

# TOWN OF LEDYARD ZONING LAW

## ARTICLE I - GENERAL PROVISIONS

### Section 1 - Short Title

This law shall be known and cited as the "Town of Ledyard Zoning Law".

### Section 2 - Purpose of this Law

A. The purpose of this Law is to promote the public health, safety, and welfare in accordance with the purposes of and powers granted the Town by Article 16 Sections 261, 262, and 263 of the Town Law and Subdivision 2 of Section 46-a of the Navigation Law of the State of New York.

### Section 3 - General Definitions

A. Unless a contrary intention clearly appears, the following words and phrases shall have, for the purposes of this Law, the meanings given in the following clauses:

1. Words used in the present tense include the future.
2. The singular includes the plural.
3. The "person" includes a corporation, partnership, and association as well as the individual.
4. The word "lot" includes the word "plot" or "parcel".
5. The term "shall" is mandatory.
6. The word "used" or "occupied" as applied to any land or buildings shall be construed to include the words "intended, arranged, or designed to be occupied".

B. Any word or phrase not defined herein shall be used with a meaning of standard usage.

### Section 4 - Specific Definitions

A. The following words and terms have the meanings herein given:

1. Average Inclination: The average inclination of a bank or cliff is the angle between the horizontal and a straight line between a point representative of the base of the bank or cliff and a point representative of the top, with this line being at least approximately perpendicular to the horizontal line representing the base of the bank or cliff. In case of an unresolved disagreement about this measurement, the Zoning Officer may require that it be done by a licensed surveyor or engineer.
2. Building: A roofed structure affording shelter to persons, animals, or property, except if it is readily utilizable as a vehicle or is a temporarily located or easily removable tent.
3. Building Height: The vertical distance between the mean elevation of the of the finished grade around the building and the highest point of the roof, except that in the LR zone it is measured from the 386.6 foot elevation to the highest point of the roof. Consequently, maximum building height in AR zone is 35 feet and in LR zone maximum building height is 421.6 feet above sea level. Building height to be

determined by licensed architect, surveyor or civil engineer.

4. **Building Lot:** A parcel of land used or set aside and available for use as the site of one or more buildings. If a parcel of land is not under one ownership or is divided by a road, then it may not be considered as one building lot, for the purposes of this law. Land included within the right-of-way of a public or private road to which the building lot abuts is not considered to be a part of that lot, even if the ownership of the land in the right-of-way is the same as that of the lot. A building lot for the purpose of this Law may or may not coincide with a lot of record. If any part of the boundary of a building lot is not described by a deed, then it must be described in the application for a permit.
5. **Building Lot Area:** The total area contained within the boundary lines of a building lot, excluding any area within the right-of-way of a public or major private road.
6. **Building Lot Width:** This is the distance along which the building lot abuts the adjoining public or private road right-of-way, except that in the case of a building lot which is markedly non-rectangular in shape or is remote from the nearest public or private road, the width is the diameter of the largest horizontal circle that can be contained within the boundaries of the building lot, and except that the building lot width is measured at the shoreline for building lots that are in the Lakeshore Residential District and are located between the lake and a public or major private road.
7. **Deck:** A structure having a floor but no roof and having a floor level 5 feet or more above the 383.5 foot elevation.
8. **Elevation:** is the height, in feet, above sea level, according to the Barge Canal datum, more particularly, as read from the lake gauge at Mud Lock.
9. **Farm Stand:** A structure with a footprint not exceeding 120 sq. ft. used primarily for the sale of agricultural products.
10. **Footprint Area:** The footprint area of a building or structure is the area enclosed by the outside surfaces of the exterior walls, measured in a horizontal plane. If an exterior wall is not present, then the measurement shall use the most likely location of an exterior wall in relation to the roof if the building were to be fully enclosed.
11. **Road:** A public or private way used or intended to be used for passage or travel by vehicles. A major private road is one which serves five or more parcels of land.
12. **Road Line:** The line which separates a road right-of-way from adjoining land. Setbacks are to be measured from the road line at the nearer side of the road.
13. **Sexually Oriented Businesses** are those which sell sexual entertainment to the public, and are exemplified by establishments which present topless dancers, strippers or peep shows, or which are known as "adult bookstores or "adult theaters".
14. **Shoreline at a specified elevation** is the line along the lake water's edge when the lake water's surface is at the specified elevation. The shoreline is used as a reference line for making horizontal measurements.
15. **Sign:** Any structure or part thereof or any device attached to a structure or painted or represented on a structure which displays or includes any letter, work, model, banner, pennant, insignia, device, or representation used as or which is to be in the nature of

an announcement, direction, or advertisement.

16. Use: Any activity, occupation, business or operation carried on or intended to be carried on, in a building or other structure or on a tract of land.
  17. Zoning Permits: Ordinary permits may be issued by the Zoning Officer. Special permits may be issued by the Planning Board.
  18. Solar energy system: A complete assembly consisting of one or more solar collectors, any device that transforms solar radiation into thermal or electrical energy and associated mounting hardware or equipment.
  19. Littoral Line: Lines drawn on a survey or other property map as extensions of upland property lines at the high-water mark into a body of water to the distance where navigable water can be reached. These lines are used to identify the area where the littoral rights of a property owner exist also referred to as the littoral zone. Littoral lines and littoral zones are not an extension of ownership of land, they define the area where a landowner has the right to access navigable waters.
  20. Littoral Rights: Littoral rights pertain to landowners right to access navigable water from their land that borders navigable lakes. Landowners with littoral rights have unrestricted access to the waters but own the land only to the mean low water mark. After this point, the land is owned by the People of the State of New York.
  21. Littoral Zone: Littoral zone means that part of the lake that extends from the mean high water line and continues to a depth where sufficient light for plant growth reaches the sediments and the lake bottom. This area is usually that portion of the lake that is less than 15 feet in depth. Littoral zone boundaries are established by right angle projections from a baseline established along the shoreline at the intersection of the high-water line and the side boundary of each property (Colonial or Practical method).
  22. Mean High-Water Mark: The approximate average high-water level for a given body of water at a given elevation, determined by reference from survey datum provided by the United States Geological Service (USGS). According to the New York State Department of Environmental Conservation, Division of Environmental Permits, the Mean High-Water Mark for Cayuga Lake is 383.5 feet NGVD(29).
  23. Mean Low-Water Mark: In New York State the courts have established the “low-water mark” (LWM) as the location of the limit of sovereign title for State-owned fresh water lakes. As of 2016, according to New York State Office of General Services (OGS) the mean low-water mark for Cayuga Lake is 381.4 feet (Barge Canal Datum).
- B. Except as set forth in part A of this section or elsewhere in this Law, any words, terms or phrases defined by Chapter A, part 606.3 of the New York State Uniform Fire Prevention and Building Code, as now constructed or hereafter amended, shall have the same definitions when used in this Law.

## Section 5 - Establishment of Zones

- A. For the purposes of achieving compatible land use patterns, the area of land making up the portion of the Town of Ledyard that is outside of the Village of Aurora is hereby declared to be in the following zones:
  1. Agricultural-Residential District (AR Zone)

## 2. Lakeshore Residential District (LR Zone)

- B. From time to time the Town Board may, in accordance with Article IV of this Law, see fit to establish a Special Development District. When so established, such Special Development District shall be designated as SDD#\_\_\_\_; a sequential numerical identifier shall be included as part of each designation. Upon approval of an SDD, the use shall be subject to application for an issuance of a Special Permit in accordance with the provisions of Article III of this law
- C. A map known as the Zoning Map of the Town of Ledyard showing the zones established by this Law is adopted in conjunction with the adoption of this Law on , 2001 and certified by the Town Clerk and hereby made a part of this Law.

## ARTICLE II - USE AND DIMENSIONAL REGULATIONS

### Section 1 - Agricultural-Residential District (AR Zone)

#### A. Purpose:

There are increasing numbers of persons who wish to reside in traditionally rural, agricultural areas. The Town of Ledyard by creating an AR Zone intends to provide a sufficiently large area to accommodate this desire in a manner which allows established agricultural interests and new, non-farm residential growth to co-exist in a mutually complimentary fashion. This zone is also designed to allow non-farm development other than residential, which might provide employment for residents or goods or services such residents may desire in a manner that maintains the essentially rural character of the area.

#### B. Definition of the Agricultural-Residential District (AR Zone)

The Agricultural-Residential District is composed of all of the Town of Ledyard except the Village of Aurora and the Lakeshore Residential District.

#### C. Use Regulations:

- 1. Agriculture, horticulture, silviculture, or solar energy system and any accessory uses appurtenant thereto; home occupation for profit carried on within a residence or structure accessory to a residence in such a manner so as not to change the exterior character of the building or lot from that of a residence, and employing not more than three full-time- equivalent employees who are not members of the household; maintenance of land in open space and conservation of land; and non- commercial uses and structures under 100 square feet in footprint area when such use or structure is accessory to a principal use or structure on the same lot or on a nearby lot under the same ownership are permitted activities in this District that may be undertaken without the need of a zoning permit, provided, however, that such activities do not violate any provisions of this Law. For the purpose of this law, two lots are nearby each other if the minimum separation between them is 250 feet or less. For the purpose of this Law, the conversion of basic agricultural products such as, but not limited to, grains and grapes, into other products such as, but not limited to, flour and wine shall not be considered as an agricultural activity, except if it constitutes a very small part of the operation which produces the basic agricultural product.

##### a. Accessory Apartments

Definition: A subordinate dwelling, which has its own eating, sleeping and sanitation facilities which is (1) within or attached to single-family residential building or (2) within a detached accessory structure associated with a single-family dwelling

Purpose: To meet housing needs of town residents that require housing in close proximity to family member or are care givers to town residents

Requirements:

- No rent
  - One dwelling must be owner occupied
  - Occupancy limited to family members or family guest
  - Floor area between 400 and 800 sq ft
  - No more than one per lot
  - Have potable water and sanitation facilities as directed by Cayuga County Dept of Health
  - Meet all zoning and building codes
2. Upon application for and issuance of an ordinary permit under the terms of this Law, one single family residence on a single building lot, one two-family residence on a single building lot, the conversion of a single family residence to a two-family residence; agricultural buildings, and non-commercial structures having 100 or more square feet of footprint area when such structure is accessory to a principal use or structure on the same lot or on a nearby lot (250 feet or less as defined above in Article II Section 1 C 1) under the same ownership, are allowed in this District.
  3. Any action identified as a Type I action under the rules and regulations of the New York State Environmental Quality Review Act (SEQRA), 6NYCRR, Part 617, Section 617.12 as now constituted or hereafter amended shall be a prohibited use in the AR Zone. Also prohibited shall be gaming establishments (including casinos), sexually oriented businesses and heavy industrial uses including, but not limited to, landfills, scrap metal and recycling businesses, incineration businesses, mining, businesses devoted to the disposal and/or treatment of toxic waste. Heavy industrial uses are those uses which have the potential for severe negative impact on uses located relatively close to them. Heavy industrial uses may have some or all of the following characteristics: unenclosed structures that are large, tall, and/or unsightly; potential to generate odors; involve large amounts of exterior storage; due to their scale are likely to have a regional or area-wide impact.
    - b. Uses prohibited in the AR Zone may be allowed in a Special Development District which may be formed by re-zoning part of the AR Zone in accordance with the provisions of Article IV of this Law.
  4. All uses not permitted nor prohibited by parts 1, 2 and 3 of this Section are allowed subject to application for and issuance of a special permit in accordance with the provisions of Article III of this Law or by zoning variance with the Zoning Board of Appeals as applicable. If a use would be permitted only by a special permit under the provisions of this Law, but is legally carried on without a special permit because it is a continuation of a use begun before the Town of Ledyard had a zoning law, then any expansion of building floor area of that use beyond the area existing on March 15, 2001, may be done only after issuance of a special permit.

## 5. Telecommunications Towers

For the purposes of this Law a telecommunications tower is a structure on which one or more transmitting and/or receiving antennae are located, for commercial use. When a special permit allowing a telecommunication tower is being considered, a Visual Environmental Assessment form (Visual EAF 6 NYCRR at 617) shall be done by the Planning Board, even if a Full Environmental Assessment Form is not done. At all times, shared use of existing towers or structures shall be preferred to the construction of new towers. Where such shared use is unavailable, location of antennae on pre-existing structures shall be considered. When arriving at a decision about an application for a telecommunications tower, the Planning Board shall consider the following things:

- a. Need for the tower (consider shared use, existing structures, repeaters) (Radiation plots may be required.);
- b. Availability of other sites;
- c. Visibility;
- d. Landscaping, tower colors, and limited lighting, all for the purpose of minimizing visual impact;
- e. Height;
- f. Possibility of requiring greater than usual setbacks in order to minimize the danger to adjoining property from falling ice or debris from tower failure; and
- g. Documentation of adequacy of structural design to withstand foreseeable loadings.

No advertising sign may be placed upon the tower or elsewhere on the premises. Within six months of the discontinuance of use of any telecommunications tower, the owner, whether the applicant or its successor, shall remove the tower and any associated structures and substantially restore the site to its former condition. The Planning Board may require an applicant to post a bond or cash in a sum sufficient to secure the removal of the telecommunications tower, equipment and/or associated structures. This time limit may be extended by request for and granting of permission by the Planning Board after a public hearing.

## 6. Solar energy system

For the purposes of this law a solar energy system is a renewable energy project that either (a) generates electricity from sunlight or (b) utilizes sunlight as an energy source to heat or cool buildings, heat or cool water.

- a. Two acres or less: requires a building permit from zoning officer
  1. Meet all applicable setbacks listed in Article II Section 1. D3. No solar collector permitted within front plane of property (between house and road).
  2. Maximum height not to exceed 20 feet for freestanding units. Roof mounted solar collectors may not exceed maximum building height as defined in building code.
  3. Minimize potential adverse visual impacts due to reflection and glare.
  4. Placement of roof mounted solar collectors shall be 3 feet or more down from

ridge and 4 feet or more from all edges and/or transitions.

5. Applicant shall show documentation that roof will support the additional weight of roof mounted solar collectors plus snow load.
  6. Any solar collector not used for 12 successive months shall be deemed abandoned and removed from property and area returned to original use at the expense of owner.
- b. Over 2 acres: requires special permit

D. Dimensional Regulations:

Unless otherwise allowed by this Law, no building or residential structure may be constructed upon or moved to a building lot, or enlarged in a manner that would increase its footprint area, unless the lot conforms to the following dimensional regulations; and no building lot boundary may be changed if such change results in non-conformance (or further non-conformance, in the case of an existing non-conforming situation) to the following dimensional regulations.

1. Minimum building lot size - 40,000 square feet
2. Minimum building lot width - 150 feet
3. Minimum setbacks, applicable to all buildings except farm stands
  - a. from road line, except along state roads - 50 feet
  - b. from road line along state roads - 75 feet
  - c. from building lot boundaries - 20 feet, except that the minimum setback of a school bus stop shelter from road line is only 10 feet.
- a. Commercial setbacks, including solar, shall be established by Planning Board and applicant as part of site plan review process.
4. Septic system and water well setbacks; No septic system or water well shall be less than 50 ft. from the building lot boundaries.
5. Maximum building height - 35 feet
6. Clear sight triangles:

Where a private accessway intersects a road, visual obstructions shall be limited to a height of not more than three (3) feet above road level within the triangular area bounded by the road line, the edge of the private accessway, and a straight line drawn between points on both the road line and the edge of the accessway ten (10) feet from the intersection of said lines. Note that if the building lot is at the intersection of two public roads, then the clear sight triangle specified in Part E below must be maintained.

- a. The standards set forth in this Section usually shall not apply to the erection, building, or maintenance by public utilities or governmental agencies of underground or overhead gas, electrical, or water transmission or distribution systems, communication systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith. These things shall be allowed as reasonably necessary for the furnishing of adequate service by such public utilities or town or other governmental agencies or for the public health or safety or general welfare. These exceptions shall not

apply to buildings.

- b. The minimum setback regulations of this article shall not apply to terraces or fences, except for fences around perimeter of solar farms. Arbors, open trellis, flagpoles, mailboxes, and yard drying equipment are also exempt.
    - (1) Solar farms are required by law to be enclosed by perimeter fencing to restrict unauthorized access. Fence setback, height, style, and types shall be established by Planning Board and applicant as part of the site review process.
  - c. Signs, farm stands and off-road parking: The road setback requirements for this District shall not apply to off-road parking areas. Signs and farm stands must be set back at least 10 feet from the road line.
  - d. Building height: The maximum building height standards for this District shall not apply to farm buildings, amateur radio antennas, church spires, chimneys, or other structures built above the roof and not devoted to human occupancy.
- E. Clear sight regulations: At any intersection of two or more public roads, no wall, fence, or other structure shall be erected or altered or no hedge, tree, shrub, or other growth except agricultural crops shall be maintained which may cause danger to traffic on the roads by obscuring the view. Visual obstructions shall be limited to a height of not more than three (3) feet above road level within the triangular area bounded by the road lines and a straight line drawn between points on each such road line twenty-five (25) feet from the intersection of said road lines.
- F. Mobile Home Regulations: In order to be installed upon a building lot in this District, a mobile home or house trailer must have been built since 1988 or be certified as meeting the current H.U.D. standards or be found on inspection to be in excellent condition, safe and fit for residential occupancy as determined by the Building Code Inspector or his designee (for examples, an architect or an engineer).

## Section 2 - Lakeshore Residential District (LR Zone)

### A. Purpose:

Many lots in this zone have had buildings on them for many years, but could not meet the dimensional requirements of the Agricultural-Residential District (AR Zone) and often have dangerous features such as flood plains and cliff slopes, thereby causing problems with safe siting of buildings, sewage disposal, access by emergency equipment, pedestrian safety, and code administration. In order to avoid unnecessary administrative burden on the Town and unnecessary expense and delay to the applicant and to provide for the creation of future lots in keeping with the special nature of the District, this Zone is established in an attempt to provide a reasonable set of standards governing the area and use of lots which, if met in the initial applications, will lead to a permit without the need for variance proceedings.

- B. Description of Lakeshore Residential District (LR Zone) South of the Village of Aurora: Beginning at the intersection of the Genoa/Ledyard town line and the 383.5 foot shoreline, proceed easterly a distance of 300 feet along the Genoa/Ledyard Town line; then northerly and at a distance of 300 feet from the 383.5 foot shoreline to the centerline of Lake Road near the entrance to Honoco Road; then northerly along the centerline of Lake Road to the Aurora Village line; then westerly along that line to a point 1500 feet



from the 383.5 foot shoreline; then southerly along a line 1500 feet from the 383.5 foot shoreline to a point in the Genoa/Ledyard Town line; and then easterly along that line to the place of the beginning. North of the Village of Aurora: Beginning on the lakeshore at the intersection of the 383.5 foot shoreline and the Aurora Village northern line, proceed easterly along the Aurora Village line to the centerline of NYS Route 90; then north along the centerline of NYS Route 90 to the southeast corner of Tax Map Parcel #170.02-1-32 (owned by Heath in 2000), then westerly along the south boundary of that parcel to its southwest corner; then on the same straight line to the western boundary of the easterly portion of tax map parcel #170.02-1-29.11 (owned by Palombi in 2000); then northerly along that parcel boundary to the centerline of Ellis Point Road (a.k.a. Levanna Road); then westerly along the centerline of Ellis Point Road to the western boundary of tax map parcel #170.02-1-04.1 (owned by Mosher in 2000); then northerly along that boundary to the centerline of Ellis Road; then westerly along the centerline of Ellis road to the eastern boundary of tax map parcel #170.02-1-40.2 (owned by Betts in 2000); then northerly along that line to the northeast corner of that parcel; then westerly along the north boundary of that parcel to a point 300 feet easterly from the 383.5 foot shoreline of the lake; then northerly at a distance of 300 feet from the 383.5 foot shoreline to the Ledyard/Springport town line; then westerly along that line to a point 1500 feet from the 383.5 foot shoreline; then southerly at a distance of 1500 feet from the 383.5 foot shoreline to a point in the Aurora Village line; then easterly along that line to the place of the beginning.

C. Reserved

D. Use Regulations:

1. Agriculture, horticulture, or silviculture and any accessory uses appurtenant thereto; home occupation for profit carried on within a residence or structure accessory to a residence in such a manner so as not to change the exterior character of the building or lot from that of a residence, and employing not more than three full-time- equivalent employees who are not members of the household; maintenance of land in open space and conservation of land; and non- commercial uses when such use or structure is accessory to a principal use or structure on the same lot or on a nearby lot under the same ownership are permitted activities in this District that may be undertaken without the need of a zoning permit, provided, however, that such activities do not violate any provisions of this Law.

a. Accessory Apartments

Definition: A subordinate dwelling, which has its own eating, sleeping and sanitation facilities which is (1) within or attached to single-family residential building or (2) within a detached accessory structure associated with a single-family dwelling

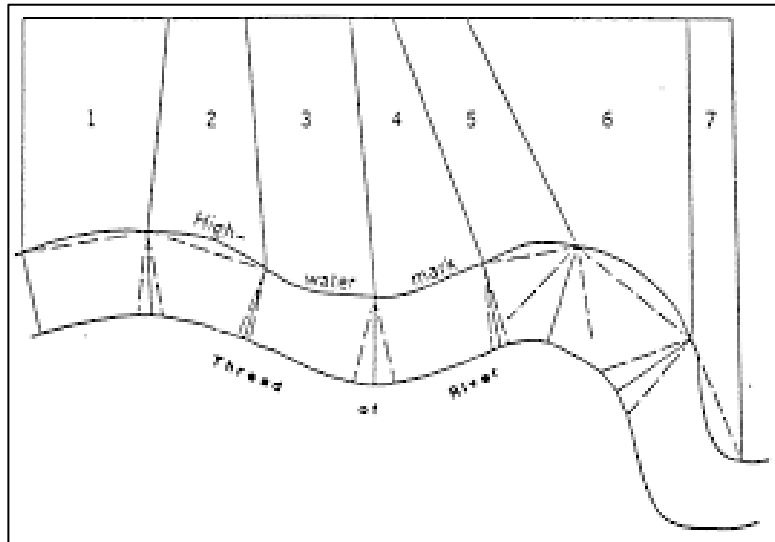
Purpose: To meet housing needs of town residents that require housing in close proximity to family member or are care givers to town residents

Requirements:

- No rent
- One dwelling must be owner occupied
- Occupancy limited to family members or family guest
- Floor area between 400 and 800 sq ft
- No more than one per lot

- Have potable water and sanitation facilities as directed by Cayuga County Dept of Health
  - Meet all zoning and building codes
2. Upon application for and issuance of an ordinary permit, single family residences (whether seasonal or year-round) and non-commercial accessory uses related to a residence and/or to lakeshore recreation are permitted uses in this zone. Maintenance of land in open space, conservation of land, swimming, boat launching, and similar activities are allowable without obtaining a permit. Any travel trailer, recreational vehicle, or similar vehicle is governed by the same regulations as a building if it is located on a lot for 8 or more months of any period of 12 consecutive months. Refer to Article II Section 2 E 2. Seasonal recreational vehicles must meet side and road setbacks as stated below.
  3. Any action identified as a Type I action under the rules and regulations of the New York State Environmental Quality Review Act (SEQRA), 6NYCRR Par 617.12, as now constituted or hereafter amended, as well as any use specifically identified as prohibited in the AR zone shall be a prohibited use in the LR Zone.
  4. All uses not permitted by paragraph 1, nor prohibited by paragraph 2 of this section are allowed subject to application for and issuance of a special permit in accordance with the provisions of Article III of this Law or by zoning variance with the Zoning Board of Appeals as applicable
  5. The requirements for telecommunications towers in the LR District are the same as those in the AR District.
  6. Regardless of size, in the Lakeshore District ALL construction or replacement of sheds, buildings, docks, or boat hoists MUST apply for a building permit from Code Enforcement Officer.
- E. Dimensional Regulations: Unless otherwise allowed, no building or residential structure may be constructed upon or moved to a building lot, or enlarged in a manner that would increase its footprint area, unless the lot conforms to the requirements of 1. or 2. below, whichever is applicable; and no boundary of a lot containing a building may be changed if such change results in nonconformance (or further nonconformance in the case of an existing nonconforming situation).
1. Except as otherwise provided in 2. below, the dimensional requirements for building lots governed by this zone shall be as follows:
    - a. Minimum building lot size, excluding area on lake side of 386.6 foot shoreline - 30,000 sq. ft.
    - b. Minimum building lot width - 100 feet
    - c. Minimum lot depth, from 386.6 foot shoreline to roadline of nearest public or major private road, except as otherwise provided - 200 feet
    - d. Minimum setbacks for any building:
      - (1) from side boundary of lot 10 feet; distance of 5 feet between structures on same property (NYS Fire Code; IRC R302T(1))

- (2) from 386.6 foot shoreline 10 feet
- (3) from base of cliff, as spec. in 2.d.(3) below 10 feet
- (4) from road line 50 feet
- e. Maximum building height is 35 feet (421.6 feet above sea level), determined by licensed architect, surveyor or civil engineer.
- f. Minimum height of floor of living space, above 386.6 foot elevation - 7 feet
- g. Maximum projection of deck toward lake, from 386.6 foot shoreline - 4 feet
- h. In accordance with NYS Real Property Law Chapter 50, Article 9, Section 334(5) all surveys, subdivision plats and other maps for recording at the County Clerk's Office for all land contiguous to the navigable waters of the state that have frontage on such waters, such map shall show the extension of the littoral property line or lines of such lots, plots, blocks, sites or units from the intersection of said line or lines with the high water mark into said navigable waters of the state. Such map shall show sufficient data to define the location of the riparian/littoral area associated with such lots, plots, blocks, sites or units. The map shall also clearly show:
  - (1) The Mean High-Water Mark for Cayuga Lake (383.5 feet (NGVD)).;
  - (2) The Mean Low-Water Mark for Cayuga Lake (381.4 feet (Barge Canal Datum));
  - (3) A description of the littoral measurement technique used by the NYS licensed surveyor to determine the littoral lines extending from land into the lake;
  - (4) A notation clearly stating that: The People of the State of New York claim sovereign ownership of Cayuga Lake beyond the mean low water mark (prior to the placement of any fill), and the littoral boundaries into the lake provide access to navigable water to the property owner unless expressly granted by land conveyance by New York State Office of General Services.
- i. In meeting the requirements of h above, NYS licensed surveyors shall use either the Colonial Method or the Practical Location Method (9 NYCRR 274) for determining the littoral lines so as to be fair and equitable to all parties as follows:
  - (1) Colonial Method: This method is used to apportion riparian littoral zones by drawing base line from one corner of each lot to the other, at the margin of the upland, and running a line from each of the corners, at right angles to the base line to the thread of the water body. The angle produced by the two lines established is bisected to establish the lateral outshore riparian littoral zone.



- (2) Practical Location Method: When upland owners deliberately make outshore improvements adjacent to their upland ownership with the understanding that such area represents their true riparian zone, such area may be established by practical location. This principle will usually apply when there is evidence of long term use and acquiescence by adjoining owners and the application of another method would adversely affect the majority of riparian owners within the immediate vicinity.
2. Dimensional requirements for any building lot which is non-conforming to the requirements of Article II, Section 2, E., 1. of this law, but which contained at least one building on it during some part of the period June 15, 1995 to June 15, 2000 shall be as follows:
- a. The minimum permissible area of a lot shall be the area it had on March 15, 2001. No such lot may be further reduced in size or subdivided.
  - b. The minimum width of a building lot shall be 100 feet at the 386.6 foot shoreline.
  - c. The total footprint area of all buildings on the building lot may not exceed the maximum total footprint area of all the buildings on the lot during the period June 15, 1995 to June 15, 2000.
  - d. The following building setbacks are to be maintained:
    - (1) No structure shall be located less than 10 feet from an adjacent lot line, nor less than 20 feet from any existing structure on an adjacent lot having a footprint area of more than 100 square feet.
    - (2) No roofed structure may be located to the lake side of the 386.6 foot shoreline, except as may be allowed by Part H of this Section.
    - (3) Cliffside: No residential structure may be located less than 10 feet, and no accessory structure may be located less than 4 feet from the base of a bank or cliff whose height is more than 20 ft. and whose average inclination is more than 45 degrees from the horizontal. The definition of "average inclination" is given in Article I Section 4 of this law.
    - (4) Roadside: Setbacks on the road side in this zone are to be measured from the

furthest extension of the structure, including overhangs, entrance porches and steps. No structure may be located closer than 75 feet from the centerline of a public road or 50 feet from the centerline of a private road or right-of-way except as follows:

[a] On Honoco Road, no structure may be located closer to the road than any existing structure which it replaces or adjoins, and in no case closer than 10 feet from the centerline of the 12 foot former railroad right-of-way or of Honoco Road if they are the same, or from the centerline of Honoco Road as located by the deed by which the Lehigh Valley Railroad conveyed ownership to another party.

[b] On Sunset Road, no structure may be located closer than any existing structure which it replaces or adjoins, and in no case closer than 10 feet from the centerline of the former railroad right-of-way or of Sunset Road if they are the same, or from the centerline of Sunset Road as located by the deed by which the Lehigh Valley Railroad conveyed ownership to another party.

[c] On the lake side of Lake Road, no structure may be located less than 30 feet from the centerline of the road.

e. Maximum building height is 35 feet. (421.6 feet above sea level).

f. Minimum height of floor of living space, above 386.6 foot elevation - 7 feet

g. Maximum projection of deck toward lake, from 386.6 foot shoreline - 4 feet

3. Clear sight triangles:

Where a private accessway intersects a road, visual obstructions shall be limited to a height of not more than three (3) feet above road level within the triangular area bounded by the road line, the edge of the private accessway, and a straight line drawn between points on both the road line and the edge of the accessway ten (10) feet from the intersection of said lines.

4. Exceptions to dimensional regulations are permitted as follows:

a. The standards set forth in this Section usually shall not apply to the erection, building, or maintenance by public utilities or governmental agencies of underground or overhead gas, electrical, or water transmission or distribution systems, communication systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith. These things shall be allowed as reasonably necessary for the furnishing of adequate service by such public utilities or town or other governmental agencies or for the public health or safety or general welfare. These exceptions shall not apply to buildings.

b. The minimum setback regulations of this article shall not apply to terraces or fences. Arbors, open trellis, flagpoles, mailboxes, and yard drying equipment are also exempt.

c. The roadside setback standards of this Section shall not apply to off-road parking areas.

- d. Building height: The maximum building height standards for this District shall not apply to farm buildings, amateur radio antennas, church spires, chimneys, or other structures built above the roof and not devoted to human occupancy.
- F. Excavations: If the combination of conditions 1) average inclination above horizontal more than 45 degrees and 2) difference in elevation between bottom and top exceeding 30 feet shall be true for any existing bank or cliff, or for the bank or cliff resulting from any proposed excavation, then such excavation into the existing bank or cliff shall be prohibited unless a special permit has been issued for it or unless the Zoning Officer judges that the amount of material to be excavated is clearly small enough to be inconsequential. If a special permit is required it shall not be issued unless a study by a licensed engineer has been conducted, has been paid for by the applicant, and has been received by the Planning Board.
- G. Mobile Home Regulations: In order to be installed upon a building lot in this District, a mobile home or house trailer must have been built since 1988 or be certified as meeting the current H.U.D. standards or be found on inspection to be in excellent condition, safe and fit for residential occupancy as determined by the Building Code Inspector or his designee (for examples, an architect or an engineer).
- H. Regulations Governing Docks and Other Structures in the Lake

1. Purpose:

The purpose of these regulations are to protect the rights of all users of the Cayuga Lake shoreline; to protect the rights of owners of property adjacent to Cayuga Lake; to protect the Cayuga Lake environment and preserve it as a unique natural resource; and to protect the health, safety, and welfare of the public.

The intent of these regulations is to establish comprehensive controls for the construction, installation, and location of docks, boathouses, structures, in that portion of Cayuga Lake over which the Town of Ledyard has jurisdiction. NYS Navigation Law Chapter 37, Article 4, Part 1, Section 46-a, e(2) specifically states that "The local legislative body of the...towns of...Ledyard in the county of Cayuga...may adopt, amend and enforce local laws, rules and regulations not inconsistent with the laws of this state or the United States, with respect to the restriction and regulation of the manner of construction and location of boathouses, moorings and docks in any waters within or bounding the respective municipality to a distance of fifteen hundred feet from the shoreline."

2. Definitions:

For the purposes of this Law, the following definitions shall apply:

- a. "Dock" shall mean any dock, wharf, or fixed platform extending out over the water and built on floats, columns, open timber piles, or similar open-work supports. The term shall include both things which remain in place year-round and things which are in place only seasonally.
- b. "Pier" shall mean any structure extending out into the water and built upon fill material.
- c. "Structure" shall mean any pier, wharf, dock, boat hoist, breakwater, permanent mooring structure, permanently moored floating vessel, pilings, swim platform, aid

to navigation, or other obstacle or obstruction.

### 3. Permits Required

- a. An ordinary permit, issued by the Zoning Officer, is required before any of the following actions is taken:
  - (1) the construction of a permanent non-commercial dock or the initial installation of a seasonal dock, in either case, extending no further into the lake than 100 feet from the 383.5 foot shoreline and having a width no greater than 6 feet
  - (2) the construction of a permanent floating structure or the initial installation of a seasonal floating structure, in either case, having a horizontal area greater than 4 square feet and positioned no more than 100 feet from the 383.5 foot shoreline
  - (3) the initial installation of a production boat hoist or its equivalent
- b. A special permit, issued by the Planning Board, is required before any of the following actions is taken:
  - (1) the construction of a pier or solid fill breakwater (These might be prohibited by the Army Corps of Engineers and/or the New York State Department of Environmental Conservation.)
  - (2) construction of a dock or other structure in the lake for a commercial purpose
  - (3) construction of a boat house not conforming to the provisions of this Law concerning setbacks from the 386.6 foot shoreline

### 4. Requirements

- a. A dock, pier, or boat hoist must be set back at least 10 feet from the boundary of any adjoining property, except this requirement may be waived by mutual written agreement between the adjacent property owners and filed with the Town of Ledyard Zoning Officer.
    - (1) In determining the location of docks per required setbacks above, property owners shall provide a survey map drawn and signed by a NYS licensed surveyor using the methods described in Article II, Section 2 subsections E, h and E, i of this Law that shows the littoral lines of the subject property and adjacent properties.
  - b. The width of a dock must not exceed 6 feet
  - c. A dock must not extend into the lake farther than the 379.5 foot shore line or to a distance of 60 feet from the 383.5 foot shoreline, whichever is farther into the lake, except that the maximum extent must not be farther than 100 feet from the 383.5 foot shoreline, even if the 379.5 foot shoreline is farther out.
  - d. If a boat hoist has a roof, the highest point of the roof must be no more than 2 feet higher than the lowest point of the roof.
  - e. No dock shall have a wall above its deck surface
5. An ordinary or special permit for a seasonally-installed dock or boat hoist is valid for succeeding seasons as long as its extent and location either remain essentially the same as specified in the permit or are made to be further within the bounds of

conformity.

6. A dock or boat hoist which was permanently installed or seasonally placed before docks and boat hoists were regulated by this law may continue to be used as before this regulation began.
7. Disputes between property owners regarding the location of docks and any interference with access to such structures shall be settled in accordance with New York Codes, Rules and Regulations Title 9, Executive Department Chapter II Division of Land Utilization, Part 274, Interference With Riparian Rights (9 NYCRR 274). Complaints shall be filed with and settled by the Commissioner of General Services with the NYS Office of General Services in accordance with
  - a. Town of Ledyard Code Enforcement Officer
  - b. Town of Ledyard ZBA if needed
  - c. NY Codes, Rules, and regulations of Title 9.

## ARTICLE III - SPECIAL PERMITS

### Section 1 - Purpose

- A. The purpose of the special permit procedure is to allow public awareness and input into the review of proposed developments and activities that could be inconsistent with the rural character of the town, might pose environmental risks, or have the potential for jeopardizing the orderly transition of sections of the Town from rural to more urbanized activity. The objective of this process is to determine the extent to which such problems exist and to identify ways to mitigate them so that the proposal may be undertaken in a manner that is harmonious with the area in which it will be established.

### Section 2 - Uses subject to special permit

Those uses cited in Article II as requiring a special permit are subject to this Article.

### Section 3 - Reviewing/Approving Agency

The Planning Board of the Town of Ledyard shall receive applications for special permits, review same, and either approve, approve with modification, or deny said applications according to the criteria set forth in Article III, Section 4 of this Law.

### Section 4 - Procedures

The procedures for acting on special permit applications are the following:

- A. Sketch plan conference. A sketch plan conference between the Planning Board and The applicant may be held prior to the preparation and submission of a written application for a special permit. The intent of such a conference is to enable the applicant to inform the Planning Board of the proposal prior to the preparation of a written application; and for the Planning Board to review the basic land use and site design concept, advise the applicant as to potential problems and concerns and to generally determine the information to be required in the written application. In order to accomplish these



objectives, the applicant should provide the following:

1. A statement of the desired land use or uses;
  2. A statement and rough sketch showing the locations and dimensions of principal and accessory structures, parking areas, access signs (with descriptions), existing and proposed vegetation, and other planned features; anticipated changes in the existing topography and natural features; and, where applicable, measures and features to comply with flood hazard and flood insurance regulations;
  3. A sketch or map of the area which clearly shows the location of the site with respect to nearby streets, rights of way, properties, easements and other pertinent features; and
  4. A topographic or contour map of adequate scale and detail to show site topography.
- B. Application for special permit approval. An application for special permit approval shall be made in writing to the chairman of the Planning Board and shall be accompanied by information contained on the following checklist. If a sketch plan conference was held, the accompanying information shall be drawn from the following checklist as determined necessary by the Planning Board at said sketch plan conference. Except in a situation where State Law permits an exception, any site plan must be approved by a licensed architect, professional engineer, or land surveyor, as provided in Section 7209 of the Education Law of New York State.

Application checklist:

1. Desired land use, both qualitative and quantitative;
2. Title of site plan, including name and address of applicant and person responsible for preparation of such site plan, and including the name and address of the architect, professional engineer or land surveyor approving it;
3. North arrow, scale, and date;
4. Boundaries of the property plotted to scale;
5. Existing watercourses;
6. Grading and drainage plan showing existing and proposed contours;
7. Location, design, type of construction, proposed use and exterior dimensions of all buildings;
8. Location, design and type of construction of all parking and truck loading areas showing access and egress;
9. Provisions for pedestrian access;
10. Location of outdoor storage, if any;
11. Location, design and construction materials of all existing and proposed site improvements including drains, culverts, retaining walls and fences;
12. Description of the method of sewage disposal and location, design and construction materials of such facilities;
13. Description of the method of securing water and location, design and construction materials of such facilities;

14. Location of fire hydrants, if any, and emergency zones;
  15. Location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy;
  16. Location, size and design and type of construction of all proposed signs;
  17. Location and proposed design of all buffer areas, including existing vegetative cover;
  18. Location and design of outdoor lighting facilities;
  19. Identification of the location and amount of building area proposed for retail sales or similar commercial activity;
  20. General landscaping plan and planting schedule;
  21. Record of application for and approval status of all necessary permits from state and county officials;
  22. Other elements integral to the proposed development as considered necessary by the Planning Board;
  23. Agreement to reimburse expenses incurred by the Town for consultation agreed to by applicant and Planning Board.
- C. Review of application. The Planning Board's review of the application shall include, as appropriate, but not be limited to, the following considerations.
1. Compatibility of the proposed land use with the overall objectives of the zoning law;
  2. Location, arrangement, size, design and general site compatibility of buildings, lighting and signs;
  3. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls;
  4. Location, arrangement, appearance and sufficiency of off-street parking and loading;
  5. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience;
  6. Adequacy of storm water and drainage facilities;
  7. Adequacy of water supply and sewage disposal facilities;
  8. Adequacy , type and arrangement of trees, shrubs, and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation;
  9. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants;
  10. Special attention to the adequacy of an impact on structures, roadways and landscaping in area with susceptibility to ponding, flooding, or erosion;
  11. Conformity of project with New York State Guidelines for Urban Erosion and Sediment Control.
- D. In the course of considering a written application for a special permit or the adequacy of a required draft Environmental Impact Statement submitted by the applicant, the Planning Board may decide that it needs to engage the services of a professionally qualified

consultant (for examples, a licensed architect or a licensed professional engineer). If this occurs, the Planning Board or one or two of its members assigned to the task shall discuss with the applicant the scope and probable maximum cost of the consultation. If agreement on scope and cost of the consultation is reached, it shall be documented by a written contract between the applicant and the Planning Board. The contract shall oblige the applicant to reimburse the Town for the cost of the consultation, regardless of whether or not the special permit is granted or the draft Environmental Impact Statement is considered adequate. The contract shall specify the time and manner of the reimbursement. If no such agreement is reached, the Planning Board may declare that the application process has terminated.

- E. In granting a special permit, the Planning Board may specify not only the type of use allowed, but also the extent or magnitude of the use.
- F. Planning Board action on the application. Within forty five (45) days of the receipt of a written and complete application for a special permit, the Planning Board shall render a decision, file said decision with the Town Clerk, and mail or deliver such decision to the applicant with a copy to the Zoning Officer, except that if an Environmental Impact Statement (EIS) is required, then the decision shall be made only in accordance with the prescribed SEQR process, even though this may be later than 45 days after the receipt of the written application, and except that the decision may not be rendered before the applicant has paid all fees and reimbursible costs. The time within which a decision must be rendered may be extended by mutual consent of the applicant and the Planning Board.
  - a. Upon granting of a special permit, the Planning Board shall endorse its approval on a copy of the special permit and shall forward a copy to the applicant and enforcement officer, and file same with the Town Clerk.
  - b. Upon disapproval of an application, the Planning Board shall so inform the Zoning Officer and the Zoning Officer shall deny a zoning permit to the applicant. The Planning Board shall also notify the applicant in writing of its decision and its reasons for disapproval. Such disapproval shall be filed with the Town Clerk.
- G. Reimbursable costs. Costs incurred by the Planning Board for consultation fees or other extraordinary expenses in connection with the review of an application shall be charged to the applicant.
- H. Performance guarantee. No certificate of occupancy shall be issued until all improvements specified in the special permit are installed or a sufficient performance guarantee has been posted for improvements not yet completed. The sufficiency of such performance guarantee shall be determined by the Planning Board, after consultation with other appropriate agencies.
- I. Inspection of improvements. The Zoning Officer shall be responsible for the overall inspection of improvements including coordination with the Planning Board and other officials and agencies, as appropriate.
- J. If a use granted by a special permit ceases for an uninterrupted period of one year, then resumption of this use is subject to Planning Board review for approval, revision or denial.

#### ARTICLE IV - SPECIAL DEVELOPMENT DISTRICT

## Section 1 – Purpose

The purpose of this zone is to provide an area where activities which could be incompatible with the Town's general land use pattern, threaten environmental resources if not properly developed, are apt to have profound impact on nearby property values and enjoyment, or could require the establishment or expansion of public facilities, yet may be needed for a balanced local economy or desirable as activities meeting the needs of the residents of the Town or the public in general can be established in a manner that would minimize or prevent the potential problems cited above among others.

## Section 2 - Permitted uses

- A. All uses permitted in the AR Zone are permitted in this zone in the same manner as allowed in the AR Zone and the LR Zone.
- B. All uses permitted by special permit in the AR Zone are permitted in this Zone in the same manner as allowed in the AR Zone and the LR Zone.
- C. Uses not permitted in the AR Zone may be permitted in a Special Development District (SDD) in accordance with the terms of this Article and the provisions for that SDD.

## Section 3 - Procedures

- A. All activities proposed for approval as a SDD shall be subject to the special permit review and approval process of Article III of this Law.
- B. Prior to seeking approval of the special permit, an applicant shall first request the Town Board to establish a Special Development District (SDD).
- C. The Town Board shall only approve establishment of a SDD when the applicant demonstrates that the conditions set forth in Section 4 of this Article exist.
- D. The Town Board may establish a SDD; if this is done, it shall be done in accordance with the procedures for amending this Law as set forth in Article VIII, Section 2 of this Law.

## Section 4 - SDD, conditions for establishment

- A. The applicant for a SDD shall demonstrate that the area proposed for inclusion within the SDD is appropriate for the use to be carried on at the site.
- B. Prior to formal application, the applicant shall present a proposal for a SDD in sketch form to the Town Board for non-binding discussion and reaction concerning the suitability of the concept, potential problems, and procedures for action. There must have been at least one sketch plan conference not more than 6 months prior to the submission of a formal written application.
- C. A formal application shall include the following information in order to be considered for approval:
  - 1. Name and location of project, name(s) and address(s) of owner(s) of land proposed for the project, legal description of the property proposed for the project, names and addresses of all abutting property owners, and relationship of the applicant to the project;
  - 2. Detailed description of any plans to stage development over time and demonstration why this staging will not result in negative impacts on the area caused by construction

and related activity;

3. Demonstration of suitability of the soils on the property for the proposed activity; manner in which surface and ground water will be protected and drainage contained so as to not negatively impact nearby and adjoining properties; manner in which potential air pollution will be controlled so as to pose no risk to adjoining properties; documentation of traffic to be generated and the ability of existing road network to accommodate same and plans to deter traffic congestion at the points of entry and exit to the site; statement of potential benefits to the Town; demonstration of the suitability of any proposed sewer system, water system, fire protection system, energy source and system; disposal system for solid waste; demonstration of developer competence to accomplish the project as described; demonstration and documentation of satisfactory responses to other issues deemed pertinent to the project by the Town Board.
- D. A formal application shall be in both written and drawing form and sufficiently clear to allow reasonable consideration of the issues raised in Section 4C above. If the Town Board decides that a formal application is not adequate in this respect, it shall inform the applicant of this decision, after which the Town Board has no obligation to act further upon the matter until such time as another formal application may be received.
- E. In the course of considering a formal application for a SDD or the adequacy of a required draft Environmental Impact Statement (EIS) submitted by the applicant, the Town Board may decide that it needs to engage the services of a professionally qualified consultant (for examples, a licensed architect or a licensed professional engineer). If this occurs, the Town Board or one or two of its members assigned to the task shall discuss with the applicant the scope and probable maximum cost of the consultation. If agreement on scope and cost of the consultation is reached, it shall be documented by a written contract between the applicant and the Town Board. The contract shall oblige the applicant to reimburse the Town for the cost of the consultation, regardless of whether or not the SDD is established or the draft EIS is considered adequate. The contract shall specify the time and manner of the reimbursement. If no such agreement is reached, the Town Board may declare that the application process has terminated.
- F. The Town Board may not decide to establish the SDD before the completion of all the SEQR procedures that may be required.

## ARTICLE V - MISCELLANEOUS REGULATIONS

### Section 1 Signs

- A. The purpose of this section is to protect the rural vistas of the Town by limiting the size of signs.
- B. Limitation on Signs
  1. In all zones, free standing signs in excess of twenty square feet in area, visible from any one viewpoint, are expressly prohibited.
  2. No permitted sign in any zone shall be located within the clear vision triangle at highway intersections as set forth in Article II.
  3. No permitted sign in any zone shall be constructed or placed in such a manner so as

a portion of it extends above the highest part of the roof of the building to which it is attached. A free standing sign shall not extend more than six feet above the elevation of the land upon which it is placed.

4. No permitted sign shall have flashing lights or moving parts.

## Section 2 - Parking

A. The purpose of this section is to insure that roads remain clear of congestion so as to allow safe and timely passage of private, commercial, and emergency vehicles.

### B. Regulations

1. All buildings or activities requiring a special permit shall be designed in such a way so as to provide parking areas for vehicles off the public roads sufficient to accommodate the expected number of vehicles said building or activity will generate at any time during its operating hours. It shall be the responsibility of the applicant for the special permit to provide documentation to support the size of the parking area proposed. The parking area shall have an all weather surface and provide safe and convenient access and use during all seasons.
2. In a parking area containing five or more parking spaces for an activity requiring a special permit, any parking accessway shall be at least 20 feet wide.
3. All residential buildings and activities shall be designed in such a way so as to provide at least two parking spaces per dwelling unit for vehicles off the public road. Compliance with this requirement shall be shown upon any application for a permit submitted under the terms of this Law.

### C. Definitions

As used above and elsewhere in this Law, the following terms have the meanings herein assigned:

1. Parking space - An area measuring 10 feet in width and 20 feet in length.
2. Parking area - A section of property devoted exclusively to parking spaces and those lands for accessing and exiting said parking spaces.
3. Parking accessway - A part of a parking area providing access to parking spaces.

## ARTICLE VI - NONCONFORMITIES

### Section 1 - Purpose

The purpose of this article is to safeguard property rights established prior to the enactment of this Law.

### Section 2 - Continuation

The lawful use of any structure or land existing at the effective date of this Law may be continued even though it does not conform to the provisions of this Law. Where improvements have been made to leased land in the form of structures, such structures that existed at the effective date of the original Town of Ledyard zoning law (Local Law Number 1 of 1994) may be continued as pre-existing structures either upon the leased land or upon

individual lots which may be created to permit the continued use of such structures, regardless of whether or not such building lots conform to the requirements of the present Law. Structures placed upon leased lands after the enactment of this Law shall be placed in such a manner so as to be situated upon an area of land sufficiently large that, if separated from the original parcel, the land could constitute a conforming lot under the terms of this Law.

### Section 3 - Changes

A non-conforming use may be changed to any permitted use or use permitted by special permit, or it may be changed in any way so as to achieve greater conformity with the dimensional regulations of this Law, but not in any way so as to become less conforming.

### Section 4 - Restoration

A non-conforming structure may be restored or repaired; or within a period of one year after its destruction, demolition or removal, it may be replaced to the extent of prior non-conformity.

## ARTICLE VII - ADMINISTRATION

### Section 1 - Purpose

The purpose of this Article is to provide procedures for the enforcement and administration of this Law.

### Section 2 - Zoning Officer

- A. The provisions of this Law shall be enforced by and administered by a Zoning Officer who shall be appointed by the Town Board.
- B. The Zoning Officer shall have the following duties: receive and examine applications for permits required by this Law and refer them to such agencies as may be appropriate; approve applications and issue ordinary permits or issue ordinary permits upon granting of variances by the Zoning Board of Appeals; issue certificates of occupancy upon demonstration of compliance with the terms of this Law or any permit issued in accordance with it; receive applications for action under the terms of this Law by other agencies and refer same to said agencies; conduct surveys and inspections to determine compliance or lack thereof with the terms of this Law; issue orders to remedy violations of the terms of this Law or orders to cease, stop, and desist violating the terms of this Law to such violators by certified mail or in person; revoke a permit issued by mistake of fact or contrary to the Law or provision of this Law; maintain copies of the zoning law in a current form, and maintain records regarding actions taken under the zoning law; provide such information and reports as are required by agencies of the Town regarding matters related to the zoning law; and, when directed by the Town Board or with its approval, institute in the name of the Town any appropriate action to insure compliance with the terms of this Law.

### Section 3 - Zoning Board of Appeals

- A. Applications for variance of the terms of this Law or for relief from an error made by the Zoning Officer in the administration of the terms of this Law shall be made to the Zoning

Board of Appeals.

- B. The Zoning Board of Appeals (ZBA) shall be constituted and operate in accordance with the provisions of Section 267 of the Town Law of the State of New York as now constructed or here-after amended.
- C. The ZBA shall grant a variance to the dimensional requirements of this Law only if it determines that the applicant for said variance would incur a practical difficulty not justified by any documented public health, safety, or welfare issue. The ZBA shall grant a variance to the use regulations of this Law only if it determines that the applicant would suffer an unnecessary hardship not justified by any documented public health, safety, or welfare issue, and in order to prove such unnecessary hardship, the applicant shall demonstrate that the criteria in Section 267-b of the Town Law of New York State are met.
- D. In granting a variance, the ZBA may prescribe such conditions as it deems necessary to secure the objectives of this Law and the plans of the Town of Ledyard for land use development.

#### Section 4 - Planning Board

- A. Applications for special permits under the terms of this Law shall be made to the Planning Board.
- B. The Planning Board shall be constituted and operate in accordance with the provisions of Sections 271, 272, 274, 274-a and 275 of the Town Law of the State of New York as now constructed or hereafter amended.

#### Section 5 - Compliance with Other Laws

- A. Nothing in this Law shall be deemed to waive compliance with any other applicable Federal, State, County, or Local Law.
- B. All actions taken by the Zoning Officer, ZBA, and Planning Board under the terms of this Law shall comply with all applicable Federal, State, County, or Local Laws, including the New York State Environmental Quality Review Act, the National Flood Insurance Program, and Sections 239-L and 239-M or the General Municipal Law of New York (relating to referral to the County Planning Agency), among others.

#### Section 6 - Permits and Certificates of Occupancy

- A. In those instances in which a permit is required, no structure shall be erected, constructed, extended, or moved; and no use of land or structures shall commence or change without issuance of an ordinary permit or special permit under the terms of this Law.
- B. In those instances in which a permit is required, no structure shall be occupied or use undertaken without issuance of a certificate of occupancy stating that the site or structure has been inspected by the Zoning Officer and complies with the terms of this Law.
- C. When construction is authorized by an ordinary permit or a special permit, such authorization of construction is valid for a period of two years. Continuation of construction beyond this two year period requires a renewal of an ordinary permit by the Zoning Officer or, in the case of a special permit, an extension, by the Planning Board, of



the authorization of construction.

- D. Application for ordinary permits shall be processed and acted upon by the Zoning Officer within 15 days from the date of receipt.
- E. Forms for ordinary permits and any other documents deemed necessary for the administration of this Law shall be approved by the Town Board by resolution and the information to be included in such documents shall be determined by the Town Board at that time.
- F. Fees for applications, permits, hearings, or other actions required by the Town or its agencies in order to enforce and administer this Law shall be established by the Town Board by resolution and from time to time such fees may be changed as needed.
- G. All applications and accompanying plans and documents shall become and be preserved as a public record subject to the disposition of the Town of Ledyard.

#### Section 7 - Exemption from Permits

No ordinary permit or special permit shall be required for: activities exempted by any section of this Law; general maintenance work; painting; installation of floor covering materials, cabinets, and similar items; tilling the soil; constructing terraces, steps, or similar features; landscaping not required in conjunction with a special permit; or flag poles

#### Section 8 - Enforcement and Remedies

- A. In case any building or structure is erected, constructed, re-constructed, altered, converted or maintained, or any building, structure, or land is used in violation of this Law or any other local law, or other regulation made under authority conferred thereby, the proper local authorities of the Town, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use; to restrain, correct, or abate such violation; to prevent the occupancy of said building, structure, or land; or to prevent any illegal act, conduct, business, or use in or about such premises. Upon the failure or refusal of the proper local officer, board, or body of the Town to institute any such appropriate action or proceeding for a period of ten (10) days after written request by a resident taxpayer of the Town so to proceed, any three taxpayers of the Town residing in the district wherein such violation exists, who are jointly or severally aggrieved by such violation may institute such appropriate action or proceeding in like manner as such local officer, board, or body of the Town is authorized to do.

#### Section 9 - Fines and Penalties

- A. For each and every violation of the provisions of this Law:

the owner, general agent, or contractor of a building or premises where such violation has been committed or shall exist; the owner, general agent, contractor, lessee, or tenant of any part of a building or premises in which part such violation has been committed or shall exist; and the general agent, architect, builder, contractor, or any other person who knowingly commits, takes part, or assists in any such violation or who maintains any buildings or premises in which any such violation shall exist shall be liable on conviction thereof to a fine or penalty not exceeding fifty (50) dollars or by imprisonment for a period not exceeding six (6) months or by both such fine and imprisonment. Each week of

continued violation shall constitute a separate additional violation.

## ARTICLE VIII - AMENDMENTS, SEVERABILITY, EFFECTIVE DATE

### Section 1 - Purpose

- A. The purpose of this Article is to provide authority to amend this Law should such action become necessary, protect the Law in general should some part of it be made ineffective, and to announce the date when the Law goes into effect.

### Section 2 - Amendments

- A. From time to time, it may be deemed advisable to amend this Law. Such amendments may be considered and acted upon by the Town Board in accordance with the provisions of Section 264 and 265 of the Town Law of the State of New York as now constructed or hereafter amended.
- B. Proposals for amendments may initiate with the Town Board, Planning Board, ZBA, or by petition by any individual or group of individuals.

### Section 3 - Severability

- A. Should the courts declare any provision of this Law to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Law shall continue to be separately and fully effective.
- B. Should the courts find the application of any provision or provisions of this Law to any lot, building or other structure, or tract of land, to be invalid or ineffective, in whole, or in part, the effect of such decision shall be limited to the person, property, or situation immediately involved in the controversy, and the application of any such provision to other persons, property, or situations shall not be effected.

### Section 4 - Effective Date

This Local Law shall take effect immediately upon its filing in the office of the Secretary of State of the state of New York as provided in Section 27 of the Municipal Home Rule Law or on the twentieth (20th) day after it shall have been adopted, whichever shall appear first.



