

ARTICLE 6

Special Uses

6.10 GENERAL

The Board of Appeals shall decide on all applications for a building permit or Special Use after review by the Planning Board, Such building permits for a Special Use shall be required for all uses of land and/or buildings that are designated as Special Use in Schedule I of this ordinance.

6.11 Application

The applicant shall file an application for a building permit for a Special Use in accordance with Article 9.11 of this ordinance.

6.12 Referrals

The Board of Appeals shall refer all such applications to the Town Planning Board in accordance with Article 9.60 of this ordinance.

6.13 Notice, Hearing and Decision

The Board of Appeals shall give its decision on all applications, after proper notification and hearing, in accordance with Article 9.90 of this ordinance.

6.14 Term

Any building permit for a Special Use shall expire unless construction has begun in accordance with Article 9.42.

6.20 REQUIRED SITE PLAN

An application for a building permit for a Special Use permit shall be accompanied by a site plan. Such plan shall comply with the following provisions:

6.21 MAP

A map shall be prepared by a licensed civil engineer, surveyor, or architect. It must be drawn to scale and accurately dimensioned. Where the application is made for the purpose of installing an individual mobile home, factory manufactured home, single family or two family dwelling; the applicant may substitute a plot plan showing the actual dimension of the lot to be built upon, the exact size and location on the lot of the dwelling to be affixed to the realty, and such other information as may be necessary to provide for the enforcement of this Ordinance. The Zoning Officer will provide plot plan forms for this purpose. This section is not applicable to individual residential extensions.

6.22 Proposed Development

The following shall be shown:

- 1) the location and use of all land and buildings,
- 2) parking and loading areas,
- 3) vehicular and pedestrian access and circulation;
- 4) location of utility lines,
- 5) proposed grading, screening and landscaping.

6.23 Other

Any other information deemed necessary by the Planning Board or the Zoning Board of Appeal in its review of the site plan, must be provided by occupant.

6.30 STANDARDS APPLICABLE TO ALL SPECIAL USES

Prior to action on an application for a Special Use Permit, the Board of Appeals shall consider, safety and welfare, the comfort and convenience of the Town in general and of the immediate neighborhood in particular. The Board of Appeals may prescribe appropriate conditions and safeguards that the result of its action may further the intent of this ordinance and accomplish the following general standards:

6.31 Shall have adequate access for fire and police protection.

6.32 Shall be of such location, size and character that it will be in harmony with the orderly development of the district in which it is to be situated, and such use will not be detrimental to the orderly development of adjacent properties.

- 6.33 Shall provide safe, convenient and adequate vehicular and pedestrian access. Such access must provide sufficient width, proper grading and alignment and clear visibility.
- 6.34 Shall provide adequate off-street parking and loading areas that provide safe and convenient circulation.
- 6.35 Shall be in conjunction with the location and height of buildings not hinder or discourage the appropriate development and use of adjacent land and buildings, adequate screening of all playground, parking, loading and service areas so that such areas are screened at all seasons of the year from the view of adjacent lots and streets.

6.40 **SPECIFIC DEVELOPMENT STANDARDS**

6.41 **Outdoor Recreation Facilities**

- a. Such uses shall include golf courses, ice skating rinks, swimming pools and tennis courts.
- b. In any district where permitted, no building shall be located within fifty (50) feet of any property line.
- c. In any district, where permitted, there may be retail sales, which are clearly secondary to the principal use.
- d. Unenclosed recreational facilities shall be located not less than twenty-five (25) feet from any property line except where greater distances are otherwise required herein and shall be effectively screened from adjoining residential uses in accordance with the provisions of Section 5.60
- e. Illuminated signs and other lights shall be, directed away, or shielded from adjoining residential properties in such a way as not to disturb the occupants thereof.
- f. No public address system shall be permitted except where such system is inaudible at any property line.
- g. A six (6) foot fence is required for publicly used pools.

6.42 **Essential Services**

Such uses shall be limited to the erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of the following: underground or overhead gas, electrical steam, or water transmission or distribution systems, collection, communications, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables fire alarm boxes, police call boxes, traffic signs, hydrants, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings. Where applicable, the landscaping regulations of Section 5.60 shall apply.

Such uses when in A and R Districts shall be subject to the following regulations:

- a. Such facility shall not be located on a residential street (unless no other site is available), and shall be so located as to draw a minimum of vehicular traffic to and through such streets.
- b. The location, design and operation of such facility shall not adversely affect the character of the surrounding residential area.
- c. Adequate fences, barriers and other safety devices shall be provided, and shall be landscaped in accordance with the provisions of Section 5.60.

6.43 **Planned Unit Developments**

a. **Purposes**

The purpose of planned unit development regulations is to encourage flexibility in the design, the mix of permitted uses and development of land to promote its most appropriate use, to facilitate the adequate and economical provision of street, utilities, and public spaces; and to preserve the natural and scenic qualities of open areas.

The procedure is intended to permit diversification in the location, type and use of structures, and improve circulation facilities and other site qualities while ensuring adequate standards relating to public health, safety and welfare and convenience both in the use and occupancy of buildings and facilities in planned groups.

b. **Approval**

Planned unit developments shall be subject to the approval of the Town Board based upon a review and recommendation by the Planning Board and Zoning Board. The Town Board shall hold a public hearing on the proposal prior to its review.

c. **Regulations Governing Planned Unit Developments**

1. **Minimum Area.**

A planned unit development shall include no less than ten acres of contiguous land.

2. **Open Space.**

A minimum of twenty-five percent of the planned unit site shall be developed as public open space. Parking areas and vehicle access facilities shall not be considered in calculating open space.

3. **Residential Density**

Residential planned unit development shall have densities no greater than those permitted in the district.

4. **Land Use.**

Proposed land use shall not adversely affect surrounding development and shall be in accordance with the objectives and principles of the General Plan.

5. **Other Standards.**

All other standards for the zone as designated in Schedules I and II do not apply

d. **Standards for the Reviewing Planned Unit Developments**

The Planning Board shall form its recommendation concerning the planned unit based on the following standards.

1. **General Standards**

a. The planned unit development group shall be consistent with the Augusta General Plan.

b. The planned unit development shall provide for an effective and unified treatment of the development possibilities on the project site making appropriate provision for the preservation of scenic features and amenities of the site and surrounding areas.

c. The planned unit development shall be planned and developed to harmonize with any existing or proposed development in the area surrounding the project site.

2. **Design Standards**

a. All buildings in layout and design shall be an integral part of the development and have convenient access to and from adjacent uses and blocks.

b. Individual buildings shall be related to each other in design, masses, materials, placement and connection to provide a visually and physically integrated development.

c. Treatment of the sides and rear of all buildings within the planned development group shall be comparable in amenity and appearance to the treatment given to street frontages of these same buildings.

d. The design of buildings and the parking facilities shall take advantage of the topography of the project site where appropriate, to provide separate levels of access.

- e. building walls shall be oriented to avoid undue exposure to concentrated loading or parking facilities wherever possible and oriented to preserve visual and audible privacy between adjacent buildings.
- f. All buildings shall be arranged to be accessible to emergency vehicles.

3. **Landscape Design Standards**

a. Landscape treatment for plazas, roads, paths, service and parking areas shall be designed as an integral part of a coordinated landscape design for the entire project area.

b. Primary landscape treatment shall consist of shrub ground cover, and street trees, and shall combine with appropriate walks and street surfaces to provide an attractive development pattern.

Landscape materials selected should be appropriate to the growing conditions of the Town's environment.

c. Whenever appropriate, existing trees shall be conserved and integrated into the landscape design plan.

d. All streets bordering the project area shall have trees planted in appropriate intervals.

4. **Circulation System Design Standards**

a. There shall be an adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading space.

b. Roads, pedestrian-walks and open space shall be designed as integral parts of an overall site design. They shall be properly related to existing proposed buildings and appropriately landscaped.

c. Buildings and vehicular circulation open spaces shall be arranged so that pedestrians can move safely within the development.

d. Landscaped, paved and comfortable graded pedestrian walks shall be provided along the lines of the most intense use, particularly from building entrance streets, parking areas and adjacent buildings.

e. Materials and design of paving, lighting fixtures, retaining walls, fences, curbs, benches, etc., shall be of good appearance, easily maintained, and functional.

5. **Parking and Loading Design Standards**

a. Parking facilities shall be landscaped and screened from public necessary to eliminate unsightliness of parked cars.

b. Pedestrian connections between parking areas and buildings shall be special pedestrian walkways and/or elevators.

c. Parking facilities shall be designed with careful regard to orderly arrangement, topography, landscaping, ease of access, and shall be developed as an integral part of an overall site design.

d. Any above-grade loading facility should be screened from public view to the extent necessary to eliminate unsightliness.

6. **New Road Construction, Drainage and Maintenance**

a. **Road construction standards.** All roadways in planned unit develop must be approved by the Town of Augusta Highway Superintendent concerning construction and drainage before such roadways can be accepted and maintained by the Town. Such acceptance shall be by Town Board Resolution.

b. **Water and Sewer Utilities.** Planned unit developments shall be served either by public water and sewer systems or by package plants designed to serve the entire planned unit development

6.44 **Junk and Salvage Yards**

a. **License Required.** No person shall use any building or premises for buying selling, gathering, delivery, shipping, storing or salvaging of old iron, bottle, paper, rags, farm machinery, vehicles or other material commonly included in the term junk without obtaining a license for the operation of junk or salvage yard. Storage of more than two unregistered vehicles on the same premises shall be prima facie evidence of operation of a junk or salvage yard. This section does not apply to the bona fide sale of antiques.

b. **Application.** Application for the license hereunder shall be made in writing to the Zoning Officer stating:

1. The location and description of the premises to be licensed.
2. The nature of the business to be conducted on the premises.
3. The type of construction of any buildings to be used in connection with the business.
4. The applicants name and address, and, if a firm or corporation, the names and addresses of all officers thereof.

c. **Location.** No junk or salvage yard shall be located within two hundred (200) feet of any residence other than the owner of the premises or any residential or business district; or three hundred (300) feet from a lake, river or stream. No junk or salvage operations shall be carried on within fifty (50) feet of any highway right-of-way. Junk or salvage operations are to be located in "I" districts only.

d. **Screening Requirements.** Refer to Section 5.62.

6.45 **Mobile Home Parks**

A building permit shall be issued for mobile home parks that comply with the provisions of this ordinance. Mobile home parks shall have paved streets, adequate street lighting and central water. Minimum lot size shall be 50' x 100' and corner lots shall be 75' x 100' to accommodate single-wide mobile homes. All mobile homes are to be sited with the towing apparatus facing the street. Mobile Home Parks must comply with all waste treatment and disposal as well as quality water supplies to be specified by the New York State Department. The approved specification and water testing frequencies specified by the Licensed Sanitation Engineer who shall supervise the required test borings of the site, along with any county or New York State requirements that might be adopted in the future.

6.46 **Automobile Service Stations.**

a. Location of Exits and Entrances. No gasoline service station or automobile repair shop shall have an entrance or exit for vehicles within two hundred (200) feet, as measured along the public street, in which there exists a school, public playground, church, chapel, convent, hospital, or public library. Such access shall not be closer to any intersection than thirty (30) feet.

b. Location of Oil Drainage Pits and Hydraulic Lifts. All oil drainage pits and hydraulic lifts shall be located with an enclosed structure and be located no closer than fifty (50) feet to any property line.

c. Gasoline Pumps. Gasoline service stations shall have their gasoline pumps, and other service facilities, set back at least thirty (30) feet from any street line.

d. Storage Tanks. Storage tanks that are not in use and have been deemed hazardous by the Fire Chief shall be removed.

6.47 Signs.

Non-flashing and non-animated advertising signs are permitted in accordance with the following:

a. Attachment. All signs shall be constructed and securely fastened in a manner that will prevent their displacement by the elements.

b. Sign Permit. A special use permit shall be required in any district for the erection, or alteration of any advertising sign, except that no sign shall be required in any residential district for any sign of nine (9) square feet or less of the type herein permitted; and except that any sign of fifteen (15) square feet or less of the type herein permitted.

c. Traffic or Visual Obstruction. No sign shall be erected at the intersection of streets that may obstruct free and clear vision. If they are located within the direct line of vision of any traffic control sign, they shall have not have red, green or amber illumination.

d. Maintenance of Signs. All signs permitted under this Ordinance as well as those in existence prior to the adoption of the Ordinance shall be adequately maintained to avoid their deterioration, decay or other conditions that might endanger the public health, welfare or safety.

6.50 MULTI-FAMILY STRUCTURES

In reviewing the proposed site plan for one or more multiple family structures, the Planning Board will be guided by the following regulations.

a. Maximum Length of Rows. The maximum length of any group of any group of attached structures shall not exceed one hundred (100) feet. A building group may not be so arranged as to be inaccessible by emergency.

The front or rear of any building shall be no closer than forty (40) feet to the front or rear of any other building.

The side of any building shall be no closer than thirty (30) feet to the side, front, or rear of any other building.

b. Distance Between Building and Driveways. With the exception of an attached garage or carport, no driveway or parking lot should be closer than twenty-five (25) feet to the front of any building nor ten (10) feet to the side or rear of any building.

c. Recreation Space. There shall be provided on the side of such development an area or areas devoted to the joint recreational use of the residents thereof. Such recreation shall consist of not less than four hundred (400) square feet of space per dwelling unit. Each such recreation space shall be developed with passive and active recreation facilities and maintained by

management or owner.

d. **Off-Street Parking Spaces.** There shall be provided on the site of such development an area or areas devoted to the storage of automobiles. Three parking spaces shall be provided for each two dwelling units on the site. Parking spaces shall contain a minimum of two hundred (200) square feet per space excluding all driveway areas.

e. **Landscaping.** Trees and shrubs shall be provided along all walks and street, around recreation areas and along the outer property line of the site. Trees shall be planted at intervals of fifty (50) feet where feasible.

f. **Minimum Size Requirements for Various Units.**

- 1) Studio separate bedroom 500 sq. ft.
- 2) 1 bedroom 600 sq. ft.
- 3) 2 bedrooms 800 sq. ft.
- 4) 3 bedrooms 950 sq. ft.
- 5) Each additional bedroom 80 sq. ft.

6.60 **INDIVIDUAL MOBILE HOMES**

A special use permit shall be required for all individual mobile homes within A-1 Districts. An individual mobile home shall be situated only on land owned by one of the occupants of the mobile home.

- a. Conform to minimum lot dimensions for the A-1 district. (Reference Schedule II).
- b. Must be properly skirted to remove wheels and axels from view.

6.61 **Farm Related Mobile Homes**

a. The location of a mobile home in an agricultural district, formed pursuant Article 25-AA of the New York State Agricultural and Markets Law, to be used in conjunction with an operating farm and for the sole purpose of providing residential quarters for an employee of the farm and his/her family shall be in accord with this section.

b. Application for placement of a farm related mobile home should be made to the Zoning Officer prior to any action by the applicant. The application shall be reviewed by the Zoning Board of Appeals pursuant to this section and all other sections of the zoning ordinance. The applicant will be required to proposed action will conform to all existing zoning regulations except Section 6.60.

c. There shall be no transfer of land on which to place such mobile home. The ownership of the land on which the mobile home is to be placed shall be maintained by the owner of the farm unit. The placement of the mobile home should be as close to the main farm buildings as is reasonably feasible.

d. No mobile home shall be placed on a farm unit unless the primary occupant of the mobile home is principally employed in the operation of the farm.

e. No permanent addition, except an open carport and/or enclosed porch, shall be permitted for a mobile home in such agricultural district

f. Such permit, if granted, shall be valid for a period of one (1) year, at which time renewal of the permit shall be required. The Zoning Officer shall review the permit on an annual basis. For a permit renewal the farm owner shall submit a signed affidavit to the Zoning Board of Appeals stating that he/she is in full compliance with existing zoning ordinance. Such compliance shall be verified by the Zoning Officer. An annual report of these renewals should be submitted by the Zoning Officer to the Zoning Board of Appeals for review.

g. Abandoned trailers are trailers left unused and unoccupied and permits have not been renewed annually. These trailers must be removed at the owner of the property's expense and the owner is responsible for removal of said trailer within 30 days of notification.

6.62 **LAND EXCAVATION: SANITARY LANDFILL**

A special use permit shall be required for all land excavation or mining activities such as quarrying or gravel extraction or sanitary landfill operations. The application for a special use permit shall contain the following.

a. A site plan indicating the dimension of the excavation. Topographical data to the five-foot contour interval may be required at the discretion of the Zoning Board of Appeals.

- b. A brief written description of the proposed program of excavation Projected over a five-year period. The description shall include the methods of excavation, the projected quantities to be extracted, the shape and direction of the excavation, possible effects on surrounding property and any safety or buffer provisions that may be required.
- c. A graphically illustrated plan for land reclamation or restoration encompassing the entire site. The plan shall include provisions for regrading, re-top soiling, reforestation, lake impoundment or any other reclamation program

Article 7

SUPPLEMENTARY REGULATIONS AND
ADDITIONAL SPECIAL USES

7.00 Travel Trailer Campgrounds

A. Definitions

1. TRAVEL TRAILER PARK The term "Travel Trailer Park" as used in this ordinance shall be defined as any lot, piece or parcel of ground whereon two or more travel trailers, designed for use or capable of being used as living or sleeping quarters, are parked or located.
2. PARK UNIT The term "Park Unit" as used in this ordinance shall be defined as the lot or space in any park which shall be assigned to, used and occupied by any one travel trailer.
3. DEPENDENT TRAVEL TRAILER Means a travel trailer which does not have a toilet and bath or shower.
4. INDEPENDENT TRAVEL TRAILER Means a travel trailer which has a toilet, bath and shower.
5. DEPENDENT PARK UNIT Means a park unit which is designed to accommodate a dependent travel trailer and does not have sewer and water connections to accommodate a toilet and bath or shower in a travel trailer.
6. INDEPENDENT PARK UNIT Means park unit which has sewer and water connections designed to accommodate the toilet and bath and shower in a travel trailer.
7. TRAILER SITE Means any location where one travel trailer is located.

B. Regulations for Travel Trailer Parks

1. DRAINAGE AND GRADING All lands used as a travel trailer park shall be well drained, of ample size, and free from heavy or dense growth of brush or weeds. The land shall be properly graded to ensure proper drainage during and following rainfall, and shall at all times be so drained as to be free from stagnant pools of water.
2. PARK PLAN Each travel trailer park shall be subdivided and marked off into rectangular shaped lots or park units of which shall contain at least 1500 square feet and shall be at least 30 feet wide where a dependent travel trailer is to be located. Where an independent travel trailer is to be accommodated the lots shall contain at least 2000 square feet and shall be at least 30 feet wide. No more than 1 shall be permitted to occupy any one park unit. That hereafter no travel trailer shall be located

within seventy (70) feet of any highway, or street line or within eight (8) foot of any adjacent property line, this shall apply to the enlargement of any present trailer park. Each trailer park shall be surrounded on all sides, with the exception of such portion thereof as may abut upon a street or highway by a woven wire, open metal or wooden fence that shall be not less than five feet nor more than six feet in height. There shall be no openings in such fence that shall permit egress from the park upon any adjacent privately-owned property. Barbed wire shall not be used for such fence. The portion