

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET  
ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

- ☒ County  
☒ City of  
☐ Town  
☒ Village

FILED  
STATE RECORDS  
JUL 27 2010

Local Law No. 3 of the year 20 10

DEPARTMENT OF STATE

A local law ZONING LAW REVISED  
(Insert Title)

Be it enacted by the TOWN BOARD of the  
(Name of Legislative Body)

- ☐ County  
☐ City of HANNIBAL as follows:  
☒ Town  
☐ Village

(Delete this line of text and enter text of local law here)

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 20 10 of the (County)(City)(Town)(Village) of TOWN OF HANNIBAL was duly passed by the TOWN BOARD on JUNE 16 2010, in accordance with the applicable provisions of law.

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted (Elective Chief Executive Officer\*) on \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_ (Elective Chief Executive Officer\*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_, above.

*Marcia A. Hubbard*

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date:

*6-24-10*

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)**

STATE OF NEW YORK

COUNTY OF *COSIUSCO*

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

*[Signature]*

Signature

*TOWN ATTORNEY*

Title

County

City of

*HANNIBAL, NY*

Town

Village

Date:

*07/19/2010*

-----ZONING LAW-----

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For the

**TOWN OF HANNIBAL**

Oswego County, New York

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ADOPTED BY:  
LOCAL LAW NO. 3 OF 1999  
ON 8/12/99

Revision Accepted by Hannibal Town Board June 16, 2010

Local Law #3 of 2010

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**ARTICLE 1. Introduction:**

**Section 110. Enacting Clause**

Pursuant to the authority conferred by Chapter 62, Article 17 of the Town Law and Articles 2 and 3 of Municipal Home Rule Law of the State of New York, the Town Board of the Town of Hannibal, New York hereby adopts and enacts the following law.

**Section 120. Title**

This law shall be known as the "Town of Hannibal Zoning Law"

**Section 130. Purpose**

The purposes of this zoning law are to provide for orderly growth in accordance with a comprehensive plan in order to lessen congestion in the streets; to secure safety from fire, flood and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to provide for the conservation of farmland and the pursuit of agriculture; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to protect groundwater resources; and to promote the health safety and general welfare of the public. This zoning law has been made with reasonable consideration, among other things, so as to maintain the rural character of the Town of Hannibal and maintain its peculiar suitability for particular uses, and with a view to conserving agricultural lands, the value of buildings and encouraging the most appropriate use of land throughout the Town of Hannibal, New York.

**Section 140. Applicability**

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

**Section 150. Replaced, Superseded and Repealed Laws and Ordinances.**

1. Town of Hannibal Site Plan Review, Local Law #1; 1994. Adopted 5/12/94
2. Town of Hannibal Zoning Law, Local Law #3; 1999. Adopted 8/12/99

**ARTICLE 2. Definitions:**

**Section 210. General**

- A. Except where specifically defined herein, all words used in this law shall carry their customary meanings. Words in the present tense include the future, words in the singular include the plural and the plural the singular, and the word "shall" is intended to be mandatory.
- B. Any question as to the precise meaning of any word used in this law may be appealed to the Zoning Board of Appeals and clarified under their powers of interpretation.

**Specific Definitions**

Specifically defined words are as follows:

**AASHTO:** American Association of State Highway Transportation Officials

**Abandoned Dwelling:** A dwelling with no sewer, septic, electric or water in working order.

**Accessory Apartment:** An apartment in a single-family dwelling that is clearly subordinate to the primary use of the dwelling as a residence for a single family.

**Accessory Building:** A building which is secondary to the primary structure as a storage building, utility building, etc.

**Accessory Structure:** A structure incidental and subordinate to the principal structure and located on the same lot with such principal structure. Where an accessory structure is attached to the principal structure in a substantial manner, as by a wall or roof, such accessory structure shall be considered part of the main structure.



**Accessory Use:** A use incidental and subordinate to the principal use and located on the same lot with such principal use.

**Acre:** A measure of land area containing 43,560 square feet.

**Addition:** A structural change to an existing use or building, which is physically joined to and made part of, the pre-existing use or building, including but not limited to, an attached garage and treated decks.

**Adjoining:** Next to or contacting properties.

**Adjacent:** Near or close to properties.

**Adult Entertainment:** See Town of Hannibal Local Law #2 year 2009

**Agricultural Use:** The use of land for agricultural purposes, including farming, dairying, pasturage, horticulture, floriculture, viticulture, Christmas tree farms, the growing of fruits and vegetables and animal and poultry husbandry and the necessary 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 agriculture activities.

**Alteration, Structural:** To change or rearrange the exterior architectural features, or the exit facilities, or the moving of a building from one location to another.

**Apartment, Accessory:** See Accessory Apartment.

**Appeal:** To request for a review of the local Administrator's interpretation of any provision of this law or to request a variance.

**Back lot (Rear lot):** Any lot not having road frontage other than a right of way. Requires Zoning Board approval/variance;

**Basement:** A portion of a building having its finished floor level below grade on all sides

**Base Flood:** (see 100 year flood) The elevation of flooding based upon the 100 year flood elevation which has a 1 percent chance of being equaled or exceeded in any given year.

**Billboard:** A flat surface, panel, wall, fence or sign with dimensions greater than the allowable surface area of a sign as regulated in Article of this document which is used for the purpose of posting bills or advertisements.

**Buffer Area:** An area bordering the zoning district boundary between two differently designated districts and designed by the Planning Board as a buffer area reserved for plantings, fencing, or other similar screening devices which are dense enough and high enough to be a visual buffer between properties and designed to be for the purpose of creating a transition area wherein adjoining uses to not detract from each other. When the buffer area exists between a residential and non-residential districts, such a buffer area shall be located within the required side of rear yards of the adjoining non-residential district.

Where this is impracticable, a portion of the adjoining residential district may be designated, but only with the concurrence of the property owner of said residential portion.

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

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

**Building Height:** The vertical distance of a building measured from the mean of the highest and lowest exposed part of the foundation to the highest point of the roof.

**Building Inspector:** For the purpose of this ordinance, the term building inspector, enforcement officer, and zoning enforcement officer shall be considered as synonymous.

**Bulk Storage:** The storage of chemicals, petroleum products and other materials in containers for subsequent resale to distributors or retail dealers or outlets.

**Cellar:** For the purposes of this zoning law cellar has the same meaning basement. If discrepancy exists use the definitions as listed in the New York State Uniform Fire Prevention and Building Code.

**Campground:** Land on which three or more campsites are located, established, or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education or vacation purposes.

**Camping Unit:** Any tent, lean-to, cabin or similar structure, houseboat, or recreational camping vehicle, excluding Manufactured homes, established or maintained and operated in a campground as temporary living quarters for recreation, education or vacation purposes.

**Campsite:** Any area of land within a campground intended for the exclusive occupancy of a single camping unit.

**Carport:** A roof or structure, with no more than three (3) walls, used for the storage of one or more automobiles.

**Certificate of Occupancy:** A certification by the Building Code Enforcement/Zoning Officer that a lot, structure, or use of land has been developed in conformity with an approved zoning permit and/or complies with the provisions of this law, and may be occupied and used for the purposes specified in such zoning permit and/or certificate of occupancy.

**Cluster Development:** A form of development for single-family residential subdivisions that permits a reduction in lot area requirements, provided there is not an increase in the number of lots permitted under a conventional subdivision and the resultant land area is devoted to open space.

**Commercial Facility:** Retail sales and service including sales and service for new and used automobiles, trucks, Manufactured homes, boats, recreational vehicles, farm implements, tree nurseries and other large items stored outdoors for retail sales; business or institutions providing overnight accommodations; institutional residences or care or confinement facilities, and storage and parking facilities. This definition shall not include Retail Sales and Service, Large and Retail Sales and Service, Small.

**Commercial Use:** Activity carried out for financial gain.

**Communication Towers:** A vertical structure designed to support antennas or any other communication device including without limit freestanding towers, guyed towers, monopoles, and similar structures.

**Contracting Storage:** Any area used for the outdoor storage of contracting equipment and building or construction materials.

**Conversion:** The changing of use or occupancy of a dwelling by alteration or by other reorganization so as to increase the number of family or dwelling units in a structure.

**Coverage:** The portion of a lot that is covered by buildings or structures.

**Day Care Center:** A facility permitted by the New York State Department of Social Services for the care of seven or more children for less than 24 hours each day.

**Drive-In:** An establishment of banks, pharmacies, or the type commonly referred to as "fast food restaurants", primarily catering to the motoring public, whether or not serving pedestrians as well, and which is engaged in services and transactions or the sale of food and beverages on a take-out basis, regardless of whether patrons have the option of eating inside the building or in their cars in the parking lot.

**Dwelling:** A building or a Manufactured home or portion thereof which is used exclusively for human habitation which must be 840 square feet in size.

**Dwelling, Single-Family:** A detached building used as living quarters by one family.

**Dwelling, Two-Family:** A building used as living quarters by two families living independently of each other.

**Dwelling, Multi-Family-** A building used as living quarters by three or more families living independently of each other.

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

**Excavation, Major:** Any area of land used for the purpose of extracting a 1000 tons or 750 yards or more per year of stone, sand, gravel or soil for sale, as a commercial operation. DEC permit required; Planning Board Review required:

**Excavation, Minor:** An extraction of 1000 tons or 750 yards or less as a non-commercial operation:

**Existing Manufactured home Park or Subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is complete before the effective date of the floodplain management regulations adopted by the community (refer to section 560)

**Expansion to an Existing Manufactured home Park or Subdivision:** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**Family:** One or more persons living, sleeping, cooking or eating on the same premises as a single housekeeping unit.

**Flag Lots:** See back lot definition:

**Flood or Flooding:** A general and temporary condition of partial or complete inundation of normally dry land areas from: the unusual and rapid accumulation of runoff of surface waters from any source. It also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or by some similarly unusual and unforeseeable event which results in flooding.

**Flood Area Map:** A map developed previously by the U.S Department of Housing and Urban Development (currently under the Federal Emergency Management Agency) for the Federal Insurance Administration (currently for the National Flood Insurance Program) delineating the approximate location and boundary of Flood Hazard Areas subject to inundation by a base flood event.

**Flood Hazard Area, Special:** See Special Flood Hazard Area.

**Flood Insurance Rate Map (FIRM):** An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of a special flood hazard and the risk premium zones applicable to the community.

**Floodplain or Flood-Prone Area:** Any land area susceptible to being inundated by water from any source (see definition of Flooding).

**Garage, Commercial:** A building or premises used for major storage, repair, rental, sale and/or servicing of motor vehicles and/or for the retail sale of fuel for such vehicles.

**Garage, Repair and Service:** A building or place of business where oil, grease, batteries, tires, and automobile accessories are supplies and dispensed directly to the motor vehicle trade, at retail and where repair services are rendered, painting or body repairs.

**Garage, Residential:** A building, accessory to dwellings, used exclusively for the parking or temporary storage of motor vehicles, boats and trailers. For the purposes of this ordinance, a carport, as previously defined in this statute, shall be considered a residential garage.



**Garage Sales:** Household goods and clothing for sale to the general public, which are displayed in the garage, yard, or porch of a private residence. A yard, porch, lawn or rummage sale.

**Gasoline, Convenience Market:** The retail sale of self-serve motor fuel at a facility which also offers for sale convenience goods such as food, beverage and sundries often on a 24-hour a day basis.

**Gasoline Station:** Building or land used for sale of motor fuel, oil and motor vehicle accessories, and which may include facilities for lubricating, washing or servicing vehicles, but not including painting or body repairs.

**Gross Leasable Area:** The total floor area for which the tenant pays rent and which is designed for the tenant's occupancy and exclusive use.

**Highest Adjacent Grade:** The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

**Home Occupation:** A professional or business use conducted entirely within a dwelling unit by the residents thereof, which use is subordinate and secondary to use of the unit for *residential* purposes.

**Home Professional Office:** The office of one or more members of a recognized profession including but not limited to doctors, lawyers, architects, maintained at a residence for the purpose of conducting the business of that profession and which conforms to the additional conditions set forth in Section 505 of this ordinance.

**Industrial Facility:** Any use of land for construction, manufacturing, transportation, communication, electric, gas and sanitary services.

**Junk:** The outdoor storage or deposit of any of the following items:

1. Two or more junk vehicles as defined by the New York State Junkyard Law;
2. One or more abandoned Manufactured homes or recreational camping vehicles;
3. One or more abandoned all-terrain vehicles or snowmobiles (as defined in the New York State Vehicle and Traffic Law and New York State Parks and Recreation Law);
4. Two or more inoperable appliances including, but not limited to, lawn and garden machines, washers, dryers, dishwashers, stoves, refrigerators, freezers, and televisions;
5. Two or more inoperable pieces of equipment;
6. Collection and storage of any second-hand or used material which, taken together, equal in bulk volume 500 cubic feet or more;
7. Any combination of the above, or parts of the above, that total two or more items.

**Junkyard:** The outdoor storage or deposit of any of the following:

1. Two or more junk vehicles as stated in the New York State Law;
2. Two or more abandoned Manufactured homes or recreational vehicles;
3. Two or more abandoned all-terrain vehicles or snowmobiles (as defined in the New York State Vehicle and Traffic Law and New York State Parks and Recreation Law);
4. Five or more inoperable appliances, including, but not limited to, lawn and garden machines, washers, dryers, dishwashers, stoves, refrigerators, freezers, and televisions;
5. Five or more inoperable pieces of equipment.
6. Collection and storage of any second-hand or used material which, taken together, equal in bulk volume 2,000 cubic feet or more;
7. Any combination of the above that totals five items.

This definition shall not be constructed to include the on-premise storage and maintenance of motor vehicles, machinery and equipment used in the business of farming, logging or contracting. This definition shall not be construed to include the parking and storage of motor vehicles in connection with a New York State licensed new and/or used car business or a bona fide motor vehicle repair business and the parking of not to exceed ten vehicles in the process of waiting for repairs.

**Junk Storage Area:** The area of any parcel of land intended to be used for the placement or storage of junk.

**Junk Vehicle:** Any motor vehicle, whether automobile, bus, trailer, truck, truck tractor, motor home, motorcycle, mini-bike, or snowmobile, or any other device originally intended for travel on the public highways, which meets any of the following conditions:

1. Its registration has expired;
2. It is either abandoned, wrecked, stored, discarded, dismantled, or partly dismantled;
3. It is not in any condition for legal use upon the public highway.

With respect to any motor vehicle not required to be licensed or motor vehicle not usually used on public highways, the fact that such motor vehicle has remained unused for more than six months and is not in condition to be removed under its own power shall be presumptive evidence that such motor vehicle is a junk vehicle.

**Land:** Any area of the earth's surface, including areas covered by water.

**Landfill:** Any system of trash and garbage disposal in which the waste is buried between layers of earth to build of low-lying land – called also sanitary landfill.

**License:** Written permission to operate a business for a specified period of time, granted upon approval of a special use permit by the Planning Board, which is renewable upon certification that such business has been operated in compliance with this law.

**Lot:** A designated parcel or tract of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit.

**Lot Frontage:** The length of the front lot line measured at the road line.

**Lot Line:** A line of record bounding a lot which divides one lot from another lot or from a public or private road, right-of-way, or any other public space.

**Lot of Record:** A lot for which a valid conveyance has been recorded in the Office of the County Clerk prior to the effective date of the Town of Hannibal Subdivision Regulations; or, is either part of a subdivision plat approved by the Planning Board and filed in the County Clerk's office, or was exempt from the Town of Hannibal Subdivision Regulations at the time of recording with the County Clerk.

**Lot Size:** The total area within the lot lines of a lot, excluding any road rights – of – way.

**Manufacturing:** Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials.

**Manufactured Home:** A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities of a minimum size of 840 square feet. The term does not include a "recreational vehicle."

**Manufactured Home Park or Subdivision:** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Metes-and-Bounds:** A method of describing the boundaries of land by directions and distances from a known point of reference.

**Manufactured home Park:** A tract, or parcel of land used for the placement of two or more Manufactured homes for non-transient use, and any other buildings or structures that may be pertinent to its use. A Manufactured home park shall not be construed as a travel trailer park and shall not be used for recreational vehicles, camps or seasonal dwellings.

**Manufactured home Site:** An area of land in a Manufactured home park intended for the exclusive occupancy of a Manufactured home.

**New Manufactured Home Park or Subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and

either final site grading or the pouring of concrete pads) is completed on or after the effective date of the adoption of this law.

**Non-conformity/Non-conforming Use:** A lot of record, structure or use of land which lawfully existed prior to the enactment of this law, or conformed to the regulations of the zone in which it was located prior to the amendment of this law; which does not conform to the regulations of the zone in which it is located following the enactment or amendment of this law.

**Office, Accessory:** Offices and related spaces of a single business establishment as an accessory use of a dwelling or Manufactured home for use as professional services as provided by medical practitioners, attorneys, architects, engineers, and similar professions.

**Office Building, Large:** A building of 2,000 square feet of gross floor area used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity, that may include ancillary services for office workers.

**Office Building, Small:** A building of 2,000 square feet or less of gross floor area used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity.

**One Hundred Year Flood of 100-Year Flood:** The same meaning as "base flood".

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

**Permit, Zoning:** See Zoning Permit

**Plat:** A map of a subdivided tract of land showing the boundaries and location of individual properties and roads.

**Planning Board:** The Town of Hannibal Planning Board.

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

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

**Private Access Drive:** Any driveway or road which provides access to private property by virtue of a private right-of-way or privately held and maintained thoroughfare or, any access road which is not publicly owned and/or maintained.

**Public and Semi-Public Facility:** Any one or more of the following uses, including grounds and accessory buildings necessary for their use: playgrounds and recreational areas; schools; public libraries; fire, ambulance and public safety building; and public meeting halls and community centers.

**Quarry, Sandy Pit, Gravel Pit, Topsoil Stripping:** A lot or land or part thereof used for the purpose of extracting stone, sand, gravel or topsoil for sale, as an industrial operation, and exclusive of the process of grading a lot preparatory to the construction of a building, for which application of a building permit has been made to the zoning enforcement officer.

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

**Recreational Vehicle:** A vehicle which is:

1. built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projections;
3. designed to be self propelled or permanently towable
4. not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

**Regulatory Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in Section 4.4-2 of this law.



**Religious Institution:** A church, synagogue, or temple and minor accessory uses, but not including parish houses.

**Rented Storage:** Any building, structure or land which is utilized for the storage of any items or materials; in which a fee is charged for the storage of such items.

**Retail Sales and Service:** A commercial establishment engaged in selling goods or merchandise to the general public for personal or household consumption; or providing retail services or entertainment to the general public such as eating and drinking establishments, finance, real estate and insurance, personal services, amusement and recreational services, health, educational and social services; and not including sales and service for new and used automobiles, trucks, Manufactured homes, boats, recreational vehicles, farm implements, tree nurseries and other large items stored outdoors for retail sales.

**Retail Sales and Service, Large:** A retail sales and service establishment of between 2,000 to 10,000 square feet of gross floor area of a single building or a combination of buildings.

**Retail Sales and Service, Small:** A retail sales and services establishment of 2,000 square feet or less of gross floor area.

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

**Road Line:** The right-of-way line of a road as dedicated by a deed or record. Where the width of the road is not established, the road line shall be considered to be 25 feet for town and 33 feet for state and county roads, from the center line of the road pavement.

**Sawmill:** A non-portable manufacturing facility where logs are sawed, including the on-site storage of any materials used in the manufacturing process.

**Setback:** The distance between a lot line, road line or the mean high water line of a body of water and a particular development feature of a lot such as a building, structure, on-site sewage system component or parking area.

**Sewage: See waste storage definition**

**Sign:** Any material, structure or device, or part thereof composed of lettered or pictorial matter which is located out-of-doors, or on the exterior of any building, or indoors as a window sign, displaying an advertisement, announcement, notice or name, and shall include any declaration, demonstration, display, representation, illustration or insignia used to advertise or promote the interests of any person or business or cause when such is placed in view of the general public.

**Site:** Any area of land to be used, developed, or built upon as a unit.

**Special Flood Hazard Area:** Land in the floodplain subject to a one percent or greater chance of flooding in any given year. It includes the area shown on the Flood Insurance Rate Map as Zone A, AE, AO, AG, and A1 to A99.

**Special Use Permit:** A permit for special uses which must be approved by the Planning Board, granting permission to the Zoning Officer to issue a zoning permit.

**Special Use:** A use of land which requires review and approval of the Planning Board prior to the issuance of a special use permit by the Planning Board or a zoning permit by the Zoning Officer.

**Start of Construction:** Includes substantial improvement and means the initiation, excluding planning and design, of any phase of a project, physical alteration of the property, and shall include land preparation, such as cleaning, grading, and filling; installation of streets and/or walkways; excavation for a basement, footings, piers, or foundations or the erection of temporary forms. It also includes the placement and/or installation on the property of accessory buildings (garages, sheds), storage trailers, and building materials. For manufactured homes, the "actual start" means affixing of the manufactured home to its permanent site.

**Street:** Public way for vehicular traffic which affords principal means of access to abutting properties.

**Street Line:** Same as Road Line.

**Storage Vehicle:** Any bus, van, travel trailer, semi-trailer, truck trailer, or mobile trailer or any kind used for non-vehicular storage purposes.

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

**Structure:** Anything constructed or erected, the use of which requires location on the ground, or attachment to something located on the ground.

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

**Structure, Principal:** See Principal Structure.

**Substantial Improvement:** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. The term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1. any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure".

**Use:** The purpose or activity for which land or structures are designed, arranged, or intended, or for which land or structures are occupied or maintained.

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

**Use, Commercial:** See Commercial Use.

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

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

**Variance:** Any departure from the strict letter of this law granted by the Zoning Board of Appeals as it applies to a particular piece of property.

**Warehousing:** Terminal facilities for handling freight with or without maintenance facilities, and buildings used primarily for the storage of goods and materials.

**Waste Storage:** The storage or temporary containment of damaged, defective, or superfluous material such as material rejected during a textile manufacturing process and used usually for wiping away dirt and oil, scrap materials, any unwanted by-product of a manufacturing process, chemical laboratory, or nuclear reactor (i.e toxic waste, hazardous waste, nuclear waste), refuse from places of human or animal habitation or any garbage, rubbish, excrement, sewage, material derived by mechanical and chemical weathering of the land.

**Waste Water Treatment System:** As accepted by county health department.

**Wholesale Trade:** Establishments or places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

**Yard:** A space on a lot not occupied with a building or structure.

**Yard, Front:** The space within and extending the full width of the lot from the road line to that part of the building or structure which is nearest to such road line. If a lot adjoins two or more roads, it shall be deemed to have a front yard respectively on each.

**Yard, Rear:** The space within and extending the full width of the lot from the rear lot line to that part of the building or structure which is nearest to such rear lot line.

**Yard, Side:** The space within and extending the full distance from the front yard to the rear yard and from the side lot line to that part of the building or structure which is nearest to the such side lot line.



5/15/10

**Zoning Board of Appeals:** A board appointed by the Town Board pursuant to Section 267 of the Town Law to hear and decide appeals of this law.

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

**Zoning Officer:** Any person appointed by the Town Board to enforce the provisions of this law. Here after the Town of Hannibal Code Enforcement Officer and the Zoning Officer are the one in the same.

**End of Definitions.**

## ARTICLE 3. ESTABLISHMENT OF ZONES

### Section 310. Types and Purposes of Zones

For the purpose of this law, the Town of Hannibal is hereby divided into the following zones:

#### **AR: AGRICULTURAL AND RURAL RESIDENTIAL DISTRICT**

The purpose of this district is to allow for rural residential development to occur in a manner consistent with the continued pursuit of agriculture with emphasis on the protection of the town's groundwater supply.

#### **CI: COMMERCIAL AND LIGHT INDUSTRIAL DISTRICT\***

The purpose of this district is to allow for large scale commercial development to take place in areas with safe and adequate transportation routes and in areas which are likely to receive water and sewer service in the future. \*In addition, future commercial districts may be established upon petition to the Town Board of Hannibal.

### Section 320. Zoning Map

Said zones AR and CI are shown, defined and bounded on the map accompanying this law entitled "Town of Hannibal, New York Zoning Map" dated June 23, 1999 and filed in the office of the Town Clerk, which map and all explanatory matter thereon is by this reference incorporated into this law. Future districts created through the process of petition to the Town Board of Hannibal shall be subject to the requirements of this zoning law and will be reflected on the official "Town of Hannibal, New York Zoning Map".

### Section 330. Interpretation of Zone Boundaries

**A.** Where uncertainty exists with respect to the boundaries of the various zones as shown on the zoning map and for future established commercial and light industrial zones, the following rules shall apply:

1. Where the designation on the zoning map indicates a boundary approximately upon a road, the centerline of the road shall be construed to be the boundary.

2. Where the designation on the zoning map indicates a boundary approximately upon a lot line, such lot line shall be construed to be the boundary.

3. Distances shown on the zoning map are perpendicular distances from road centerline measured to the zone boundary, which boundaries in all cases where distances are given are parallel to the road centerline.

4. In other cases the zone boundary shall be determined by the use of the scale on the zoning map as determined by the Zoning Board of Appeals with the advisement of the Planning Board.

**B.** In the event that a metes-and-bounds description has been filed for a zone change or a variance as required by this law, such a metes-and-bounds description shall be used in lieu of other provisions of this section (section 330).

**C.** Where a zone boundary divides a lot of record at the time such boundary is adopted, the zone requirements of the least restrictive portion of such lot shall extend 40 feet into the more restrictive portion of the lot. Refer to the Zoning map for defined districts

**ARTICLE 4. ZONE REGULATIONS**

**Section 410. General:** All uses and structures shall conform to the regulations of this article which correspond to the zone in which the activity is located.

**Section 420. Schedule A: Dimensional Requirements for Zones**

<b>Zones</b>	<b>AR</b>	<b>AR-W/S**</b>	<b>CI</b>	<b>CI-W/S**</b>
<b>Minimum Lot Size In Acres</b>	2	1	5	2.5
<b>Minimum Yard Dimension in Feet:</b>				
<b>Road Frontage:</b>				
<b>State/County rd</b>	200*	200*	200*	200*
<b>Town</b>	200*	200*	200*	200*
<b>Setbacks:</b>				
<b>Front Yard: State/County rd.</b>	80	80	100	100
<b>Front Yard: Town</b>	60	60	80	80
<b>Side yards</b>	25	25	25	25
<b>Rear yard</b>	50	50	50	50
<b>Septic System</b>	25	25	25	25
<b>Maximum Lot Coverage %</b>	25	25	25	25
<b>Maximum Building Height in feet:</b>	35	35	35	35
<b>Accessory Structure</b>	12.5'		12.5'	

\*All front yard set backs will be determined from the center line of the road.

\*Accessory structures must meet front setback; 12.5' measurement from side and rear.

\*Flag lots or back lots must meet set backs and have 200ft at building line in place of road front.

\*\* W/S refers to Public Water and Sewer

**AR: AGRICULTURAL AND RURAL RESIDENTIAL DISTRICT**

The purpose of this district is to allow for rural residential development to occur in a manner consistent with the continued pursuit of agriculture with emphasis on the protection of the town's groundwater supply.

**CI: COMMERCIAL AND LIGHT INDUSTRIAL DISTRICT\***

The purpose of this district is to allow for large scale commercial development to take place in areas with safe and adequate transportation routes and in areas which are likely to receive water and sewer service in the future. \*In addition, future commercial districts may be established upon petition to the Town Board of Hannibal.

**W/S: Water and Sewer**

Note: Alternate lot dimensions as listed in Article 4, Section 420, Schedule A may be allowed on a site if they are supplied with municipal water supply and municipal sewer or an approved self contained on-site wastewater treatment facility. Water supply must be accompanied by either municipal sewer availability or an approved self contained on-site wastewater treatment facility.

**Section 425. Height Exceptions**

The height limitations of Section 420 of this law shall not apply to farm structures, belfries, church spires, cupolas, penthouses and domes which are not used for human occupancy, nor to chimneys, ventilators, skylights, water tanks and necessary mechanical appurtenances usually carried above the roof level; nor flag poles, monuments, transmission towers and cables, radio and television antennae or towers and similar structures.

**Section 430. Schedule B: Permitted Uses in Zones**

<b>ZONE:</b>	<b>AR</b>	<b>AR-W/S</b>	<b>CI</b>	<b>CI-W/S</b>
Accessory Use or Structure	P	P	P	P
Agricultural Structure	P	P	P	P
Bulk Storage	SP	SP	SPR	SPR
Campground	SP	SP	SP	SP
Commercial Facility	SPR	SPR	SPR	SPR
Dwelling, Multi-Family	SPR	SPR	SP	SP
Dwelling, Single-Family	P	P	NA	NA
Dwelling, Two-Family	SP	SP	NA	NA
Essential Facilities	SP	SPR	P	SPR
Excavation, Major	SP	SP	SP	SP
Home Occupation	P	P	NA	NA
Industrial Facility	NA	NA	SPR	SPR
Junkyard	SP	SP	SP	SP
Landfill	NA	NA	NA	NA
Manufacturing Use	NA	NA	SP	SP
Manufactured home Park	SPR	SPR	NA	NA
Office, Accessory	P	P	P	P
Office Building, Large	SPR	SPR	SPR	SPR
Office Building, Small	SPR	SPR	SPR	SPR
Public and Semi-public Facility	SPR	SPR	SP	SPR
Religious Institution	SPR	SPR	SP	SP
Rented Storage	SPR	SPR	SP	P
Retail Sales and Service, Large	NA	NA	SP	SP
Retail Sales and Service, Small	SPR	SPR	SP	SP
Sawmill	SP	SP	SP	SPR
Towers	SP	SP	SP	SP
Warehousing	SP	SP	SPR	SPR
Waste Storage	NA	NA	NA	NA
Wholesale Trade	SP	SP	SP	SPR

W/S = water and sewer. Areas with water service only will not receive special consideration

P = Allowed use under zoning; Building permit only

SP = Special permit

SPR = Site Plan review

NA = Not an allowed use

## **ARTICLE 5 GENERAL REGULATIONS**

### **Section 505. Home Occupations**

A. Home occupations which meet the following requirements shall not require a zoning permit:

1. Does not change the outside appearance of the dwelling and is not visible from the road, except for one sign as permitted in Section 1010 of this law;
2. Does not generate traffic, additional parking, sewage or water use in excess of what is normal in the neighborhood;
3. Does not create a hazard to persons or property, result in electrical interference, or become a nuisance;
4. Does not result in any outside storage or display.

B. Any home occupation that does not meet the requirements of paragraph "A" above shall be considered nonresidential use of the property and require permits as otherwise provided in Section 430.

C. Reference section 1010:

### **Section 510. Existing Uses and Structures**

- A. This law does not apply to uses and structures that are lawfully in existence as of the date of this law becomes effective. Any use that would otherwise be subject to this law, which has been discontinued for a period of one year or more, shall be subject to review pursuant to the terms of this law before such use is resumed. Any use or structure shall be considered to be in existence provided such use or structure has been substantially constructed in compliance with section 140 prior to the effective date of this law.
- B. Uncertain Applicability- Any person uncertain of the applicability of this law to a given land use activity may apply in writing to the Zoning Board of Appeals for a written jurisdictional determination.

### **Section 520. Exempt Uses**

The following land use activities are exempted from the requirements of this law:

- A. Ordinary repair or maintenance of existing structures or uses.
- B. Agricultural land uses, with the exception of road side stands for the sale of agricultural products from a permanent structure.
- C. Incidental landscaping or grading not within a required buffer area.
- D. Interior alterations that do not substantially change the nature of use of a commercial or industrial structure.

**Section 530. Manufactured homes**

- A. All Manufactured homes in the Town of Hannibal not located within an approved Manufactured home park shall for the purposes of this ordinance be subject to the same consideration as a single family residence constructed in place (including issuance of a standard building permit) excepting that the following special requirements relating to installation of a Manufactured home are necessary.
1. No Manufactured home shall be placed or relocated upon an individual lot unless the Manufactured home's square footage is no less than 840 square feet. .
  2. No Manufactured home shall be placed or relocated upon an individual lot unless it is no less than 14'0 feet in width (not including any additions or alterations to the original manufacturer's specifications).
  3. A Manufactured home used as a dwelling shall be securely attached; being tied down by cables, straps or an anchoring system conforming to the International Residential Code of New York. .
  4. All Manufactured homes will be placed on a concrete pad; concrete piers or a compacted gravel base to meet or exceed the manufacturers recommendations and all applicable codes outlined in the International Residential Code of New York. Manufactured homes shall not be placed upon soils classified as hydric soils as indicated in the latest editions of the Soil Survey of Oswego County, New York U.S. Department of Agriculture Soil Conservation Service.
  5. All Manufactured Double Wide homes will be placed on a concrete pad to meet or exceed the manufacturers recommendations and all applicable codes outlined in the International Residential Code of New York.
  6. Skirting of a permanent material must be installed to fully enclose the area between the bottom of the dwelling and the pad or foundation. Such skirting must be permanently installed in its entirety within 60 days of installation and must be properly maintained on a permanent basis. Skirting and framing must be of ground contact wood, if wood is used. .
  7. Once a Manufactured home is moved off a nonconforming pad, the pad must then be corrected to conform to the requirements of this law before another Manufactured home is placed on the pad.
  8. An existing Manufactured home which fails to meet the standards set forth in section 510 of this ordinance and is unoccupied for a period of 12 months shall be deemed to be abandoned. An abandoned Manufactured home may be removed by the town at the expense of the property owner.
  9. If placing a new Manufactured Home the old Manufactured Home must be removed within 1 month.
- B. All Manufactured homes shall be in compliance with standards equal to or more stringent than the U.S Department of Housing and Urban Development (HUD) Manufactured Manufactured home Construction and Safety Standards, 24 CFR Part 3280 (1976). The applicant is responsible for providing adequate evidence that these standards have been complied with. The presence of a permanent certification label affixed to the Manufactured home by the manufacturer shall be presumptive evidence that the construction of a Manufactured home is in compliance with such standards.



**Section 540. Roadway Sight Distance**

No accessory structure, fence, wall, sign or hedge shall be located in such a manner as to confuse or obstruct the views of any traffic sign, signal, or device or obstruct the visibility of vehicles entering or exiting any public road or highway. All views and sight distances shall comply with the standards set forth by AASHTO and The New York State Department of Transportation Design Manual.

**Section 550. Sewage Disposal**

- A. On-site sewage disposal systems shall comply with the specifications and standards set forth in Title 10 NYCRR Part 75, Appendix 75-A, entitled "Wastewater Treatment Standards- Individual Household Systems" or NYSDEC "Design Standards For Waste Water Treatment Works".
- B. All components of any on site sewage disposal system shall have a minimum 100.0' foot setback from the mean high water level of any lake, stream, pond, wetland or other body of water, other ground water supply as indicated in the current N.Y.S Health Department Sanitary Code and Oswego County Health Department Requirements.
- C. Alternative on-site systems may be permitted upon approval of the Oswego County Health Department or, if applicable New York State Department of Environmental Conservation and shall be of acceptable design as conforming to New York State Health Department Regulations, and in compliance with acceptable installation methods and materials.

**Section 560. Flood Hazard Areas**

All land use activities in areas of special flood hazard as indicated on the Flood Hazard Area Map of the Town of Hannibal published by the Federal Emergency Management Agency, shall comply with the provisions of the Town of Hannibal Local Law #1, 1995 adopted July 27, 1995, as amended.

**Section 570. Junk**

- A. No "junk" as defined in Article 2 of the Town of Hannibal Zoning Law shall be located so as to be visible from public roads and from neighboring properties.
- B. Outside Storage of more than 2 unregistered vehicles per deeded parcel shall be prohibited.

**Section 580. Major Excavations**

- A. No actual major excavation shall be located within:
  - 1. 50 feet of any adjoining lot line, except where the adjoining lot has been approved for use as a major excavation;
  - 2. 100 feet of any lake, stream, pond, wetland, or other body of water;
  - 3. 50 feet of any public road line.
- B. All major excavations shall be screened as provided in Section 970 of this law.
- C. No major excavation shall be designated in such a way so as to cause excessive dust, noise, traffic or other conditions inappropriate for the neighborhood in which it is located, or so as to endanger the stability of adjacent land or structures.
- D. Major excavations operations must provide an erosion control plan in accordance with Reducing The Impacts of Stormwater Runoff from New Development: (New York Standards & Specifications For Erosion and Settlement Control (Blue Book) ).
- E. DEC permit required
- F. Hours of operation: Monday through Saturday 8:00 am to 6:00 pm.
- G. Reclamation to follow DEC guidelines and must be completed within 6 months.

## **ARTICLE 6. SPECIAL PERMITS AND VARIANCES**

### **Section 600. Procedure for Issuing a Special Permit**

The Planning Board and the Zoning Board of Appeals shall act in strict accordance with the procedure specified by the Town Law and by this Ordinance. All applications made shall be in writing, on forms prescribed by the Board. Every application shall refer to the specific provision of the Ordinance involved, and shall set forth the interpretation claimed, use for which the special permit is sought, or details of the variance applied for and the grounds on which it is claimed that the variance should be granted.

### **Section 610. Special Permits**

In every case where a Special Permit is required by this Local Law, the Planning Board may approve the special use permit granting permission to the Zoning Officer to issue such permit only after notice is given to adjoining owners, published in official paper 5 days prior to Meeting, and a Public Hearing has been held by the Planning Board.

### **Section 620. Required Plan**

An application for a special permit shall be accompanied by three sets of preliminary plans, and other descriptive matter conforming to the site plan review requirements set forth in Article 7. These documents shall become part of the record.

### **Section 630. Standards for Special Uses**

The Planning Board may determine that additional standards should be imposed on the Special Use to provide adequate safe guards to protect the health, safety, morals or general welfare of the public, including the effect on the environment and for the preservation of the character of the neighborhood in which such proposed special use is to be placed to minimize possible detrimental effects of the use upon adjacent property.

### **Section 640. Standards Applicable to all Special Uses**

The Planning Board may issue a Special Permit only after it has found that all the following standards and conditions have been satisfied.

1. Location, size of use and structure, nature and intensity of operations involved, size of site in relation to is, and the location of the site with respect to streets giving access to it, are such that it will be in harmony with orderly development of the district including the effect on the environment.
2. Location, nature and height of buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings, or impair their value or alter the character of the area.
3. Special use shall not conflict with the Town of Hannibal Comprehensive Plan.
4. Operations of any special use shall not be more objectionable to nearby properties than would be the operations of any permitted use.
5. No Special Permit shall be issued for a use on a property where there is an existing violation of this Ordinance, with the exception that upon a showing of undue hardship, the Planning Board shall have the power to waive this standard.



**Section 650. Compliance for Conditions of Special Use**

If the Planning Board determines, pursuant to Section 640, that additional standards be imposed on the special use, it may condition the *granting* of the special use upon compliance with certain conditions specified by said Board. Compliance for said conditions shall be mandatory throughout the duration of the Special Use and failure to conform to said conditions shall be grounds for revocation of the special use. Upon revocation of the special use, the Zoning Enforcement Officer may institute legal action as authorized.

**Section 660. Variances**

In every case where a variance is required by this Ordinance, the Zoning Board of Appeals shall issue a variance only after:

1. Referral to the Planning Board for their recommendation and receipt of a report, and
2. A Public Hearing has been held by the Board of Appeals.
3. At least thirty days before date of the public hearing, the Clerk shall transmit to the Planning Board a copy of the application and notice of the hearing and forward a notice of public hearing to the owners of property adjoining the project site. The Planning Board shall submit a written statement of its advisory opinion prior to the hearing.
4. Every decision of the Zoning Board of Appeals shall be by resolution, which shall contain a full statement of their findings of fact in the case, and shall be recorded in their minutes.

**Section 670. Required Plan for Variances**

An application for a variance shall be accompanied by three sets of preliminary plans, and other descriptive matter to portray clearly the intentions of the applicant as stated in Section 630 of this Article. These documents shall become part of the record.

**Section 680. Standards for Variances**

The Planning Board may recommend that additional standards be imposed upon the variance to provide adequate safe guards to protect the health, safety, morals and general welfare of the public, including the effect on the environment, and for preservation of the general character of the neighborhood in which such proposed variance is to be placed, and to minimize possible detrimental effects of the variance upon the adjacent property.

**Section 690. Compliance for the Conditions of a Variance**

The Board of Appeals may, with or without, the prior recommendation of the Planning Board, condition the granting of a variance upon compliance for certain conditions specified by the Board of Appeals. Compliance with said condition shall be mandatory throughout the duration of the variance, and failure to conform to said condition, shall be grounds for revocation of the variance. Upon revocation of the variance, the Zoning Enforcement Officer may institute legal action as authorized.

**ARTICLE 7 – SITE PLAN REVIEW PROCEDURES****Section 705. Uses Requiring Site Plan Approval**

Land use activities within the town shall require site plan review or special permit approval pursuant to the requirements of section 430 of this law before being undertaken.

## **Section 710. Review Requirements**

### **A. General**

Any person, before undertaking any new land use activity at any location within the town for which this law requires a site plan, shall submit a site plan together with appropriate supporting data to the Planning Board for review and approval in accordance with the standards and procedures set forth in this law.

### **B. Sketch Plan**

An informal conference between the applicant and the Planning Board is strongly encouraged prior to submission of a site plan application to review the proposed development in light of existing conditions and to generally determine the information to be required in the site plan. At the conference, the applicant shall provide either a verbal or written statement and a rough sketch describing what is proposed together with a U.S.G.S topographic map showing the location of the building site and its relationship to the surrounding area.

### **C. Initial Review**

At the sketch plan conference the Planning Board will determine if the proposal is in conformity to the Town's adopted Comprehensive Plan, and to the extent feasible shall provide the applicant with an indication of whether the proposal, in its major features, is acceptable or should be modified before expenditures for more detailed planning are made. The Planning Board shall also review with the applicant certain requirements of Section E to determine what specific information is to be presented with the site plan.

### **D. Application for Site Plan Approval**

To apply for site plan approval, an applicant shall complete a site plan application form and file it with the Town Clerk together with the site plan. The Town Clerk shall immediately notify the Planning Board that such application has been filed and the date thereof. A fee of \$300.00 plus \$50.00 per lot including, Manufactured home Parks and any parcel with two or more homes. Fees can be amended by the Town Board if necessary.

### **E. Site Plan Submission Requirement**

The site plan submitted for approval and supporting documentation is to include all of the following information, unless the application has requested waivers and the same have been granted by the Planning Board:

1. Title of site plan, including name and address of applicant and person responsible for preparing such drawing.
2. North arrow, scale and date.
3. Boundaries of property plotted to scale.
4. Location, set backs, size and existing use of buildings on premises
5. Location and ownership identification of all adjacent lands as shown on the latest tax records.
6. Location, name, and width of existing adjacent roads.
7. Location, width and identification of all existing and proposed rights-of-way, easements, setbacks, reservations, and areas dedicated to public use on or adjoining the property.
8. Grading and drainage plan, showing existing and proposed contours and water courses.
9. Location, type of construction and exterior dimensions of all proposed buildings.
10. Identification of the amount of gross floor area proposed for retail sales and services, offices and other commercial or industrial facilities.



11. Location, type of construction, and area of all parking and truck loading areas, showing access and egress.
12. Provision for pedestrian access, including public and private sidewalks, if applicable.
13. Location of outdoor storage, if any.
14. Location and construction materials of all existing or proposed site improvements.
15. Description and design of the method of sewage disposal and the location of such facilities.
16. Description of the method of securing water, location of such facilities, and approximate quantity of water required.
17. Location of fire lands and other emergency zones, including the location of fire hydrants, if required.
18. Location, design, and construction materials of all energy generation and distribution facilities, including electrical, gas and solar energy.
19. Location, size, design, and type of construction of all proposed permanent signs.
20. Location and development of all proposed buffer areas, including indication of existing and proposed vegetative cover.
21. Location and design of existing and proposed outdoor lighting facilities.
22. Landscaping and planting schedule.
23. Record of applications and approval status of all necessary permits from federal, state, county and local offices.
24. Estimated project construction schedule.
25. Snow storage areas shall be indicated on site plan and shall not interfere with required parking or traffic circulations.
26. Other elements integral to the proposed development as may be specified by the Planning Board at the sketch plan conference.

#### F. Less Intensive Review

The Planning Board may elect to conduct a less intensive review for minor types of projects that do not generate a significant amount of traffic and/or that have little or no adverse impacts to neighboring properties and uses. Certain requirements of Section 710-E above for such proposed uses may be waived where warranted. The Planning Board must state its grounds for waiving certain submission requirements in writing and file such statement along with the site plan application and supporting documents.

#### G. Specifications of Materials Submitted

1. Site Map: This shall be drawn by a professional at a scale of one hundred (100') feet to one inch or larger for parcels of more than 10 acres and fifty (50') feet to one inch or larger for parcels 10 acres or less and shall show existing topography at a contour interval of not more than five (5') feet. This map shall show the site area and any pertinent natural features that may affect the proposed use such as water courses, swamps, wetlands, wooded areas, areas subject to flooding, etc. *Note: Contour intervals of one or two feet may be appropriate for maps of specific site features such as grading and drainage plans, parking areas, and building locations.*

2. Development Plan: This is a detailed plan for the proposed development, drawn by a professional to a scale of one hundred (100') feet to one inch or larger. The site development plan illustrates the location of all existing or proposed site improvements including drains, culverts, retaining walls, and fences; provides a description and shows the location of sewage and water facilities; shows location of all signs; the location of proposed buffer areas; the design of lighting facilities; all automobile parking and all parking for commercial vehicles while loading and unloading; and the location and width of all driveways, exits, and entrances.

3. Elevations and/or Sections: Elevations and/or sections, illustrating front, rear, and side profiles drawn to the same or larger scale as the site development plan, may be required by the Planning Board. The elevations and/or sections shall clearly delineate the bulk and height of all other permanent structures included in the proposal, including the dimensions and height of any proposed signs.

4. Architectural Plans: The Planning Board may require, as appropriate and within reason, architectural/engineering plans to illustrate and describe such development aspects as: road improvements, drainage system, grading plan, public or private utility systems, sewer and water facilities, and such other supporting data as may be necessary. Coincident to preparing any such plans, the applicant shall provide the Planning Board with an estimate of the total cost of site improvements confirmed by the Building Inspector or Town Engineer and the Planning Board.

5. Acceptance of Site Plan Application: The Planning Board shall, within thirty (30) days of a site plan application being filed, determine whether to accept the application as complete and begin the review process, or to reject the application as incomplete. Incomplete applications shall be returned to the applicant, without prejudice, with a letter stating the application deficiencies.

6. Segmentation: The site plan application and associated maps shall include all proposed phases of development. Site plan approval shall be based on the total planned project in order to facilitate the assessment of all potential development impacts. The Planning Board shall consider applications incomplete where there is reason to believe the application applies to only a segment of the total planned development. In such situations, the Planning Board shall return such application to the applicant together with a letter stating the basis for its determination.

#### H. Referral to Other Agencies and Boards

1. Coordinated Review: The Planning Board may refer the site plan for review and comment to local and county officials or their designated consultants, and to representatives of federal, state, and county agencies, including but not limited to the New York State Water Soil Conservation Department, the New York State Department of Transportation, the State Department of Environmental Conservation, and the State of County Department of Health, whichever has jurisdiction.

2. Required Referral: Prior to taking final action on the site plan, and where applicable, the Planning Board shall refer the plan to the Oswego County Planning Board for their review and approval pursuant to Article 12-13, Section 239-m of the General Municipal Law.

I. State Environmental Quality Review Compliance: The Planning Board shall require compliance for any actions subject to SEQR prior to site plan approval.

J. Public Hearing on Site Plan: The Planning Board may conduct a public hearing on the site plan if considered desirable by a majority of its members. Upon receipt of an application, the Planning Board shall make a determination of whether the application is complete as to required submittal for review purposes. If the Planning Board finds that the application is not complete, then the applicant shall be notified in writing of the deficiencies. At such time as the application is determined by the Planning Board to be complete, the time limits herein prescribed shall commence to run. If the application was determined in the first instance to be complete, the time limits herein shall commence to run on the day the application was received. Such public hearing shall be held within sixty-two (62) days from the initial date above determined. Notice of the public hearing shall be mailed to the applicant at least ten (10) days before said hearing. Public



notice of the hearing shall be published in a newspaper of general circulation in the town of least five (5) days prior to the date of hearing.

K. Planning Board Action on Site Plan: Decision on the site plan application shall be made within sixty-two (62) days after such hearing, or after the application is received or determined to be complete if no hearing has been held, provided that this time shall be extended by any additional time required to comply with the SEQR Review process

1. Approval: Upon approval of the site plan and payment by the applicant of all reimbursable costs due to the town, the Planning Board shall endorse its approval on a copy of the site plan and shall immediately file the site plan and a written statement of approval with the Town Clerk. A copy of the written statement of approval shall be mailed to the applicant by certified mail.

2. Approval with Modifications: The Planning Board may approve the site plan and require that specific modifications be made. A copy of a written statement of approval containing the modifications required by the Planning Board shall be mailed to the applicant by certified mail. Upon approval, and after payment by the applicant of all fees and reimbursable costs due the town, the Planning Board shall endorse its approval on a copy of the site plan and shall immediately file the site plan and a written statement of approval with the Town Clerk.

3. Disapproval: Upon disapproval of the site plan, the decision of the Planning Board shall immediately be filed with the Town Clerk and a copy thereof mailed to the applicant by certified mail along with a letter stating the Planning Board's reasons for disapproval.

L. Extension of Time to Render Decision: The time period in which the Planning Board must render its decision on the site plan may be extended by mutual consent of the applicant and the Planning Board.

## **ARTICLE 8 – DESIGN STANDARDS**

### **Section 810. General Objectives**

Sites to be developed shall be of such character that they can be safely used for building purposes without danger to the public health or safety, or peril from fire, flood, or other causes. The proposed development shall be visually compatible with the character of the community to the extent feasible.

Site development shall comply with the following objectives:

- A. Vegetative screening shall separate commercial, industrial and other non-residential uses from residential properties.
- B. Adequate and safe vehicular circulation between the site and street network.
- C. Safe and adequate interior site circulation, parking and loading facilities.
- D. Sites should be accessible year-round with particular attention to access for emergency vehicles.
- E. Environmentally sensitive areas shall be protected and left undisturbed.
- F. Adequacy of storm water and drainage facilities.
- G. Compatibility with and protection of adjacent uses, particularly residential uses, through landscaping, vegetative and other screening, buffering, planting and setbacks, method of construction and restrictions on outside activities.
- H. Consideration of aesthetics in the project design and compatibility of signs with neighboring uses.
- I. Mitigation of the adverse effects of smoke, noise, glare, vibration, odors, or noxious and offensive uses; appropriate hours of operation.
- J. Absence of dangerous or hazardous activities.

**ARTICLE 9- GENERAL DEVELOPMENT STANDARDS FOR SITEPLAN REVIEW**  
 (see section 430 for required uses)

**Section 910. Sewer and Water**

General.

No site development plan for any use shall be approved unless adequate provision is made for waste water treatment and for clean potable water supply, as required for the use.

All site development plans relating to water supply and waste water are required for the proposed use. Where applicable, sewer system permits are required prior to issuance of the building permit for any site development. Requirements for this section must comply with the provisions of Section 550 Sewage Disposal.

**Section 920. Lot Development Criteria**

An application for site plan approval shall not be approved unless the proposed use meets the following minimum lot development standards.

A. General

1. Sites shall be able to adequately accommodate on-site waste treatment and water facilities unless central sewer and water service is provided.
2. Principal and accessory structures shall be set back to the standards in Section 420.
3. Open uses, such as outdoor recreational facilities (e.g. swimming pools, ball fields, playgrounds, etc.) shall have a minimum set back of thirty (30) feet to any property lines.

B. Environmental Consideration

In general, sites to be developed shall avoid areas where the following conditions are present:

1. slopes greater than fifteen (15%) percent
2. bedrock less than five (5) feet from the surface and areas of frequent rock outcrops
3. areas of high groundwater (seasonal or permanent)
4. soils with excessively slow or fast percolation (refer to Soil Survey Reports available from the Soil Conservation Service)
5. flood hazard areas
6. state and/or federal regulated freshwater wetlands and their buffer requirements as set forth in Section 960
7. fringes of water bodies or watercourses and their buffer requirements as set forth in Section 960

C. Access Standards

Site plan approval shall be conditional upon the applicant obtaining any necessary curb-cut permits from the jurisdictional permitting authority, e.g. state, county, or town highway departments. In addition, the following access requirements shall apply:

1. Access drives shall be constructed and maintained so as to provide for year-round access
2. In cases where sites have frontage on more than one road, the principal point of access shall be from the collector and/or local road whenever feasible
3. There shall be a minimum distance of 150 feet between proposed and existing driveways on public roads
4. Driveways shall be combined wherever possible to minimize the number of access points onto public roadways
5. No driveway centerline shall intersect a street line less than 150 feet from the intersection of any two (2) roadways

6. Driveway grade and width shall be such that adequate and safe access is provided for emergency and service vehicles during all seasons
7. The minimum maintained width of driveways shall be eighteen (18) feet which allows for in going and outgoing vehicles to pass one another safely.
8. All drives, access roads and entrances shall be minimum fifty (50') feet from the mean high water level of any stream, lake pond or water body and 100' from any designated wetland.

### **Section 930. Traffic and On-Site Circulation**

#### **A. General**

1. Additional traffic generated together with existing traffic, shall not exceed the capacity of the highway(s) that serve the development
2. Where additional traffic is likely to result in a significant decrease in traffic safety conditions, the Planning Board may require the applicant to provide traffic improvements as a condition of site plan approval, or to reduce the size or density of the proposed development
3. On-site circulation shall be designed to limit traffic, avoid conflicts between vehicles and pedestrians
4. In order to minimize turning movements onto or from public roadways, the Planning Board shall encourage the inter-connection of parking areas via access drives within and between adjacent commercial uses. Site plans should demonstrate a layout which would permit future connections, if appropriate.
5. The minimum turning radius for all traffic circulation shall be thirty (30) feet.
6. The Planning Board shall require striping or other markings to facilitate on-site circulation and separate individual parking space, loading areas, pedestrian walkways, and entrances and exits in parking areas of six (6) spaces or more.

#### **B. Pedestrian Circulation Systems**

1. Where deemed necessary and appropriate, sidewalks may be required by the Planning Board. Some examples of facilities where sidewalks may be required include:
  - a. Multi-family residential developments
  - b. Institutional buildings (e.g. schools)
  - c. Public recreational facilities
  - d. Shopping Center
2. Sidewalks shall be concrete or other suitable material as approved by the Planning Board
3. At the discretion of the Planning Board, sidewalks shall be constructed and placed parallel to roadway(s). In such cases, a minimum separation distance of five (5) feet shall be maintained between the roadway edge of pavement and the pedestrian pathway(s) wherever possible.
4. Walkways shall be clearly identified within parking areas and for public roadway crossings with striping as necessary.

#### **C. Private Road Standards**

1. A private access drive longer than five (500) hundred feet shall be classified, for the purpose of this local law, as a private road.
2. All private roads shall be constructed to Town of Hannibal Road Specifications as contained in the Town of Hannibal Subdivision Law in order to ensure safe and adequate access by emergency vehicles.



3. Where two or more properties share a common private road for access, the Planning Board shall require that the landowners enter into a maintenance agreement to provide for snow removal and general road upkeep.

4. Private dead-end roads shall have a circular turn-around at their terminus with an outside diameter of at least one hundred (100) feet.

5. Private roads shall not exceed ten (10%) percent grade unless town standards provide otherwise.

6. Under no circumstances shall a private road be maintained by the Town of Hannibal without full compensation to the Town by the owner(s) of the private road.

#### **Section 940. Off Street Parking**

A. General- Off-street parking shall be provided to adequately assure the safe and convenient parking of vehicles out of the road right-of-way and in such manner as to afford safe pedestrian access to buildings without traversing a traveled right-of-way.

B. Off-Street Parking

1. The minimum number of off-street parking spaces provided shall be as follows:

<u>Use</u>	<u>Minimum Off-Street Parking Spaces</u>
Multi-family residential dwellings, townhouses and condominiums	2 for each dwelling unit. Plus 1 for each 5 dwelling units
Home occupation	2 spaces for the residential use, plus 1 space per each 200 square feet of floor space of the home occupation
Place of worship, theater, athletic field or place of assembly	1 for each 4 seats of pew spaces, or in auditorium, or in places without seats, 1 for each 100 square feet of floor space used for public assembly; 1 per 3 theater seats
Alternate care facilities; hospitals and nursing home facilities	1 per 1.5 beds for hospitals; 1 per 3 beds plus one space for each estimated alternate care employee
Golf course, bowling alley	2 for each tee or alley
Centers of public amusement	1 per 200 square feet of floor space
Industrial areas and research	1 per 500 square feet of gross floor area
Retail or service business, less than 25,000 square feet	1 for each 150 square feet of gross floor area
Retail uses or commercial center greater than 25,000 square feet	1 for each 250 square feet gross floor area
Restaurant	1 for each 2 seats
Professional Office	1 for each 300 square feet of gross floor area
Bank	1 for each 200 feet of gross floor area, plus 3 temporary waiting spaces for each drive up window
Hotel/motel/inn/bed & breakfast	1 for each guest sleeping room, plus 1 for each 1.5 employees
Funeral Home	1 space per 5 auditorium seats
Animal hospital or veterinary office	1 per 400 square feet of gross floor area
Gasoline filling stations and motor vehicle repair establishments	2 spaces per service bay
Parking Standard Commercial Use	1 per 200 square feet of gross floor area

- Where two (2) or more different uses occur on a single lot, the total amount of amount of parking shall be the sum of the requirements for each individual use.
3. All required off-street parking spaces shall be used solely to park motor vehicles by residents, visitors, patrons or employees. There shall be no sale, repair, or storage of vehicles within off-street parking areas.
  4. Reasonable and appropriate off-street parking requirements for structures and land uses that do not fall within the categories listed shall be determined in each case by the Planning Board.
  5. Parking for the handicapped persons shall be provided
  6. The Planning Board may require more or allow less parking in situations where the flexible application of these standards is appropriate
  7. Size of Parking Spaces – Each parking space shall be at least nine (9) feet wide and eighteen (18) feet long
  8. To the greatest extent possible, parking areas shall be located in such a way as to minimize visibility from roadways and adjacent properties. Landscaping shall minimize any negative visual effect.
  9. Parking areas of six (6) cars or more shall have blacktop or concrete or other appropriate surface suitable for marking parking spaces.
  10. The maximum finished grade for parking areas shall not exceed three (3%) percent.
  11. All parking facilities shall be maintained throughout the duration of its use to the extent necessary to avoid nuisances of dust, erosion or excessive water flow across public ways or adjacent lands
  12. Spacing between rows of 90 degree angle spaces shall be twenty four (24) feet

#### **Section 945. Off-Street Loading Requirements**

Off-street loading and unloading facilities shall be provided for commercial or industrial uses of greater than six thousand (6,000) square feet as follows:

- A. For retail service, or office businesses of six thousand (6,000) square feet or more, a minimum of one space for the first six thousand (6,000) square, plus one space for each additional ten thousand (10,000) square feet of gross floor area.
- B. For wholesale business, industry, storage, or warehouses where applicable, a minimum of one space for each establishment, plus one space for each additional eight thousand (8,000) square feet of gross floor area.
- C. Each off-street loading space shall be at least fifteen (15) feet in width and at least twenty-five (25) feet in length, exclusive of access and turning areas.
- D. Any loading dock facing a road front shall be sufficiently far back from the road to permit the largest permitted tractor trailer to maneuver into said loading dock without obstructing traffic

**Section 950. Flood Hazard Areas****A. General**

Construction in those areas designated on Flood Insurance Rate Maps as areas of special flood hazard, as defined by the 100-year flood plain boundary, should be avoided.

Disturbed areas shall be properly stabilized to prevent future damage from storms, heavy runoff and flooding. No on-site sewage disposal systems shall be placed within the 100-year flood limits. Wells may be located within the 100-year flood limit provided that all activity is permitted by NYSDEC or and any other Federal, State or local floodway authority having jurisdiction on the location.

- B. Structure or disturbance within the 100-year flood boundary shall conform with the standards issued by the Federal Emergency Management Agency as adopted in the Town of Hannibal Flood Protection Law

**Section 955. Freshwater Wetlands (RESEARCH BY RON/BOB)****A. General**

Applicants for building permits that affect areas regulated by the New York State Department of Environmental Conservation (DEC) as freshwater wetlands shall comply with Article 24 and Title 23 of Article 71, Environmental Conservation Law. Freshwater wetland boundaries shall be flagged on the site by the DEC. The wetland boundary and a 100-foot protective buffer shall be indicated on site plans with the signature of the DEC officer responsible for the filed flagging. Federally regulated wetlands shall also be indicated on site plans.

- B. The following minimum standards shall apply on sites with regulated wetlands:
1. No construction within the wetland or 100-foot buffer
  2. Any disturbance shall require a DEC or U.S. Army Corp. of Engineers designated wetland disturbance permit as applicable. No sewage disposal systems shall be located within the freshwater wetland boundary or the 100-foot buffer zone.

**Section 960. Protection and Buffering of Streams and other Water Bodies**

No alteration of watercourses, whether by excavation, filling, grading, clearing, draining, or otherwise, shall be made that affects the water levels or flow of such watercourses without review as to the effect of such alteration and any related facilities on water recharge areas, water table levels, water pollution, aquatic animal and plant life, temperature change, drainage, flooding, runoff and erosion. This review and approval of such alteration shall be made by the Planning Board in consultation with the N.Y.S. Department of Environmental Conservation or Army Corps of Engineers. Where the applicant must obtain a stream disturbance or discharge permit from the DEC or Army Corps of Engineers, Planning Board approval shall be conditional on the receipt of permit approval.

- A. A 3 zone buffer of a minimum of 100 feet shall be maintained along riparian banks and (streams, creeks, and rivers)

B. The buffer shall be designed as follows:

1. The area closest to the stream or waterbody, extending a minimum horizontal distance of 15 feet from the top of the riparian bank. Its primary function is protection of the aquatic habitat, providing shading to lower water temperature and control of streambank erosion. There must be at least 50% canopy cover; (75% is preferable along the Oswego and Oneida Rivers to maintain the aesthetics of the State Canal greenway corridor). Existing trees and shrubs should be retained and new plantings can be placed in sufficient density to achieve this percentage of canopy cover when trees and shrubs reach their mature height. (See Appendix 1)
2. Adjacent to Zone 1, it extends a minimum of 20 feet. Managed vegetation consisting of trees and shrubs absorb nutrients, toxins and sediment in surface water flow. This zone can be extended to 60 feet or more dependent on slope and site conditions.

*A general guide is 1.5 feet for each 1% increase in slope (NYS Conservation Practice Standard 391)*

3. Adjacent to zone 2 varies in width, depending on the widths of Zones 1 and 2 but extends a minimum of 20 feet. The width of Zone 3 would normally be determined by subtracting the combined width of Zones 1 and 2 from 100 feet. However, in some areas where for example steep slopes exist Zone 3 may extend the 100 foot buffer. Although native trees and shrubs are the first defense in assuring proper functioning of Zones 1 and 2, grasses and legumes are preferred in Zone 3. It is critical to consider function as well as slope in determining the width of Zone 3. (See diagram, Appendix 2)

The 100 foot buffer is composed of these three zones. While there is flexibility in determining how the 85 feet comprising Zone 2 and Zone 3 is divided, lawns would not be closer than 35 feet to the waters edge. (See subsection Access and Vegetation Breaks). Although there may be some instances in which buffer width could exceed 100 feet a 100 foot three zone buffer would be the standard.

In areas with well established trees and shrubs, extending Zone 2 may be preferable to a wider Zone 3 grass planting. As the slope increases, the width of Zone 1 and 2 will need to be increased proportionately. Grasses and legumes are preferred in Zone 3 and need regular maintenance. This is usually synonymous with lawn maintenance; however, hay or pasture uses can be made compatible. Areas of significant, natural, historic, and cultural value could require wider buffers. Similarly, a deeply eroded streambank might require a wider Zone 1 and additional stabilizing (rip rap). Conversely, a lot or site that did not have sufficient depth to support a 100 foot buffer could apply for a variance retaining all or most of Zone 1 and 2 with a shortened Zone 3.



4. No clear-cutting along the riparian bank. Within 35 feet extending from the top of the riparian bank inland from all points, no vegetation may be removed from all points, no vegetation may be removed which would reduce the canopy below 75%. This area shall be maintained as an undisturbed natural vegetated buffer strip. An allowance for access to water and shoreline viewing is allowed as follows: access paths 10 feet or less in width and a contiguous break in streamside vegetation of no more than thirty feet or no more than 20% of property width which ever is less. Breaks must be planned to avoid streambank erosion and channeled water flow.
5. No removal of live trees, shrubs, and plantings in the buffer zones, except to provide for water access as allowed in paragraph #3 above, thinning and pruning is permitted at least 75% of the canopy is maintained. These regulations shall not apply to the removal of dead, diseased or dying trees or to other vegetation which, in the opinion of the zoning administrator, presents a safety or health hazards
6. Natural vegetation is to be preserved as far as practicable, and where removed, shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion and preserving aesthetics.
7. The use of pesticides and fertilizers in the buffer zones is not permitted.
8. Measures shall be taken to prevent the uncontrolled access of livestock to buffer and riparian banks and to the water, since it presents a safety or health hazards.
9. Composting yard and vegetable waste within the buffer itself is not permitted.

## **Section 965. Drainage, Grading, Erosion and Siltation**

### **A. General**

Development on sites with steep slopes (grades of fifteen percent (15%) or greater), streams, and wetlands, and soils subject to erosion and high runoff volume, shall be minimized wherever possible. Disturbance of any such areas shall be stabilized and reclaimed as much as possible during and after construction.

### **B. Purpose**

The purpose of drainage, erosion and siltation control measures are:

1. To guide drainage and prevent increases in runoff on and off the site.
2. To prevent destruction and loss of soils on and off the site from increased runoff.
3. To prevent siltation of water bodies, watercourses and wetlands on and off the site and subsequent harm to or loss of aquatic plant and animal life.

### C. Runoff Control

The Planning Board shall require the developer to provide a Storm Runoff Control Plan. It shall be based on adequate topographic surveys, soils investigations and runoff projections as stated in the latest edition of the NY Standards and Specifications for Erosion and Settlement Control". To the maximum extent possible, the following standards shall apply.

1. The natural drainage patterns on and off-site shall be maintained in their present state to the standards of the NY Standards and Specifications for Erosion and Settlement Control, and protected from disturbance.
2. Storm water runoff shall be directed away from impervious surfaces and toward absorbent ground area.
3. The plan shall minimize blockage, collapse or washout of street drainage or other hazards associated with drainage and spring runoff conditions.
4. Connection shall be made to existing storm water runoff drainage systems, where feasible.

### D. Schedule and Phasing of Control Measures

The following criteria shall be used in planning storm water runoff plans:

1. Control measures shall be designed for up to a 25-year frequency, 24-hour storm so that runoff flows will be released to adequate stable channels at a rate not to exceed conditions prior to soil disturbance.
2. Plans shall include estimated peak rates and volumes of runoff

### E. Drainage Easements

Drainage easements to the Town of Hannibal for purposes of entering the property to monitor and maintain stream flow conditions through the project site shall be provided by the applicant and identifies on the site plan. Notwithstanding such easements, a note shall be included on each site plan that "All Storm water drainage system appurtenances and retention areas shall be maintained in a fully functional and safe condition by the owner."

### F. Grading

Grading shall be minimized to the extent possible on sites with slopes over fifteen percent (15%), streams, and wetlands, and soils subject to erosion and high runoff volume. There shall be no grading permitted on slopes greater than twenty-five percent (25%) without Planning Board approval.

1. A Land Grading Plan shall be prepared for all construction and development sites that involve grading. The plan should show grading proposed for both during and after construction.
2. The grading plan shall be based upon adequate topographic surveys and investigations, information about soil type, depth, properties and slope. Such plans shall show the location, slope, cut, fill and finish elevation of the surfaces to be graded. The plan shall also show the proposed methods for the disposal of runoff water, slope stabilization, erosion control and drainage. The location of facilities such as waterways, ditches, diversions, grade stabilization structures, retaining walls and subsurface drains shall also be shown with reference to the Storm Runoff Control Plan.

3. The Land Grading Plan shall be based upon the following minimum criteria:
  - a. The cut face of earth excavations and fills shall be no steeper than the safe angle of repose for the materials encountered and flat enough for stabilization and maintenance. Generally a maximum slope should be used unless specific engineering data shows a steeper slope is stable. For erosion control and maintenance, 3:1 slopes or less are desirable.
  - b. No excavation and filling operations shall effect adjoining property.
  - c. Land to be cut or filled should be cleared of trees, stumps, roots, brush, boulders, sod and debris
  - d. Fill material should be free of sod, roots, frozen soil, or other decomposable material.
  - e. The permanently exposed faces of earth cuts and fills shall be vegetated or otherwise protected from erosion immediately upon completion of earth placement.

## **Section 970. Landscaping**

### **A. General**

All portions of properties that are not intended for development shall remain in their natural state; or be suitably landscaped with planting of grass, ground cover, trees and shrubbery. Landscaping shall minimize erosion and storm water runoff, provide necessary buffering and generally seek to blend the proposed use with the character of the town.

### **B. The following landscaping standards shall be met:**

1. Landscaping shall be appropriate to the project and the natural vegetation cover shall be maintained where possible. To the extent that alterations in the site plan may be required, Landscape Plan shall include plant selection suitable for the specific site. Native species of plants shall be included in the plan whenever possible.
2. Healthy trees with diameters of twelve (12) inches or greater measured at approximately 5 feet from the grade level shall be marked on the plan and preserved to the extent possible.
3. Pedestrian pathways shall be covered with crushed stone, bark, gravel, brick, stone, or paved as appropriate, to allow drainage and prevent erosion.
4. Construction practice and planting specifications should follow ANSI American Standards for Nursery Stock.
5. Maintenance of Natural Landscaping; whenever possible, natural vegetation shall be maintained by appropriate construction practices and site layout.
6. Maintenance; All planting shown on an approved landscape or site landscape or development plan shall be maintained throughout the duration of the use, and plants not so maintained shall be replaced in accordance with the plan's specifications.

### C. Screening/Buffering

A landscaped area may be required to screen and protect neighboring residential properties and passing motorists from the view of facilities, buildings, and parking areas of the site development, as warranted. Landscaped areas are subject to the following:

1. A minimum permanent vegetated buffer of a width of ten (10) feet shall separate non residential uses from adjacent residential properties, or from the street. A 50 foot buffer shall be provided between Industrial and all other land uses sufficient to visually screen the proposed development.
2. Along road frontage, a minimum ten (10) foot wide, landscaped buffer shall be provided and designed so as not to obstruct sight distance at road access points.
3. Plantings shall be indicated on the site plan and shall meet the following standards:
  - a. Plant materials shall be a minimum of four (4) feet in height when planted and shall be spaced to form a continuous, solid screen at maturity. Generally, plants/trees shall be spaced apart at distances no greater than ten (10) feet on center.
  - b. Where appropriate, a wall, fence, or earthen berm of location, height, and design approved by the Planning Board may be substituted for the required planting.
1. Modifications. Where the existing topography and/or landscaping provides adequate screening, the Planning Board may modify the planting and/or buffer area requirements.
2. Landscaping and screening shall conform to the following minimum standards:
  - a. Use of existing vegetation to the greatest extent possible.
  - b. Units shall be sited for maximum preservation of mature trees (trees of 12" D.B.H or greater).
  - c. Clear cutting of the site area is prohibited.

## Section 980. Signs

### General

A. A sign shall be permitted to advertise non-residential uses on site. Signs shall be of such design and construction so as to convey information with clarity and without disruption to the character of the community. Such signs shall conform to the following general design principles:

1. The lowest point of any hanging sign in a pedestrian circulation area should be at least seven and one-half (7-1/2) feet above the ground.
2. Signs should be a subordinate part of the local landscape and as small as practicable.
3. Signs should have a minimum of information in order to avoid clutter and confusion.
4. Whenever feasible, multiple signs should be combined into one to avoid clutter.
5. Signs which have dark background colors and light letters are preferred in order to minimize the apparent size of signs within the local landscape.
6. The source of illumination for any sign shall not be visible from any "street, sidewalk or any other lot.
7. No sign shall be located so as to project into the public right-of-way or to be a hazard to traffic or pedestrians, to obstruct any door, window, ventilating system or fire escape or to cause any other hazard to the public safety.
8. No sign shall exceed an area of thirty-two (32) square feet per side.

### B. Exempt Signs

The following signs shall be exempt from requirements of this section:

1. Memorial or historical signs, names of buildings and dates of erection when cut or cast into any masonry, bronze, stainless steel or similar permanent material.



2. Traffic or other municipal signs.
3. Legal notices or such temporary, emergency, or non-advertising signs as may be authorized by the Town Board.
4. A farm produce sign not exceeding eight (8) square feet provided that visibility from the road and traffic safety are addressed.
5. Temporary non-illuminated signs on the premises for up to one year for the following purposes:
  - a. Real estate "For Sale" or "For Rent" signs not exceeding six (6) square feet and located on the front wall of the building or if free standing, not nearer than ten (10) feet to any street or property line.
  - b. Signs which announce anticipated occupancy of a site or building or identifies the contractors, architects, engineers, etc. on a building or site under construction should not exceed twenty (20) square feet in area. Such sign shall be a minimum of ten (10) feet from a street line on the subject property.
6. Temporary off-premises directional signs for the convenience of the general public not exceeding two (2) square feet in area.
7. Signs or bulletin boards customarily incidental to places of worship, libraries or museums, erected on the premises for purposes of displaying temporary public information notices, not exceeding fifteen (15) square feet in area.
8. Temporary election signs shall not be more than 32 square feet. Temporary election signs shall be erected or placed no more than 30 days prior to election and be removed 3 days after the election.

#### C. Prohibitions

The following signs shall be prohibited:

1. Except for holiday seasons, grand openings, and other special or temporary events, not to exceed thirty (30) days, no sign shall include or consist of pennants, ribbons, streamers, spinners or other moving, fluttering or revolving devices.
2. No sign shall contain flashing lights without Planning Board approval.
3. No revolving, moving or animated signs shall be permitted.
4. No permanent sign shall be erected on utility poles, trees, or other natural features of the site intended for other uses.
5. No advertising billboards shall be allowed on-site for a proposed use.

#### D. Free-Standing Signs

All free-standing signs shall comply with the following standards:

1. Only one free-standing sign, which may be double-faced, shall be permitted for the primary frontage of a property on a public street. Not more than one free-standing sign shall be permitted for each business structure regardless of the number of stores housed therein.
2. All signs should be erected a minimum of fifteen (15) feet from any street line.
3. The maximum height for free standing signs, shall be (20) feet.
4. Except for uses specified in this local law, a sign face shall not exceed an area of thirty-two (32) square feet.

**E. Building Signs**

Signs attached to a building shall conform to the following standards:

1. The maximum area shall be equal to the width of the building front times one foot, but in no case shall the sign area exceed ten (10%) percent of the building face area.
2. Signs shall not project above the highest point along the face of the building.
3. Iconic signs, such as barber poles, eye glasses, etc, which are traditional in appearance and size should not extend more than four (4) feet from a building wall nor occupy a space of more than fifteen (15) square feet when viewed from any angle.
4. One sign not exceeding four (4) square feet in area may be hung under a roof overhang perpendicular to each store front in a shopping center.
5. Directional signs for pedestrian and traffic control should not exceed four (4) square feet in each area.

**Section 990. Utilities and Lighting**

- A. In all multi-family residential developments of twenty (20) units or more, the Planning Board may require that all utilities, exclusive of transformers, be placed underground at the time of initial construction. Required utilities may include water, sewer, storm drainage, telephone, electricity, gas, and wiring for street lights.
- B. Reasonable provision shall be made for extension of utilities to adjoining properties, including installation of water gates and manholes if necessary, and the granting and recording of easements as required.
- C. Lighting. Adequate lighting shall be provided on a site to ensure safe movement of persons and vehicles and for security purposes. Lighting shall conform to the following standards:
  1. Lighting fixtures shall be a type approved by the Planning Board.
  2. All lighting shall be designed and arranged so as to minimize glare and reflection on adjacent properties.
  3. The style of the light and light standard should be consistent with the architectural style of the building
  4. The maximum height of free standing lights should not exceed twenty (20) feet.
  5. The source of the lights shall be shielded or located such that it shall not be visible outside the boundaries of the parcel being developed, unless the Planning Board determines in certain situations that this requirement is unfeasible.

**Section 995. Solid Waste Disposal**

- A. Provision for safe and sanitary storage and disposal of anticipated solid and process waste shall be shown and/or described on the site plan.
- B. Waste containers shall be effectively screen from public view and view from adjacent properties.

**ARTICLE 10 – STANDARDS FOR SPECIFIC USES****Section 1010. Home Occupation**

The following minimum standards shall be required for allowed home occupation use:

- A. One unanimated, non-illuminated sign of not more than nine (9) square feet shall be allowed. There shall be no other exterior evidence of the home occupation for display or storage purposes or such that the exterior of the work area is altered in any way.
- B. No offensive noise, vibration, dust or odor, heat or glare shall be produce.
- C. Hours of operation shall be set so as not to adversely affect adjacent land uses.

- D. Adequate off-street parking must be provided. At a minimum, there shall be two (2) spaces for the residential use, plus one space for each two hundred (200) square feet of floor space of the home occupation.
- E. Parking areas (6) cars or more shall have crushed stone, blacktop or other aggregate surface and shall be appropriately landscaped to provide screening from adjacent properties.
- F. Off-street parking and loading shall accommodate access and egress of any supply or service vehicles to the home occupation without obstructing traffic.

### **Section 1020. Commercial Uses**

Commercial uses shall be developed in accordance with the following minimum standards:

- A. Total property coverage of impervious surface shall not be greater than fifty (50%) percent.
- B. Off-street parking and on-site circulation shall be provided such that
  - 1. On-site pedestrian and vehicle circulation shall be designed to limit traffic hazards.
  - 2. Adequate off-street parking must be provided which shall consist of one parking space per two hundred (200) square feet of gross floor area.
  - 3. Minimum dimensions of parking spaces shall be nine (9) by eighteen (18) feet.
  - 4. Curbing may be required along frontage to delineate access points.
  - 5. Maximum grade of access drives shall be eight (8%) percent and three (3%) percent for parking areas.
  - 6. Parking areas of six (6) cars or more shall have crushed stone, blacktop, or other appropriate surface.
  - 7. Stacking lanes should be required for all uses that involve drive-up customer services such as bank window tellers, fast food restaurants, car wash bays, etc. to avoid any stacking of vehicles in public right-of-ways.
  - 8. Where possible, parking areas should be located to the sides of rear of the business.
  - 9. The Planning Board shall require the applicant to provide an appropriate number of handicapped parking spaces as required by American Disabilities Act
- C. Traffic Considerations:
  - 1. The site development plan shall assure that additional traffic generated, together with existing traffic, shall not exceed the design capacity of the highway(s) that serve the development based upon its functional classification.
  - 2. In situations where the proposed additional traffic is likely to result in a significant decrease in traffic safety conditions, the Planning Board may require the applicant to provide traffic improvements as a condition of site plan approval, or to reduce the size or density of the proposed development

**Section 1030. Multi-Family Dwellings**

Standards for multi-family dwellings shall be as follows:

- A. The maximum impervious surface area coverage, excluding paved area for recreational facilities such as a basketball or tennis court or a pool, shall be fifty (50%) percent.
- B. The maximum building area coverage shall be twenty-five (25%) percent.
- C. Construction on slopes or ridge lines shall be limited to thirty-five (35) feet in height and shall not break the natural tree line.
- D. Parking. Paved off-street parking areas shall be provided as follows:
  - 1. On-site pedestrian and vehicle circulation shall be designed to limit traffic hazards.
  - 2. Sidewalks shall be provided, as appropriate, to connect the residential units with parking areas, public streets, recreation areas, and other apartment building(s).
- E. Buffer areas shall be used to separate the residential units from the recreational areas and to maintain natural areas between multi-family structures. Buffer strips shall consist of trees, hedges, dense plantings, earth berms, and changes in grade.
- F. All lighting shall be designed and arranged so as to minimize glare and reflection on adjacent properties. The maximum height of free-standing lights should not exceed twenty (20) feet. The source of the lights shall be shielded or located such that it shall not be visible outside the boundaries of the parcel being developed.
- G. There shall be adequate provision for fire fighting. The applicant shall provide water storage facilities (either water storage tanks or surface ponds) to assure the required water quantity will be readily available, and that such water will be provided at pressures required for fire fighting purposes.
- H. Central water and sewer systems shall be required and shall conform with applicable Department of Health and/or State Department of Environmental Conservation standards.
- I. Internal Road System. Road standards for multi-family developments shall be in conformance with the following standards:
  - 1. A looped road system or a road network with two (2) separate access points shall be provided for developments of more than fifteen (15) dwelling units.
  - 2. Internal circulation system should be able to accommodate all service and emergency vehicles and should provide for year-round access.
  - 3. Private roads within a multi-family development shall not exceed an average grade of eight (8%) percent and shall conform to the Town of Hannibal Road Standard.
- J. One sign per entrance that identifies the development is permitted and should be compatible with the general environment of the project site. Signs should conform to the following standards:
  - 1. No moving parts, flashing lights or exposed neon tubing shall be allowed.
  - 2. Maximum height for each two (2) sided, free-standing entrance sign, from base elevation, shall be no greater than six (6) feet.
  - 3. Maximum area of one side or face of sign shall not exceed ten (10) square feet.
  - 4. All signs should be erected a minimum of ten (10) feet from any street line.



### **Section 1040. Industrial Uses**

Property to be developed for industrial uses shall be developed in accordance with the following standards:

- A. New development shall comply with the following maximum lot area coverage requirements:

Maximum lot coverage by buildings	25%
Maximum lot coverage by impervious surface	50%

- B. Landscaping and screening shall be provided as follows:

1. Existing vegetation shall be used to the greatest extent possible.
2. Along a property line facing a residential property, a fifty (50) foot wide buffer strip of evergreen planting shall be provided to effectively screen the industrial use from view.
3. Along road frontage a twenty (20) foot wide buffer of landscaping shall be provided where appropriate and designed so as not to obstruct sight distance at points of access.

### **Section 1050: Adult Entertainment**

Refer to Town of Hannibal Local Law #2 2009 Adult Entertainment

## **ARTICLE 11- GUARANTEE OF SITE IMPROVEMENTS**

### **Section 1100 General**

Subsequent to the granting of site plan approval, no certificate of occupancy shall be issued until all improvements shown on the site plan are installed or a sufficient performance guarantee has been provided by the applicant for improvements not yet completed. Failure to comply shall result in denial or revocation of a certificate of occupancy.

In order that the town has the assurance that the construction and installation of such improvements as storm sewers, water supply, sewage disposal, sidewalks, parking and access roads will be constructed in accordance with these standards and/or any site plan approval modifications, the Planning Board may require that the applicant enter into one of the following agreements with the town outlined in Section 1105.

### **Section 1105. Required Financial Security**

Applicants for subdivision plat or special use approvals shall provide the Town with acceptable financial security in an amount sufficient to guarantee the installation of basic public improvements. Such public improvements may include public water supply, sewage disposal systems, storm drains and sewers, roads, pavement markings and traffic signs and signals, sidewalks, and other public improvements commonly required of applicants for subdivision plat or special use approvals.

Acceptable financial security shall be provided to the Town in one of the following ways:

- A. The applicant shall furnish a bond executed by a surety company in an amount equal to the cost of construction of the public improvements required by the Planning Board pursuant to this law.
- B. The applicant shall present to the Town Clerk a certified check in an amount equal to the cost of construction of the public improvements required by the Planning Board pursuant to this law.
- C. The applicant shall present to the Town Clerk an irrevocable letter of credit drawn in favor of the Town in an amount equal to the cost of construction of the public improvements required by the Planning Board pursuant to this law.

### **Section 1110. Review of Proposed Financial Security**



For each of the above options, the required public improvements shall be shown on subdivision plats or special use drawings, and the total amount of the required financial security shall be based thereon. Such estimates shall be certified by a licensed professional engineer, and shall be reviewed by the Town Board for financial adequacy as a guarantee of construction and of reasonable performance during a warrantee period. The Town Board and the Town Attorney shall jointly review the guarantee agreement for sufficiency of form and execution and for the soundness of the financial guarantee offered by the applicant.

### **Section 1120. Schedule of Improvements**

When a certified check or performance bond is issued pursuant to the preceding sections, the town and applicant shall enter into a written agreement itemizing the schedule of improvements in sequence with the cost opposite each phase of construction or installation, provided that each cost as listed may be repaid to the applicant upon completion and approval after inspection of such improvement or installation. However, ten (10%) percent of the check deposit or performance bond shall not be repaid to the applicant until one year following the completion and inspection by the town of all construction and installation covered by the check deposit or performance bond.

When a guarantee agreement has been approved by the Town Board and the required surety bond, certified check, or letter of credit has been received by the Town Clerk, the Town and the applicant shall enter into a written agreement itemizing the required public improvements, establishing a schedule for the construction and installation for each improvement. Whenever feasible, costs shall be organized by logical phases of work completion in order to facilitate the partial release of funds held as a financial guarantee by the municipality to the applicant as work is satisfactorily completed.

### **Section 1130. Required Public Improvements**

- A. All public improvements required pursuant to the approval of subdivision plats or special uses shall be constructed and completed to the standards required by state and local laws, rules, and regulations.
- B. The construction or installation of any improvements or facilities, other than roads, for which a financial guarantee has been made pursuant to this Article shall be completed within one (1) year from the date of the approval of the subdivision plat or special use. Road improvements shall be completed within two (2) years from the date of approval of the subdivision plat or special use. Road improvements shall be completed within two (2) years from the date of approval of the subdivision plat or special use.
- C. The applicant may request an extension of time to perform required public improvements provided he can show reasonable cause for inability to construct and install said improvements within the required time. Such extension of time shall not exceed six (6) months. At the end of such extension time, if the required public improvements are not completed and accepted by the Town, the Town may use as much of the financial security required by this Article to construct and install, maintain, or perfect the improvements as necessary to meet all applicable state and local laws, ordinances, rules and regulations.
- D. At least five (5) days prior to commencing construction of required public improvements the applicant shall pay to the Town Clerk the inspection fee as determined by the municipality and shall notify the Town Supervisor or an official designated by the Town Board in writing of the time when the construction of such improvements will be commenced so that the Town Board may cause inspections to be made to assure that all applicable specifications and requirements shall be met in the construction of such

improvements, and to assure the satisfactory completion of public improvements required by the Planning Board.

- E. The Town reserves the right to employ the services of outside consultants for inspections, and all charges shall be reimbursed to the Town by the applicant.

#### **Section 1140 Conditions**

- A. The performance guarantee shall be to the town and shall provide that the applicant, his/her heirs, successors, assigns, or his/her agent will comply with all applicable terms, conditions, provisions, and requirements of this law; and will faithfully perform and complete the work of constructing and installing such facilities or improvement in accordance with the approved site plan.
- B. Any such bond shall require the approval of the Planning Board in consultation with the Town Attorney as to form, sufficiency, manner of execution and surety.
- C. Certified checks shall be made payable to "the Town of Hannibal" and will be placed in an escrow account established by the town for this purpose.
- D. Letters of credit shall require the approval of the Town Board in consultation with the Town Attorney as to form, sufficient, and manner of execution and shall be duly notarized.

#### **Section 1150. Staged Refunding of Financial Guarantees**

At such times as the applicant wishes, but no more frequently than bimonthly, to have guarantee funds released in consideration of work performed and accepted, the applicant shall cause to be prepared an accurate statement of the work performed and accepted as of a date certain. This statement shall use the same item structure as was employed in the written agreement itemizing the required public improvements.

The applicant, after preparing such statement, shall submit it for review, approval, and signature by an engineer acting on behalf of the town, by the appropriate municipal inspectors, and by the Town fiscal officer. If the statement is approved by the Town fiscal officer, the statement shall be forwarded promptly to the Town Clerk, together with a recommendation that the amount approved on said statement be released and on the financial guarantee provided by the applicant. Where the financial guarantee provided by the applicant makes staged refunding possible, the Town Clerk will then direct in writing to the surety company of financial institution having custody of the guarantee funds to release the approved amount of those funds to the applicant.

**Section 1160. Phase Development**

The Planning Board may further request, subject to Town Board approval, that the applicant deposit a separate performance bond or certified check for each phase of development proposed. In this event, five (5%) percent of the check deposit or performance bond shall be withheld from the applicant until sixty (60) days following the completion, inspection, and acceptance by the town of all construction and installation covered by such deposit. No subsequent phase of development shall be undertaken until each earlier phase has been completed and approved by the Building Inspector.

**Section 1170. Acceptance of Required Public Improvements**

When the project inspector, following final inspection of the project, certifies to the Planning Board and the Town Board that all required public improvements have been completed in accordance with all applicable requirements, the Town Board may act by resolution to accept the public improvements.

**Section 1180. Inspections**

Inspections during the installation of improvements shall be made by the Building Inspector or Town Engineer to insure conformity with the approved plans and specifications as contained in the contract and this law. The applicant shall notify the Building Inspector when each phase of improvements is ready for inspection. Upon acceptable final completion of installation and improvement, the Planning Board shall issue a letter to the applicant or his/her representative that provide sufficient evidence for the release, by the town, of the portion of the performance bond or certified deposit as designated in the contract to cover the cost of such completed work.

**ARTICLE 12. MANUFACTURED HOME PARKS****Section 1210. Manufactured home Park Location, Conditions and Size**

- A. Manufactured home parks shall be located where orderly development can be undertaken in harmony with development of the surrounding area in terms of traffic generation, ease and safety of vehicular access to and circulation within the park, safety of pedestrian movement, location of structures, adequacy of off-road parking, placement and sizing of sewage treatment and water supply systems and other utilities, safety of fuel storage and supply, provision of open space, recreation facilities or areas, delivery of services and adequacy of landscaping and buffering.
- B. Manufactured home parks shall have generally level to gently rolling topography with slopes no greater than 15% over an area of sufficient size to allow development without significant alteration or disturbance of existing natural features such as mature trees, stream courses, shorelines, or wetlands.
- C. Manufactured home parks shall be free from adverse, unsafe or unhealthful conditions including but not limited to flooding, ponding, poor drainages, erosion, slumping or other soil instability, breeding areas for insects or rodents, smoke, noise, odors, heat, glare, or toxic or volatile substances.
- D. Manufactured home parks shall be three acres in size, minimum.

**Section 1220. Manufactured Home Parks**

- A. Manufactured home parks shall be divided (exclusive of internal roads, open space of common areas) and marked off into sites numbered consecutively, the number being conspicuously posted on each site with such number to correspond to the site shown on the site plan submitted. Each site shall be defined by permanent markers set at the corners thereof. Sites shall be a minimum of 10,000 square feet. If not, standard lot size applies per section 420.
- B. Provided centralized *on-site sewage treatment (see definition RESEARCH)* or public sewer is available.
- C. All manufactured homes, including expansions, extensions or other additions, patios, porches or garages and all other structures shall satisfy the following setback requirements;
  - 1. Minimum of 100.0' feet from the road line of any State or County road and 80 feet from the road line of any Town road.
  - 2. Minimum of 25 feet from any internal road.
  - 3. Minimum of 25 feet from all site lines.
- D. No site, internal road, parking lot, recreation area or storage facility for fuels, supplies or equipment shall be located within 20 feet of external boundaries of the manufactured home park.

**Section 1230. Manufactured home Park Entrance**

- A. Entrances shall be located directly opposite or at least 250.0 feet from the nearest intersection of public roads, if any, and at least 150.0 feet from any other entrances to the manufactured home park, if any. Check DOT standard RESEARCH DAN
- B. Entrances shall have a minimum width of 60.0' blending evenly to the width of the access road and tapered with a turning radius to allow reasonable turning movements of vehicles with Manufactured homes attached and or service or delivery vehicles.
- C. Entrances shall be located to allow safe line-of-sight distances to and from their points of intersection with the public road.

**Section 1240 Manufactured Home Park Access Roads**

- A. Access roads connecting public roads with internal roads shall be required to serve any manufactured home park having three or more manufactured homes, and at least two independent access roads shall be required to serve any manufactured home park having 20 or more manufactured homes.
- B. Access roads shall intersect public roads at right angles and at compatible grades and shall meet the standards set forth by AASHTO, New York State DOT and Town Standards.



**Section 1250. Manufactured Home Park Internal Roads**

- A. Internal roads shall be privately owned and maintained and shall provide for the safe and convenient movement of vehicles, with or without manufactured homes attached.
- B. All sites shall face on and be serviced by internal roads.
- C. All internal roads shall be designed, graded and leveled so as to permit the safe passage of emergency and other vehicles at a speed of 15 miles per hour.
- D. Cul-de-sacs with a minimum turning radius of 100 feet shall be provided in lieu of closed end roads.
- E. All internal roads shall be built per Town of Hannibal Road Standard or ASHTO standard which ever is more restrictive.

**Section 1260. Manufactured Home Park Design Standards**

- A. Easily accessible and usable open spaces shall be provided in all manufactured home parks. Such open space shall have a total area equal to at least 20% of the gross land area of the manufactured home park and shall be fully maintained by the manufactured home park owner. Part or all of such space shall be in the form of developed recreation areas to be usable for active recreation purposes.
- B. A hard surfaced pedestrian walkway of at least four feet in width shall be provided along and at least five feet from each access road between the entrance to the public highway and either the first unit or such location within the manufactured home park as may be required by the Planning Board to assure pedestrian safety.
- C. Water supply and sewage disposal systems shall be designed and constructed in compliance with all Oswego County and New York State Health Department and Environmental Conservation Department requirements. Only New York State approved systems and installation materials, methods and techniques will be acceptable. Refer to Section 420 for setbacks for sewage disposal systems.
- D. Service buildings, if provided, housing sanitation facilities and/or laundry shall be permanent structures complying with all applicable ordinances, codes, and statutes regulating buildings, electrical installations and plumbing and sanitation systems.
- E. The entire park shall be screened from the view of adjacent properties and roadways by the planting of shrubbery. Such shrubbery shall be of a specie, suitable to the Planning Board and shall mature to at least eight foot in height.
- F. Internal roads, storage areas, and service buildings shall be adequately lighted.
- G. All site setback areas shall be seeded or planted.
- H. All parking areas shall be located off the internal road system to provide for safe passage of emergency vehicles at all times.
- I. All manufactured homes shall be installed per section 530 of this law.



## **ARTICLE 13 CAMPGROUNDS**

In addition to all Oswego County Health Department requirements for campgrounds or "Travel Trailer Camps"; hereinafter referred to as campgrounds, campgrounds shall be subject to the following additional requirements.

### **Section 1300. Site**

- A. The campground shall be located in an area where grades and soil conditions are suitable for use as camp sites based upon the type of camping units (i.e motor homes, trailers etc)
- B. The campground shall be located on a well-drained site which is properly graded to insure adequate drainage and be free at all times of stagnant pools of water.
- C. The campground shall be at least (5) acres in size, with 500' feet frontage on a public road.

### **Section 1301. Campsites / Lots:**

- A. Each campsite shall be marked off into trailer lots and/or campsites hereinafter referred to as "lots".
- B. The total number of lots shall not exceed (10) per gross acre.
- C. Each lot shall have a total area of not less than 3000 square feet with a minimum width of 35 feet.

### **Section 1302. Travel trailers, campers or mobile camping units.**

Travel trailers, campers or mobile camping units are hereinafter referred to as campers.

- A. No camper shall be parked or otherwise located nearer than a distance of:
  - 1. Twenty-five feet from an adjacent unit in any direction.
  - 2. Sixty feet from an adjacent property line of any third party.
  - 3. Seventy five feet from the right of way line of any public street or highway
  - 4. Twenty feet from the nearest edge of any street within the campground.
- B. Only one camper shall be permitted to occupy any one unit stand or campsite.
- C. No camper shall be allowed to remain, whether occupied or unoccupied in any campground for more than 60 consecutive days or for any other periods within a calendar year which taken together aggregate more than ninety days.

### **Section 1303. Unit Stand**

- A. Each camp site shall have a camper unit stand, which will provide for the practical placement on and removal from the lot of the unit, and the retention of the camper on the lot in a stable condition.
- B. The stand shall be of a size sufficient to fit the dimensions of the anticipated unit.
- C. The stand shall be constructed of an appropriate material which is durable and adequate for the support of the maximum anticipated loads.
- D. The stand shall be suitable graded to permit adequate surface drainage.

**Section 1304. Accessibility**

- A. The campground shall be easily accessible from an existing state or county highway or street.
- B. Where a campground has more than fifteen campsites, two points of entry and exit shall be provided but in no instance shall the number of entry and exit points exceed four;
  - 1. Such entrances and exits shall be designated and strategically located for the safe and convenient movement into and out of the campground, and to minimize friction with the free movement of traffic on public highway or street.
  - 2. All entrances and exits shall be at right angles with public highways or streets.
  - 3. All entrances and exits shall be free of any material which would block their visibility from the public highway or street to which they have access.
  - 4. All of the entrances and exits shall be of sufficient width to facilitate the turning movements of vehicles with travel trailers attached.
- C. The campground shall have convenient access ways to all camp sites and other important facilities within the campground facility. Access ways shall be designed to permit safe vehicular circulation within the campground; shall be adapted to the topography and shall have suitable alignment and gradient for traffic safety; shall intersect at approximately right angles and shall be of sufficient width to allow for access of emergency and rescue vehicles.

**Section 1310. Utilities and Service Facilities**

- A. The following utilities and service facilities shall be provided in each campground and shall be in accordance with the regulations and requirements of the New York State Department of Health, The Oswego County Department of Health and/or the Department of Environmental Conservation.
  - 1. An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and to every ten (10) campsites within the campground to meet the requirements of such campground. Each ten (10) lots shall be provided with a cold water tap, the waste from which shall be emptied into a drain connected to an approved disposal system, such as a septic tank and drainage bed.
  - 2. Toilet and other necessary sanitary facilities for males and females shall be provided in permanent structures. Such facilities shall be housed in either separate buildings or in the same building, in the latter case, such facilities shall be separated by soundproof walls. The male and female facilities shall be marked with appropriate signs and have separate entrances for each.
  - 3. Such toilet and other sanitary facilities for males shall consist of not less than one flush toilet, and one lavatory for every ten travel trailers; female facilities shall consist of not less than one flush toilet and one lavatory for every ten travel trailers.

4. Lavatory facilities shall be supplied with hot and cold running water.
  5. The buildings housing such toilet and sanitary facilities shall be well-lighted at all times of the day and night, shall be well-ventilated with screened opening, shall be constructed of moisture-proof materials, and shall be clean and sanitarily maintained at all times. The floors of such buildings shall be of a water impervious material.
  6. Such buildings shall not be located nearer than fifty (50) feet nor further than (500) feet from any travel trailer.
- B. Other service facilities and buildings shall be provided as deemed necessary for the normal operation of the camp, such facilities or buildings to be maintained by the owner or manager of the camp in a clean, sightly, and sanitary condition.
  - C. Metal or plastic garbage cans with tight fitting covers shall be used in quantities adequate to permit the disposal of all garbage and rubbish. The cans shall be kept in sanitary condition at all times. The cans shall be located no further than two hundred (200) feet from any travel trailer lot. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary by the camp owner or manager to insure that such cans shall not overflow.
  - D. Waste from all buildings and trailer lots shall be discharged into an approved septic tank and leach field or into a public or private sewer system, so as to comply with the (town) sanitary code or the New York State Department of Health/Department of Environmental Conservation standards which ever is the most restrictive.
  - E. The travel trailer camp shall provide common open space conveniently located within the camp for recreational and other appropriate purposes, such space to have a total area equal to at least twenty (20) percent of the gross land area of the park.

#### **Section 1320. Landscaping**

- A. Lawn and/or other suitable permanent ground cover shall be provided on those areas of travel trailer camp not used for camper unit stands, buildings or facilities, walkways, and access ways.
- B. Planting shall be provided to the extent needed to provide summer shade, and to provide year-round screening of objectionable views, including views of garbage and storage areas and adjacent non-residential uses. Screen planting shall be provided along those areas within the camp which front upon or are visible from public highways and streets or abutting yards of adjacent residential properties so as to substantially screen the camp in with Section 970 of this zoning ordinance.
- C. Vegetation of a type that is natural to the area and meets the requirements to hardiness shall be installed whenever possible.

**ARTICLE 14 JUNKYARDS****Section 1405. Junkyard License**

- A. No person shall operate a junkyard within the Town of Hannibal unless a license to operate has first been issued pursuant to this law. Such license shall be applied for coincident with an application for a special use permit, and shall be granted coincident to the final approval of a special use permit.
- B. All licenses shall be issued for a period of two years, after which time renewal shall be required. All licenses shall expire on April 1, biannually. The license shall be displayed conspicuously at all times on the premises of the junkyard.
- C. Prior to license renewal, all junkyards shall be inspected by the Zoning Officer. Such license shall not be renewed until certified by the Zoning Officer as operating in compliance with this law.
- D. The Zoning Officer shall not enter the premises of any private property without the consent of the owner. It shall be the responsibility of the applicant to arrange for all required inspections of the premises prior to license issuance or renewal. Refusal to allow the Zoning Officer to enter the premises for the purpose of inspection shall be cause for the denial of an unapproved license, or if a license has been issued, for the revocation of such license by the Town Board.
- E. Must comply with SEQRA.
- F. Must comply with NYS Uniform Fire Prevention Building Codes.
- G.

**Section 1410 License Revocation or Failure to Renew**

- A. The Town Board may revoke such license upon reasonable cause should the applicant fail to comply with any provision of this law. Before the license may be revoked, a public hearing shall be held by the Town Board. Notice of the hearing shall be made in the official newspaper at least five days prior to the date thereof. The license holder shall be notified of the hearing by certified mail at least Seven days prior to the hearing. At the hearing the Town Board shall hear the license holder and all other persons wishing to be heard on the revocation of the license. Should the Town Board decide to revoke a license, the reasons for such revocation shall be stated in the Town Board minutes. The license holder shall be immediately notified of the revocation by certified mail.
- B. Should any junkyard license be revoked or fail to be renewed, the operator shall cease and desist from operating a junkyard. All junk shall be removed from the premises within 60 days. If after 60 days the junk is not removed, the Town reserves the right to have the junk removed and disposed of and all costs of such removal and disposal shall be borne by the landowner.

### **Section 1415. Junkyard Location**

- A. No junkyard shall be located within:
  - 1. 50 feet of any adjoining lot line;
  - 2. 100 feet of any public park, church, educational facility, nursing home, public building or other place of public gathering or private residence;
  - 3. 100 feet of any lake, stream, pond, wetland, or other body of water;
  - 4. 50 feet of any public road line.
- B. In reviewing, granting or denying special permits, the Planning Board shall take the following aesthetic and locational factors into consideration:
  - 1. The type of road serving the use or from which the use can be seen;
  - 2. Natural or artificial barriers protecting the use from view;
  - 3. The nature and development of surrounding property, such as the proximity of public parks, churches, educational facilities, nursing homes, public buildings, or places of public gathering;
  - 4. Whether or not the proposed location can be reasonably protected from affecting the public health and safety by reason of offensive or unhealthy noise, odors, smoke or of other causes,
  - 5. The proximity of streams, lakes, wetlands, flood plains, groundwater supplies, and public water supplies;
  - 6. The proximity of established residential or recreational areas,
  - 7. Local drainage patterns;
  - 8. Long-range comprehensive plans for the town;
  - 9. The availability of other suitable sites.

### **Section 1420 Junkyard Fencing and Screening**

- A. All junk storage areas shall be enclosed within an eight foot high fence, minimum, constructed of wood or other materials as approved by the Planning Board. Such fence shall be adequate to prohibit children and others from entering the area of the activity of business and to fully enclose and totally screen all materials stored on-site.
- B. The Planning Board may reduce fencing requirements where the junkyard is not visible from a public highway or from neighboring properties, and where the topography, natural growth of timber or other considerations accomplish the purposes and objectives of this law in whole or in part.
- C. Junkyards existing prior to June 3, 1987 may be screened by evergreen trees or shrubbery in lieu of fencing, upon approval of the Planning Board.



**Section 1425 Junkyard Operations**

- A. A junkyard licensee shall personally own the land or be personally responsible for the operation of the junkyard.
- B. No materials shall be burned or buried in a junkyard except in compliance with the New York State Outdoor Burning Law (see 6 NYCRR Part 215) or the New York State Solid Waste Disposal Law (see 6 NYCRR part 360).
- C. All the materials dealt with by the operator of the junkyard and all junkyard operations shall be kept within the fenced area of the junkyard at all times. Whenever the junkyard is not open for business, or temporarily not supervised, the fenced area, and any gate thereto, shall be secured or locked to prevent entry.
- D. No junkyard items shall be stored in any junk storage area other than those items specified on a junkyard license and special use permit approved by the Planning Board pursuant to this law.
- E. The licensee shall assure the proper and safe conduct of junkyard operations to minimize the fire hazard therefrom and to prevent trespass thereon.
- F. The Zoning Officer and Town Board, or any of its representatives, shall be granted access to the junkyard at all reasonable hours to inspect the same for compliance herewith.

**ARTICLE 15 CELLULAR AND TELECOMMUNICATIONS TOWERS****Section 1500 Minimum Standards for Cellular and Communication Towers**

For the purposes of this Zoning Document the Town of Hannibal adopts by reference the "standards of aesthetics and site design" as advocated by the Oswego County Planning Board as follows:

- A. Monopole design shall be used whenever possible.
- B. Flat paint in light gray shall be used and/or green below the tree line.
- C. Setback from any residential or school property line and/or structure shall be at least equal to or greater than the height of the tower.
- D. The tower shall be made available for multi-use
- E. Abandoned or inoperable towers shall be removed as stated in the special permit wording (see chart 430)
- F. No lighting shall be located on the tower except that necessary to meet Federal Aviation Administration (FAA) requirements.
- G. Signage shall be limited to small informational signs at the base of the tower.
- H. A maximum height of 199 feet to avoid need for bright flashing lights to comply with meet Federal Aviation Administration (FAA) regulations.

**Section 1501 Minimum Standards for all other Towers**

All towers must meet standards A through H in section 1500 Minimum Standards for Cellular and Communications Towers in addition the following conditions must be met:

- A. Special Use Permit required
- B. Planning Board may approve special use permit which will be issued by the Zoning Officer
- C. Towers shall meet all communication standards regarding interference

## **ARTICLE 16 NON-CONFORMITIES**

### **Section 1610 Intent**

The intent of this article is to recognize certain uses, lots of record and structures which legally existed at the time of enactment or amendment of this law and which would be prohibited or unreasonably restricted by the provisions, regulations, or standards herein. All rights of nonconformity shall continue regardless of the transfer of ownership of nonconforming uses, lots, or structures. Non-Conforming Uses are pre-existing non-conformities and are not created by the adoption of this ordinance.

### **Section 1620. Nonconforming Uses**

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

- A. No nonconforming use shall be expanded, extended, or otherwise increased so as to occupy a greater area of land than was committed to the nonconforming use at the time of such enactment;
- B. No nonconforming use shall be extended so as to displace a conforming use.
- C. Any nonconforming use which has, for any reason, been abandoned for a period of one year, shall not be reestablished and only conforming uses shall be thereafter permitted.
- D. A nonconforming use once changed to a conforming use shall not be permitted to change back to a nonconforming use.

### **Section 1630 Nonconforming Lots of Record**

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

- A. Maintain the required minimum front yard.
- B. Meet or exceed at least two-thirds (2/3) of the required minimum side and rear yards.
- C. Not exceed the maximum permitted lot coverage
- D. Accommodate sewer and water facilities or be served by public water and sewer

### **Section 1640 Nonconforming Structures**

- A. No structure which by the enactment or amendment of this law is made nonconforming or placed in a nonconforming situation with regard to yard sizes, lot coverage, height or any requirement of this law, other than the use to which it is put, shall be changed so as to increase its non-conformity. If a structure is nonconforming as to use, see Section 1620 above.
- B. Any such nonconforming structure may be used for any compatible use listed for the zone in which it is located as designated on Section 430 Schedule B of this law.

### **Section 1650 Nonconforming Structures Damaged or Destroyed**

Any structure which is nonconforming as to use, yard sizes, lot coverage, height or any other requirement of this law, which is partially damaged or destroyed by fire or other hazard to an extent of less than 50% of its original configuration, may be repaired, restored or reconstructed provided that such work is undertaken within one year of the date on which the damage or destruction occurred. No such work shall increase the nonconformity of the structure.

## **ARTICLE 17 ADMINISTRATION AND ENFORCEMENT**

### **Section 1705 Permits and Site Plan Review**

- A. No land-use activities as listed below shall be carried out until a permit has been issued by the Zoning/Code Enforcement Officer stating that the proposed building, structure, use of land, or development activity complies with the provisions of this law:
  - 1. Erection, re-erection or movement of a building or structure;
  - 2. Change of the exterior structural dimensions of a building or structure;
  - 3. Change in use of land, buildings or structures through the establishment of a new use, or through the expansion or enlargement of an existing use;
  - 4. The resumption of any use which has been discontinued for a period of twelve months or longer;
  - 5. Construction, replacement or major modification of any on-site sewage disposal system;
  - 6. Establishment or change in dimensions of a parking area for nonresidential or multi-family residential uses;
  - 7. Placement of a sign as regulated in Article 9 of this law.
- B. A permit shall not be required for:
  - 1. Accessory buildings with less than 150 square feet of ground coverage;
  - 2. Exempt signs listed in Article 9 of this law;
  - 3. Interior structural alterations or routine maintenance and improvement that does not expand the exterior dimensions of the structure (e.g., roofing, window replacement, siding replacement, etc.);
  - 4. Minor accessory structures such as posts, sidewalks, driveways, flagpoles, playground equipment, etc.
  - 5. Agricultural uses.

### **Section 1715 Application for Special Zoning Permit**

- A. Applications for special permits shall be submitted to the Zoning Officer or Town Clerk and shall include six copies of a layout or plot plan showing the actual dimensions of the lot to be used; the size and location on the lot of existing and proposed structures and accessory structures; the setbacks of structures from all lot lines, road lines, mean high water lines of lakes, streams, ponds and wetlands, and any other features of the lot, sewage disposal system plans prepared by a PE or LS with N exemption; and such other information as may be necessary to provide for the enforcement of this law. This information, and other relevant application data, shall be provided on forms issued by the Town Clerk.
- B. When establishing measurements to meet the required setbacks and yard sizes, the measurements shall be taken from the lot line, road line, or nearest mean high water line to the furthestmost protruding part of the use or structure. This shall include such projecting facilities as porches, carports, attached garages, etc.
- C. The Zoning Officer shall take action to approve or disapprove the application within fifteen days of the receipt of a completed application by the Town Clerk or Zoning Officer and the payment of all fees.
- D. A special zoning permit shall expire one year from the date of issue if construction is not substantially started.

### **Section 1720 Permit Fees**

A fee is determined by Town Board resolution shall be paid for each application for a zoning permit or special permit. No permit shall be issued until full payment has been received by the Town Clerk.

### **Section 1725 Certificate of Occupancy**

- A. No use or structure requiring a permit under this law shall be occupied, used, or changed in use until a certificate of occupancy has been issued by the Zoning Officer stating that the use or structure complies with the provisions of this law.
- B. All certificates of occupancy shall be applied for concurrently with the application for a zoning permit and be subject to final inspection.
- C. A temporary certificate of occupancy for not more than ninety days for a part of a building or lot may be issued upon approval of the Zoning Board of Appeals. Such temporary certificate may be renewed upon request for an additional ninety days. The Zoning Officer shall maintain a record of all certificates and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property affected.

### **Section 1730 Unapproved Lots**

No zoning permit or certificate of occupancy shall be issued for any use or structure on any lot which has been filed in the Office of the County Clerk after the effective date of the Town of Hannibal Subdivision Regulations, unless such lot is included in a plat which has been approved by the Planning Board and filed with the Office of the County Clerk, or was exempt from said regulations at the time of filing.

### **Section 1735 Zoning Officer**

- A. This law shall be enforced by the Zoning Officer, who shall be appointed by the Town Board.
- B. The duties of the Zoning Officer shall be to:
  - 1. Approve and disapprove zoning permits and certificates of occupancy;
  - 2. Scale and interpret zone boundaries on the zoning map;
  - 3. Refer appropriate matters to the Board of Appeals, Planning Board, or Town Board;
  - 4. Revoke zoning permits or certificates of occupancy where there is false, misleading or insufficient information or where the applicant has deviated from the terms of the application;
  - 5. Investigate violations, issue stop work orders and appearance tickets, and refer violations to the Town Justice of the Town Board.
  - 6. Report at regular Town Board meetings the number of zoning permits and certificates of occupancy issued.

### **Section 1740 Zoning Board of Appeals**

- A. Creation: A Zoning Board of Appeals is hereby created pursuant to Section 267 of Town Law. The Board shall prescribe rules for the conduct of its affairs.
- B. Powers and duties: The Board of Appeals shall have all the power and duties prescribed by Section 267 of Town Law and by this law, which are more particularly specified as follows:
  - 1. Interpretations: Upon appeal from a decision by the Zoning Officer, to decide any question involved the interpretation of any provision of this law, including determination of the exact location of any boundary.
  - 2. Variances: All variance procedures shall comply with the standards set forth in Section 267 Article 16; Section 2 of the Town Law of the State of New York in order to vary or adapt the strict application of any of the requirements of this law in the case of exceptionally irregular, narrow, shallow, or steep lots, and other exceptional physical conditions; or undue use hardships; whereby such strict



application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building. In granting any variance, the Board shall prescribe any conditions that it deems to be necessary or desirable.

- C. Procedure: All applications made to the Board shall be in writing and on a form prescribed by the Town. Every application shall refer to the specific provisions of the law being appealed and shall exactly set forth the interpretation that is claimed, the use for which the permit is sought, or the details of the application is applied for and the grounds on which it is claimed that the appeal should be granted, as the case may be. A hearing shall be held for all actions in conformance with the requirements of Town Law. Every decision of the Board shall contain a full description of reasons for granting or denying the appeal. The reasons for the action shall be set forth in the minutes of the Board meeting at which the action was taken. Each member's vote shall be recorded.

#### **Section 1745 Planning Board**

- A. Powers and duties: The Planning Board shall have the following powers and duties with respect to this law:
1. Approval of special uses and site plans.
  2. Submittal of an advisory opinion to the Town Board for proposed amendments to this law.
- B. Procedure: All applications made shall be made in writing on forms prescribed by the Town. Every decision of the Planning Board shall be made by resolution which shall contain a full record of findings in the case.

#### **Section 1750 Violations and Penalties**

- A. Whenever a violation of this law occurs any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Zoning Officer who shall properly record and immediately investigate such complaint. If the complaint is found to be valid, the Zoning Officer shall issue a stop work order requiring all work to cease until the violation is corrected. If the violation is not corrected within the specified time the Zoning Officer shall take action to compel compliance.
- B. Pursuant to Section 150.20 (3) of the Criminal Procedure Law, the Zoning Officer is hereby authorized to issue an appearance ticket to any person causing a violation of this law, and shall cause such person to appear before the Town Justice.
- C. Pursuant to Section 10 of Municipal Home Rule Law and Section 268 of Town Law, any person, firm, or corporation who commits an offense against, disobeys, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this law shall, upon conviction, be deemed guilty of a violation and subject to fine and/or imprisonment. Each week an offense is continued shall be deemed a separate violation of this law.
- D. The Town Board may maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of this law.



**Section 1760 Amendments**

- A. The Town Board may amend, supplement, or repeal the regulations and provisions of this law after public notice and public hearing. All proposed changes subject to General Municipal Law Section 239-m shall be referred to the County Planning Board for a recommendation and report thereon prior to final action. The Town Board, by resolution adopted at a stated meeting, shall fix the time and place of a public hearing on the proposed amendment and cause notice to be given as follows:
  - 1. By publishing a notice at least ten days prior to the time of such hearing in the official newspaper of the Town,
  - 2. By referring the proposed amendments to the Oswego County Planning Board and the clerks of neighboring towns and villages, and to any housing authority or state park commission whose property might be affected, at least ten days prior to the public hearing.
- B. In case of a protest against such change signed by the owners of twenty per cent or more of the area of land included in such proposed change or of an adverse recommendation by the County Planning Board, the Town Board must have a majority plus one vote in favor of the change to adopt the amendments.

**Section 1770 Interpretation and Seperability**

- A. Interpretation and application of the provisions of this law shall be held to be minimal requirements, adopted for the promotion of the public health, safety, or the general welfare. Whenever the requirements of this law differ from the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.
- B. Should any sections or provisions of this law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

**Section 1780 Effective Date**

The provisions of this law shall take effect upon June 16, 2010.