

# **Town of Denmark Zoning Law**

## **Local Law #2 of 2003 Adopted June 9, 2003**

### **As Amended by:**

**Local Law #3 of 2006  
Local Law #1 of 2007  
Local Law #1 of 2008  
Local Law #1 of 2009  
Local Law #3 of 2009  
Local Law #4 of 2009  
Local Law #1 of 2010  
Local Law #3 of 2010  
Local Law #6 of 2010  
Local Law #7 of 2010  
Local Law #1 of 2013  
Local Law #2 of 2015  
Local Law #2 of 2017  
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Local Law # 1 of 2019**

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**Article I**  
**Town of Denmark Enacting Clause, Title, Purposes, Application**

**Section 105 Enacting Clause:**

Pursuant to the authority conferred by Article 16 of the Town Law and Articles 2 and 3 of the Municipal Home Rule Law of the State of New York, the Town Board of the Town of Denmark hereby adopts and enacts as follows:

**Section 110 Title:**

This law shall be known as the "Town of Denmark Zoning Law".

**Section 115 Purposes of the Zoning Law:**

The purposes of this zoning law are to provide for orderly growth in accordance with a comprehensive plan, to lessen congestion in the roads, to secure safety from fire, flood, and other dangers; to provide adequate light and air, to prevent the overcrowding of land, to protect historical and recreational attributes, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, and to promote the health, safety, and general welfare of the public.

This zoning law has been made with reasonable consideration, among other things, as to the character of each zone and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land.

**Section 120 Prior Existing Laws:**

The Town of Denmark Site Plan Review Law, Local Law No.2 of the year 1985, are hereby repealed. However, such repeal shall not affect any act done, offense committed or right accruing, accrued, or acquired, or liability, penalty, forfeiture, or punishment incurred prior to the time such repeal takes effect, but the same may be enjoyed, asserted, enforced, and prosecuted, or inflicted as fully and to the same extent as if such repeal had not been effected.

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**Article II**  
**Town of Denmark Zones Defined**

**Section 205 Town of Denmark Zones:**

- |          |  |
|----------|--|
| 1) AR-1  | Agricultural, Residential, Commercial                |
| 2) AR-2  | Agricultural, Residential, Commercial                |
| 3) AR-2a | Mobile home parks by special permit only, Commercial |
| 4) AR-3  | Agricultural/Hamlet, Commercial                      |
| 5) AR-4  | Agricultural, Residential, Commercial                |
| 6) RFC-1 | River Front Conservation (Black River), Commercial   |
| 7) RFC-2 | River Front Conservation (Deer River), Commercial    |
| 8) H-1   | Highway/Mixed Use, Commercial                        |
| 9) I     | Industrial (floating), Commercial                    |
| 10) PD   | Multi-Family Mixed-Use (floating), Commercial        |

- 11) WPO Commercial Wind Power Overlay/Commercial Wind Power Generating Facility/Wind Test Towers

**Section 210 Floating Zones:**

Zoning district whose requirements are described in the text of this law but which is unmapped. It may be mapped upon petition for a rezoning.

The following are procedures for establishing Floating Zones:

- A) In order to establish Floating Zones, the Zoning Map must be amended by the following procedures outlined herein and the prescribed regulations for amendments to this Zoning Law found in (Section 1235).
- B) Application for establishment of a Floating Zone shall be made to the Town Board by the owner(s) of the property proposed to be included in the zone. The Town Board shall refer such application to the Town Planning Board for consideration within seven (7) working days of the filing of such an application.
- C) The applicant must provide a development plan and detailed program which would enable the Town Board and Planning Board to evaluate the proposed development and its effects on nearby land uses and public services. Such a plan and program must consist of the application requirements specified under (Article VI). Once the Planning Board accepts this information, the Planning Board shall review the proposal in light of the requirements specified for Floating Zones.
- D) The Planning Board must discuss the proposal with the applicant at a regular meeting of the Board within thirty-one (31) days of the filing of the required information by the applicant with the Town Board. Within ten (10) working days of such a meeting, the Planning Board must report its recommendations to the Town Board.
- E) The Planning Board shall consider, where appropriate, the need for the proposed use in the proposed location; its consistency with the General Plan and the existing character of the neighborhood in which the use would be located. It also must consider the safeguards to minimize possible detrimental effects of the proposed use on the adjacent properties, on public services and on the historic character of the area.
- F) It shall be the authority of the Planning Board to prescribe conditions for the proposed use and make a recommendation for citing the zone based upon this. It is the Town Board's authority to review this recommendation (from the Planning Board) and enact or disapprove an amendment thereon. Within forty-five (45) days of receipt of the Planning Board recommendation, the Town Board must, following public notice provided by this Law (Section 1235.A.1.) hold a public hearing on the proposal; and must then approve or deny this proposal.
- G) If the Town Board approves the proposal, and the Zoning Map has been amended to create the appropriate zone, the applicant must within six (6) months submit application for a special use zoning permit as provided in Article VI of this law.
- H) Off-directional signs are permitted, located within five miles of the use to which directions are indicated, not to be illuminated between 12:00 midnight and 6:00 a.m. and not to exceed 32 square feet per sign face.

- I) Off-premises Advertising Signs require a special permit. The applicant must provide to the Town written permission from the property owner if the sign is to be located on land not owned by the applicant. If the sign is to be placed on New York State Routes 12, 26 or 410, the applicant must also apply to the New York State Department of Transportation for approval of an off-premises sign permit. The sign shall be not more than 32 square feet per face, and the sign shall not be more than 20 feet tall.
- J) If such an amendment is enacted, the permitted development must be confined to the specific designated area and adhere to the approved development plan and program. Anything different from this constitutes a violation of this Zoning Law.
- K) In order to exceed any of the above time frames for adoption of a Floating Zone there must be agreement by both the applicant and the Town Board.

**Section 215 Planned Development Zones (PD):**

- A) Intent: Planned Development Zones may be established in the town and designated as specific locations on the Zoning Map using the procedure for establishing floating zones in (Section 210) of this law. The purpose for establishing such Zones is to allow compatible development of a variety of multifamily and mixed uses and to vary the strict application of the regulations of this law.

It is the intent of this Planned Development Zone to provide flexible land use and design regulations so that neighborhoods or portions thereof may be developed within the town that incorporate a variety of residential and non-residential uses, and contain both individual building sites and common property which are planned and developed as a unit. Such a planned unit is to be designed to function as a separate neighborhood without necessarily needing other building sites or other common property. This section encourages innovations in residential development so that the growing demands for housing may be met by greater variety in type, design, and citing of dwellings and by the more efficient use of land. Planned developments do not require a mix of residential and non-residential uses to be considered for Planned Development Zone status.

While the standard zoning function (use and bulk) is appropriate for the regulation of land use in some areas or neighborhoods, these controls represent a type of regulatory strictness which may be inappropriate to the innovative techniques of land development contained in the Planned Development Zone concept. A rigid set of space requirements along with bulk and use specifications would frustrate the application of this concept. Thus, where PD techniques are deemed appropriate through the rezoning of land to a Planned Development Zone by the Town Board, the use and dimensional specifications found elsewhere in this law are herein replaced by the general requirements and Special Permit Criteria outlined in Section 215, B. below.

- B) General Requirements and Special Permit Criteria: Following are a list of the requirements that a proposal must meet to be considered for PD status.
  - 1) Minimum area: The zone must comprise at least ten (10) acres of contiguous land.
  - 2) Maximum building height: No building shall be more than six (6) stories above ground level.
  - 3) Ownership: The tract of land for a project may be owned, leased or controlled either by a single person or corporation, or by a group of individuals or corporations. An application must be filed by the owner or jointly by owners of all property included in a

project. In the case of multiple ownership, the approved plan shall be binding on all owners.

4) Required Buffer: Where a planned development proposes multiple family dwellings and/or commercial uses adjacent to residential areas, the Planning Board shall require a minimum seventy-five-foot (75') vegetative buffer area. Plant material shall be six (6) to eight (8) feet in height when planted, and shall be spaced to form an opaque screen in multiple rows with alternate spacing. Berms may be substituted for plant material screening upon approval of the Planning Board.

5) Permitted Uses: Following are descriptions of residential and non-residential uses permitted in the PD Zone. These uses may be mixed, separated or the development may accommodate only one type of use (i.e., residential or non-residential).

- a) Residential Uses: Residences may be of any variety of types including single family dwellings, two family dwellings and multiple dwellings. No mobile homes will be permitted.
- b) Accessory, business, recreational, and other non-residential uses: Non-residential uses shall include small retail business operations, community centers, public and semi-public facilities, outdoor recreation, restaurants, home occupations, accessory uses/structures. All such uses shall be in keeping with the residential character of the adjacent areas. No industrial uses shall be permitted.
  - 1) The non-residential uses of a business nature shall not exceed the square footage devoted to residential (and its accessory) uses. This shall be determined by building floor area. Such commercial or service area may be in separate buildings or incorporated within two family or multi-family structures or in suitable combinations of these alternatives.
  - 2) Customary accessory or associated uses, such as private garages, storage spaces, community activities, churches and schools shall also be permitted as appropriate to the PD Zone.

6) Common Property in the PD: common property is not required to be considered for PD status; however, it is often characteristic of such proposals. Common property in a PD is a parcel or parcels of land, with or without the improvements thereon, the use and enjoyment of which are shared by the owners and occupants of the individual building sites. When common property exists, the ownership of such common property may be either public or private. When common property exists in private ownership, satisfactory arrangements must be presented for the improvement, operation and maintenance of such common property and facilities, including private road, drives, service and parking areas, and recreational and open space areas.

#### **Section 220 Industrial Zones (I):**

- A) Intent: Industrial zones may be established in the town and designated as specific locations on the zoning map using the procedure for establishing floating zones as reference in (Section 210) of this law. There are, at the time of adoption of this law, no centers of industrial use in the Town. With this in mind and the fact that there are many potentially adequate sites for industry, it was not feasible to select or limit the use to a few arbitrary spots. But, it was also intended that industrial uses should not conflict with



existing uses. For this reason, review criteria have been written in this section to mitigate any potential conflicts.

It is the intention of this law that once a substantial area has been zoned for industry, this section will be repealed by the Town Board. There will then be an Industrial Zone and therefore no need for a floating zone.

B) General Requirements and Review Criteria: The following are standards that apply when forming an Industrial Zone:

- 1) The zone change shall be for a minimum of ten (10) acres.
- 2) The proposed industrial use shall not cause undo interference or nuisance that may be detrimental to adjacent uses.
- 3) The proposed industrial use shall be compatible with the surrounding neighborhood and in harmony with the general plan for the community.

**Section 225 Cluster Development Zone:**

A) Authorization:

The Planning Board of the Town of Denmark is hereby authorized to modify applicable provisions of this zoning law pursuant to Section 281 of the Town Law simultaneously with the approval of any plat within the Town subject to the conditions set forth in this Article.

B) Purpose:

The purpose of cluster development is to permit a procedure for development which will result in improved living and working environments; which will promote more economic subdivision layout; which will encourage a variety of types of residential dwellings; which will encourage ingenuity and originality in total subdivision and individual site design; and which can preserve open space to serve recreational, scenic, and public service purposes, and other purposes related thereto within the densities established for the gross tract.

C) Density Transfer:

In each zone allowing cluster development, the lot size may be reduced from the general lot size of that zone to a specific minimum lot size for cluster development. All such lot reductions shall be compensated for by an equivalent amount of land in cluster open space to be preserved and maintained for its scenic value, for recreation or conservation purposes.

In the approval of a cluster subdivision, in no case shall the maximum density specified for the applicable zone be increased, nor shall the other applicable regulations or use limitations for the zone be changed or modified.

D) Review Criteria:

A permit for a cluster development shall be granted only if evidence is presented which establishes:

- 1) That the proposed development will be in harmony with the general purpose, goals, objectives, and standards of the General Plan, this law, and the Subdivision Regulations.
  - 2) That the proposed building or use complies with all applicable regulations of this law except as modified pursuant to the authority of this Article.
  - 3) That the proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.
  - 4) That the proposed cluster development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property, in accordance with the applicable zone regulations:
  - 5) That the proposed cluster development will be served adequately by essential public facilities and services such as highways, roads, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services.
  - 6) That the proposed cluster development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.
- E) Open Space Requirements:
- 1) Depending on the size and design of the development, it may be necessary that a common open space, permanently reserved and maintained as landscaped park or recreational space, is provided to serve the homeowners within the development. The area, configuration, and location of such open spaces shall be subject to review and approval of the Planning Board.
  - 2) The land so set aside shall be provided in such a manner that it is usable for recreation or other activities and is accessible to all residents of the subdivision or, where the land has been deeded to the town, to the public.
  - 3) Cluster open space shall be made available for the use of all residents of the Town unless the Planning Board finds that the size, location, type of development, or cost of development or maintenance of such cluster open space, or the availability of public open space, would make public use undesirable or unnecessary.
  - 4) If cluster open space is not dedicated to public use, it shall be protected by legal arrangements, satisfactory to Planning Board, sufficient to assure its maintenance and preservation for whatever purpose it is intended. Covenants or other legal arrangements shall specify ownership of the cluster open space; method of maintenance; responsibility for maintenance; maintenance taxes and insurance; compulsory membership and compulsory assessment provisions; guarantees that any association formed to own and maintain cluster open space not be dissolved without the consent of the Planning Board; and any specifications deemed necessary by the Planning Board.

**Article III**  
**Town of Denmark Zoning Map**

**Section 305 Zoning Map:**

Said zones are shown, defined, and bounded on the map accompanying this law, stapled to the back cover, entitled "Zoning Map Town of Denmark", dated 4/16/97, produced by the Tug Hill Commission, and filed in the office of the Town Clerk, which map and all explanatory matter thereon is by this reference incorporated into this law.

**Section 310 Interpretation of Zone Boundaries on the Zoning Map:**

Where uncertainty exists with respect to the boundaries of the various zones, as shown on the Zoning Map, the following rules shall apply:

- A) Where the designation on the Zoning Map indicates a boundary approximately upon a road line, such line shall be construed to be the boundary.
  - B) Where the designation on the Zoning Map indicates a boundary approximately upon a lot line, such lot line shall be construed to be the boundary.
  - C) Where the designation on the Zoning Map indicates a boundary approximately upon a railroad line; the middle of the main tracks shall be construed to be the boundary.
  - D) Where a zone boundary line divides a lot of record at the time such line is adopted, the use authorized on, and the zone requirements of the least, restricted portion of such lot shall be understood as extending to cover the lot to a maximum of thirty (30) feet into the more restricted zone.
  - E) Distances shown on the Zoning Map are perpendicular distances from road line measured back to the zone boundary line, which lines in all, cases where distances are given are parallel to the road line.
  - F) In other cases, the boundary line shall be determined by the use of the scale on the Zoning Map.
  - G) In the event that a mete-and-bound description has been filed for a change of zone or variance of use as required by this law, such mete-and-bound description shall be used in lieu of other provisions of this section.
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**Regulated Zoning District Uses Reference Chart, Town of Denmark**

**Section 405**

**Zoning Use Reference Chart**

**Key:**

**P= permitted/ in some cases, requiring a zoning permit. See Article V for procedures to obtain a zoning permit.**

**SP= not permitted until a Special Permit has been issued by the Town Planning Board. See Article VI for procedures to obtain a Special Permit.**

**----- = Not permitted**

	<b>AR-1</b>	<b>AR-2</b>	<b>AR-3</b>	<b>AR-4</b>	<b>RFC-1</b>	<b>RFC-2</b>	<b>H-1</b>
Accessory Structure	Permitted in all zones						
Agricultural Business	SP	SP	SP	SP	-----	-----	SP
Agricultural Structure	Permitted in all zones						
Agriculture	Permitted in all zones						
Airport	SP	SP	SP	SP	SP	-----	-----
Animal Hospital/ Veterinary Clinic	SP	SP	SP	SP	-----	-----	SP
Campground/ Travel Trailer Park	Special Permit required in all zones						
Community Center	SP	SP	SP	SP	-----	-----	SP
Community Health Center/Clinic	SP	SP	SP	SP	-----	-----	SP
Dwelling- 2 Family	P	P	P	P	P	P	P
Dwelling- Multiple Family	SP	SP	SP	SP	-----	-----	SP
Dwelling- Single Family	Permitted in all zones						
Excavation	SP	SP	-----	-----	-----	-----	-----
Facility, Essential	Special Permit required in all zones						
Financial/ Insurance/ Real Estate	Special Permit required in all zones						
Home Occupation	Permitted in all zones						
Hospital	SP	SP	SP	SP	-----	-----	SP
Industry, Light	SP	SP	SP	SP	-----	-----	SP
Junkyards	All zones require written approval from Lewis County						
Kennel	SP	SP	-----	-----	-----	-----	SP
Laundromat	SP	SP	SP	SP	-----	-----	SP
Marina	-----	-----	-----	-----	SP	-----	-----
Mobile Home- Single Wide	P	P	P	-----	P	-----	P
Mobile Home- Double Wide	Permitted in all zones						
Mobile Home Park	Only permitted in AR-2(a) with Special Permit						
Motel/ Hotel	Special Permit required in all zones						
Motor Vehicle Repair Shop	SP	SP	SP	SP	-----	-----	SP
Nursery/ Garden Shop	Special Permit required in all zones						
Nursing/ Convalescent Home	SP	SP	SP	SP	-----	-----	SP
Outdoor Furnaces	Permitted in all zones						
Personal Service	Special Permit required in all zones						
Professional Office	SP	SP	SP	SP	-----	-----	SP
Public/ Semi-Public Facility	Special Permit required in all zones						
Public Garage	-----	-----	SP	-----	-----	-----	SP
Recreation- Indoor	SP	SP	SP	SP	-----	-----	SP
Recreation- Outdoor	Special Permit required in all zones						
Restaurant	Special Permit required in all zones						
Retail- Gasoline Outlet	SP	SP	SP	SP	-----	-----	SP
Retail- Large Product	SP	SP	SP	SP	-----	-----	SP
Retail- Small Product	SP	SP	SP	SP	-----	-----	SP
Satellite Dish	Permitted in all zones						
Shopping Center	SP	SP	SP	SP	-----	-----	SP
Slaughterhouse	SP	SP	SP	SP	-----	-----	SP
Solar Energy Systems-Principle	Permitted in industrial, commercial and agricultural zones with Special Permit						
Solar Energy Systems- Small	Permitted in all zones, subject to regulations						
Tavern/ Bar/ Nightclub	Special Permit required in all zones						
Telecommunication Tower/Antenna	Special Permit required in all zones						
Warehousing	SP	SP	SP	SP	-----	-----	SP
Wholesale	SP	SP	SP	SP	-----	-----	SP
Wind Energy Generating Facility	SP	SP	SP	SP	-----	-----	-----

**Section 410**  
**Zone Requirements:**

<b>Zone Use:</b>	<b>Minimum Required Area For Structure</b>	<b>Maximum Building Height</b>	<b>Required State Road Frontage</b>	<b>Required Town or County Road Frontage</b>	<b>Required Setback of Structure From State Roads</b>	<b>Required Setback of Structure From Town or County Roads</b>	<b>Required Setback of Structure From Side Lot Lines</b>	<b>Required Setback of Structure From Rear Lot Line</b>	<b>Maximum Coverage</b>
<b>Agricultural Structures- All Zones</b>					75'	50'	30'	30'	
<b>AR-1</b>									
Dwelling- Single Family	1 acre	35'	200'	200'	75'	50'	30'	30'	
Dwelling- Two (2) Family	1.5 acres	35'	200'	200'	75'	50'	30'	30'	
Dwelling- Multiple Family	3 acres min**	35'	250'	250'	75'	50'	30'	30'	
Mobile Home- Single	1 acre	35'	200'	200'	75'	50'	30'	30'	
Mobile Home- Double Wide	1 acre	35'	200'	200'	75'	50'	30'	30'	
Nonresidential Use	2 acres	35'	200'	200'	75'	50'	30'	30'	
Accessory Structure					50'	50'	20'	20'	
<b>AR-2/ AR-2 (a)</b>									
Dwelling- Single Family	1 acre	35'	200'	200'	75'	50'	30'	30'	
Dwelling- Two (2) Family	1.5 acre	35'	200'	200'	75'	50'	30'	30'	
Dwelling- Multiple Family	3 acres min**	35'	250'	250'	75'	50'	30'	30'	
Mobile Home- Single	1 acre	35'	200'	200'	75'	50'	30'	30'	
Mobile Home- Double Wide	1 acre	35'	200'	200'	75'	50'	30'	30'	
Mobile Home Parks- AR-2 (a) Only	Refer to Section 830 for Special Permit Requirements								
Nonresidential Use	2 acres	35'	200'	200'	75'	50'	30'	30'	
Accessory Structure					50'	50'	20'	20'	
<b>AR-3 / AR-4</b>									
Dwelling- Single Family	30,000 sq. ft.	35'	100'	100'	50'	40'	15'	15'	
Dwelling- Two (2) Family	35,000 sq. ft.	35'	150'	100'	50'	40'	15'	15'	
Dwelling- Multiple Family	See **	35'	200'	150'	50'	40'	20'	20'	50%
Mobile Home- Single (AR-3 Only)	30,000 sq. ft.	35'	100'	100'	50'	40'	15'	15'	
Mobile Home- Double Wide	30,000 sq. ft.	35'	100'	100'	50'	40'	15'	15'	
Nonresidential Use	40,000 sq. ft.	35'	250'	200'	50'	40'	30'	30'	
Accessory Structure					50'	40'	15'	15'	

Religious institutions and agricultural structures are exempt from building maximum requirements.

\*\*Area requirements of 30,000 sq. ft. per dwelling unit shall apply when the multiple family development is not connected to public or centralized water and sewer systems at the time the certificate of occupancy is issued. Area requirements where such systems are installed is 6,000 sq. ft. per dwelling unit.\*\*

**Section 410, Continued**  
**Zone Requirements:**

<u>Zone Use:</u>	<u>Minimum Required Area For Structure</u>	<u>Maximum Building Height</u>	<u>Required State Road Frontage</u>	<u>Required Town or County Road Frontage</u>	<u>Required Setback of Structure From State Roads</u>	<u>Required Setback of Structure From Town or County Roads</u>	<u>Required Setback of Structure From Side Lot Lines</u>	<u>Required Setback of Structure From Rear Lot Line</u>	<u>Maximum Coverage</u>
<b>RFC-1</b>									
Dwelling- Single Family	1 acre	35'	200'	200'	75'	50'	30'	30'	
Dwelling- Two (2) Family	1.5 acres	35'	200'	200'	75'	50'	30'	30'	
Mobile Home- Single	1 acre	35'	200'	200'	75'	50'	30'	30'	
Mobile Home- Double Wide	1 acre	35'	200'	200'	75'	50'	30'	30'	
Nonresidential Use	2 acre	35'	200'	200'	75'	50'	30'	30'	
Accessory Structure					50'	50'	30'	30'	
<b>RFC-2</b>									
Dwelling- Single Family	1 acre	35'	200'	200'	75'	50'	30'	30'	
Dwelling- Two (2) Family	1.5 acres	35'	200'	200'	75'	50'	30'	30'	
Mobile Home- Double Wide	1 acre	35'	200'	200'	75'	50'	30'	30'	
Nonresidential Use	2 acres	35'	200'	200'	75'	50'	30'	30'	
Accessory Structure					50'	50'	30'	30'	
<b>H-1</b>									
Dwelling- Single Family	1 acre	35'	200'	200'	75'	50'	30'	30'	
Dwelling- Two (2) Family	1.5 acres	35'	200'	200'	75'	50'	30'	30'	
Dwelling- Multiple Family	See **	35'	250'	250'	75'	50'	30'	30'	40%
Mobile Home- Single (AR-3 Only)	1 acre	35'	200'	200'	75'	50'	30'	30'	
Mobile Home- Double Wide	1 acre	35'	200'	200'	75'	50'	30'	30'	
Nonresidential Use	2 acres	35'	200'	250'	75'	50'	30'	30'	
Accessory Structure					50'	50'	30'	30'	
<b>PD</b>									
Dwelling- Multi Family- Mixed Use	10 acres	6 stories							
<b>Industrial Use</b>									
	10 acres	6 stories							

Religious institutions and agricultural structures are exempt from building maximum requirements.

\*\*Area requirements of 30,000 sq. ft. per dwelling unit shall apply when the multiple family development is not connected to public or centralized water and sewer systems at the time the certificate of occupancy is issued. Area requirements where such systems are installed is 6,000 sq. ft. per dwelling unit.\*\*

**Section 415 Accessory Structure:**

Structures that are not attached to a home, business structure, or barn, but are located on the same lot with the main structure. This shall include, but not be limited to garages, storage sheds, tool sheds, workshops, or similar structures.

**Section 420 Agricultural Structure:**

An agricultural structure includes barns, silos, storage buildings, equipment/farming implement sheds, tool sheds, and other accessory structures customarily used for agricultural purposes.

**Section 425 Dwelling, Single Family:**

Detached building designed for or occupied exclusively by one (1) family. This shall not include a motel, hotel, boarding house, tourist home, single-wide mobile home or similar structure, but shall include modular homes and double-wide mobile homes.

**Section 430 Dwelling, Two Family:**

Building designed for or occupied by two (2) families living independently of each other. This shall not include a motel, hotel, boarding house, tourist home, single-wide mobile home or similar structure, but shall include modular homes and double-wide mobile homes.

**Section 435 Dwelling, Multiple Family:**

A building designed for, or occupied by, three (3) or more families living independently of each other. This shall not include a motel, hotel, boarding house, tourist home, single-wide mobile home or similar structure, but shall include modular homes and double-wide mobile homes.

**Section 440 Mobile Home, Single and Double Wide (All Zones):**

A) **General:**

Mobile Home: Manufactured housing with or without a foundation, designed with a chassis, and constructed to be towed, driven, or otherwise transported whole or in part to a site, and which is designed to permit occupancy for dwelling or sleeping purposes. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. The term mobile home shall not include modular homes or travel trailers.

Mobile Home, Double-Wide: Manufactured housing built on a chassis bearing a seal issued by the Federal Department of Housing and Urban Development. A doublewide mobile home is manufactured in two or more sections off-site and transported individually to the placement site and when assembled has a minimum enclosed horizontal exterior dimension of twenty (20) feet.

No mobile home shall locate in the town except when permitted by right, with the following exceptions:

1) **Emergency Dwelling:**

With the permission of the owner or lessee, a mobile home may be temporarily placed and occupied as an emergency dwelling on any property in the Town, regardless of prior development on or current use of such property, except from the requirements of

(Section 440.B.) conditioned upon the following:

- a) The need for such emergency dwelling resulted from the loss by flood, fire or other disaster of an existing dwelling within the Town;
- b) Temporary arrangements for safe access to the property, adequate potable water supply, sanitary disposal of sewage, safe storage of liquefied petroleum gas and anchoring are provided within forty eight (48) hours of such placement and occupancy by means either onsite or offsite;
- c) A temporary permit application shall be obtained from the Office of the Town Clerk. Such application shall be filed with the Enforcement Officer within seventy-two (72) hours of the placement of the emergency Dwelling;
- d) The emergency dwelling is removed from such temporary site not more than three (3) days after service of a notice of determination by the Board of Appeals denying the temporary permit on account of failure to meet any of the foregoing conditions.
- e) Except as provided herein, no other improvements to or alterations or disturbance of the property shall be caused by such placement and occupancy of an emergency dwelling and no rights to develop such property shall be thus established other than as are permitted in full compliance, with the provisions, regulations, standards and procedures of this law.

2) Interim Dwelling:

The Zoning Board of Appeals may grant a temporary permit for the installation of a mobile home as an interim dwelling or office on an individual lot during the construction of a principal building(s) on such lot. The mobile home shall be exempt from the requirements of (Section 440.B).

3) Agricultural Use:

Upon proof of special necessity for an agricultural dwelling where an additional dwelling is needed for a person employed full-time in the operation of the farm the Enforcement Officer may grant a zoning permit for the installation of a single mobile home to be placed within one thousand (1000) feet of main barn and on the same lot.

- a) The mobile home must be occupied by a person employed full-time in the operation of the farm.
- b) The mobile home shall be removed within six (6) months from the date when the special necessity ceases.

**B) Restrictions on Occupancy:**

- 1) Every mobile home shall have a pitched roof of a minimum ratio of 1/4 (about 14 degrees).
- 2) Every mobile home shall bear a seal issued by the Federal Department of Housing and Urban Development.



**C) Mobile Home Skirting:**

- 1) Each mobile home shall be provided with a skirt to screen space between the mobile home and the ground.
- 2) Such skirts shall be of permanent material providing a finished exterior appearance.

**D) Mobile Home Stand:**

- 1) Each mobile home site shall be provided with a stand which will give a firm base and adequate support for the mobile home.
- 2) The stand shall have a dimension approximating the width and length of the mobile home and any expansions or extensions thereto.
- 3) Anchors shall be provided at least on each corner of the stand.
- 4) Stands shall be either
  - a) ten (10) inches of compact gravel or;
  - b) a full concrete slab at least six (6) inches thick or;
  - c) six (6) inches of compacted gravel with a reinforced concrete runner on each side of the stand to provide support. Such runner shall be a minimum of four (4) feet wide, sixty-five (65) feet long, and six (6) inches thick or;
  - d) constructed in conformance with the manufacturer's recommendations for installation or as designed by a certified engineer or architect.
- 5) The stand area shall be graded to ensure adequate drainage but in no event shall the grade variance exceed six (6) inches from one end of the stand to the other.

**Mobile Home, Double Wide:**

Manufactured housing built on a chassis bearing a seal issued by the Federal Department of Housing and Urban Development. A double-wide mobile home is manufactured in two or more sections off-site and transported individually to the placement site and when assembled has a minimum enclosed horizontal exterior dimension of twenty feet.

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**Article V**  
**Zoning Permit**

**Section 505 Description:**

- A) 1) No building or structure shall be erected, moved, or use instituted, or land use changed, until a zoning permit, special permit, or temporary permit therefore has been issued unless otherwise exempted by this law. The exterior structural area of a building shall not be enlarged until a zoning permit or special permit has

been issued, unless otherwise exempted by this law.

- 2) A mobile home may not be placed in or relocated within the Town of Denmark, nor be stored until and unless an appropriate permit has been issued by the town.
- B) A zoning permit shall not be required for the following. However, these activities shall still be required to meet the standards of this law.
- 1) Signs listed in Section 975.
  - 2) Fences, walls, and shrubbery (see Section 760)
  - 3) Interior structural alterations. Likewise no zoning permit is needed for routine maintenance and improvement (e.g., roofing, window replacement, siding replacement, etc.) that does not expand the exterior dimensions of the structure.
  - 4) Chimneys, placement of posts, and other similar accessory structures or uses.
  - 5) Garage, lawn, and porch sales not exceeding three (3) days. If such sales take place more often than three (3) times in any calendar year, special use approval will be required.
  - 6) Construction of a structure with a floor area of one hundred forty four (144) square feet or less. However, such structures shall meet the requirements of this law.
- C) When establishing measurements to meet the required yard and structure setbacks, the measurements shall be taken from the road line, lot line, or nearest high water elevation to the furthest protruding part of the structure. This shall include such projecting facilities as porches, carports, attached garages, etc.
- D) No such zoning permit, special permit, temporary permit, or certificate of occupancy shall be issued for any building or structure where said construction, addition, exterior expansion or use thereof would be in violation of any of the provisions of this law.
- E) A zoning permit or special permit issued under this law shall expire three (3) years from the date of issue if construction is not started.
- F) Any use that has been discontinued for a period of thirty six (36) months or longer shall be termed abandoned and may not be re-instituted without applying for a new permit.
- G) Applications for zoning permits shall be submitted to the Zoning Officer or Town Clerk and shall include two (2) copies of a layout or plot plan showing the actual dimensions of the lot to be built upon; the size and location on the lot of the structures and accessory structures to be; the distance from the building line to all lot lines, road right-way-lines, waterfront property lines, streams, and any other features of the lot; and such other information as may be necessary to determine and provide for the enforcement of this law. This information, and other relevant application data, shall be provided on a form issued by the Town.
- H) A fee as determined by the Town Board shall be paid for each zoning permit, special permit, and/or temporary permit application.

- I) Temporary permits may be issued by the Zoning Officer, upon approval by the Zoning Board of Appeals (as meeting the intent and purpose of this law) for a period not exceeding one (1) year, for conforming and nonconforming uses. Such temporary permits are conditioned upon agreement by the owner or operator to remove any nonconforming structures or equipment upon expiration of the temporary permit or to bring the use into compliance by a specific time. Such permits may be renewed.
- J) Parking lots for places of public assembly and commercial, industrial, or business uses shall require a zoning permit for placement. They shall meet the requirements of Sections 865 and 870.

**Section 510 General Procedures For Obtaining A Zoning Permit:**  
**Zones AR-1, AR-2, AR-2a, AR-3, AR-4 & H-1:**  
**(# 1 - 4 to be completed before beginning any construction!)**

- 1) Obtain a zoning permit application from the Town of Denmark Clerk.
- 2) File the zoning permit application with the appropriate fees with the Town of Denmark clerk.
- 3) Obtain an approved zoning permit from the Town of Denmark Zoning Officer.
- 4) Obtain a building permit, if required, from the Lewis County Clerk's Office upon presentation of the approved zoning permit.
- 5) Obtain final approval and a certificate of occupancy from the Town of Denmark Zoning Officer upon completion of the proposed project.

**Section 515 General Procedures For Obtaining A Zoning Permit:**  
**Zones RFC-1 and RFC-2**  
**(# 1 - 5 to be completed before beginning any construction!)**

- 1) Check with the Town of Denmark Zoning Officer to see if the proposed construction falls within the flood plain zone based on the most current information provided by FEMA.
- 2) **If the proposed construction falls within the flood plain zone, obtain and file a flood plain zoning permit application from the Town of Denmark Clerk, otherwise, obtain and file a zoning permit application.**
- 3) File the flood plain zoning permit or zoning permit application with the appropriate fees to the Town of Denmark Clerk.
- 4) Obtain the approved flood plain zoning permit or zoning permit from the Town of Denmark Zoning Officer.
- 5) Obtain a building permit from the Lewis County Clerk's Office if required, upon presentation of the approved flood plain zoning permit or zoning permit.
- 6) Obtain final approval and a certificate of occupancy from the Town of Denmark Zoning Officer upon completion of the proposed project.

**Section 520 Zoning Permit Variance Process:**

Refer to Article XII, Section 1210, for the proper procedure for filing an appeal to the Zoning Board of Appeals if unsatisfied with the determination of the Town Planning Board.

**Section 525 Zoning Permit Penalties for Non-Compliance:**

Refer to Article XII, Section 1225, for a description of violation and penalties associated with non-compliance of the Town Zoning Laws.

**Article VI**  
**Special Use Zoning Permit:**

**Section 605 Description:**

**Special Use Zoning Permit for a Special Use:**

A permit issued by the Planning board for a special use after review and approval according to the procedures contained within this article and additional specific guidelines for the proposed use as described in Articles VII, VIII, IX, and X. Any pre-established special permit requirements may be waived by the Planning Board, where the requirements are found not to be requisite in the interest of the public health, safety, or general welfare or inappropriate to the particular Special Permit.

**Authority:**

All special uses must receive a special use zoning permit approved by the Planning Board. Upon the Planning Board's granting of a special use zoning permit, all conditions must be met prior to initiation of construction.

**Objectives:**

In considering and acting on special uses, the Planning Board shall consider the public health, safety, welfare, and comfort and convenience of the public in general, the residents of the proposed development, and the residents of the immediate surrounding area. The Planning Board may prescribe such appropriate conditions and safeguards as may be required in order that the results of its action shall, to the maximum extent possible, further the accomplishment of the following objectives:

- A) **Compatibility:** That the proposed use is of a character compatible with the surrounding neighborhood and in harmony with the General Plan for the community.
- B) **Vehicular Access:** That proposed access points are not excessive in number, but adequate in width, grade alignment, and visibility; not located too close to intersections or places of public assembly; and other similar safety consideration.
- C) **Circulation and Parking:** That adequate off-road parking and loading spaces are provided to prevent parking of vehicles on public highways by and persons connected with or visiting the development, that the interior circulation system is adequate to provide safe accessibility to all required parking lots, and that it provides adequate separation fo pedestrian and vehicular movements.
- D) **Landscaping and Screening:** That all parking, storage, loading, and service areas are reasonably screened at all seasons of the year from the view of adjacent residential areas and that the general landscaping of the site is in character with the surrounding areas.
- E) **Natural Features:** That the proposed use, together with its sanitary and water service facilities, are compatible with geologic, hydrologic, and soil conditions of the site and adjacent areas and that existing natural scenic features are preserved to the greatest extent possible.

**Section 610 General Procedures For Obtaining A Special Use Zoning Permit:**

**Zones AR-1, AR-2, AR-2a, AR-3, AR-4 & H-1:**

**(No construction is to commence until final approval of the Special Use Zoning Permit!)**

- 1) Obtain a special use zoning permit application from the Town of Denmark Clerk.
- 2) File the special use zoning permit application with the appropriate fees with the Town of Denmark Clerk.
- 3) The Town of Denmark Clerk will forward a copy of the special use zoning permit application to the Town of Denmark Planning Board Chairman and to the Town of Denmark Zoning Enforcement Officer.
- 4) The Town of Denmark Planning Board Chairman will contact the applicant and schedule a Town of Denmark Special Use Zoning Permit Review.

**Section 615 General Procedures For Obtaining A Special Use Zoning Permit:**

**Zones RFC-1 and RFC-2**

**(No construction is to commence until final approval of the Special Use Zoning Permit!)**

- 1) Check with the Town of Denmark Zoning Officer to see if the proposed construction falls within the flood plain zone based on the most current information provided by FEMA.
- 2) **If the proposed construction falls within the flood plain zone, obtain and file a flood plain special use zoning permit application from the Town of Denmark Clerk, otherwise obtain and file a special use zoning permit application.**
- 3) File the flood plain special use zoning permit or special use zoning permit application with the appropriate fees to the Town of Denmark Clerk.
- 4) The Town of Denmark Clerk will forward a copy of the special use zoning permit application to the Town of Denmark Planning Board Chairman and to the Town of Denmark Zoning Enforcement Officer.
- 5) The Town of Denmark Planning Board Chairman will contact the applicant and schedule a Town of Denmark Special Use Zoning Permit Review.

**Section 620 Application for Special Use Zoning Permit:**

- A) An application for a special use zoning permit shall be filed with the Town Clerk together with the appropriate fee as determined by the fee schedule adopted by Town Board resolution.

Proposed plans may be sketched on a current survey map or the Town of Denmark Planning Board may require architectural drawings depending on the complexity of the proposed Special Use. The application, survey map or architectural drawing, shall include where applicable as determined by the Planning Board, but not limited to the following:

- 1) Name & address of applicant and owner, if different, and of the person responsible for preparation of such drawings;
- 2) Date, north point, written & graphic scale;
- 3) Boundaries of the area plotted to scale, including distances, bearings, and areas;
- 4) Location & ownership of all adjacent lands as shown on the latest tax records;
- 5) Location, name and existing width of adjacent roads;
- 6) Location, width, and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to public use or adjoining the property;
- 7) Complete outline of existing or proposed deed restrictions or covenants applying to the property;

- 8) Existing hydrologic features together with grading & drainage plan showing existing & proposed contours at five foot intervals;
- 9) Location, proposed use, and height and dimensions of, all buildings;
- 10) Location, designs construction materials of all parking and truck loading areas with access and egress drives thereto;
- 11) Provision for pedestrian access, including public and private sidewalks;
- 12) Location of outdoor storages if any;
- 13) Location, design, and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences;
- 14) Description of the method of sewage disposal and the location, design, and construction materials of such facilities;
- 15) Description of the method of securing public water and location, design, and construction materials of such facilities;
- 16) Location of fire lanes and other emergency zones including the location of fire hydrants;
- 17) Location, design, and construction materials of all energy distribution facilities, including electrical, gas, and solar energy;
- 18) Location, size, design, and construction materials of all proposed signs;
- 19) Location and proposed development of all buffer areas including indication of existing and proposed vegetative cover;
- 20) Location and design of outdoor lighting facilities;
- 21) Designation of the amount of gross floor area and gross leasable area proposed for retail sales and services, office, and other similar commercial or industrial activities;
- 22) Number and distribution by type of all proposed dwelling units;
- 23) General landscaping plan and planting schedule;
- 24) SEQRA Environmental Assessment Form;
- 25) Other elements integral to the proposed development as considered necessary by the Planning Board including identification of any federal state, or county permits required for the project's execution.

**Section 625 Agricultural Data Statement; Requirements:**

An application for a special permit that would occur on property within an agricultural district containing a farm operation or on property with boundaries within 500 feet of a farm operation located in an agricultural district shall include an agricultural data statement. The Town of Denmark Planning Board shall consider the agricultural data statement in its review of the possible impacts of the proposed project upon the

functioning of farm operations within such agricultural district.

**Section 630 Agricultural Data Statement; Content:**

An agricultural data statement shall include the following information: the name and address of the applicant; a description of the proposed project and its location; the name and address of any owner of land within the agricultural district, which land contains farm operations and is located within 500 feet of the boundary of the property upon which the project is proposed; and a tax map or other map showing the site of the proposed project relative to the location of farm operations identified in the agricultural data statement.

**Section 635 Agricultural Data Statement; Notice Provision:**

Upon the receipt of such application by the Town of Denmark Planning Board, the Secretary of such Board shall mail written notice of such application to the owners of land as identified by the applicant in the agricultural data statement. Such notice shall include a description of the proposed project and its location. The cost of mailing said notice shall be borne by the applicant.

**Section 640 Bond for Installation of Improvements:**

**A) General:**

In order that the Town has the assurance that the construction and installation of such improvements as storm sewer, water supply, sewage disposal, landscaping, road signs, sidewalks, parking, access facilities, and road surfacing will be constructed, the Planning Board may require that the applicant enter into one of the following agreements with the Town.

- 1) Furnish bond executed by a surety company equal to the cost of construction of such improvements as shown on the plans and based on an estimate furnished by the applicant and approved by the Planning Board.
- 2) Deposit a certified check in sufficient amount equal to the cost of construction of such improvements as shown on the plans and based on the above estimate.
- 3) Construct all improvements required by the Planning Board prior to the final approval of the special permit.

**B) Conditions:**

Before a special use zoning permit is approved, the applicant shall have executed a contract with the Town, and a performance bond or certified check shall have been deposited covering the estimated cost of the required improvements that have been designated by the Planning Board.

The performance bond or certified check shall be to the Town and shall provide that the applicant, his heirs, successors, and assigns, their agent or servants, will comply with all applicable terms, conditions, provisions, and requirements of this law; will faithfully perform and complete the work of constructing and installing such facilities or improvements in accordance with the special use permit.

Any such bond shall require the approval of the Town Board and the Town Attorney as to form, sufficiency, manner of execution and surety.

Wherever a certified check is made, the same shall be made payable to the Town.

C) **Extension of Time:**

The construction or installation of any improvements or facilities, other than roads, for which guarantee has been made by the applicant in the form of a bond or certified check deposit, shall be completed within one (1) year from the date of approval of the special use zoning permit. Road improvements shall be completed within two years from the date of approval of the special use zoning permit. The applicant may request an extension of time, provided he can show reasonable cause for inability to perform said improvements within the required time. The extension shall not exceed six (6) months, at the end of which time the Town may use as much of the bond or check deposit to construct the improvements as necessary. The same shall apply whenever construction of improvements is not performed in accordance with applicable standards and specifications.

D) **Schedule of Improvements:**

When a certified check or performance bond are made pursuant to the preceding sections, the Town and applicant shall enter into a written agreement itemizing the schedule of improvements in sequence with the cost opposite each phase of construction or installation, provided that each cost as listed may be repaid to the applicant upon completion and approval after inspection of such improvement or installation. However, ten percent (10%) of the check deposit or performance bond shall not be repaid to the applicant until one (1) year following the completion, inspection, and acceptance by the Town of all construction and installation covered by the check deposit or performance bond as outlined in the contract.

E) **Inspections:**

Periodic inspections during the installation of improvements shall be made by the Zoning Officer to insure conformity with the special use zoning permit and specifications as contained in the contract and this law. The applicant shall notify the Zoning Officer when each phase of improvement is ready for inspection. At least five (5) days prior to commencing construction of required improvements, the applicant shall pay to the Town Clerk the inspection fee required by the Town Board. Upon acceptable completion of installation and improvement, the Planning Board shall issue a letter to the applicant or his representative and such letter shall be sufficient evidence for the release by the Town of the portion of the performance bond or certified deposit as designated in the contract to cover cost of such completed work.

F) **Acceptance of Roads and Facilities:**

When the Zoning Officer following final inspection of the improvements, certifies to the Planning Board that all installation and improvements have been completed in accordance with the contract, the Town Board may, by resolution, proceed to accept the facilities for which bond has been posted or check deposited.

**Section 645 Drainage:**

- 1) To the extent practicable, all development shall conform to the natural contours of the land and natural and preexisting manmade drainage ways shall remain undisturbed.
- 2) All developments shall be provided with a drainage system that is adequate to prevent the undue retention of surface water on the development site. Surface water shall not be regarded as unduly retained if:
  - a) The retention results from a technique, practice, or device deliberately installed as part of an approved sedimentation or storm water run-off control plan; or



- b) The retention is not substantially different in location or degree than that experienced by the development site in its predevelopment stage, unless such retention presents a danger to health or safety.
- 3) No surface water may be channeled or directed into a sanitary sewer.
  - 4) Wherever practicable, the drainage system of a development shall be coordinated with the connections to the drainage systems or drainage ways on surrounding properties or streets.
  - 5) Private roads and access ways within unsubdivided developments shall utilize curb and gutter and storm drains to provide adequate drainage if the grade of such roads or access ways is too steep to provide drainage in another manner or if other sufficient reasons exist to require such construction.
  - 6) Construction specifications for drainage sewers, curbs and gutters, and storm drains are contained in Town Road Standards, which shall be adhered to.
  - 7) All developments shall be constructed and maintained so that adjacent properties are not unreasonably burdened with surface waters as a result of such developments. More specifically:
    - a) No development may be constructed or maintained so that such development unreasonably impedes the natural flow of water from higher adjacent properties across such development, thereby unreasonably causing substantial damage to such higher adjacent properties.
    - b) No development may be constructed or maintained so that surface waters from such development are unreasonably collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties.

**Section 650 Environmental Review:**

The Planning Board shall, where required, be responsible for completion of a final environmental impact statement with revisions as they see fit together with a statement of findings required under the State Environmental Quality Review (SEQR) Law (Section 8-0109-8 of Environmental Conservation Law). The Planning Board shall file and circulate a final notice of completion as required in the provisions of Part 617, Title 6, N.Y.C.R.R.

**Section 655 Erosion Control:**

- A) An Erosion Control Plan must be submitted and approved when an activity involves one of the following:
  - 1) Disturbs five (5) acres or more of land;
  - 2) Is to be conducted on a site, which has a slope anywhere on the site that averages fifteen, percent (15%) or more over a horizontal distance of at least one hundred (100) feet.

For purposes of this section, disturbed land shall mean any use of the land by any person in the town that results in a change in the natural cover or topography and that may cause or contribute to sedimentation. Sedimentation occurs whenever solid particulate matter, mineral or organic, is transported by water, air, gravity, wind, or ice from the site of its origin. This section shall not be

construed to include the normal disturbance of the soil and its natural cover occurring in the ordinary course of agricultural use.

- B) All measures necessary to minimize soil erosion and to control sedimentation in the disturbed land area shall be provided. Specifically, the following protection shall be provided for all disturbed areas: minimize velocities of water run-off, maximize protection of disturbed areas from storm water run-off, and retain sedimentation within the development site as early as possible following disturbances. A list of major problem areas for erosion and sedimentation control follows. For each one, the purpose(s) of requiring control is described. Soil erosion and sedimentation control measures for all such areas shall be provided with a view toward achieving the specific purpose listed below for which a control plan is required.
- 1) Erodable slopes: prevent detachment and transportation of soil particles.
  - 2) Streams, streambeds, stream banks, bodies of water, shorelines: prevent detachment and transportation of soil particles.
  - 3) Drainage ways: prevent detachment and transportation of soil particles (which would otherwise deposit in streams, bodies of water, or wetlands); promote deposit of sediment loads (transversing these areas) before these reach bodies of water.
  - 4) Land adjacent to streams, ponds, and wetlands: prevent detachment and transportation of soil particles.
  - 5) Enclosed drainage structure: prevent sedimentation in structure, erosion at outfall of system, and deposit of sediment loads within system or beyond it.
  - 6) Large flat surface areas (unpaved): prevent detachment of soil particles and their offsite transportation.
  - 7) Impervious surfaces: prevent the detachment and transportation of soil (in response to an increase in the rate and/or volume of runoff of the site or its concentration caused by impervious surfaces).
  - 8) Borrow and stockpile areas: divert runoff from face of slopes, which are exposed in the excavation process; convey run-off in stabilized channels to stable disposal points; leave borrow areas and stockpiles in stable condition.
  - 9) Adjacent properties: prevent sedimentation from being deposited on others' properties.

**Section 660 Landscaping and Screening:**

- A) **General Requirements:**
- 1) Plant materials shall be selected according to hardiness and ability to withstand highway salt conditions.
  - 2) Areas that will receive continued pedestrian movement shall be paved.
  - 3) Landscape plans shall be as-built plans of the completed project.
- B) **In Areas of Traffic Movements:** In areas where landscape materials are required to define paths of traffic movement, the following standards may be required by the Planning Board:

- 1) Plants shall be selected to achieve not more than three (3) feet mature height. Planting height shall be eighteen (18) to twenty-four (24) inches.
  - 2) Plants shall be spaced to create a compact hedge border at time of planting.
  - 3) As an alternate, the Planning Board may permit street trees as follows. Trees shall be three-and-one-half (3.5) to four (4) inches caliper, spaced twenty (20) feet on center, and have branching begin at a height no less than ten (10) feet and no greater than twelve (12) feet.
  - 4) Planting beds shall be covered with one of the following materials or approved equivalent:
    - a) Licorice mulch at four (4) inches minimum depth.
    - b) Stone aggregate at three (3) inches minimum depth.
    - c) Where pedestrian cross traffic is evident, a paving material shall be used such as paving blocks set in sand with tight joints or Epoxy-Rok or equivalent.
- C) **In and Around Parking Areas:** In areas where landscape materials are required to complement parking areas, forty (40) foot planting islands at the end of or within parking areas shall contain materials acceptable to the planning board.
- D) **To Define Entrances and Exits:** Where landscape materials are required to define the point of entrance to a commercial facility, the following standards or approved equivalent shall be used when required by the Planning Board:
- 1) Plant materials shall consist of a carefully designed variety of evergreen shrubs.
  - 2) Design may be a natural or formal setting; however, plant height shall not interfere with required sight distances.
- E) **To Complement Pedestrian Areas:** Where landscape materials are required to complement areas intended for pedestrian activity, the following standards or approved equivalent shall be used when required by the Planning Board:
- 1) Pedestrian areas shall be paved with concrete or paving block set in concrete.
  - 2) In order to minimize large areas of paving, landscape features, such as two (2) to three (3) foot earth mounds and planters, may be used.
  - 3) Plant materials shall consist of a variety of evergreen and deciduous shrubs and trees.
  - 4) Planting beds shall be covered with a licorice mulch or approved equivalent.
- F) **Screening:** Where landscape materials are required for screening purposed, the following standards or approved equivalent shall be used:
- 1) When sufficient space is available, a dense screen of evergreen plant materials shall be used.
  - 2) Plant materials shall be planted at a height approved by the Planning Board and shall be spaced to form an opaque screen.

- 3) Where limited space is available, stockade or other approved fence may be used in conjunction with climbing or trellised plants.
- G) **Natural Areas:** Where landscape materials are required by the Planning Board primarily to beautify otherwise vacant spaces, the following standards or approved equivalent shall be used:
  - 1) Where practical, earth forms should be used such as two (2) to three (3) foot landscaped mounds.
  - 2) Planting bed cover: Same as E.(4) or, as an alternate, sod may be substituted.
- H) **To Complement State & County Highway Right-of-Ways:** Where landscape materials are required by the Planning Board to complement areas along a State and County Highway right-of-way, the following standards or approved equivalent shall be used:
  - 1) The area shall be covered with sod or, as an alternative, stone aggregate at a minimum three (3) inch depth may be substituted.
  - 2) Evergreen and/or deciduous materials shall be placed according to size approved by the Planning Board.

**Section 661 Special Use Permit Minimum Lot Size:**

No special use Zoning Permit shall be granted for a Lot of less than two acres total size.

**Section 665 Town of Denmark Planning Board Review of Special Use Zoning Permit Application:**

- A) The requirements for final approval of the Special Use Zoning Permit not specifically addressed by the Town of Denmark Zoning Law will be determined by the Town of Denmark Planning Board.
- B) An agreement between the Town of Denmark Planning Board and the applicant of the Special Use Zoning Permit will be sought based on the following appropriate criteria: (other concerns may arise during discussion of the criteria below)
 

1) Affect on the general public/community	14) Health and safety
2) Compatibility with the neighborhood	15) Affect on traffic
3) Parking	16) Vehicle & truck loading areas
4) Vehicle Access	17) Landscaping and screening
5) Screening	18) Geologic Effect
6) Impact on drainage	19) Potential waste products
7) Public rest rooms	20) Sewage disposal
8) Source of water	21) Signage
9) Outdoor lighting	22) Access by emergency services
10) Sidewalks / handicap accessible	23) Fire provisions
11) Outdoor storage	24) Easements
12) Chemical storage tanks	25) Layout scheme of buildings
13) Gasoline / Diesel / Oil / Kerosene	26) Environmental impact
- C) The Town of Denmark Planning Board may consult with local and county officials, its designated consultants, and also with representatives of federal, state, and county agencies, including but not limited to the Soil Conservation Service, the New York State Department of Transportation, the Department of Environmental Conservation, and the Department of Health.

**Section 670 Lewis County Planning Board Review:**

The Town of Denmark Planning Board shall provide notice of all special use zoning permit review matters that fall within those areas specified under General Municipal Law, Article 12-B, Section 239-m to the Lewis County Planning Board at least ten (10) days prior to the public hearing. Any special use that falls within 500 feet of the boundary of the town; a State/County park or recreation area; a State or County highway or expressway; State or County owned drainage channel; State or County land where a public building or institution is located; or requires an agricultural data statement, shall be referred to the Lewis County Planning Board for their recommendations thereon. The notice shall be accompanied by a full statement of the matter under consideration. If the Lewis County Planning Board does not respond within thirty (30) days from the time it received a full statement on the referral matter, or such longer period as agreed upon by the Town and County, then the Town of Denmark Planning Board may act without such report. The Town of Denmark Planning Board must report to the Lewis County Planning Board on its final action within seven (7) days after taking a final action thereon.

**Section 675 Public Notice / Public Hearing for Special Use Zoning Permit Application:**

The Town of Denmark Planning Board shall conduct a public hearing on the special use zoning permit application. Such public hearing shall be conducted within sixty-two (62) days of the receipt of the completed application and shall be advertised at least five (5) days before the hearing in the Town's official newspaper. At least ten (10) days before such hearing, the Town of Denmark Planning Board shall mail notice thereof to the applicant.

**Section 680 Town of Denmark Planning Board Action on Special Use Zoning Permit**

Within sixty-two (62) days of such public hearing, the Town of Denmark Planning Board shall act on the special use zoning permit application. The Planning Board's action shall be in the form of a written statement to the applicant stating whether or not the special permit application is approved, disapproved, or approved with conditions. If the special use zoning permit application is denied, the statement will contain the reasons for such findings.

Upon approval of the special use zoning permit and payment by the applicant of all fees and reimbursable costs due the Town, the Town of Denmark Planning Board shall endorse its approval on a copy of the site plan, special use zoning permit, and all documents submitted as part of the application.

The decision of the Planning Board shall be filed in the office of the Town of Denmark Clerk within five (5) business days after the day such decision is rendered, and a copy mailed to the applicant.

**Section 685 Commencement and Completion of Proposal:**

- 1) Obtain a building permit, if required, from the Lewis County Clerk's Office upon presentation of approved Special Use Zoning Permit.
- 2) Obtain a certificate of occupancy from the Town of Denmark Zoning Officer upon completion of the proposed project.

**Section 690 Special Use Zoning Permit Variance Process:**

Refer to Article XII, Section 1210, for the proper procedure for filing an appeal to the Zoning Board of Appeals if unsatisfied with the determination of the Town Planning Board.

**Section 695 Special Use Zoning Permit Penalties for Non-Compliance:**

Refer to Article XII, Section 1225, for a description of violation and penalties associated with non-compliance of the Town Zoning Laws.

**Article VII**  
**Town of Denmark Zoning District General Use / Special Use**  
**Definitions & Descriptions**

**Section 705 Access Standards (All Zones):**

Access to all sites shall be consistent with the standards set forth in the "Policy and Standards for Entrances to State Highways." as revised, published by the State of New York Department of Transportation.

**Section 710 Agricultural Business:**

A business engaged in performing agricultural, animal husbandry, or horticultural services on a fee or contract basis. This shall not include the commercial manufacturing, mixing, or storage of regulated pesticides or herbicides. It shall include the following:

- A) Sorting, grading and packing fruits and vegetables for the grower
- B) Agricultural produce milling and processing
- C) Fruit picking
- D) Grain cleaning
- E) Hay baling and, threshing
- F) Corn shelling
- G) Land grading
- H) Harvesting and plowing

**Section 715 Agriculture:**

Includes the following:

- A) The raising of crops, animals, or animal products
- B) The selling of products grown on the premises
- C) Other commonly accepted agricultural operations, including incidental mechanical processing of products, except animals or crops raised for personal consumption or recreational purposes.
- D) Permitted in all zones in the Town of Denmark

**Section 720 Airport:**

Any facility for the purpose of engaging aircraft to flight except for:

- A) Unmanned hobby craft, such as model airplanes, not to exceed a wingspan of six (6) feet
- B) Non - commercial, private facility designated for the sole use of the property owner of

record. Notwithstanding the exception designated (b), a special permit is nonetheless required for such noncommercial private facilities.

**Section 725 Animal Hospital / Animal Clinic / Veterinary Clinic:**

- A) Place where animals or pets are given medical or surgical treatment.
- B) Bordering of animals is limited to short term care as deemed necessary by the licensed professional

**Section 730 Campground & / or Travel Trailer Park:**

Land where 2 or more cabins, tents, travel trailers, RV's, motor homes, shelters, or other accommodations for seasonal or temporary living purposes are located, excluding mobile homes.

**A) Park Location and Condition:**

- 1) Each campground/travel trailer park shall have adequate access to a public highway, and each camp/travel trailer site shall be serviced from interior roadways.
- 2) Mobile homes shall not be parked, whether permanently or temporarily, in any campground/travel trailer park except for the owner/operator.

**B) Camp/Travel Trailer Site:**

- 1) Camp/travel trailer sites shall be located on generally level terrain not to exceed eight percent (8%) slope, that is well drained, free of flood hazard, and clear of dense brush.
- 2) The corners of each camp/travel trailer site shall be clearly and permanently marked, and each lot numbered for identification.

**C) Camp/Travel Trailer Site Size:**

An overnight camp/travel trailer site shall be a minimum two thousand five hundred (2500) square feet in size.

**D) Setbacks and Spacing:**

All buildings and camp/travel trailer sites shall have a setback of one hundred fifty (150) feet from the road line of all public roads with the setback area being substantially wooded and adequately landscaped to provide screening from all public roads.

**E) Park Access:**

Access to all sites shall be consistent with the standards set forth in "Policy and Standards for Entrances to State Highways," as revised, published by the State of New York Department of Transportation.

**F) Sewer, Water, and Public Facilities:**

- 1) Sewer, water, and other utilities shall be provided in accordance with the requirements of Chapter 1, Part 7, New York State Sanitary Code, which is adopted herein by reference, and subject to any other Town requirements.

- 2) All campground/travel trailer parks shall provide a building containing at least one (1) toilet, lavatory and shower for each sex, for each twenty (20) travel trailer lots.

**G) Recreation:**

Minimum of ten percent (10%) of the total area of the campground/travel trailer park, not including the required setback, shall be dedicated to a recreation area and shall be fully maintained by the park owner.

**H) Responsibilities of Park Owner:**

The owner or manager of a campground/travel trailer park shall maintain an office in the immediate vicinity of the park and shall maintain accurate records of the names of park residents; home address; and make, description, year, and license or identification number of the trailer. These records shall be available to any law enforcement official or the Enforcement Officer.

**Section 735 Corner Lots (All Zones):**

In the case of a corner lot, all yards that front on public roads or a river shall be considered front yards and must meet the appropriate front yard setback and frontage requirements of this law.

**Section 740 Community Center:**

Includes public or private meeting hall, or place of assembly, not operated primarily for profit.

**Section 745 Excavation:**

Land used for the purpose of extracting stone, sand, gravel, or minerals for sale, as a commercial operation.

- A) The mining and reclamation plan prepared for the Department of Environmental Conservation review shall also be reviewed and found acceptable by the Planning Board prior to Planning Board approval of a special permit.
- B) No excavation shall endanger the stability of adjacent land or structures.
- C) Setback: Excavation activities shall be set back -one hundred (100)'feet from any property line or public road.
- D) Excavation activities shall be designed and conducted so as not to cause any excessive dust, noise, traffic, or other conditions inappropriate for the neighborhood in which it is located.
- E) Excavation applications shall be accompanied by a restoration and rehabilitation plan.
- F) Screening: All excavation activities shall be screened from the view of public roads and all residential structures.

**Section 750 Facilities, Essential:**

Includes telephone exchange and dial centers or repeater stations, electrical or gas substations, water treatment or storage facilities, pumping stations, sewage facilities, and similar facilities operated or maintained by municipal agencies or public utilities.



- A) **Location:** The proposed installation in a specific location must be demonstrated to be necessary and convenient for the efficiency of the essential service or the satisfactory and convenient provision of service to the area in which the particular use is located.
- B) **Buildings:** The design of any building or structure in connection with such facility shall conform to the general character of the area and shall not adversely affect the safe and comfortable enjoyment of property rights in the district in which it is to be located.
- C) **Landscaping:** Adequate landscaping shall be provided to create a visual and sound buffer between such facilities and adjacent property.
- D) **Access:** All points of necessary access, or transformers, shall be placed in secure structures at ground level.
- E) **Fencing:** All major electrical transformer facilities or substations, if above ground, shall be secured by a fence. Also no transformer or associated switches shall be closer than one hundred (100) feet from any lot line.

**Section 755 Facilities, Public and Semi-Public:**

Any one (1) or more of the following uses, including grounds and accessory buildings necessary for their use:

- A) Religious Institutions
- B) Public parks, playgrounds and recreational areas when authorized or operated by a governmental authority.
- C) Schools
- D) Public Libraries
- E) Not-for-profit fire, ambulance and public safety buildings.

**Section 760 Fences, Walls, Shrubbery (All Zones):**

Fences, walls, and shrubbery shall not be placed so as to cause traffic hazards, and shall be kept in good structural repair so that they are not a safety hazard.

**Section 765 Finance, Insurance, and Real Estate:**

Establishments including, but not limited to banks, trust companies, credit agencies, investment companies, brokers and dealers of securities and commodities, security and commodity exchanges, insurance agents, brokers, leasers, lessees, buyers, sellers, agents, and developers of real estate

**Section 770 Flood Plain Standards (All Zones):**

All uses shall also comply with the Town of Denmark Flood Damage Prevention Local Law, Local Law No.1 of the year 1985, and as amended.

**Section 775 Garage, Public:**

Any garage other than a private garage, operated for gain, available on a rental basis for the storage of four (4) or more motor vehicles

**Section 780 Home Occupation (All Zones):**

A non-residential activity conducted within a dwelling unit or mobile home. Accessory use of a dwelling that shall constitute either entirely or partly the livelihood of a person living in the dwelling, subject to the following:

- A) Examples include craft shops, embroidery shops, home tax businesses, and other similar home businesses.
- B) No home occupation shall be permitted that:
  - 1) Generates traffic or parking above what is normal in the neighborhood
  - 2) Increases sewage and water use in excess of what is normal in the neighborhood
  - 3) Creates a hazard to person or property
  - 4) Results in electrical interference
  - 5) Becomes a nuisance
  - 6) Results in the overnight outside storage or display of anything except signs as defined in Article IX
  - 7) Where the activity does not operate in accordance with Section 780 of this law, the use shall be required to conform with the standards specific to that use.

**Section 785 Hospital:**

An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, or other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

**Section 790 Industrial Use:**

Those uses that are of a manufacturing character including commercial activity characterized by the transformation of substances into new products (including the assembly of component parts of manufactured products) such as are normally associated with plant, factories, and mills utilizing power driven machinery and materials-handling equipment.

- A) **Location:** An industrial use shall not locate within three hundred (300) feet of a state designated wetland or a state highway.
- B) **Setback:** Industrial uses shall not be located closer than two hundred fifty (250) feet to any front, side, or rear lot line.
- C) **Screening:** Such operation shall be substantially screened from roads, and adjacent property lines that are other than an industrial use, by a minimum seventy-five (75) foot vegetative buffer area. Plant material shall be six (6) to eight (8) feet in height when planted and shall be spaced to form an opaque screen in multiple rows with alternate spacing. Other equally acceptable screening techniques may be substituted upon approval of the Planning Board.

**Section 795 Industrial Use, Light:**

Industrial uses that meet the performance standards, bulk controls and other requirements in this law.

- A) Lot size minimum shall be two (2) acres.
- B) Lot or site size approved for light industrial use shall not exceed five (5) acres except in industrial zones.
- C) Building height maximum shall be 40 feet.
- D) Shall not generate traffic or parking, sewerage, or water use substantially in excess of what is normal in the neighborhood.
- E) All industrial facilities and activities shall be enclosed within buildings.
- F) All light industry shall be buffered and screened as provided for in Article VI.
- G) Shall not create a hazard to person or property, result in electrical interference, or have the potential to be a substantial nuisance in the neighborhood.

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**Article VIII**  
**Town of Denmark Zoning District General Use / Special Use**  
**Definitions & Descriptions, Continued:**

**Section 805 Junkyard/Junk Vehicles (County of Lewis Junk Yard Law):**

As defined by the County of Lewis Junk Yard Law, and are incorporated in this Local Law by this reference.

All Junkyards and Junk Vehicles shall comply with the provisions of the Lewis County Junkyard Law, adopted October 6, 1987, and as amended. A Lewis County Junkyard license shall be required and issued by the County prior to issuance of a certificate of occupancy for a junkyard pursuant to this law. Nothing in this Law shall be construed to pre-empt the enforcement of the Lewis County Junkyard Law by the County of Lewis in all areas of the Town of Denmark.

**Section 810 Kennel:**

An establishment in which more than (5) dogs more than six (6) months old are housed, groomed, bred, boarded, trained, or sold.

**Section 815 Laundromat:**

An establishment providing washing, drying, or dry-cleaning machines on the premises for rental use to the general public for family laundering or dry-cleaning purposes.

**Section 820 Loading, Off-Road (All Zones):**

- A) All uses other than dwelling units, agriculture, or home occupations must comply with the following off road loading standards:

First 10,000 sq. ft. GLA	1 berth
For each additional 10,000 sq. ft	1 berth

- B) With the exception of funeral homes, each loading berth shall be a minimum of twelve (12) feet wide, fifty (50) feet long, and fourteen (14) feet in height.
- C) Loading area berths for funeral homes shall be a minimum of ten (10) feet wide, twenty-five (25) feet long and eight (8) feet in height.
- D) Where the use, traffic generation or function of a site is such that it can be shown by the applicant that the number of berths required is not justified, the Planning Board may vary these requirements.

**Section 825 Marina:**

A facility for storing, servicing, fueling, berthing, or securing of pleasure boats and which may include eating, sleeping, and retail facilities for owners, crews, and guests.

**Section 830 Mobile Home Parks:**

Land on which two or more mobile homes are parked, and occupied for living purposes.

- A) **Park Location and Conditions** (The site of a proposed mobile home park):
  - 1) Shall be located where orderly development of a mobile home park can be undertaken in harmony with development of the surrounding area in terms of traffic generation, ease and safety of vehicular access to and circulation within the park, safety of pedestrian movement, location of structures, adequacy of off-street parking, placement and sizing of sewage treatment and water supply systems and other utilities, safety of fuel storage and supply, provision of open space, recreation facilities or areas, delivery of, services and adequacy of landscaping and buffering;
  - 2) Shall have generally level to gently rolling topography not to exceed eight percent (8%) in slope over an area of sufficient size to allow development of the mobile home park without significant alteration or disturbance of existing natural amenities or features such as stands of mature trees, stream courses, shorelines, wetlands or bedrock outcroppings; and
  - 3) Shall be essentially free from adverse, unsafe or unhealthful conditions including but not limited to flooding, ponding, poor drainage, erosion, slumping or other soil instability, breeding areas for insects or rodents, smoke, noise, odors, heat, glare, or toxic or volatile substances.
- B) **Screening:**

Each mobile home park shall maintain a fifty (50) foot vegetative buffer area from public lands and adjacent property lines. The buffer area shall be made up of a mixture of shrubs, trees, or other plant material which at the time of planting will provide an opaque screen year round six (6) to eight (8) feet in height. Other equally acceptable screening techniques may be substituted upon approval of the Planning Board.
- C) **Restrictions on Occupancy:**

No mobile home shall be admitted to any park unless it meets the standards of Section 435.

D) **Site Requirements:**

- 1) **Mobile home site:** Each mobile home park shall be divided (exclusive of internal roads, open space or common areas) and marked-off into mobile home sites numbered consecutively, the number being conspicuously posted on each lot with such number to correspond to the lot shown on the site plan submitted.
- 2) **Site size:** Each mobile home site shall be seven thousand five hundred (7,500) square feet in size.
- 3) **Site width:** There shall be a minimum seventy (70) foot site width.
- 4) **Site depth:** There shall be a minimum ninety (90) foot site depth.

E) **Setbacks and Spacing:**

- 1) All mobile homes, including expansions, extensions or other additions thereto, patios, porches or garages and all other structures in a mobile home park shall satisfy the following setback requirements. A detached structure accessory to and located on the same site with an individual mobile home shall be considered part of the mobile home for the purpose of spacing requirements.
  - a) minimum of one hundred (100) feet from the front lot line.
  - b) minimum of twenty-five (25) feet from the center line of any roadway internal to the mobile home park.
  - c) minimum of forty (40) feet spacing between adjacent mobile homes and any other structures in the mobile home park.
  - d) minimum of twenty (20) feet from side and rear lot lines.
- 2) No internal roadway, parking lot, recreation area or storage facility for fuels, supplies or equipment shall be located within fifty (50) feet of a property line external to the mobile home park.

F) **Park Design Requirements:**

- 1) Access - Each mobile home park shall provide for safe, legal means of access from one or more public roads as follows:
  - a) Access roads shall meet the public roads at right angles and at compatible grades;
  - b) Entrances shall be located directly opposite or at least two hundred (200) feet from the nearest intersection of public roads, if any, and at least one hundred fifty (150) feet from any other entrances to the mobile home park, if any;
  - c) Entrances shall have sufficient width to allow reasonable turning movements of vehicles with mobile homes attached and of service or delivery vehicles;
  - d) Entrances shall be located to allow safe line-of-sight distances to and from their points of intersection with the public road;
  - e) At least one (1) common entrance and access road shall be required to

serve any mobile home park having less than twenty (20) mobile homes;

- f) At least two (2) independent entrances and access roads shall be required to serve any mobile home park having twenty (20) or more mobile homes; and
- g) Access roads connecting mobile home park interior roads with the public road shall meet town road standards.

2) **Internal Roads:**

- a) Internal roads shall be privately owned and maintained and shall provide for the safe and convenient movement of vehicles, with or without mobile homes attached.
- b) All mobile home sites shall face on and be serviced by such internal roads.
- c) All roads shall be paved and shall be designed, graded and leveled as to permit the safe passage of emergency and other vehicles at a speed of fifteen (15) miles per hour.
- d) Straight, uniform gridiron road patterns should be avoided unless they can be relieved by mobile home clustering, landscaping and an open space system.
- e) Cul-de-sacs shall be provided in lieu of closed end roads with a turn around having an outside roadway character of at least ninety (90) feet.
- f) All internal roads shall have a minimum thirty (30) foot right-of-way, sixteen (16) feet of which must be paved.

3) **Recreational Areas and Open Space:** Easily accessible and usable open spaces shall be provided in all mobile-home parks. Such open space shall have a total area equal to at least ten percent (10%) of the net land area of the park and shall be fully maintained by the park owner. Part or all of such space shall be in the form of developed recreation areas to be usable for active recreation purposes. Setback and buffer areas shall not be included when determining the net area of the park.

4) **Water supply and sewage disposal systems:** shall be designed and constructed in compliance with all New York State Health Department and Environmental Conservation Department requirements and approvals. Proof of such compliance must be submitted prior to final approval.

5) **Garbage and Refuse:** It shall be the responsibility of the park owner to ensure that garbage and rubbish shall be collected and properly disposed of outside of the mobile home park. Exterior property areas shall be maintained free from organic and inorganic material that might become a health, accident or fire hazard.

6) **Fuel Supply and Storage:**

- a) **General Requirements:** All fuel oil supply systems, provided for mobile homes, service buildings and other structures shall be installed and maintained in conformity with the rules and regulations of the authority having jurisdiction when

provided.

b) **Specific Requirements:**

- 1) All fuel oil tanks shall be placed at rear of mobile home and not located less than five (5) feet from any exit.
- 2) It is recommended that all fuel oil tanks should be buried.
- 3) It is recommended that a central fuel supply system be provided.
- 4) Supports or standards for fuel storage tanks are to be of a non-combustible material.

c) **Natural Gas:**

- 1) Natural gas piping systems installed in mobile home parks shall be maintained in conformity with accepted engineering practices.
- 2) Each mobile home lot provided with piped natural gas shall have an approved shut-off valve and cap to prevent accidental discharge of gas.

d) **Liquefied Gas:**

- 1) Such system shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.
- 2) Systems shall have at least one accessible means for shutting off gas. This means shall be located outside of individual mobile home.
- 3) All liquid propane gas piping shall be well supported and protected against mechanical injury.
- 4) Storage tanks shall not be less than one hundred (100) pounds and must be located at rear of mobile home and no closer than five (5) feet from any exit.
- 5) It is recommended that a central underground gas storage system be furnished.

7) **Electrical Service:**

- a) Every mobile home park shall contain an electrical wiring system consisting of wiring fixtures, equipment and appurtenances which shall be installed and maintained in accordance with local electric power companies' specifications and regulations. All wiring fixtures must have the Insurance Service Organization's approval or other authority as designated by municipality.
- b) Each mobile home pad shall be supplied with not less than a one hundred (100) ampere service.
- c) Lighting shall be provided sufficient to adequately illuminate all road

intersections.

- d) All electrical distribution lines shall be placed underground.
  - 8) **Telephone Service:** When telephone service is provided to mobile home sites, the distribution system shall be placed underground.
  - 9) **Park Office and Storage Facilities:** Owner or manager of a park shall maintain office and storage facilities in the immediate vicinity of the park.
  - 10) **Storage Facilities:** Each mobile home site shall contain for storage purposes an enclosed walk-in utility building with a Gross Floor Area of no less than sixty-four (64) square feet.
  - 11) **Service Buildings:**
    - a) Service buildings, if provided, housing sanitation facilities and/or laundry shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installations and plumbing and sanitation systems.
    - b) All service buildings and the grounds of the mobile home park shall be well lighted and maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance.
  - 12) **Fire Protection and Control:** No open fires shall be permitted any place within the mobile home park with the exception of outdoor grills used for the preparation of foods.
  - 13) **Screening:** The entire mobile home park shall be screened from the view of adjacent properties and roadways by the planting of shrubbery. Such shrubbery shall be of a species suitable to the Planning Board and shall mature to at least an eight (8) foot height.
- G) **Responsibilities of Park Operators and Park Occupants:**
- 1) A person to whom a permit for a mobile home park is issued shall operate the park in compliance with the standards set forth in this local law and shall provide adequate supervision to maintain the park, its common grounds, streets, facilities, and equipment in good repair and in a clean and sanitary condition.
  - 2) The park operator shall place or supervise the placement of each mobile home on its mobile home pad, which includes ensuring its stability by securing all tie-downs and installing all utility connections.
  - 3) The park operator shall maintain a register containing the names of all occupants and the make, year, and serial number, if any, of each mobile home. Such register shall be available to any authorized person inspecting the park.
  - 4) The park occupant shall be responsible for the maintenance of his mobile home and any appurtenances thereto, and shall keep all yard space on his site in a neat and sanitary condition.



- 5) A list of operator and occupant responsibilities shall be posted in the park office or made available upon request.

**Section 835 Modular Home:**

Manufactured housing bearing the insignia of approval issued by the State of New York. A modular home is designed to be permanently anchored to a foundation to become a fixed part of the real estate.

**Section 840 Motel / Hotel:**

A building or group of buildings, whether detached or in connected units, containing transient and/or permanent lodging facilities for the general public and which may contain accessory facilities such as restaurants, meeting rooms, retail business activities and related activities primarily to accommodate the occupants, but open to the general public, including buildings designated as auto cabins, auto courts, motor lodges, tourist courts and similar terms.

**Section 845 Motor Vehicle Repair Shop:**

A building, or portion of a building, arranged, intended or designed to be used for making repairs to motor vehicles.

- A) **Setback:** All motor vehicle repair shops shall be so arranged as to require all servicing on the premises no closer than fifty (50) feet to any lot line.
- B) **Storage of Waste Material:** All junk, waste, discarded parts, etc., as a result of servicing motor vehicles, equipment, etc., shall be stored in an enclosed structure or fenced area so as not to be visible from adjacent lots until disposed of. None of these materials may be disposed of on the lot.

**Section 850 Nursery / Garden Shop:**

A commercial facility which primarily includes the sale of trees, shrubs, plants, and utensils incidental to gardening. This shall not be interpreted to include the large-product retail sales of farm equipment and implements. (See Retail, Large-product.)

**Section 855 Nursing/Convalescent Home:**

An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness, or infirmity, are unable to care for themselves.

**Section 860 Outdoor Storage (All Zones):**

Any manufacturing, fabricating, or servicing related to a use must take place within buildings designed to accommodate the use.

Materials used in the manufacturing, fabricating, or servicing operations may be stored outside the building accommodating the use, provided they shall be arranged in a neat and orderly fashion and shall be enclosed by an opaque fence at least eight (8) feet in height so as to prohibit unauthorized entrance by children and other individuals.

**Section 865 Parking, General (All Zones):**

- A) All uses shall be provided with off-road parking for all vehicles during typical peak use periods. Off-road parking may be located off-site but must be within three hundred (300) feet of the site.

- B) No non-residential parking area shall be located within ten (10) feet of a side lot line.
- C) A parking space shall not be less than nine (9) feet by twenty (20) feet exclusive of access ways and driveways.
- D) Existing uses need not provide additional off-road parking unless one or more of the following conditions occur:
  - 1) The use changes.
  - 2) The use expands its gross floor area by twenty-five percent (25%) or more in a three (3) year period.
  - 3) The use is destroyed and seeks to be re-established.
- E) To the greatest extent possible in H-1 zones, all parking areas should be located behind the facility served and out of roadside view. Where parking areas must be located in front of a facility adjacent to a public highway, landscaping or visual barriers shall be provided.
- F) To the greatest extent possible, the size of all parking areas other than those for dwelling units and dwelling units with a home occupation shall be based on gross leasable area. Where gross leasable area figures are unavailable, gross floor area figures shall be used.
- G) All fractional portions of parking spaces as calculated by Gross Leasable Area shall be deleted if the fraction is less than .50; otherwise one additional parking space is required.

**Section 870 Parking, Specific Standards (All Zones):**

- A) Two (2) spaces per dwelling unit or mobile home
- B) Dwelling unit or mobile home with a home occupation
  - 1) Adequate space to accommodate all vehicles during typical peak use periods, or
  - 2) one space for each two hundred (200) square feet of the floor space devoted to the home occupation in addition to the two (2) residential spaces required.
- C) Professional offices/personal services 1-space/200 square feet GLA.
- D) Retail, small product 1-space/200 square feet GLA.
- E) Retail, large product 1-space/400 square feet GLA.
- F) Multifamily housing:

The Planning Board may lower the requirement for two (2) spaces per dwelling, by no more than fifty percent (50%), where the developer can demonstrate a need for fewer spaces such as in the case of senior citizens housing, or based on a spaces-per-bedroom ratio found to be acceptable by the planning board.

- G) Shopping Centers:
  - 1) Shopping Center Site (sq. ft. GLA)

25,000 - 400,000	1 space / 250 sq. ft. GLA.
400,000 - 600,000	1 space / 225 sq. ft. GLA.
600,000 +	1 space / 200 sq. ft. GLA.

- 2) Office Space - occupying greater than ten (10) percent GLA must meet office standards.
- H) Facilities with Drive Up-Service windows: Three (3) twenty-(20)-feet-car-length waiting spaces for each drive-up lane. Where multiple drive-up windows exist there shall be one additional waiting space which shall be a common lane.
- I) Public and Semi-public Facilities                      1 space per 4 seats
- J) Funeral Homes    1 space per 4 seats
- K) Industrial Facilities    1 space / 200 sq. ft. GLA.
- L) Mobile Home Park    2 spaces / mobile home
- one (1) additional space / 3 mobile homes,  
centrally located for guest parking and vehicular storage.
- M) Motel and hotel    1.25 spaces for each dwelling unit or sleeping  
room plus 1 space for each employee.

**Section 875 Personal Service:**

Includes barber, hairdresser, beauty parlor, shoe repair, shoeshine, photographic studio, and businesses providing similar services.

**Section 880 Pool, Outdoor Water:**

Swimming pools, tanks, depressions, or excavations in any material, dikes or berms constructed, erected, excavated, or maintained which will cause the retaining of water to a greater depth than eighteen (18) inches and having a larger plan surface area of water greater than one hundred (100) square feet, except outdoor ice skating rinks or surfaces of water used for ice skating, water ponds for agricultural purposes, and water storage tanks, when such tanks are completely enclosed by the principal material of their construction.

**Section 885 Pools, Outdoor Swimming (All Zones):**

Adequate fencing and /or other barriers shall be provided to prevent accidental entry and unauthorized use of the pool. Such fencing may be erected so as to completely enclose the pool itself, or the particular yard in which the pool is situated, or the entire property, except that where the pool is constructed in connection with multi-family housing, the pool itself shall be enclosed.

**Section 890 Professional Office:**

Offices and related spaces for use as professional services as provided by medical practitioners, attorneys, architects, engineers, and similar professions.

**Section 895 Recreation, Indoor:**

A building designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities.

**Article IX**  
**Town of Denmark Zoning District General Use / Special Use**  
**Definitions & Descriptions, Continued:**

**Section 905 Recreation, Outdoor:**

Includes golf driving range, golf pitch and putting course, and par three golf course; recreation court; open space; playfield; swimming pool; bike trails; hiking trails; and similar facilities for outdoor recreation.

**Section 910 Religious Institution:**

Includes church, temple, parish house, convent, seminary, and retreat house.

**Section 915 Restaurant:**

Any establishment, however designated, at which food is sold for consumption to patrons seated within an enclosed building or on the premises. However, a snack bar, fast food establishment, or refreshment stand at a public or semi-public community pool, playground or park operated by the agency or group or an approved vendor operating the recreational facilities and for the convenience of the patrons of the facility shall not be deemed to be a restaurant.

- A) Type: Restaurants, which will have an average daily trip generation of five hundred (500) automobiles or more, shall meet the following additional requirements:
- 1) The restaurant will not be permitted in AR-1 or AR-2 zones or in those zones, which do not permit restaurants designated in Section 405 of this law.
  - 2) The restaurant ingress and egress shall be a minimum of five hundred (500) feet from the ingress and egress of any other restaurant of this type.
  - 3) The minimum distance of any driveway to side lot line shall be thirty (30) feet.
  - 4) The minimum distance between driveways on the site shall be one hundred (100) feet measured from the two (2) closest driveway curbs.
  - 5) The parking lot shall be set back at least thirty (30) feet from the road line. Such setback area shall be landscaped with trees and shrubs in substantial compliance with the standards of Section 660 of this law.
  - 6) Exterior lighting proposed for the site shall be planned, erected, and maintained so it will not cast direct light or glare upon adjacent properties or public right-of-way. The light source shall not be higher than twenty (20) feet.
  - 7) Landscaping and fencing shall be provided to minimize conflicts with adjacent land uses.

**Section 920 Retail, Gasoline Outlet:**

Any establishment that sells gasoline to the public. This includes service stations, convenience stores, car washes, or any other facility that sells gasoline.

- A) Location: A retail gasoline outlet lot shall not be located within three hundred (300) feet of any lot occupied by a school, library, or religious institution.
- B) Setbacks: Gasoline and/or fuel pumps and underground fuel storage tanks shall not be located closer than seventy-five (75) feet to any side or rear lot line.
- C) Screening: Such operation shall be screened from adjacent residential property by a fence, hedge or other planting or structure so as not to be visible from the adjacent property.

**Section 925 Retail, Large Product:**

A commercial facility including sales and service for new and used automobiles, trucks, mobile homes, recreational vehicles, and farm implements, furniture and large appliance sales.

- A) Setback: Such sales, rental or storage operations shall be located at least fifty (50) feet from side and rear lot lines.
- B) Screening: Such operation shall be screened from adjacent property by a fence, hedge or other planting or structure so as not to be visible from the adjacent property.
- C) Servicing Facilities: Such operation that also have service facilities for the same shall meet the requirements of Motor Vehicle Repair Shops, (Section 845).

**Section 930 Retail, Small Product:**

A commercial activity characterized by the direct on-premise sale of goods and services to the ultimate consumer, including on-premise manufacturing, processing, and servicing and preparation customarily associated therewith and generally involving stock in trade such as are normally associated with department stores, food markets and similar establishments. Small retail shall not include large-product retail.

**Section 935 Road (All Zones):**

A public or private way for vehicular traffic which affords the principal means of access to abutting properties or sites. All public or private roads constructed to serve or intended to serve as public thoroughfares shall meet town road standards as set forth by the Denmark Town Board.

**Section 940 Roadside Stand:**

A stall or booth of a temporary nature for the sale of farm or garden -products grown on the premises.

**Section 945 Satellite Dish (All Zones):**

A structure attached to the ground or any other structure built or intended for the purpose of the reception of television or radio programming transmitted or relayed from an earth satellite.

- A) Location: All satellite dishes shall be located in side or rear yards.
- B) Screening: The satellite dish or antenna shall be visually screened from the roadway and adjoining property by the use of vegetation to the maximum extent possible without impairing efficiency so that said screening is effective year-round.
- C) Setbacks: Setbacks shall conform to Section 410 of this law.

**Section 950 Septic Systems (All Zones):**

If a use is not connected to public sewerage, it must meet the requirements of New York State Sanitary Code, Part 75A.

**Section 955 School:**

Includes parochial, private, public and nursery school, college, university, and accessory uses; and shall exclude commercially operated school of beauty culture, business, dancing, driving, music and similar establishments.

**Section 960 Shopping Center:**

Facilities providing retail and services, large product retail and services or offices and business services in excess of 25,000 square feet gross leasable area.

**Section 965 Shoreline Requirements (All Zones):**

**Shoreline** - That line at which land adjoins the water of rivers, and streams at the mean high water mark.

**Shoreline Lot** – any lot within or adjoining the mean high water mark of a river or located within one hundred (100) feet of such mean high water mark.

The following requirements shall apply to land abutting on those areas of the Black River and Deer River that are located within the RFC-1 and RFC-2 zones.

- A) **Lot Frontage:** The minimum lot frontage as measured along the shoreline shall be as follows:
  - 1) Deer River - two hundred fifty (250) feet
  - 2) Black River - three hundred (300) feet
  
- B) **Setback:** The minimum setback of all principal and accessory buildings or structures in excess of one hundred (100) square feet other than docks, boathouses, or swimming floats, shall be a minimum distance from the mean high water mark as follows:
  - 1) Deer River - seventy-five (75) feet
  - 2) Black River - one hundred (100) feet
  
- C) **Sanitary Sewage:** The minimum setback of any on-site sewage tile field, seepage pit, or other sewage disposal system will be one hundred (100) feet from the mean high-water mark.
  
- D) **Accessory Water, Waterfront Structures:** Accessory structures whose primary purpose is related to the recreational use of the waterway such as boathouses, docks, swimming floats, and other similar structures.

Such structures shall be permitted only according to the following:

- 1) Not more than two (2) such structures and no more than one (1) boathouse or dock shall be permitted per minimum required shoreline frontage, existing lot of record, or established right-of-way.
  
- 2) No dock, boathouse, or raft shall project across the extension of the side lot lines of any lot or right-of-way as such lines are projected into the waterway perpendicular to the shoreline at the point where the lot line intersects the shoreline.

## **Section 970 Signs - Defined (All Zones):**

Any structure or natural object or part thereof or device or inscription located upon, attached thereto or painted or represented on any land or on the outside of any building or structure or part thereof or affixed to the glass of a window so as to be seen from the outside of a building which shall be used to attract attention to any object, product, place, activity, person, institution, organization or business, or which shall display or include any letter, words, numerals, emblems, symbols, models, banner, flags, pennants, insignia, trademarks, devices or representation used as, or which is in the nature of an announcement, direction, advertisement, attention-arrester, warning or designation of any person, firm, group, organization, place, commodity, product, service, business, profession, enterprise, industry, or public performance. **Sign** shall include any letter, word, model, banner, pennant, insignia, trade flag, or other device or representation used as, or which is in the nature of, an advertisement, announcement or direction, but excluding any public traffic or directional signs.

## **Section 975 Signs, Exempt (All Zones):**

A permit shall not be required for the following signs:

### **A) Temporary Signs:**

- 1) **Announcing Signs:** One (1) sign per road frontage of a building which is under construction or structural alteration or repair announcing the character of the building enterprise or the purpose for which the building is intended; one (1) sign per other construction project, including names of architects, engineers, contractors, developers, financiers, and others, provided the area of such sign shall not exceed thirty-two (32) square feet. Such sign shall not remain for longer than one (1) month following completion of the project.
- 2) **Real Estate Signs:** One (1) sign per road frontage not exceeding sixteen (16) square feet advertising the sale, rental, or lease of the premises on which displayed. All such signs shall be removed within five (5) days after the sale or lease of the property has been consummated and all such signs must be set back at least fifteen (15) feet from any designated road line.
- 3) **Subdivision Signs:** One (1) sign per road entrance to the subdivision and located on the property to be subdivided, provided such sign shall not exceed thirty-two (32) square feet in area. Such sign may not be erected until the subdivision has been approved by the appropriate officials and may be displayed for a period of one (1) year from the date of erection. Erection date will be determined to be the same as the subdivision approval date. The display period may be extended by written approval of the Planning Board for a reasonable period of time, not to exceed one (1) year at any given time.
- 4) **Sale Ad Signs:** Signs advertising sales of goods or merchandise. The area of such sign shall not exceed thirty-two (32) square feet in sign area.

**B) Institutional Signs:** One sign or bulletin board per road-front, setting forth or denoting the name of any public, non-commercial, charitable, or religious institution when located on the premises of such institution, provided such sign or bulletin board shall not exceed thirty-two (32) square feet in sign area.

**C) Public Signs:** Signs of a public or non-commercial nature, which shall include community service information signs, public transit service signs, public utility information signs, safety signs, danger signs, trespassing signs, signs indicating scenic or historic points of interest, traffic control signs, and all signs erected by a public officer in the performance of a public duty.

- D) **Subdivision, Mobile Home Parks, or Tract Name Signs:** One non-illuminated sign not to exceed twenty (20) square feet in area per exclusive entrance to a subdivision or tract, such signs restricted to the subdivision or tract name.
- E) **Flags:** Official flags of government jurisdictions, including flags indicating weather conditions and flags, which are emblems of on-premises business firms and enterprises, religious, charitable, public, and nonprofit organizations.
- F) **Plaques:** Commemorative plaques placed by historical agencies recognized by the town, the County of Lewis or the State of New York.
- G) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
- H) **Off-site Directional Signs** are permitted, located within five miles of the use to which directions are indicated, not to be illuminated between 12:00 midnight and 6:00 a.m. and not to exceed thirty-two (32) square feet per sign face.
- I) **Off-premises Advertising Signs** require a special permit. The minimum lot size requirement as set forth at Section 661 of this Zoning Law shall not be applicable to off-premises advertising signs. The applicant must provide to the Town written permission from the property owner if the sign is to be located on land not owned by the applicant. If the sign is to be placed on New York State Routes 12, 26 or 410, the applicant must also apply to the New York State Department of Transportation for approval of an off-premises sign permit. This sign shall be not more than thirty-two (32) square feet per sign face, and the sign shall not be more than twenty (20) feet tall.
- J) Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, or names of occupants of premises.
- K) For multiple dwelling projects, one (1) sign, building or ground mounted, indicating the name of the project. Such sign shall not exceed twenty (20) square feet in area or per side if double-faced.

**Section 980 Signs, Prohibited (All Zones):**

The following sign types shall not be allowed at any location within the Town of Denmark.

- A) All portable signs over thirty-two (32) square feet in size.
- B) Any sign, which has flashing, lights, moving parts, or projections beyond its area.
- C) Any sign which projects above the roofline or parapet of a building.

**Section 985 Signs, General Standards (All Zones):**

All signs shall be subject to the following general standards.

- A) All signs shall be erected and constructed in a fashion so as not to obstruct traffic, cause visual blight, nor detract from the value of property adjacent to that property upon which said sign is erected. All signs shall be compatible within the context of its visual and physical environment. In making such determination consideration shall be given but need not be limited to the following elements:



- 1) Size, bulk, and mass.
  - 2) Texture and materials.
  - 3) Colors.
  - 4) Lighting and illumination.
  - 5) Orientation and elevation.
  - 6) General and specific location.
  - 7) Proximity to roads, highways and mass transit routes.
  - 8) Design, including size and character of lettering, logos, and related contents.
  - 9) Message content.
  - 10) Background or field, including the skyline.
  - 11) Character of structural members.
  - 12) Frequency and nature of all general and business signs and official regulatory signs and devices which are within the immediate field of vision.
- B) The sign area of all signs unless otherwise specified shall not exceed ten percent (10%) of the total square footage of that side of the building upon which said sign is to be affixed or in front of which side said sign is to be placed. However, in no case shall a sign, excluding a farm name or other farm identification, exceed thirty-two (32) square feet in area.
- C) All signs advertising home occupations shall not exceed sixteen (16) square feet in area and shall be required to be attached flushed to the building.
- D) No sign shall project into the public right of way.
- E) All signs shall be limited in wording and graphics to the name of the establishment and its principal service or purpose.
- F) No sign shall exceed twenty (20) feet in overall height, measured from the highest level of natural ground immediately beneath the sign to the highest point of the sign or the supporting structure thereof.
- G) No sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. All luminous signs, indirectly illuminated signs, and lighting devices shall employ only lights emitting light of constant intensity.
- H) No luminous sign, indirectly illuminated sign, or lighting device shall be placed or directed so as to cause glaring or non-diffuse beams of light to be cast upon any public road, highway, sidewalk, or adjacent premises, or otherwise to cause glare or reflection that may constitute a traffic hazard or nuisance. No sign shall in its construction employ any mirror or mirror-like surface, nor any day-glowing or other fluorescent paint or pigment.
- I) All signs must be set back at least fifteen (15) feet from any designated road line unless said sign is to be attached to a building which is set back less than fifteen (15) feet from any designated

road line, In this case any sign which is attached to said building must be attached flush to the building and/or not protrude more than twelve (12) inches from the surface of the building.

- J) All signs shall not exceed one sign per road frontage of the building or use being advertised except that each five hundred (500) feet of frontage shall be considered an additional frontage. Provision can be made for more than one (1) sign, but not more than two (2) signs per five hundred (500) feet of frontage provided that the cumulative total of sign areas does not exceed the standard set in Section 985.B, above.
- K) In the event any standard set forth in this law is in conflict with any other standard set forth in this law, the more restrictive standard shall be held applicable.
- L) No signs shall be placed, painted or drawn upon trees, works or natural features on the site, or on utility poles, bridges, or culverts.
- M) All signs, together with their surfaces shall be kept in good repair. The display surfaces shall be kept neatly painted at all times.
- N) Any nonconforming sign existing in the town at the time of the adoption of this law, or an amendment thereto, shall only be replaced by a sign conforming to the regulations for this district.
- O) Any business, enterprise, institution, or other advertising entity that ceases operations shall remove their signs within ninety (90) days of such cessation.

**Section 990 Slaughterhouse:**

A place where the primary activity is the killing, butchering, or packaging of animals for compensation on a year-round basis. This shall not be interpreted to include: seasonal or incidental butchering of deer, bear, or livestock; or facilities that kill, butcher, or package less than two hundred (200) animals a year.

- A) **Setback:** A slaughterhouse shall be set back at least one hundred (100) feet from the side and rear lot line.
- B) **Screening:** Such operation shall be substantially screened from adjacent residential property by hedges, trees, or other plant material, so as not to be visible, year round, from the adjacent boundary.

**Section 995 Subdivision, Minor and Major:**

Refer to the Town of Denmark Subdivision Control Law for definition and specifications.

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**Article X**

**Town of Denmark Zoning District General Use / Special Use  
Definitions & Descriptions, Continued:**

**Section 1005 Tavern, Bar, Nightclub:**

An establishment used primarily for the serving of liquor by the drink to the general public and where food or packaged liquors may be served or sold only as accessory to the primary use.

**Section 1010 Warehousing:**

A building used primarily for the storage of goods and materials and may include terminal facilities for handling freight.

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**Section 1015 Wetlands:**

Any lands or water that are defined as wetlands according to the New York State Freshwater Wetlands Act, Section 24-0107(1) and are mapped pursuant to 6 NYCRR 664, and are filed with the County or Town Clerk.

**Section 1020 Wholesale:**

Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This shall include lumber, plywood, and millwork yards unless the primary operation is directly to the general public as opposed to builders and contractors.

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**Section 1025 Private Wind Power Generating Facility: Commercial Wind Power Overlay / Commercial Wind Power Generating Facility / Wind Test Towers**

**Definitions:**

1. **Private Wind Power Generating Facility:** Wind generating facility which generates original power owned and operated by said landowner for private use.

Private Wind Power Generating Facilities are permitted in all zones in the Town of Denmark. Facilities are to be sited so they are no closer than the total height of the highest portion of the tower plus the length of one rotating blade plus ten (10) feet to any property line.

2. **Wind Test Tower:** A structure that is erected for the purpose of measuring wind speed and strength.

Wind test towers are allowed in zones AR1, AR2, AR3, and AR4 in the Town of Denmark, only upon successful completion and approval of all requirements as outlined in Article VI, Special Use Zoning Permit, in addition to requirements outlined in Article X, Section 1025, Private Wind Power Generating Facility: Commercial Wind Power Overlay/ Commercial Wind Power Generating Facility/ Wind Test Towers. Wind Test Towers are not allowed in zones RFC1, RFC2, and H-1.

3. **Commercial Wind Power Generating Facility:** Wind Generating Facility which generates original power on site to be transferred to a transmission system for distribution to customers.

Commercial Wind Power Generating Facility are allowed in zones AR1, AR2, AR3, and AR4 in the Town of Denmark, only upon successful completion and approval of all requirements as outlined in Article VI, Special Use Zoning Permit, in addition to requirements outlined in Article X, Section 1025, Private Wind Power Generating Facility: Commercial Wind Power Overlay/ Commercial Wind Power Generating Facility/ Wind Test Towers. Commercial Wind Power Generating Facilities are not allowed in zones RFC1, RFC2, and H-1.

4. **Commercial Wind Power Overlay.** Described by the total area and acreage of parcels included in a proposed establishment of commercial wind power generating facilities.

5. **Erection of Structures in Proximity to Wind Power Generating Facilities.** Setbacks, regarding Wind Power Generating Facilities proposed for overlay districts are intended to restrict only Wind Power Facilities being erected while maximizing land use flexibility once the Wind Power Generating Facility has been completed. Once a Wind Power Generating Facility has been

completed, property owners may choose, at their own risk, to erect structures in closer proximity to such Wind Power Generating Facility provided such structures meet the then current setback provisions as outlined in the Town of Denmark Zoning Law in addition to obtaining an appropriate zoning permit where required, and with the understanding that damage to any structures erected in proximity to a completed Wind Power Generating Facility is the full and total responsibility of the person erecting said structure in proximity of such Wind Power Generating Facility.

6. **Nacelle.** The part between the housing for the turbine and the rotor.

**Commercial Wind Power Overlay/ Commercial Wind Power Generating Facility/ Wind Test Towers Special Permit Review:** The acquisition of, review of, and approval of a special permit must conform to the requirements outlined in Article VI, Special Use Zoning Permit, in addition to requirements outlined in Article X, Section 1025, Private Wind Power Generating Facility: Commercial Wind Power Overlay/ Commercial Wind Power Generating Facility/ Wind Test Towers.

A special permit application for a Commercial Wind Power Overlay/ Commercial Wind Power Generating Facility/ Wind Test Towers to the Town of Denmark Planning Board must be in writing and must be duly signed by the applicant and contain the following:

- The identity of all parcels involved for potential placement of said overlay, including tax map numbers, name of property owner, and acreage.
- A survey and / or engineer map, not limited to, but clearly identifying the location of all proposed windmills, electrical stations / substations, transmission poles, roadways, underground cables, foundations, any additional proposed structures, in addition to an outline with appropriate owner labeling of properties associates with said overlay.
- Windmills may only be placed on parcels by the written consent of the property owner within the proposed overlay, which must be filed with the Town of Denmark Clerk for note of record.
- Appropriately completed Environmental Assessment Form in addition to any other required documents required, but not limited to the Town of Denmark

**General Requirements for Commercial Wind Power Overlay/ Commercial Wind Power Generating Facility/ Wind Test Towers:**

1. Setbacks:
  - A. The height of the highest portion of the nacelle plus twice the length of one rotating blade of such Wind Power Generating Facility from the road centerline.
  - B. 1500 feet from the structure of any residence, public building, campground, church or business; or 1500 feet from any school property line. The owner of a residence may consent, in writing, to vary this distance, but in no event may a Wind Power Generating Facility be closer than the distance calculated at paragraph 1(A) above. The agreement must be recorded in the Lewis County Clerk's Office and in the deeds of the property owners. The agreement must provide, among other things, in the event of a collapse, the developer and owner of the Wind Power Generating Facility shall have access to the property for the purpose of removal of debris and restoration.
  - C. From the side and rear lot lines of bordering parcels shall be calculated as in paragraph A above. This requirement may be waived provided the owner of a bordering parcel consents in writing to vary this distance. The agreement must be recorded in the Lewis County Clerk's Office and in the deeds of the property owners. The agreement must provide, among other things, in the event of a collapse, the developer and owner of the Wind Power Generating Facility shall have access to the property for the purpose of removal of debris and restoration. Nothing in this Law should be construed so as to limit the number of Wind Power Generating Facilities to be placed upon a parcel by a developer provided the setbacks in this paragraph comply with the setbacks for structures and school property lines.

- D. Distance between Wind Power Generating Facilities to be determined by owner / operator of proposed project within participating parcels.

**Additional terms, but not limited to the following, between the Town of Denmark Planning Board / Town of Denmark Board and the owner / operator of the Wind Power Generating Facility / Wind Test Towers proposal that need to be agreed upon during the special permit review process.**

1. Terms for restoration of disturbed property, restoring to agricultural use including initial scraping prior to construction followed by restoration of topsoil upon completion of the Wind Power Generating Facility and any associated disturbances.
2. Terms of preconstruction, restoration, and / or replacement of town or state roads must include documentation and photos of road conditions pre, during, and post construction. These terms are outlined under separate cover by the Town of Denmark, and / or State of New York. The owner of the windmill facility is responsible for all associated expenses as determined by the Town of Denmark Planning Board / Town of Denmark Board.
3. A bond may be required for any or all aspects of the proposal as determined by the Town of Denmark Planning Board, and / or Town of Denmark Board.
4. Appropriate enclosure and screening of all on site facilities / equipment as agreed upon.
5. Wind turbines are to be painted a non-reflective light gray or off-white to blend in with the sky, yet remain visible to pilots. Any other associated structures shall be painted to blend in with the surrounding environment.
6. Wind turbines are to be equipped with a built in safety system to minimize overload, excessive stress on the tower, and uncontrolled rotation of the blades.
7. Noise level limitation: not to exceed 45 decibels at 1250 feet from any tower.
8. Lighting: Lighting shall be limited to requirements set by the FAA and any other regulatory authority.
9. Decommissioning Clause: At the time of decommissioning, (defined as obsolete technology, and / or inoperative for more than twelve (12) consecutive months) the current owner of the Commercial Wind Power Overlay/ Commercial Wind Power Generating Facility/ Wind Test Towers is responsible for all costs associated, but not limited to the removal of windmills, any associated structures, etc., in addition to returning the affected property to its previous undisturbed condition including, but not limited to seeding of exposed soils. At the time of obtaining a special permit, the applicant must also provide a financial security bond or other security acceptable to the Town of Denmark Board for removal of the Commercial Wind Power Overlay/ Commercial Wind Power Generating Facility/ Wind Test Towers and property restoration, with the Town of Denmark Board as the assignee, in an amount approved by the Town of Denmark Board, but not less than \$50,000. On an annual basis, the financial security bond or other security shall be reviewed and renewed. The Town of Denmark Board may adjust the required amount of the financial security bond to adequately cover increases in the cost of removal of the Commercial Wind Power Overlay/ Commercial Wind Power Generating Facility/ Wind Test Towers and property restoration and road repair removal and / or replacement as the result of such activity.

10. It is the responsibility of the owner of the Commercial Wind Power Overlay/ Commercial Wind Power Generating Facility/ Wind Test Towers to avoid placement of the windmills at any location that may interfere with any form of communication, but not limited to television, radio, microwave, and telecommunication. If interference results from the placement of any related structure, it is the responsibility of the aforementioned owners to resolve this interference at their own expense.
11. It is the responsibility of the owner of the Commercial Wind Power Overlay/ Commercial Wind Power Generating Facility/ Wind Test Towers to minimize the impact on the local environment including, but not limited to the local water table / reservoir with the latest available technology to control the release of any potential pollutants. There must be an agreed upon protocol in place for dealing with any potential disaster and for safe disposal of any toxic waste material in association with DEC and any other regulating authority. Financial burden for such a catastrophe is the responsibility of the aforementioned owner.
12. Environmentally Safe Control measures for the example, watering down dusty roads versus using road salt derivative, must be in place to limit the environmental impact on natural runoff as a result of any disturbance resulting from, but not limited to any phase of preparation and construction of said windmills, transmission substations, step down / up generators, etc.
13. Burial of wiring is required from each windmill to the point of entrance to the power grid.
14. Agreed upon placement of electrical station or substation in addition to appropriate screening and fencing. Agreed upon protocol to limit environmental pollution as a result of any leakage from transformers including state of the art construction techniques to prevent any such catastrophe. I.e.: outer shell catch basin for effluent leaking from transformers.
15. SEQR: Owner of the Commercial Wind Power Overlay/ Commercial Wind Power Generating Facility/ Wind Test Towers is responsible for all associated expenses.
16. View-shed. Impact on natural scenic vistas of the surrounding terrain need to be taken into consideration, discussed, and agreed upon before any final determination for the location of windmill placement and associated structures is finalized.

**Establishment of Wind Overlay District #1 to include the following tax map parcels:**

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142.00-02-07.000	124.00-02-03.100
125.00-02-02.110	141.00-03-03.000
124.00-01-04.000	141.00-03-08.000
124.00-01-05.330	142.00-02-09.000
124.00-01-03.410	142.00-02-04.200
123.00-01-04.120	125.00-01-17.000
125.00-01-13.100	142.00-02-04.100
109.00-01-17.110	125.00-01-16.000
109.00-01-17.130	142.00-02-03.000
109.00-01-17.150	142.00-02-01.100
109.00-01-25.120	141.00-03-10.000
109.00-01-12.120	124.00-02-03.200
123.00-01-28.000	124.00-01-03.310

123.00-01-05.000	109.00-01-07.110
109.00-02-02.113	109.00-01-07.120
109.00-02-02.112	125.00-02-12.100
109.00-02-02.121	125.00-02-16.000
109.00-02-12.212	124.00-01-03.100
124.00-01-05.320	141.00-03-04.300
142.00-02-08.000	124.00-01-03.200
109.00-02-01.221	109.00-01-02.000
125.00-01-20.100	143.00-01-02.000
125.00-01-15.000	142.00-02-06.000
125.00-01-03.200	141.00-03-06.110
109.00-02-12.111	141.00-02-02.110
109.00-02-17.000	124.00-02-04.000
124.00-02-08.000	124.00-02-20.000
109.00-01-11.000	110.00-02-08.100
109.00-01-10.200	140.00-01-03.100
109.00-01-09.000	109.00-01-15.100
142.00-02-05.000	109.00-02-18.000
124.00-02-21.000	140.00-03-01.000
122.00-01-13.110	122.00-01-13.130
125.00-01-14.200	123.00-01-03.100
109.00-02-01.222	124.00-02-12.000
109.00-01-17.140	124.00-02-13.000
109.00-01-12.130	141.00-03-05.000
125.00-02-10.000	141.00-03-07.000
141.00-03-04.100	124.00-01-02.000
	143.00-01-01.100

**Section 1030 Outdoor Furnaces**

**Definitions:**

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1. **Front Lot Line** – The street or road right-of-way line. If a lot adjoins two (2) or more streets or roads, it shall be deemed to have a front lot line respectively on each.
  2. **Outdoor Furnaces** – Any equipment, device or apparatus which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat to a principal residential structure or any other site structure on the residential premises.
  3. **Property Line** – The boundary of a parcel of land upon which an Outdoor Furnace shall be installed.

**Restrictions**

- A. All outdoor furnaces must be installed at a minimum of fifty (50) feet from any property line. All outdoor furnaces must be installed with setbacks as set forth in the Town of Denmark Zoning Law. Existing outdoor furnaces are hereby accepted from the requirements of this section.

- B. Outdoor furnaces may be operated only in accordance with manufacturers operating instructions and manufacturers recommended loading times. No outdoor furnace may be loaded with fuel in an amount in violation of manufacturer's specification.
- C. Minimum stack height for new or existing furnaces must be at least twelve (12) feet from the ground. If the furnace is located within the distance from the neighboring residence, the following stack height shall be used:
  - 50' to 100' – 75% of the eves line plus 5 feet
  - 100' to 150' -- 50% of the eves line plus 5 feet
  - 150' to 200' – 25% of the eves line plus 5 feet.
- D. No person shall burn any material in an outdoor furnace other than those materials specifically recommended by the manufacturer of the outdoor furnace.
- E. No person shall burn garbage or other refuse or material in the outdoor furnace at any time. All outdoor furnaces must comply with the laws, regulations, ordinances, and rules of any municipality having jurisdiction over the same including the County of Lewis, State of New York, or United States of America.

Compliance - Any outdoor furnace must also comply with other County, State or Federal guidelines for the same.

Seasonal Use - No outdoor furnace may be operated in the Town of Denmark during the time period June 1 through September 15 of each calendar year.

Permits – Any resident wishing to install an outdoor furnace must secure a permit from the Town of Denmark. Each resident will be supplied with a copy of the regulations of the Town of Denmark related to outdoor furnaces. Existing outdoor furnaces shall be permitted provided that they apply for and receive a permit by September 1, 2007. Also they will have to comply with all provisions of this law before the permit is issued. If the owner of the existing furnace does not receive a permit by September 1, 2007 the outdoor furnace shall be removed.

Complaints – Any resident who has secured a permit for an outdoor furnace in doing so will also be agreeing to allow the Town Enforcement Officer or any other person designated by the Town to inspect all portions of the outdoor furnace if a complaint is filed relative to a violation of this law.

Appeals:

- A) Decision of Zoning Board of Appeals.** Within 62 days of the final adjournment of a public hearing, the Zoning Board of Appeals shall affirm, modify, or deny the action, decision or ruling of the Zoning Officer or correct any omissions by him, or approve with conditions, or disapprove the application. The decision of the Zoning Board of Appeals shall be in writing and shall contain findings and the factual basis for each finding from the record of the hearing, which shall support the decision of the Zoning Board of Appeals. As part of any decision, the Zoning Board of Appeals shall direct the Zoning Officer to issue any appropriate permit in conformity with its ruling and shall state a time by which such permit shall be issued, in conformity with this local law.
- B) Criteria for Variances.** In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted , as weighed against



the detriment to the health, safety and welfare of the neighborhood or detriment to the health, safety and welfare of the board shall also consider:

1. whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the variance;
2. whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance;
3. whether the requested variance is substantial;
4. whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood; and
5. whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the variance.

### **Section 1035 Solar Energy Systems**

#### **Definitions:**

1. **Principal Solar Energy System-** A solar energy system consisting of one or more freestanding ground- or roof- mounted solar collector devices, solar- related equipment and other accessory structures and buildings. These devices include light reflectors, concentrators and heat exchangers, substations, electrical infrastructure, transmission lines and other related structures and facilities. Electricity produced by a principal solar system is primarily for offsite use. It is noted that any system with a nameplate generating capacity of 25 megawatts or more is subject to the requirements, terms and conditions of Article 10 of the New York State Public Service Law.
  2. **Small Solar Energy Systems-** Small solar energy systems are also known as “accessory solar energy systems”. A solar collection system consisting of one or more roof- and /or ground- mounted related equipment, which is intended to primarily reduce on-site consumption of utility power. A system is considered a small solar energy system only if it supplies electrical or thermal energy solely for on-site use, except when a property upon which the facility is installed also receives electrical power supplied by a utility company and in such case, excess electrical power may be used by the utility company.
  3. **Solar Energy System-** Also known as a “solar collector system.” A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage and distribution of solar energy for electricity generation or transfer of stored heat.
- A. Small Solar Energy systems** shall be allowed in all zoning districts subject to these regulations.
1. **Design and Installation**
    - a) The solar energy system shall comply with all applicable building and construction codes and any local, state or federal law, rule, or regulation.
    - b) The design and installation of small solar energy systems shall conform to the existing industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratory (UL), the American Society for Testing and Materials (ASTM), or other similar

certifying organizations, and shall comply with the Uniform Building and Fire Code and with all other applicable fire and safety requirements. The manufacturer's specifications shall be submitted as part of the application.

- c) All exterior electrical and/or plumbing lines must be buried below the surface of the ground and placed in a conduit, except for so called "plug and play" units, provided that they shall meet all requirements of the relevant building and electrical codes, or unless the panels for electrical or thermal are installed on a structure that is either the main structure or a structure attached to the main structure which is receiving the benefit from the panels.
- d) No portion of a small solar energy system shall be located within any required setback of any property.

**2. Height restrictions.** Small solar energy systems must meet the following requirements:

- 1. Building- or roof-mounted small solar energy systems shall not exceed the maximum allowed height in any zoning district. For purposes of height measurement, small solar energy systems other than building integrated systems are considered to be mechanical devices and are restricted consistent with other building-mounted mechanical devices.
- 2. Ground or pole mounted small solar energy systems shall not exceed ~~fifteen (15)~~ **thirty-five (35)** feet in height.

**3. Compliance.** The construction and operation of a small solar energy system shall comply with all applicable local, state, and national requirements. These requirements include but are not limited to all safety, construction, electrical, and communications regulations. All buildings and fixtures forming part of the system shall comply with the Uniform Building and Fire Code. No solar energy system shall be constructed without first obtaining a Zoning Permit. Small solar energy systems shall be designed and located in a manner to prevent reflective glare toward any inhabited structures on any adjacent properties as well as any public streets, roads, and highways.

**4. Roof-mounted small solar systems.** In addition to the building setback, the collector surface and mounting devices for roof-mounted small solar energy systems shall allow a 3-foot-wide access from the roof peak and perimeter of the building on which the system is mounted or built.

- 1. Panels facing the front yard must be mounted at the same angle as the roof's surface with a maximum distance of 18 inches between the roof and the highest edge of the system components.

**5. Ground-mounted small solar energy systems** Ground-mounted small solar energy systems may not extend within the setback requirements for the zoning district when oriented at minimum design tilt. The ground mounted solar energy system shall be placed at a distance 1.5 times its height from neighboring property lines, public walkways, roads, and highways.

**6. Plan applications** Plan applications for small solar energy systems shall be accompanied by to-scale horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mounted system, including the property lines. Applicants must identify a qualified installer or provide proof that the system they propose to install has been designed as a so called "plug and play" system so that the applicant can plug the system into an existing PV circuit.

- a) Pitched roof-mounted small solar systems. For all roof-mounted systems, other than a flat roof, the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.
- b) Flat roof-mounted small solar systems. For flat-roof applications, a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the

street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.

- c) No roof mounted small solar system shall be positioned where ice could fall on public or pedestrian walkways.

**7. Utility notification.** The owner of the small solar energy system shall provide written proof that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator and also that the utility approves of such connection. Off-grid systems shall be exempt from this requirement.

**8.** Any upgrades, modifications, or changes that materially alter the size or placement of an existing solar energy system, other than routine maintenance, shall comply with the provisions of this article and shall require a permit.

**9. Fees.** The Town Board may establish by resolution fees or a schedule of fees for any application or the administration of this article with regard to small solar energy systems.<sup>[2]</sup>

## **B. PRINCIPAL SOLAR ENERGY SYSTEMS**

1. **Permitted use.** A principal solar energy system shall be permitted by special use permit in the industrial, commercial and agricultural zones.
2. ~~**Area and Lot Coverage.** A proposed principal solar energy system may be installed on a total area that consists of at least five (5) acres but no more than twenty (20) acres. The total coverage of the system may not occupy more than 60% of any lot.~~
3. **Height and setback.** For purposes of determining compliance with setback and height restriction standards of the underlying zone, the total surface area of all ground-mounted and freestanding solar collectors, including photovoltaic cells, panels, arrays and solar hot air or water collector devices, shall be considered in the same fashion as impervious, provided, however, that road setbacks shall be double the requirement for the underlying district. Panels mounted on the roof of any building will be subject to the height requirements specified for the underlying zone, but in no event shall they stand more than eighteen (18) inches above the roof line of the building.
4. **Compliance.** The construction and operation of a principal solar energy system shall comply with all applicable local, state, and federal requirements, including but not limited to all safety, construction, electrical and communications requirements. All buildings and fixtures forming part of the system shall comply with the Uniform Building and Fire Code. No principal solar energy system shall be constructed without first obtaining a Zoning Permit. Solar energy systems shall be designed and located in a manner to prevent reflective glare toward any inhabited structure on any adjacent properties unless a waiver is received from the affected land owner. Prevention of glare on public streets, roads, and highways shall also be considered in the principal solar energy design.
5. **Fees.** The Town Board may establish by resolution fees or a schedule of fees for any application and for the administration of this article with regard to principal solar energy systems.
6. **Site plan review.** The application will be subject to site plan review prior to construction, installation or modification.
7. **Plans and maps.** All plans and maps shall be prepared and stamped by a professional engineer licensed in the State of New York.
8. **Application.** The applicant shall provide:
  - a) A site plan in conformance with Article VI of this law showing property lines and physical features, including roads; proposed changes to the landscaping of the site, grading,

vegetation clearing and planting, exterior lighting, screening, vegetation or structures; blueprints or drawings of the proposed system signed by a New York licensed professional engineer showing the proposed layout of the system; electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices; documentation of the major system components to be used.

- b) Name and address of the proposed installer and contact information.
- c) The Planning Board may waive certain documentary requirements as it deems appropriate.
- d) The applicant may be required to post a sum to cover customary and reasonable review costs for the Planning Board, including, but not limited to engineering and attorney's fees.
- e) The applicant must provide proof that it has consulted with the Fire Department and other emergency services about access to the site and any special concerns. The project shall be deemed to provide proper access for emergency services.

**9. Utility notification.** The applicant will provide proof that the local utility company has been informed of the system owner or operator's intent to install an interconnected system. Off-grid systems shall be exempt from this requirement.

**10. Signage.** The facility shall have a sign which provides a twenty-four-hour emergency contact telephone number placed at the entrance.

**11. Utility connections.** Where at all possible, utility connections and transmission lines shall be underground depending on soil conditions, topography, and requirements of the utility company permitting.

**12. Safety and environmental.**

- a) The system owner or operator shall provide a copy of the project summary, electrical schematic, and site plan upon request to the local Fire Chief. Upon request, the owner or operator will cooperate with local emergency services to develop an emergency response plan. All means of shutting down the system will be clearly marked. At all times during the life of the project, the owner or operator shall identify a responsible person for inquiries.
- b) Land clearing, soil erosion. Clearing of natural vegetation shall be limited to what is necessary for the construction and operation of the system or as otherwise governed by applicable law.
- c) All Principal Solar Energy Systems shall be enclosed by fencing to prevent unauthorized access. Warning signs with the owner's and operator's contact information shall be placed on the entrance and perimeter of the enclosure. Contact information of the owner and operator shall be placed on file with 911 emergency system. The type of fence shall be determined by the Town of Denmark. The fence and the system may be further screened by landscaping as needed to avoid adverse aesthetic impacts.

**13. Monitoring and maintenance: system conditions.** The system owner or operator shall maintain all facilities in good condition. Maintenance shall include but not be limited to painting, structural repairs, and integrity of security measures. Site access shall be maintained in an acceptable manner to local fire and emergency services departments.

**14. Modifications.** All material modifications shall be subject to further site plan review.

**15. Abandonment or decommissioning.** Decommissioning Clause: At the time of decommissioning, (defined as obsolete technology, and/or inoperative for more than twelve (12) consecutive months) the current owner of the Principal Solar Energy System is responsible for all costs associated, but not limited to the removal of the Solar Energy System, any associated structures, etc., in addition to returning the affected property to its previous undisturbed condition including, but not limited to seeding of exposed

soils. At the time of obtaining a special permit, the applicant must also provide a financial security bond or other security acceptable to the Town of Denmark Board for removal of the Principal Solar Energy Systems and property restoration, with the Town of Denmark Board as the assignee, in an amount approved by the Town of Denmark Board, but not less than \$20,000. On an annual basis, the financial security bond or other security shall be reviewed and renewed. The Town of Denmark Board may adjust the required amount of the financial security bond to adequately cover increases in the cost of removal of the Principal Solar Energy Systems and property restoration and road repair removal and / or replacement as the result of such activity.

**16. Financial surety.** Applicants shall provide prior to approval a form of surety through escrow account, bond, or otherwise in an amount sufficient to pay for removal of the installation and site remediation as set forth above in an amount and form determined to be reasonable by the Planning Board.

## Article XI Glossary of Terms:

<b>Accessory Use:</b>	A use incidental and subordinate to the principal use and located on the same lot with such principal use.
<b>Adjacent:</b>	With reference to the location of a parking facility, land located across an alley, easement, road or highway from the building incidental to which such space for vehicle storage or off-road parking facility is required.
<b>Alterations:</b>	As applied to a building or structure, a change or rearrangement in the structural parts, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location to another.
<b>Area of a Sign:</b>	The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, as included within the definition of a sign, together with the frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed. On signs with more than one face, only that face or faces visible from any one direction at one time will be counted.
<b>Building:</b>	Shelter having a roof supported by column or walls and intended for the shelter or enclosure of persons, animals, or property.
<b>Coverage:</b>	That percentage of the plot or lot area covered by the building area.
<b>Family:</b>	One (1) or more persons living, sleeping, cooking, or eating on the same premises as a single housekeeping unit.
<b>Garage, Private:</b>	An accessory building not operated for gain and used in conjunction with a principal building which provides for the storage of motor vehicles and/or other household items.
<b>General Plan:</b>	A comprehensive or master plan for the development of the Town.
<b>Gross Floor Area (GFA):</b>	The gross size of the total floor area, of the outside dimensions of a building. These dimensions include the length and width of the facility.
<b>Gross Leasable Area</b>	The gross size of the floor area of a commercial/retail facility which is

<b>(GLA):</b>	leasable.
<b>Loading Space:</b>	Off-road space used for the temporary location of one licensed motor vehicle, which is at least twelve (12) feet wide and forty (40) feet long, not including access driveway, and having direct access to a road.
<b>Lot:</b>	A parcel of land occupied or designed to be occupied by one (1) principal building and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this law, which is recorded by deed or survey in the office of the Lewis County Clerk. A lot shall include only land which is contiguous. In satisfying the requirements under this Zoning Law for minimum Lot size only that portion of the tax parcel which is contiguous and included on one side of a public highway or road shall be considered in determining such minimum Lot sizes.
<b>Lot Frontage:</b>	The distance between the boundaries of a lot measured at their points of intersection with the road right of way line, or the shoreline of the Black River or Deer River.
<b>Lot Line:</b>	Property lines bounding a lot.
<b>Lot of Record:</b>	Any lot which individually or as a part of a subdivision has been recorded in the County Clerk's office and for which proof can be given that the lot was intended for development prior to adoption of this law.
<b>Mean High Water Mark:</b>	The point at which terrestrial vegetation meets aquatic vegetation; terrestrial vegetation being defined as trees, grass, shrubs, and associated plant life, and aquatic vegetation being defined as cattails, floating or emergent vegetation, and associated plant life.
<b>Nacelle:</b>	The part between the housing for the turbine and the rotor.
<b>Off-premises Advertising Sign:</b>	A sign that contains a message or directs attention to a business, profession, product, activity, or service that is not related to a use or activity conducted or offered on the premises or at the location where the sign is located, excluding road directional signs, and is generally available by means of rental or lease to persons other than the owner of the sign. An off-premises sign includes the sign face(s) that contain the message or direction noted above, as well as the pole or other structure upon which the sign face is attached.
<b>Parking Facility, Off-Street:</b>	An area for temporary parking of motor vehicles off public road right-of-ways.
<b>Person:</b>	An individual person, co partnership, voluntary association or corporation.
<b>Portable Sign:</b>	Any sign which by its design is able to be and is commonly moved from place to place.
<b>Principle Solar Energy System:</b>	A solar energy system consisting of one or more freestanding ground- or roof- mounted solar collector devices, solar- related equipment and other accessory structures and buildings. These devices include light reflectors, concentrators and heat exchangers, substations, electrical infrastructure,

transmission lines and other related structures and facilities. Electricity produced by a principal solar system is primarily for offsite use. It is noted that any system with a nameplate generating capacity of 25 megawatts or more is subject to the requirements, terms and conditions of Article 10 of the New York State Public Service Law.

**Quarry:** See **Excavation** in Section 745.

**Rear Lot Line:** That lot line which is opposite and most distant from the front lot line.

**River:** That portion of a flowing body of water to the mean high water mark thereof, not including any tributary thereto unless expressly included in these regulations. For the purposes of this law, river, shall mean the Black River and Deer River exclusively.

**River Area Utility Use:** Any electric power transmission and distribution line, telephone trunk and feeder cable or distribution line, pipe or conduit for the transmission of gas, oil, and other fuels, and any water and sewage system pipe or conduit within one thousand (1,000) feet of the high water mark of the Black River and within five hundred (500) feet of the high water mark of the Deer River.

**Road Line:** Right of way line of a road as dedicated by a deed or record. Where the width of the road is not established, the road line shall be considered to be twenty-five (25) feet from the center line of the road pavement.

**Setback:** Distance measured between the building front line and the road line or mean high water mark of a river.

**Side Lot Line:** A lot line that is not a road line or a rear lot line.

**Small Solar Energy Systems:** Small solar energy systems are also known as “accessory solar energy systems”. A solar collection system consisting of one or more roof- and /or ground- mounted related equipment, which is intended to primarily reduce on-site consumption of utility power. A system is considered a small solar energy system only if it supplies electrical or thermal energy solely for on-site use, except when a property upon which the facility is installed also receives electrical power supplied by a utility company and in such case, excess electrical power may be used by the utility company.

**Solar Energy System:** Also known as a “solar collector system.” A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage and distribution of solar energy for electricity generation or transfer of stored heat.

**Structure:** Any object constructed, installed, or placed on land to facilitate land use and development or subdivision of land, such as buildings, sheds, signs, satellite dishes, tanks, and any fixtures, additions, and alterations thereto. The word fences shall not be included in the definition of structure.

**Town:** The term Town (with capital letter not required by standard English usage) means the municipal government of the Town of Denmark or its employee or

official designated by statute law or this law to function as its agent. The term town without capital letter means the Town of Denmark as an area of land governed by the Town.

- Travel Trailer:** Shall include motor homes, truck campers, camping trailers, travel trailers and pop-up trailers less than forty eight (48) feet in length used for recreation and travel.
- 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, Principal:** A use not requiring Planning Board review, but requiring a zoning permit issued by the Zoning Officer.
- Use, Special:** A use in a particular zone requiring a special use review prior to the issuance of a special permit.
- Use, Temporary:** An activity conducted for a specified limited period of time. Examples of such uses are buildings incidental to new construction, which are removed after the completion of the construction work, and seasonal produce stands.
- Variance:** A variance is any departure from the strict letter of this law granted by the Zoning Board of Appeals as it applies to a particular piece of property. Variances run with the land and are not particular to any one landowner.
- Yard:** Space on a lot not occupied with a building or structure. Porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required yard.
- Yard Front:** The space within and extending the full width of the lot from the road line to the part of the principal building, which is nearest to such road line. If a lot adjoins two (2) or more roads or highways, it shall be deemed to have a front yard respectively on each.
- Yard, Rear:** The space within and extending the full width of the lot, from the rear lot line to the part of the principal building which is nearest to such lot line.
- Yard, Side:** The space within the lot extending the full distance from the front yard to the rear yard and from the side lot line to the part of the principal building which is nearest to such side lot line.

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**Article XII**  
**Administration & Enforcement:**

**Section 1205 Town Planning Board:**

- A) **Powers and duties:** The Planning Board shall have the following powers and duties with respect to this law:
- 1) Approval of special permit uses.
  - 2) Submittal of an advisory opinion to the Town Board for proposed amendments to this law.



- 3) Review and approval, approval with modifications, or disapproval of special uses within the town as designated pursuant to Section 274-b of the Town Law and in accordance with the standards and procedures set forth in this local law. It is understood that the Planning Board may vary the strict application of general and specific special use review criteria in order that the applicant meet generally prescribed performance criteria,
- B) **Procedure:** The Planning Board shall act in strict accordance with the procedure specified by this law. All applications made shall be made in writing on forms prescribed by the Town.

Every decision of the Planning Board shall be made by resolution, which shall contain a full record of findings in the case.

#### **Section 1210 Zoning Board of Appeals:**

- A) **Creation, appointment, and organization:** A Zoning Board of Appeals is hereby created. Said Board shall consist of five (5) members. The Town Board shall appoint the members of the Board of Appeals on a staggered term basis in conformance with Town Law. The Town Board shall appoint a Chairman and Vice Chairman. The Board of Appeals shall select a Secretary and shall prescribe rules for the conduct of its affairs.
- B) **Powers and duties:** The Board of Appeals shall have all the power and duties prescribed by Section 267 of the Town Law and by this law, which are more particularly specified as follows:
- 1) **Interpretation:** Upon appeal from a decision by an administrative official or citizen to decide any question involving the interpretation of any provision of this law, including determination of the exact location of any zone boundary if there is uncertainty with respect thereto.
  - 2) **Variances:** To vary or adapt the strict application of any of the requirements of this law in the case of exceptionally irregular, narrow, shallow, or steep lots, and other exceptional physical conditions; or undue use hardships; whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building. Variances must meet the criteria of Town Law, legal parameters and the regulations and intent of this law. In granting any variance, the Board of Appeals shall prescribe any conditions that it deems to be necessary or desirable.
  - 3) Review and approve and disapprove temporary permits.
- C) **Procedure:** The Board of Appeals shall act in strict accordance with the procedure specified by law. All appeals and applications made to the Board shall be in writing and on a form prescribed by the Town. Every appeal or application shall refer to the specific provisions of the law being appealed and shall exactly set forth the interpretation that is claimed, the use for which the permit is sought, or the details of the appeal that is applied for and the grounds on which it is claimed that the appeal should be granted, as the case may be. A hearing shall be held for all variance actions in conformance with the requirements of Town Law. Every decision of the Board of Appeals shall contain a full description of reasons for granting or denying the permit. The reasons for the action shall be set forth in the minutes of the Board of Appeals meeting at which the action was taken. A tally of each member's vote shall be recorded. All meetings and hearings of the Board shall be public.

**Section 1215 Zoning Officer:**

A person appointed by the Town Board to carry out the regulations of this law, also known as Enforcement Officer.

- A) This law shall be enforced by the Zoning Officer, who shall be appointed by the Board.
- B) The Zoning Officer's authorities shall include:
  - 1) Approve and/or deny zoning permits.
  - 2) Scale and interpret zone boundaries on Zoning Maps.
  - 3) Approve and/or deny Certificates of Occupancy.
  - 4) Refer appropriate appeal matters to-the Zoning Board of Appeals.
  - 5) Revocation of a zoning permit, special permit, and/or temporary permit where there is false, misleading or insufficient information. Revocation of a zoning permit, special permit, temporary permit, and/or certificate of occupancy where the applicant has not done what was proposed on the application.
  - 6) Issue stop work orders for noncompliance with this zoning law.
  - 7) The Zoning Officer shall report at regular Town of Denmark Board meetings the number of zoning permits issued and fees collected.
  - 8) Issue appearance tickets and refer violations to the Town of Denmark justice.

**Section 1220 Certificate of Occupancy:**

- A) No land shall be occupied or used and no building or structure hereafter used, or changes made in the use until a certificate of occupancy shall have been issued by the Zoning Officer stating that the building, structure, or proposed use thereof complies with the provisions of this law.
- B) All certificates of occupancy shall be applied for coincidentally with the application for a building permit. Said certificate shall be issued within ten (10) days after the erection and alteration shall have been approved as complying with the provisions of this law.
- C) The Zoning Officer shall maintain a record of all certificates and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building affected.
- D) Under such rules and regulations as may be established by the Zoning Board of Appeals, a temporary certificate of occupancy for not more than ninety (90) days for a part of the building may be issued by the Zoning Officer. Such temporary certificate may be renewed at the discretion of the Zoning Board of Appeals.

**Section 1225 Violations and Penalties:**

- A) Whenever a violation of this law occurs, the Zoning Officer, Town, or any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed

with the Zoning Officer who shall properly record and immediately investigate such complaint. If the complaint is found to be valid, the Zoning Officer shall issue a stop work order requiring all work to cease until the violation is corrected. If the violation is not corrected within the specified time the Town shall take action to compel compliance.

- B) Pursuant to Section 150.20 (3) of the Criminal Procedure Law, the Zoning Officer is hereby authorized to issue an appearance ticket to any person, firm, or corporation causing a violation of this law, and shall cause such person, firm, or corporation to appear before the Town Justice.
- C) Pursuant to Town Law Section 268, any person, firm, or corporation who commits an offense against, disobeys, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this law shall, upon conviction, be deemed guilty of a violation.

A violation of this law shall be punishable by a fine not exceeding three hundred fifty (\$350) dollars or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five (5) years, punishable by a fine not less than three hundred fifty (\$350) dollars nor more than seven hundred (\$700) dollars or imprisonment for a period not to exceed six (6) months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred (\$700) dollars nor more than one thousand (\$1000) dollars or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violation. Each week's continued violation shall constitute a separate additional violation.

- D) Pursuant to Town Law Section 268(2), in case any building or structure is erected, constructed, or reconstructed, altered, converted or maintained, or any building, structure or land is used in violation of the law, the proper local authorities of the town, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use of land to restrain, correct or abate such violation, to prevent the occupancy of said building, structure, or land or to prevent any illegal act, conduct, business or use in or about such premises; and upon the failure or refusal of the proper local officer, board or body of the town to institute any such appropriate action or proceeding for a period of ten (10) days after written request by a resident taxpayer of the town so to proceed, any three taxpayers of the town residing in the district wherein such violation exists, who are jointly or severally aggrieved by such violation, may institute such appropriate action or proceeding in like manner as such local officer, board or body of the town is authorized to do.
- E) The Town Board may maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of this law.

**Section 1230 Nonconformity:**

A lot, building, structure, or use of land legally and substantially existing at the time of enactment of this law which does not conform to the regulations of the district in which it is situated.

- A) **Intent:**

The intent of this section is to recognize certain uses, lots of record and structures which legally existed at the time of enactment of this local law and which would be prohibited or unreasonably restricted by the provisions, regulations, standards, or procedures herein. This section shall not, however, be construed to perpetuate or encourage the survival or expansion of, such uses, lots or structures.

**B) Non-Conforming Uses:**

Any use of land or structures which by the enactment of this local law is made non-conforming may be continued on the premises and to the extent pre-existing provided that:

- 1) No non-conforming use shall be expanded, extended, or otherwise increased so as to occupy a greater area of land than was committed to the nonconforming use at the time of such enactment;
- 2) No non-conforming use shall be extended so as to displace a conforming use;
- 3) Any non-conforming use of land or structures, which has, for any reason, been discontinued for a period of one (1) year, shall not be reestablished and only conforming uses shall be thereafter permitted;
- 4) A non-conforming use of land or structures once changed to a conforming use shall not be permitted to change back to a non-conforming use.

**C) Non-conforming Lots of Record:**

Any lot of record held under separate ownership prior to the enactment of this local law and having lot width or lot depth or both less than the minimum area requirements set forth in this local law may be developed with any compatible use listed for the zone in which such non-conforming lot is located without requiring a variance provided that such lot:

- 1) Does not adjoin other property held by the same owner where sufficient land could be transferred to eliminate the non-conformity without reducing such other property to nonconforming dimensions;
- 2) Has sufficient area, width, and depth to undertake development, which will:
  - a) maintain the required minimum front setback,
  - b) meet or exceed at least two-thirds (2/3) of the required minimum side and rear setbacks,
  - c) not exceed the maximum permitted lot coverage; and
- 3) Otherwise satisfies all applicable provisions of this local law.

**D) Non-conforming Structures:**

Any pre-existing structure which by the enactment of this local law is made nonconforming may be used for any compatible use listed for the zone in which such structure is located provided that it shall not be enlarged or extended so as to increase its non-conformance in terms of setback or lot coverage. Nothing under the provisions of this local law shall prevent the repair, restoration, or reconstruction of a non-conforming

structure damaged by fire or other hazard provided that:

- 1) Its owner or owners can demonstrate that construction; erection or location of a conforming structure is either:
  - a) physically impractical due to the size, configuration, or condition of the lot; or
  - b) a physical hardship; and
- 2) Such repair, restoration, or reconstruction is undertaken:
  - a) only on the premises and to the extent previously occupied by the nonconforming structure and
  - b) within one (1) year from the date on which the damage or destruction occurred.

**Section 1235 Amendments:**

- A) The Town Board may amend, supplement, or repeal the regulations and provisions of this law after public notice and public hearing. All proposed changes shall be referred to the Lewis County Planning Board for their recommendation and for a report thereon prior to final action. 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 cause notice to be given as follows:
  - 1) By publishing a notice at least ten days prior to the time of such hearing in the Town's official newspaper.
  - 2) By referring the proposed amendments to the Clerk of the County Legislature and the clerks of neighboring towns and villages, and to any housing authority or state park commission whose property might be affected, at least ten (10) days prior to the public hearing.
- B) In case of a protest against such change signed by the owners of twenty per cent (20%) or more of the area of land included in such proposed change or of an adverse recommendation by the County Planning Board, the vote of the Town Board must have a majority plus one in favor to adopt the amendments.

**Section 1240 Interpretation and Separability:**

- A) Interpretation and application of the provisions of this law shall be held to be minimal requirements, adopted for the promotion of the public health, safety, or the general welfare. Whenever the requirements of this law differ from the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards shall govern.
- B) Should any section or provisions of this law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

**Section 1245 Effective Date:**

The provisions of this law and any amendments to this law shall take effect upon filing with the Secretary

of State.