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

Local Law Filing

52

(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.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
SEP 16 2002
MISCELLANEOUS
& STATE RECORDS

County
City
Town of Champion
Village

Local Law No. 1 **of the year 20** 02

A local law Zoning Law
(Insert Title)

Be it enacted by the Town Board **of the**
(Name of Legislative Body)

County
City
Town of Champion **as follows:**
Village

(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. 1 of 20 02 of the (County)(City)(Town)(Village) of Champion was duly passed by the Town Board (Name of Legislative body) on Aug. 5 2002, 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 _____ (Name of Legislative Body) on _____ 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) and was deemed duly adopted 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 _____ (Name of Legislative Body) on _____ 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) 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.

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 _____ (Name of Legislative Body) on _____ 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) 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.

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

(Seal)

Date: 9-9-02

(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 Jefferson

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

Town of Champion Attorney
Title

County
City of Champion
Town
Village

Date: 9-9-02

TOWN OF CHAMPION
ZONING LAW

JEFFERSON COUNTY, NEW YORK

LOCAL LAW #3 OF 1997
Amended by
Local Law #3 of 1998
Local Law #5 of 1998
Local Law #1 of 2002

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ARTICLE 1. INTRODUCTION

Section 100. Enacting Clause

Pursuant to the authority conferred by Article 2 and 3 of Municipal Home Rule Law and Article 16 of Town Law, the Town Board of the Town of Champion, in the County of Jefferson, State of New York, hereby ordains and enacts this local law.

Section 105. Short Title

These regulations shall be known and may be cited as "The Town of Champion Zoning Law".

Section 110. Purpose and Authority

The Town of Champion Zoning Law is established for the purpose of promoting the public health, safety and welfare, and the most desirable use for which the land in each district may be adapted; for conserving the value of buildings and for enhancing the value of land throughout the Town. Reasonable consideration is given to the best planned use of each district and its peculiar suitability for the particular uses for which it is intended.

Section 115. Application of this Local Law.

A. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or altered unless used, occupied, erected, constructed, reconstructed, moved or altered in conformity with all of the regulations herein specified for the district within which said building, structure or land is located.

B. The regulations of this local law shall not apply to buildings, structures, land or the uses thereof, in existence prior to the effective date of this local law. Any physical alteration of existing buildings, structures or land, or any change in the uses thereof occurring after the effective date of this local law shall be subject to and may only be undertaken and continued to the extent said building, structure, land or the use thereof is in conformity with all of the regulations herein specified for the district within which said building, structure, land or use is located.

Section 120. Prior Local Laws or Ordinances.

A. This local law supersedes and REPEALS in its entirety Local Law #2 of 1984 the Town of Champion Zoning Law, as amended by Local Law #3 of 1985, Local Law #3 of 1986, Local Law # 1 of 1988, Local Law # 1 of 1994 and Local Law #1 of 1997.

B. Said repeal shall not in any respect revive any local laws or ordinances enacted prior to and dealing with the subject matter of the above enumerated and repealed local laws and ordinances.

ARTICLE 2. DEFINITIONS

Construction of Words

When used in this law, words in the present tense include the future and words of one gender include all genders. The singular number includes the plural and the plural includes the singular. The term "shall" is

intended to be mandatory. Whenever a word or term is defined to "include" certain items or matters, such inclusion is intended to be by way of specification and not of limitation. If interpretation or clarification of any word used in this law is needed it shall be provided by the Zoning Board of Appeals in accordance with such powers granted to them.

Accessory Building, Use or Structure: A building, use or structure which is customarily incidental to that of a principal building or use and which is located on the same lot as that occupied by the principal building or use.

Adult Bookstore: A business, whether retail or wholesale, having more than 10% of its net floor space set aside for, or 10% of the value of, its stock in trade, recordings, books, magazines, periodicals, films, video tapes/cassettes or other viewing materials for sale or viewing on or off the premises, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities or specified anatomical areas.

Adult Motion Picture Theater: An enclosed or unenclosed building, structure, or portion thereof used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or specified anatomical areas for observation by patrons.

Adult Entertainment Uses: Any business, including but not limited to those specifically enumerated in this law, which has more than 10% of its net floor space set aside for, or 10% of the volume of its stock in trade, devoted to the display, viewing or dissemination of material distinguished or characterized by an emphasis on matter depicting, describing, or related to sexual activity or specified anatomical areas, including, but not limited to, any establishment that allows or promotes dancers, performers, or employees, whether male or female, to display specified anatomical areas. Such uses shall include, but not be limited to, Adult Bookstores, Adult Motion Picture Theater, Massage Establishments, or other similar uses.

Agri-Business Operation: A business that supplies farms and agricultural operations with needed supplies, implements and other products.

Agricultural Operation: The raising and production for compensation of crops, livestock, poultry, dairy products, fish or other wildlife, trees, maple syrup products, and other similar pursuits. Tree growing and harvesting, animal husbandry, horticultural operations, forestry operations, and the sale, at wholesale or retail, of farm products upon the premises where the same are grown or produced shall be considered agricultural operations.

Air Strip: A runway used for the landing and taking off of aircraft. This use may include hangers or maintenance sheds as accessory uses.

Alter/Alteration: To change or rearrange any exterior structural part of the existing facilities of a building or structure, by enlarging the building or structure, whether by extending any side or increasing the height thereof, or to move the same from one location or position to another. It shall not be considered an alteration if there is not expansion of exterior dimensions. For instance: replacement of windows, doors, siding, roofing, etc., as well as interior alterations shall not be considered an alteration for the purposes of this law.

Alteration of Land Surface: The grading, filling or excavation of land in connection with a site plan review use.

Animal Care Facility: A commercial use which is primarily concerned with the care and/or breeding of animals. This is to include kennels and animal hospitals.

Antenna: A system of electrical conductors that transmit or receive radio frequency waves. Such waves shall include but not be limited to radio navigation, radio, television, Personal Communication Systems, cellular, paging, and microwave communications.

Bed And Breakfast: A house, or portion, thereof, where short-term lodging rooms are provided. Meals may also be provided to guests only. The operator of the inn shall live in the premises or in adjacent premises.

Building: Any structure having a roof supported by columns or by walls which is used or occupied for the shelter, housing or enclosure of animals, persons or property. The term, unless specified, includes both principal and accessory buildings.

Building Height: The vertical distance measured from the average elevation of the main grade to the highest point of the roof of the building or structure.

Building Line: The line formed by the face of the building/structure, or the attached part of the building/structure, nearest the lot line. This shall include measurement from such structures as uncovered porches, patios, terraces, open areaways, roof overhangs, cornices, eaves and other similar protrusions.

Building Permit: Written permission issued by the proper municipal authority, or its contractor, for the construction, repair, alteration or addition to a structure.

Buffering: Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

Business: Any person, firm, association, partnership, corporation, or other entity for profit.

Camouflaging: The construction of facilities to house or support telecommunication towers so that the towers blend readily with the landscape, neighborhood and adjacent architectural features. Examples of camouflaging that could be used are: silo and barn, windmill, and simulated tree.

Campground: Any lot or area used or occupied by one or more tents, recreation trailers or vehicles which are used for part-time living or sleeping purposes for economic gain. Generally determined to be used by transients on vacation trips.

Certificate of Compliance: A document issued by the proper municipal authority certifying that the structure or use has been constructed or will be used in compliance with all the applicable local laws.

Change of Use: Any use that substantially differs from the previous use of a building or land. Uses covered under the same definition shall not be considered a change of use.

Commercial Agricultural Feed Lot: Those agricultural operations where cattle, pigs or other livestock over 200 head are kept on lot and in relatively small contained area (usually several acres or less) indoors or outside. The purpose of such operations is to fatten livestock prior to processing.

Commercial: An activity characterized by the direct on-premise sale of goods and/or services to the ultimate consumer, with a sales area of more than 400 square feet, or an on-premise manufacturing, processing and servicing area of more than 1,000 square feet.

Commercial, Small: An activity characterized by the direct on-premise sale of goods and/or services to the ultimate consumer, with a sales area of not more than 400 square feet, or an on-premise manufacturing, processing and servicing area of not more than 1,000 square feet.

Community Facilities: A building, structure or use operated for the benefit of the general well-being, health, safety, welfare, and enjoyment of the public. This shall include but not be limited to fire stations, libraries, community owned buildings, schools, hospitals, nursing homes and religious facilities.

Comprehensive Plan: The materials, written and/or graphic, including but not limited to maps, charts, studies, resolutions, reports and other descriptive material that identify the goals, objectives, principles, guidelines, policies, standards, devices and instruments for the immediate and long-range protection, enhancement, growth and development of the town.

Construction Equipment and Supplies Storage Yard: A lot or portion thereof, which is used for the outside storage of heavy construction equipment and related building supplies, including, but not limited to, back hoes, bulldozers, cranes, graders and dump trucks. The term shall not include the temporary storage of such equipment at a construction site during the period of construction.

Dissemination: The transfer or possession, custody, control, or ownership of, or the exhibition or presentation of any performance to a customer, member of the public, or business invitee of any material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or specified anatomical areas.

Drive-in Use: An establishment which by design, physical facilities, service or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in the motor vehicles.

Dwelling Unit: A building or portion thereof, used or occupied as living quarters for one family.

Dwelling, Single-Family: A detached building, designated for or occupied exclusively by one family and containing not more than one dwelling unit.

Dwelling, Two-Family: A detached building where not more than two individual families live, or where two dwelling units, with separate cooking, sanitary, living and sleeping facilities, exist.

Dwelling, Multi-Family: A building or portion thereof used or designed as a residence (including cooking, sanitary, living or sleeping facilities) for each of the three or more families who reside therein.

Easement: A grant of one or more of the property rights by the owner to and/or for the use by the public, a corporation or another person or entity.

Enforcement Officer: A person appointed by the Town Board to carry out the regulations of this law.

Erect: To construct, build, re-erect, reconstruct, rebuild or excavate for a building or structure.

Family: One or more persons living together as a single housekeeping unit.

Fence: Same definition as wall.

Floating District: An unmapped zoning district where all the zone requirements are contained in the law and the zone is fixed on the map only when an application for development, meeting the zone requirements, is approved.

Floor Area: The total horizontal area of all floors of a building, excepting the basement and attic thereof, measured along the faces of the interior walls.

Gross Density: The quotient of the total number of dwelling units divided by the gross site area.

Gross Floor Area (GFA): The gross size of the total floor area of the outside dimensions of a building. These dimensions shall include the length and width of the facility.

Gross Leasable Area (GLA): The gross size of the floor area of a commercial/retail facility which is leasable.

Gross Site Area: The total amount of contiguous land in a project.

Home Occupation: Any accessory use of a service character customarily conducted within a dwelling by the resident thereof which is clearly secondary to the use of the dwelling for living purposes and does not substantially change the character thereof or have an exterior evidence of such use, other than an approved advertising sign, and parking requirements associated therewith.

Hotel/Motel: A facility offering transient lodging accommodations to the general public and that may provide additional services such as restaurants, meeting rooms, entertainment and recreational facilities.

Impervious Surfaces: Surfaces which do not absorb water. They consist of all buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt.

Industrial Uses: A facility which manufactures a product for wholesale or retail use.

Inoperative Motor Vehicle: Any motor vehicle which is unregistered and inoperative for a period of six successive months or more.

Junk Vehicle: Any motor vehicle, whether automobile, bus, trailer, truck, tractor, motor home, motorcycle motor bicycle, minibicycle, or snowmobile, or any other device originally intended for travel on the public highways which (1) is unlicensed, wrecked, stored, discarded or dismantled or partly dismantled, which is not intended or in any condition for legal use upon the public highway, and (2) is in such condition as to cost more to repair and place in operating condition than its reasonable market value at that time before such repair. 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 motor vehicle.

Junkyard: An area of land, with or without buildings, used for the storage outside of a completely enclosed building, of used and discarded materials, including but not limited to waste paper, rags, metal, building materials, house furnishing, machinery, vehicles or parts thereof, including junk, with or without the dismantling, processing, salvage, sale or other use of disposition of the same. The deposit or storage

of two or more inoperative motor vehicles, or the major parts of two or more such vehicles, shall be deemed to make the lot a junkyard.

Kennel: See Animal Care Facility

Landscaping: Improvements to land including but not limited to the contouring of land, planting of flowers, shrubs, or trees, the use of decorative features, including sculptures, patterned walks, fountains and ponds.

Lot: A parcel of land used or occupied, or capable of being used or occupied, by a building or structure and the accessory buildings, structures or uses customarily incidental to it including such yards as are required by this law.

Lot, Corner: A lot of land at the junction of and fronting on two or more intersecting roads.

Lot Coverage: That portion of a lot that is covered by buildings or structure. It is usually expressed as a percentage of the lot area.

Lot Depth: The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

Lot Line: A line dividing one lot from another lot, a road or a waterway. On a road, public or private, where there is not an established road right-of-way line, the lot line shall be considered to be 25 feet from the center of the road.

Lot Line, Front: The lot line adjoining any road right of way line or the waterfront lot line. If a lot adjoins two or more roads, it shall be deemed to have a front lot line respectively on each and all remaining lot lines shall be considered rear lot lines.

Lot Line, Rear: The lot line opposite and most distance from the front lot line.

Lot Line, Side: Any lot line other than the front or rear lot lines.

Lot Line, Waterfront: Along the front yards of waterfront property, the waterfront lot line shall be determined as the high water level elevation.

Lot of Record: Any lot which individually or as a part of a subdivision has been recorded in the county clerk's office or for which proof can be given that the lot was intended for development prior to adoption of this law.

Lot Width: The horizontal distance between the side lot lines measured at the road right of way lines.

Major Arterial: A road characterized by high speeds and traffic volumes with restricted parking whose function is to collect traffic from other roads and move it over greater distances.

Manufactured Home: Manufactured housing built on a chassis bearing a seal issued by the Federal Department of Housing and Urban Development. A manufactured home shall be construed to remain a manufactured home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. A manufactured home shall not be construed to be a travel trailer or other form of recreational vehicle.

Manufactured Home, Double-Wide: Manufactured housing built on a chassis bearing a seal issued by the Federal Department of Housing and Urban Development. A double-wide manufactured home is manufactured in two or more sections off-site and transported individually to the placement site and assembled there.

Manufactured Home, Single-Wide: Manufactured housing built on a chassis bearing a seal issued by the Federal Department of Housing and Urban Development and which is sixteen feet or less in width.

Manufactured Home Park: Any lot under single ownership on which three or more manufactured homes are located regardless of whether or not rent is charged for such lot accommodations.

Manufactured Housing: A building designed for long-term residential use having the following characteristics: (1) Constructed or produced in a factory for transportation to a site for installation and use when connected to required utilities; (2) Either an independent, individual building or a module for combination with other elements to form a building on the site.

Marginal Access Road: A public or private roadway that runs parallel to a major arterial with the express purpose of providing low speed access to several abutting properties without entering the arterial.

Massage: A method of treating the external parts of the human body by rubbing, stroking, kneading, tapping, or vibrating with the hand or any instrument.

Massage Establishment: Any establishment having a fixed place of business where massages are administered. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of any health care practitioner duly licensed by the State of New York, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck, or the shoulders. This definition shall not include a volunteer fire department, a volunteer rescue squad, or a nonprofit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, or athletic facilities, and facilities for the welfare of the residents of the area.

Massage Technician: Any individual who administers a massage to another individual at a massage establishment. This definition shall not include any health care practitioner duly licensed by the State of New York.

Mining Operation Local: Any mining operation that does not meet the New York State Department of Environmental Conservation's definition of a mining operation.

Mining Operation, N.Y.S. Department of Environmental Conservation Regulated: An area of land where more than one thousand tons or seven hundred and fifty cubic yards, which ever is less, of minerals is being excavated or proposed to be excavated from the earth within twelve successive calendar months or an area of land adjacent to any body of water not subject to the jurisdiction of Article 15 of the Environmental Conservation Law or successor statue to the public lands law where more than one hundred cubic yards of minerals is excavated or proposed to be excavated.

Modular Home: A housing unit which is manufactured in one or more sections off-site, meeting the State Building Codes applicable to modular housing, transported to the placement site and assembled there, and designed to be permanently anchored to a foundation to become a fixed part of the real estate.

Motel / Hotel: A facility offering transient lodging accommodations to the general public and that may provide additional services such as restaurants, meeting rooms, entertainment and recreational facilities.

Motor Vehicle Service Station: Any building, land area or other premises, or portion thereof, used or intended to be used for motor vehicle repair, rental, painting, washing and/or the retail dispensing of vehicular fuels, lubricants, tires, batteries and similar accessories.

Net Floor Area: That portion of the building devoted to display, whether for viewing or dissemination, of a business's stock in trade. This shall not include entry areas, stockrooms, closets, storage areas, cash register areas, or any area from which the public is excluded or restrooms whether public or private.

Nonconformity: A lot, building, structure, or use of land legally and substantially existing prior to the enactment of this law which does not conform to the regulations of the district in which it is situated.

Off-Street Parking Facilities: A space for parking off the public roads and places in the town.

Outdoor Storage: The keeping, in an unroofed area, of materials associated with the principal commercial or industrial use permitted on the lot. Such storage shall conform to Section 670 of this Law.

Parcel: That amount of contiguous land falling under a single tax map identification.

Permitted Uses: Any use permitted under the provisions for the district in which the land, building or structure is located.

Planned Development: An area which is, or is proposed to be, developed according to a plan as a single entity and containing one or more structures with appurtenant common areas. It may, or may not, contain a variety of different land uses and is subject to the requirements of Article IV, Section 415 of this Zoning Law.

Planning Board: A five member board appointed by the Town Board and authorized to review site plans, amendments, industrial district and planned development district requests.

Principal Building: A building in which is conducted the main or principal use of the lot on which such building is located.

Principal Use: The main or principal purpose for which any land, building or structure is used or occupied.

Professional Offices: One or more office spaces for the use of delivering professional services. Occupants of these offices can include doctors, dentists, lawyers, architects, engineers, real estate brokers or other such professionals.

Public Utilities: A privately or publicly owned structure or facility that serves the general public or some of the public. Such facilities shall include, but not be limited to, sewage treatment plants, landfills, water supply facilities, power generating and distribution facility, radio transmitting centers, etc.

Recreational Facility: A commercial use established by a private concern for the purpose of providing recreation. This shall include, but not be limited to, theaters, skating rinks, video arcades, bowling alleys, rifle ranges, tennis courts, ski slopes, boat launches, golf courses, swimming pools, riding stables, and other similar uses.

Recreational Vehicles: (For Part-Time Living Purposes) Shall include motor homes, truck campers and camping trailers less than 48 feet in length and used for recreational purposes. This definition includes truck campers, camping trailers, travel trailers, motor homes, "pop-up" trailers, and similar vehicles.

Religious Facilities: Includes church, temple, parish house, convent, seminary, and retreat house.

Residential Use: A use whose primary purpose is a dwelling. Residential uses include single-family dwellings, two-family dwellings, multi-family dwellings, modular home and manufactured homes.

Restaurant: A commercial establishment where food and drink is prepared, served, sold, and consumed by the public primarily on the premises.

Road: A thoroughfare for motor vehicles which affords the primary means of access to private property.

Road Right-of-Way Line: The dividing line between a lot and a road. Where there is no established road right-of-way line, the road right-of-way line shall be considered to be 25 feet from the center of the road.

Schools: Include parochial, private, public and nursery school; college, university and accessory uses; and shall exclude commercially operated school of beauty culture, business, dancing, driving, music and similar establishments.

Setback: The distance between a lot line and a building line. The term is used to refer to front, side or rear distances.

Sexual Activities: Any act of masturbation, fellatio, sadomasochism, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person be female, breast.

Sign: Any kind of billboard, sign board, pennant, or other shape or device or display, used as an advertisement, announcement, or direction. Such a notice may be incorporated on to a building surface, free standing or attached.

Site Plan Review: The process by which the Planning Board reviews those uses stated in this law that require site plan review. (see Section 405, Use Control Schedule)

Slaughter House: A use established for the purpose of processing animals for consumption.

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

Specified Anatomical Areas: Human male or female genitals, pubic area or buttocks with less than a full opaque covering, or female breast with less than a fully opaque covering of any portion thereof below the top of the nipple or covered male genitals in a discernibly turgid state.

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. The term includes dwelling units, buildings, swimming pools, platforms, towers, billboards, satellite dish antennae, signs, fences, and walls.

Telecommunication Facility: Towers and/or antennas, accessory structures and any equipment used in conjunction with the provision of cellular telephone service, personal communications services (PCS), paging services, radio and television broadcast services and similar broadcast services. A telecommunication facility shall include mono-pole, guyed, latticework towers, and other similar structures, as well as antennae, switching stations, principle and accessory telecommunication equipment and supporting masts, wires, structures and buildings. The following types of telecommunications facilities are not subject to the provisions of this law:

1. Antennae used solely for residential household reception.
2. Satellite antennae measuring two meters or less in diameter and located in commercial districts and satellite antennas one meter or less in diameter, regardless of location.
3. Law enforcement, fire control, E911 and medical emergency facilities.

Telecommunication Tower: A structure on which transmitting and/or receiving antennae are located. It includes, without limit, freestanding towers, guyed towers, mono-poles and similar structures which may employ camouflaging.

Town Enforcement Officer: The enforcement officer is the person appointed by the Town Board to carry out the regulations of this law.

Trucking Terminal: A lot, building or structure thereon used principally for the transient storage of registered and licensed trucks, truck cabs, tractor trailers, vans or other motor vehicles used for bulk transport and including any refueling, cleaning or repairs associated therewith.

Use: The specific purpose of which any land, building or structure is used, designed, arranged, intended, or occupied.

Variance, Area: The authorization by the zoning board of appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of this law.

Variance, Use: A relief from the allowed use requirements of this law.

Wall: A structure of wood, stone or other materials or combination thereof intended for defense, security, screening, partitioning, or enclosure; or for the retention of earth, stone, fill or other materials as in the case of retaining walls or bulkheads. A fence shall be considered a wall.

Yard: Generally determined to mean that unoccupied open space (from the ground upward) between the building line and the nearest lot line or right of way line. A yard may also be established by measuring the required yard distance away from the building line. This approach shall be utilized, for instance, when there is more than one principal structure permitted on the lot.

Yard, Front: The yard between the front building line and the front lot line and extending the full width of the lot. For the purpose of this law, the front yard of waterfront property shall be the yard between the front building line and the waterfront lot line.

Yard, Rear: The yard between the rear building line and the rear lot line and extending the full width of the lot. For the purpose of this law, the rear yard of waterfront property shall be the yard between the rear building line and the road right of way line.

Yard, Side: An unoccupied space extending from the front yard to the rear yard between the required side setback line and the nearest side lot line.

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.

Zoning Board of Appeals: A five member board appointed by the Town Board whose principal duties, in Town Law Section 267, are to consider requests for variances from this zoning law.

Zoning Permit: A permit issued under this law allowing the establishment of a new use or the construction, placement or alteration of a building or structure.

ARTICLE 3. ESTABLISHMENT OF DISTRICTS

Section 305. Types of Districts

For the purpose of promoting the health, safety, and general welfare of the community, the Town of Champion is hereby divided into the following zoning districts:

AGRICULTURAL RESOURCE DISTRICT	ARD
ONE & TWO FAMILY RESIDENTIAL DISTRICT	R-1
MULTI-FAMILY RESIDENTIAL DISTRICT	R-2
BUSINESS DISTRICT	BUS
INDUSTRIAL DISTRICT	IND (floating)
PLANNED DEVELOPMENT DISTRICT	PDD (floating)

Section 310. Adoption of Zoning Map

A. The boundaries of the above named districts are shown on a map entitled "Town of Champion Zoning Map" dated 1997, which is filed in the Town Clerk's office, a copy of which is hereby made a part of this law.

B. Any changes in district boundaries shall be promptly made on the maps as directed by the Town Board.

Section 315. Interpretation of District Boundaries

A. Where uncertainty exists with respect to the exact boundaries of districts as shown on the maps, the final decision as to where they lie will be made by the Town Zoning Board of Appeals.

B. Whenever a single lot is located within two or more different zoning districts, each portion of that lot shall be subject to all the regulations applicable to the district in which it is located.

C. District boundary lines generally follow or parallel, at set distances, edges of road rights-of-way, existing lot lines, and other man-made and natural features. The Enforcement Officer shall be given the authority to scale these districts from the map and relate them to accurate ground points.

ARTICLE 4. DISTRICT REGULATIONS

Section 405. Use Control Schedule

DISTRICT	PURPOSE	PERMITTED USES	SITE PLAN REVIEW USES
AR Agricultural Resource	The purpose of this district is to promote agriculture and other open space uses, as well as rural residence	Agricultural Operations, Single-Family Dwelling, Two-Family Dwelling, Modular Home, Double-Wide Mobile Home, Home Occupation, Accessory Uses.	Recreational Facilities, Community Facilities, Animal Care Facilities, Mining Operation - NYSDEC, Mining Operation - Local, Commercial Agricultural Feed Lots, Agri-Business, Campgrounds, Slaughter House, Airstrip, Bed & Breakfast, Small Commercial, Construction Equipment & Supply Storage Yards, Trucking Terminals
R-1 Single & Two-Family Residential	The primary purpose of this district is to promote and enhance single & two-family dwellings, residential neighborhoods.	Single-Family Dwellings, Two-Family Dwellings, Modular Homes, Double-Wide Mobile Homes, Home Occupations, Agricultural Operations, Accessory Uses	Recreational Facilities, Community Facilities, Public Utilities
R-2 Manufactured Housing	The primary purpose of this district is to promote multi-family dwellings and allow for the placement of mobile homes.	Single-Family Dwellings, Two -Family Dwellings, Modular Homes, Double-Wide Mobile Homes, Single-Wide Mobile Homes, Agricultural Operations, Home Occupations, Accessory Uses	Mobile Home Parks, Recreational Facilities, Community Facilities, Animal Care Facilities, Public Utilities, Professional Offices, Motels, Restaurants, Campgrounds Small Commercial, Multi-Family Dwellings
B Business	The primary purpose of this district is to promote commercial establishments and enhance the business environment.	Agricultural Operations, Single-Family Dwellings, Two-Family Dwellings, Double-wide Mobile Homes, Home Occupations, Accessory Uses	Commercial, Multi-Family Dwellings, Community Facilities, Professional Offices, Public Utilities, Bed & Breakfast, Construction Equipment & Supply Storage Yard, Trucking Terminal, Motels, Animal Care Facility Restaurants.
I Industrial	The primary purpose of this district is to promote the industrial sector and economy of the Town.	Agricultural Operations, Accessory Uses	Industrial

Section 410 Area Regulation Schedule

District	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard *	Minimum Rear Yard	Minimum Side Yard	Maximum Height **
AR	1.5 Acres	200 Feet	30 Feet	30 Feet	30 Feet	35 Feet
R-1	30,000 Sq. Ft. 1/2 acre***	150 Feet 125 Feet***	30 Feet 20 Feet***	30 Feet 20 Feet***	15 Feet 10 Feet***	35 Feet
R-2	30,000 Sq. Ft. .5 Acre***	150 Feet 125Feet***	30 Feet 20 Feet***	30 Feet 20 Feet***	15 Feet 10 Feet***	35 Feet
B	.5 Acres	125 Feet	30 Feet	30 Feet	10 Feet	35 Feet
I	1 Acre	175 Feet	30 Feet	30 Feet	10 Feet	35 Feet

* The minimum front yard is to be measured from the road right of way, except on NYS roads where the minimum front yard shall be 60 feet from the center of the road or 10 feet from the road right of way, which ever is farther from the center of the road.

** Religious facilities and agricultural structures are exempt.

*** Where Public water &/or sewer exist.

Section 415. Planned Development Districts

A. General Intent and Objectives

From time to time, Planned Development Districts may be established in the Town and designated as specific locations on the Zoning Map. The purpose for establishing such districts is to allow compatible development of a variety of uses (e.g., residential, commercial, recreational, historical, etc.) and to vary the strict application of these regulations.

It is the intent of this Planned Development District (PDD) Section to provide flexible land use and design regulations through the use of performance criteria so that small-to-large scale neighborhoods or portions thereof may be developed within the Town that incorporate a variety of residential types and nonresidential uses, and contain both individual building sites and common property which are planned and developed as a unit. Such a planned unit is to be designed and organized so as to be capable of satisfactory use and operation as a separate entity without necessarily needing the participation of other building sites or other common property in order to function as a neighborhood. This section specifically encourages residential development so that the growing demands for housing at all levels may be met by greater variety in type, design, and siting of dwellings and by the conservation and more efficient use of land in such developments. Planned developments do not require a mix of residential and nonresidential uses to be considered for Planned Development District status.

This section recognizes that while the standard land use functions (use and bulk) are appropriate for the regulation of land in some areas or neighborhoods, these controls represent a type of regulatory strictness which may be detrimental to the innovative techniques of quality land development contained in the Planned Development District concept. Further, this section recognizes that a rigid set of space requirements along with bulk and use specification would frustrate the application of this concept. Thus, where PDD techniques are deemed appropriate through the rezoning of land to a Planned Development District by the Town Board, the use and dimensional specifications found elsewhere in these regulations

are herein replaced by an approval process based upon the performance criteria outlined in this article, and conditions prescribed by the Planning Board and the Town Board.

B. General Requirements and Review Criteria

1. Requirements for consideration as a Planned Development District: Following are a list of the requirements that a proposal must meet to be considered for PDD status.
   a. Minimum Area: The district must comprise at least 20 acres of contiguous land.
   b. Ownership: The tract of land for a project may be owned, leased or controlled either by a single person, or corporation or by a group of individuals or corporations. An application must be filed by the owner or the holder of a valid purchase offer or development option of all property included in a project. In the case of multiple ownership, the approved plan shall be binding on all owners.
   c. Location of PDD: The PDD shall be applicable to any area of the Town where the applicant can demonstrate that the characteristics of his holdings will meet the objectives of this Article.
   d. Permitted Uses: Following are descriptions of residential and nonresidential uses permitted in the Planned Development District. These uses may be mixed, separated or the development may accommodate only one type of use (i.e., residential or nonresidential).
      (1) Residential Uses - Residences may be of any variety of type including single-family dwellings, two-family dwellings and multiple dwellings. No manufactured homes will be permitted.
      (2) Accessory, Commercial, Business, Recreational, Historic, Service and Other Nonresidential Uses - Nonresidential uses shall include wholesale trade, commercial operations, indoor and outdoor recreation, cultural and historic facilities, public and private parks, home occupations, community facilities, restaurants, marine uses. All such uses shall be in keeping with the residential character of the proposed district and adjacent areas.
      (3) The nonresidential uses of a commercial or business nature may be in separate buildings or incorporated within two-family or multi-family structures or in suitable combinations of these alternatives.
      (4) Customarily accessory uses, such as private garages, storage spaces, community activities, churches and schools shall also be permitted as appropriate to the PDD.
   e. Common Property in the PDD: Common property is not required to be considered for PDD status, however, it is often characteristic of such proposals. Common property in a PDD is a lot or lots of land, with or without the improvements thereon, the use and enjoyment of which are shared by the owners and occupants of the individual building sites. When common property exists in private ownership, satisfactory arrangements must be presented for the improvement, operation and maintenance of such common property and facilities, including private streets, service and parking areas, and recreational and open space areas.
   f. The Planning Board shall use the general review criteria as outlined in Section 530 of this law as criteria for final review of all planned development districts.

C. Procedure

The following are procedural steps that shall be followed when applying for PDD status.

1. Application for establishment of a Planned Development District shall be made to the Town Board by the owner(s), or a duly authorized agent, of property proposed to be included in the district at a regular or special meeting of the Town Board.

2. Application shall be on forms provided by the Town Board, be accompanied by the appropriate fee, and contain all requirements necessary for consideration as a preliminary site plan as determined by the Planning Board.

3. The Town Board shall refer the submitted materials to the Planning Board for their consideration and recommendation within seven days of receipt.

4. Within 62 days of a PDD referral the Planning Board shall report its recommendations to the Town Board. The recommendations shall address the following findings:
   a. The uses proposed will not be detrimental to present and potential surrounding uses.
   b. Land surrounding the proposed development is compatible in use and can be planned in coordination with the proposed development.
   c. The proposed change is in conformance with the general intent of the comprehensive plan for the community.
   d. Existing and proposed roads are suitable and adequate to carry anticipated traffic within and around the proposed development.
   e. Existing and proposed utility services are adequate for the proposed development.
   f. Each phase of the proposed development, as it is proposed to be completed, contains the required parking, landscaping, and utilities necessary for creating and sustaining a desirable and stable environment.

5. Within 62 days of the Planning Board's report, the Town Board shall conduct a public hearing, pursuant to all the requirements of this, and other appropriate laws regarding publication, notification and referral.

6. If the Town Board approves, or approves with conditions, the creation of the Planned Development District, and after the appropriate filing procedures for amendments have been completed by the Town, the applicant must, within six months, submit an application for site plan review to the Planning Board in accordance with Article 5 of this Zoning Law.

7. Any substantial change in the site plan, from the PDD approved by the Town Board, shall require a new approval by the Town Board in accordance with paragraph 5, above.

8. The Planning Board shall determine what revisions constitute a substantial change. However, they shall include such features as the following:
   a. A major change in the uses or character of the development;
   b. An increase in the overall coverage of structures;
   c. An increase in density of structures of intensity of use;
   d. A major decrease in the amount of open space or recreation land.

9. Any specific requirements approved in the formation of a Planned Development District shall be made part of this Law.

Section 420. Industrial Districts

A. General Intent and Objectives

Industrial Districts are set up in this law as Floating Districts. There are, at the time of adoption of this law, no centers of industrial use in the Town. With this in mind and the fact that there are many potentially adequate sites for industry, it was not feasible to select or limit the use to a few arbitrary spots. But, it was also intended that industrial uses should not conflict with existing uses. For this reason, review criteria have been written in this article to mitigate any potential conflicts. It is a concern also that industrial uses become concentrated in one area and not spread throughout the entire Town. The Town should encourage, once a district is formed, future industrial uses be built in the same area. One way to achieve this is to re-zone a larger area for one request. Another method to concentrate industry that is being used here is to restrict the districts that can have the floating zone formed within them. It is the intention of this law that once a substantial area has been zoned for industry, this article will be repealed by the Town Board. There will then be an Industrial District and therefore no need for a floating zone.

B. General Requirements and Review Criteria

The following standards apply when forming an Industrial District:

1. The zone change shall be for a minimum of five acres.
2. The proposed industrial use shall not cause undo interference or nuisance that may be detrimental to adjacent uses.
3. The Planning Board shall use the general review criteria as outlined in Section 530 of this law as criteria for reviewing all requests for creating Industrial Districts.

C. Procedure

The Planned Development District procedure, as outlined in Section 415, used shall also be used when reviewing applications Industrial Districts.

ARTICLE 5. PLANNING BOARD REVIEW

Section 505. Purpose

It is the intent of this article to promote the health, safety, and general welfare of the town through project review. A clean, wholesome, attractive environment is declared to be of importance to the health and safety of the inhabitants of the town, and in addition, such an environment is deemed essential to the maintenance and continued development of the economy of the town and the general welfare of its inhabitants. It is intended for the planning board to attach reasonable safeguards and conditions to those uses that might otherwise produce deleterious effects on the environment, the rural and scenic character of the town or the town residents' health, safety and welfare.

Section 510. Site Plan Review

A. **Authority.** Pursuant to authority delegated in accordance with Section 274-a of the Town Law of the State of New York, the town board hereby authorizes the planning board to review and approve, approve with modification or disapprove site plans.

B. **Applicability.** Site plan review uses shall be controlled by the regulations in this article in addition to the regulations that apply in each district or for specific uses. No zoning permit or certificate of compliance shall be issued for any use or structure requiring site plan review until approval has been granted by the planning board.

Section 515. Special Use Permits

A. **Authority.** Pursuant to authority delegated in accordance with Section 274-b of the Town Law of the State of New York, the town board hereby authorizes the planning board to grant special use permits as set forth in this law.

B. **Applicability.** Uses requiring a special use permit shall be controlled by the regulations in this article in addition to the regulations which apply in each district or for specific uses. No zoning permit or certificate of compliance shall be issued for any use or structure requiring a special use permit until approval has been granted by the planning board.

Section 520. Application Requirements

An application for project review shall be made on forms prescribed by the town. Five copies, minimum, of all materials shall be submitted to the board by the applicant. Extra copies as may be deemed necessary by the planning board may be required. The following information shall be required of all applications, unless specifically waived by the planning board:

A. Name and address of applicant and owner, if different, and of the person responsible for the preparation of such drawing;

B. Date, north arrow, written and graphic scale;

C. Boundaries of the area plotted to scale, including distances, bearings, and areas;

D. The current zoning classification of the property, including the exact zoning boundary if in more than one district;

E. A complete outline of existing or proposed deed restrictions or covenants applying to the property;

F. Location and ownership of all adjacent lands as shown on the latest tax records;

G. A written description of all proposed uses and activities on the site, including the number and distribution by type of all dwelling units;

H. Location, name, and existing width and right-of-way of adjacent roads, including traffic circulation patterns;

I. Location, width, and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to public use adjoining the property;

J. Location, size, and design of the following: existing, proposed, and alterations to buildings, driveways, parking and loading areas, outdoor storage areas, sidewalks or pedestrian paths, drainage facilities, sewage facilities, water facilities, signs, outdoor lighting, landscaping or screening, buffer areas, snow storage areas; walls and fences, energy distribution facilities, fire lanes and other emergency zones;

K. Plans for controlling soil erosion and sedimentation during development;

L. Plans for grading and drainage showing existing and proposed contours of five foot intervals;

M. Significant or outstanding natural features of the property (e.g. wetlands, streams, high-water lines, cliffs, dense vegetation, etc.);

N. Designation of the amount of gross floor area and gross leasable area proposed for each nonresidential use;

O. Project construction schedule and staging phases, if applicable;

P. An Environmental Assessment Form (EAF) or draft Environmental Impact Statement (EIS), pursuant to 6 NYCRR Part 617, where required;

Q. An agricultural data statement, pursuant to Town Law Section 283-a, when applicable;

R. A statement with the name, address and the nature and extent of the interest of any state employee, or any officer or employee of the town in the application pursuant to General Municipal Law Section 809, when applicable;

S. Other elements integral to the proposed development as considered necessary by the planning board including identification of any federal, state, or county permits required for the project's execution;

T. Application fee as stated in the fee schedule adopted by the town.

Section 525. Procedure

A. **Pre-Submission Conference.** The applicant is encouraged to request and attend a pre-submission conference with the planning board prior to formal submission of an application. This conference may be used to discuss rough conceptual drawings, proposed uses, the possible waiver of submission requirements, the review procedure and the criteria that the project must meet.

B. **Waiver of Requirements.** The planning board is empowered to waive, when reasonable, any application requirements for the approval, approval with modifications or disapproval of site plans or special use permits submitted for approval. Such waiver may be exercised in the event requirements are found not to be requisite in the interest of the public health, safety or general welfare and inappropriate to a particular site plan or special use permit. The reasons for, and the

scope of any such waiver granted by the planning board shall be in writing and entered into the minutes of the board.

C. **Public Hearing.** Once a completed application has been formally accepted by the planning board at a public meeting of the board, the board shall have a maximum of 62 days to hold a public hearing on the application to entertain public comment, unless the hearing is waived. This time period may be extended upon the mutual consent of the planning board and the applicant. A waiver of the hearing shall NOT be allowed in any one of the following circumstances:

1. the use requires a special use permit pursuant to this law;
2. the use is a Type I action according to the State Environmental Quality Review Act;
3. the use is over 2,000 square feet of floor or ground area;
4. the use is over 35 feet in height;
5. the use requires an increase or change in public water supply facilities, sewerage facilities, drainage facilities, sidewalks, roads, curbs, gutters, or other public improvements;
6. the applicant has requested a public hearing.

D. **Public Hearing Notice.** At least five days advance public notice of the hearing shall be published in a newspaper in general circulation in the town. A notice of the hearing shall be mailed to the applicant at least ten days before the hearing. The notice shall also be mailed to any farm operations listed on the agriculture data statement.

E. **County Planning Board Review.** Pursuant to General Municipal Law Section 239-m, at least 10 days before the hearing, or where the hearing has been waived, before final action, the planning board shall refer all site plan reviews or special use permits to the County Planning Board that fall within 500 feet of the following:

1. the boundary of the town or any village within the town;
2. a state or county park or recreation area;
3. a state or county highway or expressway;
4. a state or county owned drainage channel;
5. state or county land where a public building or institution is located; or
6. the boundary of a farm operation located within an agricultural district.

If the County Planning Board does not respond within 30 days from the time it received a full statement on the referral matter, then the planning board may act without such report. However, any County Planning Board report received after such 30 days but two of more days prior to final action by the referring body, shall be subject to the provisions of an extraordinary vote upon recommendation of modification of disapproval. If the County Planning Board recommends modification or disapproval of a proposed action, the referring board shall not act contrary to such recommendation except by a vote of a majority plus one of all the members.

F. **State Environmental Quality Review.** The planning board shall be responsible for the completion of an environmental assessment form (EAF) for each application, and for compliance with 6 NYCRR Part 617 (State Environmental Quality Review Act regulations) in cooperation with other involved agencies in the review of any application. The planning board shall complete its environmental review and make an environmental determination prior to final action on the application.

G. **Final Decision.** The final decision by the planning board must be made within 62 days following the close of the public hearing, or where the public hearing has been waived, within 62 days of

the official submission date. The decision shall be in writing, specifying any conditions that may be attached to an approval, the reasons that the planning board approved, approved with modifications or disapproved the proposal, and the motions/vote of the planning board. This time period may also be extended upon the mutual consent of the planning board and the applicant.

H. **Filing of Decision.** All decisions shall be filed in the office of the town clerk within five business days of final action, and a copy mailed to the applicant. Within 30 days of final action on any matter referred to the County Planning Board, the planning board shall file a report of the final action with the County Planning Board.

I. **Conditions on Approval.** In its approval, the planning board shall have the authority to impose such reasonable conditions and restrictions on the issuance of a zoning permit for the application as are directly related to and incidental to a proposed site plan. Upon approval of the project, any such conditions must be met in connection with the issuance of permits by applicable enforcement officers of the town.

J. **Area Variance.** Notwithstanding any provisions of law to the contrary, where a proposed project contains one or more dimensional or physical features which do not comply with the zoning law, application may be made to the zoning board of appeals for an area variance without the necessity for a decision or determination of the enforcement officer.

K. Expiration of Site Plan Reviews and Special Use Permits. Site plan review decisions and special use permits shall expire six months from the date of issue unless substantial progress has been made towards carrying out the terms of planning board decision. The applicant shall have two years to complete the terms of the decision, or all work shall cease at the site. An extension may be allowed by the enforcement officer upon proof of necessity submitted by the applicant due to conditions unusual or beyond the control of the applicant.

Section 530. General Review Criteria

The following are review criteria that the quality of all development proposals requiring site plan review shall be assessed against. The Site Plan shall also meet all other requirements of this law. If a requirement of this Section conflicts with a requirement elsewhere, the stricter shall apply, unless stated otherwise.

A. Site Layout

When reviewing a site plan, the structure and the landscape should be looked at as a whole. All of the elements of the site plan shall be laid out in such a way that they are integrated to work as a well functioning system which enhances the aesthetic quality of the site so that it is beneficial and not detrimental to the use on site as well as neighboring sites. The elements of a site plan include such things as structures, vegetation, land forms, open space, drainage systems, and automobile and pedestrian traffic-ways. A well functioning site is one where the processes taking place on the site occur without damage or inconvenience to property or persons, whether the process is traffic flow, storm water run-off or any other process. If all of the elements are thoughtfully laid out and function properly, it will usually lead to a better aesthetic quality for the site.

B. Vehicular and Pedestrian Traffic

1. There shall be adequate arrangement of safe vehicular traffic access and circulation.
2. Pedestrian and automobile conflicts shall be minimized as much as possible.
3. All roads and sidewalks shall be constructed to the standards adopted by the Town Board.

C. Parking

1. The parking requirements in Article 6, Section 610 shall be adhered to.
2. General design requirements:
   a. Unless no other practicable alternative is available, vehicle accommodation areas shall be designed so that, without resorting to extraordinary movements, vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking areas consisting of driveways that serve one or two dwelling units, although backing onto arterial streets is discouraged.
   b. Vehicle accommodation areas of all developments shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments without the necessity of backing unreasonable distances or making other dangerous or hazardous turning movements.
   c. Every vehicle accommodation area shall be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public rights-of-way. Such areas shall also be designed so that vehicles do not extend over sidewalks or tend to bump against or damage any wall, vegetation, or other obstruction.
   d. Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.

3. Surfaces

All parking areas shall consist of all-weather materials, such as pavement or gravel.

D. Impervious Surfaces

1. For all commercial uses, no more than 75% of the gross site area may be covered by impervious surfaces.
2. Impervious surfaces include roofs, concrete, asphalt and compacted parking areas.

E. Landscaping

1. Landscaping shall be used to enhance the visual character of the use.
2. Any proposed road that is part of a site plan shall have new trees planted or retain existing trees to the approval of the Planning Board.

F. Buffering

1. Commercial, Small Commercial and Industrial uses shall provide a buffer, approved by the Planning Board, from adjacent residential uses.
2. Parking lots shall provide buffering from adjacent residential uses.

G. Drainage

1. To the extent practicable, all development shall conform to the natural contours of the land and natural and preexisting manmade drainage ways shall remain undisturbed.
2. All developments shall be provided with a drainage system that is adequate to prevent the undue retention of surface water on the development site. Surface water shall not be regarded as unduly retained if:
   a. The retention results from a technique, practice or device deliberately installed as part of an approved sedimentation or storm water run-off control plan; or
   b. The retention is not substantially different in location or degree than that experienced by the development site in its predevelopment stage, unless such retention presents a danger to health or safety.
3. No surface water may be channeled or directed into a sanitary sewer.
4. Whenever practicable, the drainage system of a development shall be coordinated with the connections to the drainage systems or drainage ways on surrounding properties or streets.
5. Construction specifications for drainage swales, curbs and gutters, and storm drains are contained in Town Road Standards, which shall be adhered to.
6. No development may be constructed or maintained so that such development unreasonably impedes the natural flow of water from higher adjacent properties across such development, thereby unreasonably causing substantial damage to such higher adjacent properties.
7. No development may be constructed or maintained so that surface waters from such development are unreasonably collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties.

H. Erosion and Sedimentation Control

A Soil Erosion and Sedimentation Control Plan may be required. The Planning Board may seek the assistance of an engineer to review and approve such plans at the developers expense.

I. Recreational Area and Open Space

Recreation areas may be required as part of the approval of a site plan when the Town makes a finding that a proper case exists for requiring that a recreation area be located within the Town. Such findings shall include an evaluation of the present and anticipated future needs for park and recreational facilities in the Town based on projected population growth which the particular site plan will contribute.

J. Lighting

1. All developments shall have adequate lighting to ensure the safety of persons using or occupying such development.
2. Any lighting shall not impact adjacent lots or roads.

K. Scenic, Historic and Cultural Attributes

The scenic, historic and cultural attributes of the site shall be preserved to the extent practical. The integrity of existing historic site or structures on the National Register of Historic Places shall not be endangered by the development.

L. Architectural Design

The architectural design, layout and function of the structures must not conflict by virtue of its character with that of neighboring uses.

M. Noise, Odor and Vibrations

Excessive noise, vibration or odor caused by the use must be prevented from adversely affecting neighboring properties.

N. Electrical disturbances shall not be caused so as to disrupt radio or television communications in the immediate area.

Section 535. Specific Site Plan Review Criteria

Following is a list of site plan uses with specific criteria that shall be met. This is in addition to the general review criteria in Section 530 of this law.

A. Motor Vehicle Service Stations

1. All motor vehicle service stations shall be so arranged and all gasoline and/or fuel pumps shall be so placed, as to require all dispensing and servicing on the premises to be no closer to any road right-of-way line than 40 feet. No gasoline pump shall be placed closer to any side lot line than 30 feet.

2. All used parts, tires, waste, and servicing materials shall be stored within a structure or enclosed within fencing so as not to be visible from off the property.

3. Underground tanks shall be not less than 50 feet from the lot line.

4. Entrance and exit driveways shall be located at least ten feet from any side or rear lot line, unless common access is provided.

5. Any fuel storage tanks shall also meet the requirements of Section 640.

B. Campground

All campgrounds shall comply with the NYS Department of Health campground regulations.

C. Mining Operations

1. N.Y.S.D.E.C. Regulated Mining Operations.

a. Access roads to the mining operation shall be located no closer than 50 feet from side lot lines.

b. Routing of mineral transport vehicles on roads controlled by the local government may be regulated.

c. Requirements and conditions, concerning setbacks from lot lines and public thoroughfare rights-of-way, natural or manmade barriers to restrict access, dust control, and hours of operation, placed on the mining operation by N.Y.S.D.E.C. as part of their permit shall also become requirements and conditions of the local approval.

2. Locally Regulated Mining Operation.

a. No below-ground-level excavation of materials shall be located within 75 feet of any right of way line or lot line. Where such operations are within 500 feet from a residential structure there shall be screening (approved by the Board) to reduce visibility of the pit and eliminate noise and dust from residential properties.

b. All excavation slopes in excess of one foot horizontal to two feet vertical shall be completely fenced to prohibit entrance by children and unauthorized individuals.

c. Access drives shall be treated within 200 feet of a public road to prevent dust.

d. Drainage facilities shall minimize erosion and stagnant ponds.

e. Whenever topsoil has been removed or covered under by fill on any area of land of more than one acre, such area shall be seeded to provide an effective covering crop within the first growing season following the end of such operation.

D. Multi-Family Dwellings

1. The density of multi-family dwellings may not exceed six dwelling units per acre of gross area.

2. All buildings must be at least 20 feet from any parking area or road.

E. Manufactured home Parks

1. An applicant who proposes to construct a manufactured home park shall state that he, as agent and owner, shall be responsible for the maintenance and upkeep of the proposed park.

2. Manufactured home site. Each manufactured home park shall be divided (exclusive of internal roads, open space or common areas) and marked-off into manufactured home sites numbered consecutively, the number being conspicuously posted on each lot with such number to correspond to the lot shown on the site plan submitted.

3. Manufactured home site size. Each manufactured home site shall satisfy the following requirements:
   a. A minimum site size shall be 10,000 square feet.
   b. Minimum 100 foot site width.
   c. Minimum 100 foot site depth.

4. Setbacks and Spacing

a. All manufactured homes, including expansions, extensions or other additions thereto, patios, porches or garages and all other structures in a manufactured home park shall satisfy the following setback requirements. A detached structure accessory to and located on the same site with an individual manufactured home shall be considered part of the manufactured home for the purpose of spacing requirements.

(1) Minimum of 150 feet from the right of way line of any public road.

(2) Minimum of 20 feet from the right of way line of any roadway internal to the manufactured home park.

(3) Minimum of 20 feet from the side and rear site lines.

5. 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 manufactured home sites shall face on and be serviced by such internal roads.

c. All roads shall be constructed of all weather material and shall be designed, graded and leveled as to permit the safe passage of emergency and other vehicles at a speed of 15 miles per hour.

d. Straight, uniform gridiron road patterns should be avoided.

e Cul de sacs or a turn around shall be provided in lieu of closed end roads.

f. All internal roads shall have a minimum right-of-way of 30 feet with 20 feet of all weather material.

6. Garbage and refuse. It shall be the responsibility of the park owner to ensure that garbage and rubbish shall be collected and properly disposed of outside of the manufactured home park. Exterior property areas shall be maintained free from organic and inorganic material that might become a health, accident or fire hazard.

7. Park office and storage facilities. Owner or manager of a park shall maintain office and storage facilities in the immediate vicinity of the park.

8. Service Buildings

a. Service buildings, if provided, housing sanitation facilities and/or laundry shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installations and plumbing and sanitation systems.

b. All service buildings and the grounds of the manufactured home park shall be well lighted and maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance.

9. Responsibilities of Park Operators and Park Occupants

a. The person to whom a permit for a manufactured home park is issued shall operate the park in compliance with the standards set forth in this local law and shall provide adequate supervision to maintain the park, its common grounds, streets, facilities and equipment in good repair in a clean and sanitary condition.

b. The park operator shall place or supervise the placement of each manufactured home on its manufactured home stand which includes ensuring its stability by securing all tie-downs and installing all utility connections.

c. The park occupant shall be responsible for the maintenance of his manufactured home and any appurtenances thereto, and shall keep all yard space on his site in a neat and sanitary condition.

d. A list of operator and occupant responsibilities shall be posted in the park office or made available upon request.

F Adult Entertainment Use

1. Statement of Purpose and Findings

The Town Board of the Town of Champion has determined that adult entertainment businesses exhibit serious objectionable operational characteristics which can lead to significant adverse impacts on the surrounding community and that the unrestrained proliferation of such businesses is inconsistent with existing development and future plans for the Town of Champion in that adult entertainment businesses often result in influences on the community which increase the crime rate and undermine the economic, moral, and social welfare of the community. The deleterious effects of these businesses change the economic, social, and moral character of the existing community and adversely affect existing businesses and community and family life.

Therefore, the Town Board of the Town of Champion recognizes that special regulation is necessary in order to prevent the proliferation of adult entertainment businesses and to ensure that the effects of such businesses will not adversely affect the health, safety, and economic well-being of the community.

2. Regulations

All adult entertainment uses shall be subject to the following regulations:

a. All provisions of the Zoning Law of the Town of Champion applicable to any use located in the Business District.

b. Such uses shall be a minimum of 1,000 feet from schools, churches, public parks, and recreation lands, municipal boundary lines, and other adult uses. Measurement of distances shall be from the [property] lot lines of the uses, except in the separation from other adult uses, in which case the distances shall be measured from structure to structure.

c. No exterior sign shall contain any photographic or artistic representation of the human body.

d. All building openings, entries, windows, doors, etc., shall be located, covered, or screened in such a manner as to prevent a view into the interior of the building from any public right-of-way or adjacent property.

e. No adult use shall be established in any building of which any part is used for residential purposes.

f. No residential use shall be established in any building of which any part is used as an adult use establishment.

g. Stairways, sloping or rising paths, building entrances and exits shall be illuminated. Spotlight type fixtures attached to buildings should be avoided.

h. Adequate lighting shall be provided on a site to ensure safe movement of persons and vehicles and for security purposes.

ARTICLE 6. SUPPLEMENTAL REGULATIONS

Section 605. Fences, Walls, and Shrubbery

A. Fences and walls are acceptable in all districts and a permit is not required for their construction. They shall not be placed so as to cause traffic hazards. They shall be kept in good structural repair so that they are not a safety hazard.

B. In all zoning districts, any, fences, walls or shrubbery over 3 1/2 feet in height above street level are not permitted to be maintained in a triangular area of any corner lots. This area is formed by lines along both streets at right-of-way line to points 40 feet distant from the intersection and then a line connecting these points.

C. Fences facing and running alongside a street and public sidewalk shall be no closer than one foot to the edge of sidewalk away from the road.

Section 610. Parking

A. Parking lots for places of public assembly, multi-family, commercial business or industrial uses shall be at least 10 feet from all residential lot lines. There shall be an exit and entrance to accommodate travel concurrently. The placement of the lot shall not impede traffic safety.

B. Uses in all districts shall meet the following off-street parking requirements:

Uses	Required Parking Spaces
1. Community Facilities	One for each 200 sq. ft. of gross floor area (GFA), or one for each 3.5 seats, whichever is greater.

2. Motels, Bed & Breakfast	One for each sleeping room or dwelling unit, plus one for each employee.
3. Industrial	One each employee in the maximum working shift.
4. Restaurants	One for each 50 square feet of gross leasable area GLA).
5. Commercial and Small Commercial	One space for each 200 square feet of gross leasable area (GLA), plus one for each employee on the maximum shift.
6. Recreational Facilities	As required by the Planning Board.
7. Professional Offices -General	One for each 200 square feet of gross floor area (GFA) on the first floor and one for each 300 square feet of gross floor area (GFA) on the second floor and above.
8. Doctor or Dentist Office	Nine for each doctor, plus one for each employee.
9. Home Occupation	Minimum of three spaces, plus one for each employee.
10. Residential Uses	Two for each dwelling unit
11. Adult Entertainment	One for each 200 square feet of gross floor area devoted to the use.

C. Parking Space and Aisle Dimension Requirements

All parking spaces shall contain a rectangular area at least 18 feet and 9 feet, unless the spaces are for parallel parking then the dimensions shall be at least 22 feet by 9 feet.

Aisle Width (in feet) Required by Parking Angle (in degrees)

	0 Degrees (parallel)	30 Degrees	45 Degrees	60 Degrees	90 Degrees
One-Way Traffic	13 feet	11 feet	13 feet	18 feet	24 feet
Two-Way Traffic	19 feet	20 feet	21 feet	23 feet	24 feet

D. Driveways shall be not less than 10 feet in width for one-way traffic and 18 feet in width for two-way traffic, except that 10-feet-wide driveways are permissible for two-way traffic when the driveway is not longer than 50 feet, it provides access to not more than 6 spaces, and sufficient turning space is provided so that vehicles need not back into a public street.

Section 615. Off-Street Loading Requirements

A. In all districts, in connection with every building or building group or part thereof and having a gross floor area of 4,000 square feet or more, which is to be occupied by manufacturing or commercial uses or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with such building, off-street loading berths or unloading berths as follows:

4,000 - 25,000 sq. ft.	1 berths
25,001 - 40,000 sq. ft.	2 berths
40,001 - 60,000 sq. ft.	3 berths
For each additional 50,000 sq. ft.	1 berth

B. The loading berth required in each instance shall be not less than 12 feet in width, 25 feet in length, and 14 feet in height, and may occupy all or any part of any required yard. Such space may also be a part of a required parking area.

Section 620. Manufactured homes

A. Location of a single-wide manufactured home, may be permitted outside the R-2 District upon receiving a zoning permit from the Town Enforcement Officer when one of the following criteria has been met:

1. Agricultural Use: Upon proof of special necessity for an agricultural use where an additional dwelling is needed for a person employed full-time in the operation of the farm the Enforcement Officer may grant a zoning permit for the installation of a single manufactured home to be placed within 1,000 feet of main barn and on the same lot.
   a. The manufactured home must be occupied by a person employed full-time in the operation of the farm.
   b. The manufactured home shall be removed within six months from date when the special necessity ceases.

2. Interim Dwelling: The Enforcement Officer may grant a zoning permit for the installation of a manufactured home as an interim dwelling on an individual lot during the construction of a conventional single-family dwelling on such lot conditioned on the following:
   a. The approval shall be temporary for a period not to exceed two years from the date of issuance of the permit for the conventional single-family dwelling except that the Planning Board may grant one year extensions each as circumstances warrant;
   b. On or before the date of expiration of the temporary approval and extensions thereto, if any, the use of the manufactured home as an interim dwelling shall cease and the manufactured home shall be removed.

3. Emergency Dwelling: A manufactured home may be temporarily placed and occupied as an emergency dwelling on any property in the Town, regardless of prior development on or current use of such property, provided that:
   a. The need for such emergency dwelling resulted from the loss by flood, fire or other disaster of an existing dwelling;
   b. Temporary arrangements for safe access to the property, adequate potable water supply, sanitary disposal of sewage, safe storage of liquefied petroleum gas and anchoring are provided within 48 hours of such placement (and occupancy) by means either on-site or off-site;
   c. A temporary permit is obtained for the emergency dwelling within 48 hours of such placement and occupancy;
   d. Such temporary permit shall expire and the emergency dwelling shall be removed from the property within one year of such placement and occupancy

except that the Planning Board may grant as many one year extensions as circumstances warrant; and

e. Except as provided herein, no other improvements to or alteration or disturbance of the property shall be caused by such placement and occupancy of an emergency dwelling and no rights to develop such property shall be thus established other than as are permitted in full compliance with the provisions, regulations, standards, and procedures of this law.

B. All manufactured homes and double-wide manufactured homes must meet the following standards:

1. Every manufactured home shall bear a date plate, affixed in the manufacturing facility, bearing not less than the following standards:
   a. The statement: "This manufactured home is designed to comply with the Federal Manufactured home Construction and Safety Standards in force at the time of manufacture."
   b. Reference to the structural zone and wind zone for which the home is designed.

2. Every manufactured home shall bear data relative to the heating and insulation zone and outdoor design temperature.

3. Manufactured home Skirting
   a. Each manufactured home shall be provided with a skirt to screen space between the manufactured home and the ground.
   b. Such skirts shall be of permanent material to provide a finished exterior appearance.
   c. The material used shall be fire resistant.

Section 630. Roads

A. All roadways that are constructed by private individuals or enterprise, and which serve or are intended to serve the public as a public thoroughfare shall meet town highway and road standards as set forth by the Champion Town Board.

Section 635. Signs

A. Residential Districts R-1 & R-2:

No sign shall exceed eight square feet in area.

B. Agricultural Resource District:
   1. No sign shall exceed 25 feet in height.
   2. No sign, excluding a farm name or other farm identification, shall exceed 32 square feet in area.

C. Business & Industrial Districts

No sign shall exceed 32 square feet in area or 25 feet in height.

D. Planned Development District:

Any proposed sign shall be approved as part of the PDD approval process.

E. All Districts:

1. All signs shall be properly maintained. They shall be in good structural repair, not a safety hazard, attractively painted so that the sign is legible and not an eyesore.

2. Two temporary special event signs shall be permitted. These signs shall advertise events, activities or other similar instances that will be terminated on a set date. Yard sales, garage sales and similar on-lot sales shall be considered temporary activities and as such, signs advertising such events shall fall under the requirements of this section. No such sign shall exceed four square feet in area. Political election signs shall be exempt from these requirements, however, all such signs shall be removed at the end of the event by the sponsor of the event or those who placed the sign.

3. Signs may be placed in required yards, providing such placement does not interfere with traffic safety.

4. No sign shall be placed closer than ten feet to a right-of-way line and five feet from a side lot line.

5. Mechanically moving, flashing signs shall not be permitted unless required for public safety purposes, as identified by a unit of government.

6. Flood lights and other external lighting fixtures used in the illumination of signs shall be permitted if located and/or shielded so as not to produce direct glare at neighboring residences and highway traffic.

7. Any nonconforming sign existing in a Residential District at the time of the adoption of this law, or an amendment thereto, shall only be replaced by a sign conforming to the regulations for this district.

8. Any business, enterprise, institution, or other advertising entity that ceases operations shall remove their signs within 90 days of such cessation (extensions may be granted).

Section 640. Fuel Storage Tanks

A. All owners of stationary petroleum storage tank facilities with a combined capacity exceeding 1,100 gallons shall submit proof that it is registered with the Department of Environmental Conservation pursuant to the Petroleum Bulk Storage Law (Article 17, Title 10 of the Environmental Conservation Law).

Section 660. Home Occupations

Home occupation uses in all districts must meet the following criteria:

A. Not more than three people shall be employed at such a use.
B. The use must be conducted within a structure or building.
C. One identification sign is permitted and shall not exceed eight square feet in area.

D. Off-street parking space requirements, as identified in this Article, shall be adhered to. (Section 610 Parking)
E. No unsafe traffic conditions shall be created by the use.
F. No objectionable odors, noise or unsightly conditions shall be encountered by neighboring properties.

Section 670. Outdoor Storage

Any manufacturing, fabricating or servicing related to a use must take place within buildings designed to accommodate the use. Materials used in the manufacturing, fabricating or servicing operations may be stored outside the building accommodating the use; provided, they shall be arranged in a neat and orderly fashion and shall be enclosed by a fence at least four feet in height so as to prohibit unauthorized entrance by children and individuals.

Section 680. Driveway Regulations

All driveways located in the Town of Champion, in addition to being in compliance with the Laws, Rules and Regulations of any Government or Governmental Agency having jurisdiction thereof shall also be constructed in compliance with Section 3.8 of the Highway Standards in the Town of Champion adopted as Local Law #2 of the year 1998.

ARTICLE 7. ADMINISTRATION AND ENFORCEMENT

Section 705. Enforcement Officer

The town board shall appoint an enforcement officer to carry out specific administrative functions as designated in this law, and to enforce this law. The duties of the enforcement officer shall include the following:

A. Issue and deny zoning permits and certificates of compliance in accordance with this law;

B. Scale and interpret district boundaries on zoning maps;

C. Inspect and certify that the regulations of this law have been adhered to;

D. Refer appropriate matters to the zoning board of appeals, planning board, or town board.

E. Revoke zoning permits where there is false, misleading or insufficient information;

F. Revoke zoning permits and certificates of compliance where the applicant has not complied with the provisions of the approved application;

G. Investigate violations and complaints of violations of this law, issue stop work orders and refer violations to the town justice, or the town board;

H. Assist in the prosecutions of violations.

Section 710. Zoning Permits

The following activities shall require a zoning permit unless otherwise specifically exempted in this law:

A. Erection, re-erection or movement of a building or structure;

B. Change of the exterior structural dimensions of a building or structure;

C. 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;

D. The resumption of any use which has been discontinued for a period of 12 months or longer;

E. Establishment or change in dimensions of a parking area for nonresidential or multifamily residential uses;

F. Placement of a sign as regulated in Section 635 of this law;

G. Fences or walls.

Section 715. Zoning Permit Exceptions

The following activities shall not require a zoning permit, and are exempt from the provisions of this law, except where otherwise specified:

A. Exempt signs listed in Section 635 of this law;

B. 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.);

C. Minor accessory structures such as posts, sidewalks, driveways, flagpoles, playground equipment, chimneys, etc.;

D. Nonstructural agriculture and forest management uses;

E. Silos, corn cribs and other similar agricultural accessory uses (exclusive of barns);

F. Landscaping.

Section 720. Application Process

Applications for zoning permits shall be submitted to the enforcement officer or town clerk and shall include the following:

A. The actual dimensions of the lot to be used;

B. The size and location on the lot of the structures and accessory structures to be erected and/or altered;

C. The distance from the building line to all lot lines; road right-of-way lines; waterfront lot lines; and any other significant features of the lot;

D. Such other information as may be necessary to determine and provide for the enforcement of this law.

This information, and other relevant application data, shall be provided on a form issued by the town.

Section 725. Application Fee

Fees required under this law will be determined from time to time by the town board pursuant to resolution and are to be paid at the time of application. No zoning permit shall be issued until full payment has been received by the town clerk.

Section 730. Display of Zoning Permit

The applicant shall display the zoning permit on the building, structure or site in such a manner that it is visible to the public until such time as a certificate of compliance is issued or the zoning permit expires.

Section 735. Measurements

When establishing measurements to meet the required yard sizes, or use or structure setbacks, the measurements shall be taken from the road right-of-way line, lot line or nearest high water elevation to the point attached to the structure which is closest to the point to which measurement is being made to. This shall include such projecting facilities as cornices, chimneys, eaves, porches, carports, attached garages, etc.

Section 740. Expiration of Zoning Permit

A zoning permit shall expire six months from the date of issue unless substantial progress has been made towards carrying out the terms of the zoning permit. The applicant shall have two years to complete the terms of the zoning permit, or all work shall cease at the site. An extension may be allowed by the enforcement officer upon proof of necessity submitted by the applicant due to conditions unusual or beyond the control of the applicant.

Section 745. Certificate of Compliance

A. No use or structure requiring a zoning permit shall be occupied, used, or changed in use until a certificate of compliance has been issued by the enforcement officer stating that the use or structure complies with the provisions of this law

B. All certificates of compliance shall be applied for with the application for a zoning permit. The certificate shall be issued within ten days after the erection or alteration shall have been approved as complying with the provisions of this law.

C. For uses requiring a planning board review, no certificate of compliance shall be issued for any such use or structure unless in conformity in all respects to the planning board approval, including any condition imposed upon it.

Section 750. Zoning Board of Appeals

A zoning board of appeals is hereby created consisting of five members. The town board shall appoint the members on a staggered term basis in conformance with Town Law and shall appoint a chairman. The board of appeals shall have all the powers and duties prescribed by Town Law and by any rules and regulations adopted by the town board.

Section 755. Planning Board

In accordance with this law, the planning board shall have the power to approve, approve with modifications, or disapprove site plans and special use permits. The planning board shall give advisory opinions when requested by the zoning board of appeals or the town board. The planning board shall abide by any rules and regulations adopted by the town board.

Section 760. Violations

A. Whenever a violation of this law occurs, any person may initiate a complaint. All complaints shall be in writing and delivered to the town clerk or enforcement officer. The enforcement officer shall accurately record the complaint, file it appropriately, and investigate it.

B. If the complaint is found to be valid, the enforcement officer shall then inform the owner of the premises that there is a violation of the law. The owner shall be notified by certified mail with a return receipt requested and by regular mail, or be personally served, as to the manner of the violation. Mail shall be sent to the address of the property owner as stated on the last completed tax roll. The owner will have 14 days, minimum, to remedy the situation from the date of the mailing, except in the case of imminent peril to life or property.

C. An order to stop use/work may be issued to the owner in the same manner as a notice of violation. Such order shall require that all construction stop immediately.

D. If a violation persists, the enforcement officer may file an "information and complaint" with the town justice charging the owner with violating one or more sections of this law. The town justice shall then issue a summons for the violator to appear in court.

E. Pursuant to Criminal Procedure Law Section 150.20 (3), the enforcement officer is hereby authorized to issue an appearance ticket to any person causing a violation of this law, and, if a violation persists, shall cause such person to appear before the town justice.

Section 765. Penalties

Pursuant to Municipal Home Rule Law Section 10 and Town Law Section 268, any person, firm, or corporation who commits an offense against, disobeys, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this law shall, upon conviction, be deemed guilty of a violation and subject to fine and/or imprisonment. Any violation of this law is an offense punishable by a fine not exceeding $350 or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than $350 nor more than $700 or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than $750 nor more than $1000 or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring

jurisdiction upon courts and judicial officers generally, violations of this law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

In addition to the above remedies, 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 770. Amendments

A. The Town Board may from time to time on its own motion or on petition, amend, supplement, or repeal the regulations and provisions of this law.

B. Procedure: The Town Board, by resolution adopted at a stated meeting, shall fix the time and place of public hearing on the proposed amendments and cause notice to be given as follows:
   1. By publishing a notice at least ten days prior to the time and place of such hearing in a paper of general circulation in the Town;
   2. Other provisions of posting, publication and action on the amendments, as set forth in Town Law, shall be adhered to.

C. The Town Board shall refer, at least 14 days prior to a public hearing, any proposed amendments to the Planning Board for their review and recommendation to be submitted to the Town Board by the date of the public hearing and made part of the record.

Section 775. Nonconforming Use and Structures

A. Lots of Record: A nonconforming Lot of Record may be developed provided minimum yard requirements, permitted uses, and other law regulations can be met. Any deviation from the above requirements requires a variance. A permit is required for any proposed construction on such a lot, as set forth under this law.

B. Every structure or use not conforming to the regulations of the district in which it is located at the time of adoption of these regulations shall be a "Nonconforming Use".
   1. A nonconforming use of a structure or land that has ceased for a consecutive period of twelve months, may not be altered, rebuilt, or resumed unless in conformity with these regulations.
   2. A nonconforming use may be continued subsequent to adoption of these regulations but the structure shall not be enlarged in a way which increases its nonconformity.
   3. A nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption of these regulations.
   4. Nothing in these regulations shall be deemed to prevent the strengthening or restoring to a safe condition of any nonconforming structure declared unsafe by a duly designated official.
   5. Nothing in these regulations shall be deemed to prevent the reconstruction of a nonconforming structure to its original configuration when destroyed by fire or Act of God.
   6. District Changes/Amendments: Whenever an area is transferred from a district of one classification to a district of a different classification, or amendments are adopted which

change permitted uses or other regulatory measures governing such, the above regulations shall apply to nonconforming uses created by such transfer.

7. One time upgrade of a nonconforming manufactured housing use. An existing manufactured housing unit that has been "grand fathered" in as a nonconforming use can be upgraded once in its grand fathered state. The upgrade must meet all other provisions of the zoning law and be a minimum of 675 square feet of living space. The unit shall not be more than five years old on the date that it is placed in service.

Section 780. Interpretation and Separability

A. Interpretation: 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 the law differ with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards shall govern.

B. Separability: Should any section 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 785. Effective Date

The provisions of this law shall take effect upon filing with the Secretary of State.

ARTICLE 8. TELECOMMUNICATION FACILITIES

Section 820. Telecommunication Facilities

A. Findings

1. While the federal government has regulated the telecommunication industry, it has reserved to local governments the power to regulate such uses with regard to placement, construction and other related issues.

2. Local governments may not exclude such uses or unreasonably discriminate among providers of functionally equivalent services.

3. According to federal law, local governments may not regulate such uses on the basis of radio frequency radiation.

4. The technology underlying telecommunication service requires that transmitting facilities be located in proximity to one another, as low frequency signals are passed from one service cell to another, in relay fashion.

5. The town has an interest in minimizing the number or towers that are located within its borders.

6. The installation of tower structures can have an aesthetically detrimental impact upon surrounding properties, especially in residential areas.

7. In many cases, antennas mounted on existing structures can provide the same level of service with minimal or no aesthetic impacts upon neighboring uses.

8. Where the construction of new towers is necessary in order to provide services, often it is possible to house more than one such provider on a given structure, thus reducing the proliferation of new tower construction.

B. Purpose

The Town Board of the Town of Champion recognizes the increased demand for wireless communication transmitting facilities and the need for services they provide. Often these facilities require the construction of a tower. The purpose of these regulations is to protect the Community's interest in properly siting towers in a manner consistent with sound land use planning, while also allowing wireless service providers to meet their technological and service objectives. The following are guidelines to follow:

1. Promote the health, safety and general welfare of the residents of the Town through the establishment of minimum standards to reduce the adverse visual effects of telecommunication facilities through careful design, siting and screening;
2. Protect property values;
3. Provide standards for the safe provision of telecommunication facilities consistent with applicable Federal and State regulations;
4. Protect the natural features and aesthetic character of the community;
5. Avoid potential damage to adjacent properties from tower failure through proper engineering and careful siting of structures;
6. Ensure that the residents are adequately served by personal communication systems;
7. Protect a citizen's ability to receive communication signals without interference from other communication providers while preserving competition among communications providers and;
8. To minimize the total number of telecommunication towers in the community by encouraging shared use of existing and future towers, and the use of existing tall buildings and other high structures.

C. Applicability

1. No telecommunication facility shall hereafter be used, erected, moved, reconstructed, changed or altered except in conformity with these regulations.

2. No existing structure shall be modified to serve as a telecommunication facility unless in conformity with these regulations.

3. If co-locating on an existing tower or structure, then a Telecommunication facility is allowed by a zoning permit only. The Zoning Enforcement Officer will issue a zoning permit when the applicant:
   a. submits an engineer's report certifying that the proposed shared use will not diminish the structural integrity and safety of the existing structure or existing or approved tower. and

b. submits documentation of intent from the owner of the existing tower or structure to allow shared use.

4. New, reconstructed or modified telecommunication facilities are allowed by Special Use Permit in the AR and Industrial Districts and prohibited in all other districts.

D. Additional Review Materials

1. A site plan for a telecommunication facility shall include the following information:
   a. The exact location of the proposed Telecommunication Facility with any tower guy wires and anchors;
   b. The height of the proposed Telecommunication Facility Tower;
   c. The location, type and intensity of any lighting on the Tower;
   d. The location of property lines and names of adjacent land owners within 500 feet of the parcel on which the facility is located;
   e. Proof of the landowner's consent if the applicant does not own the property;
   f. The location of all structures on the property and all structures on any adjacent property within ten feet of the property lines, together with the distance of these structures to the telecommunication facility.
   g. The location, nature and extent of any proposed fencing, landscaping and/or screening;
   h. The location and nature of existing and proposed easements and access road, if applicable;
   i. A side elevation or other sketch of the tower showing the proposed antennas and elevation of any accessory structures.
   j. The site plan shall bear the seal of a professional engineer licensed to practice in New York State.
   k. The location of all trees exceeding four inches in diameter (measured at a height of four feet off the ground) and other significant and/or unusual features of the site and on any other adjacent property within 10 feet of the property line.

E. Supporting Documentation

1. All information prepared by the manufacturer of the antenna and/or tower including, but not limited to, the following:
   a. Make and model of tower to be erected;
   b. Detail of tower type;
   c. Manufacturer's design data for installation instructions and construction plans;
   d. Applicant's proposed tower maintenance and inspection procedures and records systems;
   e. Anti-climb devices for the tower and any guy wires.

2. The application shall include an inventory report specifying existing telecommunication tower sites within five miles of the proposed site. The report shall outline opportunities for shared use of the existing facilities as an alternative to a proposed new tower. The report shall demonstrate good faith efforts to secure shared use from the owner of each existing or approved tower as well as documentation of the physical, technical and/or financial reasons why shared use is not practical in each case. Written requests and responses for shared use shall be provided. The applicant shall provide information on possible co-location on existing structures.

3. All applicants for a telecommunication facility shall submit an Environmental Assessment Form (long) with Visual Addendum, and an analysis demonstration that location of the Telecommunication Facility as proposed is necessary to meet the frequency reuse and spacing needs of the applicant's telecommunications system and to provide adequate service and coverage to the intended area.

4. The Planning Board may require submission of a more detailed visual analysis based on the results of the visual EAF, such as:
   a. A Zone of Visibility Map showing locations from which the tower or facility may be seen.
   b. Assessment of the visual impact of the tower or facility base, guy wires, accessory structures and overhead utility lines from abutting properties and roads.
   c. Possible techniques for camouflaging the tower.

5. A copy of the applicant's Federal Communications Commission (FCC) license;

6. An engineer's report as to structural capacity of the tower.

7. Documentation for the justification of the height of any tower or facility.

8. Justification for any vegetative clearing required;

9. An engineers certification that transmission from their Telecommunication Facility is in compliance with Federal radio frequency emission standards and will not interfere with existing signals such as household television and radio, etc.

10. Legal description (metes and bounds) of the property that the proposed tower will be located on.

F. Specific Review Criteria for Telecommunication Facilities

No special use permit for a Telecommunication Facility shall be authorized by the planning board unless it finds that such Telecommunication Facility conforms to the following criteria:

1. The proposed location is necessary to meet the frequency reuse and spacing needs of the applicant's system and to provide adequate service and coverage to the intended area;

2. Conforms with all applicable regulations promulgated by the Federal Communication Commission, Federal Aviation Administration, and other federal agencies;

3. The facility is designed and constructed in a manner which minimizes visual impact to the extent practical;

4. Complies with all other requirements of this local law, unless expressly superseded herein;

5. When including the construction of a tower, such tower is designed to accommodate future shared use by at least two other telecommunication service providers. Location of

antennae by other service providers on existing towers specifically designed for shared use shall not require a new or modified special permit if there would be no increase in the height of the tower.

6. The applicant must demonstrate that no existing structures, tower or alternative technology that does not require the construction of a new tower can accommodate the applicants coverage and service needs. Evidence submitted to demonstrate that no such alternative is reasonably available may consist of the following:
   a. No existing towers or structures are located within the geographic area (search ring) which meet the applicant's engineering requirements.
   b. Existing towers of structures are not of sufficient height to meet the applicant's engineering requirements.
   c. Existing towers or structures do not have sufficient structural strength or space to support applicant's proposed needs.
   d. The applicant's proposed antenna would cause electromagnetic interference with the existing or planned antennas on the existing towers of structures or that such existing or planned antennas would cause such interference with the applicant's antenna.
   e. The existing tower or structure owner is unwilling to provide access or the fees, costs or contractual provisions required by the owner of the existing tower or structure in order for the applicant to co-locate on such tower of structure are unreasonable. Costs exceeding new tower construction are presumed to be unreasonable.

G. Additional standards and factors to be considered in reviewing special use permits relating to towers:
   1. Height of the proposed tower.
   2. Proximity of the proposed tower to residential structures and residential district boundaries.
   3. Nature of uses on adjacent and nearby properties.
   4. Surrounding topography.
   5. Surrounding existing tree coverage and foliage.
   6. Design of the proposed tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
   7. Proposed ingress and egress to site.

H. Shared Use of Existing Towers or Structures

1. At all times, shared use of existing towers shall be preferred to the construction of new towers. Additionally, where such shared use is unavailable, location of antennae on preexisting structures (for example: municipal water towers, multiple story buildings, church steeples, farm silos, utility poles, barns, signs, belfries, cupolas, domes, monuments, windmills, chimneys, smokestacks, etc.) shall be considered.

2. Any application, renewal or modification thereof shall include proof that reasonable efforts have been made to co-locate upon an existing structure. Copies of written requests and responses for shared use shall be provided.

3. An engineer's report certifying that the proposed shared use will not diminish the structural integrity and safety of the existing structure or existing or approved tower, and explaining what modification, if any, will be required in order to certify to the above.

I. New Towers

1. The applicant must demonstrate that the proposed telecommunication facility cannot be accommodated on existing telecommunication facilities sites or other structures in the inventory report due to one or more of the following reasons:
   a. The planned equipment would exceed the structural capacity of existing and approved telecommunication facilities or other structures, considering existing and planned use for those facilities;
   b. The planned equipment would cause radio frequency interference with other existing or planned equipment which cannot be reasonably prevented;
   c. Existing or approved telecommunication facilities or other structures do not have space on which proposed equipment can be placed so it can function effectively.
   d. Other sufficiently documented technical reasons make it impractical to place the equipment proposed by the applicant on existing facilities or structure;
   e. The owner of the property or the owner of the existing telecommunication facility or the owner of the structure refuses to allow such co-location.

2. The applicant must examine the feasibility of designing a telecommunication tower to accommodate future demand for commercial broadcasting and reception facilities. The scope of this analysis shall be determined by the planning board for special use permit approval. This requirement may be waived, provided that the applicant demonstrates that the provisions of future shares usage of the facility is not feasible and an unnecessary burden, based upon:
   a. The foreseeable number of FCC licenses available for the area;
   b. The kind of tower site and structure proposed;
   c. The number of existing and potential licenses without tower spaces/sites;
   d. Available spaces on existing and approved towers, and;
   e. Potential adverse visual impact by a tower designed for shared usage.
   f. Site Design Standards for Telecommunication Facilities

J. New Tower Design

1. Design

The design of a proposed new tower shall comply with the following:

a. Any new tower shall be designed to accommodate future shared use by other telecommunications providers.

b. The Board may request a review of the application, at the expense of the developer, by a qualified engineer in order to evaluate the need for, and the design of, any new tower.

c. The tower should be disguised or camouflaged to blend in with the surroundings to the extent that such alteration does not impair the ability of the facility to perform its designed function.

2. Dimensional Standards

a. All proposed telecommunication facilities shall be located on a single parcel.

b. The setback for towers shall be equal to the height of the tower, including any antennae, plus thirty feet. If the facility is attached to an existing structure, relief may be granted by area variance by the ZBA on a case-by-case basis.

c. Guy wire anchors shall be setback from property lines the same distance as accessory structures.

d. Minimum lot size will be determined by setback requirements.

e. If the project property is leased, then any required setbacks shall be measured from the lease lines as identified on the site plan.

3. Visual Impact Assessment

a. All towers and accessory facilities shall be sited and constructed to have the least practical adverse visual effect on the environment.

b. Towers shall not be artificially lighted except to assure human safety as required by the Federal Aviation Administration (FAA). Towers shall be a galvanized finish or painted gray above the surrounding tree line and painted gray, green or black below the surrounding tree line unless other standards are required by the FAA. Towers should be designed and sited so as to avoid, whenever possible, application of FAA lighting and painting requirements.

c. Pictorial representation of before and after views from the key viewpoints both inside and outside of the town including but not limited to: state highways and other major roads, state and local parks, other public lands, preserves and historic site normally open to the public, and from any other location where the site is visible to a large number of visitors or travelers. The board shall determine the appropriate key sites at a pre-submission conference with the applicant.

d. Assessment of alternative tower designs and color schemes.

e. Assessment of the visual impact of the tower base, guy wires, accessory building and overhead utility lines from abutting properties and streets.

4. Screening And Existing Vegetation

The board shall require that the facility have vegetative buffering, consisting of one row of native evergreen shrubs of trees capable of forming a continuous hedge of at least six feet in height within two years of planting, around the fences of the tower base area, accessory structure and the anchor points of guyed towers to buffer their view from neighboring residences, recreation areas, or public roads. In the case of poor soil conditions, planting may be required on soil beams to assure plant survival. Plant height in these cases shall include the height of any berm. Such screening shall include the

maximum feasible retention of existing vegetation. Existing on-site vegetation shall be preserved to the maximum extent possible. No cutting of trees exceeding four inches in diameter (measured at a height of four feet off the ground), shall take place prior to the approval of the special permit. Clear cutting of all trees in a single contiguous area exceeding 20,000 square feet shall be prohibited. The board may similarly require screening adjacent to waterways, landmarks, refuges, community facilities, or conservation or historic areas within common view of the public. The Board may waive any of the requirements of this paragraph due to site specific circumstances.

5. Parking & Access

   a. Access ways shall make maximum use of existing public or private roads to the extent practicable. Driveways must provide adequate emergency vehicles and service access.

   b. Driveways or parking areas shall provide adequate interior turnaround, such that service vehicles will not have to back out onto a public thoroughfare.

   c. Motion activated or staff activated security lighting around the base of a tower or accessory structure entrance may be provided. Such lighting shall not project off the site. Such lighting should only occur when the area within the fenced perimeters has been entered.

   d. A locked gate at the junction of the access way and a public thoroughfare may be required to obstruct entry by unauthorized vehicle. Such gate must not protrude into the public right-of-way.

   e. There shall be no permanent climbing pegs within fifteen feet of the ground on any tower.

6. Fencing

   Sites of proposed new towers and sites where modifications to existing towers are proposed shall be adequately enclosed by a fence, design of which shall be approved by the board, unless the applicant demonstrates to the board that such measures are unnecessary to ensure the security of the facility. The board may require signage to be placed upon said fence identifying the owner and/or operator of the facility, its business address, telephone numbers (business number and emergency number), and that no trespassing upon the site is allowed.

7. Setbacks From Other Towers

   No tower shall be placed closer than 2,000 feet from another tower.

8. Signs

   No portion of any tower or accessory structure shall be used for a sign or other advertising purpose.

9. Maintenance And Repair

Every facility shall be inspected annually for structural integrity by a New York State licensed professional engineer retained by the facility owner and or operator and a copy of the inspection report shall be submitted to the municipal enforcement officer.

10. Radio Emissions

The Planning Board recognizes that Federal Law prohibits the regulation of cellular and PCS communication towers based on the environmental effects of radio frequency emissions where those emissions comply with the FCC standards for those emissions. The Board may, however, impose a condition on the applicant that the communication antennas be operated at Federal Communications Commission (FCC) designed frequencies and power levels. The Board shall request proof of compliance with these standards. No certificate of occupancy or compliance shall be issued by the enforcement officer without satisfactory proof of compliance with this requirement.

11. Utilities

All utilities shall be installed underground.

12. Antennae Affixed To Existing Structures

Antennae affixed to the face of existing structures may not protrude in excess of five feet horizontally between the antenna and the existing structure face.

13. System Connections

Where technologically feasible, connections between telecommunication facilities and the system of which they are a part shall be made by use of land line cable rather than by parabolic dish antennas. When such antenna links are technologically necessary, they shall be located, painted and otherwise situated so as to minimize visual impacts. In no case shall the diameter of such an antenna exceed six feet.

K. Removal of Towers

1. At the time of submittal of the application of a special use permit for a telecommunication facility, the applicant shall submit an agreement to remove all antennas, driveways, structures, buildings, equipment sheds, lighting, utilities, fencing, gates, accessory equipment or structures, as well as any tower dedicated solely for use within a telecommunication facility if such facility becomes technologically obsolete or ceases to perform its originally intended function for more than twelve 12 consecutive months. Upon removal of said facility, the land shall be restored to its previous condition, including but not limited to the seeding of exposed soils.

2. At the time of obtaining a zoning permit, the applicant must provide a financial security bond or other security acceptable to the municipality for removal of the telecommunications facility and property restoration, with the municipality as the assignee, in an amount approved by the board, but not less than $50,000 dollars.

3. On an annual basis the financial security bond or other security shall be reviewed and renewed. The board may adjust the required amount of the financial security bond to adequately cover increases in the cost of removal of the telecommunication facility and property restoration.

L. Intermunicipal Notification

In order to keep neighboring municipalities informed, and to facilitate the possibility of directing that any existing towers or structures in a neighboring municipality be considered for shared use, the Board shall require that:

1. An applicant who proposes a telecommunication facility shall notify in writing the legislative body of each municipality within the Town and each municipality that borders the Town, the Jefferson County Planning Department and the Director of Jefferson County Emergency Services. Notification shall include the exact location of the proposed tower or facility, and a general description of the project including, but not limited to, the height of the tower or facility and its capacity for future shared use.
2. Documentation of this notification shall be submitted to the Board at the time of application.

M. Notification of Landowners

The applicant shall be required to mail notice of the public hearing directly to all landowners whose property is located within 500 feet of the lot line on which a telecommunication facility is proposed. Notification, in all cases, shall be made by certified mail at least ten days prior to the public hearing. Documentation of this notification shall be submitted to the Board prior to the public hearing.