

Local Law Filing

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STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
AUG 13 2001

County
City of JEWETT
Town
Village

Local Law No. 1 (one) of the year 2001.. MISCELLANEOUS & STATE RECORDS

A local law ZONING LAW Amended
(Insert Title)

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

County
City of Jewett as follows:
Town
Village

ZONING LAW

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

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ARTICLE I. TITLE AND PURPOSE

A. Title

This local law shall be known and may be cited as "The Zoning Local Law of the Town of Jewett, New York".

B. Enacting Clause

The Town Board of the Town of Jewett in the County of Greene, pursuant to Section 261 of the Town Law, hereby ordains, enacts and publishes this local law.

C. Purposes

The purpose of this law is to promote the health, safety, morals, and general welfare of the community. In accordance with the town's comprehensive plan this law is designed to secure safety from fire, flood, panic and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent crowding the land and undue concentration of population; to facilitate transportation, water, sewage, schools, parks and other public services; to assure privacy for residents and freedom from nuisance and things harmful to the senses.

D. Application of Regulations

1. No building shall hereafter be used or occupied and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the district in which it is located.
2. No building shall hereafter be erected or altered to accommodate or house a greater number of families or have narrower or smaller rear yards, front yards, or side yards than is herein required for the district in which such a building is located.
3. No part of a yard or other open space about any building required for the purpose of complying with the provisions of this law shall be included as part of a yard or other open space similarly required for another building.
4. No land shall hereafter be used or occupied unless in conformity with the regulations herein specified for the district in which it is located.

ARTICLE II. ESTABLISHMENT OF DISTRICTS

A. Names of Districts

The Town of Jewett is hereby divided into the following zoning districts:

HR Hamlet Residential
RR Rural Residential
RC Rural Conservation
C Conservation

B. Zoning Map

The areas and boundaries of such districts are hereby established to scale as shown on the two maps entitled "Zoning Map of the Town of Jewett – Eastern Portion" and "Zoning Map of the Town of Jewett – Western Portion" adopted and certified by the Town Clerk and herein referred to as the "Zoning Maps". Said Zoning Maps, together with everything shown thereon, is hereby adopted and declared to be a part of this local law.

C. Interpretation of District Boundaries

Zoning district boundaries shall be determined as follows:

1. Boundaries indicated as approximately following the center lines of streets, highways, alleys, streams, lakes, or other bodies of water shall be construed to follow such center lines.
2. Boundaries indicated as approximately following lot lines shall be construed to follow such lot lines.
3. Boundaries indicated as approximately following town limits shall be construed as following such town limits.
4. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.
5. In other circumstances not covered by the rules above, the Zoning Board of Appeals shall interpret the district boundaries.

ARTICLE III. DISTRICT REGULATIONS

The restrictions and controls intended to regulate development in each district are set forth in the following District Regulations. Any uses not specifically allowed in the following District Regulations are prohibited in the Town of Jewett.

A. HR Hamlet Residential

The purpose of this district is to provide a community focal point and provide a stable, viable commercial and institutional center which serves the needs of the community. This district will allow for higher density development by attracting a combination of moderate density residential, institutional and neighborhood commercial. This district is the most intensely developed part of Town.

Permitted Uses

1. Accessory Use
2. Agriculture
3. Home Occupation
4. One and Two Family Dwelling
5. Public Park
6. Seasonal Rental Dwelling
7. Timber Harvesting

Special Uses

1. Antique Shop
2. Auto Repair and Service
3. Barber Shop/ Beauty Shop
4. Boardinghouse/
Bed & Breakfast
5. Cemetery
6. Educational & Philanthropic
Use
7. Greenhouse
8. Grocery Store
9. Guest Dwelling
10. Hotel/Motel/Resort
11. Lawn and Garden Store
12. Multiple Family Dwelling
13. Neighborhood Commercial
Facility
14. Nursing or Convalescent
Home
15. Professional Office
16. Religious Institution
17. Restaurant
18. Sport Shop
19. Theater and Playhouse
20. Veterinary Office

<u>Minimum Lot Size</u>	<u>Minimum Lot Width</u>	<u>Maximum Height of Buildings</u>	(Distances from any Building to a Lot Line or Highway Centerline)		
			<u>Front</u>	<u>Side</u>	<u>Rear</u>
1.5 acres	100 feet	35 feet	50 ft.	30 ft.	30 ft.

B. Rural Residential

The purpose of this district is to preserve the rural residential character of the Town and protect the area from intense development. This district will help preserve the rural residential character of the town while maintaining open space and agricultural land. This district is the largest district in the Town.

Permitted Uses

1. Accessory Use
2. Agriculture
3. Home Occupation
4. One Family Dwelling
5. Public Park
6. Seasonal Rental Dwelling
7. Timber Harvesting

Special Uses

1. Antique Shop
2. Boardinghouse/
Bed & Breakfast
3. Campground
4. Cemetery
5. Cross Country Ski Area
6. Earth, Stone and Gravel
Mine
7. Educational and Philanthropic
Use
8. Fish and Game Club
9. Game Preserve
10. Golf Course/Driving Range
11. Greenhouse
12. Guest Dwelling
13. Lawn and Garden Store
14. Mobile Home
15. Motel/Resort
16. Professional Office
17. Religious Institution
18. Restaurant
19. Sport Shop
20. Stable or Riding Academy
21. Tennis Club
22. Theater and Playhouse
23. Two Family Dwelling

<u>Minimum Lot Size</u>	<u>Minimum Lot Width</u>	<u>Maximum Height of Buildings</u>	<u>Minimum Yard Dimensions (Distances from any Building to a Lot Line or Highway Centerline)</u>		
			<u>Front</u>	<u>Side</u>	<u>Rear</u>
2.5 acres	200 feet	35 feet	75 ft.	50 ft.	50 ft.

C. RC Rural Conservation

This district was created to permit the development of environmentally sensitive land without harming it. This district includes areas with moderate to severe soil limitations and/or slopes 15% to 30%. These areas are mostly accessible by town and county roads and are required to develop at a lower density than Rural Residential due to the physical limitations to development.

Permitted Uses

1. Accessory Use
2. Agriculture
3. Home Occupation
4. One Family Dwelling
5. Seasonal Rental Dwelling
6. Timber Harvesting

Special Uses

1. Antique Shop
2. Boardinghouse/
Bed & Breakfast
3. Campground
4. Earth, Stone and Gravel
Mine
5. Educational and Philanthropic
Use
6. Fish and Game Club
7. Game Preserve
8. Golf Course/Driving Range
9. Guest Dwelling
10. Motel/Resort
11. Ski Area
12. Sport Shop
13. Stable or Riding Academy
14. Tennis Club
15. Two Family Dwelling

<u>Minimum Lot Size</u>	<u>Minimum Lot Width</u>	<u>Maximum Height of Buildings</u>	<u>Minimum Yard Dimensions (Distances from any Building to a Lot Line or Highway Centerline)</u>		
			<u>Front</u>	<u>Side</u>	<u>Rear</u>
3 acre	200 feet	35 feet	75 ft.	50 ft.	50 ft.

D. C - Conservation

The purpose of this district is to insure the continued protection of environmentally sensitive areas from intrusion by all but the lowest impact uses. This district encompasses mostly higher elevations and remote areas. Much of it is owned by New York State. Areas in this district include wetlands, areas with steep slopes and/or poor soils. These areas are environmentally sensitive. The district preserves the valuable natural resources of the Town.

Permitted Uses

1. Accessory Use
2. Agriculture
3. Timber Harvesting

Special Uses

1. Campground
2. Earth, Stone and Gravel Mine
3. Fish and Game Club
4. Game Preserve
5. Guest Dwelling
6. Home Occupation
7. One and Two Family Dwelling
8. Seasonal Rental Dwelling
9. Ski Area
10. Stable or Riding Academy

<u>Minimum Lot Size</u>	<u>Minimum Lot Width</u>	<u>Maximum Height of Buildings</u>	<u>Minimum Yard Dimensions</u> (Distances from any Building to a Lot Line or Highway Centerline)		
			<u>Front</u>	<u>Side</u>	<u>Rear</u>
5 acres	400 feet	35 feet	75 ft.	75 ft.	75 ft.

ARTICLE IV. SUPPLEMENTAL REGULATIONS

A. Special Use Permits

1. General Procedures and Provisions:
 - a. All uses of land listed in the Schedules of Regulations as Special Uses (ARTICLE III of this local law) may be allowed upon the granting of a Special Use Permit by the Planning Board.
 - b. Applications for Special Use Permits shall be filed with the Zoning Enforcement Officer, who shall forward the application to the Planning Board for decision, no less than ten (10) days prior to the next regularly scheduled meeting.
 - c. A detailed plot plan for the development of a Special Use shall be submitted with each Special Use Permit application. The detailed plot plan shall be drawn to scale, accurately dimensioned and show the location of all buildings, parking areas, traffic access and circular drives, open spaces, landscaping, topography, special features, and any other information, including such information about neighboring properties, as may be necessary to determine and provide for the enforcement of this local law.
 - d. A non-refundable fee of \$55.00 to cover the cost of processing a Special Use Permit application, shall accompany any application for a Special Use Permit, and shall be in addition to the Zoning Permit fee as described in this local law in Article VI.B.
 - e. A Special Use Permit shall be deemed to authorize only one particular Special Use, and such permit shall be considered null and void if, within one year from the date of issue all improvements required for this Special Use are not completed, or if the Special Use shall cease for more than one year for any reason, unless otherwise provided by the Planning Board.
 - f. The Planning Board shall attach conditions, limitations and safeguards to the Special Use Permit as are necessary to assure continual conformance to all applicable standards and requirements.
 - g. A use authorized by Special Use Permit may be revoked by the Planning Board if it is found and determined that there has been a failure of compliance with any one of the terms,

conditions, limitations, or requirements imposed by said permit.

- h. The Planning Board shall hold a public hearing on the Special Use within 62 days of its receipt of a complete and proper Special Use Permit application. Public notice of said hearing shall be printed in a newspaper of general circulation in the town at least five days prior to the date thereof. Applicants shall notify all adjacent property owners of the Special Use Permit application and of the time, date and location of the public hearing by Certified Mail at least ten (10) days before such hearing. The applicant shall submit a copy of such notice with receipts indicating mailing of the notice at least ten (10) days prior to the public hearing to the Planning Board at the public hearing. Failure to do so can result in the postponement of the hearing until such requirements are met.
- i. In addition to the public notice required in "h" above, the applicant shall post a sign on each frontage of the subject property giving notice that an application is pending before the Planning Board and the nature of that application as well as the date, time and place at which the public hearing will take place. The signs shall be fourteen inches by twenty-two inches (14" x 22") or larger and shall be supplied to the applicant by the Planning Board. Said sign(s) shall be located at the center frontage of the property, not more than ten (10) feet back from the property line. They shall be attached to a post not less than two (2) feet nor more that six (6) feet above grade and must be clearly visible from the road. Such sign(s) shall be displayed for a period of not less than ten (10) days immediately preceding the public hearing and shall be removed by the applicant within three (3) days after the hearing takes place. On or before the date and time of the public hearing the applicant shall certify in writing to the Planning Board, that the sign was erected as described herein. At the discretion of the Planning Board, failure to erect the sign(s) or submit the written certification may mean the cancellation of the hearing.
- j. The Planning Board shall render its decision within sixty-two (62) days after the public hearing. This 62 days may be extended for good cause or with concurrence of the applicant. Decisions of the Planning Board shall be in writing and shall specify the particular conditions for such approval or the grounds for denial.
- k. The applicant shall be required to establish an escrow account to reimburse the Town of Jewett for the legitimate

costs of review associated with the application, when necessary. The funds may be utilized for the paying of professionals qualified to review the required plans, reports and other technical information submitted in support of an application. The initial amount of the establishment of the escrow account shall be determined on a case-by-case basis as 1% of the estimated overall cost of the project but in no case shall be less than \$3000.00 or a larger amount estimated by the Planning Board to be reasonable and necessary to cover the cost of the review to be incurred by the Town. All necessary reviewing professionals assisting the Town in such reviews shall provide an estimate of the approximate cost of review services. The Town shall submit an itemized bill to the applicant at least thirty days prior to any deduction of such amount billed from the escrow account. The Planning Board may periodically and at its discretion require the replenishment of the escrow account established hereunder. Upon completion of the application and review process, any balance remaining in the escrow account shall be refunded to the applicant within thirty days of the submission and payment of the final bill by the Town and payment in full of all application and approval fees.

2. Standards for all Special Use Permits:

- a. Adequate access for emergency services and fire and police protection.
- b. The location, size and character of the Special Use must be in harmony with the orderly development of the Zoning District and must not be detrimental to the orderly development of adjacent properties.
- c. Safe, convenient and adequate vehicular and pedestrian access to and from the Special Use through adequate, but not excessive, points of ingress and egress having sufficient width, proper grading and alignment, clear visibility and not located too near street corners or places of public assembly.
- d. Adequate off-street parking and loading areas which are properly located on the lot so as to provide safe and convenient circulation.
- e. Locations and heights of buildings shall be such that the Special Use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

- f. Landscaping and screening of parking, loading and service areas so that such areas are screened all seasons of the year from the view of adjacent lots and streets.

B. Parking Regulations

1. Number of Parking Spaces Required

Adequate off-street parking spaces shall be provided in any district in accordance with the specifications in this section whenever any new use is established or an existing use is enlarged.

<u>Use</u>	<u>Parking Spaces Required</u>
Auto Repair and Service	4 per service bay
Banquet Hall, Social Hall and Meeting Room	1 per 4 seats of capacity
Campground	1 per campsite
Cemetery	Off Street standing area to accommodate 20 automobiles
Church or School	1 per 2 seats in principal assembly room
Dwelling	2 per dwelling unit
Hotel/Motel/Resort	1 per sleeping unit (Additional space is required if meeting room, banquet hall or social hall are provided)
Private & Commercial Outdoor Recreation	Not less than 4 per acre
Professional office, business service, home occupation	1 for every 150 sq.ft. of floor space
Rented Sleeping Room	.5 for sleeping unit
Restaurant	1 for every 2 seats
Retail business and personal service establishment	1 for every 150 sq.ft. of floor space
Seasonal Rental Dwelling	.5 per boarder, roomer or lodger (based on maximum expected occupancy)
Town House & Condominium	2 per dwelling unit

The Planning Board shall have the authority to determine the number of parking spaces required for any use not covered above.

C. Height Restrictions

1. No building or structure shall have a height greater than 35 feet or more than three stories, whichever is of less height, other than as specified below:

- a. Architectural projections and essential mechanical appurtenances (can include spires, flagpoles, belfries, cupolas, domes, flues and chimneys)
- b. Transmission lines, utility poles and farm buildings, including barns and silos.

D. Ski Area Regulations

1. All ski areas shall have a minimum of 25 acres and appropriate sanitary facilities unless the parcel is contiguous with an existing ski area use.
2. In any district, a private individual may engage in the sport of cross country skiing on his own property or on other parcels with the permission of said parcels' owners as long as no compensation is paid by the individual, and the parcels' owners provide no services incidental to the sport.

E. Camping Regulations

The use of camping tents, pop-ups, travel trailers or recreational vehicles as living quarters shall be limited as follows:

1. Non-Commercial Camping on Privately Owned Vacant Land
 - a. No more than two (2) recreational vehicles and/or travel trailers are allowed to occupy vacant property. Said recreational vehicles and/or travel trailers may occupy the property for no more than 120 days in a calendar year.
 - b. In no case shall more than 4 camper units be allowed to occupy any privately owned vacant land.
2. Camping on a Lot with an Existing Private Residence
 - a. The homeowner is responsible for regulating camping on his property.
3. Campgrounds

Campgrounds shall be subject to all regulations and restrictions imposed by the state and municipality on campgrounds. The Town shall further regulate campgrounds by imposing the following conditions:

- a. Minimum site area: 15 acres
- b. Not more than six (6) campsites per acre of gross site area

- c. A maximum of 2 camper units per campsite shall be allowed.
- d. A campground shall have a minimum frontage equal to the minimum lot width for its respective Zoning District.
- e. Each campsite shall be at least four thousand (4000) square feet in area and have a minimum width of forty (40) feet.
- f. Management headquarters, recreational facilities, toilets, dumping stations, showers, coin operated laundries, and other uses and structures customarily incidental to the operation of campgrounds are permitted as accessory uses to the campgrounds. In addition, Neighborhood Commercial Facilities and other convenience establishments shall be permitted as accessory uses in campgrounds in such districts where such uses are not allowed as principal uses, subject to the following restrictions:
 - i. Such establishments and the parking areas primarily related to their operations shall not occupy more than five (5) percent of the gross area of the campground. Such establishments shall be restricted in their use to the occupants of the campground.
 - ii. Such establishments shall present no visible evidence from any road outside the campground of their commercial character which would attract customers other than occupants of the campground.
 - iii. The structures housing such facilities shall not be located closer than one hundred (100) feet to any public road and shall not be directly accessible from any public road, but shall be accessible only from a road within the campground.
- g. Access to the campground shall be from a public road and shall be constructed to Town Road Specifications for a minimum of one hundred fifty (150) feet into the campground or to the first interior lane, whichever is longer. Interior lanes shall be constructed to provide safe and convenient access for patrons and emergency vehicles. The Planning Board may require that all roads meet Town Road Specifications where prospective traffic or emergency vehicle access would require such improvement.
- h. Screening in the form of fences, trees, or plantings, shall be provided by the applicant between a campground and any other use. Screening shall also be required between a campground and any public road on which such campground fronts. A suitably landscaped and screened buffer area of fifty (50) feet shall be located by the applicant along side and rear lot lines between a campground and any other use.

- i. No less than 50% of the gross site area of the campground shall be set aside and developed as common use areas for open and enclosed recreational facilities.
- j. All campsites shall be intended for temporary use. In general, no campsite should be occupied by the same camper unit for more than 120 days in a calendar year.

F. Timber Harvesting

1. Timber Harvesting Exemptions

The following activities are not required to obtain a Timber Harvesting Zoning Permit:

- a. Any timber harvesting of an area totaling less than ten (10) acres;
- b. Harvesting of Christmas trees;
- c. Clearing of land for rights of way for utilities;
- d. Reasonable site clearing preparatory to construction of a building for which a building permit has been issued;
- e. Clearing and maintenance of land for agricultural purposes;
- f. Clearing and maintenance of land when allowed under a Zoning Permit or a Special Use Permit for a non-Timber Harvesting Use;
- g. Harvesting of trees and firewood for the personal use of the property owner.

2. Timber Harvesting Zoning Permit Requirements

Before the commencement of any Timber Harvesting not exempted above, a Zoning Permit must be obtained. Before the Timber Harvesting Zoning Permit is approved, the applicant and the Town Superintendent of Highways shall inspect the site to insure that the applicant's plans will provide adequate protection for all Jewett highways. All Timber Harvesting Zoning Permits will expire on December 31 of the year of issuance. A Zoning Permit, good for the calendar year in which it is issued, at a fee of \$25 shall be charged to obtain a Timber Harvesting Zoning Permit.

The Town Code Enforcement Officer, upon the recommendation of the Town Highway Superintendent, shall set an amount to be filed with the Town Clerk by the landowner 1) a certified check to cover the cost, as estimated by the Highway Superintendent, to repair any Town roads that may be damaged during the course and

as a result of the timbering; 2) the landowner shall file a bond in such amount. Any such bond shall comply with the requirements of Section 277 of the Town Law and shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety; or 3) an irrevocable line of credit with an accredited lending or financial institution.

The applicant shall also obtain liability insurance and provide the Town Clerk with a copy of the declaration sheet or other evidence that the Town is an additional named-insured thereon.

Though not required, applicants are strongly encouraged to participate in or follow guidelines set by the New York State Department of Environmental Conservation's Cooperative Timber Harvesting Program.

G. Guest Dwellings

Guest dwellings are allowed by Special Use Permit on a lot occupied by only a single one family dwelling and its accessory uses as long as all of the following specific conditions are met:

1. Guest dwellings are for temporary use by visitors of the occupants of the principal one family dwelling.
2. All guest dwellings must be detached from the principal one family dwelling. No Guest Dwelling shall be situated in any of the required yards as shown in the Town of Jewett Zoning Schedule. This means that the minimum distances required from any building to a lot line or highway centerline as outlined in Article III shall be met. In addition, the maximum distance between the principal one family dwelling and the guest dwelling shall be 30 feet in the Hamlet Residential district, 50 feet in the Rural Residential, Rural Conservation and Conservation districts.
3. Not more than one (1) guest dwelling may be located on a parcel.
4. The floor area of the guest dwelling shall not exceed 800 square feet.
5. The building shall be limited to one story above grade.
6. The minimum parcel size needed to qualify for a Guest House Special Use Permit is 1½ the zoning district requirements.
7. The applicant shall provide proof of a deed covenant or deed restriction showing that the portion of the property containing the principal one family dwelling and the guest dwelling shall not be subdivided nor shall it ever be devised or conveyed except as a unit.

H. Stable or Riding Academy Regulations

Any establishment where horses are stabled for riding, lessons, driving or care for compensation or incidental to the operation of any club, association or ranch shall meet the following requirements in addition to the Special Use Permit general procedures and provisions:

1. Applicant must provide a minimum of one half acre per horse or pony.
2. Applicant must submit a detailed plan showing the proposed riding trails and/or roads to be used for riding and, if all proposed activities are not planned to take place on the property owned by the applicant, then written evidence of permission to so utilize such other property must be submitted to the Planning Board from the owner of such other property.
3. Applicant must submit a waste management plan.

I. Auto Repair and Service

Auto Repair and Service shall be subject to all regulations and restrictions imposed by the state and municipality on auto repair and service. All Auto Repair and Service facilities shall be subject to the following as well. In addition, all expansions or enlargements of Auto Repair and Service facilities in existence prior to the enactment of this chapter shall be subject to subsection 2 below:

1. In no case shall any vehicle awaiting repair be stored outdoors for a period exceeding five (5) business days. All motor vehicle repair work shall be conducted fully within an enclosed building. All motor vehicle parts shall be stored within a building whenever possible. The Planning Board may impose Special Use Permit conditions to assure screening is installed and maintained properly in areas where parts are stored.
2. No more than five (5) wrecked, partially dismantled or unlicensed vehicles shall be kept on the premises, and all such vehicles shall be kept within a building or be fully screened and concealed behind an opaque fence at least six (6) feet high. The Planning Board may impose Special Use Permit conditions to assure screening is installed and maintained properly.
3. A landscaped area at least eight (8) feet in width from the lot lines shall be maintained (exclusive of driveways) on all sides of the property. Treatment shall be of trees, grass and/or other plantings, and storage of equipment or vehicles is prohibited in this area. Retention of existing trees is encouraged where appropriate. In its Special Use Permit review, the Planning Board may authorize opaque fencing to be substituted for landscaping planting upon finding that such screening would provide a more effective buffer for the residential neighbors.

ARTICLE V. CLUSTER DEVELOPMENT

A. Authorization and Purpose

The Planning Board is hereby empowered to approve a cluster development simultaneously with the approval of a plat or plats pursuant to the Town of Jewett Subdivision Regulations. Approval of a cluster development shall be subject to the conditions set forth in this Article. The term "cluster development" shall mean a subdivision plat or plats wherein the requirements of this zoning law are modified to provide an alternative permitted method for the layout, configuration and design of lots, buildings and structures, roads, utility lines and other infrastructure, parks, and landscaping in order to preserve the natural and scenic qualities of open lands.

The purpose of this Cluster Development Article is to allow variation in lot size and housing types (including townhouses and condominiums) in suitable areas in order to allow flexibility of design, to enable land to be developed in such a manner as to promote its most appropriate use, to facilitate the adequate and economical provision of streets and utilities, and to preserve the natural and scenic qualities of open space.

This purpose is achieved by permitting lot sizes to be reduced in a subdivision plat if (1) the overall density does not exceed that which is otherwise permitted in the applicable zoning district, and (2) the land thus gained is preserved as permanent open space for the use and enjoyment of the residents.

B. Requirements

1. The Planning Board is hereby empowered to implement these provisions at its discretion in any zoning district if, in the Board's judgment, its application at the particular location is desirable and would contribute to the general well-being of the neighborhood and community and would benefit the Town.
2. The Planning Board must determine that the Cluster Development will not be detrimental to the health, safety or general welfare of persons residing in the vicinity, or injurious to property or improvements within its proximity, and that the Cluster Development conforms with the objectives of the Comprehensive Plan before issuing its approval.
3. **Maximum Number of Dwelling Units:** As part of the application for a Cluster Development the subdivider shall submit a conventional subdivision sketch plan for the entire area, showing the lots that could be realistically created in terms of topography, natural features and costs, under the non-cluster provisions of this zoning local law and in compliance with the Town subdivision regulations. This means that land areas that cannot normally be developed such as floodplains, steep slopes, etc. would not be included in the calculation of lots that can realistically be created. The total number of lots thereby derived shall be the maximum number of dwelling units allowed in a Cluster Development.

4. Open Space Requirements: Land reserved for open space shall be of a character and location suitable for whatever open space purposes for which the land shall be reserved, such as a natural area, conservation area, wildlife preserve, outdoor recreation site, neighborhood park, nature center, wetland, memorial forest, natural watercourse, or other open space use. The Planning Board may require that the open space be located at a suitable place on the edge of the subdivision so that additional land be added at such time as the adjacent land is subdivided. Reserved open space shall not be narrower than 200 feet except where necessary to provide a pathway or other access. An easement for a natural watercourse dedicated to the Town may be considered as open space for the purpose of this regulation if such easement is at least 200 feet wide. The subdivider shall allocate for open space purposes the same percentage of the entire tract as that by which the lot area has on the average been reduced.

C. Procedure

1. Initiation of the Cluster Subdivision

The Planning Board may require the filing of a Cluster Development sketch plan along with the conventional subdivision sketch plan at any time up to thirty (30) days following the classification of the subdivision as Minor or Major. A subdivider may request the use of this Article simultaneously with or subsequent to presentation of the Sketch Plan as outlined in Article VI, Section B of this law. Unless otherwise allowed by the Planning Board, any request for Cluster Subdivision filed subsequent to preliminary approval of a Plat shall require a reapplication for Sketch Plan review.

2. Filing of Sketch Plans

A subdivider shall present, along with a Cluster Subdivision proposal in accordance with the provisions of the Zoning Law and the Town of Jewett's Subdivision Regulations, a standard Sketch Plan which is consistent with all the criteria established by this Zoning Law.

ARTICLE VI. ADMINISTRATION AND ENFORCEMENT

A. Enforcement

This local law shall be enforced by the Zoning Enforcement Officer, who shall be appointed by the Town Board, in the same manner and with the same powers as now or hereafter practiced or provided under the building code.

No Zoning Permit or Certificate of Occupancy shall be issued by the Zoning Enforcement Officer, and no permit or license for any purpose shall be issued by any official of the Town of Jewett, if the same would be in conflict with the provisions of this local law.

B. Zoning Permit

No building or structure shall be erected, added to, or structurally altered until a permit therefore has been issued by the Zoning Enforcement Officer in accordance with the provisions of this local law.

All applications for Zoning Permits shall be accompanied by a fee of \$55.00, two copies of a general plot plan, drawn to scale and accurately dimensioned, showing the location of all existing and proposed buildings and structures on the lot, and such other information as may be required by the Zoning Enforcement Officer to determine compliance with this local law. One copy of such plans, when approved by the Zoning Enforcement Officer shall be returned to the applicant.

C. Certificate of Occupancy

No land shall be used or occupied and no building or structure hereafter erected, altered or extended shall be used or changed in use until a Certificate of Occupancy shall have been issued by the Zoning Enforcement officer in accordance with the provisions of this local law.

All Certificates of Occupancy for new or altered buildings or structures shall be applied for coincident with the application for a Zoning Permit. Such Certificate of Occupancy shall be issued within ten (10) days after the erection or alteration shall have been approved as complying with the provisions of this local law.

D. Zoning Board of Appeals

A Zoning Board of Appeals is hereby created in accordance with Section 267 of the Town Law of the State of New York. Said Board shall consist of five (5) members. The officers of the Board shall consist of Chairperson and Vice Chairperson. The Chairperson shall be selected by the Town Board. The Zoning Board of Appeals shall prescribe rules for the conduct of its affairs.

The Zoning Board of Appeals shall have all the power and duties prescribed by this local law which are more particularly specified in Article VI, Sections E, F, and G of this local law.

E. Interpretation of the Zoning Law

Upon appeal from a decision by an administrative official, the Zoning Board of Appeals shall decide any question involving the interpretation of any provision of this local law, including the determination of the exact location of any district boundary if there is uncertainty with respect thereto.

F. Variances

Upon application, the Zoning Board of Appeals shall vary or modify the strict application of the requirements of this local law to allow the applicant to use land and/or structures which do not conform to the area or use requirements of the zoning district in which the land or structure is located. The two types of variances allowed and their respective requirements are:

1. Use Variances

- a. "Use Variance" shall mean the authorization by the Zoning Board of Appeals for the use of land in a manner or for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.
- b. No such use variance shall be granted by the Zoning Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Zoning Board of Appeals that for each and every allowed use under the zoning regulations for the particular district where the property is located:
 - i. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
 - ii. The alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood;
 - iii. That the requested use variance, if granted, will not alter the essential character of the neighborhood; and
 - iv. That the alleged hardship has not been self-created.

2. Area Variances

- a. "Area Variance" shall mean the authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or topographical requirements of the applicable zoning regulations.

- b. In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health safety and welfare of the neighborhood or community by such grant. In making such determination, the Board shall consider:
 - i. whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
 - ii. whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
 - iii. whether the requested area variance is substantial;
 - iv. whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;
 - v. whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance; and
 - vi. whether the increased density to be caused by variance will have an adverse effect or impact on the available Town, County and State services and facilities.
3. The Zoning Board of Appeals, if it is determined that a use or area variance is appropriate, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
4. Imposition of conditions. The Zoning Board of Appeals, if it is determined that a use or area variance is appropriate, shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning law or local law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

G. Application to the Zoning Board of Appeals

1. Appeals from decisions made by the Zoning Enforcement Officer shall be filed with the Zoning Enforcement Officer and the Clerk of the

Zoning Board of Appeals in writing within 60 days of the date of the action specifying the grounds thereof.

2. All applications for interpretations and variances shall be filed with the Clerk of the Zoning Board of Appeals in writing, shall be made in a form required by the Board, and shall be accompanied by payment of a filing fee of \$35.00, and a detailed plot plan, drawn to scale and accurately dimensioned, showing the location of all existing and proposed buildings and structures on the lot and any other features that are relevant to the need for variance.
3. Decisions of the Zoning Board of Appeals shall be in writing and shall specify the particular conditions for such approval or the grounds for denial.
4. The Zoning Board of Appeals shall hold a Public Hearing on all appeals or applications within 60 days of the receipt of a complete and proper appeal or application. Public notice of said hearing shall be printed in a newspaper of general circulation in the town at least five days prior to the date thereof. Applicants shall notify all adjacent property owners of application and of the time, date and location of the Public Hearing by Certified Mail at least ten (10) days before such hearing. The applicant shall submit a copy of such notice with receipts indicating mailing of the notice at least ten (10) days prior to the Public Hearing to the Zoning Board of Appeals at the Public Hearing. Failure to do so can result in the postponement of the hearing until such requirements are met. In addition to the public notice required above, the applicant shall post a sign on each frontage of the subject property giving notice that an application is pending before the Zoning Board of Appeals and the nature of that application as well as the date, time and place at which the Public Hearing will take place. The signs shall be fourteen inches by twenty-two inches (14" x 22") or larger and shall be supplied to the applicant by the Zoning Board of Appeals. Said sign(s) shall be located at the center frontage of the property, not more than ten (10) feet back from the property line. They shall be attached to a post not less than two (2) feet nor more that six (6) feet above grade and must be clearly visible from the road. Such sign(s) shall be displayed for a period of not less than ten (10) days immediately preceding the Public Hearing and shall be removed by the applicant within three (3) days after the hearing takes place. On or before the date and time of the Public Hearing, the applicant shall certify in writing to the Zoning Board of Appeals, that the sign was erected as described herein. At the discretion of the Zoning Board of Appeals, failure to erect the sign(s) or submit the written certification may mean the cancellation of the hearing.

ARTICLE VII. NON-CONFORMING BUILDINGS AND USES

A. Continuation

The lawful use of any building or land existing at the time of the enactment of this local law may be continued although such use does not conform with the provisions of this local law.

B. Discontinuance

Whenever a building or land used for, or occupied, by a non-conforming use has been discontinued for a period of three years, such use shall not thereafter be used or occupied as a non-conforming use.

C. Alterations, Extension

A non-conforming building may be reconstructed or structurally altered during its life but such reconstruction or structural alteration may not exceed 150% of the equalized assessed value of the building, without approval of the Planning Board unless the building is changed to a conforming use. In every case where application is made to the Town for the reconstruction or alteration of a non-conforming building, the Zoning Enforcement Officer shall obtain a statement of the building's current equalized assessed value from the Sole Assessor. In no case, shall the reconstruction or alteration increase the building's non-conformity. In case of fire or other natural disaster, the non-conforming use may be rebuilt to 100% of its previous condition.

D. Existing Undersized Lots

Any lot held in single and separate ownership, for which a map was filed or a deed recorded prior to the adoption of this law, whose area and/or width and/or depth are less than the specified minimum lot requirements of the Law for the district for which it is located, may be considered as complying with such minimum lot requirements, and no variances shall be required, if such lot has an area of less than 20,000 square feet or a width of less than 80 feet, and does not adjoin other land held by the same owner which when added to such lot, results in an aggregate area equal to or greater than the minimum lot area required for that district.

Yard requirements for the respective zoning district shall be complied with to the maximum extent feasible. The Zoning Board of Appeals shall determine whether non-conforming lot owners have met the "maximum extent feasible" requirement.

Any lot in a subdivision whose plat has been approved and properly filed prior to the passage of this law and whose area and/or width and/or depth are less than the specified minimum lot requirements of the law for that district, shall be considered as complying with such minimum lot requirements. Subdivisions recognized as preexisting in Article I, Section 8 of the Town of Jewett Subdivision Regulations shall also be considered as complying with such minimum lot requirements.

E. Certification of Non-Conforming Uses

1. It is the Town's goal to identify non-conforming uses. The owner, tenant or occupant of a non-conforming use is encouraged to register the non-conforming use with the Zoning Enforcement Officer and the Zoning Enforcement Officer shall issue a Certificate of Non-Conforming Use indicating that the use is legally existing at the time this local law was made effective. The certificate shall specify the reason why the use is a non-conforming use, including a description of the extent and kind of use made of the property in question, the portion of the structure or land used for the non-conforming use, and the extent that the dimensional requirements are non-conforming
2. One copy of each Certificate of Non-Conforming Use issued shall be kept in the office of the Zoning Enforcement Officer, one copy shall be returned to the owner and copies shall be furnished on request, to any agency of the Town or to any persons having proprietary or tenancy interest in the building or land affected.
3. An annual review of the current Certificates of Non-Conforming Use shall be made by the Zoning Enforcement Officer. This review shall note any changes in use including, but not limited to, physical alterations and/or discontinuance of said non-conforming use.

ARTICLE VIII. TOWN ACCEPTANCE OF ROADS

With the adoption of this local law, the Subdivision Regulation of June 9, 1988 as amended and the Town of Jewett Local Law No. 1 of the Year 1989 are hereby amended to include the following provision:

No road with less than 3 houses per 1/2 mile shall be accepted by the Town of Jewett.

Further, the Jewett Planning Board and Superintendent of Highways and all other officials of the Town of Jewett are hereby directed to operate in accordance with this policy.

All roads to be accepted by the Town of Jewett shall meet specifications as described in the Town of Jewett Subdivision Regulations Article VI, Section 3 – Road Design and Construction.

With the exception of lots serviced by State, County or Town highways, in no case shall any lot be created in the Town of Jewett without deed covenants or restrictions which require the lot owner to be responsible singly or in concert with a developer or a homeowners association or other such organization for the grading, development and maintenance of the road or roads that service said lot.

ARTICLE IX. AMENDMENTS

A. Procedure for Amendments - Filing With Town Board

The Town Board may from time to time on its own motion, or on petition, or on recommendation of the Planning Board, amend, supplement or repeal the regulations and provisions of this local law after public notice and hearing. Such amendments must be filed with the Town Board.

B. Referral to Town Planning Board

Every such proposed amendment, whether initiated by the Town Board or by petition, shall be referred to the Planning Board for report and to the Greene County Planning Board in accordance with section 239-m of the General Municipal Law.

C. Report of the Planning Board

In making its report on a proposed amendment to the Town Board, the Planning Board shall make an inquiry and determination. Concerning a proposed amendment to the text of the law, the Planning Board shall find:

- 1) Whether such change is consistent with the aims and principles embodied in the law as to the particular district concerned;
- 2) Which areas and establishments in the Town will be directly affected by such change and in what way they will be affected;
- 3) The indirect implications of such change in its effect on other regulations, and
- 4) Whether such proposed amendment is consistent with the aims of the comprehensive plan of the Town.

Concerning proposed amendments involving a change in the Zoning Map, the Planning Board shall find:

- 1) Whether the uses permitted by the proposed change would be appropriate in the area concerned;
- 2) Whether adequate public school facilities and other public services exist or can be created to serve the needs of any additional residences likely to be constructed as a result of such change;
- 3) Whether the proposed change is in accord with any existing or proposed plans in the vicinity;
- 4) The effect of the proposed amendment upon the growth of the Town as envisaged by the comprehensive plan.

D. Hearing by Town Board

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 of time and place of said hearing in a paper of general circulation in the town at least 10 days prior to the said hearing.
- 2) A written notice of any proposed change or amendment affecting property within the protectively zoned area of a housing project authorized under the Public Housing Law, as such area is shown on an approved zoning map filed with the building inspector, shall be given to the housing authority erecting or owning the project and to the government providing financial aid for assistance thereto at least 10 days prior to the date of such public hearing.
- 3) A written notice of any proposed change or amendment affecting property within 500 feet of the boundaries of any city, village, town or county, shall be given to the clerk of said municipality and to the clerk of the Greene County Planning Board at least 10 days prior to the date of such hearing.
- 4) In case, however, of a protest against such change signed by the owners of twenty percent or more of the area of land included in such proposed change or of that immediately adjacent extending 100 feet therefrom or of that directly opposite thereto, extending 100 feet from the street frontage of such opposite land, such amendment shall not become effective except by the favorable vote of at least four members of the Town Board.

E. Approval by Town Board

Upon completion of the public hearing the Town Board may act to approve, approve with conditions or deny the zoning amendment.

F. Planning Board Review

Every three years the Planning Board shall review this local law and thereafter recommend any amendments it deems appropriate to the Town Board.

ARTICLE X. MISCELLANEOUS

A. Non-Interference and Precedence

This local law shall not interfere with, abrogate, annul or, repeal any local law or any rule, regulation, or permit previously or hereafter enacted, adopted, or issued pursuant to law, provided that, unless specifically excepted, where this local law imposes greater restrictions its provisions shall control.

B. Violation

A violation of this local law is an offense punishable by a fine not exceeding \$350.00 or by imprisonment for not more than six (6) months or both. For purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this local law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

C. Separate Validity

If any article, subarticle, paragraph, clause, or other provision of this local law shall be held invalid, the invalidity of such article, subarticle, paragraph, clause, or other provision shall not affect any of the other provisions of this local law.

D. Compliance with 1997 New York City Watershed Memorandum of Agreement

Notwithstanding any provisions of this local law or any other laws or regulations to the contrary, the provisions and requirements of Article 3 of the 1997 New York City Watershed Memorandum of Agreement, referred to as the Watershed Regulations, shall be complied with.

E. Compliance with the NYS Environmental Quality Review Act

Notwithstanding any provisions of this local law or any other laws or regulations to the contrary, the provisions and requirements of Article 8 of the Environmental Conservation Law, Section 8-0113, Part 617, referred to as the New York State Environmental Quality Review (SEQR) regulations, shall be complied with.

F. Compliance With Section 239m of the General Municipal Law

The Town shall comply with Section 239m of the New York State General Municipal Law prior to taking action on any variance, special use, and amendment to this local law which are located within the distance requirements as spelled out in Section 239m of the General Municipal Law.

G. Effective Date

This local law shall take effect on the twentieth (20) day after its final adoption.

ARTICLE XI. DEFINITIONS

Except where specifically defined herein, all words used in this local law shall carry their customary meanings. Words used in the present tense shall include the future. Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary.

The word "shall" is always mandatory. "Building" or "structure" includes any part thereof. The word "lot" includes the word "plot" or "parcel". The word "person" includes an individual person, a firm, a corporation, a co-partner-ship, and any other agency of voluntary action.

ACCESSORY USE. A use or building on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

AGRICULTURE. Conventional raising of cash crops, livestock and dairy production and family farms or specialized production and/or activities and sales such as maple syrup products, fruits, nuts, berries and flowers, fishfarming, orchards and sod/grass harvesting.

ANTIQUE SHOP. A building or premises intended for the retail sale of antiques, works of art, furniture or decorative objects including also uses of a cultural nature such as artist workshops, artist studios, craft shops, or fine art galleries.

AUTO REPAIR AND SERVICE. A building or premises used for the repair and servicing of motor vehicles and sale of fuel, and fueling.

BARBER SHOP/BEAUTY SHOP. A building or premises used for the services of cutting, styling and dressing of hair and beards and other personal care services.

BOARDING HOUSE/BED AND BREAKFAST. A building, other than a hotel, containing a general kitchen and a general dining room, in which at least three, but no more than six sleeping units are offered for rent, with or without meals. A lodging house, tourist house or rooming house shall be deemed a boarding house.

BUILDING. Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals or other real property.

BUILDING HEIGHT. The building height is the vertical distance from the average level of the ground under the building to the rooftop. The rooftop is measured as follows: for flat roofs it is the surface or coping of the roof; for mansard roofs, it is the deck line; for gambrel, hip, and gable roofs, it is the mean average of the elevation of the eaves and ridge.

CAMPER UNIT. A tent, popup, travel trailer or recreational vehicle temporarily located on a campsite.

CAMPGROUND. A designated lot, tract, or parcel of land which is designed to be occupied by five or more tents and/or pop-ups OR three or more recreational vehicles and/or travel trailers. Camp Harriman and Camp TriMount shall be considered campgrounds.

CAMPING: Living outdoors temporarily.

CAMPSITE. A plot of ground within a campground or within the New York State Forest Preserve intended for the exclusive occupation by a camper unit or units under the control of a camper.

CROSS COUNTRY SKIING. The utilization of skis to travel through snow uphill, downhill and across flat areas on routes of modest width which have moderate slopes. Examples of such routes are seasonal use highways, logging roads, bridle paths and some foot trails.

CROSS COUNTRY SKI AREA. A parcel or tract of land designed, constructed, maintained and reserved for use with compensation as an area for cross country skiing.

DWELLING. A building designed or used principally as the living quarters for one or more families.

DWELLING, ONE FAMILY. A building designed for or occupied exclusively by one family.

DWELLING, TWO FAMILY. A building designed for or occupied exclusively by two families living independently of each other.

DWELLING, MULTIPLE FAMILY. A dwelling or group of dwellings on one plot containing separate living units for three or more families living independently of each other.

DWELLING, PRINCIPAL ONE FAMILY. In the event that a second one family dwelling is proposed for or exists on a single lot in concert with the regulations included in Article IV Section G (Guest Dwellings), the Principal One Family Dwelling shall be a separate and distinct building designed for or occupied exclusively by one family as the main residence on a single lot.

DWELLING, SEASONAL RENTAL. A dwelling occupied by at least one (1) but no more than ten (10) boarders, roomers or lodgers (three boarders per bedroom maximum) who are lodged with or without meals and in which there are provided such services as are incidental to its use as a temporary residence and distinguished from a boardinghouse/ bed and breakfast.

DWELLING, GUEST. In the event that a second one family dwelling is proposed for or exists on a single lot in concert with the regulations included in Article IV Section G (Guest Dwellings), the Guest Dwelling shall be a separate and distinct building designed for or occupied exclusively by visitors of the Principal One Family Dwelling temporarily.

EARTH, STONE & GRAVEL MINE. The excavation, digging, mining or removal of sod, topsoil, gravel, rock or other earth material which would require the acquisition of a New York State Department of Environmental Conservation mining permit, exclusive of such excavation, digging, mining or removal incidental to and necessitated by any building construction for which a building permit has lawfully been issued or for the purpose of creating a pond not greater than 5 (five) acres in total area.

EDUCATIONAL AND PHILANTHROPIC USE. A cultural facility operated for the purpose of conducting activities to enrich the community.

FAMILY. A 'family' consists of one or more persons who maintain a common household.

FISH AND GAME CLUB. An organization catering exclusively to members and their guests, or premises or buildings maintained for the recreational purposes of hunting and fishing. Vending stands, merchandising or commercial activities are for membership purposes only.

GAME PRESERVE. A parcel or tract of land maintained and reserved for use as an area for hunting and/or fishing.

GOLF COURSE/ DRIVING RANGE. A parcel or tract of land and associated structures designed and constructed for playing and practicing the game of golf.

GREENHOUSE. Any structure or building whose primary design and function is to produce horticultural products.

GROCERY STORE: A building or premises not exceeding 1,000 sq.ft. where small quantities of commodities (i.e. staple foodstuffs, meats, produce, dairy products, and usually household supplies) are sold.

HOTEL: A building which contains sleeping units for hire, has a common exterior entrance and which may contain one or more dining rooms.

HOME OCCUPATION. Any commercial or professional use customarily conducted entirely within a dwelling or accessory structure which is clearly incidental and secondary to the use of the lot; does not change the character of the dwelling; has no external evidence of such use other than a single identifying two square foot or smaller sign on the property; has no exterior storage of materials or equipment visible from the road; and is carried on by residents of the dwelling, or dwellings, except that no more than two persons, not residents of the dwelling, may be employed. No other outdoor signage for the home occupation shall be permitted anywhere else within the Town.

LAWN AND GARDEN STORE. A building or premises used for the sale of supplies and equipment for the cultivation and/or maintenance of lawns and gardens.

LOT. Parcel of land occupied, or designed to be occupied, by one building and the accessory buildings or uses customarily incident to it, including such open spaces as are arranged and designed to be used in connection with such buildings.

LOT WIDTH. The average distance between side lot lines taken at the front yard or building line and measured at right angles to the side lot lines along a parallel to the street.

MOBILE HOME. A transportable single family dwelling, that can be transported on its own running gear, and which may be temporarily or permanently affixed to real estate. This dwelling is to be used for non-transient residential purposes. It must conform with the Mobile Home Manufacturers Association "Mobile Home Standards for Plumbing, Heating and Electrical Systems".

MOTEL: A building or group of buildings having individual sleeping units for hire which are designed primarily for transient travelers and which may or may not include various resort related retail uses.

NEIGHBORHOOD COMMERCIAL FACILITY. A commercial facility, such as a grocery, general, newspaper or drug store or retail service establishment, intended principally to serve the community in which it is located and whose size and/or design is consistent with the existing environment or nearby structures.

NON-CONFORMING USE: A building or land use which was previously lawful, but which is now prohibited by zoning regulations.

NURSING OR CONVALESCENT HOME: A facility (subject to Article 28 of the New York State Public Health Law) providing lodging for 24 or more consecutive hours to three or more residents who need regular nursing services and care.

PERMITTED USE. A use allowed by right.

PROFESSIONAL OFFICE. An office used by a duly licensed architect, psychologist, social worker, attorney, dentist, optometrist, engineer, insurance broker or salesman, physician or surgeon, real estate broker or salesman, or surveyor or other similar professional service and support staff.

RELIGIOUS INSTITUTIONS. All buildings or premises dedicated to religious objectives, including churches, synagogues or retreat houses.

RESORT. A building or group of buildings having individual sleeping units for hire that includes a restaurant on the premises, offers the inclusion of the cost of meals in the room rates, has outdoor recreation facilities and entertainment. The lot shall be of sufficient size as to provide at least .5 acre per individual sleeping unit.

RESTAURANT. A building for preparation, serving and consuming of food and beverages. This shall not exclude serving and consuming of food and beverages outdoors.

SKI AREA. Development consisting of ski trails, slopes, chairlifts and base and summit lodges. Activities associated with a ski area include downhill and cross country skiing, snowboarding, sledding, snowtubing and other non-motorized snow sports.

SLEEPING UNIT. Any living accommodation or room for transient occupancy which contains access to a bathroom and may be utilized for sleeping.

SPECIAL USE. A use that would not be appropriate generally or without restriction throughout the zoning district but which is controlled as to the number, area, location or relation to the town, would promote the public health, safety, order, comfort, convenience, appearance, prosperity and general welfare. Such uses shall be permitted when the Planning Board finds that they meet the specific criteria provided in this local law for them.

SPORT SHOP. A small building or premises intended for the retail sale and rentals of sport related items.

TOWN OF JEWETT ZONING SCHEDULE

<u>DISTRICT</u>	<u>PERMITTED USES</u>	<u>SPECIAL USES</u>	<u>LOT SIZES & WIDTHS</u>	<u>YARD DEPTHS (IN FEET)</u>
HAMLET RESI- DENTIAL	Accessory Use	Antique Shop	1.5 acres	Front: 50
	Agriculture	Auto Repair and Service	100 feet	Side: 30
	Home Occupation	Barber Shop/ Beauty Shop		Rear: 30
	One & Two Family Dwelling	Boardinghouse/Bed & Breakfast		
	Public Park	Cemetery		
	Seasonal Rental Dwelling	Educational & Philanthropic Use		
	Timber Harvesting	Greenhouse		
		Grocery Store		
		Guest Dwelling		
		Hotel/Motel/Resort		
		Lawn and Garden Store		
		Multiple Family Dwelling		
		Neighborhood Commercial Facility		
		Nursing or Convalescent Home		
		Professional Office		
		Religious Institution		
		Restaurant		
	Sport Shop			
	Theater and Playhouse			
	Veterinary Office			
RURAL RESI- DENTIAL	Accessory Use	Antique Shop	2.5 acres	Front: 75
	Agriculture	Boarding House/Bed & Breakfast		
	Home Occupation	Campground	200 feet	Side: 50
	One Family Dwelling	Cemetery		Rear: 50
	Public Park	Cross Country Ski Area		
	Seasonal Rental Dwelling	Earth Stone & Gravel Mine		
	Timber Harvesting	Educational and Philanthropic Use		
		Fish and Game Club		
		Game Preserve		
		Golf Course/Driving Range		
		Greenhouse		
		Guest Dwelling		
		Lawn and Garden Store		
		Mobile Home		
		Motel/Resort		
		Professional Office		
		Religious Institution		
	Restaurant			
	Sport Shop			
	Stable or Riding Academy			
	Tennis Club			
	Theater and Playhouse			
	Two Family Dwelling			

RURAL CONSER- VATION	Accessory Use	Antique Shop	3 acres	Front: 75
	Agriculture	Boardinghouse/ Bed and Breakfast	200 feet	Side: 50
	Home Occupation			Rear: 50
	One Family Dwelling	Campground		
	Seasonal Rental Dwelling	Earth, Stone & Gravel Mine		
	Timber Harvesting	Educational and Philanthropic Use		
		Fish and Game Club		
		Game Preserve		
		Golf Course/Driving Range		
		Guest Dwelling		
		Motel/Resort		
		Ski Area		
		Sport Shop		
		Stable or Riding Academy		
	Tennis Club			
	Two Family Dwelling			

CONSER- VATION	Accessory Use	Campground	5 acres	Front: 75
	Agriculture	Earth, Stone & Gravel Mine	400 feet	Side: 75
	Timber Harvesting	Fish and Game Club		Rear: 75
		Game Preserve		
		Guest Dwelling		
		Home Occupation		
		One & Two Family Dwelling		
		Seasonal Rental Dwelling		
		Ski Area		
		Stable or Riding Academy		

(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. 1 (one) of 2001 of the ~~(County)(City)(Town)(Village)~~ of JEWETT was duly passed by the TOWN BOARD on Aug. 8, 2001, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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)(repassed after disapproval) by the _____ on _____ 20____. 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.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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)(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.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* 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----1-----, above.

Patricia Morrison

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

(Seal)

Date: August 9, 2001

(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 _____

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.

Tal G. Rappleyea
Signature Tal G. Rappleyea

ATTORNEY FOR THE TOWN
Title Attorney For The Town

County _____
~~City~~ of JEWETT
Town
~~Village~~

Date: Aug. 8, 2001