

This Zoning Law is currently under review and is subject to change without notice.

For the most accurate and up to date law that is being enforced, please contact the Town of Groveland Clerk's office at (585) 243-1750 before filing for a permit.

TOWN OF GROVELAND ZONING INDEX

	Section
Agricultural materials and equipment	III.22.(f)
Agricultural Use Districts, uses	III.23.A,B
Agricultural-Industrial Use Districts, uses	III.26.A
Amendments and changes	IV.44
Board of Appeals, powers and organization	I.2; III.22 (j); IV.43; IV.44
Buildings, accessory	III.22.(d)
Building erection or alteration	III.23. (b)
Building, height	A III.23.C R III.24.C A-I III.26.B LSR III.27.C LR III.28.C
Building permits	III.22.(a); IV.41.1; IV.42
Camps, educational and recreational	III.27.B; III.28.B
Certificate of occupancy	III.22.(a); IV.41.1,3,4; IV.42.4,5
Chimneys, flues	III.22.(e) (1)
Definitions	I.2
Districts, boundaries	II.12
Districts, types of	II.11
Dwellings, area	A III.23.F R III.24.J LR III.28.I
Effective date	IV.52
Enforcement	IV.1
Excavations	A III.23.A.5 R III.24.K LSR III.27.J LR III.28.J WR III.29.A
Farm camps	III.23.A.6
Fees	III.42.1; IV.47
Foundations and footings	III.22.(e) LSR III.27.H
Horses, stables and riding academies	III.23.A.7
Interpretations	IV.45
Junk yards	II.13.2; III.22.(f)
Lake Shore Residential District, uses	III.27.A,B
Lake Residential District, uses	III.28.A,B
Livestock sales	III.23.B.2
Lot coverage, percentage	R III.24.E A-I III.26.D LSR III.27.E LR III.28.E
Lot, vacant parcels as	III.22.(i)

GROVELAND ZONING INDEX -2-

Lot, required	R	III.24.D	
	A-I	III.26.C	
	LSR	III.27.D	
	LR	III.28.D	
Multiple dwellings			R III.24.D.2, E.2 III.31.5
Non-conforming uses			III.31; IV.41.3
Occupancy			III.22.(a)
Parking	R	III.24.H	
	A-I	III.26.E	
	LSR	III.27.I, 28.B.2	
	LR	III.28.H	
Planning Board			IV.41.1,2,5; IV.44
Pre-existing lots			III.22.(j)(1)
Public hearing			IV.47
Public utilities, public properties			III.21
Repeal of existing ordinances			III.49
Residential Use Districts, uses			III.24.A,B
Room size			III.24.I
Signs, outdoor advertising or billboards			III.22.(h)
Sleeping, use of cellar for			III.22.(g)
Stockpiling of materials			III.26.D.2
Subdivision of lots			III.22.(k)
Swimming pools			III.24.L
Site Plan Review Amendment			IV.41A
Top soil removal			III.23.A.5.(a)
Tract restrictions			IV.46
Trailers			III.23.B.1; III.31.7
Trailer parks			II.13.1
Uses, conditional			III.22.(l)
Validity			IV.50
Vehicles, disabled or unused			III.22.(f)
	LR		III.28.B.2
Veterinarians, kennels			III.23.A.7
Waste materials			III.22.(f)
Watershed and Reservoir Use District, uses			III.29.A,B
Yard, required	A	III.23.C	III.22.(c)(general)
	R	III.24.F	
	A-I	III.26.F	
	LSR	III.27.F	
	LR	III.28.F	
Yard, grading	A	III.23.E	
	R	III.24.G	
	LSR	III.27.G	
	LR	III.28.G	
Zoning Enforcement Officer			IV.41.1,4,5; IV.48

LEGAL NOTICE GROVELAND ZONING

NOTICE is hereby given that the following ordinance was duly enacted at a special meeting of the Town Board of the Town of Groveland held on the 19th day of October, 1966:

WHEREAS a zoning commission has heretofore been appointed by the Town Board of the Town of Groveland and submitted its report in accordance with the provisions of section 266 of the Town Law, and a public hearing having been duly had by said Town Board relative to said matter,

NOW THEREFORE BE IT RESOLVED that this board does hereby enact and ordain as follows:

ENACTMENT OF A ZONING ORDINANCE FOR THE TOWN OF GROVELAND, LIVINGSTON COUNTY, N.Y. ADOPTED BY THE TOWN BOARD OF THE TOWN OF GROVELAND AT A SPECIAL MEETING THEREOF ON OCTOBER 19, 1966.

ARTICLE I

TITLE: An ordinance regulating, by districts, the height, number of stories, size of buildings and other structures, the size of yards, the percentage of lots that may be occupied, the area of open spaces, and the location and use of buildings, structures and land for trade, industry, residence and other purposes.

Pursuant to the authority conferred by Article 16 of the Town Law of the State of New York, the Town Board of the Town of Groveland, County of Livingston, State of New York does ordain as follows:

SECTION 1

SHORT TITLE: This Ordinance shall be known and may be cited as the 1966 Zoning Ordinance of the Town of Groveland.

SECTION 2

DEFINITIONS: Except where specifically defined herein, all words used in this Ordinance shall carry their customary meanings. Words used in the present tense include the future tense, and the singular includes the plural; the word "lot" includes the word "plot" or "parcel"; the word "structure" includes the word "building"; the word "shall" is intended to be mandatory; words "occupied" or "used" shall be considered as though followed by the words: "or intended, arranged or designed to be used or occupied". The words "road" and "street" shall have the same meaning.

When doubts arise as to meaning of terms, The Board of Appeals shall define or make the interpretation of words, phrases, sentences and sections of this Ordinance.

The following terms are specifically defined:

DWELLING UNIT: A building or portion thereof providing complete housekeeping facilities for one (1) family. For the purposes of this Ordinance where a multiple dwelling is designed for, or occupied by transients as defined in the Multiple Residence Law, each four (4) persons for whom the dwelling is designed or occupied shall be considered as being equivalent to one (1) dwelling unit.

ACCESSORY: When used to modify buildings, structures, or uses, "accessory" means those structures or uses customarily incidental to, and on the same lot with, a permitted use, or structure.

BUILDING: Any structure other than a boundary wall or fence.

STRUCTURE: Any constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground, but not including a mobile house trailer.

HOUSE TRAILER: Any vehicle used, originally designed for use or capable of being used as sleeping and living quarters whether propelled by its own power or the power of another vehicle to which it may be attached.

AUTO COURT: A building or a group of buildings, whether detached or in connected units used as individual sleeping units designed primarily for transient automobile travelers and providing accessory off-street parking; and, if desired, restaurant facilities. The term "auto court" includes facilities designed as tourist courts, motor lodges, motels and similar uses.

OVERNIGHT GUEST HOME: A dwelling in which overnight accommodations are provided or offered for use by transient guest for compensation.

MULTIPLE DWELLING: A dwelling used or designed for use as a Multiple Dwelling as defined in the New York State Multiple Residence Law.

CAMP: A land or floor area whereon are located or placed buildings or structures used or designed to be used, as temporary living and/or sleeping quarters by transient guests for compensation.

FARM CAMP: A camp located on a farm used or designed to be used for less than ten (10) persons who are transient farm laborers and/or transient farm laborers and their families, whether or not for compensation.

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

BUILDING LINE: A line parallel to the lot line, or a major portion thereof, tangent to that point in a building face which is closest to such lot line. The building face includes sun parlors, breezeways, and porches, whether enclosed or unenclosed, but does not include steps or terraces which are open to the sky.

GRADE OF STREET: The officially established grade of the street upon which the lot fronts. If there is no officially established grade, the existing grade of the street at the midpoint of the frontage of the lot shall be taken as the street grade.

HOME OCCUPATION: An occupation, profession or hobby carried on within a dwelling, which is clearly incidental and secondary to the use of such dwelling for residential purposes.

BASEMENT: A story partly underground, but having at least one-half (1/2) of its clear height above the average level of the adjoining ground. A basement shall be counted as a story for the purposes of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or if used for business or dwelling purposes.

CELLAR: That portion of a building totally or partially underground and having more than one-half (1/2) of its clear height below the average level of the adjoining ground. For the purpose of this Ordinance a cellar shall not be considered as a story or as living space.

LIVING SPACE: The gross area of the floors of a dwelling not including the area of porches, garages, cellars, breezeways, furnace room and areas not used for home occupation.

FENCE: A barrier of natural vegetative growth or of fabricated materials placed or arranged as a line of demarcation between lots or to enclose a lot or part of a lot. For the purpose of this Ordinance, a fence is a boundary line fence when the average center line of the vegetative growth or fabricated materials is established on the lot line or within two (2) feet of the lot line.

LOT WIDTH: The lot width, for the purpose of this Ordinance, shall be the distance between the two (2) side lot lines measured on the front building line.

For lots where the lot lines are not parallel, the lot width at the front street line shall not be less than seventy per cent (70%) of the required lot width.

STREET LINE: The dividing line between the street and the lot. For the purpose of this Ordinance where the street line is not readily determinable, the center line of the improvement or of the traveled way shall be used to compute the location of the street line.

YARD: An unoccupied space open to the sky.

FRONT YARD: The area of a lot extending across the entire front of the lot bounded by the street line and the front building line and between the two (2) side lot lines.

SIDE YARD: The area of a lot between a side building line and its related side lot line and between the front yard and the rear yard.

REAR YARD: The area of a lot bounded by the rear lot line and the rear building line of the principal building, extending across the entire rear of the lot and between the two (2) side lot lines.

JUNK YARD: A lot, land or structure or part thereof, used for the collecting, storage and/or sale of waste paper, rags, scrap metal or discarded material, or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in operating condition and/or for the sale of parts thereof.

TEMPORARY OCCUPANCY OR SEASONAL OCCUPANCY: The use of any premises, structure or use for living and/or sleeping purposes for 180 days or less in any calendar year.

PARKING SPACE: An off-street space available for the parking of one (1) or more motor vehicles and having an area of not less than two hundred (200) square feet and a width of not less than ten (10) feet, exclusive of passageways and driveways appurtenant thereto and giving access thereto and having direct access to a street, road or alley.

NONCONFORMING USE: Building and lands lawfully occupied at the time of enactment of this Ordinance and in a use, or under conditions not consistent with the provisions of this Ordinance for the use district in which located.

CERTIFICATE OF OCCUPANCY: An instrument executed by the proper authority or authorities that certifies that the use applied for, complies with the regulations of this zoning ordinance.

BUILDING PERMIT: An instrument executed by the proper authority or authorities permitting an applicant to commence the construction, reconstruction or alteration of a building, pursuant to the plans submitted by the applicant.

ARTICLE II

SECTION 11 DISTRICTS ESTABLISHED:

For the purposes of the Ordinance the Town of Groveland is hereby divided into the following types of Use Districts, which are sometimes referred to in this Ordinance by the abbreviations indicated:

Agricultural Use Districts - also referred to as A Districts.

Residential Use Districts - also referred to as R Districts.

**Agricultural-Industrial Use Districts - also referred to as
A-I Districts.**

**Conesus Lake Shore Residential Use Districts - also referred to as
LSR Districts.**

**Conesus Lake Residential Use Districts - also referred to as
LR Districts.**

**Watershed & Reservoir Use Districts - also referred to as
W-R Districts.**

SECTION 12
DISTRICT BOUNDARIES ESTABLISHED:

The Use Districts as established are hereby defined and/or bounded as follows:

1. **AGRICULTURAL USE DISTRICTS (A DISTRICTS):** The A Districts shall consist of all those lands within the Town of Groveland not otherwise designated as being in a specific district or districts.

2. **RESIDENTIAL USE DISTRICTS (R DISTRICTS):** The R Districts shall consist of all those lands of less than three (3) acres in any one (1) parcel in the Town of Groveland designated as follows:

Those lands in the A Districts on which there is, or on which in the future there may be, established a one (1) or two (2) family dwelling, other than a farm dwelling, and shall be subject to the provisions of this Ordinance applicable to R Districts.

3. **AGRICULTURAL - INDUSTRIAL USE DISTRICTS (A-I DISTRICTS):** The A-I Districts shall consist of all those lands bounded and described as follows:

(a) Bounded - On the North by the Geneseo-Groveland Town Line; On the West by the Canaseraga Creek and Genesee River; On the South by Route 408; On the East by Route 63.

(b) Bounded - On the North by the Pioneer Road; On the West by the Canaseraga Creek; On the South by the Sparta-Groveland Town Line; On the East by Route 63.

4. **CONESUS LAKE SHORE RESIDENTIAL USE DISTRICTS (LSR DISTRICTS):** The LSR Districts shall consist of all those lands bounded and described as follows:

(a) Bounded - On the North by the Geneseo-Groveland Town Line; On the West by the center line of the West Lake Road; On the South by the Conesus-Groveland Town Line; On the East by the high water mark of Conesus Lake.

5. **CONESUS LAKE RESIDENTIAL USE DISTRICTS (LR DISTRICTS):** The LR Districts shall consist of all those lands bounded and described as follows:

(a) Bounded - On the North by the Geneseo-Groveland Town Line; On the West by a line two hundred (200) feet west of, and parallel to the street line of the West Lake Road; On the South by the Conesus-Groveland Town Line; On the East by the center line of the West Lake Road.

6. **WATERSHED & RESERVOIR USE DISTRICTS (W-R DISTRICTS):** The W-R Districts shall consist of all those lands bounded and described as follows:

(a) Bounded - On the North by the Aten Road; On the West by the Groveland Hill Road; On the South by the VanBuskirk Road; On the East by the Barber Hill Road.

SECTION 13

1. TRAILER PARKS are not provided for in this Ordinance at this time, but provision may be considered for amendment at a later date upon proper application.
2. JUNK YARDS are not provided for in this Ordinance at this time, but provision may be considered for amendment at a later date upon proper application.

ARTICLE III

SECTION 21

PUBLIC PROPERTIES AND PUBLIC UTILITIES:

Nothing in this Ordinance shall restrict the construction, use or maintenance of public buildings, structures or facilities, parks or other publicly owned properties, nor the construction, installation and maintenance of such public utilities and structures as may be required to service the district in which such utilities may be situated.

SECTION 22

REGULATIONS OF GENERAL APPLICATION:

Except as hereinafter provided:

- (a) No building, structure or land shall be used or occupied, and no building or structure or part thereof shall be erected, moved, placed or extended in floor area unless in conformity with the regulations of the district in which it is located and until a building permit and/or certificate of occupancy shall have been issued in accordance with the provisions of this Ordinance. ~~No building permit and/or certificate of occupancy shall be required for an accessory building to be constructed beyond one hundred (100) feet of any line of the lot on which said building is to be constructed.~~
SEE PAGE 24.
- (a-1) There shall be submitted with all applications for building permits two (2) copies of a plot plan showing the actual dimension of the lot to be built upon, the exact size and location of the lot of the building and accessory buildings to be erected or altered, and such other information as may be necessary to determine and provide for the enforcement of this Ordinance.
- (b) No building or structure shall hereafter be erected or altered: to exceed the height; to accommodate or house a greater number of families; to occupy a greater percent of the lot area; or to have lesser widths or depths of front, side or rear yards, than specified for the district in which such building, structure or use is located.
- (c) No part of yard or other open space required around a building structure for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space similarly required for another building or structure.

- (d) In the R and LR Districts, accessory buildings wholly or in part in side yards shall meet the same front and side yard requirements as are established for the dwelling or principal building. Accessory buildings entirely within a rear yard shall be placed not less than ten (10) feet from a side lot line or from the rear lot line.
- (d-1) The foregoing paragraphs (c) and (d) shall not be construed to mean that accessory buildings may not be constructed contiguous to a principal building.
- (e) Every structure in any district used as a dwelling shall have masonry or concrete foundations and footings. Footings shall be not less than thirty-six (36) inches below the surface of the yard at all building lines, and shall be continuous for the outside perimeter of the building, or of a construction of equivalent capacity.
- (e-1) Chimney and flues for any structure, in any district, shall be constructed of, and supported on, fireproof materials and shall have fire proof flue linings.
- (f) Two (2) or more disabled, dismantled or partly dismantled, vehicles allowed to remain unhoused on a premises for a period of more than thirty (30) days shall constitute a junk yard. Also the storage, or sale of waste paper, rags, scrap metal, used lumber, discarded materials or the collecting, dismantling, storage, or salvaging of machinery or vehicles not in operating condition, shall constitute a junk yard, and, as such, are violations of this Ordinance except as otherwise provided in this Ordinance.
- When located in an Agricultural Use District, the storage of used lumber, agricultural equipment, machinery or vehicles, except automobiles, which have been used on the premises or are intended for use on the premises, shall not, for the purpose of this Ordinance, constitute a junk yard.
- (g) In any district, during the construction of a dwelling, it shall be unlawful to occupy all or any part of the cellar for sleeping purposes for a period in excess of twelve (12) months.
- (h) In the A, R, LR and LSR Districts, it shall be unlawful to erect or maintain outdoor advertising signs or billboards except that the owner or occupant of the premises may erect one (1) business advertising or announcement sign for the sale of his property or the products of his land. Such sign shall not be greater than sixteen (16) square feet in area and shall not be illuminated. Also excepting such signs as may hereafter be permitted or as may be permitted conditionally.
- (i) Where two (2) or more adjoining vacant parcels of land, at the time of the enactment of this Ordinance are in the same ownership, they shall for the purpose of this Ordinance, be considered a single lot.

(j) Where undue hardship is imposed by these regulations applicable to the size, shape, frontage, area or topography of lots having at the time of the enactment of this Ordinance an area of width less than required by this Ordinance, the Board of Appeals shall vary the application of these regulations to the extent necessary to permit reasonable use of the premises so as to be consistent with the intent and purposes of this Ordinance.

(j-1) For a lot existing at the time of the enactment of this Ordinance in ownership separate from that of any adjacent lot and having a width and/or area less than required for the district in which it is located, the Zoning Enforcement Officer may approve the application, and the Town Clerk may issue the permit for the establishment and use of a conforming type of structure, provided the required width and depth of yard are met.

(k) Lots which are to be subdivided into plots showing lots, blocks, or sites shall meet the provisions of the regulations applying to the subdivision of lands as may be adopted by the Planning Board, subject to final approval of the Town Board.

(l) **USES PERMITTED CONDITIONALLY:** Uses listed as "Uses Permitted Conditionally" shall require individual consideration in each case because of their unique characteristics. Such "Uses Permitted Conditionally" may be permitted only upon authorization by the Board of Appeals, subject to certain conditions and safeguards, as provided in this section and after review by the Planning Board.

Such uses permitted conditionally shall comply with the provisions of this section and may be permitted by the Board of Appeals subject to any additional conditions and safeguards which may be warranted by the character of the areas in which such uses are proposed or by other special factors.

A use permitted conditionally in addition to the conditions and standards as may be imposed under this ordinance for any specific conditionally permitted use, shall not cause substantial injury to the value of other property where it is to be located; shall conform with regulations applicable to the District where located; shall be compatible with adjoining development; shall provide, where appropriate, adequate landscaping and screening to protect adjoining areas; shall provide, where appropriate, off-street parking and loading so as to minimize interference with traffic on the local streets and shall not jeopardize the public health, safety, welfare and convenience.

SECTION 23

REGULATIONS APPLYING TO AGRICULTURAL USE DISTRICTS (A DISTRICTS):

The following regulations shall apply in the A Districts:

A. USES PERMITTED: The following uses are permitted.

1. All customary agricultural operations, structures and uses including the farm dwelling.

2. All those uses permitted as of right in the R Districts and the provisions of the R Districts shall apply.
3. All those uses permitted conditionally in the R Districts in accordance with the provisions, conditions and requirements of the R Districts.
4. Farm water conservancy ponds and fire protection ponds.
5. Bank earth products excavations, providing that the elevation of the floor of any such excavation shall be not less than two (2) feet above the traveled way, except when excavation is two hundred (200) feet or more from the right of way of the nearest street, and the slope of the face of the cut shall not exceed the normal angle of repose of the earth product being excavated. Such excavations shall also be subject to any ordinance or regulations which may be established by the Town Board.
- 5-a. Removal of top soil providing that such removal shall not endanger the productivity of the area to be stripped.
6. Farm Camps are not provided for in this Ordinance at this time, but provisions may be considered for amendment at a later date upon proper application.
7. Veterinarians office and uses incidental thereto, riding academies, stables for boarding or breeding of horses, kennels for boarding or breeding of cats and dogs.

B. USES PERMITTED CONDITIONALLY:

The Board of Appeals, upon application and after public hearing, may authorize the issuance of a building permit and the issuance of a certificate of occupancy for the establishment and operation of the following uses, and for the erection, alteration and use of a building or structure for the use as:

1. A trailer with a minimum area of living space of five hundred (500) square feet subject to the requirements of D and E of this section and subject to any other conditions that may be imposed by the Board of Appeals.
2. Establishments for sales of livestock and other commercial and retail use buildings.

C. BUILDING HEIGHT:

1. For farm structures no height limit is established.
2. For all other buildings, structures and uses, the provisions of the Residential Use Districts shall apply.

D. YARDS: MINIMUM REQUIREMENTS: Yards of the following minimum depths and widths shall be provided for all buildings, structures and uses:

1. There shall be: A front yard having depth of not less than sixty (60) feet and two (2) side yards, each having not less than fifteen (15) feet in width.
2. A farm structure existing at the time of the enactment of this Ordinance may be extended into the required front yard when the use of such structural extension is for the preparation of milk for shipment or the erection of a silo.
3. Farm ponds shall not be established closer than one hundred (100) feet to any property boundary line, except that when the County Soil Conservancy Agency recommends that due to topography the distance to any property line may be reduced.
4. Farm buildings and structures shall have yards equal to the vertical height of such buildings, but not less than sixty (60) feet for the front yard, fifteen (15) feet for each side yard and thirty (30) feet for the rear yard.
5. For corner lots there shall be a side yard of not less than sixty (60) feet in width along the side lot line, adjacent to the street and extending from the front line of the lot to the rear line of the lot.

E. SLOPE OF YARDS: The surface area of any yard or open space adjacent to a building or structure shall be graded so as to provide that surface water will be drained away from any such building or structure.

F. AREA OF DWELLING: One (1) family and two (2) family dwellings on (1) story in height shall have not less than nine hundred (900) square feet of living space for each dwelling unit. One (1) family and two (2) family dwelling one and one half (1 1/2) stories in height shall have not less than twelve hundred (1200) square feet of living space for each dwelling unit. One (1) family and two (2) family dwellings of two (2) or more stories in height shall have not less than fifteen hundred (1500) square feet of living space for each dwelling unit.

SECTION 24

REGULATIONS APPLYING TO RESIDENTIAL USE DISTRICTS (R DISTRICTS) apply to the Residential Use Districts.

A. USES PERMITTED: The following uses are permitted:

1. One (1) family dwellings and two (2) family dwellings.
2. Churches and similar places of worship, parish houses, convents.
3. Private and parochial schools and libraries.

4. Customary home occupations, providing that such occupation shall be conducted in the dwelling, and that there shall be no exterior evidence of such use, and further provided that no offensive noise, vibrations, smoke, dust, odors, heat or glare shall be produced, and that no equipment, device or object shall be used which will cause, within the neighborhood, line disturbances in the electric service so as to interfere with normal reception of radio or television broadcast signals.

An announcement or professional sign, not to exceed two (2) square feet in area, not illuminated, may be erected on the premises.

5. Home farm and garden operations.

B. USES PERMITTED CONDITIONALLY: The Board of Appeals, upon application and after public hearing, may authorize the issuance of a building permit and a certificate of occupancy for the establishment and operation of, and for the erection, alteration and use of, buildings or structures for the following uses:

1. Physicians, dentists and veterinarians offices or any use similar in character as may be determined by the Board of Appeals to be similar in character.
2. Apartment houses and multiply dwellings for nontransients.
3. Membership clubs, lodges, social and recreational centers, except those, the chief activity of which is a service customarily carried on as a business and primarily for gain.
4. Overnight guest homes, auto courts, hospitals, convalescent homes, homes for the aged, children's nurseries, medical centers for the care and treatment of humans or animals, all of such uses to comply with the regulations of those agencies and departments of the County of Livingston and of the State of New York having jurisdiction over the establishment and operation of such facilities and uses.
5. Veterinarians offices and uses incidental thereto, riding academies, stables for boarding or breeding of horses, kennels for boarding or breeding of cats and dogs.
6. Retail business uses.

A building permit or a certificate of occupancy issued after authorization by the Board of Appeals shall be conditioned upon compliance with such additional requirements as the Board of Appeals deems necessary for the protection and preservation of the safety, health and general welfare of the people of the Town. The buildings and uses shall meet the requirements of any applicable provisions of the Multiple Residence Law and of any other laws, ordinances, rules or regulations. There shall be no exterior evidence of such use other than an announcement or professional sign not to exceed four (4) square feet in area. Such sign may be illuminated but not to exceed five hundred (500) lamp lumens per square foot. Flashing or colored illumination and gas filled tubes are prohibited.

Except that for auto courts the area of the permitted announcement sign shall not exceed thirty-two (32) square feet and shall not be

nearer to a front or side lot line than twenty-five (25) feet and may be illuminated on each of two (2) faces not to exceed seven hundred fifty (750) lamp lumens per square foot.

C. BUILDING HEIGHT: No building or structure shall exceed three (3) stories in height.

D. REQUIRED LOT WIDTH AND AREA:

1. No one (1) family dwelling or two (2) family dwelling shall be established on a lot having a width of less than one hundred (100) feet and having an area less than twenty thousand (20,000) square feet.
2. No multiple dwelling shall be established on a lot having an area of less than ten thousand (10,000) square feet for each dwelling unit, and width of less than two hundred (200) feet by one hundred fifty (150) feet.

E. PERCENTAGE OF LOT COVERAGE:

1. No one (1) family dwelling or two (2) family dwelling and accessory structures and uses shall occupy more than thirty-five (35) percent of the lot area.
2. No multiply dwellings and its accessory uses shall occupy more than fifty percent (50%) of the lot area. The gross floor area of a multiple dwelling shall not exceed ninety percent (90%) of the lot area.
3. Other permitted uses and structures shall not occupy more than fifty percent (50%) of the lot area.

F. YARDS: MINIMUM REQUIREMENTS: Yards of the following minimum depths and widths shall be provided for all buildings, structures and uses.

1. There shall be a front yard of not less than sixty (60) feet in depth from the street line; two side yards each of which shall have a width of not less than fifteen (15) feet and a rear yard of not less than thirty (30) feet in depth.
2. For corner lots there shall be a side yard of not less than (60) feet in width along the side lot line adjacent to the street, and extending from the front line of the lot to the rear line of the lot.
3. Where yards have been established to greater or lesser widths or depths than required by this section, within three hundred (300) feet of the premises for which a building permit application has been filed, the Board of Appeals may vary the yard requirements so as to be in harmony with the character of the development of the neighborhood.

G. SLOPE OF YARDS: The surface area of any yard or open space adjacent to a building or structure shall be graded so as to provide that surface water will be drained away from any such building or structure.

- H. OFF-STREET PARKING:** There shall be provided off-street parking or storage for motor vehicles of not less than one (1) space for each dwelling unit. For all other uses there shall be provided sufficient space to accommodate the number of vehicles which may simultaneously congregate in the course of the normal use of the premises.
- I. SIZE OF ROOMS:** A building or structure to be used as a dwelling shall have for each dwelling unit at least one (1) living or sleeping room having a clear floor area of at least one hundred thirty-two (132) square feet; and shall be not less than eight (8) feet in any horizontal dimension.
- J. AREA OF DWELLING:** One (1) family and two (2) family dwellings one (1) story in height shall have not less than nine hundred (900) square feet of living space for each dwelling unit. One (1) family and two (2) family dwellings one and one-half (1 1/2) stories in height shall have not less than twelve hundred (1200) square feet of living space for each dwelling unit. One (1) family and two (2) family dwellings of two (2) or more stories in height shall have not less than fifteen hundred (1500) square feet of living space for each dwelling unit.
- K. OPEN EXCAVATIONS:** Open excavations shall not be maintained, except those excavations made for the erection of a building or structure for which a building permit has been issued.
- L. RESIDENTIAL SWIMMING POOLS:** Residential swimming pools located on residential premises for private use only, and applies to a permanently constructed pool used for bathing or swimming, 24 inches or more in depth or with a water surface exceeding 250 square feet.

No such swimming pool shall be constructed or maintained unless:

- a. Such pool shall be no closer than four (4) feet from side or rear property line and shall have a set back of sixty (60) feet.
- b. There shall be erected and maintained a protective fence, extending from the ground to a height of not less than four (4) feet above the ground level, with posts at intervals of not more than eight (8) feet enclosing the entire premises upon which such pool is constructed or entirely surrounding the area in which such pool is located, except that such fence may include one or more separate gates which shall be capable of being closed and locked and which such gate or gates shall be constructed so as not to provide an opening in excess of four (4) feet in width.

SECTION 25

REGULATIONS APPLYING TO COMMERCIAL USE BUILDINGS:

(Refer to Section 23 - Article B-2 of this Ordinance)

SECTION 26

REGULATIONS APPLYING TO THE AGRICULTURAL-INDUSTRIAL USE DISTRICTS:

The following regulations shall apply to the A-I Districts:

A. PERMITTED USES:

1. All those uses permitted in the Agricultural Use District and the regulations applicable for the A Districts shall apply.
2. Manufacturing, including but limited to, the fabrication and for assembly of machinery, equipment, optical, scientific and other instruments and parts thereof.
3. Terminal facilities for transportation and communication services.
4. Motor vehicle and equipment sales, service, storage, repair, animal sales and auction lots.
5. Wholesale and Retail business. Commercial greenhouses.
6. Sales, storage and warehousing of building and construction supplies and materials and solid fuels.
7. Food processing and packing plants.
8. Storage distribution and sale of bulk fuels, liquid or gaseous, when storage is in underground tanks.
9. When authorized by the Board of Appeals, after public hearing, and subject to such safeguards, and conditions as said Board may deem necessary for the protection of the health, safety, morals or general welfare of the residents of the Town the following uses:
 - a. Any industrial use which is not by any reason of emission of noise, dirt, odors, vibrations, glare or radio active rays or materials noxious or dangerous to the health, safety or general welfare of the public.
 - b. Storage and distribution and sale of motor vehicle and liquid or gaseous domestic fuels when in above ground storage tanks.
 - c. Industrial agricultural enterprises.
10. Authorization by the Board of Appeals shall not be required for the expansion or extension of an industrial use, established at the time of the enactment of this Ordinance, when such expansion or extension is in accordance with the provisions of this Section of this Ordinance.

B. BUILDING HEIGHT LIMITATIONS:

1. No structure shall be erected or extended so as to exceed a height of thirty-five (35) feet, exclusive of spires, towers and antenna, essential to the conduct of and accessory to the use of the premises. The Board of Appeals may vary the building height limitations for structures in any district

subject to fire protection and other safety requirements as the Board of Appeals shall deem necessary for the purpose of this Ordinance, for the health, safety and general welfare of the people.

C. LOT AREA AND LOT WIDTH:

1. Permitted uses shall be located on lots having a width of not less than one hundred (100) feet and an area of not less than twenty thousand (20,000) square feet.

D. LOT COVERAGE:

1. The percentage of lot coverage, including the sum of the foundation area of all structures and uses other than off-street parking shall not exceed fifty percent (50%) of the area of the lot.
2. There shall be no stockpiling of raw materials or finished products in either front or side yard lots unless where due to topography the Board of Appeals may grant a variance.

E. OFF-STREET PARKING:

1. There shall be provided an off-street parking area sufficient to accommodate the motor vehicles of employees and visitors and such other vehicles as may be used in the conduct of the activities on the premises.

F. MINIMUM YARD REQUIREMENTS: There shall be provided:

1. A front yard having a depth of not less than sixty (60) feet.
2. Two side yards each having a width of not less than twenty-five (25) feet.
3. A rear yard having a depth of not less than thirty (30) feet.
4. The Board of Appeals may vary the width or depth of yards so as to permit harmonious and efficient development and use of industrial areas.

SECTION 27

REGULATIONS APPLYING TO THE CONESUS LAKE SHORE RESIDENTIAL USE DISTRICT (LSR District):

A. USES PERMITTED: The following uses are permitted in the LSR District:

1. Dwelling for one (1) family or two (2) family seasonal or all-year occupancy.
2. Uses and structures accessory to permitted uses.

B. USES PERMITTED CONDITIONALLY:

The Board of Appeals, upon application and after public hearing, may authorize the extension of a legal, nonconforming business service or recreation use within the boundaries of the premises as established prior to the effective date of this Ordinance conditioned so that lot coverage by buildings and structures other than off-street parking facilities shall not exceed thirty percent

(30%) of the lot area. Off-street parking areas shall be provided at the rate of not less than one (1) square foot of off-street parking for each square foot of building or structure coverage, and further conditions the Board of Appeals deems necessary for the health, safety and general welfare of the people of the Town.

For areas where groups of cottages or dwellings are on land in a corporate or other group ownership, or are on leased lands, or are designed for transient occupancy, the Board of Appeals, without public hearing, may modify lot width and lot area requirements providing that there shall be an open area or commons, accessible to such cottage or dwellings, so that there shall be, exclusive of driveways and roads, an area equal to six thousand (6,000) square feet for each such cottage or dwelling.

For areas where educational and recreational camps, established by religious and eleemosynary corporations were established prior to the date of enactment of this Ordinance, the Board of Appeals, without public hearing, may authorize the extension of the area of buildings and structures including tents, whether permanent or temporary construction, so as to occupy not more than fifty percent (50%) of the premises and that at least five percent (5%) of the premises be designated for off-street parking. Said Board of Appeals may further condition the use of the premises as it may deem necessary for the health, safety and general welfare of the people of the Town.

- C. **BUILDING HEIGHT:** No building or structure shall exceed three (3) stories in height.
- D. **REQUIRED LOT WIDTH AND AREA:** No building or structure to be occupied as a dwelling, except as otherwise provided in this Section, shall be established on a lot having an area less than six thousand (6,000) square feet or a width of less than fifty (50) feet.
- E. **PERCENTAGE OF LOT COVERAGE:** No building or structure together with accessory structures and uses, shall occupy more than thirty-five percent (35%) of the lot area, except as may be provided otherwise in this Section of this Ordinance.
- F. **YARDS: MINIMUM REQUIREMENTS:** Yards of the following minimum depths and widths shall be provided for all buildings, structures and uses:
 - 1. There shall be a front yard having a depth of not less than seventy five (75) feet measured from the center line of the improved pavement of the West Lake Road as established on the date of the enactment of this Ordinance.
 - 2. There shall be two side yards each having a width of not less than six (6) feet.
 - 3. There shall be a rear yard of not less than five (5) feet measured from the rear line of the principal building to the water line at mean lake level of 817 feet.

4. For corner lots there shall be a side yard of not less than seventy (70) feet in width along the side lot line adjacent to the street, and extending from the front line of the lot to the rear line of the lot.
- G. **SLOPE OF YARDS:** The surface area of any yard or open space adjacent to a building or structure shall be graded so as to provide that surface water will be drained away from any such building or structure.
- H. **FOUNDATION WALLS:** The top of a foundation wall shall be at least six (6) feet above the mean lake level of 817 feet.
- I. **OFF-STREET PARKING:** Except as otherwise provided in this section of this ordinance, space for off-street parking of a passenger motor vehicles may be located in a front yard provided that such parking space shall be at least fifteen (15) feet from the improved pavement of the highway.
- J. **OPEN EXCAVATIONS:** Open excavations shall not be maintained, except those excavations made for the erection of a building or structure for which a building permit has been issued.

SECTION 28

REGULATIONS APPLYING TO THE CONESUS LAKE RESIDENTIAL USE DISTRICT (LR District):

A. USES PERMITTED:

1. One (1) and two (2) family dwellings.
2. Churches and other places of worship, rectories, convents and similar uses.
3. Private and parochial schools and libraries.
4. Customary agricultural uses.
5. Uses and structures accessory to permitted uses.

B. USES PERMITTED CONDITIONALLY: The Board of Appeals, upon application and after public hearing, may authorize the issuance of a permit and/or a certificate of occupancy, conditioned upon such requirements as the Board of Appeals deems essential to the health, safety and general welfare of the people of the Town, for the following:

1. Educational and recreational camps and areas, established, maintained and operated by nonprofit organizations, when further conditioned that structures used as camp or dwelling units shall be for seasonal or casual occupancy, except that one (1) dwelling unit may be established for all year occupancy for use as a dwelling of a custodian and his family.
When access to such use is by a right-of-way or easement, the applicant shall acknowledge that the right-of-way or easement is not less than fifty (50) feet in width and that it is not a public road or street and that the Town of Groveland is not liable for construction or maintenance of any means of access to such facility.

2. Off-street parking areas for transient passenger motor vehicles shall not be used for the storage or use of vehicles being offered for sale or hire, or for vehicles designed to be used as living space, or for the storage of inoperable vehicles of any type.

3. Retail Business Uses.

C. **BUILDING HEIGHT:** No building or structure shall exceed three (3) stories in height.

D. **REQUIRED LOT WIDTH AND AREA:**

1. One (1) and two (2) family dwellings shall be situated on a lot having an area of not less than twenty thousand (20,000) square feet and a width of not less than one hundred (100) feet.

2. For other permitted uses, except agricultural, the lot area shall be not less than three (3) acres, and a width of not less than two hundred (200) feet.

3. For all permitted uses conditionally, there shall be a lot area not less than ten (10) acres and width at the front building line of not less than three hundred (300) feet, except that lots for off-street parking shall have an area of not less than one (1) acre.

E. **PERCENTAGE OR LOT COVERAGE:** The sum of the area of all buildings, structures and uses other than for off-street parking facilities.

1. For one (1) or two (2) family dwellings shall not exceed thirty-five percent (35%) of the lot area.

2. For other permitted uses, shall not exceed fifteen percent (15%) of the lot area.

3. For all permitted uses conditionally, shall not exceed ten percent (10%) of the lot area.

F. **YARDS: MINIMUM REQUIREMENTS:** Yards of the following minimum depths and widths shall be provided for all buildings, structures and uses:

1. There shall be a front yard of not less than one hundred (100) feet in depth from the center line of West Lake Road as established at the date of the enactment of this Ordinance.

2. There shall be two (2) side yards as follows:

a. For all permitted uses each to have a width of not less than fifteen (15) feet.

b. All permitted uses conditionally each side yard to have a width of not less than twenty-five (25) feet.

3. There shall be a rear yard of not less than thirty (30) feet for all buildings, structures and uses.
4. For corner lots there shall be a side yard of not less than seventy (70) feet in width along the side lot line adjacent to the street, and extending from the front line of the lot to the rear line of the lot, except that the set back from West Lake Road shall be not less than one hundred (100) feet.

G. SLOPE OF YARDS: The surface area of any yard or open space adjacent to a building or a structure shall be graded so as to provide that surface water will be drained away from any such building or structure.

H. OFF-STREET PARKING:

1. There shall be provided off-street parking at the rate of not less than one (1) space for each dwelling unit.
2. For all other permitted uses there shall be provided an off-street parking area, having a minimum area equal to the sum of the land area occupied by all structures.
3. For permitted uses conditionally, there shall be provided off-street parking having a minimum area equal to one (1) parking space for each ten (10) persons to be accommodated on the premises.

I. AREA OF DWELLING: AREA OF LIVING SPACE:

Each one (1) or two (2) family dwelling, other than structures for seasonal occupancy shall be subject to the regulations applicable to such one (1) or two (2) family dwelling in the R District, except as may be otherwise provided in this Section of this Ordinance.

J. OPEN EXCAVATIONS: Open excavations shall not be maintained, except those excavations made for the erection of a building or structure for which a building permit has been issued.

**SECTION 29
REGULATIONS APPLYING TO THE WATERSHED & RESERVOIR USE DISTRICT
(W-R Districts):**

The following regulations shall apply in the W-R Districts:

A. USES PERMITTED:

1. All customary agricultural operations, structures and uses including farm dwellings.
2. The digging of diversion ditches, and removal of bank earth products necessary to build and construct retaining dams or ponds for the storage of water.
3. Any building of reasonable proportion necessary for the pumping, storage or treatment of water to be used from this reservoir system.

B. USES PERMITTED CONDITIONALLY:

The Board of Appeals, upon proper application and after public hearing, may authorize the issuance of a building permit and a certificate of occupancy for the establishment and operation of, and for the erection, alteration and use of, buildings or structures for the following uses:

1. One (1) family dwellings and two (2) family dwellings, providing that satisfactory proof can be presented to assure that all drainage will drain in a direction opposite to and away from the watershed area, and that all sewage systems shall comply with all New York State Health regulations and laws governing septic tanks and leach systems.
2. For all uses permitted conditionally, the provisions of the R (Residential) District shall apply.

SECTION 31

NONCONFORMING USES:

The following regulations shall apply to all nonconforming uses:

1. Any legal nonconforming use existing at the time of the passage of this Ordinance may be continued, and upon authorization for the issuance of a certificate of occupancy by the Board of Appeals, may be extended within the limits of the premises as existed at the time of the passage of this Ordinance, and under such conditions as the Board of Appeals may impose so as to conform as nearly as practical to the requirements for the district in which the building or use is situated. Additional land may be acquired for off-street parking essential to the existing nonconforming use and under such conditions as the Board of Appeals may impose.
2. A nonconforming use, if changed to a permitted use for the district in which it is located, shall not thereafter be changed to a nonconforming use.
3. Nothing in this Ordinance shall prevent the restoration of a building destroyed by fire, explosion, act of God or act of public enemy subsequent to the enactment of this Ordinance, or shall prevent this continuance of such use as existed at the time of the destruction, or partial destruction of such building, providing that an application for a building permit is filed with the proper authority within six (6) months of the date of destruction.
4. Nothing in this Ordinance shall prevent the strengthening of, or restoring to a safe condition, any portion of an unsafe structure.
5. Nothing in this Ordinance shall prevent an existing multiple dwelling from being brought into compliance with the provisions of the Multiple Residence Law.
6. Whenever a nonconforming use has been discontinued for a period of one (1) year, such nonconforming use shall not thereafter be re-established and future use shall be in conformity with the provisions of this Ordinance.

7. A house trailer, subject to the provisions of the trailer ordinance, may be located on the site where a building is to be erected, and for which a building permit has been issued. The trailer shall be removed from the premises not later than the date on which the building permit expires or within thirty (30) days after the occupancy of the dwelling, whichever is the prior date.

ARTICLE IV

ADMINISTRATION, ENFORCEMENT, BOARD OF APPEALS, AMENDMENTS, VALIDITY, PENALTIES, EFFECTIVE DATE.

SECTION 41

ENFORCEMENT:

1. This Ordinance shall be enforced by the Zoning Enforcement Officer, who shall be appointed by the Town Board. No building permit or certificate of occupancy application shall be approved by the Planning Board, or its designated agent, or a building permit or certificate of occupancy issued by the Town Clerk, for any purpose except in compliance with the provisions of this Ordinance and such other ordinances, rules and regulations of the Town of Groveland currently in force at the time of application; and also in compliance with the Laws of the State of New York, and rules and regulations as promulgated by departments and agencies of the State currently in effect at the time of application.
2. No land shall be occupied or used, and no building hereafter erected, altered or extended shall be used or changed in use until a certificate of occupancy shall have been approved by the Planning Board, or its designated agent, and issued by the Town Clerk, except that a certificate of occupancy shall not be required for the occupancy and use of a one (1) family or a two (2) family dwelling located in the R District, LSR District and LR District and used exclusively for residential purposes. A certificate of occupancy shall not be required for farm structures and uses or for farm dwellings. No building permit or certificate of occupancy may be approved except by the Planning Board, or its duly designated agent.
3. A nonconforming use shall not be extended unless a certificate of occupancy has been issued by the authorized person or agency.
4. All applications for building permits and/or certificate of occupancy shall be made to the Zoning Enforcement Officer.
5. After approval by the Planning Board or its designated agent, applications for building permits and/or certificates of occupancy shall be transmitted to the Town Clerk who shall collect the fee as specified by the Zoning Enforcement Officer and issue the permit and/or certificate.

SECTION 41A - See Page 25

SECTION 42

FEEES FOR BUILDING PERMITS AND/OR CERTIFICATES OF OCCUPANCY:

1. The fee to be charged for the issuance of a building permit for the construction, erection, placing of a building or structure or for the extension of the floor area of a building or structure as a dwelling or as an accessory structure to a dwelling, shall be fifty cents (\$.50) for each one hundred (100) square feet or fraction thereof for the sum of the floor area of all stories, except that the fee for such a permit shall not be less than five dollars (\$5.00).
2. The fee to be charged for all other buildings and structures shall be fifty cents (\$.50) for each one hundred (100) square feet or fraction thereof for the sum of the floor area of all stories, except that the minimum fee for the issuance of such a permit shall be five dollars (\$5.00).
3. Building permits issued after the date of the enactment of this Ordinance shall become null and void unless construction has been started within three (3) months of the date of issuance. Construction shall be completed within twenty-four (24) months after date of issuance. When the time of starting construction or the time for the completion of construction exceeds the above periods, application may be made for an extension of the permit, and the minimum fee shall be imposed.
4. If the application for a building permit and/or certificate of occupancy is denied, that portion of the fee in excess of the minimum shall be refunded to the applicant.
5. Where a building permit is not required and a certificate of occupancy is required, there shall be a charge for a certificate of occupancy in the amount of five dollars (\$5.00) payable at the time of application.

SECTION 43

BOARD OF APPEALS:

A Board of Appeals of five (5) members is hereby established in accordance with the provisions of the Town Law. The Board of Appeals shall, consistent with the Town Law, determine its own rules and procedures and shall have the powers and duties granted to Boards of Appeal in the Town Law and as specified in this Ordinance.

SECTION 44

AMENDMENTS AND CHANGES:

The Town Board may, in accordance with the Town Law, from time to time, on its own motion, or on petition, or on recommendation of the Town Planning Board or the Board of Appeals, amend, supplement or repeal any or all of the regulations and provisions of this Ordinance.

A petition requesting a change in regulations, district boundaries, or in other provisions of this Ordinance shall be typewritten and be signed and acknowledged by the person presenting it in the same manner as is required for the recording of a deed to real property, and shall be filed with the Town Clerk in triplicate.

**SECTION 45:
INTERPRETATION: CONFLICT WITH OTHER LAWS:**

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

**SECTION 46
TRACT RESTRICTIONS:**

This Ordinance does not repeal, abrogate, impair or interfere with any easements, covenants or agreements now existing between owners of land or premises, except that whenever this Ordinance imposes greater restrictions upon the erection or alteration of structures, or the use of the premises than required by such easements, covenants and agreements, the provisions of this Ordinance shall control.

**SECTION 47
PUBLIC HEARINGS, EXPENSE:**

Persons petitioning for a change of classification of use, a change in district, or grant of a variance by the Board of Appeals or the initiating of any application, petition or proceeding which requires a public hearing shall at the time of filing such application or petition, pay to the Town Clerk the sum of twenty-five (\$25.) to cover the cost of publishing notice of public hearing and other expenses incidental thereto.

**SECTION 48
PENALTIES:**

Any person violating any provision of this Ordinance; or who shall violate or fail to comply with any order or regulation made hereunder; or who shall build in violation of any statement, specification or plan submitted hereunder; or who shall violate any permit or certificate of occupancy issued hereunder; or who shall continue to work upon any structure after service of notice in writing from the Zoning Enforcement Officer of the Town of Groveland to desist therefrom, shall forfeit and pay a penalty not to exceed fifty dollars (\$50.00) for each offense. Each weeks continued violation shall constitute a separate, additional violation. Service of the notice shall be sufficient if directed to the owner, agent of the owner, or the contractor and left at his last known place of business or residence, if within the Town of Groveland; and if no place of business or residence can be found, then the notice shall be served by posting in a conspicuous place on the premises which are the subject of the violation.

**SECTION 49
REPEAL OF EXISTING ORDINANCES:**

All rules, regulations and ordinances of the Town of Groveland inconsistent with the provisions of this Ordinance, are hereby repealed as of the date this Ordinance takes effect. This Ordinance does not repeal, abrogate or impair now existing conditions or permits previously issued relating to the erection or alteration of structures or the use of the premises, but where ever this Ordinance imposes greater restrictions upon the erection or alteration of structures or uses of the premises than required by existing provisions of law, ordinances, regulations or permits, the provisions of this Ordinance shall apply.

**SECTION 50
VALIDITY:**

The invalidity of any section or provision of this Ordinance shall not invalidate any other section or provision of this Ordinance.

**SECTION 52
EFFECTIVE DATE:**

This Ordinance shall take effect at noon on the fifth day of November, 1966.

BY ORDER OF
THE TOWN BOARD
TOWN OF GROVELAND
BETTY J. SANDERSON
TOWN CLERK

AMENDMENT:

1. That Article 3, Section 22, paragraph (a) shall be amended by the deletion of the following provision: "No building permit and/or certificate of occupancy shall be required for an accessory building to be constructed beyond one hundred (100) feet of any line of the lot on which said building is to be constructed."
2. That Article 3, Section 22, paragraph (a) shall be amended by the addition thereto of the following provision: "No permit shall be required for a dog house, playhouse or garden storage building that does not exceed eight feet (8') by ten feet (10')."

AMENDMENT: (ADOPTED April 7, 1987)

That the original interpretive map prepared by the Livingston County Planning Department dated 10/19/66 with the District Boundaries outlined as described in Article II, Section 12 of the Zoning Ordinance for the Town of Groveland, be adopted as the official zoning map for the Town of Groveland with the correction on the map of the West Boundary of 3.(b) Agricultural-Industrial Use Districts (A-I Districts) being the Canaseraga Creek instead of the Keshequa Creek.

AMENDMENT

TO

1966 ZONING ORDINANCE

OF THE

TOWN OF GROVELAND

The 1966 Zoning Ordinance of the Town of Groveland is hereby amended pursuant to New York Town Law Article 16, and in particular, Section 274-a as follows:

Article IV of said ordinance is amended by adding the following as Section 41A to immediately follow Section 41. This amendment is effective ten days after publication in accordance with New York Town Law Article 16, Section 265.

SECTION 41A.

A. INTRODUCTORY PROVISIONS

1. INTENT AND PURPOSE

Through site plan review, it is intended to promote the health, safety, and general welfare of the town. A clean, wholesome, attractive environment is declared to be of importance to the health and safety of the inhabitants of the town and, in addition, such an environment is deemed essential to the maintenance and continued development of the economy of the town and the general welfare of its inhabitants.

It is further intended to ensure the optimum overall conservation, protection, preservation, development and use of the natural and man-related resources of the town through review and approval of site plans. Toward this end, standards are established for preserving water quality, controlling air quality and traffic congestion, ensuring site access for emergency services (e.g. fire/police protection and ambulance services), providing adequate water supply and safe and proper means for sewage and solid waste disposal, and guarding neighboring properties against intrusive development impacts.

It is further intended that this document not be more restrictive than existing State regulations.

2. PLANNING BOARD AUTHORITY TO REVIEW SITE PLANS

The Planning Board shall review and approve, approve with modifications, or disapprove site plans for land uses within the town as hereinafter designated pursuant to and in accordance with the standards and procedures set forth herein.

B. DEFINITIONS. Any definition herein that is in conflict with Article I, Section 2 shall take precedence for this section only.

ACCESS - Entrance way for vehicles to leave or enter a property or lot from a public highway or private road.

ACCESS DRIVE - See "Driveway"

ACCESSORY STRUCTURE OR USE - A secondary structure or use on the same lot or on a contiguous lot under the same ownership, and is associated with the principle use or structure, and which is incidental and subordinate to the principle use or structure.

AGRICULTURE LAND USE - Shall mean any parcel of land containing ten acres or more, which is used for gain in the raising of agricultural products, including crops, livestock, poultry, dairy products and forestry.

ALTERATION, STRUCTURAL - To change or rearrange the walls, roof, ceiling, floors, supporting beams, columns or other structural parts; interior plan or layout, the exterior architectural features; or the exit facilities of a structure; or the relocation of a building from one location to another.

APPLICANT - The person(s), corporation, agency, or other legal entity responsible for submitting site plan applications for review by the Planning Board.

AQUIFER - An underground geologic formation that contains and transmits significant quantities of groundwater.

AREA, BUILDING - The total area taken on a horizontal plane at the largest horizontal level of the principle building and all accessory buildings exclusive of uncovered porches, terraces, and steps.

AREA, FLOOR - The total interior floor space measured in square feet of a structure.

AREA, LOT - The total area contained within the property lines of an individual parcel of land, excluding any area within an existing street right-of-way.

AVERAGE DAILY TRAFFIC - The average number of vehicles per day that enter and leave the premises or travel over a specific section of road.

AVERAGE PEAK HOUR TRAFFIC - The average number of vehicles per hour, at the time of peak traffic volume, that enter and leave the premises or travel over a specific section of road.

BASE FLOODPLAIN - See "100 Year Flood Area."

BILLBOARD - See "Sign, Advertising."

BUFFER AREA - An undeveloped part of a property or an entire property specifically intended to separate and thus minimize the effects of a land use activity (e.g. noise, dust, visibility, glare, etc.) on adjacent properties.

BUILDING - A structure designed to be used as a place of occupancy, business, storage, or shelter. The term "building" shall include the term "structure" as well as receiving and transmitting commercial, radio, television and other utility communication towers, mobile homes, and modular homes.

BUILDING AREA COVERAGE - The percentage of the lot area covered by combined area of all buildings on the lot.

BUILDING (PRINCIPAL) - The building on a lot that houses the primary use on a parcel of land.

CHANGE IN USE (CONVERSION) - The change of use or occupancy of a building from either residential, commercial, or industrial to one of the other uses, or a change in the intensity of the same use.

CURB-CUT - A defined opening to provide vehicular access from a public highway to a lot or property.

DRAINAGE - A system of swales, ditches and culverts, catchbasins and piping to convey storm water runoff to retention areas and stabilized discharge points.

DRIVEWAY - Private entrance drive that is less than five hundred (500) feet in length and which commonly leads to the principal use.

DWELLING (UNIT) - A complete self-contained residential unit for permanent habitation by one family only, and containing one or more rooms and facilities for living including cooking, sleeping, and sanitary needs.

DWELLING (ATTACHED) - A dwelling unit that has common walls, floors, or ceiling with (2) or more dwelling units.

DWELLING (MOBILE HOME) - See "Mobile Home."

DWELLING (MULTIPLE FAMILY) - A building, portion of a building, or group of buildings on one lot containing three or more dwelling units and designed or used for occupancy by three or more families living independently of each other.

DWELLING (SINGLE-FAMILY, DETACHED) - A residential building other than a mobile home, designed for occupancy by one family and having no party wall in common with another building.

DWELLING (TWO-FAMILY) - A building designed for and occupied exclusively as a home or residence for two families.

EASEMENT - The right to use the land of another, obtained through the purchase of use rights from a landowner.

EGRESS - A one-way access from a property leading onto a public highway or private road.

ENVIRONMENTAL ASSESSMENT FORM (EAF) - A form used to determine whether a project will have significant environmental impacts. Depending on the site's environmental features and the project's magnitude, either a short or long SEQR Environmental Assessment Form will be completed.

ENVIRONMENTAL IMPACT STATEMENT (EIS) - A document prepared pursuant to SEQR, subsequent to a determination of potential adverse impacts that examines the existing and developed environment, and identifies and presents impacts, mitigation measures and alternatives.

EROSION - The wearing away of surface soils by action of wind or water.

EROSION CONTROL - Use of reseeding, revegetation, placement of mulch or artificial matting or rip rap or other methods to prevent soil erosion.

FAMILY - One or more persons living together as a single housekeeping unit and maintaining a common household.

FENCES - A barrier of natural vegetative growth or of fabricated materials placed or arranged as a line of demarcation between lots or to enclose a lot or part of a lot.

FIRE LANE - Access for emergency fire-fighting vehicles.

FRONTAGE - That part of a property bounded by either a public or private road.

FLOOD HAZARD, AREA OF - Land within a community subject to a one percent (1%) or greater chance of flooding in any given year. Also commonly referred to as base floodplain or 100 year flood area.

FLOODWAY - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency.

GRADING - The leveling of land for site development purposes including construction of roads, building construction, drainage areas, and parking.

GROSS FLOOR AREA - The total interior area of a building, multiplied by the number of floors.

HIGHWAY COMMERCIAL - Business or commercial uses that depend on vehicle access and that front on a public highway.

HOME OCCUPATION - Any business use customarily conducted entirely within a dwelling, provided that such use is carried on by the residents of the dwelling, is clearly incidental and secondary to the use of the dwelling, and does not significantly change the character of the dwelling.

IMPERVIOUS SURFACE COVERAGE - The percentage of the lot covered by buildings, parking areas, walkways or other surfaces covered with a paved surface or a surface that is impervious to water.

INDUSTRIAL USE - The use of buildings or land, or both, for the purpose of manufacturing or producing, in whole or in part, any type of product or goods, and uses that involve the subsequent sale, trade or storage of such goods.

INGRESS - A one-way access from a public highway or private road leading into a lot or property.

JUNKYARD - A lot, land or structure or part thereof, used for the collecting, storage and/or sale of waste paper, rags, scrap metal or discarded material, or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in operating condition and/or for the sale of parts thereof.

LOT - A parcel of land whose boundaries are established by some legal instrument, such as a recorded deed or map, and which is recognized as a separate, legal entity for the purpose of transfer of title.

LOT COVERAGE - The percentage of the lot area covered by the combined area of all buildings, structures, parking areas, or other impervious surfaces on the lot.

MALL - SEE "Shopping Center."

MINI-MALL - A small-scale shopping center, usually consisting of less than (10) stores or retail outlets. See "Shopping Center."

MOBILE HOME - A moveable or portable dwelling unit designed and constructed to be towed on its own chassis, comprised of a frame and wheels, connected to utilities, and designed and constructed without a permanent foundation. Mobile homes are subject to the

approval (seal) of the Secretary of the U.S. Department of Housing and Urban Development.

MOBILE HOME PARK - A residential use in which four (4) or more mobile homes are located on a single property.

MODULAR HOME - A dwelling unit constructed and composed of components substantially assembled in a manufacturing plant and transported to a building site for final assembly on a permanent foundation.

NET FLOOR AREA - The total usable interior floor area of a structure (excludes such elements as walls, stairwells, elevators, etc.).

OFF-STREET PARKING - Area provided for parking not on any public or private road.

PARKING SPACE - An area reserved for the parking of a motor vehicle.

PEAK HOURS OF OPERATION - The busiest hours of operation in an average 24-hour period of a non-residential use, which may represent the time of heaviest production or of customer or employee traffic, depending on the nature of the use.

PEAK SEASON - The weeks or months or any period within an average year when the most activity occurs for a given use, group of uses or an area.

PERSON - Means any individual, group of individuals, partnership, firm, corporation, association, or other legal entity.

PHASED DEVELOPMENT - Development that occurs in defined stages (e.g. a 20-unit townhouse project built in two separate 10-unit stages).

PRINCIPAL USE - The main use of a lot or structure.

ROAD, PRIMARY - Where the subject property has frontage on two or more roads, this refers to the road that is used most intensively (e.g. has the greater volume of vehicular traffic). This usually corresponds to the public road classification and size, assuming county roads receive greater traffic than local roads, and that state highways have greater traffic volumes than county roads.

ROAD, PRIVATE - An access drive or roadway that is longer than five hundred (500) feet, privately owned and maintained, and not meant for use by the general public.

ROAD - A public thoroughfare or right-of-way dedicated, deeded or condemned for use as such, which affords the principal means of access to abutting property.

ROAD, RIGHT-OF-WAY - An area defined by a boundary which provides for road construction, maintenance, improvement and/or widening.

ROAD, SECONDARY - Where the subject property has frontage on two or more roads, this refers to the second (or least) most intensively used road (See Road, Primary).

RUNOFF - Surface water that flows onto, within, and/or off of the site area.

SCREENING - Vegetation, fencing, or earthen materials used to block visibility toward and/or away from a site. Screening may also be used to lesson noise impacts from a particular site or from adjacent land uses.

SEDIMENT - Soils or other surficial materials transported by surface water as a product of erosion.

SEDIMENTATION (SILTATION) - The deposition of sediment and silt in drainageways, watercourses and waterbodies which may result in pollution, murkiness, accumulation, and blockage.

SEPARATION DISTANCE - Distance between the two closest points of reference between two facilities, structures, uses or properties

(e.g. the distance between an on-site septic system absorption field and a well).

SEPTIC SYSTEM - A subsurface sewage disposal system, which consists of a septic tank and septic field in which waste material is distributed through a network of tile fields following a process in the septic tank where solids are settled out of the waste.

SEQR REVIEW (STATE ENVIRONMENTAL QUALITY REVIEW) - Review of an application according to the provisions of the State Environmental Quality Review Act, 6NYCRR, Part 617 (Statutory Authority: Environmental Conservation Law, Section 8-0113), which incorporates the consideration of environmental, social and economic factors into the planning, review and decision-making processes of state, county and local government agencies.

SETBACK - A minimum horizontal distance from a given point or line of reference, such as from a road edge or right-of-way, within which development is restricted.

SHOPPING CENTER - A group of stores, shops and similar establishments occupying adjoining structures all of which may be deemed one building if designed as an architectural unit and if it has adequate space in the rear for loading and unloading commodities.

SIGHT DISTANCE - The length of an unobstructive view from a particular access point to the farthest visible point of reference on a roadway. Used in these regulations as a reference for unobstructed road visibility.

SIGN - A name, identification, description, display, or illustration, or any other visual display which is affixed to or painted or represented directly or indirectly upon a building, structure or piece of land which directs attention to an object, product, place, activity, person, institution, organization or business. However, this definition of a sign shall not include any display of official court or public office notices nor any official traffic control devices nor shall it include the flag emblem or insignia of a nation, state, county, municipality, school, or religious group.)

SIGN, ADVERTISING - A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where the sign is located. Advertising signs may also be referred to as "billboards."

SIGN BUSINESS - A sign which directs attention to a business, service, profession, organization or industry located on the premises where the sign is displayed to the type of products sold, manufactured, or assembled and/or to service or entertainment offered on said premises. A "for sale" or "to let" sign relating to the property on which it is displayed shall be deemed a business sign. **SIGN, FREE STANDING** - A sign that is attached to, erected on or supported by some structure such as a pole, mast, frame, or other structure that is not itself an integral part of or attached to a building or other structure having a principal function other than the support of the sign.

SIGN, HEIGHT OF - The distance from the ground level, measured through the mid-point of the base of the sign, to the top of the sign. **SIGN, PORTABLE** - Any device on wheels or stand that is designed to be easily moved, the purpose of which is to display a sign.

SIGN, TEMPORARY - A sign that advertises or gives direction to a business or activity that will terminate within 30 days.

SILTATION CONTROL - Placement of siltation barriers such as sod, matting, hay bale barriers, or silt fencing or other methods to prevent pollution and blockage of watercourses and waterbodies by silt and other sediment.

SITE PLAN - Maps, drawings, supportive data describing the project proposal or development plan for one or more lots on which are shown the existing or proposed conditions of the lot, submitted to the Planning Board for review and approval.

SKETCH PLAN - Conceptual maps, renderings, and supportive data describing the project proposed by the applicant for initial review. May be used by the applicant as the basis for preparing the site plans for Planning Board review.

SKETCH PLAN CONFERENCE - Initial optional Planning Board review of the project proposal with the applicant. The sketch plan conference provides an opportunity for an applicant to learn from the Planning Board what the site plan submission requirements will be prior to submitting the site plan.

STACKING LANES - Off-street temporary parking space specifically provided for vehicles to park behind one another while waiting for drive-up customer assistance. This type of parking is required for bank window tellers, fast food restaurants, car wash bays, etc.

START OF CONSTRUCTION - The initiation of any physical alteration of the property, excluding planning and design, during any phase of a project and shall include land preparation, such as grading and filling, installation of roads, excavation for a basement, footings, foundations or the erection of temporary forms. Start of construction also includes the placement and/or installation on the property of accessory buildings with the exception of what has been completed prior to the application of site plan review.

STRUCTURE - Anything constructed or built, any edifice or building of any kind, which requires location on the ground or is attached to something having a location on the ground, including, but without limitation, swimming pools, covered patios, towers, poles, sheds, signs, tanks, etc. excepting outdoor areas such as paved areas and walkways.

USE, ACCESSORY - A use or structure which is incidental but associated with the principal use such as a separate garage or shed, fencing, and recreational facilities (e.g. pool, tennis court, etc.).

USE, PRINCIPAL - The specific purpose for which land or a building is designed, arranged or intended or for which it is or may be occupied or maintained.

WATERBODY - Any natural or man-made body of water, such as a pond, lake, wetland or wet area which does not necessarily flow in a definite direction or course.

WATERCOURSE - A channel in which a flow of water occurs either continuously or intermittently.

WATER, GROUNDWATER - The water that infiltrates into the ground, accumulating and saturating the spaces in earth material.

WATERSHED - The area which is a drainage basin for a particular freshwater body.

WATER, SURFACE - Water contained in streams, rivers, ponds, wet areas, lakes and other waterbodies and watercourses, or that drains across land.

WETLANDS - Lands and submerged lands commonly called marshes, swamps, sloughs, bogs, and flats supporting aquatic and semi-aquatic vegetation.

100 YEAR FLOOD AREA - Area where there is a one percent (1%) or greater chance of flooding in any given year.

C. APPLICABILITY

1. USES REQUIRING SITE PLAN APPROVAL

All new developed land use activities, or changes or expansion of existing use activities, within the town shall require site plan review and approval before being undertaken, except those specifically exempted in Section 2 below. While not all inclusive, the following uses shall require site plan approval: multi-family residential developments; mobile home parks; retail establishments; professional offices; shopping centers and mini-malls; warehouses and industrial, institutional, and commercial buildings or uses.

2. EXEMPTED USES

The following land use activities are exempted from the requirements of this law:

- a. Construction of one or two family dwellings, ordinary accessory structures, and related land use activities.
- b. Ordinary repair or maintenance of existing structures or uses.
- c. Agricultural land uses, with the exception of roadside stands for the sale of agricultural products from a permanent structure.
- d. Incidental landscaping or grading.
- e. Individual mobile homes.

- f. Exterior alterations or additions 1) to an existing residential structure which do not substantially change its nature or use, and 2) to any commercial or industrial structure which will not increase the gross floor area of the existing structure by more than twenty-five percent (25%) within any five (5) year period.
- g. Interior alterations that do not substantially change the nature or use of a commercial or industrial structure.
- h. Home occupations.

3. EXISTING USES AND STRUCTURES

This law does not apply to uses and structures that are lawfully in existence as of the date this law becomes effective. Any use that would otherwise be subject to this law, which has been discontinued for a period of one year or more, shall be subject to review pursuant to the terms of this law before such use is resumed. Any use or structure shall be considered to be in existence provided such use or structure has started construction prior to the effective date of this law and is fully constructed and completed within one year after the effective date of these regulations.

4. UNCERTAIN APPLICABILITY

Any person uncertain of the applicability of this law to a given land use activity may apply in writing to the Planning Board for a written jurisdictional determination to be made after proper presentment to the Planning Board by the applicant.

D. PROCEDURES

1. GENERAL

Any person, before undertaking any new land use activity at any location within the town for which this law requires a site plan, shall submit a site plan together with appropriate supporting data to the Planning Board for review and approval in accordance with the standards and procedures set forth in this law.

2. SKETCH PLAN

An informal conference between the applicant and the Planning Board is strongly encouraged prior to submission of a site plan application to review the proposed development in light of existing conditions and to generally determine the information to be required in the site plan. At the conference, the applicant shall provide either a verbal or written statement and a rough sketch describing what is proposed together with a U.S.G.S. topographic map showing the location of the building site and its relationship to the surrounding area.

3. INITIAL REVIEW

At the sketch plan conference the Planning Board will determine if the proposal is in conformity to an adopted Master Plan (if applicable), and to the extent feasible shall provide the applicant with an indication of whether the proposal, in its major features, is acceptable or should be modified before expenditures for more detailed planning are made. The Planning Board may also review with the applicant submission requirements (Article D, Sections 5, 6, and 7) to determine what specific information is to be presented with the site plan.

4. APPLICATION FOR SITE PLAN APPROVAL

To apply for site plan approval, an applicant shall complete a site plan application form and file it with the Town Clerk together with the site plan an appropriate application fee as determined by the Town Board. The Town Clerk shall immediately notify the Planning Board that such application has been filed and the date thereof.

5. SITE PLAN SUBMISSION REQUIREMENTS

The site plan submitted for approval and supporting documentation is to include all of the following information, or those specific items requested by the Planning Board:

- a. Title of site plan, including name and address of applicant and person responsible for preparing such drawing.
- b. North arrow, scale and date.
- c. Boundaries of property plotted to scale.

- d. Location, size and existing use of buildings on premises.
- e. Location and ownership identification of all adjacent lands as shown on the latest tax records.
- f. Location, name, and width of existing adjacent roads.
- g. 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. Grading and drainage plan, showing existing and proposed contours and water courses.
- i. Location, type of construction and exterior dimensions of all buildings.
- j. Identification of the amount of gross floor area proposed for retail sales and services, offices, and other commercial or industrial facilities.
- k. Location, type of construction, and area of all parking and truck loading areas, showing access and egress.
- l. Provision for pedestrian access, including public and private sidewalks, if applicable.
- m. Location of outdoor storage, if any.
- n. Location and construction materials of all existing or proposed site improvements including drains, culverts, retaining walls and fences.
- o. Description of the method of sewage disposal and the location of such facilities.
- p. Description of the method of securing water, location of such facilities, and approximate quantity of water required.
- q. Location of fire lanes and other emergency zones, including the location of fire hydrants, if required.
- r. Location, design, and construction materials of all energy generation and distribution facilities, including electrical, gas, and solar energy.
- s. Location, size, design and type of construction of all proposed permanent signs.

- t. Location and development of all proposed buffer areas, including indication of existing and proposed vegetative cover and all existing trees over 8" in diameter.
- u. Location and design of existing and proposed outdoor lighting facilities.
- v. General landscaping and planting schedule.
- w. Record of applications and approval status of all necessary permits from federal, state, county and local offices.
- x. Estimated project construction schedule.
- y. Other elements integral to the proposed development as may be specified by the Planning Board at the sketch plan conference.

6. LESS INTENSIVE REVIEW

The Planning Board may elect upon application by applicant to conduct a less intensive review for minor types of projects that do not generate a significant amount of traffic and/or that have little or no adverse impacts to neighboring properties and uses. Certain requirements of Section 5. above for such proposed uses may be waived where warranted. The Planning Board must state its grounds for waiving certain submission requirements in writing and file such statement along with the site plan application and supporting documents.

7. SPECIFICATIONS OF MATERIALS SUBMITTED

- a. **SITE MAP:** This shall be drawn at a scale of one hundred (100) feet to one inch or larger and shall show existing topography at a contour interval of not more than five (5) feet. This map shall show the site area and any pertinent natural features that may affect the proposed use such as water courses, swamps, wetlands, wooded areas, areas subject to flooding, etc.

Note: Contour intervals of one or two (2) feet may be appropriate for maps of specific site features such as grading and drainage plans, parking areas, and building locations.

- b. **DEVELOPMENT PLAN:** This is a detailed plan for the proposed development, drawn to a scale of one hundred (100) feet to one inch or larger. The site development plan illustrates the location of all existing or proposed site improvements including drains, culverts, retaining walls, and fences; provides a description and

shows the location of sewage and water facilities; shows location of all signs; the location of proposed buffer areas; the design of lighting facilities; all automobile parking and all parking for commercial vehicles while loading and unloading; and the location and width of all driveways, exits, and entrances.

- c. **ELEVATIONS AND/OR SECTIONS:** Elevations and/or sections, illustrating front, rear, and side profiles drawn to the same or larger scale as the site development plan, may be required by the Planning Board. The elevations and/or sections shall clearly delineate the bulk and height of all buildings and other permanent structures included in the proposal, including the dimensions and height of any proposed signs.
- d. **ENGINEERING PLANS:** The Planning Board may require, as appropriate and within reason, engineering plans to illustrate and describe such development aspects as: road improvements, drainage system, grading plan, public or private utility systems, sewer and water facilities, and such other supporting data as may be necessary. Coincident to preparing any such plans, the applicant shall provide the Planning Board with an estimate of the total cost of site improvements confirmed by the Building Inspector or Town Engineer.

8. ACCEPTANCE OF SITE PLAN APPLICATION

The Planning Board shall, within thirty (30) days of a site plan application being filed, determine whether to accept the application as complete and begin the review process, or to reject the application as incomplete. Incomplete applications shall be returned to the applicant, without prejudice, with a letter stating the application deficiencies.

9. SEGMENTATION

The site plan application and associated maps shall include all proposed phases of development. Site plan approval shall be based on the total planned project in order to facilitate the assessment of all potential development impacts. The Planning Board shall consider applications incomplete where there is reason to believe the application applies to only a segment of the total planned development. In such situations, the Planning Board shall return such application to the applicant together with a letter stating the basis for its determination.

10. REFERRAL TO OTHER AGENCIES AND BOARDS

- a. **COORDINATED REVIEW.** The Planning Board may refer the site plan for review and comment to local and county officials or their designated consultants, and to representatives of federal, state, and county agencies, including but not limited to the Soil Conservation Service, the New York State Department of Transportation, the State department of Environmental Conservation, and the state or county Department of Health, whichever has jurisdiction.
- b. **REQUIRED REFERRAL.** Prior to taking final action on the site plan, and where applicable, the Planning Board shall refer the plan to the Livingston County Planning Board for their review and approval pursuant to Section 239-m of the General Municipal Law.

11. SEQR COMPLIANCE

The applicant shall demonstrate compliance for any actions subject to SEQR prior to site plan approval.

12. PUBLIC HEARING ON SITE PLAN

The Planning Board may conduct a public hearing on the site plan if considered desirable by a majority of its members. Such hearing shall be held within ~~sixty-two~~ (62) days of the Planning Board's acceptance of the site plan application and shall be advertised in the town's official newspaper at least ten (10) and not more than thirty (30) days before the hearing.

13. PLANNING BOARD ACTION ON SITE PLAN

Following conclusion of the SEQR review process, and within forty-five (45) days of its receipt and acceptance of the complete application for site plan approval, or, if a public hearing is held, within forty-five (45) days after the close of the hearing, the Planning Board shall render its decision to either approve, approve with modifications, or disapprove the site plan.

- a. **APPROVAL.** Upon approval of the site plan and payment by the applicant of all fees and reimbursable costs due to the town, the Planning Board shall endorse its approval on a copy of the site plan and shall immediately file the site plan and a written statement of approval with the Town Clerk. A copy of the written statement of approval shall be mailed to the applicant by certified mail.

- b. APPROVAL WITH MODIFICATIONS. The Planning Board may approve the site plan and require that specific modifications be made. A copy of a written statement of approval containing the modifications required by the Planning Board shall be mailed to the applicant by certified mail. Upon approval, and after payment by the applicant of all fees and reimbursable costs due the town, the Planning Board shall endorse its approval on a copy of the site plan and shall immediately file the site plan and a written statement of approval with the Town Clerk.
- c. DISAPPROVAL. Upon disapproval of the site plan, the decision of the Planning Board shall immediately be filed with the Town Clerk and a copy thereof mailed to the applicant by certified mail along with a letter stating the Planning Board's reasons for disapproval.

14. EXTENSION OF TIME TO RENDER DECISION

The time period in which the Planning Board must render its decision on the site plan may be extended by mutual consent of the applicant and the Planning Board. Failure of the Planning Board to act within the time period specified or agreed upon between the applicant and board, shall constitute Planning Board approval of the site plan as submitted or last amended.

E. DESIGN STANDARDS

1. GENERAL OBJECTIVES

Sites to be developed shall be of such character that they can be safely used for building purposes without danger to the public health or safety, or peril from fire, flood, or other causes. The proposed development shall be visually compatible with the character of the community to the extent feasible. Vegetative screening shall separate commercial and industrial and other non-residential uses from residential properties.

Site development shall comply with the following objectives:

- a. Adequate and safe vehicular circulation between the site and street network.
- b. Safe and adequate interior site circulation, parking and loading facilities.
- c. Sites should be accessible year-round with particular attention to access for emergency vehicles.

- d. Environmentally sensitive areas shall be protected and left undisturbed.
- e. Adequacy of storm water and drainage facilities.
- f. Compatibility with and protection of adjacent uses, particularly residential uses, through landscaping, vegetative and other screening, buffering, planting and setbacks, method of construction and restrictions on outside activities.
- g. Consideration of aesthetics in the project design and compatibility of signs with neighboring uses.
- h. Mitigation of the adverse effects of smoke, noise, glare, vibration, odors, or noxious and offensive uses; appropriate hours of operation.
- i. Absence of dangerous or hazardous activities.

2. LOT DEVELOPMENT CRITERIA

An application for site plan approval shall not be approved unless the proposed use meets the following minimum lot development standards:

a. General

- 1) Sites shall be able to adequately accommodate on-site waste treatment and water facilities unless central sewer and water service is provided.
- 2) Principal and accessory structures shall be set back a minimum of twenty (20) feet from private roads and sixty (60) feet from public road rights-of-way.
- 3) Open uses, such as outdoor recreational facilities (e.g. swimming pools, ball fields, playgrounds, etc.) shall have a minimum set back of sixty (60) feet to any property line.

b. Environmental Considerations

In general, sites to be developed shall avoid areas where the following conditions are present:

- 1) slopes greater than fifteen percent (15%)
- 2) bedrock less than five (5) feet from the surface and areas of frequent rock outcrops
- 3) areas of high groundwater (seasonal or permanent)

- 4) soils with excessively slow or fast percolation (refer to Soil Survey Reports available from the Soil Conservation Service)
- 5) flood hazard areas
- 6) state regulated freshwater wetlands
- 7) fringes of waterbodies or watercourses

c. Access Standards

Site plan approval shall be conditional upon the applicant obtaining any necessary curb-cut permits from the jurisdictional permitting authority, e.g. state, county, or town highway departments. In addition, the following access requirements shall apply:

- 1) Access drives shall be constructed and maintained so as to provide for year-round access.
- 2) In cases where sites have frontage on more than one road, the principal point of access shall be from the more secondary road whenever feasible.
- 3) There shall be a minimum distance of thirty five (35) feet between proposed and existing driveways on public roads.
- 4) Driveways shall be combined wherever possible to minimize the number of access points onto public roadways.
- 5) There shall be a maximum of two (2) driveway entrances per developed lot.
- 6) No driveway centerline shall intersect a street line less than seventy (70) feet from the intersection of any two (2) roadways.
- 7) Driveway grade and width shall be such that adequate and safe access is provided for emergency and service vehicles during all seasons.
- 8) The minimum maintained width of driveways shall be eighteen (18) feet which allows for ingoing and outgoing vehicles to pass one another safely.

F. GUARANTEE OF SITE IMPROVEMENTS

1. GENERAL

Subsequent to the granting of site plan approval, no certificate of occupancy shall be issued until all improvements shown on the site plan are installed and sufficient performance guarantee has been provided by the applicant for improvements not yet completed.

2. PERFORMANCE GUARANTEE OPTIONS

In order that the town has the assurance that the construction and installation of such improvements as storm sewers, water supply, sewage disposal, sidewalks, parking, and access roads will be constructed in accordance with these standards and/or any site plan approval modifications, the Planning Board may require that the applicant enter into one of the following agreements with the town.

- a. Furnish bond executed by a surety company equal to the cost of construction of such improvements as shown on the plans. Such bond shall be 1) based on an estimate furnished by the applicant, 2) confirmed by the Building Inspector or Town Engineer, and 3) approved by the Planning Board.
- b. Deposit certified check in sufficient amount up to the total cost of construction of such improvements as shown on the site plan.
- c. Provide the town with a letter of credit that is of sufficient amount to cover up to one hundred ten percent (110%) of the total cost of improvements as shown on the site plan.

3. CONDITIONS

- a. The performance guarantee shall be to the town and shall provide that the applicant, his/her heirs, successors, assigns, or his/her agent will comply with all applicable terms, conditions, provisions, and requirements of this law; and will faithfully perform and complete the work of constructing and installing such facilities or improvements in accordance with the approved site plan.
- b. Any such bond shall require the approval of the Town Board in consultation with the Town Attorney as to form, sufficiency, manner of execution and surety.

c. Certified checks shall be made payable to "The Town of Groveland" and will be placed in an escrow account established by the town for this purpose.

d. Letters of credit shall require the approval of the Town Board in consultation with the Town Attorney as to form, sufficiency, and manner of execution and shall be duly notarized.

4. EXTENSION OF TIME

The construction or installation of any improvements or facilities, other than roads, for which a guarantee has been made by the applicant in the form of a bond or certified check deposit, shall be completed within one year ~~from~~ the date of approval of the site plan. Road improvements shall be completed within two (2) years from the date of approval of the site plan. The applicant may request that the Planning Board grant he or she an extension of time to complete such improvements, provided the applicant can show reasonable cause for inability to perform said improvements within the required time. The extension shall not exceed six (6) months, at the end of which time the town may use as much of the bond or check deposit to construct the improvements as necessary. The Planning Board may also grant the applicant an extension of time whenever construction of improvements is not performed in accordance with applicable standards and specifications.

5. SCHEDULE OF IMPROVEMENTS

When a certified check or performance bond is issued pursuant to the preceding sections, the town and applicant shall enter into a written agreement itemizing the schedule of improvements in sequence with the cost opposite each phase of construction or installation, provided that each cost as listed may be repaid to the applicant upon completion and approval after inspection of such improvement or installation. However, ten percent (10%) of the check deposit or performance bond shall not be repaid to the applicant until one year following the completion and inspection by the town of all construction and installation covered by the check deposit or performance bond.

6. INSPECTIONS

At least five (5) days prior to commencing construction of required improvements, the applicant shall pay to the Town Clerk an inspection fee as determined by the Town Board. Inspections during the installation of improvements shall be

made by the Building Inspector to insure conformity with the approved plans and specifications as contained in the contract and this law. The applicant shall notify the Building Inspector when each phase of improvements is ready for inspection. Upon acceptable final completion of installation and improvement, the Planning Board shall issue a letter to the applicant or his/her representative that provides sufficient evidence for the release by the town of the portion of the performance bond or certified deposit as designated in the contract to cover the cost of such completed work.

7. PHASED DEVELOPMENT

The Planning Board may further request, subject to Town Board approval, that the applicant deposit a separate performance bond or certified check for each phase of development proposed. In this event, five percent (5%) of the check deposit or performance bond shall be withheld from the applicant until sixty (60) days following the completion, inspection, and acceptance by the town of all construction and installation covered by such deposit. No subsequent phase of development shall be undertaken until each earlier phase has been completed and approved by the Building Inspector.

G. ADMINISTRATION/ENFORCEMENT

1. SITE PLAN COMPLIANCE

No permit or certificate of occupancy shall be issued by the Building Inspector, except upon authorization by and in conformity with an approved site plan where required.

2. BUILDING INSPECTOR

The Town Board may appoint a Building Inspector to carry out the duties assigned by this ordinance. If appointed, the Building Inspector shall be responsible for the overall inspection of site improvements including coordination with the Planning Board and other officials and agencies, as appropriate.

3. AMENDMENTS

a. The Town Board may on its own motion, on petition, or on recommendation of the Planning Board, after public notice and hearing, amend this ordinance pursuant to all applicable requirements of law.

b. All proposed amendments originating by petition, or by motion of the Town Board, shall be referred to the Planning Board for a report and recommendations. The Planning Board

shall submit its report within thirty (30) days after receiving such referral. Failure of the Planning Board to report within the required time shall be deemed to constitute a recommendation for approval of the proposed amendment.

4. ENFORCEMENT

a. Any person, firm, or corporation who commits an offense against, disobeys, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this section shall, upon conviction, be deemed guilty of a violation, and subject to a civil penalty of not more than \$250.00, or by imprisonment not exceeding fifteen (15) days, or by both such fine and imprisonment. Each week an offense is continued shall be deemed a separate violation of this ordinance.

b. In addition to the penalties provided above, the Planning Board, Building Inspector, or Town Board, may also maintain an action or proceeding in the name of the town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this section.

5. APPEALS

Any person aggrieved by the final decision of the Planning Board, Building Inspector, or any other officer, department, or board of the town involved with the administration and enforcement of this section, may apply to the Supreme Court for a review by a proceeding under Article 78 of the Civil Practice Law and Rules. Such proceedings shall be instituted within thirty (30) days after the filing of a decision in the office of the Town Clerk.

6. WAIVERS

The Planning Board may waive, subject to appropriate conditions, the provisions of any or all standards herein set forth if in the special circumstances of a particular application such standards are not in the interest of the public health, safety, and general welfare or strict adherence to such standards would cause unnecessary hardship for the applicant without achieving public benefit objectives. The Planning Board must state its reasons for granting any waivers in writing and file the same along with the site plan application and supporting documents.

Adopted by Town Board on July 8, 1993.

The 1966 Zoning Ordinance of the Town of Groveland is hereby amended pursuant to NYS Law Article, and in particular, Section 274-a as follows:

Article III of said ordinance is amended by adding the following Section 32 immediately following Section 31. This amendment is effective ten days after publication in accordance with NYS Law Article 16, Section 265.

**REGULATION APPLYING TO THE
AGRICULTURAL/LIMITED BUSINESS DISTRICT (ALB DISTRICT)**

The intent in the Agricultural/Limited Business District is to provide for the location of professional and administrative offices, service use, and related activities in a setting which is attractive and convenient for public use while establishing employment opportunities and broadening the tax base. This district is intended to act as a buffer between residential areas and more intensively used business and industrial districts whose activities do not constitute fire hazards or emit smoke, glare, excessive noise, odor, or dust which are detrimental to the neighboring properties and land use.

The ALB Districts shall consist of all those lands bounded and described as follows: On the North by the East Groveland Road right of way; On the East by a line four-hundred (400) feet parallel to the State Road 63 right of way; On the South by the Swan Hill Road right of way; On the West by the State Road 63 right of way.

A. PERMITTED USES:

1. All customary agricultural operations, structures and uses including the farm dwelling.
2. Business, professional, and executive offices, including but not limited to, offices for attorneys, architects, engineers, surveyors, accountants, real estate, and insurance agents. Retail sales, manufacturing, or servicing of merchandise of any kind on the premises are excluded.
3. Use for the treatment and care of human beings, including but not limited to, medical and dental offices and clinics for physicians, osteopaths, dentists, chiropractors, podiatrists, opticians, optometrists, and ophthalmologists. Overnight occupancy and overnight care are excluded.
4. Funeral homes.
5. Banks and lending institutions.
6. Employment agencies.
7. Artist or performing arts studio, photography studio.
8. Barbershop, beauty shops, hair salons.
9. Government sponsored public buildings and grounds.

B. USES PERMITTED CONDITIONAL:

Similar uses to those listed in Section A above, which do not involve retail sales and manufacturing of any type (as their primary use), may be permitted, subject to a conditional use

permit approved by the Town of Groveland Zoning Board of Appeals and a finding by the Board that such use is of the same general character as those permitted in this district and that such use, if permitted, will not cause adverse impacts or be detrimental to other uses within the district or to adjoining land uses.

C. BUILDING HEIGHT LIMITATIONS:

No structure shall be erected or extended so as to exceed a height of thirty five (35) feet, exclusive of spires, towers, and antennas essential to the conduct of and accessory to the use of the premises. The Board of Appeals may vary the building height limitations for structures in any district subject to fire protection and other safety requirements as they shall deem necessary.

D. LOT AREA AND LOT WIDTH:

Permitted uses shall be located on lots having a width of not less than two hundred (200) feet and an area of not less than one hundred thousand (100,000) square feet.

E. LOT COVERAGE:

1. The percentage of lot coverage, including the sum of the foundation area of all structures and uses including off-street parking, shall not exceed fifty (50) percent of the area of the lot.
2. There shall be no stockpiling of any raw materials or finished products in either the front or side yard lots. The Board of Appeals may grant a variance based on the topography of the lot.
3. Building footprint not to exceed ten (10) percent of the total lot size.

F. OFF-STREET PARKING:

There shall be provided an off-street parking area;

1. At the minimum rate of one (1) space for every three hundred (300) square feet of building.
2. Each space to be ten (10) feet by twenty (20) feet.

G. MINIMUM YARD REQUIREMENTS:

1. There shall be provided a front setback having a depth of not less than sixty (60) feet measured from the highway right-of-way.
2. There shall be two (2) side setbacks each having a width of not less than twenty-five (25) feet.
3. A rear setback having a depth of not less than fifty (50) feet with twenty (20) feet of landscape buffer.
4. The Board of Appeals may vary the width or depth of setbacks so as to permit harmonious and efficient development and use.

H. CURB CUTS:

All businesses, where possible, must share curb cuts to enter/exit Route 63 at the discretion of the Planning Board, pending a permit by the New York State Department of Transportation.

I. LANDSCAPE REQUIREMENTS:

To place, as a natural buffer between residential areas and the more intensively used limited business districts, a continual line at least six (6) feet high or greater with trees having a diameter of two (2) inches or more. Species and arrangement are at the discretion of the Planning Board.

Introduced March 12, 2009

Adopted July 16, 2009

The 1966 Zoning Ordinance of the Town of Groveland is hereby amended pursuant to NYS Law Article, and in particular, Section 274-a as follows:

Article III of said ordinance is amended by adding the following Section 33 immediately following Section 32. This amendment is effective ten days after publication in accordance with NYS Law Article 16, Section 265.

**REGULATION APPLYING TO THE
AGRICULTURAL/LIGHT INDUSTRIAL/COMMERCIAL DISTRICT
(ALIC DISTRICT)**

The purpose of this district is to provide an area of development for non nuisance light industrial uses as well as to provide local employment to the area and whose activities do not constitute a fire hazard or emit smoke, glare, excessive noise, odor, or dust which are detrimental to the neighboring properties and land uses.

The ALC Districts shall consist of lands bounded and described as follows: On the North by State Road 63/408 right of way; On the East by State Road 63 right of way; On the South by the Southern boundary of tax map 107 Northern boundary of tax map 116, including County Tax map #'s' 2.1, 4.212, 2.2, 2.3, 3.1; On the West by Interstate 390 – Genesee Expressway.

A. PERMITTED USES:

1. All customary agricultural operations, structures and uses including the farm dwelling.
2. Light manufacturing, processing, fabrication, assembly or packaging of products from previously prepared materials such as cloth, plastic, paper, leather, and metals produced elsewhere.
3. Manufacture of electronic or optical or instruments or devices.
4. Industrial offices.
5. Wholesale trade.
6. Specialty trade industry.
7. Motel/Hotel.
8. Restaurants.
9. Vehicle/Machinery dealerships.
10. Service and repair stations.
11. Convenient stores.
12. Retail centers.
13. Printing, publication, engraving.
14. Storage units.

15. Government sponsored public buildings and grounds.

B. USES PERMITTED CONDITIONALLY:

Similar uses to those listed in Section A above, which do not involve manufacturing of any type (as their primary use) and adult entertainment may be permitted, subject to a conditional use permit approved by the Town of Groveland Zoning Board of Appeals and a finding by the Board that such use is of the same general character as those permitted in this district and that such use, if permitted, will not cause adverse impacts or be detrimental to other uses within the district or to adjoining land uses.

1. Adult use, subject to the following standards:
 - (a) No adult use shall be allowed within five hundred (500) feet of another existing adult use, measured from building to building.
 - (b) No adult use shall be located on a lot within five hundred (500) feet of the boundaries of any zoning district which is zoned for residential uses.
 - (c) No adult use shall be located on a lot within one thousand (1,000) feet of a lot occupied by recreational facilities, a preexisting school, place of worship, cemetery, park or playground or other areas where large numbers of minors travel or congregate.
 - (d) An establishment will be considered an adult use if more than twenty five (25) per cent of the total area, sales or inventory is used for adult use.
 - (e) No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating the human genitalia, the pubic region, buttocks or female breasts from any public rights-of-way or from any property not registered as an adult use. This provision shall apply to any display, decoration, sign, show window or other building opening.

C. BUILDING HEIGHT LIMITATIONS:

No structure shall be erected or extended so as to exceed a height of thirty five (35) feet, exclusive of spires, towers, and antennas essential to the conduct of and accessory to the use of the premises. The Board of Appeals may vary the building height limitations for structures in any district subject to fire protection and other safety requirements as they deem necessary for the purpose of this Ordinance, for health, safety, and general welfare of the people.

D. LOT COVERAGE:

1. The percentage of lot coverage, including the sum of the foundation area of all structures and uses including off-street parking, shall not exceed fifty (50) percent of the area of the lot.
2. There shall be no stockpiling of any raw materials or finished products in either the front or side yard lots. The Board of Appeals may grant a variance based on the topography of the lot.

E. OFF-STREET PARKING:

All parking for buildings bordering Route 63 is strongly encouraged on either the sides or rear of the buildings only, and shall be subject to site plan review.

There shall be provided an off-street parking area;

1. At the minimum rate of one (1) space for every three hundred (300) square feet of building.
2. Each space to be ten (10) feet by twenty (20) feet.

F. MINIMUM SETBACK REQUIREMENTS:

1. There shall be provided a front setback having a depth of not less than two hundred (200) feet from the Route 63 right-of-way.
2. There shall be two (2) side setbacks each having a width of not less than one hundred (100) feet.
3. A rear setback having a depth of not less than one hundred (100) feet.
4. All properties not bordering Route 63 will have a front yard set back of one hundred (100) feet.
5. The Board of Appeals may vary the width or depth of setbacks so as to permit harmonious and efficient development and use of industrial areas through the variance process.

G. LANDSCAPE REQUIREMENTS:

To place a natural buffer between residential areas and the more intensively used Light Industrial/Commercial districts, of a continual line at least six (6) feet high or greater. A landscape plan will be required.

Introduced March 12, 2009

Adopted July 16, 2009

APPLICATION FOR SITE PLAN APPROVAL *

Town of Groveland

Name of Proposed Development: _____

Date: _____

Applicant:

Name: _____

Address: _____

_____ **Telephone:** _____

Owner (if different):

Name: _____

Address: _____

_____ **Telephone:** _____

Proposed use(s) of Site: _____

Site Location: _____

Tax Map Description:

Map No.: _____ **Block:** _____ **Lot:** _____

Lot Acreage: _____

Total Site Area (acres or square feet): _____

Plans Prepared By:

Name: _____

Address: _____

_____ **Telephone:** _____

*If a variance is required, apply to the ZBA before filing this application.

Permits Needed:

Federal: _____ State: _____

County: _____ Local: _____

Anticipated Construction Time: _____

Will Development be Staged? _____

Current Land Use of Site (agriculture, commercial, undeveloped, etc.): _____

Current Condition of Site (buildings, brush, etc.): _____

Character of Surrounding Lands (suburban, agriculture, wetlands, etc.): _____

Anticipated Improvements: _____

Estimated Cost of Proposed Improvements: _____

Financial Plans for Carrying Out Project: _____

Anticipated Increase in Traffic, Number of Resident, Shoppers, Employees, etc: _____

Describe Proposed Use, Including Primary and Secondary Uses:

Describe Project's Compatibility with Neighboring Uses:

**A LOCAL LAW PROVIDING FOR THE
ADMINISTRATION AND ENFORCEMENT OF THE
NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE**

Local Law # 1 of 2007 amendment to replace Town Local Law #2 1986.

Be it enacted by the Board of the Town of Groveland, in the County of Livingston, as follows:

SECTION 1. PURPOSE AND INTENT

This local law provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in this Town. This local law is adopted pursuant to section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, other state law, or other section of this local law, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions this local law.

SECTION 2. DEFINITIONS

In this local law:

Building Permit shall mean a permit issued pursuant to section 4 of this local law. The term Building Permit shall also include a Building Permit that is renewed, amended, or extended pursuant to any provision of this local law.

Certificate of Occupancy/ Certificate of Compliance shall mean a certificate issued pursuant to subdivision (b) of section 7 of this local law.

Code Enforcement Officer shall mean the Code Enforcement Officer appointed pursuant to subdivision (b) of section 3 of this local law.

Code Enforcement Personnel shall include the Code Enforcement Officer and all Inspectors.

Compliance Order shall mean an order issued by the Code Enforcement Officer pursuant to subdivision (a) of section 15 of this local law.

Energy Code shall mean the State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.

Inspector shall mean an inspector appointed pursuant to subdivision (d) of section 4 of this local law.

Operating Permit shall mean a permit issued pursuant to section 10 of this local law. The term Operating Permit shall also include an Operating Permit that is renewed, amended or extended pursuant to any provision of this local law.

Permit Holder shall mean the Person to whom a Building Permit has been issued.

Person shall include an individual, corporation, Limited Liability Company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

Stop Work Order shall mean an order issued pursuant to section 6 of this local law.

Temporary Certificate shall mean a certificate issued pursuant to subdivision (d) of section 7 of this local law.

Town shall mean the Town of Groveland.

Uniform Code shall mean the New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time.

SECTION 3. CODE ENFORCEMENT OFFICER AND INSPECTORS

(a) The office of Code Enforcement Officer is hereby created. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code and this local law. The Code Enforcement Officer shall have the following powers and duties:

(1) to receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy / Certificates of Compliance, Temporary Certificates and Operating Permits, and the plans, specifications and construction documents submitted with such applications;

(2) upon approval of such applications, to issue Building Permits, Certificates of Occupancy / Certificates of Compliance, Temporary Certificates and Operating Permits, and to include in Building Permits, Certificates of Occupancy / Certificates of Compliance, Temporary Certificates and Operating Permits such terms and conditions as the Code Enforcement Officer may determine to be appropriate;

(3) to conduct construction inspections, inspections to be made prior to the issuance of Certificates of Occupancy / Certificates of Compliance, Temporary Certificates and Operating Permits, fire safety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this local law;

(4) to issue Stop Work Orders;

(5) to review and investigate complaints;

(6) to issue orders pursuant to subdivision (a) of section 15 (Violations) of this local law;

(7) to maintain records;

(8) to collect fees as set by the Town Board of this Town;

(9) to pursue administrative enforcement actions and proceedings;

(10) in consultation with this Town attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code and this local law, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code or this local law; and

(11) to exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this local law.

(b) The Code Enforcement Officer shall be appointed by the Town Board of this Town. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated there under.

(c) In the event that the Code Enforcement Officer is unable to serve as such for any reason, an individual shall be appointed by the Town Board to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this local law.

(d) One or more Inspectors may be appointed by the Town Board of this Town to act under the supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this local law. Each Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and each Inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated there under.

(e) The compensation for the Code Enforcement Officer and Inspectors shall be fixed from time to time by the Town Board of this Town.

SECTION 4. BUILDING PERMITS.

(a) Building Permits Required. Except as otherwise provided in subdivision (b) of this section, a Building Permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney or flue in any dwelling unit. No Person shall commence any work for which a Building Permit is required

without first having obtained a Building Permit from the Code Enforcement Officer.

(b) Exemptions. No Building Permit shall be required for work in any of the following categories:

(1) construction or installation of one story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses) which are used for tool and storage sheds, playhouses or similar uses, provided the gross floor area does not exceed 144 square feet (13.88 square meters) as long as it is not on a permanent foundation;

(2) installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);

(3) installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;

(4) installation of fences which are not part of an enclosure surrounding a swimming pool, should be 6 feet and under and does not impede visibility;

(5) construction of retaining walls unless such walls support a surcharge or impound Class I, II or IIIA liquids;

(6) construction of temporary motion picture, television, theater stage sets, and scenery;

(7) installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);

(8) installation of partitions or movable cases less than 5'-9" in height;

(9) painting, wallpapering, tiling, carpeting, or other similar finish work;

(10) installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;

(11) replacement of any equipment provided the replacement does not alter the equipment listing or render it inconsistent with the equipment's original specifications; or

(12) repairs, provided that such repairs do not involve (i) the removal or cutting away of a load bearing wall, partition, or portion thereof, or of any structural beam or load bearing component; (ii) the removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress; (iii) the enlargement, alteration, replacement or relocation of any building system; or (iv) the removal from service of all or part of a fire protection system for any period of time.

(c) Exemption not deemed authorization to perform non-compliant work. The exemption from

the requirement to obtain a building permit for work in any category set forth in subdivision (b) of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.

(d) Applications for Building Permits. Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The owner of the property where the work is to be performed or an authorized agent of the owner shall sign the application. The application shall include such information, as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:

(1) a description of the proposed work;

(2) the tax map number and the street address of the premises where the work is to be performed;

(3) the occupancy classification of any affected building or structure;

(4) where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and

(5) at least 2 sets of construction documents (drawings and/or specifications) which (i) define the scope of the proposed work; (ii) are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law; (iii) indicate with sufficient clarity and detail the nature and extent of the work proposed; (iv) substantiate that the proposed work will comply with the Uniform Code and the Energy Code; and (v) where applicable, include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines.

(e) Construction documents. Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in paragraph (5) of subdivision (d) of this section. Construction documents, which are accepted as part of the application for a Building Permit, shall be marked as accepted by the Code Enforcement Officer in writing or by stamp. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.

(f) Issuance of Building Permits. An application for a Building Permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Code Enforcement Officer shall issue a Building Permit if

the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code.

(g) Building Permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.

(h) Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents, which were submitted with and accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.

(i) Time limits. Building Permits shall become invalid unless the authorized work is commenced within 12 months following the date of issuance. Building Permits shall expire 12 months after the date of issuance. A Building Permit may be renewed up to 2 times with the renewal fee. If after 3 years, the work has become invalid or which has expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the current rates, and approval of the application by the Code Enforcement Officer.

(j) Revocation or suspension of Building Permits. If the Code Enforcement Officer determines that a Building Permit was issued in error because of incorrect, inaccurate or incomplete information, or that the work for which a Building Permit was issued violates the Uniform Code or the Energy Code, the Code Enforcement Officer shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.

(k) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid at the time of submission of an application for a Building Permit, for an amended Building Permit, or for renewal of a Building Permit.

SECTION 5. CONSTRUCTION INSPECTIONS.

(a) Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an Inspector authorized by the Code Enforcement Officer. The Permit Holder shall notify the Code Enforcement Officer when any element of work described in subdivision (b) of this section is ready for inspection.

(b) Elements of work to be inspected. The following elements of the construction process shall be inspected, where applicable:

(1) work site prior to the issuance of a Building Permit;

- (2) footing and foundation;
- (3) preparation for concrete slab;
- (4) framing;
- (5) building systems, including underground and rough-in;
- (6) fire resistant construction;
- (7) fire resistant penetrations;
- (8) solid fuel burning heating appliances, chimneys, flues, or gas vents;
- (9) Energy Code compliance; and
- (10) a final inspection after all work authorized by the Building Permit has been completed.

(c) Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to where the work fails to comply with the Uniform Code or Energy Code. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.

(d) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid prior to or at the time of each inspection performed pursuant to this section.

SECTION 6. STOP WORK ORDERS.

(a) Authority to issue. The Code Enforcement Officer is authorized to issue Stop Work Orders pursuant to this section. The Code Enforcement Officer shall issue a Stop Work Order to halt:

- (1) any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
- (2) any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
- (3) any work for which a Building Permit is required which is being performed without the

required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.

(b) Content of Stop Work Orders. Stop Work Orders shall (1) be in writing, (2) be dated and signed by the Code Enforcement Officer, (3) state the reason or reasons for issuance, and (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.

(c) Service of Stop Work Orders. The Code Enforcement Officer shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by [registered mail / certified mail]. The Code Enforcement Officer shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by [registered mail / certified mail]; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.

(d) Effect of Stop Work Order. Upon the issuance of a Stop Work Order, the owner of the affected property, the Permit Holder and any other Person performing, taking part in, or assisting in the work shall immediately cease all work, which is the subject of the Stop Work Order.

(e) Remedy not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in subdivision (a) of this section, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under section 15 (Violations) of this local law or under any other applicable local law or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

SECTION 7. CERTIFICATES OF OCCUPANCY / CERTIFICATES OF COMPLIANCE

(a) Certificates of Occupancy / Certificates of Compliance required. A Certificate of Occupancy / Certificate of Compliance shall be required for any work, which is the subject of a Building Permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or sub classification to another. Permission to use or occupy a building or structure, or portion thereof, for which a Building Permit was previously issued shall be granted only by issuance of a Certificate of Occupancy / Certificate of Compliance.

(b) Issuance of Certificates of Occupancy / Certificates of Compliance. The Code Enforcement Officer shall issue a Certificate of Occupancy / Certificate of Compliance if the work which was the subject of the Building Permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or sub classification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the building, structure or work prior to the issuance of a Certificate of Occupancy /

Certificate of Compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the Certificate of Occupancy / Certificate of Compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy / Certificate of Compliance:

- (1) a written statement of structural observations and/or a final report of special inspections, and
- (2) flood hazard certifications.

(c) Contents of Certificates of Occupancy / Certificates of Compliance. A Certificate of Occupancy / Certificate of Compliance shall contain the following information:

- (1) the Building Permit number, if any;
- (2) the date of issuance of the Building Permit, if any;
- (3) the name, address and tax map number of the property;
- (4) if the Certificate of Occupancy / Certificate of Compliance is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy / Certificate of Compliance is issued;
- (5) the use and occupancy classification of the structure;
- (6) the type of construction of the structure;
- (7) the assembly occupant load of the structure, if any;
- (8) if an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;
- (9) any special conditions imposed in connection with the issuance of the Building Permit; and
- (10) the signature of the Code Enforcement Officer issuing the Certificate of Occupancy / Certificate of Compliance and the date of issuance.

(d) Temporary Certificate. The Code Enforcement Officer shall be permitted to issue a Temporary Certificate allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work, which is the subject of a Building Permit. However, in no event shall the Code Enforcement Officer issue a Temporary Certificate unless the Code Enforcement Officer determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate, may be occupied safely, (2) that any fire- and smoke-detecting or fire protection equipment which has been installed is operational, and (3) that all required means of egress from the building or structure have been provided. The Code Enforcement Officer may

include in a Temporary Certificate such terms and conditions, as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of the Uniform Code. A Temporary Certificate shall be effective for a period of time, not to exceed [6] months, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate. During the specified period of effectiveness of the Temporary Certificate, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

(e) Revocation or suspension of certificates. If the Code Enforcement Officer determines that a Certificate of Occupancy / Certificate of Compliance or a Temporary Certificate was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.

(f) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid at the time of submission of an application for a Certificate of Occupancy / Certificate of Compliance or for Temporary Certificate.

SECTION 8. NOTIFICATION REGARDING FIRE OR EXPLOSION.

The chief of any fire department providing fire-fighting services for a property within this Town shall promptly notify the Code Enforcement Officer of any fire or explosion involving any structural damage, fuel burning appliance, chimney, or gas vent.

SECTION 9. UNSAFE BUILDING AND STRUCTURES

(a) Authority of Code Enforcement Officer. Whenever the Code Enforcement Official finds a building, structure, or part thereof to be an imminent danger to life and safety to the public, the Code Enforcement Official may cause it to be demolished and removed or may cause such work to be done in and about the building or structure as may be necessary to remove danger.

(b) Vacation of premises.

(1) the Code Enforcement Official may require the occupants of any such building, structure, or part thereof to vacate the premises forthwith. No person shall use or occupy such building or structure or part thereof until it is made safe.

(2) except for the owner, no person shall enter premises or repairs or to demolish and remove such building or structure or part thereof.

(c) Recovery of costs by town. All costs and expenses incurred by the Town of Groveland in connection with any work done to remove the danger or in connection with the demolition and removal of any such building or structure shall be assessed against the land on which such building or structure is located, and on a bill for such expenses shall be presented to the owner of the property, or if the owner cannot be ascertained, then such bill shall be posted in a

conspicuous place on the premises. Such assessment shall constitute a lien upon such land. If the owner shall fail to pay for such expenses within ten (10) days after the bill is presented, posted, a legal action may be brought to collect such assessment or to foreclose such lien. As an alternative to the maintenance of any such action, the Code Enforcement Officer may file a certificate of the actual expenses incurred as aforesaid, together with a statement identifying the property in connection with which the expenses are incurred and the owner thereof, with the Assessor, who shall in the preparation of the next assessment roll assess such amount upon such property. Such amount shall be included in the levy against such property, shall constitute a lien and shall be collected and enforced in the same manner, by the same proceedings, at the same time and under the same penalties as is provided by law for the collection and enforcement of real property taxes in the Town of Groveland.

SECTION 10. OPERATING PERMITS.

(a) Operation Permits required. Operating Permits shall be required for conducting the activities or using the categories of buildings listed below:

(1) manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4) in the publication entitled Fire Code of New York State and incorporated by reference in 19 NYCRR section 1225.1;

(2) hazardous processes and activities, including but not limited to, commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling;

(3) use of pyrotechnic devices in assembly occupancies;

(4) buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; and

(5) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Town Board of this Town.

Any person who proposes to undertake any activity or to operate any type of building listed in this subdivision (a) shall be required to obtain an Operating Permit prior to commencing such activity or operation.

(b) Applications for Operating Permits. An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.

(c) Inspections. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an Operating Permit.

(d) Multiple Activities. In any circumstance in which more than one activity listed in subdivision (a) of this section is to be conducted at a location, the Code Enforcement Officer may require a separate Operating Permit for each such activity, or the Code Enforcement Officer may, in his or her discretion, issue a single Operating Permit to apply to all such activities.

(e) Duration of Operating Permits. Operating permits shall be issued for such period of time, not to exceed one year in the case of any Operating Permit issued for an area of public assembly and not to exceed three years in any other case, as shall be determined by the Code Enforcement Officer to be consistent with local conditions. The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.

(f) Revocation or suspension of Operating Permits. If the Code Enforcement Officer determines that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code, such Operating Permit shall be revoked or suspended.

(g) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid at the time submission of an application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating Permit.

SECTION 11. FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS

(a) Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at the following intervals:

(1) Fire safety and property maintenance inspections of buildings or structures, which contain an area of public assembly, shall be performed at least once every twelve (12) months.

(2) Fire safety and property maintenance inspections of buildings or structures being occupied as dormitories shall be performed at least once every twelve (12) months.

(3) Fire safety and property maintenance inspections of all multiple dwellings not included in paragraphs (1) or (2) of this subdivision, and all non-residential buildings, structures, uses and occupancies not included in paragraphs (1) or (2) of this subdivision, shall be performed at least once every thirty-six (36) months.

(b) Inspections permitted. In addition to the inspections required by subdivision (a) of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at any time upon:

(1) the request of the owner of the property to be inspected or an authorized agent of such owner;

(2) receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or

(3) receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist;

provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

(c) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid prior to or at the time each inspection performed pursuant to this section.

SECTION 12. COMPLAINTS

The Code Enforcement Officer shall review and investigate complaints, which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this local law, or any other local law or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code. The process for responding to a complaint shall include such of the following steps as the Code Enforcement Officer may deem to be appropriate:

(a) performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;

(b) if a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in section 15 (Violations) of this local law;

(c) if appropriate, issuing a Stop Work Order;

(d) if a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

SECTION 13. RECORD KEEPING.

(a) The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:

- (1) all applications received, reviewed and approved or denied;
- (2) all plans, specifications, and construction documents approved;
- (3) all Building Permits, Certificates of Occupancy / Certificates of Compliance, Temporary Certificates, Stop Work Orders, and Operating Permits issued;
- (4) all inspections and tests performed;
- (5) all statements and reports issued;
- (6) all complaints received;
- (7) all investigations conducted;
- (8) all other features and activities specified in or contemplated by sections 4 through 12, inclusive, of this local law, including; and
- (9) all fees charged and collected.

(b) All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto shall be retained for at least the minimum time period so required by State law and regulation.

SECTION 14. PROGRAM REVIEW AND REPORTING

(a) The Code Enforcement Officer shall annually submit to the Town Board of this Town a written report and summary of all business conducted by the Code Enforcement Officer and the Inspectors, including a report and summary of all transactions and activities described in section 13 (Record Keeping) of this local law and a report and summary of all appeals or litigation pending or concluded.

(b) The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of this Town, on a form prescribed by the Secretary of State, a report of the activities of this Town relative to administration and enforcement of the Uniform Code.

(c) The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, from the records and related materials this Town is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of this Town in connection with administration and enforcement of the Uniform Code.

SECTION 15: VIOLATIONS

(a) Compliance Orders. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or

premises in violation of the Uniform Code, the Energy Code, or this local law. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue a Compliance Order. The Compliance Order shall (1) be in writing; (2) be dated and signed by the Code Enforcement Officer; (3) specify the condition or activity that violates the Uniform Code, the Energy Code, or this local law; (4) specify the provision or provisions of the Uniform Code, the Energy Code, or this local law which is/are violated by the specified condition or activity; (5) specify the period of time which the Code Enforcement Officer deems to be reasonably necessary for achieving compliance; (6) direct that compliance be achieved within the specified period of time; and (7) state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time. The Code Enforcement Officer shall cause the Compliance Order, or a copy thereof, to be served on the owner of the affected property personally or by [registered mail / certified mail]. The Code Enforcement Officer shall be permitted, but not required, to cause the Compliance Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by [registered mail / certified mail]; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

(b) Appearance Tickets. The Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code.

(c) Civil Penalties. In addition to those penalties proscribed by State law, any Person who violates any provision of the Uniform Code, the Energy Code or this local law, or any term or condition of any Building Permit, Certificate of Occupancy / Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be liable to a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of this Town.

(d) Injunctive Relief. An action or proceeding may be instituted in the name of this Town, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this local law, or any term or condition of any Building Permit, Certificate of Occupancy / Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit, Compliance Order, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this local law, or any Stop Work Order, Compliance Order or other order obtained under the Uniform Code, the Energy Code or this local law, an action or proceeding may be commenced in the name of this Town, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Town Board of this Town.

(e) Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in subdivision (2) of section 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in subdivision (2) of section 382 of the Executive Law.

SECTION 16: FEES

A fee schedule shall be established by resolution of the Town Board of this Town. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of Building Permits, amended Building Permits, renewed Building Permits, Certificates of occupancy / Certificates of Compliance, Temporary Certificates, Operating Permits, fire safety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this local law.

SECTION 17. INTERMUNICIPAL AGREEMENTS

The Town Board of this Town may, by resolution, authorize the Supervisor of this Town to enter into an agreement, in the name of this Town, with other governments to carry out the terms of this local law, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

SECTION 18. PARTIAL INVALIDITY

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

SECTION 19. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.