform its duties and exercise its powers so that the objectives of this Ordinance shall be attained, the public health, safety and welfare secured, and substantial justice done. The Zoning Board of Appeals shall hear and decide only those matters which it is specifically authorized to hear and decide as provided herein; administrative review, interpretation, variance and expansion of nonconforming buildings and structures.

All questions concerning the application of the provisions of this Ordinance shall first be presented to the Building Inspector. Such questions shall then be presented to the Zoning Board of Appeals only on appeal from the decision of the Building Inspector. Recourse from the decisions of the Zoning Board of Appeals shall be to the courts as provided by law.

The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this Ordinance, but does have power to act on those matters for which this Ordinance provides and administrative review, interpretation, variance or exception, including:

24.04.A Review (See Local Law #4 of 2006)

The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirement, decision or determination of the Building Inspector or Stormwater Management Officer.

24.04.B Interpretation

Unless otherwise provided by local law or ordinance, the jurisdiction of the Zoning Board of Appeals shall be appellate only and shall be limited to hearing and deciding appeals from and reviewing any order, requirement, decision interpretation, or determination made by the administration official charged with the enforcement of any ordinance or local law in accordance with §267 of Town Law. The Zoning Board of Appeals shall have the power to:

1. Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision made by the Building Inspector.
2. Classify a use which is not specifically mentioned as a part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district. If the use is clearly different from any of the uses indicated in this Ordinance, then

the issue shall be referred to the Town Board for consideration of an amendment to the Ordinance.

24.04.C Variances

Such authority shall be exercised in accordance with Section 267-b of Town Law.

SECTION 24.05 VOIDING OF A VARIANCE

Each variance granted under the provisions of this Ordinance shall become null and void unless the construction or the occupancy of land authorized by such variance or permit has been completed within one year.

transmit to the Zoning Board of Appeals copies of all papers constituting the record upon which the appealed was based.

B. A fee shall be paid to the Town Clerk at the time of filing the notice of appeal and shall be deposited in the Town's general fund. The appeal fee shall be established by the Town Board.

C. Any party or parties may appear at the hearing in person or by agent or attorney.

D. The Zoning Board of Appeals shall decide upon all matters within a reasonable time. The decision of the Zoning Board of Appeals shall be in the form of a resolution containing a full record of its findings and determinations in each case.

End of Article

SECTION 24.06 REHEARING FOR REVIEW OF A VARIANCE DECISION, ORDER OR DETERMINATION

A motion for the Zoning Board of Appeals to hold a rehearing to review any order, decision or determination of the Board not previously reviewed may be made by any member of the Board. A unanimous vote of all members of the Board then present is required for such rehearing to occur. Such rehearing is subject to the same notice provisions as an original hearing. Upon such rehearing the Board may reverse, modify or annul its original order, decision or determination upon the unanimous vote of all members then present, provided the Board finds that the rights vested in persons acting in good faith in reliance upon the reviewed order, decision or determination will not be prejudiced thereby.

SECTION 24.07 REAPPLICATION FOR A VARIANCE

No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of three hundred sixty-five (365) days from the date of such denial, except on grounds of new evidence or proof of

changed conditions found by the Zoning Board of Appeals to be valid.

SECTION 24.08 APPEALS, HOW TAKEN

A. Appeals to the Zoning Board of Appeals concerning interpretation and administration of this Ordinance may be taken by any person aggrieved or by any Officer of the Town affected by the decision of the Building Inspector. Appeals shall be taken within a reasonable time, not to exceed thirty (30) days following action by the Building Inspector, by filing with the Building Inspector and with the Zoning Board of Appeals a notice of appeal specifying the grounds thereof. The Building Inspector shall forthwith

ARTICLE 25. ADMINISTRATION AND ENFORCEMENT

SECTION 25.01 ENFORCEMENT

The provisions of this Ordinance shall be enforced by the Town of Deerfield Building Inspector.

SECTION 25.02 DUTIES OF THE BUILDING INSPECTOR

A. The Building Inspector shall issue a building permit and certificate of occupancy where compliance is made with the provisions of this Ordinance, and to refuse to issue the same in the event of non-compliance, giving prompt notice of such refusal and the reason therefore to the owner and occupant of the premises.

B. The Building Inspector shall have the right and duty as allowed by law to make inspections of all buildings, structures or premises within the Town of Deerfield, whether a permit has been applied for or not, necessary to carry out the duties of the Building Inspector in the enforcement of this Ordinance. It shall be unlawful for any Building Permit to be issued unless all plans are found to be in compliance with the provisions of this Ordinance.

C. The Building Inspector shall record all nonconformities existing at the effective date of this Ordinance for the purpose of carrying out the provisions of Article 18. Under no circumstances is the Building Inspector permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his/her duties. A building Permit shall be issued when conditions imposed by this Ordinance are complied with despite violations of contracts, such as covenants or private agreements, which may occur upon the granting of said Permit.

D. The Building Inspector shall accept any application for a variance, Special Use Permit, Site plan review, zoning amendment or any other action subject to review under the provisions of this Ordinance and shall refer said applications to the appropriate Board for review.

E. The Building Inspector shall order discontinuance of illegal uses of land, buildings or structures, removal of illegal buildings or structures, discontinuance of any illegal construction, or shall take any other lawful action authorized by this Ordinance to ensure compliance with or prevent violations of its provisions.

SECTION 25.03 VIOLATIONS AND PENALTIES

25.03.A Penalties

1. Violation of any provision of this ordinance is an offense punishable by a fine not exceeding three hundred fifty dollars or imprisonment for a period not

to exceed fifteen days or both 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 of not less than three hundred fifty dollars nor more than seven hundred dollars or imprisonment for a period not to exceed fifteen days or both; and upon conviction of a third or subsequent offense all of which were committed within a period of five years, punishable by a fine of not less than seven hundred dollars nor more than one thousand dollars or imprisonment for a period not to exceed fifteen days or both. Each week's continued violation constitutes a separate additional offense.

2. The imposition of any fine, jail sentence, or both, shall not exempt the violator from compliance with the provisions of this Ordinance.

25.03.B Inspection of Violation

The Building Inspector shall inspect each alleged violation and shall order correction, in writing, of all conditions found to be in violation of this Ordinance. The order to correct a violation shall be issued by serving personally, or sent by certified mail, return receipt requested, such order to the last known address of the owner of the property upon which the violation occurs, or when applicable, the violator. A party who has failed to accept such certified mail shall be deemed to have been served.

25.03.C Correction Period

All violations shall be corrected within a period of ten (10) days after the order to correct is served unless, in the opinion of the Building Inspector, a lesser time period is required because of imminent danger to the health, safety or welfare of the inhabitants of the Town. A violation not corrected within the required time period shall be reported to the Town Attorney, who shall initiate prosecution procedures. Legal proceedings may be stayed during any period that such violation is pending review by the Planning Board or Zoning Board of Appeals.

SECTION 25.04 COUNTY REFERRALS

Pursuant to Sections 239-l and 239-m of General Municipal Law of the State of New York, certain classes of zoning actions shall be referred to the Oneida County Planning Department before final action is taken.

The actions to be referred include the following:

A. Any municipal zoning regulation or any amendment thereof, which would change the district classification of or the regulations applying to real

property lying within a distance of five hundred (500) feet from:

- Any municipal boundary, or
- The boundary of any existing or proposed County or State Park or other recreational area, or
- The right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway, or
- The existing or proposed boundary of any County or State owned land on which a public building or institution is situated, or
- The boundary of an Agricultural District, pursuant to Article 25-AA or the Agricultural & Markets law.

B. Any special permit or variance affecting such real property within such distance of five hundred (500) feet.

C. Within thirty (30) days after receipt of such referred matter, the Oneida County Planning Department shall report its recommendations thereon to the referring municipal body.

D. If the Oneida County Planning Department fails to report within such period or within such mutually agreed extension thereof, the municipal body may act without such report. If the Oneida County Planning Department recommends disapproval of the proposal, or recommends modification thereof, the municipal body shall not act contrary except by a vote of majority plus one of its full membership, and after adoption of a resolution fully setting forth the reasons for such contrary action.

SECTION 25.05 STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)

A. The basic purpose of the State Environmental Quality Review Act (SEQRA) is to incorporate the consideration of environmental factors into the existing planning, review and decision making processes of State, Regional and Local Government Agencies at the earliest possible time. To accomplish this goal SEQRA requires that all agencies determine whether the actions they directly undertake, fund or approve may have a significant effect on the environment, and if it is determined that the action may have a significant effect, prepare or request an Environmental Impact Statement (SEQRA 6 NYCRR, Part 617, Section 617.1).

B. It is not the intention of this Ordinance to provide detailed direction for the procedure to be followed in association with SEQRA. All applicants and all officers, boards or agencies of the Town should be aware that a proposal for development may be subject to the provisions of SEQRA and that it is their responsibility to ascertain and follow the requirements for compliance with SEQRA. The time and public

hearing requirements of SEQRA and of this Zoning Ordinance shall be coordinated so as to expedite any application or review process.

SECTION 25.06 PUBLIC HEARING

Public notice of any hearing required by this Ordinance to be open to the public shall be printed in the Town Board approved newspaper prior to the date thereof;

- At least five (5) days before a hearing on a site plan application;
- At least five (5) days before a hearing on a special use application;
- At least five (5) days before a hearing of appeal before the Zoning Board of Appeals;
- At least ten (10) days before a hearing on zoning adoption or amendments;

The notice shall describe said application, state where and by what date written comments will be received on the application under consideration and the date, time and place of the public hearing.

End of Article

ARTICLE 26. ORDINANCE AMENDMENTS

SECTION 26.01 INITIATION OF AMENDMENTS

The Deerfield Town Board may, from time to time, amend, modify, supplement or revise the provisions of this Ordinance, the zoning district boundaries shown on the Official Zoning Map, or any Overlay District Maps referred to in this Ordinance, after public notice and hearing. Amendments to the provisions of this ordinance may be initiated by the Town Board, the Planning Board or by petition of one or more residents or property owners of the Town. An amendment to the zoning district boundaries contained on the Official Zoning Map may be initiated by the Town Board, the Planning Board or by the owner or owners of property which is the subject of the proposed amendment. All proposed amendments to the provisions of this Ordinance, the Official Zoning Map or any Overlay District Maps, shall be referred to the Planning Board for recommendation, which will be forwarded to the Town Board prior to public hearing and consideration.

SECTION 26.02 APPLICATION PROCEDURE

A. An amendment to this Ordinance, the Official Zoning Map or any Overlay District Maps, except those initiated by the Town Board or Planning Board, shall be initiated by submission of a completed application on a form supplied by the Town, including an application fee, which will be established from time to time by resolution of the Town Board.

B. For an amendment to the Official Zoning Map or Overlay District Map, the following information shall accompany the application form:

1. A legal description, street address and county tax map number of the subject property, together with a map identifying the subject property in relation to surrounding properties.
2. The name and address of the owner of the subject property, and a statement of the applicant's interest in the subject property if not the owner in fee simple title.
3. The existing and proposed zoning district designation of the subject property.
4. A written description of how the requested rezoning meets the criteria outlined in Section 26.04.

C. For an amendment to the Zoning Ordinance, the following information shall accompany the application form:

1. A general written description of the proposed amendment, including a statement addressing how the amendment meets the criteria outlined in Section 26.05.

D. If requested by the Town Board or the Planning Board, an Environmental Impact Statement (EIS) in accordance with the New York State Environmental Quality Review Act (SEQRA) shall be submitted for any proposed amendment to the Zoning Ordinance, the Official Zoning Map or any Overlay District Map.

SECTION 26.03 AMENDMENT PROCEDURE

A. Upon initiation of an amendment, a work session to consider the proposed amendment shall be scheduled before the Planning Board.

B. The Planning Board shall identify and evaluate all factors relevant to the petition and shall report its findings and recommendation to the Town Board. In the case of an amendment to the Official Zoning Map or Overlay District Map, the Planning Board shall consider the criteria contained in Section 26.04 below, in making its finding and recommendation.

C. Following receipt of the findings and recommendation of the Planning Board, the Town Board shall conduct a public Hearing and consider the proposed amendment. In the case of an amendment to the text of this Ordinance, the Town Board may modify or revise the proposed amendment prior to enactment. In the case of an amendment to the Official Zoning Map or Overlay District Map, the Town Board shall approve or deny the amendment, based on its consideration of the criteria contained in Section 26.04 below.

D. If a protest petition in accordance with §265 of Town Law has been presented to the Town Board, then such amendments shall require the approval of at least three-fourths of the members of the Town Board.

SECTION 26.04 CRITERIA FOR AMENDMENT TO THE OFFICIAL ZONING MAP OR OVERLAY DISTRICT MAP

In considering any petition for an amendment to the Official Zoning Map or Overlay District Map, the Planning Board and Town Board shall consider the following criteria in making its findings, recommendations and decision:

A. Consistency with the goals, policies and future land use map of the Town of Deerfield Comprehensive Master Plan, including any subarea or corridor studies. If conditions have changed since the Comprehensive Master Plan was adopted, the

consistency with recent development trends in the area shall be considered.

- B. Compatibility of the site's physical, geological, hydrological and other environmental features with the list of uses permitted in the proposed zoning district.
- C. Evidence the applicant cannot receive a reasonable return on investment through developing the property with one of the uses permitted under the current zoning.
- D. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
- E. The capacity of utilities and Town services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the Town.
- F. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
- G. The apparent demand for the types of uses permitted in the requested zoning district in the Town in relation to the amount of land in the Town currently zoned and available to accommodate the demand.
- H. The boundaries of the requested rezoning district are reasonable in relationship to the surroundings, and construction on the site will meet the dimensional regulations for the zoning district listed in the appropriate Schedule of Regulations.
- I. If a rezoning is appropriate, is there a zoning classification for the property which is more appropriate, from the Town's perspective, than the zoning district requested ?
- J. If the request is for a specific use, is rezoning the land more appropriate than amending the list of permitted or special uses in the current zoning district to allow the use ?
- K. The requested rezoning will not create an isolated and unplanned spot zone.
- L. The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided.
- M. Other factors deemed appropriate by the Planning Board and Town Board.

SECTION 26.05 CRITERIA FOR AMENDMENTS TO THE ZONING ORDINANCE TEXT

The Planning Board and Town Board shall consider the following criteria for initiating amendments to the Zoning Ordinance text or responding to a petitioner's request to amend the ordinance text:

- A. The proposed amendment would correct an error in the Ordinance.
- B. The proposed amendment would clarify the intent of the Ordinance.
- C. Documentation has been provided from Town Staff or the Zoning Board of Appeals indicating problems and conflicts in implementation or interpretation of specific sections of the Ordinance.
- D. The proposed amendment would address potential legal issues or administrative problems with the Zoning Ordinance based on recent case law in New York State.
- E. The proposed amendment would promote compliance with changes in other Town Ordinances and County, State or Federal regulations.
- F. The proposed amendment is supported by the findings of reports, studies or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items.
- G. Other criteria as determined by the Planning Board or Town Board which would protect the health and safety of the public, protect public and private investment in the Town, promote implementation of the goals and policies of the Comprehensive Master Plan and Sub-Area Plans and enhance the overall quality of life in the Town of Deerfield.

End of Article

YARDS
FIGURE 1 STRAIGHT ROAD

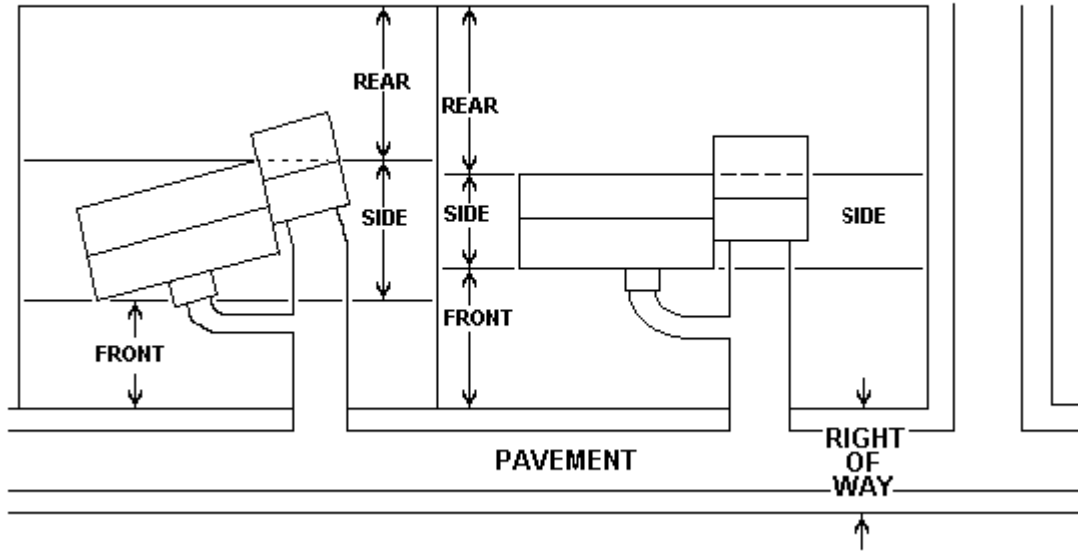


FIGURE 2
OUTSIDE CURVE

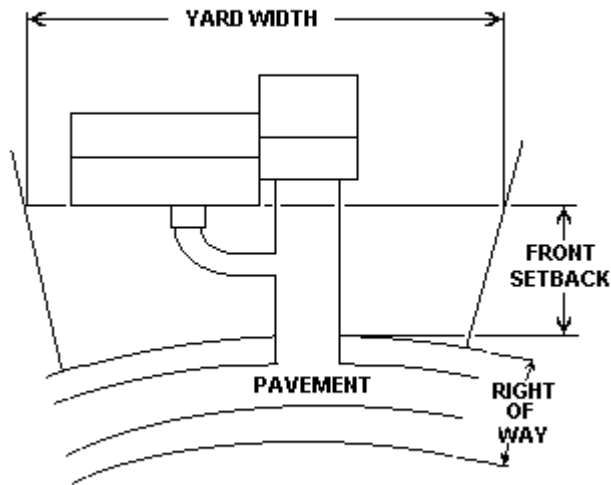
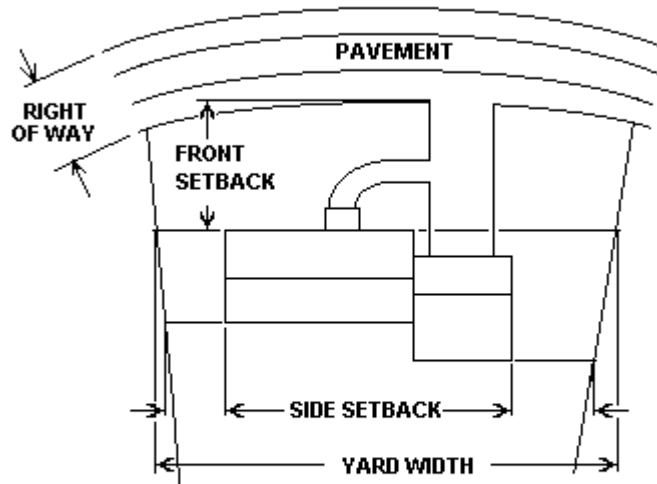
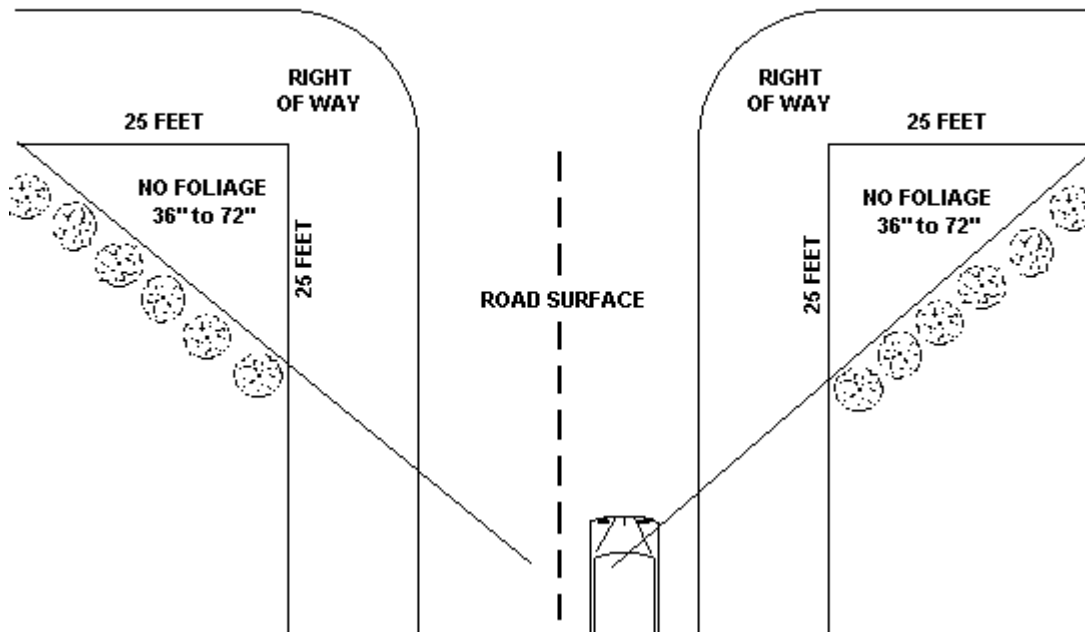


FIGURE 3
INSIDE CURVE



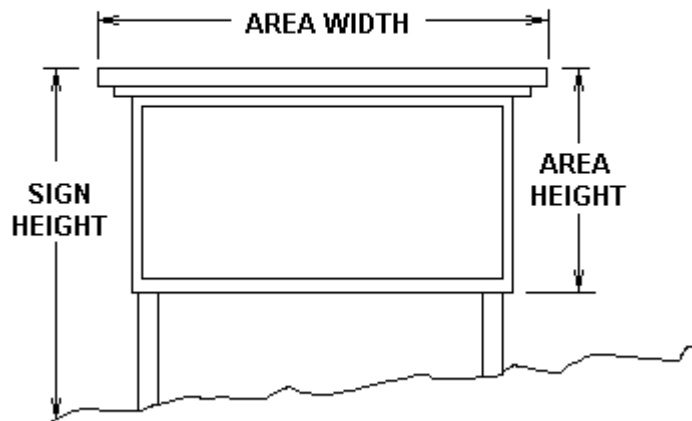
CLEAR VISION

FIGURE 4



SIGN DIMENSIONS

FIGURE 5



Include a copy of this page of LL #4 of 2006 along with copies of the MARCH 2007 amendment because:

Section 3.02 contains reference to this LL, but not the text
Section 16.04.C.5.v contains reference to this LL, but not the text
Section 24.04.A sites LL#4 and quotes it in the text

ARTICLE 2. ZONING ORDINANCE AMENDMENT

Section 3.02 of the Zoning Ordinance of the Town of Deerfield shall be amended by adding the following definition: Land Development Activity-Shall be as defined in Town of Deerfield Stormwater Management and Erosion & Sediment Control Law.

Section 16.04-C-5 of the Zoning Ordinance of the Town of Deerfield shall be amended by adding the following information requirement: v. Stormwater Pollution Prevention Plan: A Stormwater Pollution Prevention Plan (SWPPP) consistent with the requirements of the Town of Deerfield Stormwater Management and Erosion & Sediment Control Law shall be required for Site Plan Approval. The SWPPP shall meet the performance and design criteria and standards in said law.

Section 24.04 A of the Zoning Ordinance of the Town of Deerfield shall be replaced with the following: Review: The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirement, decision or determination of the Building Inspector or Stormwater Management Officer.