

TOWN OF HURON

**Local Law No. 1 of 2019
A Local Law to Reorganize and Renumber
the Town of Huron Zoning Law**

The Town of Huron Zoning Law, Local Law No. 1 of 1973, as amended, reenacted and restated by Local Law No. 1 of 2000, as amended, is replaced as follows:

**TOWN OF HURON
ZONING LAW**

A law limiting and restricting the specified districts and regulating therein, buildings and other structures according to their construction and the nature and extent of their use and the nature and extent of the use of the land, so as to promote health, safety, morals and general welfare of the Town of Huron and providing for the violation thereof.

Contents

1. Purposes 6
 1.0 General Purposes..... 6
 1.1 Purposes of Adult Use Regulations..... 6
2. Establishment of Districts 6
 2.0 Zoning Map..... 7
 2.1 Interpretation of District Boundaries..... 7
3. Definitions..... 7
 3.0 Terms..... 7
4. District Regulations 7
 4.0 Application of Regulations..... 7
 4.1 General Regulations 7
 4.1.1 Height Regulations..... 7
 4.1.2 Space and Area Regulations 7
 4.1.3 Yard as Related to a Building or Structure 8
 4.1.4 Use of Yards. 8
 4.1.5 House Numbers..... 8
 4.1.6 Uniform Code. 8
 4.2 Schedule of Regulations..... 8
 4.2.1 Permitted Accessory Uses, Buildings and Other Structures. 12
 4.2.2 Area, Yard, Coverage, Height and Related Requirements..... 13
 4.2.3 Highway Business and Industrial Districts. 17
 4.2.4 Land Conservation District. 17
 4.2.5 Planned Development District. 17
 4.3 Special Permits 18
 4.3.1 Procedure. 18
 4.3.2 Standards..... 19
 4.3.3 Extensions of Special Permit Uses 19
 4.3.4 Preexisting Special Permit Uses. 19

| | | |
|---------|--|----|
| 4.3.5 | Expiration of Special Permits. | 20 |
| 4.3.6 | Running with the Parcel. | 20 |
| 4.4 | Site Plan Approval | 20 |
| 4.4.1 | Procedure. | 20 |
| 4.4.2 | Standards. | 22 |
| 4.4.3 | Extensions of Use or Material Alterations of Site Plans. | 22 |
| 4.5 | Supplementary Regulations. | 22 |
| 4.5.1 | General. | 22 |
| 4.5.2 | Supplementary Regulations with Respect to Specific Buildings, Structures and Uses. | 22 |
| | Adult Uses. | 23 |
| | Airports | 23 |
| | Camping. | 23 |
| | Campgrounds. | 24 |
| | Clubs and Clubhouses. | 25 |
| | Cluster or Large Scale Development. | 25 |
| | College or School. | 26 |
| | Cottage Colony | 26 |
| | Dump or Incinerator. | 26 |
| | Excavating, Grading or Filling. | 26 |
| | Farm and Cage Type Poultry, Fur and Pig Farms. | 27 |
| | Fences | 28 |
| | Food Processing Industry | 28 |
| | Hotel. | 28 |
| | Industrial Performance Standards | 29 |
| | Junk Yards | 29 |
| | Manufactured Homes. | 30 |
| | Manufactured Home Communities. | 30 |
| | Manufactured Home, Replacement of Noncomplying | 32 |
| | Migrant Labor Camps. | 32 |
| | Motel. | 33 |
| | Natural Gas and Petroleum Exploration and Extraction Activities | 34 |
| | Non-Commercial Animal or Fowl Sheltering. | 34 |
| | Obstruction of Vision. | 37 |
| | Off-Street Parking and Automobile Storage. | 37 |
| | Off-Street Parking for Commercial Vehicles While Loading and Unloading | 40 |
| | Parking Garage and Motor Vehicle Service Station | 40 |
| | Public Stable | 41 |
| | Quarries and Pits. | 41 |
| | Salesroom or Shop of a Builder, Contractor or Artisan. | 41 |
| | Short-Term Residential Rental Use. | 42 |
| | Signs. | 42 |
| | Storage of Flammable Liquids. | 42 |
| | Swimming Pool, Private, Regulations Relative to Accessory Use. | 42 |
| | Telecommunication Facilities. | 42 |
| | Temporary Uses and Structures. | 49 |
| 4.5.3. | Solar Energy Systems. | 50 |
| 4.5.3.1 | Purpose | 50 |

| | | |
|----------|---|----|
| 4.5.3.2 | Special Permit Application..... | 50 |
| 4.5.3.3 | Solar Energy Systems on Designated Farmland..... | 50 |
| 4.5.3.4 | Restrictions..... | 50 |
| 4.5.3.5 | Compliance with the State Environmental Quality Review Act..... | 50 |
| 4.5.3.6 | Installer..... | 50 |
| 4.5.3.7 | Minor Solar Energy Systems..... | 51 |
| 4.5.3.8 | Medium Solar Energy Systems..... | 52 |
| 4.5.3.9 | Major Solar Energy Systems..... | 55 |
| 4.5.3.10 | Non-Conformance..... | 58 |
| 4.5.3.11 | Real Property Tax Law § 487..... | 59 |
| 4.5.4 | Wind Energy Conversion Systems..... | 59 |
| 4.5.4.1 | Purpose..... | 59 |
| 4.5.4.2 | Restriction..... | 59 |
| 4.5.4.3 | Site Plan..... | 59 |
| 4.5.4.4 | Special Permit..... | 60 |
| 4.5.4.5 | General Provisions..... | 60 |
| 4.5.4.6 | Uniform Code Compliance..... | 60 |
| 4.5.4.7 | Rotor Safety..... | 61 |
| 4.5.4.8 | Tower..... | 61 |
| 4.5.4.9 | Tower access and fencing..... | 61 |
| 4.5.4.10 | Noise..... | 61 |
| 4.5.4.11 | Interference..... | 61 |
| 4.5.4.12 | Signs..... | 61 |
| 4.5.4.13 | Minimum Clearance..... | 62 |
| 4.5.4.14 | Total Height..... | 62 |
| 4.5.4.15 | Setbacks..... | 62 |
| 4.6 | Non-Conforming Uses, Configurations, Lots and Structures..... | 64 |
| 4.6.1 | General..... | 64 |
| 4.6.1.1 | Tourist Homes..... | 64 |
| 4.6.1.2 | Storage Sheds..... | 64 |
| 4.6.1.3 | Storage Containers..... | 64 |
| 4.6.1.4 | Short-Term Residential Rental Use..... | 64 |
| 4.6.1.5 | Termination of Non-Conforming Use..... | 65 |
| 4.6.1.6 | Change of Non-Conforming Use..... | 65 |
| 4.6.1.7 | Maintenance of a Non-Conforming Use..... | 65 |
| 4.6.1.8 | Non-Conforming..... | 66 |
| 4.6.1.9 | Permit to Continue..... | 66 |
| 4.6.1.10 | Alterations, Expansion, Relocation, and Extensions of a Non-Conforming Use | 66 |
| 4.6.1.11 | Damage to a Building or Structure Not Conforming to Dimensional Requirements..... | 66 |
| 4.6.1.12 | Alterations, Expansion, Relocation, and Extensions to a Building, Structure or Lot Not Conforming to Dimensional Requirements..... | 67 |
| 5. | Administrative and Enforcement Procedure..... | 67 |
| 5.0 | Enforcement..... | 67 |
| 5.1 | Enforcement Officer..... | 67 |
| 5.1.1 | Building Inspector..... | 67 |
| 5.1.2 | Duties..... | 67 |

| | | |
|---------|---|----|
| 5.1.3 | Appearance Tickets..... | 67 |
| 5.2 | Building Permit | 67 |
| 5.2.1 | Requirement..... | 67 |
| 5.2.2 | Application and Issuance. | 68 |
| 5.2.2.1 | Application | 68 |
| 5.2.3 | Plans, Drawings, and Specifications. | 68 |
| 5.2.4 | Issuance..... | 69 |
| 5.2.5 | Refusal | 69 |
| 5.2.6 | Effect..... | 69 |
| 5.2.7 | Term..... | 69 |
| 5.3 | Certificate of Occupancy | 69 |
| 5.3.1 | Requirement..... | 69 |
| 5.3.2 | Issuance..... | 70 |
| 5.3.3 | Refusal | 70 |
| 5.3.4 | Effect..... | 70 |
| 5.4 | Board of Appeals, Creation, Powers and Duties | 70 |
| 5.4.1 | Creation, Composition and Appointment. | 70 |
| 5.4.1.1 | Creation | 70 |
| 5.4.1.2 | Composition | 70 |
| 5.4.1.3 | Appointment | 70 |
| 5.4.1.4 | Removal..... | 70 |
| 5.4.1.5 | Vacancies..... | 71 |
| 5.4.1.6 | Compensation | 71 |
| 5.4.2 | General Procedures | 71 |
| 5.4.2.1 | Meetings | 71 |
| 5.4.2.2 | Oaths..... | 71 |
| 5.4.2.3 | Meetings, Minutes, Records. | 71 |
| 5.4.2.4 | Filing..... | 71 |
| 5.4.2.5 | Assistance | 71 |
| 5.4.2.6 | State Environmental Quality Review Act..... | 71 |
| 5.4.3 | Powers..... | 71 |
| 5.4.3.1 | Administrative Review | 72 |
| 5.4.3.2 | Use Variances | 72 |
| 5.4.3.3 | Area Variances..... | 73 |
| 5.4.3.4 | Special Permits | 73 |
| 5.4.3.5 | Imposition of Conditions..... | 73 |
| 5.4.3.6 | Reference to Wayne County Planning Board. | 73 |
| 5.4.3.7 | Expiration of Variances | 74 |
| 5.4.3.8 | Running With the Parcel..... | 75 |
| 5.4.4 | Special Procedures Relative to Appeal or Application for Administrative Review, Variance or Special Permit | 75 |
| 5.4.4.1 | Notice of Appeal or Application..... | 75 |
| 5.4.4.2 | Time of Appeal..... | 75 |
| 5.4.4.3 | Stay of Proceedings. | 75 |
| 5.4.4.4 | Waiver for Farm Operations | 75 |
| 5.4.5 | Hearing, Notice, Public Notice, Notice to Property Owners, Decisions and Costs..... | 76 |
| 5.4.5.1 | Hearing | 76 |
| 5.4.5.2 | Notice..... | 76 |

| | | |
|------------|---|-----|
| 5.4.5.3 | Decision..... | 76 |
| 5.4.5.4 | Filing of Decision and Notice..... | 76 |
| 5.4.6 | Provisions of Appeal or Application..... | 76 |
| 5.4.7 | Scope..... | 77 |
| 5.4.8 | Recourse..... | 77 |
| 5.5 | Violations..... | 77 |
| 5.5.1 | Remedies..... | 77 |
| 5.5.2 | Penalties..... | 77 |
| 5.5.2.1 | Criminal..... | 77 |
| 5.5.2.2 | Civil..... | 77 |
| 5.6 | Amendments..... | 78 |
| 5.7 | Fees..... | 78 |
| 5.8 | Planning Board..... | 78 |
| 5.8.1 | Composition and Appointment..... | 78 |
| 5.8.1.1 | Continuation..... | 78 |
| 5.8.1.2 | Composition..... | 78 |
| 5.8.1.3 | Appointment..... | 78 |
| 5.8.1.4 | Removal..... | 78 |
| 5.8.1.5 | Vacancies..... | 78 |
| 5.8.1.6 | Compensation..... | 79 |
| 5.8.2 | General Procedures..... | 79 |
| 5.8.2.1 | Meetings..... | 79 |
| 5.8.2.2 | Oaths..... | 79 |
| 5.8.2.3 | Meetings, Minutes, Records..... | 79 |
| 5.8.2.4 | Filing..... | 79 |
| 5.8.2.5 | Assistance..... | 79 |
| 5.8.2.6 | State Environmental Quality Review Act..... | 79 |
| 5.8.3 | Powers..... | 79 |
| 5.8.4 | Referral to Wayne County Planning Board..... | 80 |
| 5.8.4.1 | Required Referrals..... | 80 |
| 5.8.4.2 | Failure of County Planning Board to Report..... | 81 |
| 5.8.4.3 | Supermajority Requirement..... | 81 |
| 5.8.5 | Hearing, Notice, and Decisions on Applications For Site Plan Approvals..... | 81 |
| 5.8.5.1 | Hearing..... | 81 |
| 5.8.5.2 | Notice..... | 81 |
| 5.8.5.3 | Decision..... | 81 |
| 5.8.5.4 | Conditions..... | 81 |
| 5.8.5.5 | Waiver..... | 81 |
| 5.8.5.6 | Filing of Decision and Notice..... | 82 |
| 5.8.5.7 | Area Variance..... | 82 |
| 5.8.6 | Recourse..... | 82 |
| 6. | General Provisions..... | 83 |
| 6.0 | Separability..... | 83 |
| 6.1 | Repealer..... | 83 |
| 6.2 | Short Title..... | 83 |
| 6.3 | Effective Date..... | 83 |
| Appendix A | Definitions..... | 84 |
| Appendix B | Sign Regulations..... | 104 |

Pursuant to the authority and power granted by Article 16 of the Town Law and the Municipal Home Rule Law of the State of New York, to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of occupancy of lots and parcels of land that may be occupied, the size of yards, courts and open spaces, the density of population and the location and use of buildings, structures, and land for trade, industry, residence or other purposes, and to establish zones or districts in the Town of Huron, the Town Board of the Town of Huron has enacted Local Law No. 1 of 1973 of the Town of Huron, as amended as follows:

1. Purposes

1.0 General Purposes. The zoning regulations and districts herein set forth and as outlined upon said map made a part of this law by Section 2.0 are made in accordance with a Comprehensive Plan for the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, as to the character of each district and its suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the Town.

1.1 Purposes of Adult Use Regulations. It is the policy of the Town of Huron, that in order to preserve public peace and good order, and to safeguard the health, safety, and welfare of the Town of Huron, it is necessary to regulate and restrict the location of adult uses, particularly due to the secondary impacts of such uses, including traffic, noise, and assembly of persons at late hours. However, the provisions of this law are not intended to have the effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent of this law to restrict or deny the access by adults to sexually oriented materials protected by the First Amendment to the Constitution of the United States, or to deny access by distributors and exhibitors of sexually oriented materials to their intended market. Nonetheless, it is not the policy of the Town of Huron to condone or legitimize the distribution of obscene materials.

2. Establishment of Districts

For the purposes of this law the Town of Huron is hereby divided into the following eight (8) classes of districts:

| | |
|---|----------|
| Agriculture (5-acre minimum lot) | A5A |
| Rural Residential (1-acre minimum lot) | R1A |
| Medium Density Residential (15,000-square foot or 1-acre minimum lot) | R-15,000 |
| Resort | RES |
| Highway Business | HB |
| Industry | M |

Land Conservation
Planned Development

LC
PD

2.0 Zoning Map. The boundaries of these districts are hereby established on a map entitled "Town of Huron Zoning Map," which map accompanies and is hereby made a part of this law.

2.1 Interpretation of District Boundaries. Where a district boundary line, as appearing on the zoning map, divides a lot or land in single ownership as existing at the time of this enactment, the use authorized on and the district requirements applying to the less restricted portion of the property shall be construed as extending into the remaining portion of the property beyond the district boundary lines for a distance not exceeding 35 feet. Otherwise, unless shown to the contrary on the zoning map, the boundary lines of districts are the centerlines of streets and alleys, or such lines extended, railroad right-of-way lines, the centerlines of creeks and waterways, the corporate limits line as it existed at the time of the enactment of this law.

3. Definitions

Certain words and terms used in this law are defined for the purposes thereof, as follows:

3.0 Terms. The present tense shall include the "future," the singular number shall include the "plural" and the plural the "singular," and the use of one gender all other genders. The use of "shall" is always mandatory. "Town" shall mean the Town of Huron. "County" shall mean the County of Wayne. "State" shall mean the State of New York. The date of enactment of this law shall be considered July 20, 1973. "Town Building Law" shall mean Local Law No.1 of 1989 of the Town of Huron, as amended or superseded from time to time, and "Uniform Code" shall mean the New York State Fire Prevention and Building Code, as amended from time to time. Definitions of terms are set forth in **Appendix A**.

4. District Regulations

4.0 Application of Regulations. No building, structure or land shall hereafter be used, and no building, structure or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations specified in this law applicable to the district in which it is located, except as hereinafter provided.

4.1 General Regulations.

4.1.1 Height Regulations. No building or structure shall hereafter be erected or altered to exceed the height limit designated for the district in which it is located.

4.1.2 Space and Area Regulations. No building or structure shall be erected hereafter; nor shall any existing building or structure be altered, enlarged, or moved; nor shall any lot, yard, lot width, open space, loading or parking space required in relation to any building or structure or use be encroached upon or reduced in any manner not in conformity with the lot area, lot area per family, lot coverage, open space and building

bulk regulations, minimum yard requirements, and other space and area requirements designated herein for the district in which it is located.

4.1.3 Yard as Related to a Building or Structure. No part of a yard or other open space required appurtenant to any building or use shall be included as a part of a yard or other open space required for any other building or any other lot.

4.1.4 Use of Yards. Yards, as required by this law, shall not be used for the storage of merchandise, equipment, building materials, junk, vehicles, vehicle parts, tires or any other material or for signs except as part of a farm operation in an Agriculture (A5A) District, or as otherwise specifically allowed by this law.

4.1.5 House Numbers. All buildings and other structures that have been assigned a Wayne County house number shall display that number so that it is visible from the nearest street. In the case of island or beach structures, with no street access, the number shall be visible from the water.

4.1.6 Uniform Code. All buildings, structures and land uses shall conform to the Uniform Code, in addition to the requirements of this law.

4.2 Schedule of Regulations. Except as otherwise provided by this law (including section 4.4.2 with respect to Land Conservation (LC) Districts, and section 4.4.3 with respect to Planned Unit Developments), no building or structure or land shall be used, nor shall any building or structure be built or altered, except for the purposes specified in the following Schedule. All buildings, structures and land uses shall also conform to section 4.5, which sets forth Supplemental Regulations.

| PRINCIPAL USE | A5A | R1A | R-15,000 | RES | HB | M |
|---|-----|-----|----------|-----|-----|-----|
| Adult Care Facility | S | S | N | N | N | N |
| Adult Uses | N | N | N | N | S/2 | N |
| Agriculture | P | P/5 | P/5 | P/5 | P/5 | P/5 |
| Animal Husbandry | P | P/5 | N | N | N | N |
| Animal or Fowl Sheltering, Non-Commercial | P | P/1 | P/1 | P/1 | P/1 | P/1 |
| Airport, Private | S | N | N | N | N | N |
| Bar or Tavern | N | N | N | S | P | N |
| Boarding House | S | S | N | S | N | N |
| Boat House | N | N | P | P | N | N |
| Business, Outdoor | S | N | N | S | S | S |
| Business Retail/ Wholesale, Small | P | S | N | S | P | S |
| Business Retail/ Wholesale, Medium | S | S | N | S | P | S |
| Business Retail/ Wholesale, Large | S | N | N | N | S | S |
| Cabin, Hunting and Fishing | P | P | N | P | N | N |

| PRINCIPAL USE | A5A | R1A | R-15,000 | RES | HB | M |
|---------------------------------------|------|------|----------|-----|----|---|
| Camp-ground | S | S | N | S | S | N |
| Camping | CP | CP | CP | CP | N | N |
| Car Wash | N | N | N | N | P | P |
| Carnival | S | S | N | S | S | S |
| Cemetery | S | N | N | N | N | N |
| Church | S | S | S | S | S | N |
| Circus | S | S | N | S | S | S |
| Clinic, Medical or Dental | S | S | N | N | P | N |
| Club or Clubhouse | S | S | S | S | P | N |
| College | S | S | N | N | N | N |
| Cottage Colony | N | S | N | S | N | N |
| Cottage, Duplex | N | S | N | P | N | N |
| Cottage, One Unit | N | S | N | P | N | N |
| Crematorium | S | N | N | N | N | P |
| Day Care Facility | S | S | N | N | S | N |
| Dock, Boat | N | N | P | P | N | N |
| Drive-In Business | S | N | N | S | P | S |
| Dwelling, Duplex | P | P | N | N | N | N |
| Dwelling, Multi-Family | S | S | N | N | N | N |
| Dwelling, One Family | P | P | P | P | N | N |
| Dwelling, Row or Town House | N | S | N | N | N | N |
| Dwelling, Two-Family | P | P | N | N | N | N |
| Factory | S | N | N | N | N | P |
| Fair | S | S | N | S | S | S |
| Farm | P | P | N | P | P | P |
| Farm, Fur | S | N | N | N | N | N |
| Farm, Pig | S | N | N | N | N | N |
| Food Processing Industry | S | N | N | N | N | P |
| Fraternity House or Dormitory | S | S | N | N | N | N |
| Funeral Home | N | N | N | N | P | N |
| Garage, Parking | N | N | N | N | P | S |
| Golf Course | S | S | S | S | N | N |
| Hospital | S | N | N | N | N | N |
| Hospital, Animal or Veterinary Clinic | S | S | N | N | N | N |
| Hotel | N | S | N | S | P | S |
| Junk Yard | S | N | N | N | N | S |
| Kennel | S/10 | S/10 | N | N | N | N |
| Laundry | S | N | N | S | P | S |
| Library | S | N | N | S | P | N |
| Machine Shop | S | N | N | N | P | P |
| Manufactured Home | P | N | N | N | N | N |

| PRINCIPAL USE | A5A | R1A | R-15,000 | RES | HB | M |
|---|------|-----|----------|-----|-----|-----|
| Manufactured Home Community | S | S | N | S | N | N |
| Manufactured Home, Residential Design | P | P | P | P | S | N |
| Marina | N | N | N | S | P | N |
| Migrant Labor Camp | S/10 | N | N | N | N | N |
| Motel | S | S | N | S | P | S |
| Motor Freight Terminal | S | N | N | N | S | P |
| Motor Vehicle Service Station | S | N | N | N | P | P |
| Natural Gas and/or Petroleum Exploration Activities | N | N | N | N | N | N |
| Natural Gas and/or Petroleum Extraction Activities | N | N | N | N | N | N |
| Nursery School | S | S | N | N | S | N |
| Nursing Home | S | S | N | N | N | N |
| Office, Professional | S | S | N | N | P | P |
| Office, Home | P | P | S | S | N | N |
| Park | S | S | S | S | N | N |
| Parking, Commercial | S | S | N | N | P | S |
| Place of Public Assembly | S | S | N | S | S | N |
| Playground | S | S | S | S | N | N |
| Poultry House, Cage Type | S | N | N | N | N | N |
| Quarry or Pit | S | N | N | N | N | S |
| Restaurant | S | S | N | S | P | S |
| Riding Academy | S | S | N | N | N | N |
| Rod and Gun Club | S | N | N | N | N | N |
| Roosters and Peacocks, Non-Commercial Animal or Fowl Sheltering | P | P/5 | P/5 | P/5 | P/5 | P/5 |
| Sanitarium | S | S | N | N | N | N |
| Sawmill | S | N | N | N | N | P |
| School | S | S | N | N | N | N |
| Scientific Station | S | S | S | S | S | S |
| Skating Rink | N | S | N | N | P | N |
| Short-Term Residential Rental Use | P | SP | SP | SP | P | P |
| Solar Energy System – Minor (up to 25kW) | P | P | P | P | P | P |
| Solar Energy System – Medium (26kW-199kW) | SP | N | N | N | SP | SP |
| Solar Energy System – Major (200kW and over) | SP | N | N | N | SP | SP |

| PRINCIPAL USE | A5A | R1A | R-15,000 | RES | HB | M |
|--|-----|-----|----------|-----|-----|-----|
| Solar Energy System – On-Farm | P | N/A | N/A | N/A | N/A | N/A |
| Stable, Private | P | P/5 | N | N | N | N |
| Stable, Public | S/7 | S/7 | N | N | N | N |
| Storage, Boat | S | S | N | S | S | S |
| Storage Container (one) | P | N | N | N | S | S |
| Storage Container (two or more) | S | N | N | N | S | S |
| Storage, Open | P | S | N | N | S | S |
| Storage of Flammable Liquids | S | N | N | N | S | P |
| Storage Structure | P | P | S | S | P | P |
| Telecommunications Facilities, including Commercial Antennas and Telecommunications Towers | S | S | N | N | S | S |
| Theater | N | N | N | N | P | N |
| Tourist Home | S | S | S | S | P | N |
| Trailer, Camper or Travel Trailer | L | L | L | L | N | N |
| Transportation Terminal | S | N | N | N | P | P |
| Utility Facilities | P | N | N | N | N | P |
| Utility Distribution Lines | P | P | P | P | P | P |
| Vehicle Sales Area | S | N | N | N | P | S |
| Warehouse | P | N | N | N | P | P |
| WECS, Commercial | S/5 | N | N | N | N | N |
| WECS, Non-commercial, not more than 100 feet in Total Height | P/5 | S/5 | N | N | S | S |
| WECS, Non-commercial, greater than 100 feet in Total Height | S/5 | S/5 | N | N | S/5 | S/5 |
| Wild Animals, Non-Commercial Sheltering | N | N | N | N | N | N |

Key to Schedule of Regulations:

| Symbol | Meaning |
|--------|---|
| CP | Allowed by a camping permit in this district. |
| P | Permitted in this district. |
| N | Not permitted in this district. |
| S | Permitted with Special Permit from the Board of Appeals, as provided by section 43.0 of this law. |

- /1 A minimum lot of 1 acre required for this use in this district.
- /2 A minimum lot of 2 acres required for this use in this district.
- /5 A minimum lot of 5 acres required for this use in this district.
- /7 A minimum lot of 7 acres required for this use in this district.
- /10 A minimum lot of 10 acres required for this use in this district.
- L Permitted with a license issued by the Building Inspector.

4.2.1 Permitted Accessory Uses, Buildings and Other Structures. The Following accessory uses of land, buildings and structures shall also be permitted to the extent the principal use is permitted:

4.2.1.1 Accessory buildings and structures customarily associated with the permitted principal uses, buildings and other structures.

4.2.1.2 In a dwelling, the keeping of not more than two roomers or boarders, and customary home occupations.

4.2.1.3 At the side and rear of a dwelling, outdoor storage of boats, boat trailers and cargo trailers, which shall be owned for personal use by a visitor or a person residing on the premises.

4.2.1.4 At the side and rear of a dwelling, a private garage or open parking for operative passenger vehicles owned by a person residing or visiting on the premises.

4.2.1.5 At the side and rear of a dwelling, an outdoor swimming pool not operated for gain, subject to the additional provisions of section 4.5.2 **Swimming Pool, Private, Regulations Relative to Use**, of this law.

4.2.1.6 On a farm, open or enclosed storage of machinery or vehicles customarily associated with farming operations, provided, however, that the storage shall not be allowed in the front yard of a dwelling which front yard, for purposes of this section, shall extend a minimum of 50 feet from each side building line.

4.2.1.7 Off-street parking for commercial vehicles while loading and unloading as required by section 4.5.2 **Off Street Parking of Commercial Vehicles Loading and Unloading**, of this law.

4.2.1.8 Off-street private parking and automobile storage space as required by section 4.5.2 **Off Street Parking and Automobile Storage**, of this law.

4.2.1.9 Signs, to the extent permitted by section 4.5.2 **Signs**, of this law.

4.2.1.10 Temporary structures, to the extent permitted by section 4.5.2 **Temporary Uses and Structures**, of this law.

4.2.1.11 A parcel may have up to one small storage shed. A small storage shed

shall be exempt from area and yard requirements set forth in section 4.2.2 of this law, except that all storage sheds shall be at least five (5) feet from any lot line and at least ten (10) feet from the public right-of-way, and shall comply with section 4.5.2 **Obstruction and Vision**, of this law related to obstruction of vision.

4.2.2 Area, Yard, Coverage, Height and Related Requirements. The area, yard, coverage, and other requirements established by this section apply to all permitted uses for which special criteria are not established elsewhere in this law.

4.2.2.1 Schedule of Minimum Areas and Yards. All buildings and structures shall comply with the following minimum area and yard restrictions (except that corner lots shall comply with more restrictive provisions contained in section 4.2.2.2 of this law):

| District | Use | Lot Size | Lot Width (feet) | Front Yard (feet) | Side Yard (feet) | Rear Yard (feet) |
|----------|---|--------------------|------------------|-------------------|------------------|------------------|
| A5A | All uses | 5 acres | 400 | 50 | 50 | 50 |
| R1A | Dwelling | 1 acre | 200 | 50 | 10 | 25 |
| R1A | All other uses | 1 acre | 200 | 75 | 20 | 50 |
| R-15,000 | Dwelling with both public sewer and water | 15,000 square feet | 100 | 30 | 10 | 25 |
| R-15,000 | All other dwellings | 1 acre | 100 | 30 | 10 | 25 |
| R-15,000 | All other uses | 1 acre | 100 | 50 | 10 | 25 |
| RES | All uses | 1 acre | 100 | 75 | 10 | 25 |
| HB | All uses | 1 acre | 200 | 80 | 30 | 50 |
| M | All uses | 5 acres | 400 | 75 | 25 | 50 |

4.2.2.2 Corner Lots. All buildings and structures on corner lots shall comply with the following minimum yard restrictions:

| District | Use or Location | Lot Size | Lot Width (feet) | Front Yard (feet) | Other Corner Yard (feet) | Other Side Yard (feet) | Rear Yard (feet) |
|----------|-----------------|----------|------------------|-------------------|--------------------------|------------------------|------------------|
| A5A | All uses | 5 acres | 400 | 50 | 50 | 50 | 50 |
| R1A | Dwelling | 1 acre | 230 | 50 | 50 | 10 | 25 |

| District | Use or Location | Lot Size | Lot Width (feet) | Front Yard (feet) | Other Corner Yard (feet) | Other Side Yard (feet) | Rear Yard (feet) |
|----------|---|--------------------|------------------|-------------------|--------------------------|------------------------|------------------|
| R1A | All other uses | 1 acre | 235 | 75 | 75 | 20 | 50 |
| R-15,000 | Dwelling with both public sewer and water | 15,000 square feet | 110 | 30 | 30 | 10 | 25 |
| R-15,000 | All other dwellings | 1 acre | 210 | 30 | 30 | 10 | 25 |
| R-15,000 | All other uses with both public water and sewer | 1 acre | 110 | 50 | 50 | 20 | 35 |
| R-15,000 | All other uses | 1 acre | 210 | 50 | 50 | 20 | 35 |
| RES | All lots on bay or lake | 1 acre | 100 | 75 | 10 | 10 | 25 |
| RES | All other locations | 1 acre | 100 | 50 | 50 | 10 | 25 |
| HB | All uses | 1 acre | 240 | 80 | 80 | 20 | 50 |
| M | All uses | 5 acres | 400 | 75 | 50 | 50 | 50 |

4.2.2.3 Coverage. The maximum coverage on a lot shall be as follows:

| District | Maximum Coverage (percentage) |
|----------|-------------------------------|
| A5A | 5 |
| R1A | 7 |
| R-15,000 | 20 |
| RES | 20 |
| HB | 20 |
| M | 60 |

4.2.2.4 Height. No building or other structure shall exceed 35 feet in height, except that in an Agriculture (A5A) District, a building may exceed 35 feet in height, provided each yard (front, rear and side) exceeds the minimum set by this section 4.2.2 by at least one foot for each foot of height above 35 feet.

4.2.2.5 Lake Shore or Bay Shore Properties. No part of any building or structure, except fences not more than four feet in height, shall extend nearer to

the mean highwater mark as established by the United States Corps of Engineers at the time of application for the building permit than 75 feet, provided, however, that the Board of Appeals may allow such construction nearer to the mean highwater mark as so established to a line in conformity with apparent uniform setback of structures on immediately adjoining properties, and may allow boathouses nearer such highwater mark if they do not obstruct the neighbors' view.

4.2.2.6 Substandard Lots. In all districts, a one-family dwelling, cottage or cabin may be constructed on a lot of record existing prior to this enactment, not adjoined by other land in the same ownership, provided that the other requirements of this law are satisfied, including applicable lot width, yard, coverage and height requirements, and provided:

(1) Agriculture. The minimum lot area in an Agriculture (A5A) District shall be one acre.

(2) Resort. In Resort (RES) Districts, no dwelling structure shall be placed closer to the shore line than a line in conformity with apparent uniform setback of structures on immediately adjoining properties, and where the depth of the lot is substandard or insufficient due to erosion of the lake or bay shore, the minimum front and rear yard shall be 25 feet.

4.2.2.7 Driveways and Street Access.

(1) Approval of Highway Superintendent. No driveway or entrance or exit to a public street shall be constructed without the prior approval of the Town Highway Superintendent, who shall base his or her determination upon considerations of safety, and the cost and complexity of road maintenance.

(2) Intersections. No driveway or any entrance or exit centerline shall intersect a street line less than 70 feet from the intersection of any two street lines. All driveways or entrances shall intersect the street line at an angle of 90 degrees.

(3) Highway Business and Industrial Districts. Establishments in Highway Business (HB) and Industrial (M) Districts shall comply with the following requirements:

A. There shall be no more than one entrance and exit per establishment on any individual public street, and the distance between the entrance and exit centerlines, if separate, shall not be less than 100 feet in any instance.

B. No entrance or exit shall have a width greater than 50 feet.

(4) Use of Residential Driveways. No driveway or other means of

access for vehicles other than a public street shall be maintained or used in an Agriculture (A5A), Rural Residential (R1A), Medium Density Residential (R-15,000), or Resort (RES) District for the servicing of any use located in a Highway (HB) Business or Industrial (M) District.

4.2.2.8 Dwellings. Dwellings shall comply with the following additional requirements:

(1) Ground Floor Space. The minimum ground floor space per dwelling unit (not including open or enclosed porches, basements, garages, or carports) shall be:

| Type of Dwelling | Minimum Ground Floor Space (Square Feet) |
|------------------|--|
| One story | 864 |
| 1-1/2 story | 720 |
| Two story | 576 |

(2) Foundations. All foundations shall be continuous and of masonry construction.

(3) Slope of Yards. No building containing dwelling units shall be constructed, nor shall any existing building be altered, so as to contain dwelling units where the surface grade of the front yard at the front wall of such building shall be less than one foot above the centerline of the street, unless the builder shall show this in his or her plans and provide for adequate storm drainage away from the building. The Building Inspector may approve or disapprove such storm drainage, plan except that no minus gradient shall be established within 15 feet of the front wall or within six feet of either side wall or the rear wall, of the building.

(4) Yard Slope Exceptions for Private Garages on Steep Slopes. Where the topography is such that the slope of the land exceeds fifteen (15%) percent and, therefore, access to a private garage built back of the front building line as required by this law is impracticable, it shall be permissible to place such building not exceeding 12 feet in height within the front yard space, but not closer to the street right of way than 18 feet.

(5) Frontage. No dwelling shall be erected on a lot which does not abut on at least one street for a distance of not less than 40 feet.

(6) Behind Another Building. No building in the rear of a main building on the same lot may be used for residential purposes, except for domestic employees of the occupants of the main building. No dwelling

may be built or erected directly behind another dwelling having access on the same street and within 200 feet thereof. "Directly behind another dwelling" means with more than one-half the width of the structure so placed.

4.2.2.9 Cabins, Hunting and Fishing. No hunting and fishing cabins shall be placed less than 250 feet from any property line.

4.2.2.10 Decks. Decks not over 3 feet in height (measured from average grade to floor level of the deck) may be constructed to within half the required yard setback, except no such yard shall be less than 10 feet. These decks are to remain open, with no part within the otherwise required yard being enclosed.

4.2.3 Highway Business and Industrial Districts. All lots and buildings and other structures in Highway Business and Industrial Districts shall comply with the following additional requirements:

4.2.3.1 Landscaping. All lots shall be appropriately landscaped particularly at the front. Properties abutting non-business districts shall be planted to shrubs and trees for a width of not less than 15 feet on the side and rear property lines, except that such planting shall not be required where the adjoining property in the abutting non-business district is in the same ownership.

4.2.3.2 Floor Area Ratio. The maximum floor area ratio shall be 0.10 in a Highway Business (HB) District, and 1.8 in an Industrial (M) District.

4.2.4 Land Conservation District. The Land Conservation District (LC) shall be that property within the Town of Huron owned by the People of the State of New York and acquired through its Department of Environmental Conservation and/or State Parks Commission. Upon sale or transfer of such property by the State, such property may only be used as a park.

4.2.5 Planned Development District. Provision for planned unit developments is included in this law to permit the establishment of areas in which diverse uses may be brought together in a unified plan of. In a Planned Development District (PD), land and buildings may be used for any purpose to the extent permitted elsewhere in this law, provided the other requirements of this law are satisfied.

4.2.5.1 Size. The minimum district size shall be 50 acres.

4.2.5.2 Width. The minimum district width shall be 1,500 feet.

4.2.5.3 Standards. The standards for specific uses of land and buildings shall be the least strict standards permitted by this law in any other district (i.e. smallest lot size, setback, etc.).

4.2.5.4 Procedure for Establishment of a Planned Development District.

(1) Application. Application for the establishment of a Planned Development District shall be made to the Town Board.

(2) Referral to Planning Board. The Town Board shall refer the application for a Planned Development District to the Planning Board for a report. Only after the receipt of such required report or not less than 30 days after such referral in the event of the Planning Board's failure to act may the Town Board consider the application for a Planned Development District.

(3) Requirements of Planning Board. The Planning Board may require the applicant to furnish such preliminary drawings and specifications as may be required for an understanding of the proposed development. In addition to the standards of this section 4.2.5, the Planning Board shall consider, among other things the need for the proposed use in the proposed location, the existing character of the neighborhood in which the Planned Development is proposed, the safeguards needed to minimize possible detrimental effects of the proposed Planned Development District on adjacent property and its consistency with the Town's Comprehensive Plan.

(4) Approval of Planning Board. Within 30 days of the referral, the Planning Board shall approve, approve with modifications or disapprove such application and shall report its decision to the Town Board.

(5) Action by the Town Board. Upon receipt of a report from the Planning Board or in not less than 30 days after referral of the request for the establishment of a Planned Development District to the Planning Board in the event of the Planning Board's failure to act, the Town Board may arrange for a Public Hearing as required by Sections 264 and 265 of the Town Law for a change in the Zoning Law. The Town Board after a public hearing may amend the Zoning Law so as to provide for the Planned Development District.

(6) Effect of Town Board Approval of Planned Development District. The effect of granting permission for the establishment of the Planned Development District by the Town Board shall be limited to the specific proposal presented for approval within the area designated and according to the plans and specifications submitted. If, after the passage of two years from the date of approval of a Planned Development District, construction has not started, the approval given under the terms of this section 4.2.5 is revoked and the land returned to the classification which it held prior to any action consummated pursuant to the provisions of this section 4.2.5.

4.3 Special Permits

4.3.1 Procedure.

4.3.1.1 Application to the Building Inspector. As provided by section 50.2 of this law, application for a building permit shall be made to the Building Inspector prior to the commencement of the excavation for, or the construction of any building or structure or the use of land. If, upon receipt of such application, the Building Inspector determines the excavation, construction or use of land for which the application is made requires the issuance of a special permit, he or she shall, within five days of its receipt, forward the application to the Board of Appeals.

4.3.1.2 Action of Board of Appeals. Following receipt of an application from the Building Inspector and any additional materials required pursuant to this section 4.3, any reference to the Wayne County Planning Board which may be required by section 5.8.4 of this law, and compliance with the procedures set forth in section 5.9 of this law, and except as provided in section 4.4, the Board of Appeals may grant a special permit, which shall authorize the Building Inspector to issue a building permit for buildings, structures or uses of land as provided in this law.

4.3.1.3 Material to Be Submitted By Applicant. To assist the Board of Appeals in its determination, an application for a special permit shall be accompanied by plans and other descriptive matter sufficient to clearly portray the intention of the applicant, and such plans and other descriptive matter shall become a part of the record.

4.3.2 Standards. A special permit may be authorized by the Board of Appeals only upon satisfaction in each instance as to the general character, height and use of structures and property, provision of surrounding open space and the treatment of grounds, general fitness of structures and uses in their proposed location, provision for automobile parking or storage, street capacity and use, and protection of the environment; as in the opinion of the Board, may be necessary to safeguard public health, comfort, and convenience, and as may be required for the preservation of the general character of the neighborhood in which such structure is to be placed or such use is to be conducted. The standards established by sections 4.2 and 4.5 of this law shall be applied as they may be applicable to a specific request for a special permit. If granted, a special permit is conditioned upon the specific conditions outlined in the applicant's proposal (including submitted plans and any revisions to the proposal), unless otherwise specifically stated in the decision of the Board of Appeals.

4.3.3 Extensions of Special Permit Uses. Following approval of a special permit, any change from the approved proposal that results in an extension of use requires a new special permit.

4.3.4 Preexisting Special Permit Uses.

Structures and uses which existed at the time that this law, or any relevant amendment thereto, became effective, and which now require a special permit, may be continued. Extension of use of these structures or uses, however, requires a special permit. Any

building, structure or lot containing a use which now requires a special permit which is destroyed or damaged beyond fifty (50%) percent of the cost of replacement by fire, flood, wind, or other act of God or man shall not be repaired or reconstructed except in conformity with this law, unless such reconstruction:

4.3.4.1 Is completed within (12) months of the damage or destruction; and

4.3.4.2 Is equal to or less than the size of damaged or destroyed building or structure; and

4.3.4.3 Complies with section 4.2.2 of this law, pertaining to area, yard, coverage, height and related requirements, or the owner obtains an area variance from the Board of Appeals.

4.3.5 Expiration of Special Permits.

Any special permit shall expire and cease to be in effect if the approved construction, use, or other right granted by the special permit is not commenced within twelve (12) months from the date of approval. However, upon application, the Board of Appeals may, by resolution and without public notice or hearing, grant an extension of an additional twelve (12) months, so that the special permit shall expire and cease to be in effect if the approved construction, use, or other right granted by the special permit is not commenced within two (2) years from the date of the original approval.

4.3.6 Running with the Parcel. Unless otherwise expressly stated as a condition of approval, any special permit shall apply to and run with the parcel, and remain in effect after changes in ownership.

4.4 Site Plan Approval

4.4.1 Procedure.

4.4.1.1 Application to Building Inspector. As provided by section 5.2 of this law, application for a building permit shall be made to the Building Inspector prior to the commencement of the excavation for, or the construction of any building or structure or the use of land. If, upon receipt of such application, the Building Inspector determines that the permit for the excavation, construction or use of land cannot issue without the approval of a site plan by the Planning Board, he or she shall, within five days of its receipt, forward the application for permit to the Planning Board.

4.4.1.2 Action of the Planning Board. Following receipt of an application from the Building Inspector and the additional materials required pursuant to this section 4.5.400, any reference to the Wayne County Planning Board which may be required by section 55.40 of this law, and compliance with the procedures set forth in section 55.0 of this law, and except as provided in section 43.0, the Planning Board shall approve, approve with modification or conditions, or

disapprove of the site plan.

4.4.1.3 Material to be Submitted by Applicant. The following material shall be submitted to the Planning Board by an applicant for site plan approval:

(1) Vicinity Map. This map shall be drawn at the scale of 2,000 feet to the inch or larger and show the relationship of the proposal to existing community facilities that may affect or serve it, such as roads, shopping areas, schools, etc. it shall also show all properties, subdivisions, streets and easements within 500 feet of the property on which the use for which application is made is proposed to be situated. Such a sketch may be superimposed on USGS map of the area.

(2) Topographic Map. This map of the property on which the use for which application is made is proposed to be situated shall be drawn at the scale of 100 feet to the inch or larger, shall show existing topography at a contour level of not more than five feet. This map shall also show the location of pertinent natural features that may influence the design of the proposed use such as water courses, swamps, rock outcrops and single trees eight or more inches in diameter.

(3) Site Plan. This map of the property on which the use for which application is made is proposed to be situated shall be drawn at the same scale as the Topographic Map required by section 4.4.1.3 (2) of this law, and shall show the location of all proposed structures, all automobile parking, the location and width of all driveways, exits and entrances, the location of all existing or proposed site improvements including drains, culverts, retaining walls, and fences, provide a description and the location of sewage disposal facilities, show the location and size of all signs, the location of proposed buffer zones, and the design of lighting facilities.

(4) Elevations and/or Sections. The site plan required by section 4.4.1.3.(3) of this law shall be accompanied by elevations and/or sections at the same or larger scale as required for the site plan drawn in sufficient detail to delineate clearly the bulk and height of all buildings and other structures included in the proposal for which application for a permit is made.

(5) Waiver of Maps or Plans. The Planning Board may, in its discretion, waive applicable requirements related to provision of maps or plans required under this section 4.4.1.3, but only when sufficient drawings and sketches are submitted which fairly show the intended construction.

4.4.1.4 Preliminary Approval. The Planning Board may, in its discretion, follow preapplication procedures and give preliminary approval to site plans based on sketches and meetings with the applicant, and may inform the applicant

that the proposed site plan as submitted or as modified, will meet the objectives of this law or, if found totally unacceptable, shall give the reasons for such determination and may request the applicant to submit a new plan before proceeding further. However, no preliminary approval may be granted without compliance with applicable provisions of the State Environmental Quality Review Act under Article Eight of the Environmental Conservation Law and its implementing regulations as codified in Title Six, Part 617 of the New York Codes, Rules and Regulations, and any referral to the Wayne County Planning Board that may be required by General Municipal Law Section 239-m and section 5.8.4 of this law. In the discretion of the Planning Board, a public hearing may be held by the Planning Board on the site plan prior to preliminary approval, in accordance with the procedures set forth in section 5.8.5 of this law. If a proposed final site plan is substantially the same as an site plan given preliminary approval, and a public hearing was held prior to the preliminary approval, the Planning Board may, in its discretion, dispense with a hearing on the final approval of the site plan, as might otherwise be required by section 5.8.5 of this law.

4.4.2 Standards. A site plan may be approved by the Planning Board only upon satisfaction in each instance as to the general height, appearance, configuration and layout of uses and structures, provision of surrounding open space and the treatment of grounds, general fitness of the structures and uses in their proposed location on the property, provision for automobile parking or storage, street capacity and use, and protection of the environment; as in the opinion of the Board, may be necessary to safeguard public health, comfort, and convenience, and as may be required for the preservation of the general character of the neighborhood in which such structure or structures is to be placed or such use is to be conducted. The standards established by sections 4.2. and 4.5 of this law shall be applied as they may be applicable to a specific request for site plan approval. If granted, approval of a site plan is conditioned upon the specific conditions outlined in the applicant's proposal (including submitted plans and any revisions to the proposal), unless otherwise specifically stated in the decision of the Planning Board. The Planning Board may, upon making the necessary findings, require that any site plan containing residential units make provision for a park or parks for playground or other recreational purposes, as provided by Town Law Section 274-a(6)

4.4.3 Extensions of Use or Material Alterations of Site Plans.

Following approval of a site plan, any material change from the approved site plan, or extension of use beyond that provided for by the approved site plan, requires a new site plan approval.

4.5 Supplementary Regulations

4.5.1 General.

The supplementary regulations in this section 4.5 of this law are in addition to those of section 4.2 of this law, and unless otherwise indicated, shall apply in all districts to the extent these requirements are stricter than those otherwise provided by this law.

4.5.2 Supplementary Regulations with Respect to Specific Buildings, Structures and Uses.

The following is in alphabetical order:

Adult Uses.

- (1) Location. No adult use shall be operated within five hundred (500) feet of a church or other place of worship; an elementary, secondary, or vocational school; a hospital, nursing home or convalescent home; a library or museum; a cemetery; the boundary of Rural Residential (R1A) or Medium Density Residential (R-15,000) District; or a park, playground or recreation area. Furthermore, no adult use shall be operated in the same building or structure as another adult use, or within one thousand (1,000) feet of another adult use.
- (2) Building. All adult uses shall be conducted in an enclosed building. No specified anatomical areas or specified sexual activities, whether live or by picture, photograph, drawing, motion picture film, videotape, or other visual display, shall be visible from outside the building.
- (3) Lot. All adult uses shall be located on a lot with a minimum area of two acres.
- (4) Front Yard. No part of any building containing an adult use or sign advertising such use shall extend nearer to the street line than 100 feet.
- (5) Signs. No lighted signs shall advertise an adult use.

Airports. All airports must be on a site of at least 700 feet by 5,000 feet.

Camping.

- (1) Residential Districts. In a Rural Residential (R1A), Medium Density Residential (R-15,000), or Resort (RES) District, camping shall only be allowed as an accessory to a dwelling or cottage occupied by the owner. Camping for more than four (4) consecutive nights shall only be allowed, after a camping permit is issued by the Building Inspector. Such camping permit shall be issued for a period not to exceed fifteen (15) consecutive days. A second camping permit may be issued for a period not to exceed fifteen (15) consecutive days for the same lot during the same calendar year, provided the first camping permit has expired and then only if the Building Inspector has not made a finding that a nuisance has resulted from prior camping activities; however, not more than two such camping permits may be issued for any one lot in any calendar year.
- (2) Agriculture District. In an Agriculture (A5A) District, camping shall be allowed as a principal use, or as an accessory to a dwelling. However, camping for more than four (4) consecutive nights shall only be allowed after a camping permit is issued by the Building Inspector. Such a camping permit shall be valid for a ninety (90) day period, and shall not be renewable in the same calendar year.

(3) Camping Permits. A camping permit may be issued by the Building Inspector, provided an application is submitted to the Building Inspector accompanied by the required fee (set by resolution of the Town Board), and satisfactory proof that an approved means of sewage disposal is provided, and any camper or travel trailer is registered with the Department of Motor Vehicles.

Campgrounds. In addition to all other applicable regulations, all campgrounds shall satisfy the following requirements:

(1) It shall be unlawful for any person or persons to construct or operate a campground without first securing a special permit and site plan approval in accordance with sections 4.3 and 4.4 of this law, and an annual license from the Building Inspector.

(2) The application for such annual license or the renewal thereof shall be filed with the Building Inspector and shall be accompanied by a fee established by the Town Board. The application for a license or renewal thereof shall be made on forms prescribed by the Building Inspector, and shall include the name and address of the owner in fee of the lot (if the fee is vested in some person other than the applicant, a duly verified statement by the owner that the applicant is authorized by him to construct or maintain the campground shall accompany the application). Each license or renewal thereof shall expire on the December 31 following the issuance thereof.

(3) A campground shall have an area of not less than three acres, and no trailer, office or service building shall be closer to a street line or other property line than 100 feet.

(4) A campground shall conform to the following additional requirements:

A. The campground shall be located on a well drained site suitable for the purpose with an adequate entrance road that is at least 25 feet wide.

B. An individual camping lot shall be provided for each tent, camp or travel trailer or other camping device, with an area of not less than 1,000 square feet.

C. The total number of camping lots shall not exceed 15 per gross acre.

D. Margins along the side property lines shall be densely planted to trees and shrubs for a depth of not less than 25 feet, if required by the Planning Board.

E. Each campground shall provide sanitary conveniences, including adequate toilets, washrooms, water supply, sewage disposal, lighting, and garbage disposal.

F. Daily pickup of garbage must be provided.

(5) **Inspection, Suspension and Revocation.** The Building Inspector shall have the authority to enter and inspect for health and sanitary purposes, any facility licensed hereunder, at any reasonable time. If, upon inspection, it is found that the licensee has violated any provision of this law, the Building Inspector shall have the power to revoke or suspend such license and order all tents, trailers, and other camping devices removed, or the campground closed after notice and an opportunity to be heard.

Clubs and Clubhouses. Except in the Highway Business (HB) District, clubs and clubhouses shall conform to the following requirements:

(1) Prior to granting a special permit for a club or clubhouse, the Zoning Board of Appeals shall determine:

A. that the physical character of the site is adequate to accommodate the proposed use and that plans for parking, water supply, sewage disposal and storm drainage are likely to meet anticipated demands; and

B. that the street system serving the site is adequate to carry the anticipated traffic flows and that the club or clubhouse will not create a burden or nuisance for adjoining property owners.

(2) The Zoning Board of Appeals may impose reasonable and appropriate conditions with respect to improving the design quality of the proposed use or to minimize the impact of the use on adjacent properties. Such conditions may include a landscaped buffer, or other design features to lessen visual impacts, restrictions on the hours of operation or noise.

Cluster or Large Scale Development. The Planning Board is authorized, in a Rural Residential (R1A), Medium Density Residential (R-15,000), or Resort District, to approve cluster development simultaneously with the approval of a subdivision plat, in accordance with the requirements of Section 278 of the Town Law. Upon presentation of a subdivision plat to the Planning Board showing the location of buildings, streets, yards and other open spaces for the unified residential development of an area in a Rural Residential (R1A), Medium Density Residential (R-15,000), or Resort District, the Planning Board may waive the otherwise applicable side, rear, and front yard requirements, except along streets shown on the Official Town Map as primary or secondary, provided:

(1) The net land area per dwelling unit in the development is not less than the area generally required for each such dwelling in the district in which it is located.

(2) Such submittal shall otherwise be subject subdivision plat approval of the Planning Board pursuant to the Town Subdivision Regulations.

College or School.

- (1) Location. No special permit shall be granted for the construction or expansion of a college, school or other educational institution, unless such institution has a minimum of 400 feet of frontage on a road designated as a Primary or Secondary Road on the Comprehensive Plan or Official Town Map.
- (2) Place of Public Assembly. No sports arena or other place of public assembly having a capacity of more than 1,000 persons shall have entrances or exits on other than streets that have been designated as Primary or Secondary Streets on the Comprehensive Plan or Official Town Map. Where feasible, entrances and exists should be on primary streets, and not on streets intended for predominately residential use.

Cottage Colony. Cottage colonies, where allowable under this law, shall conform to the following requirements:

- (1) The land area per cottage, one unit, shall be not less than 4,000 square feet.
- (2) The space between detached rental structures shall be not less than 25 feet.
- (3) No structure used for an office or rental purpose shall be placed closer to a front property line than 80 feet or closer to a side or rear property line than 50 feet.
- (4) No casino or other recreational facility shall be placed closer to any property line than 100 feet.
- (5) No outdoor swimming pool shall be placed closer to any front property line than 80 feet or closer to a side or rear property line than 50 feet.
- (6) No space used for automobile parking shall be placed within 25 feet of any property line.
- (7) The property is to be appropriately landscaped, particularly at the front and sides.

Dump or Incinerator. No dump, incineration of garbage, trash, refuse, junk, ash, solid waste, or waste material of any kind, whether or not for the production of energy, or location for transfer or storage of such materials, shall be permitted Town of Huron except as approved by the Town Board. The Town Board shall only issue a permit if it finds that the construction and operation of the dump or incinerator shall not threaten or negatively impact public health, welfare, or safety, or the environment, and the dump or incinerator complies with all applicable requirements of the New York State Environmental Conservation Law and regulations promulgated thereunder.

Excavating, Grading or Filling. Excavating, grading or filling, as defined in Appendix A of this law, shall not be allowed unless a special permit is granted by the Board of

Appeals, and provided the following requirements are satisfied:

- (1) Slopes. All slopes must be 25% or less.
- (2) Surface Waters. No excavating, grading or filling shall result in increased runoff or diversion of surface water to adjacent lands.

Farm and Cage Type Poultry, Fur and Pig Farms. In addition to all other requirements under this law, the following requirements shall be satisfied:

- (1) Storage. Open or enclosed storage of machinery or vehicles customarily associated with farming operations shall be allowed, provided, however, that the storage shall not be allowed in the front yard of a dwelling which front yard, for purposes of this subdivision, shall extend a minimum of 50 feet from each side building line.
- (2) Cage Type Poultry Farm. Cage type poultry houses shall satisfy the following requirements:
 - A. Site Size. A cage type poultry farm shall be located on contiguous property of at least 50 acres.
 - B. Odor Suppressors. Cage type poultry houses shall be equipped with odor suppressors of the hydraulic pit or equivalent type of sufficient capacity as to permit the lapse of not less than four months between cleansing. Cage type poultry house odor suppression devices shall be cleaned under such conditions and at such times of the year as shall allow such cleaning to be accomplished without the escape obnoxious and unpleasant odors.
 - C. Setbacks. Cage type poultry houses containing 5,000 birds or less shall be erected not less than 2,000 feet from the boundary line of a district in which they are not permitted, and not less than 500 feet from any property line.
- (3) Fur Farm. Fur farms shall satisfy the following requirements:
 - A. Site Size. A fur farm shall be located on contiguous property of at least 50 acres.
 - B. Location of Buildings Housing Animals. No building or other structure housing animals shall be located less than 1,000 feet from any district boundary line in which the establishment of fur farms is not permitted, or less than 200 feet from any property line.
- (4) Pig Farms. Pig farms shall satisfy the following requirements:
 - A. Site Size. A pig farm shall be located on contiguous property of at

least 100 acres.

B. Site Plan. Application for the establishment of a pig farm shall be accompanied by a site plan showing the location of all facilities and improvements.

C. Location of Pens and Feeding Areas. No pens or feeding areas shall be located less than 1,000 feet from the boundary line of any district in which the establishment of pig farms is not permitted, or less than 500 feet from any property line.

Fences. Fences shall comply with the following requirements, in addition to all other requirements under this law:

(1) In accordance with **the definition of Structure in Appendix A**, a fence greater than four feet in height is a structure, and must comply with all requirements for the district it is located within, including setbacks. A building permit must be obtained to construct a fence, except for those fences required by this section 4.5.

(2) The finished side of a fence must face outward, and the fence must be maintained. Solid planted shrubbery is not considered a fence.

(3) A fence shall not be used for a sign unless all the requirements of section 45.20(aa) are met.

(4) Open agricultural fences in Agriculture (A5A) Districts are exempt from the above requirements of this section.

(5) No part of a fence or agricultural wind break greater than 30 inches in height may be closer to the street right of way than 10 feet.

Food Processing Industry. A food processing industry shall be located on a site of contiguous property of at least 50 acres.

Hotel. Except in business districts, hotels shall conform to the following requirements:

(1) Area. The minimum area per establishment shall be five acres. For each rental room in excess of 12, this land area shall be increased by not less than 2,500 square feet.

(2) Frontage on Street. The minimum frontage on a public street shall be 400 feet.

(3) Front Yards. The minimum front yard shall be a minimum of 150 feet, into which there shall be no encroachment of automobile parking or of structures other than a boat dock, boat house, fence, wall, or sign not larger than 20 square feet, and no other encroachment of commercial usage.

- (4) Side and Rear Yards. No structure shall be placed closer to a side or rear property line than 50 feet and no automobile parking shall be placed closer to a side or rear property line than 25 feet.

Industrial Performance Standards. Industrial Districts are established to provide for those uses whose activities do not usually constitute a fire hazard or emit smoke, glare, noise, odor or dust or in other ways constitute a nuisance or be detrimental to neighboring properties. Industrial uses shall satisfy the following requirements:

- (1) Noise. It shall constitute a nuisance for any person, firm or corporation to permit the emission of measurable noises as measured at the individual property lines to exceed 70 decibels during the periods between 6:00 a.m. and 10:00 p.m. or 60 decibels during the periods between 10:00 p.m. and 6:00 a.m., except that if the sound level exceeds these established levels for a period not to exceed six minutes in any 60 consecutive minutes, and then does not exceed these established levels by more than 10 percent, a nuisance shall not be deemed to exist.
- (2) Smoke. It shall constitute a nuisance for any person, firm or corporation to permit the emission of smoke from any source whatever of a density equal to or greater than that density described as No. 2 on the Ringlemann Chart for a period not longer than four minutes in any single period of 60 minutes, a nuisance shall not be deemed to exist.
- (3) Odor. It shall constitute a nuisance for any person, firm or corporation to permit the emission of any odor that as measured at the individual property line offensively affects the sense of smell.
- (4) Particulate Matter. The rate of emission of particulate matter from all manufacturing processes within the boundaries of any lot shall not exceed a net figure of two (2) pounds per hour per acre, of which no more than ten (10%) percent by weight of particles larger than 44 microns (325 mesh) shall be allowed.
- (5) Noxious Gases. It shall constitute a nuisance for any person, firm or corporation to permit or cause the escape of such quantities of noxious acids, fumes or gases in such manner and concentration as to endanger the health, comfort and safety of any person or cause or have a tendency to cause injury or damage to property, business or vegetation.
- (6) Glare. It shall constitute a nuisance for any person, firm or corporation to permit the edge of the beam of any artificial light source to cross the boundary line of the lot on which this light source is situated. For this purpose the edge of the beam is defined as the surface at which the intensity of light does not exceed ten (10%) percent of the luminescence of the center of the beam.

Junk Yards. Junk yards shall satisfy the following requirements:

- (1) Location. No junk yard shall be located less than 1,000 feet from a district boundary line in which junk yards are not allowed by special permit.
- (2) Regulation. Junk yards shall comply with the provisions of the Junk Yard Ordinance of the Town of Huron.

Manufactured Homes. Manufactured homes shall satisfy the following requirements:

- (1) Manufactured homes shall only be allowed as follows:
 - A. In an Agriculture District, either: (1) on a lot of at least five acres; or (2) on a lot of record not adjoined by other land in the same ownership, having an area of less than five acres, but not less than one acre.
 - B. A permit may be issued by the Building Inspector for temporarily parking and occupying a manufactured home in any district on land owned by the occupant or occupants during the construction of a house thereon for a period not exceeding 180 days and shall be renewable for an additional period not exceeding 180 days. However, if material progress with house construction is not made within 45 days from the issuance of a permit or if construction work ceases for a period of 45 consecutive days, such permit shall become void.
- (2) If unused or unoccupied, no manufactured home may be parked and/or stored on any lot for more than 90 days.
- (3) No manufactured home may be used as an accessory building or as an addition to an existing structure.
- (4) Foundation requirements for all new or replacement manufactured homes shall comply with NYS Building Code.

Manufactured Home Communities. In addition to all other applicable regulations, all manufactured home communities shall satisfy the following requirements:

- (1) It shall be unlawful for any person or persons to construct or operate a manufactured home community without first securing a special permit and site plan approval as described in sections 4.3 and 4.0 of this law, and an annual license from the Building Inspector.
- (2) The application for such annual license or the renewal thereof, shall be filed with the Building Inspector and shall be accompanied by a fee established by the Town Board. Thereafter, each manufactured home shall be assessed on the tax rolls of the Town against the manufactured home community owners in accordance with Section 102 of the New York State Real Property Tax Law.
- (3) The application for a license or renewal thereof shall be made on forms prescribed by the Building Inspector, and shall include the name and address of

the owner in fee of the tract (if the fee is vested in some person other than the applicant a duly verified statement by such person that the applicant is authorized by him to construct or maintain the manufactured home community shall accompany the application). The application shall further indicate the applicant's bona fide intent to construct and operate the manufactured home community on a commercial basis and shall include the applicant's agreement that two or more manufactured homes shall be located within the park not less than six months from the date of issuance of the permit and, in default thereof, that the applicant shall surrender the license and the same shall be revoked. Each license or renewal thereof shall expire on the thirty-first day of December following the issuance thereof.

(4) A manufactured home community shall conform to the following additional requirements:

A. A manufactured home community shall have an area of not less than 10 acres, and no manufactured home or office or service building shall be closer to the street line or other property line than 100 feet.

B. A manufactured home community shall be located on a well-drained site suitable for the purpose, with an adequate entrance road that is at least 25 feet wide.

C) Individual manufactured home lots shall have an area of not less than 6,000 square feet.

D. No manufactured home or portion thereof or other structured shall be placed closer to any other manufactured home or portion thereof than 35 feet.

E. The total number of manufactured home lots shall not exceed six per gross acre.

F. Margins along the side and rear property lines of the manufactured home community shall be densely planted to trees and shrubs for a depth of not less than 25 feet. The requirement of such planting may be waived by the Planning Board when such side and rear property lines adjoin other property in the same ownership to a depth of not less than 200 feet or, when the owner or owners of the adjoining property consent and agree in writing that such planting may be waived and the Planning Board is satisfied that the intent of the within view shielding requirement is substantially satisfied.

G. Each manufactured home shall have an entrance platform of concrete, wood, or equivalent construction to conform with the overall plan.

H. Camp or travel trailers shall not be allowed to occupy

manufactured home community spaces for living purposes.

I. Each manufactured home community shall provide adequate sanitary conveniences, services and utilities, including adequate water supply, sewage disposal, lighting, and garbage disposal.

J. A storage shed, not less than 64 square feet and not to exceed 100 square feet, shall be provided on each individual manufactured home lot.

(5) **Inspection, Suspension and Revocation.** The Building Inspector shall have the authority to enter and inspect for health, safety, sanitary, and other provisions of this law, any facility licensed hereunder, at any reasonable time. If, upon inspection, it is found that the licensee has violated any provision of this law, the Building Inspector shall have the power to revoke or suspend such license and order all manufactured homes devices removed, or the manufactured home community closed, after notice and an opportunity to be heard.

(6) **Parking Spaces.** Parking spaces shall be provided at the rate of two parking spaces for each manufactured home, and shall have a minimum area of 200 square feet each.

Manufactured Home, Replacement of Noncomplying. Replacement of a noncomplying manufactured home or mobile home shall be governed by section 4.6 of this law.

Migrant Labor Camps.

Where permitted under the terms of this law, migrant labor camps shall comply with Chapter 1, Part 15 of the State Sanitary Code, and shall also satisfy the following requirements:

(1) **Site Size.** A migrant labor camp may only be located on contiguous property of at least 10 acres.

(2) **Farms.** A migrant labor camp shall only be located on an operating farm, and only used to house laborers employed on such farm.

(3) **Manufactured Homes.** Manufactured homes may be parked and occupied in a migrant labor camp, provided the requirements of section 4.5.2 **Manufactured Homes**, of this law are met. The use of manufactured homes as migrant labor camp housing facilities shall not be the establishment of a manufactured home community or campground, as defined by this law.

(4) **Height.** No buildings or structures shall of more than two stories in height shall be permitted.

(5) **Setbacks.** No migrant labor camp or appurtenant building or structure shall be less than 50 feet from any property line, 200 feet from any permanent dwelling unit on another parcel, 100 feet from any structure or enclosure used as

quarters for livestock or poultry, or building used for the processing or distribution of commercial food products, or 500 feet from the boundary line of another district.

(6) **Setback Between Buildings.** The minimum distance between two one-story building shall be 25 feet. The minimum distance between any one-story building and any two-story building shall be 30 feet. The minimum distance between two two-story buildings shall be 35 feet.

(7) **Coverage.** The maximum coverage shall be five (5%) percent.

(8) **Parking.** Parking space as defined herein shall be provided at the rate of one space for each family quarters, and one-half space for each individual quarters contained in the camp.

Motel. Motels, where allowable under this law shall conform to the following requirements:

(1) Each rental structure shall contain at least eight rental units.

(2) Automobile parking spaces to accommodate not less than one car for each rental unit plus one additional space for every two persons regularly employed on the premises shall be provided. In addition, if the motel includes restaurants, taverns or meeting rooms as accessory uses, parking for these uses shall be provided as required by section 4.5.2 **Off Street Parking and Automobile Storage**, of this law.

(3) Each rental unit shall be supplied with hot and cold running water and equipped with a flush toilet. Such fixtures and those of any accessory uses shall be properly connected to public water and sewer systems, or other arrangements for water supply and sewage disposal made which are approved by the New York State Department of Health.

(4) The minimum area per establishment shall be three acres.

(5) The minimum frontage per establishment shall be 400 feet.

(6) There shall be a minimum front yard of 150 feet into which there shall be no encroachment of automobile parking closer than 100 feet to the street line and no encroachment of other structures other than a fence, wall or sign and no other encroachment of commercial usage.

(7) No structure shall be placed closer to a side or rear property line than 50 feet and no automobile parking shall be placed closer to a side or rear property line than 25 feet.

Natural Gas and Petroleum Exploration and Extraction Activities.

- (1) Prohibition. No Natural Gas and/or Petroleum Exploration Activities, and no Natural Gas and/or Petroleum Extraction Activities, shall be conducted within the Town. No person or entity shall use, cause, or permit to be used, any land, body of water, building, or other structure located within the Town for any Natural Gas and/or Petroleum Exploration Activities or any Natural Gas and/or Petroleum Extraction Activities.
- (2) Exceptions. The prohibition on Natural Gas and/or Petroleum Exploration Activities or Natural Gas and/or Petroleum Extraction Activities set forth in section 4.2 and this section shall not apply to, and shall not prevent or prohibit:
- (3) Transmission of natural gas through utility pipes, lines, or related appurtenances for the purpose of supplying natural gas utility services to residents of or buildings located in the Town, so long as such use does not directly involve any Natural Gas and/or Petroleum Exploration Activities or Natural Gas and/or Petroleum Extraction Activities.
- (4) Incidental or normal sale, storage or use of lubricating oil, heating oil, gasoline, diesel fuel, kerosene, natural gas, propane or compressed natural gas in connection with legal agricultural, residential, business, commercial, and other uses within the Town, so long as such use does not directly involve any Natural Gas and/or Petroleum Exploration Activities or Natural Gas and/or Petroleum Extraction Activities.
- (5) Production or extraction of natural gas and/or petroleum from any existing well or other existing facility in production or operation within the Town prior January 20, 2014, so long as such activities are in all respects being conducted in accordance with all other applicable laws and regulations, including without limitation all permits required to be issued by the New York State Department of Environmental Conservation and any other regulating agencies. All such activities shall be “grandfathered,” and shall be allowed to continue as non-conforming uses as provided by section 46.10 of this law.

Non-Commercial Animal or Fowl Sheltering.

Non-commercial animal or fowl sheltering is permitted:

- (1) In Agriculture Districts (A5A) with no restrictions unless otherwise regulated by this law, except that the setbacks below apply;
- (2) In all other districts, but only on a lot of at least one acre with a building permit, except that roosters and peacocks are only permitted on lots of five acres or more.
- (3) A special permit may be granted by the Board of Appeals for non-commercial animal or fowl sheltering on lots that do not meet the requirements of paragraph (2), provided that:

A. Any such special permit shall be limited in time to no more than two years.

B. In addition to the notice otherwise required by this law, notice of the hearing on an application to obtain or renew such a special permit shall be given by certified mail to the owners, as shown on the most recent assessment roll of the Town, owning property within 100 feet of the applicant's lot.

C. Prior to granting a special permit or renewal, the Board of Appeals shall evaluate any complaints that have been received by the Town or the board relative to sheltering and keeping domestic animals or fowl on the applicant's property.

D. The Board of Appeals may condition any such special permit on requirements or limitations deemed necessary or appropriate to protect the health, safety, welfare and quality of life of neighbors.

(4) Non-commercial animal or fowl sheltering in districts other than the Agricultural District existing on April 17, 2017, which is verified in writing to the Building Inspector, as provided by Subparagraph (A) below, by December 31, 2017, shall be exempt from the requirements of Paragraphs (1) and (2) of this law, provided that the use does not constitute a nuisance to neighboring property owners and the use complies with the other requirements of this law.

A. Written verification identifying the owner, parcel, number of animals or fowl (not including household pets) and any structure, fences, enclosures, runs, and/or area for the keeping or sheltering animals or fowl existing on April 1, 2017, must be received by the Building Inspector by August 1, 2017. Any non-commercial animal or fowl sheltering which is not verified as required, shall be required to conform to the requirements of Paragraphs (1) and (2) above, regardless of when constructed or installed. Photographs of any structure, fences, enclosures, runs, and/or area for the keeping or sheltering animals or fowl shall be submitted with the written verification. Verification forms are available from the Building Inspector.

B. This exemption may be revoked by the Building Inspector and a special permit required if the owner or tenant fails to comply with the other requirements of this Section.

C. Maintenance and repair of existing structures, fences, enclosures, runs, and/or area for the keeping or sheltering animals or fowl are permitted if the use is subject to this exemption, but the use may not be expanded and no new structures, fences, enclosures, runs, and/or area for the keeping or sheltering animals or fowl may be constructed without obtaining a special use permit pursuant to paragraph (2).

(5) In all districts, non-commercial sheltering and keeping of wild animals is not permitted.

(6) To keep and shelter chickens on a lot that is not owner occupied, the tenant must provide the Building Inspector with written permission from the property owner to shelter and keep domestic animals or fowl (other than household pets) on the lot.

(7) Applicable New York State Department of Agriculture and Markets standards and regulations for proper care of animals and fowls must be complied with, including but not limited to the requirements to protect against Avian Flu.

(8) The area and structure designated for keeping or sheltering animal or fowl must be at least 25 feet from any dwelling or other building used for human occupation and at least 15 feet from any lot line, must be suitable to accommodate the kind and number of animals and fowls in a safe and sanitary environment, and must be maintained in a manner that does not pollute the environment or create a disturbance.

(9) No fences, enclosures or runs shall be constructed in the front yard between a dwelling and a public street or a private road, and in the case of lake shore or bay shore property, between a dwelling and the water.

(10) The following rules apply to non-commercial animal or fowl sheltering outside the Agriculture District (A5A):

A. Sheltering and keeping of domestic animals or fowl shall only be permitted as an accessory use of a lot used principally as a residence or dwelling.

B. The animals and fowl shall be sheltered and kept for noncommercial purposes.

C. The number of fowl shall be limited to twelve, and the number of domestic animals (which does not include household pets) shall be limited to two.

D. Deed restrictions regarding sheltering and keeping domestic animals or fowl other than household pets shall be complied with.

E. Fences, enclosures and runs shall be constructed in a manner that ensures containment of domestic animals and fowl under all conditions.

F. Feed for animals and fowl must be kept in secure containers that will not attract rodents, vermin or pests of any type.

(11) Certified wildlife rehabilitation facilities are exempt from the requirements of this section.

Obstruction of Vision. In all districts, on a corner lot, within the triangular area formed by the centerlines of streets from their intersection, as shown on the schedule below, there shall be no obstruction to vision between the height of three and one-half feet and the height of ten feet above the average grade of each street at the centerline thereof. The requirements of this section shall not be deemed to prohibit the construction of any necessary retaining wall. All corner lots shall meet the following requirements:

| Street Right-of-Way (feet) | Distance From Intersection (feet) |
|----------------------------|-----------------------------------|
| 80 or more | 120 |
| 70 - 79 | 110 |
| 60 - 69 | 100 |
| 50 - 59 | 90 |
| 40 - 49 | 80 |
| Under 40 | 70 |

Off-Street Parking and Automobile Storage. Permanent off-street automobile storage, parking or standing space shall be provided as set forth below at the time of the erection of any building or structure, at the time any building or structure is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area, or before conversion from one use or occupancy to another. Such space shall be deemed to be required open space associated with the permitted use and shall not be thereafter reduced or encroached upon in any manner. Except in a driveway, no required yard or portion thereof on any lot shall be utilized to provide parking spaces required in this law. For the purpose of computing the number of parking spaces available in a given area, the ratio of 300 square feet per parking space shall be used.

(1) If the vehicle storage space or standing space required by this law cannot be reasonably provided on the same lot on which the principal use is conducted, the Planning Board upon site plan approval may permit such space to be provided on other off-street property provided such space lies within 400 feet of the main entrance to such principle use. Such vehicle parking space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.

(2) Vehicle parking or storage space maintained in connection with an existing and continuing principal building, structure or land use on the effective date of this law shall be continued and may not be counted as serving a new building, structure, addition or land use; nor shall any required parking space be substituted for any off-street loading or unloading space, nor any required loading and unloading space be substituted for parking space.

(3) The required parking space for any number of uses may be combined in one lot, but the required space assigned to one use shall not be assigned to another

use at the same time, except that one-half of the parking space required for churches, theaters or assembly halls whose peak attendance will be at night or on Sunday may be assigned to a use which will be closed at night or on Sunday.

(4) No off-street automobile parking or storage space shall be used or designed, arranged or constructed to be used in a manner that will obstruct or interfere with the free use of any street, alley or adjoining property.

(5) The parking spaces provided along with their necessary driveways and passageways shall be paved in a manner adequate to eliminate dust and mud problems. Plans for such parking spaces are to be included with the plans for the construction of buildings and other structures and are to be presented to the Building Inspector at the time applications for building permits are filed. Such parking areas are to be kept free of obstructions and unsightly objects. Intersections of parking areas with sidewalks or street pavements must be made in an approved manner. Provision must be made for adequate drainage of parking areas.

(6) No commercial motor vehicle of more than one ton capacity shall be parked or stored overnight on the street in any residential district.

(7) Detailed Provisions. As indicated in the schedule below, lots and uses shall meet the following parking requirements:

| Use | Requirement |
|------------------------------------|--------------------------------|
| Bar/Tavern | a,b |
| Boarding/Rooming House | a,d |
| Business, Retail/Wholesale, Small | a,c,e |
| Business, Retail/Wholesale, Medium | a,c,e |
| Business, Retail/Wholesale, Large | a,c,e |
| Campground | a,c, plus one for each site |
| Church | b |
| Clinic, Dental | a, plus three for each dentist |
| Clinic, Medical | a, plus three for each doctor |
| Clubhouse | a,b |
| College | a,b |
| Cottage | g |
| Customary Home Occupation | d,e |
| Dwelling, Duplex | g |
| Dwelling, Multi-family | g |
| Dwelling, One Family | g |
| Dwelling, Row or Town House | a,c,g |
| Dwelling, Two Family | g |
| Factory | a,c |

| Use | Requirement |
|--|---|
| Funeral Home | a,b,c,f |
| Garage, Parking | f |
| Hospital | g |
| Hotel | a,d |
| Laundry, Coin Operated | one for every two washing machines |
| Library | c,e |
| Manufactured Home Community | a,c,d |
| Marina | a,f, plus one for every five boat slips |
| Mobile Home Park | a,c,d |
| Motel | a,d |
| Motor Freight Terminal | a,c |
| Motor Vehicle Service Station | c, plus three for each employee |
| Nursing/Convalescent Home | a,b,c |
| Office, Professional | a,c,e |
| Place of Public Assembly | a,b,c |
| Playground | f |
| Restaurant | a,b |
| School | a,b |
| Skating Rink | a,b |
| Telecommunications Facilities, including Commercial Antennas and Telecommunications Towers | d |
| Theater | b |
| Tourist Home | a,d |
| Transportation Terminal | a,e |
| Warehouse | a,c |

Key to Schedule of Parking Requirements:

| Symbol | Meaning |
|--------|---|
| a | One space for every two persons employed on the premises. |
| b | One space for every five persons at maximum occupancy. |
| c | One space for every vehicle used in the business. |
| d | One space for each dwelling unit. |
| e | One space for each 200 square feet of floor area. |
| f | Requires approval of Planning Board through Site Plan Approval process. |
| g | Two spaces for each dwelling unit. |

Where more than one requirement is indicated for a particular classification of use, the sum of all requirements shall be met.

Off-Street Parking for Commercial Vehicles While Loading and Unloading. On the same premises with every building or structure or part thereof hereafter erected and occupied for the purpose of business, trade or industry, there shall be provided and maintained adequate space for the parking of commercial vehicles while loading or unloading off the street or public alley. Such space shall have access to a public alley, or if there is no alley, to a street. Off-street loading and unloading space shall be in addition to and not considered as meeting a part of the requirements for off-street parking space. Off-street loading and unloading space shall not be used or designed, intended or constructed to be used in a manner to obstruct or interfere with the free use of any street, alley or adjoining property. Off-street loading and unloading space shall be provided as set forth below at the time of erection of any building or structure and/or at the time any building or structure is enlarged or increased in capacity:

- (1) Freight Terminals. One off-street loading and unloading space at least 12 feet by 55 feet by 14 feet high for every 5,000 square feet of total floor area.
- (2) Hotels. One off-street loading and unloading space at least 12 feet by 35 feet by 14 feet high.
- (3) Hospitals. One off-street loading and unloading space at least 12 feet by 35 feet by 14 feet high in addition to any necessary emergency unloading space for ambulances.
- (4) Indoor Markets. One off-street loading and unloading space at least 12 feet by 55 feet by 14 feet high for every 7,500 square feet or less of total floor area.
- (5) Factories and other Industrial Plants. One off-street loading and unloading space at least 12 feet by 55 feet by 14 feet high for every 10,000 square feet of total floor area or as required by the Planning Board upon site plan approval.

Parking Garage and Motor Vehicle Service Station. No parking garage or motor vehicle service station, or private garage for more than five cars shall have a vehicular entrance closer to an entrance to a church, school, theater, hospital, public park, playground or fire station than 200 feet. Such measurement shall be taken as the shortest distance between such entrances across the street if the entrances are on opposite sides of the street, and along the street frontage if both entrances are on the same side of the street or within the same square block.

- (1) All motor vehicle service stations shall be so arranged as to require all servicing on the premises and outside the public way; and no gasoline pump shall be placed closer to any street line than 50 feet.
- (2) No inoperative motor vehicle shall be kept on the premises of a motor vehicle service station for longer than two weeks.
- (3) All waste material shall be stored within a structure or enclosed within fencing at least eight feet high and not be visible at any property line of the

establishment.

- (4) On any streets which provide access to gasoline pumps, all repair facilities shall be at least 15 feet farther from the street line than the side of the gasoline pumps farthest from the street line.

Public Stable. Public stables shall satisfy the following requirements:

- (1) Acreage Requirements. No public stable shall be allowed on a site of less than ten acres.
- (2) Location of Buildings. No building in which animals are housed shall be located less than 100 feet from any lot line.
- (3) Storage of Manure. No manure shall be stored within 200 feet of any residence.

Quarries and Pits.

- (1) Commercial rock and stone crushing plants and commercial plants for mixing stone or gravel with asphaltic oils or other binders shall be prohibited in all districts. However, the above shall not prevent issuance by the Board of Appeals of a temporary permit for a mixing plant in connection with a particular construction project for the period of its construction.

- (2) A quarry for the removal of stone in bulk without crushing, a sand or gravel pit and topsoil removal may be authorized by the Board of Appeals where a special permit is granted by the Board of Appeals, provided:

A. No permit shall be issued for a period of more than three years, except that upon application and after the procedure described in section 4.3 has been reinitiated and completed, a permit may be issued for additional three year periods or portions thereof.

B. In the operation of any quarry, sand or gravel pit the following shall be observed:

1. The Board of Appeals shall have authority to prohibit excavation, blasting or stock piling of materials within 1,000 feet of any street or other property line, but may reduce such requirements as circumstances may allow.

2. All excavation slopes in excess of 25 percent shall be adequately fenced as determined by the Building Inspector.

Salesroom or Shop of a Builder, Contractor or Artisan. No equipment shall be stored out-of-doors unless enclosed and screened from view by fences not less than 6 feet in height.

Short-Term Residential Rental Use. Short-term residential rental use of a dwelling, cottage or cabin shall only be allowed in a dwelling, cottage or cabin that is otherwise permitted under this law. In addition, short-term residential rental use in a Rural Residential (R1A), Medium Density Residential (R-15,000) or Resort (RES) District shall only be allowed by Special Permit granted by the Board of Appeals. The initial Special Permit for a short-term residential rental use shall be limited to two (2) years, but any renewal of such a special permit shall be issued for five (5) years. Conditions may be placed on the Special Permit to limit impacts on neighbors, including but not limited to setting a maximum number of occupants, vehicles and watercraft.

Signs. Signs shall comply with the Sign Regulations of the Town of Huron, which are set forth in Appendix B of this law. Furthermore, all signs are accessory uses, and shall comply with the use requirements of the district in which they are located.

Storage of Flammable Liquids. The storage of flammable liquids in amounts greater than 550 gallons shall be permitted only when such tanks up to and including 10,000 gallon capacity are placed not less than 75 feet from all property lines and when all such tanks of more than 10,000 gallon capacity are placed not less than 100 feet from all property lines. Any such storage having a capacity greater than 550 gallons shall also meet all applicable regulations of the Uniform Code and other state and federal laws.

Swimming Pool, Private, Regulations Relative to Accessory Use. A private swimming pool installed or maintained as an accessory use where permitted shall only be used by the owner or occupant of the dwelling or other principal use of the lot, and his or her family, guests or employees.

Telecommunication Facilities.

(1) Restriction. No telecommunication facility shall be used, erected, moved, reconstructed, changed or altered, including any modification or extension of use, without a special permit. Construction of a new, or modification of an existing, telecommunication facility, shall comply with this section. No existing structure or facility shall be modified to serve as a telecommunication facility, unless in conformity with these regulations, including addition of an antenna to an existing structure.

(2) Site Plan. A site plan must be approved by the Planning Board for all telecommunication facilities, pursuant to section 4.4 of this law.

(3) Application Requirements. In addition to the other requirements under this law, any application for site plan or special permit approval for a telecommunication facility shall include the following information and documents, the adequacy of which shall be determined by the board considering the application:

A. Explanation of the proposed intent and capacity of use;

B. Adequate and appropriate information concerning the location, size and height of the proposed structure, including the number and design of any proposed antenna(s);

C. Description of, and justification for, any land or vegetation clearing proposed;

D. Certification from a professional engineer licensed by the State of New York certifying that the proposed structure, at a minimum, meets all applicable federal and state safety codes and all accepted industry standards for telecommunication facility design, and structural requirements for lobes, winds, ice and, if appropriate, that the facility is designed to accommodate shared use (co-location) and/or co-sitings;

E. Description of all proposed auxiliary fixtures, equipment and structures, including information on grade, material, color and lighting;

F. Specifics with regard to technology and the technical characteristics of the proposed equipment, including information concerning frequency, transmission and maximum effective radiated power and direction of lobes;

G. Report and certification from a professional engineer licensed by the State of New York showing that the proposed telecommunication tower, when operational, will comply with the standards for radio frequency exposures adopted by the Federal Communication Commission;

H. Description of the basis for calculating capacity and design elements, together with the applicant's proposed facility maintenance and inspection procedures and records system;

I. A propagation study showing the facility site, and justifying the proposed height of the telecommunication facility to be constructed on the site;

J. A report evaluating potential alternative sites within a reasonable distance of the proposed site, including both potential new telecommunication facility sites, as well as potential shared use (co-location) and/or co-sitings, as required by section (6) A. of this law, which shall discuss the visual and other impacts of such alternative locations, shall identify any sites where a facility of lesser height can be located, and shall detail the manner, timing and results of attempts to identify all possible sites, including existing facilities;

K. A completed Part I of the Environmental Assessment Form, and a proposed Visual EAF Addendum;

L. A detailed visual analysis from viewpoints within and outside of

the Town (as requested by the Building Inspector or the Planning Board), a zone of visibility map from viewpoints suggested by the Building Inspector or Planning Board both inside and outside the Town, and an assessment of the visual impact of the facility base, guy wires and accessory buildings from abutting properties and streets;

M. A landscaping plan that includes screening of the facility base, including any tower and associated structures;

N. A certification by a professional engineer licensed by the State of New York to the adequacy of grounding facilities;

O. Grid map of all of the applicant's existing telecommunication facility sites within the Town and within four (4) miles of the Town's boundaries outside the Town, and all known sites of providers of similar telecommunication services, with a designation of site areas proposed or projected by the applicant and the height of the facilities proposed or projected for installation within two (2) years of the date of the application and, if available, any plan of installations beyond two (2) years;

P. A certification from a professional engineer licensed by the State of New York that the proposed antenna(s) will not cause interference with existing telecommunication devices; and

Q. A description of an investigation of alternatives that camouflage any proposed telecommunication tower with a height of greater than 50 feet, such as a silo, steeple, or artificial tree.

R. Copy of the applicant's Federal Communications Commission license.

(4) The board considering an application for site plan or special permit approval for a telecommunications facility must:

A. Inform the applicant as to whether the application is complete within thirty (30) days of the receipt of all of the materials required by this law.

B. Make a decision on the application within 150 days of the board's determination that the application is complete, except that a decision on a co-location application must be made within 90 days of the determination that the application is complete.

(5) Limited Review. For telecommunications facilities used solely for recreational use (e.g. HAM radio operations), or used as part of a private telecommunications system (i.e. not a public utility), either the Board of Appeals or the Planning Board, or both, may waive the requirements of any or all of the following paragraphs of this section: paragraphs (3) F., (3) G., (3) H., (3) I., (3) J.,

(3) K., (3) L., (3) M., (3) N., (3) O., (3) P., (3) Q., (3) R., (6), (8), (10), (11), (12), (13), (15), (16), (18), (19), (20), (21), (22), and (23).

(6) Shared Use (Co-location), Co-Siting, or Use of Existing Structures.

A. At all times, shared use (co-location) of existing telecommunication facilities, co-siting an additional antenna or other telecommunication facility at an existing telecommunication facility, or use of existing structures shall be preferred to construction of new telecommunication facility at different sites. An applicant shall be required to present an adequate report inventorying existing telecommunication facilities within reasonable distance of the proposed site, outlining opportunities for shared use (co-location) or co-siting at existing facilities and use of other pre-existing structures as an alternative to a new construction of a new facility.

B. An applicant intending to share use (co-locate) on an existing structure shall be required to document intent from the owner of the facility to share use (co-locate). The applicant or owner of the proposed telecommunication facility shall pay all reasonable fees and costs of adapting an existing tower or other structure to a new shared use. Those costs include, but are not limited to, structural reinforcement, preventing transmission or receiver interference, additional site screening, and other charges, including real property acquisition or lease, required to accommodate shared use (co-location). The Town shall not be responsible to incur any costs whatsoever related to adapting an existing tower or structure to a new shared use.

C. An applicant intending to co-site a telecommunication facility on property occupied by an existing telecommunication facility shall provide documentation that it is an “eligible facility” as defined in 47 U.S.C. §1455 and that the application does not include a “substantial change” as defined in the Federal Communications Commission October 17, 2014 Order entitled “Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies,” but shall not be required to submit the other application materials required for new telecommunications facilities.

D. Where shared use (co-location) is not proposed, the applicant shall be required to submit documentation demonstrating good faith efforts to secure shared use (co-location) from existing telecommunication towers or other existing facilities in locations technically feasible, as well as documentation of the capacity of the proposed new facility for future shared use (co-location). Written requests and responses, if received, for shared use (co-location) shall be provided.

E. All new telecommunication facilities shall be engineered to accommodate shared use (co-location) with one or more other

telecommunications providers or carriers, as may be determined by the Board of Appeals.

(7) Yards. Telecommunication facilities shall, at a minimum, comply with front, side and rear yard requirements set forth in section 4.2.2. Additional setbacks may be required by the Planning Board to contain on-site substantially all ice-fall or debris from tower failure and/or to preserve privacy and/or aesthetics of adjoining or nearby properties, and such setbacks shall be otherwise based upon facility design of towers and engineering information available. Setbacks shall apply to all parts of telecommunication facilities, including guy wire anchors and any accessory facilities.

(8) Visual Impacts.

A. All telecommunication facilities shall be sited to have the least practical adverse visual effect on the environment. If a telecommunication tower requires guy wires, the applicant shall submit plans for adequate visibility of any guy wires from ground level to a height not less than eight (8) feet. To the extent feasible and desirable, camouflaging (such as silo, steeple, or artificial tree) shall be considered as an option to mitigate visual impacts.

B. Towers shall not be artificially lighted except to assure human safety as required by the Federal Aviation Administration (FAA), as necessary for local aviation, or as may be required by the Planning Board. Telecommunication towers shall be a galvanized finish or painted gray above the surrounding treeline, and painted gray, green or black below the surrounding treeline unless other standards are required by the FAA. In all cases, freestanding structures shall be preferable to guyed towers. Telecommunication towers should be designed and sited so as to avoid, whenever possible, application of FAA lighting and painting requirements.

C. Accessory facilities shall maximize use of building materials, colors and textures designed to blend with the natural surroundings.

(9) Height. All telecommunication facilities are subject to the general height restrictions set forth in Section 4.2.2.4 of this law, which may only be exceeded if a variance is granted by the Board of Appeals. Furthermore, in no event shall the height of a telecommunication facility exceed 150 feet, unless the Board of Appeals determines, based upon the applicant's propagation study, or other proof justifying the height of any telecommunication tower and/or antennae, that the proposed structure is the only feasible facility that can be constructed as part of the applicant's telecommunication system.

(10) Tower Base. Open telecommunication tower bases shall be fitted with a twelve (12) foot high solid plate to mitigate potential safety concerns.

(11) Existing vegetation. Existing on-site vegetation shall be preserved to the

maximum extent possible, and no cutting of trees exceeding four (4) inches in diameter (measured at a height of four (4) feet off the ground) shall take place prior to submission of a detailed plan to the Planning Board showing the extent of tree removal and approval of the plan and the site plan by the Planning Board. Clearcutting of all trees in a single contiguous area exceeding 20,000 square feet shall be prohibited.

(12) Screening. Deciduous or evergreen tree planting may be required to screen portions of a telecommunications tower or other facility from nearby residential property as well as from public sites known to include important views or vistas. Where the site abuts residential or public property, including streets, the following vegetation screening shall be required for all telecommunication towers. At least one row of native evergreen shrubs or trees capable of forming a continuous hedge at least ten feet in height within two years of planting shall be provided to effectively screen the tower base and accessory facilities. In the case of poor soil conditions, planting may be required on soil berms to assure plant survival. Plant height in these cases shall include the height of any berm. The Planning Board may require property on which a telecommunication tower and/or accessory facility is located to be fenced in so that the telecommunication tower, and any guy wire poles and anchors (if any) are within the fence, at a height of eight (8) feet.

(13) Access and Parking. A road and parking shall be provided to assure adequate emergency and service access. Maximum use of existing roads, public or private, shall be made. Road construction shall, at all times, minimize ground disturbance and vegetation cutting to within the toe of fill, the top of cuts, or no more than ten (10) feet beyond the edge of any pavement. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.

(14) Lot Size. A telecommunication facility shall be sited on a lot of at least five (5) acres.

(15) Removal of Facility. If the telecommunication facility, including any antenna or telecommunication tower, constructed by the applicant is no longer used for the purpose of transmitting or receiving telecommunications, the applicant shall notify the Town Clerk of the Town within thirty (30) days of such termination that it is no longer using the telecommunication facility for telecommunication purposes, and within six (6) months of the termination of such use, shall remove the telecommunication facility from its site. The applicant shall post performance security in the form of a letter of credit with the Town Board in an amount equivalent to 150% of the estimated cost of removal of the telecommunication facility as determined by the Town, and the letter of credit shall be on terms and conditions satisfactory to the Town's attorney. The letter of credit shall be reviewed every five (5) years from the date of the issuance of a special use permit by the Board of Appeals for the purpose of determining whether or not the letter of credit is at least 150% of the estimated cost of the removal of the facility. The applicant shall increase the letter of credit to 150% of

the estimated cost of removal of the facility is determined by the Town in the event the letter of credit is deemed by the Town to be less than 150% of the estimated cost of removal. If the applicant assigns its interest in the facility or by operation of law no longer owns the facility, the applicant's successors and/or assigns shall be obligated to post performance security with the Town as provided in this section as if it were the applicant at the time the site plan for the facility was approved. In the event the applicant leases the site on which the facility is constructed, the applicant shall obtain an irrevocable consent to be binding upon the landowner's heirs, distributees, successors and/or assigns (i) permitting the applicant to remove the facility within six (6) months of the date it ceases to be used for telecommunication purposes, and (ii) permitting the Town to enter onto the landowner's land for the purpose of removing the facility in the event the facility is not removed by the applicant within the six (6) month period. The consent shall be in a form satisfactory to the Town's attorney and shall, upon approval of the Town's attorney, be recorded in the Wayne County Clerk's Office. Upon removal of the facility, the applicant shall restore the site by planting sufficient vegetation to cause the site to blend in with the surrounding area.

(16) Cables. All communication cable leading to and away from any telecommunication facility shall be installed underground and in compliance with all the laws, rules and regulations of the Town. As part of the application for site plan approval, the applicant may require a waiver or variance of this requirement. Upon a finding by the Planning Board that due to special conditions particular to the site that underground installation may cause extraordinary and unnecessary hardship, the Planning Board may waive or vary the requirements of underground installation whenever, in the opinion of the Planning Board, such variance or waiver shall not be detrimental to the public health, safety or general welfare.

(17) Authority to Impose Conditions. The Planning Board and the Board of Appeals shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed telecommunication special permit or site plan.

(18) Signage. Telecommunication facilities shall be signed with a sign no larger than two (2) square feet to provide adequate notification to persons in the immediate area of the presence of an antenna that has transmission capabilities. The sign shall also contain the name(s) of the owner(s) and operator(s) of the antenna(s) as well as emergency telephone number(s). No other signage, including advertising, shall be permitted on any antenna(s), antenna supporting structure(s), monopole or antenna tower unless required by federal or state law or regulations.

(19) Maintenance and Inspection. The applicant, its successors and/or assigns, shall file annually with the Town, on the anniversary date of the granting of the special permit by the Board of Appeals, a written report certifying that the applicant, its successors and/or assigns are complying with maintenance and inspection procedures and records system, and that the telecommunication facility is not a hazard or a threat of a hazard to the health and safety of the public.

(20) Building Permit and Certificate of Occupancy or Compliance. Telecommunication facilities are subject to all other requirements of this law, including requirements regarding building permits and certificates of occupancy and compliance.

(21) Expiration and Violation of Telecommunication Special Permits. A telecommunication special permit shall be deemed to authorize only the particular use applied for, and shall expire if:

A. The telecommunication special use shall cease for more than six (6) months for any reason;

B. All the improvements required by the Board of Appeals prior to the issuance of the telecommunication special permit are not completed within twelve (12) months of the Board of Appeals granting a special permit, subject to its issuance upon completion of various improvements, unless prior to that time, an extension has been granted by the Board of Appeals.

(22) Consultants. Upon the submittal by the applicant of site plan and special use permit applications the Planning Board and the Board of Appeals shall have the right, if it so chooses, to hire experienced mobile communication engineer(s), New York State licensed structural engineers, attorneys, or other consultants to assist it in analyzing the applicant's application and to make suggestions to the Planning Board and the Board of Appeals and the applicant shall reimburse the Town for the reasonable cost of the technical consultant.

(23) Variances. Any application to the Board of Appeals for a variance related to a telecommunications facility shall include all of the information and documentation described in **paragraph (3)**. Furthermore, the Board of Appeals shall require that all other requirements of this section (except any requirement for which a variance is sought) are satisfied. In cases where a use variance is sought instead of a special permit, the Planning Board must still approve the site plan for a telecommunications facility.

Temporary Uses and Structures. Provided the Town Building Law, the Uniform Code, and other applicable laws, rules and regulations are complied with, a temporary building permit and/or certificate of occupancy may be issued by the Building Inspector for a period not exceeding one year, for a non-conforming use incident to housing and construction projects, including such structures and uses as storage of building materials and machinery, the processing of building materials, and a real estate office located on the tract being offered for sale, provided such permits are conditioned upon agreement by the owner or operator to remove the structure or structures or use upon expiration of the permit. Such permits or certificates of occupancy may be renewed yearly upon application to the Building Inspector for an additional period of one year.

4.5.3. Solar Energy Systems.

4.5.3.1 Purpose. To promote the effective and efficient use of Solar Energy Systems, and to establish regulations regarding the installation of Solar Energy Systems to assure no significant adverse impact to public health, safety and welfare, or the environment and agriculture.

4.5.3.2 Special Permit Application. The application (with site plan) for a Special Permit to install a Medium or Major Solar Energy System is first reviewed by the Huron Planning Board for comment or recommendation to the Zoning Board of Appeals.

4.5.3.3 Solar Energy Systems on Designated Farmland. In general, no Medium or Major Solar Energy System shall be installed on Designated Farmland, except where it is demonstrated by the applicant that the Designated Farmland proposed as the site for a Solar Energy System has been fallow and inactive for a period of at least five years, or that the net income to the property owner derived from the use of the Designated Farmland for a Solar Energy System will be substantially greater than if the Designated Farmland was actively farmed.

4.5.3.4 Restrictions. Solar Energy Systems constructed prior to the effective date of this law are exempt from these provisions, however, any upgrade, modification or structural change that alters the rated capacity or placement of an existing Solar Energy System by 50% or more, or that triggers NYS Uniform Code compliance, shall comply with the provisions of this law.

4.5.3.5 Compliance with the State Environmental Quality Review Act. The installation of On-Farm Solar Energy Systems and Solar Energy Systems less than or equal to 5,000kW (5 mW) on a sanitary landfill, brownfield site that has received a brownfield site clean-up order certificate of completion (under 6 NYCRR 375-3.9), waste-water treatment facilities, sites zoned for industrial use, solar canopies at or above residential and commercial parking facilities, or on an existing structure that is not listed on the National or State Register of Historic Places or located within a district listed in the National or State Register of Historic Places or on a structure or within a district that has not been determined by the Commissioner of the Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places pursuant to sections 14.07 or 14.09 of the Parks, Recreation and Historic Preservation Law, are considered Type II actions under the State Environmental Quality Review Act.

4.5.3.6 Installer. For installations of Major Solar Energy Systems, the installer must be a person listed by the New York State Energy Research and Development Authority (NYSERDA) as qualified for Solar Energy System installations or certified as a solar installer by the North American Board of Certified Energy Practitioners (NABCEP). For installations of Minor or Medium Solar Energy Systems, the installer may be a person who is not listed by NYSERDA or NABCEP, if evidence of adequate training to determine the degree and extent of

the hazard, personal protective equipment and job planning necessary to perform the installation safely is provided the Building Inspector. Such training shall include the proper use of special precautionary techniques and personal protective equipment, as well as the skills and techniques necessary to distinguish exposed energized parts from other parts of electrical equipment and to determine the nominal voltage of exposed live parts.

4.5.3.7 Minor Solar Energy Systems are permitted subject to the following conditions.

- (1) Building-mounted and building-integrated Minor Solar Energy Systems are permitted in all zoning districts, with a building permit.
- (2) The Town of Huron adopts the New York Unified Solar Permit for Minor Solar Energy Systems.
- (3) Ground-mounted Minor Solar Energy Systems are permitted as accessory structures subject to the following requirements:
 - A. The location of the Solar Energy System meets all applicable setback requirements of the zone in which they are located.
 - B. The height of the Solar-Related Equipment shall not exceed twenty (20') feet when oriented at maximum tilt.
 - C. The total surface area of all solar modules on the lot shall not exceed 4,000 square feet and shall not exceed 5 percent lot coverage.
 - D. A building permit has been obtained for the Solar Energy System.
 - E. The Solar-Related Equipment is located in a side or rear yard.
 - F. Solar-Related Equipment shall be designed and located in a way so as to prevent reflective glare toward any inhabited buildings on adjacent properties, roads or from impacting aircraft flight path as provided in Federal Aviation Administration guidance.
 - G. Minimum setback of 50' from any property line.
- (4) Where site plan approval is required elsewhere in the regulations of the Town for a development or activity, the site plan review shall include review of the adequacy, location, arrangement, size, design, and general site compatibility of proposed Solar Energy Systems.

(5) All Solar Energy System installations must be performed in accordance with applicable electrical and building codes, the manufacturer's installation instructions, and industry standards, and prior to operation the electrical connections must be inspected by the Town Code Enforcement Officer or by an appropriate electrical inspection person or agency, as determined by the Town. In addition, any connection to the public utility grid must be approved and inspected by the appropriate public utility.

(6) When solar storage batteries are included as part of the Solar Energy System they must be installed to meet the requirements of the NYS Building Code and, when no longer being used, shall be properly disposed of in accordance with applicable laws and regulations.

(7) If a Solar Energy System ceases to generate solar energy for more than 12 consecutive months, the property owner shall remove the Solar-Related Equipment no later than 90 days after the end of the twelve-month period.

(8) Portable solar array (e.g. flower) units with a total module surface area of 100 square feet or greater must adhere to the same guidelines as ground mounted Minor Solar Energy Systems.

4.5.3.8 Medium Solar Energy Systems. A Medium Solar Energy System shall be constructed pursuant to a site plan approved by the Town Planning Board and must meet the criteria set forth below and obtain all other necessary approvals.

(1) In reviewing the site plan application, the Town Planning Board should consider the following areas of potential sensitivity which are not be suitable for Medium Solar Energy Systems:

A. One-hundred-year flood hazard zones considered a V or AE Zone on the flood maps adopted by the Town of Huron as referenced in the Town of Huron's Flood Law and on file in the Town's Building Department.

B. Historic and/or culturally significant resources.

C. Within 100 feet of a federal or state freshwater wetland.

D. Adjacent to, or within, the control zone of any airport.

E. Designated Farmland.

(2) A Medium Solar Energy System in A5A, HB or M zoning districts is allowed by Special Permit only from the Zoning Board of Appeals, following a site plan approval by the Planning Board.

(3) The total coverage of all buildings and structures on a lot, including ground-mounted Solar Energy Systems, is subject to review by the County Planning Board during the permitting process.

(4) Height and setback restrictions.

A. The maximum height for ground-mounted Solar Energy Systems shall not exceed 20 feet in height above the ground.

B. The minimum setback from property lines shall be 50 feet.

(5) A landscaped buffer shall be provided around all Solar-Related Equipment to provide screening from adjacent residential properties and roads.

(6) Design standards.

A. Removal of trees and other existing vegetation should be minimized or offset with planting elsewhere on the property.

B. Roadways within the site shall not be constructed of impervious materials and shall be designed to minimize the extent of roadways constructed and soil compaction.

C. All on-site utility and transmission lines shall, to the extent feasible, be placed underground.

D. Solar Energy Systems and Solar-Related Equipment shall be designed and located in a way so as to prevent reflective glare toward any inhabited buildings on adjacent properties and roads.

E. All accessory structures and buildings for solar energy batteries or a Solar Energy System shall be secured.

(7) A Medium Solar Energy System to be connected to the utility grid shall provide a signed and executed New York State Standardized Interconnection Contract from the utility company acknowledging that it will be connected to the utility grid in order to sell electricity to the public utility. The New York State Standardized Interconnection Contract shall be submitted along with the application.

(8) Signs.

A. No signage or graphic content may be displayed on the Solar-Related Equipment except the manufacturer's badge, safety information and equipment specification information. A sign not to exceed nine square feet shall be displayed on or near the main

access point and shall list the facility name, owner and phone number, disconnect and other emergency shutoff information, 24-hour emergency contact information, and it will be clearly displayed on a light reflective surface.

B. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations. Maintenance. All grounds shall be maintained on a regular basis to avoid unsightly vegetation growth.

(9) Abandonment. All applications for a Medium Solar Energy System shall be accompanied by a decommissioning plan to be implemented upon abandonment, or cessation of activity, or in conjunction with removal of the facility, prior to issuance of a building permit.

A. If the applicant begins but does not complete construction of the project within twelve (12) months after receiving final site plan approval, the Town may consider this to be an abandonment of the project and require implementation of the decommissioning plan to the extent applicable.

B. The decommissioning plan must ensure the site will be restored to a useful, nonhazardous condition without delay, including, but not limited to, the following:

1. Removal of aboveground and below-ground equipment, structures and foundations.

2. Restoration of the surface grade and soil after removal of equipment.

3. Revegetation of restored soil areas with native seed mixes, excluding any invasive species.

C. The plan shall include a time frame for the completion of site restoration work.

(10) In the event the facility is not completed and functioning within twelve (12) months of the issuance of the final site plan approval, the Town may notify the operator and/or the owner to complete construction and installation of the facility within one-hundred-eighty (180) days. If the owner and/or operator fails to perform, the Town may notify the owner and/or operator to implement the decommissioning plan. In such instance, the decommissioning plan must be completed within one-hundred-eighty (180) days of notification by the Town.

(11) Upon cessation of activity of a constructed facility for a period of one year, the Town may notify the owner and/or operator of the facility to

implement the decommissioning plan. Within one-hundred-eighty (180) days of notice being served, the owner and/or operator can either restore operation equal to 80% of rated capacity of the approved Solar Energy System or implement the decommissioning plan.

(12) If the owner and/or operator fails to fully implement the decommissioning plan within the one-hundred-eighty-day (180) time period, the Town may, at its discretion, provide for the restoration of the site in accordance with the decommissioning plan and may recover all expenses incurred for such activities from the defaulted owner and/or operator. The cost incurred by the Town shall be assessed against the property, shall become a lien and tax upon the property, and shall be enforced and collected with interest by the same officer and in the same manner as other taxes. Legal counsel of the Town of Huron shall institute appropriate action for the recovery of such cost, plus attorney's fees, including, but not limited to filing of municipal claims pursuant to the cost of such work, 6% interest per annum, plus a penalty of 5% of the amount due plus attorney's fees and costs incurred by the Town of Huron for the removal work and filing the claim.

4.5.3.9 Major Solar Energy Systems. Where applicable, and unless more restrictive regulations apply, the requirements of this chapter shall apply to Major Solar Energy Systems.

Permitting for Proposed Major Solar Energy Systems with nameplate capacity over 25,000 kW (25 mW) are governed by Article X of the New York Public Service Law and its implementing regulations.

(1) A Major Solar Energy System shall be constructed pursuant to a site plan approved by the Town Planning Board and must meet the criteria set forth below and obtain all other necessary approvals.

(2) In reviewing the site plan application, the Town Planning Board should consider the following areas of potential sensitivity which are not be suitable for Major Solar Energy Systems:

- A. One-hundred-year flood hazard zones considered a V or AE Zone on the flood maps adopted by the Town of Huron as referenced in the Town of Huron's Flood Law and on file in the Town's Building Department.
- B. Historic and/or culturally significant resources.
- C. Within 100 feet of a federal or state freshwater wetland.
- D. Adjacent to, or within, the control zone of any airport.
- E. Designated Farmland.

- (3) A Major Solar Energy System in A5A, HB or M zoning districts is allowed by Special Permit only from the Zoning Board of Appeals, following a site plan approval by the Planning Board.
- (4) The total coverage of all buildings and structures on a lot, including ground-mounted Solar Energy Systems is subject to review by the County Planning Board during the permitting process.
- (5) Height and setback restrictions.
 - A. The maximum height for ground-mounted Solar Energy Systems shall not exceed 20 feet in height above the ground.
 - B. The minimum setback from property lines shall be 50 feet.
- (6) A landscaped buffer shall be provided around all Solar-Related Equipment to provide screening from adjacent residential properties and roads.
- (7) Design standards.
 - A. Removal of trees and other existing vegetation should be minimized or offset with planting elsewhere on the property.
 - B. Roadways within the site shall not be constructed of impervious materials and shall be designed to minimize the extent of roadways constructed and soil compaction.
 - C. All on-site utility and transmission lines shall, to the extent feasible, be placed underground.
 - D. Solar-Related Facilities shall be designed and located in a way so as to prevent reflective glare toward any inhabited buildings on adjacent properties and roads.
 - E. All accessory structures and buildings for solar energy batteries or Solar Energy Systems shall be secured.
- (8) A Major Solar Energy System to be connected to the utility grid shall provide a signed and executed New York State Standardized Interconnection Contract from the utility company acknowledging that it will be connected to the utility grid in order to sell electricity to the public utility. The New York State Standardized Interconnection Contract shall be submitted along with the application.

(9) Signs.

A. No signage or graphic content may be displayed on the Solar Energy System except the manufacturer's badge, safety information and equipment specification information. A sign not to exceed nine square feet shall be displayed on or near the main access point and shall list the facility name, owner and phone number, disconnect and other emergency shutoff information, 24-hour emergency contact information, and it will be clearly displayed on a light reflective surface.

B. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

(10) Maintenance. All grounds shall be maintained on a regular basis to avoid unsightly vegetation growth.

(11) Abandonment. All applications for a Major Solar Energy System shall be accompanied by a decommissioning plan to be implemented upon abandonment, or cessation of activity, or in conjunction with removal of the facility, prior to issuance of a building permit.

A. If the applicant begins but does not complete construction of the project within 18 months after receiving final site plan approval, the Town may consider this to be an abandonment of the project and require implementation of the decommissioning plan to the extent applicable.

B. The decommissioning plan must ensure the site will be restored to a useful, nonhazardous condition without delay, including, but not limited to, the following:

1. Removal of aboveground and below-ground equipment, structures and foundations.

2. Restoration of the surface grade and soil after removal of equipment.

3. Revegetation of restored soil areas with native seed mixes, excluding any invasive species.

C. The plan shall include a time frame for the completion of site restoration work.

(12) In the event the facility is not completed and functioning within eighteen (18) months of the issuance of the final site plan approval, the Town may notify the operator and/or the owner to complete construction and installation of the facility within one-hundred-eighty (180) days. If the

owner and/or operator fails to perform, the Town may notify the owner and/or operator to implement the decommissioning plan. The decommissioning plan must be completed within 180 days of notification by the Town.

(13) Upon cessation of activity of a constructed facility for a period of one year, the Town may notify the owner and/or operator of the facility to implement the decommissioning plan. Within one-hundred-eighty (180) days of notice being served, the owner and/or operator can either restore operation equal to 80% of rated capacity of the approved Solar Energy System or implement the decommissioning plan.

(14) If the owner and/or operator fails to fully implement the decommissioning plan within the one-hundred-eighty-day (180) time period, the Town may, at its discretion, provide for the restoration of the site in accordance with the decommissioning plan and may recover all expenses incurred for such activities from the defaulted owner and/or operator. The cost incurred by the Town shall be assessed against the property, shall become a lien and tax upon the property, and shall be enforced and collected with interest by the same officer and in the same manner as other taxes. Legal counsel of the Municipality shall institute appropriate action for the recovery of such cost, plus attorney's fees, including, but not limited to filing of municipal claims pursuant to the cost of such work, 6% interest per annum, plus a penalty of 5% of the amount due plus attorney's fees and costs incurred by the Town of Huron for the removal work and filing the claim.

4.5.3.10 Non-Conformance.

(1) **Building Mounted Systems.** If a Building-Mounted Solar Energy System is to be installed on any building or structure that is non-conforming because its height violates the height restrictions of the zoning district in which it is located, the building-mounted system shall be permitted, so long as the building-mounted system does not extend above the peak or highest point of the roof to which it is mounted and so long as it complies with the other provisions of this law.

(2) If a Building-Mounted Solar Energy System is to be installed on a building or structure on a non-conforming property that does not meet the minimum setbacks required and/or exceeds the lot coverage limits for the zoning district in which it is located, a Building-Mounted System shall be permitted, so long as there is no expansion of any setback or lot coverage non-conformity and so long as it complies with the other provisions of this law.

(3) **Impervious Property Coverage Restrictions.** The surface area of any Ground-Mounted Solar Energy System, regardless of the mounted angle of any portion of the system, is not considered an impervious surface

and shall not be calculated as part of the property lot coverage limitations for the zoning district.

(4) If the Ground-Mounted Solar Energy System is mounted above existing impervious surface, it shall not be calculated as part of the property lot coverage limitations for the zoning district.

(5) Footers and other hard surfaces placed underneath racking and mounting systems are considered impervious and count towards impervious surface calculations.

4.5.3.11 Real Property Tax Law § 487. The applicant for a Medium Solar Energy System, where the Medium Solar Energy System is not Eligible for Net Metering, or a Major Solar Energy System shall enter into an agreement for a Payment in Lieu of Taxes (PILOT) with the Town.

4.5.4 Wind Energy Conversion Systems.

4.5.4.1 Purpose. In order to promote the effective and efficient use of wind energy conversion systems, and to establish regulations regarding the placement of wind energy conversion systems to assure no significant adverse impact to public health, safety, welfare, or the environment within the Town.

4.5.4.2 Restriction No wind energy conversion system (WECS) shall be used, erected, moved, reconstructed, changed or altered, including any modification or extension of use, unless in compliance with this law.

4.5.4.3 Site Plan. All applications for a Building Permit or Special Permit for a WECS shall include a Site Plan complying with the requirements of this paragraph 45.20(ff)(3). If the WECS is a permitted use (only a Non-Commercial WECS of no more than 100 feet in height on a lot of at least 5 acres in the A5A district), the Site Plan may be approved by the Building Inspector. Otherwise, the Site Plan must be approved by the Planning Board, and must also comply with section 44.0 of this law. A Site Plan for a WECS shall include the following:

(1) A description of the proposed WECS, including adequate and appropriate information concerning the location, size and height and associated site improvements.

(2) Specifics with regard to technology and the technical characteristics of the proposed WECS, including the make, model, and manufacturer's specifications.

(3) A description of all proposed auxiliary fixtures, equipment and structures, including information on grade, material, color and lighting, including locations of any proposed or existing buildings and improvements that are within the fall zone of a proposed tower.

- (4) The location of all aboveground and buried utilities on site, or within the radius of twice the total height of the WECS
- (5) The location and size of structures and trees above 35 feet within a radial distance of five times the total height of the WECS.
- (6) Zoning designations of the parcel and adjacent parcels.
- (7). A description of and justification for any land or vegetation clearing proposed.

4.5.4.4 Special Permit. For a WECS requiring a Special Permit, the applicant shall submit the additional information as part of its application:

- (1) A completed Part I of the Environmental Assessment Form, and a proposed Visual EAF Addendum, and such other documentation as the Planning Board or Board of Appeals may deem necessary to comply with the State Environmental Quality Review Act (SEQRA).
- (2) A detailed visual analysis and a zone of visibility map, from viewpoints within, and where appropriate outside, the Town, as requested by the Building Inspector, Board of Appeals or the Planning Board, and an assessment of the visual impact of the facility base and accessory buildings from abutting properties and streets.
- (3) Details of the projected noise levels in decibels at all property lines and other locations as required by the Building Inspector, Board of Appeals or the Planning Board.
- (4) A site security plan.
- (5) Any other information reasonably requested by the Building Inspector, Board of Appeals or the Planning Board to review the proposed WECS.

4.5.4.5 General Provisions. A WECS shall be sited so as to ensure the WECS operation, including a tower failure, will have no significant adverse impact on the Town, the neighborhood, or adjacent property owners or occupants.

4.5.4.6 Uniform Code Compliance. A WECS shall comply with the Uniform Code and good engineering practices.

- (1) The application for a Building Permit shall contain the following drawings and diagrams:
 - A. Standard drawings of structural components of the wind energy conversion system, including support structures, tower, base and footings, and any necessary calculations.

B. A line drawing identifying the electrical components of the WECS in sufficient detail to allow for a determination that the manner of installation conforms to applicable code requirements.

(2) Those drawings and diagrams shall be certified as complying with the Uniform Code and good engineering practices. This certification shall be supplied by a licensed professional engineer, except that for a Non-Commercial WECS, the certification may be supplied by the manufacturer. However, variations from the standard design or specification of a manufacturer shall be certified by a licensed professional engineer as complying with applicable Uniform Code provisions, including applicable seismic and structural design or electrical code provisions.

(3) All equipment and materials shall be used or installed in accordance with the certified drawings and diagrams.

4.5.4.7 Rotor Safety. Each WECS shall be equipped with both manual and automatic controls to limit the rotational speed of the blade below the design limits of the rotor, and shall contain a certification: (a) that the rotor and over speed controls have been designed and fabricated for the proposed use in accordance with good engineering practices; (b) that the proposed tower is structurally compatible with the proposed rotors; and (c) specifying the distance and trajectory of a thrown blade from an exploding turbine or propeller according to the Loss of Blade Theory. This certification shall be supplied by a licensed professional, except that for a Non-Commercial WECS, the certification may be supplied by the manufacturer.

4.5.4.8 Tower. All WECS towers shall be freestanding (self-supported) structures. Guyed towers are not permitted.

4.5.4.9 Tower access and fencing. All WECS towers shall be designed to prevent unauthorized access.

4.5.4.10 Noise. Every WECS shall meet the requirements of any applicable federal, state, and local noise regulations. The noise emitted from the WECS shall not exceed 50 dba, as measured at the boundaries of all abutting parcels.

4.5.4.11 Interference. Every WECS shall be operated in a manner that will not cause radio frequency (RF) or electromagnetic interference. If the Building Inspector determines that a WECS is causing interference, the owner or operator of the WECS shall remedy such interference within (5) days after receipt of written notice from the Town or cease operation of the WECS until such interference is eliminated.

4.5.4.12 Signs. At least one sign shall be posted at the base of the tower

warning of site hazards, and providing contact information with regard to the owner/operator, including name and phone number. The posted sign shall not exceed four square feet in size.

4.5.4.13 Minimum Clearance. The minimum clearance from the swept area of any WECS to any obstruction or permanent structure shall be 30 feet. For purposes of this requirement, electrical transmission and distribution lines and their support system are not considered structures.

4.5.4.14 Total Height. Notwithstanding the requirements of subdivision 4.2.2.4 of this law, the Total Height of a WECS shall not exceed:

- (1) 200 feet for a Commercial WECS.
- (2) 100 feet for a Non-Commercial WECS. Notwithstanding the above, where allowed by Special Permit pursuant to section 4.2 of this law, a Non-Commercial WECS located on a parcel of at least five acres (5) acres in size may exceed 100 feet in Total Height, but shall not exceed 200 feet in Total Height.

4.5.4.15 Setbacks. The following setback requirements shall apply to every WECS:

- (1) Every WECS shall be set back from any property line, aboveground utility line or other WECS a distance greater than its Total Height. The WECS shall not be placed in the front yard of any existing structure.
- (2) The minimum setback for WECS from zoning district boundaries shall be as follows:
 - A. A Commercial WECS shall be set back not less than 2500 feet from a zoning district boundary.
 - B. A Non-Commercial WECS shall be set back not less than 500 feet from a zoning district boundary.
- (3) Contiguous property owners may construct a WECS for common use if they each sign the application, provided that the required setback shall be maintained relative to the property lines of non-participant owners, but it need not be satisfied for participating property owners.
- (16) Utility interconnection. An application for a Commercial WECS shall include evidence of a signed interconnection agreement, or letter of intent, with the interconnecting utility company.
- (17) Decommissioning and Restoration. The applicant for a Commercial WECS shall include the following information regarding

decommissioning of the WECS and restoring the site:

- A. The anticipated life of the project.
- B. The estimated decommissioning costs in current dollars.
- C. The method and schedule for updating the costs of decommissioning and restoration.
- D. The method of ensuring that funds will be available for decommissioning and restoration.
- E. The anticipated manner in which the project will be decommissioned and the site restored.

(18) Abatement. If a WECS poses a potential threat or hazard to public health, safety or welfare, or the WECS is in violation of any permit requirement or condition, the owner or operator shall take expeditious action to remedy the situation. If the Building Inspector gives notice to the owner or operator that a WECS poses a threat or hazard to public health, safety or welfare, or the WECS is in violation of any permit requirement or condition, the situation shall be remedied or the WECS removed within 45 days of the notice (or a shorter period as may be appropriately designated in an emergency). If the situation is not remedied to the satisfaction of the Building Inspector within such time period, the Town reserves the right to abate any threat or hazard to public health, safety or welfare posed by a WECS, rescind any permit for the WECS and/or remove the WECS, and require the owner or operator of the WECS to pay the reasonable cost of such abatement or removal, and/or utilize any bond required by paragraph 45.20(ff)(20) of this law.

(19) Discontinued Use. If a WECS is not maintained in operational condition, or use of a WECS is discontinued or abandoned, for a period in excess of one year, the WECS shall be removed. If, after such one-year period, the Building Inspector gives written notice to the WECS owner or operator to remove the WECS, and the WECS is not removed within 45 days, the Town reserves the right to remove the WECS, and require the owner or operator of the WECS to pay the reasonable cost of such removal, and/or utilize any bond required by paragraph 45.20(ff)(20) of this law.

(20) Bond. For a Commercial WECS, the Planning Board shall require the applicant to provide an appropriate and adequate bond for purposes of removing the WECS facility, or abating any threat or hazard to public health, safety or welfare posed by a WECS. The bond shall be adjusted at least every five years in accordance with the United State Producer Price Index (PPI), and in the event the PPI is no longer published, the adjustment shall conform to another similar government index as approved

by the Town. The bond shall require notice to the Town at least 30 days prior to cancellation or expiration.

(21) Insurance. The owner or operator of the WECS shall maintain a current insurance policy that will adequately insure liability arising out of the WECS. As a part of the application review process, proof may be required that sufficient liability, workers compensation, and other insurance will be effective during installation and operation of proposed facility.

(22) Lighting and Tower Marking. The WECS shall comply with tower lighting, marking and/or painting requirements as set forth by the Federal Aviation Administration. Upon request by the Building Inspector, the owner or operator of the WECS shall submit evidence of compliance with Federal Aviation Administration requirements.

(23) Authority to Impose Conditions. The Planning Board and the Board of Appeals shall each have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed WECS Site Plan or Special Permit.

(24) Technical Consultants. The Planning Board, Board of Appeals, and/or Building Inspector may, at their respective discretion, hire technical consultants, including licensed engineers or other experts, to assist them in analyzing the applicant's application, and the applicant shall reimburse the Town for the reasonable cost of the technical consultants.

4.6 Non-Conforming Uses, Configurations, Lots and Structures

4.6.1 General. The lawful use or configuration of any land or lot, or of a building or structure, or a part thereof existing at the time that this law or any amendment thereto becomes effective may be continued, although such use does not conform with the provisions of this law, except as otherwise provided in section 4.3.3 of this law or this section 4.6.

4.6.1.1 Tourist Homes. Notwithstanding the other provisions of this section 46.0, all tourist homes legally existing on April 21, 1992 shall comply with this law, as amended by Local Law No. 1 of 1992, on or before July 1, 1997.

4.6.1.2 Storage Sheds. Notwithstanding the other provisions of this section 46.0, all storage sheds legally existing on June 19, 2000 shall comply with this law, as amended by Local Law No. 1 of 2000, on or before January 1, 2005.

4.6.1.3 Storage Containers. Notwithstanding the other provisions of this section 4.6, all storage containers legally existing on June 19, 2000 shall comply with this law, as amended by Local Law No. 1 of 2000, on or before January 1, 2002.

4.6.1.4 Short-Term Residential Rental Use. Notwithstanding 4.5.2 Short Term

Residential Rental Use, and the other provisions of this section 4.6, if a property owner submits a written verification to the Building Inspector on or before March 1, 2015 that demonstrates to the satisfaction of the Building Inspector that an existing approved house, cottage or other building has been used for short-term residential use at any time between March 1, 2013 and the effective date of this law, no special permit for such use shall be required until March 1, 2018. The verification shall be submitted on a form prescribed by the Building Inspector, and shall include the property address, parcel number, description of the dwelling, cottage or cabin (or portion of such structure) used for short-term residential use and the dates of such use, and shall be signed by the property owner under penalty of perjury. The Building Inspector may require evidence of such prior short-term residential use. Reported income on tax returns, occupancy logs, leases and receipt books shall be presumed to be acceptable evidence of such prior short-term residential use. Any structure which is not verified as required by this Section on or before March 1, 2015 shall conform to the requirements of 4.5.2 **Short Term Residential Rental Use**, and the Schedule of Regulations set forth in Section 4.2, regardless of when it was previously used for short-term residential use.

4.6.1.5 Termination of Non-Conforming Use. When a non-conforming use of land or a lot, except as provided in section 4.5.2 **Temporary Uses and Structures**, of this law, or a building, or a structure has been discontinued for a period of not less than one year, it shall not thereafter be reestablished and the future use of the land, building or structure shall be in conformity with the terms of this law.

4.6.1.6 Change of Non-Conforming Use. No non-conforming use shall be changed to other than a conforming use for the district in which it is situated.

4.6.1.7 Maintenance of a Non-Conforming Use. A non-conforming use shall be maintained in such condition as shall not constitute a danger to the safety, health or general welfare of the public.

(1) **Damage to a Non-Conforming Building or Structure or a Building or Structure Containing a Non-Conforming Use.** Any building or structure containing a non-conforming use or any non-conforming building or structure which is destroyed or damaged beyond fifty (50%) percent of the cost of replacement by fire, flood, wind, or other act of God or man shall not be repaired or reconstructed except in conformity with this law, unless such reconstruction:

A. Is completed within (12) months of the damage or destruction; and

B. Is equal to or less than the size of damaged or destroyed building or structure; and

C. Complies with section 4.2.2 of this law, pertaining to area, yard, coverage, height and related requirements, or the site plan is approved by the Planning Board.

4.6.1.8 Non-Conforming Use Under Construction. No building or structure designed for or intended to be utilized for a non-conforming use shall be constructed, reconstructed or altered unless construction, reconstruction or alteration is already underway at the time of the enactment or subsequent amendment of this law, is being diligently prosecuted so that such building or structure will be completed within 18 months from the time of the enactment or subsequent amendment of this law, and unless the provisions of section 4.6.1.10 are observed.

4.6.1.9 Permit to Continue. Not more than 30 days after the enactment of this law, a permit shall be obtained for each building or structure under construction as of the date of enactment of this law. Irrespective of whether such construction conforms with the terms of this law, any structure so permitted shall be allowed to be completed in accordance with plans filed at the time of application for the permit. After filing plans with the Building Inspector, alterations or additions to such plans not in conformity with the terms of this law shall not be permitted.

(1) **Failure to Obtain Permit.** Construction for which permits are not obtained as provided in section 4.6.1.10 of this law shall be stopped 30 days after the enactment of this law and thereafter be permitted to continue only in accordance with the terms of this law after the securing of a building permit as hereinafter provided.

4.6.1.10 Alterations, Expansion, Relocation, and Extensions of a Non-Conforming Use. Any structure or building alteration, expansion, relocation, construction, reconstruction, or extension of use, to an existing non-conforming use shall not be allowed without a variance or special permit to the extent necessary to comply with the use requirements of this law.

4.6.1.11 Damage to a Building or Structure Not Conforming to Dimensional Requirements. Any building or structure which does not conform to the dimensional requirements of this law which is damaged or destroyed by fire, wind, or other act of God or man beyond fifty percent (50%) of the cost of replacement, shall not be repaired or reconstructed except in conformity with this law, unless such reconstruction:

A. Is completed within (12) months of the damage or destruction; and

B. Is equal to or less than the size of damaged or destroyed building or structure; and

C. Complies with section 4.2.2 of this law, pertaining to area,

yard, coverage, height and related requirements, or the site plan is approved by the Planning Board.

4.6.1.12 Alterations, Expansion, Relocation, and Extensions to a Building, Structure or Lot Not Conforming to Dimensional Requirements.

Any structure or building alteration, expansion, relocation, construction, reconstruction, or extension of use, to an existing structure, building or lot not conforming to dimensional requirements of this law, shall not be allowed without a variance or special permit to the extent necessary to comply with the dimensional requirements of this law, except as provided in this law with respect to lots of record. If a building or structure is in a location that created a nonconformity with yard or other dimensional requirements, any new building or structure or expansion to the building or structure shall be in a location that complies with yard and other dimensional requirements.

5. Administrative and Enforcement Procedure

5.0 Enforcement.

The enforcement of the provisions of this law shall be held to the minimum requirements for the promotion of the public safety, convenience, prosperity and general welfare for the Town.

5.1 Enforcement Officer

5.1.1 Building Inspector.

The provisions of this law shall be administered and enforced by the Building Inspector appointed by the Town Board, who shall have the power to make inspections of buildings or premises necessary to carry out his or her duties in the enforcement of this law. The Town Board may appoint one or more Deputy Building Inspectors which deputies shall have the same powers and shall perform the same duties as the Building Inspector, but always subject to the direction and control of the Building Inspector.

5.1.2 Duties. It shall be the duty of the Building Inspector to keep a record of all applications for permits and a record of all permits issued with a notation of all special conditions involved, and to file and safely keep copies of all plans submitted and the same shall form a part of the records of the office, and shall be available for use of the Town and other officials. The Building Inspector shall not issue a permit for the construction of any building or use of any property unless such building or use conforms to all other laws of the Town.

5.1.3 Appearance Tickets. The Building Inspector is authorized to issue appearance tickets for violations of this law requiring appearance by the alleged violator in Huron Town Justice Court.

5.2 Building Permit

5.2.1 Requirement. Except as specifically otherwise provided by section 4.5.2 **Temporary Use and Structures**, of this law, no person, firm, corporation, association,

partnership, or other entity shall commence the construction, enlargement, alteration, improvement, moving, removal or demolition of, or excavation for, any building or structure, including accessory buildings, or any portion thereof, or change the use of any land, without first having submitted an application for and obtained a building permit issued by the Building Inspector.

5.2.2 Application and Issuance.

5.2.2.1 Application. The application shall be signed by the applicant or his or her authorized agent, and shall contain at least the following:

- (1) The name and address of the applicant;
- (2) A description of the applicant's property interest in the land as owner, tenant, or other holder of a valid purchase contract or option or other property right;
- (3) Identification or description of the land on which the work is to be done;
- (4) A description of the use or occupancy of the land and the existing or proposed use and building;
- (5) A brief description of the proposed work;
- (6) The estimated value of the proposed work; and
- (7) A statement that the work shall be performed in compliance with this law, the Uniform Code, the Town Building Law, and applicable federal, state and local laws, ordinances, rules and regulations.

5.2.3 Plans, Drawings, and Specifications.

The applicant shall submit with his or her application.

5.2.3.1 A drawing showing the location of:

- (A) Property lines;
- (B) Driveways, right-of-ways and parking areas;
- (C) Wells, septic systems, drainage ditches, creeks, streams and any other bodies of water;
- (D) Proposed and existing structures with all setback measurements and distances between structures;
- (E) Copies of all other permits required by other

agencies and/or a statement that such permits have been applied for, and that no work shall commence until all required permits are obtained.

5.2.3.2 If required by the Town of Huron Building Law, a duplicate set of plans, drawings and specifications, together with a statement by a registered architect or licensed professional engineer that such plans and specifications comply with the Uniform Code, this law and the Town Building Law.

5.2.3.3 Any other information deemed necessary by the Building Inspector, the Planning Board, or the Board of Appeals.

5.2.4 Issuance. If the proposed excavation, construction, enlargement, alteration, improvement, moving, removal, demolition or use as set forth in the application is in conformity with the provisions of this law, the Town Building Law and the Uniform Code (if applicable), and other applicable federal, state or local laws, ordinances, rules, and regulations, the Building Inspector shall issue a building permit for such excavation, construction, enlargement, alteration, improvement, moving, removal, demolition or use. The building permit may be conditioned upon the applicant obtaining all other permits required by law for the proposed construction, enlargement, alteration, improvement, moving, removal, demolition, or excavation, including any permits required by the New York State Department of Environmental Conservation and the United States Army Corps of Engineers.

5.2.5 Refusal. If a building permit is refused, the Building Inspector shall state such refusal in writing, with the cause, specifying whether refusal is based upon this law or the Town Building Law or both, and shall immediately mail notice of such refusal to the applicant at the address indicated on the application.

5.2.6 Effect. The issuance of a permit shall in no case be construed as waiving any provision of this law or the Town Building Law. Further, issuance of a permit does not constitute any representation, guarantee, or certification of the Town that the applicant's proposal complies with applicable federal, state or local laws, ordinances, rules or regulations, or is functional or safe to use or enter.

5.2.7 Term. A building permit shall become void twelve months from the date of issuance unless substantial progress has been made since that date on the project described therein, provided however, that the permit may be renewed for an additional twelve months upon application therefore without the payment of an additional fee.

5.3 Certificate of Occupancy

5.3.1 Requirement. Except as specifically otherwise provided by section 4.5.2 **Telecommunication Facilities**, of this law, no land or building or other structure or part thereof hereafter erected or altered in its use or building or structure shall be used or occupied until the Building Inspector shall have issued a certificate of occupancy in which he or she states that such land, building, structure or part thereof, and the proposed

occupancy or use thereof, are found to be in conformity with the provisions of this law, and that any construction or other work has been completed in conformity with the Town Building Law and the Uniform Code, if applicable.

5.3.2 Issuance. Within five business days after receipt of written notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Inspector, or his or her deputies or agents, to make a final inspection thereof and issue a certificate of occupancy if the land, building, structure or part thereof is found to conform with the provisions of this law, the Town Building Law, and the Uniform Code.

5.3.3 Refusal. If the Building Inspector, after such final inspection refuses to issue a certificate of occupancy, such refusal, with the cause, specifying whether refusal is based upon this law or the Town Building Law or both, shall be stated in writing, and notice of such refusal immediately thereupon mailed to the applicant at the address indicated on the notification.

5.3.4 Effect. The issuance of a certificate of occupancy shall in no case be construed as waiving any provision of this law or the Town Building Law. Further, issuance of a certificate of occupancy does not constitute any representation, guarantee, or certification of the Town that the applicant's use, land, building or structure complies with applicable federal, state or local laws, ordinances, rules or regulations, or is functional or safe to use or occupy.

5.4 Board of Appeals, Creation, Powers and Duties

5.4.1 Creation, Composition and Appointment.

5.4.1.1 Creation. A Board of Appeals is hereby established in accordance with Section 267 of the Town Law.

5.4.1.2 Composition. The Board of Appeals shall consist of seven members, and shall continue at that size until such time as the Town Board may, by resolution, choose to decrease its membership to five or three members, pursuant to Town Law Section 267(7).

5.4.1.3 Appointment. The Town Board shall appoint the members of the Board of Appeals and shall designate its Chairperson. No person who is a member of the Town Board or the Planning Board shall be eligible for membership on such Board of Appeals. Members holding office in 1992 shall continue to hold office for their present terms, which shall expire on December 31 of the scheduled year of expiration. Their successors shall be appointed to five-year terms beginning on the January 1 after the expiration of each term, except that if the Town Board decreases the membership of the Board of Appeals to three, subsequent terms shall be for three years each.

5.4.1.4 Removal. The Town Board shall have the power to remove any member

of the Board for cause after public hearing.

5.4.1.5 Vacancies. Vacancies shall be filled by the Town Board. If vacancies shall occur otherwise than by the expiration of term, they shall be filled by appointment for each unexpired term.

5.4.1.6 Compensation. The Town Board may provide for compensation to be paid to Board members, experts, clerks, a secretary and for such other expenses as may be necessary and proper, not exceeding the appropriation made by the Town Board for such purpose.

5.4.2 General Procedures.

5.4.2.1 Meetings. All meetings of the Board of Appeals shall be held at the call of the Chairperson and at such other times as such Board may determine. All meetings of such Board shall be open to the public.

5.4.2.2 Oaths. The Chairperson, or in absence of the Chairperson, the Acting Chairperson, may administer oaths and compel the attendance of witnesses.

5.4.2.3 Meetings, Minutes, Records. Meetings of the Board of Appeals shall be open to the public to the extent provided in Article Seven of the Public Officers Law. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.

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

5.4.2.5 Assistance. The Board of Appeals shall have the authority to call upon any department, agency or employee of the Town for such assistance as shall be deemed necessary and as shall be authorized by the Town Board. Such department, agency or employee shall be reimbursed for any expenses incurred as a result of such assistance.

5.4.2.6 State Environmental Quality Review Act. The Board of Appeals shall comply with the provisions of the State Environmental Quality Review Act under Article Eight of the Environmental Conservation Law and its implementing regulations as codified in Title Six, Part 617 of the New York Codes, Rules and Regulations.

5.4.3 Powers. The jurisdiction of the Board of Appeals shall be appellate only and shall be limited to hearing and deciding appeals from and reviewing any order, requirement, decision, interpretation, or determination made by the Building Inspector, except that it may also grant special permits. The Board of Appeals shall have no

jurisdiction over any order, requirement, decision or determination made by the Building Inspector or other administrative officer relating to the Town Building Law or the Uniform Code, which shall only be reviewable as provided by the Town Building Law and the Uniform Code. However, the Board of Appeals shall also have such powers as may be provided by Local Law No. 1 of 1987 of the Town of Huron, the Town of Huron Flood Damage Prevention Law. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Building Inspector, to grant a use variance or area variance, or to decide in favor of an applicant or appellant. The Board may establish its own rules and procedures, provided they are consistent with this law and the Town Law of the State of New York.

5.4.3.1 Administrative Review. The Board of Appeals shall have the power to hear and decide appeals from and review any order, requirement, decision or determination made by the Building Inspector or other administrative officer carrying out or enforcing any provision of this law.

5.4.3.2 Use Variances.

(1) Power. The Board of Appeals, on appeal from the decision or determination of the Building Inspector, shall have the power to grant use variances, authorizing a use of the land which otherwise would not be allowed or would be prohibited by the terms of this law.

(2) Proof Required. No such use variance shall be granted by a Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Board of Appeals that (1) under applicable zoning regulations the applicant is deprived of all economic use or benefit from the property in question, which deprivation must be established by competent financial evidence; (2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood; (3) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and (4) that the alleged hardship has not been self-created.

(3) Minimum Necessary Variance. The Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

(4) Referral to the Planning Board. The Board of Appeals shall refer any application for a use variance to the Planning Board for a report, and shall not take final action until receipt of such report from the Planning Board, or until after the passage of thirty (30) days from such referral in the event that the Planning Board makes no report on the matter, and

causes the entire report of the Planning Board, if received, to be read at the meeting at which the application for a use variance is considered by the Board of Appeals. Further, the Board of Appeals shall include such report in the minutes, and in any case where the Board of Appeals acts contrary to the recommendations of the Planning Board, the Board shall include in the minutes a resolution adopted by the Board of Appeals fully setting forth its reasons for such contrary action.

5.4.3.3 Area Variances

(1) Power. The Board of Appeals shall have the power, upon an appeal from a decision or determination of the Building Inspector, to grant area variances from the area or dimensional requirements of this law.

(2) Considerations. In making its determination, the Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment of the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Board shall also consider: (1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

(3) Minimum Necessary Variance. The Board of Appeals, in granting the area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

5.4.3.4 Special Permits. The Board of Appeals may grant special permits, as provided in section 4.3. of this law, and Town Law Section 274-b.

5.4.3.5 Imposition of Conditions. The Board of Appeals shall, in the granting of use variances, area variances and special permits, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property, or the period of time such variance shall be in effect. Such conditions shall be consistent with the spirit and intent of this law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

5.4.3.6 Reference to Wayne County Planning Board.

(1) Required Referrals. In accordance with the policy and procedures provided for by Chapter 24, Article 12B, Section 239-l and 239-m of the General Municipal Law, and except as may be provided by an agreement approved by the Town Board and the Wayne County Planning Board with respect to matters of local rather than inter-community or county-wide concerns, any proposed variance or special permit affecting real property within five hundred (500) feet of the boundary of the Town of Huron or from the boundary of any existing or proposed county or state park or other recreational area, or from the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway or from the existing or proposed right-of-way of any stream, or drainage channel owned by the county for which the county has established channel lines, or from the existing or proposed boundary of any county or state owned land on which a public building or institution is situated, or from the boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the Agriculture and Markets Law, shall be referred to the Wayne County Planning Board. The term "proposed" shall be deemed to include only those recreational areas, parkways, thruways, expressways, roads or highways which are shown on a County Plan of Wayne County adopted pursuant to section 239-d(2) of the General Municipal Law or adopted as an Official Map of Wayne County pursuant to Section 239-g of the General Municipal Law. Water bodies, including Great Sodus Bay, East Bay, Port Bay, and Lake Ontario, shall not be deemed a county or state park or other recreation area, unless expressly designated as such by the New York State Office of Parks, Recreation and Historic Preservation.

(2) Failure of County Planning Board to Report. If the Wayne County Planning Board fails to report within thirty (30) days after receipt of a full statement of such referred matter, the Board of Appeals may act without such report.

(3) Supermajority Requirement. If a report from the Wayne County Planning Board which recommends modification or disapproval of the proposed action is received by the Board of Appeals either within thirty (30) days of receipt of a full statement of such referred matter by the Wayne County Planning Board, or at least two days prior to final action by the Board of Appeals, the Board of Appeals shall not act contrary to such recommendation except by a vote of a majority plus one of all the members thereof.

5.4.3.7 Expiration of Variances. Any variance shall expire and cease to be in effect if the approved construction, use, or other right granted by the variance is not commenced within twelve (12) months from the date of approval. However, upon application, the Board of Appeals may, by resolution and without public notice or hearing, grant an extension of an additional twelve (12) months, so that the variance shall expire and cease to be in effect if the approved construction,

use, or other right granted by the variance is not commenced within two (2) years from the date of the original approval.

5.4.3.8 Running With the Parcel. Unless otherwise expressly stated as a condition of approval, any variance shall apply to and run with the parcel, and remain in effect after changes in ownership.

5.4.4. Special Procedures Relative to Appeal or Application for Administrative Review, Variance or Special Permit.

5.4.4.1 Notice of Appeal or Application. An appeal to the Board of Appeals, including an application for a variance or for an administrative review, or an application for a special permit, may be taken or made by any person, firm or corporation aggrieved, or by any government officer, department, board or bureau of the Town affected by any decision of the Building Inspector based in whole or in part upon the provisions of this law. An appeal shall be taken by filing with the Board of Appeals a notice of appeal specifying the grounds thereof, and an application for a special permit shall be made as provided in section 4.3.1 of this law. The Building Inspector shall forthwith transmit all papers constituting the record upon which the action appealed from was taken, or relevant to the application, to the Board of Appeals.

5.4.4.2 Time of Appeal. Any appeal, including an application for a variance or an administrative review, shall be taken within sixty days after the filing of any order, requirement, decision, interpretation or determination of the Building Inspector by filing with such administrative official and with the Board of Appeals a notice of appeal, specifying the grounds thereof and the relief sought. The Building Inspector shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken.

5.4.4.3 Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Inspector from whom the appeal is taken certifies to the Board of Appeals after the notice of appeal shall have been filed, that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the Building Inspector and on due cause shown.

5.4.4.4 Waiver for Farm Operations. On application by an owner of property located in an agricultural district designated pursuant to Article 25-AA of the New York Agriculture and Markets Law, and after consultation with the Building Inspector, the Board of Appeals may waive requirements of the Zoning Law that it deems necessary to comply with section 305-a of the New York Agriculture and Markets Law, so as to not unreasonably restrict or regulate farm operations within agricultural districts in contravention of the purposes such Article 25-AA, provided the Board of Appeals determines that public health and safety are not

threatened by the waiver.

5.4.5 Hearing, Notice, Public Notice, Notice to Property Owners, Decisions and Costs.

5.4.5.1 Hearing. The Board of Appeals shall fix a reasonable time for the hearing of any appeal or application.

5.4.5.2 Notice. The Board of Appeals shall give public notice of the hearing on an appeal, application, or other matter referred to it, by the publication of a notice of such hearing in a newspaper of general circulation in the Town at least five days prior to the date thereof. Further, the Board of Appeals shall, at least five days before such hearing, mail notice thereof to the parties, to the Regional State Park Commission having jurisdiction over any state park or parkways within 500 feet of the property affected by such appeal, and if referral is required by Section 239-m of the General Municipal Law and Section 5.4.3.5 of this law, to the Wayne County Planning Board, which shall be accompanied by a full statement of such proposed action, as defined in Section 239-m(1)(c) of the General Municipal Law.

5.4.5.3 Decision. Upon the hearing, any party may appear in person or by agent or by attorney, and the Board of Appeals shall decide the appeal or application within sixty-two days after the conduct of the hearing. The time within which the Board of Appeals must render its decision may be extended by mutual consent of the applicant or appellant and the Board. All costs of sending or publishing any notices relating to an appeal shall be paid by the applicant and shall be paid to the Board prior to the hearing of such appeal.

5.4.5.4 Filing of Decision and Notice. The decision of the Board of Appeals shall be filed in the office of the Town Clerk within five business days after such decision is rendered, and a copy thereof mailed to the applicant. Further, if reference to the Wayne County Planning Board was made, pursuant to Section 239-m of the General Municipal Law and section 5.4.3.5 of this law, the Board of Appeals shall file a report of the final action it has taken with the Wayne County Planning Board within thirty days after such decision is made. If the Board of Appeals acted contrary to a recommendation of modification or disapproval by the Wayne County Planning Board, it shall set forth the reasons for such contrary action in such report.

5.4.6 Provisions of Appeal or Application. If the variance is granted or the issuance of a special permit is finally approved or other action by the appellant or applicant is authorized, the necessary permits shall be subject to section 5.2.7 of this law. Should the appellant or applicant fail to comply with these provisions, it shall be presumed conclusively that the appellant or applicant has waived, withdrawn or abandoned the appeal or the application, and such permission, variances, special permits, and permits granted shall be deemed automatically rescinded.

5.4.7 Scope. In exercising its appellate powers, such Board of Appeals may, in conformity with the provisions of this law, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and shall make such order, requirement, decision or determination as in its opinion ought to be made in the matter by the Building Inspector, and to that end shall have the powers of the Building Inspector from whom the appeal is taken.

5.4.8 Recourse. Any person or persons, jointly or severally aggrieved by any decision of the Board of Appeals or any officer, department, board or bureau of the Town arising under this law, may apply to the Supreme Court for review by a proceeding under Article 78 of the Civil Practice Law and Rules. Such a proceeding must be instituted within 30 days after the filing of a decision of the Board of Appeals in the office of the Town Clerk.

5.5 Violations.

5.5.1 Remedies. In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is used in violation of this law, the proper local authorities of the Town, in addition to other remedies, may institute any appropriate actions or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure, or land to prevent any illegal act, conduct, business or use in or about such premises.

5.5.2 Penalties.

5.5.2.1 Criminal. Any person, firm or corporation who violates, disobeys, neglects, refuses to comply with or resists the enforcement of any provision of this local law or any written order of the Building Inspector directing compliance with this local law shall be guilty of an offense, and upon conviction thereof shall be subject to a fine of not more than five hundred dollars, or imprisonment for a period of not more than fifteen days, or both such fine and imprisonment for each offense. However, a person, firm or corporation convicted of a second or other repeated violation of this local law, with at least one previous violation occurring within the period of five years immediately preceding the latest violation, shall be guilty of a misdemeanor, and shall be subject to a fine of not more than one thousand dollars, or imprisonment for not more than six months, or both such fine and imprisonment for each offense.

5.5.2.2 Civil. Any person, firm or corporation who violates, disobeys, neglects, refuses to comply with or resists the enforcement of any provision of this local law or any written order of the Building Inspector directing compliance with this local law shall be deemed to have violated this local law, and shall be liable to pay the Town of Huron a civil penalty of up to one thousand dollars for each such violation. Such a civil penalty may be assessed in any action or proceeding brought by the Town or its taxpayers, pursuant to subsection two of 268 of the Town Law, or by the Town, pursuant to section 5.5.1 of this local law, to enforce the provisions of this local law.

5.5.2.3 Continuous Violations. Each day a violation or offense is continued or not corrected shall be deemed a separate violation or offense.

5.6 Amendments.

The regulations, restrictions and boundaries established by this law may from time to time be amended, supplemented, changed or modified or repealed by local law enacted by the Town Board in accordance with all of the procedures provided by Sections 264 and 265 of the Town Law, the Municipal Home Rule Law, and Section 239-m of the General Municipal Law.

5.7 Fees.

The Town Board may, by resolution, set fees to be charged for the issuance of a building permit or a certificate of occupancy, for filing a notice of appeal for administrative review or an application for a special permit or variance, or for other reviews, inspections, or governmental services required or provided under this local law, and may revise those fees from time to time. All administrative expenses, including reasonable costs and expenses of engineers, attorneys, or other consultants, incurred by the Board of Appeals, Planning Board, Town Board, or Building Inspector, which are reasonably necessary in the review and processing of an application made under this law, shall be charged back to the applicant as a fee related to the application submitted.

5.8 Planning Board.

5.8.1 Composition and Appointment.

5.8.1.1 Continuation. The existing Planning Board is hereby continued in accordance with Section 271 of the Town Law.

5.8.1.2 Composition. The Planning Board shall consist of five members.

5.8.1.3 Appointment. The Town Board shall appoint the members of the Planning Board, and shall designate its Chairperson. No person who is a member of the Town Board or the Board of Appeals shall be eligible for membership on such Planning Board. No person shall be disqualified from serving as a member of the Planning Board by reason of serving as a member of the Wayne County Planning Board. Members holding office at the time of adoption of this law shall continue to hold office for their present terms, which shall expire on December 31 of the scheduled year of expiration. Their successors shall be appointed to five-year terms beginning on January 1 after the expiration of each term.

5.8.1.4 Removal. The Town Board shall have the power to remove any member of the Planning Board for cause after public hearing.

5.8.1.5 Vacancies. Vacancies shall be filled by the Town Board. If vacancies shall occur otherwise than by the expiration of term, they shall be filled by appointment for the unexpired term.

5.8.1.6 Compensation. The Town Board may provide for compensation to be paid to Board members.

5.8.2 General Procedures.

5.8.2.1 Meetings. All meetings of the Planning Board shall be held at the call of the Chairperson and at such other times as such Board may determine. All meetings of such Board shall be open to the public. The concurring vote of a majority of the members of the Board shall be necessary for the Board to act.

5.8.2.2 Oaths. The Chairperson, or in absence of the Chairperson, the Acting Chairperson, may administer oaths and compel the attendance of witnesses.

5.8.2.3 Meetings, Minutes, Records. Meetings of the Planning Board shall be open to the public to the extent provided in Article Seven of the Public Officers Law. The Planning Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.

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

5.8.2.5 Assistance. The Planning Board shall have the power and authority to employ experts, clerks and a secretary and to pay for their services, and to provide for such other expenses as may be necessary and proper, not exceeding in all the appropriation made by the Town Board for such purpose.

5.8.2.6 State Environmental Quality Review Act. The Planning Board shall comply with the provisions of the State Environmental Quality Review Act under Article Eight of the Environmental Conservation Law and its implementing regulations as codified in Title Six, Part 617 of the New York Codes, Rules and Regulations.

5.8.3 Powers. The Planning Board shall have the powers allowed under Article 16 of the Town Law of the State of New York and this law, including the power to:

- (1) Review and approve site plans, as provided in section 4.4. of this law, and Town Law Section 274-a;
- (2) Make recommendations to the Board of Appeals with regard to use variances, as provided in section 5.4.3.2 of this law;
- (3) Review and approve subdivisions, as authorized by the Subdivision Regulations of the Town of Huron, and Town Law Sections 276, 277, 278 and 279.

- (4) Review and make recommendations with regard to the Comprehensive Plan of the Town;
- (5) Recommend to the Town Board regulations relating to any subject matter over which the Planning Board has jurisdiction under Article 16 of the Town Law or any other statute, or under any local law or ordinance of the Town;
- (6) Report on matters referred to the Planning Board by the Town Board, pursuant to Town Law Section 271(14);
- (7) Make such investigations, maps and reports and recommendations in connection therewith relating to the planning and development of the Town as it deems desirable, providing the total expenditures of the Planning Board do not exceed the appropriation provided by the Town Board; and
- (8) Establish rules and procedures governing its operations, provided they are consistent with this law and the Town Law of the State of New York.

5.8.4 Referral to Wayne County Planning Board.

5.8.4.1 Required Referrals. In accordance with the policy and procedures provided for by Chapter 24, Article 12B, Section 239-l and 239-m of the General Municipal Law, and except as may be provided by an agreement approved by the Town Board and the Wayne County Planning Board with respect to matters of local rather than inter-community or county-wide concerns, any proposed site plan approval affecting real property within five hundred (500) feet of the boundary of the Town of Huron or from the boundary of any existing or proposed county or state park or other recreational area, or from the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway or from the existing or proposed right-of-way of any stream, or drainage channel owned by the county for which the county has established channel lines, or from the existing or proposed boundary of any county or state owned land on which a public building or institution is situated, or from the boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the Agriculture and Markets Law, shall be referred to the Wayne County Planning Board. The term "proposed" shall be deemed to include only those recreational areas, parkways, thruways, expressways, roads or highways which are shown on a County Plan of Wayne County adopted pursuant to section 239-d(2) of the General Municipal Law or adopted as an Official Map of Wayne County pursuant to Section 239-g of the General Municipal Law. Water bodies, including Great Sodus Bay, East Bay, Port Bay, and Lake Ontario, shall not be deemed a county or

state park or other recreation area, unless expressly designated as such by the New York State Office of Parks, Recreation and Historic Preservation.

5.8.4.2 Failure of County Planning Board to Report. If the Wayne County Planning Board fails to report within thirty (30) days after receipt of a full statement of such referred matter, the Planning Board may act without such report.

5.8.4.3 Supermajority Requirement. If a report from the Wayne County Planning Board which recommends modification or disapproval of the proposed action is received by the Planning Board either within thirty (30) days of receipt of a full statement of such referred matter by the Wayne County Planning Board, or at least two days prior to final action by the Planning Board, the Planning Board shall not act contrary to such recommendation except by a vote of a majority plus one of all the members thereof.

5.8.5 Hearing, Notice, and Decisions on Applications For Site Plan Approvals.

5.8.5.1 Hearing. The Planning Board shall fix a reasonable time for the hearing of any application for a site plan approval within sixty-two (62) days from the day an application is received.

5.8.5.2 Notice. The Planning Board shall give public notice of the hearing on any application for site plan approval by the publication of a notice of such hearing in a newspaper of general circulation in the Town at least five days prior to the date thereof. Further, the Planning Board shall, at least ten days before such hearing, mail notices thereof to the applicant, and if a referral is required by Section 239-m of the General Municipal Law and section 5.8.4 of this law, to the Wayne County Planning Board, which shall be accompanied by a full statement of such proposed action, as defined in Section 239-m(1)(c) of the General Municipal Law.

5.8.5.3 Decision. The Planning Board shall make its decision on an application for site plan approval within sixty-two (62) days of the hearing; provided, however, the time within which the Board must render its decision may be extended by mutual consent of the applicant and the Board.

5.8.5.4 Conditions. The Planning Board may impose such reasonable conditions and restrictions as are directly related to and incidental to a proposed site plan, in accordance with sections 4.3 and 4.4 of this law. Upon approval of such a site plan with conditions, such conditions must be met in connection with the issuance of a building permit and certificate of occupancy by the Building Inspector.

5.8.5.5 Waiver. When deemed reasonable, the Planning Board may waive any requirements for the approval, approval with modifications or disapproval of a site plan submitted for approval by the Board. Any such waiver, which shall be subject to appropriate conditions, may be granted in the event any such

requirements are found not to be requisite in the interest of public health, safety or general welfare or inappropriate to a particular site plan.

5.8.5.6 Filing of Decision and Notice. The decision of the Planning Board on an application for site plan approval shall be filed in the office of the Town Clerk within five business days after such decision is rendered, and a copy thereof mailed to the applicant. Further, if reference to the Wayne County Planning Board was made, pursuant to Section 239-m of the General Municipal Law and section 5.8.4 of this law, the Planning Board shall file a report of the final action it has taken with the Wayne County Planning Board within thirty days after such decision is made. If the Planning Board acted contrary to a recommendation of modification or disapproval by the Wayne County Planning Board, it shall set forth the reasons for such contrary action in such report.

5.8.5.7 Area Variance. Notwithstanding any provision of this law to the contrary, where a proposed site plan contains one or more features which do not comply with this law, application may be made to the Board of Appeals for an area variance, without the necessity of a decision of the Building Inspector.

5.8.6 Recourse. Any person or persons, jointly or severally aggrieved by any decision of the Board of Appeals or any officer, department, board or bureau of the Town arising under this law, may apply to the Supreme Court for review by a proceeding under Article 78 of the Civil Practice Law and Rules. Such a proceeding must be instituted within 30 days after the filing of a decision of the Planning Board in the office of the Town Clerk.

6. General Provisions.

6.0 Separability.

If any section, subsection, sentence, clause or phrase of this law is for any reason held to be unconstitutional or invalid, such decision shall not affect its remaining portions. The Town Board hereby declares it would have passed this law and each section and subsection thereof irrespective of the fact that any one or more of its sections, subsections, clauses, or phrases may be found by court to be unconstitutional or otherwise invalid.

6.1 Repealer.

All ordinances and parts of ordinances and laws of the Town of Huron inconsistent herewith, are hereby expressly repealed. However, the Subdivision Regulations for the Town of Huron, adopted by the Planning Board on July 23, 1968, and approved by the Town Board on August 14, 1968, are not repealed by this law, and remain effective, subject to further action of those boards amending or repealing such regulations, and to the extent practicable, shall be construed harmoniously with this law. Further, the Town Building Law, Local Law No. 1 of 1989 of the Town of Huron, as amended, is not repealed by this law, and remains effective, subject to future action of the Town Board amending or repealing such local law, and shall be construed harmoniously with this law.

6.2 Short Title.

This law shall be known as and may be cited and referred to as "The Town of Huron Zoning Law."

6.3 Effective Date.

This law shall be in full force and effect from and after its passage, publication and posting as provided by Sections 264 and 265 of the Town Law, as superseded by Local Law No. 2 of 1986 of the Town of Huron, and filing with the Secretary of State, as provided by the Municipal Home Rule Law.

Appendix A Definitions

Adult Bookstore. Any business enterprise having a substantial portion of its stock-in-trade books, magazines, pamphlets, pictures, drawings, photographs, drawings, photographs, motion picture films, videotapes, audio tapes, computer software, or printed, visual, or audio material of any type, which are characterized by their emphasis on the description or depiction of specified anatomical areas or specified sexual activities; or any business enterprise having a substantial area of its enterprise devoted to the sale and display of such materials. "Substantial portion," as used in the preceding sentence, shall mean at least fifty percent (50%) in any one of the following parameters: receipts, income, number of titles, number of copies, amount of floor space devoted, or amount of advertising.

Adult Entertainment Establishment. Any business enterprise (a) having as a substantial portion of its activity the presentation, characterized by emphasis on the description or depiction of specified anatomical areas or specified sexual activities, of: live shows, motion picture films, videotapes, or sound recordings presented to a common audience in an enclosed common area; visual or audio material presented in a coin-operated, slug-operated, or mechanically or electronically controlled, still or motion-picture machines, projectors or other image-producing devices; (b) serving food and beer, wine, liquor, juice, soft drinks, or other refreshments whose entertainers or waiters and waitresses appear in a state that displays any specified anatomical area; or (c) that offers services requiring the client or customer to display any specified anatomical areas, except hospitals, nursing or convalescent homes, medical and health service establishments. "Substantial portion," as used in the preceding sentence, shall mean at least fifty percent (50%) in any one of the following parameters: receipts, income, number of presentations, time of presentations, size of audiences, amount of floor space devoted (including audiences), or amount of advertising.

Adult Care. An establishment where persons are housed or lodged and furnished with meals.

Adult Use. Any adult bookstore or adult entertainment establishment.

Agriculture. The commercial production on a farm of crops, plants, vines or trees.

Airport, Private. A tract of land used for landing and take-off of aircraft, not operated for profit or as a commercial business.

Alley. A public way having a right-of-way width of 20 feet or less.

Animal Husbandry. The commercial keeping, grazing, feeding and care of animals. The term "animal husbandry" shall not be construed to include the activities of kennels, feed lots, or the keeping of household pets, or non-commercial animal/fowl sheltering.

Animal or Fowl Sheltering, Non-Commercial. The sheltering and/or keeping of domestic animals and/or fowl for domestic use, provided the meat of animals or fowl is not sold.

Antenna, Commercial. A system of electrical conductors that transmit or receive radio frequency signals for commercial purposes. Such signals shall include, but not be limited to, cellular, paging, personal communications services, and microwave communications.

Area, Building. The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps. All dimensions shall be measured between the exterior faces of walls.

Area, Land. The term "land area," when referring to the required area per dwelling unit, means "net land area," the area exclusive of streets and other public open space.

Bar or Tavern. An establishment licensed under the laws of New York State for the sale of alcoholic beverages and their consumption on the premises.

Basement. A story partly underground but having at least one-half of its height above the average outside ground level.

Block. The length of a street between two street intersections. Where street intersections are at intervals greater than 1,200 feet, 1,200 feet shall be considered the length of a block for purposes of this law.

Boarding House. A dwelling, or other structure other than a hotel or motel, in which more than two persons are sheltered and/or fed for profit for one week or longer at a time.

Boat House. A structure used for the storage or sheltering of boats or other watercraft and their related accessories.

Building. Any structure constructed or used for residence, business, industry or other public or private purposes, or accessory thereto, including tents, lunch wagons, dining cars, manufactured housing, mobile homes, billboards, signs, storage sheds and similar structures, whether stationary or movable, but not small storage sheds.

Building, Accessory. A building, the use of which is customarily incidental to that of a principal building, and which is located on the same lot as that occupied by the principal building.

Building, Accessory Use of. A use customarily incidental to the use of a principal building, not occupying more than twenty-five (25%) percent of the total above-ground floor area of the principal building thereof.

Building Addition. Extension or increase of enclosed floor space or building height.

Building, Alteration of. Any building addition, change or rearrangement of exterior structural parts, change in use from one district classification to another, or removal of a building from one

location to another. Normal repairs and maintenance shall not be construed as an alteration of a building.

Building, Height of. The vertical distance measured from the average elevation of the finished lot grade at the front of the building to the highest point of the ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the mean height level between the eaves and ridge of a gable, hip or gambrel roof.

Building Line. The face of that portion of a principal building nearest the lot line which shall include covered porches and other covered or enclosed areas but which shall not include cornices, eaves, gutters, chimneys, or bay windows which shall project no more than 24 inches from the face of the building, and if such projection shall exceed 24 inches, then the face of such projection shall be the building line.

Building, Principal. A building, including covered porches, in which is conducted the principal use of the lot on which it is situated. In any residential district a dwelling shall be deemed the principal building on the lot on which it is situated.

Building or Structure, Non-conforming. An established building or structure lawfully existing prior to and at the time of the original adoption of this law, or any relevant amendment to this law, which, because of its inherent nature or construction, does not conform to the provisions of this law or such amendment for the district in which it is located.

Business, Outdoor. Any business in which the major portion of the business activity is conducted outdoors, such as an archery range, golf course, skiing, race track, or splat ball.

Business, Retail/Wholesale Large. A commercial establishment of more than 1500 square feet of floor area, and which is not encompassed within any other category defined by this law.

Business, Retail/Wholesale Medium. A commercial establishment of more than 200 square feet and not more than 1500 square feet of floor area, and which is not encompassed within any other category defined by this law.

Business, Retail/Wholesale Small. A commercial establishment of up to 200 square feet of floor area, and which is not encompassed within any other category defined by this law.

Cabin, Hunting and Fishing. A structure with accommodations for living and sleeping designed for seasonal occupancy and having a total floor area of less than 400 square feet.

Campground. Any lot, parcel or tract of land on which two or more camp or travel trailers, tents, or similar structures are located or parked for transient use, regardless of whether or not a charge is made for such accommodations.

Camping. The occupation of camp or travel trailers, tents, or similar devices for living or

sleeping purposes.

Car Wash. An establishment for the washing of motor vehicles as a principal use.

Carnival. An amusement show, usually traveling from place to place, which may include a side show, ferris wheel, merry-go-round, other amusement rides, or other similar attractions.

Cellar. A portion of a building having more than one-half of its height below the average outside ground level.

Cemetery. Land used or intended to be used for the burial of dead human beings and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries when operated with and within the boundary of such cemetery.

Church or Other Place of Worship. A building for public worship.

Circus. An exhibition of wild animals, acrobatic feats, which may include side shows and vending concessions.

Clinic, Dental. A structure designed for the practice of dentistry in which nonresident patients are treated.

Clinic, Medical. A structure designed for the practice of medicine in which nonresident patients are treated.

Club. An association, corporation or other organization dedicated to or operated for social, educational, recreational or other interests or activities, but not operated primarily for profit nor to render a service which is customarily carried on as a business.

Clubhouse. A building to house a club which is not an adjunct to or operated by or in connection with a public tavern, café, or other public place.

College. A college or university giving general academic instruction, including associated areas or structures used for (a) administration, (b) housing of students and faculty, (c) dining halls, and/or (d) social or athletic activities, when located on the institution's land that is not detached from land where classroom facilities are maintained.

Construction, Fire Resistant. That type of construction in which the walls, partitions, columns, floors and roof are non-combustible with sufficient fire resistance to withstand the effects of a fire and prevent its spread from story to story.

Cottage Colony. A group of structures on a single lot which may include a rental office, swimming pool, handball court, casino or other recreational facilities, together with three or more cottage units, not more than one of which is used for the purposes of year-round residence.

Cottage, Duplex. A structure consisting of two separate units separated by a party wall, each of which has a minimum floor area of 400 square feet, designed or primarily used for seasonal occupancy.

Cottage, One Unit. A structure having a minimum floor area of 400 square feet designed or primarily used for seasonal occupancy. A bus is not construed to be a cottage.

Court. An unoccupied open space, other than a yard. An outer court is one that extends to the street or to the front or rear yard. An inner court is any other court.

Coverage. That percentage of the lot covered by the building area.

Crematorium. A furnace or place for cremation of corpses.

Curb Level. The officially established grade of the curb in front of the midpoint of the lot.

Day Care Facility. A commercial establishment where two or more children are cared for and/or supervised on a regular basis.

Deck. An unenclosed structure creating a floored surface, attached or unattached to a principal or accessory structure that is constructed above the finished grade and is greater than 25 square feet in area.

Dock, Boat. A structure built along or at an angle from the shore used to receive and discharge cargo or passengers from a boat or other watercraft. A boat dock shall not be considered an obstruction for purposes of yard measurements.

Domestic Animals. Animals and fowls that by nature and instinct are given to coexist with humans, including but not limited to pigs, goats, sheep, horses, ponies, mules, donkeys, cows, chickens, ducks, geese and turkeys, but not household pets.

Drive-in Business. A commercial establishment where patrons enter the premises and are served or entertained in automobiles, including drive-in outdoor theaters, refreshment stands, banks and the like. Deposit and pick-up services shall not be considered drive-in businesses.

Driveway. Land situated on a lot used or intended to be used to provide access to it by vehicular traffic.

Dump. Land used for the disposal by abandonment, dumping, or other means, and for whatever purpose of garbage, trash, refuse, junk, ash, solid waste, or waste material of any kind.

Dwelling. A house or other building designed or used primarily for year-round human habitation. The word "dwelling" shall not include tourist homes, motels, hotels, or other

structures designed for transient residence, or cottages or cabins designed or primarily used for seasonal residence.

Dwelling, Duplex. A building containing two dwelling units separated by a party wall, each having one side yard.

Dwelling, Multi-Family. A dwelling containing separate living units for three or more families, but which may have joint services or facilities or both.

Dwelling, One Family. A building designed for the use of a single household, including one or more persons living as a family, and wherein not more than two boarders are sheltered and/or fed for profit.

Dwelling, Row or Town House. A dwelling accommodating or designed to accommodate but a single family in a single dwelling unit, the walls on two sides of which may be in common with the walls of an adjoining dwelling and are party or lot line walls.

Dwelling, Two Family. A building having two side yards and accommodating only two families.

Dwelling Unit. Any dwelling or portion thereof used or intended to be used by one family and providing complete housekeeping facilities for the family.

Excavation, Grading or Filling. Any operation (other than in connection with foundations for a structure or highway construction):

(a) On lots complying with section 4.2.2 of this law, any operation involving a volume of earth movement exceeding 1,000 cubic yards;

(b) On lots not complying with section 4.2.2 of this law, any operation involving a volume of earth movement exceeding one cubic foot per square yard or 100 cubic yards, whichever is greater; or

(c) A change in ground elevation from previously existing grade exceeding ten feet.

Extension of Use. An increase in area or operations consistent with the existing use.

Factory. A building or group of buildings, usually with equipment, where manufacturing is conducted.

Fair. An occasional or periodic competitive exhibition of farm products or livestock, usually accompanied by amusement features and for which an admission fee is charged.

Family. One or more persons occupying a premises, living as a single nonprofit housekeeping unit, not on a temporary basis. There is a rebuttable presumption that a family does not include a housekeeping unit that includes more than five persons, each of whom is not related to any other persons in the unit by blood, marriage or adoption.

Farm. Any parcel of land containing at least five acres which is used for gain in the raising of agricultural products, livestock, and/or poultry and dairy products, including necessary farm structures within the prescribed limits, and the storage of equipment used, but not feed lots, fur farms, cage type poultry houses, pig farms, public stables, and dog kennels.

Farmland, Designated. Land designated by the U.S. Department of Agriculture as Prime Farmland or Prime Farmland If Drained, representing land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these land uses, or Unique Soils, or land designated as Farmland of Statewide Importance by the USDA, New York State Department of Environmental Conservation, or the U.S. Army Corps of Engineers.

Farm, Fur. Any premises on which animals are raised or harbored for the primary purpose of using their fur, or selling the animals for the eventual use of their fur.

Farm, Pig. Any premises on which more than two brood sows and any other swine over eight months of age are harbored.

Feed Lot. A strictly commercial beef cattle feeding operation, not an integral part of an existing agricultural or animal husbandry enterprise, where all feed is purchased and the operator does not own sufficient land for manure disposal and/or recycling.

Floor Area (of a building). The sum of the gross horizontal area of the several floors including the basement of a building and its accessory buildings on the same lot, and including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

Floor Area Ratio. The floor area of a building divided by the area of the lot which it occupies.

Fraternity House or Dormitory. A facility used for housing, with or without dining facilities, of students attending a college or school, and which is approved as a residence for its students by such educational institution, including a sorority house or college residence hall.

Food Processing Facility. An establishment that primarily prepares foodstuffs for the wholesale market, industrial processing, or other commercial use, and which may include a retail outlet.

Funeral Home. A commercial establishment which directs funerals or houses corpses prior to a funeral.

Garage, Private. A garage not conducted as a business and used for storage space for vehicles which shall be owned by a person residing on the premises.

Garage, Parking. A garage conducted as a business. The rental of storage space for more than two passenger cars or for one commercial vehicle not owned by a person residing on the

premises shall be deemed a business use.

Golf Course. An area primarily used for the play of golf, including nine and eighteen hole courses, and driving ranges.

Grade, Established. The elevation of the centerline of the streets as officially established by the Town, County or State highway authorities.

Grade, Finished. The completed surfaces of lawns, walks and roads brought to grades as shown on official plans or designs relating thereto.

Home Occupation, Customary. Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof which use is clearly incidental to and secondary to the use of the structure for dwelling purposes and does not change the character thereof. No customary home occupation shall include machinery or equipment normally associated with commercial or industrial activities, nor shall any customary home occupation produce offensive noise, vibration, smoke, dust, odors, heat, glare or other nuisance.

Horizontal Drilling. The process of drilling a well from the surface to a subsurface location just above the target gas or oil reservoir, then deviating the well bore from the vertical plane around a curve to intersect the reservoir at the entry point with a near-horizontal inclination, and remaining within the reservoir until the desired bottom hole location is reached.

Hospital. An establishment for temporary occupation by the sick or injured for the purpose of medical diagnosis and treatment, including sanitarium, and shall be limited to the treatment or other care of humans.

Hospital, Animal or Veterinary Clinic. An establishment for temporary occupation by sick or injured animals for the purpose of medical diagnosis and treatment, and shall exclude the treatment or other care of humans.

Hotel. A building or group of buildings in which there are twelve or more rental sleeping rooms, and which may also include dining rooms, kitchens, serving rooms, ballrooms and other facilities and services intended primarily for the accommodation of its patrons.

Household Pets. Animals that commonly share living space with humans, including but not limited to cats and dogs.

Hydraulic Fracturing, High Volume. The stimulation of a vertical or horizontal well using 300,000 gallons or more of water as the primary carrier fluid in the Hydraulic Fracturing Fluid used in the process of Hydraulic Fracturing.

Industry. The entire range of economic and business activity. Specific types of industry (including manufacturing, wholesale, retail, and services), shall have the meaning set forth in the

Standard Industrial Classification Manual, published by the Executive Office of the President, Bureau of the Budget - 1957.

Junk Yard. A lot, land or structure, or part thereof over 200 square feet in area, used primarily 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 running condition and for the sale of parts thereof, except as accessory to a principal industrial use of the lot. Two or more motor vehicles stored outside of a building shall be deemed to constitute a junk yard, if each such vehicle meets at least one of the following characteristics: (a) it is not in operating condition; or (b) it is unregistered; or (c) it is uninspected; unless the vehicles are stored accessory to a vehicle sales area, automobile wrecking business, parking garage, motor vehicle service station, or a principal industrial or agricultural use. For example, one unregistered vehicle together with one uninspected vehicle on the same lot shall constitute a junk yard.

Kennel. Any establishment including cages, dog runs and structures wherein more than three dogs which are over six months old are harbored.

Laundry. A business which cleans clothing, or which is equipped with individual clothes washing and drying and/or cleaning machines for the principal use of retail customers.

Library. A public place in which literary, musical, artistic, or reference materials are kept for use or loan.

Lot. A piece, parcel or plot of land occupied or designed to be occupied by a principal building and its accessory building or buildings, and including the yards and other open spaces required by this law.

Lot, Corner. A lot which has an interior angle of less than 135 degrees at the intersection of two lot lines abutting a street. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve at points beginning within the lot or at the point of intersection of the side lot lines with the street line intersect at an interior angle of less than 135 degrees.

Lot, Depth. The horizontal distance from the street line of the lot to its opposite rear line measured along the median between the two side lot lines.

Lot, Interior. A lot other than a corner lot.

Lot Lines. The lines that bound a lot as defined in this law.

Lot of Record. Any lot which has been established as such by plat, survey, record, or deed prior to the date of the original enactment of this law, as shown on the records of the Wayne County Clerk's Office.

Lot, Through. An interior lot having frontage on two parallel or approximately parallel streets.

Lot Width. The distance between the side lot lines measured along the front building line as determined by the front yard requirement prescribed by this law.

Machine Shop. A place of business that engages in the repair or fabrication of machinery, equipment or parts thereof.

Manufactured Home. A factory built dwelling, less than twenty feet in width, excluding tip outs and pull outs or any other extensions to the original structure, that is either (a) properly certified to comply with the Manufactured Home Construction and Safety Standards promulgated by the United States Department of Housing and Urban Development and set forth at 40 C.F.R. Part 3280 or (b) complying with the Uniform Code.

Manufactured Home Community. Any lot on which two or more manufactured homes or manufactured homes, residential design is located, regardless of whether or not a charge is made for such accommodations.

Manufactured Home, Residential Design. A manufactured home which: (a) is properly certified to comply with the Manufactured Home Construction and Safety Standards promulgated by the United States Department of Housing and Urban Development and set forth at 40 C.F.R. Part 3280 or is in compliance with NYS Building Code; (b) meets the minimum ground floor space requirements set forth at paragraph 42.02(h)(1) of this law; (c) has a roof of a type and pitch commonly used in residential construction; (d) has exterior siding of a type of material commonly used in residential construction; (e) has all towing devices, wheels, axles and hitches removed; (f) is installed on a permanent foundation that meets the requirements of the Uniform Code; and (g) is skirted with masonry material or stud-framed and wall-sheathed with exterior siding of a type of material commonly used in residential construction.

Manufacturing. Fabrication or production of goods or products. Manufacturing includes those activities listed in Part III, Alphabetic Index, Manufacturing Industries in the Standard Industrial Classification Manual, published by the Executive Office of the President, Bureau of the Budget - 1957.

Marina. A commercial facility which provides docks or a harbor with secure mooring for motor and sail boats, including any related facilities and services associated with water sports.

Migrant Labor Camp. A migrant labor camp as defined in the State Sanitary Code.

Mobile Home. A manufactured home or mobile home that is not certified to comply with the Manufactured Home Construction and Safety Standards promulgated by the United States Department of Housing and Urban Development and set forth at 40 C.F.R. Part 3280 and does not comply with the Uniform Code.

Mobile Home Park. Any lot on which two or more mobile homes are located, regardless of whether or not a charge is made for such accommodations.

Motel. A public inn containing not less than eight rental units with provisions for, but not limited to (a) automobile parking space to accommodate not less than one car per unit, and (b) separate toilet facilities and hot and cold running water for each rental unit.

Motor Freight Terminal. Any premises used by a motor freight company regulated by the Public Service Commission of New York and/or the Interstate Commerce Commission as a carrier of goods, which is the origin and/or destination point of goods being transported for the purpose of storing, transferring, loading and unloading of such goods.

Motor Vehicle Service Station. Any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any sale of motor vehicle accessories and which may or may not include facilities for lubricating, washing or otherwise servicing motor vehicles.

Natural Gas and/or Petroleum Exploration Activities. Geologic or geophysical activities related to the search for natural gas, petroleum or other subsurface hydrocarbons including prospecting, geophysical and geologic seismic surveying and sampling techniques, but only to the extent that such activities involve or employ core, rotary, or any other type of drilling or otherwise making any penetration or excavation of any land or water surface (including but not limited to the use of High Volume Hydraulic Fracturing and/or Horizontal Drilling) in the search for and evaluation of natural gas, petroleum, or other subsurface hydrocarbon deposits, including all support facilities and activities, and all storage, treatment or disposal of waste, including water, from such activities.

Natural Gas and/or Petroleum Extraction Activities. The digging, drilling or use of a well (including but not limited to the use of High Volume Hydraulic Fracturing and/or Horizontal Drilling) for the purposes of exploring for, developing or producing natural gas, petroleum or other subsurface hydrocarbons, including all support facilities and activities, and all storage, treatment or disposal of waste, including water, from such activities.

Nursery School. A school designed to provide daytime care or instruction for two or more children from two to five years of age inclusive and operated on a regular basis.

Nursing Home. Any establishment where persons are housed or lodged and furnished with meals and nursing care for hire.

Occupancy. The utilization of a building, structure or land.

Occupancy, Seasonal. Occupancy for a period not exceeding seven months during any one calendar year.

Office, Business. A business open to the public where a physician, surgeon, dentist, accountant, artist, musician, lawyer, architect, engineer, teacher, insurance agent, real estate broker, or other professional carries out his or her professional duties or responsibilities, and meets with or sees patients or clients, but not the office or place of business of a mortician.

Office, Home. An area within a private residence, used by the resident for conducting his or her business and which is open to the public by appointment only.

Official Map, Town. A map adopted by the Town Board pursuant to the provisions of Section 270 of the Town Law and which may be, or may have been revised according to the provisions of Section 273 of the Town Law which shows streets, highways and parks laid out and adopted and established by law, and which may show drainage systems.

Open Space. An unoccupied space open to the sky required by the terms of this law.

Parcel. A separately assessed lot or piece of real property.

Park. A parcel or tract of land set aside for public use, including lands left in a natural state, landscaped areas, ball fields, and other areas set aside for recreational uses.

Parking, Commercial. A business established for the parking of automobiles or other motor vehicles that is open to the public.

Parking, Private. An area, used by a business, club or other private concern that is for the use of customers, members, residents or guests for parking of automobiles or other motor vehicles.

Place of Public Assembly. A structure or area used as a meeting place for people of common beliefs or purposes, and which is open to the public for non-profit activities.

Playground. A site primarily used for recreation for children which may include swing sets and other facilities designed for such purposes.

Poultry House, Cage Type. A structure in which 5,000 or more birds are housed, one or more to a cage in meshwork floored cages elevated above the main floor of the structure, and in which all normal processes relating to live birds are accomplished without removing the birds from the cage.

Quarry or Pit. A lot or land or part thereof used for the purpose of extracting stone, sand, gravel or top soil for sale, as an industrial operation, and exclusive of the process of grading preparatory to the construction of a building for which a zoning permit has been issued, or highway construction.

Residence. A dwelling.

Residence, Seasonal. A dwelling, the use of which is limited to a seasonal occupancy, such as a summer cottage or a winter chalet.

Residential Rental, Short-Term Use. Rental of an otherwise legally permitted dwelling, cottage or cabin for periods of two weeks or less, during which rental period the property owner or manager does not reside in the structure.

Restaurant. An establishment whose primary purpose is to prepare and sell meals for consumption on the premises.

Riding Academy. Any establishment where horses are kept for riding, driving, or stabling for compensation or incidental to the operation of any club, association, ranch or similar establishment.

Right-of-Way. A legal right of passage across, or limited use of, another lot or person's land.

Right-of-Way, Public. The entire area or width (not just any paved area) of any street, alley, highway, road, trail, thoroughfare or other land which a public body (including but not limited to the Town and any of its districts or departments, any other governments and their agencies and departments, and any public authorities) owns or controls (including any easements) and allows access to the general public to drive, walk, ride, or otherwise travel upon.

Rod and Gun Club. A gathering and meeting place permitting the discharge of firearms for sport and competition.

Sanitarium. A private hospital, whether or not such a facility is operated for profit.

Sanitary Sewer, Public. A sewer connected to a municipal sanitary sewer system or a sanitary sewer connected to a non-municipal sanitary sewer system, the construction plans, and plans for the operation of which shall be approved by the New York State Department of Health. Any facility which provides for the disposal of sanitary sewage on a lot occupied by a principal or accessory building or structure other than a sewage disposal plant shall not be deemed a public sanitary sewer.

Sawmill. A facility where wood is brought to be cut into various types and sizes of lumber.

School. Any educational institution having regular sessions with regularly employed instructors who instruct children primarily eighteen years of age or younger, under the supervision of the State of New York or a lawfully constituted ecclesiastical governing body, or a private corporation meeting the requirements of the state.

Scientific Station. A facility for scientific study or data collection, operated by or affiliated with a college or school.

Shed, Small Storage. A one-story building of not more than 100 square feet of floor area, not attached to the ground and not serviced by utilities, and not used for living purposes.

Short-Term Residential Rental Use. Rental of an otherwise legally permitted dwelling, cottage or cabin for periods of two weeks or less, during which rental period the property owner or manager does not reside in the structure.

Sign. A “sign” is defined in the Sign Regulations of the Town of Huron, which are contained in Appendix A to this law. All signs in excess of 64 square feet in sign area shall be regarded as structures, and subject to the setback requirements of the district within which they are located.

Site. The portion of a lot which includes a structure, associated appurtenances, and minimum yards and setbacks.

Skating Rink. A commercial location or structure, for roller, ice or blade skating.

Solar Energy System. A complete set of components for the collection, conversion, inversion, storage, and distribution of solar energy to generate electricity by use of the photovoltaic (PV) process, solar thermal electric process, or other similar processes.

Solar Energy System - Array. Any number of electrically connected photovoltaic (PV) modules providing a single electricity producing unit.

Solar Energy System - Building-Integrated. A Solar Energy System that is constructed as an integral part of a principal or accessory building or structure and where the building-integrated system features maintain a uniform profile or surface of vertical walls, window openings, and roofing. Such a system is used in lieu of a separate mechanical device, replacing or substituting for an architectural or structural component of the building or structure that appends or interrupts the uniform surfaces of walls, window openings and roofing. A building-integrated system may occur within vertical facades, replacing view glass, spandrel glass or other facade material; into semitransparent sky light systems; into roofing systems, replacing traditional roofing materials; or other building or structure envelope systems.

Solar Energy System - Building-Mounted. A Solar Energy System or Solar Thermal System attached to any part or type of roof on a building or structure that has an occupancy permit on file with the Town of Huron and that is either the principal structure or an accessory structure on a lot. This system also includes any solar-based architectural elements.

Solar Energy System - Ground-Mounted. A freestanding Solar Energy System mounted on a structure, pole or series of poles constructed specifically to support the photovoltaic system and not attached to any other structure.

Solar Energy System - Kilowatt (kW). A unit of electrical power equal to 1,000 Watts, which constitutes the basic unit of electrical demand. A watt is a metric measurement of power (not energy) and is the rate at which (not the quantity of) electricity is used. 1,000 kW is equal to 1 megawatt (MW).

Solar Energy System - Major. An area of land or other area used for a Solar Energy System with a rated capacity larger than 200kW that is not an On-Farm Solar Energy System.

Solar Energy System - Medium. Solar Energy System with a rated capacity greater than 25kW and less than or equal to 200kW.

Solar Energy System - Minor. A Solar Energy System with a rated capacity of up to and including 25kW or a Solar Thermal System, secondary to the use of the premises for other lawful purposes.

Solar Energy System - Module. An assembly of interconnected environmentally protected PV cells.

Solar Energy System - Net Metering Eligible. When an applicant and the proposed Solar Energy System is eligible as a customer-generator for net energy metering pursuant to New York Public Service Law §66-j and associated regulations and orders of the New York Public Service Commission.

Solar Energy System - On-Farm. A Solar Energy System that is Eligible for Net Metering as a farm operation, as defined by Article 25-AA of the Agriculture and Markets Law, in an agricultural district.

Solar Energy System - Photovoltaic (PV) Cell. A semiconductor device which generates electricity when exposed to light.

Solar Energy System - Photovoltaic (PV) Process. Solar energy conversion technologies that directly convert solar energy to electricity.

Solar Energy System - Solar Thermal Electric Process. Solar energy conversion technologies that convert solar energy to electricity by heating a working fluid to power a turbine that drives a generator.

Solar Energy System - Solar Thermal System. Solar energy devices that convert solar radiation to usable thermal energy for the transfer of stored heat for heating water or air, consisting of solar collectors, storage tanks, and associated tubing and controls.

Solar Energy System - Solar Tracking System. Photovoltaic modules mounted to track the movement of the sun across the sky to maximize energy production, either with a single axis or dual-axis mechanism.

Solar Energy System - Solar-Based Architectural Element. Structural/architectural element that provides protection from weather that includes awnings, canopies, porches or sunshades and that is constructed with the primary covering consisting of solar PV modules, and may or may not include additional solar-related equipment.

Solar Energy System - Solar-related Equipment. Components of a Solar Energy System including solar photovoltaic Cells, Modules, or Arrays, associated wiring, mounting brackets, framing and foundations, accessory structures and buildings, solar storage batteries, light reflectors, concentrators, and heat exchangers, inverters and other power conditioning equipment, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities used for or intended to be used for Solar Energy Systems.

Specified Anatomical Areas. Genitals, the breast below the top of the areola, pubic areas, or buttocks.

Specified Sexual Activities. Any of the following: (a) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; (b) sex acts, actual or simulated, including sexual intercourse and oral copulation; (c) masturbation, actual or simulated; and (d) excretory functions as part of or in connection with any of the activities specified in (a), (b) or (c).

Stable, Private. An accessory building in which horses are kept for private use and not for hire, remuneration or sale.

Stable, Public. A building in which horses are kept for remuneration, hire or sale.

Storage, Boat. The outside storage of any boat not owned by a person owning or residing on the lot or parcel.

Storage Container. A tractor trailer or truck body with no cab, chassis, axles or lettering or a cargo container, also with no lettering.

Storage of Flammable Liquids. The storage of alcohol, gasoline, crude oil, liquefied petroleum gas, or any other highly flammable liquid as regulated by the New York State Building Code.

Storage, Open. Land used for the keeping of goods, wares or supplies on land outside of any building or structure, but not a junk yard or boat storage.

Story. That part of a building included between any floor, other than a cellar floor, and the floor or roof next above.

Street. Any public way dedicated to public travel greater than 20 feet in width.

Street Line. A street line is the right-of-way line of a street as indicated by dedication or by deed of record.

Street or Road, Center Line of. A line midway between and parallel to two street or road property lines.

Structure. Anything constructed or erected, the use of which requires location on and attachment to the ground or attachment to something having location on the ground, including a building. Structure shall not include personal property unattached to the ground or to a building, and shall not include agricultural fences, or other fences not more than four feet in height, or signs of 64 square feet or less in sign area. Structure shall also include storage containers, tent structures, and storage sheds, except small storage sheds.

Structure, Alteration of. Any addition to a structure, change or rearrangement of exterior structural parts, change in use from one district classification to another, or removal of a structure from one location to another. Normal repairs and maintenance shall not be construed as an alteration of a structure.

Structure, Storage. Any structure over 100 square feet constructed solely for personal storage purposes and used for non-commercial use. This building can be located on the same lot as that occupied by the principal building or on a separate lot with no other buildings or structures.

Swimming Pool, Outdoor. A receptacle for water having a depth at any point greater than two feet, used or intended to be used for swimming or bathing, and constructed, installed or maintained in or on the ground, not inside of a dwelling.

Telecommunications Facility. Equipment or devices for commercial transmission of television, radio, cellular telephone, personal wireless, paging, telephone signals, or other forms of electromagnetic communication, including all associated antennas, telecommunications towers, and other structures.

Telecommunications Tower. A freestanding structure on which transmitting and/or receiving antenna(s) are located, including lattice towers, guyed towers, monopoles and similar structures which may employ camouflage technology.

Theater. A building or part of a building devoted to presenting entertainment, where an admission fee is charged.

Tourist Home. A structure, other than a hotel or motel, in which overnight accommodations are provided for more than two guests, for less than one week at a time, which is operated either for profit, or as a business, including a bed and breakfast, or which is operated appurtenant to, or in association with, a business, including fishing charters. A tourist home is also a boarding house if more than two persons are sheltered and/or fed for profit for one week or longer at a time.

Trailer, Camp or Travel. A vehicular structure for which the Department of Motor Vehicles could issue a registration, and which is designed as a temporary dwelling for travel, recreation, and other short term uses.

Transportation Terminal. A facility used by any form of public transportation to pick up or unload passengers and their belongings.

Use. 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.

Use, Accessory. A use which is customarily incidental to and subordinate to the principal use of a premises, building or structure and located on the same premises as the principal use, building or structure, and which for a building occupies no more than twenty-five (25%) percent of the total above-ground floor area of the principal building.

Use, Non-conforming. An established use of a building or structure or use of land lawfully existing prior to and at the time of the original adoption of this law, or any relevant amendment to this law, which, because of its inherent nature or construction, does not conform to the provisions of this law or such amendment for the district in which it is located.

Utility Distribution Lines. Facilities for the distribution of services by public utilities, including telephone, electric and cable television transmission lines, and water and sewer pipes, necessary for providing service to structures within the Town.

Utility Facilities. Facilities, including electric substations, gas district governor stations, telephone exchanges, or other installations, except business offices, storage facilities, repair shops, power or gas generation stations or plants, communications transmitters, and utility transmission lines, for services which are operated by a public utility for purposes of supplying utility services.

Utility, Public. An industry regulated by the New York State Public Service Commission, the Federal Communications Commission, or other government organization, as a public service, including gas, electric, telephone, cellular telephone, cable television, water, and sewer companies and authorities.

Variance, Use. The authorization by the Board of Appeals for the use of land in a manner or for a purpose which is otherwise not allowed or is prohibited by this law.

Variance, Area. The authorization by the Board of Appeals for the use of land in a manner which is not allowed by the dimensional or topographical requirements of this law.

Vehicle Sales Area. A premises including open areas other than a street or way and showrooms enclosed within a building used for the display or sale of new or used motor vehicles and/or

trailers.

Warehouse. A public or private facility for the storing of goods.

WECS. A wind energy conversion system, as defined in section 31.167g of this law.

WECS, Commercial. A WECS that is the principal use of a parcel, and/or supplies electrical power for off-site use, except as allowed for a non-commercial WECS pursuant to section 31.167c of this law.

WECS, Non-Commercial. A WECS that is incidental and subordinate to another use on the same parcel, and (i) supplies electrical power for on-site use, except when a parcel on which the WECS is installed also receives electrical power supplied by a utility company, excess electrical power generated by the WECS and not presently needed for on-site use may be used by the utility company in exchange for a reduction in cost of electrical power supplied by the utility company to the parcel, as long as no net revenue is produced by such electrical power; or (ii) supplies a non-electric form of energy for on-site consumption.

WECS Overspeed Control. A mechanism used to limit the speed of blade rotation at or below the design limits of a WECS.

WECS Swept Area. The largest area of a WECS that extracts energy from the wind stream.

WECS, Total Height. The height of the tower plus the furthest vertical extension of a WECS, as measured from ground level at the base of the tower.

Wind Energy Conversion System. A machine that converts the kinetic energy in the wind into a usable form, commonly know as a “wind turbine” or “windmill.” A wind energy conversion system includes all parts of the system including the tower and the transmission equipment. The turbine or windmill may be on a horizontal or vertical axis, rotor or propeller.

Yard. An unoccupied space open to the sky on the same lot with a principal or accessory building or structure.

Yard, Front. An open unobstructed space on the same lot with a principal building, extending across the entire width of the lot between the front building line and the front lot line (street or road right-of-way line). Wherever a lot abuts or fronts on a lake or bay, a boat dock shall not be considered an obstruction, and the mean high water mark shall be treated as the front lot line, and the lot line that abuts or fronts on the street shall be treated as the rear lot line. In the case of a corner lot, the property owner shall designate which of the yards abutting a street is the front yard, and which is a corner side yard.

Yard, Rear. An open unobstructed space on the same lot with a building or structure extending across the entire width of the lot between the rear lot line and the nearest principal or accessory rear building line.

Yard, Side. An open unobstructed space on the same lot with a building or structure between the side lot line and the nearest principal or accessory building side line and extending through from the front yard to the rear yard. In the case of a corner lot, the property owner shall designate which of the yards abutting a street is the front yard, and which is a corner side yard.

Yard, Corner Side. The side yard of a corner lot on the same side as a street, bay, or lake.

Appendix B Sign Regulations

1. PURPOSE

The purpose of these regulations is:

- a. To maintain public safety and traffic safety by ensuring that signs are properly designed, constructed, installed and maintained;
- b. To minimize the distractions and obstructions of view that contribute to traffic hazards and endanger public safety;
- c. To protect existing development and promote high standards of quality in new development by encouraging appropriately designed, placed and sized signage; and
- d. To provide an effective guide for communication identification through signage while preventing signs from dominating the visual appearance of the areas in which they are located.

2. GENERAL PROVISIONS

- a. **Short Title.** This Appendix A shall be referred to as the “Sign Regulations of the Town of Huron,” or the “Sign Regulations.”
- b. **Applicability.** Except as otherwise provided for in these Sign Regulations, it shall be unlawful to construct, enlarge, move or replace any sign or cause the same to be done, without first obtaining a sign permit from the Building Inspector.
- c. **Other Requirements.** These Sign Regulations are part of the Town of Huron Zoning Law. All signs shall comply with all other applicable requirements of the Zoning Law, as well as all other applicable requirements of the Town Building Law, the Uniform Code, and other applicable laws, ordinance and regulations.

3. DEFINITIONS

All definitions contained in Article III of the Town of Huron Zoning Law shall apply to these Sign Regulations. In addition, the following terms shall have the following meanings:

Abandoned sign – Any sign that identifies or advertises a business, product or service that is no longer located or offered on the premises where the sign is displayed, or for a discontinued business, product or service.

Banners, pennants, festoons and balloons – A sign having characters, letters or illustrations applied to cloth, paper, fabric or similar non-rigid material.

Canopy sign – A structure constructed of rigid materials, which is attached to, and supported by, a building or structure, and has poles or braces extending to the ground.

Dilapidated sign – Any sign that is structurally defective either or is in a state of disrepair.

Directional sign – A sign whose message is exclusively limited to guiding the circulation of motorists or pedestrians.

Double-faced sign – A sign with two parallel opposing (back-to-back) faces.

Flag – Bunting or fabric of distinctive color and design that may display an emblem or symbol (including but not limited to company logos and names) which is hoisted on a flagpole, and which do not contain an advertising message.

Freestanding sign – A sign that is attached to, erected on, or supported by some structure whose principal purpose is to support the sign.

Front façade – The portion of the structure that faces the road frontage and contains the primary entrance to a business.

Historic sign – A historic marker or sign denoting a property or location as historic, and approved by the Town Historian.

Height of sign – The vertical distance measured from the lowest finished lot grade adjacent to the sign to the highest point of the sign or sign structure.

Incidental sign – Signs whose purpose is to provide information relating to the site it is located on. No commercial message or logo is allowed on an incidental sign.

Ingress/egress sign – Incidental signs used to direct traffic onto or from a site.

Nonconforming sign or sign structure – Any sign or sign structure that was legally erected prior to the adoption of these Sign Regulations, but does not conform to the requirements of these Sign Regulations.

Off-premises sign – A sign advertising a use, facility, service or product that is not located, sold or manufactured on the same parcel (premises) as the sign.

On-premises sign – Any sign identifying or advertising a business, person, activity, goods, product or service located on the premises where the sign is installed and maintained.

Political sign – A temporary sign identifying and urging voter support for a particular election issue, political party or candidate for public office.

Portable sign – A sign designated or intended to be moved easily that is not permanently affixed to the ground.

Real estate sign – A temporary sign that relates to the sale, lease or rental of property or buildings.

Sign – Any device or structure that uses color, graphics, illumination, or writing to advertise, announce or identify a person, entity or business.

Sign area – The area, measured in square feet, enclosed by the perimeter of the sign face that contains wording or graphics.

Sign face – The entire area of a sign upon which copy is placed.

Sign structure – The supports, uprights, bracing or framework of any structure exhibiting a sign, whether single-faced, double-faced, v-type, or another design.

Snipe sign – A temporary off-premises sign that is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences or to other objects.

Special event sign – Temporary signs (including banners) advertising the name, time, and place of a special event when conducted by a government or public agency, or for the benefit of any church, civic, or charitable cause, or in the case of a for profit business a grand opening, a new ownership announcement or other similar one-time or annual special event.

Subdivision sign – A sign located at the primary entrance to a subdivision or development identifying the subdivision or development.

Temporary sign – A sign not designed or intended for permanent display.

Vehicle sign – A portable sign affixed to or inside a vehicle for the purpose of directing people to a business or cause in close proximity to where the vehicle is parked.

Wall sign – A sign mounted flat against a wall, building or structure.

Window sign – A sign affixed to the interior or exterior of a window or placed immediately behind a windowpane so as to attract the attention of persons outside the building.

4. EXEMPT SIGNS

A sign permit shall not be required for the following:

- a. Nonconforming signs or sign structures (as defined in Section 3 of these Sign Regulations).
- b. An official sign or notice issued by any court, government, public agency or office.
- c. A traffic directional, warning or information sign authorized by any government or public agency.
- d. A private street or road name sign or a traffic directional sign, which does not exceed four (4) square feet per sign face.
- e. "No trespassing," "no hunting," "no fishing," "no loitering" and like signs not exceeding one (1) square foot in sign area.
- f. Any on-premises sign not exceeding one (1) square foot in sign area. Such signs shall not number more than three (3) per parcel.
- g. A residential or commercial real estate sign not exceeding six (6) square feet in area per sign face and two sign faces.
- h. An ingress/egress sign, which does not exceed four (4) square feet in area per sign face.
- i. Temporary window graphics provided they do not exceed 25% of the area of the window to which they are attached.
- j. Incidental signs not exceeding four (4) square feet in area per face. Such incidental signs shall not number more than three (3) per parcel.
- k. Historic signs, provided the sign area does not exceed four (4) square feet in area per face, the sign height does not exceed six (6) feet, and the sign structure as constructed does not exceed 18 inches above the height of the sign.
- l. Municipal signs.
- m. Temporary holiday lights and decorations with no commercial message.
- n. Governmental flags of the United States, the State and the Town.
- o. Memorial signs or tablets, names or buildings and dates of erection when cut into any masonry surface or when constructed of permanent metallic or masonry materials and attached to the surface of a building.

- p. Non-governmental flags that contain no commercial message provided they do not exceed fifteen (15) square feet in area per sign face and one (1) such sign per site. Flag pole location and height must be approved by the Planning Board prior to the installation on the site unless attached to a building.
- q. Names of individual residents, including those displayed on mail boxes, which are not intended for advertisement of a business and are less than one (1) square foot in area.

5. PROHIBITED SIGNS

It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained, any sign not expressly authorized by, or exempted from, these Sign Regulations. The following signs are expressly prohibited:

- a. Signs which obstruct free ingress to or egress from a required door, window, fire escape or other required exit.
- b. Signs and/or sign structures, which obstruct the view of, may be confused with, or purport to be a government traffic direction/safety sign.
- c. Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television or other communication signals.
- d. Snipe signs erected on public property or on private property (such as private utility poles) located on public property, other than signs erected by a public authority for public purposes or as otherwise approved by the Huron Town Board.
- e. Off-premises signs, except those otherwise provided for in these regulation..
- f. Signs, which contain any moving, flashing, animated lights, visible moving or movable parts, or giving the appearance of animation.
- g. Signs or sign structures other than freeloading and vertical wall extension, any portion of which extends above the parapet, building roofline or canopy against which the sign is located.
- h. Except as otherwise provided, a sign shall in the public right-of-way except those authorized or issued by a government or public agency.
- i. Abandoned or dilapidated signs.
- j. Signs mounted on a roof.

- k. Portable signs, except temporary signs allowed by these Sign Regulations.
- l. Inflatable signs, except temporary signs allowed by these Sign Regulations.
- m. Internally lit signs, except in the Highway Business (HB), Industry (M) and Agriculture (A5A) districts, or a permitted business in a Resort (RES) district.
- n. Billboards.
- o. Banners, pennants, festoons, and balloons, except as specifically allowed by these Sign Regulations.

6. NONCONFORMING SIGNS

- a. The utilization of a nonconforming sign and/or sign structure may continue subject to the conditions and requirements listed below. However, when the use of the parcel where the sign is located changes, including but not limited to the redevelopment of the site or a change in the type of business, the signs on that property must be brought into compliance with the provisions of these Sign Regulations.
- b. No alterations to a nonconforming sign or sign structure shall be permitted except to bring such nonconforming sign or sign structure into compliance with these Sign Regulations. Any maintenance or improvements to a nonconforming sign except for painting or refinishing the surface of an existing sign face or sign structure so as to maintain the appearance shall be deemed an abandonment of the nonconforming status, shall render any prior permit void and shall result in the sign being in violation of these Sign Regulations.
- c. Any nonconforming sign or sign structure that is destroyed or damaged shall be rebuilt in compliance with current Sign Regulations.

7. GENERAL SIGN REQUIREMENTS

- a. **Abandonment.** Any sign for a business no longer in operation shall be removed within thirty (30) days of the discontinuation of the business.
- b. **Accessory Uses.** Signs are accessory uses only, and are not permitted as a principal use of a parcel. Except as specifically provided otherwise by these Sign Regulations, signs shall comply with the use requirements of the district in which they are located.
- c. **Calculations and Measurement Standards.**

- i. **Individual signs.** The sign area shall be determined by computing the area that will encompass the extreme limits of the sign face, including any open areas within the sign face.
 - ii. **Two-face signs.** The sign area shall be determined by adding together the area of all sign faces.
 - iii. **Height.** Sign height shall be measured from the average level of the grade below the sign to the highest point of the sign. Average grade shall be the lower of existing grade prior to construction or the newly established grade after construction. The ground where the signage is placed shall not be artificially raised to increase sign height.
- d. **Design, Construction and Maintenance of Signs.** All signs shall be designed, constructed, and maintained in accordance with the following standards
- i. **Sign Setback.** All permanent signs shall be set back at least fifteen (15) feet from the road edge. All temporary signs shall be located at least fifteen (15) feet from the road edge with the exception of residential real estate signs which may be located six (6) feet from the road edge. No signs may be located in or extend over the public right-of-way. No sign may obstruct vision at an intersection.
 - ii. **Sign Illumination.** Illumination of signs shall not interfere with adjacent property owners or residents, or detract from the safety of motorists. All electrical service to ground mounted signs shall be placed underground. Electrical service to all other signs shall be concealed from public view. The following methods of illumination are allowed, provided any restrictions stated for that method are complied with.
 - (1) **Indirect Illumination.** The sign has neither an internal light nor an external source, which is intended to specifically light that sign. Rather, the sign depends on the general lighting of the area (e.g., parking lot, traffic or pedestrian areas) for illumination.
 - (2) **Internal Message.** The sign is made of metal, wood or other material that is not translucent, and the message is cut out of the material and replaced with a translucent material. The sign light source is located inside the sign. Internal message signs shall only be permitted in the Highway Business (HB), Industry (M) and Agriculture (A5A) districts.
 - (3) **Internally Lit Sign.** The sign is made of translucent material with internal lights.
 - (a) Internally lit signs shall only be permitted in the Highway Business (HB), Industry (M) and Agriculture (A5A) districts, and a permitted business in Resort (RES) district.

(b) Internally lit signs are only permitted if the sign background is a dark color and the lettering and/or graphics are a light color. White, off-white, clear or yellow backgrounds are not permitted on internally lit signs.

(4) **Externally Lit Signs.** Spotlights specifically directed at the sign lights the sign. The spotlights shall be fully shielded so that they are not visible from roads or adjoining property.

iii. **Material and Style.** The material and style of signs shall meet the following requirements:

(1) Signs shall not have mirrored backgrounds.

(2) Signs shall not be in the shape of a commercial sponsor or motif (soda bottles, hamburgers or other figures).

iv. **Maintenance.** All signs shall be maintained in good condition at all times. Signs, which are obsolete in information, defaced, missing some portion, peeling or cracking shall be deemed in disrepair. Should the owner and/or property occupant fail to comply after thirty (30) days after notice of violation from the Building Inspector, the Building Inspector may remove (or cause to be removed) the sign with the cost of removal charged to the owner.

v. **Obstruction.** All signs shall be erected so as to not obstruct or impair driver vision at ingress/egress points and intersections. No sign shall be permitted which poses a traffic hazard or is detrimental to the general safety of the public. The Building Inspector may remove such sign with no prior notice to the owner.

vi. **Size and Number.** All signs shall comply, at a minimum, with the number and size of signs located on any lot shall not exceed the limitations set forth in the following schedule. To the extent stricter requirements are set forth in other provisions of these Sign Regulations or other provisions of the Zoning Law, the stricter requirements shall apply.

| District | Temporary | | Off-Premises Signs | | On-Premises Signs | |
|----------|------------------------------|--------|------------------------------|--------|------------------------------|--------|
| | Sign Face Area (square feet) | Number | Sign Face Area (square feet) | Number | Sign Face Area (square feet) | Number |
| A5A | 32 | 2 | 64 | 2 | 64 | 2 |
| R1A | 12 | 1 | 20 | 1 | 12 | 1 |
| R-15,000 | 8 | 1 | N/A | N/A | 4 | 1 |
| RES | 12 | 1 | 20 | 1 | 20 | 1 |
| HB | 32 | 2 | 64 | 2 | 64 | 2 |

| District | Temporary | | Off-Premises Signs | | On-Premises Signs | |
|----------|-----------|---|--------------------|---|-------------------|---|
| M | 32 | 2 | 64 | 2 | 64 | 2 |

8. FREESTANDING SIGN STANDARDS

- a. **Area and Quantity** The area and quantity of any freestanding sign face shall conform to the following:
- i. **Residential.** A residential subdivision or development may include freestanding subdivision signs. Such signs shall be located at the primary entrance(s) to the development/subdivision or at the beginning of the street upon which the development/subdivision connects directly to an arterial or collector street. Upon approval by the Planning Board, a subdivision sign may be erected in a recorded easement provided that it does not pose a traffic hazard. Such signs shall be administered and maintained by an established homeowners' association or maintenance organization. Signs for such developments shall not exceed fifty (50) square feet of sign face divided among not more than four (4) sign faces. No single sign face shall exceed fifteen (15) square feet. Such signs shall not be internally lit. The maximum height of a subdivision sign shall be six (6) feet.
 - ii. **Large Retail or Office.** Retail or office developments, which contain more than 10,000 square feet of heated floor space open to the public, may erect one (1) freestanding sign per site entrance but no more than two (2) freestanding signs for the development. Such signs shall have no more than 256 square feet of sign face divided among not more than four (4) sign faces for the development. No single face sign shall exceed 64 square feet in area.
 - iii. **Small Retail or Office.** Retail or office developments, which contain less than 10,000 square feet of heated floor space open to the public, may erect one (1) freestanding sign. Such sign shall have no more than 72 square feet of sign face divided between not more than two (2) sign faces. No one face shall exceed 36 square feet in area.
 - iv. **Other Non-Residential Uses.** Each other non-residential use may erect one (1) freestanding sign. Such sign shall have no more than 80 square feet of sign face divided among not more than two sign faces. No one sign face shall exceed 40 square feet in area.
- b. **Height.** The maximum height of any freestanding sign for a single user use shall not exceed six (6) feet, except that historic signs are allowed an eighteen inch increase for the sign structure, and signs up to twenty (20) feet in height shall be allowed by a special permit issued by the Board of Appeals in the Highway Business (HB), Industry (M) and Agriculture (A5A) districts. For multi-tenant uses located on the multi-tenant property, additional signage of (1) one foot increments are allowed per additional tenant with a

maximum of ten (10) feet in height to include all tenants without a special permit. The maximum height of any freestanding sign for a multi-tenant use shall not exceed twenty (20) feet even with a special permit.

- c. **Structure Size.** The size of the support structure for any freestanding sign shall not exceed the area of the sign face. This provision does not apply to wall or window signs.
- d. **Spacing Limitations.** Freestanding signs on any parcel, to the extent allowed, shall be spaced at intervals of 50 feet, or along each public way which views the premises. If less than 50 feet of any premises is visible from any public way, only one sign shall be permitted along that public way.
- e. **Non-governmental Flags.** Non-governmental flags are deemed to be freestanding signs and shall be subject to the provisions of these Sign Regulations (with the exception of height requirements). No such flag shall be for advertising purposes or exceed fifteen (15) square feet per face. A flag and a freestanding sign combination is permissible only in those circumstances where the total area of both the flag (doubled) and the freestanding sign shall not exceed the total allowable area for freestanding signs on the site. No flagpole may exceed the height of the principal structure that is located on the property where the flagpole is placed.

9. WALL SIGN STANDARDS

- a. **Retail.** Wall signs for each retail use shall not exceed one square foot per linear foot of front face of a single occupancy building or in the case of a multi-occupancy facility, the exterior wall surface of each establishment where principal customer access is provided. No single sign shall exceed 50 square feet with a signage limitation of three signs and 150 square feet. Signage on any one façade shall not occupy more than ten percent of that façade. Notwithstanding the provisions of these Sign Regulations, each retail use or multiple retail uses sharing a common entrance shall be allowed to have at least one wall sign not to exceed 40 square feet. Signs shall be mounted in a flat fashion.
- b. **Office.** Wall signs for single tenant or multiple tenant office buildings shall be permitted one square foot of wall signage per linear foot of the front face of the building, provided that no single sign shall exceed 40 square feet with a total signage limitation of two (2) signs and 80 square feet. Signage on any one façade shall not occupy more than ten (10%) percent of that façade. Signs shall be mounted in a flat fashion.
- c. **Canopy Signs.** Canopy signs shall be allowed for retail and office uses. Such signs shall be counted in the total wall sign area and shall be placed directly in front of the location identifying the occupancy. Signage area for canopy signs shall be calculated for the area with a hypothetical rectangle formed around all lettering and graphics on the canopy. The building address shall not be calculated as part of the sign area provided that the address

lettering is no larger than six (6) inches in height. Back lighting of canopy signs shall not be permitted.

- d. **Other Non-Residential Uses.** Wall signs for non-residential uses other than retail and office uses shall not exceed 40 square feet with a total limitation of three wall signs. Signage on any one façade shall not occupy more than ten percent of that façade. Signs shall be mounted in a flat fashion.

10. MOTOR VEHICLE SERVICE STATIONS

- a. **Pump Signs.** Petroleum products pumps and dispensers which are within the view of a public way shall be permitted to display only information required by law and the brand name and type of product being dispensed.
- b. **Price Signs.** Premises which dispense retail bulk petroleum products by pump shall be allowed to increase the ground sign permitted under these Sign Regulations by 25 percent of the face area of the sign in order to accommodate the pricing of such products within a single ground sign. No additional price signs shall be permitted either on the ground or mounted on individual pump structures.

11. TEMPORARY SIGNS

Temporary signs may only be erected after a sign permit is issued by the Building Inspector. All temporary signage must be removed upon expiration of the permit. In addition to the other requirements of these Sign Regulations, temporary signs shall be subject to the following:

- a. **Area, Height and Location.** The area, height and location of any temporary sign shall conform to the following:
 - i. **Area.** The total area of temporary signs shall not exceed 40 square feet in sign area, except for real estate signs for residential property, which shall not exceed six (6) square feet per face and two (2) faces.
 - ii. **Height.** The maximum height of temporary signs shall not exceed six (6) feet, while the lower edge shall not exceed two (2) feet in height.
 - iii. **Location.** No temporary sign shall be located as to obstruct or impair driver vision at business ingress/egress points and at intersections. All signs shall be 150 feet from an intersection, with a minimum fifteen (15) foot setback.
 - iv. **Number.** No more than two temporary signs may be erected on a parcel.
 - v. **Time Limits.** Temporary signs shall be subject to the following time limits

- (1) **Special Event Signs.** Special event signs may be erected no sooner than fourteen (14) days preceding a special event, and shall be removed within 48 hours following the special event. The same or similar special event shall not be advertised more than four times per year.
- (2) **“Grand opening” and “Now hiring” Signs.** Temporary “grand opening” signs may be allowed one time only for a period not to exceed fourteen (14) days. Prior to the commencement of a new business, a temporary freestanding “now hiring” sign may be erected for a period not to exceed fourteen (14) days.
- (3) **“Going out of business” Signs.** Such signs may be erected for a period not to exceed 30 days.
- (4) **Signs Announcing the Subdivision of Land.** Such signs may be erected on the land being developed after receiving final subdivision approval by the Planning Board, and shall be removed when all of the development lots are conveyed.
- (5) **Signs Advertising the Sale or Lease of Property.** Such signs shall be removed within seven (7) days after the property is sold or leased. All directional signs to such property shall be removed at the same time.
- (6) **Produce Signs.** Produce signs that as are allowed by these Sign Regulations may be erected during the marketing season for produce items and shall be removed immediately after the marketing season to the extent consistent with customary agricultural practices.
- (7) **Temporary Agricultural Signs.** Temporary agricultural signs shall be permitted for normal seasonal duration consistent with customary agricultural practices. .
- (8) **Temporary Advertising Signs.** Business shall be able to use a temporary sign to advertise services or products for fourteen (14) days each quarter of the year.

b. **Political Signs.**

- i. **Size.** Political signs shall not exceed six (6) square feet in area per face.
- ii. **Location.** No political sign shall be permitted on any public right-of-way or public property. Any political sign located on private property shall be located at least six (6) feet from edge of pavement. Vehicle signs for political candidates shall not be parked on any public right-of-way.
- iii. **Time Limits.** Political signs may be displayed beginning 90 days prior to the election for which they are intended and shall be removed within three (3) days after such election. Vehicle signs for political candidates may be displayed beginning 90 days

prior the election for which they are intended, and shall be removed on or before three (3) days after such election.

12. SIGN PERMIT ADMINISTRATION

- a. **Sign Permit Required.** Unless specifically exempted, a sign permit must be obtained from the Building Inspector prior to erecting, altering, or relocating a sign.
- b. **Sign Permit Applications.** The Building Inspector shall prescribe reasonable requirements for applications for sign permits. The Building Inspector shall render a decision within ten (10) days of receipt of a complete sign permit application.
- c. **Master Signage Site Plan.** In developments where multiple tenants or multiple buildings are proposed, the owner or permit applicant shall submit for review and approval by the Planning Board a master signage site plan which indicates proposed locations and type of signage.
- d. **Violations.** A violation of these Sign Regulations is a violation of the Zoning Law of the Town of Huron, and is subject to the enforcement procedures and penalties of Section 5.2 of the Zoning Law.
- e. **Impoundment or Disposal.** Any illegal sign(s) unlawfully erected off-premises or in the public right-of-way may be removed immediately by the Building Inspector or the Town of Huron Highway Department, and may be claimed at Huron Town Hall during normal business hours after payment of a sign removal fee as set by the Huron Town Board. The Town may dispose of any signs not claimed within three (3) days.