

values, encourage quality development, ensure wise use of utilities and promote the general health and welfare of Town residents.

- B. This chapter is designed to protect existing development while providing some control of growth so that future development will not be a detriment to the Town and its residents.

§ 130-4. Site Plan Review Law superseded.

This chapter shall replace and supersede the prior existing Site Plan Review Law, L.L. No. 1-1985.

ARTICLE II
Word Usage and Definitions

§ 130-5. Word usage.

Except where specifically defined in § 130-6 below, all words or terms used in this chapter shall carry their customary meaning. In addition, the following provisions shall hold true:

- A. Words used in the present tense include the future tense.
- B. The word "person" includes a firm, partnership, corporation, company, association, organization or trust as well as an individual.
- C. The word "lot" includes the word "plot" or "parcel."
- D. The word "used" or "occupied" as applied to any building, structure or land includes the words "intended, arranged or designed to be used or occupied."
- E. Words in the singular include the plural.
- F. The word "shall" is mandatory.

§ 130-6. Definitions.

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

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

ACCESSORY USE — A use incidental and subordinate to the principal use and located on the same lot with such principal use.

ADULT ENTERTAINMENT USE — Any person, establishment, business or use if such establishment, by the nature of its operation, is not or would not be open to the public generally due to the exclusion of any minor by reason of age or by operation of New York statute law.

AGRICULTURAL BUSINESS — A business engaged in performing agricultural, animal husbandry or horticultural services on a fee or contract basis, including corn shelling; hay baling and threshing; sorting, grading and packing fruits and vegetables for the grower; agricultural produce milling and processing; horticultural services; crop dusting; fruit picking; grain cleaning; land grading; harvesting; and plowing.

AGRICULTURAL STRUCTURE — Barns, silos, storage buildings, equipment sheds and other structures customarily used for agricultural purposes.

AGRICULTURE — The raising of crops, animals or animal products, the selling of products grown on the premises and any other commonly accepted agricultural operations, including incidental mechanical processing of products.

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

AREA (OF A SIGN) — The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem or any figure of similar character, as included within the definition of a "sign," together with the frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed. On signs with more than one face, only the face or faces visible from any one direction at one time will be counted.

BUILDING — A shelter having a roof supported by columns or walls and intended for the shelter or enclosure of persons, animals or property.

BUILDING FRONT LINE — A line parallel to the front lot line transecting that point in the building face which is closest to the front lot line. This face includes porches, whether enclosed or unenclosed, but does not include steps.

BUILDING HEIGHT — The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat and mansard roofs and to the average height between eaves and ridge for other types of roofs.

CAMP — Land on which one or more cabins, travel trailers, tents, shelters, houseboats or other accommodations suitable for seasonal or temporary living purposes are located, excluding mobile homes.

CAMPGROUND — Any area of land or water on which two or more cabins, travel trailers, tents, shelters, houseboats or other accommodations of a design or character suitable for seasonal or other more or less temporary living purposes are located, regardless of whether such structures or other accommodations actually are occupied seasonally or otherwise.

COMMERCIAL STORAGE FACILITIES — A storage room or a series of storage rooms for commercial use which are rented to the public and where the customer has exclusive access via a separate key-locked door. [Added 8-18-2005 by L.L. No. 4-2005]

COVERAGE — That percentage of the lot area covered by the building area.

DAY-CARE CENTER — A facility duly permitted by the New York State Department of Social Welfare for the care of seven or more children for less than 24 hours each day.

DWELLING, MULTIPLE-FAMILY — A building used as living quarters by three or more families living independently of each other.

DWELLING, ONE-FAMILY — A detached building used as living quarters by one family.

DWELLING, TWO-FAMILY — A building used as living quarters by two families living independently of each other.

DWELLING UNIT — A building or part thereof used as living quarters for one family. The term "dwelling," "one-family dwelling," "two-family dwelling" or "multiple-family dwelling" shall not include a motel, hotel, boardinghouse, tourist home, mobile home or similar structure.

EASEMENT — Authorization by a property owner for the use by another, for a specified purpose, of any designated part of his property.

ESSENTIAL SERVICES — Erection, construction, alteration, operation or maintenance by municipal agencies or public utilities of telephone dial equipment centers, electrical or gas substations, water treatment or storage facilities, pumping stations, hydroelectric power plants and similar facilities. The definition of "essential services" shall not include minor or major wind power generating facilities. [Amended 5-12-2005 by L.L. No. 2-2005]

EXCAVATION — A lot or land or part thereof used for the purpose of extracting stone, sand, gravel or soil for sale as an industrial or commercial operation, but not including the process of grading a lot preparatory to the construction of a building which has an approved zoning permit.

FAMILY — One or more persons occupying a dwelling unit as a single, nonprofit housekeeping unit who are living together as a bona fide stable and committed living unit, being a traditional family unit or the functional equivalent thereof, exhibiting the generic character of a traditional family. [Amended 12-10-1998 by L.L. No. 5-1998]

FLOOD HAZARD AREA — The maximum area of the floodplain that, on the average, is likely to be flooded once every 100 years.

FORESTRY — Establishments primarily engaged in the operation of timber tracts, tree farms or forest nurseries, the gathering of forest products or in performing forest services.

FUNERAL HOME — An establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body and for the observances held for a dead person as an incident to burial or cremation.

GARAGE, PRIVATE — An accessory building not operated for gain and used in conjunction with a principal building which provides for the storage of motor vehicles and/or other household items.

GARAGE, PUBLIC — Any garage, other than a private garage, operated for gain and available on a rental basis for the storage of motor vehicles.

GROSS FLOOR AREA (GFA) — The gross size of the total floor area of the outside dimensions of a building. These dimensions shall include the length, width and height of the facility.

GROSS LEASABLE AREA (GLA) — The gross size of the floor area of a commercial/retail facility which is leasable.

HOME OCCUPATION — A nonresidential activity conducted within a dwelling unit or mobile home in accordance with the provisions of § 130-21 of this chapter.

HOSPITAL — Includes a sanitarium, clinic, rest home, nursing home, convalescent home, home for the aged and any other place for the diagnosis or treatment of human ailments.

JUNK VEHICLE — Any motor vehicle, whether automobile, bus, trailer, truck, tractor, motor home, motorcycle, motor bicycle, minibicycle, snowmobile or any other device originally intended for travel on the public highways which is unlicensed, wrecked, stored, discarded or dismantled or partly dismantled, which is not intended or in any condition for legal use upon the public highway and which is in such condition as to cost more to repair and place in operating condition than its reasonable market value at that time before such repair. With respect to any motor vehicle not required to be licensed or motor vehicle not usually used on public highways, the fact that such motor vehicle has remained unused for more than six months and is not in condition to be removed under its own power shall be presumptive evidence that such motor vehicle is a junk motor vehicle.

JUNKYARD — Two or more junk vehicles.

KENNEL — Any lot or premises on which four or more domestic animals more than four months of age are housed, groomed, bred, boarded, trained or sold.

LIGHT INDUSTRIAL OPERATION — A light industry is a facility which manufactures a product for wholesale or retail sale and does not employ over 35 people. The industry does not produce high volumes of polluting wastes.

LOADING SPACE — Off-road space used for the temporary location of one licensed motor vehicle.

LOT — Land occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required, having not less than the minimum area, width and depth required for a lot in the zone in which such land is situated and having frontage on a road or other means of access as may be determined by the Planning Board to be adequate as a condition of the issuance of a zoning permit for a building on such land.

LOT AREA — Total area within the property lines, excluding any part thereof lying within the boundaries of a public road or proposed public road.

LOT FRONTAGE — The distance between the boundaries of a lot measured at their points of intersection with the road right-of-way line.

LOT LINE — Property lines bounding a lot.

LOT OF RECORD — Any lot which individually or as a part of a subdivision has been recorded in the County Clerk's office and for which proof can be given that the lot was intended for development prior to adoption of this chapter.

MANUFACTURED BUILDING — Has the following characteristics. It is:

- A. Mass-produced in a factory.
- B. Designed and constructed for transportation to a site for installation and use when connected to required utilities.
- C. Either an independent, individual building or a module for combination with other elements to form a building on the site.

MANUFACTURED HOUSING — A manufactured building or portion of a building designed for long-term residential use.

MEMBERSHIP CLUB — Any organization catering to members and their guests or premises and buildings for recreational or athletic purposes and not open to the general public which are not conducted primarily for gain, provided that there are not conducted any vending stands, merchandising or commercial activities except as required for the membership and purposes of such club. For the purpose of this chapter, "clubs" shall include lodges, fraternal organizations, mutual benefit societies and other like organizations.

MOBILE HOME — A structure, transportable in one or more sections, which is at least eight feet in width and 32 feet in length and which is built on a permanent chassis and designed to be used as a dwelling unit, with or without a permanent foundation, when connected to the required utilities. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. This term shall not include factory-manufactured homes known as "modular homes" bearing an insignia issued by the State Fire Prevention and Building Code Council as required in 9 NYCRR 1212. [Amended 7-9-1998 by L.L. No. 3-1998]

MOBILE HOME, DOUBLE-WIDE — A mobile home which is manufactured in two or more sections off site which are designed to be transported individually to the placement site and assembled there to form a complete dwelling. [Added 7-9-1998 by L.L. No. 3-1998]

MOBILE HOME PARK — Land on which two or more mobile homes are parked and occupied for living purposes.

MOBILE HOME, SINGLE-WIDE — A mobile home which is manufactured as a single section and is designed to be a complete dwelling when transported to the placement site. [Added 7-9-1998 by L.L. No. 3-1998]

MODULAR HOME — Manufactured housing bearing the insignia of approval issued by the State Fire Prevention and Building Code Council as required in 9 NYCRR 1212. A modular home is designed to be permanently anchored to a foundation. [Added 7-9-1998 by L.L. No. 3-1998]

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

MOTOR VEHICLE REPAIR SHOP — A building, or portion of a building, arranged, intended or designed to be used for making repairs to motor vehicles.

MOTOR VEHICLE SALES — Establishment for display and sale of new and used motor vehicles, mobile homes, recreational vehicles and boats.

NONCONFORMITY — A lot, structure or use of land lawfully existing at the time of enactment or amendment of this chapter which does not conform to the regulations of the district in which it is located.¹

OUTDOOR STORAGE — The keeping, in an unroofed area, of any of the five listed items below in the same place for more than 24 hours:

- A. Two or more junk vehicles.
- B. Two or more abandoned mobile homes or recreational vehicles.
- C. Two or more appliances, including but not limited to washers, dryers, dishwashers, stoves, refrigerators, freezers and televisions.
- D. Two or more inoperable farm implements.
- E. Any combination of the above or parts of the above that total five or more items.

PERMIT — Certification issued by the Zoning Enforcement Officer acknowledging an acceptable use of land or structure.²

PERSONAL SERVICES — Includes barber, hairdresser, beauty parlor, shoe repair, shoe shine, laundry, laundromat, dry cleaner, photographic studio and businesses providing similar services of a personal nature. The term "personal services" shall exclude massage parlors.

PORTABLE SIGN — Any sign which by its design is able to be and is commonly moved from place to place.

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

PUBLIC AND SEMIPUBLIC FACILITY — Any one or more of the following uses, including grounds and accessory buildings necessary for their use:

- A. Religious institutions.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- B. Public parks, playgrounds and recreational areas when authorized or operated by a governmental authority.
- C. Schools.
- D. Not-for-profit fire, ambulance and public safety buildings.
- E. Public libraries.
- F. Community centers. This term shall be understood as meaning a meeting hall or place of assembly not operated primarily for profit.

PUBLIC ASSEMBLY — Includes an auditorium, theater, public hall, school hall, meeting hall, church and temple.

RECREATIONAL VEHICLE (FOR PART-TIME LIVING PURPOSES) — Includes motor homes, truck campers and camping trailers less than 48 feet in length and used for recreational purposes. This definition includes truck campers, camping trailers, travel trailers, motor homes, pop-up trailers and similar vehicles.

RECREATION FACILITY, OUTDOOR — A municipally or privately owned and operated open space, athletic field, swimming area, etc., that is intended to be used for the enjoyment of outdoor recreational activities.

RECREATION FACILITY, PUBLIC OR PRIVATE — A municipally or privately owned (for commercial purposes) and operated swimming pool, open space, tennis court, athletic field or similar facility for recreational use.

RELIGIOUS INSTITUTION — Includes a church, temple, parish house, convent, seminary and retreat house.

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

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

RETAIL, LARGE PRODUCT — A commercial activity, including sales and services for new and used automobiles, trucks, mobile homes, boats, recreational vehicles or farm implements; retail tree nurseries; and garden shops.

RETAIL, SMALL — A commercial activity characterized by the direct on-premises sale of goods and services to the ultimate consumer, including on-premises manufacturing, processing and servicing and preparation customarily associated therewith and generally involving stock-in-trade such as is normally associated with food markets and similar establishments.

ROAD — A public way for vehicular traffic which affords the principal means of access to abutting properties.

ROAD LINE — The right-of-way line of a road as dedicated by a deed or record. Where the width of the road is not established, the road line shall be considered to be 25 feet from the center line of the road pavement.

SATELLITE DISH — A structure attached to the ground or any other structure built or intended for the purpose of the reception of television or radio programming transmitted or relayed from an earth satellite. The term "ground dish" as used in this chapter is synonymous with satellite dish.

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

SETBACK — The distance measured between the building front line and the road line.

SHOPPING CENTER — A group of stores, shops and similar establishments occupying adjoining structures all of which may be deemed one building if designed as an architectural unit and if it has adequate space in the rear for loading and unloading commodities.

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

SOLAR ACCESS — Space open to the sun and clear of overhangs or shade.

STRUCTURE — Anything constructed or erected, the use of which requires location on the ground or attachment to something located on the ground, except a wall or fence.

SWIMMING POOL — Any body of water or receptacle for water having a depth at any point greater than two feet, used or intended to be used for swimming or bathing, and constructed, installed or maintained in or above the ground outside any building.

TRAILER, TRAVEL — See "recreational vehicle."

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

USE, PRINCIPAL — A use not requiring Planning Board review but requiring a permit issued by the Zoning Enforcement Officer. [Amended 12-10-1998 by L.L. No. 5-1998]

USE, SPECIAL PERMITTED — A use requiring site plan review by the Planning Board prior to the issuance of a permit by the Zoning Enforcement Officer. [Amended 12-10-1998 by L.L. No. 5-1998]

USE, TEMPORARY — An activity conducted for specific time not to exceed one year and renewable for two additional one-year time periods upon inspection and approval by the Zoning Enforcement Officer of the Town of Rutland. Such temporary uses can include structures incidental to new construction, lot preparation or maintenance, prior to the construction of a principal use on the subject parcel. [Amended 10-9-2008 by L.L. No. 3-2008]

VARIANCE — Any departure from the strict letter of this chapter granted by the Zoning Board of Appeals as it applies to a particular piece of property, usually pertaining to dimensional requirements only. Variances run with the land and are not particular to any one landowner.

WASTE MATTER — Any refuse, litter, garbage, ordinary household or store trash of a flammable character, barrels, cartons, furniture, rugs, clothing, rags, mattresses, blankets, rubber tires, decomposable or organic matter, putrescible matter, carcass, sewage excrement, sludge, slops, hazardous liquids or substances (as per the New York State Environmental Conservation Law), ashes, tin cans, crates, boxes, any and all tangible personal property no longer intended or in condition for ordinary and customary use or other substances or materials offensive to the public or detrimental to its health, safety and welfare by virtue of their volume or untreated nature.

WATER BODY — Any lake, pond, wetland or stream bed.

WETLANDS — Any lands or water that is defined as wetlands according to the New York State Freshwater Wetlands Act, § 24-0107, Subdivision 1, of the Environmental Conservation Law, and is mapped pursuant to 6 NYCRR 664 and is filed with the County Clerk.

WIND POWER GENERATING FACILITIES, MAJOR — Wind generating facilities which generate original power on site to be transferred to a transmission system for distribution to customers. The definition of "major wind power generating facilities" shall not include minor wind power generating facilities. [Added 5-12-2005 by L.L. No. 2-2005]

WIND POWER GENERATING FACILITIES, MINOR — Wind generating facilities which generate original power on site that are erected and used primarily for private use. [Added 5-12-2005 by L.L. No. 2-2005]

WIND TEST TOWER — A structure that is erected for the purpose of measuring wind speed and strength. [Added 5-12-2005 by L.L. No. 2-2005]

YARD — Space on a lot not occupied with a building or structure. Porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required yard.

YARD, FRONT — The space within and extending the full width of the lot from the road line to the part of the principal building which is nearest to such road line.

YARD, REAR — The space within and extending the full width of the lot from the rear lot line to the part of the principal building which is nearest to such lot line.

YARD, SIDE — The space within the lot extending the full distance from the front yard to the rear yard and from the side lot line to the part of the principal building which is nearest to such side lot line.

ZONING ENFORCEMENT OFFICER — A person appointed by the Town Board to carry out the regulations of this chapter. [Amended 12-10-1998 by L.L. No. 5-1998]

ARTICLE III

Zoning Districts and Zoning Map

§ 130-7. Districts established. [Amended 9-6-1990 by L.L. No. 2-1990; 11-5-1992 by L.L. No. 3-1992; 7-11-2019 by L.L. No. 1-2019]

For the purpose of this chapter, the Town of Rutland is hereby divided into 13 types of zones as follows:

Rec/Con	Recreation and Conservation
ARR	Agricultural and Rural Residential
AR-1	Agricultural and Single-Family Residential
R-1	Single-Family Residential
R-2	Residential
R-3	High-Density Residential
BR-1	Business-Residential
BR-2	Business-Residential
BR-3	Business-Residential
H	Hamlet
PD	Planned Development (floating)
MHO	Mobile Home Overlay
HRO	Height Restrictions Overlay

§ 130-8. Adoption of Zoning Map.

The boundaries of each zone established by this chapter are delineated by the map entitled "Zoning Map, Town of Rutland, New York," dated with the effective date of this chapter and filed with the Town Clerk. This map is hereby adopted and declared to be part of this chapter.

§ 130-9. Interpretation of boundaries.

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

- A. Where the designation on the Zoning Map indicates a boundary approximately upon a road line, such line shall be construed to be the boundary.
- B. Where the designation on the Zoning Map indicates a boundary approximately upon a lot line, such lot line shall be construed to be the boundary.
- C. Where the designation on the Zoning Map indicates a boundary approximately upon a railroad line, the middle of the main tracks shall be construed to be the boundary.
- D. Where a zone boundary line divides a lot of record at the time such line is adopted, the use authorized on and the zone requirements of the least restricted portion of such lot shall be understood as extending to cover the lot to a maximum of 20 feet into the more restricted zone.
- E. Distances shown on the Zoning Map are perpendicular distances from road lines measured back to the zone boundary line, which lines in all cases where distances are given are parallel to the road line.
- F. In other cases the boundary line shall be determined by the use of the scale on the Zoning Map.
- G. In the event that a metes and bounds description has been filed for a change of zone or variance of use as required by this chapter, such metes and bounds description shall be used in lieu of other provisions of this section.
- H. Where the Mobile Home Overlay (MHO) Zone extends along a roadway, the zone shall be interpreted to be 1,000 feet back from the road line. [Added 11-5-1992 by L.L. No. 3-1992]

§ 130-9.1. Lot line adjustment procedure. [Added 9-13-2007 by L.L. No. 4-2007]

- A. Documentation shall be submitted by an applicant in conjunction with a request for a lot line adjustment, including the following:
 - (1) A completed application with fee paid.
 - (2) A survey map prepared with existing conditions prepared by a New York State licensed surveyor.
 - (3) A survey map prepared with proposed lot line changes prepared by a New York State licensed surveyor.
 - (4) All documents must be received by the Town of Rutland prior to the regularly scheduled Planning Board meeting. Five copies shall be required, which shall include one Mylar print.
- B. The lot line adjustment may be approved procedurally by a majority vote of Planning Board assuming it is in compliance with the definition and requirements as stated except in the instance where a variance is required.

- C. Upon approval, the applicant shall file the lot line adjustment with the Jefferson County Clerk's Office within 62 days of the approval.
- D. A lot line adjustment will not exceed more than 10% of the area of the recipient property and will not exceed 35 feet in width, with a SEQR form and a fee of \$50 needed. [Added 5-5-2011]

ARTICLE IV

Use and Bulk Regulations; Planned Development

§ 130-10. Schedules.

Schedule I, Use Controls, and Schedule II, Lot Dimensions, are included at the end of this chapter.

§ 130-10.1. Property where public water and sewer service is available. [Added 4-12-2007 by L.L. No. 1-2007]

- A. In the event that public water service and public sewer service exists, and provided that the structure to be constructed is connected to such public water and sewer service, then the minimum lot sizes and frontages for such structures will be as follows.³
- B. In no event shall any new construction be allowed nor shall any zoning permit, building permit or certificate of occupancy be issued unless sufficient proof has been submitted that said construction will be and has been connected to public water supply and public sewer supply, if said public water and public sewer supply is available. The Zoning Enforcement Officer of the Town of Rutland shall be charged with the responsibility of determining that said construction is served by public water and public sewer. For the purposes of this section "available" water and sewer services shall mean that water and/or sewer service is within 500 feet of any property line of the parcel upon which the said construction is to be permitted.

§ 130-11. Lot coverage. [Amended 7-10-2008 by L.L. No. 1-2008]

- A. The maximum total amount of lot covered by any principal structure or use with its accessory structures or use(s) shall not exceed 30% of the total area of said lot.
- B. No lot regardless of size shall have installed upon it more than one principal structure (one-family, two-family, multiple-family, or business) with its accessory structures.
- C. No lot regardless of size shall have less than the required road frontage for its use.

§ 130-12. Building height.

- A. Maximum building height shall not exceed 35 feet.

3. Editor's Note: See Schedule III, Lot Dimensions Where Public Water and Sewer Service Is Available, included at the end of this chapter.

- B. For each foot of height that a building or other structure exceeds 35 feet, the width of each side yard shall be increased by two feet. Silos, other agricultural uses, churches and similar uses with attached projecting structures are exempt from this regulation.

§ 130-13. Planned Development Zones (PD).

A. Intent.

- (1) Planned Development Zones may be established in the Town and designated as specific locations on the Zoning Map. The purpose for establishing such zones is to allow compatible development of a variety of uses (e.g., residential, business, public/semipublic and recreational/open space) and to vary the strict application of the regulations of this chapter.
 - (2) It is the intent of this Planned Development Zone to provide flexible land use and design regulations so that small- to large-scale neighborhoods or portions thereof may be developed within the Town that incorporate a variety of residential and nonresidential uses and contain both individual building sites and common property which are planned and developed as a unit. Such a planned unit is to be designed and organized so as to be capable of satisfactory use and operation as a separate entity without necessarily needing the participation of other building sites or other common property in order to function as a neighborhood. This section encourages innovations in residential development so that the growing demands for housing may be met by greater variety in type, design and siting of dwellings and by the more efficient use of land in such developments. Planned developments do not require a mix of residential and nonresidential uses to be considered for Planned Development Zone status.
 - (3) While the standard zoning function (use and bulk) is appropriate for the regulation of land use in some areas or neighborhoods, these controls represent a type of regulatory strictness which may be inappropriate to the innovative techniques of quality land development contained in the Planned Development Zone concept. A rigid set of space requirements along with bulk and use specifications would frustrate the application of this concept. Thus, where PD techniques are deemed appropriate through the rezoning of land to a Planned Development Zone by the Town Board, the use and dimensional specifications found elsewhere in this chapter are herein replaced by the general requirements and site plan review criteria outlined in Subsection B below.
- B. General requirements and site plan review criteria. Following is a list of the requirements that a proposal must meet to be considered for PD status:
- (1) Minimum area. The zone must comprise at least five acres of contiguous land.
 - (2) Maximum building height. No building shall exceed 35 feet in height.
 - (3) Ownership. The tract of land for a project may be owned, leased or controlled either by a single person or corporation or by a group of individuals or corporations. An application must be filed by the owner or jointly by owners of all

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

- (4) Required buffer. Where a planned development proposes multiple-family dwellings and/or commercial uses adjacent to residential areas, the Planning Board shall require a minimum fifty-foot vegetative buffer area. Plant material shall be six to

eight feet in height when planted and shall be spaced to form an opaque screen either in a single row or in multiple rows with alternate spacing.

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

(a) Residential uses. Residences may be of any variety of types, including single-family dwellings, two-family dwellings and multiple dwellings. No mobile homes will be permitted.

(b) Accessory, business, recreational and other nonresidential uses. Nonresidential uses shall include small retail business operations, community centers, public and semipublic facilities, outdoor recreation, restaurants, home occupations, day-care centers, homes for the elderly and accessory uses/structures. All such uses shall be in keeping with the residential character of the adjacent areas. No industrial uses shall be permitted. [Amended 9-6-1990 by L.L. No. 2-1990]

[1] The nonresidential uses of a business nature shall not exceed the square footage devoted to residential (and its accessory) uses. This shall be determined by building floor area. Such commercial or service area may be in separate buildings or incorporated within two-family or multifamily structures or in suitable combinations of these alternatives.

[2] Customary accessory or associated uses, such as private garages, storage spaces, community activities, churches and schools, shall also be permitted as appropriate to the PD Zone.

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

- C. Planned Development Zone procedure. Following are procedural steps that shall be followed when applying for PD status:

(1) In order to establish Planned Development Zones, the Zoning Map must be amended by the following procedures outlined herein and in the prescribed regulations for amendments to this chapter found in § 130-57.

(2) Application for establishment of a Planned Development Zone shall be made to the Town Board by the owner(s) of property proposed to be included in the zone. The

Town Board shall refer such application to the Town Planning Board for consideration within seven working days of filing of such an application.

- (3) The applicant must provide a development plan and detailed program which would enable the Town Board and Planning Board to evaluate the proposed development and its effects on nearby land uses and public services. Such a plan and program must consist of the application requirements specified under site plan review in Article VI. Once this information is accepted by the Planning Board, the Planning Board shall review the proposal in light of the requirements specified for Planned Development Zone in Subsection B above.
- (4) The Planning Board must discuss the proposal with the applicant at a regular meeting of the Board within 62 days of the filing with the Town Board of the required information by the applicant. Within 10 working days of such a meeting, the Planning Board must report its recommendations to the Town Board.⁵
- (5) The Planning Board shall consider, where appropriate, the need for the proposed use in the proposed location, its consistency with the Comprehensive Plan and the existing character of the neighborhood in which the use would be located. It also must consider the safeguards to minimize possible detrimental effects of the proposed use on the adjacent properties, on public services and on the historic character of the area.⁶
- (6) It shall be the authority of the Planning Board to prescribe conditions for the proposed use and make a recommendation for PD status based upon this. It is the Town Board's authority to review this PD status recommendation (from the Planning Board) and enact or disapprove an amendment thereon. Within 62 days of receipt of the Planning Board recommendation, the Town Board must, following public notice provided by this chapter (see § 130-57), hold a public hearing on the proposal and must then deny, approve or approve with modifications this proposal.⁷
- (7) If the proposal is approved by the Town Board and the Zoning Map has been amended to create the appropriate Planned Development Zone, the applicant must, within six months, submit application for site plan approval as provided in § 130-29 of this chapter and follow the procedures for final site plan approval as provided in site plan review administrative regulations adopted by the Planning Board.
- (8) If such an amendment is enacted, the permitted development must be confined to the specific designated area and adhere to the approved development plan and program. Anything different from this constitutes a violation of this chapter.
- (9) In order to exceed any of the above time frames for adoption of a PD there must be agreement by both the applicant and the Town Board.

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

6. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

7. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

ARTICLE V
General Regulations

§ 130-14. Applicability.

The following uses and regulations shall apply in all zones.

§ 130-15. Corner lots.

In the case of a corner lot, yards on two roads shall both be considered front yards and must meet appropriate front yard setbacks for the respective zone.

§ 130-16. Mobile home standards. [Amended 10-6-1986 by L.L. No. 1-1986; 7-9-1998 by L.L. No. 3-1998]**A. Manufacturing requirements.**

- (1) All mobile homes shall be in compliance with standards equal to or more stringent than the United States Department of Housing and Urban Development (HUD) Manufactured Mobile Home Construction and Safety Standards, 24 CFR Part 3280 (1976). The applicant is responsible for providing adequate evidence of compliance with these standards. The presence of a permanent certification label affixed to the mobile home by the manufacturer shall be presumptive evidence that the construction of a mobile home is in compliance with such standards.
- (2) Every mobile home located in the Town of Rutland shall bear data relative to the heating and insulation zone and outdoor design temperature.
- (3) All mobile homes shall be structured to have the roof and outside walls look as much as possible like that of a home constructed on the site.

B. Standards specific to mobile home type.

- (1) Single-wide mobile homes.
 - (a) Stand. Single-wide mobile homes shall be installed on a full reinforced concrete slab at least six inches thick. The stand area shall be graded to ensure adequate drainage, but in no case shall the grade variance exceed 18 inches from one end of the stand to the other.
 - (b) Skirting. Single-wide mobile homes shall be provided with a skirt to screen the space between the mobile home and the ground within 60 days from the arrival of the mobile home on the site. Such skirts shall be of a permanent, flame-retardant material similar to that used in the mobile home and provide a finished exterior appearance.
- (2) Double-wide mobile homes. Double-wide mobile homes shall be placed on a stand or foundation as follows:

- (a) Stand. Double-wide mobile homes shall be installed on a full reinforced concrete slab at least six inches thick. The stand area shall be graded to ensure adequate drainage, but in no case shall the grade variance exceed 18 inches from one end of the stand to the other. Skirting or foundation walls shall be constructed of masonry material (at a minimum thickness of six inches) and shall be constructed within 60 days from the arrival of the mobile home on the site.
 - (b) Foundation. Double-wide mobile homes shall be installed on and affixed to a permanent, closed foundation constructed of masonry material upon footers placed below the frost line and otherwise in compliance with the New York State Uniform Fire Prevention and Building Code.
- C. Mobile Home Overlay Zone. Single-wide mobile homes on individual lots are prohibited in the Mobile Home Overlay Zone. Double-wide mobile homes on individual lots are permitted in the Mobile Home Overlay Zone.⁸

§ 130-17. Swimming pools.

Swimming pools are permitted structures in all zones and may be located within a required side or rear yard. However, swimming pools shall:

- A. Not be closer than 15 feet to a lot line or road line.
- B. Have a fence that is four feet tall or sufficient to prevent access. The fence shall be constructed of such materials so as to prevent unauthorized entrance by children or other individuals. This shall not apply to aboveground pools which have attached fences and restraining devices.⁹

§ 130-18. Private roads. [Amended 9-6-1990 by L.L. No. 2-1990]

All roads or roadways that are constructed by private individuals or enterprise and which are intended to serve the public as a public thoroughfare shall meet Town and county highway and road standards as adopted by resolution of the Rutland Town Board.

§ 130-19. Outdoor recreation facilities.

Where permitted, the following is a list of criteria outdoor recreation facilities shall meet:

- A. Structures or use areas shall be located at least 50 feet from any lot or road line.
- B. If it is a commercial facility and is intended to serve a membership or clientele over 25 people on a regular basis, structure or use areas shall not be closer than 100 feet to a residential lot line.

8. Editor's Note: Original Section 522, Mobile homes on individual lots, as amended 9-6-1990 by L.L. No. 2-1990, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

9. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- C. Appropriate screening to reduce noise and dust shall be required when such a commercial use is adjacent to a residential lot. This screening may include fencing or hedges of appropriate density. See § 130-13B(4).
- D. Off-road parking spaces shall be provided in compliance with the off-road parking requirements of § 130-20 of this chapter.

§ 130-20. Parking and loading.

A. General.

- (1) All uses shall be provided with off-road parking for all vehicles during typical peak use periods. Off-road parking may be located off site but must be within 300 feet of the site. Off-road loading spaces shall be provided as required in Subsection C below.
- (2) A parking space shall not be less than nine feet by 22 feet exclusive of accessways and driveways.
- (3) Existing home occupations and commercial uses need not provide additional off-road parking unless one or more of the following conditions occur:
 - (a) The use changes.
 - (b) The use expands its gross floor area by 20% or more or the dollar value of the rehabilitation of the facility for purposes of expansion exceeds 50% of the prior value of the facility.
 - (c) The use is destroyed and seeks to be reestablished.
- (4) To the greatest extent possible, all parking areas shall be located behind the facility served and out of roadside view. Where parking areas must be located in front of a facility adjacent to a public highway, appropriate landscaping or visual barriers shall be provided.
- (5) To the greatest extent possible, the size of all parking areas, other than those for dwelling units and dwelling units with a home occupation, shall be based on gross leasable area. Where gross leasable area figures are unavailable, gross floor area figures shall be used.

B. Minimum standards are as follows: (Note: All fractional portions of parking spaces as calculated by gross leasable area shall be deleted if the fraction is less than .50; otherwise one additional parking space is required.)

- (1) Two spaces per dwelling unit and mobile home on an individual lot.
- (2) Dwelling unit or mobile home on an individual lot with a home occupation:
 - (a) Adequate space to accommodate all vehicles during typical peak use periods;
or

- (b) One space for each 200 square feet of the floor space devoted to the home occupation in addition to the two residential spaces required.
- (3) Professional offices/personal services: one space per 200 square feet of gross leasable area.
- (4) Retail, small: one space per 200 square feet of gross leasable area, plus one for each employee.
- (5) Large product retail: one space per 400 square feet of gross leasable area.
- (6) Shopping centers:
 - (a) Shopping center site (square feet of gross leasable area):
 - [1] Twenty-five thousand to 400,000: one space per 250 square feet of gross leasable area.
 - [2] Four hundred thousand to 600,000: one space per 225 square feet of gross leasable area.
 - [3] Six hundred thousand and over: one space per 200 square feet of gross leasable area.
 - (b) Office space occupying greater than 10% gross leasable area must meet professional office standards.
- (7) Facilities with drive-up service windows: five twenty-foot car length waiting spaces for each drive-up lane. Where multiple drive-up windows exist there shall be one additional waiting space which shall be a common lane.
- (8) Public and semipublic facilities: one space per four seats.
- (9) Restaurants and recreation facilities: one space per 50 square feet of patron space.
- (10) Motels and hotels: 1.25 spaces for each sleeping room or unit plus one space for each employee.
- (11) Roadside stands: minimum of five spaces.
- (12) Light industrial operations: one space for each employee in the maximum working shift.
- (13) Mobile home park: two spaces per mobile home, plus the following:
 - (a) At least one additional off-street parking space for each three mobile homes in the mobile home park shall be provided to accommodate guest parking, service or delivery vehicles, boat or camp trailer storage or other parking or storage demand. Such spaces shall be in centrally located parking areas without interfering with the traffic circulation of internal roads.
 - (b) Parking spaces or areas shall have at least eight inches of crushed stone base or two inches of pavement over four inches of gravel.

C. Off-road loading.

- (1) All uses, other than dwelling units or dwelling units with home occupations, must comply with the following off-road loading standards:
 - (a) First 5,000 square feet of gross leasable area: one loading space.
 - (b) Each additional 10,000 square feet: one loading space.
- (2) With the exception of funeral homes, each loading space shall be a minimum of 12 feet wide, 50 feet long and 14 feet in height.
- (3) Loading spaces for funeral homes shall be a minimum of 10 feet wide, 25 feet long and eight feet in height.
- (4) Where the use, traffic generation or function of a site is such that the use can show that the number of berths required is not justified, the Planning Board may vary these requirements.

§ 130-21. Home occupations.

A home occupation is that accessory use of a dwelling that shall constitute either entirely or partly the livelihood of a person living in the dwelling, subject to the following:

A. General requirements. No home occupation shall be permitted that:

- (1) Changes the outside appearance of the dwelling or is visible from the road, except for a sign as allowed in § 130-24;
- (2) Generates traffic or parking, sewerage or water use or noise in excess of what is normal in the residential neighborhood;
- (3) Creates a hazard to person or property, results in electrical interference or becomes a nuisance; or
- (4) Results in outside storage or display of any thing.

B. Exempt home occupations. A permit shall not be required for the following home occupations, provided that they do not violate any of the provisions of Subsection A above:

- (1) Dressmaking, sewing and tailoring.
- (2) Painting, sculpturing or writing.
- (3) Telephone answering.
- (4) Home crafts, such as model making, rug weaving, lapidary work and cabinetmaking.
- (5) Tutoring, limited to four students at a time.
- (6) Home cooking and preserving.

- (7) Computer programming.
 - (8) Barbershops and beauty parlors.
 - (9) Sales representative with limited supplies.
 - (10) Real estate and/or insurance agency and/or brokers.
- C. Prohibited home occupations. The following are prohibited as home occupations:
- (1) Animal hospitals.
 - (2) Dancing studios.
 - (3) Mortuaries.
 - (4) Day-care centers. [Amended 9-6-1990 by L.L. No. 2-1990]
 - (5) Private clubs.
 - (6) Motor vehicle repair shops. [Amended 9-6-1990 by L.L. No. 2-1990]
 - (7) Restaurants.
 - (8) Stables or kennels.
 - (9) Tourist homes.
 - (10) Automobile repair or paint shops.
- D. Unlisted home occupations. Any proposed home occupation that is neither specifically permitted by Subsection B nor specifically prohibited by Subsection C shall require a special permit and be granted or denied by the Planning Board upon consideration of those standards contained in Subsection A.

§ 130-22. Structures used for livestock.

No structure used for livestock purposes shall be placed closer than 75 feet to a residential building line on the same lot.

§ 130-23. Access standards.

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

§ 130-24. Signs.

- A. Exempt signs. A permit shall not be required for the following signs:

- (1) Temporary signs.
 - (a) Announcement signs. One sign per road frontage of a building which is under construction or structural alteration or repair announcing the character of the building enterprise or the purpose for which the building is intended and one sign per other construction project, including names of architects, engineers, contractors, developers, financiers and others, provided that the area of such sign shall not exceed 20 square feet. Such sign shall not remain for longer than one month following completion of the project.
 - (b) Real estate signs. One sign per road frontage not exceeding 16 square feet advertising the sale, rental or lease of the premises on which displayed. All such signs shall be removed within five days after the sale or lease of the property has been consummated, and all such signs must be set back at least 15 feet from any designated road line.
 - (c) Subdivision signs. One sign per road entrance to the subdivision and located on the property to be subdivided, provided that such sign shall not exceed 32 square feet in area. Such sign may not be erected until the subdivision has been approved by the appropriate officials and may be displayed for a period of one year from the date of erection. Erection date will be determined to be the same as the subdivision approval date. The display period may be extended by written approval of the Planning Board for a reasonable period of time, not to exceed one year at any given time.
 - (d) Sale ad signs. Signs advertising special sales of goods or merchandise which will be on sale for no longer than one month. Such signs shall not take up more than 30% of the total window area of any building frontage and shall be removed immediately following termination of the sale.
- (2) Institutional signs. One sign or bulletin board per road front setting forth or denoting the name of any public, noncommercial, charitable or religious institution when located on the premises of such institution, provided that such sign or bulletin board shall not exceed 16 square feet in sign area.
- (3) Public signs. Signs of a public or noncommercial nature, which shall include community service information signs, public transit service signs, public utility information signs, safety signs, danger signs, trespassing signs, signs indicating scenic or historic points of interest, traffic control signs and all signs erected by a public officer in the performance of a public duty.
- (4) Subdivision, mobile home park or tract name signs. One sign not to exceed 20 square feet in area per exclusive entrance to a subdivision or tract, such signs restricted to the subdivision or tract name. [Amended 9-6-1996 by L.L. No. 2-1990]
- (5) Flags. Official flags of government jurisdictions, including flags indicating weather conditions and flags which are emblems of on-premises business firms and enterprises and religious, charitable, public and nonprofit organizations. No single flag shall exceed 30 square feet in area.

- (6) Plaques. Commemorative plaques placed by historical agencies recognized by the Town, the County of Jefferson or the State of New York.
 - (7) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.
 - (8) Signs directing and guiding traffic and parking on private property but bearing no advertising matter.
 - (9) Signs not exceeding one square foot in area and bearing only property numbers, post box numbers or names of occupants of premises.
 - (10) For multiple-dwelling projects, one sign, building or ground mount, indicating the name of the project. Such sign shall not exceed 10 square feet in area or per side if double-faced.
- B. Prohibited signs. The following sign types shall not be allowed at any location within the Town of Rutland; exceptions may be made with prior approval of the Zoning Board of Appeals:
- (1) Any sign which advertises an activity not conducted on the premises or a product not available for sale on the premises. Such signs may be allowed by special permit. [Amended 9-6-1990 by L.L. No. 2-1990]
 - (2) All portable signs.
 - (3) Any sign which has flashing lights, moving parts or projections beyond its area.
 - (4) Any sign which projects above the roofline or parapet of a building.
- C. General sign requirements. All signs shall be subject to the following general standards:
- (1) The sign area of all signs, unless otherwise specified, shall not exceed 5% of the total square footage of that side of the building upon which said sign is to be affixed or in front of which side such sign is to be placed. In any event no sign shall be larger than 50 square feet.
 - (2) All signs shall be erected and constructed in a fashion so as not to obstruct traffic, cause visual blight or detract from the value of property adjacent to that property upon which said sign is erected. A sign shall be compatible within the context of its visual and physical environment. In making such determination, consideration shall be given but need not be limited to the following elements:
 - (a) Size, bulk and mass.
 - (b) Texture and materials.
 - (c) Colors.
 - (d) Lighting and illumination.
 - (e) Orientation and elevation.

- (f) General and specific location.
 - (g) Proximity to roads, highways and mass transit routes.
 - (h) Design, including size and character of lettering, logos and related contents.
 - (i) Message content.
 - (j) Background or field, including the skyline.
 - (k) Character of structural members.
 - (l) Frequency and nature of all general and business signs and official regulatory signs and devices which are within the immediate field of vision.
- (3) All signs advertising farm and home occupations shall not exceed 32 square feet in area. [Amended 11-5-1992 by L.L. No. 3-1992]
 - (4) No sign shall project into the public right-of-way.
 - (5) All signs shall be limited in wording and graphics to the name of the establishment and its principal service or purpose.
 - (6) No sign shall exceed 20 feet in overall height, measured from the highest level of natural ground immediately beneath the sign to the highest point of the sign or the supporting structure thereof.
 - (7) No sign shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights. All luminous signs, indirectly illuminated signs and lighting devices shall employ only lights emitting light of constant intensity.
 - (8) No luminous sign, indirectly illuminated sign or lighting device shall be placed or directed so as to cause glaring or nondiffuse beams of light to be cast upon any public road, highway, sidewalk or adjacent premises or otherwise to cause glare or reflection that may constitute a traffic hazard or nuisance. No sign shall in its construction employ any mirror or mirrorlike surface or any dayglowing or other fluorescent paint or pigment.
 - (9) No sign or part thereof shall contain or consist of any banner, pennant, ribbon, streamer, spinner or other similar moving, fluttering or revolving device. Said devices, as well as strings of lights, shall not be used for advertising or attracting attention, whether or not they are part of the sign. No sign or part thereof may rotate or move back and forth.
 - (10) No sign shall contain any neon or similar lighting.
 - (11) All signs must be set back at least 15 feet from any designated road line unless said sign is to be attached to a structure which is set back less than 15 feet from any designated road line. In this case any sign which is attached to said structure must be attached flush to the building and/or not protrude more than 12 inches from the surface of the building.

- (12) All signs shall not exceed one sign per road frontage of the building or use being advertised, except that each 500 feet of frontage shall be considered an additional frontage. Provision can be made for more than one sign but no more than two signs per 500 feet of frontage, provided that the cumulative total of sign areas does not exceed the standard set in Subsection C(1) of this section.
- (13) In the event that any standard set forth in this section is in conflict with any other standard set forth in this chapter, the more restrictive standard shall be held applicable.
- (14) No signs shall be placed, painted or drawn upon trees, works or natural features on the site or on utility poles, bridges, culverts, towers or similar structures.
- (15) All signs, together with their surfaces, shall be kept in good repair. The display surfaces shall be kept neatly painted at all times.

§ 130-25. Satellite dishes.

- A. Location. Where possible, all ground dishes shall be located in the rear yard.
- B. Minimum distance. All ground dishes shall be located a minimum distance of 25 feet from any structure.
- C. Satellite dish base. All ground dishes shall be mounted on a large concrete base or slab adequate to support the dish.
- D. This section shall not apply to satellite dishes and antennas less than one meter in diameter in residential districts and less than two meters in diameter in commercial or industrial districts.¹⁰
- E. Notwithstanding the foregoing, if no adequate signal can be received by the satellite antenna in a location permitted by this chapter, the antenna may be sited where otherwise prohibited with approval of the Planning Board.¹¹

§ 130-26. Outdoor storage.

- A. No outdoor storage area shall be located within 150 feet of any adjoining property line, any residential building (except that belonging to the owner of the outdoor storage area) or any stream, lake, pond, wetland or other body of water.
- B. The outdoor storage area shall be set back at least 85 feet from the road line of any public highway.
- C. Where an outdoor storage area is or would be visible from a public highway or from neighboring properties, there shall be erected and maintained a fence of wood or other materials sufficient to totally screen the storage area from view.

10. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

11. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

ARTICLE VI
Special Use Permits and Site Plan Review

§ 130-27. Review standards. ¹²

All special permitted uses will be reviewed by the Planning Board using the general criteria established in § 130-28 below, specific special use and site plan review criteria established in Article VII, §§ 274-a and 274-b of the Town Law, the Planning Board's administrative regulations for site plan review and all other considerations necessary to promote the general welfare of the community.

§ 130-28. General criteria.

The following is a list of general criteria that all special permitted uses (as listed in Schedule I, Use Controls, included at the end of this chapter) must meet before special permit approval is granted by the Planning Board. The proposed special use shall:

- A. Be consistent with the intent of the respective zone.
- B. Be compatible with existing natural resources such that the activity does not substantially alter their value or quality.
- C. Not conflict, by virtue of its character, with neighboring uses.
- D. Not cause undue noise, vibration, odor, lighting, glare and unsightliness so as to detrimentally impact on adjacent properties.
- E. Be designed according to all appropriate sections of this chapter.

§ 130-29. Site plan review.

Application requirements for all site plan review of all special permitted uses shall be set forth in administrative regulations adopted by the Planning Board and approved by the Town Board. All permits for special uses shall be subject to the requirements of this chapter and the administrative regulations adopted by the Planning Board. The Planning Board, upon approval, shall refer them to the Zoning Enforcement Officer for issuance.

§ 130-30. Bond or certified check required.

- A. General. In order that the Town has the assurance that the construction and installation of such improvements as storm sewer, water supply, landscaping, road signs, sidewalks, parking, access facilities and road surfacing will be constructed, the Planning Board may require that the applicant enter into one of the following agreements with the Town:
 - (1) The applicant shall furnish a bond executed by a surety company equal to the cost of construction of such improvements as shown on the plans and based on an estimate furnished by the applicant and approved by the Planning Board.

12. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (2) The applicant shall deposit a certified check in sufficient amount equal to the cost of construction of such improvements as shown on the plans and based on the above estimate.
- B. Conditions.
- (1) Before the final site plan is approved, the applicant shall have executed a contract with the Town and a performance bond or certified check shall have been deposited covering the estimated cost of the required improvements where required by the Planning Board.
 - (2) The performance bond or certified check shall be to the Town and shall provide that the applicant, his heirs, successors and assigns, their agents or servants will comply with all applicable terms, conditions, provisions and requirements of this chapter and will faithfully perform and complete the work of constructing and installing such facilities or improvements in accordance with the approved site plan.
 - (3) Any such bond shall require the approval of the Town Board and the Town Attorney as to form, sufficiency, manner of execution and surety.
 - (4) Wherever a certified check is made, the same shall be made payable to the Town.
- C. Extension of time. The construction or installation of any improvements or facilities, other than roads, for which guaranty has been made by the applicant in the form of a bond or certified check deposit shall be completed within one year from the date of approval of the final site plan. Road improvements shall be completed within two years from the date of approval of the final site plan. The applicant may request an extension of time, provided that he can show reasonable cause for inability to perform said improvements within the required time. The extension shall not exceed six months, at the end of which time the Town may use as much of the bond or check deposit to construct the improvements as necessary. The same shall apply whenever construction of improvements is not performed in accordance with applicable standards and specifications.
- D. Schedule of improvements. When a certified check or performance bond is made pursuant to the preceding subsections, the Town and applicant shall enter into a written agreement itemizing the schedule of improvements in sequence with the cost opposite each phase of construction or installation, provided that each cost as listed may be repaid to the applicant upon completion and approval after inspection of such improvement or installation. However, 10% of the check deposit or performance bond shall not be repaid to the applicant until one year following the completion, inspection and acceptance by the Town of all construction and installation covered by the check deposit or performance bond as outlined in the contract.
- E. Inspections. Periodic inspections during the installation of improvements shall be made by the Zoning Enforcement Officer to ensure conformity with the approved plans and specifications as contained in the contract and this chapter. The applicant shall notify the Zoning Enforcement Officer when each phase of improvements is ready for inspection. At least five days prior to commencing construction of required improvements, the

applicant shall pay to the Town Clerk the inspection fee required by the Town Board. Upon acceptable completion of installation and improvement, the Planning Board shall issue a letter to the applicant or his representative, and such letter shall be sufficient evidence for the release by the Town of the portion of the performance bond or certified deposit as designated in the contract to cover the cost of such completed work.¹²

- F. Acceptance of roads and facilities. When the Zoning Enforcement Officer, following final inspection of the improvements, certifies to the Town Board that all installation and improvements have been completed in accordance with the contract, the Town Board may, by resolution, proceed to accept the facilities for which bond has been posted or check deposited.¹³

ARTICLE VIA

Height Restrictions Overlay District [Added 7-11-2019 by L.L. No. 1-2019]

§ 130-30.1. Purposes.

The purposes of this article of the Town of Rutland Zoning Law are to:

- A. Promote the public health, safety, convenience, and general welfare of the residents surrounding Fort Drum and the Wheeler-Sack Army Airfield (WSAAF) and the pilots navigating through it.
- B. Protect the designated military operating areas and military training routes or other restricted airspace from encroachment, and limit the exposure of impacts to persons, property, and facilities in proximity of the airfield to keep these areas clear of vertical obstructions to ensure a safe operating environment for military pilots.
- C. Impose land use controls, which are in addition to those underlying zoning districts in the Town of Rutland, to regulate and restrict the height of structures in order to maintain compatibility between airfield operations and existing and future land uses within the boundary of the overlay district as defined in §§ 130-30.3 and 130-30.4.
- D. Implement recommendations developed in the Fort Drum Joint Land Use Study.
- E. Promote compatible land uses while respecting the physical characteristics of the area, the airfield, and surrounding property.

§ 130-30.2. Definitions.

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

AGRICULTURAL STRUCTURE — Any structure part of a farm operation as defined by New York State Agriculture and Markets Law, Article 25-AA, § 305.

¹². Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

¹³. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

AIRPORT HAZARD — (FAA FAR Sec. 152.3¹⁴) Any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near a public airport that obstructs the airspace required or is otherwise hazardous for the flight of aircraft landing or taking off at the airport.

AIRSPACE — (FAA website: www.faa.gov) The space lying above the earth or above a certain area of land or water that is necessary to conduct aviation operations.

COMPATIBILITY — The degree to which land uses or types of development can coexist or integrate.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures, or accessory structures.

EXISTING USE OR STRUCTURE — Any use of land or structure lawfully in existence at the time of the effective date of this article or an amendment thereto becomes effective.

FEDERAL AVIATION ADMINISTRATION (FAA) — (FAA website: www.faa.gov) A federal agency charged to regulate air commerce in order to promote its safety and development; encourage and develop civil aviation, air traffic control, air navigation; and promote the development of a national system of airports.

HEIGHT — The highest point of a structure, tree, or other object of natural growth and measured from the mean sea level elevation, unless specified otherwise.

IMAGINARY SURFACE — (FAA FAR Sec. 77.25¹⁵) Those areas established in relation to the airport and to each runway consistent with FAR Part 77, in which any object extending above these imaginary surfaces, by definition, is an obstruction.

INCOMPATIBLE LAND USE — (FAA FAR Sec. 150.7¹⁶) Land use that is typically unable to coexist with aircraft and airport operations.

LAND USE COMPATIBILITY — (FAA website: www.faa.gov) Land uses that can coexist with an airport and airport-related activities.

LIGHTING AND MARKING OF HAZARDS TO AIR NAVIGATION — Installation of appropriate lighting fixtures, painted markings, or other devices to objects or structures that constitute hazards to air navigation.

NAVIGABLE AIRSPACE — The airspace above minimum altitude for safe flight that includes the airspace needed to ensure safety in landing or takeoff aircraft.

NONAGRICULTURAL STRUCTURE — Any structure not part of a farm operation as defined by New York State Agriculture and Markets Law, Article 25-AA, § 305.

NONCONFORMING USE — Any structure which does not conform to a regulation prescribed in this article, or an amendment thereto, as of the effective date of such regulation.

OBSTRUCTION TO AIR NAVIGATION — Any structure, growth, or other object, including a mobile object, which exceeds a limiting height that is specific to its geographic

14. Editor's Note: See also 14 CFR 152.3.

15. Editor's Note: See also 14 CFR 77.19.

16. Editor's Note: See also 14 CFR 150.7.

location relative to the runway/airport. Federal Air Regulation Part 77 establishes a complex structure of imaginary surfaces in relation to each runway at airports. The size of each imaginary surface is based on the category of each runway according to the type of instrument approach available or planned for that runway. An object is an obstruction to air navigation if it is of greater height than any imaginary surface established under the regulation and as described in the Fort Drum Joint Land Use Study.

OVERLAY DISTRICT — (FAA website: www.faa.gov) A mapped zone that imposes a set of requirements, in addition to those of the underlying zoning district. The WSAAF overlay district includes the three-dimensional area of airspace that provides clearance protection for aircraft during landing or takeoff operations and for missed approaches. The area encompasses 150 feet above the established airport elevation and along the runway and extended runway center line.

STRUCTURAL ALTERATION — Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders, or any substantial change in the roof structure or in the exterior or interior walls.

STRUCTURE — Any man-made object with form, shape, and utility that is temporarily or permanently attached to, placed upon, or set into the ground, streambed, or lakebed.

SUBSTANTIAL IMPROVEMENT — Any structural repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the present equalized assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred.

§ 130-30.3. Applicability.

The jurisdiction of this article shall extend over all lands and water within the Height Restrictions Overlay District, which represents the airspace influential area as shown on Map A¹⁷ as those boundaries now exist and as they may be amended in the future, depending on any changes to the WSAAF runways.

§ 130-30.4. Boundaries.

The boundaries of this overlay district are shown on Map A.

§ 130-30.5. Restrictions and development standards for nonagricultural structures.

- A. Restriction of height of structures. No permit shall be granted or any change in height allowed that establishes or creates a greater hazard to air navigation than it was on the effective date of this article.
- B. For any application to the Planning Board or Zoning Board of Appeals for site plan or special use permit approval for a structure or for any wind or wireless communication facility that is located within the Height Restrictions Overlay District, the applicant shall include in its application submissions all such data, maps, calculations or other

17. Editor's Note: Map A is on file in the Town offices.

information proving such project does not at any point penetrate the imaginary surface as defined in this article.

§ 130-30.6. Restrictions and development standards for agricultural structures.

- A. New agricultural structures shall, to the maximum extent feasible, not penetrate into the imaginary surface established in the Height Restriction Overlay District.
- B. Any new agricultural structure proposed to penetrate the imaginary surface as mapped in the Height Restriction Overlay District shall seek an area variance from the Town of Rutland Zoning Board of Appeals pursuant to Article IX (64) of the Town of Rutland Bylaws and as follows: Proposals for an area variance for new agricultural structures that penetrate the height limitations of the overlay district shall, in addition to requirements of Article IX (64), also be required to submit:
 - (1) A completed Federal Aviation Administration (FAA) Form 7460-1 (Notice of Proposed Construction or Alteration) with the FAA.
 - (2) A summary of the project and an accurate description outlining and mapping or illustrating the proposed improvements (including providing copies of all pertinent plans).
 - (3) Provide such maps, data, calculations and information to the WSAAF for their review and recommendation to ensure compatibility with restricted airspaces.
 - (4) As deemed necessary, to install, operate and maintain FAA-approved obstruction lights or markers.

§ 130-30.7. Effect on existing uses.

- A. These regulations shall not be construed to require the removal, lowering, or other change or alteration of any existing agricultural or nonagricultural structure not conforming to the regulations as of the effective date of this article, or shall otherwise interfere with the continuance of such use. Any existing structure already penetrating the imaginary surface included in the Height Restrictions Overlay District shall be considered a nonconforming existing use.
- B. The owner of any existing nonconforming structure shall be asked to install, operate and maintain FAA-approved obstruction lights or markers as shall be deemed necessary.

ARTICLE VII

Special Use and Site Plan Review Criteria

§ 130-31. Purpose; uses not listed.

- A. Following is a more specific list of uses which are identified for special uses and site plan review criteria. Particular criteria are associated with the respective uses and they must comply with these.

- B. Where an application has been pursued for a use not specifically listed herein, reference can be made to the criteria for a use so listed that is deemed similar.

§ 130-32. Essential services.

The Planning Board shall determine the following prior to approving a site plan for the proposed essential service:

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

§ 130-33. Schools.

- A. All such structures shall be located at least 100 feet from all neighboring property lines.
- B. The site shall be designed so as to minimize the impacts of noise, electrical disturbance, glare from lights, dust and visual blight.
- C. The use shall place screening between its use and adjacent to residential lots. This may be fencing or hedges and shall be of such density to reduce such conditions as mentioned in Subsection B above.
- D. On-lot drainage shall not have a detrimental impact on adjacent properties.
- E. Traffic access to the site shall be of adequate capacity to handle exiting and entering traffic concurrently. Access shall comply with § 130-23 of this chapter.

§ 130-34. Public and semipublic facilities.

- A. Sufficient parking spaces must be provided to meet the off-road parking requirements of § 130-20 of this chapter.
- B. The site shall be designed so as to minimize the impacts of noise, electrical disturbance, glare from lights, dust and visual blight.

- C. The use shall place screening between its use and adjacent to residential lots. This may be fencing or hedges and shall be of such density to reduce such conditions as mentioned in Subsection B above.
- D. Interior thoroughfares shall be arranged so as to ensure public safety.
- E. Required access shall be in compliance with § 130-23 of this chapter.

§ 130-35. Excavations.

- A. No below-ground-level excavation of materials shall be located within 75 feet of any road line or other residential property line or 25 feet from any property line. Where such operations are between 75 and 150 feet from a residential line there shall be screening to reduce visibility of the pit and eliminate noise and dust from residential properties.
- B. All excavation slopes in excess of one foot horizontal to two feet vertical shall be completely fenced to prohibit entrance by children and unauthorized individuals.
- C. No person shall mine more than 1,000 tons of material from the earth within one calendar year without applying for a permit from the Department of Environmental Conservation, as required by Title 27 of Article 23 of the Environmental Conservation Law.
- D. Access drives within 200 feet of the public road shall be treated to prevent dust.
- E. Drainage facilities shall minimize erosion and stagnant ponds.

§ 130-36. Junkyards.¹⁵

- A. No junkyard shall be located within 200 feet of any adjoining property line, any residential building (except that belonging to the owner of the junkyard), public park, church, educational facility, nursing home, public building or other place of public gathering or any stream, lake, pond, wetland or other body of water.
- B. The junkyard shall be set back at least 150 feet from the road line of any public highway.
- C. There must be erected and maintained an eight-foot-high fence adequate to prohibit the entrance of children and others into the area of the activity or business and to contain within such fence the materials dealt with by the operator of the junkyard. All the materials dealt with by the operator of the junkyard shall be kept within such fence at all times. Whenever the junkyard is not open for business or temporarily not supervised, this fence, and any gate thereto, shall be secured or locked to prevent entry. The Planning Board may waive the requirement of fencing where topography or other natural conditions effectively prohibit the entrance of children or others.
- D. Where a junkyard is or would be visible from a public highway or from neighboring properties, the fence shall be of wood or other materials sufficient to totally screen the junkyard from view. In addition, the Planning Board shall require planting of evergreen trees or shrubbery between the fence and road line.
- E. The junkyard shall not be used as a dump area by the public and there will be no burning of automobiles or other materials except in connection with the periodic crushing and removal of automobiles or other materials from such yards in compliance with the New York State Outdoor Burning Law (see 6 NYCRR 215).

§ 130-37. Mobile home parks.

- A. Size of homes. All mobile home units located within a mobile home park shall be at least 475 square feet.
- B. Park location and conditions.
 - (1) The site of a proposed mobile home park shall:
 - (a) Be located where orderly development of a mobile home park can be undertaken in harmony with development of the surrounding area in terms of traffic generation, ease and safety of vehicular access to and circulation within the park, safety of pedestrian movement, location of structures, adequacy of off-street parking, placement and sizing of sewage treatment and water supply systems and other utilities, safety of fuel storage and supply, provision of open space, recreation facilities or areas, delivery of services and adequacy of landscaping and buffering.
 - (b) Have generally level to gently rolling topography over an area of sufficient size to allow development of the mobile home park in compliance with

15. Editor's Note: See also Ch. 84, Junkyards.

Subsection C below without significant alteration or disturbance of existing natural amenities or features, such as stands of mature trees, stream courses, shorelines, wetlands or bedrock outcroppings.

- (c) Be essentially free from adverse, unsafe or unhealthful conditions, including but not limited to flooding, ponding, poor drainage, erosion, slumping or other soil instability, breeding areas for insects or rodents, smoke, noise, odors, heat, glare or toxic or volatile substances.
- (2) Travel trailers shall not be parked permanently as living quarters in any mobile home park.
- (3) New parks shall be designed for a minimum of 25 units.

C. Park standards.

- (1) Mobile home site. Each mobile home park shall be divided (exclusive of internal roads, open space or common areas) and marked off into mobile home sites numbered consecutively, the number being conspicuously posted on each lot with such number to correspond to the lot shown on the site plan submitted.
- (2) Mobile home site size. Each mobile home site shall satisfy the following requirements: minimum site size shall be 7,500 square feet. In special cases where innovative park design for mobile home parks provides clustering and allows for wide roads or a greater amount of usable recreation area or open space exceptions may be granted.
- (3) Setbacks and spacing. All mobile homes, including expansions, extensions or other additions thereto, patios, porches or garages and all other structures in a mobile home park shall satisfy the following setback requirements:
 - (a) Minimum of 150 feet from the road line of any public road.
 - (b) Minimum of 15 feet from the road line of any roadway internal to the mobile home park.
 - (c) Minimum of 40 feet spacing between adjacent mobile homes and any other structures in the mobile home park.
 - (d) Minimum of 20 feet from rear site lines.
 - (e) No internal roadway, parking lot, recreation area or storage facility for fuels, supplies or equipment shall be located within 20 feet of a property line external to the mobile home park.
- (4) Park design requirements.
 - (a) Access. Each mobile home park shall provide for safe, legal means of access from one or more public roads as follows:
 - [1] Access roads shall meet the public roads at nearly right angles and at compatible grades and be consistent with the standards set forth in the

Policy and Standards for Entrances to State Highways, as revised, published by the State of New York Department of Transportation.

- [2] Entrances shall be located directly opposite or at least 200 feet from the nearest intersection of public roads, if possible, and at least 150 feet from any other entrances to the mobile home park.
- [3] Entrances shall have sufficient width to allow reasonable turning movements of vehicles with mobile homes attached and of service or delivery vehicles.
- [4] Entrances shall be located to allow safe line-of-sight distances to and from their points of intersection with the public road.
- [5] At least two independent entrances and access roads shall be required to serve any mobile home park in excess of 50 units.
- [6] Access roads connecting mobile home park interior roads with the public road shall meet the standards of § 130-18.

(b) Internal roads.

- [1] Roads shall be built with subgrade, which shall be rough graded the full width of the road right-of-way and compacted the full width. The subbase shall consist of a suitable gravel and stone material.
- [2] The base course shall consist of a suitable gravel or stone material at least six inches in depth after compaction.
- [3] The surface course shall consist of an approved bituminous material of at least two inches after compaction.
- [4] Internal roads shall be privately owned and maintained and shall provide for the safe and convenient movement of vehicles, with or without mobile homes attached.
- [5] All mobile home sites shall face on and be serviced by such internal roads.
- [6] All roads shall be designed to the standards listed above to permit safe passage of emergency and other vehicles at a speed of 15 miles per hour.
- [7] Straight, uniform gridiron road patterns should be avoided unless they can be relieved by mobile home clustering, landscaping and an open space system.
- [8] Culs-de-sac shall be provided in lieu of closed-end roads with a turnaround having an outside roadway character of at least 90 feet.
- [9] All internal roads shall have a minimum thirty-foot right-of-way, 18 feet of which must be paved.

- (c) Parking. See § 130-20.
- (d) Recreational areas and open space. Easily accessible and usable open spaces shall be provided in all mobile home parks. Such open space shall have a total area equal to at least 15% of the gross land area of the park and shall be fully maintained by the park owner. Part or all of such space shall be in the form of developed recreation areas to be usable for active recreation purposes.
- (e) Walkways. A four-foot-wide hard-surfaced pedestrian walkway may be provided along and at least five feet from each access road between the entrance to the public highway and either:
 - [1] The first mobile home unit; or
 - [2] Such location within the mobile home park as may be required by the Planning Board to assure pedestrian safety.
- (f) Water supply. An adequate supply of water shall be provided for all mobile homes and service buildings. Where public water is available, connection shall be used exclusively, unless local authorities deem otherwise. If a public water system is not available, the development of a private water supply system shall be approved by the health authority or other authorities having jurisdiction thereof.
- (g) Sewage. An approved sewage system shall be provided in all mobile home parks for the conveying, disposing and treatment of sewage from mobile homes, service buildings and other accessory facilities. Such system must be designed, constructed and maintained in accordance with the New York State Department of Health standards and regulations or Chapter 98, Individual Sewage Disposal Systems, of this Code, as applicable.
- (h) Garbage and refuse. Each mobile home owner shall have at least two twenty-gallon metal or plastic garbage cans with tight-fitting covers. The cans shall be kept in a sanitary condition at all times. It shall be the responsibility of the park owner to ensure that garbage and rubbish shall be collected and properly disposed of outside of the mobile home park. Exterior property areas shall be maintained free from organic and inorganic material that might become a health, accident or fire hazard.
- (i) Fuel supply and storage.
 - [1] General requirements. All fuel oil supply systems provided for mobile homes, service buildings and other structures shall be installed and maintained in conformity with the rules and regulations of the authority having jurisdiction when provided.
 - [2] Specific requirements and recommendations.
 - [a] All fuel tanks shall be placed at the rear of the mobile home and shall not be located less than 10 feet from any exit.

- [b] It is recommended that all fuel tanks should be buried.
 - [c] It is recommended that a central fuel supply system be provided.
 - [d] Supports or standards for fuel storage tanks are to be of a noncombustible material.
- [3] Gas supply, natural.
- [a] Natural gas piping systems installed in mobile home parks shall be maintained in conformity with accepted engineering practices.
 - [b] Each mobile home lot provided with piped natural gas shall have an approved shutoff valve and cap to prevent accidental discharge of gas.
- [4] Liquefied gas.
- [a] Such system shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.
 - [b] Systems shall have at least one accessible means for shutting off gas. This means shall be located outside of the individual mobile home.
 - [c] All liquid propane gas piping shall be well supported and protected against mechanical injury.
 - [d] Storage tanks shall not be less than 100 pounds and must be located at the rear of the mobile home and no closer than 10 feet from any exit.
 - [e] It is recommended that a central underground gas storage system be furnished.
- (j) Electrical service.
- [1] Every mobile home park shall contain an electrical wiring system consisting of wiring fixtures, equipment and appurtenances which shall be installed and maintained in accordance with local electric power companies' specifications and regulations. All wiring fixtures must have the New York Board of Fire Underwriters' approval or other authority as designated by municipality.
 - [2] Each mobile home stand shall be supplied with the ampere service required to meet New York State specifications.
 - [3] Adequate lights shall be provided to illuminate streets, driveways and walkways for the safe movement of vehicles and pedestrians at night.
 - [4] All electrical distribution lines shall be placed underground.

- (k) Telephone and cable television service. When telephone and cable television service is provided to mobile home sites, the distribution system shall be placed underground.
- (l) Service buildings.
 - [1] If provided, service buildings housing sanitation facilities and/or laundry shall be permanent structures complying with all applicable statutes regulating buildings, electrical installations and plumbing and sanitation systems.
 - [2] All service buildings and the grounds of the mobile home park shall be well lighted and maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance.
- (m) Fire protection and control.
 - [1] Every mobile home park shall satisfy applicable regulations of the fire district within which the mobile home park is located.
 - [2] No open fires shall be permitted any place within the mobile home park, with the exception of outdoor grills used for the preparation of foods and assigned recreation areas for community gatherings.

D. Responsibilities of park operators and park occupants.

- (1) The person to whom a permit for a mobile home park is issued shall operate the park in compliance with the standards set forth in this chapter and shall provide adequate supervision to maintain the park, its common grounds, streets, facilities and equipment in good repair and in a clean and sanitary condition.
- (2) The park operator and mobile home owner shall supervise the placement of each mobile home on its mobile home stand, which includes ensuring its stability by securing all tie-downs and installing all utility connections.
- (3) The park operator shall maintain a register containing the names of all occupants and the make, year and serial number, if any, of each mobile home. Such register shall be available to any authorized person inspecting the park.
- (4) The park occupant shall be responsible for the maintenance of his mobile home and any appurtenances thereto and shall keep all yard space on his site in a neat and sanitary condition.
- (5) A list of operator and occupant responsibilities shall be posted in the park office or made available upon request.

§ 130-38. Travel trailer parks.

- A. A travel trailer park must consist of a minimum of 25 sites.

- B. Travel trailer parks shall be separated from existing permanent residential property lines by a minimum of 100 feet and landscaping/screening approved by the Planning Board.
- C. Each travel trailer park shall have adequate access to a public highway, and each travel trailer site shall be serviced from interior roadways.
- D. All buildings and travel trailer sites shall have a front yard setback of 150 feet from the road line of all roads, with the setback area being seeded and adequately landscaped to provide screening from the road.
- E. An overnight travel trailer site shall be a minimum 1,500 square feet in size, and 2,500 square feet shall be provided for longer-term vacation camping sites.
- F. The owner or manager of a travel trailer park shall maintain an office in the immediate vicinity of the park and shall maintain accurate records of the names of park residents, home address, type of trailer and towing vehicle registration number. These records shall be available to any law enforcement official or the Zoning Enforcement Officer.¹⁶
- G. A minimum of 10% of the total area of the travel trailer park, not including the required setback, shall be dedicated to a recreation area and shall be fully maintained by the park owner.
- H. The corners of each travel trailer lot shall be clearly and permanently marked and each lot numbered for identification.
- I. Sewer, water and other utilities shall be provided in accordance with the requirements of Chapter 1, Part 7, of the New York State Sanitary Code, which is adopted herein by reference, and subject to any other Town requirements.
- J. All travel trailer parks shall provide a building containing at least one toilet, lavatory and shower for each sex for each 10 travel trailer lots. Sites with full hookups, including sewage, shall not be counted in determining the number of toilets required.
- K. Mobile homes shall not be parked permanently in any travel trailer park except for the owner/operator.
- L. Access to all sites shall be consistent with the standards set forth in the Policy and Standards for Entrances to State Highways, as revised, published by the State of New York Department of Transportation.

§ 130-39. Hotels and motels.

- A. Traffic access. Roads shall be adequate in grade, width, alignment and visibility and properly related to other nearby traffic circulation. Access to the site shall meet the requirements of § 130-23.

16. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- B. Off-road parking. There shall be provided on the site of such development an area or areas devoted to the parking of automobiles. The required number of off-road parking spaces shall be determined from the off-road parking requirements of § 130-20.
- C. Exterior lighting and signs. Illuminated signs or other exterior lighting shall be directed away, or shielded, from adjacent residential properties in such a manner as not to disturb the occupants thereof. All signs shall meet the requirements of § 130-24.
- D. Buffer zone. Where adjacent land use is residential in nature and within 50 feet of the property line, buffer zones shall be required to eliminate visibility, noise and dust from the use. The area shall be seeded before September 1 or, if this is impossible, mulched until seeding can take place.
- E. Open space. A minimum of 25% of the site shall be developed as open space. Parking areas and vehicle access facilities shall not be considered in calculating open space.
- F. Such uses shall have a minimum area of 150 square feet of rentable space for each unit, exclusive of bathroom facilities.
- G. Each rentable unit shall include a minimum of one bedroom and bathroom. The bathroom shall include a toilet, sink and tub or shower.

§ 130-40. Small retail businesses.

- A. Any manufacturing, fabricating or servicing related to the operation must take place within a building designed or altered to accommodate the use.
- B. Materials used in the manufacturing, fabricating or servicing operation may be stored outside the building accommodating the use; however, they must be screened. The outside storage area shall not be larger than the square footage of the first floor of the building used to house the operation.
- C. Signs shall meet all pertinent sign regulations found in § 130-24.
- D. The small retail use must be at least 50 feet from the nearest neighboring residential lot (off-premises from the small retail lot). [Amended 9-6-1990 by L.L. No. 2-1990]
- E. The small retail use shall be in keeping with other similar uses permitted in the zone and shall not conflict with neighboring residential uses.
- F. Parking space shall be adequate to meet the off-road parking requirements of § 130-20.
- G. No unsafe traffic conditions shall be caused by establishment of the use or any accessory uses, signs or other appurtenances. Such facilities shall be so placed as not to hinder public thoroughfare and traffic site views. Drainage along roadways or affecting such areas shall not be impeded by placement of such facilities.

§ 130-41. Multiple-family dwellings.

Before approving the site plan for multiple-family dwellings, the Planning Board shall require that the following criteria are observed:

- A. Traffic access. All on-site traffic access roads shall be composed of all-weather materials and shall comply with § 130-23 of this chapter. The interior roadways shall enter or exit onto state, county or local highways only with the permission of those respective highway departments. Such entrances or exits shall not be closer than 50 feet to road corners. Visibility on interior roadways or at exits and entrances shall not be impeded so as to cause unsafe traffic conditions as determined by the Planning Board. Any of these conditions may be waived or altered by the Planning Board subject to Department of Transportation recommendation.
- B. Circulation and parking. The interior circulation system is not congested and allows the concurrent flow of entering and exiting traffic. As stated above, the surface shall be of all-weather material, as specified by the Town Highway Department. All such areas shall be constructed to the standards of §§ 130-18 and 130-20. There shall be two parking spaces for each dwelling unit. All units shall have ready access to the interior roadways and parking spaces. No interior public roadway shall be closer than 20 feet to any building. Any of these conditions may be waived or altered by the Planning Board.
- C. Arrangement of buildings. Adequate provision has been made for light, air, access and privacy in the arrangement of the buildings to each other.
- D. Proper landscaping. Within one month of such construction, or at least by September 1, the bare grounds must be seeded. Where construction takes place later than this date or it is impractical to seed, the site shall be mulched to reduce erosion until seeding can take place. Where adjacent uses are of a commercial, industrial or business nature, the Planning Board may require that proper screening and buffer zones be required to reduce noise, dust and disturbances.
- E. Distance between buildings.
 - (1) The front or rear of any principal building shall be no closer to the front or rear of any other principal building than 80 feet.
 - (2) The side of any principal building shall be no closer to the side, front or rear of any other principal building than 60 feet.
- F. Recreation space. There shall be provided on the site of such a use an area or areas devoted to the joint recreational use of the residents thereof. Such recreation space shall consist of an area no less than 25% of the total living space of all dwelling units served.
- G. Cluster development. The maximum density for multiple-family dwellings shall be five units per acre.
- H. Drainage. Drainageways on the lots and at the interior or public roadsides shall be constructed so as to handle the capacity flows at any given time. The Soil Conservation Service or the respective highway department may be contacted to provide technical assistance on the size of the drainageway or culverts therein.

- I. Lighting. Exterior lighting shall be adequate to promote safety in the parking areas and areas on the lot adjacent to the multiple dwelling.

§ 130-42. Large product retail.

- A. Such sales and rental operations shall be located at least 50 feet from the nearest residential lot line.
- B. When within 200 feet of a residential structure, such operations shall be screened from adjacent residential property by a fence, hedge or other planting or structure so as not to be visible from the adjacent property.
- C. The use shall not cause undue noise, odor or lighting/glare that is objectionable or harmful to the neighborhood.
- D. Such operations that also have service facilities of the same equipment shall meet the requirements of retail gasoline outlets and public garages as listed in § 130-43 below.
- E. The use shall not cause electrical disturbances that will disrupt communications reception of neighboring areas.
- F. The lot where the products are displayed and the parking spaces on the lot shall be constructed of all-weather (e.g., gravel, paved, etc.) materials.
- G. The use shall provide sufficient parking spaces to accommodate business uses as listed under the off-road parking requirements of § 130-20. In addition, the lot shall be of adequate size to accommodate the maximum number of products that are for sale or rent and parked on the lot.

§ 130-43. Retail gasoline outlets and public garages.

- A. All retail gasoline outlets and public garages shall be so arranged and all gasoline and/or fuel pumps shall be so placed as to require all servicing on the premises no closer to any road line than 50 feet. No gasoline pump shall be placed closer to any side property line than 75 feet.
- B. All junk waste and servicing materials shall be stored within a structure or enclosed within fencing so as not to be visible from off the property.
- C. Underground tanks shall be not less than 50 feet from the property line, unless otherwise approved by the Planning Board.
- D. Entrance and exit driveways shall be located at least 10 feet from any side or rear property line.
- E. There shall be a minimum three-hundred-foot road frontage.

§ 130-44. Building supply sales and storage yards.

- A. Such operations shall be at least 50 feet from the nearest residential lot line.

- B. When within 200 feet of a residential structure, such operations shall be screened from adjacent residential property by a fence, hedge or other planting or structure so as not to be visible from the adjacent property.
- C. The use shall not cause undue noise, odor or lighting glare that is objectionable or harmful to the neighborhood.
- D. The lot where products are stored and parking is situated shall be constructed of all-weather (e.g., gravel, paved, etc.) materials.
- E. The use shall comply with the parking requirements for small retail businesses listed in § 130-20.

§ 130-45. Shopping centers.

A proposed shopping center development shall be in accordance with a unified site plan and architectural scheme and shall meet the following criteria:

- A. The use shall meet the off-road parking requirements of § 130-20.
- B. Off-road loading and unloading space shall be provided in addition to the space required by Subsection A above. It shall meet the off-road loading requirements of § 130-20.
- C. No building shall be placed closer to any road line than 50 feet. No parking space shall extend nearer to any road line than 30 feet or closer to any other property or marked road line than 25 feet, and the boundaries along all side and rear property lines shall be appropriately landscaped and seeded for a depth of not less than 10 feet adjacent to the structures or parking lots (whichever is most extreme).
- D. No center shall be constructed closer than 100 feet to the nearest residential property line.
- E. Access patterns (both on the lot and exiting/entering onto the public thoroughfares) shall not cause safety hazards. Access to the site shall meet the requirements of § 130-23.

§ 130-46. Light industrial operations.

- A. Such uses shall meet the off-road parking and loading requirements of § 130-20.
- B. Such uses shall not employ more than 35 people.
- C. Such uses shall not produce high volumes of polluting wastes, as identified under the State Environmental Conservation Law.
- D. Any manufacturing, fabricating or servicing relating to the operation must take place within a building designed to accommodate the use.
- E. Materials used in the manufacturing, fabricating or servicing operation may be stored outside the building accommodating the use; however, they must be screened. The outside storage area shall not be larger than the square footage of the first floor of the building used to house the operation.

- F. The use shall be at least 200 feet from the nearest residential property line.

§ 130-47. Adult entertainment uses.

- A. All such uses shall be at least 1,000 feet from the nearest lot line of any residentially used land or any public, private or parochial school, library, park, playground or other recreational facility or any other place where large numbers of minors regularly travel or congregate.
- B. All such uses shall not be located within a one-thousand-foot radius of any other such use.
- C. All building openings, entries, windows, doors, etc., shall be located, covered or screened in such a manner as to prevent a view into the interior from any public or semipublic place.
- D. Outside advertising for all such uses shall be limited to one advertising sign and shall meet all applicable regulations of § 130-24.
- E. The use shall comply with the parking requirements for restaurants and recreation facilities listed in § 130-20.

§ 130-48. Communications towers or facilities. [Added 4-23-1998 by L.L. No. 1-1998]

- A. Purpose. The purpose of these supplemental regulations is to promote the health, safety and general welfare of the residents of the Town of Rutland; to provide standards for the safe provision of communications consistent with applicable federal and state regulations; to minimize the total number of communications towers and facilities in the community by encouraging shared use of existing and future towers and the use of existing tall buildings and other high structures; and to minimize adverse visual effects from communications towers and facilities by requiring careful siting, visual impact assessment and appropriate landscaping.
- B. Definitions. As used in this section, the following terms shall have the meanings indicated:

ACCESSORY STRUCTURE — An accessory facility or structure serving or being used in conjunction with a communications tower and located on the same lot as the communications tower. Examples of such structures include utility or transmission equipment, storage sheds or cabinets.

ANTENNA — A system of electrical conductors that transmit or receive radio frequency signals. Such signals shall include but not be limited to radio, television, cellular, paging, personal communication service (PCS) and microwave communications.

COMMUNICATIONS TOWER — A structure designed to support antennas. It includes, without limit, freestanding towers, guyed towers, monopoles and similar structures which employ camouflage technology.

- C. Application of regulations.

- (1) No communications tower or facility, except those approved prior to the effective date of this section, shall be erected, reconstructed or moved unless a special permit is granted in accordance with Article VI of this chapter. No communications tower or facility shall be changed or altered unless a zoning permit is granted in accordance with Article VI of this chapter.
- (2) Communications towers or facilities are permitted in the Agricultural and Rural Residential (ARR) Zone and are specifically excluded from all other zones.

D. New towers/antennas.

- (1) The Board shall consider a new tower only when the applicant demonstrates that shared use of existing tall structures and existing or approved towers is impractical. An applicant shall be required to present an adequate report inventorying all existing tall structures and existing or approved towers within a reasonable distance of the proposed site. This distance shall be determined by the Board in consultation with the applicant. The report shall outline opportunities for shared use of the existing facilities as an alternative to a proposed new tower. The report shall demonstrate good faith efforts to secure shared use from the owner of each existing tall structure and existing or approved tower as well as documentation of the physical, technical and/or financial reasons why shared use is not practical in each case. Written requests and responses for shared use shall be provided.
- (2) The applicant shall design a proposed new tower to accommodate future demand for reception and transmitting facilities. The applicant shall submit to the Board a letter of intent committing the owner of the proposed new tower, and his/her successors in interest, to negotiate in good faith for shared use of the proposed tower by other communications providers in the future. Failure to abide by the conditions outlined in the letter may be grounds for revocation of the special permit. The letter shall commit the new tower owner and his/her successors in interest to:
 - (a) Respond within 90 days to a request for information from a potential shared use applicant.
 - (b) Negotiate in good faith concerning future requests for shared use of the new tower by other communications providers.
 - (c) Allow shared use of the new tower if another communications provider agrees, in writing, to pay reasonable charges. The charge may include, but is not limited to, a pro rata share of the cost of site selection planning, project administration, land cost, site design, construction and maintenance financing, return on equity and depreciation and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference.
- (3) Antennas may be added or attached to existing communications towers, water tanks, buildings or structures upon the issuance of a building permit and a zoning permit. Accessory structures shall be similarly permitted when located near such existing structures.

E. Design standards.

- (1) Lot size and setbacks. All proposed towers or facilities and accessory structures shall be located on a single lot (owned by or controlled by the applicant for the life of the tower) and shall be set back from abutting lots and road lines a distance sufficient to substantially contain on site all ice fall or debris from tower or facility failure and preserve the privacy of any adjoining residential properties.
 - (a) Minimum size of lots containing a tower or facility shall be determined by the amount of land required to meet the special permit and falldown requirements.
 - (b) Accessory structures shall comply with the minimum setback requirements.
 - (c) Height is measured from the ground to the highest point of the structure, to include all antennas.
 - (d) No communications tower shall be located less than 100 feet from any adjacent property line.
 - (e) Setbacks shall be measured from the base of the tower to the property line. All communications towers and facilities are prohibited within 300 feet of all road lines.
 - (f) The applicant's plan shall demonstrate that setbacks are sufficient to prevent all ice fall materials and debris from tower failure or collapse from falling onto occupied dwellings other than those occupied by the tower owner.
 - (g) The minimum setback distance of a communications tower from all property lines shall be equal to 100% of the height of the communications tower and antennas.
 - (h) Peripheral supports and guy anchors may be located within required setbacks, provided that they shall be located entirely within the boundaries of the property the tower is on.
- (2) 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) Any new tower shall be designed to accommodate future shared use by other communications providers.
 - (b) Unless specifically required by other regulations, a tower and accessory structures shall have a finish (either painted or unpainted) that minimizes their degree of visual impact. They shall not be lighted unless required by the Federal Aviation Administration (FAA), and the lighting shall be only to the extent deemed necessary by the FAA.
 - (c) The Board may request a review of the application by a qualified engineer in order to evaluate the need for, and the design of, any new tower.

- (d) Accessory structures shall maximize the use of building materials, colors and textures designed to blend with the natural surroundings.
 - (e) No portion of any tower or accessory structure shall be used for a sign or other advertising purpose, including but not limited to the company name, phone numbers, banners and streamers.
- (3) Existing vegetation. Existing on-site vegetation shall be preserved to the maximum extent possible. No cutting of trees exceeding four inches in diameter (measured at a height of four feet off the ground), shall take place.
 - (4) Screening. Deciduous or evergreen tree planting may be required to screen portions of the tower or facility 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 roads, screening shall be required.
 - (5) 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 ground disturbance and vegetation cutting to within the top of fill, the top of cuts or no more than 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.
 - (6) Fencing. The tower or facility and any accessory structures shall be adequately enclosed by a fence, the design of which shall be approved by the Board. This requirement may be waived by the Board if the applicant demonstrates that such measures are unnecessary to ensure the security of the tower or facility.
- F. Removal. The applicant shall submit to the Board a letter of intent committing the tower or facility owner, and his/her successors in interest, to notify the Zoning Enforcement Officer within 30 days of the discontinuance of the use of the tower or facility. This letter shall be filed with the Zoning Enforcement Officer prior to issuance of a permit (assuming the communications tower or facility is approved according to this section). Obsolete or unused towers or facilities and accessory structures shall be removed from any site within four months of such notification. Failure to notify and/or to remove the obsolete or unused tower or facility in accordance with these regulations shall be a violation of this chapter and shall be punishable according to § 130-55. A bond certificate shall be required to be maintained at all times to cover costs of demolition in the case of abandonment of communications towers and facilities by the owner.¹⁷
- G. Intermunicipal notification. In order to keep neighboring municipalities informed, to facilitate the possibility of directing that any existing tall structures or existing towers in a neighboring municipality be considered for shared use and to assist in the continued development of county 911 services, the Board shall require that:
- (1) An applicant who proposes a tower or facility shall notify, in writing, the legislative body of each municipality within the Town and each municipality that

17. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

borders the Town, the Town of Rutland Planning Board, the Director of the Jefferson County Planning Department and the Director of Jefferson County Emergency Services. Notification shall include the exact location of the proposed tower or facility and a general description of the project, including but not limited to the height of the tower or facility and its capacity for future shared use (if applicable).

- (2) Documentation of this notification shall be submitted to the Board at the time of application.
- H. Notification of nearby landowners. The applicant shall be required to mail notice of the public hearing directly to all landowners whose property is located within 500 feet of the lot line of the lot on which a tower or facility is proposed. Notification, in all cases, shall be made by certified mail at least 10 days prior to the public hearing. Documentation of this notification shall be submitted to the Board prior to the public hearing.
- I. Tower permit requirements. Prior to the issuance of a tower permit by the Planning Board, the following requirements shall be addressed:
- (1) Application and site plan. All applicants for a tower special permit shall make written application to the Planning Board. The application shall include a site plan setting forth specific site data on a map, with an engineer-certified tower design, acceptable in form and content to the Board, which shall be prepared to scale and in sufficient detail and accuracy and which shall show the following:
 - (a) The location of property lines and permanent easements.
 - (b) The location of the communications tower, together with guy wires and guy anchors, if applicable.
 - (c) A side elevation or other sketch of the tower showing the proposed antennas.
 - (d) The location of all structures on the property and all structures on any adjacent property within 15 feet of the property lines, together with the distance of these structures to the communications tower.
 - (e) The names of adjacent landowners.
 - (f) The location, nature and extent of any proposed fencing and landscaping or screening.
 - (g) The location and nature of proposed utility easements and access roads, if applicable.
- J. Additional submission requirements.
- (1) In addition to a special permit submission requirements set forth in Article VI or otherwise required by law, the applicant shall be required to submit:
 - (a) A completed visual environmental assessment form (visual EAF addendum).
 - (b) A Federal Communications Commission (FCC) license.

- (c) Documentation on the proposed intent and capacity of use as well as a justification for the height of any tower or facility and justification for any clearing required.
- (2) In addition to the above, applicants proposing to share use of an existing tall structure or an existing or approved tower or facility shall be required to submit:
 - (a) Documentation of intent from the owner of the existing tall structure or existing tower or facility to allow shared use.
 - (b) An engineer's report certifying that the proposed shared use will not diminish the structural integrity and safety of the existing tall structure or existing or approved tower and explaining what modification, if any, will be required in order to certify to the above.
- (3) The Board may require the applicant to submit:
 - (a) A zone of visibility map showing locations from which the tower or facility may be seen.
 - (b) Assessment of the visual impact of the tower or facility base, guy wires, accessory structures and overhead utility lines from abutting properties and roads.

§ 130-48.1. Major wind power generating facilities. [Added 5-12-2005 by L.L. No. 2-2005]

- A. Setback from the road center line shall be 100 feet plus the height of the structure, including the rotor radius, minimum.
- B. Setback from the side and rear lot lines shall be 300 feet minimum. Additional setbacks may be required by the Planning Board in order to provide for the public safety, health and welfare. The Planning Board may waive setback requirements from adjacent property lines if such adjacent properties are also participating in the siting of the wind power project.
- C. Setback from any existing residential structures shall be 1,000 feet minimum, unless the owner of said residential structure agrees to the lesser setback of 100 feet plus the height of the store, including the rotor radius.
- D. Landscape and screening. Appropriate landscaping is required to keep the site in a neat and orderly fashion. Appropriate screening is required to screen accessory structures from adjacent residences.
- E. All electrical generating equipment, electrical storage equipment, transformers and related equipment shall be enclosed in a secure structure. All such structures shall be secured by a fence.
- F. Noise. Individual wind turbine towers shall be located with relation to property lines so that the level of noise produced by wind turbine tower operation shall not exceed 50

decibels, measured at the boundaries of all the closest parcels that are owned by nonowners of wind turbine tower sites that abut the wind turbine tower site parcel(s).

- G. Removal. The applicant shall submit to the Planning Board a letter of intent committing the wind power generating facility owner, and his/her successors in interest, to notify the Zoning Enforcement Officer within 30 days of the discontinuance of the use of the wind generating facility. This letter shall be filed with the Zoning Enforcement Officer prior to issuance of a permit, assuming the wind power generating facility is approved according to this section. Obsolete or unused wind turbine towers and accessory structures shall be removed from any site within four months of any such notification. Failure to notify and/or to remove the obsolete or unused wind turbine towers and associated accessory structures in accordance with these regulations shall be a violation of this chapter and shall be punishable according to § 130-55. A bond certificate shall be required to be maintained at all times to cover the cost of demolition in the case of abandonment of wind generating facilities by the owner.

§ 130-48.2. Minor wind power generating facilities and wind test towers. [Added 11-9-2006 by L.L. No. 5-2006]

- A. Setback from road center line shall be 50 feet plus the height of the structure, including rotor radius, minimum.
- B. Setback from side and rear lot lines shall be 10 feet plus the height of the structure, including rotor radius, minimum.

**ARTICLE VIII
Administration and Enforcement**

§ 130-49. Zoning permits.

- A. No building or structure shall be erected or use instituted until a zoning permit therefor has been issued. The exterior structural area of a building shall not be enlarged until a zoning permit therefor has been issued.
- B. A zoning permit (without fee) shall be required for residential pools, fences and walls. [Added 9-6-1990 by L.L. No. 2-1990]
- C. A zoning permit shall not be required for:
- (1) Construction of a structure with a floor area of 100 square feet or less. However, such structure shall meet the following requirements:
 - (a) It may be located in a required yard, provided that it does not disrupt a neighbor's view or traffic safety (i.e., line of sight).
 - (b) In no case shall the structure be located closer than 10 feet to the lot line or 30 feet to the road line.
 - (c) The structure or use shall not conflict with the principal uses of the zone.

- (2) Signs listed in § 130-24A.
- (3) Agricultural fences or walls. [Amended 9-6-1990 by L.L. No. 2-1990]
- (4) Interior structural alterations. Likewise no zoning permit is needed for routine maintenance and improvement (e.g., roofing, window replacement, siding replacement, etc.) that does not expand the exterior dimensions of the structure.
- (5) Chimneys, placement of posts and other similar accessory uses.



- D. When establishing measurements to meet the required front yards and structure setbacks, the measurements shall be taken from the road margin, lot line or nearest high-water elevation to the furthest protruding part of the structure. This shall include such projecting facilities as cornices, eaves, porches, carports, attached garages, etc. [Amended 9-6-1990 by L.L. No. 2-1990]
- E. No such zoning permit or certificate of occupancy shall be issued for any building or structure where said construction, addition and exterior expansion or use thereof would be in violation of any of the provisions of this chapter.
- F. A zoning permit issued under this chapter shall expire six months from the date of issue if construction is not started. A second permit with half the original permit fee shall be required if construction is not commenced within the six-month time frame. [Amended 9-6-1990 by L.L. No. 2-1990]
- G. Any use that has been discontinued for a period of 12 months or longer shall be termed abandoned and may not be reinstated without applying for a new zoning permit or special permit. [Amended 9-6-1990 by L.L. No. 2-1990]
- H. Applications for zoning permits shall be submitted to the Zoning Enforcement Officer or Town Clerk and shall include two copies of a layout or plot plan showing the actual dimensions of the lot to be built upon; the size and location on the lot of the structures and accessory structures to be; the distance from the building line to all lot lines, road right-of-way lines, waterfront property lines, streams and any other features of the lot; and such other information as may be necessary to determine and provide for the enforcement of this chapter. This information, and other relevant application data, shall be provided on a form issued by the Town. [Amended 12-10-1998 by L.L. No. 5-1998]
- I. Temporary permits may be issued by the Zoning Enforcement Officer upon approval by the Zoning Board of Appeals (as meeting the intent and purpose of this chapter), for a period not exceeding one year, for conforming and nonconforming uses. Such temporary permits are conditioned upon agreement by the owner or operator to remove the nonconforming structures or equipment upon expiration of the temporary permit or to bring the use into compliance by a specific time. Such permits may be renewed two times after the initial permit. [Amended 9-6-1990 by L.L. No. 2-1990; 12-10-1998 by L.L. No. 5-1998]
- J. Parking lots for places of public assembly and commercial or business uses shall require a zoning permit for placement. They shall meet the requirements of § 130-20.

§ 130-50. Permits and fees.

A fee as determined by the Town Board shall be paid for each application for a zoning permit or special use permit. No permit shall be issued until payment in full has been received.

§ 130-51. Zoning Enforcement Officer. [Amended 9-6-1990 by L.L. No. 2-1990; 12-10-1998 by L.L. No. 5-1998]

- A. This chapter shall be enforced by the Zoning Enforcement Officer, who shall be appointed by the Town Board.
- B. The Zoning Enforcement Officer's authority shall include the following. He shall:
- (1) Approve and/or deny zoning permits.
 - (2) Scale and interpret zone boundaries on Zoning Maps.
 - (3) Approve and/or deny certificates of occupancy.
 - (4) Refer appropriate appeal matters to the Zoning Board of Appeals.
 - (5) Revoke a zoning permit where there is false, misleading or insufficient information and revoke a zoning permit and/or certificate of occupancy where the applicant has not done what was proposed on the application.
 - (6) Issue stop-work orders for noncompliance with this chapter.
 - (7) Report at regular Town Board meetings the number of zoning permits issued.

§ 130-52. Certificate of compliance. [Amended 9-6-1990 by L.L. No. 2-1990]

- A. No land shall be occupied or used and no building or structure hereafter constructed, erected, extended or used or changes made in the use until a certificate of compliance shall have been issued by the Zoning Enforcement Officer stating that the building, structure or proposed use thereof complies with the provisions of this chapter. [Amended 12-10-1998 by L.L. No. 5-1998]
- B. All certificates of compliance shall be applied for coincidentally with the application for a zoning permit. Said certificate shall be issued within 10 days after the erection and alteration shall have been approved as complying with the provisions of this chapter.
- C. The Town Clerk shall maintain a record of all certificates of compliance, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building affected.

§ 130-53. Zoning Board of Appeals.

- A. Creation, appointment and organization. A Zoning Board of Appeals is hereby created. Said Board shall consist of five members.¹⁸ The Town Board shall appoint the members of the Board of Appeals on a staggered-term basis in conformance with Town Law. The Town Board shall appoint a Chairman and Vice Chairman. The Board of Appeals shall select a Secretary and shall prescribe rules for the conduct of its affairs.

18. Editor's Note: The Town Board voted by resolution on 3-7-1990, to increase the membership of the Zoning Board of Appeals to seven members. The Town Board voted by resolution on 8-10-2000, to decrease the membership of the Zoning Board of Appeals to five members.

B. Powers and duties. The Board of Appeals shall have all the powers and duties prescribed by § 267 of the Town Law and by this chapter, which are more particularly specified as follows:

(1) Interpretation. Upon appeal from a decision by an administrative official or citizen, to decide any question involving the interpretation of any provision of this chapter, including determination of the exact location of any zone boundary if there is uncertainty with respect thereto.

(2) Variances. [Amended 12-10-1998 by L.L. No. 5-1998]

(a) Use variances. On appeal from the decision or determination of the administrative official charged with the enforcement of this chapter, to grant use variances authorizing a use of the land which otherwise would not be allowed or would be prohibited by the terms of this chapter.

[1] No such use variance shall be granted by the Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Board of Appeals that:

[a] Under applicable zoning regulations, the applicant is deprived of all economic use or benefit from the property in question, which deprivation must be established by competent financial evidence.

[b] 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] The requested use variance, if granted, will not alter the essential character of the neighborhood.

[d] 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 to address the unnecessary hardship proven by the applicant and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

(b) Area variances. Upon an appeal from a decision or determination of an administrative official charged with the enforcement of this chapter, to grant area variances from the area or dimensional requirements of this chapter.

[1] In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Board shall also 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.
 - [e] Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance.
- [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.
- C. Procedure. The Board of Appeals shall act in strict accordance with the procedure specified by law. All appeals and applications made to the Board shall be in writing and on a form prescribed by the Town. Every appeal or application shall refer to the specific provisions of the law being appealed and shall exactly set forth the interpretation that is claimed, the use for which the permit is sought or the details of the appeal that is applied for and the grounds on which it is claimed that the appeal should be granted, as the case may be. A hearing shall be held for all variance actions in conformance with the requirements of Town Law. Every decision of the Board of Appeals shall contain a full description of reasons for granting or denying the permit. The reasons for the action shall be set forth in the minutes of the Board of Appeals meeting at which the action was taken. A tally of each member's vote shall be recorded. All meetings and hearings of the Board shall be public.

§ 130-54. Planning Board.

- A. Powers and duties. The Planning Board shall have the following powers and duties with respect to this chapter:
- (1) Approval of special uses.
 - (2) Submittal of an advisory opinion to the Zoning Board of Appeals for use variances.
 - (3) Submittal of an advisory opinion to the Town Board for proposed amendments to this chapter.

B. Procedure.

- (1) The Planning Board shall act in strict accordance with the procedure specified by this chapter. All applications made shall be made in writing on forms prescribed by the Town.
- (2) Every decision of the Planning Board shall be made by resolution which shall contain a full record of findings in the case.

§ 130-55. Penalties for offenses.

- A. Whenever a violation of this chapter occurs, the Zoning Enforcement Officer, Town or any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Zoning Enforcement Officer, who shall properly record such complaints and immediately investigate such complaints. If he finds a complaint to be valid, the Zoning Enforcement Officer shall then issue a stop-work order requiring all work to cease until the violation is corrected. If the violation is not corrected within the specified time, the Town shall take action to compel compliance.¹⁹
- B. Pursuant to Municipal Home Rule Law § 10 and Town Law § 268, any person, firm or corporation who or which commits an offense against, disobeys, neglects or refuses to comply with or resists the enforcement of any of the provisions of this chapter shall, upon conviction, be deemed guilty of a violation punishable by a fine not to exceed \$350 or imprisonment for a period not to exceed six months, or both, for a conviction of a first offense; for a conviction of a second offense, both of which were committed within a period of five years, punishable by a fine of not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and upon conviction of a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine of not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. Each week an offense is continued shall be deemed a separate violation of this chapter.²⁰
- C. In addition to the penalties provided above, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of this chapter.

§ 130-56. Nonconformities. ²¹

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

19. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

20. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

21. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- B. Nonconforming uses. Any use of land or structures which by the enactment or amendment of this chapter is made nonconforming may be continued on the premises and to the extent preexisting, provided that:
- (1) No nonconforming use shall be expanded, extended or otherwise increased so as to occupy a greater area of land than was committed to the nonconforming use at the time of such enactment.
 - (2) No nonconforming use shall be extended so as to displace a conforming use.
 - (3) Any nonconforming use of land or structures which has, for any reason, been discontinued for a period of one year shall not be reestablished, and only conforming uses shall be thereafter permitted.
 - (4) A nonconforming use of land or structures once changed to a conforming use shall not be permitted to change back to a nonconforming use.
- C. Nonconforming lots of record. Any lot of record held under separate ownership prior to the enactment or amendment of this chapter and having lot width or lot depth or both less than the minimum area requirements set forth in this chapter may be developed with any compatible use listed for the zone in which such nonconforming lot is located without requiring a variance, provided that such lot:
- (1) Does not adjoin other property held by the same owner where sufficient land could be transferred to eliminate the nonconformity without reducing such other property to nonconforming dimensions.
 - (2) Has sufficient area, width and depth to undertake development which will maintain the required minimum front setback, meet or exceed at least 2/3 of the required minimum side and rear setbacks and not exceed the maximum permitted lot coverage.
 - (3) Otherwise satisfies all applicable provisions of this chapter.
- D. Nonconforming structures. Any preexisting structure which by the enactment or amendment of this chapter is made nonconforming may be used for any compatible use listed for the zone in which such structure is located, provided that it shall not be enlarged or extended so as to increase its nonconformance in terms of setback or lot coverage. Nothing under the provisions of this chapter shall prevent the repair, restoration or reconstruction of a nonconforming structure damaged by fire or other hazard, provided that:
- (1) Its owner or owners can demonstrate that construction, erection or location of a conforming structure is either physically impractical due to the size, configuration or condition of the lot or a physical hardship.
 - (2) Such repair, restoration or reconstruction is undertaken:
 - (a) Only on the premises and to the extent previously occupied by the nonconforming structure.
 - (b) Within one year from the date on which the damage or destruction occurred.

- E. Should a nonconforming structure be moved any distance for any reason, such structure shall conform to the requirements of the zone into which it is moved.

§ 130-57. Amendments.

- A. The Town Board may amend, supplement or repeal the regulations and provisions of this chapter after public notice and public hearing. All proposed changes shall be referred to the Jefferson County Planning Board for its recommendation and for a report thereon prior to final action. The Town Board, by resolution adopted at a stated meeting, shall fix the time and place of a public hearing on the proposed amendment and cause notice to be given as follows:
- (1) By publishing a notice at least 10 days prior to the time of such hearing in the Town's official newspaper.
 - (2) By referring the proposed amendment to the Clerk of the County Legislature and the clerks of neighboring Towns and villages and to any housing authority or state park commission whose property might be affected at least 10 days prior to the public hearing. [Amended 9-6-1990 by L.L. No. 2-1990]
- B. In case of a protest against such change signed by the owners of 20% or more of the area of land included in such proposed change or of an adverse recommendation by the County Planning Board, the vote of the Town Board must have a majority plus one in favor to adopt the amendment.

§ 130-58. Interpretation.

Interpretation and application of the provisions of this chapter shall be held to be minimal requirements, adopted for the promotion of the public health, safety or the general welfare. Whenever the requirements of this chapter differ from the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing the highest standards, shall govern.

ZONING

130 Attachment I

Schedule I
Use Controls
Town of Rutland

[Amended 9-6-1990 by L.L. No. 2-1990; 11-5-1992 by L.L. No. 3-1992; 5-12-2005 by L.L. No. 4-2005; 8-18-2005 by L.L. No. 2-2005; 10-9-2008 by L.L. No. 3-2008]

Zone	Purpose	Permitted Principal Uses, Temporary Uses ¹	Permitted Accessory Uses	Special Permit
Recreation and Conservation Zone (Rec/Con)	The primary purpose of this zone is to preserve natural resources and scenic values, and it is designed to promote sound outdoor recreational uses of existing natural resources.	Outdoor recreation facilities.		Essential services.
Agricultural and Rural Residential Zone (ARR)	The primary purpose of this zone is to preserve agricultural land, to preserve open space and natural resources and to allow for mixed residential-agricultural-forestry uses of low density.	Agriculture, agricultural businesses, forestry uses, one-family dwellings, outdoor recreation facilities and cemeteries.	Barns and other agriculturally related structures, private garages, carports, swimming pools, signs, home occupations, satellite dishes, roadside stands, minor wind power generating facilities, wind test towers and other customarily accessory uses.	Essential services, public and semipublic facilities, community centers, home occupations, membership clubs, excavations, slaughterhouses, day-care centers; homes for the elderly, towers, motor vehicle repair shops, campgrounds, major wind power generating facilities, small retail businesses, light industrial operations and commercial storage facilities.
Agricultural and Single-Family Residential Zone (AR-1)	The AR-1 Zone is designed to preserve agricultural land and to promote exclusive single-family residences, open space and other uses complementary to single-family residences.	Agriculture, agricultural businesses, forestry uses, one-family dwellings, outdoor recreation and cemeteries.	All permitted accessory uses as listed in the ARR Zone.	Essential services, home occupations, day-care centers, homes for the elderly, religious facilities, major wind power generating facilities, small retail businesses, light industrial operations and commercial storage facilities.
Single-Family Residential Zone (R-1)	The purpose of this zone is to provide for exclusive single-family residential development of a more moderate density and to preserve open space.	One-family dwellings and outdoor recreation.	Private garages, carports, swimming pools, signs, home occupations, satellite dishes, roadside stands and other customarily incidental accessory uses.	Essential services, home occupations, day-care centers, homes for the elderly and religious facilities.
Residential Zone (R-2)	The purpose of the R-2 Zone is to promote mixed residential development of a moderate density.	One-family dwellings, two-family dwellings and outdoor recreation.	All permitted accessory uses as listed in the R-1 Zone.	Essential services, home occupations, day-care centers, homes for the elderly and religious facilities.
High-Density Residential Zone (R-3)	The primary purpose of this zone is to provide for single-family residential development of moderate to high density. Public water and sewer facilities shall be required for lots of less than 20,000 square feet.	One-family dwellings and outdoor recreation.	Private garages, carports, swimming pools, signs, home occupations, satellite dishes, roadside stands and other customarily incidental accessory uses.	Essential services, home occupations, public and semi-public facilities, professional offices and day-care centers.

RUTLAND CODE

Schedule I Use Controls Town of Rutland (Cont'd)

Zone	Purpose	Permitted Principal Uses, Temporary Uses ¹	Permitted Accessory Uses	Special Permit
Business-Residential Zone (BR-1)	The purpose of this zone is to provide for mixed residential development and to provide for the orderly and proper development of complementary commercial developments.	One-family dwellings, two-family dwellings, cemeteries and outdoor recreation.	All permitted accessory uses as listed in the R-1 Zone.	Essential services, mobile home parks, motels/hotels, public and semipublic facilities, community centers, professional offices, personal services, home occupations, adult entertainment uses, small retail businesses, restaurants, shopping centers, retail gasoline outlet and public garages, membership clubs, light industrial operations, large product retail; day-care centers, homes for the elderly, Excavations, campgrounds and commercial storage facilities.
Business-Residential Zone (BR-2)	The purpose of this zone is to provide for mixed residential development and to provide for the orderly and proper development of complementary commercial development.	One-family dwellings, two-family dwellings and outdoor recreation.	All permitted accessory uses as listed in the R-1 Zone.	Essential services, home occupations, multiple-family dwellings, public and semipublic facilities, community centers, professional offices, personal services, adult entertainment uses, small retail businesses, restaurants, retail gasoline outlet and public garages, large product retail, day-care centers, homes for the elderly, motels and hotels and commercial storage facilities.
Business-Residential Zone (BR-3)	The purpose of this zone is to provide for mixed residential development and to provide for the orderly and proper development of complementary commercial development.	One-family dwellings, two-family dwellings, cemeteries, outdoor recreation and agriculture as permitted by New York State Agriculture Law, Rutland Agriculture District No. 4.	All permitted accessory uses as listed in the R-1 Zone.	Essential services, mobile home parks, motels/hotels, public and semipublic facilities, community centers, professional offices, personal services, home occupations, adult entertainment uses, small retail businesses, restaurants, shopping centers, retail gasoline outlet and public garages, membership clubs, light industrial operations, large product retail, day-care centers, homes for the elderly, excavations, motor vehicle repair shops and commercial storage facilities.

ZONING

Schedule I Use Controls Town of Rutland (Cont'd)

Zone	Purpose	Permitted Principal Uses, Temporary Uses ¹	Permitted Accessory Uses	Special Permit
Hamlet Zone (H)	The Hamlet Zone is designed to promote exclusive residential development of one- and two-family dwellings and those facilities necessary to support residential development.	One-family dwellings, two-family dwellings, agriculture as permitted by New York State Agricultural District Law, Rutland Agricultural District No. 4, and cemeteries.	All permitted accessory uses as listed in the R-1 Zone.	Essential services, public and semipublic facilities, home occupations, community centers, personal services, professional offices, small retail businesses, day-care centers, homes for the elderly, retail gasoline outlet and public garages and motor vehicle repair shops.
Planned Development Zone (floating) (PD)	The purpose of this zone is to allow the town the flexibility to vary certain requirements of this chapter, provided that the development adheres to basic criteria, is of quality nature and meets the overall intent and conditions set forth in this chapter. The zone allows a combination of residential, commercial and recreational uses.	General requirements and review procedures for establishment of a Planned Development are contained in § 130-13.		
Mobile Home Overlay Zone (MHO)	The purpose of this zone is to designate areas in the town where mobile homes on individual lots are not permitted while ensuring substantial compliance with the intent of the normal zone regulations.	Those permitted principal uses allowed in the underlying zone, except mobile homes on individual lots.	Those permitted accessory uses allowed in the underlying zone.	Those special permitted uses allowed in the underlying zone.

NOTES:
¹Editor's Note: See § 130-6 for definition of "temporary use."

ZONING

130 Attachment 2

Schedule II
 Lot Dimensions
 Town of Rutland
 [Amended 9-6-1990 by L.L. No. 2-1990;
 11-5-1992 by L.L. No. 3-1992]

Zone	Type of Use	Minimum Lot Dimension		Minimum Yard Dimension			Minimum Floor Area (square feet)
		Area (square feet)	Frontage (feet)	Front (feet)	Side (feet)	Rear (feet)	
ARR	One-family dwelling	30,000	150	40	30	30	900
	Mobile home	30,000	150	40	30	30	700
	Agricultural operation	5 acres	400	80	50	50	—
	Accessory use	—	—	40	20	20	—
	Special permitted use ¹	—	300	75	50	50	—
AR-1	One-family dwelling	30,000	150	40	30	30	1,000
	Agricultural operation	5 acres	400	80	50	50	—
	Accessory use	—	—	40	20	20	—
R-1	Special permitted use ¹	—	300	75	50	50	—
	One-family dwelling	20,000	150	40	30	30	900
	Accessory use	—	—	40	20	20	—
R-2	Special permitted use ¹	—	300	75	50	50	—
	One-family dwelling	20,000	150	40	25	25	900
	Two-family dwelling	30,000	150	40	25	25	1,400
R-3	Mobile home	20,000	150	40	25	25	700
	Accessory use	—	—	40	15	15	—
	Special permitted use ¹	—	250	75	50	50	—
Hamlet	One-family dwelling	15,000	100	50	50	10	900
	Accessory use	—	—	30	15	10	—
	Special permitted use ¹	—	—	75	50	50	—
BR-1	One-family dwelling	20,000	100	30 ²	25	25	900
	Two-family dwelling	30,000	150	30 ²	25	25	1,400
	Accessory use	—	—	30 ²	15	15	—
BR-1	Special permitted use ¹	—	200	75	50	50	—
	One-family dwelling	20,000	100	40	25	25	900
	Two-family dwelling	30,000	150	40	25	25	1,400
BR-1	Mobile home	20,000	100	40	25	25	700
	Accessory use	—	—	40	15	15	—
	Special permitted use ¹	—	200	75	50	50	—

NOTES:

¹ Lot dimensions for special permitted use as herein stated shall be the standard unless specifically stated otherwise in Article VII, Special Use and Site Plan
² Or to line up with other adjacent structures.

Review Criteria.

RUTLAND CODE

Schedule II Lot Dimensions Town of Rutland (Cont'd)

Zone	Type of Use	Minimum Lot Dimension		Minimum Yard Dimension			Minimum Floor Area (square feet)
		Area (square feet)	Frontage (feet)	Front (feet)	Side (feet)	Rear (feet)	
BR-2	One-family dwelling	20,000	100	40	25	25	900
	Two-family dwelling	30,000	150	40	25	25	1,400
	Mobile home	20,000	100	40	25	25	700
	Accessory use Special permitted use ¹	—	—	40	15	15	—
BR-3	One-family dwelling	20,000	100	75	50	50	—
	Two-family dwelling	30,000	150	40	25	25	900
	Mobile home	20,000	100	40	25	25	1,400
	Accessory use Special permitted use ¹	—	—	40	15	15	—

NOTES:

¹ Lot dimensions for special permitted use as herein stated shall be the standard unless specifically stated otherwise in Article VII, Special Use and Site Plan

² Or to line up with other adjacent structures.

Review Criteria.

ZONING

130 Attachment 3

Schedule III
Lot Dimensions Where Public Water and Sewer Service Is Available
Town of Rutland
[Added 4-12-2007 by L.L. No. 1-2007]

Zone	Type of Use	Minimum Lot Dimension		Minimum Yard Dimensions	
		Area (square feet)	Frontage (feet)	Side (feet)	Rear (feet)
AR-1	One-family dwelling	20,000	100	15	15
	Two-family dwelling	30,000	100	15	15
R-2	One-family dwelling	20,000	100	15	15
	Two-family dwelling	30,000	100	15	15
BR-1	One-family dwelling	15,000	75	15	15
	Two-family dwelling	20,000	100	15	15
BR-2	One-family dwelling	15,000	75	15	15
	Two-family dwelling	20,000	100	15	15
BR-3	One-family dwelling	15,000	75	15	15
	Two-family dwelling	20,000	100	15	15
Hamlet	One-family dwelling	15,000	75	15	15
	Two-family dwelling	20,000	100	15	15

