

LAND USE & DEVELOPMENT CODE

FOR THE TOWN OF LOUISVILLE, NEW YORK

PART II: ZONING REGULATIONS

Effective:

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LAND USE & DEVELOPMENT CODE FOR THE TOWN OF LOUISVILLE, NEW YORK

PART II: ZONING REGULATIONS

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LAND USE & DEVELOPMENT CODE FOR THE TOWN OF LOUISVILLE, NEW YORK

PART II: ZONING REGULATIONS

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LAND USE & DEVELOPMENT CODE FOR THE TOWN OF LOUISVILLE, NEW YORK

PART II: ZONING REGULATIONS

BACKGROUND:

The Land Use and Development Code – Part II: Zoning Regulations was originally developed by The Bailey Association, Landscape Architects, and Planning Consultants. The regulations were approved by the Town of Louisville as Local Law #1 for the year 1972 on January 25, 1972.

In this document, all amendments made to zoning text between 1972 and the present have been incorporated herein.

Amendments made to the Zoning Map between 1972 and the present are incorporated in the revised Map.

ARTICLE I - TITLE

This law shall be known and may be cited as “ZONING REGULATIONS FOR THE TOWN OF LOUISVILLE”.

This law is adopted pursuant to NYS Town Law, Section 261.

ARTICLE II – GENERAL PROVISIONS

- A. **PURPOSE** - The provisions of these regulations shall be held to be the minimum requirements adopted to promote the health, safety, and general welfare of this community. Such requirements are deemed necessary to achieve the following purposes.
1. **PROMOTE ORDERLY DEVELOPMENT** - to protect the character and maintain the stability of residential, recreational, commercial and agricultural areas within the town, and to promote the orderly and beneficial development of such areas.
 2. **REGULATE INTENSITY OF USE** - to regulate the intensity of use of zoning lots, and to determine the area of open spaces surrounding buildings necessary to provide adequate light and air, privacy and convenience of access to property, and to protect the public health and safety.
 3. **REGULATE LOCATION OF BUILDINGS** - to establish building lines and the location of buildings designed for residential, recreational, commercial, agricultural, or other uses within such lines.
 4. **ESTABLISH STANDARDS OF DEVELOPMENT** - to fix reasonable standards to which buildings or structures or the use of the land shall conform.
 5. **PROHIBIT INCOMPATIBLE USES** - to prohibit uses, buildings or structures which are incompatible with existing or desirable character of development within specified zoning districts.
 6. **REGULATE ALTERATIONS OF EXISTING BUILDINGS** - to prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed hereunder.
 7. **LIMIT CONGESTION IN THE STREETS AND HIGHWAYS** - to limit congestion in the public streets and so protect the public health, safety, convenience, and the general welfare by providing for off-street parking of motor vehicles and for the loading and unloading of commercial vehicles.
 8. **PROTECT AGAINST HAZARDS** - to provide protection against fire, flood, explosion, noxious fumes, and other hazards in the interest of the public health, safety, comfort and general welfare.
 9. **CONSERVE TAXABLE VALUE OF LAND** - to conserve and enhance the taxable value of land and buildings throughout the Town through an enlightened approach to land development and building location.
- B. **SCOPE** - This Local Law shall apply to the construction, installation or alteration of any building, structure or appurtenant system and any lot, plot or parcel of land used, occupied or otherwise maintained as herein provided for in the Town of Louisville.
- C. **RELATIONSHIP OF THIS LAW TO OTHER LAWS AND REGULATIONS –**
1. **Conflict with other laws.** Whenever the requirements of this Local Law are at variance with the requirements of any lawfully adopted rules, regulations or ordinances, such as the New York

State Uniform Fire Prevention and Building Code, the most restrictive of those imposing the highest standards shall govern.

- a. The current Land Use & Development code for the Town of Louisville replaces Local Law #2 – 1981 Street Design Requirement, Local Law #4 – 1970 Design and Improvements, Local Law #1 1970 – Uniform Standard construction, Local Law #4-1970 Subdivision Regulations, Local Law 2 – 1993 – Subdivision Regulations there by making them null and void.
2. Requirement for New York State General Municipal Law 239-m Referral to County Planning Board. Section 239-m requires that certain matters be referred to the St. Lawrence County Planning Board by the Town Board, the Planning Board, or the Town Zoning Board of Appeals, as appropriate, and that the referring board shall not take final action until it has received a recommendation within 30 days from the County Planning Board. The following matters shall be referred to the St. Lawrence County Planning Board:
 - a. Adoption or amendment of a comprehensive plan pursuant to section 272-a of town law;
 - b. Adoption or amendment of a zoning ordinance or local law;
 - c. Issuance of special use permits;
 - d. Approval of site plans;
 - e. Granting of use and area variances;
 - f. Other authorizations that a referring body may issue under the provisions of any zoning ordinance or local law.
3. The proposed actions set forth above shall be subject to referral to the County Planning Board if they apply to real property within five hundred feet of the following:
 - a. The boundary of any city, village or town; or
 - b. The boundary of any existing or proposed county or state park or any other recreation area; or
 - c. The right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway; or
 - d. The existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines; or
 - e. The existing or proposed boundary of any county or state-owned land on which a public building or institution is situated; or
 - f. The boundary of any farm operation located in an agricultural district, as defined by Article 25-AA of the New York State Agriculture and Markets Law, except this subparagraph shall not apply to the granting of area variances.
4. Agricultural Districts. Notwithstanding any other provision of this Local Law, “farm operations” as defined in Article 25-AA of the New York State Agriculture and Markets Law, shall be a permitted principal use in all areas located within an agricultural district adopted by the Town of Louisville and certified by the Commissioner of Agriculture pursuant to said Article 25-AA, regardless of what zoning district such areas are located within. This provision shall supersede any conflicting provision of this Local Law.
- D. **SEPARABILITY** - Should any section(s) or provisions of this Local Law be decided to be unconstitutional or invalid by a court of competent jurisdiction, such a decision shall not affect the validity of the Local Law as a whole or any part thereof other than the part decided to be unconstitutional or invalid.
- E. **FEES** - Permit fees shall be paid according to the fee schedule and may, from time to time, be established by resolution of the Town Board.
- F. **STATE ENVIRONMENTAL QUALITY REVIEW (SEQR) –**
 1. The State Environmental Quality Review Act requires that local government examine the environmental impact of all actions they permit, fund, or construct. Article (VIII) and Part 617 of Title 6 of the New York Code of Rules and Regulations (6 NYCRR Part 617) are hereby adopted by reference.

2. All “Type I” and unlisted actions (6 NYCRR Part 617) shall require the submission and review of an Environmental Assessment Form.
3. The Board that is empowered to approve the action shall be the lead agency.
4. If the opinion of the lead agency after review of the Environmental Assessment form is that there appears to be the potential for a significant environmental impact, such lead agency shall cause the applicant to prepare a Draft Environmental Impact Statement (DEIS). Review, notice, and action on the DEIS shall be conducted according to 6 NYCRR, Part 617.

ARTICLE III - DEFINITIONS

- A. **GENERAL** - For the purpose of this Local Law, certain terms or words used herein shall be interpreted as follows:
1. Words used in the present tense shall include the future.
 2. The singular number includes the plural and the plural the singular.
 3. The word "lot" includes the word "plot" or "parcel".
 4. The word "person" includes a corporation, partnership, association or organization as well as an individual.
 5. The word "building" includes the word "structure".
 6. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "built", "arranged" or "designed to be used" or "occupied".
 7. The word "shall" is mandatory.
 8. All definitions connected with the **Telecommunications Towers Regulations section** have been collated in that section. (See page 82 - 84 telecommunications definitions.)
 9. All definitions connected with the **Sub-Division Regulations section** have been collated in that section. (See page 44 - 49 subdivision definitions.)
- B. **DEFINITIONS:**
- **ACCESSORY BUILDING OR STRUCTURE:** A building or structure which is used for a purpose clearly incidental or subordinate to, and customarily in connection with the principal building, structure, or use on the same lot.
 - **ACCESSORY USE:** A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.
 - **ADDITION:** An extension or increase in floor area, number or stories or height of a building or structure, an increase in conditioned space or the extension of a building system or subsystem.
 - **ADULT USE BUSINESS:** Any business where employees or patrons expose specified anatomical areas or engage in specified sexual activities, or any business which offers to its patrons services or entertainment characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to specified sexual activities or specified anatomical areas.
 - **ALLEY:** A narrow street or passageway which affords public means of vehicular access to abutting property.
 - **ALTERATION:** A change or rearrangement in the structural parts, or in the entrance and exit facilities. Any construction or renovation to an existing building or structure other than repair or addition. A change to a mechanical system that involves an extension, addition or change to the arrangement, type or purpose of the original installation.
 - **AUTO SALES & SERVICE:** A building or part thereof operated for gain and used for the storage, hiring, selling, greasing, washing, servicing or repair of motor driven vehicles.
 - **AUTO WASH:** A structure designed or intended primarily for the washing of automobiles, including conveyor, drive-through and self-service types.
 - **BARREL:** Equal to 31.5 U.S. gallons.

- **BARRIER**: A division or separation that prevents access.
- **BASEMENT**: That portion of a building that is partly or completely below grade.
- **BED AND BREAKFAST**: An owner-occupied residence resulting from a conversion of a one-family dwelling, used for providing overnight accommodations and a morning meal to not more than ten transient lodgers and containing not more than five bedrooms for such lodgers.
- **BREWERY**: A business that brews 15,000 or more barrels of ales, beers, meads, and/or similar beverages annually on site.
- **BREW PUB**: An establishment may include other uses such as a tasting room, which produces less than 10,000 barrels annually of alcoholic beverages, including beers, ales, meads, hard ciders, and wines with ancillary activities which may include on-site consumption and may also contain kitchen facilities for consumption of food & beverages.
- **BUILDING**: Any roofed structure intended for a shelter, housing or enclosure of persons, animals or property. When a building is divided into entirely separate parts extending from the ground up, each part is deemed a separate building.
- **BUILDING AREA**: The total ground floor area of a principal building and accessory buildings exclusive of uncovered porches, steps and terraces.
- **BUILDING COVERAGE**: That portion of the plot or lot area covered by a building.
- **BUILDING, DETACHED**: A building surrounded by open space on all sides on the same lot.
- **BUILDING, FLOOR AREA**: The sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same lot, including basement areas devoted to residential use and the area of bays, dormers, roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.
- **BUILDING, HEIGHT OF**: The vertical distance measured from the established grade at the street center line or if no grade has been officially established on the street, measured from the average level of the proposed finished grade across the front of the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height between eaves and ridge for gable, hip and gambrel roofs.
- **BUILDING LINE**: A line parallel with the front, side or rear property lines, respectively, beyond which a structure may not extend as determined by these regulations.
- **BUILDING, PRINCIPAL**: A building in which is conducted the main or principal use of the lot on which said building is situated.
- **CAMP**: Any one or more of the following: A tent, trailer, shelter, or other accommodation for seasonal or other more or less temporary living accommodations, regardless of whether such structure or accommodation is actually used seasonally or otherwise; **OR** A parcel of land on which is located two or more shelters, recreational vehicles, tents or other accommodation for seasonal or other more or less temporary living arrangements; **OR** A parcel of land, including buildings and facilities thereon, used for the assembly of children or adults for what is commonly

known as “day camp” purposes; **OR** A parcel of land, including buildings and facilities thereon, used for overnight, weekend or longer periods of camping by organized groups.

- **CAMPGROUND:** A lot used for the parking and use on individual camping sites by travel trailers, tent-trailers, tents or similar transportable accommodations, together with all yards, sanitary facilities, roadways, open space and other requirements as defined by this Local Law. A campground shall not include use by mobile homes or other residential appurtenances on a permanent year-round basis, except where required for operation, maintenance or security of the campground.
- **CANNABIS:** All parts of the *Cannabis sativa* or *Cannabis indica* plant, whether growing or no; the seeds therefore; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin.
- **CANNABIS ONSITE CONSUMPTION:** The consumption of cannabis in an area licensed by NYS to allow consumption on premises under the NYS Cannabis Law.
- **CANNABIS RETAIL DISPENSARY:** A licensed business under the NYS Cannabis Law where a person (retailer) may solicit or receive an order for, keep or expose for sale, and keep with intent to sell any cannabis, cannabis product, cannabinoid hemp, or hemp extract product to a cannabis consumer for any purpose other than resale.
- **CRAFT BREWERY, MICRO-BREWERY, MICRO-WINERY, and MICRO-DISTILLERY:** An establishment engaged in the production and distribution of beer, ale, wine, or spirituous liquors that brews less than 15,000 barrels of ales, beers, meads, and/or similar beverages annually on site. The establishment may include other uses such as a tasting room or table service restaurant.
- **DECK:** An exterior floor system supported on at least two opposing sides by an adjoining structure and /or post, piers, or other independent supports.
- **DRIVE-IN RESTAURANT OR REFRESHMENT STAND:** Any place or premises used for sale, dispensing, or serving of food, refreshments or beverages to persons in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on the premises.
- **DWELLING, ONE-FAMILY:** A detached building designed for year-round occupancy by one family only, including a sectional dwelling or a modular home located on a permanent continuous masonry foundation, other than a recreational vehicle, camp or any temporary structure.
- **DWELLING, TWO-FAMILY:** A detached building, designed for year-round occupancy by two families living independently of each other.
- **DWELLING, MULTIPLE-FAMILY:** A building or portion thereof designed for year-round occupancy, containing separate dwelling units for three or more families living independently of each other, other than hotels, motels, camps and rooming houses.
- **DWELLING, CONDOMINIUM:** Any apartment, town house or other residential building portion thereof, involving a combination of two kinds of ownership of real property:

- Fee simple ownership of the individual dwelling unit; and
- Undivided ownership together with other purchasers of the common elements of the structure, land and appurtenances, the management thereof controlled by a property owners' association.
- DWELLING, TOWN HOUSE: Three or more attached dwelling units designed for year-round occupancy and containing separate dwelling units for occupancy by one family per unit.
- DWELLING, GUEST HOUSE: An accessory dwelling unit built on the same lot with the principal dwelling.
- DWELLING UNIT: A building or portion thereof, providing complete housekeeping facilities for one family, including living, cooking, sanitary and sleeping facilities.
- FAMILY: One or more persons occupying the premises, living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, club, fraternity, hotel or commune.
- FARM: The land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a 'commercial horse boarding operation' as defined in AML §301, subd. 13. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.
- FARM BREWERY: Brewers using ingredients produced in New York State. Additional information on Farm Breweries can be found at: <https://newyorkcraftbeer.com/farm-brewery/> and <https://www.nysenate.gov/legislation/laws/ABC/51-A>.
- FENCE: A structure serving as an enclosure, a barrier or a boundary. Usually made of posts or stakes joined by boards, wire, or rails.
- GARAGE, PRIVATE: A roofed space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein or space for more than one car is leased to a non-resident of the premises.
- GASOLINE STATION: Any area of land, including structures thereon, that is used or designed to be used for the sale of gasoline or oil or other motor vehicle fuel and which may include facilities for lubricating, washing, cleaning or otherwise servicing motor vehicles, but not including the painting or major repair thereof. The term Gasoline Station shall be deemed to include filling station and service station.
- HEDGE: A row of closely planted shrubs or trees forming a fence or barrier.
- HEDGE ROW: A row of closely planted shrubs or trees forming a boundary.
- HOLDING AREA: A farm where cattle or other livestock are held and bulk fed commercially in a restricted area as distinguished from a pasture and other parts of an operating farm.

- HOME OCCUPATION: Any use customarily conducted entirely within a dwelling or its accessory buildings and operated only by a resident of the premises and in which no non-residents are employed or engaged, which use is clearly incidental to the use of the dwelling as a place of residence; and further provided that no article is sold or offered for sale except such as may be produced by a resident of the premises. In particular, a home occupation includes, but is not limited to, the following:
 - Professional office of a physician, dentist, lawyer, engineer, architect, and other similar professions: art or photographic studio, dressmaker or seamstress, barber or beauty shop.
 - However, a home occupation shall not be interpreted to include a commercial stable or kennel, animal hospital, restaurant, tourist or boarding house, convalescent home, funeral home, nor stores, trades or businesses of the kind herein excepted.
- HOSPITAL: A building or structure for the diagnosis and medical or surgical care of human sickness or injuries.
- HOSPITAL, ANIMAL: A building or structure for the diagnosis and medical or surgical care of sick or injured animals.
- HOTEL OR MOTEL: A building or group of buildings where transient guests are lodged for hire.
- JUNK YARD: A lot, land, or structure, or part thereof, used for the collecting storage and/or sale of waste paper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles, and for the sale of the parts thereof. It shall mean any place of storage or deposit, whether in connection with another business or not, where two or more unregistered, old, or second-hand vehicles, no longer intended or in condition for legal use on the public highways are held, whether for the purpose of resale of used parts there from; or reclaiming for use of some or all of the materials therein, whether metal, glass, fabric or otherwise; or disposing of the same; or for any other purpose. Such term shall include any place of storage or deposit of any such purposes of used parts or waste materials from motor vehicles which, taken together, equal in bulk, two or more such vehicles.
- KENNEL: A commercial establishment for the keeping, breeding, boarding or training of four or more mature dogs, cats or other domestic animals, excluding common farm animals (horses, cows, pigs, goats, sheep, etc.).
- LAUNDERETTE: A business premises equipped with individual clothes washing or cleaning machines for use by retail customers, exclusive of laundry facilities provided in an apartment, fraternity, sorority, residential resort hotel or club.
- LIVING SPACE: Space within a dwelling unit utilized for living, sleeping, eating, cooking, bathing, washing and sanitation purposes.
- LOT: A parcel of land considered as a unit, occupied or capable of being occupied by a principal building or use and accessory buildings or uses, or by a group of buildings united by a common use or interest; and including such open spaces as required by this Local Law, and having its principal frontage on a public street or an officially approved place.
- LOT, AREA: The total area included within side and rear lot lines and the street or highway right-of-way.

- LOT, CORNER: A lot located at the intersection of and fronting on two or more intersecting streets, and having an interior angle at the corner of intersection of less than 135 degrees.
- LOT, DEPTH: The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.
- LOT, INTERIOR: A lot other than a corner lot.
- LOT, LINES: The property lines bounding the lot.
 - Lot Line, Front- The lot line separating the lot from the street right-of-way.
 - Lot Line, Rear- The lot line opposite and most distant from the front lot line.
 - Lot Line Side- Any lot line other than a front or rear lot line.
- LOT LINE ADJUSTMENT (LLA): is an adjustment or modification of the boundary line between existing adjacent parcels of real property, where land taken from one parcel is added to an adjacent parcel.
- LOT OF RECORD: a lot which is part of a subdivision recorded in the Office of the County Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
- LOT, THROUGH: A lot having frontage on two approximately parallel or converging streets other than a corner lot.
- LOT, WIDTH: The distance between side lot lines measured parallel to the front lot line at a distance from the front lot line equal to the front yard specified for the district.
- MANUFACTURED 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 (12192mm) 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 "manufactured 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 "manufactured home" shall not include any self-propelled recreational vehicle.
- MANUFACTURED HOME CLASS A: A manufactured home nineteen feet or more in width.
- MANUFACTURED HOME CLASS B: A manufactured home less than nineteen feet in width.
- MARINA: A facility for storing, servicing, fueling, berthing, securing and launching of private pleasure craft that may include the sale of fuel and incidental supplies for boat owners, crews and guests.

- MICRO-BREWERY: See Craft Brewery.
- MICRO-FARM WINERY: A New York State registered farm using New York State grown agricultural products for the manufacture of up to 250,000 gallons of wine.
- MICRO-DISTILLERY: See Craft Brewery.
- MICRO-WINERY: See Craft Brewery.
- MOBILE HOME: A factory manufactured dwelling unit built prior to June 15, 1976, with or without a label certifying compliance with NFPA, ANSI or a specific state standard, transportable in one or more sections, which in the traveling mode, is 8 feet (2438mm) or more in width or 40 feet (12192mm) or more in length, or when erected on site, is 320 square feet (29.7m²) 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 not include travel trailers of any self-propelled recreational vehicle.
- MODULAR HOME: A factory-manufactured dwelling unit, conforming to applicable provisions of this code and bearing insignia of approval issued by the State Fire Prevention and Code Council, which is constructed by a method or system of construction whereby the structure or its components are wholly or in substantial part manufactured in a manufacturing facility, intended or designed for permanent installation, or assembly and permanent installation.
- MOBILE HOME COURT: A parcel of land, which has been planned and improved for the placement of two or more mobile homes or class B Manufactured homes for dwelling purposes. The term shall include Mobile Home Park or other area planned and/or improved for two or more mobile homes or class B manufactured homes.
- NEIGHBORHOOD GROCERY OR CONVENIENCE STORE: A retail commercial establishment that supplies groceries and other daily household necessities to the immediate surrounding area.
- NON-CONFORMING LOT: Any zone lot in single ownership, which does not conform with the minimum area and/or dimensions required in the district in which it is situated or for any special use as the case may be and where the owner of said lot does not own any adjoining property, the subdivision of which could create one (1) or more conforming lots.
- NON-CONFORMING USE: Use of a building or of land that does not comply with the regulations for the district in which it is situated and where such use existed and/or was used legally at the time of adoption of these regulations.
- NURSING HOME: A proprietary facility, licensed or regulated by the State of New York for the accommodation of convalescents or other persons who are not acutely ill or not in need of hospital care, but who require skilled nursing and related medical services which are prescribed by or performed under the direction of a person or persons licensed to provide such care or services in accordance with the laws of the State of New York.
- NURSERY SCHOOL: Facilities for the daytime care or instruction of two or more children from two to five years old inclusive, and operated on a regular basis, for pay.

- PARKING SPACE: A space designated for the parking of one motor vehicle and having an area of not less than 180 square feet, exclusive of passageways and driveways thereto.
- PERSONAL SERVICE SHOP: A business where professional or personal services are provided for gain and where the sale of retail goods, wares, merchandise, articles or things is only accessory to the provision of such services, including but not limited to the following: barber shops, beauty shops, tailor shops, Laundromats, shoe repair shops, etc.
- PLANNED DEVELOPMENT DISTRICT: A tract of land in single ownership, or controlled by an individual, partnership, cooperative or corporation designed for and capable of being used for one or more residential, commercial, industrial or recreational uses which have certain facilities in common and which have been designed as an integrated unit.
- PREMISES: A lot, plot or parcel of land, including any structure thereon.
- PRIVATE CLUB OR LODGE: Building and facilities owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.
- RECREATIONAL VEHICLE: A mobile recreational unit including travel trailer, pickup, camper, converted bus, tent-trailer, camper trailer, tent or similar device used for temporary portable housing.
- REPAIR: The restoration to good or sound condition of any part of an existing building or structure for the purpose of its maintenance.
- RESTAURANT: A building where food and beverages are offered for sale to the public for consumption at tables or counter either inside or outside the building on the lot. As an accessory use, take-out service of food and beverages for off-site consumption may be provided.
- RIDING STABLE: A farm where land and buildings are used to house horses and for their exercise and training, which may include a school, boarding stables, tack shop or other related uses.
- ROADSIDE STAND: A semi-permanent structure, stand or location for the sale of any product or material on a temporary, part-time or seasonal basis.
- SETBACK: The shortest distance from the highway right-of-way or a property line to part of a building or structure measured at right angles to such a right-of-way or property line, including cornices, at or below grade structures; but including vestibules, decks (attached or unattached) and porches. When the highway right-of-way fronts a lot on an angle or curve, the "setback" line is a continuation of the "setback" line of the adjoining lots extended to conform to the angle of such right-of-way.
- SIGN: Any device affixed to, 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. (These regulations shall not apply to any flag insignia of a

government or government agency, school or religious group, or 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. An advertising sign shall not exceed fifty (50) square feet.
- **SIGN, BILLBOARD 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. The size of the billboard advertising sign may be up to twelve feet by twenty-four feet (12'X24') or 576 square feet for a two-sided sign. A commercial billboard shall be construed to be a billboard advertising sign.
- **SIGN, BUSINESS:** A sign which directs attention to a business or profession conducted, or a commodity, service, or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed. All business signs shall not exceed thirty-two (32) square feet per parcel in total.
- **SIGN, FOR SALE or TO LET:** A sign relating to the lot on which it is displayed shall be deemed to be a temporary sign and shall not exceed six (6) square feet. Temporary signs erected, affixed, or maintained on a lot shall not exceed 30 days past its purpose.
- **SIGN, FLASHING:** Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color when such sign is in use. For the purpose of these regulations, any revolving illuminated sign shall be considered a “flashing sign”.
- **SPECIAL EXCEPTION:** A use that would not be appropriate generally or without restriction throughout the zoning district, but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such use may be permitted in certain zoning districts as a special exception, if specific provision for such special exception is made in these Zoning Regulations.
- **STORY:** That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.
- **STORY ABOVE GRADE:** Any story having its finished floor surface entirely above grade, except that a basement shall be considered as a story above grade where the finished surface of the floor above the basement is;
 - More than 6 feet (1829mm) above grade plane.
 - More than 6 feet (1829mm) above the finished ground level for more than 50 percent of the total building perimeter.
 - More than 12 feet (3658mm) above the finished ground level at any point.
- **STORY, HALF:** That portion of a building between a pitched roof and the uppermost full story, and having a floor area at least half as large as the floor below. Space with less than five feet clear headroom shall not be considered as floor area.

- STREET: A public or private way, which affords the principal means of access to abutting property.
- STRUCTURE: Anything constructed or erected, the use of which required location on the ground or attachment to something having location on the ground.
- STRUCTURAL ALTERATION: Any change in the supporting members of a building such as bearing walls, columns, beams or girders.
- TAVERN: A building or part thereof where liquor, beer, or wine or any combination thereof are served for consumption on the premises, with or without food in consideration of payment.
- THEATRE, OUTDOOR: An open lot or part thereof, with its appurtenant structures and facilities, devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis.
- TOWNHOUSE: A single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof and with open space on at least two sides.
- TRUCK TERMINAL: The use of land, buildings or structure for the purpose of maintenance, servicing, storage or repair of commercial vehicles, but does not include automobile service stations or transportation sales or rental outlets.
- VARIANCE: An authorized departure by the Board of Appeals from the terms of this Local Law where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of these regulations would result in unnecessary and undue hardship. As used in these regulations, a variance is authorized only for height, area and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.
- YACHT CLUB: A building and lot used as the meeting place for an association of persons united by a common interest in boating, and shall include provisions for the land and water storage, servicing, fueling, berthing, securing and launching, and the sale of fuel and incidental supplies for use by members and guests.
- YARD, FRONT: Required open unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the street right-of-way and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street right-of-way. Covered porches or decks, attached or unattached, whether enclosed or unenclosed shall be considered as part of the main building and shall not project into the required front yard.
- YARD, REAR: An open space extending across the rear of a lot measured between the side lot lines, and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projection thereof. Covered porches or decks, attached or unattached whether enclosed or unenclosed shall be considered as part of the main building and shall not

project into the required rear yard. On both corner and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

- YARD, SIDE: An open space from the front yard to the rear yard between the principal building and the nearest side lot line unobstructed from the ground upward. Covered porches or decks, attached or unattached whether enclosed or unenclosed shall be considered as part of the principal building and shall not project into the required side yard.

ARTICLE IV – ESTABLISHMENT OF DISTRICTS

A. **DESIGNATION OF DISTRICTS:** For the purpose of this Local Law, the Town of Louisville is divided into the following districts:

1. **R-1** Residential District
2. **R-A** Residential-Agricultural District
3. **R-R** Resort-Residential District
4. **C-C** Community Center District
5. **C-G** General Commercial District
6. **S-P** Scenic Preservation District
7. **P-LW** Public Lands and Water District
8. Provision is also made for the creation of the following districts:
 - a. **P-D** Planned Development District

B. **DISTRICTS AND THEIR PERMITTED USES:**

1. **R-1- Residential District**
 - a. **Purpose:** To delineate those areas where predominantly single-family residential development has occurred or is likely to occur in accordance with the Town Plan; to maintain the quality of residential areas by requiring lot and building standards which accurately reflect existing conditions and service potential; and to protect the integrity of residential areas by prohibiting the intermixture of residential and incompatible non-residential uses.
 - b. **Permitted uses:**
 - i. One family dwelling, Class A Manufactured Home and Modular Home and/or Guest home
 - ii. Two Family Dwelling
 - iii. Public or parochial school
 - iv. Public or municipal building
 - v. Church, parish house, cemetery
 - vi. Public Park, playground or golf course
 - vii. Accessory building or use
 - c. **Uses permitted as a Special Exception:**
 - i. Public utility, structure or use
 - ii. Neighborhood grocery or convenience item store
 - iii. Mobile Home Sales in existing mobile home courts
 - iv. Home occupation
 - v. Bed and Breakfast
 - d. **Keeping of Farm Animals for Non-Commercial Purposes.** In a Residential District, it shall be permissible to keep and maintain animals commonly considered to be farm animals, such as horses, cows, pigs, goats, sheep, etc., under the following conditions:
 - i. Commercial operations prohibited. Farm animals shall not be raised or kept for resale purposes; and shall only be kept for recreational purposes or for home consumption by the owner.
 - ii. Farm animals that create a nuisance due to noise or odor, or that may be considered an imminent danger to human health, life or safety shall be prohibited.
 - iii. No owner or occupant may keep or maintain farm animals on a lot smaller than two acres, with at least one acre of usable pasture. For each 1,000 pounds of live animal weight kept or maintained an additional acre of usable pasture shall be required. Usable pasture shall be defined as completely open space without buildings, storage areas, or other obstructions, used solely for the pasture and grazing of farm animals.

- iv. All farm animals shall be kept within an enclosure, such as a fence.
- v. Suitable barns and shelters shall be provided on-premises for the overnight keeping of all farm animals. Such barns and shelters shall be enclosed and weather tight.
- e. Fences cannot be over 4 foot tall in the front, but can be 6 feet on the sides and rear.
- 2. **R-A - Residential-Agricultural District**
 - a. **Purpose:** To delineate those areas of the town, which are appropriate, for agricultural and open space purposes and for low-density residential uses and to preserve the integrity of such areas for those purposes.
 - b. **Permitted uses:**
 - i. Farm, riding stable, holding area, roadside stand as part of a farm operation with conditions Reference letter (d) page 17.
 - ii. One family dwelling, Class A manufactured homes, Modular homes and/or a Guest Home.
 - iii. Two Family Dwelling
 - iv. Public or parochial school
 - v. Church, parish house, cemetery
 - vi. Public Park, playground or golf course
 - vii. Public or municipal buildings or use
 - viii. Private club or lodge
 - ix. Mobile home and Class B Manufactured home
 - x. Accessory building or use
 - c. **Uses permitted as a Special Exception:**
 - i. Commercial excavation
 - ii. Junk yard
 - iii. Animal hospital, kennel
 - iv. Public utility, structure or use
 - v. Bed and breakfast
 - vi. Roadside stand, other than as part of a farm operation
 - vii. Home occupation
 - viii. Mobile home sales
 - ix. Neighborhood grocery or convenience item store
 - x. Craft breweries, Micro-Brewery, Micro-Winery, Micro-Distillery
 - d. **Keeping of Farm Animals for Non-Commercial Purposes.** In a Residential- Agricultural District, it shall be permissible to keep and maintain animals commonly considered to be farm animals, such as horses, cows, pigs, goats, sheep, etc., under the following conditions:
 - i. Farm animals that create a nuisance due to noise or odor, or that may be considered an imminent danger to human health, life or safety shall be prohibited.
 - ii. No owner or occupant may keep or maintain farm animals on a lot smaller than two acres, with at least one acre of usable pasture. For each 1,000 pounds of live animal weight kept or maintained an additional acre of usable pasture shall be required. Usable pasture shall be defined as completely open space without buildings, storage areas, or other obstructions, used solely for the pasture and grazing of farm animals.
 - iii. All farm animals shall be kept within an enclosure, such as a fence.
 - iv. Suitable barns and shelters shall be provided on-premises for the overnight keeping of all farm animals. Such barns and shelters shall be enclosed and weather tight.
 - e. Fences cannot be over 4 foot tall in the front, but can be 6 feet on the sides and rear.
- 3. **R-R - Resort-Residential District**
 - a. **Purpose:** To delineate those areas now used or especially suited for vacation, leisure time and recreation-oriented residential development.
 - b. **Permitted uses:**

- i. One-family dwelling, Class A Manufactured Home and Modular home and/or a Guest home.
 - ii. Two Family Dwelling
 - iii. Park, playground or golf course
 - iv. Yacht club, marina
 - v. Beach
 - vi. Private club or lodge
 - vii. Accessory building or use
 - c. **Uses permitted as a Special Exception:**
 - i. Public utility, structure or use
 - ii. Neighborhood grocery or convenience item store
 - iii. Bed and breakfast
 - iv. Home occupation
 - d. Fences cannot be over 4 foot, sides and rear.
4. **C-C - Community Center District**
- a. **Purpose:** To designate those areas used, or which may properly be used, for a variety of residential uses, and in addition, certain public, quasi-public, and commercial uses which involve primarily services rather than goods or equipment.
 - b. **Permitted uses:**
 - i. One-family dwelling, town house, or Class A Manufactured Home and Modular homes and/or a guest home.
 - ii. Two-family dwelling
 - iii. Multi-family dwelling
 - iv. Public or municipal building or use
 - v. Park, playground or golf course
 - vi. Church, parish house, cemetery
 - vii. Motel, restaurant, tavern
 - viii. Grocery or convenience item store, personal service shop
 - ix. Private club or lodge
 - x. Bed and breakfast
 - xi. Accessory building or use
 - xii. Brew Pubs
 - c. **Uses permitted as a Special Exception:**
 - i. Gasoline station, public garage
 - ii. Home occupation
 - iii. Public utility, structure or use
 - d. **Keeping of Farm Animals for Non-Commercial Purposes.** In a Community Center District, it shall be permissible to keep and maintain animals commonly considered to be farm animals, such as horses, cows, pigs, goats, sheep, etc., under the following conditions:
 - i. Commercial operations prohibited. Farm animals shall not be raised or kept for resale purposes; and shall only be kept for recreational purposes or for home consumption by the owner.
 - ii. Farm animals that create a nuisance due to noise or odor, or that may be considered an imminent danger to human health, life or safety shall be prohibited.
 - iii. No owner or occupant may keep or maintain farm animals on a lot smaller than two acres, with at least one acre of usable pasture. For each 1,000 pounds of live animal weight kept or maintained an additional acre of usable pasture shall be required. Usable pasture shall be defined as completely open space without buildings, storage areas, or other obstructions, used solely for the pasture and grazing of farm animals.
 - iv. All farm animals shall be kept within an enclosure, such as a fence.

- v. Suitable barns and shelters shall be provided on-premises for the overnight keeping of all farm animals. Such barns and shelters shall be enclosed and weather tight.
 - e. Fences cannot be over 4 foot tall in the front, but can be 6 feet on the sides and rear.
- 5. **C-G - General Commercial District**
 - a. **Purpose:** To delineate areas appropriate for general commerce activity and to reserve them for this use.
 - b. **Permitted uses:**
 - i. Retail, wholesale store, personal service shop
 - ii. Restaurant, tavern
 - iii. Auto, farm implement, mobile home, recreational vehicle sales and services
 - iv. Business machines, office equipment, home furnishings
 - v. Dairy or ice cream plant
 - vi. Building or electrical supply, hardware
 - vii. Heating, plumbing, air conditioning or similar shops
 - viii. Outdoor theatre
 - ix. Accessory building or use
 - x. Brew Pubs
 - c. **Uses permitted as a Special Exception:**
 - i. Adult use businesses
 - ii. Auto wash
 - iii. Cannabis Retail Dispensary or Onsite Consumption Establishment
 - iv. Drive-in restaurant
 - v. Gasoline station
 - vi. Truck terminal
 - vii. Public utility, structure or use
 - viii. Other commercial uses of a similar and no more objectionable nature than those listed above
 - ix. Breweries, Craft breweries, Micro-Brewery, Micro-Winery, Micro-Distillery
 - d. Fences cannot be over 4 foot tall in the front, but can be 6 feet on the sides and rear.
- 6. **S-P - Scenic Preservation District**
 - a. **Purpose:** To enhance community appearance; to promote the use of scenic resources for the pleasure and welfare of the citizens of, and visitors to, the Town; and to safeguard against damage due to natural causes such as flooding and water pollution.
 - b. **Permitted Uses:**
 - i. Within this Scenic Preservation District, which includes that area 200 feet of either side of the shoreline at normal water level of those streams and waterways as delineated on the map.
 - ii. No permanent building or structure should be located within 75 feet of the shoreline at normal water level, except for a single-story service or water-related building- as permitted by the Planning Board and in accordance with guidelines established by the Board.
 - c. **Uses permitted under the Planned Development Process** within the remaining 125 feet of the Scenic Preservation District include:
 - i. Trail or easement – pedestrian, equestrian, snowmobile
 - ii. Waterfront development – beach, boating, picnicking
 - iii. Scenic overlook, vista or clearing
 - iv. Camps
 - v. One-family dwellings, Class A Manufactured Home and Modular homes only
 - vi. Private lodge or club
 - vii. Bed and breakfast

- viii. Accessory building or use
 - d. Fences cannot be over 4 foot, sides and rear.
- 7. **P-LW** - Public Lands and NYS (New York State) Water District
 - a. **Purpose:** To delineate those areas used or desirable for use as major public areas and facilities and to insure the highest standards for development within these lands.
 - b. **Permitted uses:** All development in the Public Lands and Water District will be in accord with the Planned Development Process as set forth in Establishment of Districts, Article IV, Section B, #8 Planned Development District, b. procedure. Those uses to be approved under this process include:
 - i. Park, playground, open space or golf course
 - ii. Public and quasi-public institutions including public and parochial schools, colleges, or camps
 - iii. Game management area, wildlife exhibit or education center
 - iv. State campgrounds
 - v. Yacht club or marina
 - vi. Beach
 - vii. Greenbelt or scenic preservation
 - viii. Accessory building or use
 - c. **Uses permitted as a Special Exception:**
 - i. Public utility structure or use
 - d. Fences cannot be over 4 foot tall in the front, but can be 6 feet on the sides and rear.
- 8. **P-D** - Planned Development District
 - a. **Purposes:** To provide a means of developing those land areas within the community considered appropriate for new residential, recreational, commercial or industrial use - or a satisfactory combination of these uses – in an economic and compatible manner, while encouraging the utilization of innovative planning and design concepts or techniques in these areas without departing from the spirit and intent of these Zoning Regulations.
 - b. **Procedure:**
 - i. For the establishment of planned districts:
 - (1) Application for designation of a P-D District shall be referred to the Town Board. The Town Board shall refer the application to the Planning Board within ten days of receipt. The applicant shall furnish basic data pertaining to the boundaries of the proposed development, the existing zoning; topography, drainage, soil conditions, and such preliminary plans as may be required for an understanding of the type, uses and design of the proposed development.
 - (2) The Planning Board and the Board's professional planning consultant, if any, shall review such application. The Board may require such changes in the preliminary plans as are found to be necessary to meet the requirements of this section, to protect the established permitted uses in the vicinity, and to promote the orderly growth and sound development of the community. In evaluating the proposal and in reaching its decision regarding the preliminary plans, the Planning Board shall consider and make findings regarding those considerations set forth under paragraph ii-(3) of this subsection.
 - (3) All applications for creation of a planned district shall be referred to the St. Lawrence County Planning Board which may review and comment on the referral within 30 days.
 - (4) The Town Planning Board shall report its findings and make recommendations to the Town Board within forty-five (45) days. It may approve, disapprove, or give conditional approval subject to modification regarding the proposed development.

- (5) The Town Board shall hold a public hearing after public notice as required for any amendment to these regulations and shall consider the report and recommendations of the Planning Board, and all other comments, reviews and statements pertaining thereto. It may amend the zoning map to establish and define the type and boundaries of the planned district and in so doing may state specific conditions in addition to those provided by these regulations, further restricting the nature or design of the development.
- ii. For the approval of development within an established planned district:
 - (1) Amendment of the zoning map shall not constitute authorization to develop in the district.
 - (2) Such authorization, after a planned district has been established or for development within the S-P or P-LW Districts, shall require that the applicant submit to the Planning Board such plans and specifications, supporting documents and data as shall be required by the Board, and shall specify on the plans and in writing the building types and layout, setbacks, off-street parking and loading, ingress and egress, signs, existing and proposed amenities, screening, planting and ornamental features, and the plan or arrangement for development of the area in stages or in its entirety. A copy of the proposed development will be submitted to the St. Lawrence County Planning Board for review as required under Section 239-L and Section 239-M of the General Municipal Law.
 - (3) The Planning Board and the Board's professional planning consultant, if any, shall set forth the particular ways in which the proposed development would or would not be in the public interest, including, but not limited to findings of fact and conclusions on the following:
 - (a) In what respects the plan is or is not consistent with the stated purposes of a planned district.
 - (b) The extent to which the plan departs from zoning regulations formerly applicable to the property in question (if not originally designated as a planned district), including but not limited to bulk, density, and permitted uses.
 - (c) The existing character of the neighborhood and the relationship, beneficial or adverse of the proposed development to this neighborhood.
 - (d) The location of principal and accessory buildings on the site in relation to one another and to other structures and uses in the vicinity, including bulk and height.
 - (e) The provision for pedestrian circulation and open spaces in the planned development, the reliability of the proposal for maintenance and conservation of common open space and pedestrian circulation as related to the proposed density and type of development.
 - (f) The traffic circulation features within the site including the amount of, location of, and access to automobile parking and terminal loading areas.
 - (g) The amount of traffic generated at peak hours and the provisions for adequately handling such volumes, with particular reference to points of ingress and egress, potential hazards such as inadequate sight distances and intersection design, and the nature and suitability of the connecting street or highway system to absorb the anticipated changes.
 - (h) The provision for storm, sanitary and solid waste disposal and other utilities on and adjacent to the site.
 - (i) The proposed location types and size of signs and landscape features.
 - (j) The physical design of the plan and the manner in which said design does or does not make adequate provision for service demands (water, sewer, fire, etc.),

provide adequate control over vehicular traffic, and further the amenities of light, air and visual enjoyment.

- (4) No permit shall be issued until the Planning Board has made its recommendations based on the foregoing considerations, and the Town Board has made its determination, and any review by the St. Lawrence County Planning Board, and authorized issuance of a permit.
 - (5) All conditions imposed by the Town Board in its amendment and all subsequent conditions imposed by the Planning Board or Town Board in their review of the final plans, including, any performance of which may be conditions precedent to the issuance of any permit, shall run with the land and shall not lapse or be waived as a result of any change in tenancy or ownership of any or all of the designated district.
 - (6) If construction of the development in accordance with the approved plans and specifications has not begun within one year after the date of the resolution authorizing issuance of the building permit, all permits shall become null and void, the approval shall be deemed revoked and vacated, and the Town Board shall have the authority to again amend the map to restore the zoning designation for the district to that which it had been prior to the application, or any other district.
- iii. Applicability of P-D Regulations to Mobile Home Courts and Campgrounds: In addition to all development in the S-P and P-LW Districts, all mobile home courts will be considered under this process according to the following general guidelines:
- (1) Mobile Home Court – Creation, expansion, extension or alteration of any mobile home court shall be in accord with the following minimum requirements:
 - (a) A mobile home court shall be located and maintained only in those districts as permitted in these regulations and in accord with the standards therein. All proposed mobile home courts shall be subject to, and developed according, to the Planned District procedures set forth under Article IV – Establishment of Districts, B. Districts and their permitted uses, 8. Planned Development District, b. Procedure of this article.
 - (b) All existing mobile home courts of record shall be exempt from these regulations, except that they shall comply with them whenever any addition, expansion or alteration of the use or operation is proposed, and that they shall be required to obtain an initial and annual operating permit. All existing mobile home courts shall be limited to the number and size of mobile homes presently accommodated at the time of adoption of these regulations, except as they shall meet the minimum requirements set forth herein. In addition, existing courts shall comply in every regard with minimum standards for health, sanitation and cleanliness. With minimum standards for health, sanitation and cleanliness as per the New York State Health Department and the New York State Property Maintenance Code. Alteration, removal or replacement of a mobile home or manufactured home, Class A or B, must have a building permit and conform to the New York State Building codes.
 - (c) A mobile home court shall have a minimum of 5 acres.
 - (d) Within the mobile home court, minimum lot size for individual mobile homes shall be 5,000 square feet; and within the individual mobile home lot, yard requirements shall be as follows:
 - (i) Front yard – 20 feet
 - (ii) Side yards (each – 15 feet)
 - (iii) Rear yard – 15 feet
 - (e) Sanitary Facilities:

- (i) Water and sewer- all water supply and sewage disposal systems will comply with the standards set forth and approved by the New York State Department of Health before any permit is issued.
- (f) Utility and Fuel Installations- All wiring, fixtures and appurtenances shall be installed and maintained in accordance with the specifications and regulations of the Current NEC (National Electrical Code) Regulations and the local utility company. Whenever possible, electrical transmission and other utility lines shall be placed below ground.
 - (i) Fuel tanks, where used, shall be placed at the rear of the mobile home and at a distance at least 5 feet from any exit and shall have a safety shut-off at the tank. Supports or standards for fuel storage tanks are to be of a non-combustible material. A centralized fuel supply system will be encouraged wherever possible.
- (g) Roadways – No individual mobile home, within a mobile home court, will have access to an existing street. Internal roadways within a mobile home court shall have a minimum right-of-way of 50 feet and a minimum paved or stone course of 22 feet. There shall be no dead-end streets in any court. A cul-de-sac or Y turn around will be provided in accord with those provisions set forth in the Article VII Subdivision Regulations.
- (h) Off-Street Parking – One off-street parking space shall be provided for each mobile home lot in the mobile home court outside the 50-foot right-of-way and otherwise comply with off-street parking requirements as set forth elsewhere in these regulations.
- (i) Recreation Area- Open space areas (up to 10 percent of the land area) suitable for recreation and play purposes shall be designated on the site plan and shall be an integral part of any proposed mobile home court.
- (j) Improvements- Each mobile home owner/tenant shall be required to enclose the bottom portion of the mobile home with a metal, wood, or other suitable 'skirt', properly ventilated, within sixty (60) days after location in the mobile home court. Notification of such requirement shall be the responsibility of the mobile home court operator.
 - (i) Sidewalks, lighting and landscaping shall be in keeping with surrounding development, the unique features of the site, and the health and safety of the occupants of the mobile home court as determined by the Planning Board. Attractive site development and landscaping shall be a consideration in determining the adequacy of the proposed mobile home court.
- (k) Permits – No mobile home court shall be established in the Town until a permit has been applied for and granted in compliance with these regulations. The Town Board shall approve all permits for the establishment and operation of a mobile home court after referral to and recommendation by the Enforcement Officer and Planning Board.
 - (i) Application for a permit shall include all information required for a zoning permit, and in addition:
 - a. A site plan to scale showing elevations, the layout of the court, individual mobile home lots, the roadway system, parking areas, water supply, sewage disposal and recreation areas.
 - b. A complete statement describing the proposed method of sewage disposal, water supply, electric, utility and other services.
 - c. A permit issued by the New York State Department of Health with regard to matters under their jurisdiction.

- (ii) All permits shall be effective until December 31 of the calendar year of their issuance. An application for the renewable operating permit shall be made to the Town Clerk thirty (30) days prior to expiration of the previous permit. Upon recommendation of the Enforcement Officer, the Town Board shall issue or deny such permit in accord with the requirements set forth in the Land Use and Development Code and the established fee schedule.
- (l) Any removal or replacement of a mobile home or manufactured house shall comply with the current New York State Building Codes.
- (2) Campground – Creation, expansion, extension or alteration of any campground shall be with the following minimum regulations:
 - (a) Campgrounds shall be located and maintained only in those districts as permitted in these regulations and in accord with the standards therein. All proposed developments of this nature shall be subject, and developed according, to the Planned District procedures.
 - (b) All existing campground of record shall be exempt from these regulations, except that they shall comply with them whenever any addition, expansion or alteration of the use or operation is proposed and that they shall be required to obtain an initial and annual operating permit. In addition, existing campgrounds shall comply in every regard with minimum standards for health, sanitation and cleanliness.
 - (c) A campground shall have a minimum lot size of five acres and have minimum individual trailer spaces/camping sites as determined by the Planning Board.
 - (d) Sanitary Facilities
 - (i) Water and sewer – all water supply and sewage disposal systems will comply with the standards set forth and approved by the New York State Department of Health before any permit is issued
 - (e) Roadways and parking – Access roads shall have a minimum right-of-way of 50 feet and a paved or stone course of 22 feet. There shall be no dead-end streets in any campground. Individual trailer spaces/camping sites shall not be located in the 50-foot right-of-way. One off-street parking space shall be provided for each individual trailer space/camping site.
 - (f) Improvements:
 - (i) Lighting, landscaping and buffer areas shall be as required by the Planning Board and shall be in keeping with surrounding development, the unique features of the site and the health and safety of occupants in the campground. Attractive site development shall be a consideration in determining the adequacy of the proposed campground.
 - a. Open space areas suitable for recreation and play purposes shall be designated on the site plan and shall be an integral part of any proposed campground. At least one acre or up to 10 percent of the land area shall be required for open space purposes in campground designed for twenty or more trailer spaces/camping sites.
 - (g) Permits – No campground shall be established in the Town until a permit has been applied for and granted in compliance with these regulations. The Town Board shall approve all permits for the establishment and operation of a campground after referral to and recommendation by the Enforcement Officer and Planning Board. Applications for a permit shall include all information required for a zoning permit, and in addition:
 - (i) A site plan to scale, showing the layout of the campground, individual trailer spaces/camping sites, the roadway system and water and sewer systems;

- (ii) A complete statement describing the proposed methods of sewage disposal, water supply, and rest room, wash and bathing facilities and any other utility services;
- (iii) A permit issued by the New York State Department of Health with regard to matters under their jurisdiction.
- (iv) All permits shall be effective until December 31 of the calendar year of their issuance. An application for the renewable operating permit shall be made thirty (30) days prior to the expiration date of the previous permit. Upon recommendation of the Enforcement Officer, the Town Board shall issue or deny such permit in accord with the requirements set forth in the Town Land Use and Development Code and the established fee schedule.

C. **ZONING MAP:** The location and boundaries of said districts are hereby established on the Zoning Map of the Town of Louisville. Said map, with all notations, references and designations shown thereon, is hereby made a part of these regulations.

- D. **INTERPRETATION OF DISTRICT BOUNDARIES:** The district boundary lines are intended generally to follow the centerline of streets and highways; the centerline of railroad right-of-way; existing lot lines; the centerline of rivers, streams, and other waterways; and Town boundary lines. Where a district boundary line does not follow such a line, its position shall be shown in the Zoning map by a dimension expressing its distance in feet from a street line or other boundary line as indicated; or by use of the scale appearing on the Zoning Map.
1. Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundary.
 2. Where district boundaries are so indicated that they are approximately parallel to the centerline of streets or highways, such district boundaries shall be construed to be parallel thereto and at such distance there from as indicated on the Zoning Map.
 3. Where a district boundary line divides a lot in single ownership at the time of the passage of these regulations, the standards for the less restricted portion of such lot shall extend not more than thirty (30) feet into the more restricted portion, provided the lot has frontage on a street in the less restricted district.
 4. In the case of the C-G General Commercial District, dimensions for each of five (5) commercial nodes are indicated on the Commercial Node map, attached hereto. If a proposed commercial use at a location extends beyond the area dimensions set for that commercial node, then the entire commercial project will be reviewed under Planned Development District regulations.
 5. In case of uncertainty as to the true location of a district boundary line in a particular instance, the Board of Appeals shall render a determination with respect thereto.

ARTICLE V – DISTRICT REGULATIONS

- A. **APPLICATION OF REGULATIONS:** No building or structure shall be erected or demolished and no existing building or structure shall be moved, altered, added to or enlarged, nor shall any land or building or structure be designed or used for any purpose or in any manner other than as specified among the uses herein listed as permitted in the district in which such building, structure or land is located.
1. No building or structure shall be erected, reconstructed or structurally altered to exceed in height the limit herein designated for the district in which such building is located.
 2. No building or structure shall be erected and no existing buildings or structures shall be altered, enlarged or rebuilt, nor shall any open space surrounding any building or structure be enlarged upon or reduced in any manner, except in conformity to the yard, lot area, and building or structure location regulations hereinafter designated for the district in which such building or structure is located.
 3. No yard or other open space provided about any building or structure for the purpose of complying with the provisions of these regulations shall be considered as providing a yard or open space for any other buildings or structures, and no yard or other open space on one lot shall be considered as providing a yard or open space for a building or structure on any other lot.
- B. **LOT AREA AND WIDTH, YARDS, BUILDING COVERAGE AND HEIGHT:** Regulations governing lot area and lot width; front, side and rear yards; building or structure coverage and building or structure height are specified in Schedule A, subject to the additional standards of these regulations. Schedule A accompanies and, with all explanatory matter thereon, is hereby made part of these regulations.
- C. **ADDITIONAL AREA REGULATIONS:**
1. Existing lots of record: A one-family dwelling and two-family dwelling, Class A manufactured home, Modular home, and/or Guest home, or structure may be constructed on any lot of record in any permitted district even if said lot is less than the minimum area required for building lots in the district in which it is located, providing the following conditions exist or are met:
 - a. Adjoining vacant land- The owner of said lot owns no adjoining vacant land that would create a conforming lot if combined with the lot that is deficient in area.
 - b. Front and Rear yards- Any structure erected on a nonconforming lot shall have front and rear yards conforming to the minimums required for the Residence District in which said property is located, except where conditions make it impossible, and then, such as shall be determined by the Board of Appeals.
 - c. Side yards- Any structure erected on a non-conforming lot shall have a minimum side yard of ten (10) feet, except that it shall be 20 feet adjacent to any street.
 - d. The Board of Appeals shall determine the yards and building width of a lot of record at the time of the passage of these regulations, if the yard requirements would result in a residential structure less than twenty-four (24) feet wide.
 2. Number of dwellings on lot: Only two residential dwelling units on any lot shall be permitted as long as lot area coverage requirements are not exceeded and the setbacks for each structure are met.
 3. Corner lot: On a corner lot in any district where a front yard is required, a yard shall be provided on each street equal in depth to the required front yard on each such street. One rear yard shall be provided on each corner lot and the owner shall designate the rear yard on his application for a permit.
 4. Through lots: Where a single lot under individual ownership extends from one street to another parallel or nearly parallel street or alley, the principal structure shall be erected to face the street

on which those adjoining structures face. The building height shall be measured from the grade of the street designated as the street on which the building fronts.

5. Visibility at street corners: On a corner lot in any district where a front yard is required, no fence, wall, hedge or other structure or planting more than three feet in height shall be erected, placed or maintained which obstructs visibility of vehicular traffic within the triangular area formed by the intersecting street right-of-way lines and a straight line joining said lines at points 30 feet distant from the point of intersection, measured along said lines.
6. Front yard exception: When a vacant lot in any district is situated between two improved lots, each having a principal building within twenty-five (25) feet of the side lot line of the unimproved lot, the front yard of the vacant lot shall have a depth equal to the average depth of the front yards of the two adjoining improved lots, but not less than twenty (20) feet from the street right-of-way.
7. Transition yard requirements: Where a residential district abuts a non-residential district on a street line, there shall be provided in the non-residential district for a distance of fifty (50) feet from the district boundary line, a front yard at least equal in depth to that required in the residential district. Where the side or rear yard in a residential district abuts a side or rear yard in a non-residential district, there shall be provided along such abutting line or lines in the non-residential district, a side or rear yard at least equal in depth to that required in the residential district. In no case, however, shall the abutting side or rear yard be less than twenty (20) feet.
8. Screen Planting:
 - a. Enclosed Uses - Any use required by these regulations to be screened shall provide a fence, screen, or landscaping sufficient to obscure such uses from view from abutting properties or from the public right-of-way.
 - b. Unenclosed Uses - Any commercial or industrial use which is not conducted within a building, including, but not limited to junk yards, storage yards, building materials yards, and which is in, abuts or is adjacent to a Residence District or fronts on public right-of-way shall be obscured from view from such Residential District and public right-of way in an effective manner. This section shall not apply to nurseries, and the display for sales purposes of new or used cars, trucks, trailers, bicycles, motorcycles, snowmobiles or farm equipment if set back at least fifty (50) feet from the edge of the pavement.
 - c. Approval by the Planning Board - Plans and site design for the installation of such fencing or screening as are required by these regulations shall be reviewed and approved by the Planning Board prior to issuance of a building permit. Any fencing or screening installed in accordance with this section shall be maintained in good order to achieve the objectives of this section. Failure to maintain fencing or to replace dead or diseased plant materials shall be considered a violation of these regulations.
9. Width of Side Yard may be reduced: Width of one side yard may be reduced- When authorized by the Board of Appeals, the width of one such side yard may be reduced to a width of not less than ten (10) feet, provided that the sum of the width of the two side yards is not less than the required minimum for both of the two side yards, and further provided that the distance between the proposed structure, or any structure, existing or proposed, on an adjacent lot is not less than the required minimum sum of the width of the two side yards. Such reduction may be authorized only when the Board of Appeals finds it to be warranted by the location of existing buildings or conditions or conducive to the desirable development of two or more lots.
10. Accessory Building: number, height and location
 - a. Number – On any lot intended or used for residential purposes one accessory building including a garage, non-commercial home workshop or other accessory building or use in connection with the principal dwelling and use may be constructed and located subject to the following.

- b. Height- There shall be no height limitation on barns, silos, and other farm structures. Others are as shown on Schedule A.
- c. Location- Non-residential accessory buildings shall comply with front and side yard requirements for the principal building, except that front and side yard requirements for accessory farm buildings shall be a minimum of 100 feet from the road right-of-way and 100 feet from the side lot line.
- d. Accessory buildings to a residential use which are not attached to a principal building may be erected in accordance with the following requirements:
 - i. Rear or side yard- at least 15 feet from side or rear property line.
 - ii. Side yard, street side of corner lot – same as for principal building.
 - iii. Not closer to a principal or other accessory building than ten feet.
- e. Attached Accessory Building in Residential District. When an accessory building is attached to the principal building, it shall comply in all respects with the requirements of these regulations applicable to the principal building.

11. Site Work:

- a. No fill material shall contain petrochemical derivatives, or any chemical substances subject to leaching and groundwater contamination.
- b. All fill material shall have finished grades with slopes not exceeding 1 inch on 3 inch and shall, except as part of a customary agricultural use be covered with at least two (2) inches of topsoil, seeded and thatched with straw or similar material to minimize erosion.
- c. No site work shall alter existing drainage flows to or from a wet land, a floodplain or watercourse flowing for more than three (3) months of the year or change the location or volume of drainage leaving the property or properties owned by the person or persons undertaking the activity.

D. ADDITIONAL HEIGHT REQUIREMENTS

- 1. General Application: No building or structure shall have a greater number of stories, nor have an aggregate height of a greater number of feet than is permitted in the district in which such building or structure is located, except that the height limitations of these regulations shall not apply to belfries, church spires, cupolas, penthouses and domes which are not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks and necessary mechanical appurtenances usually carried above the roof level; nor to flag poles, monuments, silos, transmission towers and cables, radio and television antennae or towers and similar structures. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose for which they are intended. No advertising device of any kind whatsoever shall be inscribed upon or attached to that part of any chimney, tower, tank, or other structure which extends above the height limitations.

ARTICLE VI- SUPPLEMENTARY REGULATIONS

A. GENERAL

1. On application, supplementing an application to the Code Enforcement Officer for a permit or certificate of compliance, the Planning Board may authorize the Enforcement Officer to grant a permit for any use for which approval of the Board is required by these regulations. The Board shall, pursuant to the law, hold a public hearing on any such application prior to acting thereon; except in the case of a mobile home hereunder. The location of a mobile home under this Local Law shall be by permit from the Code Enforcement Officer.
2. The Planning Board may conduct a public hearing upon complaint or request of the Code Enforcement Officer:
 - a. The use shall be of such location, size and character that will be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of adjacent districts and uses.
 - b. The location and size of the use, the nature and intensity of the operations involved in or conducted in connection therewith, its site layout, and its relation to streets giving access to it shall be such that traffic to and from the use and the assembly of persons in connection with it will not be hazardous or inconvenient to the neighborhood or conflict with the normal traffic of the neighborhood.
 - c. In applying this standard, the Board shall consider, among other things, convenient routes of pedestrian traffic, particularly of children, relation to main traffic thoroughfares and to street and road intersections, and the general character and intensity of development of the neighborhood.
 - d. The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the proper development and use of adjacent land and buildings or impair the value thereof.
 - e. The location of a mobile home and/or a class B manufactured home under this Local Law shall be by permit from the Code Enforcement Officer. The Planning Board may conduct a public hearing upon the complaint or request of the Code Enforcement Officer.
 - f. Mobile homes and class B manufactured homes can be restricted to mobile home parks.

B. SPECIAL EXCEPTIONS - to be considered by the Planning Board

1. Adult Use Businesses: In addition to meeting the minimum yard and lot coverage requirements, any such establishment shall be subject to the following regulations:
 - a. No adult use shall be located within one thousand (1,000) feet of any residentially zoned area or municipal boundary.
 - b. No adult use shall be located within one thousand (1,000) feet of any church, school, park, playground, youth center or location where children and youth traditionally congregate.
 - c. No adult use shall be located within one thousand (1,000) feet of any other such adult use.
 - d. Sexually suggestive photographic or artistic representations shall not be visible from outside. All signage shall be in compliance in all other respects with the existing sign regulations of the Town of Louisville.
 - e. All openings to an adult use facility shall be located and screened in such a manner as to prevent a view into the interior from the exterior.
2. Auto Wash: In addition to meeting the minimum yard and lot coverage requirements, any such establishment shall be subject to the following regulations:
 - a. Such establishment shall not be closer than two hundred (200) feet to any adjoining Residential District or any existing dwelling.

- b. The wash water shall not pollute any body of water nor create hazardous or unsightly conditions because of surface drainage.
 - c. The number and location of driveways shall be subject to review and approval of the Planning Board.
 - d. Such establishment, in addition to meeting the off-street parking requirements of Schedule B, shall provide four (4) stacking spaces per bay on the lot to prevent the waiting of automobiles in the public street.
3. Bed and Breakfast: In addition to meeting the minimum yard and lot coverage requirements, any such establishment shall be subject to the following regulations:
- a. Ingress and egress shall be so designed as minimize traffic congestion, and for this purpose, the number and location of driveways shall be subject to review and approval of the Planning Board.
 - b. Such use be adequately fenced and screened from any adjacent residential property and lighting shall be directed away from adjacent property.
 - c. Must conform to the current New York State Building codes
4. Commercial Excavation: Except when incidental to the construction of a building on the same lot, the excavation, processing or sale of topsoil, earth, sand, gravel, clay or other natural mineral deposits is subject to the following conditions.
- a. An application shall be made to the Planning Board for a Special Exception for commercial excavation. In its consideration of said application, the Planning Board shall find that such excavation will not endanger the stability of adjacent land or structures nor constitute a detriment to public welfare, convenience or safety by reason of excessive dust, noise, traffic or other condition.
 - b. The Planning Board shall specify any reasonable requirements to safeguard the public health, safety and welfare in granting such permit, including the following:
 - i. The slope of material in such topsoil, sand, gravel, clay or other earth shall not exceed the normal angle of repose of such material.
 - ii. The top and the base of such slope not be nearer than 100 feet to any property line or nearer than 75 feet to the right-of-way line of any street or highway.
 - iii. A plan for restoration and rehabilitation of a commercial earth excavation area or borrow pit shall accompany the application for a special exception and shall assure conformance with the public health, safety and welfare. The Planning Board, upon approval of such plan, shall require a performance bond to assure rehabilitation of commercial excavation sites in conformance therewith.
5. Cannabis Retail Dispensary or Onsite Consumption Establishment: In addition to meeting the minimum yard and lot coverage requirements, any such establishment shall be subject to the following regulations:
- a. Cannabis retail dispensary or onsite consumption establishments can only be located within the General Commercial District (C-G).
 - b. Cannabis retail dispensary or onsite consumption establishments are prohibited as a home occupation.
 - c. Cannabis retail dispensary or onsite consumption establishments shall operate within a permanently constructed, fixed structure.
 - d. Cannabis retail dispensary or onsite consumption establishments are prohibited within a five-hundred-foot radius (500') of any residentially zoned area or municipal boundary.
 - e. Cannabis retail dispensary or onsite consumption establishments are prohibited within a one (1) mile radius of another such use.
 - f. Cannabis retail dispensary or onsite consumption establishments are prohibited within one thousand (1,000) feet of the lot line of any premises used for a school, child day-care, church or other place of religious worship, park, playground, playing field, library, hospital or

- similar public or semi-public place of general congregation, or non-degree-granting instruction/programs, including self-defense, dance, swimming, gymnastics, and other sports.
- g. No more than one (1) cannabis retail sales establishment and one (1) cannabis onsite consumption establishment may be located on any lot/parcel.
 - h. Hours of operation for cannabis retail dispensary or onsite consumption establishments shall be limited to the hours of 9:00 am to 9:00 pm.
 - i. For onsite consumption establishments, proof of adequate ventilation and air filter system must be provided.
 - j. Onsite consumption establishments shall not allow smoking outside at any time.
 - k. Any and all cannabis products, including related supplies and promotional materials, should be stored away from the public inside the confines of the establishment.
6. Drive-in Restaurant or Refreshment Stand: In addition to meeting the minimum yard and lot coverage requirements, such businesses, where persons are served in automobiles or out-of-doors shall be subject to the following regulations.
- a. Such use shall not be closer than two hundred (200) feet to an adjoining Residential District or any existing dwelling.
 - b. Shall have frontage on a public street.
 - c. Ingress and egress shall be so designed as minimize traffic congestion, and for this purpose, the number and location of driveways shall be subject to review and approval of the Planning Board.
 - d. Such use be adequately fenced and screened from any adjacent residential property and lighting shall be directed away from adjacent property.
7. Kennel, Animal Hospital: No such use shall be located within 200 feet of any adjoining Residential District or any existing dwelling. The Planning Board shall determine that any such proposed use shall not jeopardize the health, welfare or useful enjoyment of any surrounding property before any permit is granted.
8. Home Occupation: A home occupation may be operated in a Residential District only if it complies with the following conditions:
- a. Such use does not display or create outside the building any evidence of the home occupation, except that one non-illuminated wall or window sign having an area not more than two (2) square feet shall be permitted.
 - b. Such use is clearly incidental and secondary to the use of the dwelling unit for residential purposes and does not utilize more than twenty (20) percent of the gross floor area of the dwelling or its accessory buildings.
 - c. Off-street parking shall be provided for all clients, customers, or patients in the side or rear yard. Such off-street parking shall be located at least ten (10) feet from any side or rear property line, shall be paved, screened or fenced from adjacent properties, and shall be so lighted that there will be no direct light into adjacent properties or streets.
 - d. No dwelling shall include more than one (1) home occupation.
9. Junk Yard, Automobile Junk Yard: No junk yard, including an automobile junk yard, shall be operated or established hereafter in any area of the town unless Special Exception shall have been granted by the Planning board for such use. Any such use existing at the time of adoption of these regulations shall be discontinued within two years unless such use shall comply with the requirements below and shall be granted a Special Exception by the Planning Board.
- a. Before a permit for a junk yard, or automobile junk yard is authorized, the Planning Board shall find that such use will not constitute a detriment to the public health, safety, welfare, convenience and property values by reason of dust, smoke, fumes, noise, traffic, odors, vermin or other conditions.

- b. The Planning Board may specify any reasonable requirements to safeguard the public health, welfare, safety, convenience and property values in granting such permit, including the following:
 - i. Minimum lot size for a junkyard shall be 10 acres.
 - ii. Said use shall not be located within 150 feet from any highway, body of water or property line; or 500 feet from any existing dwelling, church, school, hospital, public building or place of public assembly.
 - iii. Any new junkyard, or automobile junk yard shall be completely surrounded with a fence (minimum height: ten feet) which substantially screens said area and shall have a suitable gate which shall be closed and locked except during the working hours of said use. Such fence shall not be erected nearer than 150 feet from the centerline of a public highway. All junk and dumping materials stored or deposited at the site shall be kept within the enclosure of the fence and below the top of the fence, except during transportation of it in the reasonable course of the business. All dumping shall be accomplished within the area enclosed by the fence.
 - iv. Where the topography, land forms, natural growth of trees or other considerations accomplish the purpose of this section in whole or in part, the fencing requirements hereunder may be reduced by the Planning Board, provided, however, that such natural barrier conforms with the purposes of this section. Where the topography, land forms, natural growth of trees or other considerations are such as to prevent effective screening, other means shall be designed, or the use shall not be allowed in the particular location.
10. Mobile Home and class B manufactured homes: Individual mobile homes and class B manufactured homes may be located on existing farms of at least 25 acres as an accessory dwelling unit or on an individual lot in the R-A District according to the special conditions outlined below:
- a. Adequate water and sewer installations shall be provided for each mobile home in accordance with the New York State Building Codes and the New York State Health Department regulations.
 - b. A building permit will be obtained for any condition or alteration to the mobile home and such permits shall include a provision for removing the structural addition at such time as the mobile home may be removed or relocated.
 - c. Special landscaping and screening may be required to achieve a satisfactory residential environment and prevent detrimental impact to adjacent property in accord with Article V-C.
 - d. No mobile home built prior to June 15, 1976 will be allowed unless it has a letter with the seal of a New York State registered architect or engineer stating that it is structurally sound before and after the move, the heating system is free from defects and meets the current National Electrical Code.
11. Mobile Home Sales: In addition to meeting the minimum yard and lot coverage requirements, such businesses shall be subject to the following regulations:
- a. Such establishment shall not be closer than two hundred (200) feet to any adjoining Residential District or any existing dwelling
 - b. Ingress and egress shall be so designed as to minimize traffic congestion, and for this purpose, the number and location of driveways shall be subject to review and approval of the Planning Board.
 - c. Such use shall be adequately fenced and screened from any adjacent residential property and lighting shall be directed away from adjacent property.
12. Neighborhood Grocery Store or Convenience Store: In addition to meeting the minimum yard and lot coverage requirements, such businesses shall be subject to the following regulations:

- a. Such use shall not be closer than two hundred (200) feet to an adjoining Residential District or any existing dwelling.
 - b. Such use shall have frontage on a public street.
 - c. Ingress and egress shall be so designed as to minimize traffic congestion, and for this purpose, the number and location of driveways shall be subject to review and approval of the Planning Board.
 - d. Such use shall be adequately fenced and screened from any adjacent residential property and lighting shall be directed away from adjacent property.
13. Public Utility Station or Structure: Such uses shall include electric substations, transformers, switches and auxiliary apparatus serving a distribution area, and water and sewage pumping stations and shall be subject to the following regulations:
- a. Such facility shall not be located on a residential street (unless no other site is available), and shall be so located as to draw a minimum of vehicular traffic to and through such streets.
 - b. The location, design and operation of such facility shall not adversely affect the character of the surrounding residential area.
 - c. Adequate fences, barriers, and other safety devices shall be provided, and the facility shall be screen planted in accordance with the provisions of Article V-District Regulations, C- 8. Screen Planting
14. Truck terminal: In addition to meeting the minimum yard and lot coverage requirements, any such establishment shall be subject to the following regulations:
- a. Such establishment shall not be closer than two hundred (200) feet to any adjoining Residential District or any existing dwelling
 - b. Ingress and egress shall be so designed as to minimize traffic congestion, and for this purpose, the number and location of driveways shall be subject to review and approval of the Planning Board.
 - c. Such use shall be adequately fenced and screened from any adjacent residential property and lighting shall be directed away from adjacent property.
15. Breweries, Craft breweries, Micro-Brewery, Micro-Winery, Micro-Distillery: In addition to meeting the minimum yard and lot coverage requirements, any such establishment shall be subject to the following regulations:
- a. Such establishment shall not be closer than two hundred (200) feet to any adjoining Residential District or any existing dwelling
 - b. Ingress and egress shall be so designed as to minimize traffic congestion, and for this purpose, the number and location of driveways shall be subject to review and approval of the Planning Board.
 - c. Such use shall be adequately fenced and screened from any adjacent residential property and lighting shall be directed away from adjacent property.
16. Gas Stations: In addition to meeting the minimum yard and lot coverage requirements, any such establishment shall be subject to the following regulations:
- a. Such establishment shall not be closer than two hundred (200) feet to any adjoining Residential District or any existing dwelling
 - b. Ingress and egress shall be so designed as to minimize traffic congestion, and for this purpose, the number and location of driveways shall be subject to review and approval of the Planning Board.
 - c. Such use shall be adequately fenced and screened from any adjacent residential property and lighting shall be directed away from adjacent property.

C. OFF STREET PARKING

- 1. Off street parking space shall be required for all principal buildings constructed or substantially altered after the effective date hereof. Each off-street space shall consist of at least one

hundred and eighty (180) square feet with a minimum width of nine (9) feet. In addition, space necessary for aisles, maneuvering and drives shall be provided and shall be so arranged as not to interfere with pedestrian or motor traffic on the public street or highway. Parking requirements are specified in Schedule B, which is hereby made part of these regulations.

2. For uses not specified, the Board of Appeals shall, on appeal, and after recommendation of the Planning Board, establish parking requirements in specific cases consistent with those specified in Schedule B.
3. For any building having more than one use, parking space shall be required for each use.
4. Parking space in Residential Districts shall be located in the side or rear yard only.
5. Off-street parking for gasoline stations in C-G Commercial Districts shall be limited to employee and customer cars which are licensed and in running condition and shall not be used for repair or sale of new or used cars.
6. For the purpose of computing parking requirements, floor areas shall be the sum of the horizontal area within exterior walls of the several floors of a building, excluding basement, cellar and attic areas.
7. Overnight parking or storage out-of-doors on any Residence District of any vehicle licensed for commercial purposes having more than two axles and four wheels shall be prohibited. Parking or storage in any Residence District of mobile homes, recreational vehicles or boats out-of-doors shall be confined to the rear or side yard and not within ten feet of any property line.

D. OFF-STREET LOADING

1. Off-street loading facilities shall be provided for each commercial or industrial establishment hereafter erected or substantially altered to have a gross floor area in excess of 1,500 square feet and shall be so arranged as not to interfere with pedestrian or motor traffic on the public street or highway. Any required off-street loading berth shall have a clear area not less than twelve (12) feet in width by twenty-five (25) feet in length.
2. Any off-street loading space may occupy any part of any required side or rear yard, except no such berth shall be located closer than one hundred (100) feet to any lot in any Residence District unless wholly within a completely enclosed area or within a building.

E. SIGNS

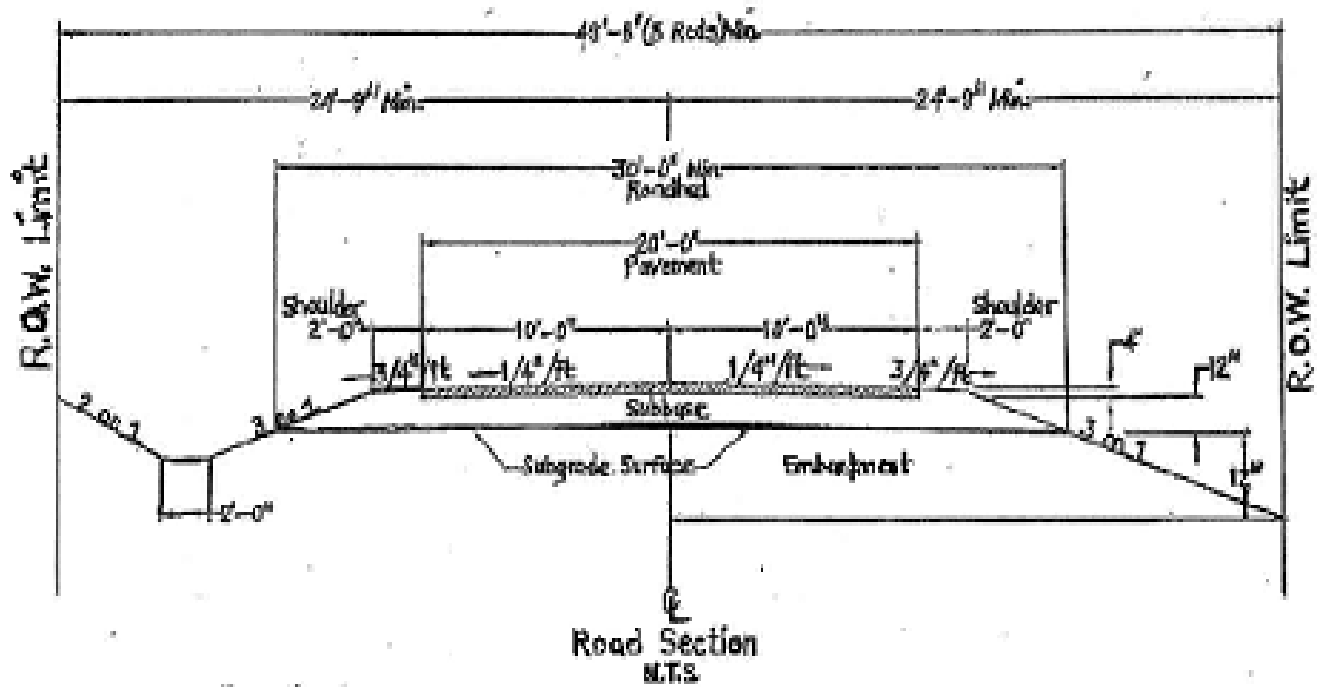
1. General Regulations: The following regulations shall apply to all permitted signs:
 - a. Signs must be constructed of durable materials, maintained in good condition and not allowed to become dilapidated.
 - b. Signs, other than official traffic signs, shall not be erected within the right-of-way lines of any street or highway, nor project beyond the authorized property lines.
 - c. The property owner or his agent shall remove all temporary signs erected for a special event or property sale, rental or repair when the circumstances leading to their erection no longer apply.
 - d. In all districts, non-conforming signs shall be required to terminate in three years.
 - e. A permit shall be required for the erection, alteration or reconstruction of any business or billboard advertising sign.
 - f. In any Planned, Scenic Preservation, or Public Lands and Water District, the Planning Board shall review and approve any proposed sign as a part of its review of a project in a planned development.
2. In R-1 Residential District non-advertising signs are permitted, as follows:
 - a. One nameplate, identification or professional sign not to exceed two (2) square feet of sign area, showing the name and address of the resident or a permitted home occupation of the resident of the premises. In the case of a corner lot, such sign shall be located on the principal street frontage.

- b. One non-illuminated sale or rental sign not to exceed six (6) square feet of sign area during and pertaining to the sale, lease, or rental of the land or building. Such sign shall be of a temporary nature.
- c. One artisan's sign not to exceed six (6) square feet of sign area during and pertaining to construction, repairs or alterations on the property. Such sign shall be removed promptly upon completion of the work.
- d. Institutional or religious identification sign not to exceed twelve (12) square feet in area.
- e. Sign advertising the sale or development of a tract of land may be erected upon the tract by the developer, builder, contractor or owner. The size of sign shall not exceed twenty (20) square feet and not more than two (2) signs shall be placed upon the tract along any highway frontage. Such sign must be at least fifty (50) feet from the edge of the pavement.
- 3. In the C-C Community Center Districts the applicable signs above are permitted and, in addition, the following:
 - a. Business sign erected hereafter in the C-C District shall not project into a public street right-of-way and shall not be closer than ten (10) feet to any lot line. No sign attached or unattached shall be higher than the principal building to which it is accessory, and no sign shall be erected upon the roof of any building.
 - b. The gross surface area of business signs in the C-C District shall not exceed two (2) square feet per lineal foot of building frontage for non-illuminated signs, or one (1) square foot per lineal foot of building frontage for illuminated signs. The gross surface area of any sign shall not exceed thirty-two (32) square feet.
 - c. All signs shall have sufficient clearance so as to provide clear and unobstructed visibility for vehicles entering and leaving the highway.
- 4. In the C-G General Commercial District, the applicable signs above are permitted and, in addition, the following:
 - a. Billboard Advertising signs are allowed in the C-G District with site plan approval from the Planning Board and not to exceed twelve feet by twenty-four feet (12'X24') or 576 square feet if double sided.
- 5. In R-A Residential-Agricultural Districts, the applicable signs above are permitted and, in addition, the following:
 - a. Business signs are permitted provided that such signs shall not exceed thirty-two (32) square feet in area, and if illuminated, the light, shall not be a flashing light nor directed toward any public highway or adjacent residential property.
 - b. Advertising sign are permitted in the R-A Residential- Agricultural District as follows:
 - i. The maximum size of any advertising sign shall be fifty (50) square feet and if illuminated, the light, shall not be a flashing light nor directed toward any public highway or adjacent residence.
 - ii. Any advertising sign shall be located at least fifty (50) feet from the edge of the pavement of the nearest street or highway. No such sign shall be erected or established within two hundred (200) feet of any street or road intersection, or of any dwelling.
- F. **TEMPORARY USES:** The following temporary uses are allowed without a building permit, provided that they meet the requirements established for each of the following:
 - 1. Garage Sales. Sales of tangible personal property shall be held on the premises of an owner of goods for sale or on the property of a charitable organization. Such retail sales shall be conducted for no more than four (4) days in any calendar year.
 - 2. Town-sponsored or approved uses. Temporary uses or events sponsored, supported or approved by the Town Board shall be permitted on a temporary basis.
 - 3. Sale of a single motor vehicle. The sale and display of not more than one (1) motor vehicle at any one time is permitted as a temporary use.

- G. **NON-CONFORMING SITUATIONS:** The lawful use of any land or building existing on the effective date of these regulations or their applicable amendment may be continued, although such use does not conform to the provisions of these regulations. Any such building or use may be added to, reconstructed, structurally altered, changed in use, or reintroduced only in accord with the following:
1. Additions: A non-conforming building or use shall not be added to or enlarged in any way that will extend the non-conforming features.
 2. Alterations: A non-conforming building or use may not be reconstructed or structurally altered unless it conforms to the current New York State Building Codes.
 3. Restoration: A non-conforming structure or use which has been damaged by fire or other causes may be restored, reconstructed or used as before, provided the bulk, height and area requirements shall not exceed that which existed before said damages. Said restoration must be completed within one (1) year of such occurrence or the use of the building or land as a legal non-conforming use thereafter shall be terminated.
 4. Changes in Use: A non-conforming use may not be changed to another non-conforming use except in accord with variance procedure as elsewhere provided under these regulations and the New York State Building Codes
 5. Discontinuance: Whenever a non-conforming use has been discontinued for a period of one (1) year, any future use shall be in conformity to the provisions of these regulations.
 6. Removal: Any non-conforming structure or use, once removed, shall not be reintroduced or replaced other than by a conforming structure or use.
 7. Validity of Permit: Any structure or use for which a permit has been lawfully granted, and on which the construction or location has been started and diligently prosecuted before the effective date of these regulations, or their applicable amendment, may be completed.
- H. **FENCING REGULATIONS:** Fencing (listed by category below) dividing the property from the neighbors must be at least two feet from the property line with the more finished part of the fencing to face the neighbors. This set back is allowed for maintenance to the fencing. Fencing must not block the view of waterfront or cause adverse impact for vehicular traffic in the area.
1. SOLID FENCES: Except where otherwise required for visibility at street intersections, solid fences are allowed in required side or rear yards in all districts in which residences are allowed standard for solid fences are:
 - a. The height shall not exceed four feet without zoning board approval. The height shall not exceed four feet in the front. See Article IV Section B for side & rear requirements on each district.
 - b. Solid fencing shall not be located on or within two feet of any lot line.
 - c. A finished side must face the adjacent lot if the fence is within the yard required in the district.
 2. Open Fences: open lattice, picket, rail, or wire fences are allowed, provided that the following standards are met and maintained.
 - a. The height shall not exceed four feet without zoning board approval. The height shall not exceed four feet in the front. See Article IV Section B for side & rear requirements on each district.
 - b. Open fencing shall not be located on or within two feet of any lot line.
 - c. Open fencing shall contain no openings of less than one inch in the least dimension and no solid members greater than three inches, exclusive of structural posts and rails.
 - d. Open fencing may be erected in any required yard as long as there is provision for maintenance from the owner's lot.
 - e. Barbed wire and /or electric fences are prohibited, except to condition livestock.
 3. Vegetation: when used as a fence or barrier

- a. The height shall not exceed four feet without zoning board approval. The height shall not exceed four feet in the front. See Article IV Section B for side & rear requirements on each district.
 - b. Vegetation barriers must have a two-foot clearance from its mature growth size to the property line.
 - c. Vegetation must be kept neat and trimmed on at least the neighbor's side.
- I. **PRIVATE ROAD SPECIFICATIONS:** Minimum specs for private roads to be taken over as town highways:
 - 1. The Town Board must approve all roads.
 - 2. All roads must have three (3) rod right-of-way = 49.5 feet.
 - 3. All materials used are to be approved by Superintendent of Highways and/or Department of Transportation specifications.
 - 4. All roads must have a base two (2) feet above grade with 12 inches of gravel or crushed stone base to a width of 32 feet. Ditches and shoulders must be clean of debris and obstructions and sloped to ditch line. A Department of Transportation approved guide rail must be in place, where needed, and culverts with a 12-inch minimum, must be able to handle peak flow of water.
 - 5. A dead-end road must have a turn around every five hundred feet (500) for large trucks and have a cul-de-sac at the end to allow for large trucks to turn around.
 - 6. All traffic control signs in accordance with the NYS Manual of Traffic Control Devices.
 - 7. All roads must be paved with pavement to consist of 2-inch type 3 binders and 1-1/2-inch type 6 top.
 - 8. The road is to be designed by a NY State Certified Engineer taking into consideration soil and usage and must accommodate a minimum of an 80,000-pound capacity.
 - 9. Basic guidelines for placement of Guide rail:
 - a. Embankments with slope heights less than 3 feet may not require a guide rail.
 - b. Embankments with slope heights of over 3 feet and steeper than 1:3 within the clear zone may require a guide rail.
 - c. Culverts with drop-offs exceeding 30" may require a guide rail.
 - d. Bodies of water adjacent to the roadway and deeper than two feet may require guide rail.
 - e. These are a few design issues to consider, however, a professional should design Guide rail.

i. Road Specs Diagram:



ARTICLE VII – SUBDIVISIONS

A. GENERAL PROVISIONS

1. **AUTHORITY:** This Law is adopted under the authority provided to the Town of Louisville by the New York State Town Law, Municipal Home Rule Law and the State Environmental Quality Review Act.
 - a. The Town of Louisville Planning Board shall be authorized and empowered to approve preliminary and final plats of subdivisions showing lots, blocks, or sites, with or without streets or highways, within the Town of Louisville, pursuant to § 276 of the New York State Town Law.
 - b. The Planning Board shall be also authorized and empowered, to approve the development of those plats, filed in the office of the County Clerk prior to September 10, 1975, where twenty percent or more of the lots are unimproved unless existing conditions such as poor drainage have prevented their development.
 - c. The Planning Board shall be further authorized and empowered, pursuant to § 278 of the New York State Town Law pertaining to cluster development and simultaneously with the approval of a plat or plats, to modify applicable provisions of the Town of Louisville Zoning Law, subject to the conditions set forth in §278 and later herein.
 - d. The regulations which follow have been prepared by the Town of Louisville Planning Board and are approved and adopted by the Town Board of the Town of Louisville as local law pursuant to the authority of the New York State Municipal Home Rule Law. They repeal, Local Law #4-1970 – Subdivision Regulations, and Local Law #2-1993 – Subdivision Regulations, Local Law #2 – 1981 Street Design Requirements, Local Law #4 – 1970 Design & Improvements, Local Law #1 – 1970 – Uniform Standard Construction, and any other previously enacted Subdivision Regulations. Section 276.5(a) of New York State Town Law is hereby specifically superseded so as to permit exemption of certain subdivisions from the requirement to file plats for Planning Board approval, pursuant to Section 1.3 c hereof. The definition of “subdivision” is also superseded to encompass divisions of lands for purposes of immediate or future sale, lease, partition by the court for distribution to heirs or devisee’s, transfer of ownership, building or lot development. Finally, the requirement for final plans to be submitted within six months of preliminary approval is superseded to provide for extensions of up to five years for this purpose.
 - e. The Planning Board shall not review or approve the subdivision of any parcel with a pending or current violation remaining unresolved.
2. **PURPOSES:** This Law is adopted for the following purposes;
 - a. Promoting the orderly growth and development of the Town in accordance with the Town of Louisville Comprehensive Plan.
 - b. Affording adequate facilities for the housing, transportation, distribution, comfort, convenience, health and safety of Town residents.
 - c. Minimizing foreseeable maintenance and improvement problems as well as economic burdens associated with development of land.
 - d. Conserving the Town's natural resources and protecting its attractive environment so as to maintain property values and otherwise provide for the general welfare of residents of the Town of Louisville.
 - e. Maintaining and protecting the character of the community.
3. **JURISDICTION**
 - a. Regardless whether or not any formal conveyance by metes and bounds shall be made, when any subdivision of land is proposed and before any offer is made to sell any part or all of a subdivision and before any permit for the erection of any structure in such subdivision

- shall be issued or any grading, clearing, construction or other improvements shall be undertaken, the sub-divider or his authorized agent shall first obtain the appropriate approval of the proposed subdivision in accordance with the requirements of this Law.
- b. It shall further be the obligation of each prospective purchaser or developer of a lot which forms any part of a subdivision to ensure that appropriate subdivision approval has been obtained. In the absence of such subdivision approval, a prospective purchaser shall not commence the erection of any structure on such lot, nor commence any grading, clearing, construction or other improvements.
 - c. The regulations of this Law shall not apply to lot improvements as defined herein (see Article VII, C-7) or to natural subdivisions where the parcels are already delimited by streets, railroads or other similar physical features effectively separating a parcel into different building lots. The Planning Board shall be authorized, where requested and for legal recording purposes, to indicate in writing on any qualifying plat presented that "These plans are acknowledged by the Town of Louisville, and for recording purposes only, to represent an exempt lot improvement in accord with Section VII, C-7 of the Town of Louisville Subdivision Regulations. No subdivision approval is required or given." No plat so submitted, however, shall indicate that a subdivision is being created or approved through action of the Planning Board.
4. INTERPRETATION, CONFLICT AND SEVERABILITY: The provisions of this Law, in their interpretation and application, shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
- a. This Law is not intended to interfere with, abrogate, or annul any other law, rule or regulation statute or provision of law. Where any of the provisions of these regulations impose restrictions different than any other law, rule or regulation or other provision of law, whichever provisions are more restrictive or impose higher standards shall control. This Law, however, shall repeal and replace in their entirety the Subdivision Regulations approved by the Town Board on November, 2012, including all amendments thereto preceding the enactment of this Law as local law.
 - b. If any part or provision of these regulations is judged invalid by any court of competent jurisdiction, such judgment shall be confined in application to the part or provision directly on which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Law or the application thereof to other persons or circumstances. The Town hereby declares that it would have enacted the remainder of these regulations even without such part or provision or application.
5. WAIVERS AND MODIFICATIONS
- a. Applications for waivers of standards or procedures shall ordinarily be submitted in writing by the sub-divider at the time the preliminary plat is filed. The application shall state fully the grounds on which it is made.
 - b. The Planning Board may, by resolution, authorize a waiver or modification of the regulations of this Law when, in its opinion, unreasonable restriction will result from strict compliance.
 - c. Waiver applications shall, in those instances where the Planning Board determines they could, if granted, have an impact on adjoining properties, be subjected to a public hearing at the applicant's expense.
 - d. Any resolution by the Planning Board authorizing a waiver of these regulations shall include the basis for its finding that unreasonable hardship will result from strict compliance with this Law.
 - e. In authorizing a waiver, the Planning Board shall attach conditions and require such guarantee or bond as it may deem necessary to assure compliance with the objectives of these regulations. No waiver shall be granted which would substantially change the character of an area or compromise the purposes of these regulations.

B. DEFINITIONS

1. GENERAL: As used in this Law, words in the singular include the plural and those in the plural include the singular. The words "shall" and "will" for the purpose of this Law are defined as mandatory. For more definitions, see the Zoning Ordinance.
 - a. For the purpose of this Law, the following terms shall be considered interchangeable:
 - i. The words "Law" and "regulation(s)."
 - ii. The terms "Town" and "Town of Louisville."
 - iii. The terms "sub-divider" and "developer" and the terms "subdivision" and "development."
 - iv. The terms "State Environmental Quality Review Act" and "SEQRA."
 - b. Unless otherwise expressly stated, the following definitions shall, for the purpose of this Law, have the meaning herein indicated. Any pertinent word or term not a part of this listing shall be construed to have its legal definition, as may be defined in "The Latest Illustrated Book of Development Terms: New Expanded Edition" by Moskowitz and Lindbloom, 2004 CUPR Press.
2. DEFINITIONS: The following is a list of specific terms, found elsewhere in the Law, along with definitions of their intended meaning:
 - ALLEY: A permanent service roadway providing a means of access to abutting property and not intended for general traffic circulation
 - ALL-WEATHER SURFACED: The surfacing of a street, parking area, access or walkway to a dustless, mud-free and otherwise permanently passable condition during all seasons of the year and under adverse weather conditions. Macadam, gravel, crushed stone and shale surfaces will all suffice to meet this test but the depth and installation of the material shall be subject to the approval of the Town Engineer.
 - APPLICANT: A landowner, developer or sub-divider, as hereinafter defined, who has filed an application for subdivision plat approval, including heirs, successors and assigns.
 - BERM: A mound of earth or the act of pushing earth into a mound.
 - BLOCK: A tract of land or a lot or group of lots bounded by streets, public parks, railroad rights-of-way, watercourses, bodies of water, boundary lines of the Town, or by any combination of the above.
 - BUILDING: A structure formed of any combination of materials which is erected on the ground and permanently affixed thereto, and designed, intended or arranged for the housing, shelter, enclosure or structural support of persons, animals, or property of any kind.
 - CENTRAL SEWAGE or WATER SUPPLY: A sewage system or water supply system designed to serve more than one dwelling unit or building; not including the use of a single well or disposal system for two dwellings on the same parcel of land. See "ONSITE SEWAGE or WATER SUPPLY" for further information.
 - CLEAR SIGHT TRIANGLE: An area of unobstructed vision at a street intersection(s), defined by lines of sight between points at a given distance from the intersecting street centerlines.
 - CODE ENFORCEMENT OFFICER: An individual who is appointed or hired on a consulting basis to administer and enforce local land use laws and the New York State Uniform Fire Prevention and Building Code.

- COMMON OPEN SPACE: A parcel or parcels of land or an area of water, or a combination of land and water, within a subdivision, which parcel or parcels have been designed and intended for the use or enjoyment of residents of the development. It does not include streets, off-street parking areas and areas set aside for utility placement, rights-of-way or similar public facilities.
- COMMON PROPERTY: All of the land and improvements part of a subdivision which is to be jointly owned and maintained by the lot owners, lessees and/or members of the subdivision and identified as such by the sub-divider on any plat offered to the Town for approval.
- CONSERVATION (CLUSTER) SUBDIVISION: A form of development for single-family residential subdivisions that permits a reduction in lot area and other development standards, provided there is no increase in the number of lots permitted under a conventional subdivision, given the specific site conditions, and no less than 35% of the total land area is devoted to permanent open space.
- COUNTY: The County of St. Lawrence, State of New York, and its planning agency.
- CUL-DE-SAC: A minor street providing a single access to a group of lots with a turnabout area at the end of such street.
- DEC: The New York State Department of Environmental Conservation
- DEVELOPER: The owner, or authorized agent of the owner; including but not limited to, any individual, partnership or corporation that undertakes a subdivision or any of the activities covered by this Law, particularly the preparation of a subdivision plat showing the layout of the land and the public improvements involved therein. The term "developer" is intended to include the term "sub-divider," even though the personnel involved in successive stages of this project may vary.
- DRIVEWAY: A defined private access from an individual lot to a public or approved private right-of way.
- DWELLING: A building arranged, intended, designed, or used, as the living quarters for one or more families living independently of each other upon the premises. The term "dwelling" shall not be deemed to include hotel, motel, rooming house or tourist home.
 - DWELLING, SINGLE-FAMILY: A building arranged, designed and intended, for and occupied exclusively by, one family.
 - DWELLING, TWO-FAMILY: A building arranged, designed and intended for and occupied by two families living independently.
 - DWELLING, MULTI-FAMILY: A building arranged, designed and intended for and occupied by three (3) or more families living independently and having no cooking or sanitary facilities in common with any other dwelling unit; including apartment houses, apartment hotels, flats and garden apartments.
 - DWELLING UNIT: One or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

- EASEMENT: A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public or private purpose, and within which the lessee or owner of the property shall not erect any permanent structure, but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.
- FLAG LOT: a lot not meeting minimum frontage requirements and where access to the public road is by a private right-of way or driveway.
- FRONTAGE: That side of a lot abutting on a street or way and ordinarily regarded as the front lot, but it shall not be considered as the ordinary side of a corner lot.
- HOUSEHOLD: A family living together in a single dwelling unit, with common access to and common uses of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit.
- LOT: A tract or parcel of land held in single or joint ownership, not necessarily shown on a duly recorded map, which is occupied or capable of being occupied by buildings, structures and accessory buildings, including such open spaces as are arranged, designed, or required. The term lot shall also mean parcel, plot, site, or any similar term.
 - LOT AREA: The area of land contained within the limits of the property lines bounding that lot. Any portion of a lot included in a street right-of-way shall not be included in calculating lot area.
 - LOT IMPROVEMENT: A division or re-division of land wherein lot area is shifted from one parcel to another so to improve the shape or dimension of each. See Section VII, C-7 for further clarification.
 - LOT WIDTH: The average of the widths of a lot at the building setback line and the rear lot line.
 - LOT FRONTAGE: The length of the front lot line as measured at the street right-of-way line.
- NATURAL SUBDIVISION: Any division of land where the parcels are already delimited by streets, railroads or other similar physical features, or by a natural land feature, such as a river, stream or cliff, and therefore effectively separating a parcel into different building lots.
- ON-SITE SEWAGE or WATER SUPPLY: Any sewage system designed to; (1) treat sewage by subsurface means or (2) to provide water from a drilled well or spring; within the boundaries of an individual lot. See "CENTRAL SEWAGE or WATER SUPPLY" for further information.
- PARENT PARCEL: The original, single area of land that is proposed to be divided to create smaller, individual lot(s).
- PAVEMENT: Improvement of the traveled portion of a roadway with a hard, solid surface material conforming to the standards of the Town of Louisville Highway Specifications.
- PERFORMANCE or COMPLETION GUARANTEE: A surety bond, certified check or other security meeting the requirements of Section 277 of New York State Town Law, and the terms of which are satisfactory to the Town Attorney, guaranteeing the sub-divider will install all required or planned improvements.

- PERSON: Any individual, firm, trust, partnership, public or private association or corporation, or other entity.
- PLAT: A drawing, map, chart, plan or plotting indicating the subdivision or re-subdivision of land, which in its various stages of preparation can include the following:
 - SKETCH PLAN: A general plan, identified as such with the title "Sketch Plan" on the map, indicating existing site features of a tract and its surroundings and the general layout of the proposed subdivision, to be used as a basis for conceptual consideration by the Town, Planning Board site inspection and, in the case of conservation subdivisions, determining allowable density.
 - PRELIMINARY PLAT: A complete plan prepared by a registered professional engineer or licensed land surveyor, identified as such with the wording "Preliminary Plat" in the title, accurately showing proposed streets and lot layout and such other information as required by this Law.
 - FINAL PLAT: A complete and exact plan, identified as such with the wording "Final Plat" in the title, with a professional engineer's or registered surveyor's seal affixed, and prepared for official recording with modifications as required during the review and approval of the Preliminary Plat.
- SECRETARY: The clerk or secretary designated to accept applications, plats, fees and correspondence on behalf of the Town of Louisville Planning Board.
- SEQRA: "State Environmental Quality Review Act. A State law," 6NYCRR Part 617, that requires the examination of environmental impacts of all actions that are permitted, funded or constructed by a local government.
- SHOULDER: That portion of a roadway between the outer edge of the traveled way or pavement and the point of intersection of the slope lines at the outer edge of the roadway, for the accommodation of stopped vehicles and for lateral support.
- STREET: A highway or road, intended primarily for the purposes of vehicular traffic, including the following:
 - STREET, MINOR: A road, the primary purpose of which is, to collect vehicular traffic from individual dwellings or places of business.
 - STREET, COLLECTOR: A road, the primary purpose of which is, to collect vehicular traffic from minor streets and deliver to major traffic streets.
 - STREET, MAJOR: A road, the primary purpose of which is, to collect vehicular traffic from collector streets and deliver to destination points or arterial highways, such as State Highway 37.
 - STREET, MARGINAL ACCESS: An interior street parallel to a major or Collector Street and serving abutting properties.
 - STREET, PUBLIC: A road accepted, owned, and maintained by the Town.
 - STREET, PRIVATE: a road that has not been accepted by the Town.
- SUBDIVIDER: Same as DEVELOPER.
- SUBDIVISION: The division; for purposes of immediate or future sale, lease, partition by the court for distribution to heirs or devisees, transfer of ownership, building or lot development; of any parcel of land into two (2) or more lots, plots, sites or other divisions of land; with or

without streets or highways; excepting lot improvements as defined in Section VII, C-7 of this Law.

- **SIMPLE SUBDIVISION**: means the division of any parcel of land into two (2) plots, sites, blocks or other division of land, for the purpose of sale, transfer of ownership or building development conforming to the current building codes as written in this current Land Use & Development Code book. A simple subdivision shall include any alterations of lot lines or dimensions of any lots or sites shown on a plat previously approved and filed with the Office of the Saint Lawrence County Clerk. The division of a parcel into two (2) lots shall constitute a minor subdivision if said parcel resulted from a prior division after which a period of six (6) years has not lapsed. The Code Enforcement Officer is authorized to approve simple subdivisions.
- **MINOR SUBDIVISION**: Any subdivision conforming to all the following conditions:
 - (1) Containing three (3) lots, including the original or parent parcel, but not more than five (5) lots; and
 - (2) Not requiring any new street or road or the extension of municipal facilities; and
 - (3) With all lots fronting on an existing approved and improved street excepting that in situations where a minor subdivision is located more than three hundred (300) feet from the nearest Town road, in which case the Planning Board may vary this requirement to allow a fifty (50) feet wide right-of-way with a twelve (12) feet wide travel way; and
 - (4) Not adversely affecting the development of the remainder of the parcel or adjoining property; and
 - (5) Not in conflict with any provision or portion of the Town Zoning Law or these regulations.
- **MAJOR SUBDIVISION**: Any subdivision or land development which is not a simple subdivision, minor subdivision or lot improvement. Any subdivision which involves the utilization of central sewage disposal systems or water supplies, the construction of any streets, or the utilization of conservation subdivision techniques shall also be considered a major subdivision, regardless of the number of lots.
- **SURVEYOR**: A land surveyor licensed by the State of New York.
- **TOWN**: Town of Louisville, St. Lawrence County, New York.
- **TOWN BOARD**: Governing council for the Town of Louisville.
- **TOWN ENGINEER**: A Professional Engineer licensed and registered as such by the State of New York and appointed or hired on a consulting basis to provide engineering advice to the Town.
- **TOWN HIGHWAY SPECIFICATIONS**: The standards of the Town of Louisville pertaining to the approval of streets by the Town Highway Superintendent and the acceptance of such streets for formal dedication to the Town.
- **TOWN LAW**: The New York State Town Law which governs the operation of all Towns within the State.
- **WATERCOURSE**: A discernible, definable natural course or channel along which water is conveyed ultimately to streams and/or rivers at lower elevations including intermittent streams but excepting drainage ditches, swales or diversion terraces.

C. PLAN SUBMISSION AND REVIEW AND REVIEW REQUIREMENTS

1. **PROCEDURES AND REQUIREMENTS FOR MINOR SUBDIVISIONS:** The following procedures and requirements shall apply to minor subdivisions only (See Definitions). Classification as a minor subdivision refers to the ultimate build out of a parcel, as determined by the characteristics of the parcel and judgment of the Planning Board. This procedure may not be used to complete a larger project in stages to avoid the procedures and requirements for major subdivisions. All other subdivisions and re-subdivisions, regardless of the total number of lots involved, shall be processed as major subdivisions according to the procedures and requirements specified herein.
 - a. All applications, plans, reports and other required documentation must be submitted a minimum of ten (10) days before a regularly scheduled meeting of the Planning Board. The Planning Board is not required to review or act upon any submissions that do not meet these criteria.
 - b. Sketch Plan required: Submission of a sketch plan showing existing site features and a tentative layout of the subdivision shall be required as part of the plat approval process for all minor subdivisions. The Planning Board shall use the sketch plan for determining the number of lots permitted, arranging and conducting a site inspection of the property and establishing whether the subdivision is located in an Agricultural District.
 - c. Application: Any person proposing to create a minor subdivision shall submit along with plans required below, nine (9) copies of an application for minor subdivision approval. This application may be in letter form and shall specify and/or be accompanied by:
 - i. The name, address and telephone number of the property owner of record and those of the sub-divider, if different.
 - ii. If the sub divider is not the property owner, evidence that the sub-divider has written permission of the owner(s) to make such application.
 - iii. The name or number of the road where the proposed subdivision is to be located.
 - iv. The name, address and telephone number of the surveyor or engineer preparing the subdivision plans.
 - v. The type of water supply proposed.
 - vi. The type of sewer system proposed.
 - vii. The required fee or receipt for the same from the Town Clerk.
 - viii. A completed Environmental Assessment as required by SEQRA.
 - d. Final Plat: The sub-divider shall submit nine (9) copies of a Final Plat and required supplementary data for the proposed subdivision. This plat shall be prepared by a Professional Engineer or Surveyor and shall show all the lots proposed to be created. Said submission must be at least ten (10) days before a regularly scheduled meeting of the Planning Board. The Final Plat shall meet the following requirements:
 - i. The subdivision plat shall, ordinarily, be not less than 8 1/2"(inch) X 11"(inch).
 - ii. The names of all abutting property owners and the size of any remaining acreages in the tract from which lots are being taken shall be shown.
 - iii. The plat shall show the name of the municipality, name of the owner of record, North Point, graphic scale, and date.
 - iv. Soil types found on the site shall be shown unless the lots involved are lot improvements or contain existing sewage systems. Soil Conservation Service Classifications shall be used.
 - v. Existing public roads shall be identified by traffic route numbers and private roads by their posted names and numbers.
 - vi. Proposed lot or parcel lines shall be drawn to scale and dimensions given in feet and hundredths of a foot. Lot areas shall be shown in acres or square feet. The plat shall

- depict the proposed subdivision as a part of the contiguous holdings of the sub-divider, and show adjacent lots already taken from the parcel.
- e. Soil tests: Documentation as may be required by the New York State Department of Health, along with a soil's evaluation by the test pit method and/or other required supplemental data relating to sewage disposal shall be submitted.
 - f. Street encroachment permits: A completed application to the Louisville Highway Superintendent, the State Department of Transportation or County Highway Department, as the case may be, for a street encroachment permit, shall also be required.
 - g. Public Hearing: The Planning Board shall, within sixty-two (62) days of the receipt of a complete Final Plat by the Planning Board Secretary, hold a public hearing, advertising such hearing at least once in a newspaper of general circulation in the Town at least five (5) days prior to the hearing and providing such other notice as it deems appropriate. The hearing shall be closed on motion of the Planning Board within one hundred-twenty (120) days after it is opened and be used to guide the Planning Board in acting upon the Environmental Assessment. Notices shall also be mailed at least five days prior to the public hearing to property owners that are adjacent to the proposed subdivision and to clerks of an adjacent municipality if a municipal boundary is within 500' of the proposed subdivision.
 - h. Action on Final Plat: The Planning Board shall, by resolution, conditionally approve with or without modification, disapprove or grant final approval and authorize signing such plat within sixty-two (62) days of the close of the public hearing, provided it has first acted upon the Environmental Assessment and made a Negative Declaration with respect to environmental impacts. Should the Board be unable to make a Negative Declaration, it shall proceed in the manner provided by New York State Town Law §276.
 - i. Certification, filing and signing of Final Plat: Within five (5) business days of the adoption of the resolution granting conditional or final approval of the final plat, such plat shall be certified by the Secretary as having been granted conditional or final approval and a copy of such resolution and plat shall be filed in such Secretary's office and with the Town Clerk and shall be mailed to the sub-divider. In the case of a conditionally approved plat, such resolution shall include the requirements which, when completed, will authorize the signing thereof. Upon completion of such requirements the plat shall be signed by a duly authorized officer of the Planning Board, filed with the Secretary.
 - j. Time limits on conditional approvals: A conditional approval of a final plat shall expire within one-hundred-eighty (180) days unless all conditions are satisfied and certified as completed. This period may be extended for not more than two additional periods of ninety (90) days where particular circumstances so warrant in the judgment of the Planning Board.
 - k. Approvals by default: In the event the Planning Board fails to take action on a plat within the time periods prescribed herein or within such extended periods as may have been established by mutual consent of the sub-divider and Planning Board, the subscriber shall be entitled to an approval by default pursuant to the New York State Town Law.
 - l. Recording of final plats: All final plats shall be filed in the office of the County Clerk within sixty-two (62) days of approval, subject to the provisions of § 276 of the New York State Town Law.
 - m. County Planning Board review: Applications for preliminary or final plat approval shall be subject to referral to the County Planning Board pursuant to Section 239-n of the General Municipal Law, if located within five-hundred (500) feet of:
 - i. the Town boundaries; or
 - ii. the boundaries of any existing or proposed County or State Park or other recreation area; or
 - iii. the right-of-way of any County or State highway, or

- iv. the right-of-way of any existing or proposed stream or drainage channel owned by the County or for which the County has established channel lines; or
 - v. the boundary of any existing or proposed County or State land on which a public building or institution is situated; or
 - vi. the boundary of a farm operation in an Agricultural District.
2. **PROCEDURES FOR MAJOR SUBDIVISIONS:** Major subdivision plat submissions shall be subject to SEQRA review and be processed as follows:
- a. All applications, plans, reports and other required documentation must be submitted a minimum of ten (10) days before a regularly scheduled meeting of the Planning Board. The Planning Board is not required to review or act upon any submissions that do not meet these criteria.
 - b. Sketch plan required: Submission of a sketch plan as provided in Section VII; C-3 shall be required as part of the Preliminary Plat approval process for all major subdivisions. This plan shall be used to determine the number of lots permitted, determine whether the subdivision will involve other agencies and make a preliminary classification of the subdivision as a Type I or Unlisted SEQRA action. The Planning Board shall also use the sketch plan for purposes of determining lead agency status, arranging and conducting a site inspection of the property and establishing whether the subdivision is located in an Agricultural District. A sketch plan shall be considered filed at the first regular meeting of the Planning Board following the Secretary's receipt of the plan and all determinations with respect to the plan shall be made within twenty (20) days of said meeting.
 - c. When Planning Board is not lead agency or an EIS is required: Should the Planning Board not assume lead agency responsibilities in the SEQRA review of the subdivision, or should an Environmental Impact Statement be required, the provisions contained herein pertaining to public hearings, notices and decisions shall be modified as provided in § 276 of the New York State Town Law.
 - d. When Planning Board is lead agency and no EIS is required: If the Planning Board acts as lead agency and determines an Environmental Impact Statement is not required, the subdivider shall complete preparation of the Preliminary Plat as required by C-3 and provide Part 1 of the SEQRA Long Form Environmental Assessment. The Planning Board, within sixty-two (62) days of the receipt by the Secretary of a Preliminary Plat which is complete except for a negative declaration filed pursuant to SEQRA, shall hold a public hearing on this Preliminary Plat, advertising such hearing at least once in a newspaper of general circulation in the Town at least five days prior to the hearing and providing such other notice as it may deem appropriate. The hearing shall be closed on motion of the Planning Board within one-hundred twenty (120) days after it is opened and be used to guide the Planning Board in acting upon the Environmental Assessment.
 - e. Action on Preliminary Plat: The Planning Board shall approve, with or without modifications, or disapprove the Preliminary Plat within sixty-two (62) days of the close of the public hearing, provided a negative declaration has first been filed pursuant to SEQRA.
 - f. Grounds for action: The grounds for modification, if any, or the grounds for disapproval, shall be stated upon the records of the Planning Board. When so approving a Preliminary Plat the Planning Board shall state in writing any modifications it deems necessary for submission of the Final Plat.
 - g. Preliminary Plat certification: Within five (5) business days of the approval of any preliminary plat, such plat shall be certified by the Chairman of the Planning Board, as approved, and a copy of the plat and approval resolution shall be filed in the office of the Town Clerk. Disapproval resolutions shall be filed and mailed in the same manner.
 - h. Time to submit final plat: The sub-divider, within six (6) months of the approval of the preliminary plat, shall install or, pursuant to Section VII, C-5, financially guarantee all

subdivision improvements and submit the plat in final form as provided in Section VII, C-6. The Planning Board may revoke the preliminary plat approval if a final plat is not submitted within six (6) months or grant an extension of the preliminary approval. No preliminary plat shall remain valid if a final plat has not been submitted within five (5) years from the approval date of the preliminary plat.

- i. Action on final plat: When the final plat is in substantial agreement with the preliminary plat, the Planning Board shall, by resolution, conditionally approve with or without modification, disapprove, or grant final approvals and authorize signing of such plat within sixty-two (62) days of its receipt by the Chairman of the Planning Board. No additional public hearing shall be required. When the final plat is not in substantial agreement with the preliminary plat, the preliminary plat procedures shall apply to a final plat insofar as SEQRA review, public hearing, notices and decision.
- j. Certification, filing and signing of final plats: Within five (5) business days of the adoption of the resolution granting conditional or final approval of the final plat, such plat shall be certified by the Chairman of the Planning Board as having been granted conditional or final approval and a copy of such resolution and plat shall be filed with the Town Clerk and shall be mailed to the sub-divider. In the case of a conditionally approved plat, such resolution shall include the requirements which, when completed, will authorize the signing thereof. Upon completion of such requirements the plat shall be signed by a duly authorized officer of the Planning Board, filed with the Secretary.
- k. Final plats by section: The Planning Board may permit any subdivision for which preliminary plat approval has been granted to be submitted in sections for final plat approval.
- l. Time limits on conditional approvals: A conditional approval of a final plat shall expire within one-hundred-eighty (180) days unless all conditions are satisfied and certified as completed. This period may be extended for not more than two additional periods of ninety (90) days where particular circumstances so warrant in the judgment of the Planning Board.
- m. Approvals by default: In the event the Planning Board fails to take action on a plat within the time periods prescribed herein or within such extended periods as may have been established by mutual consent of the sub-divider and Planning Board, the subscriber shall be entitled to an approval by default pursuant to the New York State Town Law.
- n. Recording of final plats: All final plats shall be filed in the office of the County Clerk within sixty-two (62) days of approval, subject to the provisions of § 276 of the New York State Town Law.
- o. County Planning Agency review: Applications for preliminary or final plat approval shall be subject to referral to the County planning agency pursuant to Section 239-n of the New York State General Municipal Law, if located within five-hundred (500) feet of:
 - i. the Town boundaries; or
 - ii. the boundaries of any existing or proposed County or State Park or other recreation area; or
 - iii. the right-of-way of any County or State highway, or
 - iv. the right-of-way of any existing or proposed stream or drainage channel owned by the County or for which the County has established channel lines; or
 - v. the boundary of any existing or proposed County or State land on which a public building or institution is situated; or
 - vi. the boundary of a farm operation in an Agricultural District.
- 3. SKETCH PLANS FOR MAJOR SUBDIVISIONS: The Sketch Plan should be at a scale sufficient to show the entire tract on one sheet, and should show or include the following:
 - a. The location of that portion which is to be subdivided in relation to the entire tract.

- b. An existing and natural site features analysis which depicts all structures, wood area, stream, natural features, stone walls, wetlands, outstanding views and other aspects of the property around which a subdivision plan should be designed.
- c. The name of the owner and of all adjoining property owners as disclosed by the most recent deed or tax records.
- d. All streets or roads, streams, water, sewage and gas and power lines within 500 feet of the subdivision.
- e. The tentative layout of the remainder of the tract owned by the sub-divider.
- f. North Point, graphic scale, date and name/address of sub-divider and landowner.
- g. A location map with sufficient information to enable the locating of the property.
- h. Proposed open spaces.

4. PRELIMINARY PLAT REQUIREMENTS FOR MAJOR SUBDIVISIONS

- a. The Preliminary Plan shall be clearly and legibly drawn and ordinarily shall be not less than 11"(inches) X 17"(inches) and should, when possible, show the entire tract to be divided. Nine (9) copies of all plans and materials shall be provided.
- b. The Plat shall be based on the concepts presented in the Sketch Plan and contain the following information:
 - i. Proposed name of the subdivision. This name shall not duplicate in spelling or pronunciation any recorded subdivision within St. Lawrence County. The name and address of landowner and sub-divider shall also be provided.
 - ii. Location by Town, County and State. The plan shall also include tax map numbers for affected and adjacent parcels and a 1" = 2000' location map.
 - iii. North point, date and graphic scale.
 - iv. Boundaries of total tract and acreage contained within it. (Also see Section VII, C-3)
 - v. Locations, and where appropriate, dimensions of parks and public grounds, permanent buildings in, or adjacent to, the subdivision, open space easements and other significant existing site features.
 - vi. Approximate locations of existing sanitary sewers, public water mains, storm sewers, electric power and transmission lines, gas lines, and all other items above or below ground with direction of flow and pressure.
 - vii. Names of owners of abutting properties, and lines showing where they intersect
 - viii. Existing contours at intervals of at least every twenty feet. U.S.G.S. maps may suffice for the basis of this item. The Town reserves the right to request greater detail when the scope or nature of the development demands the same.
 - ix. Proposed layout of streets, alleys and other public rights-of-way, including widths and proposed names which shall not duplicate existing names by spelling or pronunciation. The street proposals shall be accompanied by a submission of plans as required by the Town Road and Street Encroachment Laws, including profiles, cross-sections, and preliminary designs for bridges and culverts.
 - x. The proposed layout, numbering and approximate dimensions and acreage of lots.
 - xi. Parcels to be dedicated to the public, or reserved for their use, or to be reserved by covenant for residents, shall be shown and marked as such.
 - xii. Building setback lines. Where lots are located on a curve, or side lines are not parallel, the width at the building line shall be shown.
 - xiii. All drainage easements shall be shown and marked as such.
 - xiv. Approximate final grades in areas of cut or fill shall be shown.
 - xv. Any lots designated for uses other than residential shall be indicated.
 - xvi. Proposed covenants and restrictions.
 - xvii. Evidence of water supply. In cases where no public water supply is planned as part of the subdivision, the sub-divider shall supply acceptable evidence of the availability of

- other potable water sources. This evidence may be in the form of drill logs from existing wells established by professional well drillers.
- xviii. Letters from each utility servicing the area indicating that the utility company is aware of and will provide service to the proposed subdivision.
 - xix. An erosion and sedimentation control plan indicating those measures to be employed during construction and as may be necessary to prevent loss of soil from erosion and to prevent resulting property damage, siltation and contamination of water courses or impoundments.
 - xx. A storm water management plan prepared in accord with the requirements hereof and DEC guidelines and standards (see "Reducing the Impacts of Storm water Runoff from New Development").
 - xxi. Documentation as may be required by the New York State Department of Health or the Planning Board, along with a soil's evaluation by the test pit method and/or other required supplemental data relating to sewage disposal.
 - xxii. All applicable zoning data.
 - xxiii. Completed applications to Town of Louisville, County of St. Lawrence or the New York Department of Transportation, as the case may be, for street encroachment or highway occupancy permits.
 - xxiv. Detailed landscaping plans for such common areas or improvements as may require new landscaping.

5. REQUIREMENTS FOR GUARANTEE OF IMPROVEMENTS

- a. After approval of the Preliminary Plat, the sub-divider, in a manner consistent with the New York State Town Law, shall provide for the installation of the required improvements (those physical additions and changes which may be necessary to provide usable and desirable lots). Before requesting Final Plat approval, the sub-divider must:
 - i. Install all the improvements approved on the Preliminary Plat or required by (Section VII, D) standards, or
 - ii. File with the Town Board a performance guarantee to ensure installation and construction of those improvements at the standards required. Such guarantee shall meet with the approval of the Town Attorney as to form and procedure.
- b. The sub-divider shall meet with the Town Engineer to develop a schedule, so that at the time each improvement is to be installed and upon its completion, adequate inspections can be made.
- c. This Section is designed to be consistent with § 277 of the New York State Town Law and the Town of Louisville hereby incorporate all authorities and requirements contained therein as part of this Law.
 - i. Posting - The performance guarantee must be approved by the Town Board and Town Attorney, with the advice of the Town Engineer, and must:
 - (1) Be a corporate surety bond, irrevocable letter of credit from a bank or certified check, provided the same is satisfactory to the Town Board and Town Attorney and meets New York State Town Law § 277 requirements.
 - (2) Be payable to the Town of Louisville.
 - ii. Be in an amount sufficient to complete the improvements in compliance with these regulations plus any expected cost increases over the period of the guarantee. Costs shall be assumed to escalate a minimum of 10% per year for purposes of determining the amount of a guarantee.
 - iii. In the case of cash or its equivalent, be held in an escrow fund in the name of the Town of Louisville.
 - iv. Specify a satisfactory completion date for improvements which shall, unless extended by mutual consent of the sub-divider and the Planning Board, be not more than three (3)

years from the date of the Final Plat approval. Should an extension be granted the amount of the guarantee shall be increased as may be required to cover further cost increases as provided in sub-section (3) above. Provisions may also be made, pursuant to the aforementioned New York State Town Law § 277, for completion of improvements in phases.

- (1) Return - When the improvements have been completed and approved for conformity with these regulations by the Planning Board and Town Engineer or other qualified individual designated by the Town and accepted by the Town Board, the guarantee must be released and returned. When any of the required improvements have been completed and approved or materials for the same have been secured onsite, a portion of the security commensurate with the cost of these improvements, may be released and returned.
 - (2) Default - In the event of default, the obligor and surety shall be liable thereon to the Town of Louisville for the cost of the improvements or parts thereof not installed. If proceeds of such bond, or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Town Board may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the sub-divider, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other municipal purpose.
- v. Prior to the certification of any improvements or release of any guarantee, the sub-divider shall pay all inspection and related costs (for professional services, meetings, advertisements and expenses) associated with the improvements or guarantees. These costs will be assessed as a special fee apart from the regular fees provided for in this Law. Said payment shall be made to the Town of Louisville.
 - d. Where improvements are being dedicated to the Town, the sub-divider shall comply with the applicable requirements of any other Town Laws governing dedication of improvements and submit a maintenance bond or other approved performance guarantee to guarantee maintenance and repair of those improvements for eighteen (18) months from the date of dedication. The maintenance bond shall generally be a maximum of 15% of the costs of improvements, subject to approval of the Town Board. Similar maintenance agreements may be required for private streets and nothing herein shall be deemed to require acceptance of dedication by the Town under any circumstances.
6. **FINAL PLAT REQUIREMENTS FOR MAJOR SUBDIVISIONS:** The Final Plat shall be prepared on one or more sheets of a uniform size coinciding with requirements of the St. Lawrence County Clerk's office. Final Plat attachments and exhibits shall be numbered and labeled in accordance with the requirements of this Section and a "subdivision checklist" to be developed by the Town. The Final Plat shall include, in addition to the information required for the Preliminary Plat submission, the following, in nine (9) copies:
- a. Exact locations, widths and names of all streets and all crosswalks within the subdivision.
 - b. Complete curve data for all curves included in the Plat.
 - c. Exact descriptions of all easements being provided for services or utilities in the subdivision, and any limitations placed on the use of such easements.
 - d. Accurate outlines of any lots or areas to be reserved or dedicated for common use by residents of the subdivision, or for general public use, with the purpose indicated thereon, including all open space, conservation or drainage easements.
 - e. Front building lines, shown graphically with dimensions.

- f. A final version of all restrictions and covenants, if any, the sub-divider intends to place in the deeds to the lots in the subdivision. If no such restrictions or covenants are to be imposed, a statement to that effect shall be included.
 - g. The total tract boundary lines of the area being subdivided, with accurate distances to hundredths of a foot and bearings to one minute. These boundaries shall be determined by accurate survey in the field; provided, however, that the boundary(s) adjoining additional unplatted land of the sub-divider (for example, between separately submitted Final Plat sections) are not required to be based upon field survey, and may be calculated. The location of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided. In addition, the engineer or surveyor shall certify the placement of the monuments.
 - h. The Final Plat shall contain a certificate signed by the project engineer indicating that all improvements have either been installed and approved by the proper officials or agencies, or that a guarantee in an amount satisfactory to the Town Engineer and sufficient to ensure their installation has been submitted to the Town.
 - i. Complete final construction plans and profiles of installed or proposed public sanitary sewage disposal systems and storm drains, with grades and pipe sizes, unless on-site sewage disposal systems are to be used.
 - j. Complete final construction plans of installed or proposed public water distribution systems showing pipe sizes and locations of valves and fire hydrants, if any, unless private wells are to be used.
 - k. Evidence of actual arrangements made with utility companies or agencies for supplying each lot in the subdivision.
 - l. A key map for the purpose of locating the site to be subdivided, at a scale of not less than 2000 feet to one inch, showing the relation of the property to adjoining property and to all streets, roads and municipal boundaries existing within 4000 feet or any part of the property proposed to be subdivided. U.S.G.S. quadrangle maps may suffice as a base for such a key map.
 - m. Blank approval blocks for the Town Planning Board stamp and signatures shall appear on every sheet of the set of plans.
 - n. A statement that Erosion and Sedimentation and Storm Water Management Plans, as required, have been prepared and where appropriate approved by the St. Lawrence County Soil and Water Conservation District.
 - o. Copies of street encroachment or highway occupancy permits and complete final construction plans, including agreements as may be required to ensure maintenance of private streets.
 - p. Each Final Plat submission shall, in addition to the items required above, include new submissions of Preliminary Plat data in any instance where there has been a change in the plans or the circumstances surrounding them.
7. LOT IMPROVEMENTS AND NATURAL SUBDIVISIONS: Lot improvements, and natural subdivisions where the parcels are already delimited by streets, railroads or other similar physical features effectively separating a parcel into different building lots, shall be exempt from the requirements contained herein provided nine (9) copies of a plan prepared by a licensed Land Surveyor or Professional Engineer have been submitted describing the conveyances involved by metes and bounds and in sufficient detail to determine the situation fits the criteria below. To qualify as a lot improvement, the parcels shall:
- a. Involve the addition of land to an existing parcel so as to:
 - i. Improve ability of that parcel to comply with setback or other building standards; or
 - ii. Increase suitability of the parcel for building development; or
 - iii. Add to the availability of open space; or

- iv. Resolve a boundary line dispute or produce a corrected deed if a map reflecting the same is desired for recording purposes.
 - b. Not substantially reduce the ability of the lot, from which the lot improvement parcel is taken or reconfigured, to comply with the applicable standards of this Law.
 - c. Include a map restriction to the effect the improvement parcel will never be considered a separate building lot apart from the tract to which it is being added. The Planning Board shall, within thirty-one (31) days of the receipt of the lot improvement plans, determine whether they comply with the exemption criteria found above. Should the Planning Board fail to act in the provided time or make a finding that the plans do not meet the criteria; such plans shall be deemed rejected unless an extension is granted by the Planning Board. If the Planning Board finds they do qualify as a lot improvement, the Board shall sign the plans with the following notation: "These plans are acknowledged by the Town of Louisville, and for recording purposes only, to represent an exempt lot improvement or natural subdivision in accordance with Section VII, C-7 of the Town of Louisville Subdivision Regulations. No subdivision approval is required or given." No person shall record plans for any lot improvement without so first obtaining the Planning Board's clearance.
8. **FEES:** At the time an application for subdivision approval is filed, a fee shall be paid to the Town by the sub-divider; such fee to be determined from a schedule of fees as adopted by the Town Board by resolution. Additional fees may be imposed to cover the costs of inspections, professional reviews and SEQRA compliance, as well as the expenses connected with notices and hearings.

D. DESIGN STANDARDS

- 1. **APPLICATION:** The design standards and requirements set forth in this Article shall be observed as minimums by the sub-divider in the design of each subdivision within the Town of Louisville. The Planning Board shall require more-restrictive standards where necessary to protect health, safety and welfare of the public, and where circumstances unique to the property so dictate.
- 2. **GENERAL SITE REQUIREMENTS**
 - a. Those areas which are subject to such hazards of life, health, or property as may arise from fire, flood or noise, or are considered to be uninhabitable for other reasons, may not be subdivided for building purposes unless the hazards have been eliminated or the plans show adequate safeguards correcting the hazards.
 - b. In addition, the Town may rely upon information contained in its Comprehensive Plan and, in determining and evaluating potential hazards use historical records, soil evaluations, engineering studies, expert opinions, established standards used by licensed insurance companies or in professional practice, and Federal, State, or local policies.
 - c. All portions of a tract being subdivided shall be taken up in lots, streets, public lands, dedicated open space or other proposed uses, so that remnants and land-locked areas shall not be created. The layout of a subdivision shall also be planned with consideration to existing nearby developments or neighborhoods, so that the development is coordinated in terms of traffic movement, drainage, and other reasonable considerations.
 - d. In all subdivisions, care shall be taken to preserve natural features such as trees, water courses, views, and historical features which will add attractiveness and value to the remainder of the land. Where a subdivision of land is on a site that has a slope of more than 15% the Planning Board may require larger lot sizes than the minimum standards set forth herein.
 - e. Damming, filling, relocating or other interference with the natural flow of surface water along any surface water drainage channel or natural water course shall not be permitted except with the approval of the Planning Board and, where appropriate, DEC.
- 3. **BLOCKS AND LOTS**

- a. Blocks shall ordinarily not exceed 1,600 feet in length or be less than 400 feet.
- b. Pedestrian interior walks or trails may be required, where necessary to assist circulation or provide access to community facilities and open space. Such walks or trails shall have a right-of-way width of not less than 6 feet and be all-weather-surfaced for not less than 3 feet in width.
- c. Blocks shall be of sufficient width to permit two tiers of lots of appropriate depth, except where an interior street parallels a major street, or where it backs up to a railroad, creek, or other natural barrier un-subdivided area.
- d. Where a subdivision adjoins a major highway (one which is designated and marked for two lanes or more and carries at least 1,000 vehicles per day), the greater dimension of the block shall front along said highway, and marginal access streets may be required to minimize the number of points of access. Such streets may be required whenever topographic conditions, traffic density or lack of proper sight distance dictate for reasons of health and safety. Any subdivision of five lots or more with frontages averaging less than 300 feet along the highway shall be subject to this requirement, if the Planning Board determines, after inspection, that safety demands restricting access.
- e. Cul-de-sac streets, permanently designed as such, shall not exceed one-half the length of a proposed block, and shall furnish lot frontage at a minimum ratio of 1 residential lot for every sixty (60) feet. The Planning Board shall have authority to require the use of loop streets and other alternatives to cul-de-sacs where such alternatives are available and preferable as a means of providing safe access to lots, making street connections or limiting environmental impacts.
- f. All side lines of lots shall be at approximate right angles to straight street lines and radial to curved street lines, except where a variation to this rule will provide a safer layout.
- g. Double frontage lots shall ordinarily not be platted, except as specifically provided herein. In that event, a planting strip of at least 20 feet in width may be required along the back of the lot.
- h. If remnants of land exist after subdividing, they shall be incorporated in existing or proposed lots, unless designated as common area or dedicated to open space.
- i. Either of the two sides of a corner lot may be designated as the front, provided the rear yard shall always be opposite the frontage so designated.
- j. All lots shall front on a public street or private street designed to public street standards (existing or proposed) and the right-of-way of the principal access to any subdivision shall be a minimum of sixty (60) feet in width. However, upon written request by the sub-divider, the Planning Board may grant a waiver from this and other street requirements of this Law to permit access to no more than two (2) single-family residential lots from a single private drive, provided a release has been given the Town and approved by the Town Board making clear that the Town is exempted from all responsibility for the maintenance of the same and that the lot in question is not capable of being subdivided further or is so restricted. Such private drive shall be owned and maintained by one of the lot owners. The requirement for a single private drive may be waived in instances where the front lot is already developed.
- k. Minimum lot frontage: All residential lots shall have a front lot line with a minimum length of one hundred fifty (150) feet.
- l. Flag lots: The development of interior lots with limited lot frontage consisting of only an access right-of-way shall be permitted provided:
 - i. The right-of-way is a minimum of fifty (50) feet in width, is improved according to the requirements of the Town Subdivision Law.
 - ii. The lot area shall be exclusive of that portion used as a right-of-way for purposes of meeting minimum lot area and all other development standards for the District.

- iii. No right of way shall be established over an existing parcel of land to reach a new lot to the rear which would reduce the length of the front lot line of the existing parcel to less than sixty (60) feet.
 - iv. All flag lot access rights-of-way shall be titled in fee-simple ownership to the flag lot property owner and shall not be used to access any property not part of the original tract. Such owner shall bear responsibility for maintenance of the improvements.
 - v. No more than two additional such lots shall be created from an existing parcel, a cumulative total of three lots including the original. This restriction shall be incorporated in deed covenants and placed on the recorded plat map at the time any flag lot is created.
 - m. Monuments shall be placed at perimeter corners and the corner of each street, and markers set at the corner of each lot, consistent with surveyors' professional practice, to permanently and accurately define the metes and bounds of the block and lots created.
4. COMMON OPEN SPACE: Except where such area would be less than one acre or the Planning Board shall waive the requirement, not less than 10% of the gross area of the entire tract, exclusive of lakes or ponds, shall be reserved for common open space directly accessible from the lots to be created. Such open space shall be suitable for recreational use of the residents of the subdivision or the general community. The following and similar facilities shall meet this requirement: swimming pools, tennis courts, riding and cycling paths, playgrounds, community centers, and other open areas. Such areas as are designated for play lots, parks and other outdoor recreational facilities shall be of a size, shape and other physical characteristics so as to be free of health and safety hazards and suitable for the designated use. No portion of the 10% requirement shall be met with wetlands, slopes exceeding 15% in grade or other un-developable areas. Sites so dedicated shall not be deemed to be accepted by the Town unless and until the Town Board has taken formal action to accept the same. The sub-divider and the Town may also agree to otherwise provide recreational land for the use of residents pursuant to the authority of § 277 of the New York State Town Law including fees in lieu of dedication.
5. WATER SUPPLY
- a. Where a central water supply is available within 1,000 feet of the proposed residential development, the sub-divider shall, if legally and practically feasible, construct a system of water mains tied to such system and provide a connection for each lot.
 - b. Plans and specifications for central water systems (i.e., extension of an existing system or a proposed new facility) shall be prepared by a professional engineer and shall conform to requirements of the New York State Department of Health and the local fire district(s). Suitable agreements shall also be established for the ownership and maintenance of such distribution system.
 - c. The applicant proposing a central water supply must demonstrate ability to provide a minimum of 100 gallons of water per capita per day (GPCD) and/or 400 gallons per day (GPD) for each residential dwelling unit to be serviced. Service to industrial or commercial establishments shall meet standards established by the American Water Works Association or insurance industry underwriting standards.
 - d. New central water supply wells shall be sited, drilled, and tested under the direct supervision of a professional engineer or a professional groundwater geologist. Wells shall be so located that no potential pollution sources can exist within a 100-foot radius (200 feet if located down slope from the pollution source). Wells shall also be located on reserved parcels.
6. SEWAGE DISPOSAL
- a. All residential lots shall contain suitable areas for on-site sewage disposal system or be served by an approved central sewage disposal system. Plans and specifications for central systems, as required by the New York State Department of Environmental Conservation

- ("DEC"), shall be submitted with all preliminary subdivision plats and design standards shall meet DEC requirements. Formal approval of DEC shall be required prior to final plat approval.
- b. When a central sewage disposal system is located within 1,000 feet of the proposed residential development, the sub-divider shall, if legally and practically feasible, provide a system of collection lines to connect to said system. Regardless of this requirement, all subdivision and land developments shall be provided with an adequate sewage disposal system(s). Central sewage disposal systems shall also be required for all residential lots and non-residential developments where on-site soil conditions are unsuitable for on-lot subsurface sewage disposal systems.
 - c. Where connection to a central sewage disposal system is not required, on-site systems shall be provided in accordance with criteria set forth by the New York Department of Health. The applicant's professional engineer, subject to the approval of the Planning Board, shall determine the number and location of test pits and soil percolation tests necessary to determine the general suitability of soils throughout the subdivision for onsite subsurface sewage disposal.
 - d. Sanitary sewer and storm water infrastructure shall be used exclusively for its intended purpose. Sanitary sewers and storm water systems shall not be used to carry effluent from other sources
7. EROSION AND SEDIMENTATION: In the event that any sub-divider shall intend to make land changes by grading, filling, excavating or the removal or destruction of the natural topsoil or vegetative covering thereon in accordance with a subdivision plan submitted to the Town, the same shall only be approved and accomplished after the developer has submitted to the Town an Erosion and Sedimentation Control Plan. Erosion control measures shall be employed as necessary to prevent loss of soil from erosion and also to prevent resulting property damage, siltation and contamination of water courses or impoundments. Erosion control measures may include hay bales, silt fences or other provisions or combinations thereof.
8. STORM DRAINAGE: A storm water drainage plan shall be required for major subdivisions. Such a plan shall be prepared using DEC guidelines and standards (see "Reducing the Impacts of Storm water Runoff from New Development"), complying with the following standards:
- a. Storm water drainage facilities shall be designed to accommodate storms of a 25-year frequency unless a more stringent standard shall be required by the Planning Board. The general performance standard shall be that the amount of uncontrolled storm water leaving the site along any property line after development shall not exceed that estimated for the site prior to development. In instances where storm water facilities are impractical for engineering reasons the Town may modify this standard as it applies to a particular project but shall provide for the maximum practical reduction in flow which can be achieved under the circumstances. The sub-divider shall provide full information, prepared by a professional engineer, regarding the pre-development storm water flows and estimates at the time of application.
 - b. The following additional requirements shall apply:
 - i. Lots shall be laid out and graded to prevent cross-lot drainage away from proposed building areas. Natural drainage courses shall be maintained.
 - ii. The existing points of natural drainage discharge onto adjacent property shall not be altered, nor shall the rate of water runoff be increased because of development, without the written approval of all affected land owners.
 - iii. No storm water runoff or natural drainage water shall be so diverted as to overload existing drainage systems, or create flooding or the need for additional drainage structures on other private properties or public lands, without complete approval of provisions being made by the developer for properly handling such conditions.

- iv. Storm water calculations and design shall be prepared by a professional engineer, land surveyor, landscape architect or others certified to perform such work.
- v. Storm drainage facilities should be designed to handle the anticipated peak discharge from the property being subdivided.
- vi. Drainage structures that are located on State highway rights-of-way shall be approved by the New York State Department of Transportation, and evidence of the same shall be provided to the Town prior to final plan approval.
- vii. All streets shall be so designed as to provide for the discharge of surface water from their rights-of-way. The slope of the crown on proposed streets shall be 1/4" per foot away from the center line.
- viii. All proposed surface drainage structures shall be indicated on the preliminary plan.
- ix. Drainage plans shall include all appropriate designs, details and dimensions necessary to clearly explain proposed construction materials and elevations.
- x. Whenever storm drains are required by the Town, such storm sewer systems shall be separate from the sanitary sewer system. Storm drains or storm sewer facilities may be required in any development situation where the Town Board determine that surface drainage facilities are inadequate to prevent excessive erosion and lot or road maintenance problems.
- xi. Drainage systems shall be designed in accordance with engineering practice, using hydraulic computations to show effects of the flow of water. The general standard shall be that the amount of storm water leaving the site along any property line after development shall not exceed pre-development storm water flows for that area. In no case shall any pipe system of less than 15" in diameter be used underneath a street or driveway.
- xii. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided an undisturbed, vegetated drainage easement conforming substantially with the line of such water course, drainage way, channel or stream, and of such width (minimum 25 feet).
- xiii. All drainage systems and structures shall be subject to the approval of the Town Engineer, or any such other qualified person as may be appointed for this purpose by the Planning Board.

9. STREET REQUIREMENTS

- a. The arrangement, character, extent, width, grade and location of all streets shall conform to the provisions found herein. Every subdivision shall have access to a public right-of-way.
 - i. In general, all streets shall be continuous and in alignment with existing streets and shall compose a convenient system to insure circulation of vehicular and pedestrian traffic.
 - ii. Streets shall be logically related to the topography so as to produce usable lots and reasonable grades as required by this Law.
 - iii. Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts, or when designed as cul-de-sacs. Easements to the adjoining property lines may be required to ensure the future ability to connect such streets.
 - iv. Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the extension of streets.
 - v. Streets shall be laid out to intersect as nearly as possible at right angles; in any event, no street shall intersect another at less than sixty (60) degrees. Intersections of more than two streets shall be avoided. Where this proves impossible, such intersections shall be designed with care for safety, and suitable curbs, barriers, signs and other devices as may be required. Streets entering opposite sides of another street shall be laid out directly opposite one another or offset a minimum of one-hundred-twenty-five feet (125').

- vi. Street and driveway intersections with arterial streets shall not be so numerous, nor so close to each other, as to impede the flow of traffic.
- vii. Clear sight triangles shall be provided at all street intersections. Within such triangles, no structure or vision-obstructing object other than utility poles, street lights, street signs, or traffic signs shall be permitted which obscures vision above the height of thirty-six (36) inches and below ten (10) feet measured from the centerline grade of intersecting streets. Such triangles shall be established from a distance of seventy-five (75) feet from the point of intersection of the centerlines.
- viii. Whenever, in connection with a major subdivision, the principal access (whether public or private) to such subdivision, by virtue of bridge weight limits of less than ten (10) tons or other comparable limitations, would restrict access to the property by emergency vehicles or school buses, the sub-divider shall so indicate in writing on the final plats to be recorded and shall provide for notification to prospective lot buyers through deed covenant provisions which shall be approved by the Planning Board as to form.
- ix. Sidewalks shall be located on one side of all minor, and on both sides for major and collector streets that adhere to NYS DOT and federal ADA design standards (minimum accessible sidewalk width of three (3) feet, and a minimum distance of two and a half (2.5) feet between the curb and sidewalk to allow for snow storage. Bike lanes may also be provided on shared road ways with a minimum width of 4.92' (1.5 meters) as measured between the motor vehicle lane and curb, and should also include appropriate signing and pavement markings at intersections to reduce conflicts between users.
- b. Alleys may be permitted in residential areas under special circumstances, but in no case shall an alley provide the only means of access to a lot. Alleys are required on the rear of all commercial and industrial lots, if no other provisions are made for adequate service access or for parking.
- c. Profiles: No street grade shall be less than one (1) percent or exceed the following, with due allowances for reasonable vertical curves:
 - i. TYPE OF STREET OR WAY MAXIMUM GRADE
 - (1) Major Streets 4%
 - (2) Collector Streets 6%
 - (3) Minor and Marginal Access Streets 8%
 - ii. Streets shall have a grade not to exceed two percent (2%) for a distance within fifty (50) feet of the street right-of-way line of any intersecting street.
- d. Cross Section: The cross-section gradients of streets shall be not less than two percent (2%).
- e. Minimum vertical and horizontal visibility (measured 3.5 feet eye level to tail lights 1.5 feet above ground level), for curves.
 - i. TYPE OF STREET OR WAY MINIMUM VISIBILITY DISTANCE
 - (1) Major Streets 500 feet
 - (2) Collector Streets 300 feet
 - (3) Minor Streets 300 feet
 - (4) Streets shorter than 500 feet 150 feet
- f. The minimum right-of-way widths for streets are as follows:
 - i. TYPE OF STREET OR WAY MINIMUM RIGHT-OF-WAY WIDTH
 - (1) Major Streets 66 feet
 - (2) Collector Streets 66 feet
 - (3) Minor Streets 60 feet
 - (4) Alleys 25 feet
- g. On all dead-end roads, as allowed in (Section VII, D-9) a turn-about area with an eighty (80) foot diameter right-of-way and sixty (60) foot diameter traveled portion shall be provided.

- h. The entire width of the travel way of each street in a proposed subdivision shall be graded and suitably prepared for installation of paving and drainage structures, in accordance with the appropriate standards for the class of street. The sub grade shall be free of sod, vegetative matter, or other similar material. Where poor subsurface drainage conditions exist, adequate drainage shall be installed. The sub grade construction shall conform to minimum standards of the Town Highway Specifications.
- i. The width of pavement required shall vary, depending upon the character of the development served and the amount of traffic expected to utilize the street. The following are minimum street pavement widths:

Type of Street	Minimum Shoulder Width	Minimum Clearance Beyond Shoulder	Minimum Pavement Width
Major Streets	6 feet	2 feet	24 feet
Collector Streets	6 feet	2 feet	24 feet
Minor Streets	6 feet	2 feet	20 feet

- j. Pavement, in the case of minor streets permanently reserved as private by deed covenants, may consist of an all-weather surface as defined herein.
 - i. Unless otherwise specified herein, pavement construction shall be in accordance with specifications and standards contained in the Town Highway Specifications.
 - (1) Street shoulders shall be constructed with materials as specified by the Town Highway Specifications. The entire shoulder area shall be uniformly and thoroughly compacted by rolling and must be level with the top of the road paving, or as directed by the Town Engineer.
 - (2) Embankments at the sides of streets and cross-sections of drainage ditches shall not exceed a maximum slope of three (3) feet horizontally to one (1) foot vertically in a cut or fill section. In special cases, the Town Engineer may require more-rigid standards.
- k. In commercial or multi-family subdivisions or any other case where, other similar intensive uses exist or are anticipated, curbs may be required, if such construction is deemed necessary for public safety by the Planning Board, based on consultation with the Town Engineer and shall be constructed according to good engineering practice. Curbs shall not be constructed, however, where pavements are less than 22 feet in width.
- l. Where the grade of the street is above or below the grade of the adjacent land, walls or slopes shall be constructed in a manner satisfactory to the Planning Board, and shall be sufficient to support the street or the adjacent land, as the case may be. Where the grade of the street is three (3) feet or more above the grade of the adjacent land, guards shall be built to protect travel, if required by the Town Engineer.
- m. All streets, including cul-de-sacs and alleys, shall be constructed as shown on the Preliminary and Final Plat approved by the Planning Board and in conformity with the Town Highway Specifications. Where such Law does not provide a clear standard, the Town may rely upon the standards promulgated by the New York State Department of Transportation for local streets.
- n. Four-way Street name signs of a design approved by the Planning Board will be installed at each street intersection by the sub-divider at his own expense. Streets that are extensions of, or obviously in alignment with, existing streets shall bear the name of existing streets. Street names shall not be repeated within the Town and shall be subject to Planning Board approval.
- o. Street lighting is the responsibility of the applicant to provide, and the lot owners to maintain and operate. The Town Engineer will determine when and if street lighting is necessary,

evaluating need on the basis of safety considerations and commonly accepted standards of lighting. Whether or not street lights are initially installed, the developer shall be responsible for providing utility easements for future street lighting installation, upon consultation with the public service utility company involved.

- p. Shade trees and other natural buffers along any proposed street right-of-way shall be retained to the maximum extent possible and cuts and fills which would necessitate removing such cover shall be minimized. Wide swath cuts or removal of natural vegetation shall not be permitted without compelling safety reasons.
 - q. No driveway, street or drainage facility or structure shall be constructed or altered within a state right-of-way, and no drainage facility of the New York State Department of Transportation shall be altered or connected onto without first obtaining a permit from the New York State Department of Transportation. No driveway, local road or drainage facility or structure shall be constructed or altered within a Town right-of-way, and no drainage facility of the Town of Louisville shall be altered or connected onto without first obtaining a permit from the Town of Louisville Highway Superintendent.
 - r. Individual driveways serving only one single-family each shall not be subject to street improvement requirements of this Law or on the Town Highway Specifications.
 - s. Nothing contained herein shall be construed in any way to require the Town of Louisville to accept dedication of any street. These regulations are intended, rather, to set standards of construction and a proposed dedication of any such streets shall be subject to the specific dedication requirements of the Town Highway Specifications.
10. CONSERVATION (CLUSTER) SUBDIVISIONS: Conservation subdivisions shall be processed pursuant to the Town of Louisville Land Use and Development Code.
11. MANUFACTURED HOME SUBDIVISIONS: Manufactured home subdivisions shall be processed pursuant to the Town of Louisville Land use and Development Code.
12. PLANNED UNIT DEVELOPMENTS: Planned unit developments shall be processed pursuant to the Town of Louisville Land use and Development Code.

ARTICLE VIII - SITE PLAN REVIEW

A. PLANNING BOARD REVIEW AND DECISION

1. Uses Requiring Site Plan Review: All uses requiring a special permit require site plan review. Other uses that require site plan review are indicated in Zoning Schedule A.
2. Procedure:
 - a. Within 62 days of receipt of a complete preliminary application as defined in Article VII, Section C of this Local Law, the Planning Board may approve the preliminary application or schedule a public hearing. If a public hearing is held, the Planning Board shall approve, approve with modifications or disapprove the preliminary application within 62 days of the completion of the hearing.
 - b. In the event that the parcel boundaries are within the 500-foot threshold referenced in Article II, Section C of this Local Law, the Planning Board may not take final action on the application until a copy of the application has been forwarded to the St. Lawrence County Planning Board and that Board has taken action on it pursuant to Section 239-m of New York State General Municipal Law. If a preliminary application is approved, the applicant and the Code Enforcement Officer shall be notified in writing by the Planning Board and a building permit issued within ten (10) days of receipt thereafter of a request from the applicant. The applicant shall not have to file a final site plan if the preliminary site plan is approved without modifications.
 - c. If the Planning Board approves the preliminary application with modifications the applicant shall submit a final detailed site plan to the Planning Board for approval according to the requirements set forth in Article VII, Section D of this Local Law.
 - d. Within 62 days of receipt of the application for final site plan approval, the Planning Board shall render a written decision to the applicant and the Code Enforcement Officer, and such decision shall be signed by the Chairperson of the Planning Board.
3. Public Hearings: Public hearings shall be advertised in accordance with Town law.
4. Time Limitations: The time periods of this Local Law within which Planning Board actions are required are the maximum times allowable. The Planning Board shall make every effort to act as quickly as possible in reviewing applications in order to minimize delays to the applicant. If the Planning Board does not complete their review within the times specified in this Local Law, this will constitute approval of the application, except where the review period has been extended by mutual consent of the applicant and the Planning Board.
5. Justification and Notice
 - a. The Planning Board shall apply all of the review standards described in this Local Law in reviewing site plans.
 - b. Decisions of the Planning Board shall be in writing and may include reasonable conditions to further the intent of this Local Law. Reasons for disapproval shall be clearly stated.
 - c. Decisions of the Planning Board shall be filed within 30 days in the office of the Town Clerk and a copy mailed to the applicant by certified mail, with return receipt requested.
 - d. Approval of a Site Plan by the Planning Board shall be valid for a period of one (1) year from the date thereof for the purpose of obtaining a building permit. Failure to secure a building permit during this one-year period shall cause the Site Plan approval to become null and void. No building permit shall be issued and no site work shall commence until all necessary permits and approvals from Town, County, and State agencies are obtained and any required performance bond is filed with the Town Clerk.

B. SKETCH PLAN CONFERENCE

1. Purpose: Prior to submission of an application as defined in Article VIII, Section C of this Local Law an applicant has the option to request an informal Sketch Plan Conference with the

Planning Board. The purpose of this conference is to save time and money and to make the most of opportunities for desirable development. This conference may be used to review the basic site design concept, discuss site characteristics (advantages and limitations), determine the information to be required by the Planning Board on the preliminary site plan, and address environmental concerns as required by the New York State Environmental Quality Review Act (6 NYCRR 617) previously referred to in Article II, Section F.

2. Sketch Plan Submission

- a. Prior to the Sketch Plan Conference, the applicant shall submit in as much detail as possible a written letter to the Code Enforcement Officer including, as a minimum, the following:
 - i. A statement describing the proposed use.
 - ii. A sketch map of the proposed activity, and adjacent property owners' boundaries, including north arrow, scale, and the locations of any easements of record.
 - iii. A copy of the deed for the lot.
- b. Upon receipt of the Sketch Plan, the Code Enforcement Officer, in conjunction with the applicant, shall complete the Sketch Plan Review Questions Form as adopted by the Planning Board and shall schedule a time for the Sketch Plan Conference which is mutually convenient to the applicant and the Planning Board, but not to exceed 30 days from the date of submission of the Sketch Plan.

3. Sketch Plan Conference Actions: Upon receipt and review of the Sketch Plan Review Questions Form, the Planning Board shall take the following actions:

- a. With regard to SEQR, determine if the applicant's proposal for site plan is a Type I, Type II, or unlisted action, and determine the lead agency for SEQR review.
- b. Do one of the following:
 - i. Require a Preliminary Site Plan to be prepared by the applicant. The Planning Board may at this time and at its discretion, waive any preliminary requirements which are clearly not relevant to the proposed activity.
 - ii. Declare the Sketch Plan to be incomplete. The applicant may resubmit it with the addition of the indicated missing information.

C. PRELIMINARY APPLICATION REQUIREMENTS

1. Application: An application for Preliminary Site Plan Approval shall be submitted in writing to the Code Enforcement Officer who shall then forward it to the Planning Board within 15 days after ensuring that it is complete. The application shall be accompanied by information drawn from the list in Section 2 below. The application for Site Plan approval shall be on a form adopted by the Planning Board.
2. Required Documents: The following shall be required, unless specifically waived by the Planning Board or otherwise indicated and shall constitute application for a Site Plan review:
 - a. Application form (as approved by the Planning Board and available from the Code Enforcement Officer and Town Clerk).
 - b. Location map with scale, north arrow, boundaries and dimensions of the parcel of property involved, and identification of adjacent properties including ownership and roads and any known easements or rights-of-way.
 - c. Map showing existing features of the site including structures, roads, and bodies of water, flood-prone areas, wooded areas, land uses, water and sewer lines, paved areas, wells, and on-site sewage disposal facilities.
 - d. On the same or a separate map as in Section VII, C-3. Above, indicate the location, dimensions, and arrangement of any proposed buildings or uses on the site, including roads, pathways, etc., providing ingress and egress.
 - e. Sketch of any proposed building or structure including exterior dimensions and elevations of front, side, and rear.
 - f. Name and address of applicant and any professional advisors.

- g. Copy of deed to the property.
- h. Authorization of the owner to apply for a permit if the applicant is not the owner of the property in question.

D. FINAL APPLICATION

1. Submission of Final Site Plan: After receiving approval with modifications from the Planning Board on a preliminary site plan, the applicant shall submit a final, detailed site plan to the Planning Board for approval. If more than six (6) months has elapsed since the date of the Planning Board's action on the preliminary site plan and if the Planning Board finds that conditions have changed significantly in the interim, the Planning Board may require re-submission of the preliminary site plan for further review and possible revisions prior to accepting the final site plan for review.
2. Final Application Requirements: The following additional information shall accompany an application for final site plan approval:
 - a. Record of application for and approval status of all necessary permits from Federal, State, and County agencies.
 - b. Detailed sizing, location, and materials specifications for all modifications specified in the initial conditional approval by the Board.
 - c. An estimated project construction schedule.

E. SITE PLAN REVIEW STANDARDS

1. General Standards: The proposed land use activity should not be in conflict with the Town's intent as expressed in Article II, Section B of this Local Law and community goals and objectives as expressed in the Town Plan or in future community planning documents.
2. Specific Standards: The Planning Board's review of the site plan shall include and evaluate, at a minimum, each of the following criteria:
 - a. Compatibility of development with natural features of the site and with surrounding land uses.
 - b. Measures to prevent damage from floods.
 - c. Landscaping arrangements and the retention of existing vegetation for aesthetic qualities.
 - d. Buffers to protect neighboring properties against noise, glare, or other nuisances.
 - e. Vehicular traffic access and circulation, including intersections, road widths, and pavement surface dividers, and other traffic controls.
 - f. Parking provisions.
 - g. Exterior lighting.
 - h. Fire protection provisions.
 - i. Erosion control methods during and after construction.
 - j. Storm water and drainage facilities.
 - k. Water Supply.
 - l. Sewage disposal facilities.
 - m. Preservation of scenic vistas.
 - n. Hours of operation, as applicable.
3. Explanation of Specific Standards: The specific standards listed above are further described as follows:
 - a. Compatibility of development with natural features of the site and with surrounding land uses. The proposed use should not be located in such a manner on the site so as to:
 - i. Create a traffic hazard by limiting site distance.
 - ii. Be located in a poorly drained area.
 - iii. Be located on soils, which according to the USDA Soil Conservation Service criteria, are unsuitable for the particular proposed use.
 - iv. Substantially obstruct an existing view of a river, stream, lake, historic structure, or other identified scenic vista.

- v. Disturb existing bodies of water that contribute to the natural beauty of the site.
- vi. Be located on slopes too steep to accommodate roads, walkways, riding trails, or bike paths, as appropriate.
- vii. On a corner lot, no fence, wall, hedge, sign, or other structure or planting more than three feet in height shall be erected, placed, or maintained within the triangular area formed by the intersecting street lines and a straight line joining said street line at points which are 30 feet distance from the point of intersection. All buildings shall be located no less than 50 feet from the edge of a pavement or road. Buildings on corner lots shall be set back 50 feet from both road edges.
- b. Measures to prevent damage from floods. Uses should, insofar as possible, be located in areas outside of designated flood hazard areas. Uses should not be situated in such a manner that they would endanger life or property if carried away by a flood.
- c. Landscaping arrangement and the retention of existing vegetation for aesthetic qualities. Existing stone walls, mature trees, and roads should be retained, insofar as it is possible, to the extent that they will enhance the visual and aesthetic appeal of the site.
- d. Means to protect neighboring properties against noise, glare, or other nuisances.
 - i. If a proposed use is likely to generate noise, odor, vibration, or other emissions, the feasibility of using the following should be considered:
 - (1) Berms
 - (2) Fences
 - (3) Mufflers
 - (4) Limited hours of operation
 - (5) Vegetation for screening
 - ii. All berms, fences, mufflers and vegetation should fit with the character of the surrounding area. They must be constructed of quality material and maintained in good repair.
 - iii. All buildings shall conform to the setback requirements of the zoning district as stated in Zoning Schedule A. No dwelling unit or multiple dwelling unit structure shall be located less than 30 feet from an adjacent dwelling unit or multiple dwelling unit structure.
 - iv. Signs shall be designed so as not to be confused with any traffic sign or signal. Signs may be illuminated by a steady light provided the lighting does not directly illuminate the adjacent properties or road.
- e. Vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers, and other traffic controls. Uses generating traffic should be reviewed for the following possible negative impacts:
 - i. Poor access off a State, County, or Town road.
 - ii. Poorly designed parking arrangement that forces vehicles to back into a public roadway or block entrances or exits.
 - iii. Unclear or confusing traffic control signs.
 - iv. Traffic flow that creates hazards to pedestrians.
- f. Parking Provisions: Adequate off-street parking facilities shall be provided for the use of occupants, employees, and patrons of all structures and facilities so that parking does not obstruct the flow of traffic. All parking lots shall be designed so that vehicles will be traveling forward when exiting onto the road. A minimum number of parking spaces is required for certain uses and structures as shown in Zoning Schedule B: Off-Street Parking.
- g. Exterior lighting: Exterior lighting shall be neither too poor, nor excessively bright. Lighting should be directed at those areas where people are likely to come into contact with vehicles, machinery, etc. Site illumination should not be directed at residences adjacent to the site so as to create a nuisance.

- h. Fire protection provisions: The New York State Uniform Fire Prevention and Building Code regulate fire protection. The Planning Board shall consult with the Code Enforcement Officer regarding Code compliance.
- i. Erosion control methods during and after construction: Existing vegetation should be retained insofar as possible. Hay bales, netting, retaining structures, sediment ponds, and timely seeding of ground cover should be considered depending on the erodibility of the site and where applicable conform to the standards of the New York State Department of Environmental Conservation Erosion and Sediment Control
- j. Storm water and drainage facilities: Provisions for control of storm water and drainage should be consistent with requirements of the "Subdivision Regulations of the Town of Louisville" and where applicable the standards of the New York State Department of Environmental Conservation Erosion and Sediment Control.
- k. Water Supply: Water supply must be clearly identified in the application and must comply with the Uniform Fire Prevention and Building Code.
- l. Sewage disposal facilities: Sewage disposal facilities must comply with the Uniform Fire Prevention and Building Code, specifically the standards documented in Standards for Individual Water Supply and Individual Sewage Treatment Systems, 10 NYCRR Chapter II, Appendix 75A (or its replacement).
- m. Hours of operation: The Planning Board may reasonably limit the hours of operation for the purpose of controlling nuisance impacts to surrounding properties.
- n. Signs: Signs shall be permitted only according to standards listed in Article VI, Section E of this Local Law.
- o. The Town reserves the right to designate a right-of-way in subdivision.

ARTICLE IX – SOLAR ENERGY FACILITIES

A. PURPOSE

1. This Article aims to promote the accommodation of solar energy systems and equipment and the provision for adequate sunlight and convenience of access necessary therefore, and to balance the potential impact on neighbors when solar collectors may be installed near their property while preserving the rights of property owners to install solar energy systems without excess regulation. In particular, this regulation is intended to apply to free standing; ground mounted or pole mounted solar energy system installations based upon certain placement. This regulation is not intended to override agricultural exemptions that are currently in place.

B. DEFINITIONS

- ALTERNATIVE ENERGY SYSTEMS: Structures, equipment, devices or construction techniques used for the production of heat, light, cooling, electricity or other forms of energy on site and may be attached to or separate from the principal structure.
- BUILDING-INTERGRATED PHOTOVOLTAIC (BIPV): The incorporation of photovoltaic (PV) material into a building's envelope. Technologies include PV shingles or tiles, PV laminates, and PV glass. Examples of placement include vertical facades, semi-transparent skylights, awnings, fixed awnings, and roofs.
- COLLECTIVE SOLAR: Installations of Solar Energy Systems that are owned or leased collectively through a homeowner's association, community or municipal system, "adopt-a-solar-panel" programs, or other similar arrangements.
- GLARE: A continuous source of excessive brightness, relative to diffused lighting. This is not a direct reflection of the sun, but rather a reflection of the bright sky around the sun. Glare is significantly less intense than glint.
- GLINT: A momentary flash of light that may be produced as a direct reflection of the sun on a solar collection system.
- GROUND-MOUNTED SYSTEM: A solar energy system that is anchored to the ground and attached to a pole or similar mounting system, detached from any other structure.
- MAJOR SOLAR COLLECTION SYSTEM or SOLAR FARM: An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy to transfer to the public electric grid in order to sell electricity to or receive a credit from a public utility entity, but also may be for on-site use. Solar farm facilities consist of one or more freestanding GROUND-MOUNTED or ROOF-MOUNTED solar collector devices, Solar energy systems producing 25MW or more are permitted by the New York State Board on Electric Generation Siting and the Environment (siting board) under Article 10 of the New York State Public Service Law. The Siting Board is responsible for issuing Certificates of Environmental Compatibility and Public need, authorizing the construction and operation of major electric generating facilities.
- MINOR OR ACCESSORY SOLAR COLLECTION SYSTEM: A solar photovoltaic cell, panel, array, 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, secondary to the use of the premises for other lawful purposes, Minor

solar collection systems may consist of BUILDING-INTERGRATED PHOTOVOLTAICS, GROUND-MOUNTED or ROOF-MOUNTED solar collector devices. A system that generates no more than 125% of the power consumption needed on site and/or a total surface area of all solar panels on the lot of up to 4,000 square feet. Farm operations in an Agricultural District may construct a minor or accessory solar collection system that does not exceed 110% of the farm's energy needs.

- ROOF-MOUNTED SYSTEM: A solar panel system located on the roof of any legally permitted building or structure for the purpose of producing electricity for onsite or offsite consumption.
- SOLAR ACCESS: Space that is open to the sun and clear of overhangs or shade. Structures constructed on private property will not infringe on the rights of adjacent properties.
- SOLAR ENERGY EQUIPMENT: and other accessory structures and buildings, including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities.
- SOLAR ENERGY EQUIPMENT/SYSTEMS: Energy storage devices, material, hardware, or electrical equipment and conduit associated with the production of electrical energy.
- SOLAR PANEL: A device capable of collecting and converting solar energy into electrical energy.
- COMMERCIAL SOLAR: A solar energy system which is intended to be used for any purpose, other than private, or residential, or agricultural use, including community-based systems.

C. APPLICABILITY

1. The requirements of this section shall apply to all solar energy systems installed or modified after the effective date of this ordinance, excluding general maintenance and repair.
2. All Solar energy system installations require a building permit.
3. All solar energy systems shall be designed, erected, and installed in accordance with all applicable codes, regulations and industry standards as referenced in the New York State Uniform Fire Prevention and Building Codes and the Town Code.
4. Nothing contained in this provision shall be construed to prohibit "Collective Solar" installations or the sale of excess power through a "net billing" or "net metering" arrangement in accordance with New York State Public Service Law § 66-j or similar New York State or federal law or regulation.
5. All solar energy systems shall be designed, erected, and installed so as to prevent undue glare from falling on adjoining properties or creating traffic safety issues.
6. All legal fees incurred by the Town or applicant must be paid by the applicant.

D. SOLAR COLLECTORS AND INSTALLATIONS FOR MINOR SYSTEMS

1. Roof-mounted systems are permitted as accessory uses in all zoning districts, subject to the following requirements:
 - a. The distance between the roof and highest edge of the system shall be in accordance with the New York State Uniform Fire Prevention and Building Code.
 - b. Rooftop and building-mounted solar collectors shall not obstruct solar access to adjacent properties.
2. Ground-mounted and freestanding solar collectors are permitted as accessory structures in all zoning districts, subject to the following requirements:

- a. The location of the solar collectors is not permitted in front yards and must be 20 feet from side and 20 feet from rear dimensions.
 - b. The height of the solar collectors and any mounts shall not exceed 12 feet height restriction and oriented at a maximum tilt.
 - c. The solar collectors may not be located closer to a front lot line than the principal building on a property. If the side or rear yard is visible from adjacent properties and roads, a solid fence, berm or vegetative screening that conforms to local requirements MUST be installed along shared lot lines to minimize visual impact to neighboring properties.
 - d. Ground-mounted and freestanding solar collectors shall not obstruct solar access to adjacent properties.
3. All solar collector installations must be performed in accordance with applicable electrical and building codes, the manufacturer's installation instructions, and industry standards, and prior to operation the electrical connections must be inspected by an appropriate electrical inspection person or agency and the Code Enforcement Officer as determined by the Town. In addition, any connection to the public utility grid must be inspected by the appropriate public utility.
 4. When solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the New York State Uniform Fire Prevention and Building Code when in use and when no longer used shall be disposed of in accordance with the laws and regulations of St. Lawrence County and other applicable laws and regulations.
 5. Decommissioning. Small Scale Solar Decommissioning Requirements for Small Scale Solar Energy Systems and Solar Energy Systems Designed for Subdivision Use Using Free-Standing or Ground Mounted Solar Collectors. If a Free-Standing or Ground Mounted solar collector(s) ceases to perform its originally intended function for more than twelve (12) consecutive months, the property owner shall remove the collector, mount and associated equipment by no later than ninety (90) days after the end of the twelve-month period. In the event that the property owner fails to remove the aforesaid non-functioning system within the time prescribed herein, the Town may enter upon the land where such system has been installed and remove same. All expenses incurred by the Town in connection with the removal of the non-functioning system shall be assessed against the land on which such free-standing or Ground Mounted solar collector(s) is located and shall be levied and collected in the same manner as provided in Article 15 of the N.Y. Town Law for the levy and collection of a special ad valorem levy.

E. MAJOR SOLAR SYSTEMS

1. Major Solar Systems are permitted through the issuance of a special use permit in R-A Residential-Agricultural zoning district and site plan review in accordance with this chapter. In addition, Major Solar Systems must meet the criteria set forth below.
2. A Major Solar System may be permitted when authorized by site plan review and special use permit from the Town Planning Board subject to the following terms and conditions.
 - a. Height and setback restrictions:
 - i. The maximum height for freestanding solar panels located on the ground or attached to a framework located on the ground shall not exceed 20 feet in height above the ground. The minimum setback from property lines shall be 25 feet, unless adjacent to residential neighbor.
 - ii. Fencing may be provided around all equipment and solar collectors to provide screening from adjacent residential properties and roads. Fencing shall not be barbed wire. When fencing will enclose the perimeter of the site or facility, wildlife friendly fencing that allows the passage of small mammals and reptiles and is designed to minimize wildlife injury and death due to entanglement or strangulation shall be used on sites having a solar facility footprint greater than 5 acres. Exceptions can be made by the planning Board for sites that have limited surrounding wildlife habitat.

- b. Design standards:
 - i. Removal of trees and other existing vegetation should be minimized or offset with planting elsewhere on the property.
 - ii. Removal of any prime agricultural soil from the subject parcel is prohibited.
 - iii. Proposed major solar systems shall minimize the displacement of prime soils that are in active agricultural production. The site plan shall depict the location and extent of prime soils, prime soils if drained, soils of statewide importance, and indicate whether the parcel(s) is/are receiving an agricultural valuation. The site plan shall also depict the location and extent of current agricultural uses on the land (e. g rotational crops, hay land, unimproved or improved pasture, support lands, and fallow lands) the location of diversions and ditches, and areas where tile drainage has been installed.
 - iv. Roadways within the site shall be built along field edges and along elevation contours where practical, constructed at grade and have a maximum width of 16 feet. Roadways shall not be constructed of impervious materials and shall be designed to minimize the extent of roadways constructed and soil compaction.
 - v. All on-site utility and transmission lines shall, to the extent feasible, be placed underground. Any above ground transmission lines that are used to accommodate the facility shall require utility poles that are tall enough and installed at widths able to accommodate farm machinery and equipment. The installation of guy wires to utility poles is discouraged.
 - vi. Solar collectors and other facilities shall be designed and located in order to minimize reflective glare and/or glint toward any inhabited buildings on adjacent properties and roads.
 - vii. All mechanical equipment, including any structure for batteries or storage cells, shall be enclosed by a minimum six-foot-high fence with a self- locking gate. Major systems or solar farms shall not obstruct solar access to adjacent properties.
 - viii. Any exterior lighting installed within the facility shall be downcast and dark sky compliant with recessed bulbs and full cut off shields.
 - ix. For adjoining arrays, the number of features installed for the facility should be consolidated and kept to a minimum, such as the use of shared access roads and fencing.
- c. Signs:
 - i. A sign not to exceed twelve square feet shall be displayed on or near the main access point and shall list the facility name, owner and emergency phone number.
 - ii. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations not to exceed four square feet.
- d. Safety:
 - i. The owner/operator shall provide evidence that a copy of the site plan application has been submitted to the Fire Chief of the Louisville Fire Department. All means of shutting down the photovoltaic solar energy system shall be clearly marked on the site plan and building permit applications.
- 3. A piece of equipment meets the definition of oil-filled operational equipment at 40 CFR part 112.2 (e.g., transformers, capacitors and electrical switches) shall comply with the secondary containment procedures of that regulation.
- 4. Decommissioning: Prior to removal of a Large-Scale Solar Energy System, a demolition permit for removal activities shall be obtained from the Town of Louisville.
 - a. Decommissioning Bond.
 - i. Prior to issuance of a building permit for a Large-Scale Solar Energy System, the owner or operator of the Solar Energy System shall post a surety in an amount and form acceptable to the Town for the purposes of removal in the event the Large-Scale Solar

Energy System is abandoned. The amount of the surety bond required under this section shall be 125% of the projected cost of removal of the Solar Energy System and restoration of the property with an escalator of 2% annually for the life of the Solar Energy System. Acceptable forms shall include, in order of preference: cash; irrevocable letter of credit; or a bond that cannot expire; or a combination thereof. Such surety bond will be used to guarantee removal of the Large-Scale Solar Energy System should the system be abandoned. In such case, the Town Building Inspector/Code Enforcement Officer shall then provide written notice to the owner or operator to remove the Large-Scale Solar Energy System, and the owner or operator shall have one (1) year from written notice to remove the Solar Energy System including any associated accessory structures and/or equipment, and restore the site to a condition approved by the Planning Board. If the owner, operator applicant or lessee fails to remove any associated structures or restore the site to the condition approved by the Board, all costs of the Town incurred to enforce or comply with this condition shall be paid using the surety bond provided by the applicant.

- b. Decommissioning Plan. An application for a Large-Scale Solar Energy System shall include a Decommissioning Plan. Removal of a Large-Scale Solar Energy System must be completed in accordance with the Decommissioning Plan. The Decommissioning Plan shall:
 - i. Specify that after the Large-Scale Solar Energy System will no longer be used, it shall be removed by the owner and/or operator or any subsequent owner/operator and shall include a signed statement from the applicant acknowledging such responsibility. The application shall disclose the lease start date, length of the original lease, and number of options and timeframes if the lease is renewed. Within 30 days of changing ownership, notice shall be provided to the Town with the name of the new owner and contact information.
 - ii. Demonstrate how the removal of all infrastructures (including but not limited to aboveground and below ground equipment, structures and foundations) and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction. In areas where agricultural production will resume, re-vegetation shall include native plants and seed mixes and exclude any invasive species.
 - iii. For the decommissioning of solar systems on farmland, all equipment above grade, and to a depth of four feet (4') below grade, shall be removed from the site. The soils should also be decompacted to a depth of two feet (2'), regraded and reseeded to resemble its original state and retiled if subsurface tile drain is impacted by the array.
 - iv. Include photographs or archival color images of the proposed site plan area for the Large-Scale Solar Energy System. Such information must, in aggregate, adequately portray the entire property for the purpose of future reference when soil and vegetation remediation of the property occurs.
 - v. State that disposal of all solid and hazardous waste shall be in accordance with local, state and federal waste disposal regulations.
 - vi. Provide an expected timeline for decommissioning within the one-hundred- and eighty-day (180) period set forth below.
 - vii. Provide a cost estimate detailing the projected cost of executing the Decommissioning Plan.

5. Abandonment and Removal

- a. A Large-Scale Solar Energy System is considered abandoned after one (1) year of not performing all normal functions associated with electrical energy generation on a continuous basis.
- b. Upon cessation of activity of a fully constructed Large Scale Solar Energy System for a period of one (1) year, the Town may notify the owner and/or operator of the facility to

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

- c. In the event that construction of the Large-Scale Solar Energy System has been started but is not completed and functioning within eighteen (18) months of the issuance of the final Site Plan, the Town may notify the operator and/or the owner to complete construction and installation of the facility within one-hundred and eighty (180) days. If the owner and/or operator fail to perform, the Town may require the owner and/or operator to implement the Decommissioning Plan. The decommissioning plan must be completed within one-hundred and eighty (180) days of notification by the Town to implement the Decommissioning Plan.
- d. Applications for extensions of the time periods set forth in this subsection of no greater than one-hundred and eighty (180) days shall be reviewed by the Town Board.
- e. Upon recommendation of the Building Inspector/Code Enforcement Officer, the Town Board may waive or defer the requirement that a Large-Scale Solar Energy System be removed if it determines that retention of such facility is in the best interest of the Town.
- f. If the owner and/or operator fails to fully implement the Decommissioning Plan within the prescribed time period and restore the site as required, the Town may use the financial surety posted by the owner and/or operator to decommission the site, or it may proceed with decommissioning at its own expense and recover all expenses incurred for such activities from the defaulted owner and/or operator. Any costs incurred by the Town shall be assessed against the property, shall become a lien and tax upon said property, shall be added to and become a part of the taxes to be levied and assessed thereon, and enforced and collected with interest by the same officer and in the same manner as other taxes.

F. SPECIAL EXCEPTION

- 1. In addition to the other special use permit requirements of this Code, the following shall be provided to the Town
 - a. Verification of utility notification. Any foreseeable infrastructure upgrades shall be documented and submitted. Off-grid systems are exempt from this requirement.
 - b. Name, address, and contact information of the applicant, property owner(s), and agent submitting the project. In the event ownership of the facility changes hands, or if the lease is terminated, notification shall be sent to the Town within thirty days of the transfer or termination date. The notice shall include the name and contact information of the new owner(s). The new owner shall then be bound by the terms of the original agreement.
 - c. If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted.
 - d. Site Plan: Site plan approval is required.
 - e. Blueprints signed by a New York State registered Professional Engineer or Registered Architect of the solar installation showing the layout of the system.
 - f. Property Operation and Maintenance Plan: A property operation and maintenance plan is required, describing continuing photovoltaic maintenance and property upkeep, such as mowing, trimming, etc. Any such plan shall propose that the property maintain a neat and orderly appearance consistent with surrounding properties. The property shall at all times be maintained in a manner consistent with all properties within the Town of Louisville.
 - g. The Town of Louisville has established that there shall be a Community Benefit to maximize the benefits of a solar project to the Town of Louisville and its residents. The benefit shall be determined through an agreement negotiated between the Town and the developer/owner.
 - h. If the array will be sited on farmland located in an Agricultural District, an Agricultural Data Statement should be completed.

G. BATTERY ENERGY STORAGE SYSTEM

1. Authority: This Battery Energy Storage System Law is adopted pursuant to Article IX of the New York State Constitution, §2(c)(6) and (10), New York Statute of Local Governments, §10 (1) and (7); sections 261-263 of the Town Law and section 10 of the Municipal Home Rule Law of the State of New York, which authorize the Town of Louisville to adopt zoning provisions that advance and protect the health, safety and welfare of the community.
2. Statement of Purpose: This Battery Energy Storage System Law is adopted to advance and protect the public health, safety, welfare, and quality of life of the Town of Louisville by creating regulations for the installation and use of battery energy storage systems, with the following objectives:
 - a. To provide a regulatory scheme for the designation of properties suitable for the location, construction and operation of battery energy storage systems;
 - b. To ensure compatible land uses in the vicinity of the areas affected by battery energy storage systems;
 - c. To mitigate the impacts of battery energy storage systems on environmental resources such as important agricultural lands, forests, wildlife and other protected resources;
 - d. To create synergy between battery energy storage system development and the comprehensive plan.
3. Definitions: As used in this Article, the following terms shall have the meanings indicated:
 - ANSI: American National Standards Institute
 - BATTERY(IES): A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this law, batteries utilized in consumer products are excluded from these requirements.
 - BATTERY ENERGY STORAGE MANAGEMENT SYSTEM: An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.
 - BATTERY ENERGY STORAGE SYSTEM: One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a Tier 1 or Tier 2 Battery Energy Storage System as follows:
 - Tier 1 Battery Energy Storage Systems have an aggregate energy capacity less than or equal to 600kWh and, if in a room or enclosed area, consist of only a single energy storage system technology.
 - Tier 2 Battery Energy Storage Systems have an aggregate energy capacity greater than 600kWh or are comprised of more than one storage battery technology in a room or enclosed area.
 - CELL: The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.
 - COMMISSIONING: A systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements.
 - DEDICATED-USE BUILDING: A building that is built for the primary intention of housing battery energy storage system equipment, is classified as Group F-1 occupancy as defined in the International Building Code, and complies with the following:
 - The building's only use is battery energy storage, energy generation, and other electrical grid-related operations.
 - No other occupancy types are permitted in the building

- Occupants in the rooms and areas containing battery energy storage systems are limited to personnel that operate, maintain, service, test, and repair the battery energy storage system and other energy systems.
 - Administrative and support personnel are permitted in areas within the buildings that do not contain battery energy storage system, provided the following:
 - The areas do not occupy more than 10 percent of the building area of the story in which they are located.
 - A means of egress is provided from the administrative and support use areas to the public way that does not require occupants to traverse through areas containing battery energy storage systems or other energy system equipment.
 - ENERGY CODE: The New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law, as currently in effect and as hereafter amended from time to time.
 - FIRE CODE: The fire code section of the New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.
 - NATIONALLY RECOGNIZED TESTING LABORATORY (NRTL): A U.S. Department of Labor designation recognizing a private sector organization to perform certification for certain products to ensure that they meet the requirements of both the construction and general industry OSHA electrical standards.
 - NEC: National Electric Code
 - NFPA: National Fire Protection Association
 - NON-DEDICATED-USE BUILDING: All buildings that contain a battery energy storage system and do not comply with the dedicated-use building requirements.
 - NON-PARTICIPATING PROPERTY: Any property that is not a participating property.
 - NON-PARTICIPATING RESIDENCE: Any residence located on Non-participating Property.
 - OCCUPIED COMMUNITY BUILDING: Any building in Occupancy Group A, B, E, I, R, as defined in the International Building Code, including but not limited to schools, colleges, daycare facilities, hospitals, correctional facilities, public libraries, theaters, stadiums, apartments, hotels, and houses of worship.
 - PARTICIPATING PROPERTY: A battery energy storage system host property or any real property that is the subject of an agreement that provides for the payment of monetary compensation to the landowner from the battery energy storage system owner (or affiliate) regardless of whether any part of a battery energy storage system is constructed on the property.
 - UL: Underwriters Laboratory, an accredited standards developer in the US
 - UNIFORM CODE: the New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.
4. Applicability
- a. The requirements of this Local Law shall apply to all battery energy storage systems permitted, installed, or modified in the Town of Louisville after the effective date of this Local Law, excluding general maintenance and repair.
 - b. Battery energy storage systems constructed or installed prior to the effective date of this Local Law shall not be required to meet the requirements of this Local Law.
 - c. Modifications to, retrofits or replacements of an existing battery energy storage system that increase the total battery energy storage system designed discharge duration or power rating shall be subject to this Local Law.
5. General Requirements

- a. A building permit shall be required for installation of all battery energy storage systems.
 - b. Issuance of permits and approvals by the Planning Board shall include review pursuant to the State Environmental Quality Review Act [ECL Article 8 and its implementing regulations at 6 NYCRR Part 617 ("SEQRA")].
 - c. All battery energy storage systems, all Dedicated Use Buildings, and all other buildings or structures that (1) contain or are otherwise associated with a battery energy storage system and (2) subject to the Uniform Code and/or the Energy Code shall be designed, erected, and installed in accordance with all applicable provisions of the Uniform Code, all applicable provisions of the Energy Code, and all applicable provisions of the codes, regulations, and industry standards as referenced in the Uniform Code, the Energy Code, and the Town of Louisville Code.
6. Permitting Requirements for Tier 1 and Tier 2 Battery Energy Storage Systems
- a. Tier 1 Battery Energy Storage Systems shall be permitted as an accessory use in all zoning districts when they are enclosed in a building and are used to store energy for a principal use on the property. These systems shall be subject to the Uniform Code and are exempt from Planning Board review. Examples include: A battery bank installed in a residential garage to store energy collected from a dwelling's solar panels; and a battery bank installed in the basement of an institutional, government or office building (e.g. university library, hospital, government offices). Tier 1 systems in a dedicated use building, shall be permitted in Commercial and Rural zoning districts, subject to the Uniform Code and special use permit application requirements set forth in this section.
 - b. Tier 2 Battery Energy Storage Systems shall be permitted in the Commercial and Rural zoning districts, subject to the Uniform Code and special use permit application requirements set forth in this Section.
7. Application Procedures
- a. Applications for the installation of Tier 2 Battery Energy Storage System shall be:
 - i. Reviewed by the Code Enforcement Officer for completeness then submitted to the Planning Board for a final determination of completeness. An application shall be complete when it addresses all matters listed in this Local Law including, but not necessarily limited to, (i) compliance with all applicable provisions of the Uniform Code and all applicable provisions of the Energy Code and (ii) matters relating to the proposed battery energy storage system and Floodplain, Utility Lines and Electrical Circuitry, Signage, Lighting, Vegetation and Tree-cutting, Noise, Decommissioning, Site Plan and Development, Special Use and Development, Ownership Changes, Safety, and Permit Time Frame and Abandonment. Applicants shall be advised within ten [10] business days of the completeness of their application or any deficiencies that must be addressed prior to substantive review.
 - ii. Subject to a public hearing to hear all comments for and against the application. The Planning Board of the Town of Louisville shall have a notice printed in a newspaper of general circulation in the Town of Louisville at least 5 days in advance of such hearing. Applicants shall have delivered the notice by first class mail to adjoining landowners or landowners within 200 feet of the property at least 10 days prior to such a hearing. Proof of mailing shall be provided to the Planning Board at the public hearing.
 - iii. Referred to the County Planning Board pursuant to General Municipal Law §239-m if required.
 - iv. Upon closing of the public hearing, the Planning Board shall take action on the application within 62 days of the public hearing, which can include approval, approval with conditions, or denial. The 62-day period may be extended upon consent by both the Planning Board and Applicant.
8. Site Plan Application

- a. For a Tier 2 Battery Energy Storage System (or a Tier 1 system in a dedicated use building), site plan approval shall be required. Any site plan application shall include the following information:
- i. Property lines and physical features, including roads, for the project site.
 - ii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.
 - iii. A three-line electrical diagram detailing the battery energy storage system layout, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.
 - iv. A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.
 - v. Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the battery energy storage system. Such information of the final system installer shall be submitted prior to the issuance of building permit.
 - vi. Name, address, phone number, and signature of the project Applicant, as well as all the property owners, demonstrating their consent to the application and the use of the property for the battery energy storage system.
 - vii. Zoning district designation for the parcel(s) of land comprising the project site.
 - viii. Commissioning Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in proper working condition per requirements set forth in the Uniform Code. Where commissioning is required by the Uniform Code, Battery energy storage system commissioning shall be conducted by a New York State (NYS) Licensed Professional Engineer after the installation is complete but prior to final inspection and approval. A corrective action plan shall be developed for any open or continuing issues that are allowed to be continued after commissioning. A report describing the results of the system commissioning and including the results of the initial acceptance testing required in the Uniform Code shall be provided to the Code Enforcement Officer or Reviewing Board prior to final inspection and approval and maintained at an approved on-site location.
 - ix. Fire Safety Compliance Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with the Uniform Code.
 - x. Operation and Maintenance Manual. Such plan shall describe continuing battery energy storage system maintenance and property upkeep, as well as design, construction, installation, testing and commissioning information and shall meet all requirements set forth in the Uniform Code.
 - xi. Erosion and sediment control and storm water management plans prepared to New York State Department of Environmental Conservation standards, if applicable, and to such standards as may be established by the Planning Board.
 - xii. Prior to the issuance of the building permit or final approval by the [Reviewing Board], but not required as part of the application, engineering documents must be signed and sealed by a NYS Licensed Professional Engineer.
 - xiii. Emergency Operations Plan. A copy of the approved Emergency Operations Plan shall be given to the system owner, the local fire department, and local fire code official. A permanent copy shall also be placed in an approved location near the entrance of the facility to be accessible to facility personnel, fire code officials, and emergency responders. The emergency operations plan shall include the following information:
 - (1) 24-hour contact information of facility personnel and system owners

- (2) Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
 - (3) Procedures for inspection and testing of associated alarms, interlocks, and controls.
 - (4) Procedures to be followed in response to notifications from the Battery Energy Storage Management System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.
 - (5) Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.
 - (6) Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
 - (7) Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility.
 - (8) Other procedures as determined necessary by the Town to provide for the safety of occupants, neighboring properties, and emergency responders, including but not limited to periodic inspections by the Code Enforcement Officer.
 - (9) Procedures and schedules to conduct drills and training for local first responders on the contents of the plan and appropriate response procedures.
- ix. Decommissioning Plan. The applicant shall submit a decommissioning plan, developed in accordance with the Uniform Code, to be implemented upon abandonment and/or in conjunction with removal from the facility. The decommissioning plan shall include:
- (1) A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all battery energy storage system components, structures, equipment, security barriers, and transmission lines from the site;
 - (2) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
 - (3) The anticipated life of the battery energy storage system;
 - (4) The estimated decommissioning costs prepared by an independent, third-party NYS Licensed Professional Engineer, and how said estimate was determined;
 - (5) The method of ensuring that funds will be available for decommissioning and restoration;
 - (6) The method by which the decommissioning cost will be kept current;
 - (7) The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed;
 - (8) A listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.
- x. Decommissioning Fund. The owner and/or operator of the energy storage system, shall continuously maintain a fund or bond payable to the Town, in a form approved by the

Town for the removal of the battery energy storage system, in an amount to be determined by the Town, for the period of the life of the facility. This fund may consist of a letter of credit from a State of New York licensed-financial institution. All costs of the financial security shall be borne by the applicant.

9. Special Use Permit Standards

- a. Downwind from Residential Areas. Tier 1 and 2 Battery Energy Storage Systems in a Dedicated Use Building shall be downwind from adjacent residential areas according to prevailing wind patterns to minimize the risk of exposure to toxic chemicals that may be released in the event of system failure.
- b. Height. Tier 1 and 2 Battery Energy Storage Systems in a Dedicated Use Building shall comply with the building height limitations for principal structures of the underlying zoning district.
- c. Setbacks. Tier 1 and 2 Battery Energy Storage Systems in a Dedicated Use Building shall comply with the setback requirements of the underlying zoning district for principal structures.
- d. Noise. The 1-hour average noise generated from the battery energy storage systems, components, and associated ancillary equipment shall not exceed a noise level of 60 dBA as measured at the property line of any non-participating residence or occupied community building. Applicants may submit equipment and component manufacturer's noise ratings to demonstrate compliance. The applicant may be required to provide Operating Sound Pressure Level measurements from a reasonable number of sampled locations at the perimeter of the battery energy storage system to demonstrate compliance with this standard.
- e. Fencing Requirements. Tier 1 and 2 Battery Energy Storage Systems in a Dedicated Use Building, including all mechanical equipment, shall be enclosed by a 6-foot-high solid fence with a self-locking gate to prevent unauthorized access unless housed in a dedicated-use building and not interfering with ventilation or exhaust ports.
- f. Screening and Visibility. Tier 1 and 2 Battery Energy Storage Systems in a Dedicated Use Building shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area and not interfering with ventilation or exhaust ports.
- g. Vegetation and tree-cutting. Areas within 10 feet on each side of Tier 1 and 2 Battery Energy Storage Systems shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers shall be permitted to be exempt provided that they do not form a means of readily transmitting fire. Removal of trees should be minimized to the extent possible.
- h. Hazardous Waste Containment. All Tier 1 and 2 Electro-chemical Battery Energy Storage Systems in a Dedicated Use Building shall include an impermeable foundation and containment perimeter to prevent hazardous waste from contaminating surrounding land and water resources.
- i. Lighting. Lighting of the battery energy storage systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.
- j. Signage.
 - i. A sign with 24-hour contact information of facility personnel and system owners shall also be posted near the front entrance of the facility. The signage shall be in compliance with ANSI 2535 and shall include the type of technology associated with the battery energy storage systems, any special hazards associated, the type of suppression

- system installed in the area of battery energy storage systems, and 24-hour emergency contact information, including reach-back phone number.
- ii. As required by the NEC, disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.
 - k. Utility Lines and Electrical Circuitry. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way. Any utility lines installed above ground on agricultural land in a State-certified Agricultural District shall provide a minimum clearance of 18' as measured between the lowest point of the utility line and finished grade so as to minimize interference with agricultural equipment that may be used in the surrounding area. The installation of guy wires should be avoided as they interfere with the operation of agricultural equipment.
 - l. The Applicant for either state or local siting approval shall deliver to the Town Board, along with its application if local approval is sought, and concurrent with the filing of an application with any state authority, if applicable, an amount equal to one percent (1%) of the estimated cost of the project (the "Initial Deposit"), to a maximum Initial Deposit of Thirty Thousand Dollars (\$30,000.00). This sum shall be held by the Town in a non-interest-bearing account, and these funds shall be available to the Town to pay consultants and attorneys engaged the Town to assist in application review if a local permit is sought, and to pay consultants and attorneys engaged by the Town to assist in review. Following the grant or denial of the state or local application, the Town shall return to the Applicant any excess remaining in escrow. If the escrow account has been depleted prior to grant or denial of the application; the Applicant shall deposit such funds necessary for the Town to pay any outstanding fees to said consultants.
10. Safety
- a. System Certification. Battery energy storage systems and equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540 (Standard for battery energy storage systems and Equipment) with subcomponents meeting each of the following standards as applicable:
 - i. UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power, and Light Electric Rail Applications),
 - ii. UL 1642 (Standard for Lithium Batteries),
 - iii. UL 1741 or UL 62109 (Inverters and Power Converters),
 - iv. Certified under the applicable electrical, building, and fire prevention codes as required.
 - v. Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 and applicable codes, regulations and safety standards may be used to meet system certification requirements.
 - b. Battery energy storage systems, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70.
 - c. Site Access. Battery energy storage systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department and, if the Tier 1 or 2 Battery Energy Storage System is located in an ambulance district, the local ambulance corps.
 - d. Emergency Response Training. Upon project completion and annually for the life of the project, the applicant shall schedule and coordinate emergency response training with facility personnel, fire code officials, emergency responders and the St. Lawrence County

- Emergency Management Office to tour the battery energy storage system and review implementation of the procedures outlined in the facility's emergency response plan.
- e. Emergency Response Equipment. In the event it is not available, the applicant shall be responsible for purchasing equipment and materials needed for emergency responders to implement procedures outlined in the facility's emergency response plan. Items may include, but are not limited to: air monitors, ventilators and fans, and fire suppression.
11. Ownership Changes. If the owner of a Tier 2 battery energy storage system changes or the owner of the property changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special use permit, site plan approval, and decommissioning plan. A new owner or operator of the Tier 2 battery energy storage system shall notify the Code Enforcement/Zoning Enforcement Officer of such change in ownership or operator within 30 days of the ownership change. A new owner or operator must provide such notification to the Code Enforcement Officer in writing. The special use permit and all other local approvals for the battery energy storage system would be void if a new owner or operator fails to provide written notification to the Code Enforcement Officer in the required timeframe. Reinstatement of a void special use permit will be subject to the same review and approval processes for new applications under this Local Law.
 12. Permit Time Frame and Abandonment
 - a. The Special Use Permit and site plan approval for a battery energy storage system shall be valid for a period of 24 months, provided that a building permit is issued for construction [and/or] construction is commenced. In the event construction is not completed in accordance with the final site plan, as may have been amended and approved, as required by the [Planning Board], within 24 months after approval, the Town may extend the time to complete construction for 180 days. If the owner and/or operator fails to perform substantial construction after 36 months, the approvals shall expire.
 - b. The battery energy storage system shall be considered abandoned when it ceases to operate consistently for more than one year. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the Town may, at its discretion, enter the property and utilize the available bond and/or security for the removal of a Tier 2 Battery Energy Storage System and restoration of the site in accordance with the decommissioning plan.
 13. Enforcement: Any violation of this Battery Energy Storage System Law shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for in the zoning or land use regulations of the Town.
 14. Severability: The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

ARTICLE X – WIND ENERGY SYSTEMS

A. GENERAL

1. Title: This Local Law shall be cited as the “Wind Energy Facility Law of the Town of Louisville, New York.”
2. Purpose: The Town Board of the Town of Louisville adopts this Local Law to promote the effective and efficient use of the Town's wind energy resource through wind energy conversion systems (WECS), and to regulate the placement of such systems so that the public health, safety, and welfare will not be jeopardized.
3. Authority: The Town Board of the Town of Louisville, enacts this Local Law under the authority granted by:
 - a. Article IX of the New York State Constitution, §2(C) (6) and (10)
 - b. New York Statute of Local Governments, §10(1), (6), and (7)
 - c. New York Municipal Home Rule Law, §10(1)(i) and (ii) and §10(1)(a)(6), (11), (12), and (14)
 - d. The super session authority of the New York Municipal Home Rule Law, §10 (2)(d)(3), specifically as it relates to determining which body shall have power to grant variances under this Local Law, to the extent such grant of power is different than under Town Law §267
 - e. New York Town Law, Article 16 (Zoning)
 - f. New York Town Law §130(1) (Building Code), (3) (Electrical Code), (5) (Fire Prevention), (7) (Use of streets and highways), (7-a) (Location of Driveways), (11) (peace, good order and safety), (15) (Promotion of public welfare), (15-a) (Excavated Lands), (16) (Unsafe buildings), (19) (Trespass, and (25) (Building lines)
 - g. New York Town Law §64(17-a) (protection of aesthetic interests), (23) (General powers).
4. Findings: The Town Board of the Town of Louisville, finds and declares that
 - a. Wind energy is an abundant, renewable and nonpolluting energy resource of the Town and its conversion to electricity may reduce dependence on nonrenewable energy sources and decrease the air and water pollution that results from the use of conventional energy sources.
 - b. The generation of electricity from properly sited wind turbines, including small systems, can be cost-effective, and in many cases existing power distribution systems can be used to transmit electricity from wind-generating stations to utilities or other users, or on-site consumption can be reduced.
 - c. Regulation of the siting and installation of wind turbines is necessary for the purpose of protecting the health, safety, and welfare of neighboring property owners and the general public.
 - d. Wind Energy Facilities may represent significant potential aesthetic impacts because of their large size, lighting, and shadow flicker effects.
 - e. If not properly regulated, installation of Wind Energy Facilities can create drainage problems through erosion and lack of sediment control of facility and access road sites, and harm farmlands through improper construction methods
 - f. Wind Energy Facilities may present a risk to birds, bats and other creatures if not properly sited.
 - g. If not properly sited, Wind Energy Facilities may adversely affect the property values of adjoining property owners.
 - h. Wind Energy Facilities may be significant sources of noise, which, if unregulated, can negatively impact the quiet enjoyment of properties in the vicinity.
 - i. Construction of Wind Energy Facilities can create traffic problems and damage local roads.
 - j. Wind Energy Facilities can cause electromagnetic interference issues with various types of communications.

- k. The installation of Wind Energy Facilities may affect ground water supplies.
 - l. Distances of setbacks have taken into consideration the potential hazards of ice throws, blade breakage, and tower blow downs.
 - m. Wind Energy Facilities may have an effect on futures sub-divisions.
 - n. Considering all of the above factors, the geographic characteristics of the Town of Louisville and the density of certain residential areas within the Town, the Town Board has determined that there are limited areas within the Town where the Wind Energy Conversion systems can be safely constructed and operated and will be compatible with other nearby land uses. These areas shall be designated by the Town Board through enactment of this Local Law as the Town of Louisville Wind Overlay District, the boundaries of which shall be as defined in Section 6 of this Local Law.
5. Permits Required
- a. No Wind Energy Facility shall be constructed, reconstructed, modified, or operated in the Town of Louisville, except in compliance with this Local Law.
 - b. No WECS shall be constructed, reconstructed, modified, or operated in the Town of Louisville, except in a Wind Overlay Zone, pursuant to a Special Use Permit approved pursuant to this Local Law.
 - c. No Special Permit shall be issued for construction, reconstruction, modification or operation of a WECS in the Town of Louisville, until all other permits as may be required (e.g., FAA, DEC, etc.) have been issued and evidence of same provided to the Town of Louisville.
 - d. No Wind Measurement Tower shall be constructed, reconstructed, modified, or operated in the Town of Louisville, except pursuant to a Special Use Permit issued pursuant to this Local Law.
 - e. No Small Wind Energy Conversion System shall be constructed, reconstructed, modified, or operated in the Town of Louisville, except pursuant to a Special Use Permit issued pursuant to this Local Law.
 - f. Exemptions. No permit or other approval shall be required under this Local Law for mechanical, non-electrical WECS utilized solely for on-site agricultural operations.
 - g. Transfer. No transfer of any Wind Energy Facility or Special Use Permit, no sale of this entity owning such facility including the sale of more than 30% of the stock of such entity (not counting sales of shares on a public exchange), will occur without prior approval of the Town, which approval shall be granted upon written acceptance by the transferee of the obligations of the transferor under this Local Law. No transfer shall eliminate the liability of an applicant or of any other party under this Local Law.
 - h. Notwithstanding the requirements of this Section, replacement in kind or modification of a Wind Energy Facility may occur without Town Board Approval when there will be (1) no increase in Total Height of the WECS; (2) no change in the location of the WECS; (3) no additional lighting or change in facility color; and (4) no increase in noise produced by the WECS.
6. Definitions: As used in this Local Law, the following terms shall have the meanings indicated:
- **AMBIENT SOUND PRESSURE LEVEL**: The composite of sound pressure level from all sources near and far; the normal or existing level of environmental sound pressure at a given location.
 - **dBa**: A-Weighted Sound Pressure Level. The sound pressure level in decibels as measured on a sound level meter using the A-weighted filter network.
 - **dBc**: C-Weighted Sound Pressure Level. The sound pressure level in decibels as measured on a sound level meter using the C-weighted filter network.

- DECIBEL: A unit describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the measured pressure to the reference pressure, which is 20 micropascals.
- EAF: Environmental Assessment Form used in the implementation of the SEQRA as that term is defined in Part 617 of Title 6 of the New York Codes, Rules, and Regulations.
- RESIDENCE: means any dwelling suitable for habitation existing in the Town of Louisville on the date an application is received. A residence may be part of a multi-dwelling or multipurpose building, and shall include buildings such as hunting camps, seasonal residences, hotels, hospitals, motels, dormitories, sanitariums, nursing homes, schools or other building used for educational purposes, or correctional institutions.
- SEQRA: the New York State Environmental Quality Review Act and its implementing regulations in Title 6 of the New York Codes, Rules and Regulations, Part 617.
- SHADOW FLICKER: A repeating cycle of changing light intensity that occurs when the shadow cast by rotating turbine blades passes over an object or window.
- SITE: The parcel(s) of land where the Wind Energy Facility is to be placed. The Site may be publicly or privately owned by an individual or a group of individuals controlling single or adjacent properties. Where multiple lots are in joint ownership, the combined lots shall be considered as one for purposes of applying setback requirements. Any property, which has a Wind Energy Facility, or has entered an agreement for said Facility or a setback agreement, shall not be considered off-site.
- SMALL WIND ENERGY CONVERSION SYSTEM (Small WECS): A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of no less than 500 watts and not more than 100 kW/hour and which is intended to primarily generate on-site power or reduce onsite consumption of utility power.
- SOUND PRESSURE LEVEL: means the level, which is equaled or exceeded a stated percentage of time. An L10 -45 dBA indicates that in any hour of the day 45 dBA can be equaled or exceeded only 10% of the time, or for 6 minutes. An L10-33dBC indicates that in any hour of the day 33dBC can be equaled or exceeded only 10% of the time or for six minutes. The measurement of the sound pressure level shall be done according to the International Standard for Acoustic Noise Measurement Techniques for Wind Generators (IEC 61400-11), or other procedures accepted by the Town Planning Board.
- TOTAL HEIGHT: The height of the tower and the furthest vertical extension of the WECS.
- WIND ENERGY CONVERSION SYSTEM (WECS) – A machine that converts the kinetic energy in the wind into electricity with a rated capacity in excess of 100kW/hour (commonly known as a “wind turbine” or “windmill”).
- WIND ENERGY FACILITY: Any Wind Energy Conversion System, Small Wind Energy Conversion System, or Wind Measurement Tower, including all related infrastructure, electrical lines and substations, access roads and accessory structures.

- WIND MEASUREMENT TOWER: A tower used for the measurement of meteorological data such as temperature, wind speed and wind direction.
- WIND OVERLAY DISTRICT: Those areas of the Town of Louisville that the Town Board has determined are appropriate for the development of Wind Energy Conversion Systems (WECS) and related infrastructure, electrical lines and substations, access roads and accessory structures. The boundaries of the Wind Overlay District shall be as follows for the Commercial Level:
 - No properties North of State Highway 37.
 - Properties South of State Highway 37 that are zoned Residential Agricultural and are 1000 feet away from the Community Center and Scenic Preservation District are eligible for large scale WECS development.

7. Applicability

- a. The requirements of this Local Law shall apply to all Wind Energy Facilities proposed, operated, modified, or constructed after the effective date of this Local Law.
- b. Wind Energy Facilities for which a required permit has been properly issued and upon which construction has commenced prior to the effective date of this Local Law, shall not be required to meet the requirements of this Local Law; provided, however that
 - i. Any such preexisting Wind Energy Facility which does not provide energy for a continuous period of twelve (12) months shall meet the requirements of this Local Law prior to recommencing production of energy.
 - ii. No modification or alteration to an existing Wind Energy Facility shall be allowed without full compliance with this Local Law.
 - iii. Any Wind Measurement Tower existing on the effective date of this Local Law shall be removed no later than twenty-six (26) months after said effective date, unless a Special Use Permit for said Wind Energy Facility is obtained.
- c. Wind Energy Facilities may be either principal or accessory uses. A different existing use or an existing structure on the same Site shall not preclude the installation of a Wind Energy Facility or a part of such facility on such Site. Wind Energy Facilities constructed and installed in accordance with this Local Law shall not be deemed expansions of a nonconforming use or structure.

B. WIND ENERGY CONVERSIN SYSTEMS (WECS)

1. Creation of Wind Overlay Zones

- a. Wind Overlay Zones shall be created by the Town Board to delineate those areas in the Town of Louisville that are appropriate for the development of wind energy conversion systems (WECS) and related infrastructure, electrical lines and substations, access roads and accessory structures.
- b. The Town Board shall refer development of Wind Overlay Districts to the Town Planning Board. The Town Planning Board shall hold public meetings after public notice at which the Planning Board shall consider the landscape and topography of the town, current land uses and future development patterns, natural resources, unique or sensitive environments, the local existence of wildlife and plant species, view sheds, zoning districts, residents' opinions, and other pertinent information.
- c. After considering these and any other information presented at public hearing, the Town Planning Board shall determine those areas which are not considered appropriate for development of wind energy conversion systems (WECS) and related infrastructure, electrical lines and substations, access roads and accessory structures. Any other areas of the Town of Louisville may be designated by the Town Planning Board to be potential Wind Overlay Zones.

- d. The Town Planning Board shall report its findings and make recommendations to the Town Board.
 - e. The Town Board shall hold a public hearing after public notice as required, and shall consider the recommendations of the Town Planning Board and all other comments, reviews and statements pertaining thereto. After considering these and any other information presented at public hearing, the Town Board shall determine which areas of the Town of Louisville shall be determined to be Wind Overlay Zones.
 - f. If approved, the Town Board will direct the Town Clerk to modify the Official Map to reflect the creation of the Wind Overlay Zones.
 - g. Once a Wind Overlay Zone has been created, new WECSs or its accessory structures or facilities may be added in that zone by grant of a Special Use Permit pursuant to the requirements of this Article.
 - h. Construction, reconstruction, modification or operation of Small Wind Energy Conversion Systems (Small WECS) or Wind Measurement Towers, as defined in this Local Law, shall not be limited to Wind Overlay Zones, as long as these other projects comply with all other regulations contained herein.
2. Applications of Wind Energy Conversion Systems: An application for Special Use Permit for individual WECS shall include the following:
- a. Name, address, telephone number of the applicant. If the applicant is represented by an agent, the application shall include the name, address and telephone number of the agent as well as an original signature of the applicant authorizing the representation.
 - b. Name and address of the property owner. If the property owner is not the applicant, the application shall include a letter or other written permission signed by the property owner (i) confirming that the property owner is familiar with the proposed applications and (ii) authorizing the submission of the application.
 - c. Address, or other property identification, of each proposed tower location, including Tax Map section, block and lot number, latitude and longitude coordinates.
 - d. A description of the project, including the number and maximum rated power output capacity of each WECS.
 - e. For each WECS proposed, a plot plan prepared by a licensed surveyor or engineer drawn in sufficient detail to clearly describe the following:
 - i. Property lines and physical dimensions of the Site;
 - ii. Location, approximate dimensions and types of existing structures and uses on Site, public roads, and adjoining properties within one thousand (1000) feet of the Site.
 - iii. Location and ground elevation of each proposed WECS.
 - iv. Location of all above ground utility lines on the Site, and all related transformers, power lines, interconnection point with transmission lines, and other ancillary facilities or structures.
 - v. Location and size of structures above 35 feet within a five-hundred-foot radius of the proposed WECS. For purposes of this requirement, electrical transmission and distribution lines, antennas and slender or open lattice towers are not considered structures.
 - vi. The zoning designation of the subject and adjacent properties as set forth in Town Zoning Law.
 - vii. Boundaries of the Wind Overlay Zone, to demonstrate that each proposed WECS is located within said overlay zones.
 - viii. To demonstrate compliance with the setback requirements of this Article, circles drawn around each proposed tower location equal to:
 - (1) Perimeter equal to one and a half times the tower height.
 - (2) Five-Hundred-foot perimeter.

- (3) One-Thousand-foot perimeter.
- (4) Information shall be provided concerning ownership and land uses within the above-mentioned perimeters.
- ix. Location of the nearest residential structure on the Site and located off-Site, and the distance from the proposed WECS.
- x. All proposed facilities, including access roads, electrical lines, substations, storage or maintenance units, and fencing.
- f. Elevation drawing of the WECS showing Total Height, turbine dimensions, tower and turbine colors, ladders, distance between ground and lowest point of any blade, location of climbing pegs, and access doors. One drawing may be submitted for each WECS of the same type and Total Height.
- g. Landscaping Plan depicting vegetation describing the area to be cleared of vegetation and areas where vegetation shall be added, identified by species and size of specimens at installation, and their locations.
- h. Lighting Plan showing any FAA-required lighting and other proposed lighting. The application should include a copy of the determination by the Federal Aviation Administration to establish required markings and/or lights for the structure, but if such determination is not available at the time of the application; no building permit for any lighted facility may be issued until such determination is submitted.
- i. Decommissioning Plan: The applicant shall submit a decommissioning plan, which shall include: 1) the anticipated life of the WECS; 2) the estimated decommissioning costs in current dollars; 3) how said estimate was determined; 4) the method of ensuring that funds will be available for decommissioning and restoration; 5) the method, such as by annual re-estimate by a licensed engineer, that the decommissioning cost will be kept current; and 6) the manner in which the WECS will be decommissioned and the Site restored, which shall include removal of all roads, structures and debris to a depth of 3 feet, restoration of the soil, and restoration of vegetation (consistent and compatible with surrounding vegetation), less any fencing or residual minor improvements requested by the landowner. Compliance with the New York State Department of Agriculture and Markets Guidelines for Agricultural Mitigation for Wind Power Projects in effect as of the effective date of decommissioning shall be required.
- j. Complaint Resolution: The application will include a complaint resolution process to address complaints from nearby residents. The applicant shall make every reasonable effort to resolve any complaint within 45 days. Lacking resolution, an arbitrator shall be appointed by the Town Board and the results of the Arbitration shall be binding on both parties. Complaint resolution shall be filed by registered mail. In the event Arbitration is required to resolve any complaint, the applicant shall be responsible for the arbitrator's fees and any administrative expenses associated with the arbitration.
- k. An application shall include information relating to the construction/installation of the wind energy conversion facility as follows:
 - i. A construction schedule describing commencement and completion dates and hours of construction; and
 - ii. A description of the routes to be used by construction and delivery vehicles, the gross weights and heights of those loaded vehicles.
 - iii. A plan to notify public officials, emergency services, etc. when roads/routes are temporarily closed or obstructed by equipment transport.
- l. Completed Part 1 of the Full EAF.
- m. Applications for Wind Energy Permits for Wind Measurement Towers subject to this Local Law may be jointly submitted with the WECS.

- n. For each proposed WECS, include make, model, picture and manufacturer's specifications, including noise decibels data. Include Manufacturers' Material Safety Data Sheet documentation for the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.
- o. If a positive declaration of environmental significance is determined by the SEQRA lead agency, the following information shall be included in the Draft Environmental Impact Statement (DEIS) prepared for a Wind Energy Facility. Otherwise, the following studies shall be submitted with the application:
 - i. Shadow Flicker: The applicant shall conduct a study on potential shadow flicker. The study shall identify locations where shadow flicker may be caused by the WECSs and the expected durations of the flicker at these locations. The study shall identify areas where shadow flicker may interfere with residences and describe measures that shall be taken to eliminate or mitigate the problems. There shall be a maximum annual exposure of 30 hours of shadow flicker at any residence.
 - ii. Visual Impact: Applications shall include a visual impact study of the proposed WECS as installed, which shall include a computerized photographic simulation, demonstrating any visual impacts from strategic vantage points. Color photographs of the proposed Site from at least two locations accurately depicting the existing conditions shall be included. The visual analysis shall also indicate the color treatment of the system's components and any visual screening incorporated into the project that is intended to lessen the system's visual prominence.
 - iii. Fire Protection: A fire protections and emergency response plan, created in consultation with the fire department(s) having jurisdiction over the proposed Zone. A list of equipment needed will be include in the Fire Protection and Emergency Response Plan.
 - iv. Noise Analysis: A noise analysis by a competent acoustical consultant documenting the noise levels associated with the proposed WECS. The study shall document noise levels at property lines and at the nearest residence not on the Site (if access to the nearest residence is not available, the Town Board may modify this requirement). The noise analysis shall be performed according to the International Standard for Acoustic Noise Measurement Techniques for Wind Generators (IEC 61400-11), or other procedure accepted by the Town Planning Board, and shall include both a dBA analysis and dBC analysis.
 - v. Property Value Analysis: Property value analysis shall be prepared by a licensed appraiser in accordance with industry standards, regarding the potential impact of values of properties neighboring WECS Sites.
 - vi. Electromagnetic Interference: An assessment of potential electromagnetic interference with microwave, radio, television, personal communication systems and other wireless communication.
 - vii. Transportation Impacts: An analysis of impacts on local transportation shall be prepared, regarding impacts anticipated during construction, reconstruction, modification or operation of WECS. Transportation impacts to be considered shall include, at a minimum, potential damage to local road surfaces, road beds and associated structures; potential traffic tie-ups by haulers of WECS materials; impacts on school bus routes; impacts of visitors to the WECS facilities.
 - viii. Ground Water Impacts: An analysis of impacts on local ground water resources shall be prepared, regarding impacts anticipated during construction, reconstruction, modification or operation of WECS. A required response plan will be made for construction that would replace or supplement wells impacted.

- ix. Cultural Resources: An analysis of impacts on cultural resources shall be prepared, regarding impacts anticipated during construction, reconstruction, modification or operation of WECS.
 - x. Wildlife Impact: An analysis of impacts on local wildlife shall be prepared, regarding impacts anticipated during construction, reconstruction, modification or operation of WECS. Wildlife impacts to be considered shall include, at a minimum, anticipated impacts on flying creatures (birds, bats, insects), as well as wild creatures existing at ground level.
 - xi. Transportation Plan: A transportation plan describing routes to be used in delivery of project components, equipment and building materials, and those to be used to provide access to the Site during and after construction. Such plan shall also describe any anticipated improvements to existing roads, bridges or other infrastructure, and measures to restore damaged/disturbed access routes following construction. Roads shall include all state highways, county highways, town highways, and village streets and highways which will be or may be used by the applicant. The transportation plan will include a plan to notify public officials, emergency services, etc. when roads/routes are temporarily closed or obstructed by equipment transport.
 - xii. Operation and Maintenance Plan: An operation and maintenance plan providing for regular periodic Wind Energy Facility schedules, any special maintenance requirements and procedures and notification requirements for restarts during ice events.
 - p. The applicant shall, prior to the receipt of a building permit, provide proof that it has executed an Interconnection Agreement with the New York Independent System Operator and the applicable Transmission Owner.
 - q. A statement, signed under penalties of perjury that the information contained in the application is true and accurate.
 - r. The applicant shall provide a list of all property owners within 2500ft of the project.
3. Application Review Process
- a. Applicants may request a pre-application meeting with the Town Planning Board, or with any consultants retained by the Planning Board for application review. Meetings with the Planning Board shall be conducted in accordance with the Open Meetings Law.
 - b. Six copies of the application shall be submitted to the Town Clerk. One of the applications provided to the Town Clerk should be provided to the local library, or other public location that has evening hours. Making the application available electronically, either on a website or through some other means should be undertaken. Payment of all application fees shall be made at the time of application submission. If any variances are requested, variance application fees shall be paid at the time of the receipt of the application.
 - c. Town staff or Town-designated consultants shall, within 30 days of receipt, or such longer time if agreed to by the applicant, determine if all information required under this Article is included in the application. Unless the Planning board waives any application requirement, no application shall be considered until deemed complete.
 - d. If the application is deemed incomplete, the Planning Board or its designated reviewer shall provide the applicant with a written statement listing the missing information. No refund of application fees shall be made, but no additional fees shall be required upon submittal of the additional information unless the number of WECSs proposed is increased.
 - e. Upon submission of a complete application, including the grant of any application waiver by the Planning Board, the Town Clerk shall transmit the application to the Planning Board.
 - f. The Planning Board shall hold at least one public hearing on the application. Notice shall be given by first class mail to property owners within 1,000 feet of each proposed WECS and published in the Town's official newspaper, no less than ten nor more than twenty days before any hearing, but, where any hearing is adjourned by the Planning Board to hear

additional comments, no further publication or mailing shall be required. The applicant shall prepare and mail the Notice of Public Hearing prepared by the Planning Board, and shall submit an affidavit of service. The assessment roll of the Town shall be used to determine mailing addresses.

- g. The public hearing may be combined with public hearings on any Environmental Impact Statement or requested variances.
 - h. Notice of the project shall also be given, when applicable, to (1) the St. Lawrence County Planning Board, if required by General Municipal Law §239-1 and 239-m, and (2) to adjoining Towns under Town Law §264.
 - i. SEQRA review. Applications for WECS are deemed Type I projects under SEQRA. The Planning Board may conduct its SEQRA review in conjunction with other agencies or communities, in which case the records of review by said agencies or communities shall be part of the record of the Planning Board's proceedings. The applicant shall be responsible for the Town's legal and engineer's fees in connection with the SEQRA and other reviews under this Local Law. The Planning Board shall require an escrow agreement with the applicant to cover the engineering and legal review of the applications and any environmental impact statements before commencing its review. The escrow agreement shall provide a minimum balance that the applicant must maintain in escrow with the Town from which the Town may pay its professional's fees for review.
 - j. Upon receipt of the report of the recommendation of the County Planning Board (where applicable), the holding of the public hearing, and the completion of the SEQRA process, the Planning Board may approve, approve with conditions, or deny the applications, in accordance with the standards in this Article. The SEQRA public hearing must meet the requirements of Section 617.12(c) of the SEQRA document.
4. Standards of WECS: The following standards shall apply to all WECS, unless specifically waived by the Town Board as part of a permit.
- a. All power transmission lines from the tower to any building or other structure shall be located underground to the maximum extent practicable. If a variance is granted, utility poles tall enough for 18' of clearance from the shortest distance between the lines and finished grade are required.
 - b. No television, radio or other communication antennas may be affixed or otherwise made part of any WECS, except pursuant to the Town Zoning Law. Applications may be jointly submitted for WECS and telecommunications facilities.
 - c. No advertising signs are allowed on any part of the Wind Energy Facility, including fencing and support structures.
 - d. Lighting of tower. No tower shall be lit except to comply with FAA requirements. Minimum security lighting for ground level facilities shall be allowed as approved on the Site plan. Downcast recessed lighting with cutoff shields will be required.
 - e. All applicants shall use measures to reduce the visual impact of WECSs to greatest extent possible. All structures in a project shall be finished in a single, non-reflective matte finished color or a camouflage scheme. Individual WECSs within a Wind Overlay Zone shall be constructed using wind turbines whose appearance, with respect to one another, is similar within and throughout the Zone, to provide reasonable uniformity in overall size, geometry, and rotational speeds. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades.
 - f. The use of guy wires is disfavored. A WECS using guy wires for tower support shall incorporate appropriate measures to protect the guy wires from damage which could cause tower failure.
 - g. No WECS shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antenna for radio, television, wireless phone or other personal or

emergency communication systems would produce electromagnetic interference with signal transmission or reception. No WECS shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation. If it is determined that a WECS is causing electromagnetic interference, the operator shall take the necessary corrective action to eliminate this interference including relocation or removal of the facilities, or resolution of the issue with the impacted parties. Failure to remedy electromagnetic interference is grounds for revocation of the Wind Energy Permit for the specific WECS or WECSs causing the interference.

- h. All solid waste and hazardous waste and construction debris shall be removed from the Site and managed in a manner consistent with all appropriate rules and regulations.
 - i. WECSs shall be designed to minimize the impacts of land clearing and the loss of open space areas. Land protected by conservation easements shall be avoided when feasible. The use of previously developed areas will be given priority wherever possible. All top soil disturbed during construction, reconstruction or modification of WECS shall be stockpiled and returned to the site upon completion of the activity which disturbed the soil, except where the owner of the land requests otherwise.
 - j. WECSs shall be located in a manner that minimizes significant negative impacts on animal species in the vicinity, particularly bird and bat species, including those that may be listed by the U.S. Fish & Wildlife Service as threatened or endangered.
 - k. Wind energy conversion facilities shall be located in a manner consistent with all applicable state and Federal wetlands laws and regulations.
 - l. Storm-water run-off and erosion control shall be managed in a manner consistent with all applicable state and Federal laws and regulations.
 - m. The New York State Department of Agriculture and Markets guidelines for agricultural mitigation for wind power projects shall be adhered to, both inside and outside of agricultural districts.
 - n. The maximum Total Height of any WECS shall be 500 feet.
 - o. Construction of the WECS shall be limited to the hours of 7 AM to 7 PM Monday through Friday, unless the prior written approval of the Town Planning Board is received to allow deviation from such hours.
 - p. If it is determined that a WECS is causing stray voltage issues, the operator shall take the necessary corrective action to eliminate these problems including relocation or removal of the facilities, or resolution of the issue with the impacted parties. Failure to remedy stray voltage issue is grounds for revocation of the Wind Energy Permit for the specific WECS or WECSs causing the problems.
 - q. A required environmental monitoring will be conducted and funded by the applicant during construction.
 - r. All applicants are required to comply with cultural resource survey work.
 - s. Abnormal noises made by WECS is prohibited and for any WECS making abnormal noises, they are required to be taken offline.
 - t. All applicants are required to maintain insurance to protect against potential damages or injury to landowners.
5. Required Safety Measures
- a. Each WECS shall be equipped with both manual and automatic controls to limit the rotational speed of the rotor blade so it does not exceed the design limits of the rotor.
 - b. If the property owner submits a written request that fencing be required, a six-foot-high fence with a locking portal shall be required to enclose each tower or group of towers. The color and type of fencing for each WECS installation shall be determined on the basis of individual applications as safety needs dictate.

- c. Appropriate warning signs shall be posted. At least one sign shall be posted at the base of the tower warning of electrical shock or high voltage. A sign shall be posted on the entry area of fence around each tower or group of towers and any building (or on the tower or building if there is no fence), containing emergency contact information, including a local telephone number with 24-hour, 7-day week coverage. The Town Planning Board may require additional signs based on safety needs.
 - d. No climbing pegs or tower ladders shall be located closer than twelve (12) feet to the ground level at the base of the structure for freestanding single pole or guyed towers.
 - e. The minimum distance the ground and any part of the rotor or blade system shall be thirty-five (35) feet.
 - f. WECSs shall be designed to prevent unauthorized external access to electrical and mechanical components and shall have access doors that are kept securely locked.
 - g. Copies of all reports concerning operating and safety inspections for each WECS shall be filed with the Town Clerk.
6. Traffic Routes
- a. Construction of WECS poses potential risks because of the large size construction vehicles and their impact on traffic safety and their physical impact on local roads. Construction and delivery vehicles for WECS and/or associated facilities shall be traffic routes established as part of the application review process. Factors in establishing such corridors shall include (1) minimizing traffic impacts from construction and delivery vehicles; (2) minimizing WECS related traffic during times of school bus activity; (3) minimizing wear and tear on local roads; and (4) minimizing impacts on local business operations. Permit conditions may limit WECS-related traffic to specified routes, and include a plan for disseminating traffic route information to the public.
 - b. The applicant is responsible for remediation of damaged roads upon completion of the installation or maintenance of a WECS. A public improvement bond shall be posted prior to the issuance of any building permit in an amount, determined by the Town Board, sufficient to compensate the Town for any damage to local roads. A site visit by the Highway Superintendent or Deputy Highway Superintendent along with a video documenting the condition of the road prior to construction will take place.
 - c. If the applicant uses any seasonal use highway in the off-season, it shall be solely responsible for the maintenance of said highway including but not limited to snow plowing. No act of maintenance on a seasonal use highway by an applicant shall be considered as Town maintenance of that highway for purposes of determining the seasonal use status of the highway. Additionally, no snow plowing will take place without consulting the Highway Superintendent and any local snowmobile clubs.
7. Noise Standards and Setbacks for Wind Energy Conversion Systems
- a. The statistical sound pressure level (Lio) generated by a WECS shall not exceed 45 dBA when measured at the nearest inhabited off-site dwelling, school, hospital, church or public building existing at the time of application. If the ambient sound pressure level exceeds 45 dBA, the standard shall be ambient dBA plus dBA. Independent certification shall be provided before and after construction demonstrating compliance with this requirement.
 - b. In the event audible noise due to Wind Energy Facility operations contains a steady pure tone, such as a whine, screech, or hum, the standards for audible noise set forth in subparagraph 1) of this subsection shall be reduced by five (5) dBA. A pure tone is defined to exist if the one-third (1/3) octave band sound pressure level in the band, including the tone, exceeds the arithmetic average of the sound pressure levels of the two (2) contiguous one third (1/3) octave bands by five (5) dBA for center frequencies of five hundred (500) Hz and above, by eight (8) dBA for center frequencies between one hundred and sixty (160) Hz and

four hundred (400) Hz, or by fifteen (15) dBA for center frequencies less than or equal to one hundred and twenty-five (125) Hz.

- c. In the event the ambient noise level (exclusive of development in question) exceeds the applicable standard given above, the applicable standard shall be adjusted so as to equal the ambient noise level. The ambient noise level shall be expressed in terms of the highest whole number sound pressure level in dBA, which is exceeded for more than five (5) minutes per hour. Ambient noise levels shall be measured at the exterior of potentially affected existing residences, schools, hospitals, churches and public libraries. Ambient noise level measurement techniques shall employ all practical means of reducing the effect of wind generated noise at the microphone. Ambient noise level measurements may be performed when wind velocities at proposed project site are sufficient to allow Wind Turbine operation, provided that the wind velocity does not exceed thirty (30) mph at the ambient noise measurement location.
 - d. Any noise level falling between two whole decibels shall be the lower of the two.
 - e. Each WECS shall be setback from Site boundaries, measured from the center of the WECS:
 - i. 1000 Feet from the nearest site boundary property line.
 - ii. 1000 feet from the nearest public road.
 - iii. 1000 feet from the nearest edge of the Wind Overlay District.
 - iv. 1500 feet from the nearest off-site residence existing at the time of the application, measured from the exterior of such residence.
 - v. One and a half times the Total Height of the WECS from any non-WECS structure or any above-ground utilities. In an agricultural district, the setback is 1.1 times the total height of the WECS for farm operations.
 - vi. 500 feet from state-identified wetlands or bodies of water. This distance may be adjusted to be greater at the discretion of the reviewing body, based on topography, land cover, land uses and other factors that influence the flight patterns of resident birds, bats or other creatures.
8. Issuance of Special Use Permits
- a. Upon completion of the review process, the Town Board [or, in towns with Planning Boards, the "Town Planning Board"] shall, upon consideration of the standards in this Local Law and the record of the SEQRA review, issue a written decision with the reasons for approval, conditions of approval or disapproval fully stated.
 - b. If approved, the Town Board will issue a Special Use Permit for each WECS upon satisfaction of all conditions for said Permit, and direct the Building Inspector to issue a building permit, upon compliance with the Uniform Fire Prevention and Building Code and the other conditions of this Local Law.
 - c. The decision of the Town Board shall be filed within five days in the office of the Town Clerk and a copy mailed to the applicant by first class mail.
 - d. A digital copy would be accepted.
 - e. If any approved WECS is not substantially commenced within two years of issuance of the permit, the special use permit shall expire.
 - f. Noise Compliance Monitoring: the installation of a long-term monitoring station within 90 days of issuance of a permit for a wind energy is required.
9. Abatement
- a. If any WECS remains non-functional or inoperative for a continuous period of 1 year, the applicant agrees that, without any further action by the Town Board, it shall remove said system at its own expense. Removal of the system shall include at least the entire above ground structure, including transmission equipment and fencing, from the property. This provision shall not apply if the applicant demonstrates to the Town that it has been making

good faith efforts to restore the WECS to an operable condition, but nothing in this provision shall limit the Town's ability to order a remedial action plan after public hearing.

- b. Non-function or lack of operation may be proven by reports to the Public Service Commission, NYSERDA or by lack of income generation. The applicant shall make available (subject to a non-disclosure agreement) to the Town Board all reports to and from the purchaser of energy from individual Wind Energy Conversion Systems, if requested, necessary to prove the WECS is functioning, which reports may be redacted as necessary to protect proprietary information.
- c. Decommissioning Bond or Fund The applicant, or successors, shall continuously maintain a fund or bond payable to the Town for the removal of non-functional towers and appurtenant facilities in an amount to be determined by the Town for the period of the life of the facility. This fund may consist of a letter of credit from an agreed upon State of New York-licensed financial institution. All costs of the financial security shall be borne by the applicant. All decommissioning funding requirements shall be met prior to commencement of construction.

10. Limitations on Approvals; Easements on Town Property

- a. Nothing in this Local Law shall be deemed to give any applicant the right to cut down surrounding trees and vegetation on any property to reduce turbulence and increase wind flow to the Wind Energy Facility. Nothing in this Local Law shall be deemed a guarantee against any future construction or Town approvals of future construction that may in any way impact the wind flow to any Wind Energy Facility. It shall be the sole responsibility of the Facility operator or owner to acquire any necessary wind flow or turbulence easements, or rights to remove vegetation.
- b. If trees are removed, the applicant is to submit a landscaping plan for replanting the trees so there is no net loss.
- c. Pursuant to the powers granted to the Town to manage its own property, the Town may enter into noise, setback, or wind flow easements on such terms as the Town Board deems appropriate, as long as said agreements are not otherwise prohibited by state or local law.

11. Permit Revocation

- a. Testing fund. A Special Use Permit shall contain a requirement that the applicant fund periodic noise testing by a qualified independent third-party acoustical measurement consultant, which may be required as often as every two years, or more frequently upon request of the Town Board in response to complaints by neighbors. The scope of the noise testing shall be to demonstrate compliance with the terms and conditions of the Special Use Permit and this Local Law and shall also include an evaluation of any complaints received by the Town. The applicant shall have 90 days after written notice from the Town Board, to cure any deficiency. An extension of the 90-day period may be considered by the Town Board, but the total period may not exceed 180 days.
- b. If there is a noise violation, the Town board can require the WECS be taken offline within 48 hours for repair.
- c. Operation. A WECS shall be maintained in operational condition at all times, subject to reasonable maintenance and repair outages. Operational condition includes meeting all noise requirements and other permit conditions. Should a WECS become inoperable, or should any part of the WECS be damaged, or should a WECS violate a permit condition, the owner or operator shall remedy the situation within 90 days after written notice from the Town Board. The applicant shall have 90 days after written notice from the Town Board, to cure any deficiency. An extension of the 90-day period may be considered by the Town Board, but the total period may not exceed 180 days.
- d. Notwithstanding any other abatement provision under this Local Law, and consistent with §18(A) and §20(B), if the WECS is not repaired or made operation or brought into permit compliance after said notice, the Town may, after a public meeting at which the operator or

owner shall be given opportunity to be heard and present evidence, including a plan to come into compliance, (1) order either remedial action within a particular timeframe, or (2) order revocation of the Wind Energy Permit for the WECS and require the removal of the WECS within 90 days. If the WECS is not removed, the Town Board shall have the right to use the security posted as part of the Decommission Plan to remove the WECS.

C. WIND MEASUREMENT TOWERS

1. Wind Site Assessment

- a. The Town Board acknowledges that prior to construction of a WECS, an assessment is typically needed to determine local wind speeds and the feasibility of using particular sites. Installation of Wind Measurement Towers, also known as anemometer ("Met") towers, shall be permitted as Special Uses, but shall not be limited to those areas delineated as Wind Overlay Districts.

2. Applications for Wind Measurement Towers

- a. An application for a Wind Measurement Tower shall include:
 - i. Name, address, telephone number of the applicant. If the applicant is represented by an agent, the application shall include the name, address and telephone number of the agent as well as an original signature of the applicant authorizing the representation.
 - ii. Name, address, telephone number of the property owner. If the property owner is not the applicant, the application shall include a letter or other written permission signed by the property owner (i) confirming that the property owner is familiar with the proposed applications and (ii) authorizing the submission of the application.
 - iii. Address of each proposed tower Site, including Tax Map section, block and lot number.
 - iv. Site plan.
 - v. Decommissioning Plan, including a security bond or cash for removal.

3. Standards for Wind Measurement Towers

- a. The distance between a Wind Measurement Tower and the property line shall be at least 1.5 times the Total Height of the tower. Sites can include more than one piece of property and the requirement shall apply to the combined properties. Exceptions for neighboring property are also allowed with the consent of those property owners.
- b. Special Use Permits for Wind Measurement Towers may be issued for a period of up to twenty-six (26) months. Permits may be renewed if the Facility is in compliance with the conditions of the Special Use Permit.
- c. Anchor points for any guy wires for a Wind Measurement Tower shall be located within the property that the system is located on and not on or across any above-ground electric transmission or distribution lines. The point of attachment for the guy wires shall be sheathed in bright orange or yellow covering from three to eight feet above the ground.
- d. The New York State Department of Agriculture and Markets guidelines for agricultural mitigation for wind farm projects shall be adhered to both inside of agricultural districts.

4. Application Review Process

- a. Applicants may request a pre-application meeting with the Code Enforcement Officer 15 days prior to the following Planning Board meeting, or with any consultants retained by the Planning Board for application review. Meetings with the Planning Board shall be conducted in accordance with the Open Meetings Law.
- b. Six copies of the application shall be submitted to the Town Clerk. A digital copy will be accepted. Payment of all application fees shall be made at the time of application submission. If any variances are requested, variance application fees shall be paid at the time of any receipt of the application.
- c. Town staff or Town-designated consultants shall, within 30 days of receipt, or such longer time if agreed to by the applicant, determine if all information required under this Article is

included in the application. Unless the Planning Board waives any application requirement, no application shall be considered until deemed complete.

- d. If the application is deemed incomplete, the Planning Board or its designated review shall provide the applicant with a written statement listing the missing information. No refund of application fees shall be made, but no additional fees shall be required upon submittal of the additional information unless the number of Wind Measurement Towers proposed is increased.
- e. Upon submission of a complete application, including the grant of any application waiver by the Planning Board, the Town Clerk shall transmit the application to the Planning Board.
- f. The Planning Board shall hold at least one public hearing on the application. Notice shall be given by first class mail to property owners within 1,000 feet of each proposed Wind Measurement Tower and published in the Town's official newspaper, no less than ten nor more than twenty days before any hearing, but, where any hearing is adjourned by the Planning Board to hear additional comments, no further publication or mailing shall be required. The applicant shall prepare and mail the Notice of Public Hearing prepared by the Planning Board, and shall submit an affidavit of service. The assessment roll of the Town shall be used to determine mailing addresses.
- g. The public hearing may be combined with public hearings on any Environmental Impact Statement or requested variances.
- h. Notice of the project shall also be given, with applicable, to (1) the St. Lawrence County Planning Board, if required by General Municipal Law §239-1 and 239-m, and (2) to adjoining Towns under Town Law §264.
- i. SEQRA review. Applications for Wind Measurement Towers are deemed unlisted projects under SEQRA. The Planning Board may conduct its SEQRA review in conjunction with other agencies, in which case the records of review by said communities shall be part of the records of the Planning Board's proceedings. The Planning Board may require an escrow agreement for engineering and legal review of the applications and any environmental impact statements before commencing its review. The applicant is responsible for the SEQRA process, and the Town is responsible for the SEQRA review.
- j. Upon receipt of the report of the recommendation of the County Planning Board (where applicable), the holding of the public hearing, and the completion of the SEQRA process, the Planning Board may approve, approve with conditions, or deny the applications, in accordance with the standards in this Article.

D. SMALL WIND ENERGY CONVERSION SYSTEMS (SMALL WECS)

- 1. Purpose and Intent: The purpose of this Article is to provide standards for small wind energy conversion systems designed for on-site home, farm, and small commercial use, and that are primarily used to reduce on-site consumption of utility power. The intent of this Article is to encourage the development of small wind energy systems and to protect the public health, safety, and community welfare.
- 2. Permitted Areas: Small Wind Energy Conversion Systems (Small WECS) may be permitted in any zoning district on a Site of at least 1 acre, upon issuance of a Special Use Permit. A Small WECS shall be set back from all property lines a distance equal to at least 1.5 times its height.
- 3. Applications: Applications for Small WECS special use permits shall include:
 - a. Name, address, telephone number of the applicant. If the applicant will be represented by an agent, the name, address and telephone number of the agent as well as an original signature of the applicant authorizing the agent to represent the applicant.
 - b. Name, address, telephone number of the property owner. If the property owner is not the applicant, the application shall include a letter or other written permission signed by the property owner (i) confirming the property owner is familiar with the proposed applications and (ii) authorizing the submission of the application.

- c. Address of each proposed tower Site, including Tax Map section, block and lot number.
 - d. Site plan of each tower site, including but not limited to showing the location of the tower in relation to other structures and lot lines, topography of the site, location of trees and other landscape elements.
 - e. Ownership and land use information within a 500-foot radius of the location proposed for each tower.
 - f. Evidence that the proposed tower height does not exceed the height recommended by the manufacture or distributor of the system.
 - g. A line drawing of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the Electric Code. An electrical inspection should be completed prior to use.
 - h. Sufficient information demonstrating that the system will be used primarily to reduce on-site consumption of electricity.
 - i. Written evidence that the electric utility service provider that serves the proposed Site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator, unless the applicant does not plan to connect the system to the electricity grid, and so states so in the application.
 - j. A visual analysis of the Small WECS as installed, which may include a computerized photographic simulation, demonstrating the visual impacts from nearby strategic vantage points. The visual analysis shall also indicate the color treatment of the system's components and any visual screening incorporated into the project that is intended to lessen the system's visual prominence.
4. Application Review Process
- a. Applicants may request a pre-application meeting with the Code Enforcement Officer 15 days prior to the following Planning Board meeting, or with any consultants retained by the Planning Board for application review. Meetings with the Planning Board shall be conducted in accordance with the Open Meetings Law.
 - b. Six copies of the application shall be submitted to the Town Clerk along with 1 digital copy. Payment of all application fees shall be made at the time of application submission. If any variances are requested, variance application fees shall be paid at the time of the receipt of the application.
 - c. Town staff or Town-designated consultants shall, within 30 days of receipt, or such longer time if agreed to by the applicant, determine if all information required under this Article is included in the application. Unless the Planning Board waives any application requirement, no application shall be considered until deemed complete.
 - d. If the application is deemed incomplete, the Planning Board or its designated reviewer shall provide the applicant with a written statement listing the missing information. No refund of application fees shall be made, but no additional fees shall be required upon submittal of the additional information unless the number of Small WECSs proposed is increased.
 - e. Upon submission of a complete application, including the grant of any application waiver by the Planning Board, the Town Clerk shall transmit the application to the Planning Board.
 - f. The Planning Board shall hold at least one public hearing on the application. Notice shall be given by first class mail to property owners within 1,000 feet of each proposed Small WECS and published in the Town's official newspaper, no less than ten nor more than twenty days before any hearing, but, where any hearing is adjourned by the Planning Board to hear additional comments, no further publication or mailing shall be required. The applicant shall prepare and mail the Notice of Public Hearing prepared by the Planning Board, and shall submit an affidavit of service. The assessment roll of the Town shall be used to determine mailing addresses.

- g. The public hearing may be combined with public hearings on any Environmental Impact Statement or requested variances.
 - h. Notice of the project shall also be given, when applicable, to (1) the St. Lawrence County Planning Board, if required by General Municipal Law §239-1 and 239-m, and (2) to adjoining Towns under Town Law §264.
 - i. SEQRA review. Applications for WECS are deemed Unlisted projects under SEQRA. The Planning Board may conduct its SEQRA review in conjunction with other agencies, in which case the records of review by said communities shall be part of the record of the Planning Board's proceedings. The Planning Board may require an escrow agreement for the engineering and legal review of the applications and any environmental impact statements before commencing its review. The applicant is responsible for the SEQRA process, and the Town is responsible for the SEQRA review.
 - j. Upon receipt of the report of the recommendation of the County Planning Board (where applicable), the holding of the public hearing, and the completion of the SEQRA process, the Planning Board may approve, approve with conditions, or deny the applications, in accordance with the standards in this Article.
5. Development Standards: All small wind energy systems shall comply with the following standards. Additionally, such systems shall also comply with all the requirements established by other sections of this Article that are not in conflict with the requirements contained in this section.
- a. A Small WECS system shall be located on a lot a minimum of one acre in size, however, this requirement can be met by multiple owners submitting a joint application.
 - b. Small WECSs may be used primarily to generate on-Site power or to reduce the on-Site consumption of electricity. The maximum output is limited to 100kw; any small WECS with an output less than 5kw not connected to the grid should be exempt from small WECS requirements.
 - c. Tower height may be allowed to vary, dependent on the technology employed. However, setbacks from all property lines shall be maintained, at a minimum, at one and a half times the total height of the tower.
 - i. The allowed height shall be reduced if necessary to comply with all applicable Federal Aviation Requirements, including Subpart B (commencing with Section 77.11) of Part 77 of Title 14 of the Code of Federal Regulations regarding installations close to airports.
 - ii. In an agricultural district, the setback is 1.1 times the total height of the WECS for farm operations.
 - d. The system's tower and blades shall be painted a non-reflective, unobtrusive color that blends the system and its components into the surrounding landscape to the greatest extent possible and incorporate non-reflective surfaces to minimize any visual disruption.
 - e. The system shall be designed and located in such a manner to minimize adverse visual impacts from public viewing areas (e.g., public parks, roads, trails). To the greatest extent feasible a small wind energy system shall use natural landforms and vegetation for screening.
 - f. Exterior lighting on any structure associated with the system shall not be allowed except that which is specifically required by the Federal Aviation Administration.
 - g. All on-site electrical wires associated with the system shall be installed underground except for "tie-ins" to a public utility company and public utility company transmission poles, towers, and lines. This standard may be modified by the Town if the project terrain is determined to be unsuitable due to reasons of excessive grading, biological impacts, or similar factors. Utility poles should be tall enough for 18' of clearance.

- h. The system shall be operated such that no disruptive electromagnetic interference is caused. If it has been demonstrated that a system is causing harmful interference, the system operator shall promptly mitigate the harmful interference or cease operation of the system.
- i. The system shall be operated such that no damage is caused by stray voltage. If it has been demonstrated that a system is causing stray voltage, the system operator shall promptly mitigate the damage or cease operation of the system.
- j. At least one sign shall be posted on the tower at a height of five feet warning of electrical shock or high voltage and harm from revolving machinery. No brand names, logo or advertising shall be placed or painted on the tower, rotor, generator or tail vane where it would be visible from the ground, except that system or tower's manufacturer's logo may be displayed on a system generator housing in an unobtrusive manner.
- k. Towers shall be constructed to provide one of the following means of access control, or other appropriate method of access:
 - i. Tower-climbing apparatus located no closer than 12 feet from the ground.
 - ii. A locked anti-climb device installed on the tower.
- l. Anchor points for any guy wires for a system tower shall be located within the property that the system is located on and not on or across any above-ground electric transmission or distribution lines. The point of attachment for the guy wires shall be sheathed in bright orange or yellow covering from three to eight feet above the ground.
- m. Setbacks for the system tower shall be no closer to the property line than the height of the system and not part of the system, including guy-wire anchors, may extend closer than 10 feet of the property boundary. Additionally, the outer and innermost guy-wires must be marked and clearly visible to a height from the ground level to eight feet above the guy-wire anchors.
- n. All small wind energy system tower structures shall be designed and constructed to be in compliance with pertinent provisions of the Uniform Building Code and National Electric Code.
- o. All small wind energy systems shall be equipped with manual and automatic over-speed controls. The conformance of rotor and over-speed control design and fabrication with good engineering practices shall be certified by the manufacturer.
- p. The New York State Department of Agriculture and Markets guidelines for agricultural mitigation for wind power projects shall be adhered to both inside and outside of agricultural districts.
- q. Noise. Except during short-term events including utility outages and severe windstorms, a Small WECS shall be designed, installed, and operated so that noise generated by the system shall not exceed the 45 decibels (dBA), as measured at the property line.
- r. The construction of on-site access roads should be minimized and temporary access roads should be regraded and revegetated to the preexisting condition.
- s. The minimum height of the lowest part of any wind turbine blade shall be 30' above the highest structure or tree within a 250' radius.
- 6. Abandonment of Use
 - a. Small WECS which is not used for twelve (12) successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner. Failure to abide by the faithfully comply with this section or with any and all conditions that may be attached to the granting of any building permit shall constitute grounds for the revocation of the permit by the Town of Louisville.
 - b. All Small WECS shall be maintained in good condition and in accordance with all requirements of this section.

E. MISCELLANEOUS

1. Fees

- a. Non-refundable Application Fees shall be as follows:
 - i. WECS Special Use Permit: \$1,000 per megawatt of rated maximum capacity
 - ii. Wind Measurement Towers: \$500 per tower
 - iii. Small WECS: \$150 per Small WECS
 - iv. Wind Measurement Tower Special Use Permit renewals: \$50 per Wind Measurement Tower.
 - b. Building Permits. The Town of Louisville believes the review of building and electrical permits for Small WECS requires specific expertise for those facilities. Accordingly, for such facilities an administrative fee of \$25 per permit request shall be charged for administrative costs, plus the amount charged to the Town by the outside consultant hired by the Town to review the plans and inspect the work. In the alternative, the Town and the applicant may enter into an agreement for an inspection and/or certification procedure for these unique facilities. In such case, the Town and the applicant will agree to a fee arrangement and escrow agreement to pay for the costs of the review of the plans, certifications or conduct inspections as agreed by the parties, documents handling and storage.
 - c. Building Permits: The Town of Louisville believed the review of building and electrical permits for WECS Commercial Unit requires specific expertise for those facilities. Accordingly, for such facilities, and administrative fee of \$500.00 per permit request shall be charged for administrative costs, plus the amount charges to the Town by the outside consultant hired by the Town to review the plans and inspect the work. In the alternative, the Town and the applicant may enter into an agreement for an inspection and/or certification procedure for these unique facilities. In such case, the applicant will agree to an escrow agreement account of \$75,000.00 to pay for the costs of the review of the plans, certifications or conduct inspections as agreed by the parties, document handling, and storage. If the escrow account balance falls below \$10,000.00, the applicant will agree to immediately remit the amount of \$25,000.00 to be placed in the escrow account.
 - d. Nothing in this Local Law shall be read as limiting the ability of the Town to enter into Host Community agreements with any applicant to compensate the town for expenses or impacts on the community. The Town shall require any applicant to enter into an escrow agreement to pay the engineering and legal costs of any application review, including the review required by SEQRA.
 - e. The Town Board may amend these fees, by resolution after a properly noticed public hearing.
2. Tax Exemption
- a. The Town of Louisville hereby exercised its right to opt out of the Tax Exemption provisions of Real Property Tax Law §487, pursuant to the authority granted by paragraph 8 of that law.
3. Enforcement, Penalties, and Remedies for Violations.
- a. The Town Board shall appoint such Town staff or outside consultants as it sees fit to enforce this Local Law.
 - b. Any person owning, controlling or managing any building, structure or land who shall undertake a wind energy conversion facility or wind monitoring tower in violation of this Local Law or in noncompliance with the terms and conditions of any permit issued pursuant to this Local Law, or any order of the enforcement officer, and any person who shall assist in so doing, shall be guilty of an offense and subject to a fine of not more than \$350 or to imprisonment for a period of not more than six months, or subject to both such fine and imprisonment. Every such person shall be deemed guilty of a separate offense for each week such violation shall continue. The Town may institute a civil proceeding to collect civil penalties in the amount of \$350 for each violation and each week said violation continues shall be deemed a separate violation.
 - c. In case of any violation or threatened violation of any of the provisions of this local law, including the terms and conditions imposed by any permit issued pursuant to this local law, in

addition to other remedies and penalties herein provided, in Town may institute any appropriate action or proceeding to prevent such unlawful erection, structural alteration, reconstruction, moving and/or use, and to restrain, correct or abate such violation, to prevent the illegal act.

ARTICLE XI - TELECOMMUNICATIONS TOWERS REGULATIONS

Recent advances in wireless communications technology have resulted in a new generation of telecommunication services. These new services transmit electromagnetic waves of such a frequency and power that will likely require numerous antenna locations. These antennas may be located on buildings, water towers and other similar structures but will also frequently be located on new or enlarged towers. This requires that the Town of Louisville regulate these wireless communication system facilities in a different manner than conventional television and radio transmission towers which are able to transmit their signals at much greater distances.

The Federal Communications Commission has recently licensed a number of providers of wireless communication services and additional providers are expected to be licensed in the near future. These firms are expected to pursue antenna sites within the Town of Louisville and these efforts are expected to include requests to construct new communication towers and/or structures as well.

The intent of this proposed regulation is to provide for the establishment and/or expansion of wireless telecommunication services within the Town of Louisville while protecting neighborhoods and minimizing the adverse visual and operational effects of wireless telecommunications facilities through careful design, siting and screening. More specifically this regulation has been developed in order to:

- Maximize use of existing and approved towers and other structures to accommodate new antennas and transmitters in order to reduce the number of communication towers needed to serve the village.
- Encourage providers to co-locate their facilities on a single tower.

The Town of Louisville has undertaken a deliberate process to establish policy, standards and procedures related to the siting of tower structure and antenna arrays for wireless telecommunications as contained herein. In doing so, the municipality attempted to:

- Preserve property values and development opportunities.
- Minimize the visual impact of towers.
- Minimize the number of towers and their heights.
- Promote safety, general welfare and quality of life.
- Assure adequate access to wireless communication service for the community.

A. TELECOMMUNICATIONS DEFINITIONS

- ANTENNA: A system of electrical conductors that transmit or receive radio frequency waves. Such waves shall include, but not be limited to, radio, television, cellular, paging, personal communication services, and microwave communications. The frequency of these waves generally ranges from 10Hertz to 300 megahertz, but can be higher as technology advances.
- BTS (base transceiver station): the central cell facility that contains all the receivers, transmitters and other apparatus needed for cellular/PCS operation.
- CAPACITY: The number of mobile users that can realistically be serviced by a BTS.
- COVERAGE: The general term that describes the ability of a BTS to send and receive wireless signals of sufficient strength to provide reliable cellular/PCS service

- CO-LOCATION: means locating wireless communication facilities from more than one wireless communication services provider on a single site.
- EAF: Environmental Assessment Form
- EPA: The Environmental Protection Agency
- FAA: The Federal Aviation Administration
- FCC: The Federal Communications Commission
- GUYED TOWER: A construction technique that uses stabilizing cable to provide lateral support for a tower.
- HEIGHT OF TOWER: means the vertical distance measured in feet from the average existing level of the ground surrounding the tower and within 10 feet thereof to the top point of the tower including any antenna or other appurtenances. The existing elevation shall mean the actual or approved elevation of the property at the time of application.
- INTERFERENCE: Any electromagnetic radiation or noise that is not the desired signal.
- LATTICE TOWER: Description of the type of tower construction typified by cross-bracing between three posts that constitutes a rigid antenna support structure.
- MONOPOLE TOWER: A unified self-supporting structure typified by a smooth tapered steel pole similar to roadway light supports.
- NETWORK: The general term used to describe all the BTS facilities and equipment required to provide cellular/PCS services.
- NIER: Non-Ionizing Electromagnetic Radiation
- PATH LOSS: The attenuation experienced by the radio waves as they propagate from the BTS to the mobile phone or from the mobile phone to the BTS. Path loss will be the same for either direction over short periods of time.
- SATELLITE ANTENNA: Shall be any parabolic dish, antenna or other device or equipment of whatever nature or kind, the primary purpose of which is to receive television, radio, light, microwave, or other electronic signals, waves and/or communications from space satellites.
- SEQR: State Environmental Quality Review as described in 6 NYCRR Part 617.
- TELECOMMUNICATIONS: The transmission and reception of audio, video, data, and other information by wire, radio, light, and other electronic or electromagnetic systems.
- TELECOMMUNICATION TOWER: A structure intended to support wireless communications equipment used to receive and/or transmit electron magnetic waves. Design examples of towers might include but may not be limited too (a) self-supporting lattice (b) guyed and (c) monopoles structures (d) water towers.

- **TOWER OPERATOR:** The owner, manager and/or management firm of a telecommunication tower.
- **WIRELESS TELECOMMUNICATION SERVICES:** means licensed wireless telecommunications services including, but not necessarily limited to: cellular, personal communications services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and other types of telecommunication services that are or may be marketed to the general public.
- **WIRELESS TELECOMMUNICATION SITE:** means a facility operated by a licensed wireless telecommunication service provider which consists of the equipment and structures involved in receiving or transmitting electromagnetic waves associated with wireless telecommunications services.

B. APPLICATION PROCEDURES

1. No communication installation, transmission tower, telecommunication tower, communication tower, accessory facility or structure, free-standing tower and/or pole or transmission reception antenna shall henceforth be erected, moved, changed or altered other than replacement in kind except after the approval in conformance with the provisions of these regulations.
2. No existing structure shall be modified to serve as a transmission tower, telecommunication tower, communication tower accessory facility or structure, free-standing tower, antenna and/or pole unless in conformity with this Local Law and other laws of the Town.
3. Applicant must provide a copy (in applicant's name) of the certificate of need OR appropriate FCC License issued by the FEDERAL COMMUNICATIONS COMMISSION to provide the telecommunication services that the proposed tower is designed to support. If the appropriate applicant FCC license has not been issued, applicant must show proof that the application has been filed and accepted by the Federal Communications Commission and is under review for the granting of applicant's license. "Speculative" applications of any type shall not be considered or acted upon by the town or village planning board.
4. All applications for installation of a new telecommunications tower shall be accompanied by a report containing the information hereinafter set forth. The report, shall be signed by the tower operator, and contain the following information:
 - a. Name(s) and address(s) of person(s) preparing the report.
 - b. Name(s) and address(s) of the property owner, operator and the applicant.
 - c. Postal address and tax map page, block and lot or parcel number of the property.
 - d. Zoning District in which the property is situated.
 - e. Size of the property on which the proposed construction is to occur and the location of all adjoining lot lines within 500 feet.
 - f. Location of nearest residential structure measured in feet.
 - g. Location of nearest occupied residential structure measured in feet.
 - h. Location of all structures existing and proposed on the property, which is the subject of this application.
 - i. Location, size and height of all proposed and/or existing antennae and all appurtenant structures.
 - j. Type, size and location of all proposed and existing mitigating landscaping.
 - k. The number, type, and design of the tower and antenna(s) proposed and the basis for the calculations of tower and system capacity.
 - l. The make, model and manufacturer of the Communications Tower and antenna(s) with supporting construction details.

- m. A description of the proposed tower and antenna(s) and all related fixtures, structures, appurtenances and apparatus, including but not limited to, height above grade materials, color and lighting.
 - n. The frequency, modulation and class of service of radio equipment.
 - o. Applicant's proposed tower maintenance and inspection procedures and records systems.
 - p. Certification that NIER levels at the proposed site are within threshold levels adopted by the FCC.
 - q. Certification to the Town that the tower and attachments both are designed and constructed ("As Built") to meet all State and Federal structural requirements for loads, wind, ice, etc.
 - r. A professionally prepared contour radio propagation map showing anticipated coverage from the site proposed.
5. The applicant shall submit a complete long EAF, pursuant to SEQR, Type I/II and a complete Visual Environmental Assessment form (visual EAF addendum). The Town Planning Board, as lead agency may require submission of a more detailed visual analysis based on the results of the Visual EAF. In addition, the applicant shall address the environmental flight path of area species.

C. SITING PREFERENCES

1. Shared use of existing towers. At all times, shared use of existing towers shall be preferred to the construction of new towers. An applicant shall be required to present an adequate report inventorying existing towers within a reasonable distance of the proposed site and outlining opportunities for shared use of existing facilities as an alternative to a proposed new tower.
 - a. An applicant proposing to share use of an existing tower shall be required to document intent from an existing tower owner to allow shared use.
 - b. The Board shall consider a new telecommunication tower where the applicant adequately demonstrates that shared usage of an existing tower or other structure is impractical. The applicant shall be required to submit a report demonstrating good-faith efforts to secure shared use from existing towers as well as documentation of the physical and/or financial reasons why shared usage is not practical. Written requests and responses for shared use shall be provided.
2. Shared usage of site with new tower (clustering). Where shared usage of an existing tower is found to be impractical, the applicant shall investigate shared usage of an existing tower site for its ability to accommodate a new tower and accessory uses.
 - a. An applicant proposing to share use of an existing tower site shall be required to document intent from an existing tower owner to allow shared use of that site.
 - b. The Board shall consider a new telecommunication tower where the applicant adequately demonstrates that shared usage of an existing tower site is impractical. The applicant shall be required to submit a report demonstrating good-faith efforts to secure shared use of sites as well as documentation of the physical and/or financial reasons why shared site usage is not practical. Written requests and responses for shared site use shall be provided.
3. New tower at a new location. The Board shall consider a new telecommunications tower on a site not previously developed with an existing tower. The applicant shall adequately demonstrate that shared usage of an existing tower site is impractical and shall submit a report demonstrating good-faith efforts to secure shared use from existing tower, as well as, documentation of the physical and/or financial reasons why shared usage is not practical. (Written requests and responses for shared use inquiries shall be provided.) Information regarding the required need for the new telecommunications tower shall be required in the form of empirical data illustrating said need.
4. Future shared usage of new towers. The applicant must examine the feasibility of including a telecommunication tower in the proposed plan that will accommodate future demand for reception and transmitting facilities.

5. The Board reserves the right to impose reasonable conditions regarding reservation of tower space for future antenna(s) including height, orientation and power and restriction or elimination of restrictive use covenants as part of tower use contracts and preservation of reasonable fee structures as part of the contract.

D. STANDARDS APPLICABLE TO NEW TOWERS

1. Siting Considerations. There will be no approval granted to proposals to construct new telecommunications towers and/or accessory structures or facilities within 1500 feet of the following areas of county-wide and inter-community significance:
 - a. Seaway Trail (measurement from the road centerline)
 - b. NYS Wildlife Management Areas (measurement made from property line or official designation boundary.)
 - c. State or County Forests (measurement made from property line or official designation boundary.)
 - d. Federal/State designated Historic Districts (measurement made from property line or official designation boundary.)
 - e. Shorelines of the St. Lawrence River, Grasse River, Raquette River, (measurement made from the shoreline, as determined on USGS 7.5" quadrangle topographic maps.)
2. Lot size and setbacks for new towers
 - a. All proposed telecommunication tower and accessory structures shall be located on a single parcel and a set back from abutting residential parcels, public property or street lines a distance sufficient to contain on-site substantially all ice-fall or debris from tower failure and preserve the privacy of the adjoining residential properties.
 - b. Lot size of parcels containing a tower shall be determined by the amount of land required to meet the setback requirements; If the land is to be leased, the entire lot required shall be leased from a single parcel.
 - c. All tower bases shall be located at a minimum setback from any property line a minimum distance equal to one and one half (1-1/2) time the height of the tower.
 - d. Accessory structures shall comply with the minimum setback requirements in the underlying zoning district.
3. Visual impact assessment. The Board shall require the applicant to undertake a visual impact assessment of any proposed new towers or any proposed modification of an existing tower. The visual impact assessment shall include:
 - a. A "Zone of Visibility Map ", provided in order to determine location where the tower may be seen.
 - b. Pictorial representatives of "before and after" views from key viewpoints both inside and outside of the town, including but not limited to state highways and other major roads, state and local parks, and areas of aesthetic interest.
 - c. Alternative tower designs and color schemes.
 - d. Description of visual impact of the tower base, guy wires and foundations, accessory buildings and overhead utility lines from abutting properties and streets/roads.
4. New tower design. Alternative designs shall be considered for new towers, including lattice and single pole structures. The design of a proposed new tower shall comply with the following:
 - a. Towers and antennas shall be designed to withstand the effects of the wind according to the standards designated by the American National Standards institute as prepared by the engineering departments of the Electronics Industry Association and Telecommunications Industry Association.
 - b. Unless specifically required by FAA or APA regulations, all towers shall have a finish compatible with the surrounding area that shall minimize the degree of visual impact.

- c. The maximum height of any tower intended to be used as a telecommunication tower, shall not exceed that which shall permit operation without artificial lighting of any kind or nature in accordance with municipal, state and/or federal law and/or regulation.
- d. The Board may request a review of the application by a qualified engineer for the evaluation of need for the design of any new tower.
- e. Facilities shall maximize the use of building materials, colors and textures designed to blend with the ambient surroundings.
- f. No portion of any tower or related structure shall be used for advertising purposes
- 5. Screening. Deciduous or evergreen tree plantings may be required to screen portions of the tower and accessory structures from nearby residential property as well as from public sites known to include important views or vistas. Where a site abuts a residential property or public property, including streets, screening shall be required.
- 6. Access. Adequate emergency and service access shall be provided. Maximum use of existing roads, public or private, shall be made. Road construction shall, at all times, minimize grounds disturbance and vegetation cutting to within the top of fill, the top of cuts or no more than ten (10) feet beyond the edge of any pavement. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.
- 7. Fencing. Sites of proposed new towers and sites where modifications to existing towers are proposed shall be adequately secured to prevent unauthorized access by the general public. Specifically:
 - a. All antenna communication towers, antenna towers, monopoles and other supporting structures including guy wires, shall be made inaccessible to children and constructed or shielded in such a manner that they cannot be climbed or run into; and
 - b. Transmitters and communication control points shall be installed such that they are accessible only to persons authorized by the licensee to operate or service them.
- 8. Signage
 - a. Telecommunication towers/facilities shall be permitted one sign no larger than two (2) square feet to provide adequate notification to persons in the immediate area of the presence of an antenna that has transmit capabilities. The sign shall also contain the name(s) of the owner(s) and operator(s) of the antenna(s) as well as emergency phone number(s).
 - b. The sign shall be located so as to be visible from the primary access point to site. No other signage shall be permitted on any antenna(s), antenna(s) supporting structure, monopole, or communication tower, structure unless required by Federal or State regulation.
- 9. Color, Shape and Camouflage
 - a. In scenic or historic area, companies are required to camouflage each tower, for example by putting it inside an artificial tree, a clock tower, a church steeple, silos or a flag pole.
 - b. Wireless towers are required to paint wireless devices or supporting structures in a neutral color designed to blend in with the background. Large dish antennas (e.g., over six feet in diameter) are prohibited. Existing trees must be left as a buffer and additional tree may be required to be planted around the entire facility in order to provide screening.
- 10. Health Concerns – Testing and Reporting: Section 704 of the Federal Telecommunications Act of 1996 allows localities to regulate wireless facilities on the basis of environmental or health effects. The tower company may be required to pay for regular inspections (annually) if such structure is located within 1000 feet of a residence or occupied structure and provide the local governments with a copy of the inspection report to assure continued compliance with FCC emissions standards.
- 11. Notification: Applicants must notify landowners within a mile of proposed towers and/or antennas. Areas within 1,500 feet of the Seaway Trail, the applicant must notify the Seaway Trail Organization.

E. REVIEW PROCESS AND DECISIONS

1. **Procedure:** Within 62 days of receipt of a complete preliminary application as defined above, the Planning Board may approve the preliminary application or schedule a public hearing. If a public hearing is held, the Planning Board shall within 62 days of the completion of the hearing approve, approve with modifications or disapprove the preliminary application. Under the referral provisions of Section 239 of General Municipal Law, the Planning Board may not take final action on the application until a copy of the application has been forwarded to the St. Lawrence County Planning Board and that Board has taken action on it pursuant to Section 239-m of New York State General Municipal Law.
 - a. If a preliminary application is approved, the applicant and the Enforcement Officer shall be notified in writing by the Planning Board and a building permit issued within 10 days of receipt thereafter of a request from the applicant. The applicant shall not have to file a final site plan if the preliminary site plan is approved without modifications.
 - b. If the Planning Board approves the preliminary application with modifications the applicant shall submit a final detailed site plan to the Planning Board for final approval. Within 62 days of receipt of the application for final site plan approval, the Planning Board shall render a written decision to the applicant and Enforcement Officer, and such decision shall be signed by the Chairperson of the Planning Board.
2. **Public hearings:** All public hearings shall be conducted in compliance with the provisions of the NYS Open Meeting Laws.
3. **Time limitations:** The time periods within which Planning Board actions are required to act are the maximum times allowable. The Planning Board shall make every effort to act as quickly as possible in reviewing applications in order to minimize delays to the applicant.
4. **Justification and Notice**
 - a. The Planning Board shall apply all of the review standards described in this Local Law in reviewing site plans.
 - b. Decisions of the Planning Board shall be in writing and may include reasonable conditions to further the intent of this Local Law. Reasons for disapproval shall be clearly stated.
 - c. Decisions of the Planning Board shall be filed within five days in the office of the Town Clerk and a copy mailed to the applicant by certified mail, with return receipt requested.
 - d. Approval of a Site Plan by the Planning Board shall be valid for a period of one year from the date thereof for the purpose of obtaining a building permit. Failure to secure a building permit during the period shall cause the Site Plan approval to become null and void. No building permit shall be issued and no site work shall commence until all necessary permits and approvals from Town, County and State agencies are obtained and any required performance bond is filed with the Town Clerk.

F. COMPATIBILITY WITH APPLICABLE STATE OR FEDERAL LAWS: All towers approved must comply with all other regulations of the State or Federal government, including Federal Communications Commission (FCC) regulations applicable to environmental and health effects of both transmitters and receivers.

G. REMOVAL OF TOWERS: The applicant will provide a surety bond equal to the estimated cost of construction for the removal of such tower(s) due to nonuse for a period of six months or for noncompliance or discontinuance of use as determined by the municipality.

H. EXCEPTIONS: Residential accessory uses (e.g., television antennas, satellite dishes, ham radio, and citizens band radio) under 60 feet in height are not affected. Specifically, exceptions to these regulations are:

1. New use that are accessory to residential uses; and
2. Approved uses existing prior to the effective date of these regulations.

I. PENALTY FOR NON-COMPLIANCE: The burden will be placed upon the applicant to prove the facility clearly meets all the requirements of this Local Law. Monetary penalties for noncompliance

will be imposed according to regulations at Article X, Section I-5. In addition, the facility could be subject to closure after due process. Any modifications to the use or configuration of a tower shall constitute the need to obtain a new permit (this includes increases in tower height or installation of bulky antennas or work platforms on a tower). The company must provide evidence of general liability and property damage insurance.

ARTICLE XII: ADMINISTRATION AND ENFORCEMENT

A. CODE ENFORCEMENT OFFICER

1. Creation: The Town Board has previously established the Office of Code Enforcement Officer in the Town of Louisville. This Local Law ratifies the continuance of this Office. The Code Enforcement Officer shall be appointed by the Supervisor with the approval of the Town Board and be compensated at a rate to be fixed by said Board. In the absence of the Code Enforcement Officer, or in the case of the inability of the Code Enforcement Officer to act for any reason, the Supervisor shall have the power, with the consent of the Town Board, to designate a person to act in this capacity.
2. Duties and Powers: The Code Enforcement Officer shall perform all of the functions identified in this Local Law and shall otherwise assist the Town Board in the administration and enforcement of this and other local laws and is authorized to approve simple subdivisions.
3. Certificates and Training: The Code Enforcement Officer shall obtain the required State certification for the position and attend training workshops and courses, as they become available.

B. PLANNING BOARD

1. Creation: The Town of Louisville Planning Board has been previously established by the Town Board. This Local Law ratifies the continuance of this Board. The Town of Louisville Planning Board, pursuant to Section 271 of New York State Town Law, shall consist of seven (7) members, each of whom shall reside in the Town of Louisville. Appointments shall be made by the Town Board.
2. Duties and Powers: The Planning Board shall have the following duties:
 - a. Develop its official procedures and maintain records of its actions.
 - b. Review minor subdivisions and major subdivision plats then approve, approve with conditions, or disapprove them.
 - c. Review special exceptions where applicable and approve, approve with conditions, or disapprove them.
 - d. Review site plans and approve, approve with conditions, or disapprove them.
 - e. Conduct studies, planning, or surveys as needed to further the purposes of this Local Law.
3. Compensation: Compensation of Planning Board members for expenses associated with their duties may be fixed, from time to time, by resolution of the Louisville Town Board.

C. BUILDING/USE PERMIT

1. No building or structure shall hereafter be erected, relocated or altered as to outside dimensions or so as to permit a change in its use and no excavation for any building shall be begun unless and until a permit therefore has been issued by the Enforcement Officer, with the approval of the Board of Appeals wherever it is provided in these regulations that the approval of the Board of Appeals is required.
2. No such permit shall be issued until there has been filed with the Enforcement Officer a sketch or plot plan showing the actual dimensions and angles of the lot to be built upon, the exact size and location on the lot of the building, structures or accessory buildings to be erected, relocated or altered and such other information as may be necessary to determine and provide for the enforcement of these regulations. Each application shall state the purpose for which the building, structure or land is to be used and a general description of the type of construction.
3. The Enforcement Officer shall issue or refuse to issue such permits all within a reasonable time. Notice of refusal to issue any permit shall be given to the owner or to his authorized representative in writing and shall state the reasons for said refusal. The fee for any such permit shall be as determined by the Town Board from time to time.

C-1 Certificates of Occupancy and compliance

1. Upon compliance of all projects for which a building or demolition permit has been issued, the property owner shall obtain a certificate of occupancy or compliance. No building erected subject to the New York State Uniform Building Code and the part shall be used or occupied, except to the extent provided in this section, until a certificate of occupancy has been issued. No building similarly enlarged, extended, or altered, or upon which work has been performed which required the issuance of a building or demolition permit shall be occupied or used for more than 30 days after the compliance has been issued.
2. No change shall be made in the nature of the occupancy of an existing building unless a certificate of occupancy authorizing the change has been issued. The owner or occupant of such building must demonstrate that such change will conform with all applicable provisions of the Uniform Code before a certificate of occupancy will be issued.
3. A temporary certificate of occupancy may be issued if the building or structure or a designated portion of a building or structure is sufficiently complete so that it may be safely put to the use for which it is intended. A temporary certificate of occupancy shall expire six months from the date of issuance or at an earlier date if specified thereon. A temporary certificate of occupancy may, at the discretion of the Department of State, be renewed an indefinite number of times.
4. No certificate of occupancy or compliance shall be issued unless:
 - a. An inspection is conducted which indicates substantial compliance of any work for which a permit has been issued;
 - b. No uncorrected deficiency or material violation of the New York State Uniform Building Code is observed within the area for work for which the certificate is to be issued.

D. CERTIFICATE OF OCCUPANCY OR COMPLIANCE

1. No land shall be used or occupied, and no building or structure hereafter erected, altered or extended shall be used or changed in use until a certificate of occupancy or compliance has been issued by the Enforcement Officer.
2. A certificate of occupancy or compliance shall be issued only if the proposed use of the building or land conforms to the provision of these regulations and to the plot plan, purpose and description for which the permit was issued. The Enforcement Officer shall make or cause to have made an inspection of each building or lot for which a certificate of occupancy or compliance is required before issuing such certificate. Such inspection shall be made within ten (10) days from the date of application.

E. COMPLETION OF EXISTING BUILDINGS

1. Nothing herein contained shall require any change in the plans, construction, or designated use of a building actually under construction at the time of the passage of these regulations, and the entire building shall be completed within one year from the date of the passage of these regulations.

F. DILAPIDATED BUILDINGS

1. Any building or structure made unusable through any or all of the following defects:
 - a. Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
 - b. Those which show 33% or more of damage to or deterioration of the supporting member or members or 50% of damage to or deterioration of the non-supporting enclosing or outside walls or covering.
 - c. Those which have improperly distributed loads upon the floors or roof or are overloaded or which have insufficient strength to be reasonably safe for the purpose used.
 - d. Those which have been damaged by fire, wind or elements or other causes so as to have become dangerous to the lives, safety, morals or the general health and welfare of the occupants or the people of the Town of Louisville.

- e. Those which have become or are so dilapidated, decayed, unsafe or deteriorated or which are unable to provide the basic needs essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease so as to work to injure the health, morals, safety or general welfare of those living therein, or adjacent thereto.
- f. Those having light, air, and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings who live or may live therein.
- g. Those having inadequate facilities for a means of egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of access or egress.
- h. Those which have parts thereof which are so detached that they may fall and injure members of the public or others property.
- i. Those which, because of their condition, are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of this Town.
- j. Those for which a certificate of occupancy, certificate of compliance or operating permit has been revoked or refused.
- k. Those which are or may become a place of rodent infestation.
- l. May be removed after issuance of an injunction by order of the Town Board after one month from the notice to the landowner or owners that the Town intends to remove the structure. All cost and expenses incurred by the Town in connection with the proceedings to survey, repair, secure or remove, including the actual costs of surveying, repairing, securing or removing of a building or structure, together with a charge of 50% in addition thereto as compensation to the Town for administering, may be recovered from the owner or may be billed concurrently with the town tax on the property. The cost of removal will be borne directly by the owner.

G. **BOARD OF APPEALS:** The Town of Louisville Zoning Board of Appeals has been previously established by the Town Board; the Zoning Board of Appeals consists of seven (7) members who shall function in the manner prescribed by law. The members of the Board of Appeals shall be residents of the Town of Louisville and shall be appointed by the Town Board to serve as prescribed by law. The Town Board shall designate the chairman and may also provide for compensation to be paid to said members and secretary. Vacancies occurring in said Board by expiration of term or otherwise shall be filled in the manner as provided by law. The Board of Appeals shall adopt such rules and regulations as it may deem necessary to carry into effect the provisions of these regulations, and all its resolutions and orders shall be in accordance therewith.

1. Procedure: The Board of Appeals shall act in strict accordance with the procedure specified by law and by these regulations. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board. Every appeal shall refer to the specific provision of these regulations involved, and shall set forth the interpretation that is claimed or the details of the Variance that is applied for, and the basis thereof.
 - a. At least seven days before the date of the hearing required by law on an application or appeal to the Board of Appeals, the secretary of said Board shall transmit to the Planning Board a copy of said application or appeal, together with a copy of the notice of the aforesaid hearing and shall request that the Planning Board submit to the Board of Appeals its opinion on said appeal, and the Planning Board shall submit a report of such advisory opinion prior to the date of said hearing.
 - b. Upon failure to submit such report, the Planning Board shall be deemed to have approved the application or appeal.
2. Meetings: All meetings of the Board of Appeals shall be held at the call of the chairman and at such other times as such Board may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses.
 - a. Meetings of the Board shall be open to the public. Such Board shall keep minutes of its proceedings showing the vote of each member upon every question, or if absent or failing to

vote indicating such fact, and shall also keep records of its examinations and other official actions.

3. Records: All decisions of the Board shall be by resolution and a copy of each decision shall be sent to the applicant, to the Town Clerk and to the Enforcement Officer. Every rule, regulation, amendment or repeal thereof and every order, requirement, decision or determination of the Board shall immediately be filed in the office of the Board and shall be a public record. Each decision shall set forth fully the reasons for the decision of the Board and the findings of fact on which the decision was based. Such findings and reasons shall include references to the standards pertaining thereto where the appeal concerns a Variance or a Special Exception.
4. Appeal: The Board of Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by the Enforcement Officer. The Board of Appeals shall also hear and decide all matters referred to it upon which it is required to pass under these regulations. The concurring vote of a majority of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Code Enforcement Officer, or to decide in favor of the applicant on any matter upon which it is required to pass under these regulations. Such appeal may be taken by any persons aggrieved, or by an officer, department, board or bureau of the Town.
 - a. Such appeal shall be taken within 30 days or such additional time as shall be prescribed by the Board of Appeals by general rule, by filing with the Code Enforcement Officer and with the Board of Appeals a notice of appeal specifying the grounds thereof. The Code Enforcement Officer shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken.
5. Stay: An appeal stays all proceedings in furtherance of the action appealed from unless the Code Enforcement Officer, from whom the appeal is taken, certifies to the Board of Appeals after the notice of appeal shall have been filed with him, that by reason of acts stated in the certificate, a stay would in his opinion cause imminent peril to life or property.
 - a. Otherwise, proceedings shall not be stayed, except by a restraining order which may be granted by the Board of Appeals or by a court of record on application, or notice to the officer from whom the appeal is taken and on due cause shown.
6. Hearing and Determination: The Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties, and by publication at least once in the official newspaper seven (7) days before the date of the hearing, and shall decide the same within a reasonable time. Upon the hearing, any party may appear in person or by an agent or by attorney.
 - a. The applicant shall bear the cost of advertising as required in connection with hearings. The Town Board shall establish and post a schedule of fees.
7. Jurisdiction: The Board of Appeals shall have the following powers and duties prescribed by statute and by these regulations as described below under appellate jurisdiction:
 - a. Interpretation: On appeal from a determination of the Code Enforcement Officer, to hear and decide on questions where it is alleged there is an error in any order, requirement, decision, or determination made by the Code Enforcement Officer involving the interpretation of any provision of these regulations.
 - b. Variance: On appeal from a determination of the Code Enforcement Officer and in conformity with law, to vary the requirements as they apply to a particular lot where the property owner can show that his property was acquired in good faith and where the strict application of these regulations would result in practical difficulty or unnecessary hardship. No application for a variance shall be acted on until the required public hearing has been held. The Board of Appeals shall prescribe appropriate conditions and safeguards to carry out the requirements of this subsection and shall not grant any variance unless it shall make a finding of fact based upon the evidence as presented to it in each specific case that:

- i. **Area Variance:**
 - (1) In making such determination the Board shall consider:
 - (a) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
 - (b) Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;
 - (c) Whether the requested area variance is substantial;
 - (d) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
 - (e) Whether the alleged difficulty was self-created, which consideration shall be relevant to the discussion of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.
 - (2) The Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
- ii. **Use Variance:**
 - (1) No use variance shall be granted without a showing by the applicant that the zoning regulations have caused unnecessary hardship. In order to prove such hardship, the applicant shall demonstrate to the Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:
 - (a) The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
 - (b) That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
 - (c) That the requested use variance, if granted, will not alter the essential character of the neighborhood; and
 - (d) That the alleged hardship has not been self-created.
 - (2) The Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
- iii. In any case, the granting of the variance will be in harmony with the intent and purpose of these regulations, will not constitute, in effect, an amendment of any district regulations or boundaries, or uses, and will not be injurious to the neighborhood.

H. AMENDMENTS

- 1. The Town Board may from time to time on its own motion, amend, supplement, repeal or change the regulations and district boundaries established by these regulations pursuant to law.
- 2. Whenever the owners of fifty (50) percent or more of the frontage in any district or part thereof included in such change shall present a petition duly signed and acknowledged to the Town Board requesting an amendment, supplement or change of the regulations prescribed for such district or part thereof, it shall be the duty of the Town Board to vote upon said petition within ninety (90) days after the filing of the same by the petitioners with the Town Clerk.
- 3. The Planning Board may, by resolution, propose an amendment to the Town Board suggesting a change or repeal of specific portions of the regulations. Within thirty (30) days from the time such resolution is filed with the Town Clerk, it shall be the duty of the Board to vote on such proposed amendment.
- 4. **Proposed Amendments**

- a. Referral of Proposed Amendments to the Town Planning Board and County Planning Board: All proposed amendments, supplements or changes originating by petition, or by motion of the Town Board, shall be referred to the Town Planning Board for a report and recommendation thereon. The Planning Board shall submit its report within thirty (30) days after receiving such referral. Failure of the Planning Board to report within the required time shall be deemed to be approval of the proposed amendment.
 - i. Whenever any zoning regulation or any amendment including Special Exceptions or Variances would change the district classification of or a regulation applying to real property within a distance of 500 feet from any boundary line of properties in a neighboring municipality or upon other county or state property as described in Section 239-L and 239-M of the General Municipal Law, said zoning regulation or amendment shall be referred to the St. Lawrence County Planning Board, which Board shall have thirty (30) days in which to report its recommendations to the Town Board. Failure of the County Planning Board to report within 30 days may be construed to be approved by the Board.
- b. Hearing on Proposed Amendment: Before any amendment, supplement or change in the regulations or district boundaries, there shall be a public notice and hearing thereon as provided by law. Such hearing may be held by the Town Board, by a committee of the Board, or by the Planning Board on request of the Town Board. In addition to the public notice of a hearing, notice shall also be given in writing either personally or by mail, to all property owners of the land included in such proposed change, and the land immediately adjacent extending one hundred (100) feet there from, and the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, as said property owners and addresses appear on the latest completed assessment roll of the Town.
 - i. Where more than 12 properties are included in such change and the Town Board, by resolution, determines that notice in writing to each property owner is not feasible, the notice of hearing shall be published in the official paper once a week for three (3) successive weeks and shall be posted in public places in the Town of which six (6) shall be in the area affected.
- c. Adoption of Amendment: After the public hearing, and referral to and report by the Planning Board, a majority vote of the members of the Town Board shall be required to amend the zoning regulations, except as described in Protest Petition following.
- d. Protest Petition: If a protest against a proposed amendment, supplement or change is presented to the Town Board, duly signed and acknowledged by the owners of twenty (20) percent or more of the area of the land included in such proposed change, or by the owners of twenty (20) percent or more of the land immediately adjacent extending one hundred (100) feet there from, or by the owners of twenty (20) percent or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such amendment shall not become effective except by the favorable vote of at least four members of the Town Board.

I. INTERPRETATION AND ENACTMENT

1. Periodic Review of Zoning Regulations: From time to time, at intervals of not more than three (3) years, the Planning Board shall reexamine the provisions of these regulations and the location of district boundary lines and shall submit a report to the Town Board, recommending such changes or amendments, if any, which may be desirable in the interest of public safety, health, convenience, necessity or welfare.
2. Interpretation: In their interpretation and application, the provision of these regulations shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety or the general welfare. Whenever the requirements of these regulations are at variance with the

requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing the higher standard shall govern.

3. Validity: The invalidity of any provision of these regulations shall not invalidate any other provision thereof.
4. Enforcement: These regulations shall be enforced by a person hereinafter called the "Code Enforcement Officer", designated by the Town Board, who shall in no case grant any permit for any building or use on premises where the proposed erection, alteration, relocation, or use thereof would be in violation of any provision of these regulations. The Enforcement Officer shall make such inspections of the building or premises as are necessary to carry out his duties. No permit or certificate of compliance required hereunder shall be issued by the Enforcement Officer except in compliance with the provisions of these regulations, or as directed by the Board of Appeals under the provisions of Article X-G.
5. Penalties for Violations
 - a. Compliance Orders: The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the New York State Building Uniform Fire Prevention and Building Code, the Energy Code, or this local law. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue a Compliance Order or Stop Work Order.
 - i. The Compliance Order shall:
 - (1) be in writing;
 - (2) be dated and signed by the Code Enforcement Officer;
 - (3) specify the condition or activity that violates the New York State Uniform Building Code, the New York State Energy Code, or this local law;
 - (4) specify the provision or provisions of the New York State Uniform Building Code, the New York State Energy Code, or this local law which is/are violated by the specified condition or activity;
 - (5) specify the period of time which the Code Enforcement Officer deems to be reasonably necessary for achieving compliance;
 - (6) direct that compliance be achieved within the specified period of time; and
 - (7) state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time.
 - ii. The Code Enforcement Officer shall cause the Compliance Order, Stop Work Order or a copy thereof, to be served on the owner of the affected property personally or by registered mail/certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Compliance Order, Stop Work Order or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work being performed at the affected property personally or by register mail/certified mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficiency of the Compliance Order or Stop Work Order.
 - b. Appearance Tickets: The Code Enforcement Officer and each Inspector is authorized to issue appearance tickets for any violation of the New York State Uniform Building Code, New York State Energy Code and any other local town law.
 - c. Penalties: In addition to those penalties prescribed by New York State law, any person who violates any provision of the New York State Uniform Building Code, the New York State Energy Code or this local law, or orders issued in compliance with this local law, or any term or condition of any Building Permit, Certificate of Occupancy / Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be liable to a civil penalty of not more than \$200 for each day or part thereof during which such violation

continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the Town of Louisville.

- i. Any violation of any part of this local law or orders issued in compliance with this local law or any other town local law shall constitute a violation as defined in the Penal Law of the State of New York, and shall be punishable by a fine not to exceed two hundred and fifty dollars (\$250), or fifteen days imprisonment, or both. Each day such violation continues shall constitute a separate violation.
6. Repealed: The existing Town of Louisville Zoning Ordinance shall be repealed upon the filing of this Local Law with the New York Secretary of State.
7. Effective Date: This Local Law shall take effect immediately upon filing with the New York Secretary of State and publication of an abstract in the official newspaper of the Town of Louisville.

LAND USE & DEVELOPMENT CODE FOR THE TOWN OF LOUISVILLE, NEW YORK

PART II: ZONING REGULATIONS

Schedule A

DISTRICT: R-1 Residential District

PRINCIPAL PERMITTED USES (See Article IV)	MINIMUM LOT SIZE		LOT COVER-AGE (Maximum percent)	BUILDING HEIGHT (Maximum)		YARD DIMENSIONS (Minimum in Feet)			
						Front	Side		Rear
	Area in Sq. Ft.	Width in Feet		In Stories	In Feet	(a)	One	Total	(b)
One-family or Two-family dwelling	30,000	150	25	2½	35	75	15	35	25
Public or parochial school ®	10 acres	300	25	2½	35	100	25	60	60
Public or municipal building ®	2 acres	250	N/A	2½	35	N/A	N/A	N/A	N/A
Church, parish house, cemetery ®	2 acres	250	25	2½	35	75	20	50	50
Public Park, playground, golf course®	2 acres	250	N/A	2½	35	N/A	N/A	N/A	N/A
Accessory building or use			10	1½	21	N/A	15	N/A	15

USES PERMITTED BY SPECIAL EXCEPTION (1)	MINIMUM LOT SIZE		LOT COVER-AGE (Maximum percent)	BUILDING HEIGHT (Maximum)		YARD DIMENSIONS (Minimum in Feet)			
						Front	Side		Rear
	Area in Sq. Ft.	Width in Feet		In Stories	In Feet	(a)	One	Total	(b)
Public utility, structure or use	1 acre	150	40	3	40		25		60
Neighborhood grocery, convenience item store	1 acre	150	25	2½	35	100	20	50	35
Mobile home sales in existing courts	1 acre								
Home occupation	* See family dwelling or accessory building – depending on location of home occupation.								
Bed & Breakfast	1 acre	150	25	2½	35	75	15	35	25

Notes:

® Site Plan Review required

(1) Subject to additional standards in Article VI; Site Plan Review required

(2) From principal highway – 15' if from access or service road

(3) If provided – none required

(4) All development in this district permitted only as part of the Planned Development Process

(a) From – Edge of Right-of-Way

(b) Shoreline at normal water level

DISTRICT: R-A Residential-Agricultural District

PRINCIPAL PERMITTED USES (See Article IV)	MINIMUM LOT SIZE		LOT COVER-AGE (Maximum percent)	BUILDING HEIGHT (Maximum)		YARD DIMENSIONS (Minimum in Feet)			
	Area in Sq. Ft.	Width in Feet		In Stories	In Feet	Front (a)	Side One	Total	Rear (b)
Farm, Riding Stable, Holding Area		150	25	2½	35	75	15	35	35
One- or two-family dwelling	30,000	150	25	2½	35	75	15	35	35
Public or parochial school ®	10 acres	300	25	2½	35	100	25	60	60
Public or municipal building or use ®	2 acres	250	N/A	2½	35	N/A	N/A	N/A	N/A
Church, parish house, cemetery ®	2 acres	250	25	2½	35	75	20	50	50
Public Park, playground, golf course®	2 acres	250	N/A	2½	35	N/A	N/A	N/A	N/A
Private club or lodge ®	2 acres	250	25	2½	35	100	20	50	35
Mobile home	30,000	150	25	2½	35	75	15	35	35
Accessory building or use			10	1½	21	N/A	15	N/A	15

USES PERMITTED BY SPECIAL EXCEPTION (1)	MINIMUM LOT SIZE		LOT COVER- AGE (Maximum percent)	BUILDING HEIGHT (Maximum)		YARD DIMENSIONS (Minimum in Feet)			
	Area in Sq. Ft.	Width in Feet		In Stories	In Feet	Front (a)	Side One Total		Rear (b)
Commercial excavation						100	100	200	100
Junk yard						100	100	200	100
Animal hospital, kennel	2 acres	250	25	2½	35	100	50	100	50
Public utility, structure or use	1 acre	150	40	3	40		25		60
Bed & Breakfast	1 acre	150	25	2½	35	75	15	35	35
Grocery, convenience item store	2 acres	250	25	2½	35	100	50	100	50
Roadside stand	2 acres	250	or as part of a permitted farm						
Home occupation	See family dwelling or accessory building – depending on location of home occupation.								
Mobile home sales	5 acres	250	25	2½	35	100	50	100	50
Craft breweries, Micro- Brewery, Micro-Winery, Micro-Distillery	1 acre	150	40	3	40	75 (2)	25 (3)	60	60

Notes:

® Site Plan Review required

(1) Subject to additional standards in Article VI; Site Plan Review required

(2) From principal highway – 15' if from access or service road

(3) If provided – none required

(4) All development in this district permitted only as part of the Planned Development Process

(a) From – Edge of Right-of-Way

(b) Shoreline at normal water level

DISTRICT: R-R Resort-Residential District

PRINCIPAL PERMITTED USES (See Article IV)	MINIMUM LOT SIZE		LOT COVER- AGE (Maximum percent)	BUILDING HEIGHT (Maximum)		YARD DIMENSIONS (Minimum in Feet)			
						Front	Side		Rear
	Area in Sq. Ft.	Width in Feet		In Stories	In Feet	(a)	One	Total	(b)
One- or Two- family dwelling	30000	150	25	2½	35	75	15	35	25
Park, playground or golf course ®	As recommended by the Planning Board pursuant to Planned Development process.								
Yacht club, marina ®									
Beach ®									
Private club or lodge ®	2 acres	250	25	2½	35	100	20	50	35
Accessory building or use			10	1½	21		15		15

USES PERMITTED BY SPECIAL EXCEPTION (1)	MINIMUM LOT SIZE		LOT COVER- AGE (Maximum percent)	BUILDING HEIGHT (Maximum)		YARD DIMENSIONS (Minimum in Feet)			
						Front	Side		Rear
	Area in Sq. Ft.	Width in Feet		In Stories	In Feet	(a)	One	Total	(b)
Public utility, structure or use	1 acre	150	40	3	40		25		60
Neighborhood grocery, convenience store	1 acre	150	25	2½	35	100	20	50	35
Bed & Breakfast	30,000	150	25	2½	35	75	15	35	25
Home occupation	See family dwelling or accessory building – depending on location of home occupation.								

Notes:

® Site Plan Review required

(1) Subject to additional standards in Article VI; Site Plan Review required

(2) From principal highway – 15' if from access or service road

(3) If provided – none required

(4) All development in this district permitted only as part of the Planned Development Process

(a) From – Edge of Right-of-Way

(b) Shoreline at normal water level

DISTRICT: C-C Community Center District

PRINCIPAL PERMITTED USES (See Article IV)	MINIMUM LOT SIZE		LOT COVER-AGE (Maximum percent)	BUILDING HEIGHT (Maximum)		YARD DIMENSIONS (Minimum in Feet)			
						Front	Side		Rear
	Area in Sq. Ft.	Width in Feet		In Stories	In Feet	(a)	One	Total	(b)
One-family dwelling, townhouse	30,000	150	25	2½	35	75	15	35	25
Two-family dwelling	30,000	150	25	2½	35	75	15	35	25
Multi-family dwelling ®	1 acre	150	35	2½	35	75	15	35	25
Public or municipal building or use ®	2 acres	250	N/A	2½	35	N/A	N/A	N/A	N/A
Park, playground or golf course ®	2 acres	250	N/A	2½	35	N/A	N/A	N/A	N/A
Church, parish house, cemetery ®	2 acres	250	25	2½	35	75	20	50	50
Motel, restaurant, tavern ®	1 acre	150	35	2½	35	75	20	50	50
Grocery or convenience store, personal service shop ®	1 acre	150	35	2½	35	75	20	50	50
Private club or lodge ®	2 acres	250	35	2½	35	75	20	50	50
Bed & Breakfast ®	30,000	150	25	2½	35	75	15	35	25
Accessory building or use			10	1½	21		15		15
Brew Pubs ®	1 acre	150	35	2½	35	75	20	50	50

USES PERMITTED BY SPECIAL EXCEPTION (1)	MINIMUM LOT SIZE		LOT COVER-AGE (Maximum percent)	BUILDING HEIGHT (Maximum)		YARD DIMENSIONS (Minimum in Feet)			
						Front	Side		Rear
	Area in Sq. Ft.	Width in Feet		In Stories	In Feet	(a)	One	Total	(b)
Home occupation	* See family dwelling or accessory building – depending on location of home occupation.								
Gasoline station, public garage	1 acre	200	35	2½	35	75	35	75	60
Public utility, structure or use	1 acre	150	40	3	40		25		60

Notes:

® Site Plan Review required

(1) Subject to additional standards in Article VI; Site Plan Review required

(2) From principal highway – 15' if from access or service road

(3) If provided – none required

(4) All development in this district permitted only as part of the Planned Development Process

(a) From – Edge of Right-of-Way

(b) Shoreline at normal water level

DISTRICT: C-G General Commercial District

PRINCIPAL PERMITTED USES (See Article IV)	MINIMUM LOT SIZE		LOT COVER-AGE (Maximum percent)	BUILDING HEIGHT (Maximum)		YARD DIMENSIONS (Minimum in Feet)			
						Front	Side		Rear
	Area in Sq. Ft.	Width in Feet		In Stories	In Feet	(a)	One	Total	(b)
Retail, wholesale, personal service shop ®	1 acre	150	40	3	40	75 (2)	25 (3)	60	60
Restaurant, tavern ®	1 acre	150	40	3	40	75 (2)	25 (3)	60	60
Auto, mobile home, farm implement, recreational vehicle sales or service ®	1 acre	150	40	3	40	75 (2)	25 (3)	60	60
Business machine, office equipment, home furnishings ®	1 acre	150	40	3	40	75 (2)	25 (3)	60	60
Brew Pubs ®	1 acre	150	40	3	40	75 (2)	25 (3)	60	60
Dairy or ice cream plant ®	1 acre	150	40	3	40	75 (2)	25 (3)	60	60
Building, or electrical supply, hardware ®	1 acre	150	40	3	40	75 (2)	25 (3)	60	60
Heating, plumbing, air conditioning or similar shops ®	1 acre	150	40	3	40	75 (2)	25 (3)	60	60
Outdoor theatre ®	1 acre								
Accessory building or use				1½	21		15		15

USES PERMITTED BY SPECIAL EXCEPTION (1)	MINIMUM LOT SIZE		LOT COVER-AGE (Maximum percent)	BUILDING HEIGHT (Maximum)		YARD DIMENSIONS (Minimum in Feet)			
						Front	Side		Rear
	Area in Sq. Ft.	Width in Feet		In Stories	In Feet	(a)	One	Total	(b)
Adult Use Business	1 acre	150	40	3	40	75 (2)	25 (3)	60	60
Auto wash	1 acre			3	40		25		60
Drive-in restaurant	1 acre	150	40	3	40		25		60
Gasoline station	1 acre	150	40	3	40		25		60
Truck terminal	1 acre	150	40	3	40		25		60
Public utility, structure or use	1 acre	150	40	3	40		25		60
Other	1 acre	150	40	3	40		25		60
Craft breweries, Micro-Brewery, Micro-Winery, Micro-Distillery	1 acre	150	40	3	40	75 (2)	25 (3)	60	60
Cannabis Retail Dispensary, Onsite Consumption Establishments	1 acre	150	40	3	40	75 (2)	25 (3)	60	60

Notes:

® Site Plan Review required

(1) Subject to additional standards in Article VI; Site Plan Review required

(2) From principal highway – 15' if from access or service road

(3) If provided – none required

(4) All development in this district permitted only as part of the Planned Development Process

(a) From – Edge of Right-of-Way

(b) Shoreline at normal water level

DISTRICT: S-P Scenic Preservation District (4)

PRINCIPAL PERMITTED USES (See Article IV)	MINIMUM LOT SIZE		LOT COVER- AGE (Maximum percent)	BUILDING HEIGHT (Maximum)		YARD DIMENSIONS (Minimum in Feet)			
	Area in Sq. Ft.	Width in Feet		In Stories	In Feet	Front	Side		Rear
			(a)			One	Total	(b)	
Trail or easement - pedestrian, equestrian, snowmobile	As recommended by the Planning Board pursuant to Planned Development process.								
Waterfront development - beach, boating, picnicking									
Scenic overlook, vista or clearing									
Camps									
One-family dwellings		30,000	150	25	2½	35	75	15	35
Private lodge or club ®		2 acres	250	25	2½	35	100	20	50
Bed & Breakfast ®		1 acre	150	25	2½	35	75	15	35
Accessory building or use				10	1½	21		15	

Notes:

® Site Plan Review required

(1) Subject to additional standards in Article VI; Site Plan Review required

(2) From principal highway – 15' if from access or service road

(3) If provided – none required

(4) All development in this district permitted only as part of the Planned Development Process

(a) From – Edge of Right-of-Way

(b) Shoreline at normal water level

DISTRICT: **P-LW Public Lands and Water Districts (4)**

PRINCIPAL PERMITTED USES (See Article IV)	MINIMUM LOT SIZE		LOT COVER- AGE	BUILDING HEIGHT (Maximum)		YARD DIMENSIONS (Minimum in Feet)			
	Area in Sq. Ft.	Width in Feet	(Maximum percent)	In Stories	In Feet	Front	Side		Rear
						(a)	One	Total	(b)
Parks, playgrounds, open spaces or golf courses	As recommended by the Planning Board pursuant to Planned Development process.								
Public and quasi-public institutions including public and parochial schools, colleges or camps									
Game management area, wildlife exhibit or education center									
State campgrounds									
Yacht club or marina									
Beach									
Greenbelt or scenic preservation									
Accessory building or use									

USES PERMITTED BY SPECIAL EXCEPTION (1)	MINIMUM LOT SIZE		LOT COVER- AGE (Maximum percent)	BUILDING HEIGHT (Maximum) In StoriesIn Feet		YARD DIMENSIONS (Minimum in Feet)			
						Front	Side		Rear
	Area in Sq. Ft.	Width in Feet	(a)	One	Total	(b)			
Public utility, structure or use	As recommended by the Planning Board pursuant to Planned Development process.								

Notes:

® Site Plan Review required

(1) Subject to additional standards in Article VI; Site Plan Review required

(2) From principal highway – 15' if from access or service road

(3) If provided – none required

(4) All development in this district permitted only as part of the Planned Development Process

(a) From – Edge of Right-of-Way

(b) Shoreline at normal water level

DISTRICT: **P-D Planned Development District**

PRINCIPAL PERMITTED USES (See Article IV)	MINIMUM LOT SIZE		LOT COVER- AGE (Maximum percent)	BUILDING HEIGHT (Maximum) In StoriesIn Feet		YARD DIMENSIONS (Minimum in Feet)			
						Front	Side		Rear
	Area in Sq. Ft.	Width in Feet	(Maximum percent)	In Stories	In Feet	(a)	One	Total	(b)
Those uses determined appropriate by the Planning Board	5 acres – except as determined by the Planning Board and then 1 acre								

Notes:

® Site Plan Review required

(1) Subject to additional standards in Article VI; Site Plan Review required

(2) From principal highway – 15' if from access or service road

(3) If provided – none required

(4) All development in this district permitted only as part of the Planned Development Process

(a) From – Edge of Right-of-Way

(b) Shoreline at normal water level

LAND USE & DEVELOPMENT CODE FOR THE TOWN OF LOUISVILLE, NEW YORK

PART II: ZONING REGULATIONS

Schedule B: Off-Street Parking

1.	One- or two-family dwelling	2	Spaces for each dwelling unit
2.	Town house or multiple-family dwelling	1½	Spaces for each dwelling unit
3.	Motel, hotel, rooming house	1	Space for each dwelling unit
4.	Sorority or fraternity	1	Space for each resident
5.	Administrative, professional, eleemosynary, government or utility office	1	Space for each 400 sq. ft. of floor space
6.	Funeral home	10	Spaces, plus spaces for all employees and resident personnel
7.	Schools: Elementary Secondary	2 4	Spaces for each classroom Spaces for each classroom
8.	Church, temple, theatre or other place of assembly	1	Space for each 5 seating spaces
9.	Hospital, nursing or convalescent home	1	Space for each 3 beds, plus 1 space for each employee on two consecutive shifts
10.	Retail store	1	Space for each 300 sq. ft. of floor space devoted to retail or customer use
11.	Shopping center	5	Spaces for each 1,000 sq. ft. of retail area
12.	Club or restaurant	1	Space for each 60 sq. ft. of dining area
13.	Bowling alley	5	Spaces for each alley
14.	Wholesale, storage or freight terminal	1	Space for each 1,000 sq. ft. of floor area
15.	Industrial or manufacturing uses	1	Space for each 2 employees on the maximum working shift
16.	Home occupation	1	Off-street parking space for all customers, patients, or clients at any one time
17.	Roadside stand, drive-in restaurant	1	Off-street space in side or rear yard for all customers at any one time
18.	Breweries	1	Off-street space in side or rear yard for all customers at any one time

LAND USE & DEVELOPMENT CODE FOR THE TOWN OF LOUISVILLE, NEW YORK

PART II: ZONING REGULATIONS

Zoning Maps

Town of Louisville Zoning Map

Town of Louisville Commercial Node Map