

Local Law Filing

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

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

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

County

City

of CHAMPION

Town

Village

Local Law No. 1 of the year 2011

A local law A Local Law Amending the Town of Champion Zoning Law

Be it enacted by Town Board of the

(Name of Legislative Body)

County

City

of Town of Champion as follows:

Town

Village

Article 1. – Statement of Authority. The Town Board of the Town of Champion, pursuant to the authority granted it under Article 16 of the Town Law and Sections 10 and 20 of the Municipal Home Rule Law, hereby enact as follows:

Article 2. – Statement of Purpose and Findings. The Town Board of the Town of Champion hereby finds that

Article 3. – Enactment. The Town Board of the Town of Champion does hereby amend the Town of Champion Zoning Law as follows:

ARTICLE 2. DEFINITIONS

Hazardous Materials: Any substances, chemical wastes, or radioactive materials that could cause serious injury or disease during the storage, collection and disposal cycle, including, but not limited to explosives, inflammables, poisons, solvents, acids, radioactive materials, byproducts of coal, coke, petroleum, natural gas, and dangerous chemicals or combinations of chemicals.

**FILED
STATE RECORDS
MAY 17 2011
DEPARTMENT OF STATE**

Section 528. General Criteria for all Special Use Permits:

Uses subject to special use permits are generally appropriate in the district in which they are allowed, but may not be suitable for a particular parcel of property within the district. The purpose of special use permit review is to allow the planning board to assess the use for its suitability for the specific site on which it is proposed.

The planning board may approve, approve with modifications or disapprove an application for a special use permit based on the criteria of this law.

The planning board is hereby authorized to waive any requirements of this law pertaining to special use permit review and approval when such waiver is reasonable and where the requirements of this law are not requisite in the interest of the public health, safety or general welfare or are inappropriate to a particular special use permit.

The planning board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed special use permit.

In considering and acting on special use permits, the planning board shall consider the following:

- A. That the proposed use is consistent with the comprehensive plan for the community and that the public health, safety, welfare, and comfort and convenience of the public in general are safeguarded.
- B. That the public facilities to service the proposed use, including water supply, sewage disposal, drainage facilities, road and pedestrian facilities, solid waste facilities, and any other utilities and public services are adequate for the intended level of use.
- C. That the proposed use is of a character, scale and intensity of use compatible with the surrounding neighborhood, will not conflict with neighboring uses, and will not impair the value of properties.
- D. That the proposed use shall not have a deleterious effect on the site or the surrounding neighborhood with regard to natural resources; aesthetic resources; scenic, historic or archaeological sites or structures; or the quality of air or water.
- E. That the proposed use shall not cause undue noise, vibration, odor, glare, smoke, dust, fumes, unsightliness or electrical disturbance, nor pose a

danger to neighboring properties or the general neighborhood due to hazardous or volatile substances.

Section 610. Parking

A. General design requirements:

1. 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.
2. 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.
3. 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.
4. 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.

B. Surfaces

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

C. 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.

D. 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. Adult Entertainment	One for each 200 square feet of gross floor area devoted to the use.

Where the applicant has provided to the planning board evidence of the necessity for a greater number of parking spaces than are allowed in the above chart, the planning board may waive the above requirements and allow the number of spaces deemed necessary by the board.

E. Parking Space and Aisle Dimension Requirements

All parking spaces shall contain a rectangular area at least 18 feet by 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

F. 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-foot-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.

G. In H and RC zones, the following standards shall apply:

1. One-third of the spaces, maximum, may be allowed to the side of buildings, all remaining spaces required to be to the rear of buildings.

2. Landscaping of one tree per ten parking spaces is required.
3. Shared parking arrangements are allowed and encouraged. The required spaces assigned to one use may not be credited to another use, except where the uses operate at different times. The applicant shall provide written evidence that the owner has granted permission for such shared parking.

Section 530. General Criteria for all Site Plan Reviews

Uses subject to site plan review are appropriate in the district in which they are allowed, but require the review of the planning board to ensure the adequacy and proper arrangement of the proposed improvements to the site.

The planning board may approve, approve with modifications or disapprove an application for a site plan based on the criteria of this law.

The planning board is hereby authorized to waive any requirements of this law pertaining to site plan review and approval when such waiver is reasonable and where the requirements of this law are not requisite in the interest of the public health, safety or general welfare or are inappropriate to a particular site plan review.

The planning board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed site plan.

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

- A. the site is designed so as to be consistent with the comprehensive plan for the community;
- B. parking, queuing and loading areas are adequate for the intended level of use, and arranged so as to minimize negative impacts on adjacent properties and the public road system;
- C. access to the site is safe and convenient and relates in an appropriate way to both the internal circulation on the site as well as the public road system;
- D. the internal circulation of the site is arranged so as to provide safe access to parking, queuing and loading areas, provide access for emergency and service vehicles, provide adequate separation of pedestrian and vehicular movements, and minimize impacts on the public road system;
- E. pedestrian ways are safe and adequate, and are properly integrated with the pedestrian ways of adjacent properties and the neighborhood;

- F. site lighting is adequate for the intended use of the property, is designed to minimize impact on neighboring properties, and is appropriate for the character of the neighborhood;
- G. the designs, locations, dimensions and architectural styles of buildings, structures and signs are in keeping with the character of the neighborhood;
- H. the site is suitably landscaped and appropriately screened from adjacent properties and the public road at all seasons of the year so as to protect the visual character of the area and to minimize negative impacts on adjacent properties and the neighborhood;
- I. activities which are incompatible with adjacent properties are suitably buffered so as to minimize negative impacts on such adjacent properties;
- J. changes to existing drainage patterns, or increased drainage due to development activity have no negative impacts on adjacent property, community drainage systems, or streams and wetlands;
- K. on-site activities are designed and conducted so as to minimize soil erosion and sedimentation;
- L. water supply and sewage disposal facilities are safe and adequate.
- M. existing vegetation, natural features and landform are preserved to the extent practical;
- N. residential sites contain adequate and appropriate open space and recreation areas for the residents of the site;
- O. the integrity of scenic, historic and archeological sites are preserved where practical.

Section 532. Specific Criteria for Site Plan Reviews

A. Architectural Design

- 1. The architectural design, layout and function of uses and structures must not conflict with that of neighboring uses or the district.

B. Buffering

- 1. Commercial, small commercial and industrial uses and parking lots shall be buffered from adjacent residential uses.

2. Additional setbacks from lot lines may be required, if necessary, to buffer adverse effects of a proposed use on adjacent properties.
3. The adequacy, type and arrangement of trees, shrubs and other landscaping which constitutes a visual and/or a noise-detering buffer between competing adjacent uses and adjoining lands shall be reviewed and approved.

C. 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 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 the retention is not substantially different in location or degree than that experienced by the development site in its predevelopment state, 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 roads.
5. Private roads and access ways within unsubdivided developments shall utilize curb and gutter and storm drains to provide adequate drainage if the grade of such roads or access ways is too steep to provide drainage in another manner or if other sufficient reasons exist to require such construction.
6. All developments shall be constructed and maintained so that adjacent properties are not unreasonably burdened with surface waters as a result of such developments. More specifically:
 - a. No development may be constructed or maintained to unreasonably impede the natural flow of water from higher adjacent properties.
 - b. No development may be constructed or maintained so that surface waters are unreasonably collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to lower adjacent properties.

D. Electrical Disturbance

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

E. Erosion and Sediment Control

1. All earthmoving activities shall be conducted in such a way as to prevent accelerated erosion and the resulting sedimentation. To accomplish this, any person engaged in earthmoving activities shall effectively develop, implement and maintain erosion and sedimentation control measures. These erosion and sedimentation measures must be set forth in a plan as described below and must be available at all times at the site of the activity.
2. The erosion and sedimentation control plan shall including, but not limited to, the following:
 - a. The topographic features of the project area;
 - b. Types, depth, slope, and extent of the soils;
 - c. The proposed alteration to the area;
 - d. The amount of runoff from the project area and the upstream watershed area;
 - e. The staging of earthmoving activities;
 - f. Temporary control measures and facilities for use during earthmoving;
 - g. Permanent control measures and facilities for long-term protection; and
 - h. A maintenance program for the control facilities including disposal of materials removed from the control facilities or project area.
3. During and upon completion of the project, all areas which were disturbed by the project shall be stabilized so that accelerated erosion shall be prevented.
4. Any erosion and sedimentation control facility required or necessary to protect areas from erosion during the stabilization period shall be maintained until stabilization is completed.
5. Upon completion of stabilization, all unnecessary or unusable control facilities shall be removed, the areas shall be graded and the soils be stabilized.

F. General Nuisance Effects

1. The site shall be designed so that any excessive noise, vibration, lighting glare, dust, fumes, smoke or odor caused by the use shall be prevented from adversely affecting and depreciating neighboring properties.

G. Hazardous Materials

1. All buildings, structures or areas used in the production, handling, and storage of hazardous materials shall be located at least 500 feet from any lot or street line.
2. All buildings, structures or areas used for producing, handling or storing hazardous materials must be placed on a paved, concrete, or similar solid surface and have in place walls, mounds, pits or some similar devices which, in case of leakage or spills, will retain the hazardous material on the site and prevent contamination of the soil and ground water.
3. No hazardous material shall be disposed of on site.
4. The entire lot on which the operation is located shall be enclosed by a fence at least ten feet high and all entrances and exits shall be locked, have security personnel available or employ some system which restricts access to the area.

H. Impervious Surfaces

1. Where no public storm sewers are available, no more than 75% of the gross site area may be covered by impervious surfaces.

I. Landscaping

1. Landscaping shall be used to enhance the visual character of the use, provide a more comfortable micro-climate, aid in traffic circulation and drainage, eliminate erosion, and to provide for visual and noise barriers.
2. Consideration shall be given to seasonal needs for solar access, wind screens and shading.
3. Natural vegetative features of the site shall be retained and maintained when at all possible, and new vegetation shall be used that is suitable for or native to the region.
4. Any proposed road that is part of a site plan shall have new trees planted or retain existing trees.
5. Landscaping design should include consideration for basic site maintenance such as lawn mowing and leaf removal and should not be in conflict with snow removal and storage.
6. Landscaping shall involve grading, seeding and regular mowing of the front yard area at a minimum.

J. Lighting

1. All developments shall have adequate lighting to ensure the safety and security of persons using or occupying such development.
2. Lighting should be located along streets; parking areas; at intersections and where various types of circulation systems merge,

- intersect or split; along pathways; at stairways and building entrances and exits; and where buildings are set back or off-set.
3. Free-standing lights should be so located and protected to avoid being easily damaged by vehicles.
 4. All lighting shall be designed and arranged so as to minimize glare and reflection on adjacent properties and roads, and where lights along the property lines will be visible to adjacent residents, the lights should be appropriately shielded.
 5. All lights should be shielded to restrict the maximum apex angle of the cone of illumination to 150 degrees.
 6. The style of the light and light standard should be consistent with the architectural style of the principal building.
 7. The maximum height of free standing lights should be the same as the principal building but not exceeding 25 feet.
 8. No flood lights in excess of 100 watts shall be installed without specific written approval of the Planning Board, and spotlight-type fixtures attached to buildings should be avoided.
 9. The following intensity in foot candles should be provided:
 - a. Parking Lots - an average of one foot candle;
 - b. Intersections - two foot candles;
 - c. Maximum at property lines - 0.6 foot candles;
 - d. In residential areas - an average of 0.6 foot candles.

K. Recreation and Open Space

1. In the case of residential developments, recreation areas, both playgrounds and informal recreation areas, may be required where a finding has been made that such recreation areas are necessary based on the projected population growth which the particular site plan will contribute.
2. Nonrecreational open spaces may be required for circulation and other reasons.

L. Scenic, Historic and Cultural Attributes

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

M. Screening

1. Every development shall provide sufficient screening so that neighboring properties are shielded from adverse external effects of

that development and the development is shielded from negative impacts of adjacent uses.

2. When a commercial use abuts a residential property, screening may be required of sufficient height and density (i.e., fences, hedges, etc.) to reduce or eliminate conflicting environmental conditions.

N. Site Layout

1. The elements of a site plan include such things as structures, vegetation, land forms, open space, drainage systems, and automobile and pedestrian traffic-ways. Such elements 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 or neighboring sites, or damaging or inconvenient to property or persons.

O. Vehicular and Pedestrian Traffic

1. The adequacy and arrangement of safe vehicular traffic access and circulation, including intersections, road widths, curb cuts, channelization structures and traffic controls shall be reviewed. Traffic access to and from the site, as well as on-site traffic circulation, shall be designed and constructed so as to reduce traffic hazards.
2. No new vehicular entrances shall be provided within 50 feet of an existing intersection.
3. The adequacy and arrangement of pedestrian traffic access and circulation, including separation of pedestrian from vehicular traffic, walkways, structures, control of intersections with vehicular traffic and pedestrian convenience shall be reviewed. Pedestrian and automobile conflicts shall be minimized as much as possible, and safe passage of pedestrians shall be provided for.

Section 535. Site Plan Review Criteria for Specific Uses

Article 4. – Severability. If any part of this local law shall be found to be void, voidable, or unenforceable for any reason whatsoever, it shall not affect the validity or enforceability of any remaining section or provision of this local law.

Article 5. – Effective Date. This local law shall take effect immediately upon filing with the Secretary of State.

(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 2011 of the ~~(County)(City)(Town)(Village)~~ of Champion was duly passed by the Town Board on 5/2/11, 2011, in accordance with the applicable provisions of law.
(Name of Legislative body)

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2011 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 2011, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer)* on _____ 2011, 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 2011 of the ~~(County)(City)(Town)(Village)~~ of Champion was duly passed by the _____ on _____, and was (approved)~~(not approved)~~ *(Name of Legislative Body)* ~~approved) (repassed after disapproval)~~ by the _____ on _____ *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)~~(permissive)~~ referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on _____, 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 2011 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 2011, and was (approved)(not approved) (repassed after disapproval) *(Name of Legislative Body)* by the _____ on _____ 2011.

(Elective Chief Executive Officer)¹

Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 2011 , in accordance with the applicable provisions of law.

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 2011 of the Town 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 town voting thereon at the (special)(general) election held on _____ 2011 , 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 2011 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

Christina M. Vargulick

(Seal)

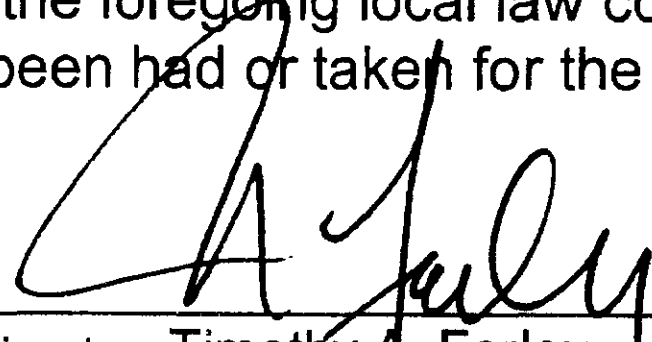
Date: 5/12/11

(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

¹ * 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.
DOS-239 (Rev. 11/99)

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 Timothy A. Farley

Title: Town Attorney

Town of Champion

Date: 5/13/11