TABLE OF CONTENTS

		Page No.
Article 1.	Title, Purpose, and Authority	2
Article 2.	Interpretation.	3
Article 3.	Establishment of Districts	28
Article 4.	Use Districts	30
Article 5.	Area Bulk Regulations - Density Control	36
Article 6.	Flood Damage Prevention	39
Article 7.	Residential Cluster Development	56
Article 8.	Planned Residential District	59
Article 9.	Non-Residential Planned Development	62
Article 10.	Site Plan Approval	63
Article 11.	Development Guidelines and General Provisions	71
Article 12.	Renewable Energy Guidelines and General Provisions	123
Article 13.	Discontinuance	138
Article 14.	General Exceptions	139
Article 15.	Zoning Board of Appeals	140
Article 16.	Administration	140
Article 17.	Amendments	142
Article 18.	Remedies	143
Article 19.	Fee Schedule	144
Article 20.	Noise	147
Article 21.	Special Use Permits	148
Article 22.	Repeal of Prior Ordinance’s	149
Article 23.	Effective Date	149
Appendix A		150

Town of Campbell, New York

Local Law No. 3 of the Year 2014

Town of Campbell Zoning Law

Be it enacted by the Town Board of the Town of Campbell as follows:

ARTICLE 1. TITLE, PURPOSE, AND AUTHORITY

The following is a Law duly adopted by the Town Board of the Town of Campbell, Steuben County, New York on October 14th. 2014 to wit:

SECTION 1. A LAW to promote the health, safety, and general welfare of the Town of Campbell; regulating and restricting the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes; creating districts for said purposes, and establishing the boundaries, thereof; establishing a Zoning Board of Appeals to determine and vary the application of such regulations and restrictions in harmony with their general purposes and intent, and in accordance with general and specific rules herein contained; and providing for the enforcement of such Law. This Zoning Law shall be known and may be cited as the "Zoning Law of the Town of Campbell - 2014".

SECTION 2. STATUTORY AUTHORIZATION AND PURPOSES.

These regulations are enacted pursuant to Section 10 of Article 2 of the Municipal Home Rule Law and Article 16 of Town Law, Chapter 61 of the Consolidated Laws to protect and promote the public health, safety, morals, comfort, convenience, economy, town aesthetics and the general welfare and for the following additional purposes:

A. To promote and effectuate the orderly physical development of the Town of Campbell in accordance with the Comprehensive Development Plan.
B. To encourage the most appropriate use of land in the community in order to conserve and enhance the value of property.
C. To control the spread of strip business development and provide for suitably located commercial facilities and consequently eliminate many roadside hazards and add to community attractiveness.
D. To create a suitable system of open spaces and recreation areas and to protect and enhance existing wooded areas, scenic areas and waterways.
E. To regulate building densities in order to assure access of light and circulation of air, in order to facilitate the prevention and fighting of fires, in order to prevent undue concentration of population, in order to lessen congestion on streets and highways and in order to provide efficient municipal utility services.

F. To improve transportation facilities and traffic circulation and to provide adequate off-street parking and loading facilities.
G. To realize a development plan properly designed to conserve the use of land and the cost of municipal services.
H. To assure privacy for residences and freedom from nuisances and things harmful to the senses.
I. To protect the community against unsightly, obtrusive and noisome land uses and operations.
J. To enhance aesthetic aspects of the town.

ARTICLE 2 -- INTERPRETATION.

Section 2.0 Interpretation, Separability and Conflict.

A. The following rules of construction of language shall apply to the text of this Zoning Law.

1. Words used in the present tense include the future tense.
2. Words used in the singular include the plural, and words used in the plural include the singular.
3. Words used in the masculine form shall also include the feminine.
4. The word "lot" includes the word "plot" or "parcel".
5. The word "person" includes an individual partnership, limited liability company, or other business entity, firm, or corporation.
6. The word "shall" is always mandatory; the word "may" is always permissive.
7. The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied".
8. A "building" or "structure" includes any part thereof.
9. The phrases, "to erect", "to construct", and "to build" a building, each has the same meaning and includes to excavate for a 'building and to relocate a building by moving it from one location to another.

B. If any section, paragraph, subdivision, or provision of this Zoning Law shall be held invalid, such invalidity shall apply only to such Section, paragraph, subdivision, or provision judged invalid, and the rest of this Zoning Law shall remain valid and effective.

C. This Zoning Law shall be interpreted in such a way wherever possible so that the meaning of the words and phrases and sections herein shall make them valid and legal in their effect.

D. This Zoning Law is not intended to abrogate or annul any easement, covenant, or any other private agreement. However, such private agreements shall not allow what the law prohibits.

E. Whenever the requirements of this Zoning Law are at variance with the requirements of other lawfully adopted law, rule, regulations or ordinances, the ordinance with the most restrictive provisions or those imposing the higher standards shall govern.

Section 2.1 Definitions.
The following words or phrases as used in this ordinance are defined as follows:

ABANDONED, JUNK, INOPERATIVE VEHICLE – An unlicensed, old, wrecked, stored, discarded, dismantled or partly dismantled or which is not in any condition for legal use upon the public highway. A vehicle that is being held for the purpose of resale, of used parts, or for the purpose of reclaiming for some or all of the materials therein for the purpose of disposing of a vehicle that is in such condition that it would cost more to repair to operating condition than its reasonable market value before it is repaired.

a. With respect to any motor vehicle not required to be licensed or not usually used on public highways, the fact that such motor vehicle has been unused for 6 months and is not in condition to be removed under its own power shall be presumptive evidence that such motor vehicle is an abandoned, junk, inoperative motor vehicle.
b. The fact that a Abandoned, Junk, Inoperative, motor vehicle may be licensed or registered with the State of New York but does not display a current license plate shall be presumptive evidence that such motor vehicle is an abandon, junked, or inoperative motor vehicle.

ACCESSORY STRUCTURE - A structure detached from and subordinate to a principal structure on the same lot and used for purposes customarily incidental to those of the principal structure. Accessory structures include but are not limited to, portable, demountable or permanent enclosures, shade structures, carports, garages and storage sheds. When the accessory building is attached to the main building, in a substantial manner, as by a wall or roof, such accessory building shall be considered as part of the main building. This does not include gas and liquid storage tanks, which are considered structures. This definition applies in both Special Flood Hazard Areas and non-Special Flood Hazard Areas.

ACCESSORY USE - A use customarily incidental, and subordinate to the principal use or building, located on the same lot with such principal use or building.

AGRICULTURAL USE - The raising of agricultural products including livestock, poultry, dairy products, farm crops, fruit, vegetables and nursery stock whether for gain or otherwise. This term does not include livery or boarding stables, or manufacturing or processing of agricultural products as the principal use.

ADULT DAY PROGRAM CENTERS (also sometimes referred to as Adult Daycare Centers) - Programs that provide care and supervision in licensed group facilities for dependent adults during some portion of a twenty-four- hour (24 – hour) day. Services may include social and recreational activities, training that is essential for sustaining activities of daily living and hot meals, as appropriate.

ADULT USE AND ENTERTAINMENT ESTABLISHMENTS - A public or private establishment, or any part thereof, which presents any of the following entertainments, exhibitions or service: topless and/or bottomless dancers, stripers, topless waitressing, busing, or serving, topless hair care or massages, service or entertainment where servers or entertainers wear only pasties or G-strings or both, adult arcade, adult bookstore or adult video stores, adult cabarets, adult motels, adult motion picture theaters, adult theaters, escort agencies, nude model studios and sexual encounter centers. Adult use and entertainment establishments customarily

exclude minors by reason of age.

ADULT ARCADE- Any place which the public is permitted or invited wherein coin- operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by depicting or describing "specified sexual activities" or "specified anatomical areas".

ADULT BOOKSTORE OR ADULT VIDEO STORE - A commercial establishment which, as one of its principal business purposes, is to offer for sale or rent for any form of consideration any one or more of the following:

Books, magazines, periodicals, or other printed matter, or photographs, motion picture films, videocassettes or video reproductions digital video disks (DVD's) compact disks (CD's), slides or other visual representations which depict or describe "sexual activities".

Instruments, devices, paraphernalia, which are primarily intended, designed, advertised or promoted for use in connection with "sexual activities".

ADULT CABARET- A night club, bar, restaurant, or similar commercial establishment which regularly features: (1) Persons who appear in a state of nudity; or (2) Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or (3) Films, motion pictures, videocassettes, video cable, satellite internet connections, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

ADULT MOTEL - A hotel, motel or similar commercial establishment which offers accommodations to the public for any form of consideration: provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, CD ROM's, DVDs, or other photographic reproductions. Which are characterized by the depiction or description of "specified sexual activities", or "specified anatomical areas"; and has a sign visible from the public right of way which advertises the availability of this adult-type of visual reproductions.

ADULT THEATER - A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by exposure of "specified anatomical areas' or by "specified sexual activities".

AGRICULTURAL MACHINERY – Tractors, hay balers, grain wagons, hay wagons, combines, plows, hay rakes, stone rakes, cultivator, field mowers, bush hogs, pull behind discs and drags, and one unlicensed operable truck for plowing snow allowed on premises. No more than one unlicensed motor vehicle on a parcel.

AGRICUTURAL PREMISES- See Definition of Farm.

ALTERATION - As applied to a building or structure, a change or rearrangement in the structural parts or existing facilities of such building or structure, or any enlargement thereof, whether by

extension on any side or by any increase in height, or the moving of such building or structure from one location to another.

ANTIQUE MOTOR VEHICLE – A motor vehicle, but not a reproduction thereof, manufactured more than twenty-five (25) years prior to the current year, which has been maintained in or restored, or will be maintained in or restored to a condition which is substantially in conformance with the manufacturer's specifications.

APPEAL - A request for a review of the Local Floodplain Administrator's or Planning Board decision or decision or interpretation of a Zoning Officer Official or a request for a variance. This applies to all provisions of this Zoning law.

APPROVAL - Approved by the Zoning officer under the regulations of this Zoning Law, or approved by an authority designated by law or this Zoning Law.

AREA, BUILDING - The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of terraces, and uncovered steps.

AREA, LOT - The total area within the lot boundary lines excluding any area included in a public street right-of-way.

ATTIC - That space of building which is immediately below and wholly or partly within the roof framing. An "attic" with a finished floor shall be counted as one-half (1/2) story in determining the permissible number of stories.

AZIMUTH - The angular distance between true south and the point on the horizon directly below the sun. Values to the east of south (in the morning) shall be negative. Values to the west of south (in the afternoon) shall be positive.

BASE FLOOD - A flood having a one percent chance of being equaled or exceeded in any given year also referred to as the one hundred-year (100-year) flood. This only applies to Special Flood Hazard Areas.

BASE FLOOD ELEVATION - The water surface elevation, including wave height, during a "base flood "also referred to as the design flood elevation. This only applies to Special Flood Hazard areas.

BASEMENT - The portion of a building, including a crawl space, having its floor subgrade (below ground level) on all sides in the special flood hazard area. This also applies to the standard Zoning.

BED AND BREAKFAST - A building containing a single dwelling unit in which at least one, but not more than three sleeping rooms are provided by the owner/occupant for compensation, for the accommodation of transient guests with or without meals.

BOARDING HOUSE - A building, other than a hotel, containing a general kitchen and a general dining room, in which at least three, but no more than six, sleeping rooms are offered for rent, with or without meals and not occupied as a single-family unit. A lodging house, tourist

house or rooming house shall be deemed a boarding house.

BUFFER - An area of land forming a visual and/or physical separation or barrier between two uses. In the case of a visual barrier the land shall be covered with natural plantings or man-made material to provide a continuous physical screen preventing visual access and reducing noise.

BUILDING - Any structure that is permanently affixed to the land, has one or more floors and a roof, and is intended for the shelter, housing or enclosure of persons, animals or chattel. This also includes buildings in Special Flood hazard areas.

BUILDING, ACCESSORY - See "ACCESSORY STRUCTURE".

BUILDING, DETACHED - A building, other than the principal building surrounded by open space on the same lot.

BUILDING, HEIGHT - The vertical distance measured from the average elevation of the proposed or existing finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING, PRINCIPAL - A building in which is conducted the main or principal use of the lot on which said building is situated.

BUILDING, SEMI-DETACHED – A building separated a party wall from another building normally of the same type on another lot, but having one side yard.

BUILDING GROUP - A group of two or more principal buildings and any buildings accessory thereto, occupying a lot with single ownership and having any yard in common.

BUILDING LINE - The line, established by statute, local law or ordinance, beyond which the exterior surface of a building on any side shall not extend, as specifically provided by law. In the instance of a cantilevered section of a building or projected roof or porch, said line shall coincide with the most projected surface.

BULK REGULATIONS- A term to describe the size, volume, area, and shape of buildings and structures, and the physical relationship of their exterior walls or their location to lot lines, other buildings and structures, or other walls of the same building; and all open spaces required in connection with a building, other structure, or tract of land. SEE (Article5)

CAMPGROUND - A parcel of land used or intended to be used, let or rented for occupancy by recreational campers utilizing tents, recreational vehicle campers, camping coaches, or accommodations of similar design for temporary or seasonal living purposes but not including a mobile home park, cottage development, boardinghouse, hotel or motel and not intended for use as transient /man camp. (See Transient worker/ man camps)

CAMP -A lot on which there are motor homes, tents, temporary shelters or other structures used for temporary living purposes, including a day camp.

CAMP SITE - area to be used for the purpose of situating an individual camping unit or Recreational Vehicle for temporary living.

CELLAR - Any space in a building the structural ceiling level of which is less than four feet (4') above average finished grade where such grade meets the exterior walls of the building. A "cellar" shall not be counted in determining the permissible number of stories.

CERTIFICATE OF OCCUPANCY - A certificate issued by the Code Enforcement Officer upon completion of construction, alteration or change in occupancy or use of a building. Said certificate shall acknowledge compliance with all the requirements of this Zoning Law and such adjustments thereto granted by the Board of Appeals.

CLASSIC MOTOR VEHICLE – A motor vehicle, not a reproduction thereof, manufactured more than ten (10) years prior to the current year, but less than twenty-five (25) years prior to the current year, because of discontinued production and limited availability, is considered to be a model or make of significant value to collectors or exhibitors and which has been maintained in or restored in a condition which is substantially in conformity with the manufacturer's specifications and appearance.

CLUB, MEMBERSHIP - An organization catering exclusively to members and their guests, or premises and buildings for recreational or athletic purposes, which are not conducted primarily for gain, providing there are not conducted any vending stands, merchandising or commercial activities except as required generally for the membership and purposes of such club.

COMPLAINT - This is a complaint made by a complainant of a violation of the Town of Campbell Codes Rules, or Regulations, and or NYS Building Codes. The complaint must be submitted in written form and signed by the complainant. (A complainant's personal information can be kept confidential under FOIL).

COMMERCIAL VEHICLE - A vehicle of more than one-ton capacity used for the transportation of persons or goods primarily for gain or a vehicle of any capacity carrying a permanent affixed sign exceeding one square foot in area of lettering of a commercial nature.

COMMUNITY POLE - A sign owned and maintained by the Town Board, or by a group of businessmen as approved by the Town Board, and which sign contains several directional signs for the purpose of directing persons to business and community establishments within the community.

CONTIGUOUS PARCEL - A tract of land under the control of the applicant or his agent that is not divided by any natural or manmade barriers such as existing roads and highways, rivers, areas with slopes greater than thirty-five percent (35%), and not bisected by water bodies.

CONTRACTOR'S YARD - Any space, whether inside or outside a building, used for the storage or keeping of construction equipment, machinery, or registered vehicles, which are in regularly use by a construction contractor.

COTTAGE, or CABIN DEVELOPMENT - Any parcel of land on which are located two or more cottages, cabins, or other accommodations of a design or character suitable for seasonal or

other temporary living purposes, including a summer colony or resort, but not including a manufactured/mobile home park, boarding house, hotel or motel.

COVERAGE - That lot area or percentage of lot area covered by buildings or structures, including accessory buildings and structures.

CRAWL SPACE - An enclosed area beneath the lowest elevated floor, eighteen inches or more in height, that is used to service the underside of the lowest elevated floor. The elevation of the floor of this enclosed area, which may be of soil, gravel, concrete or other material, must be equal to or above the lowest adjacent exterior grade. The enclosed crawl space area shall be properly vented to allow for the equalization of hydrostatic forces that would be experienced during periods of flooding. This definition applies to special flood hazard areas.

DAY-CARE CENTER — A facility duly permitted by the New York State Department of Social Welfare for the care of six or more children for less than 24 hours each day.

DAY NURSERY- (also sometimes referred to as Pre-school). Programs that provide educational experiences and activities for children who are younger than compulsory school age, supplement parental care and home play and stimulate intellectual, social, emotional and motor skills development. Activities generally include pre-academic skill development such as shape, color, and number recognition; active outdoor play; observation of nature and pets; dancing and rhythms; block building; playhouse activities; games; simple excursions outside the school; stories and picture books. Children are also given a nutritious snack and /or meal and a period for adequate rest, and are taught basic cleanliness and good health habits.

DEVELOPMENT - Any man-made change to improved or unimproved real estate, including but not limited to the clearing of land, construction, reconstruction, renovation, repair, expansion, or alteration of buildings, accessory structures, or other structures; the placement of manufactured homes; mining; dredging; streets and other paving; docks; utilities; filling, grading, and excavation; drilling operations; and storage of equipment or materials, transient man camps. This definition applies in both Special Flood Hazard areas and non-Special Flood Hazard Areas.

DISTRICT or ZONE - That portion of the Town within which specific uses are permitted according to the designation applied thereto in Section 4.6 and in conformity with the provisions of this Zoning Law.

DRIVE-IN MOVIE - An open lot or part thereof, with appurtenant facilities devoted primarily to the showing of moving pictures, on a paid admission basis, to patrons seated in automobiles or on outdoor seats.

DRY FLOOD-PROOFING - A combination of design modifications that results in a building or *structure*, including the attendant utility and sanitary facilities, being water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. This definition also applies to Special Flood Hazard Areas.

DUMP - A lot or land used primarily for the disposal by abandonment, burial, burning or any other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, motor vehicles or parts thereof, or waste materials of any kind.

DWELLING - A building principally used for living quarters by one or more families. The terms “dwelling,” “one-family dwelling,” “two-family dwelling,” “multifamily dwelling,” “multiple dwelling” or “dwelling group” shall not be deemed to include motel, hotel, rooming house or other accommodations used for more or less transient occupancy. (See “residence.”)

DWELLING, IN-GROUND - A dwelling that is constructed principally below the finished average grade elevation of the lot on which it is located and with at least one wall open for a height of at least 6 (six) feet and/or special light and ventilation designs.

DWELLING, ONE-FAMILY - A building containing one (1) dwelling unit only. This term shall not be deemed to include motel, hotel, rooming house or other accommodations used for primarily transient occupancy.

DWELLING, ONE-FAMILY DETACHED - A house accommodating a single family and having two (2) side yards. This term shall not be deemed to include motel, hotel, rooming house or other accommodations used for more or less transient occupancy.

DWELLING, ONE-FAMILY SEMI-DETACHED - A one-family (1-family) house having one party wall meeting applicable Uniform Building and Fire Prevention Code standards, as amended from time to time, and one (1) side yard. This term shall not be deemed to include motel, hotel, rooming house or other accommodations used for primarily transient occupancy.

DWELLING, TWO-FAMILY - A building containing two dwelling units separated by a party wall meeting applicable Uniform Building and Fire Prevention Code standards, as amended from time to time.

DWELLING, MULTI-FAMILY - A dwelling containing three or more dwelling units with shared entrances and/or other essential facilities and services. This term shall not be deemed to include motel, hotel, rooming house or other accommodations used for more or less transient occupancy.

DWELLING GROUP - A group of three (3) or more, but not over ten (10) attached single- or two-family dwellings with party walls meeting applicable Uniform Building and Fire Prevention Code standards, as amended from time to time.

DWELLING UNIT - One room or rooms connected together, consisting of a separate, independent housekeeping establishment for owner occupancy, rental, or lease, and containing independent cooking, sanitary and sleeping facilities. This shall include, modular, standard designed manufactured home, and residential designed manufactured home units provided they meet the standards of this Zoning Law and the New York State Building and Fire Prevention Code. It shall not include motel, hotel, lodging establishments, substandard mobile homes or trailers.

ELECTRIC VEHICLE (EV) CHARING STATION – A piece of equipment that supplies electrical power for charging plug-in electric vehicles.

ENCLOSED STORAGE- A completely enclosed structure, such as a garage, and such structure shall be constructed of wood, masonry, or metal. An open, covered structure, such as a carport, that is attached to the residence shall be considered enclosed storage.

EXCAVATION FOR CONSTRUCTION: At the disturbance of one (1) acre or more of soil, the owner must submit an NOI (notice of intent) to the DEC for approval. See also The Town of Campbell Excavation section 11.15.

EXTRACTIVE OPERATION — the removal of soil, gravel, sand or fill for purposes unrelated to excavation for construction where the extractive operation is conducted.

ENCROACHMENT" - Any development in a riverine floodplain with the potential to obstruct or divert flood flows. This definition also applies to Special Flood Hazard Areas.

EXISTING MANUFACTURED HOME PARK or SUBDIVISION – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is complete before the effective date of the floodplain management regulations adopted by the community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FAMILY - Any single person or group of persons who live together in a dwelling unit and maintain a common household.

FARM – Definition of farm used in this Zoning Law shall be the same as the as definition used in Section 301 of the New York State Agricultural and Markets Law. The definition reads as follows. Farm Operation: "Means the land and farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a commercial horse boarding operation. Such farm operation may consist of one or more parcels owned or rented land, which parcels may be contiguous or noncontiguous to each other.

The Statute further defines: crops, livestock and livestock products shall include but not be limited to the following:

a. Field crops, including corn wheat, oats, rye, barley, hay, potatoes and dried beans.
b. Fruits, including apples, peaches, grapes, cherries, and berries.
c. Vegetables, including tomatoes, snap beans, cabbage, carrots, beets, and onions.
d. Horticultural specialties, including nursery stock, ornamental trees and flowers.
e. Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, ratites, such as ostriches, emus, rheas, and kiwis, farmed deer, farmed

buffalo, fur bearing animals, mike, eggs, and furs.

f. Maple Sap.
g. Christmas trees derived from managed Christmas tree operation weather dug or transplanting or cut from the stump.
h. Aquaculture products, including fish, fish products, water plants and shellfish.
i. Woody Bio mass, which means shot rotation of woody crops raised for bio energy, and shall not include farm woodland.

This section recognizes the equine industry is an important and growing part of New York agriculture. It defines a commercial horse boarding operation as: an
Agricultural enterprise, consisting of at least seven acres and boarding at least 10 horses, regardless of ownership that receives ten thousand dollars ($10,000.00) or more of gross receipts annually from fees generated either through the boarding of horses or through the production for sale of crops, livestock, and livestock products, or through such boarding and such production. Under no circumstances shall this subdivision be construed to include operations whose primary on site function is horse racing.

FARMSTEAD – That part of a farm consisting of the main set of buildings and adjacent yards.

FARMSTEAD MAINTENANCE- Is the maintenance of the exterior property areas of a farm. Where machinery and equipment is stored in a neat orderly, clean fashion, to prevent blight and the infestation of vermin. See also the Property Maintenance Code of New York State, Chapter 1 subsection 101.2.

FEDERAL EMERGENCY MANAGEMENT AGENCY- The Federal agency that administers the National Flood Insurance Program. This definition also applies to Special Flood Hazard Areas.

FINISHED GRADE - The elevation at which the finished surface of the surrounding lot intersects the walls or supports of a building or other structure. If the line of intersection is not reasonably horizontal, the finished grade - in computing height of buildings and other structures or for other purposes - shall be the average elevation of all finished grade elevations around the periphery of the building.

FLEA MARKET - An area where individual stands or spaces are assigned to two (2) or more individuals for the purpose of selling, buying, or exchanging new and/or used goods.

FLOOD or FLOODING - A general and temporary condition of partial or complete inundation of normally dry land areas from: (l) The overflow of inland or tidal waters; (2) The unusual and rapid accumulation or runoff of surface waters from any source. FLOOD or FLOODING also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event that results in flooding as defined in (1) above. This definition also applies to Special Flood Hazard Areas.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM) - An official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The FBFM delineates a regulatory floodway along water courses studied in detail in the Flood Insurance Study. This definition also applies to Special Flood Hazard Areas.

FLOOD INSURANCE RATE MAP (FIRM) - An official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community. The FIRM may also specify base flood elevations and may delineate a regulatory floodway along water courses studied in detail in the Flood Insurance Study. This definition also applies to Special Flood Hazard Areas.

FLOOD INSURANCE STUDY - The official report provided by the Federal Emergency Management Agency containing the Town's Flood Insurance Rate Map (FIRM), the Flood Boundary and Floodway Map (FBFM), the water surface elevation of the base flood, and supporting technical data. This definition also applies to Special Flood Hazard Areas.

FLOOD PROTECTION LEVEL - The elevation to which a structure must be elevated, flood proofed, or otherwise protected from flood damage. This elevation is determined based on the flood zone indicated on the Flood Insurance Rate Map, the base flood elevation (if available), and the required freeboard, as specified in Section 6.7, Standards for All Structures. This is also referred to as the Design Flood Elevation with freeboard adjustment. This definition also applies to Special Flood Hazard Areas.

FLOODPLAIN - Any land area susceptible to being inundated by water from any source (see definition of "flooding"). "Floodplain" may include areas not designated as "special flood hazard areas." This definition also applies to Special Flood Hazard Areas.

FLOOD PROOFING - Any combination of structural and non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, utilities, structures and their contents. This term includes both wet flood proofing (use of water-resistant measures and materials) and "dry flood proofing." This definition also applies to Special Flood Hazard Areas.

FLOODWAY - The channel of a river, creek, or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study (and delineated on a Flood Insurance Rate Map or Flood Boundary and Floodway Map) or by other agencies as provided in Section 6.5.4.2 of this Law. This is also referred to as the regulatory floodway. This definition also applies to Special Flood Hazard Areas.

FREEBOARD – A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed. The required freeboard within the Town of Campbell for

structures built within the Special Flood Hazard areas is 3 feet above the base flood elevation/ design elevation shown on the firm and determined by a licensed Surveyor or engineer. This definition also applies to Special Flood Hazard Areas.

FUNCTIONALLY DEPENDENT USE - A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, and ship repair facilities. The term does not include long-term storage, manufacturing, sales, or service facilities. This definition also applies to Special Flood Hazard Areas.

FRONTAGE- See Lot Frontage.

GARAGE, SERVICE/REPAIR - Any building or premises used for the repair of motor vehicles, including painting and the sale of parts and accessories. A junkyard is not to be construed as a garage.

GASOLINE FILLING STATION - An area of land, including structures thereon, or any building or part thereof, that is used primarily for the sale and direct delivery to the motor vehicle of gasoline or any other motor vehicle fuel or oil and other lubricating substances, including any sale of motor vehicle accessories, and which may or may not include facilities for lubricating, washing, (which does not require mechanical equipment) or otherwise servicing motor vehicles, but not including auto body work, welding, or painting.

GASOLINE/GROCERY SERVICE MART - A commercial retail use which combines the sale of motor vehicle fuel and accessory substances, as well as the sale of beverages, dairy and baked goods, snack foods, and similar grocery stuffs.

HAZARDOUS -- Involving or exposing one to risk (as of loss or harm), dangerous, unhealthy, unsafe.

HEIGHT OF BUILDING — The vertical distance measured from the average finished grade along the wall of the building or adjacent to the side of the structure to the highest point of such building or structure.

HIGHEST ADJACENT GRADE - The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure. This definition also applies to Special Flood Hazard Areas.

HISTORIC STRUCTURE - Any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(i) By an approved state program as determined by the Secretary of the Interior or

(ii) Directly by the Secretary of the Interior in states without approved programs.

This definition also applies to Special Flood Hazard Areas.

HOME OCCUPATION - An accessory use which, is clearly incidental to or secondary to the residential use of a dwelling unit and does not change the character thereof, and is carried on wholly within the enclosed walls of a dwelling unit or accessory building by the proprietor of such use and other occupants of such dwelling unit and in which not more than one person not residing in such dwelling is employed.

HOSPITAL - A building containing beds for four or more patients, and used for the diagnosis, treatment, or other care of ailments, and shall be deemed to be limited to places for the diagnosis treatment, or other care of human ailments.

HOTEL - A building, or any part thereof, which contains living and sleeping accommodations with more than 6 rooms for transient occupancy, has a common exterior entrance or entrances and which may contain one or more dining rooms.

INTENSITY of USE- A residential or commercial lot that intensifies, expands, or changes the original existing use of a site or changes the type of use. Measure of the extent to which a residential or commercial is developed in conformity with zoning ordinances.

JUNK YARD – A parcel of land with or without buildings used for or occupied by the storage, keeping, abandonment or the salvage of junk material, including processing such as sorting, baling, packing, disassembly, exchange and/or purchase and sale of materials, and including scrap metals or other scrap, used or salvaged building materials, or the dismantling, demolition, or abandonment of automobiles or other vehicles, machinery or parts thereof for three (3) months or more shall be deemed to make a lot a junk yard this also includes a parcel with two (2) or more unlicensed, unregistered, motor vehicles.

KENNEL - Any place at which there are kept four or more dogs or cats more than four months of age or any number of dogs that are kept for the primarily commercial purposes of sale or for the boarding, care or breeding for which a fee is charged or paid.

LIGHT INDUSTRY — A manufacturing activity that uses moderate amounts of partially processed materials to produce items of relative high value per unit weight. It is the production of small consumer goods.

LOCAL FLOODPLAIN ADMINISTRATOR- The person appointed by the community to

administer and implement this local law by granting or denying development permits in accordance with its provisions. This person is often the Building Inspector, Zoning Officer or employee of an engineering department. The Planning Board is the Local Administrator for the Town of Campbell. This definition also applies to Special Flood Hazard Areas.

LOT - A contiguous parcel of land considered as a unit, devoted to a specific use or occupied by a building or a group of buildings that are united by a common interest, use or ownership, and the customary accessories and open spaces belonging to the same and which abuts and is accessible from a private or public street.

LOT, CORNER - A lot situated at the junction of and adjacent to two or more, intersecting streets when the interior angle or intersection does not exceed one hundred thirty-five (135) degrees.

LOT, DEPTH OF - The mean distance from the front street line of a lot to its rear line.

LOT, THROUGH - A parcel of land that has a street at both ends of the lot and is not a corner lot.

LOT COVERAGE - See "*COVERAGE*"

LOT FRONTAGE - A lot line which is coincident with the right-of-way line of a public road or which is measured thirty (30) feet from the center line of a private road.

LOT LINES - The lines bounding a lot as defined herein.

LOT WIDTH - The width of a lot measured along the rear line of the required front yard.

LOWEST FLOOR - The floor of the lowest enclosed area, including basement, but excluding any unfinished flood resistant enclosure (or crawl space), usable solely for vehicle parking, building access, or limited storage, provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Local Law. This definition also applies to Special Flood Hazard Areas.

MANUFACURED HOME PARK or SUBDIVISION – a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots that are made available for rent or sale. This definition also applies to Special Flood Hazard Areas.

MANUFACTURED HOME, RESIDENTIAL DESIGNED - A single family dwelling built according to the Federal Manufactured Housing Construction and Safety Standards (24 CFR 3280) HUD Code, which does not include a recreational vehicle, but which meets or exceeds the following criteria:

a. The manufactured home has a minimum width over twenty (20) feet (multi-section)

b. The manufactured home has a minimum of nine hundred (900) square feet of enclosed living area.

c. The pitch of the roof has a minimum nominal three-twelfths (3/12) pitch; and has a type of shingle commonly used in standard residential construction.

d. The exterior siding consists of vinyl or aluminum lap siding, wood, Masonite, or other materials similar to the exterior siding commonly used in standard residential construction.

e. All towing devices, wheels, axles, and hitches must be removed.

This definition also applies to Special Flood Hazard Areas.

MANUFACTURED HOME, STANDARD DESIGNED - A single family dwelling built according to the Federal Manufactured Housing Construction and Safety Standards (24 CFR 3280) HUD Code, which does not meet the criteria of a Residential Designed Manufactured Home.

MANUFACTURED/MOBILE HOME PARK - A contiguous parcel of land, which is planned and improved specifically for such a purpose, on which two (2) or more manufactured/mobile homes (with or without the wheels and axles in place) are located. Such a park consists entirely of manufactured/mobile homes, each located on a site leased or rented to its occupants who either own, rent, or lease the living unit as a permanent residence

MANUFACTURED/MOBILE HOME SPACE (LOT) - The site in a mobile home park that is rented to an individual for the exclusive right of occupancy which can accommodate one manufactured/mobile home, off-street parking, private outdoor space and patios, storage buildings and other accessory structures.

MANUFACTURED/MOBILE HOME STAND - That part of an individual manufactured/mobile home lot which has been reserved for the placement of the manufactured/mobile home.

MEAN SEA LEVEL -, For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of l929, the North American Vertical Datum of 1988 (NAVD 88), or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced. This definition also applies to Special Flood Hazard Areas.

MIXED USE - A mixed use development is a real estate project with planned integration of some combination of retail, office, residential, hotel, recreation or other functions and must incorporate at least two different uses one of which must be the primary use of the property. It is pedestrian-oriented and contains elements of a live- work- play environment. It maximizes space usage, has amenities and architectural expression and tends to mitigate traffic and sprawl.

MOBILE HOME – See *MANUFACTURED HOME.*

MOBILE HOME PARK - A contiguous parcel of land divided into two (2) or more lots, for sale or lease on which Standard Designed Manufactured Homes will be placed for non-transient use.

MOBILE HOME, SUBSTANDARD - A single family dwelling that is wholly, or in part, fabricated in an off-site manufacturing facility for installation or assembly at the building site, designed to be a permanent residence, and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of June 15, 1976.

MODULAR HOME - A single family dwelling which is constructed according to the standards set forth in local or state building codes, and may consist of two or more sections transported to the site in a manner similar to a manufactured home, or a series of panels or room sections transported on a truck and erected or joined together on the site and placed on a permanent foundation. Modular homes may or may not have an integrated chassis.

MOTEL - A building or group of buildings containing individual living and sleeping accommodations with more than 6 rooms for hire, each of which is provided with a separate exterior entrance and a parking space, and is offered for rental and use principally by motor vehicle travelers. The term "motel" includes, but is not limited to, every type of similar establishment known variously as an auto court, motor hotel, motor court, motor inn, motor lodge, tourist cabins, roadside hotel.

MOTOR VEHICLE- any motor vehicle, as defined in the Vehicle and Traffic law of the State of New York, any vehicle that is licensed for operation on the roads and highways and public water ways,

NEW CONSTRUCTION – Structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the community and includes any subsequent improvements to such structure. This definition also applies to Special Flood Hazard Areas.

NEW MANUFACTURED HOME PARK or SUBDIVISION – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

NON-CONFORMING BULK REGULATIONS - A term to describe the size, volume, area, and shape of buildings and structures, and the physical relationship of their exterior walls or their location to lot lines, other buildings and structures, or other walls of the same building; and all open spaces required in connection with a building, other structure, or tract of subsequent amendment thereto that do not conform to this code at the time of adoption. SEE (Article 5)

NON-CONFORMING USE - Any use of a building, other structure, or tract of land which does not conform to the use regulations for the District in which such use is located, either at the effective date of this Zoning Law or as a result of subsequent amendment thereto.

NON-RESIDENTIAL PLANNED DEVELOPMENT - One or more commercial uses proposed as a unit and sized to serve a specific residential neighborhood, or one or more Industrial uses proposed as a unit, in conformance with Article 9.

NURSING HOME –" means a facility providing therein nursing care to sick, invalid, infirm or convalescent persons in addition to lodging and board or health-related service, or any combination of the foregoing, and in addition thereto, providing nursing care and health-related service, or either of them, to persons who are not occupants of the facility."

NURSERY SCHOOL - Any place, however designated, licensed by the State of New York operated for the purpose of providing daytime care and instruction for two (2) or more children from three (3) to six (6) years of age inclusive, and operated on a regular basis, including kindergartens, day nurseries and day care centers. Children residing in the subject premises shall not be included in this total number.

OCCUPANCY- The period during which one owns, rents, or uses, premises or land.

ONE HUNDRED YEAR FLOOD or 100-YEAR FLOOD - Has the same meaning as "base flood". This definition also applies to Special Flood Hazard Areas.

OPEN STORAGE - Storage other than a completely enclosed structure such as a garage.

PARKING SPACE - An off-street space available for the parking of one motor vehicle and having an area of not less than two hundred (200) square feet exclusive of passageways and driveways appurtenant thereto and giving access thereto, and having direct access to a street or alley.

PLANNED RESIDENTIAL DISTRICT - A form of residential development characterized by a unified site design, providing density increases, a mix of building types and providing common open space. It permits the calculation of densities over the entire parcel and involves additional requirements as set forth in Article 8.

PREMISES - A lot together with all the buildings and uses thereon.

PRINCIPALLY ABOVE-GROUND – shall refer to a structure which is partially situated on the surface of the ground, and partially situated underground, for which an estimated 51% or more of the fair market value of the structure, excluding the land value, is located on the surface of the ground."

PRIVATE MOTOR VEHICLE SALES -The sale of a privately owned motor vehicle registered to the property owner where the vehicle is being sold on a private residential lot.

PRODUCE GROWN ON RESIDENTIAL LOT – shall refer to vegetables and fruits grown for human consumption, such as tomatoes, squash, lettuce, sweet corn, cabbages, cucumbers, potatoes and beans, provided they are grown on the same premises from which they are sold."

PRODUCE NOT GROWN ON THE SAME LOT shall refer to vegetables and fruits raised somewhere other than on a residential lot, and brought to another lot for the purpose of being offered for sale."

RECREATIONAL VEHICLE – A vehicle that is:

(1) Built on a single chassis;

(2) Five hundred (500) square feet sq. ft.) or less when measured at the largest horizontal

projections;

(3) Designed to be self-propelled or permanently towable by a light-duty truck; and

not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

This definition also applies to Special Flood Hazard Areas.

RECREATIONAL VEHICLE PARK - A parcel of land divided into two (2) or more recreational vehicle sites for rent. This definition also applies to Special Flood Hazard Areas.

SOLAR REFLECTOR - A device for which the sole purpose is to increase the solar radiation received by the solar collector.

REGULATORY FLOODWAY – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in Section 4.4.2 of this Local Law.

RESIDENCES - any building or any part of a building, which contains dwelling units for permanent occupancy. Including all one-family, and multi-family, boarding, fraternity and sorority houses. However, it shall not refer to the following: (a) transient accommodations, such as hotels, motels, and hospitals; or (b) that part of a building containing both residences and other uses which is used for any non-residential uses, except accessory uses for residences.

RESIDENTIAL CLUSTER DEVELOPMENT - A flexible zoning technique whereby subdivision may be laid out on smaller lot sizes than required in this Zoning Law, provided that the overall density requirements are met for the total parcel.

RESIDENTIAL ACCESORY BUILDINGS – Includes any size structure that will be placed on a residential property for uses customarily incidental to a residential use.

RESTAURANT - Any establishment, however designated, at which food is prepared and sold for consumption to patrons seated within an enclosed building or on the premises. However, a snack bar or refreshment stand at a public or quasi-public community swimming pool, playground, playfield or park operated by the agency or group or an approved vendor operating the recreational facilities and for the convenience of the patrons of the facility shall not be deemed to be a restaurant.

RIDING ACADEMY - Any commercial establishment at which horses are boarded, stabled, ridden, or riding lessons offered for compensation.

RIGHT-OF-WAY - The property under ownership or easement normally (*STREET-WIDTH*) used for movement of vehicles, including, but not restricted to, the pavement area.

ROADSIDE STAND - A light structure with a roof, either attached to the ground or movable, not for year-round use and at which produce is offered for sale to the general public.

SATELLITE BASED COMMUNICATION ANTENNA - an antenna used for the purpose of receiving or sending electronic communication signals from orbiting satellites or other broadcast sources.

SETBACK - The required distance in feet from: (1) any survey boundary line forming a lot or contiguous parcel; (2) the closest right-of-way of a public street; (3) a distance measured thirty (30) feet minimum from the center of a private road to any building on such lot.

SIGN - Any structure or part thereof, or any device attached to a structure or painted or represented on a structure which shall display or include any lettering, wording, model, drawing, picture, banner, flag, insignia, device, marking, or representation used as, or which is in the nature of, an announcement, direction or advertisement. A "sign" includes a billboard, but does not include the flag or insignia of any nation or of any governmental agency or of any political, educational, charitable, philanthropic, civic, professional, religious or similar organization, campaign, drive, movement, or event that is temporary in nature.

SIGN ABANDONED- A sign that otherwise meets the zoning code that is no longer in use and/or displays a commercial message of a business that no longer exists at such location.

SIGN, ACCESSORY - Any "sign", including billboards, other than the principal business sign that relates to the business or profession conducted or to a commodity or service sold or offered upon the premises.

SIGN, ADVERTISING - - A sign" that directs attention to a business, commodity, service or entertainment conducted, sold, or offered elsewhere than on the premises

SIGN, AREA - The area within the shortest straight lines that can be drawn around the outside perimeter of a sign including all decorations and lights, but excluding the supports if they are not used for advertising purposes. Each separate face of a sign shall be counted as part of the sign area, except that any neon tube, string of lights, or similar device shall be deemed to have minimum dimensions of one foot within a sign.

SIGN AWNING - Any visual message incorporated into an awning attached to a building.

SIGN COPY CHANGE - A sign that is designed so that its characters, letters illustrations or other content can be changed, altered or removed without physically altering the surface of the sign. This includes manual, electrical, electronic, and or variable sign message signs.

SIGN COMMERCIAL - A sign that promotes a commercial enterprise and or advertises a product or service.

SIGN, CONSTRUCTION – A type of a temporary sign which denotes the architect, engineer, contractor, and the like working upon the premises where the construction is proposed or under way.

SIGN, DIRECTIONAL – An on-site sign which serves solely to designate the location of or direction to any premise or area located on the premises. These signs include arrows; enter/exit signs and the like.

SIGN, FREE-STANDING – Any sign not attached to or part of any building but is separate and permanently affixed by any other means, in or upon the ground. Included are pole signs, pylon signs, and monument signs.

SIGN, HIGH-RISE – An on-site free-standing sign directing travelers to essential services such as gas, food, and lodging.

SIGN, ILLUMINATED – A sign illuminated in any manner by an artificial light source, whether internally or externally lit, including but not limited to neon signs and any sign which has characters, letters, figures, designs or outlines illuminated by artificial lighting.

SIGN, DIRECTLY-ILLUMINATED – A sign which incorporates any artificial lighting as an inherent part of its feature, which depends for illumination on transparent or translucent material, electricity or radio-active or gaseous material or substance.

SIGN, FLASHING – An illuminated sign on which the artificial lighting is not maintained stationary or constant in intensity and color at all times while in use. This includes neon-flashing signs and copy-change signs with images that flash to draw attention to the sign.

SIGN, INDIRECTLY-ILLUMINATED – A sign illuminated with an artificial light which is separated from or is not an intrinsic part of the sign itself.

SIGN, MONUMENT – A freestanding sign with a base affixed to the ground, where the length of the base is at least two-thirds the horizontal length of the sign area.

SIGN, NAME PLATE – A wall sign which indicates the name, occupation, or profession of each occupant on the premises.

SIGN, NON-COMMERCIAL – A sign which displays a message that is representative of a personal expression, view, faith, or the like. Such signs shall not include any signs connected with or referring to any commercial or business enterprises."

SIGN, NON-TRADITIONAL – A sign which is made of non-traditional media for communication, such as streamers, balloons and inflatables. The sign shall be measured by the maximum extent that is visible at any one given time. Such signs include representational signs.

SIGN, OFF-SITE - A sign that is located elsewhere other than on the premises in which it directs attention to commercial or non-commercial establishments, events, products, or services, including billboards.

SIGN, PORTABLE – Any sign capable of being easily transported or moved, whether on its own trailer, wheels or otherwise designed to be movable and not structurally attached to the ground, a building, a structure or another sign. Such signs can include those that are leased or rented by the property owner.

SIGN, PRIMARY IDENTIFICATION – An on-site sign which directs attention to the primary use of the property. Such signs may be a free-standing sign, wall sign, projecting sign, window

sign, or non-traditional sign.

SIGN, PROJECTING – A sign which is attached to the building wall, structure, or device and which extends horizontally more than nine inches from the plane of such wall, or a sign which is perpendicular to the face of such wall or structure.

SIGN, REAL ESTATE – "A sign advertising the sale or rental of a parcel of real property. Such signs shall be permitted to remain on the parcel advertised for sale or rent until the parcel is sold or rented."
SIGN, REPRESENTATIONAL – Any three-dimensional sign which is built so as to physically represent the object advertised.

SIGN, TEMPORARY – A sign displayed for a fixed length of time. Temporary signs are intended to be removed after the temporary purpose has been served. Included are for sale, lease, or rent signs, political signs, service signs, special-event signs, construction signs, direction signs to special or temporary events, temporary sandwich signs used to promote the sale of seasonal produce, and the like.

SIGN, WALL – A sign which is painted on or attached to the outside of a building, structure, or device with the face of the sign in the plane parallel to such wall and not extending more than nine (9) inches from the face of such wall.

SIGN, WINDOW – A sign visible from a sidewalk, street or other public place, painted or affixed on glass or other window material or located inside within four (4) feet of the window, but not including graphics in connection with customary window display or products.

SINGLE OWNERSHIP – Land under single, or unified control whether by sole, joint, common, or other ownership, or by a lease having a term of not less than thirty years regardless of any division of such land into parcels for the purpose of financing.

SITE PLAN - Maps and supporting information required under ARTICLE 10 for uses as specified in Article 4 Use Districts.

MINING (EXCAVATION) - A lot or parcel of land, or a part thereof, used for the purpose of extracting stone, sand, gravel, top soil, or other materials, for sale as an industrial or commercial operation, and exclusive of the process of grading a lot preparatory to the construction of a building. This definition shall also apply to a gravel pit operation."

SOLAR, COMMERCIAL GROUND-MOUNTED – A photovoltaic system mounted on the ground using specially designed frames at a commercial property.

SOLAR, COMMUNITY – A solar project or purchasing program, within a geographic area, in which the benefits of a solar project flow to multiple customers such as individuals, business, nonprofits, and other groups.

SOLAR ENERGY SYSTEM – A complete design or assembly consisting of a solar energy collector herein called a solar collector, an energy storage facility where used, and components

for the distribution of transformed energy (to the extent that they cannot be used jointly with a conventional energy system).

SOLAR, RESIDENTIAL GROUND-MOUNTED – A photovoltaic system mounted on the ground using specially designed frames at a residential property.

SOLAR, ROOFTOP – A photovoltaic system that has its electricity-generating solar panels mounted on the roof of a residential or commercial building or structure.

SOLAR, UTILITY – A solar project that generates solar power and feeds it into the grid, supplying a utility with energy.

SPECIAL USES - Uses that may be permitted under this Zoning Law as specified in Article 4 , and as described in Article 20 Special Use Permits, shall be subject to site plan approval.

SPECIAL FLOOD HAZARD AREA - The greater of the following two (2) areas:

(1) The area within a floodplain subject to a 1-percent (1%) or greater chance of flooding in any year; or

(2) The area designated as a Special Flood Hazard zone containing the letter "A" on the community's Flood Insurance Rate Map (Zone A, AE, AH, AO, A1-A30, A99, AR).

The "special flood hazard area" is also referred to as the one hundred-year (100-year) floodplain, base floodplain, or area of special flood hazard. This definition also applies to Special Flood Hazard Areas.

START OF CONSTRUCTION - The date of permit issuance for new construction and substantial improvements to existing structures, provided that permanent construction is initiated within one hundred eighty (180) days after the date of issuance. Permanent construction means the placement of permanent components of the structure on a site (such as the pouring of a slab or footings, installation of pilings or construction of columns) or the first alteration of any wall, ceiling, floor, or other structural part of an existing structure (whether or not that alteration affects the external dimensions of the building). Permanent construction applies to the structure and does not include land preparation (such as clearing, excavation, grading, or filling), or the installation of streets or walkways, or excavation for a basement, footings, piers or foundations, or the erection of temporary forms, or the installation of accessory structures such as garages or sheds not occupied as dwelling units or not part of the main building. (Note that all development in special flood hazard areas is covered by the provisions of this law, even though some may precede permanent construction of the main structure.) .
This definition also applies to Special Flood Hazard Areas.

STABLE, PRIVATE - An accessory building in which horses are kept for private use and not for hire, remuneration or sale.

STORAGE FACILITY, OUTDOOR – A lot designed for and/or used for the common, long- term and/or seasonal outdoor storage of individual or business property for compensation.

STORY - The part of a building comprised between a floor and the floor or roof next above it. A

basement shall be considered a story. A cellar shall not be considered a story.

STREET - An existing public or private way that affords principal means of access to abutting properties and is suitably improved; or a proposed way shown on a plan approved by the Town Planning Board and/or recorded in the office of the Steuben County Clerk.

STREET, LOCAL – A street or road designed primarily to provide access to abutting properties.

STREET, PRIMARY (ROAD, PRIMARY) - A street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic areas.

STREET, PRIVATE - A drive that serves no more than two (2) principal uses and is built to town specifications that remains in the ownership of and is maintained by the developer or development association and is not dedicated to the town.

STREET, PUBLIC - A road or street that serves three (3) or more principal uses, that is built to town specifications and is dedicated to the town for maintenance.

STREET, SECONDARY - A public street which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a primary street.

STRUCTURE - A static construction of building materials including walled and roofed buildings, stadiums, platforms, towers, sheds, display stands, storage bins, signs, fences, reviewing stands, gasoline pumps and liquid storage tanks, as well as a manufactured home. This definition also applies to Special Flood Hazard Areas.

STRUCTURE UNFIT FOR HUMAN OCCUPANCY – See "New York State Property Maintenance Section 107, Sub Section 107.1.3".

SUBSTANTIAL DAMAGE - Damage of any origin sustained by a structure whereby, the cost of restoring the structure to its before-damaged condition would equal Thirty per cent (30%) of the market value of the structure before the damage occurred. This definition also applies to Special Flood Hazard Areas.

SUBSTANTIAL IMPROVEMENT – The (any) repair, reconstruction, rehabilitation, addition, or other improvement of a structure the cost of which equals or exceeds thirty per cent (30%) of the market value of the structure before the start of construction of the improvements. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not however include either:

(1) any project for improvement of a structure required to correct existing health, sanitary, or safety code violations identified by the code enforcement official and that are the minimum necessary to assure safe living conditions; or
(2) Any alteration of a historic structure provided that the alteration will not preclude the structures continual designation as a "historic structure."

This definition also applies to Special Flood Hazard Areas.

SWIMMING POOL - An artificial pool of water having a depth at any point of more than eighteen (18) inches and a surface area of greater than one hundred (100) square feet, designed or intended for the purpose of bathing or swimming and including all appurtenant equipment.

SWIMMING POOL, PRIVATE - A swimming pool operated as an accessory use to a residential dwelling unit or units and located on an individual residential lot or site.

SWIMMING POOL, PUBLIC - A public or privately owned pool open to the general public or on a membership basis and having appropriate dressing room facilities, recreation facilities and off-street parking area.

TENURE - The act, fact, manner, or condition of holding something in one's possession, as real estate, or office; occupation.

TOWNHOUSE - A building consisting of three or more attached dwelling units having common party walls. (See also BUILDING, SEMI-DETACHED).

TRAVEL TRAILER - A structure that is (a) intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle); and (b) is designed for temporary use as sleeping quarters, but does not satisfy one or more of the definition criteria of a manufactured or mobile home as defined in this ordinance.

TRANSIENT WORKER - One who moves from job to job, maintains no fixed home within the Town of Campbell and is not associated with any particular business locality.

TRANSIENT WORKER/MAN CAMPS - The temporary housing for transient workers for a certain length of time and when the work is completed the transient worker moves to a new location. The Camp must be designed according to the Town of Campbell Zoning Law "Section 11.29 Temporary Housing for Transient Workers" and the "Flood Damage Prevention of the Town of Campbell."
This definition also applies to Special Flood Hazard Areas.

UNSAFE STRUCTURE- Any structure which has any of the following conditions: collapsed foundation, collapsed roof, non-functional heating system, non-functional plumbing system, unsafe electrical system, or other systems regulated by the Uniform Fire Prevention or Building Codes.

USE - This term is employed in referring to: (a) The purpose for which any buildings, other structures, or land may be arranged, designed, intended, maintained, or occupied; (b) Any occupation, business activity, or operation conducted in a building or other structure, or on land.

USE, PRINCIPAL - The main or primary purpose of which a building, other structure and/or parcel is designed, arranged or intended or for which they may be used, occupied or maintained under this Zoning Law.

VACATION RESORT - Any area of land on which are located two (2) or more cabins, cottages, or a hotel or group of buildings, containing living and sleeping accommodations hired

out for compensation, which has a public lobby serving the guests, and may contain one or more dining rooms and recreation facilities of a design and character suitable for seasonal or more or less temporary living purposes, regardless of whether such structures or other accommodations actually are occupied seasonally or otherwise.

VARIANCE - A grant of relief from the strict requirements of this Zoning Law, in accordance with the provisions of Article 14 and Appendix A of this Zoning Law, and in accordance with the provisions of New York Town Law Article 16. This definition also applies to Special Flood Hazard Areas.

VETERINARY HOSPITAL - A building for the treatment of animal illnesses, including kennels or other similar facilities for boarding animals.

VIOLATION - The failure of a structure or other development to be fully compliant with the Community's floodplain management or general zoning regulations.

WAY - A thoroughfare, however designated, permanently established for passage of persons or vehicles.

WIND ENERGY CONVERSION SYSTEM (WINDMILL) - Any mechanical device designed for the purpose of converting wind energy into electrical or mechanical power.

WIND ENERGY SYSTEM, SMALL SCALE – A wind turbine generating electricity for small-scale use.

WIND ENERGY SYSTEM, UTILITY SCALE – A wind farm composed of multiple large turbines that generate power and feed into the grid, supplying energy to a utility.

YARD, REQUIRED - That portion of the open area of a lot extending open and unobstructed from the ground upward, along a lot line for a setback depth or width as specified by the bulk regulations of the district in which the lot is located. "No part of such yard shall be included as part of the yard for any other lot, or as part of any required area or setback requirement for any other lot, structure or usage."

YARD, FRONT - A yard extending along the full length of the front lot line between the side lot lines, not including any land within the right-of-way of public or private streets.

YARD, REAR - A yard extending along the full length of the rear lot line, between the side lot lines.

YARD, SIDE - A yard situated between the building and the sideline of a lot and extending from the front yard rear line (or from the front lot line, if there is no required front yard) to the rear yard front line (or rear lot line).

ARTICLE 3 -- ESTABLISHMENT OF DISTRICTS.

Section 3.0 Application of Regulations.

Except as hereinafter provided:

3.0.1 No building or land shall hereafter be used or occupied, and no building or structure or part thereof shall be erected, moved, or altered, unless in conformity with the regulations herein specified for the District in which it is located.

3.0.2 No building or structure shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of dwelling units, to occupy a greater percentage of lot area, or to have narrower or smaller rear yards, front yards or side yards, than is specified herein for the District in which such building is located.

3.0.3 No lot shall be occupied by more than one principal use unless application is made for site plan approval pursuant to Article 8 and Article 9 of this Zoning Law.

3.0.4 No part of a required yard or other open space about any building required for the purpose of complying with the provisions of this Zoning Law shall be included as part of a yard or other open space similarly required for another building.

3.0.5 No lot shall be so reduced in size that its area or any of its dimensions or open spaces shall be smaller than required except by order of the Zoning Board of Appeals, as herein provided in this Zoning Law.

3.0.6 The Zoning Officer shall, prior to issuing a building permit, be satisfied that the issuance of such permit is not in violation of the Land Subdivision Rules and Regulations of the Town of Campbell or any other ordinance, laws or regulations of record

3.0.7 In their interpretation and application, the provisions of this Zoning Law shall be held to be minimum requirements adopted for the promotion of the public health, safety, and general welfare.

Section 3.1 Names of Zoning Districts.

3.1.1 In order to fulfill the purpose of this Zoning Law, the Town of Campbell establishes the following six (6) Zoning Districts:

AR - Agricultural Residential
B-1 - Neighborhood Business
R-1 - Residential Rural
R-2 - Residential Suburban
B-2 - Highway Business
I - Industrial
FDPD- Floodway /Flood Plain Protection District

3.1.2 This Zoning Law also establishes flexible districts that may be applicable anywhere in the Town that specified criteria and conditions are met:

RCD - Residential Cluster Development
PRD - Planned Residential District
NRPD - Non-Residential Planned District

Section 3.2 Zoning Map -- TO BE AMENDED.

The location and boundaries of said zoning districts are shown on the map designated "Official Zoning Map of the Town of Campbell", adopted on January 12, 1987 and certified by the Town Clerk. Said map, together with everything shown thereon and all amendments thereto, is hereby adopted and is declared to be an appurtenant part of this Zoning Law.

Section 3.3 Interpretation of District Boundaries -- TO BE AMENDED.

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

3.3.1 Where district boundaries are indicated as approximately following the centerlines or right-of-way lines of streets, highways, public utility easements, or watercourses, said boundaries shall be construed to be coincident with such lines. Such boundaries shall be deemed to be automatically moved if a centerline or right-of-way of such street, highway, public utility or watercourse is moved not more than fifty (50) feet.

3.3.2 Where district boundaries are indicated as approximately following the Town boundary line, property lines, lot lines, or projections thereof, said boundaries shall be construed to be coincident with such lines or projections thereof.

3.3.3 Where district boundaries are so indicated that they are approximately parallel to the Town boundary line, property lines, lot lines, right-of-way lines, or projections thereof, said boundaries shall be construed as being parallel thereto and at such distances therefrom as indicated on the zoning map or as shall be determined by the use of the scale shown on the zoning map.

3.3.4 Where a district boundary line divides a lot in a single or joint ownership of record at the time such line is established, the regulations for the less restricted portion of such lot shall apply to no more than fifty (50) feet beyond the district boundary line.

3.3.5 District boundaries shall be determined by use of the scale of the zoning map. In no instance shall a district boundary be set at less than the minimum lot depth required in the Density Control Schedule.

3.3.6 In the event of a questionable district boundary, the questionable boundary shall be referred to the Board of Zoning Appeals, and they shall, establish the exact boundary.

3.3.7 The copy of the Zoning Map on file in the office of the Town Clerk shall be deemed to be the official version of such map. Any modifications or amendments to the official Zoning Map shall be filed in the office of the Town Clerk and shall be noted on/or attached to the Official Map so filed.

3.3.8 "Precise zone boundary determinations made by the Zoning Board of Appeals and filed in the office of the Town Clerk, shall be considered final and conclusive. Such boundaries may only be altered through the amendment process set forth in this Zoning Law.

3.3.9 The FDPD District boundaries are defined by the Flood Insurance Rate Map (FIRM) of 1982. The regulation for this FDPD District appears in Article 6 of this Zoning Law.

ARTICLE 4 --USE DISTRICTS.

4.1 Agricultural Residential District (AR).

a) Intent. The Agricultural Residential District is intended to promote and encourage a suitable environment for low density family living while conserving those areas in the Town suitable for farm and agricultural purposes. The topographic and soil conditions in this district limit development in many areas. Therefore, development guidelines as specified in Article 11 shall be applied where appropriate to ensure the health, safety, and general welfare of the community and to maintain rural nature of the countryside. Except as otherwise provided herein, no building or premises shall be erected, altered or used for any purpose in any AR District.
b) The following use regulations apply to primary uses as listed as well as those accessory uses that normally occur with primary uses. For example, a garage for one or two cars is permitted wherever residences are allowed. Accessory uses may occur as an open land use, or as separate buildings) or within the principal building.
c) Uses. Permitted and special permitted uses allowed in the Agricultural Residential districts shall be specified as in Section 4.10 of this article, Use Regulation Table.
d) In those instances where the AR district overlaps with a Floodplain, Floodway. The uses provided for hereinabove must also meet the requirements of Article 6 Flood Damage Prevention, of the Code of the Town of Campbell.
e) Dimensional Requirements. The dimensional requirements set forth in Section 5.1 Town of Campbell Density Control Schedule (Area and Bulk Schedule) shall be observed for all uses in the Agricultural Residential District.

4.2 Rural Residential District (R-1)

a) Intent. The Rural Residential District is intended to promote and encourage a suitable environment for family living and protect and stabilize the residential characteristics of the District. Except as otherwise approved herein, no building or premises shall hereafter be erected, altered or used in the R-1 District except for one or more of the uses designated below:
b) Uses. Permitted and Special Permitted uses allowed in the Rural Residential District shall be specified as in Section 4.10 of this article, Use Regulation Table.
c) Uses in Floodplain/ Floodway. In those instances where an R-1 District overlaps a Floodplain, Floodway, the uses provided for hereinabove must also meet the requirements of Article 6 Flood Damage Prevention of the Code of the Town of Campbell.
d) Dimensional Requirements. The dimensional requirements set forth in Section 5.1, Town of Campbell Density Control Schedule (Area and Bulk Schedule) shall be observed for all uses in the Rural Residential District.

4.3 Suburban Residential District (R-2)

a) Intent. The Suburban Residential District is intended to promote and encourage a suitable environment for family living and protect and stabilize the residential characteristic of the older more densely developed areas in the Town. Except as otherwise approved herein, no building or premises shall hereafter be erected, altered or used in the R-2 District except for one or more of the uses designated below:
b) Uses. Permitted and Special Permitted uses allowed in the Suburban Residential District shall be specified as in Section 4.10 of this article, Use Regulation Table.
c) Uses in Floodplain/ Floodway. In those instances where an R-2 District overlaps a Flood Protection District, the uses provided for hereinabove must also meet the requirements of Article 6 Flood Damage Prevention of the Code of the Town of Campbell.
d) Dimensional Requirements. The dimension requirements set forth in Section 5.1, Town of Campbell Density Control Schedule (Area and Bulk Schedule) shall be observed for all uses in the Suburban Residential District.

4.4 Neighborhood Business District (B-1)

a) To provide for local shopping through a range of neighborhood retail stores and personal service establishments which cater to the frequently recurring needs of a residential area. These types of business are required in convenient locations near residential areas. Except as otherwise approved herein, no building or premises shall hereafter be erected, altered or used in any B-1 District except for one or more of the uses designated below:
b) Uses. Permitted and Special Permitted Uses allowed in a Neighborhood Business District shall be specified as in Section 4.10 of this article, Use Regulation Table.
c) Uses in Floodplain/ Floodway. In those instances where a B-1 District overlaps a Flood Protection District, the uses provided hereinabove must also meet the requirements of Article 6, Flood Damage Prevention, of the Code of the Town of Campbell.
d) Dimensional Requirements. The dimensional requirements set forth in Section 5.1 "Town of Campbell Density and Control Schedule (Area and Bulk Schedule)" shall be observed for all uses in the Neighborhood Business District.

4.5 Highway Business District (B-2)

a) Intent. To provide for a wide range of essential highway services not involving regular local shopping. Since these service establishments often involve objectionable influences, such as large volumes of traffic, and they tend to break the continuity of prime retail frontage by frequent customer visits, they are incompatible with both residential and certain retail uses and are associated with highly traveled transportation routes. Except as otherwise approved herein, no building or premises shall hereafter be erected, altered or used in any B Districts except for one or more of the uses designated below:
b) Uses. Permitted and Special Permitted Uses allowed in a Highway Business District shall be specified as in Section 4.10 of this article, Use Regulation Table.
c) Uses in Floodplain/ Floodway. In those instances where a B-2 District overlaps a Flood Protection District, the uses provided hereinabove must also meet the requirements of Article 6, Flood Damage Prevention, of the Code of the Town of Campbell.
d) Dimensional Requirements. The dimensional requirements set forth in Section 5.1 "Town of Campbell Density and Control Schedule (Area and Bulk Schedule)" shall be observed for all uses in the Highway Business District.

4.6 Industrial District (I)

a) Intent. The purpose of this district is to provide for the establishment of industrial uses essential to the development of a balanced economic base in an industrial environment and to regulate such industrial development so that it will not be detrimental or hazardous to the surrounding community and the citizens thereof. The intent is to establish and preserve areas for industrial and related uses of such a nature that they do not create serious problems of compatibility with other kinds of land uses, and to make provision for certain kinds of commercial uses which are most appropriately located as neighbors of industrial uses or which are necessary to service the immediate needs of people in these areas. Except as otherwise approved herein, no building or premises shall hereafter be erected, altered or used in any I District except for one or more of the uses designated below:
b) Uses. Permitted and Special Permitted Uses allowed in an Industrial District shall be specified as in Section 4.10 of this article, Use Regulation Table.
c) Uses in Floodplain/ Floodway. In those instances where an I District overlaps a Flood Protection District, the uses provided hereinabove must also meet the requirements of Article 6, Flood Damage Prevention, of the Code of the Town of Campbell.
d) Prohibited uses. In an I District, where manufacturing or light industry is permitted, there shall not be allowed any Residential usage. Manufacturing, trade, industry, use or purpose that is noxious or offensive by reason of the emission of odor, dust, smoke, toxic or noxious fumes, radiation, gas, noise, vibration or excessive light or any combination of the above which is dangerous and prejudicial to the public health, safety and general welfare.
e) Dimensional Requirements. The dimensional requirements set forth in Section 5.1 "Town of Campbell Density and Control Schedule (Area and Bulk Schedule)" shall be observed for all uses in the Industrial District.

4.7 Activities Prohibited in All Districts

a) No effluent or matter of any kind shall be discharged into any stream or body of water which violates established stream standards of the New York State Department of Environmental Conservation or otherwise causes objectionable odors or fumes or which is poisonous or injurious to human, plant, or animal life.
b) The practice of soil stripping shall be limited to incidental filling of areas within the Town to bring them up to grade, except insofar as is necessary or incidental to excavations for cellars or other structures.
c) No use shall be permitted which will produce corrosive, toxic, or noxious fumes, fire, explosion, electromagnetic disturbance, radiation, smoke cinders, odors, obnoxious dust or waste, undue noise or vibration or other objectionable features so as to be detrimental to the public health, safety, or general welfare unless conducted under proper and adequate standards.
d) Storage of material in a manner that facilitates the breeding of vermin or endangers health in any way.

4.8 Fire and Safety Regulations

a) No habitable building except a silo or church steeple shall be constructed either over three (3) stories or thirty-five (35) feet in height unless built of noncombustible materials.
b) Any building which has been damaged to the extent that renders it uninhabitable, unsafe, or unusable for its intended purpose, must be reconstructed, or razed in a fashion, which leaves the site clean and safe within three (3) months. (See definitions - unsafe structure).
c) All buildings shall be in conformance with applicable NYS Fire Prevention and Building code

(Residential, Commercial, Existing, Plumbing, Mechanical, Fuel Gas, Energy, and Property Maintenance Code). Commonly known as the Uniform Code.

4.9 Property Maintenance Regulations

a) Legislative intent. It is the intent of the Town of Campbell to retain its natural beauty, to ensure the tranquility of all residents, to promote the common welfare and to present an attractive appearance to both residents and visitors. It is the intent of the Town of Campbell not only to protect the health, safety and welfare of its residents but also to protect the property values of adjoining property owners whose property values may decline due to the failure of any property owner to properly care for his property. Therefore, when a parcel of land or building become in a state of disrepair and/or have accumulated debris, trash, junk or become rodent or insect infested and thus detract from the general aesthetic values of the Town of Campbell, the following shall apply:
The Property Maintenance Code of New York State: shall be the Property Maintenance regulation for the Town of Campbell as it is written and adopted.

4.10 Use Regulation Table

ZONING DISTRICTS		**ABBREVIATIONS**	
AR	Agricultural Residential	P	Permitted
R1	Residential Rural	S	Site Plan Approval Required
R2	Residential Suburban	Blank/Unlisted	Use Not Permitted
B1	Neighborhood Business		
B2	Highway Business		
I	Industrial		

RESIDENTIAL USES (As amended by Local Law No. 1 of the Year 2000)	**AR**	**R1**	**R2**	**B1**	**B2**	**I**
Detached one-family dwellings (includes Residential Designated Manufactured Home and Modular Home	P	P	P	P		
Semi-detached one-family dwelling	P	P	P	P		
Two-family dwelling	P	P	P	P		
Multi-family dwelling		S	S	S	S	
Bed and Breakfast	S	S	S	S	S	
Boarding house	S	S	S	S	S	
Single lot Standard Designed Manufactured Home	S					
Manufactured/Mobile Home Park	S	S				
GENERAL USES	**AR**	**R1**	**R2**	**B1**	**B2**	**I**
Agriculture (not including the keeping of fowl or farm animals)	P	P	P	P	P	P
Agriculture (including the keeping of fowl or farm animals on >2 acres)	P	P				P
Agriculture (including the keeping of fowl or farm animals on <2 acres)	S	S				S

Keeping of Hens (on < 2 acres)[1]	P	P	P	P	P	P
Agricultural produce (retail sales of), grown on the same lot from road stand	P	P	P		P	P
Vacation resort, camp, cottage, or cabin development	S	S				
Church or other place of worship	S	S	S	S		
Private, public, or parochial school	S	S	S	S		
Day Nursery	S	S	S	S		

[1] Maximum number of chickens: 8; must be contained on lot; no roosters.

GENERAL USES (Continued)	**AR**	**R1**	**R2**	**B1**	**B2**	**I**
Hospital or sanitarium	S	S		S	S	
Nursing or convalescent home	S	S				
Farm machinery supply or sales	P					
Feed and supply store	P					
Grain storage facility	P					
Cultural facilities (library, art gallery, museum, etc)	S	S	S	S	S	
Non-profit club	S	S	S	S		
Institutional or philanthropic use	S	S	S	S	S	
Cemetery in compliance with	S					
Crematory in compliance with	S					
Golf course or country club	S					
Public utility or transportation use	S	S	S	S	S	S
ACCESSORY USES	**AR**	**R1**	**R2**	**B1**	**B2**	**I**
Home occupation - on-site (Local Law No. 3 of the Year 2002)	S	S	S	S	S	S
Home occupation - off-site (Local Law No. 3 of the Year 2002)	P	P	P	P	P	P
Accessory use customarily incident to any of the uses mentioned herein, and on the same lot	P	P	P	P	P	P
Accessory use customarily incident to any of the uses mentioned herein and not on the same lot	S	S	S	S	S	P
Stables, private	P	S	S			P
Satellite TV antennas > 3'	S	S	S	S	S	S
Satellite TV antennas < 3'	P	P	P	P	P	P
Automobile Sales of five vehicles or less on a farm at one time (as amended by Local Law No. 6 of the Year 2000)	S	S	S	S	S	S
Residential ground-mounted solar on properties both over 2 acres and front yard sited	S	S	S	S	S	S
Residential ground-mounted solar on properties less than 2 acres	S	S	S	S	S	S
Residential ground-mounted solar on properties over 2 acres and not front yard sited	P	P	P	P	P	P
Rooftop residential solar	P	P	P	P	P	P

Small scale wind energy system	P	P	P	P	P	P
Commercial ground-mounted solar	S	S	S	S	S	S
Commercial biomass	S	S	S	S	S	S
BUSINESS USES (As amended by Local Law No. 1 of the Year 2000)	**AR**	**R1**	**R2**	**B1**	**B2**	**I**
Airport	S					
Automobile repair, service	S			S	S	
Bar or night club	S			S	S	
Bowling alley	S				S	
Car washing station				S	S	
Dance hall or skating rink	S				S	
Drive-in movie	S					
Equipment rental or sales yard	S			S	S	S
Flea market				S	S	S
Funeral home			S	S	S	
Gasoline filling station	S			S	S	S
Gasoline/grocery service mart				S	S	S
Laundry or dry cleaning plant					S	S
Manufactured/Mobile Home Park, or camp	S	S				
Motel/Hotel	S				S	
Newspaper offices and printing shops				S	S	S
Office building (general, professional, corporate and administration)				S	S	S
Restaurant	S			S	S	S
Retail business or service, not otherwise hereby mentioned herein				S	S	
Riding Academy	S					
Rural Enterprises on Farms (as amended by Local Law No. 2 of the Year 2002)	S					
School conducted for profit	S			S	S	
Self-service laundry				S	S	
Theater or concert hall					S	
Veterinarian office, animal hospital, or kennels	S					
Wholesale business or service, not otherwise specifically mentioned herein	S			S	S	S
INDUSTRIAL USES (As amended by Local Law No. 3 of the Year 1997)	**AR**	**R1**	**R2**	**B1**	**B2**	**I**
Contractors yard equipment	S					S
Extractive operations and soil mining	S					
Outdoor storage facility	S					S
Manufacture, fabrication, extraction, assembly, warehousing, and other handling of material						S

Printing Shop	S					
Research laboratories	S				S	S
Community solar energy system	S	S	S	S	S	S
Utility solar energy system	S	S	S	S	S	S
MIXED USES (As amended by Local Law No. 3 of the Year 2000)	**AR**	**R1**	**R2**	**B1**	**B2**	**I**
Mixed uses (As amended by Local Law No. 3 of the Year 2000)	S	S	S	S	S	S

ARTICLE 5 AREA BULK REGULATIONS - DENSITY CONTROL

Section 5.0 Purpose.
In order to provide adequate open spaces for access of light and circulation of air, to facilitate the prevention and fighting of fires, to prevent undue concentration of population, and to lessen congestion on streets, no building or premises shall be erected, altered or used except in accordance with the standards set forth in this article.

Section 5.1 Density Control Schedule (Area and Bulk Schedule).
The attached schedule of density control regulations is hereby adopted and declared to be a part of this Zoning Law and is hereinafter referred to as the "Town of Campbell Density Control Schedule."

Use	Zoning District	Minimum Land Area per Dwelling Unit (Sq. Ft)	Minimum Land Area per Principal Use (Sq. Ft)	Minimum Lot Width at Bldg. Line (ft)	Minimum Yard Depth (ft)			Maximum Lot Coverage (Inc. all Accessory Bldgs.) **	Maximum Height
					Front	Side	Rear		
Residential	AR*	50,000***	-	250'	75'	20'	80'	10%	35'
	R1*	20,000	-	100'	35'	20'	50'	25%	35'
	R2*	10,000	-	60'	30'	10'	25'	30%	35'
	B1*	10,000	-	60'	35'	20'	25'	50%	40'
	B2*	10,000	-	60'	35'	20'	25'	50%	40'
Non-Residential	AR	-	85,000	250'	75'	50'	150'	20%	35'
	R1	-	25,000	200'	40'	20'	60'	25%	35'
	R2	-	25,000	200'	40'	10'	30'	25%	35'
	B1	-	10,000	100'	35'	20'	20'	50%	40'
	B2	-	12,500	100'	35'	20'	20'	50%	40'
	I	-	43,560	250'	75'	25'	50'	35%	40'
Renewable Energy Developments	-	-	-	-	100'	100'	100'	-	-

* See “Residential Cluster Development” Regulations (Article 7) for permitted special grouping of houses in clusters and for different yard dimensions.

** Where 25% or more of the lots in a block are occupied by buildings, the average yard dimensions and average lot coverage of such buildings shall determine the yard and coverage requirements for any new building, or use, within the block.

*** Where soil and drainage conditions permit, the minimum lot size may be reduced to 20,000 square feet upon the presentation to the Zoning Officer of a satisfactory percolation test. In such cases, “R1” residential setback yard and coverage requirements will be met.

FLOOD DAMAGE PROTECTION DISTRICT:
Shall include all parts of existing zoning districts that are located in Special Flood Hazard Areas and they shall comply with the Flood Damage Prevention Regulation Article 6 of this code and shall comply with the following:

1. All structures shall be set back a minimum of fifty (50) feet from the stream bank.
2. There shall be no cutting of trees within fifty (50) feet of a stream bank.
3. There shall be no depositing of garbage or waste within fifty (50) feet of a stream bank.

REQIRED DIMENTIONS: Shall be measured in the following manner:
Lot width shall be measured at the Roads edge from one point to another.
Lot depth shall be measured from the roads edge to front of the structure.
Side yard shall be measured from property line to structure.
Rear Yard shall be measured from the rear property line to the structure.

Section 5.2 Exception to Height Restrictions
For all districts, exempt small scale wind energy systems from height restrictions up to 85 feet.

Section 5.3 Corner Lots.
Wherever a side or rear yard is adjacent to a street, the standards for front yards shall apply.

Section 5.4 Projections into Required Yards.

5.4.1 The following projections into required yards are allowed:

5.4.1.1 Open fire escapes - four (4) feet into side or rear yards.

5.4.1.2 Awnings or movable canopies and overhangs - six (6) feet into any yard.

5.4.2 Cornices, eaves, insulation walls and roofs, and other similar architectural features - three (3) feet into any yard.

5.4.3 Apparatus needed for the operation of active or passive solar energy systems, including detached solar collectors, reflectors, piping or ductwork, and insulation necessary for efficient utilization thereof.

5.4.4 Any open or enclosed porch or attached carport or garage shall be considered a part of the building in the determination of the size of the required yard or lot coverage.

Non-roofed paved terraces shall not be considered a part of the building.

5.4.5 Accessory uses and buildings may be located in accordance with Section 11.6.

Section 5.5 Compliance with Maximum Average Residential Density.

5.5.1 In all districts where residences are permitted, a lot held in single ownership may be improved for residential use according to the minimum lot size per dwelling unit and bulk regulations for each district as set forth in the Density Control Schedule provided that there shall be no more than one principal building and use on each lot. If two or more principal residential structures are located on the same lot, the maximum average density requirement must be complied with and the lot shall be partitioned so as to provide adequate width and yards.

A residential lot of required or larger than required size as set forth in this Zoning Law shall not be reduced in size for transfer of ownership if such lot so subdivided will form one or more lots which shall not be in compliance with the requirements for the maximum average residential density for the District in which such lot or lots are situated, except as provided in ARTICLES 7 AND 8.

5.5.1.1 Maximum allowable building size for a commercial structure within the Town of Campbell shall be ten thousand (10,000) square feet.

Section 5.6 Side Yards for Multi-family Dwelling Units.
Side yards for semi-detached, townhouses or multi-family dwelling units, where permitted, shall be required at the ends of the total structure only.

Section 5.7 Distances Between Principal Buildings on Same Lot.
No detached principal building shall be closer to any other principal building on the same lot than a distance equal to the average heights of said buildings.

Section 5.8 General Exception to Lot Size Requirements.
If at the time of passage of this Zoning Law a lot, or the aggregate of contiguous lots of land parcels held in a single ownership, has an area or dimension less than required for the zoning district in which the property is located, the lot or aggregate holdings may be occupied by any permitted use in the District subject to compliance with all other requirements of the District, provided, however, that the use of a lot for a residence which has an area deficiency shall be limited to a single-family dwelling.

Section 5.9 Exceptions to Front Yard Requirements.
If there are dwellings on both abutting lots with front yards of less than the required depth for the District, the front yard for the proposed lot need not exceed the average front yard of the abutting dwellings. If there is a dwelling on one abutting lot with a front yard of less than the required depth for the District, the front yard of the proposed lot need not exceed a depth one-half way between the depth of the abutting lot and the required front yard depth.

If there are dwellings on both abutting lots with front yards greater than the required depth for the

District or, if there is a dwelling on one abutting lot with a front yard greater than the required depth for the District, the front yard for the lot shall be determined by averages as specified.

Section 5.10 General Exception to Height Regulations.
Projections such is chimneys, silos, spires, domes, elevator shaft housings, towers, aerials, flagpoles, solar energy collectors and equipment used for the mounting and operation of such collectors, and other similar objects not used for human occupancy are not subject to the building height limitations of this Zoning Law.

Section 5.11 Exceptions to Side Yard Requirements.
The combined total side yard requirements, as specified in the Density Control Schedule, shall be reduced by six (6) inches for each foot by which a lot is less than the minimum lot width requirement specified in that Schedule for the zone in which located except as provided in Section 12.5. In any case, the side yard
width shall be reduced to no less than fifty (50) per cent of the requirement of the Density Control Schedule.

A local law for Flood Damage Prevention as authorized by the New York State Constitution, Article IX, Section 2, and Environmental Conservation Law, Article 36

ARTICLE 6-- FLOOD DAMAGE PREVENTION.

6.1 Findings.

The Town Board of the Town of Campbell finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Town of Campbell and that such damages may include: destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this local law is adopted.

6.2 Statement of Purpose.

It is the purpose of this local law to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1) regulate uses that are dangerous to health, safety and property due to water or erosion hazards, or that result in damaging increases in erosion or in flood heights or velocities;

(2) require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;

(3) control the alteration of natural floodways/floodplains, stream channels, and natural protective barriers that are involved in the accommodation of flood waters;

(4) control filling, grading, dredging and other development that may increase erosion or flood damages;

(5) regulate the construction of flood barriers that will unnaturally divert flood waters or that may increase flood hazards to other lands, and;

(6) qualify for and maintain participation in the National Flood Insurance Program.

6.3 Objectives.

The objectives of this local law are:

1) to protect human life and health;
2) to minimize expenditure of public money for costly flood control projects;

1) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

2) to minimize prolonged business interruptions;

3) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in special flood hazard areas;

4) to help maintain a stable tax base by providing for the sound use and development of special flood hazard areas so as to minimize future flood blight areas;

5) to provide that developers are notified that property is in a special flood hazard area; and,

6) to ensure that those who occupy the special flood hazard areas assume responsibility for their actions.

Section 6.4 General Provisions.

6.4.1 Lands to Which this Local Law Applies This local law shall apply to all special flood hazard areas within the jurisdiction of the Town of Campbell.

6.4.2 Basis for Establishing the Special Flood Hazard Areas.
The special flood hazard areas are identified and defined on the following documents prepared by the Federal Emergency Management

1) Flood Insurance Rate Map (multiple panels) Index No. 360768, 0005C,0010C,0015C, their effective date is June 11, 1982.

2) A scientific and engineering report entitled "Flood Insurance Study, Town of Campbell, New York, Steuben County" dated. June 11,1982

3) Flood Boundary and Floodway Map (multiple panels) Index No. 36078, 0005, 0010, and

0015, their effective date is June 11, 1982.

4) Letter of Map Revision, Case Number 01-02-039P, amending Panel 0005C of the Flood Insurance Rate Map and amending Panel 0005of the Flood Boundary Map and the Floodway Map the effective date is December 20, 2002.

The above documents and any subsequent revisions thereto, together with any Letters of Map Amendment and Letters of Map Revision issued by the Federal Emergency Management Agency, are hereby adopted and declared to be a part of this Local Law.

These maps and documents are on file at: The Town of Campbell, Town Hall, 8529 Main Street, Campbell, New York 14821.

6.4.3 Interpretation and Conflict with Other Laws. This Local Law includes all revisions to the National Flood Insurance Program through October 27, 1997 and shall supersede all previous laws adopted for the purpose of flood damage prevention.

In their interpretation and application, the provisions of this local law shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this local law are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

6.4.4 Severability. The invalidity of any section or provision of this local law shall not invalidate any other section or provision thereof.

6.4.5 Penalties for Non-Compliance. In special flood hazard areas, no structure shall hereafter be constructed, located, extended, converted, or altered; no land shall be excavated or filled; and no other development undertaken without full compliance with the terms of this Local Law and any other applicable regulations. Any infraction of the provisions of this local law by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any violation of any part of this Local Law or a failure to comply with orders issued in compliance with this local law shall constitute a violation as defined in the Penal Law of the State of New York, and shall be punishable by a fine not less than fifty dollars ($50.00) and not to exceed two hundred and fifty dollars, ($250.00) per day of violation, or imprisonment not to exceed fifteen (15) days, or both such fine and imprisonment. Each day of noncompliance shall be considered a separate violation. Nothing herein contained shall prevent the Town of Campbell from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this local law for which the developer and/or owner has not applied for and received an approved variance under Section 6.12 will be declared non-compliant and notification sent to the Federal Emergency Management Agency.

6.4.6 Warning and Disclaimer of Liability. The degree of flood protection required by this local law is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions.

Flood heights may be increased by man-made or natural causes. This Local Law does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This Local Law shall not create liability on the part of the Town of Campbell, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this local law or any administrative decision lawfully made there under.

Section 6.5 Administration.

6.5.1 Designation of the Local Floodplain Administrator. The Planning Board is hereby appointed Local Floodplain Administrator to administer and implement this Local Law by granting or denying floodplain development permits in accordance with its provisions; issuing, or causing to be issued, stop work orders for non-compliant development; certifying compliance upon satisfactory completion of development, and retaining records.

6.5.2 The Floodplain Development Permit.

6.5.2.1 Purpose. A floodplain development permit is hereby established for all construction and other development to be undertaken in special flood hazard areas in this Town for the purpose of protecting its citizens from increased flood hazards and insuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in a special flood hazard area, as shown on the Flood Insurance Rate Map enumerated in Section 6.4.2, without a valid floodplain development permit. The Local Floodplain Administrator shall determine whether a permit is required based on the location of proposed development in relation to the special flood hazard area. Application for a permit shall be made on forms furnished by the Local Floodplain Administrator and may include, but not be limited to, plans drawn to scale and showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing; and the location of proposed development in relation to the special flood hazard area, base flood elevation, and the floodway, if required by the Local Floodplain Administrator.

The requirements for floodplain development permits apply to projects undertaken by any, private entity, county, city, town, village, school district or public improvement district. Development activities by the Town of Campbell do not require a permit, but shall comply with the standards specified in this Local Law. Projects under the jurisdiction of federal and New York State entities are not subject to regulation under this local law.

6.5.2.2 Fees.

All applications for a floodplain development permit shall be accompanied by an application fee as specified in the Town of Campbell fee schedule. In addition, the applicant shall be responsible for reimbursing the Town of Campbell for any additional costs necessary for review, inspection and approval of this project. The

Local Floodplain Administrator may require a deposit as specified in the Town of Campbell fee schedule to cover these additional costs.

6.5.3 Application for a Permit. The applicant shall provide a description of the flood protection measures incorporated into the project design, including the following information as appropriate. Additional information may be required on the permit application form.

(1) The proposed elevation, in relation to mean sea level, of the lowest floor (including basement) of any new construction or substantially improved structure to be located in Zones A1-A30, AE or AH, or Zone A if base flood elevation data are available. Upon completion of the lowest floor, the applicant shall submit to the Local Floodplain Administrator the as-built elevation, certified by a licensed professional engineer or surveyor.

(2) The proposed elevation, in relation to mean sea level, to which any non-residential new construction or substantially improved structure will be dry flood-proofed.

(3) A flood-proofing design certificate from a licensed professional engineer or architect that any non-residential flood-proofed structure will meet the dry flood-proofing criteria in Section 6.6.1 (2), "Non-Residential Structures". Upon completion of the flood-proofed portion of the structure, the permit- tee shall submit to the Local Floodplain Administrator the as-built flood-proofed elevation, certified by a professional engineer or surveyor.

(4) A certificate from a licensed professional engineer or architect that utility flood proofing will meet the criteria in Section 6.5.3, Utilities.

(5) Certification by a licensed professional engineer or architect that the design for fully enclosed areas below the flood protection level will provide for equalization of hydrostatic flood forces, if required in Section 6 .5.3 (1).

(6) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in Section 6.4.2, when notified by the Local Floodplain Administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.

(7) A technical analysis, by a licensed professional engineer, if required by the Local Floodplain Administrator, that shows whether proposed development to be located in a special flood hazard area may result in physical damage to any other property.

(8) In Zone A, when no base flood elevation data are available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either fifty (50) lots or five (5) acres.

(9) A technical analysis of the impact of any proposed floodway encroachment on the base flood elevation or the information and fees required for a map revision, as specified in Section 6.6.1-2, Encroachments.

(10) Documentation that all necessary permits have been received from those governmental agencies from which approval is required by State or Federal law.

6.5.4 Duties and Responsibilities of the Local Floodplain Administrator.
Duties of the Local Floodplain Administrator shall include, but not be limited to the following:

6.5.4.1 Permit Application Review.
The Local Floodplain Administrator shall conduct the following permit application review before issuing a floodplain development permit:

(1) Review all applications for completeness, particularly with the requirements of subsection 6. 5.3, Application for a Permit, and for compliance with the provisions and standards of this Law.

(2)Review subdivision proposals and other proposed new development, including manufactured home parks, to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of Section 6.6, Development Standards and, in particular, sub-section 6. 6.1-1 All Development Proposals.

(3) Determine whether any proposed development in a special flood hazard area may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The Local Floodplain Administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination.

(4) If the proposed development may result in physical damage to any other property or fails to meet the requirements of Section 6.6.0, Development Standards, then no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects or eliminate the violations and re-submit the application.

(5) Determine that all necessary permits have been received from those governmental agencies from which approval is required by State or Federal law.

6.5.4.2 Use of Other Flood Data.

(1) When the Federal Emergency Management Agency has designated special flood hazard areas on the community's Flood Insurance Rate Map (FIRM) but has neither produced base flood elevation data (these areas are designated Zone A on the FIRM) nor identified a floodway, the Local Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed pursuant to paragraph 6.5.3(8), as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this law.

(2) When base flood elevation data are not available, the Local Floodplain Administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the special flood hazard areas, for the purposes of this law.

3) When special flood hazard areas, base flood elevations, and/or floodway data are available from a Federal, State, or other authoritative source, but differ from the data in the documents enumerated in Section 6.4, the Local Floodplain Administrator may reasonably utilize the other flood data to enforce more restrictive development standards.

6.5.4.3 Alteration of Watercourses.

For any project involving alteration or relocation of a river or stream, the Local Floodplain Administrator will, in addition to verifying compliance with the provisions of Section 6.6.1-2, Encroachments:

(l) Notify adjacent municipalities that may be affected and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse, and submit evidence of such notification to the Regional Administrator, Region II, Federal Emergency Management Agency.

(2) Determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

6.5.4.4 Construction Stage.

(1) In Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, upon placement of the lowest floor or completion of dry flood proofing of new construction or a substantially improved structure, obtain from the permit holder a certification of the as-built elevation of the lowest floor or flood proofed elevation, in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on

the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for one hundred eighty (180) consecutive days or longer (unless it is fully licensed and ready for highway use).

(2) Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The Local Floodplain Administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop work order for the project unless immediately corrected.

6.5.4.5 Inspections.

The Local Floodplain Administrator and /or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify, if requested that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.

6.5.4.6 Stop Work Orders.

(1) The Local Floodplain Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found ongoing without a development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 6.4.5 of this local law.

(2) The Local Floodplain Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found non-compliant with the provisions of this law and/or the conditions of the development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 6. 4.5 of this Local Law.

6.5.4.7 Certificate of Compliance.

(l) In special flood hazard areas, as determined by documents enumerated in Section 6.5.3, it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the Local Floodplain Administrator stating that the development conforms to the requirements of this Local Law.

(2) A certificate of compliance shall be issued by the Local Floodplain Administrator upon satisfactory completion of any development project in a special flood hazard area.

(3) Issuance of the certificate shall be based upon the inspections conducted as prescribed in Section 6.5.4-5, Inspections, and/or any certified elevations, hydraulic data, flood proofing, anchoring requirements or encroachment analyses

that may have been required as a condition of the approved permit.

6.5.4.8 Information To Be Retained.
The Local Floodplain Administrator shall retain and make available for inspection, copies of the following:

(1) Floodplain development permits and certificates of compliance;

(2) Certifications of as-built lowest floor elevations of structures, required pursuant to sub-sections6.5.4-4(1) and 6.5.4-4(2), and whether or not the structures contain a basement;

(3) Flood proofing certificates required pursuant to sub-section 6.5.4-4(1), and whether or not the structures contain a basement;

(4) Variances issued pursuant to Section6. 6.12, Variance Procedures;

(5) Notices required under sub-section 6. 5.4-3, Alteration of Watercourses;

(6) Documentation demonstrating compliance with Section 6.6.1-2, Encroachments; or

(7) Base flood elevations developed pursuant to paragraph 6. 5.3(8).

Section 6.6 Development Standards.

6.6.1 General Standards. The following standards apply to all development, including new construction and substantially improved structures, in the special flood hazard areas shown on the Flood Insurance Rate Map designated in Section 6.4.2. When new construction, a substantially improved structure, or other development is located in multiple flood zones or in an area with multiple base flood elevations, the flood protection requirements shall be based on the flood zone or base flood elevation that results in the most stringent requirements and the highest flood protection level.

6.6.1.1 All Development Proposals The following standards apply to all proposed development in special flood hazard areas (including proposals for subdivisions and manufactured home and recreational vehicle parks):

(l) Proposals shall be consistent with the need to minimize flood damage.

(2) Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage.

(3) Adequate drainage shall be provided to reduce exposure to flood damage.

(4) Proposed development shall not result in physical damage to any other property

(e.g., stream bank erosion or increased flood velocities). If requested, the applicant will provide a technical analysis, by a licensed professional engineer, demonstrating that this condition has been met.

(5) Proposed development shall be designed, located, and constructed so as to offer the minimum resistance to the flow of water and shall be designed to have a minimum effect upon the height of flood water.

(6) Any equipment or materials located in a special flood hazard area shall be elevated, anchored, and flood proofed as necessary to prevent flotation, flood damage, and the release of hazardous substances.

(7) No proposal to alter or relocate a watercourse shall be permitted unless:

(a) a technical evaluation by a licensed professional engineer demonstrates that the altered or relocated segment will provide conveyance equal to or greater than that of the original stream segment and will not result in physical damage to any other property;

(b) if warranted, a conditional revision of the Flood Insurance Rate Map is obtained from the Federal Emergency Management Agency, with the applicant providing the necessary data, analyses, and mapping and reimbursing the Town of Campbell for all fees and other costs in relation to the application; and

(c) the applicant provides assurance that maintenance will be provided so that the flood carrying capacity of the altered or relocated portion of the watercourse will not be diminished.

6.6.1.2 Encroachments.

(1) Within Zones A1-A30 and AE, on streams or rivers without a regulatory floodway (but with base flood elevations), no new construction, substantial improvements or other development (including fill) shall be permitted unless:

(a) the applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location, or,

(b) the Town of Campbell agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Campbell for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Campbell for all costs related to the final map revision.

(2) On streams with a regulatory floodway, as shown on the Flood Boundary and

Floodway Map or the Flood Insurance Rate Map adopted in Section 6.4.2, no new construction, substantial improvements or other development that constitutes an encroachment in the floodway (including fill) shall be permitted unless:

(a) a technical evaluation by a licensed professional engineer demonstrates through hydrologic and hydraulic analyses, performed in accordance with standard engineering practice, that the proposed encroachment shall not result in any increase in flood levels during occurrence of the base flood, or,

(b) the Town of Campbell agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Campbell for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Campbell for all costs related to the final map revisions.

6.7 Standards for All Structures.

Any alteration, repair, reconstruction, addition, or improvements to a structure that was built or substantially improved after the adoption of floodplain management regulations shall meet the requirements for new construction.

Any alteration, repair, reconstruction, addition, or improvements to an existing structure that constitutes substantial improvement shall require that the entire structure comply with the requirements for substantially improved structures.

Any alteration, repair, reconstruction, or improvements to an existing structure that does not constitute new construction or a substantial improvement, shall be elevated and/or flood proofed to the greatest extent practical.

New construction and substantially improved structures shall be protected from flood damage to the following flood protection levels:

(1) Within Zones A1-A30, AE, and AH and also Zone A if base flood elevation data are available, the flood protection level is three feet above the base flood elevation.

(2) Within Zone AO when a base flood depth is specified on the community's Flood Insurance Rate Map, the flood protection level is the level above the highest adjacent grade that is two feet higher than the base flood depth specified on the FIRM.

(3) Within Zone A when no base flood elevation data are available and Zone AO when no base flood depth number is specified, the flood protection level is generally three feet above the highest adjacent grade. The Local Floodplain Administrator may specify a higher flood protection level based on data from an authoritative source as specified in Section 6. 5.4.2 (2).

6.7.1 Anchoring. New construction and substantially improved structures (including gas or liquid storage tanks) in special flood hazard areas, together with equipment servicing those structures, shall be designed (or modified) and anchored to prevent flotation, collapse, or lateral

movement during the base flood. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

6.7.2 Construction Materials and Methods.

(l) For new construction and substantially improved structures, building materials and utility equipment located below the flood protection level shall be resistant to flood damage.

(2) New construction and substantially improved structures shall be constructed using methods and practices that minimize flood damage.

(3) Any enclosed areas below the flood protection level of new construction and substantially improved structures, including crawl spaces, accessory structures, and fully enclosed areas below the lowest floor shall be useable solely for parking of vehicles, building access or storage in an area other than a basement. These enclosed areas, which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:

(a) a minimum of two (2) openings on different sides of each enclosed area having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

(b) Portions openings located above the base flood elevation, if available, excluded from the net area;

(c) the bottom of all such openings no higher than one (1) foot above the adjacent finished grade;

(d) openings at least three (3) inches in diameter;

(e) any louvers, valves, screens or other opening covers shall allow the automatic flow of flood waters into and out of the enclosed area; any resulting obstruction to flow shall be accounted for in determining the net area of the openings; and

(f) openings installed in doors and windows that meet the above requirements are acceptable; however, doors and windows without installed openings do not meet the requirements of this section.

(4) Enclosed areas sub-grade on all sides are considered basements and are not permitted.

6.7.3 Utilities.

(1) For new construction and substantially improved structures, electrical equipment,

heating, ventilating, air conditioning, plumbing appliances, plumbing fixtures, duct systems, and other service equipment shall be located at or above the flood protection level or be designed to prevent water from entering and accumulating within the components during a flood and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy. Electrical wiring and outlets, switches, junction boxes and panels shall also be elevated or designed to prevent water from entering and accumulating within the components unless they conform to the appropriate provisions of the electrical part of the Building Code of New York State or the Residential Code of New York State for location of such items in wet locations. The Local Floodplain Administrator may require certification from a licensed professional engineer or architect that utilities located below the flood protection level are resistant to flood damage;

(2) New and replacement water supply systems shall be designed to prevent infiltration of flood waters into the system. Covers on potable water wells shall be sealed, except where the top of the well casing or pipe sleeve is elevated to at least the flood protection level;

(3) New and replacement sanitary sewage systems shall be designed and constructed to prevent infiltration of flood waters into the systems and discharges from the systems into flood waters. Sanitary sewer and storm drainage systems for buildings that have openings below the flood protection level shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall; and,

(4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

6.7.4 Drainage.

(1) Adequate drainage shall be provided to reduce exposure to flood damage.

(2) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes

6.8 Residential Structures.

The following standards apply to new and substantially improved residential structures located in special flood hazard areas, in addition to the requirements in sub-sections 6.6.1-1, All Development Proposals, and 6. 6.1-2, Encroachments, and Section 6.7, Standards for All Structures.

Within Zones A1-A30 ,AE and AH and also Zone A if base flood elevation data is available, new construction and substantially improved structures shall have the lowest floor (including Basement) elevated to three (3) feet above the base flood elevation, see freeboard in definitions.

6.9 Non-Residential Structures. The following standards apply to new and substantially improved commercial, industrial and other non-residential structures located in special flood hazard areas, in addition to the requirements in sub-sections 6.6.1(1) All

Development Proposals, and 6.6.1(2), Encroachments, and Section 6.7, Standards for All Structures.

(1) Within Zones A1-A30, AE, AH, and AO, and also Zone A if base flood elevation data are available, non-residential new construction and substantially-improved non-residential structures, shall either:

(a) have the top of the lowest floor, including basement, elevated to or above the flood protection level (see required freeboard) applicable to the special flood hazard area zone within which the structure is located; or

(b) together with attendant utility and sanitary facilities, be dry flood-proofed so that the structure is watertight below the flood protection level, with walls substantially impermeable to the passage of water. All structural components located below the flood protection level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

(2) If the structure is to be dry flood proofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for construction. A Flood proofing Certificate or other certification shall be provided to the Local Floodplain Administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Section 6.5.4.4(1), including the specific elevation (in relation to mean sea level) to which the structure is to be dry flood-proofed.

(3) Within Zone A, when no base flood elevation data are available, the top of the lowest floor (including basement) shall be elevated to or above the flood protection level (at least three feet above the highest adjacent grade).

6.10 Manufactured Homes and Recreational Vehicles.

The following standards apply to manufactured homes and to recreational vehicles located in special flood hazard areas, in addition to the standards in Section6.4, General Standards, And Section 6.7, Standards for All Structures.

(1) Recreational vehicles placed on sites within special flood hazard areas shall either:

(i) be on site fewer than one hundred eighty (180) consecutive days,

(ii) be fully licensed and ready for highway use, or

(iii) meet the requirements for manufactured homes in paragraph 6.5.4.4(1).

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

(2) A manufactured home that is placed or substantially improved in a special flood hazard

area shall be elevated on a permanent foundation such that the top of the lowest floor is elevated to or above the flood protection level and the manufactured home is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

6.11 Accessory Structures.

Accessory structures, that conforms to the requirements in Section 6. 6.1," General Standards", and Section 6. 7.2, Standards for All Structures" need not be elevated above the flood protection level or dry flood-proofed if the following requirements are met:

(1) The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.

(2) The accessory structure shall represent a minimal investment of less than ten per cent (10%) of the assessed property value.

(3) The accessory structure will have low damage potential with respect to both the structure and contents.

(4) Permanently affixed utility equipment and appliances, such as furnaces, heaters, washers, dryers, etc. are prohibited.

(5) Sanitary facilities are prohibited.

(6) Electrical wiring and other equipment must be protected from flood damage, as specified in subsection 6.5.3(1) and 6.7.3

(7) The portions of the accessory structure located below the flood protection level must be constructed of flood-resistant materials for both exterior and interior elements, as specified in subsection 6.11.

(8) The accessory structure must be adequately anchored as specified in Section 6.7.1 Anchoring.

(8) The accessory structure must contain openings that will permit the automatic entry and exit of floodwaters in accordance with subsection 6.7.2(3).

(9) Enclosed areas sub-grade on all sides are considered basements and are not permitted.

(10) Floodway encroachment provisions in Section 6.6.1-2 must be met.

6.12 Variance Procedure.

6.12.1 Appeals Board.

(l) The Zoning Board of Appeals as established by the Town of Campbell shall hear and decide appeals and requests for variances from the requirements of this local law.

(2) The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Local Floodplain Administrator in the enforcement or administration of this local law.

(3) Those aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 7.8 of the Civil Practice Law and Rules.

(4) In passing upon such applications, the Zoning Board of Appeals, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this local law and:

(i) the danger that materials may be swept onto other lands to the injury of others;

(ii) the danger to life and property due to flooding or erosion damage;

(iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(iv) the importance of the services provided by the proposed facility to the community;

(v) the necessity to the facility of a waterfront location, where applicable;

(vi) the availability of alternative locations for the proposed use that are not subject to flooding or erosion damage;

(vii) the compatibility of the proposed use with existing and anticipated development;

(viii) the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;

(ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;

(x) the costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;

(xi) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

(xii) the costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges; and

(xiii) the request for variance is not an after-the-fact request.

(5) Upon consideration of the factors of Section 6.l(4) and the purposes of this local law, the

Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this local law.

(6) The Local Floodplain Administrator shall maintain the records of all appeal actions including technical information and report any variances to the Federal Emergency Management Agency upon request.

6.12.2 Conditions For Variances.

(l) The granting of a variance is generally limited to new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood elevation, providing items (i-xiii) in Section6.12.1 have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

(2) Variances may be issued for the repair or rehabilitation of historic structures upon determination that:

(i) the proposed repair or rehabilitation will not preclude the structure's continued designation as an "historic structure;" and

(ii) the variance is the minimum necessary to preserve the historic character and design of the structure.

(3) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

(i) the criteria of subparagraphs l, 4, 5, and 6 of this Section are met; and

(ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.

(4) Variances shall not be issued within any regulatory floodway if any increase in flood levels during the base flood discharge would result.

(5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(6) Variances shall only be issued upon receiving written justification that includes:

(i) a showing of good and sufficient cause;

(ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(iii)a determination that the granting of a variance would not result in increased flood

heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

(7) Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice over the signature of a community official that:

(i) the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars ($25.00) for one hundred dollars ($100.00) of insurance coverage; and

(ii) such construction below the base flood elevation increases risks to life and property.

Such notification shall be maintained with the record of all variance actions as required in Section 6.5.4.8 of this Local Law.

ARTICLE 7 RESIDENTIAL CLUSTER DEVELOPMENT.

Section 7.0 Intent.

The intent of this Article is to permit variation in lot size and housing type, to provide the opportunity for development to occur on the most suitable lands, to facilitate the adequate and economical provisions of public services and to preserve open space areas. The purpose is achieved by permitting a reduction in lot sizes required for the Zoning District in which a proposal occurs, while maintaining the imposed density limitation through the provision of open space.

Section 7.1 Authorization to Grant or Deny Residential Cluster Development.

In accordance with Section 281 of the Town Law, the Town Board authorizes the Planning Board to permit variations in the dimensional requirements of this Zoning Law under their subdivision review powers. The Planning Board shall comply with all procedures and standards set forth in this Article when implementing such power.

Section 7.2 Standards Governing Residential Cluster Development.

Any residential cluster development considered shall conform to the following standards which are regarded as minimum requirements.

7.2.1 This procedure shall apply only to residential zoned land that shall be a minimum of ten (10) contiguous acres in size. In addition, it shall be determined that such development will not be detrimental to the health, safety or general welfare of persons residing in the vicinity, or injurious to property or improvements in close proximity, and that the proposed development create an attractive residential environment that is in conformity with the objectives of the Town Comprehensive Plan, and that the gross density will be no greater than if the tract were developed in accordance with the existing zoning requirements, and that the permanent retention of open space areas along with their care and maintenance is

guaranteed.

7.2.2 When such development is proposed adjacent to any existing residence or residential area, a buffer area of at least fifty (50) feet in width shall be maintained within the proposed development along any lot line that abuts an existing residential development area or a conventionally platted residential map that has been filed with the Steuben County Clerk. The fifty (50) foot buffer area may be developed in a conventionally platted manner (non-clustered) consistent with the residential zoning district upon which such land is situated.

7.2.3 The size of lots in a residential cluster development may vary from the normal requirements, but no dimensional or area requirement of the district shall be reduced by more than fifty percent (50%).

7.2.3.1 Single-Family Detached Houses: Single-family detached houses may be grouped in clusters with maximum lot size reductions for each residence as follows:

AG	District - 2 acres
R-1	District - 1.5 acres
R-2	District - 1 acre

and shall be subject to the following minimum setback requirements:

Front Yard	Rear Yard	Side Yard
35 ft.	25 ft.	15ft.

7.2.3.2 Townhouse and Multi-family Houses: Shall comply with all standards set forth in Section 11.22.

7.2.4 Residential cluster development plans shall be required to be prepared by competent professional assistance and shall be consistent with the spirit and intent of this Zoning Law and Town Subdivision Regulations.

7.2.5 In areas without public water and sewer, there shall be no reduction in the required separation distances as prescribed by Appendix 75A of the N.Y.S. Department of Health Regulations. All waste water systems, new, and repaired, shall be designed by an Engineer and approved by the Code Enforcement Officer. Pre-existing non-conforming lots shall have the waste water systems designed by an Engineer and approved by the Code Enforcement Officer.

7.2.6 All the land not contained in the lots or the road right-of-way, if provided, shall be

contiguous, and of such size and shape as to be usable for recreation or agriculture. No such lands shall be in parcels of less than five (5) acres.

Such land shall either be deeded to the town or be held in corporate ownership by the owners of lots within the development, and the developer shall incorporate into the deeds of all property within the development, if appropriate, a clause giving to the owners an interest in such open land which shall be used for recreation, cultural or agricultural purposes only. No structure save that incidental to the recreational, cultural or agricultural use shall be permitted thereon.

The open space lands shall be subject to taxation, unless deeded to the Town of Campbell. In the case of such tracts, the developer may petition to the Town Board to take over the land to be used in perpetuity as open space.

7.2.7 Special Designs: In cases where a developer has proposed architecturally unusual groups of dwellings and garages, the Town Planning Board after inspecting the plans and elevations, may recommend approval of smaller minimum lot sizes than those specified in Section 7.2.3.1, provided that the sanitary systems are approved by the NYS DOH, that the gross density does not exceed that permitted within the zoning district in which the land occurs, and the layout is not detrimental to the health, general welfare, and aesthetic character of the community.

7.2.8 Construction shall start within one year of the date of approval and shall be completed within a timeframe agreed to by the developer and the Planning Board. If the developer does not meet such timeframe, the Residential Cluster Development approval shall be revoked.

7.2.9 In the event that the organization established to own and maintain common property, or any successor organization shall fail to maintain the common property, in reasonable order and condition in accordance with the plan, the Zoning Officer may serve written notice upon such organization or upon the residents and owners of the development setting forth the manner in which the organization has failed to maintain the common property in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice.

At such a hearing, the Zoning Officer may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within thirty (30) days or any extension thereof, the Town of Campbell, in order to preserve the taxable values of the properties within the development and to prevent the common property from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one (1) year. Said entry and maintenance shall not vest in the public any rights to use the common open space except when the same is voluntarily dedicated to the public by the residents and owners. Before the expiration of said year, the municipality shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common property, call a public hearing upon notice

to such organization, or to the residents and owners of the development to be held by the Town Board, at which hearing such organization or the residents and owners of the development shall show cause why such maintenance by the Town of Campbell shall not, at the election of the Town Board, continue for a succeeding year.

If the Town Board shall determine that such organization is ready and able to maintain said common property in reasonable condition, it shall cease to maintain said common property at the end of said year. If the Town Board shall determine such organization is not ready and able to maintain said common property in a reasonable condition, the Town may in its discretion, continue to maintain said common property during the next succeeding year, subject to a similar hearing and determination in each year thereafter.

The cost of such maintenance by the Town of Campbell shall be assessed at the same proportion as each unit's assessed value bears to the total assessment of the development

Section 7.3 Review of Residential Cluster Development Plans.

The approval procedure shall be generally the same as that specified in the subdivision regulations for the review and approval of a proposed subdivision of land. The applicant shall submit at successive stages a sketch plan, preliminary layout, and subdivision plat in accordance with the requirements of the subdivision regulations. In addition, the applicant at each stage shall provide the following information:

7.3.1 Proposed number of dwelling units and computation of overall residential density per gross acre.

7.3.2 A tabulation of the total number of acres in the proposed project; the percentage designated for each use area.

7.3.3 Proposed location and acreage for parks, playgrounds, natural watercourses and other open space.

Section 7.4 Public Hearing on Residential Cluster Development.

A residential cluster development shall not be approved as a subdivision plat by the Planning Board until a public hearing has been held on the proposal in the manner specified in the subdivision regulations and by Section 281 of the Town Law.

ARTICLE 8 PLANNED RESIDENTIAL DISTRICT.

Section 8.0 Intent

It is the intent of this Article to provide flexible land use and design regulations through the use of performance criteria so that small-to-large neighborhoods or portions thereof may be developed that incorporate a variety of residential densities and building types. This district may contain both individual building sites and common property, which is planned and developed as a unit. The Planned Residential District designation is a rezoning which shall be processed as an amendment to this Zoning Law and which shall be subject to site plan approval and shall only be applicable in the Agricultural Residential and Residential Districts in the Town where the applicant can demonstrate that the characteristics of his holdings will meet the objectives of this ARTICLE.

Section 8.1 Permitted Uses.
All residential uses and their accessory or associated uses subject to site plan approval.

Section 8.2 Standards Governing Planned Residential District.
Any development proposal to be considered as a Planned Residential District allowing density area increases shall conform to the following standards, which are regarded as minimum requirements, in addition to applicable standards in other sections of this Zoning Law:

8.2.1 The minimum area required to qualify for a Planned Residential District designation shall be a contiguous parcel of ten (10) acres in size. Where the applicant can demonstrate that the characteristics of his holdings will meet the objectives of this ARTICLE, the Planning Board may consider projects with less acreage.

When such development is proposed adjacent to any existing residence or residential area, a minimum buffer area of fifty (50) feet that is to be planted with hedges and trees that will at two (2) or three (3) years growth block out the existing neighboring subdivision /development from the neighboring residential areas.

8.2.2 All plans/proposals shall be prepared by a licensed professional architect or engineer.

8.2.3 All parcels shall be serviced by public water and private sanitary sewer systems.

8.2.4 The Planning Board shall consider in each case the appropriate dwelling unit density and placement of such units on the parcel. The gross density shall in no instance exceed five (5) dwelling units per acre. Such density shall be calculated using the total gross parcel acreage.

8.2.5 The Planning Board shall consider in each case the appropriate amount of undeveloped land not included in any required yard areas for open space.

8.2.6 Single-family detached house developments shall meet the following standards: Yard requirements:

Front Yard	Rear Yard	Side Yard
Minimum 35 feet	Minimum 25 foot	Minimum 10 feet

8.2.7 Townhouse and multi-family developments shall comply with standards set forth in Section 11.22.

Section 8.3 Special Provisions Applying to the Planned Residential District (PRD).

8.3.1 In order to carry out the purpose of this district, a development shall achieve the following objectives:

8.3.1.1 A maximum choice in the types of environments, occupancy, tenure, types of housing, lot sizes and community facilities available to existing and potential town residents at all economic levels.

8.3.1.2 More useable open space and recreation areas.

8.3.1.3 The preservation of trees and outstanding natural features including natural buffer areas.

8.3.1.4 A creative use of land and related physical development.

8.3.1.5 An efficient use of land resulting in smaller networks of utilities and streets and thereby lower housing costs.

8.3.1.6 A development pattern in harmony with the objectives of the Comprehensive Plan for the Town.

8.3.1.7 Be compatible with all applicable guidelines and standards set forth in ARTICLE 11.

8.3.2 The tract of land for a project may be owned, leased, or controlled either by a single person, or corporation or a group of individuals or corporations. An application must be filed by the owner or jointly by owners of all property included in a project. In the case of multiple ownership, the approved plan shall be binding upon all owners.

8.3.3 When common property exists, the ownership of such common property may be either public or private. When common property exists in private ownership, satisfactory arrangements must be made for the improvements, operation and maintenance of common property and facilities, including private streets, drives, service and parking areas and recreational and open space areas.

8.3.4 In the event that the organization established to own and maintain common property, or any successor organization, fails to maintain such property in reasonable order, the Town Board may cause such property to be maintained in accordance with the procedure set forth in Section 7.2.9

8.3.5 For the purposes of regulating the development and use of property after initial construction and occupancy, any changes shall be subject to a site plan approval by the Planning Board. Properties lying in the PRD are unique and shall be so considered by the Planning Board when evaluating these requests; and maintenance of the intent and function of the planned unit shall be of primary importance.

Section 8.4 Procedures for Establishing a Planned Residential District.

8.4.1 Any applicant wishing approval for a Planned Residential District shall submit his request to the Planning Board in the form of a concept site plan as defined in Section 10.2. Upon conditional approval of the concept plan by the Planning Board, the applicant shall submit an application for preliminary site plan approval to the Planning Board in conformance with the procedures and requirements set forth in ARTICLE 10.

8.4.2 The Planning Board, in its review of the proposed planned district, will consider, among other things, the need for the proposed use in the proposed location, the existing character of the neighborhood in which the use would be located and the safeguards provided to minimize possible detrimental effects of the proposed use on adjacent property.

8.4.3 The Planning Board shall, based on its review of the preliminary site plan, provide a recommendation to the Town Board on the proposal. Such recommendation shall include a detailed explanation of the reasons for its finding. The Town Board shall not act contrary to the Planning Board's recommendation, except on a vote of at least four (4) members in favor of such proposal and shall state all reasons, (findings) for such decision.

8.4.4 Within forty-five (45) days of the approval of the final application, the Town Board shall, after the required publication of notice, hold a public hearing on the rezoning. Within fifteen (15) days after such hearing the Town Board shall act on the rezoning. The Board may attach such conditions to the approval, as it deems necessary.

8.4.5 If approved, the Town Board shall then amend this Zoning Law and Map to define the boundaries of the Planned District, but such action shall have the effect of only granting permission for the development of the specific proposed use in accordance with the specifications and plans shown on the final site plan filed with the Town Board.

8.4.6 If the Planned Residential District proposal involves the subdivision of land into parcels for sale to individual owners, the site plan review and public hearing required for the PRD may suffice for Planning Board review under the Town's subdivision regulations. In such cases the developer shall prepare a subdivision plat suitable for filing with the Steuben County Clerk in addition to the required site plan drawings. Coincident with final site plan approval final plat approval may be given under the Town subdivision regulations; the plat shall then be signed by the Planning Board Chairman, or his designate, and filed with the County Clerk in the manner prescribed by said regulations.

ARTICLE 9 NON-RESIDENTIAL PLANNED DEVELOPMENT.

Section 9.0 Intent

The intent of the non-residential planned development is to provide an opportunity for centers of convenient shopping to serve residential neighborhoods and small industrial activities to locate in the most suitable locations without causing detrimental effects to neighboring uses or the health, safety and general welfare of the community. These districts shall be encouraged to locate in clusters throughout the town in proportion to the population served. The non-residential planned development is a rezoning which shall be processed as an amendment to this Town Law and shall be subject to site plan approval, and may be applicable to any district in the Town where the applicant can prove his holdings will meet the objectives of this Article.

Section 9.1 Dimensional Requirements.

9.1.1 The minimum area required to qualify for a planned neighborhood business district shall be a five (5) acre contiguous parcel.

9.1.2 The minimum area required to qualify for a planned industrial district shall be a ten (10)

acre contiguous parcel.

Section 9.2 Special Provision Applying to the Non-Residential Planned Development.
Special provisions applying to a non-residential planned development shall be the same as those stated in Section 8.3, plus those set forth below.

9.2.1 The tract of land proposed for a project may be owned, leased, or controlled either by a single person, or corporation, or a group of individuals or corporations. An application must be filed by the owner or jointly by owners of all property included in a project. Property held by multiple owners the approved plan shall be binding on all owners.

9.2.2 The Town Board and Planning Board, review of the proposed planned district, will consider among other things, the need for the proposed use in the proposed location, the existing character of the neighborhood in which the use would be located and the safeguards provided to minimize possible detrimental effects of the proposed use on adjacent property.

9.2.3 Upon acceptance of the final site plan application, the Town Board shall, after the required publication of notice, hold a public hearing on the rezoning.

9.2.4 The Town Board may then amend this Zoning Law to define the boundaries of the Planned District, but such action shall have the effect of only granting permission for the development of the specific proposed use in accordance with the specifications and plans shown on the final application filed with the Town Board.

Section 9.3 Procedures for Establishing a Non-Residential Planned District.
The procedures for establishing a non-residential planned district shall be the same as those specified in Section 8.3 for a planned residential district.

ARTICLE 10 - SITE PLAN APPROVAL.

Section 10.0 Purpose
The Town Board of Campbell believes that a clean, wholesome, attractive environment is of paramount importance to health, safety and general welfare of this community and that such an environment is deemed essential to maintenance and continued orderly development of the town and to the general welfare of its inhabitants. This legislation is designed to ensure the optimum and overall conservation, protection, preservation, development, and use of its natural and man-made resources by regulating land use activities by means of review and approval of proposed plans for land use activity within the Town. Accordingly, the propose of this legislation is to ensure that any proposed development and land use within Town of Campbell will have a harmonious relationship with the existing or permitted use of contiguous land and of adjacent neighborhoods and to ensure that the health, safety and welfare, comfort and confidence of the public are fully considered as well as assure that necessary provisions are made for traffic patterns, means of access, parking, building placement, protection of adjoining buildings and uses, screening, appropriate preservation of floodplains and floodways, and the view corridor from town roads and residences, general avoidance of unpleasant visual impacts, recreation, signs, sewage disposal

systems, water supply, storm drainage, landscaping, and architectural intent.

Section 10.1 Authorization of Planning Board.

A. The Town Board hereby delegates to the Planning Board the authority to review, pursuant to this chapter, including any amendments and modifications thereof, all site plans, for those land uses and activities within the Town of Campbell as set forth herein. Specifically, the Planning Board shall have the power to review and approve, approve with modification or disapprove site plans for residential, commercial and industrial and any other development or land use or lands and buildings, and for open land uses and for any change or intensity of use which will or will be most likely to affect the characteristics of the site in terms of parking means of access, loading and unloading of goods, equipment and or persons, drainage, utilities, or other municipal services.

B. Before application for any permit as required by the town for the construction or reconstruction of, addition to or additional development or redevelopment of a residential building, commercial building, industrial building or other development or land use, or lands and buildings, signs as part of site to be developed or redeveloped or open land uses, the owner shall submit a plan or map of the site to the Planning board for its review. Each plan or map which is finally approved and which has been endorsed by the Chairman of the Planning Board shall be filed in the office of the Planning Board file and in the Town Clerk's office, together with the required number of additional copies as required.

C. Except as provided in sub-division "D" below, Whenever anyone proposes to erect, alter, extend or enlarge a building or structure or to change, enlarge, extend or increase the intensity of land use, he/she shall not commence doing so until such proposal has been submitted, in written form to the Zoning Officer for review, and has been approved by such Zoning Officer.

D. The instances in which land use activities within the Town does not need to be submitted to the Planning Board for approval, include:
   1. Sheds;
   2. Fences;
   3. Swimming pools;
   4. Single family dwellings;
   5. Non-structural or gardening uses;
   6. Ordinary repair or maintenance or interior alterations to existing structures or uses;
   7. Landscaping or grading which is not intended to be used in connection with a land use reviewable under provisions of this chapter; and
   8. There are no exceptions for Flood Plain Development Permits.

   The Zoning officer will make a determination and advise the applicant of the direction they need to follow. Any person who is uncertain as to the applicability of this chapter to a given land use may contact the Zoning officer for clarification.

10.1.1 Effect on Existing Uses and Structures

A. Any lawfully erected or placed structure or lawful use in existence as of the date when this chapter becomes effective shall not be subject to its provisions insofar as it relates to its status and condition or to the extent of actual usage on said effective date. Specifically, it is the intent of this legislation that any proposed change, increase, enlargement or extension of the status or condition and /or any increase in the intensity of usage of any buildings or land area, or land and buildings, beyond that which actually existed on the effective date of this chapter which shall first require a review hereunder.

B. Any use otherwise subject to the chapter which has been discontinued for a period of one (1) year or more shall be subject to review pursuant to the terms of this chapter before such is resumed.

C. Existing nonconforming residential or commercial uses of buildings or of lands and buildings shall not be expanded, nor shall the intensity of their use be increased without first having received a use variance pursuant to Appendix A of this Code. However, provided that no use of land or of buildings, or of land and buildings, which is contrary to the Town's land use regulation, the plan shall be permitted.

10.1.2 Site Plan Approval Procedures.

A. Prior to undertaking any new land use activity, except uses specifically exempted in 10.1 of this chapter, applicants for site plan approval must follow the recommended procedures related to the concept review conference as hereinafter set forth. Applicants must comply with all other procedures and requirements of this chapter.

B. The following land use activities are subject to the site plan review process:

(1) Any land use activity or intensification of usage that would require a Special Use Permit as prescribed by the Town Code.

(2) Any land use activity or intensification of usage that would require a variance as prescribed by the Town Code.

C. Should the Zoning officer, upon review of any application or proposed site of any activity requiring a permit, determine that the proposed usage or activity shall be in conflict with the existing or permitted use of contiguous land and /or of adjacent neighborhoods or to the health, safety and general welfare of this community or to the maintenance and continued orderly development of the Town, the Zoning Officer shall submit his summary findings to the Planning Board and recommend that a site plan review be initiated prior to issuance of any requested permits.

D. Should the Planning Board be made aware by the Zoning Officer, the Town Board, a Town official, or any other person, group or organization or any other official of any proposed usage or activity that may be or that has the potential to be in conflict with the existing or permitted use of contiguous land and/or of any adjacent neighborhoods or to the health, safety, and general welfare of this community or to the maintenance and continued orderly development of the Town then the Planning Board shall initiate a site plan review prior to the issuance of any requested permit.

Section 10.2 Concept Plan Conference.

The Town Clerk shall refer all concept site plan applications to the Zoning Officer for review, and his/her certification that the application is a) complete, b) in compliance with requirements set forth in this Article and ARTICLE 11 and c) permitted in the district where proposed. Upon receipt of such certification from the Zoning Officer, the application shall be forwarded to the Planning Board for their review.

The concept-review conference shall be held between the Planning Board and the applicant prior to the preparation and submission of a formal site plan review. The intent of such a conference is to enable the Applicant to inform the Planning Board of his proposal prior to the preparation of a detailed site plan and for the Planning Board to (a) review the basic site design concept, (b) advise the applicant as to the potential problems and concerns and (c) determine any additional information that is required to be in the site plan. The Planning Board must schedule such a concept-review conference within thirty (30) days from the date of receipt of a COMPLETED FORMAL APPLICATION. If the concept-review conference is not scheduled within days, the concept plan review is deemed waived. In either case, the applicant must still meet all requirements within Town Zoning Code. In order to accomplish these objectives, the applicant shall provide the following:

10.2.1 Requirements. A concept plan shall be prepared and submitted in duplicate to the Town Clerk. The Town Clerk shall refer all concept plans to the Zoning Officer, for their review, and certification that the concept plan is complete, before sending the application and their review on to the Planning board. Before preparing a concept layout, the developer may discuss with the Planning Board the general requirements as to design of streets, reservations of land, drainage, sewerage, water supply, fire protection, and other improvements as well as procedural matters.

Developers of land adjoining State or County highways are advised to consult with the District Engineer of the New York State Department of Transportation or County Highway Superintendent at the concept layout stage in order to resolve problems of street openings or storm water drainage at the earliest possible stage in the design process.

10.2.2 The Concept Plan shall include in as much detail as possible the following information:

10.2.2.1 An area map showing:

10.2.2.1.1 Applicant's entire holdings, that portion of the applicant's property under consideration for development and any adjacent parcels owned by the applicant.

10.2.2.1.2 Existing natural features such as water bodies, watercourses, wetlands, wooded areas, individual large trees, flood hazard areas.

10.2.2.1.3 Zoning districts, certified agricultural districts, school districts.

10.2.2.1.4 Special improvement districts (water, sewer, light, fire, drainage, and the like).

10.2.2.1.5 Easements.

10.2.2.1.6 All properties, their ownership and uses, subdivisions, streets, zoning districts, easements, and adjacent buildings within five hundred (500) feet of the applicant's property.

10.2.2.1.7 All existing man-made features.
10.2.2.1.8 All proposed buildings, man-made structures and public improvements.

10.2.2.2 A map of site topography (USGS topo map).

10.2.2.3 A soils overlay, if general site grades exceed fifteen (15) percent or portions of the site have susceptibility to erosion, flooding or ponding.

Upon completion of the concept review, the Planning Board will, within fifteen (15) days notify the applicant of its decision. If approved, the applicant will receive notification of the permits required. If a site plan review is required, the Planning Board will notify the applicant of its decision and supply the following:

(1) A list of additional information required, drawn from the list outlined in Section 10.4 and Article 11 of this Code.
(2) Application Fee: an application for site plan review shall be accompanied by a fee, payable to the Town Clerk, in accordance with a schedule of fees as adopted by the Town Board.
(3) If required all desirable/recommended revisions should be incorporated in the final site plan application.

Section 10.3 Final Site Plan Application.
Application for final site plan approval shall be made in writing in duplicate to the Town Clerk along with an application fee as specified in the Town of Campbell fee schedule fifteen (15) days prior to a scheduled Planning Board meeting. The Town Clerk shall refer all preliminary site plan applications to the Zoning Officer and (Planning Consultant, if position is filled), for their review, and certification that the application is complete, and in compliance with requirements set forth in this Article and ARTICLE 11 before sending the application and their review on to the Planning board for final review.
Section 10.4 Final Site Plan Requirements.
The final site plan application shall include the information listed below. The Planning Board may at its discretion waive any preliminary requirements, which are clearly not relevant to the proposed use and site.

10.4.1 An area map showing that portion of the applicant's property under consideration for development, any adjacent parcels owned by the applicant, and all properties, their ownership, uses thereon, subdivisions, streets, zoning districts, easements and adjacent buildings within five hundred (500) feet of applicant's property.

10.4.2 A final site plan shall include the following information:

10.4.2.1 Title of drawing, including name and address of applicant.

10.4.2.2 North point, scale and date.

10.4.2.3 Boundaries of the project plotted to scale of not more than one hundred (100) feet to one (1) inch.

10.4.2.4 Existing natural features such as watercourses, water bodies, wetlands, wooded areas and individual large trees. Features to be retained should be noted.

10.4.2.5 Existing and proposed contours at intervals of not more than five (5) feet of elevation.

10.4.2.6 Location of proposed land uses and their areas in acres and location proposed use and height of all buildings.

10.4.2.7 Location of all existing or proposed site improvements including streets, parking, EV charging stations, drains, culverts, retaining walls, fences and easements, whether public or private.

10.4.2.8 Description of sewage disposal and water systems and location of such facilities.

10.4.2.9 Location and proposed development of buffer areas and other landscaping.

10.4.2.10 Delineation of the various residential areas, if applicable, indicating for each such area its general extent, description and composition of dwelling unit type, and a calculation of the residential density in dwelling units per gross acre for each such area.

10.4.2.11 Location of all parking and truck-loading areas, with access and egress drives thereto.

10.4.2.12 Location, design and size of all signs and lighting facilities.

10.4.2.13 The approximate locations and dimensions of areas proposed for neighborhood parks or playgrounds, or other permanent open space.

10.4.2.14 Building orientation and site design for energy efficiency.

10.4.2.15 Location and design of all energy distribution facilities, including electrical, gas and solar energy.

10.4.2.16 Grading and erosion. Description and location of control measures including proposed location of sediment sink/settling pond and interceptor swales, etc.

10.4.2.17 Location and design for storm water management facilities must also comply with DEC best storm water management practices.

10.4.2.18 Drainage report including supporting design data and copies of computations used as a basis for the design capacities and performance of drainage facilities.

10.4.2.19 The lines and dimensions of all property which is offered, or to be offered, for dedication for public use, with the purpose indicated thereon, and of all property

that is proposed to be reserved by deed covenant for the common use of the property owners of the development.

10.4.2.20 A copy of survey of the parcel that the applicant owns and is proposing the work to be completed on.

10.4.3 The Planning Board may require such additional information that appears necessary for a complete assessment of the project.

10.4.4 The Planning Board's review of the final site plan shall include, but is not limited to the following considerations:

10.4.4.1 Adequacy and arrangement of vehicular traffic access and circulation.

10.4.4.2 Location, arrangement, appearance and sufficiency of off-street parking and loading, including location of EV charging stations.

10.4.4.3 Location, arrangement, size and design of buildings, lighting and signs.

10.4.4.4 Relationship of the various uses to one another and their scale.

10.4.4.5 Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise deterring buffer between adjacent uses and adjoining lands.

10.4.4.6 Adequacy of storm water and sanitary waste disposal.

10.4.4.7 Adequacy of structures, roadways and landscaping in areas susceptible to flooding and ponding and/or erosion.

10.4.4.8 Compatibility of development with natural features of the site and with surrounding land uses.

10.4.4.9 Adequacy of flood proofing and prevention measures consistent with flood hazard prevention district regulations.

10.4.4.10 Adequacy of building orientation and site design for energy efficiency. The extent to which the proposed plan conserves energy use and energy resources in the community including the protection of adequate sunlight for use by solar energy systems.

10.4.4.11 Adequacy of open space for play areas, informal recreation and the retention of natural areas such as wildlife habitats, wetlands and wooded areas.

10.4.4.12 Adequacy of pedestrian access, circulation, convenience and safety.

In their review of a final site plan, the Planning Board may consult with the Zoning Officer, Town's Planning Consultant, if position is filled, Fire Commissioners, other local and County officials,

and its designated private consultants, in addition to representatives of Federal and State agencies including, but not limited to, the Soil Conservation Service, the State Department of Transportation and the State Environmental Conservation.

Section 10.5 Public Hearing.
Upon the Planning Board's certification that the final site plan application is complete and satisfactory, and all the recommended changes have been incorporated from the concept review and are reflected on the final site plan application, a public hearing shall be scheduled within forty-five (45) days from the time of such certification.

The hearing shall be advertised at least five (5) days prior to the scheduled date in a newspaper of general circulation in the Town.

Section 10.6 Notification of Decision on Final Site Plan.
Within forty-five (45) days of the conclusion of the public hearing, at which a final site plan is considered, the Planning Board shall act upon it. The Planning Board's action shall be in the form of a written statement of findings to the applicant stating whether or not the final site plan is approved, approved with modifications, or disapproved and must be filed with the Town Clerk within five (5) days of the decision. If the final layout is disapproved, the Planning Board's statement will contain the reasons for such findings. In such a case the Planning Board may recommend further study of the proposal and re-submission of the final site plan after it has been revised or redesigned. A copy of the Planning Board's action shall also be mailed to the Applicant within (5) days of its adoption and issuance.

10.6.1 Upon approval, the Planning Board shall endorse its approval on a copy of the final site plan, with or without conditions, and shall forward it to the Zoning Officer who shall then issue a building permit, if the project conforms to all other applicable requirements. The Planning Board shall put its findings in written form and write a notice of decision. The decision and findings shall be filed in the Town Clerk's office within five (5) days of approval. The Planning Board shall forward this decision to the applicant.

10.6.2 Upon disapproval, the Planning Board shall so inform the Zoning Officer and he shall deny a building permit. The Planning Board shall also file its decision with the Town Clerk within five (5) days of decision and notify the applicant in writing of its decision and its reasons for disapproval.

10.6.3 Specifications for improvements shown on the site plan shall be those set forth in this ordinance and in other ordinances, rules and regulations, or in construction specifications of the Town of Campbell.

10.6.4 After receiving approval, with or without conditions, from the Planning Board on a final site plan, and the approval for all necessary permits and curb cuts from state and county officials have been verified by the Zoning Officer, and any permits that are needed from the Zoning Officer have been issued the applicant may proceed. However, if more than six (6) months have elapsed between the time of the Planning Board's approval of the final site plan and if the Planning Board finds that conditions have changed significantly in the interim, the Planning Board may require a re-submission of the final site plan for further

review and possible revisions prior to allowing work to be completed by the applicant. The final site plan approval shall conform to the approved concept review submission, and shall incorporate any revisions, conditions, or other features that may have been imposed by the Planning Board at the final site plan review. All compliances shall be clearly indicated by the applicant.

Section 10.7 Appeal.

The applicant or any interested person may appeal a decision of the Planning Board. The appeal is made to the Supreme Court for review by a proceeding under Article 78 of the Civil Practice Law and Rules such proceeding challenging the Planning Board decision must be brought within 30 days of the filing of such decision with the Town Clerk, and its mailing to the applicant, as provided in section 10.6

ARTICLE 11 -- DEVELOPMENT GUIDELINES AND GENERAL PROVISIONS.

Section 11.0 General.

The Planning Board, in reviewing a site plan, shall be guided by the considerations and standards presented in this Article. In the review, they shall take into consideration the prospective character of the development and require improvements be designed to such standards as are consistent with reasonable protection of the public health, safety, or welfare. For permitted uses the Zoning Officer shall ensure compliance with this Article and any other applicable ordinances, articles or sections.

Section 11.1 Lots and Blocks.

11.1.1.1 Lot Size and Arrangement. The dimensions and arrangements of lots shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in providing access to buildings on such lots or in securing building permits to build. In general, side lot lines shall be at right angles or radial to street lines, unless a variation from this can be shown to result in a better plan.

11.1.1.2 Access. Insofar as possible, lots shall not derive access from a major road. Access to lots adjacent to a primary road shall, in general, be from marginal access streets or other streets within the development. Where a watercourse separates the buildable area of a lot from the street by which it has access, provision shall be made for installation of a culvert or other structure, which shall be subject to the same design criteria and review as all other storm water drainage facilities in the development.

Section 11.2 Street, Road, and Pavement Design.

11.2.1.1.1 Street Arrangement.

11.2.1.2 Street systems shall be designed with due regard to the needs for convenient traffic access and circulation; traffic control and safety; access for firefighting, snow removal, and street maintenance equipment; and storm water drainage and sewage disposal. Streets shall be designed to accommodate the prospective traffic, and so arranged as to separate through traffic from neighborhood traffic

insofar as it is practicable.

11.2.1.3 The streets in contiguous developments shall be coordinated so as to compose a convenient system. Where a development adjoins undeveloped land. its streets shall be laid out so as to provide suitable future street connections with the adjoining land when the latter shall be developed. A street thus temporarily dead-ended shall be constructed to-the property line and shall be provided with a temporary turn-around of the same dimensions as for permanent dead-end streets if in excess of two hundred (200) feet, with a notation on the construction plat providing for temporary easements for the turn-around until such time as the street is extended.

11.2.1.4 Streets shall be logically related to the topography, and all streets shall be arranged so as to obtain as many as possible of the building sites at or above the grade of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and sharp curves shall be avoided.

11.2.1.5 Where a development abuts on or contains an existing or proposed primary street, the Planning Board may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with or without rear service alleys, or such treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

11.2.1.6 Where a development borders or contains an existing or proposed railroad right-of-way or controlled access highway right-of-way, the Planning Board may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for business, commercial or industrial purpose in appropriate districts. Such distances shall also be determined with due regard or the requirements of approach grades and future grade separations.

11.2.1.6.1 Standards for Street Design. All streets and roads shall be designed and constructed to conform to N.Y.S. and Town specifications. The Town Highway Superintendent shall approve all street and road design and construction.

11.2.1.6.2 Dead-end Streets. Where a street does not extend to the boundary of the development and its continuation is not needed for access to adjoining property, it shall be separated from such boundary by a distance sufficient to accommodate a lot meeting the requirements of this Zoning Law. Reserve strips of land shall not be left between the end of a proposed street and an adjacent piece of property. However, the Planning Board may require the reservation of an easement fifteen (15) feet wide for pedestrian traffic or utilities. A turn-around of a minimum right-of-way radius of eighty (80) feet shall be provided at the end of any permanent dead-end street. For greater convenience to traffic and more efficient police and fire protection, the length of permanent dead-end

streets shall be limited to six (6) times the minimum lot width for the zoning district, such length to be measured to the center point of the turn-around.

11.2.4 Sidewalks. Concrete sidewalks at least four (4) feet wide may be required on both sides of all streets. They may also be required within pedestrian easements through blocks to provide a system of pedestrian walkways to schools, parks and other community facilities. Sidewalks should be two (2) feet from the property line inside the right-of-way, unless the adjacent street is a state or county highway, in which case the sidewalk shall be placed adjacent to and outside of the right-of-way. Sidewalks within pedestrian easements shall be generally centered within the easement.

11.2.1.7 Trees. The developer shall take adequate measures to preserve desirable existing trees in suitable locations within the development. Street trees shall be planted on both sides of the street and ten (10) feet outside the right-of-way, at intervals of approximately twenty-five (25) feet, subject to location of drives, street intersections or other features.

In general, the street right-of-way shall be cleared of existing trees, but occasional existing trees of unusual value may be preserved within the street right-of-way if approved by the Planning Board.

11.2.5 Street Names and Signs. All streets shall be named, and such names shall be subject to the approval of the Town Board. A street which is a continuation of an existing street shall bear the same name. Relating street names to features of local historical, topographical, or other natural interest is encouraged. Street signs shall be provided by the developer at all intersections and shall be of a type approved by the Town Highway Superintendent.

11.2.5.1 Street Improvements - General. In addition to the required improvements specifically referred to elsewhere in these regulations, plans shall provide for all other customary elements of street construction and utility service that may be appropriate in each locality as determined by the Town. Such elements may include, but shall not be limited to, street pavement, gutters, storm water inlets, manholes, curbs, sidewalks, street lighting standards, water mains, fire hydrants, fire alarm signal devices, and sanitary sewers. Underground utilities within the street right-of-way shall be located as required by the Town and underground service connections to the property line of each lot shall be installed before the street is paved. All street improvements and other construction features of the development shall conform to municipal specifications which may be established from time to time and shall be subject to approval as to design, specifications, and construction by the Town Highway Superintendent.

11.2.6 Widening of Existing Street Right-of-Way. Where a development adjoins an existing street which does not conform to the Town's right-of-way standards, the Town Board may request that additional right-of-way width be provided as necessary on the development side of the normal street centerline, a width which is equal to at least one-half of the minimum standard width for the respective type of street.

11.2.7 Typical Road Section. The typical section shall be as approved by the Town in the

Town highway specifications and by the Highway Superintendent and shall be used for all roads. Pavement and R.O.W. widths shall vary with type of use.

Section 11.3 Off-Street Parking.

11.3.1.1 General Requirements.

11.3.1.2 It shall be the responsibility of the owner of a property to provide the off-street parking spaces required in the listing below for any use that is erected, enlarged, or altered after the effective date of this Zoning Law.

11.3.1.3 No exit or entrance drive connecting a parking area and a street shall be permitted within fifty (50) feet of the intersection of two public rights-of-way.

11.3.1.4 Where appropriate, the Zoning Board of Appeals may, upon the presentation of evidence, vary the number and circumstance of the following parking space requirements, in order that the general welfare be served and the prospective uses be equitably treated.

11.3.1.5 In stadiums, churches, and other places of assembly, in which patrons or spectators occupy benches, pews, or other similar seating facilities; each twenty (20) inches of such seating facilities shall be counted as one seat.

11.3.1.6 The lighting of off-street parking lots shall not be directed into adjacent properties.

11.3.1.7 If the uses, structures or parcels are under separate ownership, the right to joint use of the parking space must be evidenced by a deed, lease, contract or other appropriate written document to establish the joint use.

11.3.1.8 When development proposes addition of EV charging stations, charging stations shall be installed according to manufacturer instruction by installers as approved per manufacturer instructions.

11.3.2 Required Off-Street Parking Spaces. The minimum cumulative number of spaces shall be determined by the amount of dwelling units, bedrooms, floor area, members, equipment, employees, and/or-seats contained in such new buildings or structures or added by alteration of buildings or structures, and such minimum number of spaces shall be maintained by the owners of such buildings or structures, as follows:

11.3.2.1 Single Family Residences – Two (2) spaces per dwelling unit.

11.3.2.2 Multi-Family Residences - Two (2) spaces per dwelling unit.

11.3.2.3 Manufactured/Mobile Home Parks – Two (2) spaces per dwelling unit.

11.3.2.4 Home Occupation - One (1) space per dwelling unit plus one (1) additional.

11.3.2.5 Hospitals, Sanitariums, Nursing Homes - One (1) space for each bed.

11.3.2.6 Tourist Home, Rooming House – One (1) space for each bedroom within the facility.

11.3.2.7 Motels/Hotels – One (1) space for each unit plus one (1) space for every four (4) employees.

11.3.2.8 Offices - Service, Retail, Professional, Private Utility – One (1) space for each three hundred (300) sq. ft. of gross floor area.

11.3.2.9 Medical and Dental Clinics – One (1) space for each one hundred (100) sq. ft. of gross floor area.

11.3.2.10 Retail Establishments, Funeral Homes, Veterinary Hospitals, Banks, and Related Commercial Establishments of a Personal Service or Business Service Nature - One (1) space for each three hundred (300) sq. ft. of gross floor area.

11.3.2.11 Restaurants – One (1) space for each one hundred (100) sq. ft. of customer floor area plus one (1) additional space for each two (2) employees.

11.3.2.12 Commercial Recreation, Private Membership Clubs – One (1) space for every three hundred (300) sq. ft. of gross floor area.

11.3.2.13 Roadside Stands – One (1) space for every one hundred (100) sq. ft. of area devoted to selling or display.

11.3.2.14 Nursery and Elementary Schools - One (1) space per employee plus two (2) additional spaces per classroom.

11.3.2.15 High Schools and Colleges – Five (5) Spaces for each classroom.

11.3.2.16 Churches, Temples, Auditoriums, Theaters - One (1) space for every five (5) seats of seating capacity.

11.3.2.17 Industrial Uses –

11.3.2.17.1 One (1) space for each eight hundred (800) sq. ft. of floor area devoted to manufacture including printing, publishing, and laundry or dry-cleaning plants.

11.3.2.17.2 One (1) space for each one thousand five hundred (1,500) sq. ft. of floor area devoted to storage or stationary operating equipment.

11.3.2.17.3 One (1) space for each three thousand (3,000) sq. ft. of area devoted to outside storage, including used car lots an equipment rental or sales yards.

11.3.2.17.4 For any industrial use, one space for each company vehicle.

11.3.3 Calculation of Required Spaces. In the case of combination of uses, the total requirements for off-street automobile parking spaces shall be the sum of the requirements for

the various uses, unless it can be proven that staggered hours of use would permit modification. Whenever a major fraction of a space is required, a full space shall be provided.

11.3.4 Dimensions for Off-Street Automobile Parking Spaces.
Every such space provided shall be at least ten (10) feet wide and twenty (20) feet long, and every space shall have direct and usable driveway access to a street or alley with minimum maneuver area between spaces as follows:

11.3.4.1 Parallel Club Parking: five (5) feet end to end with twelve (12) foot aisle width for one directional flow and twenty-four (24) foot aisle width for two (2) directional flow.

11.3.4.2 Thirty (30) Degree Parking: thirteen (13) foot aisle width for one (1) directional flow and twenty-six (26) foot aisle width for two (2) directional flow.

11.3.4.3 Forty-five (45) Degree Parking: sixteen (16) foot aisle width for one (1) directional flow and twenty-six (26) foot aisle width for two (2) directional flow.

11.3.4.4 Sixty (60) Degree Parking: twenty-one (21) foot aisle width for one (1) directional flow and twenty-six (26) foot aisle width for two (2) directional flow.

11.3.4.5 Perpendicular Parking: twenty-six (26) foot aisle widths for one (1) directional and two (2) directional flow.

11.3.5 Location of Required Parking Spaces. In any residential district, required automobile parking spaces shall be provided on a buildable portion of the same lot. This space shall be graded for parking use and readily accessible from the street.

In any residential district, no open or enclosed parking area shall encroach on any required front yard. Open parking areas may encroach on a required side or rear yard to within three (3) feet of a property line.

For business and industrial uses, such spaces shall be provided on the same lot, or not more than four hundred (400) ft. therefrom. Vehicles and equipment for display or for sale shall not be parked or stored within the front yard requirement.

11.3.6 Construction of Parking Areas. Parking areas, with the exception of single-family residences, shall be paved with a suitable all-weather, dust-free surface.

The individual spaces shall be visibly marked with paint or other durable material.

11.3.7 Buffers. Minimum buffer width shall be fifteen (15) feet or eight percent (8%) of the area, whichever is greater, of the lot usable for off-street parking shall be devoted to landscaping with lawn, trees, shrubs, or other plant material, water or rain gardens to help with managing storm water runoff. All loading berths and parking areas of three

or more spaces that abut a residential lot line, and any parking lot for more than twenty (20) cars shall be screened compact evergreen hedge or other buffer so designed as to form a visual screen from adjoining property. All parking areas and landscaping shall be properly maintained thereafter in a sightly and well-kept condition. See also Section 11.8.

Section 11.4 Off-Street Loading and Unloading Requirements.

11.4.1 Dimensions of Loading Berths. Each loading berth, either open or enclosed, shall be sixty-five (65) feet long, twelve (12) feet wide and fourteen (14) feet high; businesses utilizing vehicles not larger than panel trucks may have berths which are not smaller than twenty (20) feet long, ten (10) feet wide and eight (8) feet high.

11.4.2 Location of Berths. All off-street loading areas shall be located on the same lot as the use for which they are permitted or required. Open off-street loading areas shall not encroach on any required front or side yard, access way or off-street parking areas except in business districts. Off-street parking areas where they exist may be used for loading or unloading provided that such spaces shall not be used for more than three (3) hours during the daily period that the establishment is open for business.

11.4.3 Required Loading Berths. The following shall be considered minimum requirements:

Use	Gross Floor Area (Sq. Ft.)	Loading and Unloading Berth
Retail Stores, Wholesale Establishments Storage Uses, Other Commercial Uses	3,000 - 15,000	1
	15,000 - 40,000	2
	each 25,000 addt'l.	1 additional

Use	Gross Floor Area (Sq. Ft.)	Loading and Unloading Berth
Motels - Hotels, Office Buildings	100,000 or less	1
	100,001 - 300,000	2
	each 200,000 addt'l.	1 additional
Industrial	15,000 or less	1
	15,000 - 40,000	2
	40,001 - 100,000	3
	each 40 000 addt'l.	1 additional

The Planning Board may require additional berths as necessary to adequately accommodate the use.

11.4.4 Buffers as required in Section 11.3.7 and 11.8.

Section 11.5 S i g n s .

11.5. .0 P u r p o s e and Intent. The purpose of this Section is to promote the public health, safety, and welfare by establishing standards and criteria for the construction, installation,

maintenance, and operation of all types of signs in the Town of Campbell, which are subject to the provisions of all types of this section. It is the further purpose to provide for the removal of those signs that do not comply with these regulations. More specifically, this article is intended to:

11.5.0.1 Enhance and protect the physical appearance of the municipality.
11.5.0.2 Protect property values.
11.5.0.3 Promote and maintain visually attractive, high –value residential, business, and industrial districts.
11.5.0.4 Promote the economic well-being of the community by creating favorable physical image.
11.5.0.5 Ensure that signs are located and designed to:
11.5.0.6 Provide an effective - of directional information in the community.
11.5.0.7 Afford the community an equal and fair way to advertise and promote its products and services.
11.5.0.8 Reduce sign clutter and distractions and obstructions that may contribute to traffic accidents, and to reduce hazards that may be caused by signs overhanging or projecting over public rights of ways.
11.5.0.9 Preserve scenic views and the visual character of the neighborhoods, historic districts and park land.

11.5.1 General Provisions. No sign or other outdoor devices for the purpose of advertising of any kind may be erected or established in the Town except in conformance with the standards in this section.

11.5.1.1 Except as otherwise provided, no person shall erect, alter or relocate any sign without first obtaining a permit from the Zoning Officer. Subsequent to this initial application, no permit shall be required for the general repair or maintenance of any permitted sign.

11.5.1.2 Application procedure.

Applications shall be made in writing to the Zoning Officer on forms obtained from the Zoning Officer and shall contain the following information:

A. The name, address and telephone number of the applicant.
B. The name, address and telephone number of the property owner.
C. The location of the building, structure and/or land upon which the sign now exists or is to be erected.
D. A plan, drawn to scale, as well as a description of the sign, sign structure and placement and should include the following:
   (1) Its location on the premises, specifically its position in relation to existing buildings, structures, property lines, roadways, driveways, parking lots and any other existing or proposed signage, and indicating such distances.
   (2) The method of illumination, if any, and the position of lighting or other extraneous devices.
   (3) Graphic design, including symbols, letters, materials and colors.

(4) The visual message, copy, text or content of the sign.

11 .5 .1.3 Issuance of permit; permit conditions.

A. All signs in the Town of Campbell, other than those mentioned in 11.5.2, shall require a sign permit.

B. Upon the filing of a completed application for a sign permit and the payment of the required fee which has been determined by a schedule of fees as established by the Town Board, the Zoning Officer shall examine the plans, specifications and other data submitted and the premises on which the sign is to be erected or now exists. If it shall appear that the sign is in compliance with the requirements of this chapter, the Zoning Officer shall then, within 30 days, issue a permit for the erection of the proposed sign or for an existing sign. The issuance of this permit shall not excuse the applicant from conforming to any other laws or any local laws or ordinances.

C. If the erection of the sign authorized under any such permit has not commenced within six months from the date of issuance, the permit shall become null and void but may be renewed within 30 days prior to the expiration of said permit, for good cause shown, for an additional six months, upon payment of 1/2 of the original fee.

D. The term of such permit shall extend through the useful life of the sign unless otherwise indicted in this chapter. A new permit shall be required if:
   (1) Changes to the design, copy, structure, size or supporting structure are no longer consistent with the original application.
   (2) The name of the business or type of business is no longer consistent with the original application.
   (3) The business is sold or property leased or in some manner becomes under the management or is represented by a party or parties not consistent with the original application.
   (4) The original permit is found to be in violation under the provisions of this or any other chapter.

E. Every sign shall bear the permit number, permanently and visibly displayed. Failure to do so shall constitute cause for the revocation of the permit.

11.5.1.4 No permanent or temporary sign shall be erected or placed in the highway right-of-way at or near the intersection of any streets in such a manner as to cause a traffic hazard at the intersection; or at any location where, by reason of the position, shape, or color of the sign it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or which makes use of the words, "Stop", "Look", "Drive-in", "Left", or any other words, phrase, symbol, or character in such a manner as to interfere with, mislead or confuse traffic.

11.5.1.5 No attached sign shall be placed or erected above the maximum elevation of the main roofline of a building.

11.5.1.6 Any permitted free-standing sign shall not be more than twenty-six (26) feet

in height above the average surface of the ground within a fifty (50) ft. radius from the base of the proposed sign.

11.5.1.7 All signs shall be set back a minimum of ten (10) feet from any lot line unless otherwise specified.

11.5.1.8 The provisions of this section shall not apply to safety signs, road signs, historical markers or highway directional signs erected by municipal or public agencies or to mailboxes, or fire numbers, or other identification required by the municipal or public agency.

11.5.1.9 Non – Commercial signs shall be permitted where commercial signs are also permitted.

11.5.1.10 Illumination of signs shall not be intermittent or of varying intensity and may not produce glare beyond the limits of the property lines.

11.5.1.11 Signs with moving parts are prohibited.

11.5.1.12 Off-site large seasonal or temporary (copy-change) advertising signs shall require a sign permit and written permission from the landowner. Maximum size is thirty-two (32) square feet. These signs shall only be on- site for a maximum of ninety (90) days.

11.5.1.13 Off-site Permanent advertising signs are prohibited. Temporary off -site signs larger than thirty-two (32) sq. ft. are prohibited.

11.5.1.14 Total sign area shall include all on site located on the premises and off site signs.

11.5.1.15 Projecting signs over a public right-of-way shall have a clearance of not less than ten (10) feet above the side walk or surrounding ground and not less than fifteen (15) feet above any public driveway or thoroughfare.

11.5.1.16 Temporary signs shall be removed after ninety (90) days unless otherwise noted and shall be counted towards the accessory sign area for the property where such sign is located.

11.5.1.17 Copy-Change Signs. The Town of Campbell realizes the importance of the use of copy-change signs, to advertise certain events, or sales, or specials for businesses within the Town. In an effort to make the appearance of the Town business to look better it is the intent that this section sets forth the guidelines for copy-change signs used at business establishments.

11.5.1.17.1 A copy-change sign used at a business establishment at the time of adoption and enactment of this code shall be made permanent at the business

location by placing the sign on a permanent base affixed to the ground, or be placed between the uprights of the permanent free-standing sign already existing on the premises, or by placing the sign on the façade of the building.

11.5.2 Signs Permitted in Any District without a Sign Permit.

11.5.2.1 Signs permitted shall meet the provisions of Section 11.5.1.

11.5.2.2 Permanent signs.

11.5.2.2.1 On-site memorial signs or tablets.

11.5.2.2.2 Traffic or other municipal signs, legal notice and such temporary or non-advertising signs for government purposes.

11.5.2.2.3 All signs, certificates and licenses that are mandated to be on display by any local, county, state or federal law or authority.

11.5.2.2.4 On site two (2) directional signs not exceeding 4 square feet in area, indicating or calling attention to traffic entrances and exits, provided that, if illuminated, such illumination shall cease at the close of business hours or 11:30 p.m. whichever is later. Such signs shall be located between 5 and 10 feet to any lot line and shall not project more than two (2.5) feet above grade. Such signs located greater than ten (10) feet from any lot line shall not project more than four feet above grade.

11.5.2.2.5 Name plate signs shall not exceed two (2) square feet for each profession, business, or landowner located on the premises.

11.5.2.3 Temporary Signs.

11.5.2.3.1 On-site temporary signs, do not include portable copy-change signs.

11.5.2.3.2 Construction signs shall be removed within thirty (30) days after construction is complete. Maximum size is thirty-two (32) square feet.

11.5.2.3.3 Temporary wood, plastic, or paper posters covering such things as political and special events, and shows. Shall not be displayed until four (4) weeks prior to the event and must be removed within two (2) weeks following the event.

11.5.2.3.4 Temporary banners and similar devices may be displayed for the occasion of the special event and shall be displayed for no longer than a three- (3) week period. Maximum size is twenty (20) square feet.

11.5.2.3.5 Small seasonal or temporary advertising signs provided that such signs shall not be nearer than five (5) feet to any lot line and shall not project more than four (4) feet above grade. The owner of said sign shall obtain

written permission from the owner of the land on which it is to be located. Maximum size is six (6) square feet.

11.5.2.3.6 Large off site temporary signs exceeding twelve (12) square feet shall require a sign permit and written permission from the landowner. Maximum sign area is thirty-two (32) square feet.

11.5.2.3.7 Real estate signs shall be allowed to remain until fourteen (14) days after the sale or lease of the property.

11.5.3 Signs Permitted in Agricultural and Residential Districts.

11.5.3.1 An apartment complex and/or mobile home parks may display on-site information signs which do not have a total face area of more than fifteen (15) sq. ft.

11.5.3.2 A dwelling unit, in which a home occupation is permitted, may display a sign noting such occupation. Such sign shall be no more than six (6) sq. ft. in area not to exceed twelve (12) sq. ft. total area for a two (2) sided sign.

11.5.3.3 Subdivision signs - any person offering lots for sale in an approved area of not more than thirty-two (32) square feet. Such sign shall be removed sixty (60) days after all of the lots within the subdivision have been sold or taken off the market.

11.5.3.4 Real estate signs shall not exceed eight (8) square feet in sign area.

11.5.3.5 One (1) primary identification sign. Such sign shall not exceed a total sign area of twenty (20) square feet.

11.5.3.6 Accessory signs shall not exceed six (6) sq. in. of sign area for each linear foot of building frontage.

11.5.3.7 Institutional signs. Two (2) primary identification signs are permitted, one of which may be a double side free standing and the other one a wall sign, and shall not exceed one hundred twenty-five (125) square feet in total sign area cumulative.

11.5.3.8 Adult Use Signs. Non-residential uses permitted in an Agricultural residential district such uses are permitted an aggregated sign area of not more than 30 square feet on signs that do not project beyond the face of the principal building more than twenty-four (24) inches, provided however, that one (1) sign may be erected in the ground at the appropriate setback with an aggregated face area not exceeding fifteen (15) square feet and shall be no higher than ten (10) feet.

Adult use signs must display only the name of the establishment and type of adult use in block lettering and muted colors.

11.5.4 Signs Permitted for Business Districts.

11.5.4.1 PRIMARY ON-SITE SIGNS. Two (2) primary on-site identification signs are permitted, one of which may be free standing, or high-rise sign, or monument sign with a maximum of two (2) display faces and one wall sign displayed on the same lot as the business with which they are associated. The total display area of both signs shall not exceed an area equal to one and five tenths (1.5) = one and one-half (1-1/2) square feet of sign area for each linear foot of building frontage or one hundred and fifty (150) square feet, whichever is lesser. In no instance shall a single face of either sign exceed fifty (50) feet square feet. A monument sign shall not extend more than eight (8) feet above the ground.

11.5.4.2 HIGH RISE. One (1) high rise free-standing sign may be within one thousand (1,000) feet of the right-of-way of a limited access highway provided that the supports and foundations of such sign are designed by a licensed professional engineer and the drawings of such have his seal and signature.

11.5.4.3 ACCESSORY SIGNS. Accessory signs may be displayed at each establishment provided that such signs conform with the following:

11.5.4.3.1 WINDOW SIGNS. Window signs shall not exceed thirty (30) per cent of the window area.

11.5.4.3.2 ADDITIONAL SIGNS. Additional signs may be located on the building facade or on certain merchandise displays as may be appropriately stored outside during business hours.

11.5.4.3.3 TOTAL DISPLAY AREA. The aggregate total display area of all such signs does not exceed an area equal to six (6) square inches per linear foot of building frontage.

11.5.4.4 PORTABLE SIGNS – as defined herein, may be used as part of the accessory sign square footage, provided that the following minimum standards are met:

11.5.4.4.1 All such signs shall be adequately anchored to the ground to withstand wind loads as per the Uniform Fire Prevention and Building Code.

11.5.4.4.2 All such signs shall conform to the Uniform Fire Prevention and Building Code.

11.5.4.4.3 All such signs shall be located in conformance with the required setbacks as set forth in Subsection 11.5.1 of this Section.

11.5.4.4.4 All such signs shall be maintained in a reasonable manner and shall display a message. Failure to display a message for a one (1) week or more time-frame shall be grounds for removal.

11.5.4.5 GASOLINE FILLING STATION. Gasoline Filing Stations, Service and Repair Garages, Automobile sales area signage shall not exceed four hundred and twenty

feet (420) square feet.

11.5.4.6B-1 NEIGHBORHOOD SIGNS. Signs in a B-1 Neighborhood District projecting over a public right-of-way shall have a clearance of not less than ten (10) feet above the sidewalk or surrounding ground and not less than fifteen (15') feet above any public driveway or thoroughfare.

11.5.5 Signs Permitted for Industrial Districts.

11.5.5.1 PRIMARY BUSINESS. Three (3) primary business identification signs may be displayed on the same lot as the business with which they are associated. The total display area of all these signs shall not exceed an area equal to twelve (12) square feet of sign area per each linear foot of building frontage or five hundred (500) square feet whichever is the lesser. In no instance shall a single sign face exceed two hundred twenty-five (225) square feet).

11.5.5.2 ACCESSORY. Accessory signs may be displayed at each establishment provided that such signs conform to the following:

11.5.5.2.1 Window Signs may be exhibited in any window area provided that the display area does not exceed thirty percent (30%) of the window area.

11.5.5.2.2 Additional signs may be located on the building facade or on certain merchandise displays as may be appropriately stored outside during business hours.

11.5.5.2.3 The aggregate total display area of all such signs does not exceed an area equal to seventy-five one hundredths (.75) square feet per lineal foot of building frontage.

11.5.6 On-Site Plaza or Mall Signs.

11.5.6.1 GROUP SIGNS. Two (2) freestanding double-faced signs identifying the group of businesses. Each sign shall have a maximum total face area of one hundred fifty (150) square feet with no single face exceeding one hundred (100) square feet.

11.5.6.2 FREESTANDING SIGN. One (1) freestanding directory sign identifying each business located within the Plaza. Such sign shall not exceed one hundred fifty (150) square feet and each business name identified on such sign shall be of a uniform size.

11.5.6.3 FAÇADE SIGN. Each business in the group may have one (1) sign which shall not exceed ten (10) percent of the front facade on which it is mounted. Corner establishments with more than one (1) front facade visible may have up to two (2) signs with a maximum area as calculated herein.

11.5.6.4 ACCESSORY SIGNS. Accessory signs may be displayed at each establishment

provided that such signs conform with the following:

11.5.6.4.1 WINDOW SIGNS. Window Signs may be exhibited in any window area provided that the display area does not exceed thirty (30) percent of the window area.

11.5.6.4.2 ADDITIONAL SIGNS. Additional signs may be located on the building façade or on certain merchandise displays as may be appropriately stored outside during business hours.

11.5.6.4.3 AGGREGATE AREA. The aggregate total display area of all such signs does not exceed an area equal to ^^^^^^^^(6) square inches per lineal foot of each building frontage.

11.5.7 Removal of Certain Signs.

11.5.7.1 The message on any sign that otherwise meets the requirements of this section which no longer advertises a bona fide business conducted, or a product sold, shall be taken down and removed by the owner, agent, or person having the beneficial use of the building or structure upon which such sign may be found within sixty (60) days after written notification from the Zoning Officer, and, upon failure to comply with such notice within the time specified in such order, the Zoning Officer is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the building or structure to which such sign is attached.

11.5.7.2 Legitimate non-conforming uses in any district may continue the use of signs established prior to the effective date of this Local Law. All other non-conforming signs shall not be maintained at which time they become un-repairable or lived out their useful life, or the business they are representing is no longer in business, or the business has changed ownership, they shall be removed.

11.5.7.3 The Zoning Officer may cause any sign, which is a source of immediate peril to persons or property, to be removed immediately without notice.

11.5.8 Construction standards.

11.5.8.1 General Guidelines.

(a) All signs installed after the effective date of this chapter shall have attached to the sign a name plate giving the sign permit number and the name and address of the owner, person or corporation responsible for the general requirements and maintenance as outlined in this chapter.

(b) All internally illuminated signs shall be constructed in conformance with the Standards for Electric Signs (UL 48) of Underwriters' Laboratories, Inc., and bear the seal of Underwriters' Laboratories, Inc.

(c) If such sign does not bear the Underwriters' Laboratories label, the sign shall be inspected and certified by third party electrical inspector. All transformers, wires and similar items shall be concealed. All wiring to freestanding signs shall be underground.

(d) All freestanding signs shall be designed and constructed to withstand a wind pressure of not less than 30 pounds per square foot of surface area.

(e) All signs, including wall-mounted and projecting signs, shall be securely anchored.

(f) All signs, sign finishes, supports and electrical work shall be kept clean, neatly painted and free from all hazards, such as but not limited to faulty wiring and loose supports, braces, guys and anchors.

(g) All projecting, freestanding or wall signs shall employ acceptable safety material.

(h) All signs shall be painted and/or fabricated in accordance with generally accepted standards.

11.5.8.2 Design guidelines.

(a) Signs shall be designed to be compatible with the surroundings and appropriate to the architectural character of the buildings on which they are placed. Sign panels and graphics shall be related with, and not cover, architectural features and should be in proportion to them.

(b) Signs shall be appropriate to the types of activities they represent.

(c) Layout shall be orderly and graphics should be of simple shape, such as rectangle, circle or oval.

(d) Illumination shall be appropriate to the character of the sign and surroundings. SEE Section 4.7.3 of this code.

(e) Groups of related signs shall express uniformity and create a sense of harmonious appearance.

(f) All signage shall be professional in appearance and construction as not to visually detract from the character of the area or have a negative effect upon the quality and value of surrounding properties.

11.5.9 Penalties for offenses.

A. Any violation of any part of this Local Law or a failure to comply with orders issued in compliance with this local law shall constitute a violation as defined in the Penal Law of the State of New York, and shall be punishable by a fine not less than fifty dollars ($50.00) and not more than two hundred and fifty dollars, ($250.00) per day of violation, or imprisonment not to exceed fifteen (15) days, or both such fine and imprisonment. Each day of non-compliance shall be considered a separate violation.

B. However, for the purpose of conferring jurisdiction upon the court and judicial officers generally, violations of this chapter shall be deemed misdemeanors and for such purpose

only all provisions of law relating to misdemeanors shall apply to such violations.

Section 11.6 Accessory Buildings and Uses.

11.6.1 Accessory Buildings. Accessory buildings not attached to principal buildings shall comply with the following:

11.6.1.1 All structures exceeding one hundred forty-four (144) sq. ft. in size shall require a building permit. However, buildings one hundred forty-four (144) square feet or less do require a zoning permit.

11.6.1.2 Structures shall be located in compliance with all setback requirements as stated in the Density Control Schedule.

11.6.1.3 Structures shall be located no closer to the principal building or other accessory buildings than twelve (12) feet or a distance equal to the height of each accessory building whichever is greater.

11.6.2 Accessory Uses. Accessory uses not enclosed in a building, including swimming pools tennis courts, and ground-mounted solar shall be erected only on the same lot as the principal structure, shall not be located in front yard on such lot and shall be located not less than twenty (20) feet from any lot line nor less than ten (10) feet from the principal structure, nor occupy more than forty percent (40%) of the yard in which it is located inclusive of all accessory structures, and shall not adversely affect the character of any residential neighborhood by reason of noise or glare or safety.

11.6.2.1 A swimming pool or the lot or any part thereof within which a pool is located shall be completely enclosed by a chain link fence, or a type of fence that offers the same degree of security against accidental or unauthorized entry. Such fence shall be four (4) to six (6) feet in height, and all entrance gates thereof shall be self-enclosing, self-latching and capable of being locked. The fence shall be separate and physically detached from the swimming pool itself, and shall be a minimum distance of four (4) feet from the water's edge.

11.6.2.2 An above-ground pool with no part of its side wall height less than four (4) feet above ground and so constructed by the manufacturer that the vertical sides are smooth, sheer and do not provide any intermediate foot or hand holds, and any pool with decking and a ladder that are designed to restrict access, may be exempt from the full provisions of the above fence requirement. However, a full height fence with a self-closing, self-latching gate capable of being locked shall enclose the ladder area not less than four (4) feet in width and four (4) feet in depth, and the ladder shall remain permanently therein. Above ground pools provided with foot or hand holds (draw-banded) and above ground pools less than four (4) foot side wall height above ground are not exempt from the full fencing requirement.

11.6.3 Residential Accessory Buildings. Where twenty-five percent (25%) or more of the lots

in a block are occupied by buildings, the average yard dimensions, average of lot coverage of such buildings and the average side and rear yard set-back shall determine the yard set-back and coverage requirements for any new accessory building or use, within the block. Or, where no standard block exists, the word "block" as used above shall be interpreted to mean those structures within two-hundred fifty (250) feet of either side of the lot in question, on the same side of the street. The average setback shall be based on no fewer than two (2) similar uses.

11.6.4 Special Designs. In cases where a developer has designed a grouping of buildings, the Town Board may approve the siting of accessory buildings such as garages and carports in the front yard, provided that the buildings are in compliance with all required setbacks.

11.6.5 Residential Storage Sheds. Shall maintain a minimum side and rear yard setback of 10 feet and shall be locate behind the front building line of the principal residence on the lot. For undersized pre-existing lots, the non-conforming guidelines shall apply. Storage sheds located in the flood plain shall first obtain a flood plain development permit from the Town before starting construction or delivery of a storage shed.

Section 11.7 Driveway Standards. No person, firm or corporation shall construct or locate any driveway entrance or exit into a highway of the Town of Campbell without having first met the provisions of this Section. The "Standard Entrance and Exit Crossing Requirements" shall be as follows:

11.7.1 All work and materials shall be furnished as required to meet the conditions set by the Town Highway Superintendent and County and State Highway Departments.

11.7.2 No alteration or addition shall be made to any driveway without first securing permission from the Town Highway Superintendent, County Highway Department or the N.Y.S. Department of Transportation as required.

11.7.3 No more than two driveways to a single commercial establishment entering on one highway shall be permitted.

11.7.4 The maximum width for a single combined entrance or exit shall be not more than fifty (50) feet for commercial use and not more than twenty (20) feet for residential use, and thirty (30) feet for individual commercial drives.

11.7.5 The slope of the driveway shall not be greater than ten percent (10%).

11.7.6 Slope of the driveway shall not exceed five percent (5%) within twenty-five (25) feet of the intersecting public highway.

11.7.7 The driveway shall be constructed with a suitable crown so as to lessen the erosion effect of surface runoff. In addition, as specified by the appropriate Highway Superintendent, a catch basin at a point near the intersection of the driveway and town

highway may be required. This will prevent surface water and debris from being discharged onto the highway.

Section 11.8 Fences, Walls, Hedges and Buffers. The erection of a fence requires a permit. Requirements for fences, walls hedges and buffers are as follows:

11.8.1.1 Height. In any residence district, walls and fences up to 4 feet in height shall be permitted anywhere on a lot, except where corner sight clearances are required for traffic safety.

11.8.1.2 Restrictions. In any business or industry district, there shall be no restriction on fences or walls except on a residential district boundary line where such fences or walls shall be limited to eight (8) feet in height and except where corner sight corner sight clearances are required.

11.8.1.3 Good Side. All fences must have the good side out.

11.8.1.4 Driveways – where the driveway meets the road, the fence, hedge, buffer, or any temporary or permanent structure shall not exceed two and one half (2 ½) feet in height to within eight (8) feet of the right-of-way.

11.8.1.5 Clear -Vision Areas. In any use, a minimum clear vision area shall be maintained at a distance of twenty-five (25) feet from the edge of the pavement at an intersection. The clear vision area shall contain no plantings, fences, temporary or permanent structures exceeding two and one-half (2 ½) feet in height as measured from the top of the pavement, unless such plantings located in this area have all branches and foliage removed to a height of eight (8) feet above the grade.

11.8.1.5 Fences Between Districts. Fences, hedges or buffers may be required, in multi-family, commercial or industrial districts, or on parcels containing non-residential uses in agricultural residential zones, including Adult uses by the Planning Board, as is necessary to protect the residential quality of adjacent property.

11.8.1.8 Owner's Lot. A fence shall be constructed on the owner's lot. Fences built as barriers between lots shall be constructed along the lot line. SEE 11.8.1.10

11.8.1.9 Fences built in floodplains shall be built as a break-away type or have an elevation of the bottom of the fence of three (3) inches of the surface of the ground.

11.8.1.10 All fences shall be set back two (2) feet from the property line so the fence may be properly maintained from the owner's property.

11.8.1.11 Buffers are built from live shrubbery or trees such as evergreens or fast-growing trees that at two (2) to three (3) years of age and that will create a substantial buffer area between parcels. The width and length and location of such buffer areas shall be shown on all site plans submitted for approval by the planning board. They may be changed if the Planning Board feels that they are not big enough. However, for

the purpose of this section the minimum width shall be fifteen (15) feet.

11.8.2 Residential Districts.

11.8.2.1A maximum height of six (6) feet shall be allowed for fences, but those located in the front yard at a street intersection shall not hinder clear vision in conformance with Section 11.8.1.

11.8.2.2 Fences may not be constructed of barbed wire, electric wire, or any other potentially harmful material or material not consistent with the character of the neighborhood.

11.8.3 Non-residential Districts. Any fence located within fifty (50) feet of a required setback from a residence or within fifty (50) feet of a residential district boundary shall be no more than six (6) feet in height at the lot line.

11.8.4 Junk Yard Fences – A junk yard must completely surround its property with a fence at least eight (8) feet in height that substantially screens the yard unless the topography provides a significant screen. The fence also must have a gate, closed and locked when the facility is not open, and be at least fifty (50) feet from any public highway.

Section 11.9 Steep Slope Guidelines.

The Town of Campbell is characterized by numerous steep slope fifteen (15) % or greater) areas. Special design treatment for streets, building sites and other development is needed to preserve the natural terrain, trees, rock formation, scenic views, etc. Development on steep slopes will be permitted subject to the following guidelines:

11.9.1 Development proposals shall be of sufficient detail to show site work (cut and fill), housing site location, erosion and drainage control measures (terraces, sediment basins diversions, retaining walls, stream channel improvement, etc.) and road location (including cross-sections).

11.9.2 Padding, which is the creation of level building sites, shall be permitted only when it can be clearly demonstrated by exhibits that the final treatment of the site will not reflect an unfavorable environmental impact and/or an unfavorable visual appearance.

11.9.3 Design principles shall include, but not be limited to, the following:

11.9.3.1 Landscaping of areas around structures making them compatible with the natural terrain.

11.9.3.2 Shaping, grouping and placement of man-made structures to complement the natural landscape.

11.9.3.3 Arrange buildings so they complement one another to promote visual interest. Clustering of residential units and multiple dwellings shall be encouraged to house a given population with a minimum spoilage of land. The developer shall

first of all determine the qualities of the site and then plan and build to accentuate these qualities rather than destroy them.

11.9.3.4 Shape of essential grading to complement existing land forms and prohibit any appearance of successive padding, terracing or other similar forms for building sites in the hill area.

11.9.3.5 Encourage the development of off-street parking bays.

11.9.3.6 Encourage the use of turning circles at mid-block points to avoid the use of private driveways for turning and parking movement.

11.9.3.7 Encourage split-level building sites.

11.9.3.8 Use one-way streets when consistent with traffic safety, circulation needs, and natural topography. This guideline allows for smaller road right-of-way, less cut and fill within a given area and a highway network consistent with the natural terrain. Roads shall be parallel with the hillside wherever possible and have variable width right-of-way. This not only provides the most economical routing, but also minimizes the amount of grading required.

11.9.3.9 Land within the hill area that is in excess of twenty-five percent (25%) slope shall not, to the greatest extent possible, be developed as individual residential lots.

11.9.3.10 Outstanding natural features such as the highest crest of the hill, range, natural rock outcroppings, particularly desirable vegetation, etc. should be retained.

Section 11.10 - Drainage System and Erosion Control

11.10.1 Drainage Systems. Adequate and comprehensive drainage systems shall be provided to convey the storm water runoff originating within and outside the proposed development as follows:

11.10.1.1 Drainage systems shall have sufficient capacity to accommodate the potential future runoff based upon the probable land use and ultimate development of the total watershed upland of the development.

11.10.1.2 Preservation of natural watercourses is generally preferable to the construction of drainage channels.

11.10.1.3 Interior drainage systems shall be designed to accommodate a ten- (10) year storm.

11.10.1.4 The design of natural watercourses and structures shall depend upon the drainage area, but in general:

11.10.1.4.1 Watersheds of less than one (1) square mile shall be designed for a fifty (50)

year storm frequency.

11.10.1.4.2 Areas of one (1) square mile and over shall be designed for one-hundred (100) year storm frequency.

11.10.1.5 All structures shall be set back a minimum of fifty (50) feet from the stream bank.

11.10.1.6 Utilizing the drainage guidelines outlined above, the Town Board may require the developer to submit the following:

11.10.1.6.1 Plan profiles and typical and special cross-sections of proposed storm water drainage facilities.

11.10.1.6.2 Supporting final design data and copies of computations used as a basis for the design capacities and performance of the drainage facilities.

11.10.1.6.3 The grading plan shall be developed to suitable contour interval with grading details to indicate proposed street grades and elevations and building site grades and elevations.

11.10.1.6.4 If the development is within or adjacent to any designated floodplain, a detailed analysis of the area with respect to the management of the floodplain shall be included in the drainage report.

11.10.1.6.5 Design criteria as specified in additional adopted town design standards shall be applicable to this section.

11.10.2 Erosion Control. In order to ensure that the land will be developed with a minimum amount of soil erosion, the Planning Board shall require the developer to follow certain erosion control practices. Both the Planning Board and the developer shall consult with the Soil Conservation Service, as required, and the Soil Conservation Service shall determine whether or not the required procedures are being put into practice as well as follow DEC Guidelines and submit an NOI to DEC. Such procedures may include:

11.10.2.1 Exposing the smallest practical area of land at any one time during the development.

11.10.2.2 Provision of temporary vegetation and/or mulching to protect critical areas.

11.10.2.3 Provision of adequate drainage facilities to accommodate effectively the increased runoff caused by changed soil and surface conditions during and after development. The developer's engineer shall show, as part of their submitted plans, the interceptor swales and sedimentation basins along the lower edges of all developments. Topographic data and design grades for the swales shall be shown on the plans.

11.10.2.4 Fitting of the development plan to the topography and soils so as to minimize the erosion potential.

11.10.2.5 Retention and protection of natural vegetation wherever possible.

11.10.2.6 Installation of permanent final vegetation and structures as soon as practicable.

11.10.2.7 Provision of adequate protective measures when slopes in excess of fifteen (15) percent are graded, and minimizing such steep grading.

11.10.2.8 Installation of temporary sedimentation basins as required by the Soil Conservation Service.

Section 11.11 Open Space, Parks and Playgrounds. The Planning Board may, as a condition of site plan approval, require that specific areas be designated for recreational purposes. Such designation shall depend upon the magnitude and character of the project, and accessibility to existing recreational areas. All lands proposed for park or recreation purposes shall meet the following minimum standards:

11.11.1 Such land shall either be deeded to the Town or be held in corporate ownership and maintained by an established organization.

11.11.2 Shall have physical characteristics and locations which render them readily usable for appropriate recreation purposes, and their locations shall be selected with a view to minimize hazards and vehicular traffic for children walking between such facilities and their homes in the neighborhood.

11.11.3 No such area may be smaller than two (2) acres, and in general, recreation areas shall be located at a suitable place on the edge of the development so that additional land may be added at such time as the adjacent land is developed.

11.11.4 A detailed development plan shall be provided for each neighborhood park or playground. As a minimum, the development plan shall provide for an approximately level area at least one hundred seventy-five (175) square feet for children's field games.

11.11.5 The development plan shall show how the entire area is to be graded, drained, and landscaped to make it a useful and attractive feature of the neighborhood.

Section 11.12 Utilities.

11.12.1 Water Supply and Sewage Disposal. Provisions for water supply and sewage disposal shall comply with requirements of the Town of Campbell, N.Y.S. Health Department, and/or N.Y.S. Department of Environmental Conservation. All habitable structures shall meet minimum requirements as identified by the Town or N.Y.S. Health Department.

11.12.2 Underground Installation. All utility companies (telephone, electric, etc.) are now equipped to make underground installation of their services; underground installation shall be required when practical.

Section 11.13 Standard Designed Manufactured Homes. Single lot Standard Designed Manufactured Homes are allowed as specified in the Use Regulation Table, Section 4.6, subject to site plan approval and shall meet the minimum lot size and setback requirements for a residential use in said district:

11.13.1 Standard Designed Manufactured Home Standards. All Standard Designed Manufactured Homes installed in the Town of Campbell shall meet the following minimum requirements:

11.13.1.1 Minimum size – seven hundred twenty (720) square feet.

11.13.1.2 No less than two (2) -means of exit.

11.13.1.3 The home(s) must be connected to the water and sewer system or well and septic tank, whichever is applicable, approved by municipality/County Health Department.

11.13.1.4 The home must be properly installed per the Manufacturer's Installation Manual. In the event that the Manufacturer's Installation Manual is not provided, the home must be installed according to ANSI A225.1 (1994).

11.13.1.5 Skirting or a curtain wall, unpierced except for required ventilation and access door must be installed and may consist of brick masonry, vinyl, or similar materials designed and manufactured for permanent outdoor installation.

11.13.1.6 Permanent landing and steps with handrails are required at each exterior doorway. The structure must include steps that lead to the ground level.

11.13.2 Temporary Location. A Standard Designed Manufactured Home to be used as a temporary business office, storehouse, or construction field office may be temporarily located within any zoning district. Such temporary location, however, shall be subject to the site plan provision and shall be allowed for a period not to exceed six (6) months. This time limit may be extended if in the opinion of the Zoning Officer, such extension is a proper continuance of the temporary purpose.

Section 11.13. 2.1 Placement of Residential Designed Manufactured Homes:
A home meeting the criteria of a Residential Designed Manufactured Home shall be allowed in all residential districts subject to the provisions and requirements of such districts, and shall be regulated uniformly with site-built homes in those districts. Additionally, they must meet the limitations set forth:

11.13.2.2 In the event that no district requirements call for the orientation of the homes, the manufactured home shall be placed on the lot is such a manner that is

compatible with and reasonably similar in orientation to the site-built housing in adjacent or nearby locations.

11.13.2.3 The home must be permanently installed in accordance with the Manufacturer's Installation Manual. In the event that the Manufacturer's Installation Manual is not provided, the home must be installed according to ANSI A225.1 (1994), Manufactured Home Minimum Installation Standards.

11.13.2.4 Permanent landing and steps with handrails are required at each exterior doorway. The structure must include steps that lead to the ground level.

11.13.2.5 Skirting or a curtain wall, unpierced except for required ventilation and access door must be installed and may consist of brick masonry, vinyl, or similar materials designed and manufactured for permanent outdoor installation.

Section 11.14 Manufactured/Mobile Home Parks. It is the intent of the Town of Campbell to provide for the development and operation of manufactured/mobile home parks in an appropriate, safe, sanitary and attractive environment. All new manufactured/mobile home park developments and improvements to or expansion of existing parks shall be subject to site plan approval. Operational permits shall also be required and shall be renewed biannually. All existing manufactured/mobile home parks shall be required to obtain an operation permit within two (2) years of the enactment of this Zoning Law. All construction and operation permits shall be reviewed and issued in conformance with the site plan provision of this Zoning Law. The following standards shall apply to any manufactured/mobile home park. Existing manufactured/mobile home parks shall be required to upgrade the facility to reasonably comply with the standards contained herein to promote the health, safety and general welfare in the Town. The Town Board may use some discretion in the application of the standards.

11.14.1 Standards Governing Manufactured/Mobile Home Parks. Any manufactured/mobile home park shall conform to the following standards that are to be regarded as minimum requirements:

11.14.1.1 Sites for manufactured/mobile home parks shall be a contiguous parcel a minimum of ten (10) acres in size. Where the applicant can demonstrate that the characteristics of his holding will meet the objectives of this section, the Planning Board may consider projects with less acreage.

11.14.1.2 Conformance with health regulations - all sanitary and health regulations, state and local shall be met.

11.14.1.3 No park shall be permitted whose proposed boundaries are within two hundred (200) feet of an existing permanent residential dwelling unit, unless there exists a natural vegetation barrier or an artificial man-made screen is erected that are of sufficient height and opacity to screen the park from the residence, or unless all of the property owners residing in the area within said two hundred (200) feet, consent in writing to the establishment of that park.

11.14.1.4 Site Dimensions: Boundaries of manufactured/mobile home spaces shall be well defined and permanently marked. Manufactured/mobile home spaces shall meet the following requirements:

11.14.1.4.1 The density of development shall not exceed six (6) units per developed acre.

11.14.1.4.2 The private area associated with each lot shall be a minimum of five thousand (5,000) square feet with a minimum lot width of fifty (50) feet.

11.14.1.4.3 All manufactured/mobile homes larger than fourteen (14) feet x seventy (70) shall have lots designed and laid out accordingly.

11.14.1.4.4 Maximum site coverage by all buildings shall be thirty (30) percent of the lot area.

11.14.1.5 Parking. Parking spaces shall be provided in conformance with Section 11.3. At least one parking space shall be situated on a side yard of each lot, and the remainder shall be located in adjacent parking bays along the park streets. Each parking space shall have dimensions of at least ten (10) feet by twenty (20) feet. Auxiliary parking areas shall also be provided for parking trucks, maintenance equipment, boat trailers, utility trailers, incapacitated or unregistered vehicles and similar such equipment and vehicles. All such parking areas shall be effectively screened from roads and manufactured mobile home sites.

11.14.1.6 Yard Dimensions:

11.14.1.6.1 Minimum front setback -fifteen (15) feet from pavement edge.

11.14.1.6.2 Minimum rear setback – ten (10) feet.

11.14.1.6.3 Minimum side yard setback – ten (10) feet.

11.14.1.7 Manufactured/Mobile Home Stand: Each manufactured/mobile home lot shall be capable of containing a manufactured/mobile home in a fixed position. The manufactured/mobile home stand shall be graded with an impenetrable material at least six (6) inches in thickness. It may be surfaced with a layer of uniform sized crushed stone to a depth of nine (9) inches in lieu of paving. The topographic change of the manufactured/mobile home stand shall not exceed one and one-half (1-1/2) feet for the length of the stand. The elevation, distance, and angle of the manufactured/mobile home stand in relation to the access way shall be such as to facilitate the safe and efficient placement and removal of the manufactured/mobile home.

11.14.1.8 Patios: A patio, if proposed for the individual manufactured/mobile home lots, shall be constructed of concrete, asphalt, or similar suitable material. It shall be located so as to provide easy access to the manufactured/mobile home and shall extend the full size of any awning or patio cover to allow adequate anchoring.

11.14.1.9 Sidewalks: Individual sidewalks shall be constructed to each manufactured/mobile home stand from a paved street or from a paved driveway or parking space connecting to a paved street. Common walks shall be

constructed in a suitable layout and width as determined by the Town Board taking into consideration the following; locations where pedestrian traffic is concentrated; for example, at the court entrance, and to the court office and other important facilities.

11.14.1.10 Entrances and Streets: All manufactured/mobile home parks containing twenty (20) or more manufactured/mobile home lots shall have access from two points along a single street or highway, or if bordering on two streets, access can be one for each street, such access points being separated by at least one hundred (100) feet. Streets shall be provided on the site where necessary to furnish principal traffic ways for convenient access to the manufactured/mobile home stands and other important facilities on the property. Streets shall be privately owned with right-of-way widths of not less than thirty (30) feet. All streets within the manufactured/mobile home park shall be hard surfaced, not less than twenty-four (24) feet in width, and shall be adequately lighted for safety of pedestrians and vehicular traffic as outlined in Subsection 11.14.1.18.

11.14.1.11 Service Buildings: Each park shall provide community service buildings to house laundry facilities and other sanitary facilities, as required by the N.Y.S. Department of Health. Service buildings shall be well lighted at all times from dawn to 11:00 p.m. and capable of being lighted between 11:00 p.m. and dawn.

11.14.1.12 Private Service Building: One accessory building, not to exceed one-hundred (100) square feet in dimension may be located on each site. Such building shall require a building permit and shall be placed on a permanent foundation or permanently anchored to the ground.

11.14.1.13 Drainage Facilities: The manufactured/mobile home park shall be provided with a storm water system per Town of Campbell Drainage Standards for Land Development.

11.14.1.14 Landscaping: Manufactured/mobile home parks shall be landscaped to provide an attractive setting for manufactured/mobile homes and other improvements, to provide adequate privacy, and pleasant outlooks for living units, to minimize reflected glare, and to afford summer shade. Such landscaping shall include the planting and maintenance of at least the following:

11.14.1.14.1 Every attempt shall be made to retain any existing trees four (4) inches or larger in caliper.

11.14.1.14.2 Trees and shrubs at suitable intervals along park streets, within recreation areas, and around park borders.

11.14.1.14.3 Special planting to screen objectionable views such as laundry drying yards, garbage and trash collection stations, nonresidential uses, and any unsightly objects or conditions on adjacent properties.

11.14.1.14.4 Lawns on all areas which are not paved or used as sites for manufactured/mobile homes or buildings.

11.14.1.15 Skirts: Each manufactured/mobile homeowner shall be required to enclose the bottom portion of the manufactured/mobile home with either a metal or vinyl skirt properly ventilated within fifteen (15) days after arrival in the park.

11.14.1.16 Recreation Facilities: Recreation areas and, facilities, such as playgrounds, swimming pools, and community buildings shall be provided to meet the anticipated needs of the residents the court is designed to serve. Not less than ten (10) percent of the gross site area shall be devoted to recreation facilities, generally provided in a location or locations convenient to all.

11.14.1.17 Utilities: All electric utility, telephone, and cable conduit shall be installed underground and maintained in accordance with applicable codes and regulations governing such systems. An electrical connection receptacle or terminal box of an approved weatherproof type shall be provided at each manufactured/mobile home lot. Such receptacle shall be properly grounded and shall provide adequate voltage.

11.14.1.18 Lighting: The minimum requirements for such shall be a street light at the end of a street, at any street intersection and near recreation areas.

11.14.1.19 Water Supply: An adequate supply of water must be available to all occupants of manufactured/mobile homes in the park and the quality must be satisfactory to the New York State Health Department.

11.14.1.20 Sewage Disposal: An adequate and safe sewerage system shall be provided in all manufactured/mobile home parks for conveying and disposing of all sewage. Such systems shall be designed, constructed, and maintained in accordance with local and state health laws.

11.14.1.21 Refuse Disposal: The storage, collection and disposal of refuse in the manufactured/mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident of fire hazards or air pollution. All refuse shall be stored in fly-tight, watertight, rodent proof containers, which shall be located not more than one-hundred fifty (150) feet from any manufactured/mobile home site. Containers shall be provided in sufficient number and capacity to properly store refuse.

11.14.1.22 Sales Lot: A sales lot or area for the purpose of selling or parking manufactured/mobile homes shall be permitted, subject to Town Board approval, within the manufactured/mobile home park. However, manufactured/mobile homes may be sold if set up on specified lots, complete with electrical, sanitary and water services. The lots shall be landscaped and the manufactured/mobile homes shall be suitable for living quarters.

Section 11.15 Excavations.

11.15.1Purpose. This section is adopted in order to protect the inhabitants of the town from

unreasonable odors, smoke, vapor, gas, dust and noise and vibrations; flooding, generally to promote and protect the public good order, peace, health, safety, and general welfare of the inhabitants of the town and the community and to protect and to secure their property; to protect and preserve the public roads and highways and other property of the town; and to preserve the natural contours, trees and ground cover of land within the town, insofar as the same shall not be inconsistent with existing law.

11.15.2 Permit required.

11.15.2.1 Except as otherwise provided, no stone, sand, gravel, topsoil, earth of any kind or other natural materials shall be moved, removed, excavated or deposited in any way from or onto any land in the town unless a permit shall first have been obtained therefore as hereinafter provided;

11.15.2.1 Any temporary excavation in excess of two feet where the bottom of the excavation falls within a one-on-one slope or any permanent excavation where the bottom of the excavation falls within a three horizontal on one vertical slope measured from the edge of pavement, stabilized shoulder, curb-line, any structure, private or public, or property line shall require a permit.

11.15.2.2 The application for an excavation permit shall also require Special Use Permit from the Zoning Board of Appeals as well as Site Plan Approval from the Planning Board.

11.15.2.3 Except, however, that any such excavation changing grade or elevation less than two feet or any such excavation removing or depositing less than one hundred (100) cubic yards of material is hereby exempted from the permit requirements herein. However, any proposed grade change that would result in additional water flow into or from any adjoining property or into or from a public right-of-way requires an excavation permit prior to excavation.

11.15.3 Application for Permit; Accompanying Data. Before such a permit shall be issued, a written application therefore shall be filed with the Town Clerk by the owner of the land upon which the proposed moving, removing, excavating or depositing fill is to take place. Such application shall be signed and verified by the applicant and shall contain the following information:

(a) The full name of the owner of the subject property and his address.

(b) A statement of ownership of all other property in the town owned in the same name, identifying each such parcel by section, block and lot numbers as shown on the Steuben County Land and Tax Map.

(c) A complete description of the proposed work, including a statement of the nature and three-dimensional extent of the excavation and/or filling proposed.

(d) A statement whether topsoil only is to be excavated or filled or subsoil only is to be excavated or filled, or both subsoil and topsoil are to excavated or filled.

(e) A statement of the total cubic yards of material proposed to be moved, excavated or deposited.

(f) A complete statement of the proposed disposition of all material to be moved,

removed or excavated and of the proposed source of all material to be deposited.

(g) A statement that the applicant has read this chapter or that this chapter has been read to him and that if a permit is issued to him, he will accept such permit subject to all the terms and requirements of this chapter.

(h) Such other information and data as the Zoning and Planning Board may require.

11.15.3.1-- Data Accompanying Application. Such application for a permit shall be accompanied by the following documents which shall be filed therewith and which are hereby deemed to be part of such application:

(1) A survey of the property upon which it is proposed to conduct such moving, removing, excavating or depositing (file) of material. Said survey shall:

(a) Not be less than ten (10) inches by sixteen (16) inches in size.

(b) Be dated within one (1) year of the filing of the application.

(c) Show all dimensions and courses of the subject property, all streets and roads adjoining the property and the exact location of all buildings thereon and within two hundred (200) feet of the property line.

(d) Show all dimensions and elevations and courses of the area proposed for the excavating or filling, including distances of the proposed work from the boundaries of the premises, from all the buildings, driveways and paved areas on all adjoining premises and from adjoining public roads and highways.

(2) A certificate of the Town Highway Superintendent of the Town of Campbell or his duly authorized deputy that such proposed excavating and/or filling and the proposed finished grades of the subject property as shown on said survey will not endanger any county or town road, street or highway or any other public property.

(3) Such additional detail or information as may be required by the Planning Board, Zoning Board of Appeals, the Code Enforcement Officer or by the Town Highway Superintendent.

11.15.4 Commercial Soil Mining. Excavation for the purpose of commercial soil mining of one thousand (1,000) tons a/k/a (750 cubic yards) of any material such as gravel pits, quarrying, or any subsoil removal shall be allowed only by Special Use Permit, subject to site plan approval procedures and shall be subject to the following provisions:

11.15.4.1 Before a site plan approval and permit is issued, the applicant shall submit to the Planning Board the following information:

(a) Two copies of a map at a scale of one (1) inch equals not more than one hundred (100) feet showing all land within two hundred (200) feet thereof, with exact locations of all buildings, streets, utilities, drainage or other easements, watercourses, lot lines, block and lot numbers and names of landowners. Such map shall also show the present topography at two (2) foot contour intervals. The map shall be signed by a professional engineer or land surveyor for certification of its accuracy.

(b) Two copies of the proposed plan of excavation at the same scale as above showing the proposed finished elevations at two- (2) foot contour intervals and the proposed drainage plan.

(c) Two copies of a reclamation plan. The plan must show the land restored to a configuration permitting reuse of the land for another purpose such as housing, industrial parks, commercial areas, parks, etc. Such a plan would illustrate road and building layout as well as final contour elevations. Pre-planning for such future use enables an efficient, sequential restoration of land as excavation progresses, thereby permitting an economically efficient operation. The plans shall be prepared by competent professionals such as architects, landscape architects, or civil engineers.

(d) For excavation operations for which a N.Y.S. Department of Environmental Conservation permit is required, pursuant to Section 421 Permits, Sub-section 421.1, applicant shall obtain such permit prior to the issuance of a site plan approval by the Planning Board.

(e) During excavation or quarry operations, open pits and quarry walls shall be entirely surrounded by a substantial fence at least six (6) feet high that will effectively block access to the area, with suitable gates provided with locks. The top of the slope shall not be closer than fifty (50) feet to a property line. Suitable landscaping may also be required if appropriate to the public health, safety, or welfare. In those cases where excavating is already in progress but has not as yet come within fifty (50) feet of the property line, this Zoning Law shall be retroactive to prevent excavation within fifty (50) feet of the property line.

(f) No rock crusher, cement plant, or other crushing, grinding, polishing, or cutting machinery or other physical or chemical process for treating the product of such excavation shall be permitted, without prior approval of the Planning Board.

(g) The proposed finished grading plan shall show the land to be smooth-graded and topsoil re-spread to a minimum depth of four (4) inches; the slope shall not exceed the normal angle of repose of the material removed but in no instance shall a finished slope exceed one (1) foot vertical to two (2) feet horizontal.

(h) Slopes shall be seeded with appropriate grasses and reforestation seedlings may be required to be planted.

(i) The applicant may be required to furnish a performance bond, in an amount determined by the Town Board to be sufficient to guarantee completion of the finished grading and drainage plan. Such bond shall be released by the Town–Board only upon certification that all requirements including the finished grading and drainage have been complied with and inspected by the Zoning Official.

(j) No permit for commercial excavation operations or soil mining shall be granted

for a period of more than five (5) years, but such time may be extended for additional five (5) year periods upon approval of the Planning Board. To receive such an extension, the applicant must provide plans and information showing the sequence and timing of excavation operations.

(k) Upon approval, one copy of the approved excavation plan shall be returned to the applicant by the Town Clerk together with a permit upon payment of a fee as set by Town Board resolution to cover all engineering and other costs directly attributable to the approval and office and field checking of the proposed soil mining operation.

11.15.4.2--Private Road Construction. To prevent storm water runoff, soil erosion and sediment control, all private roads that exceed one hundred (100) feet in length and more than a ten percent (10%) slope shall comply with Town Highway design guidelines for roads and DEC best management practices for soil erosion and sediment control, and Chapter 5, Section 503 of the New York State Fire Code.

11.15.5 -- Maintenance Bond. The Zoning Board of Appeals may, in its discretion, require as a condition of the issuance of a Special Use Permit that the person, firm or corporation to whom the permit is to be issued shall execute and file with the Town Clerk a maintenance bond guaranteeing to the Town, the maintenance and restoration of any and all Town roads and highways to be used by trucks or other equipment in connection with the excavation or filling operation; said bond to be in form and amount as approved by the Town Board, and shall be the bond of a surety company authorized to do business in the State of New York.

11.15.6 --Performance Bond. Whenever the proposed excavation or filling shall involve more than two thousand five hundred (2,500) cubic yards, the person, firm or corporation to whom the permit is to be issued shall execute and file with the Town Clerk a bond approved by the Town Board, in a penal amount to be fixed by said Board, but not less than five thousand dollars ($5,000.00), with a surety company authorized to do business in the State of New York, as surety and conditioned:

(a) For the faithful performance of the terms and conditions contained in this chapter, in the resolution granting the permit and in the permit itself.
(b) For the observance of all ordinances and laws of the town.
(c) For the indemnification of the town for any damage to the town from the work to be done pursuant to the permit.

11.15.7 --Deposit and Permit Fee. The Town Clerk shall charge and collect for an application for a permit to be issued under this chapter, a filing fee of thirty-five dollars ($35.00).

(a) In addition to the fee required by 11.15.7 on the filing of the application for a permit with the Town Clerk, there shall be security deposit of five hundred dollars ($500.00) deposited with the Town Clerk to be applied by the Town to the actual expense incurred by the Town in connection with the application, which shall

include but shall not be limited to advertising, architects, engineers, inspectors, expert and legal fees, and other similar expenses.

(b) Any excess over fifty dollars ($50.00) after payment of such expenses by the Town shall be refunded to the applicant, provided that application shall be made for such refund within six months of the denial of such permit or, if the permit has been granted, within six months of the completion of the work there under.

(c) In the event that such sum is insufficient to cover the expenses, the additional sum required shall be paid by the applicant to the Town Clerk within three (3) days of a request made by the Clerk. Failure to make such payment within three (3) days as herein provided, shall be deemed an automatic denial of the permit, if not yet issued or, if already issued, shall be deemed an automatic revocation of said permit.

11.15.8 -- Prohibited Acts. Nothing in this chapter shall be deemed to allow or permit (a) any commercial activity of this kind within the Town; (b) any moving, removing, excavating or depositing of natural material for commercial purposes; or (c) the sale thereof and the same is prohibited, except as may be permitted by, and approved pursuant to this chapter.

11.15.9 -- Work Done by Town. No permit shall be required under this chapter for any work done by the Town for public purposes.

11.15.10 -- Detailed Plans. Notwithstanding the foregoing, in connection with the improvement, construction, filling or excavating of any property within the town, the Code Enforcement Officer may request from the owner and/or contractor, at any time prior to the commencement of or during the work, a detailed plan certified to by a licensed engineer, showing in such detail as may be specified by the Code Enforcement Officer the existing structures and elevations on the premises, all proposed excavations and filling thereof, the proposed final elevations of the property after completion of the work, the quantity of material to be moved on, removed from, excavated from or deposited on the property and such other written data pertaining to the existing and proposed elevations, grading, drainage and planting on the property as may be specified by the DEC Storm Water General Permit and copies of the Soil Erosion and Sediment Control Plan. In the event that such information shall not be supplied to the Code Enforcement Officer within five (5) days after written request to the owner or contractor or the agent or representative, the Code Enforcement Officer may order all construction, excavation, grading, filling and other similar work on the premises to stop forthwith, and to remain stopped, until such information shall be supplied. No such work shall be carried on in violation of any such order by the Code Enforcement Officer.

11.15.11 -- Filling of Hazardous Excavations/ Notice to Owner/ Assessment of Costs.

(a) Pursuant to Section 130, Subdivision 15-a, of the Town Law of the State of New York, the Town Board or the Code Enforcement Officer, upon the direction of the Town Board, shall have the right and power to fill in excavated lands and property if, after a hearing, the existence of such lands and property are deemed by the Town Board to constitute a hazard to the public safety and if, after giving thirty (30) days' notice by certified mail addressed to the record owner of such lands and property at the address shown on the last preceding assessment roll, such excavated lands and property are not filled in by or on

behalf of such owner.

(b) If such excavated lands and property are not filled in by or on behalf of such owner within thirty (30) days after receipt of such notice, then the Town Board shall have the right and power to have the excavated lands and property filled in, and the cost thereof shall be assessed against such lands and property by the Town Assessor.

(c) The Town Assessor shall serve written notice personally or by certified mail upon the owner of such lands or property at the same address, stating that at a time and place specified therein he/she will assess such cost against such lands or property. This notice shall be served at least eight (8) days previous to the time specified therein. If directed against a corporation, notice shall be served upon the corporation within the town or upon the Secretary of State. If served upon the Secretary of State, the notice shall be served at least twelve (12) days previous to the time specified therein.

(d) At the specified time and place, the Town Assessor shall hear the parties interested and shall thereupon complete the assessment, stating therein the name of each owner and the amount so assessed, and shall return such assessment to the Town Clerk who shall present the same to the Town Board.

(e) The Town Board shall certify the assessment to the Steuben County Legislature, who shall cause the amount stated therein to be levied against such property, and any uncollected assessment shall be a lien upon the land affected. Such amount shall be levied and collected at the same time and in the same manner as other town taxes and shall be paid to the Supervisor of the Town to be applied in reimbursing the fund from which such cost was defrayed.

Section 11.16 -- Industrial Use Regulations.

11.16.1 Design Standards.

11.16.1.1 General Standards: The following general standards are hereby adopted for the control of any Industrial Use. No such use shall be permitted, established, maintained or conducted therein which shall cause or be likely to cause:

11.16.1.1.1 Excessive smoke, fumes, gas, dust, odor, or any other atmospheric pollutant beyond the boundaries of the lot whereon such use is located.

What smoke is excessive shall be determined according to the Ringelmann's Scale for Grading the Density of Smoke, published by the U.S. Bureau of Mines, when the shade or appearance of such smoke is darker than No. 2 on said Ringelmann Smoke Chart.

11.16.1.1.2 Noise levels greater than fifty-five (55) decibels measured at the boundaries of the lot occupied by such use causing the same.

11.16.1.1.3 Any pollution by discharges of any effluent whatsoever into any watercourse, open ditch, or land surface.

11.16.1.1.4 Discharge of any effluent whatsoever into any sanitary disposal system or sewerage system except only in accordance with the rules of, and under the control of, public health authorities or the public body controlling such sewerage system. Any chemical or industrial waste that places undue loads, as determined by the Town Engineer, shall not be discharged into any municipal system and must be treated by the industrial use.

11.16.1.1.5 Storage or stocking of any waste materials whatsoever.

11.16.1.1.6 Glare, objectionably high light levels, or vibration perceptible beyond the lot lines whereon such use is conducted.

11.16.1.1.7 Hazard to person or property by reason of fire, explosion, radiation, or other cause.

11.16.1.1.8 Any other nuisance harmful to person or property.

11.16.1.2 -- Specific Standards: The following specific standards are hereby adopted and must be complied with, for, any use in any Industrial district and before the same be permitted, established, maintained or conducted:

11.16.1.2.1 Storage Facilities: Materials, supplies, or semi-finished products shall be stored on the rear one-half of the property and shall be screened from any existing or proposed street.

11.16.1.2.2 Loading Docks: No loading docks shall be on any street frontage. Provision for handling of all freight shall be on those sides of any building which do not face on any street or proposed streets.

11.16.1.2.3 Landscaping: All areas of the plot not occupied by buildings, parking, driveways, or walkways, or storage shall be landscaped with lawn, trees, shrubs, or other plant material. Such landscaping shall take into consideration the natural growth presently on the premises and the nature and condition of the terrain, as well as the situation of the lands and premises themselves and with regard to adjoining lands and premises.

11.16.1.2.4 Fences and Walls: Property that is adjacent to a residential or business use shall be provided along such property lines, with a wall, fence, compact evergreen hedge, or a landscaped strip of trees and shrubs so designed as to form a visual screen not less than six (6) feet high at the time of planting. Except for landscaped areas and parking areas, a use which is not conducted within a completely enclosed building shall be screened by a six (6) foot solid masonry wall, chain link fence covered with an evergreen vine, or compact evergreen hedge. Where a front yard adjoins a street, the wall, fence, or hedge shall be located not closer to the street than the depth of the required yard.

11.16.1.2.5 Off-Street Parking and Loading: Refer to Sections 11.3 and 11.4.

11.16.1.2.6 Signs: Refer to Section 11.5.

11.16.1.2.7 Buffer Strip: In addition to the fences, walls and hedges, all principal buildings shall be set back from any lot lines abutting residential use a minimum of one hundred (100) feet. Such buffer shall be landscaped in accordance with Section 11.16.1.2.3.

11.16.1.2.8 Utilities: All water and sewer facilities shall be designed and installed according to NYS DOH, DEC and Town standards.

11.16.1.2.9 Access: Special consideration shall be given to access to and from public streets and traffic volumes generated by the proposed use. Access shall not be allowed from residential streets unless a variance is approved by the Zoning Board of Appeals. A projection of expected vehicular use of neighborhood streets, including estimates of traffic volumes, shall be submitted.

No access drive for any industrial use shall be within three hundred (300) feet of and on the same side of the street as a school, public library, theater, church, or other public gathering place, park, playground, or fire station unless a street fifty (50) feet or more wide lies between such access drive and such building or use.

Section 11.17 -- Solar Energy Systems and Solar Access. To the maximum extent possible, all new development proposals totaling ten (10) or more acres may be designed so that the maximum number of buildings shall receive direct sunlight sufficient for using solar energy systems for space, water, or industrial process heating or cooling. Buildings and vegetation should be sited and maintained so that unobstructed direct sun light reaches the southern exposure of the greatest number of buildings according to the following guidelines:

11.17.1 Solar Access shall be protected between the solar azimuths of - 45 degrees (east of due south) to + 45 degrees (west of due south).

11.17.2 In considering dimensional modifications permitted in ARTICLES 7, 8, and 9 the Town Board shall also consider solar access and design considerations.

11.17.3 For purposes of solar access, streets, lots, and building setbacks should be designed so that the buildings are oriented with their long axes running from east to west for single-family development, and north to south for townhouse and multi-family development.

11.17.4 In order to maximize solar access, the highest densities shall to the maximum extent possible be placed on the south-facing slopes with lower densities sited on north-facing slopes.

11.17.5 Streets should be oriented on an east/west axis to the greatest possible extent.

11.17.6 Buildings shall to the greatest extent possible be sited as close to the north lot line or lines as possible to increase yard space to the south for better owner control of shading.

11.17.7 Tall buildings shall to the greatest possible extent be sited to the north of shorter ones and be buffered from adjacent development.

11.17.8 Existing vegetation shall be retained and incorporated into the design as practicable.

11.17.9 A description of any mechanisms, such as deed restrictions, covenants, etc., that are to be applied shall be provided.

Section 11.18 -- Wind Energy Conversion Systems (Windmills). The intent of this section is to regulate the placement of and access to wind energy conversion systems for the purpose of protecting the health and safety of individuals on adjacent properties as well as the general public.

11.18.1 Setback. The installation shall not be erected nearer to any lot line than the total

height of the structure. Such height shall be defined as the tower height plus one-half (1/2) the rotor diameter on a horizontal axis installation, and, on vertical axis installations, the distance from the base of the tower to the top of the unit.

11.18.2 -- Dimensions.

11.18.2.1 Maximum allowable height shall be eighty (80) feet unless otherwise prohibited by State or Federal statutes or restrictions.

11.18.2.2 Minimum blade height shall be fifteen (15) feet at the lowest point of arc.

11.18.3 -- Safety.

11.18.3.1 The foundation and supports for the windmill shall either be designed by a licensed professional engineer and the drawings bear his seal and signature, or carry a manufacturer's seal or certification.

11.18.3.2 At least one sign shall be posted at the base of the tower warning of high voltage.

11.18.3.3 Tower climbing apparatus shall be no lower than twelve (12) feet from the ground.

11.18.3.4 All installations shall be designed with braking systems.

11.18.4 --- Noise. The maximum level of noise permitted to be generated by an installation shall be 55 dba, measured at the property line.

11.18.5 -- Design considerations:

11.18.5.1 All electric lines serving the installation shall be installed underground.

11.18.5.2 All towers proposed to have guy wire supports shall have the guy wire foundation setback the minimum distance as specified for the tower in Section 11.18.1.

Section 11.19 -- Home Occupation. In any district, nothing in this chapter shall prevent an individual from conducting his/her business, trade or profession on his/her premises. The Home Occupation may be permitted subject to issuance of a Special Use Permit granted and Site Plan Approval granted by the Planning Board. Such use shall conform to the following standards that shall be minimum requirements:

11.19.1 No more than twenty-five percent (25%) of the total floor area of a dwelling unit or five hundred (500) square feet whichever is the lesser may be used for such use.

11.19.2 The use shall be carried on wholly within the enclosed walls of the dwelling unit or accessory building.

11.19.3 There shall be no external evidence of such use except for one sign not exceeding six (6) square feet in area mounted flush with and on the front facade of the dwelling unit. Stock, merchandise, equipment, or displays of any kind shall not be visible outside the dwelling unit or accessory building.

11.19.4 No external structural alternations that are not customary to a residential building shall be allowed.

11.19.5 No more than one profession or occupation, and office shall be allowed per dwelling unit.

11.19.6 Any form of business whose primary function is the wholesale or retail sale of goods or articles, such as a small grocery store, shall not be deemed a home occupation.

11.19.7 The use shall not result in or cause vehicular traffic that will create a nuisance to abutting properties or be detrimental to the residential character of the neighborhood.

11.19.8 Such uses shall also be subject to any other conditions the Town Board deems necessary to meet the intent of these requirements.

Section 11.20 Kennel Standards. A kennel as defined in this Zoning Law may be permitted as stated in Section 4.6, Use Regulation Table. Such use shall conform to the following standards that shall be minimum requirements:

11.20.1 Minimum lot size - five (5) acres.

11.20.2 Setback - the actual kennel facility and all associated runs or fenced areas shall be setback a minimum of one hundred fifty (150) feet from all lot lines.

11.20.3 Buffer - all kennel facilities and associated shall be adequately screened by fence, plantings or landscaping from all roads and adjacent properties.

11.20.4 Kennel Facility - shall have sufficient indoor boarding areas and associated outdoor runs to accommodate the proposed number of animals to be boarded:

11.20.4.1 Indoor area –

11.20.4.1.1 shall be a minimum of sixteen (16) square feet in size

11.20.4.2Outdoor runs –

11.20.4.2.1.1 shall be a minimum four and one half (4 ½) feet wide and twelve (12) feet long;

11.20.4.2.1.2 shall be appropriately separated from adjacent runs by fencing, concrete, block or other appropriate materials;

11.20.4.2.1.3 shall provide a form of shelter if not directly linked to a separate indoor kennel area

Section 11.21 -- Satellite TV Antennas. No satellite television antenna of any kind may be erected or established in the Town except in conformance with the standards in this section.

11.21.1 -- Satellite Antenna Size.

11.21.1.1 In agricultural, residential and business districts, satellite antennas shall not exceed twelve (12) feet in diameter.

11.21.1.2 In industrial districts such antennas shall not exceed fifteen (15) feet in diameter.

11.21.1.3 For residential and business uses, the total height of ground-mounted antennas shall not exceed fifteen (15) feet above the ground.

11.21.1.4 All other uses, the total height of ground-mounted antennas shall not exceed twenty (20) feet in height above the ground.

11.21.1.5 All uses, roof-mounted installations shall not exceed the height restrictions as set for the zoning district within which the installation is placed.

11.21.2 -- Satellite Antenna Location.

11.21.2.1 For any use, subject to the provisions contained herein, such antenna shall be located only in the rear yard of any lot provided that such antenna is located at least five (5) feet from any principal building and lot line. If a usable satellite signal cannot be obtained from such rear yard, the antenna may be located on the side or front yard of the property subject to site plan approval. For purposes of this Zoning Law a usable satellite signal is a satellite signal which when viewed on a conventional television set, is at least equal in picture quality to that received from local commercial television stations or by way of cable television.

11.21.2.2 In the event that a usable satellite signal cannot be obtained by locating the antenna on the rear, side, or front yard of the property, such antenna may be placed on the roof of the dwelling structure, provided that site plan approval is obtained prior to such installation. Such permit shall be issued upon a showing by the applicant that a usable satellite signal is not obtainable from any other location on the property, and provided further, that the construction and erection otherwise is in compliance with the applicable building code and electrical code.

11.21.3 -- General Provisions.

11.21.3.1 For all uses, satellite television antennas shall be located and designed to reduce

visual impacts from surrounding properties at street level and from public streets.

11.21.3.2 Not more than one satellite television antenna shall be allowed on any residential lot less than one-half (1/2) acre in size.

11.21.3.3 All antennas and the construction and installation thereof shall conform to applicable building and electrical code regulations and requirements.

11.21.3.4 Antennas shall meet all manufacturers' specifications, be of non-combustible and corrosive-resistant material, and be erected in a secure, wind-resistant manner.

11.21.3.5 Every antenna must be adequately grounded for protection against a direct strike by lightening.

Section 11.21.4 -- Communication Towers. No communications tower shall hereafter be used, erected, moved, or modified except after the granting of Site Plan approval by the Planning Board in conformity with the provisions of this section. No existing structure shall be modified to serve as a communications tower unless in conformity with this section. In reviewing an application for Site Plan approval for a communications tower, the Planning Board shall, at a minimum, require that the following criteria be met:

11.21.4.1 Site Location.

11.21.4.1.1 Documentation of the need for the use of the site proposed. Higher intensity/density sites are preferred in the following order:

A. Property with an existing structure suitable for co-location.
B. Industrial Districts.
C. Rural Districts.

11.21.4.1.2 A completed Visual Environmental Assessment Form (visual EAF), including simulated photographic visualization of the site, with attention to visibility from key viewpoints.

A. Height. Documentation of the minimum height necessary for the applicant’s needs.

11.21.4.3 Co-Location and Use of Pre-Existing Structures.

A. Applicants are encouraged to provide their towers for use by other carriers, to co-locate on existing towers or locate antenna on existing structures. An application must include an inventory of existing towers within a reasonable distance of the proposed site with documentation of intent from an existing tower to allow co-location.
B. Inventory of pre-existing structures as alternatives to new construction.
C. If 1 and 2 above are not feasible, communications tower design to accommodate future demand for additional facilities. This requirement may be waived by the Town Board provided that the applicant demonstrates that future shared usage is not feasible based upon:
D. The number of Federal Communications Commission (FCC) licenses anticipated for the area.

E. The number of existing and potential licenses without tower spaces/sites.
F. Available spaces on existing and approved tower
G. Potential adverse visual impact by a tower designed for co-location.

11.21.4.4. Setbacks. Communication towers, guy wire anchors and any accessory structures shall be erected no nearer to the lot line than the greater of:

A. The required setback as specified in the Density Control Schedule, or
B. The tower height plus the tallest antenna.

11.21.4.5 Visibility and Aesthetics.

A. Monopoles or guyed towers shall be preferred to freestanding communication towers.

B. Towers shall not be artificially lighted except 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 lines, unless other standards are required by the FAA. Towers shall be designed and sited to avoid the application of FAA lighting and painting requirements.
C. Accessory facilities shall maximize use of location, building materials, colors and textures designed to blend with natural surroundings.
D. No communications tower, antenna or accessory facility shall contain any signs or advertising devices.
E. Existing Vegetation. Existing on-site vegetation shall be preserved to the maximum extent possible.

F. Fencing and Screening.

G. Screening of communication towers shall comply with standards set forth in Sections 11.8 and 11.16.

H. All communications towers and accessory facilities shall be enclosed by a fence not less than six (6) feet in height or otherwise sufficiently protected from trespassing and vandalism. Any guy supports shall be sleeved, visibly marked or entirely fenced in to a height of eight (8) feet above the finished grade to protect against accidental impact by persons or animals.

11.21.4.6 Access.

A. Access is required to assure adequate emergency and service access. Construction of pervious roadways (crushed stone, gravel, etc.) are preferred.

11.21.4.7 Radio Frequency Effects.

A. Communications antennas may be operated only at FCC frequencies and power levels unless otherwise justified.

11.21.4.8 -- Applicant Build-Out Plan.

11.21.4.8.1 A build-out plan will include:

(a) A map of the applicant's facilities in the Town.
(b) Potential locations for additional facilities within the next twenty-four (24) months.
(c) A description of the proposed facility's impact on existing communications towers in the Town.
(d) A map of discontinued or relocated facilities.

11.21.4.8.2 A build-out plan and certification of use of existing facilities shall be submitted by January 31st of each year, including any further application for additional facilities.

11.21.4.9 Removal of Facilities.

11.21.4.9.1 Upon abandonment, the applicant shall remove any and all communication structures immediately upon the discontinuance of the permitted use, shall reasonably restore the site, and shall incur all expenses related to the abandonment.

11.21.4.9.2 The applicant shall post a bond or other surety to be renewed annually with the Town of Campbell to ensure #1, above.

11.21.4.10.3 -- Exceptions. The provisions of this Section shall not apply to the following:

11.21.4.10.1 Individual, scientific, medical, weather, navigational, military or government radar antennas and associated communications towers.

11.21.4.10.2 Pre-existing towers including repair and maintenance of existing communication towers and antennas.

11.21.4.10.3 Antennas used solely for the residential household television and radio reception.

Section 11.22 -- Townhouse and Multi-Family Developments.

All townhouse and multi-family residential development, as permitted in ARTICLES 7 and 8 of this Zoning Law, shall, in addition to the requirements set forth in said section and articles, conform to the following standards. These standards shall be regarded as minimum requirements:

11.22.1 Townhouse developments shall meet the following standards:

11.22.1.1 There shall be no more than eight (8) townhouse units in any contiguous group.

11.22.1.2 Yard requirements: Front Yard - Minimum thirty (30) feet (from interior project road) Rear Yard – Minimum twenty-five (25) feet Side Yard – Minimum ten (10) feet (at ends of buildings).

11.22.1.3 All principal and accessory buildings shall be set back a minimum of fifty (50) feet from the right-of-way of any dedicated street and from any lot line.

11.22.1.4 Maximum building height shall be three (3) stories or thirty-five (35) feet whichever is the lesser.

11.22.1.5 Maximum site coverage by all buildings and structures shall not be more than thirty percent (30%) of the lot area, such percentage to be calculated on the basis of the total project area.

11.22.1.6 Accessory buildings, including unattached garages, shall be located a minimum distance of ten (10) feet from any lot line and shall only be permitted in the rear or side yard.

11.22.2Multi-family developments shall meet the following standards:

11.22.2.1 Yard requirements:

11.22.2.1.1.1 No building shall be nearer than fifty (50) feet to the right-of-way of any dedicated road peripheral to the site.

11.22.2.1.1.2 No building shall be nearer than thirty (30) feet from the road line of any interior project road. In the case of non-dedicated streets and roads, this setback shall be measured from the limits of the paved area.

11.22.2.1.1.3 No principal or accessory building shall be nearer than fifty (50) feet from any lot line.

11.22.2.1.1.4 No accessory building, including unattached garages, shall be nearer than ten (10) feet to any lot line and shall be located in the rear or side yard only.

11.22.2.2 The maximum building height shall be three (3) stories or thirty-five (35) feet whichever is the lesser.

11.22.2.3 Maximum site coverage by all buildings and structures shall be not more than thirty percent (30%) of the lot area, such percentage to be calculated on the basis of total project area.

11.22.2.4 No building shall contain more than twelve (12) dwelling units.

11.22.3 Minimum unit size of multi-family dwelling units:

Efficiency: 550 sq. ft.
One bedroom: 700 sq. ft.
Two bedrooms: 850 sq. ft.
Three bedrooms: 1,000 sq. ft.

An additional one hundred twenty- (120) sq. ft. for each bedroom shall be added for larger apartment sizes.

Section 11.23 -- Gasoline Filling Stations, Service and Repair Garages, Automobile Sales Areas. Where permitted, a gasoline filling station, service and repair garage and automobile sales areas shall conform to the following standards which shall be regarded as minimum requirements:

11.23.1 Minimum lot size shall be:

11.23.1.1 Thirty thousand (30,000)-sq. ft. for a gasoline filling station, service and repair garage.

11.23.1.2 Forty-five thousand (45,000)-sq. ft. for a combination gas station, mini-mart convenience food store.

11.23.1.3 Additional lot area and setbacks shall be required as deemed to be adequate by the Town Board to accommodate tractor-trailer servicing.

11.23.2 Lot frontage and width shall be at least one hundred fifty (150) feet.

11.23.3 No gasoline service station or repair garage shall be located within five hundred (500) feet of any public entrance to a church, school, library, hospital, charitable institution, or place of public assembly. Such distance shall be measured in a straight line from said public entrance to the lot line nearest said entrance along the street line.

11.23.4 Fuel pumps and other service device shall be located at least thirty-five (35) feet from any front lot line and fifty (50) feet from any side and rear lot lines. This distance shall be measured from the outside edge of the fuel island.

11.23.5 All automobile parts, including tires and dismantled vehicles are to be stored within a building. Old tires that are offered for sale may be placed outside during normal business hours, but must be stored in a rack. Old tires to be scrapped or sold for junk must be stored either inside a building or behind a six- (6) foot high fence, wall, or natural screen.

11.23.6 Accessory goods for sale may be displayed on the pump island and the building island only. The outdoor display of oil cans, and/or anti-freeze and similar products may be displayed on the respective island if provided for in a suitable stand or rack.

11.23.7All repair work is to be performed within a building. Automobiles waiting to be serviced or stored on the premises shall not encroach on any required yard area. Wrecked automobiles being held for insurance adjuster inspection may be stored for a period not to exceed thirty (30) days and must be stored in the rear of the premises, out of sight as much as is possible.

11.23.8 Parking:

11.23.8.1 No vehicle shall be parked, stored, or left standing within thirty-five (35) feet

of the street line.

11.23.8.2 Parking requirements shall be in conformance with Section 11.3. Such parking areas shall not conflict with the traffic pattern established for the use of the fuel pumps. Additional parking area may be required by the Planning Board to accommodate tractor-trailer parking areas.

11.23.8.3 Where parking areas abut a residential use, they shall be screened by a buffer area no less than ten (10) feet in depth composed of densely-planted evergreen shrubbery, solid fencing, or a combination of both which, in the opinion of the Town Board, will be adequate to prevent the transmission of headlight glare across the zone boundary line. Such buffer screen shall have a minimum height of six (6) feet above finished grade at the highest point of the parking area. The materials used shall be in keeping with the character of the adjacent residential area. If said shrubbery becomes decayed and fails to provide an adequate screen, the Zoning Officer may direct the property owner to replace said shrubs.

11.23.9 All storage and display areas shall be provided with a hard, dust-free surface, shall be adequately drained, and, if lighted, shall produce no glare on adjacent properties.

11.23.10 A maximum of two driveways and curb cuts shall be permitted. These shall be no less than twenty (20) and no wider than thirty (30) feet and located a minimum of thirty (30) feet from any street intersection and a minimum distance of forty (40) feet shall be maintained between such driveways and curb cuts.

Section 11.24 --Campgrounds for Recreational Camping

11.24.1 Campgrounds may be located in agricultural and residential districts only.

11.24.2 The potential developer of such a facility shall prepare a concept plan for submission to the Planning Board. This should generally conform to requirements outlined in the Town of Campbell Subdivision Regulations. Upon approval of the overall plan by the Planning Board, an application for a site plan approval must be submitted to the Town Board for a public hearing and decision.

11.24.3 The potential developer shall obtain N.Y.S. Department of Health approval of such a facility prior to any Town action on a final site plan and minimum acreage requirements.

11.24.4 Design of such facilities shall be such as to ensure that the objectives of health, safety, convenience, and public accommodation are achieved. The Town Board may require such special features are deemed necessary to achieve this end.

Section 11.25 --Design Standards for Standard Designed Manufactured Homes as Second Principal-Residential Uses. A Standard Designed Manufactured Home may be allowed as a second principal residential use on a lot in single ownership subject to

site plan approval and the following standards:

11.25.1 A Standard Designed Manufactured Home, if proposed on a separate lot, shall meet the setback and yard requirements of residential use.

11.25.2 If a Standard Designed Manufactured Home is to be permitted on a lot containing a principal residential use, all residential setback requirements must be met by such Standard Designed Manufactured Home, except that in no event shall it be situated closer than twenty (20) feet from the principal residential building.

11.25.3 The applicant shall justify the adequacy of the proposed water and sewer arrangement for the Standard Designed Manufactured Home to the Planning Board.

11.25.3.1 The Planning Board may determine upon showing of adequate data such as flow tests and quality reports that a single water supply source is adequate.

11.25.3.2 In all instances, separate distance sewage disposal systems shall be required to follow the guidelines set forth in DOH Apendix75 A.

11.25.3.3 A Standard Designed Manufactured Home, when used as an accessory structure or dwelling, shall be located to the rear of the principal structure.

11.25.4 The granting of site plan approval shall be for a period of (1) year, and may be renewed. Such approval, however, may be renewed if, in the opinion of the Planning Board, it is a proper extension of the permit.

Section 11.26 -- Standards for Mixed Uses. In all districts where mixed uses are permitted, a lot held in single ownership may be improved for a mixed use. The lot must meet at least one minimum lot size, as required for each of the permitted uses in a mixed use, whichever is largest. The lot must also accommodate all requirements for each of the uses, such as parking, buffering, coverage, etc. The building group, as a unit, must meet all setbacks. The construction of a new building must provide for future partition of the lot by providing adequate width and yards to allow the creation of conforming lots. (See Definition of Mixed Use.)

Section 11.27 --Automobile Sales on Farms.

11.27.1 A Farm Vehicle for sale shall be parked, stored, displayed or left standing only within the side or rear yard of the farmstead.

11.27.2 No sales of junk cars or parts of vehicles, however a single personal vehicle for owner by the property owner may be placed for sale following the specifications set forth in section 11.29 of this Article.

11.27.3 Signs.

11.27.3.1 One (1) business identification sign no more than two (2) square feet in area may be mounted flat against the wall of a principal or accessory building.

11.27.3.2 Accessory signs may be exhibited in any vehicle window area provided that the

display area does not exceed thirty (30) percent of the window area.

11.27.3.3 Banners, flags, streamers, balloons and similar advertising display materials are prohibited.

Section 11.28 -- Transient/or Man Camps.

11.28.1 Intent. The purpose of this chapter is to promote the health, safety, and general welfare of the inhabitants of the Town of Campbell to provide for the development and operation of transient/or man camps in an appropriate, safe, sanitary and attractive environment, by regulating the location, design, occupancy and use of travel trailers, recreational vehicles, in all new transient/or man camp developments and improvements. This use shall be subject to site plan approval from the Planning Board, and operational permits issued by the Zoning Officer shall also be required and shall be renewed annually.

11.28.1.2 Standards Governing Transient/or Man Camps. Any transient/man camp shall conform to the following standards that are to be regarded as minimum requirements for development and maintenance:

11.28.1.3 Sites for transient/man camps shall be a contiguous parcel a minimum of ten (10) acres in size. Where the applicant can demonstrate that the characteristics of his holdings will meet the objectives of this section, the Planning Board may consider projects with less acreage. However, the zoning setbacks required for parcels in any given zoning district must be followed for that district where the individual units border the property lines, front rear and side property lines.

11.28.1.4 Conformance with health regulations shall follow all New York State Department of Health regulations in regards waste water and potable water.

11.28.1.5 No transient/man camp shall be permitted whose proposed boundaries are within two hundred (200) feet of an existing permanent residential dwelling unit, unless there exists a natural vegetation barrier or an artificial man-made screen is erected that are of sufficient height and opacity to screen the park from the residence, or unless all of the property owners residing in the area within said two hundred (200) feet, consent in writing to the establishment of that park.

11.28.1.6 Site Dimensions: Boundaries of transient/ man camp spaces shall be well defined and permanently marked. Transient/or man camp spaces shall meet the following requirements:

11.28.1.6.1 The density of development shall not exceed ten (10) units per developed acre.

11.28.1.6.2 The private area associated with each unit shall be a minimum of two thousand two hundred fifty (2,250) square feet with a minimum lot width of thirty (30) feet by seventy-five (75) feet in depth.

11.28.1.6.3 Maximum site coverage by all buildings shall be fifty (50) percent of the

10-acre parcel.

11.28.1.7 Parking. Parking spaces shall be provided in conformance with Section 11. 3. At least one parking space shall be situated on a side yard of each lot, and the remainder shall be located in adjacent parking bays along the park streets. Each parking space shall have dimensions of at least ten (10) feet by twenty (20) feet. Auxiliary parking areas shall also be provided for parking trucks, maintenance equipment, utility trailers, and similar such equipment and vehicles. All such parking areas shall be effectively screened from roads and manufactured mobile home sites.

11.28.1.8 Yard Dimensions:

11.28.1.8.1 Minimum front setback--fifteen (15) feet from driveway edge.
11.28.1.8.2 Minimum rear setback – ten (10) feet.
11.28.1.8.3 Minimum side setback between units– ten (10) feet, for fire safety.

11.28.1.9 Transient Worker RV/Camper Lot. Each RV/Camper lot shall be capable of containing a RV/Camper in a fixed position. The RV/Camper lot shall be graded with an impenetrable material at least six (6) inches in thickness. It may be surfaced with a layer of uniform sized crushed stone to a depth of nine (9) inches in lieu of paving. The topographic change of the stand shall not exceed one and one-half (1-1/2) feet for the length of the stand. The elevation, distance, and angle of the RV/Camper lot in relation to the access way shall be such as to facilitate the safe and efficient placement and removal of the RV/Camper home.

11.28.1.10 Entrances and Streets: All RV/Camper parks containing twenty (20) or more RV/Camper lots shall have access from two points along a single street or highway, or if bordering on two streets, access can be one for each street, such access points being separated by at least one hundred (100) feet. Streets shall be provided on the site where necessary to furnish principal traffic ways for convenient access to the RV/Camper lots and other important facilities on the property. Streets shall be privately owned with right-of-way widths of not less than thirty (30) feet. All streets within the Transient RV/Camper Park shall be hard surfaced, (compacted gravel shall be suitable), not less than twenty-four (24) feet in width, and shall be adequately lighted for safety of pedestrians and vehicular traffic as outlined in Sub-section 11.14.1.18.

11.28.1.11 Service Buildings: Each park shall provide community service buildings to house laundry facilities and other sanitary facilities, as required by the N.Y.S. Department of Health. Service building interior shall be well lighted at all times from dawn to 11:00 p.m. and capable of being lighted between 11:00 p.m. and dawn on the exterior of the building.

11.28.1.12 Private Service Building: One accessory building, not to exceed one-hundred (100) square feet in dimension may be located on each site. Such building shall

require a building permit and shall be placed on a temporary foundation or anchored to the ground in such a manner that upon completion of the work, it can be removed when the transient workers move to a new location and the site restored to its original use.

11.28.1.13 Drainage Facilities: The transient RV/camper Park shall be provided with a storm water system per Town of Campbell Drainage Standards for Land Development.

11.28.1.14 Landscaping: Transient RV/camper parks may be landscaped to provide an attractive setting for transient RV/campers and other improvements, to provide adequate privacy, and pleasant outlooks for living units, to minimize reflected glare, and to afford summer shade.

11.28.1.14.1 Every attempt shall be made to retain any existing trees four (4) inches or larger in caliper.

11.28.1.14.2 Six (6) foot fences shall be erected to screen objectionable views such as laundry drying yards, garbage and trash collection stations, nonresidential uses, and any unsightly objects or conditions on adjacent properties.

11.28.1.14.3 Lawns on all areas which are not paved or used as sites for manufactured/mobile homes RV/Camper or buildings shall be maintained.

11.28.1.15 Utilities: All electric utility, telephone, and cable conduit shall be installed and maintained in accordance with applicable codes and regulations governing such systems. An electrical connection receptacle or terminal box of an approved weatherproof type shall be provided at each recreational vehicle site. Such receptacle shall be properly grounded and shall provide adequate voltage.

11.28.1.16 Water Supply: An adequate supply of water must be available to all occupants of Transient RV/Camper in the park and the quality must be satisfactory to the New York State Health Department.

11.28.1.17 Sewage Disposal: An adequate and safe sewerage system shall be provided in all Transient RV/camper parks for conveying and disposing of all sewage. Such systems shall be designed, constructed, and maintained in accordance with local and state health laws.

11.28.1.18 Refuse Disposal: The storage, collection and disposal of refuse in the Transient RV/camper park shall be so conducted as to create no health hazards, rodent

harborage, insect breeding areas, accident of fire hazards or air pollution. All refuse shall be stored in fly-tight, watertight, rodent proof containers, which shall be located not more than one-hundred fifty (150) feet from any Transient RV/Camper site. Containers shall be provided in sufficient number and capacity to properly store refuse.

11.29 Abandoned, Junk and Inoperative Motor Vehicles.

11.29.1 The purpose of this section is to promote the public health, safety and general welfare to provide rules and regulations in regard to storing, leaving or depositing abandoned, junk, inoperative motor vehicles on real property, or private premises in the Town of Campbell.

11.29.2 The unrestrained accumulation of inoperable motor vehicles is a hazard to such health, safety and welfare of the residents of the Town of Campbell, necessitating the regulation, restraint and elimination thereof. This section is enacted in recognition of the following facts:

1. Can constitute both a public and private nuisance.
2. Is a source of potential injury to children and others, creates an attractive nuisance.
3. Is often replete with broken glass, sharp torn metal edges and harmful acids in batteries.
4. Constitutes blight on the Town landscape.
5. Destroys the aesthetic qualities of the Town and is generally unsightly.
6. Tends to depreciate not only the property on which it is located but also the property of others, and the Town in general.
7. Makes the Town less safe and pleasant in which to live and do business.
8. Damages the welfare of the Town as a whole.
9. Tends to result in uncontrolled growth of grass and weeds.
10. Tends to result in uncontrolled collection of debris.
11. These areas tend to be breeding grounds for insect's rodents and similar harmful creatures.

11.29.3 OPEN STORAGE RESTRICTIONS AND GENERAL PROHIBITIONS.

A. Storage Prohibition- Open storage of two or more inoperative unlicensed motor vehicles shall not be parked, kept, or stored on any premises within the Town, and no vehicle shall at any time be in a state of disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

B. Location of permissible storage- No more than one (1) inoperable, abandoned, unregistered or junk motor vehicle may be permitted to be stored on private property within the Town in accordance with the following standards:

1. Any such vehicle shall be stored behind the front building line of the principal residential structure.
2. Any such vehicle shall be enclosed with a six (6) foot high fence, or

manufactured car cover. Such fence or manufactured car cover shall be placed/constructed in such a way as to block the view of the stored vehicle.

11.29.4 PRIVATE VEHICLE SALES

No more than one (1) vehicle may be stored and /or displayed on a residential lot for the purpose of sale, and shall meet the following minimum standards:

1. Be privately registered and not registered under a licensed car dealership.
2. Be capable of being registered by the State of New York, and capable of being operated on the state's roads, as evidence by a current valid inspection.
3. Be owned by the occupant/ occupants of the residential lot on which it is displayed.
4. Be allowed to be placed in the front yard for sale, for a period not to exceed ninety (90) days. After the ninety (90) day period, the vehicle must be removed or sold, or stored according to the guidelines set forth in Section 11.28.3-(B).

11.29.5 PERMIT FOR RESTORATION OF ANTIQUE OR CLASSIC VEHICLES.

A. Upon written application, the Zoning Officer may issue a permit for the restoration of an antique or classic vehicle. As defined by this Section. The permit shall be issued for a period not to exceed twelve (12) months and may be extended once only for an additional period of three (3) months upon satisfactory showing that the vehicle restoration will be completed within the additional three-month extension period. The fee for the permit and extension shall be as set by the Town Board resolution.
B. The application for restoration permit shall be on forms furnished by the Town and shall state:
    1. The name, addresses, and telephone number of the applicant; the applicant shall be the owner of the vehicle.
    2. The name, address and telephone number of the owner or tenant of the property where the antique or classic vehicle is stored. If the owner of the vehicle is not the owner or tenant of the property where the vehicle is stored, written permission from the owner or tenant of the property must accompany this application to allow storage of the vehicle during the permit period.
    3. The make, model, year of manufacture, serial number, type (pickup truck, four door sedan etc.) and color.
    4. The most recent year of registration, state registered in, plate number and registration number.
    5. The expiration date of the most recent state inspection and serial number of the inspection sticker.
    6. What person will make the repairs?
    7. The place where the vehicle is presently stored.
    8. The place where repairs will be made.
    9. Certification that the owner intends to restore a classic motor vehicle, the application must establish satisfactory evidence that the vehicle complies with the definition as described in this Section.

11.29.6 FARM VEHICLES OR SNOW REMOVAL VEHICLES.

A. Any vehicle being actively used in agricultural operations or snow removal shall be exempted from the provisions of this section provided that:
   1. The vehicles are being used on private property. And are being held for continued use on private property and are not being held for non-operating purposes.
   2. Such vehicles are stored out of sight of public roads and adjoining properties.

11.29.7 VOLUNTEER FIRE DEPARTMENTS.

This Section shall not be construed to prohibit the open storage of a maximum of one (1) junk motor vehicle for a period of no more than six (6) months, when such motor vehicle is the property of the local volunteer fire department and is used by said department for training purposes.

11.29.8 EXEMPTION FOR MEMBERS OF THE ARMED FORCES.

This Section shall not be construed to prohibit the open storage of a motor vehicle that is unregistered and is in operable condition and is owned by a member of the armed forces who is serving on active duty. The period shall not exceed four (4) year.

11.29.9 EXEMPTION FOR INSURANCE CLAIMS.

This Section shall not be construed to prohibit the temporary open storage of motor vehicles for the purpose of insurance claims and repair settlements not to exceed ninety (90) days.

11.30 Adult Uses

11.30.1 Intent. It is the purpose of this section of law to regulate the creation, opening, commencement and/or operation of Adult use and entertainment Establishments, as herein defined, in order to achieve the following:

1. To preserve the character and the quality of life in the Town of Campbell's neighborhood and business areas.
2. To control such documented harmful and adverse secondary effects of adult uses on the surrounding areas as; decreased property values; attraction of transients; parking and traffic problems; increased crime; loss of business for surrounding non–adult businesses; and deterioration of neighborhoods.
3. To restrict minor's access to adult uses.
4. To maintain the general welfare and safety for the Town of Campbell's residents and general public.

11.30.2 -- Allowed Zoning Districts. All adult use and entertainment establishments as defined in the definitions of this code may only be created, operated, commenced or operated within the Agricultural Zoning districts within the Town of Campbell created by Article 3 of the Town of Campbell Zoning Ordinance.

11.30.3 --Additional Conditions for Location within Allowed Zoning Districts.

An Adult Use and entertainment establishment shall be allowed ONLY on a Town Road and NOT be allowed:

1. Within five hundred (500) feet of the boundary line of any residential zoning district in the Town;
2. Within five hundred (500) feet of the property line of a parcel used for residential purposes in the Town;
3. Within one thousand (1000) feet of the property line of a parcel containing a church, synagogue, other place of worship, library, school, daycare facility, park, or playground within the Town;
4. On the same parcel as another adult use and entertainment establishment.
5. Within one thousand (1000) feet of the property line of another adult use and entertainment establishment, whether or not such other establishment is located in the Town;
6. Within one thousand (1000) feet of the property line of an establishment with a liquor license; or
7. Within one thousand (1000) feet of a state or county road.

The above distances of separation shall be measured from the nearest exterior wall of the portion of the structure containing the adult use and entertainment establishment.

11.30.4 -- Display Prohibited. All adult uses and entertainment establishments shall be conducted in an enclosed building. It shall be a violation to display or exhibit (in open air, through a window, or by means of a sign, depiction or decoration), or to allow to be displayed or exhibited, any "specified anatomical area" or "specified sexual activity".

11.30.5 Site Design. The building shall be no more than one thousand six hundred (1600) square feet of gross floor area and must be finished in muted colors.

ARTICLE 12 – RENEWABLE ENERGY GUIDELINES AND GENERAL PROVISIONS.

Section 12.1 Statement of Purpose

This Local Law is adopted to advance and protect the public health, safety, and welfare of the Town of Campbell, including:

1. Taking advantage of safe, abundant, renewable, and low-carbon emitting energy resources;

2. Decreasing the cost of energy to the owners of commercial and residential properties, including single-family houses and farm operations;

3. Increasing employment and business development in the region by furthering the installation and development of renewable energy systems;

4. Balancing the need to improve energy sustainability through increased use of renewable energy systems with concerns for preservation of public health, welfare, and safety, as well as environmental quality, visual and aesthetic values, and existing neighborhood social and ecological stability; and

5. Minimizing adverse impacts on the character of the neighborhoods, property values, scenic, historic, and environmental resources of the Town.

6. Minimizing any immediate or future adverse impacts to farmland used for solar systems

7. Managing the implementation of utility solar in a way to coexist with farmland.

Section 12.2 Applicability

A. The requirements of the Town of Campbell Zoning Law shall apply to all Solar Energy Systems permitted, installed, or modified in Town after the effective date of this Local Law, excluding general maintenance and repair.

B. Rooftop solar, residential ground-mounted solar, or commercial ground-mounted solar constructed or installed prior to the effective date of this article shall not be required to meet the requirements of this article.

C. Modifications to an existing rooftop solar, residential ground-mounted solar, or commercial ground-mounted solar that increases the system area by more than 5% of the original area of the system (exclusive of moving any fencing) shall be subject to the Zoning Law.

D. The Town of Campbell reserves the right to negotiate a Pay in Lieu of Taxes (PILOT) agreement with any developer of a community solar or utility solar energy system.

Section 12.3 General Requirements

A. A building permit shall be required for the installation of all Solar Energy Systems. However, the following do not require a building permit provided all Solar Panels and Solar Energy Equipment are mounted less than 8 inches above the maximum height of the roof if mounted on a roof or 15 feet above the ground if mounted on the ground.
   a. Non-grid connected Solar Panels under six (6) sq. ft.
   b. Systems consisting of one or more Solar Panels under six (6) sq. ft. and not exceeding an aggregate of thirty-six (36) sq. ft. coverage.
   c. Any device with a Solar Panel under six (6) square feet.

B. When reviewing development applications on sites adjacent to parcels containing a Solar Energy System, the Town of Campbell Planning Board will consider the protection of access to

sufficient sunlight by the existing panels.

C. Issuance of permits and approvals by the Planning Board shall include review pursuant to the State Environmental Quality Review Act (ECL Article 8 and its implementing regulations at 6 NYCRR Part 617 ("SEQRA")].
D. All Solar Energy Systems shall be designed, erected, and installed in accordance with all applicable codes, regulations, and industry standards as referenced in the NYS Uniform Fire Prevention, Electrical and Building Code ("Building Code"), the NYS Energy Conservation Code ("Energy Code"), and the Town of Campbell Code.

Section 12.4 Permitting Requirements for Rooftop Solar

1. Rooftop Solar shall incorporate, when feasible, the following design requirements:
    a. Solar Panels on pitched roofs shall be mounted with a maximum distance of 8 inches between the roof surface and the highest edge of the system.
    b. Solar Panels on pitched roofs shall be installed parallel to the roof surface on which they are mounted or attached.
    c. Solar Panels on pitched roofs shall not extended higher than the highest point of the roof surface on which they are mounted or attached.
    d. Solar Panels on flat roofs shall not extend above the top of the surrounding parapet, or more than 24 inches above the flat surface of the roof, whichever is higher.
2. Glare: All Solar Panels have anti-reflective coating(s) and shall have been manufactured within the last 3 years at the time of installation.

Section 12.5 Permitting Requirements for Residential Ground-Mounted Solar

1. Residential ground-mounted solar shall be permitted as an accessory use on conforming lots when the lot is larger than 2 acres and siting is not on the front yard and shall be required to undergo site plan review by the Planning Board under the local zoning code or other land use regulations.
    a. Residential ground-mounted solar shall require a special use permit when the property is under 2 acres.
    b. Residential ground-mounted solar shall require a special use permit when the property is over 2 acres and the solar is sited on the front yard.
2. Glare: All Solar Panels have anti-reflective coating(s) and shall have been manufactured within the last 3 years at the time of installation.
3. Setbacks: Residential ground-mounted solar shall require the same setback as accessory uses.
4. Height: No part of a residential ground-mounted solar system shall be higher than 15 ft.
5. Screening and Visibility: Residential ground-mounted solar shall be located in a manner to reasonably avoid and/or minimize blockage of views from surrounding properties and shading of property to the north, while still providing adequate solar access. The Planning Board may require landscape mitigation, screening or fencing on a case-by-case basis.
6. Removal: Landowner/Developer shall be responsible for the complete removal of Residential Ground-Mounted Solar where the system does not produce energy for 12 consecutive months.

Section 12.6 Permitting Requirements for Commercial Ground-Mounted Solar

1. Commercial ground-mounted solar requires the issuance of a special use permit.
2. Glare: All Solar Panels have anti-reflective coating(s) and shall have been manufactured within

the last 3 years at the time of installation.

3. Setbacks: Commercial ground-mounted solar shall require the same setback as accessory uses.
4. Height: No part of a commercial ground-mounted solar system shall be higher than 15 ft.
5. Screening and Visibility: Commercial ground-mounted solar shall be located in a manner to reasonably avoid and/or minimize blockage of views from surrounding properties and shading of property to the north, while still providing adequate solar access. The Planning Board may require landscape mitigation, screening or fencing on a case-by-case basis.
6. Removal: Landowner/Developer shall be responsible for the complete removal of Commercial Ground-Mounted Solar where the system does not produce energy for 12 consecutive months.
7. Maintenance: Landowner/Developer must keep Solar Energy Equipment in good, safe working order.

Section 12.7 Permitting Requirements for Community/Utility Solar

All Utility and Community Solar are permitted only upon the issuance of a special use permit subject to the site plan application requirements set forth in this Section.

A. Applications for the installation of Utility and Community Solar shall be:
    a. Reviewed by the Zoning Officer for completeness. Applicants shall be advised within 20 business days of the completeness of their application or any deficiencies that must be addressed prior to substantive review. The Applicant shall be responsible for all professional fees incurred by the town in connection with application review, including but not limited to attorney and engineers' fees.

    b. Subject to a public hearing to all comments for and against the application. The Town of Campbell Planning Board shall have a notice printed in a newspaper of general circulation in the Town at least 10 days in advance of such hearing. Applicants shall have delivered the notice by certified mail to all owners of record of abutting parcels and those within fifteen hundred (1,500) feet of the property lines of the parcel where the Utility or Community Solar is proposed at least 20 days prior to such a hearing. Proof of mailing shall be provided to the Planning Board at the public hearing. Failure to provide such proof shall be a basis for the denial of a Special Use Permit. However, the applicant may reapply.

    c. The application shall be referred to the Steuben County Planning Department pursuant to General Municipal Law § 239-m, if required.

    d. Upon closing of the public hearing, the Planning Board shall take action on the application within 62 days of the public hearing, which can include approval, approval with conditions, or denial. The 62-day period may be extended upon consent by both the Planning Board and applicant.

B. Underground Requirements: All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility-company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way. All on-site utility lines installed aboveground shall be located outside agricultural field boundaries where feasible. When aboveground utility lines must cross agricultural fields, taller structures that

provide longer spanning distances and poles located on field edges shall be used to the greatest extent practicable. All buried electric cables in cropland, hayland, and improved pasture shall have a minimum depth of cover of 48 inches and in all other areas the minimum depth of cover shall be 24 inches.

C. Vehicular Paths: Vehicular paths within the site shall be designed to minimize the extent of impervious materials and soil compaction, and disruption of agricultural lands. Vehicular paths are to be located along the edge of agricultural fields, in areas next to hedgerows and field boundaries and in the nonagricultural portions of the site. The width of access roads across or along agricultural fields is to be no wider than the greater of 20 feet or the minimum width required under the State of New York fire access code so as to minimize the loss of agricultural lands, and designed to meet the weight bearing capacity for emergency response vehicles. The surface of Solar Energy System access roads to be constructed through agricultural fields should be level with the adjacent field surface, minimizing runoff and soil erosion where possible.

D. Signage: No signage or graphic content shall be displayed on the Solar Energy Systems except the manufacturer's name, equipment specification information, safety information, and 24-hour emergency contact information. Said information shall be depicted within an area no more than 8 square feet and must have yellow background with black letters and be located near pad-mounted transformers/substations. As required by National Electric Code (NEC), National fire Protection Code (NFPA) Code 70 and 79, disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

E. Glare: All Solar Panels shall have anti-reflective coatings(s) and shall have been manufactured within the last 3 years at the time of installation.

F. Lighting: Lighting of Utility and Community Solar shall be limited to that minimally required for safety and operational purposes and shall be shielded and downcast from abutting properties to minimize lighting impact to the greatest extent possible.

G. Tree-cutting: Applicant shall provide written justification for all tree cutting activities. Removal of existing trees larger than 6 inches in diameter should be minimized to the extent possible. Any tree removed on the proposed site shall be replaced with another tree comparable to the species of the removed tree(s) at a 1:1 ratio on the same site/parcel as the tree was removed. Town Planning Board may require a tree-survey by a certified forester prior to development of the site at time of issuance of a special use permit.

H. The applicant/developer/owner shall provide a quarterly report of power production to the Town Clerk through the life of the Solar Energy System.

I. The Steuben County IDA may negotiate a Pay in Lieu of Taxes (PILOT) agreement with any developer of a Utility or Community Solar Energy System for the Town of Campbell

J. Construction

a. Insurance/Liability – Prior to the commencement of construction of the Utility or Community Solar Energy System, the applicant shall provide the Town proof, in the form of a duplicate insurance policy or a certificate issued by an insurance company, of public liability insurance, of a level to be determined by the Planning Board in consultation with the Town's insurer, to cover damage or injury which might result from the failure of a Solar Energy System or any other part(s) of the generation or transmission facility. The public liability insurance policy shall specifically include the Town and its officers, boards, employees, committee members, attorneys, agents, and consultants as additional named insured (using endorsement #CG2026) with coverage of at least $2,000,000 per occurrence / $4,000,000 aggregate ($5,000,000 and $10,000,000, respectively, for a Solar Energy System subject to Article 10 of the Public Service Law).

b. Prior to the commencement of construction, soil samples (2 per acre) shall be taken, analyzed, and results submitted to the Town to establish a soil baseline.

c. All debris, materials, and/or mulch generated by site clearing or construction shall be removed from the site and disposed of properly.

d. Building and Grounds Maintenance – Within 60 days after substantial completion of the installation, the site shall be returned as close as possible to its natural state. Any damaged, spare, or unused parts, maintenance equipment, oil and all similar materials shall be removed from the premises within thirty (30) days or kept at a covered, on-site storage facility.

e. Subject to all of the applicable sections herein, any and all substantial modifications, additions, or changes to a Community or Utility Scale Solar Energy System authorized to operate under this Article, whether structural or not, shall be made by application to the Planning Board except where modification is required for routine maintenance and repairs which become necessary in the normal course of use of such Community or Utility Scale Solar Energy System or become necessary as a result of natural forces, such as wind or ice. Additionally, any modification resulting in significant modifications to the public health, safety, welfare, environment, of the Town or the visual or sound impacts of the project, must be reviewed and approved by the Planning Board.

K. Decommissioning

a. Utility and Community Solar Energy Systems that have been abandoned and/or not producing electricity for a period of 1 year shall be removed at the Owner and/or Operators expense, which at the Owner's option may come from any security made with the Town of Campbell as set forth in Sub-paragraph C herein below.

b. A decommissioning plan (see at the end of this article) shall be filled out and signed by the owner and/or operator of the Solar Energy System and shall be submitted by the applicant, addressing the following:

i. The estimated cost of removing the Solar Energy System.

ii. The time required to decommission and remove the Solar Energy System and any ancillary structures.
iii. The time required to repair any damage caused to the property by the installation and removal of the Solar Energy System. Site shall be returned to its original condition prior to installation of solar energy system. This includes removal of any concrete supports, foundations, piers, concrete pads, all electrical wiring, disposal of any components, and the stabilization and re-vegetation of the site.
iv. Soil shall be taken from originally sampled locations to confirm presence or lack thereof of contaminants or Hazardous Materials. All Hazardous Materials and any contaminant required to be mitigated by the Department of Environmental Conservation (DEC) shall be mitigated on site.
v. Decommissioning plan must be reviewed by the Town of Campbell Building Inspector and/or the Town Attorney prior to approval of project. All Costs associated with the review will be incurred by the applicant/developer.

c. Security
i. The deposit, executions, or filing with the Town Clerk of cash, bond, or other form of security reasonably acceptable to the Town attorney and/or engineer, shall be in an amount sufficient to ensure the good faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal and restorations of the site subsequent to removal. The amount of the bond or security shall be 125% of the cost of removal of the Utility or Community Solar Energy System and restoration of the property with an escalator as determined by a qualified engineer of the Town's choosing to be paid for by the Project Owner at the time the application is made of 2% annually for the life of the Solar Energy System. The Owner shall provide a decommissioning estimate to the Town on each fifth anniversary of the date of the posted security. If the decommissioning estimate is higher than the original security schedule, the security shall be revised to that updated amount. The decommissioning amount shall not be reduced by the amount of estimated salvage value of the Solar Energy System, the salvage value of the solar energy equipment is speculative. Bond shall be in effect prior to construction.

ii. In the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the cash deposit, bond, or security shall be forfeited to the Town of Campbell, which shall be entitled to maintain an action thereon. The cash deposit, bond, or security shall remain in full force and effect until restoration of the property as set forth in the decommissioning plan is completed.

iii. In the event of default or abandonment or production falls below 40% of original production capacity of the Solar Energy System for twelve (12) months or greater, for any reason other than maintenance, the system shall be decommissioned as set forth in the Decommission Plan.

d. Scenic Viewshed Protection: The initial targeted site must be deemed suitable by a

review by the Planning Board. This review will include, but not be limited, to scenic views identified by the Planning Board and area residents.

L. Site Plan Approval: For any Utility or Community Solar Energy System requiring a special use permit, site plan approval shall be required. If any license, approval, permit, certification, or any type of registration or similar type of endorsement is required from any other agency, such addition agency approvals shall be a condition to the Town's issuance of a special use permit. Any site plan application shall include:

a. A map plan plotted to scale, prepared by an architect, landscape architect, civil engineer, surveyor, land planner or other competent person, including thereon the following information:

i. Preliminary architectural or engineering plans, including elevations showing the use, location and dimensions of proposed buildings and open spaces.

ii. A map plan showing the proposed activity including the location, dimensions and square footage of proposed buildings, location and dimensions of driveways, ingress and egress from the property, driveway intersections with streets, parking areas and maneuvering areas.

iii. A storm drainage and grading plan for analysis of proposed handling of surface water runoff and erosion control, including, where applicable under State or Federal Requirements, a Storm Water Notice of Intent and a Storm Water Pollution Prevention Plan.

iv. A plan showing utilities and utility easements including method of sewage disposal in detail.

v. Plans for all signs to be erected including dimensions, elevations and sign locations.

vi. A landscape plan, prepared by a professional landscape architect or other competent person employed by a commercial garden, center, showing site grading, landscaping to be installed and maintained in front, side and rear yards as developed, including shade trees, deciduous shrubs, evergreens, defined areas of well-kept grassed areas and ground cover. All such landscaping, grassed areas and ground cover areas shall be maintained in a healthy growing condition at all times.

vii. Plan of lighting for the exterior of structures and for any interior roadway, driveway, parking area, and off-street loading area.

viii. A proposed construction and implementation schedule, and schedule of hours of operation.

b. A map showing existing and proposed topography at 5-foot contour intervals.

c. A one- or three-line electrical diagram detailing the Solar Energy System layout, solar collector installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.

d. A preliminary equipment specification sheet that documents all proposed solar panels, significant components, mounting systems, and inverters that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.

e. Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the Solar Energy System. Such information of the final system installer shall be submitted prior to the issuance of building permit.

f. Name, address, phone number, and signature of the project applicant, as well as the property owners, demonstrating their consent to the application and the use of the property for the Solar Energy System.

g. Zoning district designation for the parcel(s) of land comprising the project site.

h. Property Operation and Maintenance Plan. Such plan shall describe continuing photovoltaic (solar cell), electrical equipment, maintenance and property upkeep, such as including mowing and trimming.

i. Erosion and sediment control and storm water management plans prepared to New York State Department of Environmental Conservation standards, if applicable, and to such standards as may be established by the Planning Board.

j. Photography assessing the visibility from key viewpoints, existing tree lines, and proposed elevations. Pictures shall be digitally enhanced to simulate the appearance of the as-built above ground site facilities as they would appear from distances within a three (3) mile radius of such Solar Energy System. Pictures from specific locations may be required by the Planning Board and all pictures shall be no smaller than 5” x 7” and provided in hard, color copy and digitally.

k. Electronically generated renderings/images of views of the proposed finished site from N, S, E, W viewpoints, as deemed necessary by the Planning Board.

l. Completed State Environmental Quality Review Act (SEQRA) Full Environmental Assessment Form (EAF) and Steuben County GML 239 referral form.

m. Documentation of the proposed intent and capacity of energy generation as well as a justification for any clearing required.

n. If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted.

o. A post-construction monitoring and compliance plan ("PCMC Plan") for the purpose of certifying Solar Energy System project compliance. The PCMC Plan shall require the applicant to present data reports to the Town showing its compliance with the requirements of this local law, any unanticipated impacts (positive and negative) to the environment, participants and non-participants, wildlife (including any threatened or endangered species), water quality in the project area, wetlands and stormwater erosion controls at each of the following intervals following construction of the Solar Energy System: 6 months, 1 year, 2 years, 5 years, and every 5 years thereafter.

p. An application fee (non-refundable) of
$1,000 per megawatt (MW-AC) of rated maximum capacity. Should construction of solar development not begin within 12 months of issuance of special use permit and renewed permit must be obtained, fee shall be $500 per megawatt (MW-AC) of rated maximum capacity.

q. The Town Planning Board may refer such application presented to it to such engineering, planning, legal, technical or environmental consultant, or professional(s) employed by the Town, as such Board shall deem reasonably necessary to enable it to review such application as required by law including attendance by the Town Engineer and Town Attorney at any regular or special public meetings of the Town Planning Board. The applicant or developer of a Utility or Community Solar Energy System shall reimburse the Town for any and all costs associated with the review of such application.

M. Utility and Community Solar Energy System Standards

a. Setbacks: 100'
b. Height: 15' unless there is incorporation of agrivoltaics (cattle grazing, tractors, etc) for which height shifts to 30'

c. Fencing Requirements
    i. All Solar Panels shall be completely enclosed by a minimum six (6) foot high fence that is of a type that is consistent with the surrounding neighborhood and the use of the property, as reasonably determined by the Planning Board. All mechanical equipment of a Solar Energy System shall be completely enclosed by a minimum six (6) foot high anchored mini-mesh chain-link fence with two-foot tip out and a self-locking gate. All such fences shall contain five inch high by sixteen-inch-wide grade-level cutouts every 75 feet to permit small animals to move freely into and out of the site.

d. Screening and Visibility
    i. Community and Utility Solar Energy Systems under 25 MW shall be required to:
        1. Conduct an assessment of the visual impacts of the Community and Utility Solar Energy Systems on public roadways and adjacent properties. At a minimum, a line-of-sight profile analysis shall be provided. Depending upon the scope and potential significance of the

visual impacts, additional impact analyses, including for example a digital viewshed report, shall be required to be submitted by the applicant.

2. Submit a screening and landscaping plan to show adequate measures, as determined by the Planning Board, to screen through landscaping, grading, or other means so that views of Solar Panels and Solar Energy Equipment shall be minimized as reasonably practical from public roadways and adjacent properties to the extent feasible.
    a. At reasonable discretion of the Planning Board, the screening and landscaping plan shall specify the locations, elevations, height, plant species, and/or materials that will comprise the structures, landscaping, and/or grading used to screen and/or mitigate any adverse aesthetic effects of the system. The landscaped screening shall be comprised of a minimum of [A] evergreen trees, appropriately spaced to maximize screening and at least six feet high at the time of planting, plus [B] supplemental shrubs, all planted within ten linear feet of the Solar Energy System so as to minimize visual impacts while minimizing disruption to agricultural lands. The screening shall be planted along property lines. Existing vegetation may be used to satisfy all or a portion of the required landscaped screening. A list of suitable evergreen tree and shrub species should be provided by the Town.

e. Agricultural Resources. For Projects located on agricultural lands:
    i. For all sites including a solar energy system, the following design and operational requirements must be met:
        1. Community or Utility Solar Energy Systems on Prime Farmland or Farmland of Statewide Importance shall be required to seed 20% of the total surface of all solar panels on the lot with Native Perennial Vegetation to attract pollinators.
        2. Design of Community or Utility Solar Energy Systems shall favor concurrent use of the land of livestock grazing or similar sustainable use.
        3. In pasture areas, temporary or permanent fences shall be constructed around work areas to prevent livestock access, consistent with landowner agreements.
    ii. For solar development projects (leased or owned) on parcels containing Prime Farmland or Farmland of Statewide Important the maximum leased area/ or solar developed area is show below. If Prime Farmland is present on the parent parcel, maximum leased area is reduced to protect Prime Farmland. The amount of Prime Farmland that is present is irrelevant.
        1. Parcels containing Prime Farmland, solar developments shall not exceed 30% of the total areas of the parent parcel (in case of lease) or surveyed parcel in case of owned.
        2. Parcels containing farmland of statewide importance, solar developments shall not exceed 40% of the total area of the parent parcel (in case of leased land) or surveyed parcel in case of owned parcel.
        3. If both Prime Farmland and Farmland of Statewide Importance are

present, the more restrictive coverage requirement of 30% applies.

iii. To the maximum extent practicable, Community and Utility Solar Energy Systems located on Prime Farmland shall be constructed in accordance with the construction requirements of the New York State Department of Agriculture and Markets. The construction and installation on the productivity of the soil shall be designed to minimize any adverse impacts on the productivity of the soil and the farm operation.

iv. Community and Utility Solar Energy System owners shall develop, implement, and maintain native vegetation to the extent practicable pursuant to a vegetation management plan by providing Native Perennial Vegetation and foraging habitat beneficial to game birds, songbirds, and Pollinators. To the extent practicable, when establishing perennial vegetation and beneficial foraging habitat, the owners shall use native plant species and seed mixes in accordance with the following:

1. Plant short-growing, low-maintenance, native seed mix underneath and around the panels;
2. Plant a diverse pollinator seed mix in between the rows of panels;
3. Plant buffers with vegetation that benefit pollinators and early successional species around the boundary of the Solar Energy System;
4. Plant native shrubs along the property boundary;
5. Provide a minimum of 8 different native flower species (including species for each bloom period) and native grass species.

f. Ownership Changes: If the owner or operator of a Community or Utility Solar Energy System changes or the owner of the property changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special use permit, site plan approval, and decommissioning plan. A new owner or operator of the Community or Utility Solar Energy System shall notify the Zoning officer and Town Supervisor of such change in ownership or operator within 30 days of the ownership change taking effect.

N. Safety

a. Solar Energy Systems and Solar Energy Equipment shall be certified under the applicable electrical and/or building codes as required.

b. The applicant shall show that all applicable manufacturers, New York State and U.S. standards for the construction, operations, and maintenance of the proposed Solar Energy Systems and Solar Energy Equipment, including applicable industry standards of the Institute of Electrical and Electronic Engineers (IEEC) and the American National Standards Institute (ANSI), have been met or are being complied with. The applicant shall furnish evidence, over the signature of a professional engineer licensed to practice in the State of New York, that such Solar Energy Systems and Solar Energy Equipment is in compliance with such standards.

c. Solar Energy Systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department and, if the Tier 3 Solar Energy System is located in an ambulance district, the local ambulance corps.

d. The Solar Energy Systems and Solar Energy Equipment shall incorporate all safety features and standards required under New York State and federal law, including, but not limited to line shut-offs.

O. Permit Time Frame and Abandonment
   a. The Special Use Permit and site plan approval for any Solar Energy System shall be valid for a period of 12 months, following the issuance of the site plan approval or the special use permit, whichever occurs last. In the event construction is not completed in accordance with the final site plan, as may have been amended and approved, as required by the Planning Board, within 12 months after approval, upon request the Planning Board, at its sole discretion, may extend the time to complete construction for 180 days. If the owner and/or operator fails to perform substantial construction after 8 months, the approvals shall expire and the decommissioning plan will take effect.
   b. Upon cessation of electricity generation of a Solar Energy System on a continuous basis for 12 months or reduction of electricity generation under 40% original production capacity, the Town may notify and instruct the owner and/or operator of the Solar Energy System to implement the decommissioning plan. Decommissioning and restoration, in accordance with the decommissioning plan, must be completed within 360 days of notification.
   c. If the owner and/or operator fails to comply with decommissioning or restoration upon any abandonment, the Town may, at its discretion, utilize the bond and/or security for the removal of the Solar Energy System and restoration of the site in accordance with the decommissioning plan.

P. Enforcement
   a. Any violation of this Solar Energy Article shall be subject to the same enforcement regulations, including the civil and criminal penalties, provided for in the zoning or land use regulations of the Town of Campbell.

Q. Severability
   a. The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgement of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

R. Area Variance
   a. Should an applicant face hardship in implementing renewable energy on their property, they are reminded that New York State and the Town of Campbell do offer an Area Variance process. The process is outlined in Appendix A and Article 15 of this zoning law.
   b. The Town of Campbell Zoning Board of Appeals shall balance the benefit of the applicant with any detriment to the health, safety and welfare of the community and shall consider the five-point balancing test of:
      i. Whether the benefit can be achieved by other means feasible to the applicant.
      ii. Whether there will be an undesirable change in a character of the neighborhood or to nearby properties.

iii. Whether the request is substantial.
iv. Whether the request will have an adverse physical or environmental impact.
v. Whether the alleged difficulty is self-created.

Decommission Plan
Date: [Date]
Decommissioning Plan for [Solar Project Name], located at: [Solar Project Address]

Prepared and submitted by [Solar Developer Name], the owner of [Solar Farm Name]

As required by the Town, [Solar Developer Name] presents this decommissioning plan for [Solar Project Name] (the "Facility").

Decommissioning will occur as a result of any of the following conditions:

1. The land lease, if any, ends;
2. The system does not produce power for [12] months, or reduction of electricity is under 40% original production capacity, or is abandoned;
3. The system is damaged and will not be repaired or replaced;
4. The system has become obsolete and cannot produce power efficiently;
5. Upon revocation, terminator, or non-renewal of the special use permit;
6. Failure to complete construction within the applicable time period.

The owner of the Facility, as provided for in its lease with the landowner, shall restore the property of its condition as it existed before the Facility was installed, pursuant to which may include the following:

1. Removal of all operator-owned equipment, concrete, conduits, structures, fencing, and foundations to a depth of 48 inches below the soil surface;
2. Removal of any solid and Hazardous Materials caused by the Facility in accordance with local, state and federal waste disposal regulations;
3. Removal of all graveled areas and access roads unless the landowner requests in writing for it to remain;
4. Removal of all electrical wiring, buried or above ground and electrical conduits.

All said removal and decommissioning shall occur within 360 days of one of the decommission conditions listed above being triggered.

Decommissioning plan must be reviewed by the Town of Campbell Planning Board, Town of Campbell Building Inspector and Engineer prior to approval of project. The Town of Campbell Building Inspector and Engineer will oversee the decommissioning process and will deem the decommissioning complete. The completion of the decommissioning will be reviewed by NY State Electric and Gas, Department of Environmental Conservation (DEC), Steuben County Planning, and NYSERDA. Costs associated with all review and oversight incurred by the Town will be reimbursed by the applicant/developer.

The owner of the Facility, currently [Solar Developer Name], is responsible for this decommissioning.

Facility Owner Signature: _____ Date: _____

Town of Campbell Supervisor: _____ Date: _____

Notary: _____ Date: _____

ARTICLE 13 Discontinuance.

Section 13.1
Any building or land which is used for or occupied by a non-conforming use and which changed to or replaced by a conforming use, shall not thereafter be used for or occupied by a non-conforming use.

Section 13.2 When a non-conforming use has been discontinued for a period of one year, it shall not thereafter be re-established and the future use shall be in conformity with the provisions of this Zoning Law.

Section 13.3 --Necessary Maintenance and Repairs. A building or structure of non- conforming use may be repaired or restored to a safe condition.

Section 13.4 -- Change to Other Non-Conforming Use. A non-conforming use of a building, structure, or land may be changed to another non-conforming use more nearly conforming to the character and requirements of the District in which it is situated.

Section 13.5 -- Construction Started Prior to this Zoning Law. Any building or structure for which construction was begun prior to the effective date of this Zoning Law, or any subsequent amendment thereof applying, may be completed and used in accordance with the plans and specifications for such building and structure.

Section 13.6 Existing Undersized Lots.

13.6.1 Any lot held in single and separate ownership prior to the adoption of this Zoning Law and whose area and/or width and/or depth are less than the specified minimum lot requirements of this Zoning Law for the District, may be considered as complying with such minimum lot requirements and no variance shall be required, provided that:

13.6.1.1 Such lot does not adjoin any other lot or lots held by the same owner whose aggregate area is equal to or greater than the minimum lot area required for that district.

13.6.1.2 Such lot has an area of at least five thousand (5,000) square feet and a minimum width of at least fifty (50) feet at the required setback line if it is to be used for residential purposes.

13.6.1.3 The following minimum yard dimensions are maintained for residences:

(a) Side yards 8 feet; Rear yards- 25 feet; and Front yards- 25 feet.

(b) When the street right-of-way width is not known, the front yard setback shall be fifty (50) feet from the centerline of the street.

13.6.1.4 No detached accessory building shall be located closer to a side lot line than five (5) feet, provided, however, that the side yard requirement for accessory buildings shall not be less than three (3) feet, if such accessory building is ten

(10) feet or more to the rear of the residence building and is located behind the rear line of such residence building. No accessory building shall be located closer to the rear lot line than three (3) feet if no easement is located along such rear lot line.

13.6.1.5 All other bulk requirements for that district are complied with.

13.6.2 In any district where residences are permitted, such undersized non-conforming lots may be used for not more than one (1) single family dwelling.

Section 13.7 Alterations. A non-conforming building may not be reconstructed or structurally altered during its life to an extent exceeding in aggregate cost fifty (50) percent of the assessed value of the building unless said building is changed to conform to the requirements of this Zoning Law.

Section 13.8 Restoration. No building damaged by fire or other causes to the extent of more than seventy-five (75) percent of its assessed valuation shall be repaired or rebuilt except in conformity with the regulations of this Zoning Law. Nothing in this Zoning Law shall prevent the strengthening or restoring to a safe condition any wall, floor or roof which has been declared unsafe by the Code Enforcement Officer.

Section 13.9 Reduction in Lot Area. A building permit shall not be issued for any lot that is reduced in area so that it creates a non-conforming bulk or use in violation of any regulations contained in this Zoning Law.

Section 13.10 Exemption of Lots Shown on Approved Subdivision Plats. In accordance with Town Law, Section 265-a, any lot proposed for residential use in a subdivision whose plat delineates one or more new streets, roads or highways, and which said subdivision plat has been properly approved by the Planning Board, and filed in the office of the County Clerk, prior to the passage of this Zoning Law and whose area and/or width and/or depth are less than the specified minimum lot requirements for that zoning district shall be considered as complying with such minimum lot requirements for two years after the filing of the subdivision plat.

If at the time of the filing of the subdivision plat referred to above there was no Planning Board vested with authority to approve subdivision plats, then the exemption provided for in such subdivision shall apply for a period of one year after the filing of said subdivision plat in the office of the County Clerk.

ARTICLE 14. GENERAL EXCEPTIONS

Section 14.0 Public Properties. Nothing in this Zoning Law shall restrict construction or use in the exercise of a governmental function of public buildings, lands or property supported in whole or in part by taxes imposed on property in the Town of Campbell.

Section 14.1 Public Utilities. Nothing in this Zoning Law shall restrict the construction or use of underground or overhead distribution facilities of public utilities operating under the Laws of the State of New York. Other facilities may be constructed subject to a special use permit.

ARTICLE 15. ZONING BOARD OF APPEALS

Section 15.0 Establishment and Duties. Pursuant to Town Law, the Town Board shall appoint a Zoning Board of Appeals consisting of five (5) members, shall designate its chairman, and also provide for such expenses as may be necessary and proper. A member of the Zoning Board of Appeals shall not at the same time be a member of the Town Board. The Town Board shall have the power to remove any member of the Zoning Board of Appeals for cause and after public hearing.

15.0.1 Term of Appointment. Of the members of the Zoning Board of Appeals first appointed, one shall hold office for the term of one (1) year, one for the term of two (2) years, one for the term of three (3) years, one for the term of four (4) years, one for the term of five (5) years, from and after his appointment. The appointment of a chairman shall be for a term of one (1) year.
Their successor shall be appointed for the term of five (5) years from and after the expiration of the terms of their predecessors in office. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by the Town Board by appointment for the duration of the unexpired term.

15.0.1.2 Staff. The Zoning Board of Appeals may employ such clerical or other staff assistance as may be necessary, and prescribe their duties, provided that it shall not at any time incur expenses beyond the amount of the appropriations made by the Town Board and then available for that purpose.

15.0.1.3Rules of Procedure, By-Laws, Forms. The Zoning Board of Appeals shall have the power to make, adopt, and promulgate such written rules of procedure, by-laws, and forms as they may deem necessary for the proper execution of their duties and to secure the intent of this Zoning Law. Such rules, by-laws and forms shall not be in conflict with, nor have the effect of, waiving any provisions of this Zoning Law or any other zoning law or ordinance of the Town of Campbell.

ARTICLE 16. ADMINISTRATION and ENFORCEMENT

Section 16.0 - Enforcement. This Zoning Law shall be enforced by the Zoning Officer, who shall be appointed by the Town Board. No building permit shall be issued by the Code Enforcement Officer except where all the provisions of this Zoning Law have been complied with. The Zoning Officer shall keep the Zoning Board of Appeals advised of all matters pertaining to the enforcement of this Zoning Law other than routine duties, and shall submit a monthly report to the Town Board enumerating the applications received, inspections made, zoning permits issued or refused, and other actions taken.

Whenever a violation of this Zoning Law occurs, any person having knowledge thereof may lay any information in regard thereto before a proper magistrate as provided by law, or give a valid written complaint to the Zoning Officer and the procedures thereafter shall be as set forth in the Code of Criminal Procedure.

Section 16.1 Building Permits.

16.1.1 No building or structure shall be erected, added to, or structurally altered until a permit thereof has been issued by the Code Enforcement Officer. Except on written order of the Zoning Board of Appeals, no such building permit shall be issued for any building where said construction, addition, or alteration or use thereof would be in violation of any of the provisions of this Zoning Law. Further, the Code Enforcement Officer shall be satisfied that issuance of a building permit is not in violation of the Town's Land Subdivision Rules and Regulations of the Planning Board and the New York State Uniform Fire prevention and Building Code.

16.1.2 There shall be submitted with all applications for building permits two copies of a layout or plot plan drawn to scale showing the actual dimensions of the lot to be built upon, the exact size and location on the lot of the building and accessory buildings to be erected, and such other information as may be necessary to determine and provide for the enforcement of this Zoning Law.

16.1.3 One copy of such layout or plot plan shall be returned when approved by the Code Enforcement Officer, together with such permit to the applicant, upon the payment of a fee as set by Town Board resolution.

16.1.4 In the event that an application for a building permit is not approved, the applicant shall be entitled to a refund of fifty percent (50%) of the fee paid, provided no construction has been commenced. If construction work has been started and the application is not approved, the fees paid shall not be refunded.

16.1.5 Upon approval of the application, and upon receipt of the legal fees therefor, the Code Enforcement Officer shall issue a building permit to the applicant upon the form prescribed by him and shall affix his signature or cause his signature to be affixed thereto.

16.1.6 Upon approval of the application, both sets of plans and specifications shall be endorsed with the word "approved". One set of such approved plans and specifications shall be retained in the Town files and the other set shall be returned to the applicant together with the building permit and shall be kept at the building site open to inspection by the Code Enforcement Officer or his authorized representative at all reasonable times.

16.1.7 If the application together with plan, specifications, and other documents filed therewith, describe proposed work, which does not conform to all of the requirements of the applicable building regulations, the Code Enforcement Officer shall disapprove the same and shall return the plans and specifications to the applicant. Upon the request of the applicant, the Code Enforcement Officer shall cause refusal, together with the reasons therefor, to be transmitted to the applicant in writing.

Section 16.2 Certificate of Occupancy

No land shall be used or occupied, and no building or structure hereafter erected, altered, or extended shall be used or changed in use until a certificate of occupancy shall have been used by the Code Enforcement Officer in accordance with the provisions of this Zoning Law.

16.1.1 All certificates of occupancy for new or altered buildings or structures shall be applied for coincident with the application for a building permit. Such certificate of occupancy shall be issued within thirty (30) days after the erection or alteration shall have been approved as complying with the provisions of this Zoning Law and New York State Uniform Fire prevention and Building Code.

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Section 16.3 --Appearance Tickets.

16.3.1 Authority to issue. The Constable(s), the Building Inspector(s) and the Code Enforcement Officer(s) of the Town of Campbell are hereby authorized and empowered to enforce the local laws and ordinances of the Town of Campbell and, in conjunction therewith, they are hereby further authorized and empowered to issue appearance tickets pursuant to § 150.20 of the Criminal Procedure Law of the State of New York.

ARTICLE 17. AMENDMENTS

Section 17.0 Procedure.

The Town Board may, from time to time, on its own motion, or on petition, or on recommendation from the Planning Board, amend the regulations and districts established under this Zoning Law after public notice and hearing in each case. All proposed amendments of the regulations or districts herein established shall be filed in writing in a form required by the Town Board.

Section 17.1 -- Advisory Report by Town Planning Board.

Every proposed amendment, unless initiated by the Town Planning Board, shall be referred to the Town Planning Board. The Planning Board shall report in writing its recommendations thereon to the Town Board, accompanied by a full statement of the reasons for such recommendations, prior to the public hearing. If the Planning Board fails to report within a period of 45 days from the date of receipt of notice or such longer time as may have been agreed upon by it and the Town Board, the Town Board may act without such report. If the Planning Board disapproves the proposed amendment, or recommends modification thereof, the Town Board shall not act contrary to such disapproval or recommendation except by the adoption of a resolution fully setting forth the reasons for such contrary action.

Section 17.2 Public Notice and Hearing.

The Planning Board shall set the date for the public hearing as required by law, and shall hold a public hearing at the specified time and place. Following such public hearing, the Planning Board shall render its decision within sixty (60) days, and shall forward its decision to the Town Board."

17.2.1 Upon receipt of the report from the Town Planning Board, the Town Board, by resolution, shall fix the time and place for a public hearing and cause notice to be given as follows.

17.2.2 By publishing notices of the proposed amendment and the time and place of the public hearing in a newspaper of general circulation in the Town, not less than ten (10) days prior to the date of public hearing.

17.2.3 By giving written notice of hearing to any required Municipal, County, Regional, Metropolitan, State, or Federal agency in a manner prescribed by law.

Section 17.3 Protest by Owners.
If a protest against the proposed amendment is presented to the Town Board, duly signed and acknowledged by the owners of twenty (20) percent or more of the area of land included in such proposed amendment, or by the owners of twenty (20) percent or more of the area of land immediately adjacent extending one hundred (100) feet therefrom, or by the owners of twenty (20) percent or more of the area of land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such amendment shall not be passed except by the favorable vote of at least a three-fourths (3/4) majority of the Town Board.

Section 17.4 -- Notification of Decision.
The Town Board shall notify the applicant for an amendment of its decision in writing within five (5) days after the decision has been rendered.

Section 17.5 --Filing with Secretary of State.
Every amendment to this local law shall be filed with the Secretary of State of New York State and become effective five (5) days thereafter.

ARTICLE 18. REMEDIES

Section 18.0 Penalty.
Any person, firm, company or corporation owning, controlling or managing any building, structure or premises therein or where there exists any violation of any part of this Local Law/Zoning Law or a failure to comply with orders issued, or condition imposed by the Planning Board or Zoning Board of Appeals in compliance with this local law shall constitute a violation as defined in the Penal Law of the State of New York, and shall be punishable by a fine not less than fifty dollars ($50.00) and not to exceed two hundred and fifty dollars ($250.00) per day of violation; or imprisonment not to exceed 15 days, or both such fine and imprisonment. Each day of non-compliance shall be considered a separate violation.

However, for the purpose of conferring jurisdiction upon the court and judicial officers generally, violations of this chapter shall be deemed misdemeanors, and for such purpose only, all provisions of law relating to misdemeanors shall apply to such violations.

18.1 Nothing contained in this chapter shall prevent the Town Board from maintaining an action or proceeding in the name of the Town in a court of competent jurisdiction to compel strict compliance with the provisions of this chapter or to restrain by injunction the violation of any of the provisions of this chapter or any rule or regulation promulgated hereunder.

Section 18.2 Alternative Penalty. In case of any violation or threatened violation of any of the provisions of this Zoning Law, or conditions imposed by the Planning Board, Code Enforcement Officer, Zoning Officer or Zoning Board of Appeals, in addition to other remedies herein provided, the Town Board may institute any appropriate action or proceeding to prevent such unlawful

erection, structural alteration, reconstruction, moving and/or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

18.3 Liability. The following shall be held liable for penalties for any and every violation of the provisions of this chapter: The general agent, architect, engineer, surveyor, building contractor or any other person who knows, permits, takes part in or assists in any violation or who maintains any premises on which such violation shall exist.

ARTICLE 19. FEE SCHEDULE

Section 19.0 – Fees and Costs. This legislation establishes various fees and costs, together with the responsibility for their payment, which are deemed necessary and proper for the cost-effective administration of those certain municipal functions enunciated herein.

19.1 Intent and purpose.

19.1.1 The Town of Campbell, New York, incurs significant expenses in the operation of the Planning Board, the Zoning Board of Appeals and the Code Enforcement Officer, and ZoningOfficer. These expenses include but are not limited to administrative costs, legal costs and engineering costs. Henceforth, whenever these expenses shall be occasioned in connection with an appeal, application or petition made by an applicant to the town or an instrumentality of the town, then it shall be proper and in the public interest for the applicant to bear the cost of these expenses incurred in connection with such appeal, application or petition.

19.1.2 This Article is thus enacted to effect and to implement the foregoing.

19.2 Costs For Which Applicant Is Liable.

The applicant shall be liable for the costs listed below.

19.2.1 Administrative costs include but are not limited to processing applications, consultations among municipal officers and officials regarding the facts and circumstances of the application, preparation of hearing notices, publication of hearing notices, providing notice to other governmental agencies, preparation of affidavits of posting and publication, preparation and maintenance of official records regarding the application and municipal review of the application, testimony by municipal officials at public hearings, processing of resolutions and determinations, filing fees and miscellaneous services and disbursements.

19.2.2 Engineering costs include review of plans at various stages, analysis of public improvements, and preparation of reports, design analysis, inspection fees, and preparation of improvement costs estimates, examination of property descriptions and miscellaneous services and disbursements.

19.2.3 Legal costs include but are not limited to application review, review and analysis of applicable zoning law provisions, review and analysis of applicable subdivision regulations, preparation of hearing notices, attendance at meetings and public hearings, preparation of resolutions and determinations, preparation of SEQR determinations, review of bonds for public

improvements, review of offers of dedication, review of easements, preparation and review of agreements, review of deeds and miscellaneous services and disbursements.

19.2.4 SEQR compliance. Whenever environmental analysis is required pursuant to the provisions of the State Environmental Quality Review Act (SEQRA) or any local law implementing SEQRA, all expenses relating to the environmental analysis shall be borne by the applicant. Fees shall be established pursuant to a resolution of the Town Board, in a manner consistent with 6 NYCRR 617.

19.3 -- Calculation and Payment.

19.3.1 The administrative fee for the particular matter shall be established by resolution of the Town Board, and such resolution may, from time to time, be modified.

19.3.2 No action shall be taken by the Town Board, the Planning Board or the Zoning Board of Appeals or by any town official on any application or petition subject to the requirements of this Article unless and until all fees and deposits required hereunder shall have been paid. Any failure or omission to submit the full payment required shall render the application or petition incomplete.

19.3.3 In addition to these fees as established from time to time by the Town Board, which shall be deemed to be minimum fees, any additional expenses actually incurred by the Town for professional consultations, including legal and engineering fees and disbursements, as well as the full amount of all non- ministerial costs and expenses which it has incurred, shall be imposed on the applicant or petitioner and paid in full.

19.3.4 Legal and engineering fees shall be determined in a manner consistent with the fees charged for these respective services which are then prevailing in the general area of the community. Disbursements chargeable to the applicant shall be those actually, necessarily or reasonably incurred by these professionals in connection with the particular application, petition or appeal under consideration.

19.4 Fees Set By Resolution. The Town Board shall establish the fees required for its administrative costs hereinabove defined, as well as for those particular municipal services, functions and activities hereinafter set forth. These fees shall be established by resolution of the Town Board, and such resolution may be modified from time to time. Any resolution or modification thereof, shall take effect after adoption and upon filing with the Town Clerk and shall be applicable to all pending applications as well as to applications filed thereafter. All fees paid hereunder shall be nonrefundable.

19.4.1 Fees shall be established for the following Zoning Board of Appeals matters:

(1) Area variances.
(2) Use variances.
(3) Zoning law interpretation (at the request of the applicant alone).

19.4.2 Fees shall be established for the following Planning Board matters:

(1) Site plan review.
(2) Special use permit.
(3) Minor subdivision applications:

(a) For two lots.
(b) For three lots.
(c) For four lots.

(4) Major subdivision applications:
(a) For five lots.
(b) For each additional lot.
(c) Recreation fees in lieu of park land.

19.5 Local Laws Resulting From Applications or Petitions.

19.5.1 Whenever in connection with an application or petition a local law is necessary or appropriate to implement the benefit or relief sought or to regulate conditions occasioned by the granting of an approval or approvals, the total actual expenses incurred by the town in connection with the preparation and consideration of a proposed local law shall be borne by the applicant. The minimum fees established by resolution shall be paid by the applicant upon the earlier of the submission of a petition, if applicable, or prior to the endorsement of an approved subdivision plat or site plan or the issuance of any building permit or the filing of any applicable local law with the Secretary of State.

19.5.2 Fees shall be established for the following:

(1) Local laws relative to a change in zoning classification.
(2) Local laws relative to annexation of lands to the town.
(3) Miscellaneous local laws, including stop signs, speed limit and parking local laws considered in connection with site plans, subdivisions and zoning amendments (other than zone changes).

19.5.3 If the administrative or other expenses of the town exceed the amount deposited pursuant to this section, the balance shall be paid by the applicant or petitioner prior to the endorsement of any subdivision plat or site plan or the issuance of any building permit or the filing of any applicable local law with the Secretary of State.

19.6 Activities of Code Enforcement Officer.

Fees shall be established for the following activities of the Code Enforcement Officer.

1. Building permits and sign permits.
2. Inspections during construction.
3. Certificate of occupancy.
4. Fire prevention and safety inspections.
5. Demolition Permits.
6. Renewal of permit – max. of (2)
7. Off-hour’s inspection rates. Min 2 hrs.
8. Amendment of Approved Permit.

19.7 Activities of the Zoning Officer

Fees shall be established for the following activities of the Zoning Officer

1. Zoning permits.
2. Certificates of zoning compliance.
3. Floodplain development permits.

19.8 Supersession of Prior Requirements.

The provisions of this Article shall repeal and supersede all prior requirements for fees and deposits applicable to the matters and applications set forth herein.

ARTICLE 20 -- NOISES

20.1 Legislative intent.

The Town Board of the Town of Campbell hereby declares its intent to prevent unreasonably loud and disturbing noises as they are deemed to be detrimental to the life, health and welfare of the people of the Town of Campbell. By this enactment the Town Board intends to preserve, protect and promote the public health, safety and welfare and to foster peace and quiet within the Town of Campbell, and in this regard, the Town Board does hereby enact the following chapter. It is the intention of the Town Board that this chapter shall be liberally construed so as to effectuate the purposes described in this section.

20.2 Prohibited acts; hours of repose.

A. No person, with the intent to cause public inconveniences, annoyance or alarm, or recklessly creating a risk thereof, shall cause, suffer, allow or permit to be made an unreasonable noise. For purposes of this chapter, “unreasonable noise” is any excessive or unusually loud noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensitivities.

B. The Campbell Town Board establishes, as hours of repose, that time period between the hours of 11:00 p.m. and 5:00 a.m.

(1) During the hours of repose, the public at large shall have a reasonable expectation to remain undisturbed by any unnecessary noise or disturbance.

(2) No noise shall be created or caused so that its sound is of ample volume as to leave the premises and cause a disruption or disturbance during the hours of repose.

(3) Noise from a dog, or other pet animal, that is substantially continuous for a period in excess of 30 minutes shall be considered as unnecessary noise, whether within or outside the hours of repose.

20.3 Exceptions.

The provisions of this chapter shall not apply to the following acts:

A. The emission of sound for the purpose of alerting persons to the existence of an emergency.

B. Noise from municipally sponsored celebrations or events.

C. Noise from individually sponsored events where a Operational Permit for public assembly or other relevant permission has been obtained from the Town Clerk, subject to the approval of the Zoning Officer such permit may be subject to site plan approval from the Planning Board.

D. The operation or use of any organ, radio, bell, chimes or other instrument, apparatus, or device by any church, synagogue, or school licensed or chartered by the State of New York.

E. Noise generated by the installation and maintenance of utilities.

F. Noise created in an industrial operation as a normal consequence of the manufacturing process.

20.4 Enforcement.

Upon receipt of a complaint by any person(s) designated by the Town Board as the Zoning Officer(s) responsible for enforcement of this chapter he/she may exercise all those powers and duties deemed necessary for the enforcement of this chapter.

Any New York State Police Officer or any Steuben County Sheriff/Deputy Sheriff, upon receipt of a complaint by any person may pursuant to 150.10 of the Criminal Procedure Law

20.4.1. Penalties for offenses.

Any violation of any part of this Local Law or a failure to comply with orders issued in compliance with this local law shall constitute a violation as defined in the Penal Law of the State of New York, and shall be punishable by a fine not less than fifty dollars ($50.00) and not to exceed two hundred and fifty dollars, ($250.00) per day of violation, or imprisonment not to exceed 15 days, or both such fine and imprisonment. Each day of non-compliance shall be considered a separate violation.

A. However, for the purpose of conferring jurisdiction upon the court and judicial officers generally, violations of this chapter shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations.

B. In addition to the foregoing, the Town of Campbell may also seek injunctive relief to prevent the continued protection of this chapter.

Article 21 -- SPECIAL USE PERMITS

21.1 --Special Use Permits. The Zoning Board of Appeals of the Town of Campbell shall have the power, after public notice and hearing, to grant approval by special use permit for such uses as are specifically allowed by special use permit in the several districts herein. A special use permit shall be granted in accordance with the procedures and the criteria enumerated Article 10, and 11 of the Town of Campbell Zoning law.

A. All applications for Special Use Permits shall be filed with the Town Clerk of the Town of Campbell and shall be accompanied by a plan, drawn to scale and accurately dimensioned, showing the locations of all existing and proposed uses, buildings and structures on

the lot. Additional information deemed necessary by the Board shall be provided by the applicant. Public hearings shall be set in accordance with the law.

B. The application shall be reviewed by the Zoning Officer for completeness, upon the receipt of a completed application shall forward the application the Zoning Board who shall review the application for compliance with all provisions of these regulations and, more specifically, it shall ascertain whether satisfactory provision has been made, where applicable, with respect to each of the following criteria:

(1) Proper ingress and egress to the proposed use and structures for automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe.

(2) Adequacy of off-street parking and loading, where required, considering the effects on the adjoining properties and property generally in the neighborhood.

(3) Location and adequacy of refuse handling and service areas and driveway areas.

(4) Location and compatibility of utility structures.

(5) Adequacy of plans for screening and buffers, where needed.

(6) Signs, including size, location, lighting, glare, traffic safety, compatibility and harmony with nearby properties.

(7) Adequacy of yards and open space.

(8) General compatibility with adjacent property in accordance with general or specific objectives of the Municipal Comprehensive Plan and these regulations.

(9) Harmony of proposed structures, activities and uses with the intended character of the area, having due regard for potential problems of noise, vibration, odor, traffic congestion, air pollution, drainage, aesthetics and other environmental effects.

(10) Potential damage or loss of natural, scenic or historic features of importance.

(11) Traffic-generating characteristics of the proposed use in relation to the design and capacity of roads or streets serving the area.

C. Time of decision. The Zoning Board shall render its decision within 62 days after the termination of the Public Hearing. The time within which the Zoning Board must render its decision may be extended by mutual consent of the applicant and the Board.

D. Filing of decision. The decision of the Zoning Board shall be filed in the Town Clerk's office within five business days after the day the decision is rendered, and a copy thereof shall be mailed to the applicant.

E. Expiration of special use permit. A special use permit shall be deemed to authorize only one particular special use and shall expire if the special use shall cease for more than six months for any reason.

F. Existing violation. No special use permit shall be issued for a property where there is an existing violation of these regulations.

ARTICLE 22. REPEAL OF PRIOR ORDINANCES

Any Local Law, ordinance resolution of the Town in conflict herewith is hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any Local law, ordinance or regulation herby repealed prior to the effective date of this Local Law #3 of 2014.

ARTICLE 23. EFFECTIVE DATE

This local law shall be filed with the Secretary of State and shall become effective five (5) days thereafter.

APPENDIX A

ZONING BOARD OF APPEALS
RULES AND PROCEDURES

Section 1.0 Meetings

All meetings of the Zoning Board of Appeals shall be held at the call of the chairman and at such other times as such Board may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of such Board shall be open to the public. The concurring vote of a majority of all members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Building Inspector or to decide in favor of an applicant in any matter upon which they are required to pass under any ordinance to effect any variation in this Zoning Law.

Section 2.0 Minutes

The Zoning Board of Appeals shall keep minutes of its proceedings showing the vote of each member on every question. If a member is absent or fails to vote, the minutes shall indicate such fact. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Board of Zoning Appeals shall immediately be filed in the office of the Town Clerk and shall be a public record.

Section 3.0 Referrals to the Town Planning Board. At least forty-five (45) days before the date of hearing held in connection with any appeal or application submitted to the Zoning Board of Appeals, said Board shall transmit to the Planning Board a copy of said appeal or application submitted to the Board of Zoning Appeals, and shall request that the Planning Board submit to the Zoning Board of Appeals its advisory opinion prior to the date of said public hearings.

Section 4.0 -- Public Notice and Hearing. Public notice of any required hearing by the Zoning Board of Appeals shall be given in accordance with Town Law as follows:

4.0.1 By publishing a notice of any appeal or application and the time and place of the public hearing in the official newspaper of the Town of Campbell, not less than five (5) days, prior to the date of such hearing.

4.0.2 By giving written notice of hearing to any appellant or applicant, and any other such notice to property owners in an affected area as may be required by the Zoning Board of Appeals, and to the Planning Board, not less than five (5) days prior to such hearing.

4.0.3 By giving written notice of hearing to any required Municipal, County, Metropolitan, Regional, State, or Federal agency in the manner prescribed by Law.

Section 5.0 --Appeals. The Zoning Board of Appeals shall hear and decide appeals from, and

review any order, requirement, decision, or determination made by the Zoning Officer under this Zoning Law in accordance with the procedure set forth herewith:

5.0.1 Notice of Appeal shall be filed with the Zoning Officer and/or the Secretary to the Zoning Board of Appeals in writing, in a form required by such Board, within thirty (30) days from the date of the action appealed from, specifying the grounds thereof.

5.0.2 Upon filing of a Notice of Appeal and payment of a filing fee, as set by Town Board resolution, by the appellant or applicant, the Zoning Officer shall forthwith transmit to the Zoning Board of Appeals all the paper constituting the record upon which the action appealed from was taken.

5.0.3 The Zoning Board of Appeals shall set a reasonable date for the hearing of each appeal, of which hearing date the appellant shall be given notice and at which hearing he shall appear in person or by agent or by attorney. The Zoning Board of Appeals shall decide on the appeal within sixty (60) days after the final hearing.

5.0.4 An appeal stays all proceedings in the furtherance of the action appealed from, unless the Zoning Officer certifies to the Zoning Board of Appeals, after Notice of Appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record on application, on notice to the Zoning Officer and on due cause shown.

5.0.5 Following public notice and hearing, the Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the power of the Zoning Officer. If the action by the Zoning Board of Appeals is to reverse the action of the Zoning Officer in whole, the filing fee shall be refundable to the appellant.

Section 6.0 Variances.

6.0.1 Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Zoning Law, the Zoning Board of Appeals shall have the power, after public notice and hearing, to vary or modify through a variance the application of any of the regulations or provisions of this Zoning Law. There are two types of variance that the Zoning Board of Appeals will have to act on and it is imperative that a clear distinction be made between them.

6.0.2 Area Variance. So called because the applicant requests relief in dimensional nature from requirements such as setback lines, lot coverage, and frontage requirements, a peculiar size, shape lot, etc. Area variances may be granted upon the applicant's showing of practical. difficulties and by satisfying all of the following criteria:

6.0.2.1.1 The variation is the minimum necessary to meet the needs of the applicant. To this end the Board may permit a lesser variance than that applied for.

6.0.2.1.2 A substantial change in the character of the neighborhood or a substantial detriment to adjoining properties or the public welfare is not created.

6.0.2.1.3 Where the applicant can prove significant economic injury, the Board must determine that the public health, safety, and general welfare will be served by denying the variance.

6.0.2.1.4 The difficulty cannot be avoided by some method feasible for the applicant to pursue other than a variance.

6.0.2.1.5 In view of the manner in which the difficulty arose and in considering all the above factors, the interest of justice will be served by allowing the variance.

The granting of an area variance can only result in a restriction or modification that permits the applicant to use his land for one of the uses permitted in the District.

6.0.3 Use Variance. A use variance is requested when the applicant desires to utilize the land for a use not allowed by this Zoning Law in the District. The established rule is that the Appeals Board has the power to grant a use variance only when the applicant has proved that the literal application of the Zoning Regulations will result in an unnecessary hardship. When determining unnecessary hardship for a use variance, all of the following criteria shall be satisfied.

6.0.3.1 The land in question cannot yield a reasonable return if used only for uses permitted in the Zoning District.

6.0.3.1.1 Financial loss alone will not satisfy as unnecessary hardship, such loss may be considered along with the criteria listed here.

6.0.3.1.2 Proof of a more profitable return if the variance is granted is not itself evidence of hardship.

6.0.3.1.3 An applicant who maintains a nonconforming use or structure must show not only that all permitted uses will be unprofitable, but that his nonconforming use of the premises is incapable of yielding a reasonable return.

6.0.3.2 The modification or use to be authorized will not alter the essential character of the locality. The proposed modification of the property must not materially change the essential character or quality of the neighborhood and the spirit of the Law shall be preserved.

6.0.3.3 The unnecessary hardship claimed as a ground for the variance has not been created by the owner or by a predecessor in title. Where all other required findings are made, the purchase of a zoning lot subject to the restrictions sought

to be varied shall not itself constitute a self-created hardship.

6.0.3.4 The unnecessary hardship that will support granting of a variance must relate to the uniqueness of the land not to the applicant/owner.

6.0.4 All applications for variances shall be filed with the Secretary to the Zoning Board of Appeals in writing, shall be made in a form required by the Zoning Board of Appeals, and shall be accompanied by payment of a filing fee, and a plot plan, drawn to scale and accurately dimensioned, showing the location of all existing and proposed buildings and structures on the lot.

6.0.5 Any variance which is not exercised within one (1) year from the date of issuance is hereby declared to be revoked without further hearing by the Zoning Board of Appeals.

Section 7.0 Relief from Decisions. Any person or persons, jointly or severally aggrieved by any decision of the Zoning Board of Appeals may apply to the Supreme Court for relief by a proceeding under Article 7.8 of the Civil Practice Law and Rules of the State of New York. Costs shall not be allowed against the Zoning Board of Appeals unless it shall appear to the court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from.