

# TOWN OF INDIAN LAKE ZONING ORDINANCE

Adopted: 2/10/2020

Contents	
Date: December 17, 2019 .....	1
Article I Introduction .....	6
A. Title.....	6
B. Authority .....	6
C. Purposes of the Ordinance .....	6
D. Planning Board.....	6
E. Zoning Board of Appeals.....	6
Article II General Provisions.....	7
A. Applicability of this Ordinance to Land Use or Development within the Town .....	7
B. Authority of the Adirondack Park Agency .....	7
C. Local and State Sanitary Regulations .....	7
D. Definitions .....	7
Article III Zoning Map .....	22
A. Town Zoning Map .....	22
B. Interpretation of Zoning District Boundaries .....	22
C. Adirondack Park Land Use and Development Plan Map .....	22
Article IV Zoning Districts Use and Dimensional Regulations .....	24
A. Zoning District Classifications and Intent.....	24
B. Use Regulations .....	24
C. Unlisted Uses .....	24
Use Table .....	25
Dimensional Table.....	25
Article V Site Plan Review.....	26
A. Submission of and compliance with site plan required .....	26
B. Contents and preparation of plan .....	26
C. Approval Procedure .....	28
D. Modified Site Plan Review for Development in Designated Travel Corridors .....	29
E. Design Considerations for Uses Requiring Site Plan Review in the Town Center/ Hamlet District .....	30
F. Site Plan Review Waivers and Exceptions.....	31
Article VI Special Use Permits .....	32
A. Purpose and Applicability .....	32
B. Special Use Permit Review .....	32
C. Special Use Permit Requirements .....	32
D. Special Use Application Hearing and Decision .....	33
E. Special Conditions: .....	33

Article VII Regional Project Review .....	34
A. Purpose of This Article.....	34
B. Applicability of this Article .....	34
C. Authorization to Approve and Disapprove Class B Regional Project.....	34
D. Requirements for Class B Regional Project Approval.....	34
E. Application for Class B Regional Project Approval .....	35
F. Procedure for Review and Decision Regarding Class B Regional Projects .....	35
G. Criteria for Review of Class A Regional Projects by the Adirondack Park Agency.....	36
H. Planning Board Authority Regarding Class A Regional Projects.....	36
I. Development Objectives for Use in Regional Project Review .....	37
Article VIII Signs.....	39
A. Purpose .....	39
B. Definitions .....	39
C. Substitution Clause.....	40
D. Permit Requirement .....	40
E. General Provisions .....	40
F. Removal of unsafe or abandoned signs .....	42
Article IX Special Shoreline Regulations .....	43
A. Minimum Setback for On-Site Sewage Facilities .....	43
B. Minimum Shoreline Frontage for Deeded or Contractual Access .....	43
C. Vegetation Clearing Standards for Shorefront Lots.....	44
D. Shoreline setbacks for Structures.....	44
E. Minimum Lot Widths for Shoreline Parcels .....	44
Article X Supplementary Regulations .....	45
A. Campgrounds .....	45
B. Additional Regulations for Travel Trailers .....	48
C. Manufactured Home Courts or Parks .....	49
D. Hotels, Motels and Tourist Accommodations .....	52
E. Multi-Family and Two-Family Dwellings.....	53
F. Junkyards.....	53
G. Drive-through Use, Gasoline Station, Automobile Service Stations and other Commercial Uses: .....	54
I. Commercial Sand and Gravel Extraction and Excavation: .....	54
J. Water and Waterfront Structures .....	55
K. Kennels and Animal Hospitals.....	56
L. On-Site Septic Systems.....	56
M. Wireless Telecommunication Facilities .....	56

N. Home Occupations.....	57
O. Bed and Breakfasts .....	58
Article XI Off-street Parking and Loading.....	59
A. Off-street Parking .....	59
B. Parking Alternatives.....	60
C. Off-street Loading.....	61
Article XII General Exceptions .....	62
A. Planning Board Authorization to Allow Cluster Development.....	62
B. Gifts, devises and inheritances:.....	62
Article XIII Nonconforming Uses, Structures and Lots .....	63
A. Nonconforming Uses.....	63
B. Nonconforming Structures .....	63
C. Nonconforming Lots.....	64
D. Modified Site Plan Review for Pre-Existing Lots of Record .....	64
Article XIV Variances .....	66
A. Application for a Variance .....	66
B. Requirements for Granting Variances.....	66
C. Referrals .....	70
D. Variance Application Hearing and Decision .....	70
Article XV Amendments.....	72
A. Purpose of this Article.....	72
B. Referrals .....	72
C. Hearing and Decision on Proposed Amendment.....	72
D. Records of Amendments.....	72
Article XVI Administrative Provisions.....	73
A. Development Administrator .....	73
B. Required Records .....	73
C. Appeal from Action of Planning Board or Zoning Board of Appeals .....	73
D. Form of Petitions, Applications and Appeals .....	73
E. Application Fees .....	73
F. Notice of Public Hearing.....	73
G. Site Inspections .....	74
H. Land Use and Development Permits .....	74
Article XVII Enforcement .....	77
A. Penalty .....	77
B. Alternative Remedy.....	77

C. Misrepresentation .....	77
Article XVIII Miscellaneous Provisions .....	78
A. Interpretation .....	78
B. Severability.....	78
C. Savings Clause.....	78
D. Effective Date.....	78
Appendix A Development Objectives For Regional Projects .....	79

**Article I Introduction**

**A. Title**

This ordinance shall be known as the Town of Indian Lake Zoning Ordinance. The Town of Indian Lake is hereinafter referred to as the “town”.

**B. Authority**

Enactment of this ordinance by the town is pursuant to Article 16 of the Town Law of the State of New York, and Article 27 of the Executive Law of the State of New York.

**C. Purposes of the Ordinance**

The purpose of this ordinance is to promote the health, safety, morals and general welfare of the community by channeling and directing growth, and by 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 yard, 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 and the manner in which sewage and other wastes are disposed of, to the maximum extent permissible within the proper exercise of the police power as delegated by the Town Law and the Adirondack Park Agency Act.

It is the further purpose and objective of this ordinance to insure optimum overall conservation, protection, development and use of the unique scenic, aesthetic, wildlife, recreational, open space, historic, ecological and natural resources of the Adirondack Park, and to satisfy the criteria for approval by the Adirondack Park Agency of a local land use program pursuant to Section 807 (2) of the Adirondack Park Agency Act.

It is the further purpose and objective of this ordinance to implement the Town of Indian Lake Comprehensive Plan.

**D. Planning Board**

Pursuant to Section 271 of the Town Law, the Town of Indian Lake has created a “Planning Board”. Said Board consists of five (5) members appointed by the Town Board in such manner and for such term as provided by Town Law. The Planning Board shall have all the powers and perform all the duties prescribed by statute and by this Local Law. The Planning Board shall have original jurisdiction for all matters pertaining to this Zoning Local Law pursuant to Section 274-a of the Town Law - Site Plan Review as provided in Article V hereof describing Site Plan Review and Special Use Permits as provided in Article VI hereof describing Special Use Permits.

**E. Zoning Board of Appeals**

Pursuant to Section 267 of the Town Law, the Town of Indian Lake has created a “Zoning Board of Appeals” consisting of five (5) members appointed by the Town Board in such manner and for such term as provided in the Town Law. The Zoning Board of Appeals shall have all the powers and perform all the duties prescribed by statute and by this Local Law.

## **Article II General Provisions**

### **A. Applicability of this Ordinance to Land Use or Development within the Town**

No land use or development shall be undertaken or maintained except in conformity with all provisions contained in this ordinance relating to both the zoning district and the land use area in which the land, water, site, structure or use is located or is proposed to be located, and in conformity with the permit requirements of this chapter, if applicable.

Where this ordinance is more restrictive than covenants or agreements between parties or other rules or regulations or ordinances of the Adirondack Park Agency Act, the provisions of this ordinance shall control. Provided that, nothing in this ordinance shall impair or affect the validity of any covenants or agreements between parties.

### **B. Authority of the Adirondack Park Agency**

Nothing in this ordinance shall be deemed to supersede, alter or impair the jurisdiction of the Adirondack Park Agency, pursuant to the Adirondack Park Agency Act, to review and approve, approve subject to conditions, and disapprove those land uses and developments and subdivisions of land defined therein as Class A regional projects, or otherwise to supersede, alter or impair the statutory function, duties and responsibilities of that Agency with regard to matters involving a town in which an Agency approved local land use program has been validly adopted or enacted. Provided that, the Adirondack Park Agency cannot, in the context of its Class A regional project review, override a local decision not to permit a given land use or development.

### **C. Local and State Sanitary Regulations**

All development projects in the Town of Indian Lake must adhere to all applicable regulations from the Town Sanitary Code and the New York State Department of Health.

### **D. Definitions**

Certain terms or words used herein shall be interpreted as follows:

Words used in the present tense shall include the future. The singular number includes the plural, and the plural, the singular.

The word "person" includes a firm, association, partnership, trust, company, or corporation as well as an individual.

The word "lot" includes the word "plot" or "parcel". The word "building" includes the word "structure".

The word "used" or "occupied" as applied to any land or building shall be construed to include the words "built, arranged, or designed to be used or occupied".

The word "shall" is mandatory. As used in this ordinance, or in the appendices thereto, unless the context otherwise requires.

"Accessory structure" means any structure or a portion of a main structure located on the same premises and incidental and subordinate to the main structure or principal use and that customarily accompanies or is associated with such main structure or principal use, including a guest cottage not for rent or hire that is incidental and subordinate to and associated with a single-family dwelling.

"Accessory use" means a use of a structure, lot or portion thereof that is customarily incidental and subordinate to and does not change the character of the principal use to which it is accessory.

"Adirondack Park" or "Park" means land lying within the area described in subdivision one of Section 9-0101 of the Environmental Conservation Law of the State of New York including any future amendments thereto.

"Adirondack Park Agency" or "Agency" means the Adirondack Park Agency created by Section eight hundred three of Article 27 of the Executive Law of the State of New York.

"Adirondack Park Act" means Article 27 of the Executive Law of the State of New York, including any future amendments thereto.

"Agricultural service use" means any milk processing plant, feed storage supply facility, farm machinery or equipment sales and service facility; storage and processing facility for fruits, vegetables and other agricultural products or similar use directly and customarily related to the supply and service of an agricultural use.

"Agricultural use" means any management of any land for agriculture; raising of cows, horses, pigs, poultry and other livestock; horticulture or orchards; including the sale of products grown or raised directly on such land, and including the construction, alteration or maintenance of fences, agricultural roads, agricultural drainage systems and farm ponds. Except that the maintenance of one (1) horse per acre of land or per lot provided one acre of pasture is fully available to said horse within the ½ acre portion of the Town Center land use area of Indian Lake shall not be construed to be agricultural use.

"Agricultural use structure" means any barn, stable, shed, silo, garage, fruit and vegetable stand or other building or structure directly and customarily associated with agricultural use.

"Alley" means a service way which affords a secondary public means of vehicular or pedestrian access to abutting property.

"Alteration" means a change or rearrangement in the structural parts, or in the entrance and exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

"Auto wash" means a structure designed or intended primarily for the washing of automobiles using power washing equipment. (Also referred to as "Commercial Use" by the APA).

"Automobile Service" means any building, premises and/or land in which or upon which the primary use is a business which involves the service, maintenance or repair of automobiles and other small vehicles under 2 1/2 tons and motors. This shall encompass the repair of the body or frame of an automobile, including painting, straightening, sanding and welding, within an enclosed structure and in which the sale of materials is clearly incidental to the primary use. (Note: APA defines as "Commercial Use")

"Basement" means a space of full story height partly below grade and having at least half of its clear floor to ceiling height above the average grade of the adjoining ground, and which is not designed or used primarily for year-round living accommodations.

"Bed and Breakfast" means a residential dwelling with one or more rooms for the overnight accommodation of transient paying guests. (APA defines as "Tourist Accommodation" or "Accessory Use" depending on scale)

"Boathouse" means a covered structure with direct access to a navigable body of water which:

- A. is used only for the storage of boats and associated equipment;
- B. does not contain bathroom facilities, sanitary plumbing, or sanitary drains of any kind; does not contain kitchen facilities of any kind;
- C. does not contain a heating system of any kind;
- D. does not contain beds or sleeping quarters of any kind;

Buildings with flat roofs shall be prohibited. A minimum of a 4-inch rise over a 12 span roof pitch shall be required;

"Building" means any roofed structure intended for the shelter, housing or enclosure of persons, animals, or property. When a building is divided into separate parts extending from the ground up, each part so divided is deemed a separate building. For purposes of determining required setbacks, decks and porches attached to the building are considered part of the building.

"Building area" means the total floor area of a principal building and accessory buildings exclusive of uncovered porches, parapets, steps, terraces, basements and crawlspaces.

"Building coverage" means that area of the lot or plot covered by a building.

"Building, detached" means a building surrounded by open space on all sides on the same lot.

"Building, floor area" means the sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same lot; including basement areas devoted to residential occupancy and the area of bays, dormers, roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

"Building height" means the vertical distance measured from the lowest portion of the natural grade of the building site adjacent to the building or finished grade of cut required to

accommodate the building excluding bulkheads, chimneys and similar construction enclosing equipment or stairs, providing they are less than 5 feet in height and do not occupy more than 10 percent of the area of the roof upon which they are located.

(Note: for the purposes of APA jurisdiction, all buildings and structures inclusive of chimneys and similar objects over 40 feet in height are Class A projects. Applicants are advised to complete a Jurisdictional Inquiry Form for projects that potentially exceed 40 feet in height.)

"Building line" means a line established by law or by agreement, usually parallel with a property line, beyond which a structure may not extend.

"Campground" means any area used or designated by this ordinance for transient occupancy by camping in tents, or travel trailers, motor homes or similar facility designated for temporary shelter. (Note: A land use involving fewer than five (5) sites is not considered a campground by the APA, but may be considered a 'Tourist Accommodation' or 'Commercial Use,' by the APA.)

"Cellar" means that space of a building that is partly or entirely below grade, which has more than half of its height, measured from floor to ceiling, below the average established curb level or finished grade of the ground adjoining the building.

"Class A Regional Project" means a land use or development which is classified and defined as such in Section 810 of the Adirondack Park Agency Act.

"Class B Regional Project" means a land use or development which is classified and defined as such in Section 810 of the Adirondack Park Agency Act.

"Clear cutting" means any cutting of all or substantially all trees over six inches in diameter at breast height over any ten-year cutting cycle

"Cluster Development" means a form or pattern of land and buildings in a subdivision which reflects the varying suitability of a site by concentrating building and related facilities in one or more suitable areas of a site, while leaving other areas open to recreation or other open space activities.

"Commercial sand and gravel extraction" means any extraction from the land of more than fifty cubic yards in any two-year period, of sand, gravel or topsoil (1) for the purpose of sale or use by persons other than the owner of the land or (2) for the purpose of use by any municipality.

"Commercial use" means any use involving the sale or rental of goods or services, or the provision of recreation facilities or activities for a fee. (APA defines as "Commercial Use")

"Critical Environmental Area" means:

- A. in a Hamlet area, wetlands;
- B. in Moderate Intensity Use, Low Intensity Use, Rural Use and Resource Management areas:
  1. wetlands,
  2. lands at elevations of 2,500 feet or more,

3. lands within 1/8 mile of State lands classified wilderness, primitive or canoe by the State Land Master Plan, and
  4. lands within 1/4 mile of rivers navigable by canoe designated by section 15-2715 of the Environmental Conservation Law to be studied for inclusion in the wild, scenic and recreational rivers system. The rivers to be studied are listed in Appendix Q-6 of the Agency's regulations;
- C. in Rural Use areas, lands within 150 feet of, and in Resource Management areas, lands within 300 feet of, the edge of the rights-of-way of State or Federal highways, or such county highways as may be designated as major travel corridors by rule or regulation of the agency or in an approved local land use program.

"Day Care Center" means a place, person, association, corporation, institution, or agency which provides for profit, day care for four (4) or more children placed there by parents, guardians, or other responsible for their care. The name, description, or form of the entity that operates a day care facility shall not affect its status as a day care facility.

"Drive-through use" means an establishment that, by design, physical facilities, service or by packaging procedures, encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their vehicles. (Note: APA defines as "Commercial Use")

"Deck" means a platform without roof or full weather enclosure, except for railing or railing height walls as defined by NYS Building Code. (Note: this definition does not include "Docks")

"Development Administrator" means the appointed Town official who is responsible for overseeing and coordinating the administration of this chapter.

"Dock" means a floating or fixed structure that:

- A. extends into or over a lake, pond, or navigable river or stream from only that portion of the immediate shoreline or boathouse necessary to attach the floating or fixed structure to the shoreline or boathouse;
- B. is no more than eight feet in width; or in the case of interconnected structures intended to accommodate multiple watercraft or other authorized use, each element of which is no more than (8) eight feet in width; and
- C. is built or used for the purposes of securing and/or loading or unloading water craft and/or for swimming or water recreation. A permanent supporting structure located within the applicable setback area which is used to suspend a dock above water level for storage by means of a hoist or other mechanical device is limited to not more than one hundred square feet, measured in the aggregate if more than one such supporting structure is used. A dock must remain parallel with the water when suspended for storage, unless the size of the total structure does not exceed one hundred square feet. Mechanisms necessary to hoist or suspend the dock must be temporary and must be removed during the boating season.

"Dwelling, single-family" means a detached building, other than a, manufactured home, trailer or other mobile unit, intended for year-round occupancy by one family only. (Note: this definition includes uses defined as modular homes.)

"Dwelling, two-family" means a detached building, other than a travel trailer or other mobile unit, intended for year-round occupancy by two families living independently of each other. (Note: APA defines as "Multiple Family Dwelling.")

"Dwelling, multi-family" means a detached building, other than a, travel trailer or other mobile unit, intended for year-round occupancy by three or more families living independently of each other. (Note: APA defines as "Multiple Family Dwelling.")

"Dwelling unit" means a building or portion thereof erected or placed on a permanent foundation and providing permanent living, sanitary and sleeping facilities arranged for the use of one or more persons living as a single housekeeping unit.

"Educational Facility" means any building or part thereof which is designed, constructed and used for the education or instruction in any branch of knowledge which includes public or private, elementary, secondary, vocational or religious education. (APA defines as "Public or Semi-Public Building")

"Family" means one or more persons related by blood, marriage, adoption or other recognized, family relationship maintaining a common household.

"Forestry use" means a wooded area, whether managed or unmanaged, that may include conservation of wildlife habitat, provision of outdoor recreation, production of timber and forest crops, protection of water quality, regulation of water flows, conservation of soil, carbon sequestration and/or protection of aesthetic qualities.

"Forestry use structure" means any barn, shed, garage, research, educational or administrative building or cabin directly and customarily associated with forestry use.

"Garage, private" means a roofed space for storage, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one car is leased to a nonresident of the premises. Private garages are considered accessory to residential uses.

"Garage, storage" means a building or part thereof used only for the storage of vehicles for gain, and at which automobile fuels and oils are not sold and motor driven vehicles are not equipped, repaired, hired, or sold.

"Gasoline station" means any structure, including the parcel of land on which it is located, designed to be used for the sale of gasoline or oil or other motor vehicle fuel and which may include facilities for lubricating, washing, cleaning, or otherwise servicing motor vehicles, but not including the painting or major repair thereof. The term Gasoline Station shall be deemed to include filling station, service station and public garage. (Note: APA defines as "Commercial Use")

"Guest cottage" or "Guest house," means not more than one residential structure which is accessory to and associated with a single family dwelling and which:

- A. is used only on an occasional basis;
- B. is used only by guests of the resident(s) of the single family dwelling; is not for rent or hire separately from the single family dwelling;
- C. contains one-half or less of the enclosed floor space of the associated single family dwelling or 2,000 square feet, whichever is less;
- D. and otherwise meets the definition of accessory structure

“Home Occupation” means any use customarily conducted within a dwelling or its accessory building, meeting the criteria for type 1 or type 2 home occupation found in the “supplemental regulations” section of this ordinance. (Note: The APA classifies “Home Occupations” as either “Accessory Use” or “Commercial Use” depending on the square footage of the use.)

“Horticultural use” means the growing of flowers, fruits, vegetables, and the cultivation of gardens; including the sale of products grown or raised directly on such land. (Note: APA defines as “Agricultural Use”)

“Hospital” means a building or structure for diagnosis and medical or surgical care of human sickness or injuries. (Note: Defined as “Public or Semi-Public Building”)

“Hospital, animal” means a building or structure for the diagnosis and medical or surgical care of sick or injured animals.

“Hotel or motel” means a building or group of buildings where rooms are rented to transient guests, and including accessory services such as provision for food and refreshments. (Note: Defined as “Tourist Accommodation”)

“Hunting and Fishing cabin”: means a cabin, camp, or lean-to or other similar structure designed for occasional occupancy for hunting, fishing or similar purposes and being less than five hundred (500) square feet in size, including all floors, and based on external measurements and calculations, exclusive of an eave overhang of no more than two feet. The five hundred square foot calculation shall include any and all attached porches, either open, or enclosed, sheds, or other such structures. A hunting and fishing cabin may additionally include one sanitary privy, and one accessory structure, as defined in this Ordinance, of less than one hundred and twenty (120) square feet of floor, or roof area, whichever is larger. This accessory structure shall NOT include a guest cottage. (Note: See “APA Citizen’s Guide” for further guidance)

“Impervious Surface” means any constructed hard surface that either prevents or impedes the entry of water into the soil. Examples include but are not limited to building roofs, sidewalks, driveways, and other paved surfaces.

“Industrial use” means any manufacturing, production or assembly of goods or materials, including any on-site waste disposal area directly associated with an industrial use. This term does not include mineral extractions, private and commercial sand and gravel extraction, sawmills, chipping mills, pallet mills and similar wood using facilities.

“In existence” means with respect to any land use or development, including any structure, that

such use or development has been substantially commenced or completed.

“Junk automobile” means any unregistered, old or second-hand motor vehicle, no longer intended or in condition for legal use on the public highways. For the purpose of this definition, “motor vehicle” shall mean all vehicles propelled or drawn by power other than muscular power, originally intended for use on public highways or for use in agricultural activities.

“Junkyard” means any open lot or area for the dismantling, storage or sale, as parts, scrap or salvage, of used or wrecked motor vehicles, machinery, scrap metals, waste papers, rags, used or salvaged building materials or other discarded material.

“Kennel” means an establishment which houses dogs, cats or other domestic animals more than six months old and where the breeding, boarding, training or selling of animals is conducted as a business.

“Land” means the earth, on or below the surface of the ground, including water and the air above, the flora and fauna.

“Land use area” means those areas delineated on the official Adirondack Park Land Use and Development Plan Map adopted under Article 27 of the Executive Law of the State of New York and designated thereon as “Hamlet,” “Moderate Intensity Use,” “Low Intensity Use,” “Rural Use,” “Resource Management,” and “Industrial”, and such portions of those areas as are located within the town and delineated on the Adirondack Park Land Use and Development Plan Map incorporated in this Zoning Ordinance.

“Land use or development” or “use” means any construction or other activity which materially changes the use or appearance of land or a structure, or the intensity of the use of land or a structure. Land use and development shall not include any landscaping or grading which is not intended to be used in connection with another land use, or ordinary repairs or maintenance or interior alterations to existing structures or uses.

“Lot” means a parcel or portion of land separated from other parcels or portions by description, as on a subdivision map, survey map or by metes and bounds, for the purpose of sale, lease or separate use and on file at Hamilton County.

“Lot, area of” means the total area included within lot lines. No part of the area within a public right of way may be included in the computation of lot area.

“Lot, corner” means a lot located at the intersection or fronting on two or more intersecting streets, and having an interior angle at the corner of intersection of less than 135 degrees.

“Lot, Maximum Coverage” means a measurement, expressed as a percentage, which represents the maximum percent of impervious surface allowed on a lot. This measurement includes all buildings, sidewalks, driveways and other impervious surfaces.

“Lot, depth” means the mean horizontal distance between the front and rear lot lines, measured

in the general direction of the side lot lines.

“Lot, interior” means a lot other than a corner lot”.

“Lot lines” means the property lines bounding the lot.

“Lot line, Front” means the lot line which abuts upon a street or highway right-of-way boundary line. Lots with frontage on two streets will consider the lot line facing the primary roadway as the front lot line, and a lot with frontage on a road and a shoreline shall be considered to have a front and a shoreline setback.

“Lot line, Rear” means the lot line opposite and most distant from the front lot line.

“Lot line, Side” means any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line.

“Lot, through” means a lot having frontage on two approximately parallel, or converging, streets other than a corner lot.

“Lot width” means the distance between side lot lines measured parallel to the front lot line at a distance from the front lot line equal to the front yard specified for the district.

“Major public utility use” means any electric power transmission or distribution line and associated equipment of a rating of more than fifteen kilovolts which is one mile or more in length; any telephone interchange or trunk cable or feeder cable which is one mile or more in length; any telephone distribution facility containing twenty five or more pairs of wire and designed to service a new residential subdivision; any television, cable television, radio, telephone or other communication transmission tower; any pipe or conduit or other appurtenance used for the transmission of gas oil or other fuel which is one mile or more in length; any electric substation, generating facility or maintenance building and any water or sewage pipes or conduits designed to service fifty (50) or more principal buildings.

“Manufactured Home” means a transportable, factory-built structure that is designed to be used as a single dwelling unit, that was manufactured after 1976 or otherwise complies with the construction standards in the federal Manufactured Housing Construction and Safety Standards Act of 1974.

“Marina” means any commercial facility which provides docking, mooring or storage of more than four (4) boats or for the launching of boats. The term may include facilities with or without supply and repair service.

“Mean High Water Mark” means the average annual high-water level of a lake, pond, river, stream, creek or other body of water as established by a licensed professional and confirmed by the Adirondack Park Agency or New York State Department of Environmental Conservation.

“Mineral extraction” means any extraction of 50 cubic yards or more, other than specimens or

samples, from the land of stone, coal, salt, ore, talc, granite, petroleum products or other materials, except commercial sand, gravel, or topsoil extractions, including the construction, alteration or maintenance of mine roads, mine tailing piles or dumps and mine drainage.

“Mineral extraction structure” means any mine hoist; ore reduction, concentrating, sintering or similar facilities and equipment; administrative buildings; garages or other main buildings or structures.

“Manufactured home court or park” means a parcel of land under single ownership which is designed and improved for the placement of two or more manufactured homes.

“Modular home” means a factory-manufactured dwelling unit conforming to applicable provisions of the New York State Uniform Fire Prevention and Building Code (Uniform Code) and bearing insignia of approval issued by the Secretary of State of New York State. Modular homes are regulated as single-family dwellings in this ordinance.

“Museum” means an institution devoted to the procurement, care, study, and display of objects of lasting interest or value. (APA defines as “Public or Semi-Public Building”)

“Non-conforming lot” means any lot in single ownership, where the owner of said lot does not own any adjoining property, the subdivision of which could create one (1) or more conforming lots, which does not conform with the minimum area and/or dimensions required in the district in which it is situated or for any special use as the case may be.

“Nonconforming structure” means any structure which is in existence within a given zoning district on the effective date of this Zoning Ordinance, but which is not in conformance with the dimensional regulations for that zoning district, as listed in the dimensional table.

“Nonconforming use” means any use which is in existence within a given zoning district on the effective date of this Zoning Ordinance, but which is not an accessory, permitted or special use for that zoning district.

“Nursing home” means a proprietary facility, licensed or regulated by the State of New York for the accommodation of convalescents or other persons who are not acutely ill and not in need of hospital care but who require skilled nursing care and related medical services which are prescribed by or performed under the direction of a person or persons licensed to provide such care or services in accordance with the laws of the State of New York. (Defined as “Public or Semi-Public Building”)

“Nursery school” means facilities for the daytime care or instruction of two or more children from two to five years inclusive and operated on a regular basis. (APA defines as “Day Care Center” or “Public or Semi-Public Building”)

“Office” means, establishments providing executive, management, administrative, professional services, consulting, banking, laboratory, record keeping, music or sound recording, or a headquarters of an enterprise or organization, but not including the on-premises sale of retail

goods. (APA defines as "Commercial Use")

"On-site septic system" means a subsurface wastewater system operated and designed in accordance with local and state standards. On-site septic systems may be accessory to a single parcel or an approved subdivision and on an independent parcel.

"Open space recreation use" means any recreation use particularly oriented to and utilizing the outdoor character of an area; including a snowmobile, trail bike, jeep or all terrain vehicle trail, cross-country ski trail; hiking and backpacking trail; bicycle trail; horse trail; playground, picnic area, public park, public beach or similar use.

"Parking space" means an off street space available for the parking of one motor vehicle and having an area of not less than 180 square feet, exclusive of passageways and driveways thereto.

"Person" means any individual, corporation, partnership, association, trustee, or other legal non-governmental entity.

"Portable sawmill" means a motorized machine tool run by a gasoline motor, diesel motor, electric motor or chainsaw and (that) is capable of being carried or moved about, and used by individuals, tradesmen or professionals in producing limited volumes of boards cut from logs for personal use or profit. Portable sawmills are considered accessory to forestry uses.

"Principal Building" means any one of the following:

- A. A single family dwelling constitutes one principal building;
- B. A manufactured home constitutes one principal building;
- C. Each dwelling unit of a multiple family dwelling constitutes one principal building;
- D. A tourist cabin or similar structure for rent or hire involving three hundred (300) square feet or more of floor space constitutes one principal building, and any tourist cabin or similar structure involving less than three hundred (300) square feet of floor space constitutes one-tenth (1/10<sup>th</sup>) of a principal building;
- E. Each motel unit, hotel unit or similar tourist accommodation unit that is attached to a similar unit by a party wall constitutes one-tenth (1/10<sup>th</sup>) of a principal building;
- F. Each commercial use structure in excess of three hundred (300) square feet constitutes one principal building, except that for a commercial use structure involving the retail sale or rental or distribution of goods, services or commodities, each eleven thousand (11,000) square feet of floor space or portion thereof of constitutes one principal building;
- G. A structure that contains a commercial use and is also used as a single family dwelling constitutes one principal building;
- H. Each industrial use structure in excess of three hundred (300) square feet constitutes one principal building;
- I. All agricultural use structures and single family dwellings or manufactured homes occupied by a farmer of land in agricultural use, his employees engaged in such use, and members of their respective immediate families together constitute one principal building;

Any other structure that exceeds twelve hundred fifty (1,250) square feet of floor space and is not an accessory structure constitutes one principal building

"Private sand, gravel or topsoil extraction" means any extraction from the land of sand, gravel or topsoil for the purpose of use, but not sale, by the owner of the land.

"Public or semi-public building" means any college, school, hospital, animal hospital, municipal building, library, place of worship, museum, research center, rehabilitation center or similar building.

"Public or semi-public use" means any college, school, hospital, municipal building, library, research center, rehabilitation center or similar use.

"Public utility use" means any public utility use, equipment or structure, including a municipal garage, which is not a "major public utility use." A public utility does not include any use which is subject to the jurisdiction of the Public Service Commission pursuant to Article Seven or Article Eight of the Public Service Law.

"Public Assembly" means a place for public worship or gathering, including, but not limited to, a theatre, church, synagogue or mosque (defined as 'Public or semi-public use').

"Residential Care Facility" means any licensed facility, public or private, which provides 24-hour care, food, lodging, training, supervision, habilitation, rehabilitation, and/or treatment to its residents. Residential care facilities include, but are not limited to: assisted living facilities, halfway houses, residential treatment centers, maternity shelters, group homes, or schools for handicapped children. (APA defines as "Public or Semi-Public Building")

"Restaurant" means an establishment at which food is served to patrons on the premises, which may include the sale of alcoholic beverages provided that the sale of such beverages is clearly secondary and accessory to the serving of food.

"Sawmill" means a mill for processing timber into boards and lumber, as a commercial operation. For purposes of this law the term sawmill does not include portable devices used on a temporary basis for cutting timber harvested on the property where the portable device is temporarily located.

"Shoreline" means that line at which land adjoins the waters of lakes, ponds, rivers and streams within the town at mean high water.

"Shoreline structure setback" means the shortest distance, measured horizontally, between any point of a structure and the shoreline of any lake or pond, and the shorelines of any river designated to be studied as a wild, scenic or recreational river in accordance with the Environmental Conservation Law or any river or stream navigable by boat, including canoe. The shoreline structure setback shall apply to all principal buildings and to all accessory structures, including garages, sheds, decks, barns, gazebos, guest cottages, tennis courts and permanent swimming pools, but not including docks and boathouses.

"Shoreline lot width" means the distance, measured along the shoreline as it winds and turns,

between the boundary lines of a lot as they intersect the shoreline of any lake or pond, and the shorelines of any river designated to be studied as a wild, scenic or recreational river in accordance with the Environmental Conservation Law or any river or stream navigable by boat, including canoe.

“Sign” means any inscribed surface, pattern of artificial lighting, ornament, banner, or other visually communicative or expressive device that is visible from out of doors and is used to advertise or call attention to any business activity, sale or lease, person, place, or any kind of message. Also included is any sign currently in disuse or frame erected to hold a sign. (see also Article VIII)

“Site Plan” means a diagram drawn to scale showing the development plans for a lot as outlined by these regulations.

“Site Plan Review” means the review of the site plan by the Planning Board pursuant to this chapter.

“Ski center” means any trail or slope for alpine skiing including lifts, terminals, base lodges, warming huts, sheds, garages and maintenance facilities, parking lots and other buildings and structures directly and customarily related thereto.

“Special Use” means a use that requires and must comply with the standards of a special use permit pursuant to this chapter.

“Special Use Permit” means the approval for a special use granted pursuant to the procedures and requirements set forth in Article VI and any other supplementary requirements for specific uses set forth in Article X of this chapter.

“Stable, public” means a structure in which horses are kept for remuneration, hire or sale.

“Story” means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between any floor and the ceiling next above it.

“Story, half” means that part of a building between a pitched roof and the uppermost full story, and having a floor area at least half as large as the floor below. Space with less than five (5) feet clear headroom shall not be considered as floor area.

“Street” means a public or private way which affords the principal means of access to the property.

“Structure” means any object constructed, installed or placed on land to facilitate land use and development or subdivision of land, such as buildings, sheds, single family dwellings, manufactured homes, signs, tanks, fences, other than electric fences; & fences which offer visibility from one side to the other over less than thirty (30%) percent of their vertical area; and poles and any fixtures, additions and alterations thereto.

“Structural alteration” means any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

“Subdivision of land” or “subdivision” means any division of land into two or more lots, parcels or sites, whether adjoining or not, for the purpose of sale, lease, license or any form of separate ownership or occupancy (including any grading, road construction, installation of utilities or other improvements or any other land use and development preparatory or incidental to any such division) by any person or by any other person controlled by, under common control with or controlling such person or by any group of persons acting in concert as a part of a common scheme or plan. Subdivision of land shall include any map, plat or other plan of the division of land, whether or not previously filed.

Subdivision of land shall not include the lease of land for hunting and fishing and other open space recreation uses.

“Tavern” means a place where the principal income is derived from the sale and serving of alcoholic beverages for consumption on the premises, with or without live entertainment. A tavern may include preparation and service of foods or meals, for eat-in or takeout customers, where such foods or meals are subsidiary to the sale and serving of alcoholic beverages.

“Theater, outdoor” means an open lot or part thereof, with its appurtenant structures and facilities, devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis.

“Tourist accommodation” means any hotel, motel, resort, tourist cabin or similar facility designed to house the general public.

“Tourist attraction” means any manmade or natural place of interest open to the general public and for which an admittance fee is usually charged, including but not limited to animal farms, amusement parks, replicas of real or fictional places, things or people and natural geological formations.

“Travel trailer” means any portable vehicle, including a tent camper, truck camper or motor home, which is designed to be transported on its own wheels, which is designed and intended to be used for temporary living quarters for travel, recreational or vacation purposes, and which may or may not include one or all of the accommodations and facilities customarily included in a mobile home. For further regulations of Travel Trailers see Article X.A.4. and Article X.B.

“Travel trailer park” means a parcel of land under single ownership which is designed and improved for use by two (2) or more travel trailers.

“Variance, Area” means the authorization by the zoning board of appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

“Variance, Use” means the authorization by the zoning board of appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations

“Warehousing and Distribution” means facilities characterized by warehousing, frequent heavy trucking activity, open storage of material, but not involved in manufacturing or production.

“Waste disposal area” means any area for the disposal of garbage, refuse and other wastes, including sanitary landfills and dumps, other than an on-site disposal area directly associated with an industrial use. Waste disposal areas are subject to all applicable New York State Department of Environmental Conservation and Department of Health Standards.

“Wetlands” means any land which is annually subject to periodic or continual inundation by water and commonly referred to as a bog, swamp or marsh which are either (a) one acre or more in size or (b) located adjacent to a body of water, including a permanent stream, with which there is free interchange of water at the surface, in which case there is no size limitation.

“Wireless Telecommunications Facility” means any ground or building-mounted pole, spire, or combination thereof, including supporting lines, cables, wires, braces and masts built for the purpose of mounting a telecommunications facility, including telephone service, which is capable of receiving and/or transmitting signals.

“Yard, front” means space extending across the principal street side of a lot measured between the side yard lines, the depth of which yard is the minimum horizontal distance between the street line and the main building or any projection thereof other than steps, except as otherwise provided in this ordinance.

“Yard, rear” means an open space extending across the rear of a lot measured between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the principal building, except otherwise provided in this ordinance. On both corner and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

“Yard, side” means an open space from the front yard to the rear yard between the building and the nearest side lot line unoccupied and unobstructed from the ground upward, except for steps and as otherwise specified in this ordinance.

Any term used in this Zoning Ordinance or in the appendices thereto, which is not defined in this section or in this zoning ordinance shall carry its customary meaning.

### **Article III Zoning Map**

#### **A. Town Zoning Map**

The boundaries for each zoning district listed as part of this ordinance are the boundaries indicated for the zoning district by the map entitled “The Zoning Map of the Town of Indian Lake,” which accompanies this ordinance, and which is hereby adopted and declared to be part of this ordinance and hereinafter known as the “zoning map.”

#### **B. Interpretation of Zoning District Boundaries**

In making a determination where uncertainty exists as to boundaries of any of the zoning districts shown on the zoning map, the following rules shall apply:

1. Where district boundaries are indicated as approximately following the centerline or right of way line of streets, alleys, highways, or railroads, such lines shall be construed to be such district boundaries.
2. Where district boundaries are indicated as approximately following a stream, lake or other body of water, such stream, lake or body of water shall be construed to be such district boundaries.
3. Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries.
4. Where district boundaries are not indicated as approximately following the items listed in 1, 2 and 3 above, the boundary line shall be determined by the use of the scale designated on the zoning map.
5. Whenever any street, alley or other public way is vacated in the manner authorized by law, the district adjoining each side of such street, alley or public way shall be automatically extended to the center of the former right of way and all of the area included in the vacation shall then and hence forth be subject to all regulations of the extended districts.
6. In the event that none of the above rules is applicable, or in the event further clarification or definition is considered necessary or appropriate, the location of a district boundary shall be determined by the Zoning Board of Appeals.

#### **C. Adirondack Park Land Use and Development Plan Map**

The boundaries within the Town of Indian Lake of the land use areas established by the official Adirondack Park Land Use and Development Plan Map, as may be from time to time amended, pursuant to subdivision 2 of Section 805 of the Adirondack Park Agency Act, are indicated by the separate map entitled “Adirondack Park Land Use and

Development Plan Map of the Town of Indian Lake”, dated with the effective date of this Zoning Ordinance, which is hereby adopted and declared to be part of this Zoning Ordinance and hereafter known as the “Park Plan Map.” Any change of the boundaries within the town of a land use area by an amendment of the official Adirondack Park Land Use and Development Plan Map pursuant to Subdivision 2 of Section 805 of the Adirondack Park Agency Act shall take effect for the purposes, of this Zoning Ordinance concurrently with that amendment without further action, and the Park Plan Map shall be promptly changed in accordance with that amendment. The amendment provisions of this Zoning Ordinance do not apply to the Park Plan Map, which is amended only pursuant to the provisions of the Adirondack Park Agency Act. Copies of the Park Plan Map which may from time to time be published and distributed are accurate only as of the date of their printing and shall bear words to that effect.

**Article IV Zoning Districts Use and Dimensional Regulations**

The following sections indicate the zone, district, density, symbol, purpose, permitted and special uses for the Town of Indian Lake Zoning Ordinance.

**A. Zoning District Classifications and Intent**

The Town of Indian Lake is hereby divided into the following districts

District Name	Symbol	Purpose
Town Center/ Hamlet	T-C	To accommodate residential uses at “Hamlet Density,” to accommodate commercial and public uses, to assure adequate off- street parking and loading. (Special Design Considerations apply to uses requiring Site Plan Review in the Hamlet District. See Article V, item E)
Town Residential	T-R	To provide development opportunity near the Town Center.
Residential	R	To provide development opportunity, to allow preservation of basic open space character.
Rural Residential	R-R	To provide residential environment of low density, to protect natural resources.
Resource Conservation	R-C	To protect physical and biological resources, preserve open space and unique quality of Indian Lake.
Resource Extraction/ Waste Management	R-X	To allow certain extractive and waste disposal uses, due to their necessity as public services or as activities which are beneficial to the town economy.

**B. Use Regulations**

1. Permitted Uses: A use shall be permitted in a given zoning district if it is listed in this section as a permitted use for that district, provided all other requirements of this ordinance are met.
2. Special Use: A use listed in this section as a special use for a given zoning district shall be permitted in that district when approved in accordance with Article V hereof, provided all other requirements of this ordinance are met, including but not limited to Articles VI, VII and X.
3. Accessory Uses and Structures: An accessory use or accessory structure shall be permitted if the use to which it is accessory to is lawful use pursuant to the terms of this ordinance and for which a permit has been issued if required pursuant to this chapter, so long as said accessory use or structure does not result in or increase any violation of the provisions of this ordinance. Provided that, an accessory use or structure shall not include professional, commercial and artisan activities carried on by residents of residential structures, nor shall it include a sign. (Note: See “Home Occupation Type 1 and 2.)

**C. Unlisted Uses**

1. If a use is not listed but is similar in nature and impact to a use that is listed in this article, the Development Administrator may interpret the use as being permitted in accordance with the same review procedures as the most similar use.
2. If a use is not listed and cannot be interpreted as similar in nature and impact to a use that is listed in this article, the use is deemed prohibited.
3. The Development Administrator cannot over-rule Adirondack Park Agency classification of a use as Class A or Class B. The Development Administrator may request interpretation from the Adirondack Park Agency if they are uncertain if a use is Class A or Class B.
4. The Development Administrator may refer the request for interpretation to the Zoning Board of Appeals in situations where the nature and impact of the use is uncertain.
5. Applicants may appeal the Development Administrator's interpretation of an unlisted use to the Zoning Board of Appeals in accordance with Town Law §267-a(5).

**Use Table**

*(insert at the end)*

**Dimensional Table**

*(insert at the end)*

**D. Supplementary Dimensional Regulations**

1. Wireless Telecommunication Facilities shall not be subject to the maximum height limitations of the Town of Indian Lake but are subject to review by the Adirondack Park Agency.

**Article V Site Plan Review**

**A. Submission of and compliance with site plan required**

The Planning Board is hereby authorized to approve, approve with modifications, or disapprove site plans pursuant to and in accordance with the requirements and procedures set forth in this section. Provided that, no such approval or permit shall be required for such a land use or development which is a Class A regional project.

**B. Contents and preparation of plan**

Application for site plan approval shall be made to the Development Administrator on forms prescribed by the Planning Board and furnished by the Development Administrator. Applications shall include a map and a detailed site plan and any other information the Planning Board reasonably considers necessary to provide an understanding of the proposed development, and its relationship to surrounding properties and the travel corridor. The applicant shall provide copies of all required forms, as specified by the Development Administrator, for all members of the reviewing board and staff. Section F allows for partial waivers from some of the below requirements if certain conditions are met.

1. **Map Contents**

- a. Title of the site plan, including name and address of the applicant and person responsible for preparing such drawing.
- b. North arrow, scale and date.
- c. Boundaries of property plotted to scale.
- d. The location, size and existing use of buildings and other structures on premises.
- e. The location and ownership identification of all adjacent lands, including across roadways.
- f. The location, name, and width of existing adjacent roads.
- g. The location, width, and identification of all existing and proposed rights-of-way, easements, setbacks, reservations and areas dedicated to public use on or adjoining the property.
- h. The location of slopes in excess of 15%, wetlands, flood- and erosion-prone areas, watercourses and natural drainage patterns.
- i. The location of significant trees, shrubs, and/or edge of wooded areas.

- j. The location of all structures, significant or sensitive environmental features, and utilities within 500 feet of the property line.
  - k. The location of bedrock outcrops and other significant geological features.
2. Site Plan Contents
- a. Grading and drainage plan, showing existing and proposed contours at contour intervals of not more than five feet and watercourses if a change in topography is proposed.
  - b. Locations, type of construction and exterior dimensions of all buildings and other structures.
  - c. Identification of the amount of gross floor area proposed for retail sales and services, offices, and other commercial or industrial facilities.
  - d. The location, type of construction, and area of all parking and truck loading areas showing access and egress points to the site.
  - e. Provision for pedestrian access, including public and private sidewalks, if applicable.
  - f. The location and intended use of outdoor storage, if any.
  - g. The location and construction materials of all existing or proposed site improvements, including drains, culverts, berms, retaining walls, fences, patios, paved areas, and decks.
  - h. Description of the method of sewage disposal and the location of such facilities.
  - i. The location of waste storage containers, including proposed solid waste and hazardous waste collection, storage and staging areas.
  - j. Description of the method of securing water, the location of such facilities, and approximate quantity of water required.
  - k. The location of fire lanes and other emergency zones, including the location of fire hydrants if required.
  - l. The location, design, and construction materials of all energy generation and distribution facilities, including electrical, gas, wind, hydro and solar energy.
  - m. The location, size, design and type of all proposed temporary and permanent

- signs.
- n. The location and development of all proposed buffer areas, including indication of existing and proposed vegetative cover.
- o. The location and design of existing and proposed outdoor lighting, including height, type of bulb, type/style of fixture and hours of operation.
- p. Proposed planting plans, including screening and buffer areas with the planting and general landscaping schedule.
- q. Record of applications and approval status of all necessary permits from federal, state, county and local offices.
- r. Estimated project construction schedule.
- s. Other elements integral to the proposed development as may be specified by the Planning Board at the sketch plan conference, such as contour intervals or licensed survey, etc.
- t. Elevations or cross sections of proposed buildings.

### C. Approval Procedure

1. Upon receipt of an application for site plan review, the Planning Board shall first determine if the application is complete. Once the application is deemed complete, the Planning Board shall determine, by a majority vote of its members, whether to conduct a public hearing on the application. In making its determination to hold a public hearing, the Planning Board shall consider whether the application will have impacts on the neighborhood likely to stimulate public interest in the project, and the likelihood that the public comments on the project would raise substantive and significant issues relating to any findings or determinations the Board is required to make pursuant to this section, including any reasonable likelihood that the project will be disapproved or can be approved only with major modifications because the project, as proposed, may not meet statutory criteria or standards. No project may be disapproved without a public hearing first being held thereon. If the Planning Board determines to hold a public hearing, the Board shall give notice of public hearing in accordance with the requirements of this chapter and New York State Law. Such hearing shall be held within 62 days of the receipt of a complete application. (Note: Projects listed as Class B Regional Projects by the Adirondack Park Agency shall require public hearings).
2. Within 62 days of the receipt of a complete application for site plan approval, or if a public hearing is held, within 62 days of the public hearing, the Planning Board shall render its decision. In its decision the Planning Board may approve, approve with modifications, or disapprove the site plan. The time period in which the Planning Board must render its decision may be extended by mutual consent of the applicant and the

Planning Board. In reviewing the site plan for the proposed land use or development, the Planning Board in its final determination shall be guided by the general standards of this Ordinance and the specific standards that follow.

3. The Planning Board shall render its decision in writing, and if a site plan is disapproved, the Board shall fully state the reasons for such disapproval.

**D. Modified Site Plan Review for Development in Designated Travel Corridors**

1. The purpose of this section is to prevent unchecked random strip development along designated travel corridors within the town, in order to preserve the existing character of these corridors, to enhance the aesthetic and economic benefits derived from a pleasing atmosphere along these corridors, to protect and enhance community appearance and property values, and to generally carry out the objectives of this ordinance by avoiding conditions which would adversely affect the public health, safety and welfare of the town.
2. The following streets or highways are hereby designated travel corridors, land uses and developments along or adjacent to which are subject to the provisions of this section. Portions of the following routes are indicated on the zoning map:
  - a. Route 4 near King's Flow.
  - b. Route 12 along the Cedar River.
  - c. Route 28 from the Blue Mountain Lake Town Residential Area, southwest to the Town line. (Note: as a NYS Highway, APA considers this corridor a Critical Environmental Area and a Class A permit may be required).
  - d. Route 30 from the Blue Mountain Lake Town Residential Area, north to the Town line. (Note: as a NYS Highway, APA considers this a Critical Environmental Area and a Class A permit may be required).
3. No land use or development within one hundred fifty (150) feet of a travel corridor designated by paragraph 2) of this section shall be undertaken unless or until a site plan therefor has been reviewed and approved, or approved with modifications by the Planning Board, and a land use and development permit has been issued.
4. In reviewing the site plan for a proposed land use or development, the Planning Board in its final determination shall be guided by the following general standards:
  - a. Vehicular and pedestrian traffic access and circulation should be adequate, including safe and well designed points of ingress and egress, and traffic flow along the travel corridor should not be impeded.

- b. Off street parking and loading areas should be adequate and visually inconspicuous.
- c. The proposed land use or development, as detailed in the site plan, should be in harmony with natural surroundings and existing land uses in the area.
- d. The open space character of the travel corridor should be protected as much as possible, in terms of the location and design of buildings and signs, landscaping and plantings, and minimal removal of existing vegetation.
- e. In the case of land uses and developments involving more than two hundred (200) feet of frontage along either side of a street or highway designated a travel corridor by paragraph D.2 of this section, the number of points of access to the street or highway should be strictly limited, and existing or planted vegetation should be employed along at least one-half of each such frontage, if possible.
- f. In the case of land uses and developments that are deemed to have minimal impact, visually or otherwise, the Planning Board may waive public hearing.

**E. Design Considerations for Uses Requiring Site Plan Review in the Town Center/ Hamlet District**

For uses requiring site plan review in the Hamlet District the following guidelines apply;

1. The goals of the Hamlet District are to maintain and strengthen the walkable Town Center area with a variety of businesses, accommodations and public spaces for residents and visitors.
2. Applicants are encouraged to design structures in a style that reflects the unique and historical architectural character of the Town of Indian Lake and the Adirondack Park.
3. Building materials should be high-quality and contextually appropriate to the Adirondack Park and Indian Lake.
4. Parking lots are encouraged to be located on the side or rear of buildings facing Main Street.
5. The overprovision of surface parking is discouraged and uses should consider shared parking where possible.
6. Building entrances should be oriented towards the street.
7. Site lighting should be downwards facing and respective of the scale of surrounding

buildings.

8. The preferred building placement is closer to the front lot line than the rear lot line, particularly in the area approximately 0.5 miles from the intersection of NYS Route 28 and NYS Route 30.
9. Buildings containing multiple primary uses are encouraged.

**F. Site Plan Review Waivers and Exceptions**

The Town of Indian Lake Planning Board shall, pursuant to § 274-a, Subdivision 5, of the Town Law, have the right to waive, when reasonable, any of the requirements of this article. This waiver authority may be exercised in the event that any such requirements are found not to be essential for the public health, safety or general welfare or are found to be inappropriate to a particular site plan. Any such waiver shall be subject to the following conditions:

1. No waiver shall result in allowing a use not permitted within the applicable zoning district.
2. Waivers shall be limited to those situations where the full application of the requirements contained in the above-referenced sections would generate unnecessary data and create unnecessary costs with regard to deciding the matter.
3. An applicant for site plan approval who desires to seek a waiver of the above-referenced requirements pertaining to such applications may submit a sketch plan of the proposed project to the Planning Board in lieu of a complete site plan. The Planning Board shall review the sketch plan, advise the applicant as to potential problems and concerns and determine if any additional site plan information is required. The Planning Board shall consider such a sketch plan as adequate when, in its judgment, the information submitted is sufficient to make a determination of compliance with the development standards in Part 1 of this chapter and, specifically, the intent of this chapter. The Development Administrator may waive the above referenced requirements for projects under 250 square feet that are within the Designated Travel Corridors. However, the Planning Board may require additional supplemental information for projects in Designated Travel Corridor as part of their site plan review process.
4. Nothing herein shall authorize the Planning Board to waive state environmental quality review requirements or Adirondack Park Agency review requirements. (Note: certain projects within 150 feet or 300 feet from a State Highway may be considered Class A projects and be subject to APA approval regardless of size.)
5. The Planning Board must set forth in its record of proceedings the precise grounds upon which it has determined to exercise its waiver authority hereunder, which shall include a clear statement of what requirements of this article have been waived and the reason for the waiver of each and every such requirement.

**Article VI Special Use Permits**

**A. Purpose and Applicability**

The following regulations apply to special uses, those activities which are to be located in particular districts under special circumstances. Special consideration is necessary so that they may satisfy the objectives of this ordinance, properly relate to surrounding land uses and allow the town to accommodate growth without undue adverse effect upon the town and its citizens.

A special use shall not be allowed unless the Planning Board has approved, or approved with conditions, and a special use permit has been issued, except that:

1. No such local approval or permit is required for a special use which is a Class A regional project.
2. For Class B regional projects which would otherwise require a local special use review, the Planning Board shall use the special use standards stated herein, in addition to the criteria in Article VII "Regional Project Review."

**B. Special Use Permit Review**

Site Plan Review is required for all uses that require a special use permit. Such review shall occur concurrently with special use permit review (see Article VI).

The Planning Board shall also provide a copy of the above information to the appropriate highway official(s), depending upon the location of the proposed special use.

If industry or industrial activity of any type is added to the use list of this ordinance, criteria for such development shall include consideration of the emissions, traffic, and other direct results of industrial activity.

**C. Special Use Permit Requirements**

Criteria. The Planning Board shall consider the following general criteria, in addition to the criteria set forth in the site plan review, when making a determination for a special use permit:

1. That the use is consistent with the Town's current planning documents including the Comprehensive Plan.
2. That the use is consistent with the purposes of the zoning district in which it is located and with the applicable provisions of this chapter, including any other detailed special use permit criteria provided herein.
3. That the use will be suitable for the property on which it is proposed, considering the property's size, location, topography, vegetation, soils, natural habitat and hydrology and, if appropriate, its ability, if desirable, to be buffered or screened from neighboring

properties and public roads.

4. That the use will be compatible with adjoining properties and with the natural and man-made environment.
5. That the use will not adversely affect surrounding land uses by creating excessive noise, dust, odors, glare, pollution or other nuisances.
6. That the use will not cause undue traffic congestion, unduly impair pedestrian safety or overload existing roads, considering their current width, surfacing and condition.
7. That the use will have appropriate parking and be accessible to fire, police and other emergency vehicles.
8. That the use will not overload any public water, drainage or sewer system or any other municipal facility or service, including schools.
9. That the use will not degrade any natural resource, ecosystem or historic resource.

**D. Special Use Application Hearing and Decision**

1. Within fifteen (15) days of receipt of a complete application for a special use permit, the Planning Board shall give notice of public hearing. Such hearing shall be held on the application not less than fifteen (15) days nor more than thirty (30) days after the notice.
2. Within thirty (30) days of the final adjournment of a public hearing called and held under paragraph (a) of this section, the Planning Board shall approve, approve subject to conditions, or disapprove the special use permit. The decision of the Board shall be in writing, and shall contain such findings of fact required by this section.

**E. Special Conditions:**

All special uses, without preventing the application of other conditions, may at the discretion of the Planning Board, be subject to the following special conditions: to plant up to 30% of lot area to grass, trees, and shrubs, to provide vegetative screening up to 40% of lot frontage, to restrict vertical height of signs to as low as 10 feet and buildings to as low as 17 feet, to limit exterior color and surface to blend with general environmental conditions. In the case of gasoline service stations to set back the pumps and pump roofs from the public right of way a distance of up to 75 feet.

**Article VII Regional Project Review**

**A. Purpose of This Article**

The purpose of this article is to further the general purposes, policies and objectives of this ordinance and the Adirondack Park Agency Act by establishing requirements and administrative procedures for the review of Class B regional projects by the Planning Board, and by setting forth the criteria for review of Class A regional projects by the Adirondack Park Agency.

**B. Applicability of this Article**

1. No person shall undertake a permitted use, special use, or non-permitted use for which a variance has been granted pursuant to this ordinance, which use is also a Class B regional project, unless and until the Planning Board shall have reviewed and approved, or approved subject to conditions, such project, and the Development Administrator has issued a permit with respect thereto pursuant to the terms of Article XVI thereof.
2. No person shall undertake a Class A regional project unless and until the Agency shall have reviewed and approved, or approved subject to conditions, such project, and has issued an Agency permit with respect thereto pursuant to the terms of the Adirondack Park Agency Act and the pertinent Agency rules and regulations.

**C. Authorization to Approve and Disapprove Class B Regional Project**

1. The Planning Board is hereby authorized to approve, approve subject to conditions, and disapprove all Class B regional projects proposed to be located within the territory of the town pursuant to and in accordance with the requirements and procedures set forth in this article.
2. If a Class B regional project is also a Class A regional project or Class A subdivision, the project will be deemed to be a Class A regional project or Class A subdivision in its entirety, and subject to the review authority of the Adirondack Park Agency.

**D. Requirements for Class B Regional Project Approval**

The Planning Board shall not approve a Class B regional project unless it first determines that such project meets the following criteria:

1. The project would comply with all provisions of this ordinance including those contained in Articles IV, V, VI and VII hereof.
2. The project would not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Adirondack Park or upon the ability of the public to provide supporting facilities and services made necessary by the project taking into account the commercial, industrial, residential, recreational or other benefits that might be derived from the project. In making this

determination, the Planning Board shall consider those factors pertinent to the project contained in the development considerations set forth at Appendix A hereof, and in so doing, the Planning Board shall make a net overall evaluation of the project in relation to the development objectives and general guidelines set forth in Section H of this Article.

#### **E. Application for Class B Regional Project Approval**

Application for project approval shall be made to the Development Administrator, who shall review the application for completeness, and if, in his reasonable judgement, the application is complete, shall refer it to the Planning Board. All applications shall be made on forms prescribed by the Planning Board, and furnished by the Development Administrator, which forms when completed shall include such information as may be reasonably necessary to determine whether the requirements for approval set out in Article VII.D have been satisfied. In determining the content of these application forms, the Planning Board may provide for different informational requirements for different classes or types of projects, but with each certain class or type of project, the same information shall be required of every applicant. Such information required by these various application forms may include any or all of the following: a detailed description of the natural features of the project site, a detailed description of the land use plan of the project and its components, including all proposed roads and accesses, water supply and sewage disposal systems, and their relationship to natural features, an analysis with supporting data of the impact of the project on the environment both during construction and thereafter, an analysis with supporting data of the ability of the public to provide supporting services and facilities which can reasonably be anticipated to be required following the approval of the project, an analysis with supporting data of any benefits that might derive from the project, any plans the applicant may have for future development related to the project and information describing the applicant, his or its financial capability to complete the project as planned, and any professional advisors or consultants engaged in respect to the project.

#### **F. Procedure for Review and Decision Regarding Class B Regional Projects**

1. Not later than ten (10) days following receipt of a complete application for a Class B regional project, the Development Administrator shall notify the Adirondack Park Agency of such receipt, and shall furnish a copy of the project application, and such further pertinent information as the Agency may deem necessary and shall afford the Agency the opportunity to comment thereupon.
2. No Class B regional project may be approved or disapproved unless a hearing shall have first been held on the project application. The hearing shall be scheduled for a date not less than fifteen (15) days thereafter, nor later than sixty-two (62) days following receipt by the Development Administrator of the complete application. The Planning Board shall give public notice of the date, time and place of the hearing as provided by Article XVI hereof and shall also mail a copy of the public notice to the Adirondack Park Agency. The Adirondack Park Agency shall be a full party in interest with standing to participate in any and all proceedings conducted pursuant to this section.
3. Within sixty-two (62) days after the completion of said hearing the Planning Board shall

approve, approve subject to conditions, or disapprove the project.

4. Every Class B regional project decision rendered by the Planning Board shall be in writing and shall contain such findings of fact as are required by Section D. of this Article. The Planning Board in conjunction with its approval of any Class B regional project, may impose such requirements and conditions as are allowable within the proper exercise of the police power, including the restriction of land against further development of principal buildings, whether by deed restriction, restrictive covenant or other similar appropriate means, to insure that guidelines as to intensity of development as provided in this ordinance shall be respected, and the imposition of reasonable conditions to insure that the project will be adequately supported by services and improvements made necessary by the project and to insure that the project will be completed in accordance with the terms of the application and any permit, and including, without limitation, the requirements and conditions as part of a special use permit approval. In addition, the Planning Board may require that the development administrator incorporate any such requirements and conditions in any permit issued with regard to such Class B regional project.

#### **G. Criteria for Review of Class A Regional Projects by the Adirondack Park Agency**

1. The Adirondack Park Agency shall have jurisdiction to review and approve, approve subject to conditions, or disapprove all Class-A regional projects proposed to be located within the territory of the town pursuant to and in accordance with Section 809 of the Adirondack Park Agency Act, the applicable Agency rules and regulations, and the criteria hereinafter set forth.
2. The Adirondack Park Agency shall not approve a Class A regional project unless it first determines, after seeking consultation with the Planning Board and receipt of any advisory recommendations of the Planning Board relative to the project, that the project would comply with all provisions of this ordinance and of such other ordinances and regulations as shall be components of the town land use program.
3. In making the determination required by Section 809 (9) of the Adirondack Park Agency Act as to the impact of a proposed Class A regional project upon the resources of the Adirondack Park including the ability of all levels of government to provide supporting facilities and services made necessary by the project, the Agency shall consider those factors pertinent to the project contained in the development considerations set forth in Appendix A hereof, and in so doing, shall make a net overall evaluation of the project in relation to the development objectives and general guidelines set forth in Section I of this Article, Development Objectives for Use in Regional Project Review.

#### **H. Planning Board Authority Regarding Class A Regional Projects**

1. The Planning Board is hereby designated and appointed as the appropriate town body to consult with the Adirondack Park Agency with regard to Agency review of Class A regional projects.
2. As soon as reasonably practicable following receipt by the Planning Board from the Adirondack Park Agency of notice of application completion with regard to a Class A

regional project, the Planning Board or one or more designees thereof shall consult with the Agency for the purpose of analyzing the project application and formulating advisory recommendations as to whether the project meets all of the pertinent requirements and conditions of the town land use program.

3. Not later than thirty (30) days following the Agency's issuance of notice of application completion with regard to a Class A regional project, the Planning Board shall provide to the Agency its advisory recommendations as to whether the project meets all of the pertinent requirements and conditions of the town land use program.
4. Notwithstanding the fact that Class A regional project approval may have been granted by the Adirondack Park Agency after a finding by that body that the project would comply with all provisions of this chapter, it must be recognized that reasonable bodies may differ. Therefore, where the Planning Board finds that the project would have an undue adverse impact upon the community character, natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Town, the Comprehensive Plan, or upon the ability of the Town to provide supporting facilities and services made necessary by the project, taking into account the commercial, industrial, residential, recreational or other benefits that might be derived from the project, or that the project would otherwise not be approvable under this chapter, the Planning Board may disapprove the project, irrespective of any Agency approval. In such case, the reasons for the Planning Board disapproval shall be specified in writing. The Planning Board must hold a public hearing before making such disapproval.

#### I. Development Objectives for Use in Regional Project Review

1. The principal natural and public resource aspects of a project site to be considered in connection with the determination required by Article VII D and referred to in Article VII.G hereof, together with representative means for avoiding undue adverse impact thereupon include the objectives defined in Appendix A of this ordinance. The following is a checklist of the concerns described in Appendix A.

- A. Soils
- B. Topography
- C. Surface Waters
- D. Ground Water
- E. Shorelines
- F. Mineral Resources
- G. Air Quality
- H. Noise Levels
- I. Wetlands
- J. Aquatic Communities
- K. Terrestrial Vegetation
- L. Fragile Ecosystems at Higher Elevations
- M. Terrestrial Wildlife
- N. Aesthetics

- O. Open Space
- P. Adjoining and Nearby Land Use
- Q. Wild, Scenic and Recreational Study Rivers
- R. Historic Sites
- S. Special interest Areas
- T. Government Considerations
- U. Public Utilities and Community Resources

2. In addition, for Class A projects and subdivisions:

- A. Streets and Roads
- B. Siting and Construction of Buildings
- C. Sewage Disposal
- D. Storm Drainage
- E. Water Supply
- F. Solid Waste Disposal
- G. Pesticides and Herbicides
- H. Shoreline Development
- I. Noise
- J. Signs
- K. Utilities

## Article VIII Signs

### A. Purpose

The purposes of these regulations are to promote general welfare, protect open space and scenic areas, safeguard property values, create an attractive tourist climate, and reduce hazardous obstructions.

### B. Definitions

"Sign" means any inscribed surface, pattern of artificial lighting, ornament, banner, or other visually communicative or expressive device that is visible from out of doors and is used to advertise or call attention to any business activity, sale or lease, person, place, or any kind of message. Also included is any sign currently in disuse or frame erected to hold a sign.

The term sign shall not include any government sign, temporary (up for 2 weeks or less) sign advertising institutional events, or private directional or warning signs ("posted," boundary marker) under three square feet in area.

"Sign area" means the total area of all faces or surfaces upon which writing, emblems or other expressive matter appears, except that if the sign area it composed of two surfaces back to back, the area of one side shall constitute the "sign area".

"Sign, abandoned" means a sign which for a period of 180 consecutive days has not correctly directed or exhorted any person, or advertised a bona fide business, lessor, owner or activity conducted on the premises where such sign is displayed.

"Sign, business" means a sign which directs attention to a business or profession conducted, or a commodity, service, or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed. A "For Sale" or "To Let" sign relating to the lot on which it is displayed shall be deemed to be a business sign.

"Sign, flashing" means any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color when such sign in is use. For the purpose of this ordinance any revolving illuminated sign shall be considered a "flashing sign".

"Sign, luminous" means any incandescent or other sign which gives forth its own light, or any transparent or translucent sign through which artificial light is emitted including, without limitation, any neon sign, fluorescent sign or advertising light display.

"Sign, indirectly illuminated" means any sign illuminated by a lighting device and reflecting the light thereof, but not emitting any light and therefore not a luminous sign.

"Sign, level of natural ground" means the level of ground prior to any grading or fill done primarily for the purpose of erecting any sign or raising the level of a sign's allowable height.

"Sign, off-premise" means any sign advertising or calling attention to any business or activity

not located on the same continuous parcel of real estate as the sign, or any sign advertising or calling attention to any commodity or service not sold or offered upon the same continuous parcel of real estate as the sign.

"Sign, pole" means any sign supported by one or more columns exceeding two inches in diameter or two by four inches in dimension.

"Sign, to erect" means to build, construct, alter, enlarge, relocate, attach, hang, place, affix, or maintain any sign, or paint any wall sign.

### C. Substitution Clause

Signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted

### D. Permit Requirement

1. No sign, as defined in this ordinance shall be erected and thereafter maintained anywhere within the town unless or until a land use and development permit has been obtained from the Development Administrator pursuant to this ordinance.
2. Permit applications shall be accompanied by a sketch of all proposed signs showing dimensions, materials, color and text. Criteria for issuance of a permit shall include (but not be limited to):
  - a. Construction of wood, metal or other durable material approved by the Planning Board.
  - b. Design of rustic or other character which will be attractive and suitable for the proposed sign location.

### E. General Provisions

The provisions contained in this section shall apply to all signs visible to the traveling public at any time of the year.

1. No sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. All luminous signs, indirectly illuminated signs, and lighting devices shall employ only lights emitting light of constant intensity, except in the case of digital street clocks and temperature indicators.
2. No luminous sign, indirectly illuminated sign, or lighting device shall be placed or directed so as to cause glaring or non-diffuse beams of light to be cast upon any public street, highway, sidewalk, or adjacent premises, or otherwise to cause glare or reflection that may constitute a traffic hazard or nuisance. No sign shall in its construction employ any mirror or mirror-like surface, nor any day-glowing or other fluorescent paint or

pigment.

3. Luminous signs shall not exceed 4 square feet in sign area; that is, 8 square feet for both sides.
4. No sign or part thereof shall contain or consist of any banner, pennant, ribbon, streamer, spinner, or other similar moving, fluttering, or revolving device. The said devices, as well as strings of lights, shall not be used for advertising or related functions whether or not they are part of any sign. No sign or part thereof may rotate or move back and forth.
5. No sign shall be placed upon or be supported by any tree, rock, or other natural object other than the ground.
6. No sign shall be erected or maintained upon the roof of any building or structure.
7. No vehicle (motorized or un-motorized) which is placed or painted as a sign shall be parked or stationed in a manner primarily intended to display the sign.
8. Not more than one pole sign may be erected or maintained upon the premises of any gasoline or other automotive service station; and no such pole sign shall have a sign area greater than 15 square feet; that is, 30 square feet both sides.
9. No sign shall exceed 14 feet in overall height, measured from the highest level of natural ground immediately beneath the sign to the highest point of the sign or the supporting structure thereof.
10. No sign shall project more than 3 feet from the wall of any building, nor shall any sign project from the roof of any building or into any public way.
11. No sign shall be erected or maintained having a sign area greater than 30 square feet; that is, 60 square feet for both sides.
12. No sign shall be erected or maintained within the right of way, nor within 10 feet of the road bed of any public street or highway, except that this minimum setback distance shall not apply to signs erected in the Town Center (TC) and Town Residential (TR) zone districts, except that in no case shall new signs be erected in the right of way. For the purposes of this provision, the road bed shall mean the trafficable portion of a road, street, or highway, bounded on either side by the outer edge of the shoulder or guardrail, whichever extends farthest. Where there is no shoulder or guardrail, there shall be deemed to be a shoulder extending four feet from the outer edge of the pavement or unpaved traffic lanes.
13. No on-premises sign shall be erected or maintained more than 300 feet from the business or activity with which it is principally associated. For the purposes of this provision, the location of a business or activity shall include all of the principal private access road or roads connecting the actual place of that business or activity with a public street or

highway.

14. Not more than 2 signs may be erected or maintained advertising or otherwise relating to a single business or activity, except for signs that do not exceed 6 square feet in sign area. The total sign area of 2 signs shall not exceed 60 square feet. For the purposes of this provision, a single business or activity shall include all businesses or activities subordinate to or integrated with that business or activity, located on the same premises as that business or activity.
15. No off-premise sign shall have a sign area of more than 10 square feet, nor shall any such sign be a luminous sign. All off-premise signs shall conform to all applicable requirements of the State Department of Environmental Conservation for off-premise signs within the Adirondack Park.
16. Not more than one sign not to exceed 2 square feet of sign area; that is, 4 square feet for both sides, showing the name and address of the resident or a permitted home occupation of the resident of the premises. In the case of a corner lot, such sign shall be located on the principal street frontage of the dwelling unit.
17. Signs denoting the architect, engineer or contractor, placed upon premises where construction, repair or renovation is in progress, provided that the sign does not exceed 4 square feet in sign area; that is, 8 square feet both sides. Such signs shall be removed promptly upon completion of the work.

**F. Removal of unsafe or abandoned signs**

1. If the Development Administrator determines that any sign regulated in this article is not used, is abandoned, unsafe or insecure or is a menace to the public, the Development Administrator shall give written notice to the named owner of the land upon which it is located, who shall remove or repair the sign within 60 days from the date of the notice. If the sign is not removed or repaired within said time period, the Development Administrator may seek authority from the Town Board to remove or repair the sign and assess the owner for all costs incurred for such service.
2. The Development Administrator may cause any sign which is a source of immediate peril to persons or property to be removed immediately and without notice. The cost of such removal shall be assessed to the owner.

## **Article IX Special Shoreline Regulations**

The regulations set forth in paragraphs A) through E) shall be applicable in all town zoning districts.

### **A. Minimum Setback for On-Site Sewage Facilities**

In the case of all lakes, ponds, rivers and streams, or any swamp, marsh or wetland, the minimum setback of any on-site sewage drainage field or seepage pit shall be one hundred (100) feet from the mean high water mark irrespective of zoning district or land use area classification. The local body or officer having jurisdiction, or the Adirondack Park Agency in its review of a Class A regional project, shall have authority to require a greater setback of any on-site sewage drainage field or seepage pit than the minimum herein above set forth, if it or he shall determine that soils or other pertinent conditions require such greater setback to reasonably protect the water quality of the water body involved.

### **B. Minimum Shoreline Frontage for Deeded or Contractual Access**

In the case of the shorelines of all lakes and ponds and the shorelines of any river designated to be studied as a wild, scenic or recreational river in accordance with the Environmental Conservation Law or any river or stream navigable by boat, including canoe, the following minimum shoreline frontages shall be required for deeded or contractual access to all such lakes, ponds, rivers or streams for five or more lots, parcels or sites or multiple family dwelling units not having separate and distinct ownership of shore frontage:

1. Where five to twenty lots or multiple family dwelling units are involved, a total of not less than one hundred (100) feet.
2. Where more than twenty and not more than one hundred lots or multiple dwelling units are involved, a minimum of three (3) feet for each additional lot or multiple dwelling unit in excess of twenty.
3. Where more than one hundred and not more than one hundred fifty lots or multiple dwelling units are involved, a minimum of two (2) feet for each additional lot or multiple dwelling unit in excess of one hundred.
4. Where more than one hundred fifty lots or multiple dwelling units are involved, a minimum of one (1) foot for each additional lot or multiple dwelling unit in excess of one hundred fifty (150).

### **C. Vegetation Clearing Standards for Shorefront Lots**

In the case of the shorelines of all lakes and ponds and the shorelines of any river designated to be studied as a wild, scenic or recreational river in accordance with the Environmental Conservation Law or any river or stream navigable by boat, including canoe, the removal of vegetation, including trees, shall be permitted on shore front lots provided the following standards are met:

1. Within thirty-five (35) feet of the mean high-water mark no vegetation may be removed, except that up to a maximum of thirty percent of the trees in excess of six (6) inches diameter at breast height (4½ feet above ground) existing at any time may be cut over any ten year period.
2. Within six (6) feet of the mean high-water mark no vegetation may be removed, except that up to a maximum of thirty percent of the shore front may be cleared of vegetation on any individual lot. This provision shall be adhered to in addition to (1) above.
3. The above cutting standards shall not be deemed to prevent the removal of diseased vegetation or of rotten or damaged trees or of other vegetation that present safety or health hazards.

### **D. Shoreline setbacks for Structures**

The minimum setback on all bodies of water measured from the mean high water mark to all principal buildings and accessory structures, other than docks or boathouses, shall be 75 feet in all districts excepting the Resource Conservation District where the setback shall be 100 feet.

### **E. Minimum Lot Widths for Shoreline Parcels**

Any new parcel on which a new principal building will be constructed must comply with the following widths, as measured along the shoreline as it winds and turns at mean high water mark.

1. Town Center/Hamlet; 50 feet,
2. Town Residential; 100 feet,
3. Residential; 125 feet,
4. Rural Residential; 150 feet,
5. Resource Conservation; 200.

## Article X Supplementary Regulations

### A. Campgrounds

The following additional requirements shall apply to camping grounds, travel trailer parks, tourist camps, or other similar establishments:

#### 1. Site and Utilities:

- a Suitable soil and topography.
- b Well drained-no stagnant pools.
- c Adequate water, septic or sewer, and power.
- d Adequate protection of the purity of nearby streams, brooks, rivers, lakes and other ecological features.
- e Adequate site design to prevent overcrowding.
- f A minimum buffer zone 50 feet in width on all sides of the zone lot, except as required for access.
- g A minimum recreational area of at least 10% of the campground's total acreage.
- h All camping grounds shall provide and maintain a potable water supply, sewage disposal system, sanitary garbage containers, and all other waste service facilities, as may be adequate to comply with the public health law of the State of New York and the rules, regulations, and standards of the New York State Department of Health.

#### 2. Landscaping:

- a Lawn and/or other suitable permanent ground cover shall be provided on those areas of camping grounds not used for travel trailer stands, buildings or facilities, walkways and access ways.
- b Planting shall be provided to the extent needed to provide summer shade, and to provide year round screening of objectionable views, including views of garbage and storage areas and adjacent non-residential uses.
- c Planting shall be provided along those areas in the camp which front along, or are visible from, public highways and streets, or abutting yards of adjacent residential properties, so as to substantially screen the camp from public view at all seasons of the year.

#### 3. Individual Camping Sites:

- a A minimum of 50 feet between any stream, brook, river or lake, and the nearest camping site.
- b A minimum camping site of 2,500 sq. ft. of land.
- c A minimum of 50 feet between any public street road or highway right of way, property line, and the nearest camping site.

#### 4. Travel Trailer Lots:

The following special requirements shall apply to camping grounds which are designated in part or in whole for occupancy by travel trailers:

- a Travel Trailer Camps may operate May 1 of the calendar year through the following October 31.
- b Each travel trailer camp shall be marked off into travel trailer lots.
- c The total number of travel trailer lots in each camp shall not exceed ten (10) per gross acre.
- d Each travel trailer lot shall have a net area of not less than 2,500 sq. ft. with a minimum width of thirty (30) feet.

#### 5. Travel Trailers:

- a No travel trailer shall be parked or otherwise located nearer than a distance of: twenty-five (25) feet from an adjacent travel trailer in any direction; sixty (60) feet from an adjacent property line of any third party; seventy five (75) feet from the right of way line of a public street or highway; twenty (20) feet from the nearest edge of any street within the camp.
- b Only one travel trailer shall be permitted to occupy one travel trailer lot.
- c No travel trailer shall be allowed to remain, whether occupied or not, in any travel trailer camp lot for more than one May 1 to October 31 operating season. On or before October 31 of each year, the travel trailer must then be removed from the campground or relocated to an approved storage area designated in section 8 below.

#### 6. Travel Trailer Stand:

- a Each travel trailer lot shall have a travel trailer stand, which will provide for the practical placement on and removal from the lot of the travel trailer, and the retention of the trailer on the lot in a stable condition.
- b The stand shall be of sufficient size to fit the dimensions of the anticipated travel trailers.
- c The stand shall be constructed of an appropriate material which is durable and adequate for the support of the maximum anticipated loads.
- d The stand shall be suitably graded to permit adequate surface drainage.

7. Utilities and Service Facilities:

The following utilities and service facilities shall be provided in each travel trailer camp which shall be in accordance with the regulations and requirements of the New York State Department of Health, and/or the Department of Environmental Conservation.

- a An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and to every ten (10) trailer lots within the camp to meet the requirements of such camp.
- b Each ten (10) lots shall be provided with a cold-water tap, the waste from which shall be emptied into a drain connected to an approved disposal system, such as a septic tank and drainage bed.
- c Toilet and other necessary sanitary facilities for males and females shall be provided in permanent structures. Such facilities shall be housed in either separate buildings or in the same building; in the latter case, such facilities shall be separated by soundproof walls. The male and female facilities shall be marked with appropriate signs and have separate entrances for each. Such toilet and other sanitary facilities for males shall consist of not less than one flush toilet for every fifteen travel trailers, and one lavatory for every ten travel trailers; female facilities shall consist of not less than one flush toilet and one lavatory for every ten travel trailers.
- d Lavatory facilities shall be supplied with hot and cold running water. The buildings housing such toilet and sanitary facilities shall be well-lighted at all times of the day and night, shall be well-ventilated with screened openings, shall be constructed of moisture-proof materials, and shall be clean and sanitarily maintained at all times. The floors of such buildings shall be of water impervious material. Such buildings shall not be located nearer than fifty (50) feet nor further than two hundred (200) feet from any travel trailer.
- e Other service facilities and buildings shall be provided as deemed necessary for

the normal operation of the camp, such facilities or buildings shall be maintained by the owner or manager of the camp in a clean, sightly, and sanitary condition.

- f Metal or plastic garbage cans with tight fitting covers shall be used in quantities adequate to permit the disposal of all garbage and rubbish. The cans shall be kept in sanitary condition at all times. The cans shall be located no further than two hundred (200) feet from any travel trailer lot. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary by the camp owner or manager to ensure that such cans shall not overflow.
- g Waste from all buildings and trailer lots shall be discharged into an approved septic tank and leach field or other suitable drainage field, or into a public or private sewer system, so as to comply with the Town sanitary code.

8. Travel Trailer Camp Storage Areas:

Owners of a Travel Trailer Camp may have the option of providing an off-season storage area for unoccupied Travel trailers for clients who wish to occupy the campground for multiple seasons. This storage area may be located at the site of the campground, or at another property dedicated for this storage use. The storage area must be designated and approved for such use by the Planning Board.

**B. Additional Regulations for Travel Trailers**

- 1. No travel trailer shall be parked or located overnight within the Town except:
  - a A registered vehicle may be stored on the property of the land owner where the use of the property is a residential use,
  - b In a manufactured home park or travel trailer camp as regulated by this ordinance;
  - c On the property of the owner, where the lot is vacant, not to exceed 180 consecutive days in a calendar year; or
  - d On the premises of a travel trailer sales or rental establishment
- 2. The travel trailer shall not be occupied by any persons for overnight use unless the following terms and conditions are met
  - a On the property of the owner where the principal use is a residential use
    - i The travel trailer occupancy is temporary and incidental to the residential use
    - ii The travel trailer is self-contained, and occupancy is limited to family

members and guests

- b. In a manufactured home park, travel trailer camp or campground where the owner of the campground has:
  - i. Demonstrated compliance by the operator with Chapter 1 of the State Sanitary Code Subpart 7-3. Campgrounds and the regulations of this chapter.
- c. On a vacant lot owned by the owner of the travel trailer.
  - i. The travel trailer must be self-contained; and have no external electrical, water, or septic outlets.
  - ii. The travel trailer may not be set up on site to be occupied, whether occupied continuously, or not, for more than 180 consecutive days in one calendar year.
  - iii. The owner of any travel trailer who wishes to leave the travel trailer set up and ready to occupy for more than 180 consecutive days must have prior approval by the Planning Board using standard Site Plan Review. In addition to the normal provisions for Site Plan approval, the owner must provide proof of adequate sources of water supply and adequate and acceptable plans for septic and greywater disposal to the Planning Board prior to approval.

### C. **Manufactured Home Courts or Parks**

The following additional requirements apply:

- 1. Site:
  - a. Suitable soil and topography.
  - b. Well drained with no stagnant pools.
- 2. Manufactured Home Lot:
  - a. The manufactured home court shall be permanently marked off into separate lots. Each lot area (gross) equal to the minimum lot area in that zone district.
- 3. Manufactured Home:  
Located at least:
  - a. 40 feet from another manufactured home.

- b. 75 feet from an adjacent, third-party property line.
- c. 50 feet from a public right of way.

### 4. Manufactured Home Stand and Skirting:

- a. Each manufactured home lot shall have a manufactured home stand which will provide for the practical placement on and removal from the lot of both the manufactured home and its appurtenant structures, and the retention of the home on the lot in a stable condition.
- d. The stand shall be of sufficient size to fit the dimensions of the anticipated manufactured homes and their appurtenant structures or appendages.
- e. The stand shall be constructed of an appropriate material which is durable and adequate for the support of the maximum anticipated loads.
- f. The stand shall be suitably graded to permit rapid surface drainage.
- g. The stand shall be equipped with an anchor or tie down at each corner thereof to provide adequate security for the manufactured home against wind loading.
- h. The manufactured home shall be enclosed with a desirable and attractive skirt made of sturdy materials, which will hide all wheels, chassis, and other appurtenances under the manufactured home.

### 5. Accessibility:

- a. The manufactured home court shall be easily accessible from an existing public highway or street.
- b. All entrances and exits shall be of sufficient width to facilitate the turning movements of vehicles with manufactured homes attached.
- c. The manufactured home court shall have graded and surfaced streets to provide for the convenient access to all manufactured home lots and other important facilities within the court. The street system shall be so designed to permit safe vehicular circulation within the court.
- d. Streets shall be adapted to the topography and shall have suitable alignment and gradient for traffic safety. All streets shall have the following minimum widths: one-way traffic movement - 12 feet; and two-way traffic movement - 20 feet. Except in cases of emergency, no parking shall be allowed on such streets.
- e. An improved driveway shall be provided for each manufactured home lot. This driveway shall have a minimum width of nine (9) feet.

- f. Each court shall provide a system of internal walkways to provide safe, convenient pedestrian access of adequate width to common facilities, service areas and open space areas.
6. Utilities and Service Facilities:  
The following utilities and service facilities shall be provided in each manufactured home court which shall be in accordance with the regulations and requirements of the New York State Department of Health, and/or the New York State Department of Environmental Conservation.
- a. An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all manufactured home lots and buildings within the court. Each manufactured home lot shall be provided with proper water connections.
  - b. Each manufactured home lot shall be provided with a sewer, which shall be connected to the manufactured home situated on the lot, to receive the waste from the shower, tub, flush toilets, lavatory and kitchen sink in such home. The sewer shall be connected to a septic tank and leach field or other suitable drainage system or public or private sewer system, so as to comply with the town sanitary code.
  - c. Sewer connections in unoccupied lots shall be so sealed to prevent the emission of any odors and the creation of breeding places for insects.
  - d. Durable refuse containers with tight fitting covers shall be maintained in sufficient number and volume capacity to permit the disposal of all garbage and rubbish. The containers shall be kept in sanitary condition at all times. The containers shall be located no further than two hundred (200) feet from any manufactured home lot.
  - e. Garbage and rubbish shall be collected and disposed of by the court owner or manager as frequently as may be necessary to ensure that such containers shall not overflow.
  - f. Other service buildings including storage areas shall be provided as deemed necessary for the normal operation of the court, such buildings shall be maintained by the owner or manager of the court in a clean, sightly, and sanitary condition.
  - g. Each manufactured home lot shall be provided with weatherproof electric service connections and outlets which are a type approved by the New York State Board of Fire Underwriters.

7. Open Space:

- a. The manufactured home court shall provide common open space for the use by the residents of such court for recreational and other appropriate purposes. Such common open space area may contain recreational facilities, bicycle, walking or horse trails, sitting areas, wooded areas (cleared of underbrush), or any other open space use found appropriate by the Planning Board.
- b. Common open space shall be conveniently located in the manufactured home court.

8. Landscape:

- a. Lawn and/or other suitable permanent ground cover shall be provided on those areas of the manufactured home court not used for the placement of manufactured homes and other buildings, walkways, roads and parking areas.
- b. Planting shall be provided to the extent needed in order to provide for the year-round screening of objectionable views, and to provide adequate summer shade and a suitable setting for each manufactured home or other facility. Objectionable views which shall be screened may include laundry facilities, adjacent non-residential uses, and garbage storage and collection areas.
- c. Screen planting shall be provided along those areas within the court which front upon or are visible from public highways and streets or abutting yards of adjacent residential properties, so as to substantially screen the court from public view at all seasons of the year.

**D. Hotels, Motels and Tourist Accommodations**

1. The following additional requirements apply:

- a. For motel, hotel or similar accommodations which are attached by a party wall, and each tourist cabin of 300 sq. ft. of floor area or less, the amount of land necessary for each unit shall be one-tenth of the minimum lot area of the zone district in which the unit is to be located, or four thousand (4,000) sq. ft. whichever is larger. The minimum land area for tourist cabin or similar unattached structure involving more than three hundred (300) sq. ft. of floor area shall be the minimum lot area of the zone district in which the unit is to be located. Provided that, in the Town Center District, the land area required for any tourist cabin or similar unattached unit shall be one-tenth of an acre.
- b. Adequate off-street parking shall be provided therefor.
- c. Where a motel, hotel or other tourist accommodation involves the shoreline of any lake or pond, or any river or stream navigable by boat, including canoe, the following shoreline frontages shall be required per room or unit, unless the minimum shoreline lot width in Article IX hereof for the zoning district involved

is greater, in which case the greater lot width shall be required: one hundred (100) feet for one to twenty accommodation units; for each additional unit, five (5) additional feet.

**E. Multi-Family and Two-Family Dwellings**

1. The following additional requirements apply:
  - a. The minimum land area necessary per each individual dwelling unit in the Town Center/Hamlet District shall be the special minimum lot area specified in the Dimensional Table.
  - b. Adequate off-street parking shall be provided therefor, at one (1) space per accommodation, plus four (4) spaces for an office if provided

**F. Junkyards**

Junkyards and automobile junkyards shall be subject to the following additional requirements:

1. Site Area and Distance:
  - a. The minimum lot area necessary for any junkyard or automobile junkyard shall be 8.5 acres and shall be permitted only in the RX zone district.
  - b. No junkyard or automobile junkyard shall be located within 125 feet of any residential building (except that belonging to the owner of the junkyard), public park, church, educational facility, nursing home, public building or other place of public gathering, or any stream, lake, pond, marsh, swamp or other body of water.
2. Protection:
  - a. The junkyard shall be operated so as to minimize the fire hazard therefrom and to prevent improper trespass thereon by children and others.
  - b. There must be erected and maintained an eight (8) foot high fence adequate to prohibit the entrance of children and others into the area of the activity or business and to contain within such fence the materials dealt with by the operator of the junkyard. All the materials dealt with by the operator of the junkyard shall be kept within such fence at all times. Whenever the junkyard is not open for business, or temporarily not supervised, this fence, and any gate thereto, shall be secured or locked to prevent entry.
  - c. Where a junkyard is or would be visible from a public highway or from neighboring properties the fence shall be of wood or other materials sufficient to totally screen the junkyard from view. As an alternative, the Planning Board may

permit such screening by adequate planting of evergreen trees or shrubbery. The board may also waive the requirement of fencing where topography or other natural conditions effectively prohibit the entrance of children and others.

- d. Adequate means of fire protection shall be maintained on the premises at all times.
- e. The junkyard shall not be used as a dump area by the public and there will be no burning of automobiles or other materials except in connection with the periodic crushing and removal of automobiles or other materials from such yards in compliance with applicable New York State law regarding outdoor burning.

**G. Drive-through Use, Gasoline Station, Automobile Service Stations and other Commercial Uses:**

The following additional requirements shall apply:

1. Any drive-through food service building, drive-through use, restaurant building, gasoline service station building, or other commercial use building shall, if deemed necessary by the Planning Board, be located as much as 75 feet away from any public right of way; such businesses, where persons are served away from automobile shall, if deemed necessary by the Planning Board, be located as much as 200 feet from a residence. Arrangements of ingress and egress of vehicles, lights, fences and screening shall be approved by the Board in such a way as not to interfere with uses in the residential area.

**I. Commercial Sand and Gravel Extraction and Excavation:**

The following additional requirements shall apply:

Except when incidental to the construction of a building on the same lot, the excavation, processing or sale of topsoil, earth, sand, gravel, clay or other natural mineral deposits, or the quarrying of any kind of rock formation, an application shall be made for a Special Permit to the Planning Board. Commercial excavation shall also be subject to compliance with paragraphs a, b, c and d below.

1. Site:

Before issuing a permit for such use, the Board shall find that such excavation or quarrying will not endanger the stability of adjacent land or structures nor constitute a detriment to public welfare, convenience or safety by reason of excessive dust, noise, traffic or other condition. The Board may specify any reasonable requirements to safeguard the public health, safety and welfare in granting such permit, including the following:

- a. The slope of material in such topsoil, sand, gravel, clay or other earth shall not

exceed the normal angle of repose of such material.

- b. The top and the base of such slope shall not be nearer than 50 feet to any property line nor nearer than 100 feet to the right of way line of any street or highway.
- c. A plan for restoration and rehabilitation of a commercial earth excavation area or borrow pit shall accompany the application for a permit and shall assure conformance with the public health, safety and welfare. The Town Board, upon approval of such plan, may require a performance bond to assure rehabilitation of commercial excavation sites in conformance therewith.
- d. A plan for safeguarding the public health, safety and welfare in commercial rock or mineral excavation areas shall accompany the application for a permit and shall be approved by the Town Board.

#### J. Water and Waterfront Structures

Note: See Article IX "Special Shoreline Regulations" for additional regulations on shoreline development.

Notwithstanding the provision of Article XIII of this ordinance, any new, or any future expansion of an existing accessory waterfront structure shall be treated as a new use and shall be subject to a special use permit including a public hearing.

The following additional requirements shall apply to accessory water and waterfront structures:

1. No more than one (1) boathouse shall be permitted for each shoreline lot.
2. All docks and boathouses shall conform to the required side yard setbacks applying to the principal building in the particular zoning district. In addition, all docks, boathouses, rafts, buoys, or floats shall be located within the required distance from the lineal projection of the side lot line into the waterway from the shoreline.
3. No living quarters, bathrooms, heating facilities, or plumbing with the exception of one (1) tap or faucet for the purpose of providing for the normal needs which might be required for the maintenance of a boat shall be permitted in such structures.
4. Boathouses shall not have reflective exteriors. Exterior colors shall blend into the surrounding environment. Galvanized steel roofing will be accepted provided it has both a baked on enamel and matte finish.
5. Buildings with flat roofs shall be prohibited. A minimum of a 4 in 12 roof pitch shall be required.
6. Attached docks and walkways shall not be considered as part of the boathouse and the overall dimensions thereof. Existing or proposed docks shall be shown on the special use

application to provide an overall perspective of how the final shoreline would appear.

7. The maximum rectangular size of a boathouse shall not be more than twenty (20) feet in shoreline width and not more than twenty-four (24) feet in length, and shall not extend into the lake more than thirty (30) feet from the shoreline including any access ramp.
8. The maximum overall height of a boathouse shall not exceed sixteen (16) feet from the surface of the water as measured at the mean high water mark.
9. The roof overhang shall not exceed twenty-four (24) inches extending from the side wall lines.
10. Nothing herein provided shall waive or otherwise alter any requirements of the Department of Environmental Conservation under Article 15, Title 5 of the Environmental Conservation Law or Section 806 of the Adirondack Park Agency Act.

#### K. Kennels and Animal Hospitals

1. Minimum lot size: three (3) acres
2. Adequate landscaping or fencing shall be provided to create a visual buffer between such facility and adjacent property.
3. All buildings, structures or other accessory uses shall be at least (50) feet from any property line.
4. No animals shall be kept, either indoors or outdoors, within 250 feet of any neighboring residential structure that was in existence at the time that the dog kennel or animal hospital became a legally established use.

#### L. On-Site Septic Systems

All new and replacement on-site septic systems shall conform to the town sanitary regulations as well as all applicable county and state regulations.

#### M. Wireless Telecommunication Facilities

1. Purpose  
The purpose of these supplemental regulations is to promote the health, safety and general welfare of the residents of the Town of Indian Lake; to provide standards for the safe provision of telecommunications consistent with applicable federal and state regulations; to minimize the total number of telecommunications towers in the community by encouraging shared use of existing and future towers and the use of existing tall buildings and other high structures; and to minimize adverse visual effects from telecommunications towers by requiring careful siting, visual impact assessment and appropriate landscaping. At all times, shared use of existing tall structures and

existing or approved towers shall be preferred to the construction of new towers.

2. Regulatory Compliance

All antennas and towers shall meet or exceed current standards and regulations of the Federal Aviation Administration (FAA), Federal Communications Commission (FCC) and any other state or federal agency with the authority to regulate communications antennas and towers. Should such standards or regulations be amended, then the owner shall bring such devices and structures into compliance with the revised standards or regulations within the time period mandated by the controlling agency.

3. Performance Security

Prior to issuance of any building permit, the applicant and the owner of record of any proposed wireless telecommunications facilities property site shall, at its cost and expense, be jointly required to execute and file with the Town a bond, or other form of security acceptable to the Planning Board as to type of security, and the form and manner of execution, in an amount of at least \$75,000 for a tower facility and \$25,000 for a co-location on an existing tower or other structure, and with such sureties as are deemed sufficient by the Planning Board to assure the faithful performance of the terms and conditions of this chapter and conditions of any special use permit, including payment of costs of future demolition of an abandoned tower or other facilities. The full amount of the bond or security shall remain in full force and effect while the facility is in existence and until any necessary site restoration is completed to restore the site to a condition comparable to that which existed prior to the issuance of the original special use permit or other approval.

**N. Home Occupations**

1. Each dwelling unit may have one Type 1 home occupation, one Type 2 home occupation, two Type 1 home occupations, or a combination of one Type 1 and one Type 2 home occupation. A dwelling unit may not have two Type 2 home occupations.
2. Regulations for all home occupations.
  - a. The home occupation shall be clearly incidental to the residential use of the dwelling.
  - b. Home occupations shall maintain the character of the neighborhood.
  - c. Home occupations shall be compatible with the other uses allowed in the district.
  - d. Home occupations shall not produce any offensive noise, vibration, smoke, dust, odors, heat or glare.
  - e. There shall be no exterior sign over four (4) square feet in area, nor any luminous sign.

- f. All parking demand created by the home occupation shall be accommodated by off street spaces.
- g. Home occupations shall not include such uses as kennels, restaurants or mortuaries.

3. Home Occupation Type 1

- a. Except for the exterior sign described above, no other exterior indication of the home occupation or variation from the residential character of the principle building shall be permitted.
- b. No more than one nonresident employee shall be allowed,
- c. Outside display of product or equipment shall not be permitted.

4. Home Occupation Type 2

- a. No more than two nonresident employees shall be allowed.
- b. Outdoor storage shall be screened from view of neighboring properties and the public's right of way.

**O. Bed and Breakfasts**

For the purposes of APA classification, a bed and breakfast shall be considered an "accessory use" and not a "tourist accommodation" if the following criteria are met:

1. The business shall be conducted within a single-family dwelling that is the principal residence of the operator and one bedroom must be reserved for owner's exclusive personal use
2. The structure containing the business must have been used as a single-family dwelling for a period of five years or more prior to conversion to a bed and breakfast.
3. A bed and breakfast establishment shall have accommodations for not more than 10 guests and contain no more than five bedrooms.
4. If meals are offered, they shall be offered only to registered lodgers.
5. Facilities and services shall be offered only to registered lodgers and not to the general public.
6. The sewage treatment system must comply with all applicable New York State Department of Health and local standards

**Article XI Off-street Parking and Loading**

**A. Off-street Parking**

1. General Standards

Off-street parking space may be required for all buildings constructed or substantially altered after the effective date hereof.

a. Measurement

Each off-street space shall consist of at least one hundred eighty (180) square feet with a minimum width of nine feet. In addition, space necessary for aisles, maneuvering and drives shall be provided. Floor areas for the purpose of computing parking requirements shall be the sum of the horizontal area within exterior walls of the several floors of a building, excluding basement, cellar and attic areas used primarily for storage or service.

b. Location

Required off-street parking areas shall be so arranged and regulated as not to interfere with pedestrian or motor traffic on the public street or highway and no parking or maneuvering incidental to off-street parking shall be on any public street right of way or walkway. Parking requirements are specified in Chart F which is hereby made a part of this ordinance.

c. Minimum Requirements for Unlisted Uses

For uses not specified in the Use Table, the Board of Appeals shall, on appeal and other recommendation of the Planning Board, establish parking requirements in specific cases consistent with those specified in Chart F.

d. Requirements for Developments with Multiple Uses

For any building having more than one use, parking space maybe required for each use.

e. Landscaping

Off-street parking lots for five (5) or more cars or trucks shall be designed with careful regard to orderly arrangement, topography, landscaping, ease of access, pedestrian walkways, ingress and egress, and shall be developed as an integral part of an overall site design, and the plan shall be submitted to and approved by the Planning Board.

f. Exceptions to Minimum Requirements

In addition to the standards found in "Parking Alternatives" the following uses have the potential, by their nature, to require less off-street parking and the Planning Board, at their discretion, may allow for relief from the minimum parking requirements.

- (i) Uses in the Hamlet District with less than 3,000 square feet of floor area

CHART F - OFF-STREET PARKING	
Note: for uses not listed here, the amount of required off-street parking will be determined during site plan review (if required) at the discretion of the Planning Board.	
USE	MINIMUM OFF-STREET PARKING SPACES REQUIRED
Dwellings, camp, cottage	2 spaces for each dwelling unit
Bed & Breakfast Dwellings	2 spaces for the owner & 1 space for each bedroom available for rental
Hotel, motel	1 space for each accommodation, plus 4 spaces for the office
Home occupation	1 space for each client or patient on the premises at any one time, plus 2 spaces for residents
Church, theater or other place of assembly	1 space for each 5 seating spaces in main assembly room
Hospital, Nursing Home or Residential Care Facility	1 space for each 3 beds
Commercial retail	1 space for each 250 square feet of floor space devoted to customer use. No spaces are required for any business under 3,000 square feet of floor area in Hamlet District.
Restaurants	1 space for each 5 customer seats
Office	1 space for each 400 square feet of floor space
Industrial or Light Manufacturing Use	1 space for each 3 employees on the maximum working shift

**B. Parking Alternatives**

1. Off-site Parking

- a. Off-site parking may be used to partially or wholly fulfill the minimum parking requirements.
- b. Off-site parking shall be within 500 feet of the property for which it is being requested
- c. Off-site parking may only be provided if the off-site lot has an excess number of spaces or if the applicant can demonstrate that the on-site and off-site uses have non-competing peak demands.
- d. The applicant must provide a legally binding agreement between the two parties

sharing parking spaces indicating their off-site parking arrangement. If the conditions for off-site parking become null and void and the off-site parking arrangement is discontinued, this will constitute a zoning violation for any use approved expressly with off-site parking.

- e. Off-site parking provided by means of a public parking facility shall be limited to (50%) of the overall parking requirement (for peak daytime uses).
- f. Uses utilizing off-site parking areas shall provide for safe, convenient walking between uses and parking, including safe, well-marked pedestrian crossings, signage, and adequate lighting.

2. **Shared Parking**

Shared parking can be used by two non-competing uses to satisfy the minimum parking requirements. Shared parking cannot be used by two competing uses to satisfy the minimum parking requirements. The applicant for relief of the minimum standards may be required to provide the planning board with;

- a. Documentation or research proving that the shared parking facilities will be able to meet parking demands during peak hour periods.
- b. A legally binding agreement between the two parties sharing parking spaces indicating their shared parking arrangement. If the conditions for shared parking become null and void and the shared parking arrangement is discontinued, this will constitute a zoning violation for any use approved expressly with shared parking.

**C. Off-street Loading**

Off-street loading facilities shall be provided for each commercial establishment hereafter erected or substantially altered and shall be so arranged as not to interfere with pedestrian or motor traffic on the public street or highway and shall be adequately screened if adjacent to a residential area.

**Article XII General Exceptions**

**A. Planning Board Authorization to Allow Cluster Development**

The purpose of this section is to encourage design flexibility, to promote the most appropriate use of the land, and to preserve the natural and scenic qualities of the open lands. In addition to the regulations of this chapter, additional regulations found in the "Subdivision Regulations for the Town of Indian Lake" apply to subdivisions.

Pursuant to Section 281 of the Town Law of the State of New York, the Planning Board is authorized to modify applicable provisions of this ordinance, simultaneously with the approval of plats, subject to the conditions described below:

1. The owner shall make a written application for use of this procedure; the Planning Board may agree, if it deems that cluster development would be beneficial to the town.
2. The density of the cluster development shall not exceed that permitted by the ordinance if the land were subdivided into lots conforming to minimum lot requirements.
3. Dwelling units may be detached, semi-detached, attached or multi-story structures, at the discretion of the Town Board.
4. Conditions specifying required improvements, roadway standards and other requirements specified in the subdivision regulation shall still apply.
5. All modifications of this ordinance specified by the Planning Board shall be subject to review and public hearing as specified in the subdivision regulations.
6. The uses proposed for the cluster development shall be permissible under this ordinance.
7. A copy of the owner's application and the Planning Board's authorization shall be filed with the Town Clerk, who shall make appropriate notations and references thereto on the town zoning map.

**B. Gifts, devises and inheritances:**

The mere division of land resulting from bona fide gift, devise or inheritance by "and from natural persons shall not be subject to review under this ordinance. New land use or development on lots, parcels or sites conveyed by individuals, who on May 22, 1973, own such land, to members of their immediate families by bona fide gift, devise or inheritance, shall be exempt from the overall intensity guidelines and the minimum lot size criteria specified in the Class B regional project lists, for the purpose of constructing one single-family dwelling or manufactured home on any such lot, parcel or site.

## **Article XIII Nonconforming Uses, Structures and Lots**

### **A. Nonconforming Uses**

1. **Continuation**  
Subject to the provisions of this article, any nonconforming use which existed lawfully at the time of adoption of this article may be continued, subject to the following provisions.
2. **Expansion**  
A nonconforming use shall not be enlarged or extended beyond the area of the existing structure in which the use is located, which structure existed prior to adoption of this article, unless granted a use variance from the Zoning Board of Appeals and, if required by the terms of the variance granted, site plan review by the Planning Board. In addition to dimensional criteria, expansion of a nonconforming use shall be considered as occurring whenever the magnitude or intensity of the preexisting nonconforming use increases in volume or activity as evidenced by hours of operation, amounts of employees, deliveries, amounts of customers, additional parking requirements and similar material changes in circumstances which magnify the volume of the nonconforming use.
3. **Extension of use within existing structure**  
A nonconforming use which existed prior to adoption of this article may be extended within (internal) any portion of an existing structure in which it is located, and the same shall not be deemed an expansion of such nonconforming use; however, any extension of such nonconforming use shall require a special use permit approval from the Planning Board.
4. **Modification**  
A nonconforming use shall not be changed to any other nonconforming use; nor shall a nonconforming use be modified in a way that increases its nonconformity unless such modification results in a use of the same or a less nonconforming nature, and then only with prior site plan approval by the Planning Board.
5. **Replacement**  
If a nonconforming use is replaced by another use, such use shall conform to the regulations of the district in which it is located.
6. **Discontinuance of Nonconforming Use**  
If a nonconforming use is discontinued for a period of two (2) years or more, further use of the property shall conform to this ordinance.
7. **Removal**  
If any building in which any nonconforming use is conducted is hereafter removed, the subsequent use of the land on which such building was located and the subsequent use of any building erected thereon shall conform with the regulations of the district.

### **B. Nonconforming Structures**

1. **Continuation**  
Subject to the provisions of this article, a nonconforming structure may be continued and maintained in reasonable repair but may not be enlarged or extended, unless such enlargement or extension is made subject to the review as required under Article XIV "Variances" of this ordinance. This article shall not be construed to permit any unsafe use or structure, or to affect all proper procedures to regulate or prohibit the unsafe use of structure, provided that an extension or enlargement of any single-family residential structure shall be permitted without a variance so long as the existing degree of nonconformity is not increased by said extension or enlargement.
2. **Completion**  
Any building or structure, for which a valid building permit was lawfully issued prior to the adoption of this article, may be completed and used in accordance with the plans and specifications for such building or structure.
3. **Destruction and restoration**  
If a nonconforming structure is hereafter removed, or destroyed by fire, wind, explosion, structural failure or other natural cause, to the extent of 75% or more of its fair market value at the time of such damage, any building permit for the reconstruction or restoration of such building or structure for such nonconforming use must be received within two years of the destruction. This provision does not apply to signs, however. If a sign is partially or totally destroyed by fire, flood, wind or other calamity or act of God, the sign may be restored to its original condition, provided such work is completed within six months of the partial or total destruction.

### **C. Nonconforming Lots**

1. No new principal building may be created on any nonconforming lot, except in accordance with, "General exception to minimum lot area requirements."
2. Single family residences and their associated accessory structures that are located on nonconforming lots may be moved, expanded, enlarged or replaced as long as such change complies with all of the setback requirements of the district in which it is located.

### **D. Modified Site Plan Review for Pre-Existing Lots of Record**

1. **General Exception to Minimum Lot Area Requirements**  
Any undeveloped lot on record as of December 21, 1977 which does not meet the minimum lot area and/or lot width requirements of this Ordinance for the zoning district in which such lot is situated shall be considered as complying with such minimum lot requirements, and no variance shall be required provided that:
  - a. The proposed development of such lot has been reviewed and approved by the Development Administrator under the following guidelines:

- i. Adequate water and septic or sewer services.
  - ii. Adequate surface drainage to protect on-site and adjacent land uses.
  - iii. Adequate front setback and side yard requirements.
  - iv. Adequate driveway access.
  - v. Adequate off-street parking.
  - vi. General organization or site design to minimize impacts on adjacent uses, including noise, glare and traffic.
- b. Such lot does not adjoin other lots in the same ownership, provided however that all such lots in the same ownership may be treated together as one lot.

**Article XIV Variances**

**A. Application for a Variance**

A property owner(s) or his agent(s) may initiate a request for a variance by filing an application with the Zoning Board of Appeals using forms supplied by the Board, which shall include all information reasonably considered by the Board as necessary to make its findings as required by this zoning ordinance. The information supplied by the applicant shall include a legal description of the property, a map showing the property and all properties within a radius of five hundred (500) feet of the exterior boundaries thereof, plans and elevations necessary to show the proposed variance, and other drawings or information reasonably considered necessary by the Board to provide an understanding of the proposed use and its relationship to surrounding properties.

**B. Requirements for Granting Variances**

1. Definitions

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

2. Interpretations

Interpretations, requirements, decisions, determinations. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the administrative official charged with the enforcement of such ordinance or local law and to that end shall have all the powers of the administrative official from whose order, requirement, of decision the appeal is taken.

3. Use Variances

- a. The Board of Appeals, on appeal from the decision or determination of the administrative official charged with the enforcement of such ordinance or local law, shall have the power to grant use variances, authorizing a use of the land which otherwise would not be allowed or would be prohibited by the terms of the ordinance or local law.
- b. No such use variances shall be granted by a Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such hardship the applicant shall

demonstrate all four of the following to the Board of Appeals:

- i. that the property is incapable of earning a reasonable return on initial investment if used for any of the allowed uses in the district (actual "dollars and cents" proof must be submitted);
  - ii. that the property is being affected by unique, or at least highly uncommon circumstances;
  - iii. that the variance, if granted, will not alter the essential character of the neighborhood; and
  - iv. that the hardship is not self-created
- c. If any one or more of the above factors is not prove, State law requires that the Board of Appeals must deny the variance.
  - d. The Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
4. Area Variance
- a. The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of an administrative official charged with the enforcement of such ordinance or local law, to grant area variances from the area or dimensional requirements of such ordinance or local law.
  - b. In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board shall also consider:
    - i. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the variance;
    - ii. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
    - iii. Whether the requested area variance is substantial;
    - iv. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

- v. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.
- vi. The Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

5. Imposition of conditions

The Board of Appeals shall, in the granting of both use variance and area variances, have the authority to impose conditions. Such conditions shall be consistent with the spirit and intent of the zoning ordinance or local law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

6. Zoning Board of Appeals Procedure

a. Meetings, minutes, records.

Meetings of such Board of Appeals shall be open to the public to the extent provided in Article 7 of the public officer's law. Such Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicate such fact, and shall also keep records of its examinations and other official actions.

b. Filing requirements.

Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Board of Appeals shall immediately be filed in the office of the Town Clerk and shall be a public record.

c. Assistance to Board of Appeals.

Such board shall have the authority to call upon any department, agency or employee of the town for such assistance as shall be deemed necessary and as shall be authorized by the town board.

d. Hearing appeals.

Unless otherwise provided by local law or ordinance, the jurisdiction of the Board of Appeals shall be appellate only and shall be limited to hearing and deciding appeals from, and reviewing any order, requirement, decision, interpretation, or determination made by an administrative official charged with the enforcement of any ordinance or local law adopted pursuant to this article. Such Board shall have the authority to call upon any department, agency or employee of the town for such assistance as shall be deemed necessary and as shall be authorized by the Town Board. Such department, agency or employee shall be reimbursed for any expenses incurred as a result of such assistance. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order,

requirement, decision or determination of any such administrative official, or to grant a use variance or area variance. Such appeal may be taken by any person aggrieved, or by an officer, department, board or bureau of the town.

- e. Time of appeal.  
Such appeal shall be taken within sixty days after the filing of any order, requirement, decision, interpretation or determination of the administrative officer charged with the enforcement of such ordinance or local law by filing with such administrative official and with the Board of Appeals a notice of appeal, specifying the grounds thereof and the relief sought. The administrative official from whom the appeal is taken shall forthwith transmit to the board of appeals all the papers constituting the record upon which the action appealed from was taken. The cost of sending or publishing any notices relating to such appeal shall be borne by the appealing party and shall be paid to the Board prior to the hearing of such appeal.
- f. Stay upon appeal.  
An appeal shall stay all proceedings in furtherance of the action appealed from, unless the administrative official charged with the enforcement of such ordinance or local law, from whom the appeal is taken, certifies to the Board of Appeals, after the notice of appeal shall have been filed with the administrative official, that by reason of facts stated in the certificate a stay, would, in his or her 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 board of appeals or by a court of record on application, on notice to the administrative official from whom the appeal is taken and on due cause shown.
- g. Hearing on appeal.  
The Board of Appeals shall fix a time in accordance with Section D of this Article for the hearing of the appeal or other matters referred to and give public notice thereof by publication in a paper of general circulation in the town of a notice of such hearing at least five days prior to the date thereof.
- h. Notice to Adirondack Park Agency  
At least five (5) days before such hearing, the Zoning Board of Appeals shall mail notices thereof to the parties, to the Adirondack Park Agency, and to the Lake Champlain-Lake George Regional Planning Board as required by Section 239-m of the General Municipal Law, which notice shall be accompanied by a full statement of the matter under consideration; as defined in Subdivision I of Section 239-m of the General Municipal Law.
- i. Compliance with State Environmental Quality Review Act.  
The Board of Appeals shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations as codified in title six, part six hundred seventeen of the New York codes, rules and regulations.

### C. Referrals

In the case of any variance application in any APA land use area, other than Hamlet (referred to in this ordinance as "Town Center"), involving land, buildings, or structures or any variance involving the shoreline restrictions, the Zoning Board of Appeals shall submit one (1) copy of the application to the Adirondack Park Agency, together with such pertinent information as the Agency reasonably shall deem necessary.

### D. Variance Application Hearing and Decision

Within fifteen (15) days of receipt of a completed application for a variance, the Zoning Board of Appeals shall give notice of a public hearing to be held on the application not less than fifteen (15) days nor more than thirty (30) days after the notice. The Adirondack Park Agency shall be a full party in interest, with standing to participate in any and all proceedings under this Article for which the Agency was required to be sent notice under Section XIV.C of this ordinance.

#### 1. Time of Decision

- a. The Zoning Board of Appeals shall decide upon the appeal within sixty- two

(62) days after the conduct of said hearing called and held under paragraph D.1 of this section. The time within which the board of appeals may render its decision may be extended by mutual consent of the applicant and the board. The decision of the Zoning Board shall be in writing and shall contain each of the findings specified in Article XIV of this zoning ordinance and Section 267-B of the Town Law of the State of New York and shall contain the factual basis for each finding from the record of the hearing which shall support the decision of the board.

- b. The decision of the Zoning Board of Appeals on the appeal shall be filed in the office of the town clerk within five business days after the day such decision is rendered, and a copy thereof mailed to the applicant.
- c. The Zoning Board of Appeals shall also notify the Adirondack Park Agency of such decision. Any variance granted or granted with conditions shall not be effective until (30) thirty days after such notice to the agency. If within such (30) thirty day period, the agency determines that such variance involves the provisions of the land use and development plan as approved in the local land use program, including any shoreline restrictions and was not based upon the appropriate statutory basis of practical difficulties or unnecessary hardships, the agency may reverse the local determination to grant the variance.

## **Article XV Amendments**

### **A. Purpose of this Article**

The purpose of this article is to allow for amendment to this ordinance whenever the public necessity and convenience and the general welfare require such amendment, by following the procedure of this article.

### **B. Referrals**

When directed by the Town board, the clerk shall submit a copy of a proposed amendment to the Adirondack Park Agency for a determination as to whether the proposed amendment is subject to Agency approval under Section 807 of the Adirondack Park Agency Act; the town clerk shall simultaneously refer such proposed amendment to the planning board, and where required by Section 239-m of the General Municipal Law, to the county planning agency having jurisdiction, for the report and recommendations by those bodies to the town board.

### **C. Hearing and Decision on Proposed Amendment**

The procedure as to notice of public hearing and enactment of a proposed amendment shall follow and be governed by Section 265 of the Town Law, and Section 239-m of the General Municipal Law, including all subsequent amendments thereto. The procedure shall also comply with the provisions of the State Environmental Quality Review Act (SEQRA) under Article 8 of the Environmental Conservation Law. Notice of the decision of the Town Board shall be sent promptly to the Adirondack Park Agency.

The Adirondack Park Agency shall approve, approve subject to conditions or disapprove such amendment(s) within 45 days of submission.

The APA must approve of the amendment prior to adoption by the Town.

### **D. Records of Amendments**

The Development Administrator and the town clerk shall each maintain records of amendments to the text of this ordinance and of the official zoning map and Park Plan Map.

## **Article XVI Administrative Provisions**

### **A. Development Administrator**

The Development Administrator shall have the power and duty to administer and enforce the provisions of this zoning ordinance. The Development Administrator shall be appointed and may be removed at pleasure by the Town Board.

An appeal from an action, omission, decision or rule by him or her regarding a requirement of the zoning ordinance may be made only to the Zoning Board of Appeals.

### **B. Required Records**

The original or a certified copy of all decisions, approvals, ruling and findings of any board under this zoning ordinance and of all permits and certificates issued under this article, shall be promptly furnished by the Development Administrator to the Town Clerk and retained as a permanent town public record.

### **C. Appeal from Action of Planning Board or Zoning Board of Appeals**

Any persons jointly or severally aggrieved by any decision of the Planning Board or Zoning Board of Appeals may apply to the Supreme Court for review by a proceeding under Article 78 of the Civil Practice Law and Rules. Such proceedings shall be instituted within thirty (30) days after filing of a decision of said Boards in the office of the Town Clerk or in the office designated by resolution of the Town Board.

### **D. Form of Petitions, Applications and Appeals**

Unless otherwise stated, all petitions, applications and appeals provided for in this zoning ordinance shall be made on forms prescribed by the Zoning Board of Appeals. Completed forms shall be accompanied by whatever further information, plans or specifications as may be required by such forms.

### **E. Application Fees**

Fees shall be paid upon the submission of petitions, applications, and appeals, provided for by the terms of this zoning ordinance in such amount or amounts as shall be established by the Town Board from time to time. Such fees shall not be refundable.

### **F. Notice of Public Hearing**

When the Town Planning Board or Zoning Board of Appeals is required to hold a public hearing, as provided for by the terms of this zoning ordinance, notice of the hearing shall be given in the following manner:

1. Each notice of hearing upon an application for Class B regional project approval, for

special use approval, for site plan approval, or for the granting of a variance, or upon an appeal to the Zoning Board of Appeals from an action of the Development Administrator, shall be published once in the official newspaper of the town at least five (5) days prior to the date of the hearing. In addition, at least ten (10) days prior to the date of hearing, notices shall be mailed, at the applicant's expense, to all owners of the property within five hundred (500) feet of the exterior boundary of the property for which the application is made, as may be determined by the latest assessment records of the town.

2. Any hearing may be recessed by the board holding the hearing in order to obtain additional information or to serve further notice upon other property owners, or to persons it decides may be interested in the proposal being considered. Upon recessing the time and date when the hearing is to be resumed shall be announced. No further notice or publication will be necessary.

### **G. Site Inspections**

The filing of an application for regional project approval under Article VII hereof, an application for a variance under Article XIV hereof, an application for site plan approval under Article V hereof, an application for special use approval under Article VI hereof, or an application for a land use and development permit under Article XVI hereof by a person shall be deemed a granting of approval by such person to the Planning Board, the Zoning Board of Appeals, and the Development Administrator, and to such persons as they may designate, to conduct such examinations, tests, and other inspections of the sites which are the subjects of such applications, as the body or officer having jurisdiction deems necessary and appropriate for the purposes of this zoning ordinance; however, entrance upon the applicant's property, where practicable, shall be made only after reasonable prior notice to the applicant.

### **H. Land Use and Development Permits**

No person shall undertake any new land use or development unless and until the Development Administrator has issued a land use and development permit therefor, except that no local permit shall be required under this article for a new land use and development which is a Class A regional project subject to Adirondack Park Agency project permit jurisdiction, and except that no permit shall be required for an accessory use. (Note: applicants will also need to obtain a building permit from the Town of Indian Lake).

#### **1. Issuance and Form of Land Use and Development Permits:**

- a. Land use and development permits shall be issued in accordance with the standards and procedures set forth in this section.
- b. The Development Administrator shall issue a land use and development permit if he or she determines:

The new land use or development complies with the town sanitary code, if applicable.

The new land use and development meets the area, bulk and height controls set forth in the "Dimensional Table", and the special shoreline restrictions, unless an area variance has been granted, or clustering has been approved pursuant to authority granted the Town Planning Board, and the new land use or development has received site plan approval pursuant to Article V if applicable, and if such approval is subject to conditions to be met prior to the granting of a permit, that all such conditions have been met, and the new land use or development is one of the following: it is a permitted use which is not a Class B regional project; it is a special use for which special use approval has been obtained, and if such approval was subject to conditions to be met prior to the granting of a permit, that all such conditions have been met; it is an accessory use; it is a non-permitted use which is not a Class B regional project, for which a use variance has been granted, and if such grant was subject to conditions to be met prior to the granting of a permit, that all such conditions have been met; it is a Class B regional project for which Class B regional project approval has been obtained, and if such approval was subject to conditions to be met prior to the granting of a permit, that all such conditions have been met.

- c. Land use and development permits shall be issued on forms prescribed by the Zoning Board of Appeals, and shall contain such requirements and conditions as shall have been directed to be included therein by any related approval or variance.

2. Recording or Expiration of Permits for Class B Regional Projects

A land use and development permit issued for a Class B regional project shall expire within sixty (60) days from the date thereof unless within such sixty day period such permit shall have been duly recorded by the project sponsor in the Adirondack Park Agency Regional Project Permit Book in the office of the Hamilton County Clerk. This recording is in addition to that required for the Town Clerk, specified under Article XVI Section B.

3. Expiration of Land Use and Development Permits Generally

If a project for which a permit has been issued is not under construction within 365 days after the issuance of such permit, said permit shall expire, and the project may not thereafter be undertaken or continued unless said permit has been renewed for 180 days (allowed once) or unless a new permit has been applied for and issued in the same manner and subject to all provisions governing the initial application for the issuance of a permit. Any project under construction for more than 5 years shall have to submit a new building permit request and may need to apply for approval under the provisions of this chapter.

4. Certificate of Occupancy:

Upon the completion of a building erected or materially altered, for which a land use and development permit has previously been issued, a certificate permitting the occupancy of the building and the use designated in the land use and development permit shall be

required, and the building may not be occupied until such certificate of occupancy has been issued. The Development Administrator shall issue such certificate of occupancy within ten (10) days of a written request for inspection, if: he or she shall determine that all the conditions of the land use and development permit pertaining to that building, if any, have been fulfilled.

## **Article XVII Enforcement**

### **A. Penalty**

Any person owning, controlling or managing any building, structure, land, or premises therein or whereon there shall be placed on or there exists or is practiced or maintained anything or any use in violation of any of the provisions of this Zoning Ordinance and any person who shall assist in the commission of any violation of this Zoning Ordinance or any conditions imposed by a land use and development permit, or who shall build, erect, construct, or attempt the same, any structure contrary to the plans or specifications submitted to the authorized official and by him certified as complying with this zoning ordinance and any person who shall omit, neglect or refuse to do any act required by this Zoning Ordinance shall be guilty of a misdemeanor and subject to a fine of not more than five hundred dollars (\$500) per day that the violation continues or to imprisonment for a period of not more than six (6) months, or both such fine and imprisonment, or by penalty of fifty dollars (\$50) to be recovered by the town in a civil action. Every such person shall be deemed guilty of a separate offense for each week such violation, disobedience, omission, neglect or refusal shall continue. Where the person committing such violation is a partnership, association or corporation, the principal executive officer, partner, agent or manager may be considered to be the person for the purposes of this article.

### **B. Alternative Remedy**

In case of any violation or threatened violation of any of the provisions of this Zoning Ordinance or conditions imposed by a land use and development permit, in addition to other remedies herein provided, the town 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.

### **C. Misrepresentation**

Any permit or approval granted under this ordinance which is based upon or is granted in reliance upon any material misrepresentation, or failure to make a material fact or circumstance known, by or on behalf of an applicant, shall be void. This section shall not be construed to affect the remedies available to the town under Article XVII Section A and Article XVII Section B of this ordinance.

## **Article XVIII Miscellaneous Provisions**

### **A. Interpretation**

Where the conditions imposed by any provision of this Zoning Ordinance are less restrictive than comparable conditions imposed by any other provisions of this Zoning Ordinance or of any other ordinance, resolution or regulation of Article 27 of the Executive Law of the State of New York, the provisions which are more restrictive shall govern.

### **B. Severability**

The provisions of this Zoning Ordinance are severable. If any article, section, subsection or provision of this zoning ordinance shall be invalid, such invalidity shall apply only to the article, section, subsection or provisions adjudged invalid, and the rest of this Zoning Ordinance shall remain valid and effective.

### **C. Savings Clause**

The adoption of this Zoning Ordinance shall not affect or impair any act done, offense committed or right occurred or acquired or liability, penalty, forfeiture or punishment incurred prior to the time this Zoning Ordinance takes effect under the Zoning Ordinance relative to districts in the town.

### **D. Effective Date**

This Zoning Ordinance shall take effect and be in force ten (10) days after its passage and publication or as otherwise prescribed by Section 264 of the Town Law.

## Appendix A Development Objectives For Regional Projects

### I. Development Objectives for Use in Regional Project Review:

1) The principal natural and public resource aspects of a project site to be considered in connection with the determination required and referred to by Article VII.D & Article VII.I of the Zoning Ordinance and Section VI.H of the Subdivision Regulations, together with representative means for avoiding undue adverse impact thereupon shall include objectives defined in Appendix A of this ordinance.

#### (a) Soils

##### (i) Soils, Generally

OBJECTIVE: Prevent accelerated soil erosion and the potential for earth slippage.

GENERAL GUIDELINE: Respect existing natural features such as slope, soil texture and structure; minimize removal of vegetative cover; rapidly revegetate cleared areas; limit cuts and fills; and employ such erosion control devices and measures as are necessary to promptly stabilize slopes and surfaces and to control runoff.

##### (ii) Agricultural Soils

OBJECTIVE: Conserve viable agricultural soils.

GENERAL GUIDELINE: Avoid activities on Class I and Class II agricultural soils presently in agricultural service which would diminish or preclude continuing use thereof for agricultural purposes.

#### (b) Topography

OBJECTIVE: Minimize topographic alterations.

GENERAL GUIDELINE: Minimize excavation, cuts and fills and site grading by employing to advantage existing topographic features; and avoid development activities on steep slopes where environmental damage and costly development problems could result therefrom.

#### (c) Surface Waters

##### (i) Water Quality and Eutrophication

OBJECTIVE: Maintain or enhance existing physical, chemical and biological water quality characteristics and prevent any undue acceleration of existing rates of eutrophication of bodies of water.

GENERAL GUIDELINE: Maintain wide buffer strips of natural vegetation bordering water bodies; minimize channel disturbance and alterations; preserve shoreline vegetation; minimize hydrologic changes which would result from damming or impounding; avoid introduction of nutrients from the use of fertilizers and from sewage effluent; and avoid introduction of toxic materials to water bodies.

##### (ii) Surface Drainage

OBJECTIVE: Retain existing surface water drainage and runoff patterns and existing flow characteristics.

GENERAL GUIDELINE: Minimize alterations to existing drainage patterns and drainage courses; preserve drainageways in their natural state; and provide, where necessary, natural ponding areas and other measures designed to provide natural retention of storm water runoff if development includes a significant area of impervious surface.

##### (iii) Flood Plains

OBJECTIVE: Maintain the storage capacity of flood plains and their existing ability to convey water downstream; and avoid activities in flood plains which will result in dangers to life, safety and property if subjected to flooding.

GENERAL GUIDELINE: Avoid the placement of buildings intended for human habitation, commercial use and industrial use within flood plains; avoid the use of fill to create elevated sites; and within any floodway special zoning district and any floodway fringe special zoning district conform all development plans to the floodplain regulations contained in Article IX hereof.

#### (d) Ground Water

OBJECTIVE: Preserve quality, infiltration rate, and levels of ground water.

GENERAL GUIDELINE: Comply at a minimum with applicable governmental water pollutant discharge restrictions; particularly avoid discharges of effluent potentially degrading to ground water quality in proximity to major aquifers and aquifer recharge areas; and avoid impairment of aquifer recharge areas which could result from covering them with impervious surfaces.

#### (e) Shorelines

OBJECTIVE: Maintain or enhance the existing physical, biological and aesthetic characteristics of the shoreline of all lakes, ponds, rivers and streams.

GENERAL GUIDELINE: Comply at a minimum with applicable governmental shoreline restrictions, minimize construction or development of any kind near or on the shorelines; avoid physical modification of the shorelines themselves; minimize the removal of vegetation along shorelines; locate buildings so as to be partially screened from the shorelines by natural vegetation; maximize the preservation of stretches of shoreline in a natural, unchanged and undeveloped state.

(f) Mineral Resources

OBJECTIVE: Conserve existing known mineral resources.

GENERAL GUIDELINE: Avoid activities which would preclude present or future use of important mineral resources that may be of economic significance to the region.

(g) Air Quality

OBJECTIVE: Maintain or enhance existing air quality.

GENERAL GUIDELINE: Adhere to applicable governmental air quality standards; provide adequate air pollution abatement devices; and reduce dust levels caused by construction activities.

(h) Noise Levels

OBJECTIVE: Limit additions to noise levels.

GENERAL GUIDELINE: Adhere at a minimum to applicable governmental noise level standards; utilize noise abatement equipment; and maintain natural buffers such as existing topographic relief and vegetation.

(i) Wetlands

OBJECTIVE: Preserve the hydrologic, wildlife, vegetational, aesthetic, educational, open space and recreational values of wetlands.

GENERAL GUIDELINE: Avoid development in marshes, bogs, swamps and periodically inundated lands or on lands immediately adjacent thereto if such development could result in environmental damage to the marsh, bog, swamp or periodically inundated land.

(j) Aquatic Communities

OBJECTIVE: Protect generally the existing natural aquatic plant and animal communities and preserve rare and endangered aquatic plant and animal species.

GENERAL GUIDELINE: Preserve key spawning areas, nursery grounds, food sources and food source areas; preserve habitats of rare and endangered plant and animal species; maintain

adjacent vegetated areas generally as habitats and buffer zones; minimize shoreline alterations such as beach construction and emplacement of docks, rafts, boat launching facilities and breakwaters; and avoid introduction of toxic materials and nutrients to water bodies.

(k) Terrestrial Vegetation

(i) Vegetation, General

OBJECTIVE: Preserve or quickly restore terrestrial vegetation.

GENERAL GUIDELINE: Minimize clearing of vegetation in light of development objectives; avoid clearing vegetation where damage will result to remaining vegetation from such factors as wind, erosion and frost; and protect remaining vegetation during the construction period.

(ii) Rare and Endangered Terrestrial Plant Species

OBJECTIVE: Preserve rare and endangered terrestrial plant species.

GENERAL GUIDELINE: Locate development and other intensive human activities so as to protect the location and habitats of rare and endangered plant species and allow for the continuing propagation of these species.

(iii) Productive Commercial Forest Land

OBJECTIVE: Conserve productive forest lands.

GENERAL GUIDELINE: Avoid impairment of productive forest lands for commercial forest production by employing sound forestry practices and by employing such planning techniques as clustering of development.

(l) Fragile Ecosystems at Higher Elevations

OBJECTIVE: Minimize disturbance of fragile ecosystems at higher elevations.

GENERAL GUIDELINE: Avoid development at elevations of 2500 feet or more.

(m) Terrestrial Wildlife

(i) Terrestrial Wildlife, General

OBJECTIVE: Maximize the preservation of terrestrial wildlife species.

GENERAL GUIDELINE: Preserve key wildlife habitats, such as deer wintering yards, nesting areas, productive feeding areas, and important vegetation transition areas, and important vegetation transition areas; and maintain wildlife diversity to the extent

possible in view of project objectives by maintaining a diversity of habitat.

(ii) Rare and Endangered Terrestrial Wildlife Species

OBJECTIVE: Preserve rare and endangered terrestrial wildlife species.

GENERAL GUIDELINE: Locate development and other intensive human activities so as to protect the location and habitats of rare and endangered terrestrial wildlife species and allow for the continuing propagation of these species.

(n) Aesthetics

(i) Aesthetics, General

OBJECTIVE: Preserve and enhance, where possible, impact of the project upon the existing aesthetic qualities of the project site and its environs.

GENERAL GUIDELINE: Utilize existing vegetation and topographical features, and employ careful siting methods so as to minimize the visual impact of all development activities.

(ii) Scenic Vistas

OBJECTIVE: Maintain the scenic qualities of views from vistas designated in the Adirondack Park State Land Master Plan.

GENERAL GUIDELINE: Avoid visibility of buildings and other development and land use alterations generally from vistas by employment of vegetative screening, existing topography, and careful siting methods.

(iii) Travel Corridors

OBJECTIVE: Preserve the scenic qualities of views from public roads and trails and from boats and canoe routes.

GENERAL GUIDELINE: Employ vegetative screening, existing topography, and careful siting methods to minimize the visual impact of buildings and other development and land use alterations.

(o) Open Space

(i) Open Space, General

OBJECTIVE: Maintain the open space character of the project site, adjacent land, and surrounding areas.

GENERAL GUIDELINE: Preserve vegetative screening and existing topography and employ clustering and careful siting methods where appropriate to minimize the impact of development activities and land use alterations on open space; and preserve undeveloped areas as large as possible in view of project objectives.

(ii) Outdoor Recreation

OBJECTIVE: Maintain the quality and availability of land for outdoor and open space recreational purposes.

GENERAL GUIDELINE: Provide on the project site sufficient open space areas for outdoor recreational use by those persons who will use the proposed project, taking into account the existing recreational resources available in the area; and locate buildings and other development so as not to interfere with those areas to be used as hiking, bicycling, and cross country skiing trails as well as trailbike, jeep, all terrain vehicle and horse trails, playgrounds, picnic areas, campgrounds, parks, beaches and similar uses.

(p) Adjoining and Nearby Land Use

(i) Surrounding Land Uses, General

OBJECTIVE: Minimize incompatibility of new development with the character of adjoining and nearby land uses.

GENERAL GUIDELINE: Take into account the existing and potential land uses in the vicinity of the project site in determining what new land use activities are suitable for the project site; avoid new intensive development in open space areas; and avoid substantially altering existing residential and other land use patterns.

(ii) Adjacent State Land

OBJECTIVE: Preserve the wild and natural character of adjacent state lands designated as wilderness, primitive, or canoe by the Adirondack Park State Land Master Plan.

GENERAL GUIDELINE: Minimize development activities which would materially impair the wilderness attributes of these State lands; design and construct development that is located within one-eighth mile of these State lands so as to minimize its visual and auidial impact in these wilderness-like areas, thereby insuring the continued compatibility of State and private types of ownership.

(q) Wild, Scenic and Recreational Study Rivers

OBJECTIVE: Protect or enhance the natural qualities of any river designated to be studied for possible inclusion in the State's wild, scenic or recreational river system.

GENERAL GUIDELINE: Maintain buffer zones and existing vegetation along designated study rivers; avoid intensive development within one-quarter mile of such rivers; minimize alterations to such rivers and their banks; and preserve the free-flowing character of such rivers.

(r) Historic Sites

OBJECTIVE: Protect archeological sites, historic sites, and unique historical structures for their educational and cultural value to the area, region or State.

GENERAL GUIDELINE: Preserve and restore archeological sites, historic sites, and unique historic structures to the extent warranted by their respective significance; avoid land uses and development on adjoining and nearby lands which should be incompatible with the significance of such sites and structures.

(s) Special Interest Areas

OBJECTIVE: Preserve special interest areas such as unique natural features and their surrounding environs.

GENERAL GUIDELINE: Avoid physical and aesthetic alteration and impairment of the natural condition of unique physical features such as gorges, waterfalls and interesting geological formations; provide for their continuing protection; utilize these special interest areas as assets to development.

(t) Government Considerations

(i) Service and Finance

OBJECTIVE: Fully explore and assure the ability of government to provide governmental services and facilities made necessary by the project.

GENERAL GUIDELINE: Phase development activities to a level commensurate with the financial capability of the various levels of government to provide the governmental services and facilities that will be generated by the development, such as transportation systems, schools, health care, sewage and solid waste disposal systems, water supply systems, and fire and police protection; require that as nearly as possible, the balance between the cost of public services required to adequately serve the development as compared with the anticipated tax and other revenues to be generated by the development be favorable at each level of government or taxing jurisdiction affected by the project; and include in development plans provisions to maintain or improve existing services and alleviate any potential adverse impact upon the ability for the government to provide services and facilities.

(ii) Regulation

OBJECTIVE: Conform development activities to all applicable governmental rules and

regulations.

GENERAL GUIDELINE: Comply with all applicable ordinances, rules and regulations of all governmental agencies with responsibilities for such activities, including those of towns and villages, counties, the State Departments of Health and Environmental Conservation, and the Adirondack Park Agency.

(u) Public Utilities and Community Resources

OBJECTIVE: Assure the adequacy of such public utility services and community resources as shall be necessary for the project.

GENERAL GUIDELINE: Avoid excessive demands on the capabilities of public utilities such as electricity and communication services; and avoid the necessity for major uncompensated increase in community services and activities such as recreational facilities, social, cultural and health services, and transportation facilities.

**II. In addition, for Class A projects and subdivisions:**

(a) Streets and Roads

OBJECTIVE: Design and construct roads and streets to provide safe and convenient access without causing undue adverse impacts on natural and public resources.

GENERAL GUIDELINE: Conform street and road alignments with existing topography and vegetation; avoid steep slopes, abrupt curves and excessive cuts and fills; provide adequate road surfacing and road bed drainage; preserve existing drainage patterns; and design streets and roads so as to minimize the impacts of construction and maintenance practices.

(b) Siting and Construction of Buildings

OBJECTIVE: Design, site and construct buildings to best serve their intended functions and to minimize impact on existing natural and public resources.

GENERAL GUIDELINE: Blend buildings with existing topography and their surrounding environs; avoid steep slopes; minimize grade alterations; and avoid complex and costly engineering solutions of site problems with potentially excessive environmental impacts.

(c) Sewage Disposal

OBJECTIVE: Select, design and locate sewage disposal systems to provide adequate treatment of effluent and to avoid contamination of surface or ground water.

GENERAL GUIDELINE: Comply with all State and local health standards, adhere at a minimum to the Adirondack Park Agency Act's setback requirements for water bodies, employ proven design criteria for sewage disposal systems in proper working order.

(d) Storm Drainage

**OBJECTIVE:** Design, locate and construct storm drainage systems so as to maintain existing drainage patterns in a natural state and to minimize adverse hydrologic effects.

**GENERAL GUIDELINE:** Provide adequate drainage for building sites and roads; avoid altering drainage patterns to the extent possible; utilize natural drainageways for handling storm water runoff and preserve all natural surface water retention areas such as wetlands, bogs and marshes; and minimize runoff by such other methods as preserving vegetative cover and avoiding the creation of unnecessary or extensive impervious surfaces.

(e) Water Supply

**OBJECTIVE:** Locate, design and construct water supply systems so as to provide an adequate supply of potable water without adversely affecting existing water usage patterns or creating adverse effects with regard to aquifers and subsurface drainage patterns.

**GENERAL GUIDELINE:** Comply with all State and local health standards with regard to the design, location, construction and maintenance of water supply systems.

(f) Solid Waste Disposal

**OBJECTIVE:** Provide for the storage, collection, transportation and disposal of solid waste in a manner which will minimize air, water, and visual pollution and in a manner which will not create hazards to the health and welfare of people and wildlife.

**GENERAL GUIDELINE:** Comply with all applicable State and local standards for the disposal of solid waste; utilize community solid waste disposal areas and recycling facilities; adequately screen disposal areas; locate disposal areas on deep, moderately permeable, well-drained soils and at sufficient distances from water bodies so as to prevent contamination thereof; and avoid locating disposal areas on steep slopes.

(g) Pesticides and Herbicides

**OBJECTIVE:** Avoid all use of pesticides, herbicides and other biocides potentially detrimental to natural systems.

**GENERAL GUIDELINE:** Strictly adhere to applicable regulations regarding type, quantity and techniques of application of pesticides, herbicides and other biocides; and prevent direct application of pesticides, herbicides and other biocides to surface waters or wetlands or in a manner which may cause contamination thereto.

(h) Shoreline Development

**OBJECTIVE:** Design and construct development along shorelines so as to maintain existing aesthetic and ecological characteristics thereof and to avoid all significant impairment of these qualities.

**GENERAL GUIDELINE:** Adhere at a minimum to the shoreline restrictions of the Adirondack Park Agency Act and the provisions of the Environmental Conservation Law and all local laws; maximize preservation of undeveloped shorelines by such methods as clustering and preservation of shoreline vegetation; minimize construction of docks and boathouses on shorelines; minimize aesthetic alterations to shorelines as viewed from water bodies and surrounding areas.

(i) Noise

**OBJECTIVE:** Minimize noise insofar as practicable.

**GENERAL GUIDELINE:** Employ such measures as appropriate site selection, appropriate construction methods and maintenance of natural cover for a buffering effect; adhere at a minimum to applicable governmental noise level standards.

(j) Signs

**OBJECTIVE:** Avoid signs that detract from aesthetic and scenic qualities.

**GENERAL GUIDELINE:** Limit signs to the extent necessary to adequately inform viewers concerning the activities to which they relate; utilize signs which are appropriate to the character of the area in which they are located; avoid use of signs of excessive size, of signs that are insufficiently set back from natural and man-made travel corridors, and of signs containing moving parts or flashing lights.

(k) Utilities

**OBJECTIVE:** Locate, design, construct and maintain utilities so as to efficiently accomplish project objectives and preserve natural and public resources.

**GENERAL GUIDELINE:** Locate utilities in such a way that alignments are compatible with existing topography and vegetation; minimize visual impacts on surrounding areas by maintaining and preserving as much vegetative cover as possible and utilizing existing topography; and minimize maintenance practices such as herbicide spraying which could have environmental impacts on terrestrial and aquatic ecosystems.

## DIMENSION REGULATIONS TABLE

District (Map Symbol)	Intensity (acres per principal building or use)	Minimum Lot Area	Minimum Setbacks (feet)			Minimum Lot Dimensions (feet)	Maximum Building Height (feet)	Maximum Lot Coverage	Minimum Shoreline Regulations	
			Front*	Side	Rear				Depth	Shoreline Setback
Town Center / Hamlet (T - C)	If serviced by municipal sewer: ¼ Ac. if not serviced by municipal sewer: ½ Ac.	Commercial: ¼ Ac. Residential: ¼ Ac.	20'	10'	10'	75'	35' Or 3 stories	50% if between ¼ and ½ acre. 30% for all lots larger than ¼ acre	75'	50'
Town Residential (T - R)	1.28 Ac.	1.28 Ac.	25'	10'	10'	75'	35' Or 3 stories	10%	75'	100'
Residential (R)	3.2 Ac.	3.2 Ac.	50'	25'	25'	75'	35' Or 3 stories	5%	75'	125'
Rural Residential (R - R)	8.5 Ac.	8.5 Ac.	50'	25'	25'	75'	35' Or 3 stories	5%	75'	150'
Resource Conservation (R - C)	42.7 Ac.	42.7 Ac. per principal building or use	50' from edge of R-O-W**	25' from adjacent property line.	25' from adjacent property line or R-O-W	100'	35' Or 3 stories (whichever is less)	10%	100'	200'
Resource Extraction / Waste Management (R - X)	No specific intensity	No minimum	50'	25'	25'	75'	35' Or 3 stories	10%	75'	150'

\*if no right-of-way can be determined then front setback shall be increased by 25' and measured from the centerline of the existing roadway.

v.2019.12.02

Adopted 2/10/2020	Town Center/Hamlet (T - C) HAMLET	Town Residential (T - R) MIU & LIU	Residential (R) LIU	Rural Residential (R - R) RU	Resource Conservation (R - C) RM	Resource Extraction (R - X)
<b>APA LAND USE AREAS</b>						
<b>USE*</b>						
<b>Residential Uses</b>						
Single-family dwellings	P	P	P	P	P**	NO
Two-family dwellings	P	SPR	SPR	SPR	NO	NO
Multi-family dwellings	SPR	SPR	SPR	SUP	NO	NO
Hunting and fishing cabins	NO	NO	NO	P	P	P
Manufactured home court or park	SUP	SUP	SUP	SUP	NO	NO
<b>Commercial Uses</b>						
Automobile Service	SUP	SUP	SUP	SUP	NO	NO
Warehousing and Distribution	SPR	SUP	SUP	SUP	NO	NO
Commercial Use	SPR	SUP	SUP	SUP	SUP	NO
Garage, Storage	SUP	SUP	SUP	SUP	NO	NO
Gasoline station	SUP	SUP	SUP	SUP	NO	NO
Offices	SPR	SUP	SUP	SUP	NO	NO
Tavern	SUP	SPR	SPR	SUP	NO	NO
Restaurant	SUP	SUP	SUP	SUP	NO	NO
Day Care Center	P	SPR	SPR	SUP	NO	NO
Kennel	SUP	SUP	SUP	SUP	NO	NO
Animal Hospital	SUP	SUP	SUP	SUP	NO	NO
<b>Tourism &amp; Recreation Uses</b>						
Ski Center	SUP	SUP	SUP	SUP	NO	NO
Campground & Travel Trailer Parks	NO	SUP	SUP	SUP	SUP	NO
Tourist accommodations	SUP	SUP	SUP	SUP	SUP	NO
Open space recreation	SUP	SUP	SUP	SUP	NO	NO
Marina	SUP	SUP	SUP	SUP	SUP	SUP
Public Stable	SPR	SUP	SUP	SUP	SUP	NO
Tourist Attraction	SUP	SUP	SUP	SUP	SUP	NO
Accessory Uses						
Bed and breakfast	SPR	SPR	SUP	SUP	NO	NO
Home occupation Type 1	P	P	P	SUP	SUP	NO
Home occupation Type 2	SPR	SPR	SPR	SPR	P	NO
Agricultural & Forestry Uses						
Sawmill	NO	SUP	SUP	SUP	SPR	NO
Agricultural Use	NO	P	SUP	SUP	NO	SUP
Agricultural Service Use	SPR	SPR	SPR	SPR	P	P
Horticultural Uses	P	P	P	P	SPR	SPR
					P	P

Adopted 2/10/2020	Town Center/Hamlet	Town Residential	Residential	Rural Residential	Resource Conservation	Resource Extraction
APA LAND USE AREAS	(T - C) HAMLET	(T - R) MIU & LIU	(R) LIU	(R - R) RU	(R - C) RM	(R - X)
Forestry Use	P	P	P	P	P	P
Industrial Uses						
Sand and gravel extraction, commercial	SUP	SUP	SUP	SUP	SUP	SUP
Industrial Use	SUP	SUP	SUP	SUP	NO	SUP
Mineral Extraction	NO	NO	NO	NO	NO	SUP
Junkyard	NO	NO	NO	NO	NO	SUP
Utility/Public Uses						
Major Public Utility	SPR	SPR	SPR	SPR	SPR	SPR
Public utility	SUP	SUP	SUP	SUP	SUP	SUP
Wireless Telecommunication Facilities	SUP	SUP	SUP	SUP	SUP	SUP
Cemetery	SUP	SUP	SUP	SUP	SUP	NO
Sewage Treatment Plant	SUP	SUP	SUP	SUP	SUP	SUP
Public or Semi-Public Uses	SPR	SPR	SPR	SPR	SPR	NO
Residential Care Facility	SUP	SUP	SUP	SUP	NO	NO

P= permitted by right, NO= not allowed, SUP= special use permit, SPR= site plan review

\* Some uses, while permitted by right by the Town Zoning, may require additional review by the APA. Consultation with the Development Administrator is recommended.

\*\* Please note that single family dwellings are considered class B projects by the APA in the Resource Conservation District