

Chapter 144

ZONING

[HISTORY: Adopted by the Town Board of the Town of Hartland 8-12-1982. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 78.

Flood damage prevention — See Ch. 81.

ARTICLE I

General Provisions

§ 144-1. Purpose.

Pursuant to Article 16 of the Town Law, the purpose of this chapter is to encourage the most appropriate use of land throughout the Town and to conserve the value of property, with due consideration for the particular uses, all in accordance with a Comprehensive Plan designed to lessen congestion in the streets; to secure safety from fire, flood, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and, to that end, to regulate the height and size of buildings and other structures; the percentage of the area of the lot that may be occupied; the size of yards and other open spaces; the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes; and the location of these uses within the limits of the Town.

§ 144-2. Construal of provisions.

In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. It is not intended by this chapter to repeal, abrogate, annul or in any way impair or interfere with any existing provisions of any law, ordinance, local law or any rules, which shall be adopted or issued pursuant to law, relating to the use of buildings or premises; nor is it intended by this chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger yards, courts or other open spaces than are imposed or required by such existing provisions of law, ordinance or local law or by such rules, regulations or permits or by such easements, covenants or agreements, the provisions of this chapter shall control.

§ 144-3. Applicability.

This chapter shall apply uniformly throughout the entire Town of Hartland, with the exception of that portion which is in the Village of Middleport.

§ 144-4. Definitions.

- A. Any word or term not expressly hereinafter defined shall have a meaning as set forth in a standard dictionary.
- B. The following terms are expressed within this chapter with special meaning as therein applied and no other. Any word or term not expressly defined in this section shall have the meaning as defined in a standard dictionary.

ALTERATIONS — As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities; or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another.

AMENITIES — The facilities incidental to utilization of a structure or a piece of land, including but not limited to landscaping, parking, signs, driveways, water, sewer and utilities.

AMUSEMENTS AND EXHIBITIONS — Includes, but are not limited to, a circus, fair, carnival, field day, rodeo, outdoor concert, race, display or show of mechanical or animal proficiency or the exhibition of any natural or artificial curiosity.

BUILDING — Any permanently placed structure, having a roof supported by columns, piers or walls, intended for the shelter or housing of persons, animals or property.

BUILDING, ACCESSORY — A subordinate building located on the same lot with the principal building, occupied by or devoted to an accessory use. Where an "accessory building" is attached to the main building in a substantial manner, as by a wall or roof, such "accessory building" shall be considered part of the principal building.

BUILDING AREA — The aggregate of the areas of all enclosed and roofed spaces of the principal building and all accessory buildings. Such areas shall be computed by using outside building dimensions measured on a horizontal plane at ground level.

BUILDING HEIGHT — The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of the roof for flat roofs; to the decline of a mansard roof; and to the average height between the plate and ridge of a gable, hip or gambrel roof. The top of the foundation wall shall be at least 16 inches above the center line of the road for a dwelling.

BUILDING LINE — A line formed by the intersection of a horizontal plane at average grade level and a vertical plane that coincides with the exterior surface of the building on any side. In case of a cantilevered section of a building or projected roof or porch, the vertical plane will coincide with the most projected surface. All yard requirements are measured to the building line.

BUILDING PERMIT — A permit issued by the Zoning Enforcement Officer, which is required before any building may be legally constructed, expanded, altered, removed, demolished or changed from one use to another which requires greater strength.

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

CERTIFICATE OF OCCUPANCY — A certificate issued by the Zoning Enforcement Officer

upon the completion of construction, alteration or change in occupancy or use of a building. Said certificate shall acknowledge compliance with all the requirements of this chapter and such adjustments thereto granted by the Board of Appeals.

CLUSTER RESIDENTIAL DEVELOPMENT — A development of residential lots, each containing less area than the minimum lot area required for the district within which such development occurs but containing the density limitation imposed by said minimum lot area through the provision of open space as a part of the subdivision plan.

DWELLING — A building or portion thereof used exclusively as the residence or sleeping place of one or more persons.

DWELLING, MULTIFAMILY — A building or portion thereof containing three or more dwelling units and used for occupancy by three or more families living independently of each other.

DWELLING, ONE- OR SINGLE-FAMILY — A building or dwelling unit designed for or occupied exclusively by one or more persons living as a single, nonprofit housekeeping unit. Floor area shall be no less than 500 square feet.

DWELLING, TWO-FAMILY — A building or portion thereof containing two dwelling units and used exclusively for occupancy by two families living independently of each other.

EXCAVATION OF EARTH PRODUCTS — Includes the stripping, excavating, quarrying or mining of topsoil, sand, gravel, rock, ore, minerals or other items customarily found on or below the surface of the earth. It does not include the excavation for the foundation of any structure for which a building permit has been obtained, the installation of an inground swimming pool, sewage disposal system or creation of a well or excavation for the installation of any public utility.

EXCAVATION OPERATION — Any commercial use of a property wherein any mineral, element or other earth product is removed from or below the natural surface of the land.

FARM — Any parcel containing 10 acres or more of land which is used for gain in the raising of agricultural products, including crops, livestock, poultry or dairy products.

FARM BUILDING — Any building used for the housing of agricultural equipment, produce, livestock or poultry or for the incidental or customary processing of farm products, and provided that such building is located on, operated in conjunction with and necessary to the operation of the farm as defined by this section. The term "farm building" shall not include a dwelling.

FLOODPLAIN — That portion of land lying within an area subject to periodic flooding.

GARAGE, PUBLIC — Any garage, other than a private garage, open to the public at stated hours, operated for gain and which is used for storage, repair, rental, washing, servicing, adjusting, equipping and painting of automobiles or other motor vehicles.

GARAGE SALE — The sale or offering for sale of tangible personal property from residential or agricultural premises, be the sale entitled "garage sale," "yard sale," "porch sale," "lawn sale," "attic sale," "basement sale," "rummage sale," "flea market" or "antique sale." "Garage sale" does not include the liquidation auction of the personal property of the occupants of the property nor does it include the bona fide liquidation auction of an estate or farm.

HOME OCCUPATION — Any occupation carried on as a subordinate use by a member of the family residing in the dwelling on a residential lot, provided that not more than 25% of the gross floor area of the dwelling is used for the carrying on of the subordinate use. Included in the definition of "home occupation" are all licensed, recognized professions and sole proprietorships involved in the dispensing of a service only. A "home occupation" may not utilize more than one employee. Excluded specifically herefrom are all sole proprietorships engaged in manufacturing, remanufacturing, assembly or repair.

JUNKYARD — A lot, land or structure, or part thereof, used for the collection, sorting, storage or abandonment of wastepapers, rags, scrap or discarded materials and articles of any kind; or for the collecting, dismantling, storage, salvaging or sale of abandoned machinery or fixtures of any kind not in an operating condition; or for the storage or disposal, whether in connection with a business or not, of one or more old, secondhand, abandoned, disabled or dismantled vehicles of any kind or the parts of waste materials therefrom.

KENNEL — Any premises on which six or more dogs over six months of age are kept.

LOT AREA — An area of land which is determined by the limits of the lot lines bounding that area and expressed in terms of square feet or acres. Any portion of a lot included in a public street right-of-way shall not be included in calculating "lot area."

LOT DEPTH — The horizontal distance between the front and rear lot lines, measured at right angles to the front lot lines.

LOT LINES — The property lines bounding the lot. In the case of a lot abutting on more than one street, the owner may elect any street lot line as front lot line. The rear line shall be the lot line most distant from the front lot line.

LOT OR PLOT — A parcel of land occupied or capable of being occupied by one building and accessory buildings customary and incidental to it, including such open spaces as are required by this chapter and such open spaces as are arranged and designed to be used in connection with such building.

LOT WIDTH — The horizontal distance between the side lot lines, measured at right angles to its depth at the building line.

NONCONFORMING BUILDING — A building existing as of April 1, 1956, which in its design or location upon a lot does not conform to the regulations for the district in which it is located.

NONCONFORMING LOT — A lot of record existing as of April 1, 1956, which does not have the minimum width or depth or contain the minimum area for the district in which it is located.

NONCONFORMING USE — Any use of any building, including a trailer or mobile home, structure or land existing as of April 1, 1956, which does not conform to the use regulations of the district in which it is situated.

NURSING HOME — A building, structure or premises having accommodations for hire and where limited medical care is provided for invalid, infirm and/or aged, convalescent or physically disabled or injured persons.

PLAT — A map, plan or layout of a city, Town, section or subdivision indicating the location and boundaries of individual properties.

RESIDENT-OWNER/OPERATOR BUSINESS — Manufacturing, remanufacturing, repair, retail, and service enterprises conducted by the resident-owner of the premises as an accessory use thereto and having no more than two employees or workmen in addition to the resident-owner and his or her immediate family who are also residents of the premises. [Added 9-12-2013 by L.L. No. 2-2013]

RETIREMENT OR CUSTODIAL HOME — A building, structure or premises having accommodations for elderly people, but not requiring medical care.

RIGHT-OF-WAY — The line determining the street or highway public limit of ownership.

SETBACK — The distance from the center line of the highway to the part of the structure nearest the highway and measured at right angles to the center line of the highway, not including cornices or open verandas, porches or entrance steps.¹

SITE PLAN — A plan of a lot or subdivision in which is shown topography, the location of all buildings, structures, roads, rights-of-way, boundaries and all other information deemed necessary by the Planning Board.

SPECIAL USE — A use designated as a special use in the use districts established by this chapter, in accordance with the provisions of this chapter. [Added 12-8-2005 by L.L. No. 2-2005]

STAND — A structure erected for the sale of homegrown farm produce (fruits and vegetables). The minimum setback from a hard surface shall be 20 feet.

STORY — That portion of a building between the surface of any floor and the surface of the floor next above, also, any portion of a building used for human occupancy between the topmost floor and the roof. For purposes of height measurement, in determining the permissible number of stories, a cellar shall not be counted.

STORY, HALF — A story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

STREET — A public thoroughfare which affords the principal means of access to abutting property.

STREET LINE — That line determining the limit of the highway rights of the public, either existing or contemplated.

STREET WIDTH — The right-angle distance between the two sides of the street.

STRUCTURAL ALTERATIONS — Any change in the supporting members of a building or structure such as bearing walls, columns, beams or girders and exit facilities.

STRUCTURE — Anything constructed or erected which requires a permanent, fixed location on the ground or attachment to something having such location.

SWIMMING POOL — Any artificial pool, maintained as an accessory use to a residential dwelling, covering an area of at least 250 square feet and capable of holding water at least 18 inches in depth.

1. Editor's Note: The former definition of "single owner/operator business," which immediately followed this definition, was repealed 9-12-2013 by L.L. No. 2-2013. See now the definition of "resident owner/operator business."

TEMPORARY USE — An activity conducted for a specific limited period of time, which may not otherwise be permitted by the provisions of this chapter.

TOWNHOUSE — One of a series of attached one-family dwelling units, each having a common wall between adjacent sections and having direct access to a private, individual rear and/or front yard designed as an integral part of each one-family dwelling unit.

TRAILER OR MOBILE HOME — Any noncollapsible vehicle or combination thereof used, designed or intended for use for permanent occupancy as living quarters for one or more persons, designed to be moved from one location to another by means of wheels affixed to an axle or carriage affixed to the vehicle, whether propelled by its own power or by the power of another vehicle to which it may be attached and whether the axle or carriage to which the wheels may be affixed are detachable or detached and irrespective of the name or title assigned or designated by the manufacturer of the unit or other person.

TRAILER COURT OR MOBILE HOME PARK — Any site, lot, field, plot, parcel or tract of land on which two or more mobile homes are parked or located and for which use said premises are offered to the public or to any person for a fee of any type, including cost sharing.

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

USE, ACCESSORY — A use customarily incidental and subordinate to the principal use or building and located on the same lot therewith. In no case shall such accessory use dominate, in area, extent or purpose, the principal use or building.

USE, PRINCIPAL — The main use to which a building or lot is to be used.

YARD AREA, FRONT — An open, unoccupied space on the same lot with the principal building, extending the full width of the lot and situated between the street line and the front line of the building. An enclosed veranda shall be considered as part of the building.

YARD, REAR — A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of any building on the same lot. The depth of a "rear yard" shall be measured at right angles to the rear line of the lot or, if the lot is not rectangular, then in the general direction of its side building lines.

YARD, SIDE — An open, unoccupied space between the side line of the lot and the nearest line of the building. It shall extend from the front yard to the rear of the building.

ZONING ENFORCEMENT OFFICER — The officially established Zoning Enforcement Officer of the Town of Hartland as appointed by the Town Board, or his authorized assistants.

ARTICLE II Planning Board

§ 144-5. **Creation; membership.** [Amended 3-14-1996 by L.L. No. 1-1996]

The Town Board of the Town of Hartland has previously created the Town of Hartland Planning

Board pursuant to § 271 of the Town Law.² The Planning Board consists of five members, appointed by the Town Board to serve for terms of five years. No person who holds any elected office in the Town of Hartland shall be eligible for membership on the Planning Board. If a vacancy shall occur in the composition of the Planning Board, it shall be filled by the Town Board by appointment for the unexpired term. The Chairman of the Planning Board shall be appointed by the Town Board.

§ 144-5.1. Compensation. [Added 3-14-1996 by L.L. No. 1-1996]

Planning Board members shall be compensated in such manner as the Town Board shall, from time to time, determine by resolution.

§ 144-6. Powers and duties. [Amended 12-8-2005 by L.L. No. 2-2005]

The Planning Board shall have the power to approve:

- A. Subdivisions, pursuant to Town Law § 276 et seq.
- B. Cluster development, pursuant to Town Law § 278.
- C. Special use permits, pursuant to this Code and Town Law § 274-b.
- D. Site plans, pursuant to this Code and Town Law § 274-a.
- E. Such other matters as may be referred to it from time to time by the Town Board.

§ 144-7. through § 144-10. (Reserved) ³

ARTICLE III
Zoning Board of Appeals

§ 144-11. Creation; membership.

The Town Board of the Town of Hartland has previously created the Zoning Board of Appeals pursuant to § 267 of the Town Law. The Zoning Board of Appeals shall consist of five members, appointed by the Town Board to serve for terms of five years. No person who holds any elected office in the Town of Hartland shall be eligible for membership on the Zoning Board of Appeals. If a vacancy shall occur in the composition of the Zoning Board of Appeals, it shall be filled by the Town Board by appointment for the unexpired term. The Chairman of the Zoning Board of Appeals shall be appointed by the Town Board.

§ 144-12. Powers and duties. [Amended 12-8-2005 by L.L. No. 2-2005]

The Zoning Board of Appeals of the Town of Hartland shall have such powers and duties as are described in § 267 of the Town Law, as the same may be amended from time to time.

§ 144-13. Procedures and regulations for operation.

2. Editor's Note: The Planning Board was established by the Town Board 10-10-1969 by resolution.

3. Editor's Note: Former § 144-7 through § 144-10 were repealed 12-8-2005 by L.L. No. 2-2005.

The Zoning Board of Appeals shall act in strict accordance with the procedures specified in this chapter. All appeals, referrals and applications made to the Zoning Board of Appeals shall be in writing on forms prescribed by the Zoning Board of Appeals and available from the Zoning Enforcement Officer and Town Clerk. The Zoning Board of Appeals shall have power to adopt such further rules of procedure and regulations as it may deem best. The Zoning Board of Appeals shall file with the Town Clerk a current summary of its procedures and regulations and a copy of its current forms.

§ 144-14. Notice of meetings.

The Zoning Board of Appeals shall fix a reasonable time for its meeting and shall give due notice of the same to the public.

§ 144-15. Holding of public hearings; notice.

Prior to the granting of a variance or permit or at such other time as a majority of its members may desire, the Zoning Board of Appeals shall advertise and hold public hearings, notice of which hearings shall be advertised in the official newspaper designated by the Town Board, pursuant to § 64 of the Town Law, and in such other newspapers or publications as the Zoning Board of Appeals may direct. Publication in the official newspaper must be at least five days before the public hearing.

ARTICLE IV
Regulation of Certain Uses

§ 144-16. Cluster residential development. [Added 12-8-2005 by L.L. No. 2-2005⁴]

The Planning Board is authorized to approve cluster residential development in the A, R-1, R-2, and R-3 Districts of the Town pursuant to § 278 of the Town Law.

§ 144-17. through § 144-21. (Reserved)

ARTICLE IVA
Wireless Telecommunications Facilities and Telecommunications Towers
[Added 3-13-1997]

§ 144-21.1. Findings.

The Town Board of the Town of Hartland makes the following findings:

- A. Requests to site personal wireless telecommunications facilities have occurred and will be occurring in the Town of Hartland.
- B. The Town Board finds that the rural, pastoral beauty of the Town of Hartland requires the stringent regulation of telecommunications towers; that such towers inherently detract from the nature and character of the Town of Hartland and this amendment is necessary to direct

⁴ Editor's Note: This local law also repealed former § 144-16, Purpose, former § 144-17, Amusements and exhibitions; former § 144-18, Excavation of earth products, as amended; former § 144-19, Single owner/operator businesses, as amended; former § 144-20, Storage of flammable liquids or gas; and former § 144-21, Storage of vehicles, machinery and materials used in business, which immediately followed.

the location of personal wireless telecommunications facilities within the boundaries of the Town of Hartland to minimize the number of such towers; to protect residential areas and other land uses from potential adverse impacts of personal wireless telecommunications facilities; to minimize adverse visual impacts of personal wireless telecommunications facilities and to encourage shared use and collocation of existing and new personal wireless telecommunications facilities and communications towers as a primary option rather than construction of additional single-use towers; and to protect the general welfare of the citizens of the Town of Hartland.

§ 144-21.2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

TELECOMMUNICATIONS ACCESSORY STRUCTURE — Accessory buildings and structures, including base stations, designed and used to shelter telecommunications equipment and/or to support personal wireless telecommunications facilities.

TELECOMMUNICATIONS ANTENNA — An antenna designed to transmit or receive communications as authorized by the Federal Communications Commission (FCC). Design examples of telecommunications antennas are described as follows: whip; panel; and dish.

TELECOMMUNICATIONS TOWER — A tower greater than 35 feet in height and which does not exceed 310 feet in height (including antenna) and which supports communication (transmission or receiving) equipment. The term "telecommunications tower" shall not include amateur radio operators' equipment as licensed by the FCC. Design examples of telecommunications towers are described as follows: self-supporting lattice; guyed; and monopole.

PERSONAL WIRELESS TELECOMMUNICATIONS SERVICES — Commercial mobile services, unlicensed wireless services and common carrier exchange access services.

PERSONAL WIRELESS TELECOMMUNICATIONS SERVICE FACILITY — Persons, firms or corporations supplying personal wireless telecommunications service, including all equipment, apparatus, facilities and devices used in the supplying of personal wireless telecommunications service.

MAJOR MODIFICATION OF PERSONAL WIRELESS TELECOMMUNICATIONS FACILITIES — A modification of the height, silhouette and/or ground area of any telecommunications tower or telecommunications accessory structure, and/or the addition of telecommunications antennas of a new provider to an existing tower.

§ 144-21.3. Use districts where allowed.

Subject to the provisions of this article, personal wireless communications facilities and communications towers shall be allowed only in the Agricultural Use District (A District), the General Business Use District (B District) and the Light Industrial Use District (I District).

§ 144-21.4. General standards; applications; permits.

A. The placement, construction and major modification of all personal wireless

telecommunications facilities and telecommunications towers within the boundaries of the Town of Hartland shall be permitted only by special permit, upon site plan approval issued by the Planning Board and issuance of a building permit, and subject to all the provisions of this chapter and all other applicable regulations. This article shall supersede Article VI, § 144-38, for the uses regulated under this article. [Amended 12-8-2005 by L.L. No. 2-2005]

- B. All new telecommunications antennas which are not attached to telecommunications towers shall comply with the provisions of this chapter.
- C. All telecommunications towers permitted on the effective date of this article shall be allowed to continue their usage as they presently exist, but shall be subject to the provisions of the article relating to permit renewal and any other provision not inconsistent with the permit, and additional new telecommunications antennas shall be permitted thereon without regard to the zoning district in which the tower is located. New construction other than routine maintenance on an existing telecommunications tower shall comply with the requirements of this article. Any applications pending on the effective date of this article shall be subject to the provisions of this article.
- D. To preserve the aesthetic and scenic value of the Town, new telecommunications facilities shall be sited on existing telecommunications towers unless the applicant demonstrates unequivocally collocation is not possible. Any existing permit shall, regardless of additional expense or modification of facilities, allow and encourage collocation on its facilities. If collocation is not possible, such facilities shall be located in the area already in use for telecommunications towers, as close as possible to existing towers.
- E. Applications under this article shall be made as follows: applicants for a special permit to place, construct or modify personal wireless telecommunications facilities within the Town of Hartland shall submit the following information to the Planning Board for its referral to a professional engineer or consultant for review and recommendation: [Amended 12-8-2005 by L.L. No. 2-2005]
 - (1) Visual environmental assessment form (visual EAF). Landscaping plan and visual assessment report, including appropriate models and photography assessing the visibility from key viewpoints identified in the visual EAF, existing treelines and proposed elevations.
 - (2) A preliminary report prepared by a licensed professional engineer describing:
 - (a) The feasibility of collocation on existing structures and telecommunications facilities.
 - (b) The applicant's full map and grid coverage in the Town.
 - (c) Surrounding topography and relation to line of sight transmission.
 - (d) Available road access, electric power and landbased telephone lines and/or microwave link capability.
 - (e) Required improvements or construction activities, including those within the public right-of-way or lands owned or controlled by the Town of Hartland.
 - (f) The identity of location, ownership and usage of currently existing

telecommunications facilities within the Town.

- (g) Plans for construction of telecommunications accessory equipment building or structure and landscaping plan.
 - (h) Proposed mitigation measures for visual impacts.
 - (i) Proposed safety measures.
 - (j) Compatibility with existing telecommunications networks, New York State Thruway Authority telecommunications network and public safety and emergency networks such as fire, ambulance, police and 911.
- (3) In the case of an application for a telecommunications tower, additional information shall be provided describing the telecommunications tower's height and design, including a cross section of the structure; the telecommunications tower's compliance with applicable structural standards; the telecommunications tower's capacity, including the number and type of telecommunications antennas it can accommodate and the basis of calculation of capacity.
 - (4) In the case of a telecommunications antenna mounted on an existing structure, additional information shall be provided indicating the existing structure's suitability to accept the telecommunications antenna; the proposed method of affixing the telecommunications antenna to the structure; and complete details of all fixtures and couplings, and the precise point of attachment shall be indicated.
 - (5) A demonstration of need for the proposed telecommunications facility showing the impracticality of upgrading or expanding an existing site.
 - (6) A demonstration that the proposed site is the most appropriate available site for the location of the cellular telephone facility.
 - (7) An inventory of existing telecommunications facilities within the Town outlining opportunities for shared use as an alternative to the proposed use. If collocation is not used, the applicant must demonstrate that the proposed telecommunications tower or telecommunications antenna cannot be accommodated on an existing approved telecommunications tower or facility or an existing facility with modifications.
 - (8) A description of the applicant's long-range plans which project market demand and long-range facility expansion needs within the Town.
 - (9) Proof of certified mail announcements to all other telecommunications providers in the area declaring the applicant's sharing capabilities and/or siting needs.
 - (10) A map showing the location of the premises for which the permit is sought and a sketch plan showing all features of the facility necessary for providing road access, electrical service, land-based telephone line connection and/or microwave link capability within the property boundaries of the proposed location.
 - (11) In the case of an application for a telecommunications antenna or tower to be located on private lands owned by a party other than the applicant or the Town, a copy of the lease agreement with the property owner shall be provided.

(12) Such other information as may be required by the Planning Board or the Town Engineer or Building Inspector.

F. Special permits issued for personal wireless telecommunications service facilities and telecommunications towers shall be subject to the following general conditions:

- (1) Separation distance. Telecommunications facilities shall be separated from all residential dwellings by a distance of 250 feet or 1 1/2 times the height of the tower, whichever is greater.
- (2) All telecommunications accessory structures shall comply with zoning setback regulations in the affected zone. In any event, a telecommunications tower shall be set back a distance at least equal to its height. This requirement may be waived by the Planning Board if other considerations require such waiver. Additional setbacks from all property lines may be required by the Planning Board in order to provide for the public safety and for aesthetic reasons. [Amended 12-8-2005 by L.L. No. 2-2005]
- (3) Minimal visual impacts. All telecommunications towers and telecommunications antennas shall be sited to have the least possible practical visual effect on the environment.
- (4) Lighting. Telecommunications towers shall not be artificially lighted unless otherwise required by the Federal Aviation Administration or other federal, state or local authority.
- (5) Material and paint. Telecommunications towers and telecommunications antennas shall be of a galvanized finish or painted gray above the surrounding treeline and gray or green below the treeline; the mountings of telecommunications antennas shall be nonreflective and of the appropriate color to blend with their backgrounds unless otherwise required by the FAA.
- (6) Screening and architectural character. Screening may be required by the Planning Board to screen portions of the telecommunications tower and tower base from nearby residential property or important views. Architectural character: design measures shall be used to integrate the facilities with existing buildings in the area. [Amended 12-8-2005 by L.L. No. 2-2005]
- (7) Height. The size of telecommunications sites shall be limited to the minimum required to provide proposed telecommunications services but shall include consideration of height needed for collocation.
- (8) Access roads. Plans for access roads shall be submitted as part of the permit application and shall be subject to approval by the Highway Superintendent.
- (9) Telecommunications accessory structures. Telecommunications support facilities such as vaults and equipment rooms, utilities and other support structures shall be screened, placed underground, depressed, earth bermed or sited below the ridgeline to the greatest extent feasible, particularly in areas of high visibility.
- (10) Telecommunications antennas. Due to their high visibility, dish and parabolic telecommunications antennas shall be located at as low an elevation as possible

without compromising the function of the device, preferably on the sides of buildings or ground-mounted on slopes below the ridgeline wherever possible, rather than elevated on telecommunications towers. Microwave and satellite dishes shall be of mesh construction wherever possible.

- (11) Utility service. At the discretion of the Planning Board, electrical and land-based telephone utilities extended to serve telecommunications sites shall be underground on the applicant's property. [Amended 12-8-2005 by L.L. No. 2-2005]
- (12) Security provisions. Each site shall have a security program including physical features such as fencing, anticlimbing devices or elevating ladders on the telecommunications towers and/or monitoring either by staff or electronic devices to prevent unauthorized access and vandalism.
- (13) Safe zone. Telecommunications towers shall be designed so that in the event of failure they will fall within the setback area of the site and/or away from adjacent development.
- (14) Noise. Noise-producing equipment shall be sited and/or insulated to minimize noise impacts on adjacent properties.
- (15) Annual inspection and report. Unless waived by the Board, telecommunications towers over 100 feet in height, including towers existing on the effective date hereof, shall be inspected annually by a licensed professional engineer or at any other time upon a determination by the Town's Building Inspector that the telecommunications tower may have sustained structural damage, and a copy of the inspection report shall be submitted to the Town Building Inspector.
- (16) Removal. All telecommunications facilities, including but not limited to antennas, towers and accessory structures, shall be dismantled and removed from the site when they have been inoperative, abandoned or had their special permit revoked for six months. Applicants shall post a bond or other suitable undertaking as a condition of the use permit in order to guarantee removal of abandoned structures.
- (17) Postinstallation field report. A postinstallation field report identifying the facility's coverage area, the telecommunications tower's maximum capacity, committed capacity and unused capacity, if any, and collocated users of the telecommunications tower shall be submitted to the Town.
- (18) Proof of insurance. The applicant shall annually provide the Town Clerk with proof of insurance in a sufficient dollar amount to cover potential personal and property damage associated with construction and operation thereof.
- (19) Special permit term. Special permits granted pursuant to this section shall be issued for a term of one year. Permits may be renewed yearly without the need of a public hearing.
- (20) To the extent determined by the Planning Board, the application shall provide for the placement of antennas and other telecommunications devices on its facilities for public safety organizations. [Amended 12-8-2005 by L.L. No. 2-2005]

- (21) The applicant shall pay for the costs of the Town's engineers and attorneys for time spent reviewing and analyzing the application.
 - (22) Application fee. The applicant shall pay an application fee in the amount of \$500 or such other amount as the Town Board may, from time to time, determine by resolution, upon filing of its application to cover the expense of processing the application, exclusive of costs covered by Subsection F(21), above. Such fees shall be paid for each annual renewal.
- G. The Planning Board may grant the special permit, deny the special permit or grant the special permit with written stated conditions. Denial of the special permit shall be by written decision based upon substantial evidence submitted to the Board. [Amended 12-8-2005 by L.L. No. 2-2005]
- H. The special permit shall not be assignable or transferable.

§ 144-21.5. Revocation of special permit. [Amended 12-8-2005 by L.L. No. 2-2005]

If the applicant violates any of the conditions of its permit or violates any other local, state or federal laws, rules or regulations, this shall be grounds for revocation of the special permit. Revocation may occur after the applicant is notified of the violations and the Planning Board holds a hearing on the same.

**ARTICLE V
Use Districts**

§ 144-22. Establishment of districts.

For the purpose of promoting the public health, safety and welfare of the residents of the Town of Hartland, the Town is hereby divided into the following use districts:

- A. Agricultural Use District, which may be commonly referred to as an "A District."
- B. One-Family Residential Use District, which may be commonly referred to as an "R-1 District."
- C. One- and Two-Family Residential Use District, which may be commonly referred to as an "R-2 District."
- D. Multiple Family Residential Use District, which may be commonly referred to as an "R-3 District."
- E. Mobile Home Use District, which may be commonly referred to as an "MH District."
- F. General Business Use District, which may be commonly referred to as a "B District."
- G. Light Industrial Use District, which may be commonly referred to as an "I District."
- H. Recreational Use District, which may be commonly referred to as a "Rec District."
- I. Agriculture-Business Use District, which may be commonly referred to as an "AB District." [Added 9-11-2014 by L.L. No. 3-2014]

§ 144-23. Establishment of subuse districts.

Recognizing that there are certain geographic features present in the Town of Hartland which traverse the use districts established by § 144-22, the following subuse districts are hereby established.

- A. Floodplain Subuse District, which may be commonly referred to as an "FP Subdistrict."
- B. Wetland Subuse District, which may be commonly referred to as a "WL Subdistrict."

§ 144-24. Zoning Map.

The use districts and subuse districts that are established by this chapter are shown on the Zoning Map of the Town of Hartland, adopted simultaneously with this chapter, certified by the Town Clerk and accompanying this chapter at the end.⁵

§ 144-25. Interpretation of district boundaries.

Where district boundaries are indicated as approximately following or parallel to the center lines of highways or right-of-way lines, such center line or right-of-way shall be construed to be the boundary, and, if no distance is given, the dimension shall be determined by the Zoning Board of Appeals by use of the scale shown on the map. Where the boundary of any district follows a stream, the boundary shall be deemed to be the center of the stream bed.

§ 144-26. Regulations applicable to all districts.

Except as herein provided, no lot shall be occupied by more than one principal use and no building or land shall be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations specified for the use district in which the property is located. Furthermore:

- A. No yard or other open space located about any structures for the purpose of complying with the provisions of this chapter shall be considered an open space for any other structure.
- B. Every principal structure shall be built on a lot, with frontage on a public street, improved to meet the specifications of the Town. Where a building lot has frontage on a street which has a proposed right-of-way widening, the front yard depth shall be measured from the proposed right-of-way. All yards, open space, off-street parking and required landscaping must be contained within the district in which the use is permitted, unless the Planning Board may otherwise authorize.
- C. An accessory building attached to a principal building shall comply in all respects with the yard requirements for the principal building. Detached accessory buildings shall be constructed to the rear of the front building line of the principal building, and, if constructed in a side yard, it shall conform to side yard requirements of this chapter.
- D. If a new lot is formed so as to include within its boundaries any former lot on which there is an existing structure, the subdivision must be carried out in such a manner so as not to

5. Editor's Note: The Zoning Map is included in a pocket at the end of this volume.

infringe on the provisions of this chapter or the proposed structure or use.

- E. At the intersection of two or more roads, no hedge, fence or wall shall be permitted which is three feet above the level of the shoulder of the road. No obstruction to vision of any type shall be permitted in the triangular area formed by the intersecting street line and a line adjoining each, 30 feet distant from said intersection along said street line.
- F. Existing natural features such as trees, brooks, drainage channels and views shall be retained. Whenever such features interfere with the proposed use of such property, a retention of the maximum amount of such features consistent with the use of the property shall be required.
- G. No structure shall be built within 50 feet of the bed of any stream which carries water on an average of six months of the year.
- H. (Reserved)⁶
- I. No building utilized as a dwelling shall contain less than 1,000 square feet of floor area, exclusive of any basement, attic or attached garage. [Added 6-9-1994]
- J. (Reserved)⁷
- K. On any new construction, no dimension (depth, front to rear, or width, side to side) of any principal residence shall be less than 17 feet. [Added 4-10-1997]
- L. The top of the foundation wall of every building shall be not less than 18 inches above the crown of the pavement of the road upon which the building fronts. Whenever there is no foundation, the measurement shall be from the first-floor level. Specifications submitted with building permit applications must show this elevation. [Added 4-10-1997; amended 9-11-2014 by L.L. No. 2-2014]
- M. Whenever there is no full basement in a building, a meter pit as specified by the Building Inspector shall be constructed to house the water meter. [Added 9-11-2014 by L.L. No. 2-2014]

§ 144-27. Agricultural Use District.

- A. Permitted principal uses. The following are permitted principal uses in the Agricultural Use District:
 - (1) Single- and two-family dwellings.
 - (2) Churches and other similar places of worship, parish houses, convents and other such facilities of recognized religious groups.
 - (3) Municipal parks, playgrounds and recreation areas deemed necessary and appropriate by the Town Board.
 - (4) Professional offices and home occupation uses, provided that they are carried on in

6. Editor's Note: Former Subsection H, regarding mobile homes and trailers, added 6-9-1994, was repealed 4-10-1997.

7. Editor's Note: Former Subsection J, regarding foundations, added 4-10-1997, was repealed 9-11-2014 by L.L. No. 2-2014.

conjunction with a residential use on the property.

- (5) Farms and related farming activities.
 - (6) Public buildings, libraries and public and nonprofit private schools accredited by the State Education Department.
 - (7) Offices and hospitals for the practice of veterinary medicine.
 - (8) Churches.
 - (9) Cemeteries.
- B. Permitted accessory uses. The following are permitted accessory uses in the Agricultural Use District:
- (1) Private garages.
 - (2) Customary residential storage structures.
 - (3) Animal shelters for domestic pets of the household.
 - (4) Other customary residential structures, such as private swimming pools, fireplaces, trellises, lampposts and the like.
 - (5) Customary farm buildings for the storage of products, equipment or farm animals, located on the same parcel as the principal use.
 - (6) Accessory buildings used exclusively for the sale of homegrown agricultural products may be constructed, upon approval of the Planning Board, following submission of an approved site plan showing:
 - (a) That the application is for the use of the stand by the owner or tenant of the property in question.
 - (b) That the stand will be located in a location which shall encourage safety and discourage traffic congestion. No portion of any stand or any attendant use of land shall be closer than 35 feet from the closest highway pavement edge. Parking space for no fewer than three cars shall be maintained in connection with any stand, in a manner easily discernible by an approaching motorist.
 - (c) That trucks, trailers, tractors or other vehicles parked for the purpose of the sale or disposal to the general public of agricultural products shall be permitted only under the same limitations which apply to the use of accessory buildings for the sale of such products.
 - (7) Signs in accordance with this chapter.
 - (8) Parking in accordance with this chapter.
 - (9) Public utility uses.
 - (10) Camping grounds.
 - (11) Excavation operations.

- (12) Cluster residential development.
- (13) Nursing and retirement homes.
- (14) Uses by special permit under Article VI.

§ 144-27.1. Agriculture-Business Use District. [Added 9-11-2014 by L.L. No. 3-2014]

A. All permitted principal and accessory uses in the Agricultural Use District are permitted as principal and accessory uses respectively in the Agriculture-Business Use District. Uses that are permitted upon obtaining a special use permit in the Agricultural Use District are also permitted upon obtaining a special use permit in the Agriculture-Business Use District.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

AGRICULTURE-BUSINESS — A business located on the same premises as a working farm or on an adjacent premises with related ownership, and engaged in the promotion of agricultural tourism or agricultural entertainment.

WORKING FARM — A farm that is actively engaged in the raising of agricultural products, including crops, livestock, poultry or dairy products.

C. Agriculture-Businesses. The following agriculture-businesses are permitted secondary uses where the principal use is a working farm:

- (1) Retail stores that sell agricultural-related merchandise.
- (2) Restaurants that incorporate and serve locally grown products.
- (3) Banquet halls.
- (4) Distilleries, breweries, and wineries that incorporate locally grown products.
- (5) Rustic lodges.
- (6) Petting zoos.
- (7) Activity centers.
- (8) Museums.

§ 144-28. One-Family Residential Use District.

A. Permitted principal uses. Single-family dwellings are the only permitted uses.⁸

B. Permitted accessory uses. The following are permitted accessory uses in the One-Family Residential Use District:

- (1) Private garages.
- (2) Customary residential storage structures.

⁸. Editor's Note: See also Subsection D, which authorizes two-family dwellings in the One-Family Residential Use District under certain conditions.

- (3) Animal shelters for domestic pets of the household.
 - (4) Other customary residential structures, such as private swimming pools, fireplaces, trellises, lampposts and the like.
 - (5) Home occupation uses, provided that they are carried on in conjunction with a residential use of the property.
 - (6) Cluster residential development.
 - (7) Parking in accordance with this chapter.
- C. Additional restrictions.
- (1) No accessory building may be erected or maintained in the One-Family Residential Use District, which occupies more than 25% of a rear or open yard area, exceeds 35 feet in height or is located within 10 feet of a principal building or other accessory building. [Amended 6-9-1994]
 - (2) Moreover, there shall be no open storage of boats, camping trailers, utility trailers, motorized camping vans or similar vehicles in the front yard area.
- D. Two-family dwellings may be permitted in the One-Family Residential Use District upon a permit issued after approval by the Zoning Board of Appeals and after recommendation made by the Planning Board to the Zoning Board of Appeals where the Zoning Board of Appeals finds the following criteria are met: [Added 4-10-1997]
- (1) The two-family dwelling will not cause undue congestion in the neighborhood.
 - (2) The area of the lot is sufficient to support a two-family dwelling without crowding.
 - (3) There is sufficient off-street parking for not less than four vehicles.
 - (4) The character of the neighborhood will not be adversely affected by the use.

§ 144-29. One- and Two-Family Residential Use District.

- A. Permitted principal uses. Single- and two-family dwellings, churches and cemeteries are the only permitted uses.
- B. Permitted accessory uses. The following are permitted accessory uses in the One- and Two-Family Residential Use District:
- (1) Private garages.
 - (2) Customary residential storage structures.
 - (3) Animal shelters for domestic pets of the household.
 - (4) Other customary residential structures, such as private swimming pools, fireplaces, trellises, lampposts and the like.
 - (5) Home occupation uses, provided that they are carried on in conjunction with a residential use of the property.

- (6) Cluster residential development.
- (7) Parking in accordance with this chapter.

C. Additional restrictions.

- (1) No accessory building may be erected or maintained in the One- and Two-Family Residential Use District, which occupies more than 25% of a rear or open yard area, exceeds 35 feet in height or is located within 10 feet of a principal building or other accessory building. [Amended 6-9-1994]
- (2) Moreover, there shall be no open storage of boats, camping trailers, utility trailers, motorized camping vans or similar vehicles in the front yard area.

§ 144-30. Multiple-Family Residential Use District.

A. Permitted principal uses. Single- and two-family dwellings, rooming houses, nursing homes, retirement homes, multifamily dwellings, churches and cemeteries are the only permitted uses.

B. Permitted accessory uses. The following are permitted accessory uses in the Multiple-Family Residential Use District:

- (1) Private garages.
- (2) Customary residential storage structures.
- (3) Animal shelters for domestic pets of the household.
- (4) Other customary residential structures, such as private swimming pools, fireplaces, trellises, lampposts and the like.
- (5) Home occupation uses, provided that they are carried on in conjunction with a residential use of the property.
- (6) Cluster residential development.
- (7) Parking in accordance with this chapter.

C. Additional restrictions.

- (1) No accessory building may be erected or maintained in the one-family and two-family residential use district which occupies more than 25% of a rear or open yard area, exceeds 35 feet in height or is located within 10 feet of a principal building or other accessory building. [Amended 6-9-1994]
- (2) Moreover, there shall be no open storage of boats, camping trailers, utility trailers, motorized camping vans or similar vehicles in the front yard area.

D. Additional requirements applicable to multifamily dwellings. Multifamily dwellings, also known as "apartments," shall be subject to the following additional restrictions:

- (1) Apartment structures shall not exceed a density of eight dwelling units per net acre of lot (area minus street).

- (2) Driveways for ingress and egress for apartment developments shall connect with other than major streets; whenever possible, shall not be located within 200 feet of an existing street intersection; and shall have a pavement width of at least 22 feet, except where there is an on-street parking area, in which case, they shall not be less than 25 feet in width.
- (3) The minimum yard requirements of the schedule apply only to the entire tract, and no building shall be located within such yard areas. The minimum distance between buildings in an apartment development shall be 25 feet, except that no wall containing an entrance to an apartment shall be closer to another apartment building than 50 feet. No apartment building shall be closer to a preexisting single-family or two-family lot than 50 feet.
- (4) Parking areas may be located in any yard other than the required front yard, but not closer than 10 feet to any property line, and shall comply with all of the requirements of the regulations applicable to all zones in this chapter. Where off-street parking areas or accessways abut residential zones, a planted buffer strip at least 10 feet wide shall be provided between the parking area or accessways and the adjoining property, maintained with two staggered rows of evergreen shrubs.
- (5) Every apartment building shall have a minimum setback of 10 feet from all interior roads, driveways and parking areas.
- (6) Every apartment development shall be provided with garbage and refuse storage and collection areas enclosed and screened from view and away from the front of apartment buildings.
- (7) In addition to any storage area within individual apartment dwelling units, 200 cubic feet of storage area shall be provided for each dwelling unit in a convenient, centrally located area in the basement or ground floor or elsewhere, where personal belongings and effects may be stored under lock and separated from the belongings and effects of other occupants.
- (8) The wall for an apartment structure or parallel walls of adjacent apartment structures shall not continue in the same place for a length of more than 75 feet without an offset of at least four feet.
- (9) Each apartment development shall provide a playground area or areas in a standard of 500 square feet for each eight dwelling units. Outdoor play equipment shall be installed and maintained in each playground in a sufficient amount and variety to service the occupants of the development.
- (10) The entire area of an apartment development not improved for driveways, parking areas or covered by buildings or walkways shall be attractively landscaped and seeded and properly maintained at all times.

E. Additional requirements for nursing and retirement homes. Before issuing any permit for the construction or alteration of a nursing or retirement home, the Planning Board shall review the conformity of the proposal with the goals, objectives and contents of the Comprehensive Plan and with recognized principles of community development, land-use

planning and civic design. The Planning Board may approve the proposal as submitted or, before approval, may require that the applicant modify, alter, adjust or amend the proposal as the Board deems necessary, to the end that it preserves the intent and purpose of this chapter to promote public health, safety and general welfare. The proposal, as approved by the Planning Board, shall then be reported to the Zoning Board of Appeals, whereupon the Zoning Board of Appeals may, after notice and public hearing, approve or disapprove said proposal in accordance with the intent and purpose of this chapter.

§ 144-31. Mobile Home Use District.

- A. Permitted principal uses. Mobile homes and mobile home courts are the only permitted uses in the Mobile Home Use District.
- B. There are no permitted accessory uses.
- C. Definitions. The following additional definitions shall apply in the interpretation of this section.

ACCESSORY STRUCTURE — A structure, the use of which is incidental to that of the mobile home and which is attached thereto or located on the same mobile-home lot. Accessory structures include, but are not limited to, portable, demountable or permanent enclosures, shade structures and carpets.

COMMUNITY AREA — An area or space within a mobile home court, including fences, walls and other minor structures, which is designated for the joint use of the occupants or restricted to nonresidential use.

COMMUNITY STRUCTURE — A structure within a mobile home court providing laundry, toilet, recreation, parking or other common facilities, including the management office and storage buildings.

HABITABLE SPACE — Space used for living, sleeping, eating or cooking purposes, excluding kitchenettes, bathrooms, toilet rooms, storage spaces and enclosures for equipment installations.

MECHANICAL SYSTEMS AND EQUIPMENT — Mobile homes' electrical, plumbing, heating, ventilating, air-conditioning systems and equipment used for living purposes, including cooking and refrigeration equipment.

MOBILE HOME COURT — A parcel of land which has been planned and improved for the placement of two or more mobile homes.

MOBILE HOME LOT — A designated site within a mobile home court for the exclusive use of the occupants of a single mobile home.

MOBILE HOME STAND — That part of an individual mobile home lot which has been reserved for the placement of a mobile home.

NATURAL OR ARTIFICIAL BARRIER — Any river, pond or canal, at least 200 feet in width, or a railroad embankment or any other barrier which, in the opinion of the Planning Board, is comparable in effect to a two-hundred-foot space requirement.

TRAILER (TRAVEL OR VACATION) — A movable living unit equipped with a chassis but

lacking any of the following mechanical equipment; plumbing, heating, electrical, cooking and refrigeration. See mobile home.

D. Restrictions on parking. No person shall store, park or otherwise locate a mobile home, except in an authorized mobile home park, for a period of more than 72 hours. No occupied travel or vacation trailer or other form of temporary type of living units shall be permitted in a mobile home court for more than three months in any year.

E. Mobile home courts. The following shall apply to all mobile home courts:

- (1) The size of all mobile home courts shall be a minimum of 25 acres, provided that the location and construction of such court is approved by the Planning Board and the Town Board of the Town of Hartland.
- (2) All mobile home courts containing 10 or more mobile home lots shall have access from two points along a single public street or highway, or, if bordering on two streets, access can be one for each street, such access points being separated by at least 100 feet.
- (3) Each mobile home court shall have frontage on an existing public highway equal to not less than 80% of the maximum dimension of the court measured parallel to such highway. In the event that a court is located at the intersection of two highways, this frontage is applicable to one of the highways, and the frontage on the second shall be equal to at least 35% of the maximum dimension of the court, as measured parallel to the second highway.
- (4) There shall be provided a buffer area between the right-of-way line of adjacent public highways and any portion of a mobile home lot of at least 100 feet. There shall also be provided between any portion of a mobile home and the boundary of the mobile home court a distance of at least 60 feet. Such buffer areas shall be primarily clear of obstruction, other than trees and other natural landscape material, and shall not be used for any aboveground structures.
- (5) The layout of interior roadways or driveways shall be such that no block is longer than 500 feet; provided, however, that this may be extended to 750 feet if an interior walkway is provided for pedestrian access across the center of the block.
- (6) All streets shall have a minimum width of 40 feet, which is completely clear of obstructions to a height of 12 feet. Culs-de-sac shall be provided in lieu of closed-end streets, with turnarounds having outside roadway diameters of at least 90 feet.
- (7) The maximum street grade shall be 7%. Entrance gradients shall be less than 3% for a distance of 75 feet from the edge of the right-of-way of the public highway.
- (8) The minimum radius of curvature for any street shall be 100 feet.
- (9) Streets shall be laid out so as to intersect as nearly as possible at right angles, and in no case shall any angle or intersection be less than 75°.
- (10) Street or driveway pavement shall be located in the center of the street clear zone. If parking provision is made within the street, such parking area may be off the pavement, and the clear zone (street width) shall be increased proportionately to

provide therefor. If parking provision is made, in parking areas for three or more vehicles, in nodes throughout the court, such areas shall be located off the pavement considered to be the street or driveway and in such a manner as not to encroach upon the area considered to be the mobile home lot. Provision shall be made for the parking of three motor vehicles for each two mobile home lots.

- (11) Central auxiliary parking areas shall be provided, at a ratio of 200 square feet per mobile home lot, in a location which is not contiguous with the lot services, such area being screened from lots and public highways by a coniferous hedge or other effective vegetation. Auxiliary parking areas are to be provided for parking trucks, maintenance equipment, boat trailers, utility trailers, incapacitated or unregistered vehicles and such similar equipment and vehicles.
- (12) All lots shall be rectangular or trapezoidal unless otherwise approved by the Town Planning Board as meeting all other requirements of this chapter.
- (13) All lots shall be a minimum of 7,000 square feet if rectangular or trapezoidal and shall have a minimum width of 60 feet. In the case where unique and unusual lot designs are submitted for approval, and all other minimum distance requirements are met, the minimum lot size may be reduced to 5,000 square feet, provided that the density of mobile home units shall not exceed 6.2 dwelling units per net acre.
- (14) Corner lots shall be 1 1/2 times the width and area of regular lots. If a street makes a turn of 90°, the lot on the inside shall be considered a corner lot and the lots on the outside shall be considered radial lots, wherein the width shall be measured at the distance of 10 feet from the street line.
- (15) Double frontage lots shall not be permitted. If there is a situation where only one mobile home can be located between streets, then a buffer strip of at least 10 feet shall be created and suitably planted.
- (16) Walkways shall be laid out so as to connect all patios with the street and connect service buildings, dry yards and storage lockers with streets. Walkways shall also provide access to recreation areas if such areas are not located adjacent to a street. Additional walkways may also be placed along the rear of each lot.
- (17) Recreation space shall be provided in a central location and at a ratio of 300 feet per lot. Such space shall be enclosed with shrubs or evergreen hedges placed not farther than 10 feet apart nor higher than four feet.
- (18) If public telephones are provided within the court, they shall be located directly adjacent to service buildings.
- (19) Mailboxes shall be located at a location suitable to the local post office, but shall not be placed in any location where they constitute a safety hazard to pedestrians or to vehicles.
- (20) All existing trees shall be preserved insofar as possible in the design of the court.

F. Siting of mobile homes.

- (1) The following minimum distances shall be maintained when providing specific

locations of mobile homes as related to each other within the court.

- (a) Laterally (the side of one mobile home facing the side of the next): 15 feet.
 - (b) Longitudinally (the end of one mobile home facing the end of another): 15 feet.
 - (c) Perpendicularly (the end of one mobile home facing the side of another): 20 feet.
 - (d) In cases of nonrectangular or nontrapezoidal designs, these minimum distances may be reduced if the final configuration of mobile homes does not interfere with the provision of space for patios, walkways or storage; but in no case shall two mobile homes be closer than 15 feet from each other.
- (2) The following minimum distances shall be maintained when providing specific locations of mobile homes within the court and with respect to service or storage buildings:
 - (a) Laterally (the side of one mobile home and a building): 25 feet.
 - (b) Longitudinally (the end of one mobile home and a building): 15 feet.
 - (3) The minimum setback from the street line (the clear zone rather than the pavement) shall be 10 feet. The maximum setback shall be five feet, in addition to the minimum established by the owner of the court.
 - (4) The minimum distance between a mobile home and a parking space for motor vehicles shall be 10 feet.

G. Required improvements. The following improvements are required in all mobile home courts:

- (1) All water supply systems shall be installed as per plans approved by the Town Water Commissioner, and New York State Department of Health and/or the Niagara County Health Department. Such systems shall be designed to provide a sufficient supply of potable water, under adequate pressure, to outlets servicing mobile homes, community structures, drinking fountains, hose connections, hydrants and so on.
 - (a) Each mobile home lot shall be supplied with potable water from the approved water supply system by a pipe of at least 3/4 inch inside diameter to a cold-water tap at least four inches above the ground, with 30 pounds' pressure maintained at the outlet throughout the entire year. The water supply connection shall be located a safe distance from the sanitary drainage connection and shall not be subject to surface drainage. Means shall be provided for a suitable watertight connection, without cross-connection and danger of freezing.
 - (b) An adequate supply of hot and cold water shall be provided at all times in service buildings which provide washing and laundry facilities.
- (2) Sewers.
 - (a) All sewage disposal systems shall be installed in accordance with plans approved by a consulting engineer retained by the Town Board and/or the

Niagara County Health Department. Such systems shall provide each mobile home and community structure containing plumbing fixtures with an adequate and safe method of sewage disposal. Waste from all sanitation and washing facilities, including washing machines at any location within the mobile home court, shall be discharged into a duly approved public sewage disposal system.

- (b) Each mobile home lot shall, at a proper location relative to the mobile home, be provided with a trapped sewer of at least four inches in diameter, and piping shall have a continuous grade to the point of disposal in an approved public or private sewage disposal system. Such sewer shall have an airtight connection with all outfall pipes of any mobile home harbored on that lot. These connections shall be fitted with an airtight cover during periods of nonuse.
- (3) The electrical system shall be designed to provide adequate capacity to supply the connected load without exceeding the allowable current-carrying capacity of the conductors. Each mobile home lot shall be provided with a conductor and terminal capable of carrying a minimum current of 150 amperes.
- (a) An electrical connection receptacle or terminal box of an approved weatherproof type shall be provided at each mobile home lot. The receptacle shall be of the polarized type with grounding conductors and shall have a four-prong attachment for 115/220 volts.
 - (b) Artificial lighting shall be provided to illuminate walks, driveways and parking spaces for the safe movement of pedestrians and vehicles at night, Specifically, streetlighting standards shall be provided as follows:
 - [1] Overhead streetlighting standards shall be placed no farther than 100 feet apart, have a minimum clearance above the pavement of 12 feet and shall have a capacity of 100 watts.
 - [2] Alternate side streetlighting (post lamps) shall be placed not farther than 60 feet apart, as measured along the center line of the street [120 feet on one side of the street], have a minimum height of four feet and a maximum height of seven feet and shall have a capacity of 60 watts.
 - [3] Service buildings shall have sufficient exterior lighting fixtures so as to properly illuminate entrances and drying yards connected therewith.
 - [4] Streets and service buildings shall be illuminated during all hours of darkness and according to the following schedule:

	Dark to 11:00 p.m.	11:00 p.m. to Dawn
Streets	(watts)	(watts)
Overhead	100	40
Side lights	60	25
Service Buildings		
Entrances	50	none

[5] All wires shall be located underground.

- (4) All gas piping systems, if installed, shall be designed to provide a supply of gas sufficient to meet the maximum demand without undue loss of pressure at the connection to the mobile home farthest from the source of supply. Gas connections shall provide a suitable gastight connection to the mobile home.
- (5) Each mobile home lot shall be provided with at least one twenty-gallon metal garbage can with a tight-fitting cover. The cans shall be kept in a sanitary condition at all times. It shall be the responsibility of the court owner to ensure that garbage and rubbish shall be collected and properly disposed of outside of the mobile home court as frequently as may be necessary to ensure that garbage cans do not overflow. Exterior property areas shall be maintained free from organic and inorganic material that might become a health, accident or fire hazard.
- (6) A mobile home court shall be provided with facilities for the safe and efficient storage of required fuels. Liquefied petroleum gas storage containers having a capacity exceeding 125 gallons shall be located not less than 25 feet from the nearest mobile home, structure, building and lot line and shall not be subject to damage from moving vehicles. Fuel oil and other flammable materials shall be stored so as not to be a fire hazard.
- (7) All streets within the court shall be paved with concrete, blacktop or macadam for the minimum width of 20 feet, in accordance with specifications effective for similar development in the balance of the Town, if such specifications are drawn, or, in absence of Town specifications, as per specifications approved by the Town Superintendent of Highways.
- (8) Areas for motor vehicle parking may be surfaced with uniform-sized gravel or crushed stone, to a minimum depth of eight inches, in the absence of fully hard or penetrated surface paving.
- (9) All walkways shall be a minimum width of three feet and thickness of four inches and shall be provided with joints so designed as to minimize cracking. All walkways shall be made of concrete or blacktop or other similar material.
- (10) Each mobile home lot shall contain a mobile home stand capable of containing a mobile home in a fixed position. The mobile home stand shall be concrete at least six inches in thickness. The elevation, distance and angle of the mobile home stand in relation to the accessway shall be such as to facilitate the safe and efficient placement and removal of the mobile home.
- (11) All mobile home lots shall be provided with patios constructed of concrete or blacktop and shall be a minimum size of eight feet by 20 feet and four inches in depth. Patios shall be located so as to provide safe and easy access from the mobile home.
- (12) Mobile home courts shall have adequate facilities for drainage of surface and

subsurface water. The entire mobile home court shall be graded to facilitate the safe and efficient drainage of surface water and to permit no ponding areas where water will stand for lengths of time so as to constitute a health or other hazard. Drainage ditches shall be provided where necessary to provide for the removal of surface drainage. These ditches shall be provided in such a way as not to constitute a hazard to pedestrians. Gutters, culverts, catch basins, drain inlets, stormwater sewers, approved combined storm and sanitary sewers or other satisfactory drainage systems shall be utilized where deemed necessary and shall be of a size specified by the Town Planning Board.

- (13) Storage lockers shall be provided at a minimum ratio of 100 cubic feet per mobile home lot and shall be located no farther than 100 feet from the lot which they serve. They shall be of waterproof construction on all surfaces, including the base. Such lockers may be provided in clusters or as individual structures on each mobile home lot.
 - (14) Landscaping shall be provided as specified by the Town Planning Board.
 - (15) Property line monuments shall be provided at all corners of the mobile home court. The monuments shall be of material and size approved by the Planning Board.
- H. Service buildings. Service buildings shall be located in such a way as to prohibit primary access directly adjacent to a mobile home lot. If such buildings contain laundry facilities, they shall be so located no farther than 400 feet from any mobile home lot which they serve.
- (1) Service buildings housing sanitation and laundry facilities or any other facilities shall be permanent structures complying with the New York State Building Code, the New York State Sanitary Code and/or all other applicable ordinances and statutes regulating buildings, electrical insulations and plumbing and sanitation systems.
 - (2) The service buildings shall be well lighted at all times from dawn to 11:00 p.m. and capable of being well lighted between 11:00 p.m. and dawn, shall be well ventilated with screened openings, shall be constructed of such moistureproof material, including painted woodwork, as shall permit repeated cleaning and washing and shall be maintained at a temperature of at least 60° F. during the period from October 1 to June 1. The floors of such buildings shall be of water-impervious materials and supplied with drains.
- I. Laundry facilities. Laundry facilities may be provided by the owner of the mobile home court. If such facilities are provided, they shall be located in a separate service building and shall provide for one single laundry tray and one automatic or semi-automatic-type operable washing machine for each 10 mobile homes or fractional number thereof. An ample number of individually fused and grounded electrical outlets shall be provided supplying current sufficient to operate each washing machine. Installation of such outlets shall be in accordance with all other Town regulations applying thereto.
- J. Fire protection and control. Every mobile home court shall be equipped at all times with fire equipment in good working order, in conformance with those standards duly adopted as applicable in the fire district within which the court is located. Fire protection equipment

shall be provided as approved by the Town Fire Department.

- (1) No open fires shall be permitted at any place within the court which may endanger life or property.
- (2) No fires shall be left unattended at any time.⁹

§ 144-32. General Business Use District.

- A. Permitted principal uses. Retail business establishments which are clearly of a community service character and dispense a service or merchandise are the only permitted uses in the General Business District.
- B. Permitted accessory uses. The following are permitted accessory uses in the General Business Use District:
 - (1) Private garage space for the storage of commercial vehicles used in conjunction with a permitted business use.
 - (2) Dwelling units, accessory to the principal business use, provided that they are located in the principal building and comply with the area and yard requirements of the R-3 District, except side yard requirements which shall be waived when the dwelling unit is above the first floor and the first floor is used commercially.
 - (3) Signs in accordance with this chapter.
 - (4) Parking in accordance with this chapter.
 - (5) Public utility uses, except maintenance and storage yards.
- C. Additional restrictions. The following additional restrictions shall apply to structures and uses in the business district:
 - (1) No goods shall be displayed for sale purposes nor shall coin-operated vending machines of any type be placed in any location which would infringe upon the required yard area specified in this chapter.
 - (2) No business use shall occupy any part of the lot within 50 feet of any R District.
 - (3) Truck loading and unloading facilities shall be provided on the property to permit the transfer of goods in other than the front yards or public street. A planted buffer strip shall be required where such loading area abuts any residential district and shall consist of a staggered row of compact evergreen shrubs not less than three feet in height in an area not less than 10 feet in width.
 - (4) Where off-street parking areas or accessways abut residential zones, a planted buffer strip at least 10 feet wide shall be provided between the parking area or accessways in the adjoining property, maintained with two staggered rows of evergreen shrubs.
 - (5) Where the frontage on one side of the street is zoned partly residential and partly

⁹. Editor's Note: Original Sections 559.1, 559.2, 559.3 and 559.4, which immediately followed this section and provided for licensing and permits for mobile home courts, were repealed 2-24-1983.

business, the front yard depth in the B District in such block frontage shall be equal to the required front yard depth of the residential district for a distance of 50 feet into the B District.

- (6) Where a lot in a B District abuts a lot in any residential district, there shall be provided along such abutting lines a yard equal in width or depth to that required for the adjacent yard in said residential district.

D. Additional requirements applicable to motor vehicle service stations.

- (1) The entire area of the site traveled by motor vehicles shall be hard surfaced.
- (2) All fuel pumps shall be located at least 20 feet from any street or property line, and, in addition to such other signs as are permitted by this chapter, each motor vehicle service station shall be permitted to have one freestanding or pylon sign setting forth the name of the station and the principal products sold on the premises, including company or brand name, insignia or emblem, provided that such sign shall not exceed 40 square feet in area on either of two sides and shall be hung within the property line and no less than 10 feet nor more than 25 feet above the ground. A service station may also exhibit one temporary sign, located no less than 10 feet inside the property line, specifically setting forth special seasonal servicing of automobiles, provided that such sign does not exceed seven square feet in area.

§ 144-33. Light Industrial Use District.

A. Permitted principal uses.

- (1) Any use of a light industrial nature is permitted, which involves only the manufacture, processing, assembly, packaging or storage of previously refined materials, provided that at no time will such use result in or cause:
 - (a) Dissemination of dust, smoke, smog, observable gas, fumes or odors or other atmospheric pollution, objectionable noise, glare or vibration.
 - (b) A hazard of fire or explosion or chemical or nuclear pollution or other physical hazard to any adjacent building or to any plant growth on any land adjacent to the site or to any person working on the site or working or living adjacent thereto.
- (2) Also permitted in the Light Industrial Use District are office buildings for executive, engineering and administrative purposes; scientific or research laboratories devoted to research, design and/or experimentation in processing and fabricating incidental thereto; the warehousing and/or storage of goods and products, such as building materials, farm supplies and the like, which may be stored or sold from the premises to the general public.

B. Permitted accessory uses. The following are the permitted accessory uses in the Light Industrial Use District:

- (1) Private garages and storage buildings which are necessary to store any vehicle, equipment or materials on the premises.

- (2) Signs in accordance with this chapter.
- (3) Parking in accordance with this chapter.
- C. Additional restrictions.
 - (1) All industrial processes shall take place within an enclosed building.
 - (2) Incidental storage of materials out of doors shall be permitted.
 - (3) Industrial uses shall be located so as to be a minimum of 50 feet from any property line abutting a nonindustrial district. This fifty-foot buffer strip shall be perpetually maintained with plantings to provide a visual screen between the industrial use and the adjoining nonindustrial use.

§ 144-34. Recreational Use District.

- A. Permitted principal uses. Theaters, playhouses, amusement parks, arcades, camping grounds, playgrounds and athletic fields are the only permitted uses.
- B. Permitted accessory uses. The following are permitted accessory uses in the Recreational Use District:
 - (1) Administration buildings.
 - (2) Recreation halls.
 - (3) Customary recreation structures such as swimming pools, rest rooms, showers, on-site refreshment stands, laundries and stores, which are designed to serve only those people using the recreation facilities.
- C. Additional restrictions. No structure, permanent or temporary, shall be erected, established or maintained in the Recreational Use District until the same has been approved by the Planning Board, the New York State Department of Health and/or the Niagara County Health Department.

§ 144-35. Floodplain Subuse District.

Recognizing that certain areas of the Town of Hartland are subject to a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers, swamps or other inland areas of water, additional use restrictions are placed on such areas in order to comply with the National Flood Insurance Program, as administered by the Department of Housing and Urban Development, Federal Insurance Administration.

- A. Notwithstanding anything contained in this chapter, the following are the only permitted uses in the Floodplain Subuse District:
 - (1) Farming and the sale of agricultural products grown, raised or produced on the premises.
 - (2) Open recreation uses such as parks, playgrounds, riding instruction and academies, golf courses, swimming clubs, driving ranges and tennis clubs, but not including such intensive commercial recreation uses as a racetrack or amusement park.

- (3) Wildlife, game and forest preserves.
- (4) Off-street parking areas, provided that no overnight parking is permitted.
- (5) Lawns, gardens and play areas.
- (6) Historic, scientific and scenic area preservation.
- (7) Uses by special permit under Article VI.

B. The following special provisions shall be applicable in the Floodplain Subuse District:

- (1) No structure (temporary or permanent), built for any purpose; deposit; obstruction; storage of materials or equipment; or other uses shall be permitted which, acting alone or in combination with existing or future uses, will unduly affect the efficiency or the capacity of the floodway or unduly increase flood heights, cause increased velocities or obstruct or otherwise catch or collect debris which will obstruct flow under flood conditions.
- (2) Structures shall not be used for human habitation, shall have a low flood-damage potential, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of floodwaters (i.e., longitudinal axis parallel to the direction of flood flow and placed approximately on the same flood flow lines as those of adjoining structures) and shall be firmly anchored to prevent flotation which may result in damage to other structures, restrictions of bridge openings and other narrowing of the stream or river. Service facilities, such as electrical and heating equipment, shall be constructed at or above the flood-protection elevation for the particular area or shall be floodproofed.
- (3) In making any request for a special use permit, the applicant shall submit a plan certified by a registered professional engineer that the floodproofing measures are consistent with the flood-protection elevation and associated flood factors for the particular area. Floodproofing measures may be required for all buildings and structures, other than those which have a low-flood-damage potential. Such measures may include the following, where appropriate:
 - (a) Anchorage to resist flotation and lateral movement.
 - (b) Reinforcement of walls to resist water pressure.
 - (c) Installation of watertight doors, bulkheads and shutters.
 - (d) Use of paints, membranes or mortars to reduce seepage of water through walls.
 - (e) Addition of mass or weight to resist flotation.
 - (f) Installation of pumps to lower water levels in structures.
 - (g) Construction of water supply and waste treatment systems so as to prevent the entrance of floodwaters.
 - (h) Pumping facilities to relieve hydrostatic water pressure on external walls and basement floors.

- (i) Elimination of gravity flow drains.
- (j) Construction to resist rupture or collapse caused by water pressure or floating debris.
- (k) Elevation of structures to or above the necessary flood-protection elevation.

§ 144-36. Wetland Subuse District.

Recognizing the necessity to preserve, protect and conserve freshwater wetlands and the benefits derived therefrom; to prevent the despoliation and destruction of freshwater wetlands; to regulate use and development of such wetlands; and to secure the natural benefits of freshwater wetlands consistent with the general welfare and beneficial economic, social and agricultural development of the Town of Hartland, additional use restrictions are placed on such area pursuant to Article 24 of the Environmental Conservation Law.

- A. Notwithstanding anything contained in this chapter, farming is the only use to which a wetland may be put without a special use permit.
- B. A special use permit shall be required before anyone may drain, dredge, excavate or remove soil, mud, sand, shells, gravel or other aggregate from any freshwater wetland, either directly or indirectly; conduct any form of dumping, filling or depositing of any soil, stones, sand, gravel, mud, rubbish or fill of any kind, either directly or indirectly; erect any structure, road, driving of pilings or placing of any other obstructions, whether or not changing the even flow of the water; contribute any form of pollution, including but not limited to installing a septic tank, running a sewer outfall, discharging sewage treatment or effluent or other liquid waste into, or so as to drain into, a freshwater wetland; or conduct any other activity which substantially impairs any of the several functions served by freshwater wetlands or the benefits derived therefrom which are set forth in Article 24 of the Environmental Conservation Law.

**ARTICLE VI
Special Uses**

§ 144-37. Special use permit required. [Amended 12-8-2005 by L.L. No. 2-2005]

The uses set forth in this article may be permitted in the use district specified for each use, provided that a special use permit is obtained from the Planning Board under the terms and conditions specified in this chapter.

§ 144-38. Public utilities.

Public utility uses, such as dial equipment centers, telephone and electrical substations, bus stops and stations and railroads, but no service or storage yards, may be permitted in any district with a special use permit. No special use permit shall be issued unless it is determined that:

- A. The proposed installation in the specific location requested is necessary and convenient for the efficiency of the public utility system or the satisfactory and convenient provision of service by the utility to the neighborhood or area in which the particular use is to be located.

- B. The design of any building in connection with such facility conforms to the general character of the area and will not adversely affect the safe and comfortable enjoyment of property rights of the zone in which it is located.
- C. Adequate and attractive fences and other safety devices will be provided.
- D. A buffer strip 10 feet in width shall be provided around the perimeter of the property.
- E. Adequate off-street parking shall be provided.
- F. All of the area, yard and building coverage requirements of the respective zone will be met.

§ 144-39. Camping grounds. [Amended 12-8-2005 by L.L. No. 2-2005]

Camping grounds may be permitted in any district with a special use permit. No use permit shall be issued unless the Planning Board shall determine that:

- A. The camp is located on a well-drained site, suitable for the purpose, with an adequate entrance road at least 20 feet wide.
- B. Trailer lots shall have an area not less than 2,400 square feet, with a minimum width of 40 feet and a minimum depth of 60 feet.
- C. No house trailer shall be located within 100 feet of any highway or street line nor within 50 feet of any adjacent property line. Each house trailer shall have an entrance platform of concrete construction to conform with the overall plan.
- D. Each camp shall provide sanitary conveniences, such as toilets, wash rooms and laundries, and services and utilities, including water supply, sewage disposal, lighting, garbage disposal and incinerator, as approved by the Niagara County Health Department.
- E. Playground areas shall be provided and shall be restricted to such use. These areas shall be protected from the main highway and from parking areas. A minimum of 100 square feet per camping space shall be made available in one or more places for such playground areas.
- F. In no event shall any camp space be occupied continuously for more than six months, and each space shall remain unoccupied for at least three months of each year.

§ 144-40. Excavation of earth products; ponds. [Added 12-8-2005 by L.L. No. 2-2005¹⁰]

- A. Excavation of earth products.
 - (1) Mining is prohibited in the Town of Hartland. No person shall strip, excavate, mine or otherwise remove, in any use district, soil, gravel, fill, or an earth product from the soil, except as required for the construction or alteration of buildings, structures, roads or infrastructures on the premises, and excavation and/or grading incidental thereto, or the construction of ponds in conformance with Subsection B.
 - (2) No such materials shall be removed from the premises, provided that where an

10. Editor's Note: This local law also repealed former § 144-40. Commercial excavation operations, as amended.

approved residential, commercial or industrial building or development, other than the construction of ponds, requires more soil removal than can be utilized on or integrated into the premises or the subdivision in which it is located, as determined by the Planning Board, soil may be trucked off site after all requirements of the site are met. No such material shall be removed for sale or resale.

B. Regulations and restrictions applying to ponds.

- (1) Restrictions. No pond shall be constructed in the Town of Hartland except in conformance with this section and after obtaining a special use permit in accordance with the provisions of this section and such additional requirements as shall be determined by the Planning Board.
- (2) Definitions. As used herein, the following terms shall have the meanings indicated:

POND — Any man-made body of water, with a surface area greater than 100 square feet and/or a depth of more than 18 inches, except:

- (a) Concrete or prefabricated swimming pools;
 - (b) Prefabricated or concrete decorative basins less than 18 inches in depth;
 - (c) Drainage retention or detention ponds specified, necessary solely for drainage purposes, designed and/or approved as part of an approved site plan or subdivision development or otherwise mandated by the Town of Hartland.
- (3) Districts where allowed. Ponds shall be constructed only in A (Agricultural), R-1 (One-Family Residential), and REC (Recreational) Districts.
 - (4) Dimensional requirements; restrictions.
 - (a) Ponds may not be closer than 200 feet to any road right-of-way.
 - (b) Ponds shall not be closer than 100 feet to any property line.
 - (c) Ponds shall not be closer than 100 feet to any residential building.
 - (d) No pond shall be constructed in excess of two acres.
 - (e) No earth materials shall be removed from the premises on which the pond is constructed.
 - (5) Design standards; procedure.
 - (a) No pond shall be constructed without site plan approval by the Planning Board.
 - (b) All new ponds shall conform to the requirements of the Soil Conservation Service (SCS) of the United States Department of Agriculture or its successor agency.
 - (c) The pond shall be designed by the SCS or by a licensed professional engineer.
 - (d) The site plan application shall be to scale and shall be accompanied by a pond design report meeting the following requirements:

- [1] The report shall include site soil types and groundwater levels.
 - [2] The site plan shall reference SCS standards.
 - [3] The site plan shall indicate how the pond will maintain appropriate water depths.
 - [4] The site plan shall show any inflow or outflow piping/ditches and the location of any ditches, swales or watercourses on the site and shall detail side slopes.
 - [5] Any other information required by the Planning Board shall be included.
- (e) No pond may adversely interfere with or impede the natural flow of water nor adversely impact any floodplain or wetland area.
- (6) Maintenance. All ponds shall be maintained so as to assure that they do not become offensive to neighboring properties by reason of stagnation, algae, mosquito breeding and similar conditions.
- (7) Earth material excavated for the construction of a pond that cannot be utilized on or integrated into the premises in which it is located, as determined by the Planning Board, may be trucked off site to another premises located within the Town of Hartland or within one mile of said pond upon specific authorization by the Planning Board. Notwithstanding the above, no such material shall be removed for sale or resale. [Added 3-12-2015 by L.L. No. 2-2015]
- C. The provisions of this § 144-40 shall not apply to premises used solely to supply earth material to the Town of Hartland for Town purposes.

§ 144-41. Echo uses. [Added 12-8-2005 by L.L. No. 2-2005¹¹]

- A. Findings. The Town Board of the Town of Hartland makes the following findings:
- (1) An aging population, with extended life expectancy, the rural nature of the Town of Hartland and the high cost of custodial or semicustodial care and of adult-care residences, as well as the shortage of appropriate housing for senior citizens with some disabilities or infirmities in the Town of Hartland, and the need for family support and proximity for aging parents, cause a need for alternative forms of living for elderly parents of residents of the Town of Hartland.
 - (2) Some, but not all, properties in the Town of Hartland are so located, and contain sufficient area, to allow for the establishment of temporary second residences in the Town on the same lot as the principal residence, without unduly interfering with the nature and character of the neighborhood in which they are located or with the value, use and enjoyment of the neighboring or nearby properties, for parents of the owners of said premises.
- B. Definitions. As used in this section, the following terms shall have the meanings indicated:

¹¹. Editor's Note: This local law also repealed former § 144-41, Cluster residential development, and superseded the ordinance on echo uses adopted 6-22-1995. For current provisions regarding cluster residential development, see § 144-16.

ECHO RESIDENCE — A second residence located on a lot as an accessory building occupied by a parent or grandparent of the lot owner, where the lot owner or the lot owner's spouse is the occupant of the principal residence on said lot.

- C. Permits. The Planning Board may permit as a special use an echo residence in an R-1, R-2, R-3 or A District upon such terms and conditions as the Planning Board may deem appropriate, only where the parent or grandparent is over the age of 60 and the Planning Board finds that said parent or grandparent for medical reasons is in need of some assistance in living and should be in close proximity to his or her children. The applicant must submit medical evidence sufficient to establish this criteria in such form as the Planning Board may deem appropriate.
- D. Permit renewal; termination of permit.
 - (1) Said residence may continue upon annual renewal for so long as the conditions at the time of the application continue and the other criteria of this section are satisfied.
 - (2) The special permit shall immediately terminate on the happening of the following:
 - (a) The death of the occupant of the echo residence.
 - (b) The absence of the occupant of the echo residence for a period of 60 days for any reason.
 - (c) The child or grandchild ceasing to reside in the principal residence.
 - (d) The admission of the echo resident to an extended-care facility or any other place of residence.
 - (e) The failure to pay the annual fee established for said permit or to renew the permit as set forth in § 144-41H.
 - (f) The failure to meet any condition of the permit.
- E. Removal. The echo residence shall be completely removed from the property within 30 days following the expiration of the permit.
- F. General conditions.
 - (1) The echo residence may be serviced by water from the principal residence, installed in accordance with the applicable building codes.
 - (2) The echo residence shall be serviced by a sufficient private sewage facility to meet all Town, county and other governmental requirements and shall otherwise meet all building code requirements, except that the echo residence may be a mobile home.
 - (3) The echo residence shall not be closer to the street than the front facade of the principal residence, and the lot shall meet all setback and area requirements of this chapter.
 - (4) The echo residence shall be of sufficient size to comfortably accommodate the occupants. Travel trailers and motor homes shall not be allowed.
 - (5) The occupants of the echo residence shall be limited to the parents or grandparents

and their spouses of lot owners and their spouses.

- G. Required findings; issuance of permit. Prior to the granting of such a permit, the Planning Board shall hold a public hearing. The Planning Board shall take into consideration the comments of those attending the public hearing and shall not direct issuance of a permit unless a specific finding is made that the allowed use will not be disruptive to the use and enjoyment of properties in the general neighborhood, their value, or the character of the neighborhood. Upon direction by the Planning Board, the Zoning Enforcement Officer shall issue the permit, provided that all other zoning and building laws and regulations are met.
- H. Fees; annual renewal. Any person applying for a permit shall pay an application fee as determined by the Town Board by resolution. If the permit is granted, such fee shall also constitute the first year's permit fee. Annually, on or before the anniversary date of the granting of the permit, the permit holder shall submit to the Zoning Enforcement Officer a renewal fee as determined by the Town Board by resolution. Existing permits may be renewed by the Zoning Enforcement Officer upon determining that all conditions of the permit are being met and that an event causing termination of the permit has not taken place.

§ 144-42. Junkyards.

Junkyards may be permitted in only the A District and only with a special use permit. Junkyards are subject to the following additional restrictions:

- A. No junkyard shall be permitted nearer to a public highway or lot line than a distance of 400 feet.
- B. Junkyards, in existence at the time of the adoption of this chapter, less than 400 feet from a public highway or lot line shall be surrounded by a seven-foot painted board or other type fence within a period of two years after the adoption of this chapter.
- C. (Reserved)¹²
- D. Before any special use permit can be issued for a junkyard, the Planning Board must specifically find: [Amended 12-8-2005 by L.L. No. 2-2005]
 - (1) That the creation and maintenance of a junkyard on the proposed site is in the best interest of the public.
 - (2) That the proposed junkyard will not adversely affect the nature of the neighborhood.
 - (3) That adequate plans have been made for the periodic ultimate disposal of the contents of the junkyard.
- E. Before any special use permit can be granted for a junkyard, the Planning Board must require a minimum refundable cash deposit of \$2,000, to insure that the conditions of this section are met. [Amended 12-8-2005 by L.L. No. 2-2005]

12. Editor's Note: Former § 144-42C, requiring approval of 4/3 of Planning Board members as to junkyard location, was repealed 12-5-2005 by L.L. No. 2-2005.

§ 144-42.1. Resident-owner/operator businesses.¹³ [Added 12-8-2005 by L.L. No. 2-2005; amended 9-12-2013 by L.L. No. 2-2013]

A. Permit required.

- (1) A resident-owner/operator business shall be allowed in Residential, Agricultural, and Mobile Home Use Districts upon the issuance of a special use permit by the Planning Board. Said permit shall be issued for a period of 12 months, upon application to the Planning Board. The activities covered by the permit may be conducted by the applicant during the hours of 8:00 a.m. to 5:00 p.m., unless the Planning Board authorizes other hours.
- (2) Resident-owner/operator permits may only be issued where the Planning Board determines that there will be no exterior evidence of the business conducted except:
 - (a) A sign, unlit or lit by exterior lighting that is constant in intensity and color, and not to exceed 16 square feet in area. No part of the sign may revolve, rotate, oscillate, or otherwise move.
 - (b) Parking for not more than three extra vehicles not owned by the residents of the premises for personal use.
 - (c) In the case of vehicle sales or repair, the vehicles.
 - (d) Limited storage of inventory or materials for the business as approved by the Planning Board.
- (3) No resident-owner/operator business shall be allowed for vehicle sales or repair unless a buffer of not less than 100 feet is provided between any vehicle and any adjacent premises.
- (4) Vehicle sales or repair businesses shall not have more than five vehicles for sale or being repaired on the premises at any time.

B. Application. Applications for a permit for a resident-owner/operator business shall be made to the Planning Board in writing on forms prescribed by the Board, and shall be filed in the office of the Zoning Enforcement Officer. The applicant shall be required to set forth:

- (1) The applicant's name and address.
- (2) Whether the applicant is an individual, corporation, or some other entity.
- (3) If the applicant is an individual, his or her name and residence address; if the applicant is a corporation or other entity, the names and addresses of its president, vice president, secretary and treasurer.
- (4) The precise nature of the resident-owner/operator business for which the permit will be issued.
- (5) A site plan to scale indicating the location of the resident-owner/operator business,

¹³. Editor's Note: Former § 144-42.1, Special use permits for compatible nonoffending uses, added 10-2-1997, was repealed 12-9-2004 by L.L. No. 3-2004.

any buildings to be used in the business, and any other areas of the premises to be used for business purposes, including, but not limited to, parking and storage areas.

- (6) The size, location and illumination of any outdoor sign or advertising on the premises and the placement and number of all outdoor lighting devices.
 - (7) Such other information as may be reasonably required by the Planning Board to carry out the purposes of this article.
- C. Such permit shall be for one year and shall thereafter be automatically renewed from year to year upon payment of the renewal fee, unless the Planning Board shall require an appearance and further hearing on notice to the applicant.
 - D. Fee. The applicant shall pay such fees as the Town Board shall determine from time to time by resolution.
 - E. Display of permit. The permit for a resident-owner/operator business shall be displayed at the site of the enterprise.
 - F. In granting any such permit the Planning Board shall establish such conditions and restrictions as it determines are necessary to protect the health, safety, character and aesthetics of the neighborhood and neighboring properties.
 - G. Revocation. The permit shall be revoked by the Planning Board if the applicant misstated the nature of the business on the application or the applicant does not conform to the terms and conditions of the permit.

ARTICLE VII Parking and Loading Space

§ 144-43. General requirements.

The following are parking and loading space requirements which must be provided at the time any building or structure is erected, enlarged or increased in capacity in the Town of Hartland:

- A. In all use districts, parking and/or loading space shall be required for motor vehicles, in accordance with the requirements of this and other applicable sections of this chapter. All such space shall be deemed to be required space on the lot on which it is situated and shall not be encroached upon or reduced in any manner.
- B. Whenever there is a change in use or an increase in floor area, except in an R-1 District, or other unit of measurement and such change and such increase creates a need for an increase of more than 10% in the number of off-street parking spaces, as determined by the requirements of this section, additional off-street parking spaces shall be provided in accordance with this section for that additional or change in use.
- C. Access drives or walkways to the B or I Districts through any R District shall not be permitted as this would constitute an illegal use of residentially-zoned land.
- D. In churches and other places of assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each 25 inches of such seating facilities shall be counted as one seat for the purpose of parking standards.

§ 144-44. Number of parking spaces required.

- A. The number of off-street parking spaces required for a structure in the Town of Hartland shall be as follows:
- (1) Auditorium: one parking space for each three seats.
 - (2) Automobile or machine sales and service: one parking space for each 300 square feet of floor area.
 - (3) Banks and business and professional offices: one parking space for each 200 square feet of floor area.
 - (4) Bowling alleys: five parking spaces for each alley, plus the necessary space as set forth in this section for affiliated uses, such as bars, restaurants or other commercial uses.
 - (5) Churches: one parking space for each five seats in the place of worship.
 - (6) Dance halls and assembly halls without fixed seats; exhibition halls, except church assembly rooms in conjunction with an auditorium: one parking space for each 100 square feet of floor area used for assembly or dancing.
 - (7) Dwellings: two parking spaces for each family or dwelling unit.
 - (8) Funeral homes and mortuaries: one parking space for each four seats in the auditorium.
 - (9) Roominghouses and lodging houses: one parking space for each bedroom.
 - (10) Libraries: one parking space for each 600 square feet of floor area.
 - (11) Manufacturing plants, research or testing laboratories and bottling plants: one parking space for each 300 square feet of floor area.
 - (12) Restaurants and taverns: one parking space for each three seats.
 - (13) Retail stores, shops, etc.: one parking space for each 200 square feet of floor area.
 - (14) Sanatoriums, convalescent homes, homes for the aged and nursing homes: one parking space for each three beds.
 - (15) Assembly halls, other than schools: one parking space for each five seats.
- B. In the case of a use not specifically mentioned above, the requirements for off-street parking facilities to which said use is similar shall be established by the Planning Board.

§ 144-45. Design standards for off-street parking spaces.

The requirements for off-street parking spaces shall be as follows:

- A. The size of all off-street parking spaces shall be 10 feet wide by 20 feet long for all angle parking or eight feet wide by 23 feet long for all parallel parking.
- B. Off-street parking facilities shall be located as hereinafter specified, where the distance

shall be measured from the nearest point of the parking facility to the nearest point of the building or use that such facility is required to serve. Off-street parking spaces shall be allowed in required yards, except where specifically prohibited by this chapter.

- (1) Multi-unit dwellings: not more than 200 feet from the building they are required to serve.
 - (2) For uses located in the B District and for sanatoriums, convalescent, nursing and rest homes, homes for the aged, retirement homes, private clubs, lodges and offices: not more than 100 feet from the building they are required to serve.
 - (3) For uses other than those specified above: not more than 300 feet from the building they are intended to serve.
- C. Necessary passageways, alleys and/or driveways for entrance to and exit from parking spaces shall be provided.
- D. All parking areas, passageways, alleys and driveways, except where provided in connection with one-family residences, shall be appropriately surfaced, clearly marked for car spaces and shall be adequately drained, all subject to the approval of the Town of Hartland Planning Board.
- E. The collective provision for off-street parking areas by two or more buildings or uses located on adjacent lots is permitted, provided that the total of such facilities shall not be less than the sum required of the various buildings or uses computed separately, and further provided that the land upon which the collective facilities are located is owned or leased by one or more of the collective users.
- F. All parking areas and appurtenant passageways, alleyways and driveways serving commercial uses shall be illuminated adequately during the hours between sunset and sunrise when the use is in operation. Adequate shielding shall be provided by commercial users to protect adjacent residential zones from the glare of such illumination and from that of automobile headlights.
- G. Off-street parking areas located in the B District and which provide parking for 20 or more vehicles shall be provided with shade trees of a type approved by the Planning Board and located not greater than 60 feet on center.
- H. Notwithstanding any provision of this chapter, all commercial enterprises shall have a minimum of two parking spaces.

§ 144-46. Loading spaces.

The following are the requirements for loading spaces under this chapter:

- A. Loading spaces shall be provided and maintained on the same premises with every building, structure or part thereof, erected, occupied, enlarged or intended to be used, involving the receipt or distribution by vehicles of material, supplies or merchandise.
- B. Such space shall be adequate for standing, loading and unloading services in order to avoid undue interference with the use of public transportation.

- C. Loading and unloading space shall not be occupied or considered as any part of the off-street parking.
- D. All B District uses shall include a loading space of 10 by 25 feet, with a fourteen-foot height clearance, for every 20,000 square feet or fraction thereof of building floor or land use for the above-mentioned purposes.

ARTICLE VIII
Signs

§ 144-47. Regulations applicable to all signs.

All on-premises and off-premises advertising signs are subject to the following restrictions:

- A. The highest point of any sign, measured from ground level to the top thereof, shall not exceed a height of 25 feet, be located within 25 feet of any lot line, have less than three feet between the ground level and the bottom of the sign or be less than 10 feet from the nearest boundary line of the street, road or highway right-of-way.
- B. No sign or any part thereof shall revolve, rotate, oscillate or otherwise move.
- C. No sign shall be lighted or illuminated in such a manner as to obstruct or impair the vision of a motorist using the adjacent highway, nor shall any sign be illuminated by artificial light which is not maintained stationary or constant in intensity and color at all times when the sign is in use.

§ 144-48. On-premises advertising signs.

On-premises advertising signs are permitted under the following circumstances:

- A. A sign in any use district, advertising the sale or rent of the premises, provided that the sign area does not exceed nine square feet.
- B. A sign in the A District, advertising the sale of home-grown agricultural products raised on the premises, provided that the sign area does not exceed 32 square feet.
- C. A sign in the A District or any R District, advertising a home occupation, provided that the sign area does not exceed nine square feet.
- D. A sign in the B or I District, advertising the name of the business or industry and describing the products sold or manufactured, provided that the sign area does not exceed 100 square feet and the sign is no longer than 15 feet on its longest side.
- E. Such other signs as may be permitted by the Zoning Board of Appeals, provided that:
 - (1) An application fee of \$25 shall have been paid for the erection, modification or alteration of each sign.
 - (2) An annual fee of \$25 per year is paid for the maintenance of said sign.
 - (3) Application for said sign is made on a form prescribed by the Zoning Board of Appeals.

§ 144-49. Off-premises advertising signs.

Off-premises advertising signs are permitted in the A, B and I Use Districts, provided that:

- A. A permit has been obtained from the Zoning Board of Appeals, upon payment of a fee of \$25 for the erection, modification or alteration of each such sign.
- B. An annual fee of \$25 per year is paid for the maintenance of said sign.
- C. Application for said sign is made on a form prescribed by the Zoning Board of Appeals.

§ 144-50. Compliance required.

- A. All signs in violation of § 144-48C of this chapter must be brought into compliance within six months of its adoption.
- B. All signs in violation of § 144-48D of this chapter must be brought into compliance within one year of its adoption.
- C. All signs in violation of § 144-49 of this chapter, now existing as of the date of the adoption of this chapter, shall be deemed to be nonconforming signs and shall be given a permit for their continued existence, provided that the permit fee of \$25 is paid and the annual fee of \$25 is paid.

**ARTICLE IX
Administration**

§ 144-51. Maintenance of certified copies.

The original copies of this chapter and Zoning Map shall be kept at all times in the office of the Town Clerk. Similar certified copies of this chapter, with map attached, shall be placed on file with the County Clerk at Lockport, New York. Whenever this chapter is amended as prescribed herein, certified copies of the amendments, as adopted, shall be filed in the office of the Town Clerk and also in the office of the County Clerk at Lockport, New York.

§ 144-52. Zoning Enforcement Officer.

The duty of administering and enforcing the provisions of this chapter is hereby conferred upon the Zoning Enforcement Officer, who shall be appointed by the Town Board and shall have such powers as are conferred upon him by this chapter, and as reasonably may be implied. In the pursuit of his duties, the Zoning Enforcement Officer shall:

- A. Cause all plans, buildings or premises to be examined or inspected to determine that they are not in violation of the provisions of this chapter.
- B. Where, in the course of his duties, he determines that any plans, buildings or premises are in violation of the provisions of this chapter, order the responsible party in writing to remedy such conditions. Said written order shall specify the nature of the violation found to exist, the remedy ordered and the time permitted for such action, the penalties and remedies which may be involved by the Town and the violator's rights of appeal. On the serving of notice by the Zoning Enforcement Officer to the owner of any violation of the provisions of this chapter, the certificate of occupancy for such building or use shall be held to be null

and void. A new certificate of occupancy shall be required for any further use of such building or premises.

- C. Maintain a permanent record of all matters considered and all actions taken by him. Such records shall form a part of the records of his office and shall be available for the use of the Town Board and other officials of the Town. The records to be maintained shall include at least the following: An individual permanent file for each application for a permit provided for by this chapter shall be established at the time application is made. This file shall contain one copy of the application and all supporting documents, maps, plans, notations regarding pertinent dates and fees and the like and, as appropriate, one copy of the resolution of the Board of Appeals acting on the application and the date the permit applied for was issued or denied by the Zoning Enforcement Officer.
- D. Prepare a monthly report for the Town Board. This report shall cite all actions taken by the Zoning Enforcement Officer, including all referrals made by him, all permits and certificates issued or denied and all complaints of violations received and all violations found by him and the action taken by him consequent thereon. A copy of this monthly report shall also be transmitted to the Planning Board and the Zoning Board of Appeals at the same time it is transmitted to the Town Board.

§ 144-53. Certificates and permits.

The following certificates and permits are hereby established for the equitable enforcement and administration of the provisions of this chapter. A zoning permit or a special use permit shall be a prerequisite to the issuance of a building permit.

- A. The Zoning Enforcement Officer is hereby empowered to issue a building permit for any plans regarding the construction or alteration of any building, or part of any building, or construction of aboveground and in-ground swimming pools or the change in use of any land or buildings or part thereof, where he shall determine that such plans are not in violation of the provisions of this chapter.
- B. Upon the written direction of the Planning Board, the Zoning Enforcement Officer is hereby empowered to issue any special use permit provided for by this chapter. [Amended 12-8-2005 by L.L. No. 2-2005]
- C. The Zoning Enforcement Officer is hereby empowered to issue a certificate of occupancy which will certify that all provisions of this chapter have been complied with in respect to the location and use of the building, structure or premises in question.

§ 144-54. Building permits.

- A. All applications for building permits shall be made to the Zoning Enforcement Officer in the form prescribed in this chapter. Where the proposed is a permitted principal or accessory use in an R-1 or Agricultural District, the Zoning Enforcement Officer shall carefully consider the applications' supporting documents for compliance with this chapter and either issue or deny the building permit applied therefor. When the application is for any other use in any district, the Zoning Enforcement Officer shall, prior to issuance of any permit, refer one copy of such plans, drawings and statements to the Planning Board for

their review and recommendations. The Planning Board shall determine that the proposed site plan and structures will compare favorably with community standards, other nearby community improvements and the properly intended and planned appearance throughout any street or adjacent area.

- B. The Planning Board shall, within 45 days after receipt of said materials, approve or disapprove the proposed development, use or construction. In the event of disapproval, the reason shall be stated clearly to the Zoning Enforcement Officer in writing. The Zoning Enforcement Officer shall deny a zoning permit for the proposed construction until such conditions as the disapproval is based upon have been corrected. The absence of a reply from the Planning Board within the forty-five-day period shall constitute approval, and the Zoning Enforcement Officer shall proceed on the basis of such approval.
- C. The Zoning Board of Appeals shall conduct a public hearing on applications referred to it by the Zoning Enforcement Officer, in accordance with the procedures and requirements established elsewhere in this chapter. Within 60 days from the date of such public hearing, the Zoning Board of Appeals shall, by resolution, either approve or disapprove the application so heard. In approving an application, the Zoning Board of Appeals may impose modifications or conditions specified in this chapter to protect the health, safety or general welfare of the public.
 - (1) If an application is approved by the Board of Appeals, the Zoning Enforcement Officer shall be furnished with a copy of the approving resolution of the Board and he shall issue the permit applied for in accordance with the conditions imposed by the Board of Appeals.
 - (2) If any application is disapproved by the Board of Appeals, the reason for such denial shall be set forth in the Board's resolution, and a copy of such resolution shall be transmitted to the Zoning Enforcement Officer. The Zoning Enforcement Officer shall deny the application accordingly by providing the applicant with a copy of the Board's reasons for disapproval.
- D. The term of expiration for a building permit shall be set for a period of two years from the date of issuance, with the exception that a one-year extension may be granted for an additional fee equal to 50% of the original cost of the permit, as deemed necessary by the Zoning Officer. [Added 12-5-1985]

§ 144-55. Certificates of occupancy.

Following the completion of construction, reconstruction or alteration of any building, where a change in the use of a structure is proposed, the applicant shall transmit to the Zoning Enforcement Officer a letter stating that such construction has been completed or that a new use has been proposed. Within seven days of the receipt of this letter, the Zoning Enforcement Officer shall make all necessary inspections of the completed structure and proposed use to determine the conformance with this chapter. A certificate of occupancy shall be issued only if the inspection finds that the construction and proposed use comply with all the requirements and provisions of this chapter.

§ 144-56. Contents of applications.

Each application for a zoning permit or special use permit shall be made in triplicate on forms prescribed by this chapter and with accompanying site plan. The material to be submitted with each application shall clearly show the conditions on the site at the time of the application, the features of the site which are to be incorporated into the proposed use or building and the appearance and function of the proposed use or building. As a minimum, the application shall include the following information and plans for both before and after conditions:

- A. The location, use, design and dimension and height of each use and building.
- B. The location and arrangement of vehicular accessways and the location, size and capacity of all areas used for off-street parking, loading and unloading.
- C. The location and dimensions of sidewalks, walkways and other areas established for pedestrian use.
- D. The design and treatment of open areas, buffer areas and screening devices maintained, including dimensions of all areas devoted to lawns, trees and other landscaping devices.
- E. Provisions for water supplies, sewage disposal, and storm drainage, including Niagara County Health Department approval thereof.
- F. Such other data and plans as the Zoning Enforcement Officer or the Zoning Board of Appeals may require to properly take action on the application.

ARTICLE X

Permitted Modifications and Nonconformance

§ 144-57. Height modifications.

- A. The height limitations of this chapter shall not apply to belfries, bulkheads, chimneys, church spires, cupolas, domes, skylights, ventilators, water tanks and other necessary mechanical devices usually carried above the roof level. Such features, however, shall be erected only to such heights as are necessary to accomplish the purpose they are required to serve and shall not occupy in the aggregate more than 25% of the roof area of the main building.
- B. In any district, any principal building may be erected to a height in excess of that specified for the district, provided that such front, side and rear yards are increased two feet for each one foot of such additional height.

§ 144-58. Yard modifications.

Requirements of this chapter may be modified as follows:

- A. In such cases, in residential districts, where the frontage on the same side of the street within 500 feet is 50% or more developed than the required front yard for a new structure, the front yard requirement may be modified to the average of such existing development.
- B. In the case of lots which cannot comply with the side yard requirements, as specified in the schedule, side yards may be reduced by six inches for each foot by which a lot is less than the minimum lot width required, specified in the schedule for the zone in which it is located. In any case, the side yard width shall be reduced to no more than 50% of the

requirement of the schedule.

- C. Where the side wall of a principal building is not parallel with the side lot line, the average width of the side yard may be interpreted as the side yard width, provided that at no point is the actual side yard width less than 10 feet.
- D. Projections into required yards:
 - (1) Balconies and bay windows limited in total length to 1/2 the building wall may project into any yard.
 - (2) Chimneys, ornamental features and roofs may extend not more than 30 inches into any required yard.
 - (3) Notwithstanding any other provision of this section, no projection shall extend into any required yard more than 1/4 of the required width or depth of such yard or within 10 feet of any accessory building.
- E. On every corner lot in any R District, there shall be provided a side yard equal in depth to the required front yard depth in that district. On such corner lot where two front yards are required, the rear yard distance may be waived as long as at least two side yard distances are provided as stipulated in the schedule.

§ 144-59. Continuance of nonconforming uses.

If any areas are hereafter transferred to another district by a change of district boundaries, by an amendment or repeal of the regulations prescribed for such district or part thereof, any nonconforming use of building existing at the time of such change, amendment or repeal shall be allowed to continue within such transferred area, provided that:

- A. No nonconforming lot shall be further reduced in size.
- B. No nonconforming building, including a trailer or mobile home, shall be enlarged, extended or increased unless such enlargements would tend to reduce the degree of nonconformance.
- C. No nonconforming use may be expanded except in conformance with the district in which it is located.

§ 144-60. Amendment of district boundaries or provisions.

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification or whenever text of this chapter shall be changed with respect to the uses permitted in a district, the provisions of § 144-59 shall also apply to any nonconforming uses existing therein.

§ 144-61. Discontinuance of nonconforming uses.

In any district where a nonconforming use of land, premises, building or structure, or any part or portion thereof, has been discontinued for a period of one year, such nonconforming use shall not thereafter be reestablished, and all future uses shall be in conformity with the provisions of this

chapter. Such discontinuance of the continual operation of such nonconforming use, or a part or portion thereof, for such a period of one year is hereby construed and considered to be an abandonment of such nonconforming use, regardless of any reservation of any intent to resume active operations. If actual abandonment in fact is evidenced by the removal of buildings, structure, machinery, equipment and other evidences of such nonconforming use of the land and premises, abandonment shall be construed and considered to be completed, and all rights to reestablish or continue such nonconforming use shall thereupon terminate.

§ 144-62. Restoration or reconstruction of nonconforming buildings.

Any nonconforming building, including a trailer or mobile home, can be restored and reconstructed under any of the following circumstances:

- A. Any building, including a trailer or mobile home, damaged by fire or other unintentional causes to the extent of less than 75% of its true value may be restored or reconstructed within a period of 12 months, in conformity with the regulations of this chapter.
- B. Any nonconforming building, including a trailer or mobile home, or portion thereof, declared unsafe by a proper authority, but not ordered to be demolished, may be restored to a safe condition.
- C. Restoration and reconstruction consisting of alterations or structural changes to a building, including a trailer or mobile home, which is nonconforming due to insufficient yard distances or lot area, may be accomplished within the existing frame of said building, but any exterior additions shall conform to the specific setback and yard distance requirements of this chapter.
- D. Any nonconforming building, including a trailer or mobile home, may be restored or reconstructed or structurally altered during its life, provided that the extent of such restoration, reconstruction or alteration does not exceed 50% of the true value of the building. If the costs exceed 50%, the building may be restored, reconstructed or structurally altered only in accordance with the requirements of this chapter.

§ 144-63. Extension or modification of nonconforming uses.

A nonconforming use shall not be extended, but the extension of a lawful use into any portion of a nonconforming building which existed prior to the enactment of this chapter shall not be deemed the extension of a nonconforming use. Once changed to a conforming use, no building, or trailer or mobile home, or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to a use of more restricted classification with the consent of the Zoning Board of Appeals, and, when so changed to a more restricted classification, such use thereafter shall not be changed to a less restricted classification.

§ 144-63.1. Temporary use of mobile homes. [Added 11-7-1985; amended 12-5-1985]

Any trailer and/or mobile home may be placed on private property for emergency living purposes during reconstruction after a fire or natural disaster, or during new home construction, and will be removed 90 days after completion of the same.

ARTICLE XI
Planned Unit Development

§ 144-64. Purpose.

This article recognizes that while the standard zoning function (use in bulk) and the subdivision function (planning and design) are appropriate for the regulation of land use in areas or neighborhoods that are already substantially developed, these controls present a type of preregulation, regulatory rigidity and uniformity which may be detrimental to the techniques of land development contained in the planned unit development concept. Further, this article recognizes that a rigid set of space requirements, along with bulk and use specifications, would frustrate the application of this concept. In order to encourage sound planning and provide opportunity for coordinated community development, notwithstanding any other provision of this chapter, there may be planned unit development where appropriate conditions prevail and standards are maintained. Thus, where planned unit development techniques are deemed appropriate to the rezoning of land to a Planned Unit Development District, hereinafter referred to as a "P.U.D. District," by the Town Board, the set of use and dimensional specifications set forth elsewhere in this chapter are herein replaced by an approval process in which an approved plan becomes the basis for continuing land use controls.

§ 144-65. Objectives.

In order to carry out the intent of this article, a P.U.D. shall achieve the following objectives:

- A. Provision of a maximum choice in the types of environment, occupancy tenure (e.g., cooperatives, individual ownership, condominium, leasing), types of housing, lot sizes and community facilities available to existing and potential Town residents at all economic levels.
- B. Conservation of usable open space and recreation areas.
- C. Development of more convenience in location of accessory commercial and service areas.
- D. The preservation of trees, outstanding natural topography and geologic features and the prevention of soil erosion.
- E. A creative use of land and related physical development.
- F. An efficient use of land resulting in smaller systems of utilities and streets and thereby lower housing costs.
- G. A development pattern in harmony with the objectives of the Town Comprehensive Master Plan.
- H. A more desirable environment than would be possible by the strict application of other articles of this chapter.

§ 144-66. Design requirements.

- A. The minimum required land for a planned unit development shall be 50 contiguous acres. If, however, the total number of contiguous acres exceeds 400 and if the Planning Board finds special reasons, conditions or circumstances which justify the consideration of

additional areas which are not contiguous but under the same ownership as part of the overall planned development, then the Planning Board, with the approval of the Town Board, may allow the planned unit development to include the noncontiguous land, provided, further, that the entire area to be developed is fully serviced by a system of public services for water, sewage and drainage as set forth in this chapter and that all other provisions set forth in this section for planned unit development shall be extended to apply to the entire area so included.

- B. The developer shall provide within such planned unit development a sanitary sewage disposal system which shall be of sufficient size and design to collect, dispose of or treat all sewage from all present and probable structures in said planned unit development and shall be otherwise constructed and maintained in conformity with the regulations of the State and County Health Departments.
- C. The developer shall provide within said planned unit development a storm drainage system which shall be of sufficient size and design as will, in the opinion of the Town Engineer, collect, carry off and dispose of all predictable surface water runoff within said planned unit development.
- D. The developer shall provide municipal water within said planned unit development. The developer shall also provide fire hydrants within 600 feet of each structure and provide for a pressure to be approved by the Town Board at each said hydrant.
- E. The developer shall provide within the planned unit development a liberal and functional landscaping scheme which shall comply with the minimum standards as set forth in this chapter.
- F. The developer shall provide land equal to not less than 10% of the total land area of the planned unit development to be devoted exclusively to permanent recreation sites, general open space and municipal uses. All land set aside for permanent recreation sites and open space shall be of such location and nature to be, in the opinion of the Planning Board, suitable for such use. The ownership and future maintenance of all areas for such uses shall be subject to the approval of the Town Board, or such areas shall be offered for dedication to the Town. Said recreation sites and open space shall meet the standards set forth in this chapter.
- G. The developer shall provide elementary school sites within the planned unit development, where required by the School Board. Such elementary school sites shall be offered to the Board of Education of the Central School District and shall meet the minimum standards as set forth in this chapter.
- H. The developer shall provide fire prevention sites to serve the planned unit development. Said fire protection site shall meet the standards set forth in this chapter.

§ 144-67. Permitted uses.

All uses within an area designated as a P.U.D. District are determined by the provisions of this section and the approval of the project concerned.

- A. Residential uses. Residences may be of any variety of types. In developing a balanced

community, the use of a variety of housing types and densities shall be deemed most in keeping with this article. The developer must demonstrate that he is reaching as broad an economic market as possible. In making this determination, the Planning Board shall consider the size of the site, its location with respect to community services and facilities, transportation and area-wide market surveys as are available from several sources in Niagara County.

- B. Intensity of land uses. Because land is used more efficiently in a P.U.D., improved environmental quality can often be produced with a greater number of dwelling units per gross building acre than usually permitted in traditionally zoned districts. The Town Board shall determine in each case the appropriate land use intensity of dwelling unit density for individual projects. The determination of land use intensity ratings for dwelling unit densities shall be completely documented, including all facts, opinions and judgments justifying the selection of the rating or density.
- C. The uses may include:
 - (1) One-family dwellings.
 - (2) Townhouses.
 - (3) Planned accessory commercial, service and other nonresidential uses. Commercial, service and other nonresidential uses may be permitted (or required) where such uses are scaled primarily to serve the residents of the P.U.D. Consideration shall be given to the project as it exists in its larger settings in determining the appropriateness of such uses.
 - (4) Public and private parks, playgrounds, play fields and recreation areas.
 - (5) Public, private and parochial education institutions.
 - (6) Churches and other similar places of worship.
- D. Customary accessory or associated uses, such as private garages, storage spaces and community activities, shall also be permitted as appropriate to the P.U.D.

§ 144-68. Standards for development.

The following standards for development shall be applied to each P.U.D.:

- A. Elementary school sites. The location and adequacy of all elementary school sites shall be approved by the Planning Board and Town Board after the advice and consent of the Board of Education.
 - (1) An area of no less than 15 acres shall be provided for each required elementary school site.
 - (2) The number of individual elementary school sites to be provided by the developer shall be based upon an estimated number of children generated by the proposed planned unit development.
 - (a) This estimate shall be based as follows:

- [1] Single-family townhouse: 1.5 children per unit.
- [2] Two-bedroom townhouse: 0.25 children per unit.
- [3] Three-bedroom townhouse: 0.50 children per unit.
- [4] Four-bedroom townhouse: 0.85 children per unit.
- [5] Efficiency garden apartment: zero children per unit.
- [6] One-bedroom garden apartment: 0.04 children per unit.
- [7] Two-bedroom garden apartment: 0.40 children per unit.
- [8] Three-bedroom garden apartment: 1.0 children per unit.
- [9] Efficiency high-rise apartment: zero children per unit.
- [10] One-bedroom efficiency high-rise apartment: 0.02 children per unit.
- [11] Two-bedroom efficiency high-rise apartment: 0.20 children per unit.

(b) The number of school sites to be provided per number of children is as follows:

- [1] One hundred to 799 children: one school site.
- [2] Eight hundred to 1,599 children: two school sites.
- [3] One thousand six hundred to 2,399 children: three school sites.
- [4] Two thousand four hundred to 3,199 children: four school sites.

B. Fire prevention sites are to be developed as follows:

- (1) The developer shall provide land for one fire prevention site if the total number of dwelling units is less than 2,000 and two sites if the number of dwelling units exceeds 2,000.
- (2) Each required site shall be a minimum of one acre in area.
- (3) All sites shall be approved by the Planning Board and Town Board, with the advice of the Niagara County Fire Coordinator and the local fire companies.

C. Recreation sites of at least one acre for active recreational purposes for every 100 dwelling units shall be provided by the developer.

D. The minimum developmental requirements for a residential area is as follows:

- (1) An individual lot for a detached house shall contain a minimum of 7,500 square feet.
- (2) Lot coverage by buildings or individual detached houses: housing lots shall not exceed 30% of the total area.
- (3) Residential buildings, except high-rise buildings, shall not exceed 35 feet in height.
- (4) Individual lots for townhouses shall have a minimum width of 18 feet and have a depth of not less than 80 feet.

- (5) Individual townhouse dwelling unit lots shall have a building coverage of that lot not in excess of 50% of the total individual lot.
- E. Minimum commercial developmental requirements of parking, landscaping, fence and access regulations pertaining to the typical business district shall apply to commercial developments under this section of this chapter.

§ 144-69. Applications.

In order to provide for an expeditious method of processing a proposed planned unit development application, the application in the form of a letter of intent and an accurate preliminary plan drawn to scale shall be provided in triplicate to the Town Board. The Town Board, upon receipt of the proposal, shall send one copy to the Town Planning Board for review and recommendation. All planning, zoning and subdivision matters relating to the platting, use and development of the proposed plan shall be determined and established by the Town Board after recommendations to the Town Board by the Town Planning Board. The application shall explain and show the following information:

- A. The location and extent of all proposed land use, including open space.
- B. All interior streets, roads, easements and their planned public or private ownership, as well as all points of access from existing public rights-of-way.
- C. Specific delineation of all uses, indicating the number of residential units and the density of each residential housing type, as well as the overall project density.
- D. The overall water and sanitary sewer system with proposed points of attachment to existing systems; the proposed stormwater drainage system in its relation to existing systems; evidence of a preliminary discussion and approval of the New York State Department of Health and Niagara County Health Department of the proposed sewer and water systems or their recommended notifications.
- E. A description of the manner in which any areas that are not to be publicly owned are to be maintained, including open space, streets, lighting and other related items according to the proposals.
- F. If the development is to be phased, a description and graphic representation of the phasing of the entire proposal, in terms of length of time, type and number of units or objectives completed per phase.
- G. Evidence is required by the Reviewing Boards of the applicant's ability to complete the proposed planned unit development.
- H. A description of any covenants, grants of easement or other restrictions proposed to be imposed upon the use of the land, buildings or structures, including proposed easements for public utilities.
- I. A written statement by the landowner setting forth the reasons why, in his opinion, the proposal would be in the best public interest and would be consistent with the Town goals and objectives.

§ 144-70. Planning Board review.

The Planning Board's review of a preliminary development plan for a planned unit development shall include, but is not limited to, the following considerations:

- A. The adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, channelization structures and traffic controls.
- B. The adequacy and arrangement of pedestrian traffic access and circulation, including separation of pedestrians from vehicular traffic, walkway structures, control of intersections with vehicular traffic and pedestrian convenience.
- C. The location, arrangement, appearance and sufficiency of off-street parking and loading.
- D. The location, arrangement, size and design of buildings, lighting and signs.
- E. The adequacy, type and arrangement of trees, shrubs, and other landscaping constituting visual and/or noise-detering buffers between adjacent uses and adjoining lands.
- F. In the case of multiple-family dwellings, the adequacy of usable open space for playgrounds and informal recreation.
- G. The adequacy of stormwater and sanitary waste disposal facilities.
- H. The adequacy of structures, roadways and landscaping in areas with moderate-to-high susceptibility to flooding, ponding and/or erosion.
- I. The protection of adjacent properties against noise, glare, unsightliness or other objectionable features.
- J. The relationship of the proposed land uses to adjacent land uses and the use of buffer areas and open space to provide a harmonious blending of existing and proposed uses.
- K. Conformance with other specific recommendations of the Town Board, which may have been required in the Town Board's examination of the proposed plan for development.
- L. In its review, the Planning Board may consult with the Town Engineer, architectural or planning consultants and other Town and county officials, as well as with representatives of federal and state agencies, including the Soil Conservation Service of the New York State Department of Environmental Conservation. The Planning Board may require that the design of all structures be made by, or under the direction of, a registered architect, whose seal shall be affixed to the plans. The Planning Board may also require such additional provisions and conditions that appear necessary for the public health, safety and general welfare.

§ 144-71. County and regional review.

No plans submitted under this article shall be granted tentative or final approval until such plan has been referred for review and comment to the Niagara County Planning Board. The Town Board shall transmit a copy of the proposed plan to the Niagara County Planning Board and said Board shall, within 30 days of receipt of the copy of such tentative or final plan, report its recommendations thereon to the Town Board. If the County Planning Board recommends

modifications of the plan so referred, the Town Board shall not act contrary to such recommendation, except after adoption of a resolution fully setting forth reasons for such contrary action.

§ 144-72. Public hearings; action by Town Board.

- A. Within 60 days after receipt of the recommendations of the Town Planning Board, the Town Board shall hold one or more public hearings as needed, notice of which shall be given according to the provisions of the Town Law, to determine the advisability of the proposed planned unit development.
- B. The Town Board shall, within 45 days following the conclusion of the hearings, either grant tentative approval of the planned unit development as submitted or grant tentative approval of the planned unit development subject to specified written conditions imposed by the Town Board or deny tentative approval of the proposal. In the event that tentative approval is granted, either of the proposal as submitted or with conditions, the Town Board shall, as part of its resolution, specify that the inclusion of the drawings, specifications and performance bond is required with the application for final approval by the Board. The landowner shall, within 10 days, notify the Town Board in writing as to whether or not he accepts or rejects all specified conditions of the tentative approval. If the landowner refuses to accept the conditions as outlined, the Town Board shall be deemed to deny tentative approval. If the landowner accepts the proposal, it shall stand as granted. Tentative approval shall not qualify a proposal for recording nor authorize development or the issuance of building permits.

§ 144-73. Application for final approval.

- A. An application for final approval may be for all the land included in a plan or, to the extent set forth in the tentative approval, for a section thereof. Said application shall be made to the Town Board and to the Town Planning Board, within the time or times specified by the resolution granting tentative approval. The application shall include such drawings, specifications, covenants, easements and conditions in the form of performance bonds as were set forth by written resolution by the governing body at the time of tentative approval. A public hearing on an application for final approval of the plan, or part thereof, shall be required, unless the plan or part thereof submitted for final approval is, in the judgment of the Town Board, in substantial compliance with the plan previously given tentative approval.
- B. In the event that a public hearing is not required for final approval and the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof and as required by the resolution of tentative approval, the Town Board shall, within 30 days of such filing and after receipt of a report thereon by the Town Planning Board, grant such plan as submitted. If the plan as submitted contains variations from the plan given tentative approval or remains in substantial compliance with the plan as submitted for tentative approval, the Town Board may, after a meeting with the landowner, refuse to grant final approval and shall, within 30 days from the filing of the application for final approval, so advise the landowner in writing of said refusal, setting forth the reasons why one or more of said variations are not in the public interest. In the

event of said refusal, the landowner may file his application for final approval without the variations objected to by the Town Board on or before the last day of the time within which he was authorized by the resolution granting tentative approval to file for tentative approval or within 30 days from the date he received notice of said refusal, whichever date shall occur last, or treat the refusal as a denial of final approval and so notify the Town Board.

C. Plans not in substantial compliance.

(1) In the event that the plan as submitted for final approval is not in substantial compliance with the plan as given tentative approval, the Town Board shall, within 30 days of the date the application for final approval is filed, so notify the landowner, in writing, setting forth the particular ways in which the plan is not in substantial compliance. The landowner may:

(a) Treat said notification as a denial of final approval.

(b) Refile his plan in a form which is in substantial compliance with the plan as tentatively approved.

(c) File a written request with the Town Board that it hold a public hearing on application for final approval.

(2) If the landowner shall elect either alternative listed in Subsection C(1)(b) or (c) above, he may refile his plan or file a request for a public hearing, as the case may be, on or before the last day of the time within which he was authorized by his resolution granting tentative approval to file for final approval or 30 days from the date he receives notice of said refusal, whichever date shall last occur. Any such public hearing shall be held within 30 days after request for the hearing is made by the landowner, and notice thereof shall be given and the hearing shall be conducted in the manner prescribed in § 144-72. Within 45 days after the conclusions of the hearing, the governing bodies shall, by resolution, either grant final approval to the plan or deny the same. The grant or denial of final approval of the plan shall, in cases arising under this subsection, contain the findings required for resolution on an application for tentative approval.

D. A plan or any part thereof which has been given final approval by the Town Board shall be so certified without delay by the Town Clerk and shall be filed on record forthwith in the office of the Niagara County Clerk before any development shall take place in accordance therewith. Upon the filing of record of the plan, the zoning and subdivision regulations otherwise applicable to the land included in the plan shall cease to apply thereto. Pending completion within five years of said planned unit development or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of such plan or any part thereof, as finally approved, shall be made nor shall be impaired by an act of the Town Board without the consent of the landowner.

E. In the event that a plan or section thereof is given final approval and thereafter the landowner shall abandon said plan or the section thereof that has been fully approved and shall so notify the Town Board in writing, or in the event that the landowner shall fail to commence and carry out the planned unit development within a period of two years after final approval has been granted, no further development shall take place on the property

included in the plan until after said property is resubdivided and is reclassified in accordance with the applicable provisions of this chapter.

§ 144-74. Changes in final plan after approval.

No changes may be made in the approved final plan during the construction of the planned unit development, except upon application to the appropriate agency under the procedures provided below:

- A. Minor changes in the locating, siting and height, length and width of buildings and structures may be authorized by the Planning Board if required by engineering or other circumstances not foreseen at the time the final plan was approved. No change authorized by this section may increase the volume of any building or structure by more than 10%.
- B. All other changes in use, any rearrangement of blocks, lots and building tracts, any changes in the provision of common open spaces and all other changes in the approved final plan must be approved by the Town Board under the procedures authorized in this article. No amendments may be made in the approved final plan unless they are shown to be required by changes in the development policy in the Town of Hartland.

ARTICLE XII
Miscellaneous Provisions

§ 144-75. Penalties for offenses.

In addition to remedies herein provided, any person violating this chapter or any provision thereof may be proceeded against by the Town Board, by the Zoning Enforcement Officer or such other persons as designated by the Town Board by appropriate action or proceeding to prevent or enjoin any threatened or real violation of this chapter. Moreover, violation of this chapter shall be deemed to be a violation and is punishable by a fine not exceeding \$250 and/or imprisonment for a period of not more than 15 days, or by both such fine and imprisonment. Each week that a violation is permitted to exist shall constitute a separate violation.

§ 144-76. Amendments.

The Town Board may from time to time, on it's own motion, upon petition or upon recommendation from the Planning Board, amend, supplement or repeal any of the regulations, provisions, Articles or sections of this chapter after proper and legal requirements have been met. Every such proposed amendment shall be referred to the Planning Board for a report thereof before a public hearing is had on the amendment. The Town Board, by resolution adopted at a stated meeting, shall fix the time and place of a public hearing on the proposed amendment and shall cause notice to be given as follows:

- A. By publishing a notice at least 10 days prior to such meeting, stating the time, place and date thereof, in the official Town newspaper.
- B. A written notice of any proposed change or amendment affecting property within 500 feet of the boundaries of the state park or parkway shall be given to the Regional State Park Commission having jurisdiction over such state park or parkway, at least 10 days prior to the date of such public hearing.

- C. A written notice of any proposed change or amendment affecting property within 500 feet of the boundaries of any city, village, Town or county shall be given to the Clerk of such municipality and to the Clerk of the County Legislature, at least 10 days prior to the date of such hearing.
- D. Where the owners of 20% or more of the land area within 100 feet of the area sought to be rezoned protest against such change, such amendment shall not become effective except by the favorable vote of at least 4/5 of all members of the Town Board.
- E. Whenever any person, firm or corporation desires that any amendment or change be made in this chapter, including the text and/or map, as to any property in the Town, and there shall be presented to the Board a petition requesting such change or amendment and clearly describing the property and its boundaries as to which the change or amendment is desired, duly signed by the owners of 50% of the area of all real estate included within the boundaries of said tract as described in said petition and, in addition, duly signed by the owners of 50% of the area of all real estate lying outside said tract but within 250 feet of the boundaries thereof, it shall be the duty of the Town Board to call a public hearing on said petition within 45 days of its filing and to make a decision thereon within 90 days. Whenever any petition for an amendment, supplement or change in the zoning regulations herein contained or subsequently established shall have been denied by the Town Board, then no new petition, including the text and/or map, covering the same property or the same property and additional property, shall be filed with or considered by the Town Board until three months shall have elapsed from the date of the filing of the first petition.

§ 144-77. More stringent requirements to prevail.

Whenever the requirements of this chapter are at variance with any other lawfully adopted rules, regulations, local laws or ordinances, the most restrictive requirements or those imposing the higher standards shall govern.

§ 144-78. Fees. [Added 6-9-1994]

Wherever in this chapter fees are established, the fee shall be the initial fee. Fees shall be increased, decreased, modified or established from time to time by resolution on simple majority of the Town Board of the Town of Hartland. The Town Clerk and Zoning Enforcement Officer shall maintain a schedule of fees which shall set forth any fee which differs from the initial fee set forth in this chapter.

§ 144-79. Preexisting lots. [Added 7-11-1996; amended 10-11-2012 by L.L. No. 2-2012]

Any lot existing in an Agricultural Use District established by § 144-27 or a One-Family Residential Use District established under § 144-28, and which was a separate lot prior to June 9, 1994, having a minimum frontage of 100 feet, may be improved by residential and access or improvements allowed in such districts, as the lot otherwise complies with all provisions of this chapter.