

**TOWN OF OSCEOLA
ZONING LAW**

Adopted August 13, 2014

TABLE OF CONTENTS

ARTICLE 1	INTRODUCTION	
Section 110	Enacting Clause	1
Section 120	Title	1
Section 130	Purpose	1
Section 140	Applicability	1
Section 150	Previous Laws	1
ARTICLE 2	DEFINITIONS	
Section 210	General.....	1
Section 220	Specific Definitions	1
ARTICLE 3	ESTABLISHMENT OF ZONES	
Section 310	Types of Zones	6
Section 320	Zoning Map	6
Section 330	Interpretation of Zone Boundaries	6
Section 340	Metes-and-Bounds Descriptions	6
Section 350	Divided Lots	6
Section 360	Special Areas	6
ARTICLE 4	ZONE REGULATIONS	
Section 410	Allowed Uses.....	7
Section 420	Lot Area, Lot Dimensions, and Setbacks	8
Section 430	Prohibition of Waste Transfer Facilities and Landfills	8
ARTICLE 5	GENERAL REGULATIONS	
Section 505	Signs	8
Section 510	Parking.....	8
Section 515	Basic Performance Standard	9
Section 520	Height of Structures.....	9
Section 525	Recreational Camping Vehicles.....	9
Section 530	Streams and Ponds	9
Section 535	Wetlands	9
Section 540	Flood Hazard Areas.....	9
Section 545	Special Areas	10
Section 550	Sewage and Waste Disposal Components and Wells	10
Section 555	Dwellings per Lot.....	10
Section 560	Mobile Homes	10
Section 565	Accessory Apartments.....	10
Section 570	Wind Power Generating Facilities	10
ARTICLE 6	REGULATIONS FOR SPECIFIC USES	
Section 610	Home Occupations	10
Section 615	Junkyards	11
Section 620	Retail Gasoline Outlets.....	11
Section 625	Vehicle and Engine Service and Repair Shop.....	11
Section 630	Mobile Home Parks.....	11
Section 635	Campgrounds.....	13
Section 640	Major Excavations.....	13
Section 645	Public Utilities	14
ARTICLE 7	SITE PLAN REVIEWS	
Section 705	Authority.....	14
Section 710	Applicability	14
Section 715	General Review Criteria.....	14

Section 720	Application	15
Section 725	Waiver of Submission Requirements	15
Section 730	Environmental Impact Review	16
Section 732	Town Planning Board Referral	16
Section 735	Review	16
Section 740	Variance	16
Section 745	Public Hearing	16
Section 750	County Planning Board Review	16
Section 755	Waiver of Public Hearing	16
Section 760	Final Action	17
Section 765	Report to County Planning Department	17
ARTICLE 8	SPECIAL USE APPROVAL	
Section 810	Authority	17
Section 820	Applicability	17
Section 830	Considerations	17
Section 840	Application and Review Procedure	18
ARTICLE 9	NONCONFORMITIES	
Section 910	Intent	18
Section 920	Nonconforming Lots	18
Section 930	Nonconforming Structures	18
Section 940	Nonconforming Uses of Land or Structures	18
Section 950	Nonconforming Structures Damaged or Destroyed	19
ARTICLE 10	ADMINISTRATION AND ENFORCEMENT	
Section 1005	Zoning Permits Required	19
Section 1010	Zoning Permit Exceptions	19
Section 1015	Temporary Zoning Permits	19
Section 1018	Driveway Permit	20
Section 1019	Recreation Camping Vehicle Permit	20
Section 1020	Application Procedure for Zoning Permits	20
Section 1025	Permit Fees	21
Section 1030	Certificate of Compliance	21
Section 1040	Unapproved Lots	21
Section 1045	Enforcement Officer	21
Section 1050	Zoning Board of Appeals	21
Section 1060	Filing of Records	22
Section 1065	Violations	22
Section 1070	Penalties	22
ARTICLE 11	MISCELLANEOUS PROVISIONS	
Section 1110	Amendments	23
Section 1120	Interpretation	23
Section 1130	Separability	23
Section 1140	Effective Date	23

ARTICLE 1. INTRODUCTION

Section 110. Enacting Clause

Pursuant to the authority conferred by Article 16 of the Town Law and Articles 2 and 3 of Municipal Home Rule Law of the State of New York, the Town Board of the Town of Osceola hereby adopts and enacts the following law.

Section 120. Title

This law shall be known as "The Town of Osceola Zoning Law."

Section 130. Purpose

The purposes of this zoning law are to provide for orderly growth in accordance with a comprehensive plan; to lessen congestion in the streets; to secure safety from fire, flood and other dangers; to provide adequate light and air; to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor; to prevent the overcrowding of land; 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 throughout the Town of Osceola.

Section 140. Applicability

This law, and any amendment thereto, shall apply on its effective date to all uses which have not been substantially commenced, and structures which have not been substantially constructed, regardless of the status of permits or certificates of occupancy issued pursuant to the New York State Uniform Fire Prevention and Building Code.

Section 150. Previous Laws

This law shall replace and supersede the Town of Osceola Land Use Law, Local Law No. 1 of 1978, as subsequently amended.

ARTICLE 2. DEFINITIONS

Section 210. General

Except where specifically defined herein, all words used in this law carry their customary meanings. Words in the present tense include the future, words in the singular include the plural and the plural the singular, and the word "shall" is intended to be mandatory.

Section 220. Specific Definitions

Accessory Apartment: A second dwelling unit located on the same lot as a principal single-family dwelling, located either within the principal dwelling or within an accessory building, which is subordinate to the principal dwelling in terms of size, location, and appearance. Such a dwelling is an accessory use to the principal dwelling.

Accessory Building: A building which is an accessory structure.

Accessory Structure: A structure incidental and subordinate to the principal structure and located on the same lot with such principal structure. Where an accessory structure is attached to the principal structure in a substantial manner, as by a wall or roof, such accessory structure shall be considered part of the main structure.

Accessory Use: A use incidental and subordinate to the principal use and located on the same lot with such principal use.

Agriculture: The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of such accessory uses shall be secondary to that of normal agricultural activities.

Agricultural and Wood Processing: A facility for the bulk processing of agricultural or animal products such as a cheese factory, slaughterhouse, or sawmill.

Agricultural Structure: A structure used for agricultural purposes.

Alteration: The increase in ground coverage or height of a structure.

Apartment, Accessory: See Accessory Apartment.

Building: Shelter having a roof supported by columns or walls and intended for the shelter or enclosure of persons, animals, or property.

Building, Accessory: See Accessory Building.

Campground: Land commercially held open to the public for five or more cabins, recreational camping vehicles and/or tents.

Certificate of Compliance: A certification by the enforcement officer that a lot, structure, or use of land has been developed in conformity with an approved zoning permit and/or complies with the provisions of this law, and may be occupied and used for the purposes specified in such zoning permit and/or certificate of compliance.

Commercial Use: Land use activities involving the sale of goods or services carried out for profit.

Day Care Home, Family: Any use defined as a Family Day Care Home in Section 390 of Social Services Law.

Day Care Home, Group: Any use defined as a Group Day Care Home in Section 390 of Social Services Law.

Dwelling: A building or portion thereof which is used exclusively for residential purposes, including one-family, two-family, and multi-family dwellings and mobile homes, but not including hotels, motels, boarding houses, and bed and breakfast inns.

Dwelling, Multi-family: A building or a portion thereof used for occupancy by three or more families living independently of each other and containing three or more dwelling units.

Dwelling, One-family: A detached building designed to be used as living quarters by one family.

Dwelling, Seasonal: A seasonal recreational dwelling for which the use and occupancy does not require access to a snow-plowed public road.

Dwelling, Two-family: A building containing only two dwelling units, and occupied by only two families.

Dwelling Unit: A complete self-contained residential unit, with living, sleeping, cooking and sanitary facilities within the unit, for use by one family.

Enforcement Officer: Any person appointed or established through intermunicipal agreement by the town board to enforce the provisions of this law.

Essential Facilities: The operation or maintenance by municipal agencies or public utilities of telephone dial equipment centers; electrical or gas transmission facilities and substations; water treatment, storage and transmission facilities; pumping stations; and similar facilities.

Excavation, Major: Any area of land used for the purpose of extracting stone, sand, gravel or soil for sale, as an industrial or commercial operation, which is intended for the extraction of more than 1,000 tons or 750 cubic yards, whichever is less, of a mineral from the earth during twelve successive calendar months, but does not include the process of grading a lot preparatory to the construction of a building which has an approved permit.

Family: One or more persons living, sleeping, cooking or eating on the same premises as a single housekeeping unit.

Height: The vertical distance of building measured from the mean of the highest and lowest exposed part of the foundation to the highest point of the roof.

Home Occupation: A nonresidential activity conducted for financial gain within a dwelling unit and is clearly incidental and secondary to the use of the dwelling unit for residential purposes, and does not include any of the following characteristics:

1. one or more nonresidents are employed;
2. total floor area of the business exceeds 400 square feet;
3. the business is open to off-road customers or client traffic;
4. there is a lighted sign of any size, or any sign exceeds six square feet in area per side.

Junkyard: As defined by the County of Lewis Junkyard Law, Local Law No. 5 of 1987, as amended, and is incorporated in this local law by this reference.

Landfill: A disposal site in which refuse and earth, or other suitable cover material, are deposited and compacted in alternative layers of specified depth in accordance with an approved plan.

Lot: A designated parcel or tract of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit.

Lot Area: The total horizontal area included within the lot lines of a lot. No part of the area within a public right-of-way shall be included in the computation of lot area.

Lot Depth: The distance between the road centerline and the rear lot line.

Lot Frontage: The distance between the boundaries of a lot measured at their points of intersection with the public and/or private road line.

Lot Line: A line of record bounding a lot which divides one lot from another lot or from a public or private road.

Lot of Record: A lot for which a valid conveyance has been recorded in the Office of the County Clerk prior to the effective date of the Town of Osceola Subdivision Law; or is either part of a subdivision plat approved by the planning board and filed in the county clerk's office, or was exempt from the Town of Osceola Subdivision Law at the time of recording with the county clerk.

Metes-and-Bounds: A method of describing the boundaries of land by directions and distances from a known point of reference.

Mobile Home: A factory-manufactured dwelling unit built on or after June 15, 1976, and conforming to the requirements of the Department of Housing and Urban Development (HUD), Manufactured Home Construction and Safety Standards, 24 CFR Part 3208, 4/1/93, transportable in one or more sections, which in the traveling mode, is 8 feet (2438 mm) or more in width or 40 feet (12192 mm) or more in length, or, when erected on site, is 320 square feet (29.7 m²) minimum, constructed on a permanent chassis and designed to be used with or without a permanent

foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein. The term "mobile home" shall also include any structure that meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Federal Department of Housing and Urban Development and complies with the standards established under the national Manufactured Housing Construction and Safety Act of 1974, as amended. The term "mobile home" shall not include any self-propelled recreational vehicle.

Mobile Home Park: A parcel or tract of land where five or more mobile homes are parked or where space is reserved for parking five or more mobile homes.

Nonconformity: A lot of record, structure, or use of land which lawfully existed prior to the enactment of this law, or conformed to the regulations of the zone in which it was located prior to the amendment of this law; which does not conform to the regulations of the zone in which it is located following the enactment or amendment of this law.

Nonresidential Use: A use which does not contain a dwelling unit.

Parking Lot: A tract of land used for the temporary parking of motor vehicles when such use is not accessory to any other use.

Permit, Zoning: See Zoning Permit

Plat: A map of a subdivided tract of land showing the boundaries and location of individual properties and roads.

Planning Board: The Town of Osceola Planning Board.

Public Utilities: 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.

Principal Structure: A structure through which the principal use of the lot on which it is located is conducted.

Principal Use: The primary or predominant use of any lot.

Recreational Camping Vehicle: Any enclosed motor vehicle or trailer used or designed to be used for recreational travel and temporary living and/or sleeping purposes including motor homes, truck campers, camping trailers, campers, travel trailers, pop-up trailers, tent trailers, and over-night trailers.

Religious Facility: Included church, temple, parish house, convent, seminary and retreat house.

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.

Residential Use: A use containing a dwelling unit.

Road: A thoroughfare dedicated and accepted by a municipality for public use or legally existing on any map of a subdivision filed in the manner provided by law.

Road, Private: A private way which affords the principal means of access to abutting property.

Road Line: The 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 25 feet from the centerline of the road pavement.

Setback: The distance between a lot line, road centerline or the mean high water line of a body of water and a particular development feature of a lot such as a building, structure, on-site sewage system component, or parking area.

Sign: Any device affixed to or painted or represented directly or indirectly upon a building, structure or land and which directs attention to an object, product, place, activity, person, institution, organization or business, but not including any flag, badge or insignia of any government agency, school or religious group, or of any civic, charitable, religious, patriotic, fraternal or similar organization, nor any official traffic control device. Each display surface shall be considered to be a sign.

Sign, Advertising: A sign which directs attention to a business, commodity, service or entertainment sold or offered elsewhere than upon the premises where such sign is located, or to which it is affixed and only incidentally on the premises if at all.

Sign, Directional: A sign which directs attention to the location of a commodity, service or other business sold or offered elsewhere than upon the premises where such sign is located.

Site: Any area of land to be used, developed, or built upon as a unit.

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

Structure: Anything constructed or erected, the use of which requires location on the ground, or attachment to something located on the ground.

Structure, Accessory: See Accessory Structure.

Structure, Principal: See Principal Structure.

Use: The purpose or activity for which land or structures are designed, arranged, or intended, or for which land or structures are occupied or maintained.

Use, Accessory: See Accessory Use.

Use, Principal: See Principal Use.

Variance: Any departure from the strict letter of this law granted by the zoning board of appeals as it applied to a particular piece of property.

Vehicle and Engine Service and Repair: A building, or portion of a building, arranged, intended, or designed to be used for making commercial repairs to motor vehicles and engines.

Waste Transfer Facility: A commercial facility for the collection and temporary storage of solid or liquid wastes for shipment to a final disposal point, which is not accessory to a farm operation.

Wetland: Those areas that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands also include 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 Part 664, and are filed with the County Clerk.

Wholesale Business: A commercial activity characterized by the sale of merchandise to retail, manufacturing, institutional or other wholesale establishments in bulk, including on-premise storage and distribution facilities.

Wind Power Generating Facility, Minor: Wind generating facilities with generate original power on-site that are erected and use primarily for private use as an accessory use of the property.

Wood Processing: See Agricultural and Wood Processing.

Zoning Board of Appeals: A board appointed by the town board pursuant to Section 267 of the Town Law to hear and decide appeals of this law.

Zoning Permit: A permit issued by the enforcement officer certifying that all plans for the use and development of land comply with the regulations of this law, and granting permission to commence development activities in conformity with the conditions of the approved permit.

ARTICLE 3. ESTABLISHMENT OF ZONES

Section 310. Types of Zones

For the purpose of this law, the Town of Osceola is hereby divided into the following zones:

H	-	Hamlet
RR	-	Rural Residential
A	-	Agriculture
F-1	-	Forest
F-2	-	Core Forest

Section 320. Zoning Map

Said zones are shown, defined and bounded on the map accompanying this law entitled “Zoning Map,” dated August 13, 2014 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 330. Interpretation of Zone Boundaries

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

1. Where the designation on the zoning map indicates a boundary approximately upon a road, the centerline of the road shall be construed to be the boundary.
2. 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.
3. Distances shown on the zoning map are perpendicular distances from road centerlines measured to the zone boundary, which boundaries in all cases where distances are given are parallel to the road centerline.
4. In other cases the zone boundary shall be determined by the use of the scale on the zoning map.

Section 340. Metes-and-Bounds Descriptions

In the event that a metes-and-bounds description has been filed for a zone change or a variance as required by this law, such metes-and-bounds description may be used in lieu of other provisions of this section.

Section 350. Divided Lots

Where a zone boundary divides a lot of record at the time such boundary is adopted, the zone requirements of the least restrictive portion of such lot shall extend 50 feet into the more restrictive portion of the lot, provided the least restrictive portion of the lot has frontage on a road.

Section 360. Special Areas

“Special Areas” are designated on the zoning map pursuant to the provisions of the Tug Hill Reserve Act, Chapter 486 of the New York State Laws of 1992. All governmental agencies, boards, commissions, and authorities, prior to final

action on a proposed development or review of a proposed development within a designated special area which would directly affect the special area and would change the basic nature of Tug Hill, shall consult with the town board about said development.

ARTICLE 4. ZONE REGULATIONS

Section 410. Allowed Uses

Land uses shall be allowed in the various zones according to the following table.

P = Principal use permit required

S= Site plan review required

NONE = Allowed without permit being required

-- = Not allowed in this district

Land Use	H Hamlet	RR Rural Residential and A Agriculture	F-1 Forest and F-2 Core Forest
Accessory Apartment	P	P	P
Accessory Structure	P	P	P
Agricultural and Wood Processing	--	S	S
Agricultural Structure	P	P	P
Campground	S	S	S
Commercial Use	S	S	S
Dwelling, Seasonal	P	P	P
Dwelling, Single-family	P	P	P
Dwelling, Multi-family	S	S	S
Excavation, Major	--	S	S
Home Occupation	NONE	NONE	NONE
Junkyard	--	NONE	--
Landfill	--	--	--
Manufacturing	S	S	S
Mobile Home Park	S	S	
Public Utilities	S	--	--
Religious Facility	S	S	S
Retail Gasoline Outlet	S	S	--
Social Institution	P	P	P
Vehicle/Engine Service and Repair Shop	--	S	--
Waste Transfer Facilities	--	--	--
Wholesale Business	S	S	--
Wind Power Generating System, Minor	P	P	P

Section 420. Lot Area, Lot Dimensions, and Setbacks

All lots areas, lot dimensions, and setbacks shall conform to the following standards for the zone in which it is located:

	H Hamlet	RR Rural Residential and A Agriculture	F-1 Forest	F-2 Core Forest
Lot frontage minimum	200 feet	200 feet	--	--
Lot depth minimum	250 feet	250 feet	--	--
Setback from centerline of county roads minimum	40 feet	75 feet	75 feet	75 feet
Setback from centerline of noncounty roads minimum	40 feet	40 feet	40 feet	40 feet
Setback from side and rear lot lines minimum	20 feet	20 feet	100 feet	100 feet
Lot area minimum	--	--	5 acres	40 acres
Setback from property lines of sewage and waste disposal components and wells	10 feet	50 feet	50 feet	50 feet

Section 430. Prohibition of Waste Transfer Facilities and Landfills

Waste transfer facilities and landfills are hereby prohibited within the town.

ARTICLE 5. GENERAL REGULATIONS

Section 505. Signs

1. One on-site advertising sign is permitted, not to exceed 32 square feet per side, and may be illuminated only during regular business hours.
2. Off-site directional signs are permitted, located within five miles of the use to which directions are indicated, not to be illuminated between 12 midnight and 6 a. m. and not to exceed 32 square feet per side.
3. Advertising signs unrelated to the premises are not permitted unless also serving as a directional sign and is located within five miles of the premises which it advertises.
4. No signs shall consist of lights that flash or move.
5. No sign shall be higher than the principal building to which it is an accessory.
6. No sign shall project into public right-of-way.
7. All existing signs at the time this regulation is adopted shall be allowed to remain.

Section 510. Parking

All uses shall provide off-road parking for all vehicles parked during typical peak use periods. Parking should be designed to eliminate the need to back out onto the public road. Minimum standards, all of which must be met, are as follows:

1. One parking space for every three seats in a public meeting place.
2. One parking place for every employee at places of employment.
3. One parking space per 250 square feet in a commercial establishment.
4. One parking space for each dwelling unit.

Section 515. Basic Performance Standard

No use in any district shall cause a nuisance adversely affecting adjacent property. Objectionable noise, smoke, dust, air or water pollution, or any other nuisance must be restrained within property lines.

Section 520. Height of Structures

Chimneys, communication transmission towers, television and radio masts and antennae, water tanks, and spires shall not impair solar access to buildings or solar energy systems equipment. All transmission and reception towers, masts and antennae shall be set back from all property lines a distance at least equal to the height of the structure.

Section 525. Recreational Camping Vehicles

Recreational camping vehicles which are sited outside of campgrounds which are approved under **Section 635** of this law, shall comply with the following:

1. The occupation of any motorized vehicles of any kind is prohibited unless it is designed and intended for that purpose;
2. The storage of more than two recreational camping vehicles on a single lot, unless on a recreational camping vehicle sales lot, is prohibited;
3. A recreational camping vehicle shall not be sited for occupancy for more than 180 days in a single calendar year outside of a campground, unless having an approved temporary permit pursuant to **Section 1015** of this law;
4. All occupied recreational camping vehicles shall provide a plan demonstrating the availability of potable water and the disposal of waste water and sanitary sewage in compliance with all applicable Town, County and State laws;
5. Recreational camping vehicles shall not be located within front, side or rear yard setbacks, except for storage purposes;
6. No external modifications or additions, excluding a nonattachable roof structure, may be made to any recreational camping vehicle;
7. No more than one recreational camping vehicle may be sited for occupancy on a single lot for more than 30 consecutive days.

Section 530. Streams and Ponds

The following uses are prohibited within 100 feet of streams:

1. dumping of waste materials, junk, refuse or anything that would alter the quality of the water, or the character of the area;
2. construction of any principal or accessory uses or structures.

Section 535. Wetlands

Areas shown on the State of New York Department of Environmental Conservation maps as official freshwater wetland shall be regulated according to the provisions contained in article 24 of the New York State Environmental Conservation Law including subsequent amendments.

Section 540. Flood Hazard Areas

These areas are shown on the Flood Hazard Boundary Map or Flood Insurance Rate Map for the Town of Osceola, dated June 30, 1976, published by the Federal Insurance Administration. All activity in such areas shall conform to regulations of the National Flood Insurance Program published in Part 60 of Chapter I of Title 44 of the code of Federal Regulations, which Part is adopted herein by reference.

Section 545. Special Areas

Areas designated on the zoning map as Special Areas (SA) shall be protected by the following regulations. SA Areas shall be interpreted as being a buffer area of 200 feet on each side of the designated natural feature. The following uses are prohibited in these areas:

1. Construction of any principal or accessory uses or structures.
2. Dumping of junk, waste, etc.
3. Cutting of more than 50% of volume of timber, or log landings.
4. Mining.
5. Feed lots.
6. Chemical thinning.

Section 550. Sewage and Waste Disposal Components and Wells

All sewage and waste disposal components and wells shall be set back from property lines by 50 feet, minimum.

Section 555. Dwellings per Lot

There shall be no more than one dwelling on a single lot except for the placement of a temporary residence complying with the provisions of **Section 1015** of this law, or upon special use approval. Such special use approval may be issued where it can be demonstrated that any future subdivision of the lot which would result in the dwellings being located on separate lots, can be accomplished in such a way that the resulting dwellings will have setbacks in accordance this law, the resulting lots will have areas and dimensions in accordance with this law, and all sewage disposal and wastewater systems will be in accordance with the NYS Sanitary Code.

Section 560. Mobile Homes

Mobile homes shall be used only for office or dwelling purposes, except upon issuance of a temporary zoning permit as provided for in **Section 1015** of this law.

Section 565. Accessory Apartments

No more than one accessory apartment shall be allowed for each single-family dwelling unit. Each accessory apartment shall be a maximum of 500 square feet.

Section 570. Wind Power Generating Facilities

Minor wind power generating facilities shall comply with the following:

1. The setback from road centerline shall be 50 feet, minimum, plus the height of the structure, including rotor radius;
2. The setback from side and rear property lines shall be 10 feet, minimum, plus the height of the structure, including rotor radius.

ARTICLE 6. REGULATIONS FOR SPECIFIC USES

Section 610. Home Occupations

1. Home occupations shall not cause noise or other disturbance, which is a nuisance to neighboring properties.
2. Home occupations shall not detract from the property's primary use as a dwelling.
3. Home occupations shall not exceed 400 square feet of the floor area of the dwelling.

Section 615. Junkyards

All junkyards shall comply with the provisions of the County of Lewis Junkyard Law, otherwise known as Lewis County Local Law No. 5 of 1987, as amended. Nothing contained in this law shall be construed as to preempt the enforcement of the County of Lewis Junkyard Law by the County of Lewis in the Town of Osceola.

Section 620. Retail Gasoline Outlets

1. Minimum lot frontage -- 250 feet.
2. Minimum lot area -- 62,500 square feet.
3. Minimum distance between pump islands and neighboring property lines – 30 feet.
4. Entrance and exit driveways shall be located not nearer than 15 feet from any side or rear property line and shall be designed to avoid the necessity of any vehicle backing out into any public right-of-way.

Section 625. Vehicle and Engine Service and Repair Shop

Entrance and exit driveways shall be located not nearer than 15 feet from any side or rear property line and shall be designed to avoid the necessity of any vehicle backing out into any public right-of-way.

Section 630. Mobile Home Parks

1. Park location and Conditions

The site of a proposed mobile home park:

- a. 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;
- b. shall have generally level to gently rolling topography 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
- c. 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.

2. Site Requirements

- a. 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. All sites shall have a minimum of 5,000 square feet.
- b. 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 30 feet from the center line of any roadway internal to the mobile home park.
 - (b) All structures shall be set back a minimum of ten feet from all site lines.

- (2) No mobile home site, internal roadway, parking lot, recreation area or storage facility for fuel, supplies or equipment shall be located within 30 feet of adjoining property external to the mobile home park.

3. Park Design Requirements

- a. Access. Each mobile home park shall provide for safe, legal means of access from one or more public roads as follows:
 - (1) Access roads shall meet the public roads at right angles and at compatible grades;
 - (2) Entrances shall be located directly opposite or at least 200 feet from the nearest intersection of public roads, if any, and at least 150 feet from any other entrances to the mobile home park, if any;
 - (3) Entrances shall have sufficient width to allow reasonable turning movements of vehicles with mobile homes attached and of service or delivery vehicles;
 - (4) Entrances shall be located to allow safe line-of-site distances to and from their points of intersection with the public road;
 - (5) Common entrance and access roads shall be required to serve any mobile home park having three or more mobile homes;
 - (6) At least two independent common entrance and access roads shall be required to serve any mobile home park having 20 or more mobile homes; and
 - (7) Access roads connecting mobile home park interior roads with the public access road shall meet the Town of Osceola Road Standards.
- b. Internal Roads
 - (1) 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.
 - (2) All mobile home sites shall face on and be serviced by such internal roads.
 - (3) All roads shall be paved with a durable surface of either blacktop. Gravel or concrete and shall be designed, graded and leveled as to permit the safe passage of emergency vehicles and other vehicles at a speed of 15 miles per hour.
 - (4) Straight, uniform gridiron road patterns should be avoided unless they can be relieved by mobile home clustering, landscaping and an open space system.
 - (5) Cul-de-sacs shall be provided in lieu of closed end roads with turn around having an outside roadway character of at least 90 feet.
 - (6) All internal roads shall have a minimum 30 foot right-of-way.
- c. Recreational Areas and Open Space. Easily accessible and useable open spaces shall be provided in all mobile home parks. Such open space shall have a total area equal to at least 15% of the gross 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.
- d. Walkways. A four foot wide hard surfaced pedestrian walkway shall be provided along at least five feet from each access road between the entrance to the public highway and either:
 - (1) the first mobile home unit or
 - (2) such location within the mobile home park as may be required to assure pedestrian safety.
- e. 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.
- f. Garbage and refuse. All receptacles, including cans and dumpsters, shall be kept in a sanitary condition at all times. 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.
- g. Fuel Supply and Storage.
 - (1) 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.
 - (2) Specific requirements.

- (a) All fuel oil tanks shall be placed at rear of mobile home and not located less than five feet from any exit.
- (b) It is recommended that a central fuel supply system be provided.
- (c) Supports or standards for fuel storage tanks are to be of a non-combustible material.
- (3) Liquefied Gas
 - (a) 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.
 - (b) Systems shall have at least one accessible means for shutting off gas. This means shall be located outside of individual mobile home.
 - (c) All liquid propane gas piping shall be well supported and protected against mechanical injury.
 - (d) Storage tanks shall not be less than 100 pounds and must be located at rear of mobile home and no closer than five feet from any exit.
- h. Park Office. Owner or manager of a park shall maintain an office in the immediate vicinity of the park.
- i. Storage Facilities. Each mobile home park shall provide 125 cubic feet of secure storage space for each individual mobile home. Such facilities shall be located either on the individual mobile home site or be a permanent structure within the mobile home park which is easily accessible to the park residents at all times.
- j. Service Buildings. 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. 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.
- k. 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.
- l. 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 town board and shall mature to at least an eight foot height.

4. Responsibilities of Park Operators and Park Occupants.

- a. The 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 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.
- b. The park operator shall place or supervise the placement of each mobile home pad which includes ensuring its stability by securing all tie downs and installing all utility connections.
- c. 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.
- d. 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.
- e. A list of operator and occupant responsibilities shall be posted in the park office or made available on request.
- f. Travel trailers shall not be used for residential purposes, whether permanently or temporarily, in any mobile home park.

Section 635. Campgrounds

Campgrounds shall meet Part 7 of the New York Sanitary Code.

Section 640. Major Excavations

No person shall operate a major excavation without applying for a permit from the NYS Department of Environmental Conservation, as required by Title 27 of Article 23 of the Environmental Conservation Law.

Section 645. Public Utilities

1. The proposed installation in a specific location shall be necessary and convenient for the efficiency of the service or the satisfactory and convenient provision of service to the area in which the particular use is located.
2. The design of any building 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.
3. Adequate landscaping shall be provided to create a visual and sound buffer between such facilities and adjacent property.
4. All points of necessary access, or transformers, shall be placed in secure structures at ground level.
5. All major electrical transformer facilities or substations, if above ground, shall be secured by a fence. No transformer or associated switches shall be closer than 100 feet from any lot line.

ARTICLE 7. SITE PLAN REVIEWS

Section 705. Authority

The Town Board of the Town of Osceola is hereby authorized pursuant to Town Law Section 274-a to review and approve, approve with modifications, or disapprove site plans within the town as designated in accordance with the standards and procedures set forth in this law.

Section 710. Applicability

All nonresidential uses on any site or lot, and all multi-family dwellings of over two families shall be required to have an approved site plan approved by the town board prior to the issuance of a zoning permit or a certificate of compliance by the enforcement officer.

Section 715. General Review Criteria

The town board shall require that all site plans comply with the following general review criteria:

1. that the site is designed in the interests of 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;
2. that the site is designed so as to be in harmony with the comprehensive plan for the community;
3. that parking areas are adequate for the intended level of use, and arranged and screened so as to minimize negative impacts on adjacent properties;
4. that access to the site is safe and convenient and relates in an appropriate way to both the internal circulation on the site as well as the town road system;
5. that the internal circulation of the site is arranged so as to minimize impacts on the town road system;
6. that the site is suitably landscaped, and appropriately screened from adjacent properties and the road so as to protect the visual character of the area and to minimize negative impacts on adjacent properties and the neighborhood;
7. that any activities on the site which are incompatible with adjacent properties are suitably buffered so as to minimize negative impacts on such adjacent properties;
8. that signs, site lighting, and the locations of all buildings and structures are in keeping with the character of the neighborhood;

9. that any changes to existing drainage patterns, or increased drainage due to development activity has no negative impacts on adjacent property;
10. that proposed water supply and sewage disposal facilities are adequate;
11. that development activity complies with all other standards and requirements of this law.

Section 720. Application

The enforcement officer shall refer any application for a zoning permit which requires a site plan review to the town board. An application for a site plan review shall be filed with the town board, and the appropriate fee as determined by the fee schedule adopted by town board resolution shall be paid to the town clerk. Six copies of the application and site plans shall be provided which shall include the following:

1. Name and address of applicant and owner, if different, and of the person responsible for preparation of drawings;
2. Date, northpoint, written and graphic scale;
3. Boundaries of the site plotted to scale, including distances, bearings, and areas;
4. Locator map showing the site in relationship to the town;
5. Location and ownership of all adjacent lands as shown on the latest tax records;
6. Location of all zone district boundaries;
7. Location, name, and existing width of adjacent roads;
8. Location, width, and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to public use or adjoining the property;
9. Complete outline of existing or proposed deed restrictions or covenants applying to the property;
10. Existing hydrologic features, including wetlands, together with a grading and drainage plan showing existing and proposed contours at a maximum of five foot intervals;
11. Location, proposed use, and height and dimensions of all buildings including the number and distribution by type of all proposed dwelling units, and the designation of the amount of gross floor area and gross leasable area proposed for retail sales and services, office and other commercial or industrial activities;
12. Location and design of all parking and loading areas including access and egress drives and fire lanes and emergency access areas;
13. Provision for pedestrian access, including public and private sidewalks;
14. Location of outdoor storage;
15. Location and design of all existing or proposed site improvements, including drains, culverts, retaining walls, and fences;
16. Description of the method of securing public water supply and disposing of sewage, and the location and design of such facilities;
17. Location and design of all energy distribution facilities, including electrical, gas, and solar energy;
18. Location, size and design of all proposed signs;
19. Location and design of outdoor lighting facilities;
20. General landscaping plan and planting schedule, including the location and proposed development of all buffer areas;
21. Erosion and sediment control plan conforming to the standards and practices contained in the USDA Soil Conservation Service Engineering Field Manual (EFM) and New York Guidelines for Urban Erosion and Sediment Control, or other erosion and sediment control manual recognized by the town board;
22. A statement of the nature and extent of the interest of any state employee, or officer of employee of the town in the applicant pursuant to General Municipal Law Section 809.
23. An environmental assessment form (EAF) and, where required, a draft environmental impact statement (EIS);
24. Other elements integral to the proposed development as considered necessary by the town board.

Section 725. Waiver of Submission Requirements

The town board may waive any of the submission requirements listed in [Section 720](#) above where it deems that the information is either not applicable or is unnecessary to a particular site plan review.

Section 730. Environmental Impact Review

The town board shall be responsible for the completion of an environmental assessment form (EAF) for each application for site plan review. The town board shall be responsible for compliance with 6 NYCRR Part 617 (State Environmental Quality Review regulations) in cooperation with other involved agencies in the review of any site plan.

Section 732. Town Planning Board Referral

Upon acceptance of a completed application, the town board shall refer the application to the town planning board for review and comment. The town planning board shall have 30 days to review the application and make such recommendations to the town board as they may deem appropriate. The town planning board may hold such public meetings and hearings as they may deem necessary to conduct their investigation and make recommendations.

Section 735. Review

Upon a determination by the town board that the application for a site plan review is complete, the board shall review the site plan taking into consideration the objectives for site plan review as outlined in [Section 715](#) above, the general standards for all uses as outlined in [Article 5](#) of this law.

Section 740. Variance

During the course of the review, should the town board determine that a site plan approval may not be feasible without the granting of a variance as defined by Town Law Section 267, the town board may at any time refer the application and site plans to the zoning board of appeals for the consideration of such variance.

Section 745. Public Hearing

The town board shall conduct a public hearing. Such public hearing shall be conducted within 62 days of the receipt of the completed application for a site plan review and shall be advertised at least five days before the hearing in a newspaper in general circulation in the town. A notice of the hearing shall be mailed to the applicant at least 10 days before the hearing.

Section 750. County Planning Board Review

At least 10 days before the hearing, the town board shall refer all site plan review matters that fall within those areas specified under General Municipal Law Section 239-m to the Lewis County Planning Board prior to final action. This includes any use that falls within 500 feet of the following: the boundary of the town; a state or county park or recreation area; a state or county highway or expressway; a state or county owned drainage channel; or state or county land where a public building or institution is located. If the Lewis County Planning Board does not respond within 30 days from the time it received a full statement on the referral matter, then the town board may act without such report.

Section 755. Waiver of Public Hearing

The town board may waive the public hearing. Such waiver shall not be allowed in any one of the following circumstances:

1. the use requires a special use approval pursuant to this law;
2. the use is a Type I SEQR action and the use is determined by the town board to have environmental significance;
3. the use is over 1000 square feet of floor or ground area;
4. the use is over 20 feet in height;
5. the use is within 200 feet of a DEC designated wetland area, within 200 feet of a stream with a DEC classification of C or higher, in a FEMA designated floodplain area, or in a Special Area as depicted on the zoning map;
6. the use is determined by the town board to be of a publicly controversial nature; or

7. the applicant has requested a public hearing.

Section 760. Final Action

1. Within 62 days of the public hearing, or within 62 days of the acceptance of a complete application by the town board where such hearing has been waived pursuant to **Section 755** above, the town board shall act on the site plans. The time within which the town board must render its decision may be extended upon mutual consent of the applicant and the town board. The action of the town board shall be in the form of a written statement to the applicant stating whether or not the site plans are approved, approved with modifications, or disapproved. The decision of the town board shall be filed in the office of the town clerk within five business days and a copy mailed to the applicant.
2. If the site plans are approved, and upon payment by the applicant of all fees and reimbursable costs due the town, the town board shall endorse its approval on a copy of the application and site plans.
3. If the site plans are approved with modifications, the town board shall specify in the statement all modifications to be made. Upon payment by the applicant of all fees and reimbursable costs due to town, and upon approval of the modified application and site plans, the town board shall endorse its approval on a copy of the application and site plans.
4. If the site plans are disapproved, the statement shall contain the reasons for such findings. In such case, the town board may recommend further study of the application and resubmission after it has been revised or redesigned.

Section 765. Report to County Planning Department

The town board shall report to the Lewis County Planning Board on its final action within 30 days of that event.

ARTICLE 8. SPECIAL USE APPROVAL

Section 810. Authority

The town board of the Town of Osceola is hereby authorized pursuant to Town Law Section 274-b to review and approve, approve with modifications, or disapprove special uses within the town as designated in accordance with the standards and procedures set forth in this law.

Section 820. Applicability

All uses listed in sections 555, 940 and 1015 of this law as requiring a special use approval shall be required to have such approved by the town board prior to the issuance of a zoning permit or a certificate of compliance by the enforcement officer.

Section 830. Considerations

1. In considering and acting on special uses, the town board shall consider the public health, safety, welfare, and comfort and convenience of the public in general, the residents of proposed developments, and the residents of the immediate surrounding area.
2. The town 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, in harmony with the comprehensive plan for the community, and be

compatible with existing natural resources such that the activity does not substantially alter their value or quality.

- b. Public Facilities: That the public facilities to service the proposed use, including water supply, sewage disposal, drainage facilities, and road facilities, and any other utilities and public services are adequate for the intended level of use.
- c. Other Requirements: That the proposed use complies with all requirements for site plans in [Article 7](#) of this law and any other special requirements as may be set forth for the use in this law.

Section 840. Application and Review Procedure

All applications for special use approvals shall be submitted and reviewed in compliance with the submission requirements and review procedures for site plan reviews in [Article 7](#) of this law.

ARTICLE 9. NONCONFORMITIES

Section 910. Intent

The intent of this article is to recognize lots, structures and uses of land and structures which legally existed prior to the enactment or subsequent amendment of this law which would be prohibited or unreasonably restricted by the requirements herein. All rights of nonconformity shall continue regardless of the transfer of ownership of nonconforming lots, structures or uses.

Section 920. Nonconforming Lots

Any lot held under separate ownership prior to the enactment or amendment of this law, and having a width or area less than the minimum requirements set forth in this law, may be developed for any use allowed in the zone in which it is located, as designated in [Article 4](#) of this law, provided that such lot has sufficient width and area to undertake development which will:

- 1. maintain the required minimum front setback;
- 2. maintain at least 2/3 of the required minimum side and rear setbacks;
- 3. comply with the sewage, wastewater and well setbacks as provided in [Section 550](#) of this law.

Where two or more adjoining lots exist in the same ownership, such lots shall be considered as combined to meet the requirements of this law.

Section 930. Nonconforming Structures

No structure which by the enactment or amendment of this law is made nonconforming or placed in a nonconforming situation with regard to setback sizes, lot coverage, height or any requirement of this law, other than the use to which it is put, shall be changed so as to increase its nonconformity, except as follows. A structure that is nonconforming as to front, side or rear setbacks may be increased in size within the setback area as long as no part of the addition is closer to the lot boundary than the closest part of the previous nonconforming structure. If a structure is nonconforming as to use, see [Section 940](#) below. Any such nonconforming structure may be used for any compatible use listed for the zone in which it is located as designated in [Article 4](#) of this law.

Section 940. Nonconforming Uses of Land or Structures

Any use of land or structures which by the enactment or amendment of this law is made nonconforming may be continued on the premises and to the extent preexisting provided that:

- 1. no nonconforming use shall be increased in size so as to occupy a greater area of land or floor area than was committed to the nonconforming use at the time of such enactment or amendment;

2. no nonconforming use which has for any reason been discontinued for a period of one year or more shall be reestablished, except where transfer has been delayed in a probate case; and
3. a special use approval shall be required for any alteration or reconstruction which is on the premises of a nonconforming multi-family residential or nonresidential use.

Section 950. Nonconforming Structures Damaged or Destroyed

Any structure which is nonconforming as to use, setbacks, height or any other requirement of this law, which is damaged or destroyed by fire or other hazard, may be repaired, restored or reconstructed provided that such work is undertaken within two years of the date on which the damage or destruction occurred. No such work shall increase the nonconformity of the structure.

ARTICLE 10. ADMINISTRATION AND ENFORCEMENT

Section 1005. Zoning Permits Required

No land-use activity as listed below, other than those activities specifically excepted in [Section 1010](#) below, shall be carried out until a zoning permit has been issued by the enforcement officer stating that the proposed building, structure, use of land, or development activity complies with the requirements of this law:

1. Erection, re-erection or movement of a building or structure;
2. Change of the exterior structural dimensions of a building or structure.
3. Change in use of land, buildings or structures through the establishment of a new use, or through the expansion or enlargement of an existing use.
4. The resumption of any use which has been discontinued for a period of 12 months or longer.
5. Establishment or change in dimensions of a parking area for nonresidential or multi-family residential uses.
6. Installation of a well, sewage or waste disposal system, or replacement of any on-site waste disposal system component beyond the distribution box.
7. Recreational camping vehicles which are sited for occupancy for more than 30 consecutive days (see [Section 1019](#) below).

Section 1010. Zoning Permit Exceptions

A zoning permit shall not be required for:

1. Accessory structures with less than 144 square feet of ground coverage, unless over 15 feet in height. Accessory uses and structures shall comply with all setback and height requirements for principal uses and structures as set forth in this law, regardless of whether or not they require a permit pursuant to this law.
2. Alterations of less than 250 square feet of ground coverage. Alterations shall comply with all requirements of this law, regardless of whether or not they require a permit pursuant to this law.
3. Fences or walls.
4. Interior structural alterations or routine maintenance and improvement that does not expand the exterior dimensions of the structure (e.g., roofing, window replacement, siding replacement, etc.).
5. Minor accessory structures such as posts, sidewalks, driveways, flagpoles, playground equipment, etc.
6. Family day care homes and group family day care homes.
7. Agricultural uses and timber management.

Section 1015. Temporary Zoning Permits

1. Temporary zoning permits may be issued for the following uses:

- a. for one interim dwelling on an individual lot during the construction of a single-family or two family dwelling on such lot;
 - b. for one emergency use on an individual lot, when the need for such use resulted from the loss by flood, fire, or other disaster of an existing use within the town;
 - c. upon proof of special necessity for an agricultural use where additional dwellings are needed for farm employees or family members, the town board may grant a special use approval for the installation of a maximum of two mobile homes to be placed on the same individual lot as an existing conventional single-family dwelling conditioned upon the following: 1) the mobile homes shall not be occupied by persons other than employee or family members, and 2) the mobile homes shall be removed within six months from the date when the special necessity ceases;
 - d. for temporary uses and structures incidental to a construction project.
2. Temporary zoning permits may be issued for a period not to exceed one year. In cases of emergency use as provided for in subsection b above and special necessity for an agricultural use as provided for in subsection c. above, temporary zoning permits may be renewed annually.
 3. All temporary zoning permits shall be conditioned upon agreement by the applicant to remove any nonconforming uses or structures upon expiration of the permit.

Section 1018. Driveway Permit

The placement of new driveways on town roads shall require a driveway permit issued by the highway superintendent pursuant to Local Law No. 1 of 2012. All driveways will be a minimum of 30 feet wide at the point where they adjoin the town road. All work and materials are the responsibility of the property owner or contractor doing the installation.

Section 1019. Recreational Camping Vehicle Permit

A recreational camping vehicle permit shall be valid for one year from the date it is issued.

Section 1020. Application Procedure for Zoning Permits

1. The application procedure for zoning permits shall be as provided in this section below, or through intermunicipal agreement entered into by the town board. Where conflict exists between the provisions below and any intermunicipal agreement entered into by the town board, the provisions of the intermunicipal agreement shall govern.
2. Applications for zoning permits shall be submitted to the town clerk who shall refer them to the enforcement officer, and shall include two copies of a layout or plot plan showing the actual dimensions of the lot to be used; the parcel tax identification number; the size and location on the lot of existing and proposed structures and accessory structures; the setbacks of structures from all lot lines, road center lines, mean high water lines of streams, ponds and wetlands, and any other features of the lot; the location of sanitary and water facilities; a brief description of the proposed use; and such other information as may be necessary to provide for the enforcement of this law. This information, and other relevant application data, shall be provided on forms issued by the town clerk.
3. When establishing measurements to meet the required setbacks, the measurements shall be taken from the lot line, road center line, or nearest mean high water line to the furthestmost protruding part of the use or structure. This shall include such projecting facilities as porches, carports, attached garages, roofs, eaves, etc. Where property boundary lines are not readily apparent in the field, the zoning officer may require the applicant to produce a survey to identify boundaries.
4. The enforcement officer shall take action to approve or disapprove the application within 15 days of the receipt of a completed application by the enforcement officer and the payment of all fees.

5. A zoning permit shall expire one year from the date of issue if construction is not started or the use has not commenced. All construction must be completed within two years of the issuance of the permit, or the permit must be renewed annually thereafter until completion upon payment of all fees.

Section 1025. Permit Fees

A fee as determined by town board resolution shall be paid for each application for a site plan approval, special use approval and appeal. No permit shall be issued until full payment has been received by the town clerk.

Section 1030. Certificate of Compliance

No use or structure requiring a zoning permit shall be occupied, used, or changed in use until a certificate of compliance has been issued by the enforcement officer stating that the use or structure complies with the provisions of this law. The certificate of compliance shall be issued within five days after the use has been completed and approved as complying with the provisions of this law.

Section 1040. Unapproved Lots

No zoning permit or certificate of compliance shall be issued for any use or structure on any unapproved lot. An unapproved lot is a lot which has been filed in the office of the county clerk after the effective date of the Town of Osceola Subdivision Law and which has not been approved by the planning board and was not exempt from said regulations at the time of filing.

Section 1045. Enforcement Officer

This law shall be enforced by the enforcement officer, who shall be appointed or established through intermunicipal agreement by the town board. The duties of the enforcement officer shall be to:

1. Approve and disapprove zoning permits and certificates of compliance;
2. Scale and interpret zone boundaries on the zoning map;
3. Refer appropriate matters to the board of appeals, planning board, or town board;
4. Revoke zoning permits or certificates of compliance where there is false, misleading or insufficient information or where the applicant has varied from the terms of the application;
5. Investigate violations, issue stop work orders, and refer violations to the town justice and the town board;
6. Report at regular town board meetings the number of zoning permits and certificates of compliance issued;
7. Maintain records of active permit applications and active enforcement actions.

Section 1050. Zoning Board of Appeals

1. The zoning board of appeals shall consist of five members as set forth in Section 267 of the Town Law, or in the alternative the town board may enter into an agreement pursuant to Article 5-G of the General Municipal Law and Section 284 of the Town Law to establish a cooperative zoning board of appeals. In the event of a cooperative zoning board of appeals, membership shall be as per the contractual agreement and may otherwise vary from provisions of Section 267 of the Town Law as may be set forth in that agreement.
2. The powers of the zoning board of appeals shall be to interpret this law and to grant area variances and use variance in accordance with the standards set forth in Section 267-b of the Town Law and as may be otherwise provided by law.
3. The procedure before the zoning board of appeals shall be in accordance with Section 267-a of the Town Law except as may be specifically modified by intermunicipal agreement should the town elect to enter into a cooperative zoning board of appeals, in which event such procedures shall be strictly governed by the intermunicipal agreement.

4. This local law specifically supersedes those provisions of Section 267 of the Town Law requiring that there be three or five members of the board of appeals, that the terms be staggered, that the town board select the chairman, and the voting power of members of the zoning board of appeals in the event that the town should enter into an intermunicipal agreement pursuant to Section 284 of the Town Law and Article 5-G of the General Municipal Law in which event the intermunicipal agreement shall govern those factors.

Section 1060. Filing of Records

1. A copy of all zoning permits, temporary zoning permits, certificates of compliance, notices of violation, and stop work orders shall be filed in the office of the town clerk within five business days of their issuance.
2. A copy of all decisions of the zoning board of appeals shall be filed in the office of the town clerk within five business days of the decision.
3. A copy of all site plan review decisions of the planning board shall be filed in the office of the town clerk within five business days of the decision.
4. A copy of all special use approvals of the town board shall be filed in the office of the town clerk within five business days of the decision.
5. All such records shall be available for the inspection of the public.

Section 1065. Violations

1. Whenever a violation of this law occurs, any person may initiate a complaint. All complaints shall be in writing and delivered to the town clerk or enforcement officer. The enforcement officer shall accurately record the complaint, file it appropriately, and investigate it.
2. If the complaint is found to be valid, the enforcement officer shall then inform the owner of the premises that there is a violation of the law. The owner shall be notified by certified mail with a return receipt requested, or be personally served, as to the manner of the violation. Mail shall be sent to the address of the property owner as stated on the last completed tax roll. The owner will have fourteen days, minimum, to remedy the situation from the date of the mailing, except in the case of imminent peril to life or property.
3. An order to stop use/work may be issued to the owner in the same manner as a notice of violation. Such order shall require that all construction stop immediately.
4. If a violation persists, the enforcement officer may file an "information and complaint" with the town justice charging the owner with violating one or more sections of this law. The town justice shall then issue a summons for the violator to appear in court.
5. Alternatively to section 4 above, pursuant to Criminal Procedure Law Section 150.20 (3), the enforcement officer is hereby authorized to issue an appearance ticket to any person causing a violation of this law, and, if a violation persists, shall cause such person to appear before the town justice.

Section 1070. Penalties

1. Pursuant to Municipal Home Rule Law Section 10 and 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 and subject to fine and/or imprisonment. Any violation of this law is an offense punishable by a fine not exceeding \$350 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 years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six 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 \$750 nor more than \$1000 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 violations. Each week's continued violation shall constitute a separate additional violation.

2. 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.

ARTICLE 11. MISCELLANEOUS PROVISIONS

Section 1110. Amendments

The town board may amend the provisions of this law pursuant to Town Law Section 265 after public notice, public hearing, compliance with the State Environmental Quality Review Act regulations (6 NYCRR Part 617), and following appropriate referral to the county planning board pursuant to General Municipal Law Section 239-m.

Section 1120. Interpretation

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.

Section 1130. Separability

Should any article, section, subsection, sentence or clause 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 1140. Effective Date

The provisions of this law shall take effect upon filing with the Secretary of State.