

TOWN OF SHERIDAN ZONING ORDINANCE

ARTICLE I GENERAL PROVISIONS

SECTION 101	ENACTING CLAUSE
SECTION 102	SHORT TITLE
SECTION 103	INTENT AND PURPOSE
SECTION 104	RULES AND REGULATIONS
SECTION 105	INTERPRETATION
SECTION 106	CONTINUANCE OF USE
SECTION 107	APPLICATION OF REGULATIONS
SECTION 108	ACCESS TO PUBLIC STREET
SECTION 109	DISTRICTS
SECTION 110	ZONING MAP

ARTICLE II DEFINITIONS

ARTICLE III DISTRICTS

SECTION 301	AGRICULTURAL-RESIDENTIAL DISTRICT (AR-I)
SECTION 302	AGRICULTURAL-RESIDENTIAL DISTRICT (AR-II)
SECTION 303	BUSINESS DISTRICT I (B-I)
SECTION 305	FLOOD HAZARD AREA DISTRICT
SECTION 306	INDUSTRIAL DISTRICT
SECTION 307	RECREATIONAL DISTRICT
	AR-I-A (CLUSTER/TOWNHOUSE DEVELOPMENT)

ARTICLE IV EXCEPTIONS AND SPECIAL PROVISIONS OF ORDINANCE

SECTION 401	USES EXEMPTED
SECTION 402	LOT AREA AND DIMENSIONS
SECTION 403	CORNER CLEARANCE
SECTION 404	OIL AND GAS WELLS
SECTION 405	LAKESHORE REGULATIONS
SECTION 406	PRIVATE SWIMMING POOLS
SECTION 407	HOUSEHOLD FURNITURE AND APPLIANCES
SECTION 408	FENCING
SECTION 409	CONSTRUCTION MATERIALS
SECTION 410	SIGNS AND OUTDOOR ADVERTISING
SECTION 412	WASTE DISPOSAL STANDARDS
SECTION 413	WASTE WATER SLUDGE
SECTION 414	AGRICULTURAL PRESERVATION

TOWN OF SHERIDAN ZONING ORDINANCE

ARTICLE V ADMINISTRATION AND ENFORCEMENT

SECTION 501	ENFORCEMENT
SECTION 502	ZONING
SECTION 503	ZONING PERMIT FEES
SECTION 504	PERMITS FOR CONSTRUCTION AND OCCUPANCY
SECTION 505	PENALTIES
SECTION 506	DENIAL OF PERMITS
SECTION 507	BUILDING PERMITS FOR FLOODPRONE AREAS
SECTION 508	COUNTY PLANNING BOARD
SECTION 509	BUILDING/ZONING PERMIT EXCLUSIONS

ARTICLE VI ZONING BOARD OF APPEALS AND AMENDMENTS

SECTION 601	ORGANIZATION AND PROCEDURE
SECTION 602	POWERS AND DUTIES
SECTION 603	APPLICATIONS AND APPEALS
SECTION 604	EXPIRATION OF PERMIT
SECTION 605	AMENDMENTS

ARTICLE VII LOT AND BUILDING SIZE

SECTION 701	MINIMUM AREA – DWELLING
SECTION 702	MINIMUM AREA EXCEPTIONS – ARI & ARII DIST.
SECTION 703	MINIMUM AREA – BUSINESS & INDUSTRIAL DIST.
SECTION 704	SETBACK – ARI & ARII, &BI
SECTION 705	SIDE YARD REGULATIONS
SECTION 706	VARIED SETBACK PROVISIONS

ARTICLE VIII NON-CONFORMING USES AND STRUCTURES

SECTION 801	DEFINITION
SECTION 802	ALTERATIONS
SECTION 803	DAMAGED STRUCTURES
SECTION 804	ABANDONMENT

ARTICLE IX SPECIAL PERMITS

SECTION 901	GENERAL PROVISIONS
SECTION 902	REQUIRED PLAN
SECTION 903	EXPIRATION
SECTION 904	EXISTING VIOLATIONS
SECTION 905	STANDARDS APPLICABLE TO ALL SPECIAL USES
SECTION 906	INTERPRETATION OF PERMITTED USES

TOWN OF SHERIDAN ZONING ORDINANCE

ARTICLE X OFF-STREET PARKING AND LOADING REQUIREMENTS

SECTION 1001	GENERAL PROVISIONS
SECTION 1002	SIZE
SECTION 1003	ENTRANCE/EXIT
SECTION 1004	NUMBER OF PARKING SPACES
SECTION 1005	LOADING ZONE
SECTION 1006	BUFFER

ARTICLE XI REMOVAL OF TOPSOIL, GRAVEL, SAND OR OTHER SUBSTANCE

SECTION 1101	GENERAL PROVISIONS
SECTION 1102	PERMIT
SECTION 1103	SETBACK
SECTION 1104	RESTORATION
SECTION 1105	BOND
SECTION 1106	PERMIT EXPIRATION
SECTION 1107	MAXIMUM ACREAGE
SECTION 1108	FLY ASH

ARTICLE XII MOBILE HOMES AND MOBILE HOME PARKS

SECTION 1201	MOBILE HOMES
SECTION 1202	MOBILE HOME PARKS

ARTICLE XIII SEPARABILITY, CONFLICTING ORDINANCES

SECTION 1301	SEPARABILITY
SECTION 1302	REPEAL OF CONFLICTING ORDINANCES
SECTION 1303	MUNICIPAL LIABILITY
SECTION 1304	EFFECTIVE DATE

ARTICLE XIV UNSAFE BUILDING ORDINANCE

SECTION 1401	TITLE
SECTION 1402	BUILDING INSPECTOR
SECTION 1403	PURPOSE
SECTION 1404	INSPECTION
SECTION 1405	NOTICE TO OWNER
SECTION 1406	SURVEY OF PREMISES
SECTION 1407	POSTING OF SURVEY REPORT
SECTION 1408	COSTS OF THE NOTICE
SECTION 1409	COSTS OF REMOVAL
SECTION 1410	EFFECTIVE DATE

TOWN OF SHERIDAN ZONING ORDINANCE

ARTICLE XV TELECOMMUNICATIONS FACILITIES

SECTION 1501	LEGISLATIVE INTENT
SECTION 1502	DEFINITIONS
SECTION 1503	TELECOMMUNICATION FACILITY PERMIT REQUIRED
SECTION 1504	ZONING DISTRICTS AND BULK REQUIREMENTS
SECTION 1505	GENERAL STANDARDS
SECTION 1506	CO-LOCATED ANTENNAS PREFERRED
SECTION 1507	SPECIAL PERMIT OR TELECOMMUNICATION FACILITIES TOWERS/ANTENNAS
SECTION 1508	TELECOMMUNICATION FACILITIES SPECIAL USE PERMIT STANDARDS
SECTION 1509	TELECOMMUNICATION FACILITIES MAINTENANCE
SECTION 1510	EXEMPTIONS
SECTION 1511	VIOLATIONS/PENALTIES
SECTION 1512	MISCELLANEOUS
SECTION 1513	TELECOMMUNICATIONS FACILITIES APPLICATION FEES

TOWN OF SHERIDAN LOCAL LAWS AND REGULATIONS

LOCAL LAW #1-2004	ADULT ENTERTAINMENT FACILITIES LAW
LOCAL LAW #1- 2005	AMENDING SECTIONS 301 (b) & 302 (b)
LOCAL LAW #3- 2006	PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE NY STATE UNIFORM FIRE PREVENTION & BUILDING CODE
LOCAL LAW #1-2007	AMEND ZONING ORDINANCE (CLUSTER SUBDIVISION DEVELOPMENT AR-I-A)
LOCAL LAW #1-2010	WIND ENERGY FACILITIES
LOCAL LAW #1-2012	AMMENDMENTS TO LOCAL LAW #1-2010 Small WECS
LOCAL LAW #2-2014	AMMED SECTION 306 INDUSTRIAL ZONED SIGNAGE
Local Law #2-2017	Solar Energy
Local Law #2-2020	Placement of Solar Equipment
Local Law #1-2022	Solar Decommissioning
Local Law #2-2022	Moratorium Short Term Rental
Local Law #3-2022	Part 1203 Administration and Enforcement Code
Local Law #1-2023	Short Term Rental Law

TOWN OF SHERIDAN ZONING ORDINANCE

ARTICLE I

GENERAL PROVISIONS

SECTION 101 ENACTING CLAUSE

Pursuant to the authority conferred by Article 16 of the Town law of the State of New York and for each of the purposes specified therein, the Town Board of the Town of Sheridan, County of Chautauqua and the State of New York, has ordained and does hereby enact the following ordinance regulating and restricting the location, size and use of the buildings and other structures and the use of the land in the Town of Sheridan.

SECTION 102 SHORT TITLE

This ordinance shall be known and may be cited as the “zoning Ordinance of the Town of Sheridan, Chautauqua County, New York”

SECTION 103 INTENT AND PURPOSE

For the purpose of promoting the public health, safety, morals, comfort and general welfare; conserving and protecting property values; securing the most appropriate use of land and facilitating adequate but economical provision of public improvements the Town Board finds it necessary and advisable to regulate the location and use of buildings and other open spaces and the use of land for trade, industry, residences, recreation or other purposed and for such purpose divide the unincorporated area of the Town into districts or zones.

SECTION 104 RULES AND REGULATIONS

In the construction of this ordinance, the rules and definitions contained in this section shall be observed and applied except when the context clearly indicates otherwise.

Words used in the present tense shall include the future and words used in the singular number shall include the plural number, and plural the singular. The work “shall” is mandatory, the word “may” is permissive. The word “lot” shall include the words “plot”, “piece” and “Parcel”; the word “building” includes all other structures of every kind regardless of similarity to buildings; and the phrase “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, “Maintained for”, and “occupied for”.

The following words and terms, wherever they occur in this ordinance, shall be interpreted as herein defined.

TOWN OF SHERIDAN ZONING ORDINANCE

SECTION 105 INTERPRETATION

- A) Minimum Requirements: The provisions of this Zoning Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.
- B) Relationship with other laws: Where the conditions imposed by any provision of this Zoning Ordinance upon the use of land or buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this ordinance or any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive (or which impose higher standards or requirements) shall govern.
- C) Effect on Existing agreements: This ordinance is not intended to abrogate any easement, covenant, or any other private agreement, provided that where the regulations of this ordinance are more restrictive (or impose higher standards or requirements) than such easements, covenants or other private agreements, the requirements of this ordinance shall govern.

SECTION 106 CONTINUANCE OF USE

Any lawfully established use of a building or land, at the effective date of this ordinance, or of amendments thereto, that does not conform to the use regulations for the district in which it is located, shall be deemed to be a legal non-conforming use and may be continued, except as otherwise provided herein. (Refer to SECTION 107)

SECTION 107 APPLICATION OF REGULATIONS

- A) Application, except as hereinafter provided:
 - 1. No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity in the area in which it is located.
 - 2. No part of a yard or other open space about any building required for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space similarly required for another building.
 - 3. No lot, yard, setback, parking area or other space shall be so reduced in area, dimension, or capacity as to make said area, dimension or capacity less than the minimum required under this ordinance. If already less than the minimum required under this ordinance, said area, dimension or capacity shall not be further reduced.

TOWN OF SHERIDAN ZONING ORDINANCE

SECTION 108 ACCESS TO PUBLIC STREET

Except as otherwise provided for in this ordinance, every building shall be constructed or erected upon a lot or parcel of land which abuts an existing or plotted street, unless a permanent easement of access to a public street was of record prior to the adoption of this ordinance.

SECTION 109 DISTRICTS

For the purpose and provisions of this ordinance, the Town of Sheridan is hereby divided into the following types of districts:

1. Agricultural-Residential District I
2. Agricultural-Residential District II
3. Business District 1
 - a. The Business District in the westerly part of the Town along Route 20, west of South Roberts Road shall be defined as Tax Lots 97.15-1-1.1 and 97.19-1-8. The portion east of S. Roberts Rd. south of Route 20 shall be defined as bordered on the north by Route 20, on the east by Marylane Drive, on the south by West Sheridan Drive, and on the west by South Roberts Road.
 - b. The Business District in the westerly part of the Town along Route 20 North of Route 20 and east of South Roberts Road shall be defined as 600 feet deep and parallel to South Roberts Road. Excepting where the District intersects the west lines of Tax Lots 97.00 -1-75 and 97.00-1-76, wherein the west lines of said lots shall form the boundary line of the district.
 - c. The existing Business District located on the eastern side of the Town of Sheridan shall be deemed to be 600 feet deep, parallel to the center lane of Route 20, except on the easterly end of the District where it runs to the North line of Tax lot 97.00-3-59 and thence east to the Town line.
4. Industrial District I
5. Flood Plain District
6. Recreational District
7. Agricultural-Residential Improved District (AR-I-A) - See page 77

SECTION 110 ZONING MAP

A) The boundaries of the aforesaid zoning districts are hereby established as shown on the map entitled, "Zoning District Map of Sheridan, New York, dated November 8, 1976", which map accompanies and is made part of this ordinance and shall have the same force and effect as if the zoning map, together with all notations, references and other information shown thereon, were fully set forth and described herein. (SBL's updated 1/2008)

- 1) Lands of Niagara Mohawk
Section 48.00, Block 1, Lots 54, 55, 61, 62, 65,
Section 47.00, Block 1, Lots 17, 18, 34, 31, 28, 22
Section 48.00, Block 1, Lots 10,9,8,6 & 44

TOWN OF SHERIDAN ZONING ORDINANCE

Area boundary for lands of Niagara Mohawk, formerly in A-R Zone to be in the Industrial Zone

2) Industrial Zone

The Industrial Zone shall be bordered on the *north* by the middle of New York State route 5, to be bordered on the *west* by the middle of Center road, to be bordered on the *south* by a line 300 feet north of the centerline of East Middle Road to a point of intersection of the creek and the right-of-way of the Norfolk and Western Railroad; thence further bordered on the south along the north line of the Norfolk and Western Railroad Company right-of-way. On the *east* bordered by the west line of Section 48.00, block 1, lot 43. The east line of Section 48.00, block 1, lot 9, which line is also the west line of section 48.00, block 1, lot 15 being property of Conrail to the Southwest corner of Section 48.00, Block 1, Lots 11 & 12 to the intersection of said line with the centerline of New York State Route 5. Containing therein all parcels belonging to Niagara Mohawk Power Corp. But, excepting therefrom and not included in the area to be rezoned the following parcels: Section 48.00, block 1, lot 7; Section 48.00, Block 1, Lots 2., 5, & 3, and 47.00 block 1, lot 19 and 32.

- B) The boundary lines for the Flood Hazard Area District are shown on the Official Town Zoning District map or the boundaries may originate from Federal Insurance Administration (FIA) Flood Hazard Boundary Maps which are distributed to the Town.
- C) The area boundary lines will be further modified following the establishment of Floodway and Floodway Fringe Areas as delineated in a survey to be made by the Federal Flood Administrator from the United States Department of Housing and Urban Development. This further modification will meet amendment procedures as set forth in Section 605.
Additionally, it should be noted that the Flood Hazard Area Maps may not include all special Flood Hazard Areas within the Town and may be updated periodically by the Federal Insurance Administration. The Town Board will be responsible for amending the official map as required.
Besides the local amendment procedure, it should also be pointed out that an appeals procedure is available within the 1968 Federal Flood Insurance Law as amended.
- D) In case of uncertainty as to the true location on area boundary lines or an interpretation of area regulations, the decision of the Zoning Board of Appeals is final.
- (E) Cluster subdivision development

TOWN OF SHERIDAN ZONING ORDINANCE

ARTICLE II

DEFINITIONS

ACCESSORY STRUCTURE OR USE – A use or structure on the same lot with, and or a nature customarily incidental and subordinate to, the principal use or structure.

AGRICULTURE – Land, including necessary buildings and structures, that has as its principal use, the raising or keeping of livestock or the growing of crops in the open

AIRSTRIP – A runway without normal airport facilities.

AIRPORT – A piece of land that is maintained for the horizontal or vertical landing and takeoff of aircraft used for receiving and discharging passengers and/or cargo that usually has facilities for the shelter, supply and repair of aircraft.

BUILDING – See STRUCTURE

BUILDING LINE – A line parallel to the street and at a distance from it regulated by the front yard requirements set up in this ordinance.

CAMPING TRAILER – A vehicle, portable structure (whether towed or self propelled) used as a temporary dwelling for traveling, recreation or seasonal use.

DWELLING – A building or portion thereof designed and used exclusively for permanent residential occupancy, including mobile homes, one-family dwelling, two-family dwelling units, but not including hotels, motels, boarding or lodging houses. (See page 77 for Cluster Development)

DWELLING UNIT – A building or portion thereof providing complete housekeeping facilities for one family. (See Page 78 for Cluster Development)

EMERGENCY FLOOD INSURANCE PROGRAM OR EMERGENCY PROGRAM – The program authorized by the 1968 Act as amended. This program allows communities to become eligible without the need of a detailed rate study. This is an interim program.

TOWN OF SHERIDAN ZONING ORDINANCE

ESSENTIAL SERVICES – The erection, construction, alteration or maintenance; by public utilities or municipal or other governmental agencies; or gas, electrical, steam, water, sewage and communication systems and facilities. Railroad tracks and facilities and bus shelters shall also be considered as providing an essential service.

FAMILY – One or more persons living together in one dwelling unit and maintaining a common household, including domestic servants and gratuitous guests.

FARM – An area which is used for the growing of the usual farm products such as vegetables, fruit and grain, and for the packaging or storage of the products produced on the premises, as well as for the raising thereon of the usual farm poultry and farm animals such as horses, cattle, sheep and swine, but not including the commercial feeding of garbage or offal to swine and other animals.

FLOOD OR FLOODING - Means a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of streams, rivers or other inland areas of water, or (2) abnormally rising lake waters resulting from severe storms or hurricanes.

FLOOD PLAIN – A relatively flat or low area adjoining a river, stream or water course which is subject to partial or complete inundation or any area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

FLOODPROOFING – Means any combination of structural and non-structural additions, changes or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures and contents of buildings.

FRUIT STAND – A stand erected for the sale of fruits and vegetables on a lot or farm for sale of commodities, the majority of which are raised upon said lot or farm, by the owner of same.

HOME BUSINESS - An accessory use of a retail sales character conducted within a dwelling or other structure on the premises allowing space for stock in trade yet limited in size and clearly secondary to the use of the existing dwelling or structure.

HOME OCCUPATION – An accessory use of a service character customarily conducted within a dwelling by the residents thereof, which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use other than a small nameplate not to exceed eight square feet. The keeping of stock in trade is prohibited.

A home Occupation shall emit no offensive noise, vibration, smoke, dust, odors, heat, glare or electrical and/or electronic interference.

Home Occupations shall include:

- (a) Appliance repair shop
- (b) Certified Public Accountant
- (c) Dressmaker or seamstress
- (d) Furniture upholstery and refinishing
- (e) Home baked goods to order

TOWN OF SHERIDAN ZONING ORDINANCE

- (f) Individual tutoring
- (g) Individual vocal or instrumental instructions
- (h) Office and business machine sales and service
- (i) Production of art and handicraft items
- (j) Radio and TV repair service
- (k) Small engine service and repair
- (l) Single-room business or professional office

LOADING AND UNLOADING SPACE, OFF STREET – An open hard surface area of land other than a street or a public way, used for the standing, loading or unloading of motor vehicles, tractors and trailers to avoid undue interference with public streets and alleys and to facilitate the passage of emergency vehicles. Such space shall not be less than twelve (12) feet in width, seventy (70) feet in length and fourteen (14) feet in height, exclusive of access.

LOT – A portion or parcel of land considered as a unit, devoted to a certain use or occupied by a building or a group of buildings that are united by a common interest of use, and the customary accessories and open spaces belonging to the same.

LOT AREA – The net area contained within lot lines, exclusive of rights-of-way.

LOT LINES – The property lines bounding a lot. The front lot line shall be the right-of-way line of the street or highway giving access to the lot.

LOT OF RECORD – Any lot which individually or as part of a subdivision has been officially recorded in the office of the Clerk of Chautauqua County.

LOT WIDTH – The minimum distance between the side lot lines within the buildable area.

MOBILE HOME – A transportable, fully assembled single-family dwelling unit suitable for year-round occupancy built in accordance with the HUD Code for manufactured housing and having a HUD seal that has not been revoked and having a minimum floor area of 720 square feet. Mobile home dwelling units contain the same utility systems: water, waste, electricity, as found in conventional units. Mobile dwelling units are supported by a chassis, which is an integral part of the unit. Mobile dwelling units are not designed to be lived in except when set up on a lot with proper utilities. This includes double-wide mobile dwelling units but does not include travel trailers which are self-contained.

MOBILE HOME PARK – A plot or parcel of land containing a minimum of eight (8) acres, which is manifestly arranged for mobile homes as required herein.

MODULAR DWELLING UNIT – A permanent, single or multi-family dwelling unit built in accordance with plans which have obtained an architectural stamp and seal under the New York State Building Code, which is brought to the building site as two or more units on a transport trailer. Modular dwelling units have no support frames as found on mobile homes, but instead are on a separate permanent frost-free foundation. Modular dwelling units contain the same utility systems as conventional dwelling units. Modular dwelling units are not designed to be moved

TOWN OF SHERIDAN ZONING ORDINANCE

after they have been lifted and placed onto a permanent foundation. They are generally a minimum of 24 feet wide.

NONCONFORMING USE – A building, structure or use of land existing at the time of enactment of this ordinance which does not conform to the regulations of the district in which it is situated.

PRINCIPAL USE – The main use of land or buildings as distinguished from a subordinate or accessory use.

QUARRY, SAND PIT, GRAVEL PIT, TOP SOIL STRIPPING – A lot or land or part thereof used for the purpose of extracting stone, sand, gravel or top soil for sale, as an industrial operation, and exclusive of the process of grading a lot preparatory to the construction of a building for which a building permit has been granted.

SPECIAL USE PERMIT – Special use permits are not exceptions to a zoning ordinance, but are a device to impose conditions on permitted uses to protect the health, safety and welfare of the community.

STREET – A public or private way which affords the principal means of access to abutting properties.

STREET LINE – Right-of-way line of the street or highway giving access to the lot.

STRUCTURE/BUILDING – Any facility constructed or used for residence, business, or other public or private purposes or accessory thereto including tents, lunch wagons, dining care, mobile homes, billboards, signs and similar facilities whether stationary or moveable. Also any structures having a roof and intended for the shelter, housing or enclosure of persons, animals or chattels.

SWIMMING POOL – Any 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 on the ground outside any building.

SUBSTANTIAL IMPROVEMENT – Is defined as any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the cash value of the structure, either (1) before the improvement is started, or (2) if the structure has been damaged and is being restored, before the damage occurred.

USE – The purpose for which land or a building thereon is designed, arranged or intended or for which it is occupied or maintained, let or leased.

VARIANCE - A variance is an authorization to use property for a purpose prohibited by the zoning ordinance.

YARD – An unoccupied space open to the sky, on the same lot with a building or structure.

TOWN OF SHERIDAN ZONING ORDINANCE

YARD, FRONT – An open occupied space on the same lot with a building situated between the street line and a line connecting the parts of the building setting back from and nearest to each street line, and extending to the side lines of the lot.

YARD, REAR – A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.

YARD, SIDE – The part of the yard lying between the nearest line of the principal building and a side lot line, and extending from the required front yard (or from the front line, if there is not required front yard) to the required rear yard.

ZONING MAP – The map or maps incorporated into this ordinance as a part thereof, designated zoning districts.

ZONING OR BUILDING PERMIT – The permit issued by the Building Inspector authorizing the construction, extension or use of lands and/or buildings and structures.

TOWN OF SHERIDAN ZONING ORDINANCE

ARICLE III

SECTION 301 AGRICULTURAL-RESIDENTIAL DISTRICT (AR-I)

- A) Uses permitted by Right:
One single or one two family house per lot of record.
One mobile home per lot. (A mobile home is considered a dwelling unit
Schools, educational buildings, churches and public buildings.
Keeping of livestock and poultry for family use.
Commercial production of fruits, vegetables, grain, grasses and legumes.
Accessory uses to the above.
All utilities for local service.
- B) Uses permitted by Special Use Permit: (See amendment on Page 61)
Home Occupations as defined in Article II
Craft or Hobby Shop
Greenhouse and nursery operations including retail sales facilities
Home Beauty Salon or Barber Shop
Facilities for fruit pressing, processing and retail sales of fruit products
Home Business as defined in Article II
- C) Regulations
Lot size: Article VII, Section 702
Minimum setback: Article VII, Section 704
Minimum side yard: Article VII, Section 705
Maximum building height: 2-1/2 stories
See Lake Side Regulations: Article IV, Section 405
Off-Street parking and loading: Article X
- D) CLUSTER DEVELOPMENT (AR-I-A) - (see page 77 for information)

SECTION 302 AGRICULTURAL-RESIDENTIAL DISTRICT II (AR-II)

- A) Uses permitted by Right:
One single or one two-family house per lot of record.
One mobile home per lot (A mobile home is considered a dwelling unit)
Schools, educational buildings, churches and public buildings
Commercial production of fruits, vegetables, grain, grasses and legumes
Dairying and the commercial production of livestock and poultry
Facilities for fruit pressing, processing and retail sales of fruit products.
Accessory uses to the above
All utilities for local service

TOWN OF SHERIDAN ZONING ORDINANCE

- B) Uses permitted by Special Use Permit: (See Amendment on Page 61)
Home occupations as defined in Article II
Building and remodeling contractor
Club or lodge meeting hall
Craft or hobby shop
Excavating and landscaping contractor
Farm equipment sales and service
Gas and oil well drilling
Greenhouse and nursery operations including retail sales facilities
Home Beauty salon or barber shop
Mobile home court
Recycling operation facilities
Veterinarian clinic
Welding and metal fabrication
Well-drilling contractor
Home Business as defined in Article II
- C) Regulations:
Gas and oil wells: Article IV, Section 404
Lot size: Article VII, Section 702
Minimum setback: Article VII, Section 704
Minimum side yard: Article VII, Section 705
Maximum building height: 2-1/2 stories
Off-street parking and loading: Article X

SECTION 303 BUSINESS DISTRICT I (B-I)

- A) Uses permitted by Right:
Eating and drinking establishments
Facilities for medical, dental, insurance and real estate offices
Farm equipment sales and service
Motor vehicles service stations and repair shops.
Personal service establishments including beauty shops and barber shops
Stores selling convenience goods including furniture, hardware, appliances, food products, drugs, variety items, apparel, newspapers, magazines, beer and liquor.
Essential service
Accessory uses to the above.
- B) Uses permitted by Special Use Permit:
Home Occupations as defined in Article II
Craft or hobby shop
Facilities for fruit pressing, processing and retail sale of fruit products
Greenhouse and nursery operations including retail sales facilities
Home business as defined in Article II

TOWN OF SHERIDAN ZONING ORDINANCE

Section 304 (Reserved)

C) REGULATIONS

Lot size: Article VII, Section 703

Minimum setback: Article VII, Section 704

Minimum Side Yard: Article VII, Section 705

Maximum Building height: 2-1/2 stories

Off-street parking and loading: Article X

SECTION 305 FLOOD HAZARD AREA DISTRICT (Emergency Program)

a) Establishment of a FHA District

This district includes all areas subject to inundation by flood waters of the 100-year flood. The source of this delineation may be the VIA Flood Hazard Boundary Map as prepared by the department of Housing and Urban Development-Federal Insurance Administration.

b) Change in FHA District

The delineation of the FHA district boundaries may be revised and modified by the Federal Insurance Administration (VIA) and those boundaries shall be amended into this ordinance (law) by the process established in Article VI, Section 605. Amendments must be based on the result of natural or man-made causes or where changes can be validated by further detailed engineering studies, employing onsite survey techniques.

It should be noted that flooding is a natural circumstance and overflows of considerable magnitude exceeding the limits of the 100-year frequency can happen.

c) Boundary Dispute

Should a question concerning any boundary arise, an initial determination shall be made by the Building Inspector and any party aggrieved by this decision may appeal to the Zoning Board of Appeals whose decision will be final. All decisions of the Zoning Board of Appeals are subject to court reviews in accordance with applicable laws of the State of New York. The burden of proof shall be on the appellant.

d) Applicability of other Districts.

The FHA District is unique in that it overlaps other districts and thus the restrictions imposed by both the FHA and the other appropriate district (e.g. ARI, ARII, BI, I-1) must be abided by, also. If two restrictions contradict each other, than the most restrictive will apply.

e) Permits – See Article V, Section 507

f) CONSTRUCTION REQUIREMENTS. All new construction, substantial improvement or major repairs in flood hazard area must:

1. Be anchored to prevent movement or collapse
2. Use Flood resistant materials and equipment.
3. Use construction methods and practices to minimize flood damage

TOWN OF SHERIDAN ZONING ORDINANCE

g) **REGULATION OF SUBDIVISIONS:**

1. Minimize flood damage.
2. Locate and construct new utilities to minimize or eliminate flood damage
3. Provide adequate drainage.
4. Eliminate or minimize infiltration in new water and sewer systems.
5. On-site waste disposal system designed to avoid impairment.

h) **DESIGNATED FLOODWAYS**

Prohibit or encroachment within designated waterways that would impair its ability to carry and discharge flood waters, except where the effect on flood heights is fully offset by stream improvements.

- a) Floodways as designated on Department of Housing and Urban Development Federal Insurance Administration Flood Hazard Boundary Map for the Town of Sheridan, effective date October 16, 1970.
- b) Change the Town of Sheridan Zoning Map to include the areas shaded in red in the Flood Plain District. The area is presently in the Agriculture Residential District.
- c) Waterways are to be all streams designated with a zone “A” classification on Department of Housing and Urban Development Federal Insurance Administration Flood Hazard Boundary Map for the Town of Sheridan, effective October 31st, 1975.

SECTION 306 INDUSTRIAL DISTRICT

- a) **PERMITS** – Industrial plants of any type may be granted permits for the erection and use of any type of structures. Applications for permits to construct any building or to make any accessory use of land within said Zone shall be made to the Town Building Inspector who shall, in each and every case, submit application to the Zoning Board of Appeals. The Zoning Board of Appeals shall hold, in each instance, a public hearing upon proper notice and shall make a determination as to whether the application is proper. If the application is approved by the Zoning Board of Appeals, the application shall be returned to the Town Building Inspector with authorization to grant a permit, together with instructions as to the conditions, if any, to be attached and made part of the said permit or, in a proper case, to return the application to the Town Building Inspector with instructions to deny the application.
- b) **PERFORMANCE** – In order for any industry to be considered for location in the Industrial District, an applicant for a permit must show that the process to be so located will be conducted in such a manner that no fire hazard, radio activity, electrical disturbance, noise, vibration, dust, smoke, odor, air pollution or glare may be detected beyond the boundary of the property upon which a permit is being sought. All processing shall be conducted within an enclosed building.
- c) **USES PERMITTED BY RIGHT** – Accessory structures to existing occupied dwelling units.

TOWN OF SHERIDAN ZONING ORDINANCE

d) **USES PERMITTED BY SPECIAL USE PERMIT:**

- Airport and air transportation facilities
- Building material manufacturing, warehousing and wholesale distribution
- Electronic and small parts assembly manufacture
- Engineering and testing laboratories
- Heavy construction equipment storage and maintenance facilities
- Machine shops
- Manufacture, fabrication, compounding, assembly, treatment or cutting of articles of merchandise from plastics, ceramics, cloth, leather, metal, glass or paper products.
- Motor vehicle terminals, maintenance and repair facilities.
- Production of ready-mixed concrete, paving asphalt and allied bitumen products
- Automobile salvage yard
- Commercial fuel storage dump
- Erection of industrial buildings, towers or stacks exceeding 3 stories in height
- Storage and distribution facilities for liquefied heating and industrial gases.
- Other industrial uses
- Essential services to the above
- Accessory uses to the above
- Home Business as defined in Article II

PERMIT APPLICATION FOR INDUSTRIAL DISTRICT

e) All applications for permits for usages in Industrial Districts must be submitted to the Building Inspector and shall contain the following information as a minimum.

- a. Site and plot plan
- b. Building plans with scale drawings, blueprints and specifications.
- c. Drainage and topographical plans, parking areas and buffer zone areas.
- d. Detailed information as to type of industrial usage of all structures.
- e. Impact on Industrial & Residential neighbors.

f) **EXCAVATIONS AND STRUCTURES IN INDUSTRIAL DISTRICTS**

In the Industrial District during construction, no person, firm, association or corporation shall excavate for, place or erect any structure unless the building front line or side line of such structure, or excavation shall be at least (10) feet from the nearest boundary line of any public highway, nor shall any lumber or other material or equipment be piled, placed, permitted, or maintained less than 10 feet from the nearest boundary line of any public highway. Nor shall pits or soil piles be allowed except during construction. Construction trailers and like vehicles are permitted during construction.

g) **RESTRICTED USES IN INDUSTRIAL DISTRICT**

No industry shall be granted a permit to operate in Industrial Districts which by the nature of the industry is noisy, emits noxious fumes, pollutes the land or utilizes

TOWN OF SHERIDAN ZONING ORDINANCE

equipment of such a nature as to interfere with electronic devices used in connection with the Chautauqua County Airport, Dunkirk.

h) **USES PERMITTED IN INDUSTRIAL DISTRICT**

The Industrial Districts shall be reserved exclusively for industrial use and no permits shall be granted for any agricultural or residential uses except as an accessory use to an industrial use.

i) **BULK REGULATIONS IN INDUSTRIAL DISTRICTS YARD REQUIREMENTS –**

No building or required enclosure shall be erected or enlarged unless the following yards are provided and maintained.

Minimum lot size:	87,120 square feet
Maximum Building height:	3 stories
Minimum frontage:	200 feet
Minimum setback:	100 feet
Minimum distance between structures:	60 feet
Minimum side yard dimension:	50 feet
Minimum rear yard dimension:	50 feet

j) **INDUSTRIAL DISTRICT STANDARDS**

1. **GENERAL PURPOSE:** It is the intent to maintain a quality of environment that will lead to the development and maintenance of a well planned industrial area which will be attractive to sophisticated industrial establishments and will assure such users of the safety and welfare of the employees thereof.
2. **THE STANDARDS OF PERFORMANCE ARE:**
 - a) **NOISE:** it shall be unlawful for any person to permit the emission of measurable noise, as measured at the individual property lines, to exceed seventy decibels during the periods between 6:00 AM and 10:00 PM, or sixty decibels during the periods between the periods between 10:00 PM and 6:00 AM. The sound level may exceed these established sound levels for a period not to exceed six minutes during any sixty minutes by not more than seven decibels. Noises shall be muffled so as not to become unreasonably offensive due to intermittence, beat frequency, high frequency or other means.
 - b) **ODOR:** It shall be unlawful for any person to permit the emission of any odor that is unreasonable offensive.
 - c) **DUST AND DIRT:** It shall be unlawful for any person to permit or cause the escape of such quantities of soot, cinders or fly ash as to exceed 0.3 grains per cubic foot of the flue gases when measured at the top of the

TOWN OF SHERIDAN ZONING ORDINANCE

stack. Other kinds of dust, dirt and other particulate matter shall not be in excess of 3.0 grains per cubic foot of air as measured at the top of the stack and corrected to standard conditions.

- d) **PARKING AND DRIVEWAYS:** There shall be no off-site parking of motor vehicles. Each land user must provide sufficient suitable on-site parking space to prevent any necessity for off-site parking. Drive and traffic access systems are allowed in all yard areas. However, when any yard sides on land that allows residential development, the drives or traffic access facilities must be placed as far from the exterior line as practical. No parking shall take place in any required yard area.
- e) **VIBRATION:** It shall be unlawful for any person to permit or cause, as a result of normal operations, a vibration which creates a displacement of plus or minus 0.003 of one inch as measured at the property line.
- f) **NOXIOUS GASES:** It shall be unlawful for any person to permit the escape of such quantities of noxious acids, fires or gases in such manner and concentration as to endanger the health, comfort or safety of any person, or to cause or have a tendency to cause injury or damage to property, business or vegetation, or which causes any excessive soiling at any point.
- g) **GLARE:** It shall be unlawful for any person to carry on a process such that a direct or sky reflective glare, whether from flood lights or from high temperature process such as combustion or welding or other such process, is unreasonably offensive when visible at the property line. No lighting of signs or buildings shall be allowed unless it is of such low intensity or brilliance that it does not cause glare or impair the vision of the driver of any motor vehicle.
- h) **RADIOACTIVITY OR ELECTRICAL DISTURBANCES:** It shall be unlawful for any person to permit the emission of such quantities of radioactive materials, within or outside of the facility, in any nature whatsoever, as to be unsafe under standards established by the United States Bureau of Standards. There shall be no activities which emit radioactivity at any point beyond the lot on which generated. There shall be no electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of the disturbance.
- i) **FIRE AND SAFETY HAZARDS:** All buildings, operations, storage, waste disposal, etc., shall be in accordance with applicable provisions of the latest published edition of the New York State Uniform Fire Prevention and Building Codes.

TOWN OF SHERIDAN ZONING ORDINANCE

- j) All activities and all storage of flammable and explosive material at any point shall be provided with adequate safety devices against the fire-suppression equipment and devices.
- k) **OPEN STORAGE:** It shall be unlawful for any person to permit the open storage of any materials derived from the given industrial operation without screening, such as a fence, hedge or other barriers, at least (7) feet high, that makes the open storage invisible to persons passing in a normal manner, any property line facing a public right of way. The following is a list of materials requiring screening: *New materials, Component parts, Work in progress, Finished products, scrap or waste material, other materials.*
The location of said screening shall be subject to the front, side and rear yard restrictions provided, however, protective fencing, decorative planting, etc. shall not be subject to these restrictions. However, these provisions shall not apply to toxic or hazardous wastes. It shall be unlawful to maintain, store, bury or in any way keep solid or liquid wastes which are considered to be toxic or hazardous. However, toxic wastes shall be permitted to be temporarily stored for a reasonable period of time, in a safe manner, pending proper disposal as determined by the Zoning Board of Appeals of the Town of Sheridan. In addition, All New York State and Federal regulations governing the storage, disposal and transfer of hazardous and toxic wastes, shall be applicable. Toxic or hazardous wastes shall be those as defined by the Department of Environmental Conservation of the State of New York and the Environmental Protection Agency of the United States of America. All organic rubbish or storage shall be contained in airtight vermin-proof containers which shall also be screened from public view.
- l) **SMOKE:** It shall be unlawful for any person to permit the emission of any smoke from any source whatever, as measured at the individual property line, of a density greater than, or equal to, that density described as No. 2 on the Ringlemann Chart, as published BY THE United States Bureau of Mines, provided, however, that the emission of smoke shall be unlawful if it is unreasonably offensive despite its apparent lack of density when measured by the Ringlemann Chart.
- m) **LANDSCAPING:** A planted visual barrier shall be required to be maintained in yard areas that abut land upon which residential structures are permitted except when natural or physical man-made barriers exist. This planting barrier or visual screen shall have a width of no less than 5 feet. It shall be of such plant materials that within a reasonable period of time (five years) the vegetation will have curtained the premises so that on a year-round basis a person standing on either side of the planting shall not be able to see through the planting.

TOWN OF SHERIDAN ZONING ORDINANCE

- n) Any part or portion of the site which is not used for buildings, other structures, loading or parking spaces and aisles, side walks and designated storage areas, shall be landscaped with trees and shrubs in accordance with an overall landscape plan and shall be in keeping with natural surroundings. A replacement program for non-surviving plants should be included.
- o) LIQUID AND SOIL WASTES: There shall be no discharge at any point, into any public sewerage system, or stream or into the ground of any materials in such a way or of such a nature as can contaminate or otherwise cause the emission of hazardous materials.
- p) LIGHTING: All parking areas, driveways and loading areas shall be provided with a lighting system which shall furnish a minimum of 35 foot candles at any point during hours of operation, with lighting standards in parking areas being located not farther than one-hundred (100) feet apart. All lighting shall be completely shielded from traffic on any public right of way and from any residential district.
- q) BUILDING DESIGN: Buildings shall be designed to take advantage of the natural terrain and shall not be physically located to unnecessarily concentrate activity in one portion of the lot. At least one entrance way shall be maintained at ground level. All pedestrians entrances shall be paved with an all-weather surface. A curbing shall be provided to separate parking areas, streets and driveways.
- r) VEHICLES USED AS STRUCTURES: Any movable structure, trailer, automobile, truck or parts of these items or any other items of similar nature, allowed to remain on the premises a longer time than that required to load, unload or otherwise discharge its normal functions, shall be considered subject to all regulations set forth in this ordinance for buildings and structures as defined herein.
- s) All applications for usage in the Industrial Districts must be in agreement with all other applicable sections of this ordinance.

SECTION 307 RECREATIONAL DISTRICT

- a) Uses permitted by Right: None
- b) Uses permitted by Special Use Permit:
 - Golf Course with accessory clubhouse, restaurant and bar
 - Miniature golf course
 - Tennis and/or racquetball courts
 - Automatic baseball/softball patting cages
 - Campsites for tents or recreational vehicles (seasonal, not permanent occupancy)

TOWN OF SHERIDAN ZONING ORDINANCE

Swimming club
Volleyball courts
Basketball courts
Baseball fields
Soccer/football fields
One single or one two-family dwelling per lot of record, with accessory garage and storage shed.

- c) REGULATIONS: All regulations as to residential uses shall be as set forth in AR-II districts herein.

Golf Course: Lot size: 7 acres per hole minimum

Off Street parking: minimum six parking spaces per hole plus minimum 20 spaces for employees

Maximum building height: see Bulk Regulations, Article VII for AR-II & section 302 (c)

Golf Driving Range: Lot size: Minimum length 1000 feet

Off-street parking: 1.5 parking spaces per tee area

Miniature Golf Course: Lot size: 1 acre minimum

Off-Street parking: 1.5 parking spaces per hole

Maximum Building height: one story

Automatic Baseball/Softball batting cages: Lot size: 1 acre minimum

Off-Street parking: 1.5 parking spaces per cage

Maximum building height: one story

Clubhouse: (as an Accessory use only)

Lot size: 1 acre minimum

Off-Street parking: 200 spaces minimum

Maximum building height: See bulk requirements and regulations
Under Article VII for AR-II

TOWN OF SHERIDAN ZONING ORDINANCE

ARTICLE IV

EXCEPTIONS AND SPECIAL PROVISIONS OF ORDINANCE

SECTION 401 USES EXEMPTED FROM CERTAIN PROVISIONS OF ORDINANCE

The lawful use of land for agricultural purposes and the construction, enlargement or use of non-residential buildings directly incidental to the same agricultural use shall be permitted in all districts established by this ordinance provided, however, that such non-residential buildings shall be required to observe the setback and yard requirements specified for the District in which they are located.

SECTION 402 LOT AREA AND DIMENSIONS

- a) Contiguous Parcels: When two or more parcels of land, each of which lacks adequate area and dimensions to qualify for a permitted use under the requirements of the Use District in which they are located, are contiguous and are held in one ownership, they shall be used as one zoning lot for such use
- b) Lots or Parcels of Land of Record: Any single lot or parcel of land held in one ownership, which was of record at the time of adoption of this ordinance, that does not meet the requirement for minimum lot width and area, may be utilized for a permitted use, provided that yards, courts or usable open spaces are not less than seventy-five percent of the minimum required dimensions of areas.

SECTION 403 CORNER CLEARANCE

There shall be no obstructions to vision on any corner lot between a height of two (2) feet and a height of ten (10) feet above the finished grade of either street within the triangle formed by a line connecting each right-of-way forty feet from their intersection.

SECTION 404 OIL AND GAS WELLS

All oil or gas wells shall be located at least 75 feet from:

- 1. A side or rear property lone
- 2. The center line of a road or highway
- 3. Any stream, body of water or water well in use
- 4. Any building or structure

a) Metering devices shall be located a minimum of 75 feet from the center line of any highway and a minimum distance of 8 feet from any property sideline.

A fee of \$100.00 will be charged for a permit which will be called a Special-Use permit for gas and oil well drilling applicants, and may be issued by the Building Inspector upon proper application.

TOWN OF SHERIDAN ZONING ORDINANCE

SECTION 405 LAKESHORE REGULATIONS

Within seventy-five (75) feet of the shoreline of any lake, the following regulations shall apply. In case of conflicts with other regulations, the most stringent shall apply:

- a) No principal building or structure shall be permitted within seventy-five (75) feet of the shoreline.
- b) The only accessory buildings and structures that shall be permitted within seventy-five (75) feet of the shoreline shall be automobile parking or storage and water-oriented structures, including boathouses, boat launches, piers, wharves, docks, bulkheads, jetties, dolphins and groins.
- c) No boathouse shall protrude beyond the natural shoreline.
- d) Any waterline that varies from the natural waterline and is interconnected to a lake must be bulk headed to the satisfaction of the Zoning Officer.
- e) No overhanging structure or part of a structure may extend more than (20) feet over the water.
- f) No wharf, dock, pier, jetty or other type of structure of a permanent character shall extend into the navigable water for a distance of more than forty (40) feet from the shoreline, or to a depth of water not greater than four (4) feet at the outer end of the proposed structure, as measured at the ordinary low stage of such body of water.
- g) All docks and/or floating rafts must be securely anchored to the lake bottom or shoreline.

SECTION 406 PRIVATE SWIMMING POOLS

A private swimming pool installed or maintained as an accessory use in any district shall meet the following requirements:

- a) It shall be used only as an accessory use to a dwelling or to a special permit use in an AR-I, AR-II or B-I District for the private use of the owner or occupant of such dwelling or building and his or her family, guests or employees.
- b) Any in-ground pool which is installed less than one hundred (100) feet from any property line shall be completely enclosed by a security fence not less than four (4) feet in height, with all gates or doors opening through such enclosure equipped with a self-closing and self-latching devices designed and capable of keeping such gates or doors securely closed at all times when not in actual use, of a type approved by the Zoning Enforcement Officer.
- c) Above ground pools must be constructed in such a way that access to them will be blocked and locked when the pool is not in use.

SECTION 407 HOUSEHOLD FURNITURE AND APPLIANCES

- a) No outside display of new or used furniture or appliances for disposal or storage shall be permitted in the Town of Sheridan.
- b) Garage or lawn-type sales, including flea markets, shall be limited to two weekends of three (3) days each per year, per property owner. More frequent sales would require a special use permit.

TOWN OF SHERIDAN ZONING ORDINANCE

- c) Outside storage of two or more unlicensed motor vehicles or major parts thereof shall be prohibited in the Town of Sheridan. For the purpose of this section, motor vehicles shall have the same meaning as prescribed in the Vehicle and Traffic Law.

SECTION 408 FENCING

- a) Any stockade type or solid fence shall be maintained equally on both sides by the owner. The adjoining property owner shall allow this seasonal maintenance. This maintenance includes materials and colors of equal quality.
- b) All existing fences of this nature shall be maintained in this manner after June 1, 1978.

SECTION 409 CONSTRUCTION MATERIALS

The uses of roofing paper or felt as a finished material on exterior walls of a residence for permanent use will not hereafter be approved. All exterior walls shall be constructed of wood siding, wood shingles, stone, brick, stucco cement or like permanent material within one year from the date of permit.

SECTION 410 SIGNS AND OUTDOOR ADVERTISING

- a) A permit from the Zoning Officer shall be required before a permanent sign of any kind can be erected, altered or enlarged. A permit shall not be issued by the Zoning Officer unless all sign regulations in this ordinance are met. All requests to erect, alter or enlarge any sign must be accompanied by a plan drawn to scale showing the exact size, shape, height and dimensions of each sign and its proposed location or placement upon any structure of property.
- b) Permanent signs of unlimited size may be erected, but shall be attached to a building, and shall not extend beyond or project from the building. Not more than two (2) detached signs of not more than thirty two (32) square feet in area per sign may be erected on a lot having a minimum frontage of one hundred (100) feet, but shall not extend beyond the highway right-of-way, nor closer than fifty (50) feet from the adjoining property line.
- c) Flashing signs defined herein as meaning any sign that flashes by giving off or reflecting light: oscillates or revolves in any way; has flowing or moving lights on parts of the sign; alternates in any way its color, shape or intensity of illumination is prohibited in all Districts.
- d) Every permitted sign must be constructed of durable material and maintained in good condition. Any sign which is allowed to deteriorate and become dilapidated in appearance for a period in excess of thirty (30) days will be presumed to have been abandoned. The Zoning Officer shall condemn and order the removal of such sign from the premises in a written notice to the property owner. Compliance with this order and any expense incurred is the responsibility of the property owner.
- e) If after a period on one (1) year any sign use ceases, such sign shall be condemned by the Zoning Officer and ordered removed from the premises in a written notice to the

TOWN OF SHERIDAN ZONING ORDINANCE

- property owner. Removal of the sign and any expense incurred shall be the responsibility of the property owner.
- f) No permit is required for temporary signs erected in any District for such purposes as seasonal farm marketing, real estate advertising on behalf of the premises on which the sign is located, or in behalf of political candidates or election matters, and non-profit fund raising campaigns. However, regulations of the ordinance pertaining to the size and setback from the highway right-of-way are applicable to all temporary signs.
 - g) These regulations concerning signs in out door advertising apply to all Zoning Districts in the Town of Sheridan.

SECTION 412 WASTE DISPOSAL STANDARDS

No landfill operations shall be allowed in the Town of Sheridan.

SECTION 413 WASTE WATER SLUDGE

The use of sludge from any wastewater treatment plant, sewage plant or industrial treatment process, whether municipal or private, for fill, disposal or storage shall be prohibited in all Districts within the Town of Sheridan.

SECTION 414 AGRICULTURAL PRESERVATION

In order to promote, preserve and protect agricultural businesses, any portion of this ordinance that would reduce operational capabilities of an agricultural business shall be declared void in that one instance. However, where a documented health or safety problem exists, or would be created if sections of this ordinance were not adhered to, then, and only then, will these sections be enforced, but even only to the minimum necessary. Furthermore, all developers of residential dwelling units should be aware that the placement of such units in any district where agricultural businesses are permitted may very well be exposed to normal farming pumice, equipment noise, crop spraying, etc., and nothing in the Zoning Ordinance shall be construed to prohibit or impede these agricultural practices.

TOWN OF SHERIDAN ZONING ORDINANCE

ARTICLE V

ADMINISTRATION AND ENFORCEMENT

SECTION 501 ENFORCEMENT

This ordinance shall be enforced by a Building Inspector who shall be appointed by the Town Board. The powers and duties of the Building Inspector shall be:

- a) Examine and approve applications pertaining to the use of land, buildings or structures when the applications conform with the provisions of this ordinance.
- b) Issue all Zoning and Building Permits and keep permanent records thereof.
- c) Conduct such inspections of buildings, structures and uses of land as are necessary to determine compliance with the provisions of Zoning Ordinance.
- d) Receive, file and forward for appropriate action all applications for special use, variations and amendments to this ordinance, which may be filed in the Zoning Office.
- e) Maintain permanent and current records of the Zoning Ordinance, including all maps. Amendments, special uses and variations.
- f) Collect, receipt and account for all fees chargeable under the provisions of this ordinance and pay all the same to the Town General Fund.

SECTION 502 ZONING

- a) Except as provided herein, it shall be unlawful for an owner to use or to permit the use of any structure of land or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until an application is made to, and a Zoning Permit issued by, the Building Inspector. It shall be the duty of the Building Inspector to issue a Zoning Permit within fifteen (15) days after a written request for the same has been made, provided the Building Inspector is satisfied that the proposed use, change, construction, enlargement or alteration fully conforms with all the requirements of the ordinance. Where the approval of the County Department of Health or other authority is required, the Zoning Permit specified in this subdivision shall not be issued until such approval has been granted in writing.
- b) Appeal from the decision of the Building Inspector may be made to the Zoning Board of Appeals.
- c) A zoning Permit hereafter granted under the provisions of this ordinance shall expire one(1) year from the date of issuance unless the proposed structure or change in use, has been completed. At the discretion of the Building Inspector, said permit may be renewed if work is in progress.
- d) In order for the administrator of this ordinance to consider an application for a zoning Permit, the following material must be provided for the Building Inspector in support of any application:
 - 1. When property to be developed fronts on any highway and access to the highway is desired, an approved permit from the applicable agency for the development of such highway access shall be presented.

TOWN OF SHERIDAN ZONING ORDINANCE

2. When property is to be developed for human habitation and use, such application shall be accompanied by a plan and construction details for waste disposal approved by the applicable State, County or Town Health agency.
 3. One copy of a layout of the lot or tract to be built upon, the exact size and location of the building to be erected and area designated to be utilized for the required off-street parking and unloading and location of waste disposal facilities, all be presented.
- e) Responsibility: the final responsibility for the conforming of buildings and their use, to the requirements of this ordinance shall rest with the owner or owners of such buildings or use and the property on which it is located.

SECTION 503 ZONING PERMIT FEES

- a) All residences, all manufactured housing and principal agricultural structures less than 1,000 square feet in floor area, a fee of \$35.00; 1,000 square feet but less than 1,500 square feet, \$75.00; 1,500 square feet but less than 2,000 square feet, \$100.00; 2,000 square feet or greater, \$125.00.
- b) Business and industrial buildings: \$1.00 per \$1,000.00 of construction cost with a minimum of \$50.00 and no maximum dollar amount.
- c) Gas and oil well drilling: \$100.00
- d) Recreational trailers (visiting):
After 5 days, 30 day permit \$15.00
- e) Solid Fuel Permits \$10.00
Swimming Pool Permits \$20.00
Sign Permits \$10.00/request
Garages & Additions \$35.00
- f) Renewal of Building Permit ½ of original fee

All of the above listed zoning permit fees are subject to change by resolution of the Town Board.

SECTION 504 PERMITS FOR CONSTRUCTION AND OCCUPANCY

- a) Application for building permits shall be made to the Building Inspector or other authorized officer and shall be accompanied by information as set forth in Article V, Section 502 (d).
- b) No structure, as designated in Section 503 (a) or (b) hereafter erected, shall be used for its intended purpose until a permit shall have been issued by the Building Inspector or other authorized official stating that the structure complies in all respects with this ordinance.
- c) Moving of a building from any place to a new site within any use district shall be deemed to be an erection or construction and shall be subject to provisions of the Building Code and this Zoning Ordinance.

SECTION 505 PENALTIES

- a) It shall be the duty of the Building Inspector or other authorized officer to enforce the regulations and restrictions provided by this ordinance.

TOWN OF SHERIDAN ZONING ORDINANCE

- b) All violations of this ordinance or of any regulations or provisions thereof, shall be punishable by a fine or imprisonment in accordance with Section 268 of the Town Law as from time to time amended. Each week's continued violation shall constitute a separate additional violation.
- c) It shall be the duty of the Building Inspector or other authorized officer to make at least two (2) inspections of all building projects during the months of April, May, June, July, August and September of each year and at least one occasion during the remaining months. It shall also be his duty to make a written monthly report to both the Town Board and the Secretary of the Zoning Board of Appeals stating any violations of the building code, number of permits issued, name of improvements undertaken, names and locations of builders and buildings and any other information as may be requested.

SECTION 506 DENIAL OF PERMITS

- a) When the Building Inspector is not satisfied that the applicant's proposed development will meet the requirements of this ordinance, he shall refuse to issue a permit and the applicant may appeal to the Board of Appeals for a reversal of the Building Inspector's decision. The Building Inspector shall approve or reject any application, plan or amendment thereto, filed pursuant to the provisions of this ordinance, within fifteen (15) days and if approved, shall issue a permit. All denials shall be in writing with the reasons for the action taken stated.
- b) No building permit shall be granted for any construction on land areas which have been filled to a depth of 10 feet or more
- c) No building or zoning permit shall be issued for any structure or mobile home, which has been partially destroyed by fire or any other form of destruction to be moved into the Town of Sheridan for the purpose of repair, alteration or salvage. Nor shall a building or Zoning permit be issued for a complete vehicle, or portion thereof, including but not limited to bus, truck or trailer bodies as well as uninhabitable mobile homes or campers to be used as a structure for any purpose.

SECTION 507 BUILDING PERMITS FOR FLOODPRONE AREAS

It shall be required that all new construction, substantial improvements, subdivision proposals, new developments and new or replacement water supply/sanitary sewage systems will come under the following permit system if it falls within the Flood Hazard Area (FHA) District.

- a) The Building Inspector shall review all building permit applications for new construction or substantial improvements to determine whether the proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must: (1) be designed (or modified) and anchored to prevent flotation, collapse or lateral movement of the structure; (2) use construction materials and utility equipment that are resistant to flood damage; and (3) use construction methods and practices that will minimize flood damage.

TOWN OF SHERIDAN ZONING ORDINANCE

- b) The Building Inspector shall review subdivision proposals and other proposed new developments to assure that:
 - 1) All such proposals are consistent with the need to minimize flood damage.
 - 2) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated and constructed to minimize or eliminate flood damage.
 - 3) Adequate drainage is provided so as to reduce exposure to flood hazards.
- d) The Building Inspector shall require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltrating of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

SECTION 508 COUNTY PLANNING BOARD

a) Referral from the Board of Appeals

The Town Board and Board of Appeals shall refer to the County Planning Board all applications or appeals which are required under New York State Municipal Law ss 239m. Furthermore, The Town Board or Board of Appeals shall defer any decision thereon for a period of not more than thirty (30) days pending a report from the County Planning Board.

b) Criteria for Review

The County Planning Board shall review such referrals in accordance with the New York State Municipal Law §239.1.

c) REPORT TO THE BOARD OF APPEALS

The County Planning Board may approve, disapprove, or approve subject to conditions or modifications, and shall report its findings to the Board of Appeals within thirty (30) days or receipt thereof; such report shall state all recommended conditions and modifications and the reasons for such approval or disapproval. Upon failure to submit such report, the County Planning Board shall be deemed to have approved the application.

SECTION 509 BUILDING/ZONING PERMIT EXCLUSIONS

- a) Demolition of any out building or accessory use. This shall not include residential or commercial structures.
- b) Specific farm-related structures including silos, corn cribs and manure compost storage facilities.
- c) Storage of travel trailers, motor homes and similar recreational vehicles.
- d) Home offices where there is no visible appearance of such a use.
- e) Temporary structures of 100 square feet or less in area.
- f) Home repairs or improvements not involving additions or enlargement of floor space.

TOWN OF SHERIDAN ZONING ORDINANCE

- g) Interior modifications unless additional dwelling units or different types of uses are created.

When a project is excluded from the building permit requirements, it is still subject to all applicable regulations of this ordinance such as yard setback, side yard regulations, etc.

ARTICLE VI

ZONING BOARD OF APPEALS AND AMENDMENTS

SECTION 601 ORGANIZATION AND PROCEDURE

Upon adoption of this ordinance, the Town Board, Town of Sheridan, pursuant to the provisions of the Town Law applicable thereto, shall appoint a Zoning Board of Appeals consisting of five (5) members. The terms of office shall be five (5) years, excepting that the five members first appointed shall serve for terms of one, two, three, four and five years. Such Zoning Board of Appeals, subject to the provisions of Town Law, shall determine its own rules of procedure. The members of the Zoning Board of Appeals shall be removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term become vacant. No member of the Zoning Board of Appeals shall hold other elective or appointive office in the Town Government except Planning Board.

SECTION 602 POWERS AND DUTIES

With due consideration for the purpose and intent of the Zoning Ordinance, the Zoning Board of Appeals shall:

- a) Hear and determine appeals from and review any order, requirement, decision or determination made by the Building Inspector charged with the enforcement of this ordinance.
- b) Hear and decide all matters referred to it, or upon which it is required to pass under this ordinance.
- c) Hear and pass upon applications for variances when a property owner or his agent shows that a strict application of the terms of this ordinance relating to the use, construction or alteration of buildings or structures, or the use of land imposes upon him a particular hardship which is unique to the premises in question but not applying generally to other premises in the same district.
- d) Hold public hearings, and approve, or disapprove each application for a special use in compliance with the provisions of this ordinance. (See Article IX)
- e) Hold public hearings and submit to the Town Board a report and recommendations on each proposed ordinance for amendment, supplement, change or repeal of the Zoning Ordinance as set forth herein.

TOWN OF SHERIDAN ZONING ORDINANCE

SECTION 603 APPLICATIONS AND APPEALS

Any application or appeal to the Zoning Board of Appeals may be taken by any person affected by any decision of the Building Inspector with respect to the zoning provisions of this ordinance. The procedure for such application or appeal and the responsibilities of the Zoning Board of Appeals in such action shall be prescribed in the applicable sections of the Town Law of New York State. A fee in the amount determined by the Town Board shall be chargeable and shall accompany all applications or petitions of appeal. An Additional fee will apply for a hearing outside of the regular monthly meeting night.

SECTION 604 EXPIRATION OF PERMIT

A variance or special use permit granted, but unused for one (1) year shall be deemed either unnecessary or unneeded and therefore void.

SECTION 605 AMENDMENTS

All amendments to this ordinance shall be in accordance with the provisions of the Town Law of New York State applicable thereto. Any proposed amendment shall be submitted to the Town Planning Board for a report and recommendations prior to the required hearing and final action thereon by the Town Board.

ARTICLE VII

LOT AND BUILDING SIZE

SECTION 701 MINIMUM AREA – DWELLING

- a) No permit for the erection or conversion of a dwelling unit will hereafter be granted in the Town of Sheridan unless each said dwelling unit shall have a minimum area of 720 square feet on the ground floor, not including open or closed verandas and unless the foundation thereof shall be continuous and of masonry construction.
- b) No permit for modification of a building or dwelling into apartments will be granted unless each apartment contains 720 square ft. minimum, not including open or enclosed veranda.

SECTION 702 MINIMUM AREA REQUIREMENTS AR-I AND AR-II DISTRICTS

Every dwelling unit shall be erected on a lot of not less than two acres or 87,120 square feet and have a frontage along an existing public street or highway of 200 feet. This lot area and frontage requirement may be reduced when an application for a permit is accompanied by a report signed by a licensed engineer in New York State stating that two or more percolation tests on a dwelling lot indicate the following soil percolation rates:

	<u>LOT AREA</u>	<u>FRONTAGE</u>
45 minutes and over	87,120 sq. ft	200 feet
40 minutes and over.....	82,000 sq. ft.	194 feet

TOWN OF SHERIDAN ZONING ORDINANCE

35 minutes.....	76,000 sq. ft.	188 feet
30 minutes.....	70,000 sq. ft.	181 feet
25 minutes.....	64,000 sq. ft.	175 feet
20 minutes.....	58,000 sq. ft.	169 feet
15 minutes.....	52,000 sq. ft.	163 feet
10 minutes.....	46,000 sq. ft.	156 feet
5 minutes.....	40,000 sq. ft.	150 feet

All lot areas shall be exclusive of public rights-of-way.

SECTION 703 MINIMUM AREA – BUSINESS AND INDUSTRIAL DISTRICT:

Every business shall be erected on a lot of not less than two (2) acres (87,120 sq. ft.) and have a frontage along a public street or highway of 200 feet.

All lot areas shall be exclusive of public rights-of-way.

SECTION 704 SETBACK – ARI, ARII, & BI DISTRICTS

The minimum setback of buildings hereafter erected in the Town of Sheridan shall be 75 feet from the center line of town roads and 100 feet from the center line on state and county roads. Seasonal fruit stands shall meet state regulations on setback from street line.

SECTION 705 SIDE YARD REGULATIONS

Minimum distance from any structure, erected in the future, to a side line of a lot shall be:

- a) Dwelling Unit.....15 feet
- b) Detached Private Garage or Accessory Structure....8 feet
- c) All Business Structures.....50 feet

SECTION 706 VARIED SETBACK PROVISIONS

In an existing neighborhood where structures are not set back from the highway the minimum distance specified by this ordinance, it shall be determined by the Zoning Officer what appropriate setback will be permitted for new construction or alterations of existing structures in order to aesthetically blend with existing adjacent structures. The varied setback will be based on the average of the setback distance of the two adjacent structures minus up to five (5) feet. Any variation request which exceeds the distance permitted by this rule will require an Area Variance.

TOWN OF SHERIDAN ZONING ORDINANCE

ARTICLE VIII

NON-CONFORMING USES AND STRUCTURES

SECTION 801 DEFINITION

The lawful use of any building or land existing at the time of the enactment of this ordinance may be continued unchanged although such use does not conform with the provisions of this ordinance.

SECTION 802 ALTERATIONS

A non-conforming building may not be structurally altered during its life if the cost is in excess of 50% (fifty percent) of the market value of the building unless said building is changed to comply with all provisions of this ordinance

SECTION 803 DAMAGED STRUCTURES

A non-conforming building damaged by fire or other causes can be rebuilt for the use prior to the damage, providing a building permit is obtained from the Zoning Officer within six months of the destruction by fire or other calamity, and building is rebuilt within one year.

SECTION 804 ABANDONMENT

Whenever a non-conforming use has been abandoned or discontinued for a period of one year, such use shall not thereafter be re-established, and any future use shall be in conformity with the provisions of this ordinance.

TOWN OF SHERIDAN ZONING ORDINANCE

ARTICLE IX

SPECIAL PERMITS

SECTION 901 GENERAL PROVISIONS

The special uses for which conformance to additional standards is required shall be deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards set forth herein, in addition to all other requirements of this ordinance. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.

SECTION 902 REQUIRED PLAN

A plan for the proposed development of a site for a permitted special use shall be submitted with an application for a special use permit, and such plan shall show the location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping and any other pertinent information that may be necessary to determine if the proposed special use meets the requirements of this ordinance.

SECTION 903 EXPIRATION

No permit shall be issued for a special use for a property where there is an existing violation of this ordinance.

SECTION 905 STANDARDS APPLICABLE TO ALL SPECIAL USES

- a) The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to it, and the location of the site with respect to the existing or future streets giving access to it, shall be such that it will be in harmony with the orderly development of the district, and the location, nature and height of buildings, wall and fences will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
- b) Operations in connection with any special use shall not be more objectionable to nearby properties by reason of noise, fumes, vibration or flashing lights, than would be the operations of any permitted use.
- c) Where a business use is permitted by special use permit within a district, the Zoning Board of Appeals shall consider the following conditions in reviewing each request for a business special use permit:
 - 1) Traffic safety with respect to entrances and exits
 - 2) Sufficient off-street parking
 - 3) Hours of operation
 - 4) The location of signs, lights, outside displays or storage merchandise, or other devices which could be considered a nuisance.
 - 5) What effect such a use would have on the general character of the neighborhood.

TOWN OF SHERIDAN ZONING ORDINANCE

- 6) The size of the lot with respect to the type of business being proposed
- 7) The proximity of the proposed business to adjoining structures
- 8) Potential nuisance such as smoke, noise, odor, etc.
- 9) The use of natural or manmade buffers to reduce conflicts.
- 10) Other conditions as deemed necessary by the Zoning Board of Appeals.

SECTION 906 INTERPRETATION OF PERMITTED USES

When a use is not specifically listed as a “use by Right” or a “Use by Special Use Permit” within any zoning district, it shall be assumed to be a prohibited use unless it is determined in a written decision by the Board of Appeals that said use is similar to permitted uses and not inherently a nuisance, menace or danger to the health, safety or welfare of the residents of the Town of Sheridan.

TOWN OF SHERIDAN ZONING ORDINANCE

ARTICLE X

OFF-STREET PARKING AND LOADING REQUIREMENTS

SECTION 1001 GENERAL PROVISIONS

In all districts, in connection with every residential, commercial, industrial, institutional or other use, there shall be provided at any time any building or structure is erected, enlarged or increased in capacity, off-street parking spaces for automobiles in accordance with the following requirements:

SECTION 1002 SIZE

Each off-street parking space shall have an area of not less than 220 square feet exclusive of access drives or aisles and shall be of dustless condition.

SECTION 1003 ENTRANCE/EXIT

There shall be adequate provisions for ingress and egress to all parking spaces. Where a lot does not abut on a private or public access drive, an access drive of not less than eighteen (18) feet in width in all other cases leading to the parking area shall be required.

SECTION 1004 NUMBER OF PARKING SPACES:

The number of off-street parking spaces to be provided shall not be less than for the following uses

Residential – One per housekeeping unit

Rental Units – One per rented room or unit

Church or School- One for each eight seats in principal gathering room

Restaurant – One for every four seats

Golf Course – Six for each hole

Private Club or Lodge – One for each ten members

Country Club – One for each five members

Theater – One for every four seats

Offices, Clinics, Wholesale establishments and Business Services – one for every 300 square feet of floor space.

Retail Store or Personal Service Establishment - One for each 100 square feet of floor space.

Industrial Uses – Single shift operations shall have one parking space for each employee.

Multiple shift operations shall have one parking space for each employee on the shift with the maximum employment, plus adequate excess parking for shift changes.

Sanitarium or Convalescent Home – One for every three maximum working shift.

Dance Hall, Assembly or Exhibition Hall, Night Club, Café or similar recreational establishment
One for each 100 square feet of floor space

Bowling Alley – Five for each lane or alley

Mortuary or Funeral Home – One for each 75 square feet of floor space

TOWN OF SHERIDAN ZONING ORDINANCE

Public Swimming Pool – One for each 40 square feet of pool area
Fruit Stand – Adequate off-street parking for five vehicles.

SECTION 1005 LOADING ZONE

Every building having a gross area of 100,000 square feet or more, requiring the loading or unloading of trucks, shall provide and maintain at least one off-street loading space plus one additional space for each additional 100,000 square feet of gross floor area or fraction thereof. Each loading space shall be not less than 12 feet in width, 70 feet in length and 14 feet in height, exclusive access aisles and maneuvering space.

SECTION 1006 BUFFER

A four (4) foot unused space shall be maintained free of weeds and debris between all parking areas and adjacent side lines.

TOWN OF SHERIDAN ZONING ORDINANCE

ARTICLE XI

REMOVAL OF TOPSOIL, GRAVEL, SAND OR OTHER SUBSTANCE

SECTION 1101 GENERAL PROVISIONS

No excavation for purposes other than the construction of a wall, building or part thereof, shall be commenced or continued in the Town of Sheridan except in conformity with the provisions of this Article and in conformity with the State Department of Conservation regulations.

SECTION 1102 PERMIT

Before any excavation for purposes other than those exempted in Section 1101 and Article IV, Section 401 is commenced or continued and top soil, earth, gravel, rock or other substance is removed from the ground, the owner or lessee of the premise, or agent of either shall obtain a written permit therefore from the Town Board and for that purpose shall file with the Town Clerk an application in duplicate, for a permit containing a detailed statement and quantities involved of the proposed work and a plan setting forth in detail the extent of the proposed excavation. Such statement and plan shall state and show the exact condition of the lot or premises before and after proposed excavation.

SECTION 1103 SETBACK

No such excavation shall be made or continued within fifty (50) feet of any street or property line. Adequate barricades shall be erected and maintained wherever necessary. Adequate provisions shall be made for the prevention of flying dust. Such premises shall be graded to the level of the abutting highway and, if such removal of materials has created a bank subject to erosion, such bank shall be graded according to a degree of slope as recommended by the Town Board or their representative.

SECTION 1104 RESTORATION

At least four (4) inches of top soil shall be applied to the graded surface and during the period of April 1 – May 15 or August 15 – October 1, be prepared into a seedbed; loose-leveled, limed, fertilized and seeded as approved and set forth by the Town Board or their representative.

SECTION 1105 BOND

Before the issuance of a permit, the applicant and owner of record of the premises shall execute and file with the Town Clerk a bond, approved by the Town Board in the amount to be fixed by said Board, but not less than \$2,000.00 with a surety company as surety for the faithful performance of the conditions of this Article.

]Said bond shall remain in full force and effect until a certificate of completion has been issued by the Town Board certifying that all provisions of this ordinance and conditions have

TOWN OF SHERIDAN ZONING ORDINANCE

been fully compiled with. Application for such certification shall be made by the applicant, owner, lessee or his agent on forms provided by the Town of Sheridan.

SECTION 1106 PERMIT EXPIRATION

Such permit shall expire by limitation thirty (30) days from the date of its issue unless extended by the Town Board.

SECTION 1107 MAXIMUM ACERAGE

No permit or permits shall be granted at the same time for excavation under this Article for more than six (6) acres from any tract of land in the same ownership.

SECTION 1108 FLY ASH

The use of fly ash or bottom ash for fill or disposal is prohibited in all districts except wherein permission is granted by the Town Board.

TOWN OF SHERIDAN ZONING ORDINANCE

ARTICLE XII

MOBILE HOMES AND MOBILE HOME PARKS

SECTION 1201 MOBILE HOMES

Except as provided in Article III, no mobile home, trailer or other habitable vehicle shall be permitted to locate in the Town of Sheridan when not located in an approved mobile home park. All mobile homes, trailers or other habitable shall conform to the requirements set forth for single-family dwellings.

- (a.1) The maintenance and use of an approved mobile home existing in the Town on the effective date of this ordinance may be continued providing the mobile home is not removed from the premises or altered through the addition of accessory structures except as follows:
 - (a.2) Addition or structure attached to a single mobile home located on a privately owned lot shall be limited to:
 - (a.2.a) One closed unit for entrance purposes, not to exceed one hundred twenty (120) square feet in floor area.
 - (a.2.b) One closed unit, of single story construction, to be used as living quarters, not to exceed eighty percent of mobile home floor area.
 - (a.2.c) Each addition shall be equipped with an operable outside entrance.
 - (a.2.d) All additions shall be finished outside with siding, similar to or blending with the mobile home.
 - (a.2.e) Open patios are permitted the length of the mobile home.
 - b) Dependent mobile homes, other than recreation or vacation trailers with a special permit shall not be located within the Town.
 - c) Camper-trailers, truck campers, or motor homes may be located and used in the Town for a period not to exceed thirty (30) consecutive days, providing a special permit has been obtained from the Building Inspector. Guests of town residents may locate one (1) such camping unit without a permit for a maximum period of five (5) days provided sanitary facilities of the local residents are used. Individual recreation trailer units owned by residents of the Town may be stored on the premises of the owner provided that no residence is taken therein or business conducted therewith. Notwithstanding the foregoing, not more than one such visiting unit, and one resident owned unit may be placed on any single piece of property at one time.

TOWN OF SHERIDAN ZONING ORDINANCE

- d) Mobile home parks operating at the date of adoption of these laws are not subject to these regulations, but any alterations, changes or additions shall make said non-conforming uses subject to all regulations under Article XII, Section 1202.
- e) A mobile home shall have a minimum floor area of 720 square feet, not including any accessory structure. Foundations for mobile homes shall be concrete piers or mortared concrete block placed on poured concrete footings. Said footings to be 12 inches by 20 inches by 30 inches deep minimum dimensions. These piers shall be located within 8 feet of each end of the mobile home and spaced no more than 10 feet apart. The two end piers shall be a continuous unit extending the width of the bed channels of the mobile home unit. Each mobile home shall have a finished continuous permanent masonry perimeter installed to a frost – free depth. All such additions or structures erected on a privately owned lot shall be disassembled within thirty (30) days after removing any mobile home from the property. All mobile homes in the Town of Sheridan shall have a HUD seal and shall be maintained in good condition in accordance with said HUD seal.

SECTION 1202 MOBILE HOME PARKS

A mobile home park shall conform to the following requirements:

- a) Mobile home parks shall be located on well drained sites properly graded to insure rapid drainage.
- b) Mobile home spaces within a mobile home park shall be provided consisting of a minimum of 5,000 square feet for each dwelling unit which shall be at least 50 feet in width and clearly defined
- c) There shall be at least a 25 foot clearance between individual mobile homes and between mobile homes and any permanent structure on or adjacent to the park.
- d) All mobile homes, within a mobile home park, shall abut upon a driveway of not less than 20 feet in width which shall have unobstructed access to a public street or highway. Driveway shall be at least of four (4) inch gravel construction.
- e) It shall contain a minimum of eight acres.
- f) An adequate and tested municipal water supply for drinking and domestic purposes shall be supplied to all mobile home spaces within the park
- g) An adequate municipal sewage disposal system must be available to all mobile home parks.
- h) Adequate garbage disposal facilities as approved by the County Health Department shall be provided.
- i) The service facilities and buildings as required by State and County Health Departments shall be included and maintained in the park.
- j) Every park shall have a fire protection plan approved by the fire company having local jurisdiction.
- k) Every park operator shall keep a complete register of occupants which shall be available for inspection at all times by law enforcement and health officials.
- l) The minimum distance of all units from the side lines of the mobile home park shall be fifty (50) feet.

TOWN OF SHERIDAN ZONING ORDINANCE

o) Any permit may be denied if the location for establishing mobile home court is deemed a potential traffic hazard.

p) Each mobile home shall be assessed on the tax rolls of the Town against the mobile home park owners in accordance with Section 102 of the New York Property Tax Law. No other fees shall be charged against the mobile home owner provided, however, that each mobile home is assessed and placed on the tax rolls and the school, county, town and state taxes have been paid for the current year. In the event that each mobile home is not on the tax rolls and the tax paid for the current year, then, in that event, the mobile homes park owner shall pay a monthly fee for each month or any portion thereof that each mobile home occupies a mobile home space and the monthly fee therefore shall be fifteen (\$15.00) dollars, which shall be paid at the commencement of each month.

TOWN OF SHERIDAN ZONING ORDINANCE

ARTILCLE XIII

SEPARABILITY, CONFLICTING ORDANANCES, EFFECTIVE DATE

SECTION 1301 SEPARABILITY

The invalidity of any section or provision of this ordinance shall not invalidate any other section or provision thereof.

SECTION 1302 REPEAL OR CONFLICTING ORDINANCES

All ordinances and parts of ordinances heretofore passed, which are in conflict with this ordinance, are hereby repealed.

SECTION 1303 MUNICIPAL LIABILITY

The grant of a permit or approval of a Subdivision Plan in any Flood Plain District shall not constitute a representation, guarantee or warranty of any kind by the municipality, or any official or employee thereof the practicability or safety of the proposed use, and shall create no liability upon the municipality, its officials or employees.

SECTION 1304 EFFECTIVE DATE

This ordinance shall, after due review of public hearings and after Town Board approval, take effect ten (10) days after publication in the Official Town Paper. The ordinance shall take effect at twelve noon on the 20th day of June, 1977.

TOWN OF SHERIDAN ZONING ORDINANCE

ARTICLE XIV

UNSAFE BUILDING ORDINANCE

SECTION 1401 TITLE

This ordinance shall be known as the “UNSAFE BUILDING ORDINANCE”

SECTION 1402 BUILDING INSPECTOR

The Town Board of the Town of Sheridan shall appoint the Building Inspector who will be charged with the responsibility of carrying out the obligations and duties set forth in this ordinance.

SECTION 1403 PURPOSE

No person, firm or corporation or association, who or which is the owner of a building in the Town of Sheridan, shall cause, suffer, allow or permit the said building to become dangerous or unsafe to the public. In the event that any building now is or hereafter becomes dangerous or unsafe to the public, from any cause whatsoever, the said owner or occupant shall repair or remove the said building or

- a) Definition of Structure/building: Any facility constructed or used for residence, business, industry or other public or private purposes, or accessory thereto, including tents, lunch wagons, dining cars, mobile homes, billboards, signs and similar facilities whether stationary or moveable. Also any structures having a roof and intended for the shelter, housing or enclosure of persons, animals or chattels.

SECTION 1404 INSPECTION

In the event of the failure of the owner to repair or remove the same, the Building Inspector of the town of Sheridan shall make a complete inspection and report of the condition of the said building to the Town Board of said Town.

SECTION 1405 NOTICE TO OWNER

The Town Board shall then direct, by resolution, that notice will thereafter be served on the owner or some one of the owner’s executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in same, either personally or by registered mail, addressed to the last known address, if any, of the owner or some one of the owner’s executors, legal representatives, agents, lessees or other person having a vested contingent interest in same, as shown by the records of the receiver of taxes and/or in the office of the county clerk or county register; and if such service be made by registered mail, for a copy of such notice to be posted on the premises. That said notice shall contain a description of the premises, a statement of the particulars in which the building or structure is unsafe or dangerous and an order requiring the said building or structure to be made safe and secure or removed. The said notice will also

TOWN OF SHERIDAN ZONING ORDINANCE

provide for the time within which the person served with the said notice shall commence and complete the securing or removal of the building or structure.

SECTION 1406 SURVEY OF PREMISES

In the event of the neglect or refusal of the person so served with the said notice to comply with same, a survey of the premises shall be made by the Building Inspector, and an architect, engineer or practical builder to be named by the Town Board of said Town, and a practical builder, engineer or architect appointed by the person notified as above, within thirty (30) days of the date of the notice, and in the event of the refusal or neglect of the person so notified to appoint such surveyor, the two surveyors named shall make the survey and report. The notice shall further provide that in the event the building or other structure will be made at a Special Term of a Supreme Court, in the VIII Judicial District of the State of New York for an order determining the building or other structure to be a public nuisance and directing that it shall be repaired and secured or taken down and removed.

SECTION 1407 POSTING OF SURVEY REPORT

A signed copy of the report of the surveys shall be posted on the building and surveyors appointed by the Town Board shall be compensated by the Town.

SECTION 1408 COSTS OF THE NOTICE

All costs and expenses incurred by the Town in connection with any and all of the above proceedings to remove or secure, including the cost of actually removing the said building or structure or repairing and securing same, shall be assessed against the land on which the building or structure is located.

SECTION 1409 COSTS OF REMOVAL

If such owner or person served herein above provided shall fail to pay the costs and expenses incurred by the Town within ten (10) days after being notified of the costs thereof by registered mail, the Town Clerk shall file, immediately preceding the time for making the annual assessment roll, a certificate of such actual cost and expenses with a statement as to the property upon which such cost and expenses were incurred, the buildings or other obstructions removed, as the case may be, with the Town Tax Receiver, who shall in the preparation of the next assessment roll of the general Town taxes, assess such amount upon such property, and the same shall be levied, collected and enforced in the same manner, by the same proceedings, at the same proceedings, at the same time, under the same penalties, and having the same lien upon the property assessed as the general Town tax and as a part thereof.

SECTION 1410 EFFECTIVE DATE

This ordinance shall take effect ten (10) days after the publishing and posting thereof in accordance with the Law.

TOWN OF SHERIDAN ZONING ORDINANCE

ARTICLE XV

TELECOMMUNICATIONS FACILITIES

SECTION 1501 LEGISLATIVE INTENT

The Town of Sheridan recognizes the increased demand for wireless communication transmitting facilities and the need for the services they provide. Often these facilities require the construction of a communication Tower and/or similar facilities. The intent of this local law is to regulate the location, construction and modification of these facilities in accordance with sound land use planning by:

1. Minimizing adverse visual effects of Towers and/or similar facilities through careful design, citing and vegetative screening and/or buffering.
2. Avoiding potential damage to adjacent properties from Tower failure or falling debris through engineering and careful siting of Tower structures.
3. Maximizing use of any new and/or existing Tower or existing building and/or structure to reduce the number of Towers and/or similar facilities needed in the Town.
4. Providing for the general health, safety and welfare of the Town in and by the regulation of these facilities as such regulation is permitted under applicable Federal and/or State law.
5. Accommodating and allowing wireless service providers to meet their service objectives insofar as can be accommodated consistent with these regulations and/or other applicable Federal or State law.

SECTION 1502 DEFINITIONS

- A) ACCESSORY STRUCTURE – A non habitable accessory facility or structure serving or being used in conjunction with communications Tower and/or similar facility or antenna, and located on the same lot as the communications tower or antenna. Examples of such structures include utility or transmission equipment, storage sheds or cabinets.
- B) 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 services (PCS) and microwave communications.
- C) CO-LOCATED ANTENNAS – Telecommunications facilities which utilize existing Towers, buildings or other structures for placement of antennas and do not require construction of a new Tower.

TOWN OF SHERIDAN ZONING ORDINANCE

- D) FALL DOWN ZONE – The radius around a Tower within which all portions of the Tower and Antennas would fall in the event of a structural failure of the Tower.
- E) TELECOMMUNICATION FACILITIES –Towers and/or Antennas and accessory structures together used in connection with the provision of cellular telephone service, personal communication services (PCS), paging services, radio and/or television broadcast services, microwave transmission and/.or similar or like broadcast services.
- F) TOWER – A structure designed to support Antennas. It includes without limitation freestanding Towers, guyed Towers, monopoles and similar structures which do, or do not, employ camouflage technology.

SECTION 1503 TELECOMMUNICATION FACILITY PERMIT REQUIRED

No Telecommunication Facility shall be sited, located, constructed, erected or modified without the issuance of a permit as prescribed in this article.

The Zoning Board of Appeals may waive any provision of this article for Telecommunication Facilities whose total height above ground does not exceed 30 feet from ground level, single user, single antenna.

SECTION 1504 ZONING DISTRICTS AND BULK REQUIREMENTS

- A) Telecommunication Facilities shall be permitted in the following zones upon the issuance by the Zoning Board of Appeals of a Special Use Permit under this article. All applications will require a site plan as provided herein.
- B) Telecommunications Facilities in AR-2 District shall be set back the height of the Tower plus 75 feet from the lot line. The maximum Tower height permitted is 150 feet.
- C) Telecommunications Facilities in B-1 Districts shall be set back the height of the Tower plus 75 feet from the lot line. The maximum Tower height permitted is 150 feet.
- D) Telecommunications Facilities in I-1 Districts shall be set back the height of the Tower plus 75 feet from the lot line. The maximum Tower height permitted is 150 feet.
- E) All applications for Telecommunications Facilities shall be treated as a Type One Action under the State Environmental Quality Review Act.
- F) Telecommunications Facilities shall not be permitted in AR-1 Districts.
- G) Any Telecommunications Facilities application for a location in the proximity of the Northern Chautauqua Airport or in the flight pattern or airspace thereof must be

TOWN OF SHERIDAN ZONING ORDINANCE

submitted and receive the approval of the FAA or other governing body of the airport. The applicant must present evidence in writing that the FAA or other governing body has reviewed the application and does not find the proposed facility in conflict with the restrictions surrounding the airport flight pattern and airspace.

SECTION 1505 GENERAL STANDARDS:

- A) No permit or renewal thereof or modification of the conditions of a current permit relating to a Telecommunication Facility shall be authorized by the Zoning Board of Appeals unless it finds that such Telecommunication Facility:
- 1) Is necessary to meet current or expected demands for the services supported by the Telecommunications Facility
 - 2) Conforms with all applicable regulations promulgated by the Federal Communications and/or any other applicable State or Federal regulatory agency.
 - 3) Is designed and constructed in a manner which minimizes its visual impact.
 - 4) Complies with all other requirements of the Zoning Laws of the Town.
 - 5) Is the most appropriate site within the immediate area for the location of a Telecommunication Facility. It is preferred that Telecommunication Facilities be located on industrial, business or municipal property and/or co-located.

All applicants are required to provide a report which establishes to the satisfaction of the Zoning Board of Appeals that the applicant is required to provide service to locations which it is not able to serve through existing facilities which are located either within or outside of the Town, showing the specific locations and/or areas the applicant is seeking to serve.

The report shall set forth an inventory of existing facilities and/or structures within or outside of the Town which might be utilized or modified in order to provide coverage to the locations applicant is seeking to serve and include a report on the possibilities and opportunities for a co-location as an alternative to a new site.

The applicant must demonstrate that the proposed facility cannot be accommodated on any such existing facility or structure either within or outside of the Town, due to one or more of the following reasons:

- a) The proposed equipment would exceed the existing and reasonable potential structural capacity of existing facilities or structures within or outside of the Town considering existing and planned use for those facilities or structures.
- b) The existing or proposed equipment would cause interference with other existing or proposed equipment which could not reasonably be mitigated or prevented.
- c) Said existing facilities or structures do not have space on which the proposed equipment can be placed so it can function effectively and reasonably and/or the applicant has not been able, following good faith efforts, to reach an agreement with the owner or owners of such facilities or structures.

SECTION 1506 CO-LOCATED ANTENNAS PREFERRED

The shared use of existing Telecommunication Facilities or other structures shall be preferred to the construction of new such facilities. Any application for a Telecommunication Facility Permit or renewal thereof or modification of the conditions of a current Telecommunication Facility Permit shall include proof that reasonable efforts have been made to co-locate with an existing Telecommunication Facility or upon an existing structure. The

application shall include an adequate inventory report specifying existing Telecommunication Facility sites and structures of height exceeding 75% of the height of the proposed Tower within a one mile radius from the proposed site if the application is for cellular telephone or personal communication use, or a five mile radius for other services and for cellular telephone or personal communication use and outlining opportunities for shared use as an alternative to the proposed location. The application must demonstrate that the proposed Telecommunication Facility cannot be accommodated on all sites in the inventory due to one or more of the reasons set forth in the above section 1505.

**SECTION 1507 SPECIAL PERMIT OR TELECOMMUNICATION FACILITIES
TOWERS/ANTENNAS**

- A) All applicants for Special Use Permit for Telecommunication Facilities Towers and/or Antennas shall make a written application to the Zoning Board of Appeals of the Town. This application shall include:
1. Tower Special Permit application form, supplied by the Town
 2. Long form Environmental Assessment form
 3. Site plan in form and content acceptable to the Town, prepared to scale and in sufficient detail and accuracy, showing on a minimum:
 - a) The exact location of the proposed Tower, together with guy wires, guy acres if applicable
 - b) The maximum height of the proposed Tower
 - c) A detail of Tower type (monopole, guyed, free-standing or other)
 - d) The color or colors of the Tower
 - e) The location, type and intensity of any lighting on the Tower
 - f) The property boundaries; (A copy of a property survey must also be provided)
 - g) Proof of the landowner's consent if the applicant will not own the property. (A copy of a lease agreement must also be provided if the applicant will not own the property)
 - h) The location of all structures on the property and all structures on any adjacent property within 50 feet of the property lines, together with the distance of these structures to the Tower.
 - i) Names and addresses of adjacent landowners.
 - j) The location, nature and extent of any proposed fencing, landscaping or screening.
 - k) The location and nature of proposed utility easements and/or access roads, if applicable
 - l) Building elevations of accessory structures or immediately adjacent buildings.

TOWN OF SHERIDAN ZONING ORDINANCE

4. Before and after propagation studies prepared by a qualified radio frequency engineer demonstrating existing signal coverage contrasted with the proposed signal coverage resulting from the proposed Telecommunication Facility.
 5. A search ring prepared by a qualified radio frequency engineer and overlaid on an appropriate background map demonstrating the area within which the Telecommunications Facility needs to be located in order to provide proper signal strength and coverage to the target area or cell. The applicant must be prepared to explain to the Board why it selected the proposed site, discuss the availability or lack of availability of a suitable site within the search ring, which would have allowed for co-location Antennas and to what extent the applicant explored locating the proposed Tower in a more intensive use district. Correspondence with other Telecommunication companies concerning co-location is part of this requirement.
 6. The applicant must submit a copy of its policy regarding co-location of the proposed Tower with the other potential applications. Such policy should allow co-location of new Antennas and/or equipment do not or will not exceed structural loading requirements, interfere with Tower space use, or pose any technical or radio frequency interference with existing equipment
 7. A report prepared by a New York State licensed professional engineer, which in the case of a Tower describes its height and design, including a cross section of the structure, demonstrates the Towers compliance with applicable structural standards and describes the Towers capacity, including the number and type of Antennas it can accommodate. In the case of an Antenna or Antennas mounted on an existing structure, the report shall include the existing structures suitability to accept the Antenna and proposed method of affixing the Antenna to the structure. Complete details of all fixtures and couplings and the precise point of attachment shall be indicated.
 8. An agreement by the applicant in writing to remove the Telecommunication Facility if such Facility becomes technically obsolete or ceases to be used for its originally intended purpose for 12 consecutive months.
 9. The applicant, at the time of obtaining a Special Use Permit, if one is obtained, must provide a financial security bond with the Town as assignee in an amount not exceeding the cost of removal and restoration of the Facility pursuant to a written estimate provided by the applicant from a licensed New York State Engineer.
 10. The Town reserves the right, upon review of the application, to request reasonable, additional, visual and aesthetic information it deems appropriate on a case by case basis and as it may pertain to a residential zone, historic district, agricultural use or other special situation.
- B) Upon receipt of the application materials as set forth in Section A above, the Zoning Board of Appeals shall refer the application to the Planning Board. The Planning Board shall review the site plan and recommend changes, if any, to the Zoning Board of Appeals. The Zoning Board of Appeals shall consider the application and approve or deny same in accordance with the procedures and standards set forth in this article and in the Zoning Law.

TOWN OF SHERIDAN ZONING ORDINANCE

- C) The Zoning Board of Appeals shall determine the application for a Telecommunications Tower Special Use Permit in accordance with their requirements established for determining a Special Use Permit under the Town's Zoning Law and under this article. Any and all grants of a Special Use Permit for a Telecommunications Facility under this article shall be non-assignable and non-transferable and shall not run with the land, notwithstanding anything in the General Zoning Laws of the Town to the contrary.

SECTION 1508 TELECOMMUNICATIONS FACILITIES SPECIAL USE PERMIT

The following criteria will be considered by the Town prior to the approval/denial of a request for a Special Use Permit for a Telecommunications Facility. The criteria list that may be used as a basis to impose reasonable conditions upon the applicant:

- A) **SITING PREFERENCES:** The Town may express a preference that the proposed Telecommunications Facility be located in a higher intensity use district or on higher intensity use property. As a general guideline, the town's preference from most favorable to least favorable districts shall be as follows:
- 1) Town owned property, whether or not located in an AR-2 District, not including, however, the Town Park on Rt. 5.
 - 2) Industrial Park
 - 3) Industrial District
 - 4) AR-2 District
- B) **ASTHETICS:** Telecommunication Facilities shall be located and buffered to the maximum extent practicable and technologically feasible to help insure capability with surrounding land uses. In order to minimize any adverse aesthetic impact on neighboring residents to the extent possible, the Zoning Board of Appeals may impose conditions on the applicant, including the following:
- 1) Tower height, location and design are matters of primary public concern. The Town may require a monopole or guyed Tower instead of a free-standing Tower.
 - 2) The Town may require reasonable landscaping consisting of trees or shrubs to screen the base of the Tower, and/or to screen the Tower to the extent possible from adjacent property. Existing on site trees and vegetation shall be preserved to the maximum extent possible.
 - 3) All Telecommunications Facilities shall be separated from residential dwellings, schools, houses of worship, places of public assembly and designated historical sites and/or districts by the greater of 500 feet or 5 times the height of the Facility. The Zoning Board of Appeals may modify this condition if the Facility is attached to an existing structure or for other satisfactory reasons supported by expert testimony.
 - 4) Towers shall be designed and sited so as to avoid whenever possible application of FAA lighting and painting requirements. The Towers shall not be artificially lighted except as required by the Federal Aviation Administration or the Town. The Towers shall be of a non-reflective finish color subject to Town approval unless otherwise required by the FAA. Any lighting which may be required by the FAA shall not consist of strobe lights unless specifically mandated by FAA.

TOWN OF SHERIDAN ZONING ORDINANCE

- 5) All Permits shall include a fall zone surrounding any support, and such fall zone must have a radius of at least equal to the height of such support Tower and any Antenna attached thereto. The entire fall zone may not include public roads, must be on private property, either owned or leased by the applicant, or for which the applicant has obtained an easement. It may not contain any structure other than those associated with the Telecommunication Facilities and may not be located within any set back area established by this article. If the Facility is attached to an existing structure, fall zone requirements may be modified by the Zoning Board of Appeals.
- 6) No tower or device or Facility shall contain any signs or advertising. The town may, however, require appropriate signage indicating ownership of the facility and telephone number to call in case of emergency.
- 7) Towers and auxiliary structures shall be surrounded by a fence or wall at least 8 feet in height of a design approved by the Board so as to make intrusion difficult. Barbed wire is not to be used in residential areas or on public property unless specifically permitted by the Board. There shall be no permanent climbing pegs within 15 feet of the ground on any tower or facility.
- 8) All other uses ancillary to the Telecommunications Facility and associated equipment are prohibited unless otherwise permitted in zone.
- 9) The Town may impose as a condition on the applicant that the Antennas be operated only at FCC designated frequencies on power levels and/or EPA technical exposure limits and that the applicant provide competent documentation to support the maximum allowable frequencies, power levels and exposure limits will not be exceeded.

SECTION 1509 TELECOMMUNICATIONS FACILITIES MAINTENANCE

All Telecommunications Facilities, both predating and otherwise, this article shall fulfill the requirements of this section. The Town Code Enforcement Officer and/or Building Inspector is empowered to enforce these regulations.

- 1) The sufficiency of the bond for removal shall be confirmed at least every five (5) years by an analysis of the cost of removal and property restoration performed by a licensed New York State professional engineer with the results to be communicated to the Town. If the bond amount in force is insufficient to cover the cost of removal, it shall be immediately increased to that amount.
- 2) The Facility shall be inspected at least every two years for structural integrity by a New York State licensed professional engineer, and a copy of the inspection report submitted to the Town.
- 3) All Telecommunications Facilities shall be maintained in good order and repair and all such work shall comply with all applicable code requirement of any governmental body issuing such rules and/or regulations.
- 4) Any additional Antennas, reception or transmission devices or other similar receiving or transmitting device proposed for attachment to an existing facility shall require review in accordance with this article. The intent of this requirement is to insure the structural integrity, visual aesthetic and land use compatibility of

TOWN OF SHERIDAN ZONING ORDINANCE

communication towers upon which additional Antennas, reception or transmission devices are to be installed.

- 5) No outside storage of vehicles, materials or waste shall be allowed except for the limited periods when the facility is undergoing construction, repair or maintenance.

SECTION 1510 EXEMPTIONS

- A) Towers and Antennas may be repaired and maintained without restriction.
- B) Antennas used solely for residential household, television and radio reception are exempt from the provisions of this article, provided they do not exceed 30 feet in height.
- C) Other Antennas or devices exempt under FCC rule or regulation

SECTION 1511 VIOLATIONS/PENALTIES

This article is adopted pursuant to the zoning and planning powers granted to the Town under the Town Law of the State of New York and other applicable law, rule and regulation. In the event of any violation of this article or any permit issued hereunder, the Town may seek enforcement under any available authority, including, but not limited to, Town Law Section 268 as from time to time amended.

Any applicant upon receipt of a Special Use Permit for Telecommunication Facilities that substantially does not meet any of the requirements and/or conditions of that permit, shall have its permit revoked and the Telecommunications Facilities removed within ninety (90) days of notification by the Town of such violation.

SECTION 1512 MISCELLANEOUS

1. In the event of any conflicts or inconsistencies between this article and any other article of the Town Zoning Law or other Local Law, ordinance, rule or regulation, this article is meant to regulate Telecommunication Facilities and is not generally applicable unless otherwise specifically referenced in this article.
2. The term Special Use Permit as used in this article shall be deemed to be a Telecommunication Facilities Special Use Permit.

SECTION 1513 TELECOMMUNICATIONS FACILITIES APPLICATION FEES

- a) All applications for a special permit under this article shall be accompanied by an application fee of \$1,000.00.
- b) All applications for a special use permit under this article where said application requests the construction of a tower in addition to antenna shall be accompanied by a site plan review fee of \$3,000.00
- c) All applications for a special use permit under this article for a permit to co-locate additional antennas on an existing tower shall be accompanied by an application fee of \$1,000.00

TOWN OF SHERIDAN ZONING ORDINANCE

ZONING ORDINANCE AMENDMENTS

For the original language before the amendments, see the file copy of the original ordinance.

ARTICLE I	GENERAL PROVISIONS	
	SECTION 109 3(a), 3(b), 3(c)	
	SECTION 110 A (1)	09/18/90
ARTICLE II	DEFINITIONS (HOME BUSINESS)	04/03/80
ARTICLE III	SECTION 301 (a)	02/07/85
	SECTION 301 (b)	04/03/80
	SECTION 302 (a)	02/07/85
	SECTION 302 (b)	04/03/80
	SECTION 303 (b)	02/01/79
	SECTION 303 (b)	04/03/80
	SECTION 304 (b)	04/03/80
	SECTION 306 (i)	09/12/96
	SECTION 307	11/06/97
ARTICLE 111 A	SECTION 306 REPLACED SECTION 411	06/21/90
ARTICLE IV	SECTION 404	02/01/79
	SECTION 407 (a) and (b)	02/25/92
	SECTION 410	01/03/85
	SECTION 411	03/01/84
	SECTION 411	
	SECTION 306	06/21/90
	SECTION 412	06/21/90
	SECTION 413	03/01/84
ARTICLE V	SECTION 503	2/1/79 & 01/03/85
	SECTION 505	02/01/79
	SECTION 505 (b)	02/25/90
	SECTION 506 [c]	05/05/83
	SECTION 509	03/01/84
ARTICLE VII	SECTION 702/703	09/12/96
	SECTION 706	03/01/84
ARTICLE IX	SECTION 905 [c]	04/03/80 & 02/01/79
ARTICLE X	SECTION 1004	06/21/90
	SECTION 1005	06/21/90
ARTICLE XII	SECTION 1201 (b)	11/01/84
	SECTION 1201 (e)	03/09/95 & 07/--/96

TOWN OF SHERIDAN ZONING ORDINANCE

LOCAL LAW NO. 1 OF 2004

ADULT ENTERTAINMENT FACILITIES LAW

Section 1- Purpose

It is the purpose of this Local Law to regulate sexually oriented businesses in order to promote the health, safety, morals and general welfare of the citizens of the Town of Sheridan, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the Town. The provisions of this law have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this Local Law to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this law to condone or legitimize the distribution of obscene materials.

Section Two – Findings

Based on evidence concerning the adverse secondary affects of adult uses on the community presented in hearings and in reports made available to the Town Board and on findings incorporated in the case of *City of Renton v. Playtime Theaters, Inc.* 475 U.S. 41 (1986), *Young v. American Mini-Theaters* 426 U.S. 50 (1976), *F.W./PBS, Inc. v. City of Dallas* 493 U.S. 215 (1990), *Barnes v. Glen Theater, Inc.* 501 U.S. 560 (1991), *City of Erie v. Pap's A.M.*, 120 Supreme Court 1382 (2000), and on studies in other communities including, but not limited to, Phoenix, Arizona; Minneapolis/St. Paul, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin Texas; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio; Beaumont, Texas; Dallas, Texas; Newport News, Virginia; Bellevue, Washington; New York, New York and St. Croix County, Wisconsin. The Town Board finds:

- a) Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operation of the establishments. Further, there is presently no mechanism to make the owners of these establishments responsible for the activities that occur on their premises.
- b) Certain employees of sexually oriented businesses defined in this law as adult theaters and adult cabarets engage in higher incidents of certain types of illicit sexual behavior than employees of other establishments.
- c) Sexual acts, including masturbation, and oral and anal sex, occur at sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos or live sex shows.
- d) Offering and providing such space encourages such activities, which creates unhealthy conditions.
- e) Persons frequent certain adult theaters, adult arcades and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses.

TOWN OF SHERIDAN ZONING ORDINANCE

- f) At least 50 communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, non A, Non B amebiasis, salmonella infections and shigella infections.
- g) That here in Chautauqua County we have, in recent years, had an HIV-AIDS out-break which has caused the County to become very aware of the inherent problems.
- h) The development and proliferation of adult entertainment facilities without regulations as to citing, concentration and location may result in the deterioration of residential neighborhoods and business districts. In addition, if these types of businesses are located near schools, churches and/or other youth related facilities, they may adversely affect the public welfare and morals of minors and others residing in the Town of Sheridan.
- i) The findings noted in Subsections “a” through “h” raise substantial governmental concerns.
- j) Sexually oriented businesses have operational characteristics, which should be reasonably regulated in order to protect those substantial governmental concerns.

Section Three-Definitions

Adult Book/Video/Media store –An establishment having as its stock-in-trade, books, magazines, videos and other periodicals which are distinguished or relating to specified sexual activities or specified anatomical areas, as defined herein, or an establishment with a segment or section devoted to the sale or display of such material

Adult Entertainment Facilities –Means and refers to “adult news-racks”, “adult book stores”, “Adult motion picture theaters” and “exotic cabarets”.

Adult Motion Picture/Video Theater – An enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting describing or relating to specified sexual activities or specified anatomical areas, as defined herein, for observation by persons within the use.

Adult News Rack – Any machine or device, whether coin operated or not, which dispenses material which is distinguished or characterized by emphasis depicting, describing or relating to the “specified sexual activities” or “specified anatomical areas” defined herein.

Exotic Cabaret –A nightclub, bar or restaurant or similar commercial establishment which regularly features 1) persons who appear nude or semi-nude; or 2) live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities” or 3) films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the exhibition or display of “specified sexual activities” or specified anatomical areas”.

Specified Sexual Activities – a) human genitals in a state of sexual stimulation or arousal; b) acts of human masturbation, sexual intercourse or sodomy; c) fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

Specified Anatomical Areas – a) less than completely and opaquely covered human genitals, pubic region, buttocks and female breasts below a point immediately above the areola; b) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

TOWN OF SHERIDAN ZONING ORDINANCE

Section Four – Location

The following provisions shall apply to the location of adult entertainment facilities in the Town of Sheridan: a) adult entertainment facilities shall be permitted only in the Chadwick Bay Industrial Park, and only on premises in said park not having a frontage of Progress Drive, upon approval of a special use permit; b) no adult entertainment facilities shall be permitted within 500 feet of any lot with a residential use; c) no adult entertainment facilities shall be permitted within 1000 feet of any:

1. school
2. religious institution
3. public park or public recreation facility

Section Five – Additional Sign Requirements

The following provisions shall apply to signs erected or maintained in connection with adult entertainment facilities: a) no off-site signs shall be permitted.

Section Six - Public Display of Certain Matter Prohibited

Materials offered for sale from “adult news-racks” shall not be displayed or exhibited in any manner which exposes to the public view any picture or illustration depicting any “specified sexual activity” or any “specified anatomical area”. Materials offered for sale or viewing at any adult entertainment facility shall not be displayed or exhibited in a manner which exposes any depiction of “specified sexual activity” or “specified sexual activity” to the view of persons outside the building or off the premises on which such store or theater of use is located.

Section Seven – Restrictions Cumulative in Nature

The restrictions set forth in this law are in addition to any other applicable provision of the Zoning Law of the Town of Sheridan. In the event of any conflict between any such provisions, the more restrictive provisions shall be applied.

Section Eight – Severability

Each section and provision of this law are hereby declared to be independent divisions and subdivisions and notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provision of this law or the application thereof to any person or circumstances held to be invalid, the remaining sections or provisions and the application of such sections and provisions to any person or circumstances other than those to which it is held invalid shall not be affected thereby, and it is hereby declared that such sections and provisions would have been passed independently of such section, or provisions so known to be invalid.

TOWN OF SHERIDAN ZONING ORDINANCE

Section Nine – Conflict

In case of conflict between existing zoning laws, ordinances, rules or regulations and this Local Law, the provisions of this Local Law shall prevail.

Section Ten – Penalties

- A) It shall be the duty of the Building Inspector to enforce this Local Law.
- B) All violations of this Local Law or of any regulation or provision thereof, or of an order of the Building Inspector/Code Enforcement Officer or other authorized officer to enforce this Local Law shall be punishable in accordance with Town Law Section 268-1 as from time to time amended.
- C) Each and every week that a violation of this Local Law is permitted to exist or continues to exist shall constitute a separate offense.
- D) Notwithstanding the foregoing, and in addition thereto, the Town of Sheridan reserves to itself the right to enforce this Local Law by injunctive action in any court of competent jurisdiction, together with any and all other rights and remedies to the Town of Sheridan under general state law.

Section Eleven – Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State of the State of New York

TOWN OF SHERIDAN ZONING ORDINANCE

LOCAL LAW # 1 OF 2005

A local law amending Sections 301 (b) and 302 (b) of Article III of the Town of Sheridan Zoning Ordinance

Section One – Purpose:

It is proposed that Section 301 (b) of Article III of the Town of Sheridan Zoning Ordinance, and 302 (b) of Article III of the Town of Sheridan Zoning Ordinance be amended to provide additional uses, which would be permitted by Special Use Permit subject to the restrictions and conditions contained in this Local Law.

Section Two – Amendment to 301 (b): Additional Uses Permitted by Special Use Permit:

A residential structure previously used as a residence may be used as a lawyer's office, doctor or dental office, accountant office, architect office, real estate office or insurance agency office subject to the following limitations and restrictions: The office use shall consist of not more than 2,000 square feet and shall be made up entirely of converting the former residential structure; all off-street parking requirements that would otherwise be applicable for such a use in a commercial, industrial or retail zone shall be applicable and govern; all off-street parking requirements shall be complied with; no off-street parking shall be allowed in the front yard of any building as defined as the space between the building and the public right of way; and the existing bulk area and frontage requirements of two hundred (200) feet of frontage and two acres in total area shall be required.

Section Three – Amendment to 302 (b): additional Uses Permitted by Special Use Permit:

A residential structure previously used as a residence may be used as a lawyer's office, doctor or dental office, accountant office, architect office, real estate office or insurance agency office subject to the following limitations and restrictions: The office use shall consist of no more than 2,000 square feet and shall be made up entirely of converting the former residential structure; all off-street parking requirements that would otherwise be applicable for such a use in a commercial, industrial or retail zone shall be applicable and govern; all off-street parking requirements shall be complied with; no off-street parking shall be allowed in the front yard of any building as defined as the space between the building and the public right of way; and the existing bulk area and frontage requirements of two hundred (200) feet of frontage and two acres in total area shall be required.

Section Four – Effective Date:

This local law shall take effect immediately upon filing with the office of the Secretary of State.
Passed on June 9, 2005

TOWN OF SHERIDAN ZONING ORDINANCE

LOCAL LAW #3 OF THE YEAR 2006

SECTION 1.1 – PURPOSE AND INTENT

This local law provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in this Town. This local law is adopted pursuant to Section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, other state law, or other section of this local law all buildings, structures and premises, regardless of use or occupancy, are subject to the provisions of this local law.

SECTION 2.1 – DEFINITIONS

Building Permit- shall mean a permit issued pursuant to section 4 of this local law. A Building Permit shall be renewed, amended or extended pursuant to any provision of this local law.

Certificate of Occupancy and Certificate of Compliance- shall mean a certificate issued pursuant to subdivision (b) of section 7 of this local law.

Code Enforcement Officer- shall mean the Code Enforcement Officer appointed pursuant to subdivision (b) of section 3 of this local law.

Code Enforcement Personal- shall include the Code Enforcement Officer and all Inspectors.

Compliance Order- shall mean an order issued by the Code Enforcement Officer pursuant to subdivision (a) of Section 15 of this local law.

Energy Code- shall mean the State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.

Inspector- shall mean an inspector appointed pursuant to subdivision (d) of section 4 of this local law.

Operating Permit- shall mean a permit issued pursuant to section 10 of this local law. This permit shall also include options for which it can be renewed, amended or extended pursuant to any provision of this local law.

Permit Holder- shall mean the person to whom a Building Permit has been issued.

Person- shall include an individual, corporation, limited liability company partnership, limited partnership, business trust, estate, trust, association or any other legal or commercial entity of any kind or description.

Stop Work Order- shall mean an order issued pursuant to section 6 of this local law.

TOWN OF SHERIDAN ZONING ORDINANCE

Temporary Certificate- shall mean a certificate issued pursuant to subdivision (d) of section 7 of this local law.

Town- shall mean the Town of Sheridan.

Uniform Code- shall mean the New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time.

SECTION 3.0 – CODE ENFORCEMENT OFFICER AND INSPECTORS

3.01 The office of Code Enforcement Officer is hereby created. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code and this local law. The Code Enforcement Officer shall have the following powers and duties:

- 1) To receive, review and approve or disapprove applications for Building Permits, Certificates of Occupancy / Certificates of Compliance, Temporary Certificates and Operating Permits, and the plans, specifications and construction documents submitted with such applications;
- 2) Upon approval of such applications, to issue Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates and Operating Permits, and to include in Building Permits, Certificates of Occupancy / Certificates of Compliance, Temporary Certificates and Operating Permits such terms and conditions as the Code Enforcement Officer may determine to be appropriate;
- 3) To conduct construction inspections, inspections to be made prior to the issuance of Certificates of Occupancy / Certificates of Compliance, Temporary Certificates and Operating Permits, fire safety and property maintenance inspections, inspections incidental to the investigation of complaints and all other inspections required or permitted under any provision of the local law;
- 4) To issue Stop Work Orders;
- 5) To review and investigate complaints;
- 6) To issue orders pursuant to subdivision (a) of section 15 (Violations) of this Local Law;
- 7) To maintain records;
- 8) To collect fees as set by the Town Board of this Town;
- 9) To pursue administrative enforcement actions and proceedings;

TOWN OF SHERIDAN ZONING ORDINANCE

- 10) In consultation with this Town's attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code and this local law, or to abate of current conditions not in compliance with the Uniform Code or this local law; and
- 11) To exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Office by this local law.

3.02 APPOINTMENT

- A. Upon consent of the Town Board, the Code Enforcement Officer shall be appointed by the Supervisor. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated there under.
- B. In the event that the Code Enforcement Officer is unable to serve as such for any reason, an individual shall be appointed by the Town Board to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this local law.
- C. One or more Inspectors may be appointed by the Town Board to act under this supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this local law. Each Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and each Inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated there under.
- D. The compensation for the Code Enforcement Officer and Inspectors shall be fixed, from time to time, by the Town Board of this Town.

SECTION 4.0 – BUILDING PERMITS

4.01 Building Permits Required. Except as otherwise provided in subdivision (b) of this section, a Building Permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney or flue in any dwelling unit. No person shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the Code Enforcement Officer.

TOWN OF SHERIDAN ZONING ORDINANCE

4.02 Exemptions; No Building Permit shall be required for work in any of the following categories:

- a. Construction or installation of one story detached structures associated with one or two family dwellings or multiple single-family dwellings (townhouses) which are used for tool and storage sheds, playhouses or similar uses, provided the gross floor area does not exceed 99 square feet;
- b. Installation of swings and other playground equipment associated with a one or two family dwelling of multiple single-family dwellings (townhouses);
- c. Installation of swimming pools associated with a one or two family dwelling of multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;
- d. Installation of fences, which are not part of an enclosure surrounding a swimming pool;
- e. Construction of retaining walls, unless such walls support a surcharge or impound Class I, II or IIIA liquids;
- f. Construction of temporary motion picture, television and theater stage sets and scenery;
- g. Installation of window awnings supported by an exterior wall of a one or two family dwelling or multiple single-family dwellings (townhouses)
- h. Installation of partitions or movable cases less than 5' 9" in height;
- i. Painting, wallpapering, tiling, carpeting or other similar finish work;
- j. Installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
- k. Replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or
- l. (12) repairs, provided that such repairs do not involve (i) the removal or cutting away of a load bearing wall, partition or portion thereof, or of any structural beam or load bearing component; (ii) the removal or change of any required means of egress, or the re-arrangement of parts of a structure in a manner which affects egress; (iii) the enlargement alteration, replacement or relocation of any building system; or (iv) the removal from service of all or part of a fire protection system for any period of time.

TOWN OF SHERIDAN ZONING ORDINANCE

4.03 Exemption not deemed authorization to perform non-compliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in subdivision (b) of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.

4.04 Applications for Building Permits. Applications for a Building Permit shall be made in writing of a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:

- (1) a description of the proposed work;
- (2) the tax map number and the street address of the premises where the work is to be performed;
- (3) the occupancy classification of any affected building or structure;
- (4) where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and
- (5) at least 2 sets of construction documents (drawings and/or specifications) which (i) define the scope of the proposed work; (ii) are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law; (iii) indicate with sufficient clarity and detail the nature and extent of the work proposed; (iv) substantiate that the proposed work will comply with the Uniform Code and the Energy Code; and (v) where applicable, include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines.

4.05 Construction Documents. Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in paragraph (5) of subdivision (d) of this section. Construction documents which are accepted a part of the application for a Building Permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, and one set of the accepted construction shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted construction documents shall not be construed as authorization to commence work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.

4.06 Issuance of Building Permits. An application for a Building permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Code Enforcement Officer shall issue a Building Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code.

TOWN OF SHERIDAN ZONING ORDINANCE

4.07 Building Permits to be displayed. Building Permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.

4.08 Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the Building permit. The Building permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.

4.09 Time limits. Building Permits shall become invalid unless the authorized work is commenced within 6 months following the date of issuance. Building Permits shall expire 12 months after the date of issuance. A Building Permit which has become invalid, or which has expired pursuant to this subdivision, may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.

4.10 Revocation or suspension of Building Permits. If the Code Enforcement Officer determines that a Building Permit was issued in error because of incorrect, inaccurate or incomplete information, or that the work for which a Building Permit was issued, violates the Uniform Code or the Energy Code the Code Enforcement Officer shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.

4.11 Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid at the time of submission of an application for a Building Permit, for an amended Building Permit, or for the renewal of a Building Permit.

SECTION 5.0 CONSTRUCTION INSPECTIONS.

5.01 Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer by an Inspector authorized by the Code Enforcement Officer. The Permit Holder shall notify the Code Enforcement Officer when any element of work described in subdivision (b) of this section is ready for inspection.

5.02 Elements of work to be inspected. The following elements of the construction process shall be inspected, made, where applicable:

- (1) work site prior to the issuance of a Building Permit;
- (2) footing and foundation;
- (3) preparation for concrete slab;
- (4) framing;
- (5) building systems, including underground and rough-in;

TOWN OF SHERIDAN ZONING ORDINANCE

- (6) fire resistant construction;
- (7) fire resistant penetrations;
- (8) solid fuel burning heating appliances, chimneys, flues or gas vents;
- (9) Energy Code Compliance; and a final inspection after all work authorized by the Building Permit has been completed.

5.03 Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to where the work fails to comply with the Uniform Code or Energy Code. Work not in compliance with any applicable provision of the Uniform Code or Energy Code, re-inspected, and found satisfactory as completed.

5.04 Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (fees) of this local law must be paid prior to or at the time of each inspection performed pursuant to this section.

SECTION 6.0 STOP WORK ORDERS.

6.01 Authority Having Jurisdiction.

The Code Enforcement Officer is authorized to issue Stop Work Orders pursuant to this section. The Code Enforcement Officer shall issue a Stop Work Order to halt:

- (1) any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
- (2) any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
- (3) Any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired or has been suspended or revoked.

6.02 Content of Stop Work Orders.

Stop Work Orders shall (1) be in writing, (2) be dated and signed by the Code Enforcement Officer, (3) state the reason or reasons for issuance, and (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.

6.03 Service of Stop Work Orders.

The Code Enforcement Officer shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to

TOWN OF SHERIDAN ZONING ORDINANCE

be served on any builder, architect, tenant, contractor, sub- contractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by certified mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.

6.04 Effect of Stop Work Order.

Upon the Issuance of a Stop Work Order, the owner of the affected property, the Permit Holder and any other Person performing, taking part in or assisting in the work shall immediately cease all work, which is the subject of the Stop Work Order.

6.05 Remedy not exclusive.

The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in subdivision (a) of this section, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under section 15 (violations) of this local law or under any other applicable local law or State law. Any such other remedy, or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

SECTION 7.0 CERTIFICATES OF OCCUPANCY / COMPLIANCE

7.01 Certificates of Occupancy/Certificates of Compliance required. A Certificate of Occupancy/ Certificate of Compliance shall be required for any work which is the subject of a Building Permit and for all structures, buildings or portion thereof, which are converted from one use or occupancy classification or sub classification to another. Permission to use or occupy a building or structure, or portion thereof, for which a Building Permit was previously issued, shall be granted only by issuance of a Certificate of Occupancy/Certificate of Compliance.

7.02 Issuance of Certificates of Occupancy/Certificates of Compliance. The Code Enforcement Officer shall issue a Certificate of Occupancy/Certificate of Compliance if the work which was the subject of the Building Permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or sub classification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the building, structure or work prior to the issuance of a Certificate of Occupancy / Certificate of Compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the Certificate of Occupancy / Certificate of Compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy / Certificate of Compliance.

- (1) a written statement of structural observations and/or a final report of special inspections, and

TOWN OF SHERIDAN ZONING ORDINANCE

- (2) flood hazard certifications.

7.03 Contents of Certificates of Occupancy / Certificates of Compliance. A Certificate of Occupancy / Certificate of Compliance shall contain the following information:

- (1) the Building Permit number, if any;
- (2) the date of issuance of the Building Permit, if any;
- (3) the name, address and tax map number of the property;
- (4) If the Certificate of Occupancy / Certificate of Compliance is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy / Certificate of Compliance is issued;
- (5) The use and occupancy classification of the structure;
- (6) The type of construction of the structure;
- (7) The assembly occupant load of the structure, if any;
- (8) If an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;
- (9) Any special conditions imposed in connection with the issuance of the Building Permit; and
- (10) The signature of the Code Enforcement Officer issuing the Certificate of Occupancy / Certificate of Compliance and the date of issuance.

7.04 Temporary Certificate. The Code Enforcement Officer shall be permitted to issue a Temporary Certificate allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work, which is the subject of a Building Permit. However, in no event shall the Code Enforcement Officer issue a Temporary Certificate unless the Code Enforcement Officer determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate, may be occupied safely, (2) that any fire- and smoke-detecting or fire protection equipment which has been installed is operational, and (3) that all required means of egress from the building or structure have been provided. The Code Enforcement Officer may include in a Temporary Certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of the Uniform Code. A Temporary Certificate shall be effective for a period of time, not to exceed 6 months, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate. During the specified period of effectiveness of the Temporary Certificate, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

7.05 Revocation or suspension of certificates. If the Code Enforcement Officer determines that a Certificate of Occupancy / Certificate of Compliance or a Temporary Certificate was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.

TOWN OF SHERIDAN ZONING ORDINANCE

7.06 Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (fees) of this local law must be paid at the time of submission of an application for a Certificate of Occupancy / Certificate of Compliance or for Temporary Certificate.

SECTION 8.0 - NOTIFICATION REGARDING FIRE OR EXPLOSION.

The chief of any fire department providing fire fighting services for a property within this Town shall promptly notify the Code Enforcement Officer of any fire or explosion involving structural damage, fuel burning appliance, chimney or gas vent.

SECTION 9.0 – UNSAFE BUILDING AND STRUCTURES

Unsafe structures and equipment in this Town shall be identified and addressed in accordance with the procedures established by existing Local Law, or ordinance currently in effect, or as hereafter amended, or adopted, from time to time,

SECTION 10 – OPERATING PERMITS

10.01 Operation Permits required. Operating Permits shall be required for conducting the activities or using the categories of buildings listed below:

- (1) manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1 (1) 2703.1.1 (2), 2703.1.1 (3) or 2703.1.1 (4) in the publication entitled “Fire Code of New York State” and incorporated by reference in 19 NYCRR section 1225.1;
- (2) hazardous processes and activities, including but not limited to, commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling.
- (3) use of pyrotechnic devices in assembly occupancies;
- (4) buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; and
- (5) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Town Board of this Town.

Any person who proposes to undertake any activity or to operate any type of building listed in this subdivision (a) shall be required to obtain an Operating Permit prior to commencing such activity or operation.

10.02 Applications for Operating Permits. An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports necessary to verify conformance, such tests or reports shall be performed or

TOWN OF SHERIDAN ZONING ORDINANCE

provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.

10.3 Inspections. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an Operating Permit.

10.4 Multiple Activities. In any circumstance in which more than one activity listed in subdivision (a) of this section is to be conducted at a location, the Code Enforcement Officer may require a separate Operating Permit for each such activity, or the Code Enforcement Officer, may in his or her discretion, issue a single Operating Permit to apply to all such activities.

10.5 Duration of Operating Permits. Operating permits shall be issued for such period of time, not to exceed one year in the case of any Operating Permit issued for an area of public assembly and not to exceed three years in any other case, as shall be determined by the Code Enforcement Officer to be consistent with local conditions. The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee and approval of such application by the Code Enforcement Officer.

10.6 Revocation or suspension of Operating Permits. If the Code Enforcement Officer determines that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code, such Operating Permit shall be revoked or suspended.

10.7 Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid at the time submission of an application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating Permit.

SECTION 11.0 – FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS

11.01 Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer, or an Inspector designated by the Code Enforcement Officer at the following intervals:

- (1) Fire safety and property maintenance inspections of buildings or structures which contain an area of public assembly, shall be performed at least once every twelve (12) months.
- (2) Fire safety and property maintenance inspections of buildings or structures being occupied as dormitories shall be performed at least once every twelve (12) months.
- (3) Fire safety and property maintenance inspections of all multiple dwellings not included in paragraphs (1) or (2) of this subdivision, and all non-residential buildings, structures, uses and occupancies not included in paragraphs (1) or (2) of this subdivision, shall be performed at least once every eighteen (18) months.

TOWN OF SHERIDAN ZONING ORDINANCE

11.02 Inspections permitted. In addition to the inspections required by subdivision (a) of this section, a fire safety and property maintenance inspection of any building, structure, use or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at any time upon:

- (1) the request of the owner of the property to be inspected or an authorized agent of such owner;
- (2) receipt by Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or
- (3) receipt by the Code Enforcement Officer of any other information, reasonable believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy code exist; provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

11.03 OFPC Inspections. Nothing in this section or in any other provision of this local law shall supersede, limit or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control (“OFPC”) and the New York State Fire Administrator under Executive Law section 156-e and Education Law section 807-b.

- (1) The Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a building or structure which contains an area of public assembly if OFPC performs fire safety and property maintenance inspections of such building or structure at least once every twelve (12) months.
- (2) The Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a building or structure occupied as a dormitory if OFPC performs fire safety and property maintenance inspections of such building or structure at least once every twelve (12) months
- (3) The Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a multiple dwelling not included in paragraphs (1) or (2) of subdivision (a) of this section if OFPC performs fire safety and property maintenance inspections of such multiple dwelling at intervals not exceeding the interval specified in paragraph (3) of subdivision (a) of this section; and
- (4) The Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a non-residential building, structure, use or occupancy not included in paragraphs (1) or (2) of subdivision (a) of this section if OFPC performs fire safety and property maintenance inspections of such non-residential building, structure, use or occupancy at intervals not exceeding the interval specified in paragraph (3) of subdivision (a) of this section.

11.04 Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (fees) of this local law must be paid prior to or at the time each inspection is performed pursuant to this section. This subdivision shall not apply to inspections performed by OFPC.

TOWN OF SHERIDAN ZONING ORDINANCE

SECTION 12.0 – COMPLAINTS

The Code Enforcement Officer shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this local law, or any other local law, ordinance or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code. The process for responding to a complaint shall include such of the following steps as the Code Enforcement Officer may deem to be appropriate:

- (a) performing an inspection of the conditions and/or activities allege to be in violation, and documenting the results of such inspection
- (b) if a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation or otherwise proceeding in the manner described in section 15 (Violations) of this local law;
- (c) if appropriate, issuing a Stop Work Order;
- (d) if a violation which was found to exist is abated or corrected, performing and inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement of correction, and filing such report with the complaint.

SECTION 13.0 – RECORD KEEPING

13.01 The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of :

- (1) all applications received, reviewed and approved or denied;
- (2) all plans, specifications and construction documents approved;
- (3) all Building Permits, Certificates of Occupancy / Certificates of Compliance, Temporary Certificates, Stop Work Orders and Operating Permits issued;
- (4) all inspections and tests performed;
- (5) all statements and reports issued;
- (6) all complaints received;
- (7) all investigations conducted;
- (8) all other features and activities specified in or contemplated by sections 4 through 12, of this local law, including: and
- (9) all fees charged and collected

13.02 All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by State law and regulation.

SECTION 14.0 – PROGRAM REVIEW AND REPORTING

14.01 The Code Enforcement Officer shall annually submit to the Town Board of this Town a written report and summary of all business conducted by the Code Enforcement Officer and the

TOWN OF SHERIDAN ZONING ORDINANCE

Inspectors, including a report and summary of all transactions and activities described in section 13 (Record Keeping) of this local law and a report and summary of all appeals or litigation pending or concluded.

14.02 The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of this **Town Of Sheridan** on a form prescribed by the Secretary of State, a report of the activities of this Town relative to administration and enforcement of the Uniform Code.

14.03 The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, from the records and related materials this **Town of Sheridan** is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of this Town in connection with administration and enforcement of the Uniform Code.

SECTION 15.0 –VIOLATIONS

15.01 Compliance Orders. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code or this local law. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue a Compliance Order. The Compliance Order shall (1) be in writing; (2) be dated and signed by the Code Enforcement Officer; (3) specify the condition or activity that violates the Uniform Code, the Energy Code, or this local law; (4) specify the provision or provisions of the Uniform Code, the Energy Code, or this local law which is/are violated by the specified condition or activity; (5) specify the period of time which the Code Enforcement Officer deems to be reasonably necessary for achieving compliance; (6) direct that compliance be achieved within the specified period of time; and (7) state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time. The Code Enforcement Officer shall cause the Compliance Order, or a copy thereof, to be served on the owner of the affected property personally or by certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Compliance Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by certified mail provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

15.02 Appearance Tickets. The Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code.

15.03 Civil Penalties. In addition to those penalties proscribed by State law, any Person who violates and provision of the Uniform Code, the Energy Code or this local law, or any term or condition of any Building Permit, Certificate of Occupancy / Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be liable to a civil penalty of not more than \$200 for each day or part thereof during which such violation

TOWN OF SHERIDAN ZONING ORDINANCE

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

15.04 Injunctive Relief. An action or proceeding may be instituted in the name of this Town, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this local law, or any term or condition of any Building Permit, Certificate of Occupancy / Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit, Compliance Order, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this local law, or any Stop Work Order, Compliance Order or other order obtained under the Uniform Code, the Energy Code or this local law, an action or proceeding may be commenced in the name of this Town, in the Supreme Court of in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Town Board of this Town.

15.05 Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in section 6 (Stop Work Orders) of this local law in any other section of this local law, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in subdivision (2) of section 381 of the Executive Law, and any remedy or penalty in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in subdivision (2) of section 381 of the Executive Law.

SECTION 16.0 – FEES

A fee schedule shall be established by resolution of the Town Board of this Town. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of Building Permits, amended Building Permits, renewed Building Permits, Certificates of Occupancy / Certificates of Compliance, Temporary Certificates, Operating Permits, fire safety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this local law.

TOWN OF SHERIDAN ZONING ORDINANCE

SECTION 17.0 – INTERMUNICIPAL AGREEMENTS

The Town Board of this Town may, by resolution, authorize the Supervisor of this Town to enter into an agreement, in the name of this Town, with other governments to carry out the terms of this local law, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR or any other applicable law.

TOWN OF SHERIDAN ZONING ORDINANCE

LOCAL LAW # 1 OF 2007

A local law amending the zoning ordinance of the Town of Sheridan and adopting cluster subdivision development definitions, rules and regulations for the Town of Sheridan.

SECTION ONE – PURPOSE

The Town Board of the Town of Sheridan, does hereby desire to adopt cluster subdivision development rules and regulations for the Town of Sheridan exercising its authority under the Town Law, Section 278. In addition, the Town Board recognizes that the adoption of this Local Law will also require the amendment of certain existing provisions of the Zoning Ordinance of the Town of Sheridan, including the creation of a zoning district in which said cluster subdivision development may occur.

SECTION TWO – DEFINITIONS

Article II Definitions of the Town of Sheridan Zoning Ordinance is amended to add the following definitions:

1. ***Cluster Development-*** Cluster development is a technique that allows flexibility in the design and subdivision of land. It provides a pattern for residential uses, in which the uses are grouped or “clustered”, through a density transfer, rather than spread evenly throughout the parcel as in conventional lot-by-lot development. Clustering means that private open areas are provided and dwelling units occupy smaller lots than would otherwise be the case. Benefits for clustered development include protection of important natural areas, avoidance of hazardous areas, provision of desirable open areas and compatibility with adjacent existing or allowed land uses.
2. ***Townhouses-*** A single-family dwelling unit constructed in groups of three or more attached units forming part of a cluster of homes in which each unit extends from foundation to roof and with open space on at least two sides. Typically includes a form of ownership in real property similar to a condominium or cooperative. Generally, owners have title to the unit and, perhaps, a lot that they occupy. The common areas, and possibly the building exteriors, are shared and owned jointly. The Townhouse development is considered a cluster development subdivision.

SECTION THREE – CLUSTER DEVELOPMENT AUTHORIZATION

The purpose of cluster development regulations is to encourage flexibility in the design and development of residential land, to make specific provisions for public open space, public parks, public school sites and other necessary functions of a public nature. It is the intent of these cluster development regulations to empower the Town Board by resolution to authorize, after referral to and report from the Planning Board simultaneously with the approval of a plat or plats relating to specific subdivision developments, modifications of applicable provisions of the zoning laws and ordinances, subject to the conditions hereinafter set forth and plans and specifications. If the application for cluster development is approved, building and occupancy

TOWN OF SHERIDAN ZONING ORDINANCE

permits may be obtained, but only for the development and use approved by the Town Board in accordance with the specifications and plans filed with and approved by the Town Board and with any further conditions imposed by the Town Board as to operation, after referral and report from the Planning Board, together with the approval of the subdivision review plat and plats relating to the cluster development by the Planning board.

Upon receipt of final approval from the Town Board, construction of any structures which are the subject of cluster development, shall commence no later than one year after date of approval. In the event that construction is not commenced within one year after date of approval, the Town Board and the Planning Board may require that the review procedures set forth in this law be repeated.

No development of land, including excavation, clearing or cutting of trees, clearing of brush or laying out of roads, shall be undertaken without fully complying with the requirements of this Local Law for any proposed cluster subdivision development.

SECTION FOUR – CREATION OF AGRICULTURAL-RESIDENTIAL IMPROVED DISTRICT (AR-I-A)

General Purpose: Designation of the AR-I-A district is included herein to permit the establishment of areas in which diverse uses may be brought together in a unified plan for development. The additional flexibility provided in this district will lead to more creative development designs that encourage limited single family residential development that utilizes common wall technology possible with zero lot line construction (cluster/townhouse development) to provide an alternative housing for which is compatible with other types of low density residential development.

Uses permitted by right: (Same as in AR-I District)

1. One single or one two family house per lot of record
2. One mobile home per lot (A mobile home is considered a dwelling unit)
3. Schools, educational buildings, churches and public buildings.
4. Keeping of livestock and poultry for family use
5. Commercial production of fruits, vegetables, grains grasses and legumes.
6. Accessory uses to above
7. All utilities for local service

Uses permitted by Special Use Permit:

1. Home occupations as defined in Article II
2. Craft and Hobby Shop
3. Greenhouse and nursery operations, including retail sales facilities
4. Home Beauty Salon or Barber Shop
5. Facilities for fruit pressing, processing and retail sales of fruit products.
6. Home Business as defined in Article II
7. Bed and Breakfast lodging with up to five (5) guest rooms
8. Cluster/townhouse subdivision development as defined in Article II of the
9. Town of Sheridan Zoning Ordinance and this Local Law.

SECTION FIVE – CLUSTER SUBDIVISION DEVELOPMENT REGULATIONS IN DISTRICT AR-I-A

1. Purpose: These regulations have been adopted to promote the cluster development of one-family dwelling units. The cluster development use created herein is intended to permit development designs that are compatible with traditional area development patterns and sensitive to established residential housing in the Agricultural-Residential (AR) districts. It is intended to provide for a townhouse pattern of development by permitting a higher dwelling unit density when municipal water and municipal sewage facilities, or an on site-centralized wastewater treatment/disposal system (commonly known as a package plant system) are available. This section provides guidelines for development that allow for expeditious special permit review and approval while ensuring detailed examination of the site and building plans and consideration of their neighborhood impacts. The development standards specified in this section are applicable only to cluster developments, as defined in Article II of the Town of Sheridan Zoning Ordinance and this local law, and do not change the development standards for other uses in the AR districts.

2. Minimum Area: A cluster subdivision development shall comprise not less than five (5) contiguous acres. Access roads shall be permitted to divide such acreage, provided that a minimum of one (1) acre of contiguous land area must exist in any portion.

3. Open Space: A minimum of 35% of the site area shall be preserved as open space, including walkways, plazas, landscaped areas and recreation areas. Parking facilities and vehicle access roads shall not be considered in calculation open space.

4. Common Areas: Common property, including open space, in a cluster development is a parcel or parcels of land together with improvements, the use of which is shared by the owners or occupants of the individual building sites. The preliminary of site plan must include a description of the procedures and methods to be followed for assuring the common use and adequate maintenance of common areas included in the plan. The developer shall provide for and establish an organization for the ownership and maintenance of any common property. Proposed plans for homeowner's association or organization shall be submitted for review. The land shall be protected by legal arrangements, satisfactory to the Planning Board and the town Board, sufficient to assure its maintenance and preservation for whatever purpose intended.

Covenants or other legal arrangements shall specify:

- a) Ownership of the cluster open space;
- b) Method of maintenance;
- c) Responsibility for maintenance;
- d) Maintenance, taxes and insurance;
- e) Compulsory membership and compulsory assessment provisions;
- f) Guarantees that any association formed or owned and maintained in cluster open space will not be dissolved without the consent of the Planning Board.
- g) Any additional specifications deemed necessary by the Planning Board.

TOWN OF SHERIDAN ZONING ORDINANCE

All cluster open space shall be considered taxable unless deeded to the Town of Sheridan. No cluster open space shall be dedicated to the Town without prior approval of the town Board of the Town of Sheridan.

5. Density: In a cluster subdivision development a maximum density of four (4) dwelling units per gross acre is permitted with no clustered building unit to exceed 10,000 square feet.

6. Building Height: The maximum height of any building within the cluster development shall not exceed 36 feet above the ground.

7. Row Design: In common wall townhouse development, six (6) individual dwelling units is the maximum number permitted in any one attached row. Three (3) continuous, attached dwelling units is the maximum number permitted with the same front building line. The variations in building line must be at least 2 feet.

8. Water and Sewer: No land shall be developed under the cluster subdivision method and no building permit shall be issued unless the resulting development will be connected to a town and county approved municipal water and sewage system. If a municipal sewage system is not available, a private on site centralized wastewater treatment/disposal sewage system as approved by applicable state and county agencies may be considered for a proposed development site. The developer must include technology in the plans to contain odor generated by the waste treatment facility. All such plans to be reviewed and approved by the Town Planning Board, applicable state and county agencies and all such plans shall meet all applicable state and county permit procedures, regulations and requirements.

9. Private Roads and Cul-de-Sacs: Building sites may front on a private road or cul-de-sac if the Planning Board finds, as part of the cluster development approval, that the private road(s) or cul-de-sac: a) Provides safe and adequate access. This may require a state approved egress/ingress plan with estimated traffic flow; b) Has sufficient width to accommodate the dwelling units proposed (minimum 23 feet wide which includes a thirty inch concrete gutter on each side.); c) Has proper drainage; d) Meets approval of Sheridan Fire Department and Sheridan Highway Superintendent.

10. Drainage: A description, map, plan and report of the drainage plan approved by a licensed engineer in the State of New York shall be submitted to the Town Planning Board. The approved design must minimize any increase in run-off flow resulting from the development and, if necessary, include a plan for supplemental drainage control system. If more than one acre is disturbed, a storm water SPDES construction permit must be obtained. All storm water drainage plans must comply with New York State DEC rules, regulations and permits.

11. Miscellaneous Development Standards:

1. Individual dwelling unit frontage in a group of attached townhouses shall be at least 20 feet.

TOWN OF SHERIDAN ZONING ORDINANCE

2. Setback from any boundary line of the plot shall be at least 30 feet.
3. No building shall be closer than 30 feet to another building or 20 feet from the centerline of an access road.
4. Individual buildings should be related to each other in design, mass, material, placement and connection to provide a visually and physical integrated development.
5. All buildings shall be arranged so as to be accessible to emergency vehicles with approval of the Sheridan Fire Department.
6. All built-upon area shall be designed and located to minimize storm water runoff impact to receive waters and minimize concentrated storm water flow;
7. Adequate garbage disposal facilities as approved by the County Health Department shall be provided. This facility will be contained within six (6) foot high solid fence with appropriate buffering or screen planting to make the facility blend in with its surroundings.

SECTION SIX--DESIGNATION OF AGRICULTURAL/RESIDENTIAL IMPROVED DISTRICT (AR-I-A)

The newly created agricultural-residential improved district (AR-I-A) shall be co-terminus with the boundaries of Water District No. 3 as originally adopted by the Town Board of the Town of Sheridan on September 25, 2003, with the exception of that part of said Water District No. 3, which is situated on the south side of New York State Route 5. Attached hereto as Schedule "A" is a legal description of the district.

SECTION SEVEN

Notwithstanding any existing provision, section, rule or regulation of any existing local law or ordinance in the Town of Sheridan, any and all applications, requests, subdivision permits and approvals for cluster development in the newly created Agricultural-Residential Improved District (AR-I-A) zone shall be governed by this Local Law only.

SECTION EIGHT – EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Office of the Secretary of State of the State of New York. (June 20, 2007)

TOWN OF SHERIDAN ZONING ORDINANCE

LOCAL LAW #1 OF THE YEAR 2010

LOCAL LAW GOVERNING WIND ENERGY FACILITIES IN THE TOWN OF SHERIDAN

This Local Law shall be known as the “Wind energy facilities law of the Town of Sheridan

SECTION ONE---Purpose

The Town Board of the Town of Sheridan Adopts this Article to promote the effective and efficient use of the Town’s wind energy resource through wind energy Conversion systems (WECS), and to regulate the placement Of such systems so that the public health, safety and welfare will not be jeopardized.

SECTION TWO 2.0---Authority

The Town Board of the Town of Sheridan adopts this article under the authority granted by:

1. Article IX of the New York State Constitution, Sec. 2 c (6) and (10)
2. New York Statute of Local Governments Sec. 10 (1), (6) and (7).
3. New York Municipal Home Rule Law, Sec. 10 (l)(i) and (ii) and Sec 10 (l)(a)(6),(11) (12) and (14).
4. The super session authority of New York Municipal Home Rule Law, Sec. 10 (2)(d)(3).
5. New York Town Law, Article 16 (Zoning)
6. New York Town Law Sec. 130(1) Building Code, (3) Electrical Code, (5) Fire Prevention, (7) Use of streets and highways, (7-a) Location of Driveways (ll) Peace, good order and safety, (15) Promotion of public welfare, (15-a) Excavated Lands, (16) Unsafe Buildings,(19) Trespass and (25) Building lines.
7. New York Town Law Sec 64 (17-a) Protection of esthetic interests and (23) General Powers.

SECTION THREE---Findings

3.01 The Town Board of the Town of Sheridan finds and declares that

1. Wind energy is an abundant, renewable and nonpolluting energy resource of the Town and its conversion to electricity may reduce dependence on nonrenewable energy sources and decrease the air and water pollution that results from the use of conventional energy sources.
2. The generation of electricity from properly sited wind turbines, including small systems, can be cost effective and in many cases existing power distribution systems can be used

TOWN OF SHERIDAN ZONING ORDINANCE

to transmit electricity from wind-generating stations to utilities or other users, or on-site consumption can be reduced.

3. Regulation of the sighting and installation of wind turbines is necessary for the purpose of protecting the health, safety and welfare of neighboring property owners and the general public.
4. Wind Energy Facilities represent significant potential aesthetic impacts because of their large size, lighting and shadow flicker effects.
5. If not properly regulate, installation of Wind Energy Facilities can create drainage problems through erosion and lack of sediment control for facility sites and access roads and harm farmlands through improper construction methods.
6. Wind Energy Facilities may present a risk to bird and bat populations if not properly sited.
7. If not properly sited, Wind Energy Facilities may present risks to the property values of adjoining property owners.
8. Wind Energy Facilities are significant sources of noise, which, if unregulated, can negatively impact adjoining properties.
9. Construction of Wind Energy Facilities can create traffic problems and damage local roads.
10. Wind Energy Facilities can cause electromagnetic interference issues with various types of communications.

SECTION FOUR ---Definitions

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

1. AGRICULTURAL OR FARM OPERATIONS --- means the land and on-farm buildings, equipment, manure processing and handling facilities and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a commercial horse boarding operation, as defined in New York Agriculture and Markets Law Sec. 301. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous of noncontiguous to each other.
2. EAF --- Environmental Assessment Form used in the implementation of the SEQRA as that term is defined in part 617 of Title 6 of the New York Codes, Rules and Regulations.

TOWN OF SHERIDAN ZONING ORDINANCE

3. RESIDENCE --- means any dwelling suitable for habitation existing in the Town of Sheridan on the date SEQRA for specific application is completed, including seasonal homes, hotels, hospitals, motels, dormitories, sanitariums, nursing homes, senior housing, schools or other buildings used for educational purposes. A residence may be part of a multi-dwelling or multipurpose building, but shall not include correctional institutions.
4. SEQRA --- the New York State Environmental Quality Review Act and its implementing regulations in Title 6 of the New York Codes, Rules and Regulations, part 617.
5. SOUND PRESSURE LEVEL --- means the level which is equaled or exceeded a stated percentage of time. An $L_{10} - 50$ dBA indicates that in any hour of the day 50 dBA can be equaled or exceeded only 10% of the time, or for 6 minutes. The measurement of the sound pressure level can be done according to the International Standard for Acoustic Noise Measurement Techniques for Wind Generators (IEC 61400-11), or other scientifically accepted procedures.
6. SMALL WIND ENERGY CONVERSION SYSTEM (“Small WECS”) --- A wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and total height not more than 120ft which is intended to primarily reduce on-Site consumption of utility power.
7. SITE --- The parcel(s) of land where the Wind Energy Facility is to be placed. The site could be publicly or privately owned by an individual or a group of individuals controlling single or adjacent properties. Where multiple lots are in joint ownership, the combined lots shall be considered as one for purposes of applying setback requirements. Any property which has a Wind Energy Facility or has entered an agreement of said facility or a setback agreement and received the required variance shall not be considered off-site.
8. TOTAL HEIGHT --- The height of the tower and the furthest vertical extension of the WECS.
9. WIND ENERGY CONVERSION SYSTEM (“WECS”) --- A machine that converts the kinetic energy in the wind into a usable form (commonly known as a “wind turbine” or “windmill”).
10. STRUCTURE/POLE MOUNTED WECS --- A turbine mounted to a building or pole, with associated control or conversion electronics, which has a rated capacity of not more than 10 kW and total height not more than 120ft which is intended to primarily reduce on-Site consumption of utility power.

TOWN OF SHERIDAN ZONING ORDINANCE

11. WIND ENERGY FACILITY --- Any Wind Energy Conversion System, including Small Wind Energy Conversion Systems, or Wind Measurement Tower, including all related infrastructure, electrical lines and substations, access roads and accessory structures.
12. WIND MEASUREMENT TOWER --- a tower used for the measurement of meteorological data such as temperature, wind speed and wind direction.
13. WIND OVERLAY ZONE --- Area that establishes requirements for Wind Energy facilities where WECS may be installed within the town created by resolution of the Town Board, not to be confused with an area of positive wind quality.

SECTION FIVE --- Permits and Rezoning Required.

- A. No Wind Energy Facility shall be constructed, reconstructed, modified or operated in the Town of Sheridan except in compliance with this Article.
- B. No WECS shall be constructed, reconstructed, modified or operated in the Town of Sheridan except in a Wind Overlay District, Pursuant to an application for rezoning and for special use permit approved pursuant to this Article.
- C. No Wind Measurement Tower shall be constructed, reconstructed, modified or operated in the Town of Sheridan except pursuant to a Special Use Permit issued pursuant to this Article, except as allowed by subdivision H of this section.
- D. Notwithstanding any other provision of Local Law, Ordinance, Rule or Regulation, all applications for Wind Overlay Zones and Special Use Permits in the Town of Sheridan under this Wind Energy Facilities Law shall be to the Town Board of the Town of Sheridan. The Town Board of the Town of Sheridan shall have jurisdiction over all matters, permits, creation of Wind Overlay Zones, Rule, and/or regulation, and exceptions with respect to the Wind Energy Facilities Law of the Town of Sheridan, which such jurisdiction shall rest and reside in the Town Board of the Town of Sheridan alone. Special Use Permits for Small WECS shall be reviewed and issued by the Town of Sheridan Planning and Zoning Board.
- E. This Article shall apply to all areas of the Town Of Sheridan. Please refer to Section Seven (Wind Overlay Zone rules) for regulations regarding the permitted locations of wind overlay zones.
- F. Transfer, No transfer of any Wind Energy Facility or Special Use Permit, nor sale of the entity owning such facility including the sale of more than 30% of the stock of such entity (not counting sales of shares on a public exchange), will occur without prior approval of the town, which approval shall be granted upon written acceptance of the transferee of the obligations of the transferor under this Article, and the transferee's demonstration, in

TOWN OF SHERIDAN ZONING ORDINANCE

the sole discretion of the Town Board, that it can meet the technical and financial obligations of the transferor. No transfer shall eliminate the liability of the transferor, nor of any other party under this Article, unless the entire interest of the transferor in all facilities in the Town is transferred and there are no outstanding obligations or violations.

- G. Notwithstanding the requirements of this Article, replacement in kind or modification of a Wind Energy Facility may occur without Town Board approval when (1) there will be no increase in Total Height; (2) no change in the location of the WECS; (3) no additional lighting or change in facility color; and (4) no increase in noise produced by the WECS.

SECTION SIX --- Applicability.

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

SECTION SEVEN --- Wind Overlay Zone Rules

- A. Wind Overlay Zones may be created in any district in the town where their size and specifications do not preclude them by definitions and requirements outlined in this law.
- B. Initial requests for Wind Overlay Zones shall be submitted with applications for WECS Special Use Permits. No Wind Overlay Zone may be initially created without specific requests for WECSs.

TOWN OF SHERIDAN ZONING ORDINANCE

- C. Once a Wind Overlay Zone has been created, new WECSs or accessory structures or facilities may be added in that Zone by grant of a Special Use Permit pursuant to the requirements of this Article.

SECTION EIGHT --- Applications for Wind Energy Conversion systems and Wind Overlay Zone.

- A. A joint application for creation of a Wind Overlay Zone and Special Use Permit for individual WECS shall include the following:
1. Name, address and telephone number of the applicant. If the applicant is represented by an agent, the application shall include the name, address and telephone number of the agent as well as an original signature of the applicant authorizing the representation.
 2. Name and address of the property owner. If the property owner is not the applicant, the application shall include a letter or other written permission signed by the property owner (i) confirming that the property owner is familiar with the propose applications and (ii) authorizing the submission of the application.
 3. Address or other property identification, of each proposed tower location, including Tax Map section, block and lot number.
 4. A description of the project, including the number and maximum rated capacity of each WECS.
 5. A plot plan prepared by a licensed surveyor or engineer drawn in sufficient detail to clearly describe the following:
 - a) Property lines and physical dimensions of the Site.
 - b) Location, approximate dimensions and types of major existing structures, including all residences and uses on Site, public roads and adjoining properties within five hundred (500) feet of the boundaries of the proposed Wind Overlay Zone.
 - c) Location and elevation of each proposed WECS
 - d) Location of all above ground utility lines, transformers, power lines, interconnection point with transmission lines and other ancillary facilities or structures on the site within one and one half the measure of the total height of the WECS.
 - e) Location and size of all structures within one and one half of total height of the proposed WECS.

TOWN OF SHERIDAN ZONING ORDINANCE

- f) The zoning designation of the subject and adjacent properties as set forth on the official Town Zoning Map.
 - g) Proposed boundaries of the Wind Overlay Zone.
 - h) Location of residential structures within 1200 feet of each proposed tower. The distance from the center of the tower to any off-site residential structures within 1200 feet shall be noted.
 - (i) To demonstrate compliance with the setback requirements of this Article, circles drawn around each proposed tower location equal to a radius of one and one half the measure of the total height of the tower and a one thousand two-hundred-foot radius (1200 feet)
 - (j) All proposed facilities, including access roads, electrical lines, substations, storage or maintenance units and fencing.
- 6. Vertical drawing of the WECS showing Total Height, turbine dimensions, tower and turbine colors, ladders, distance between ground and lowest point of any blade, location of climbing pegs and access doors. One drawing may be submitted for each WECS of the same type and total height.
- 7. Landscaping Plan depicting vegetation describing the area to be cleared and the specimens proposed to be added, identified by species and size of specimen at installation and their locations.
- 8. Lighting Plan showing any FAA required lighting and other proposed lighting. The application should include a copy of the determination by the Federal Aviation Administration to establish required markings and/or lights for the structure, but if such determination is not available at the time of the application, no building permit for any lighted facility may be issued until such determination is submitted.
- 9. List of property owners, with their mailing addresses, within 500 feet of the boundaries of the proposed Wind Overlay Zone. The applicant may delay submitting this list until the Town Board calls for a public hearing on the application.
- 10. Decommissioning Plan: The applicant shall submit a decommissioning plan, which shall include:
 - a) the anticipated life of the WECS;

TOWN OF SHERIDAN ZONING ORDINANCE

- b) the estimated decommissioning costs in current dollars; 3) how said estimate was determined;
 - c) the method of ensuring that funds will be available for decommissioning and restoration;
 - d) the method, such by re-estimate every five years by a licensed engineer, that the decommissioning cost will be kept current;
 - e) the manner in which the WECS will be decommissioned and the Site restored, which shall include removal of all structures and debris to a depth of three feet, restoration of the soil and restoration of vegetation (consistent and compatible with surrounding vegetation), less any fencing or residual minor improvements requested by the landowner. The Plan shall include the Decommissioning Bond required by this Article.
11. Complaint Resolution: The application will include a complaint resolution process to address complaints from nearby residents. The process may use and independent mediator or arbitrator as approved by the town board and include a time limit for acting on a complaint. The applicant shall make every reasonable effort to resolve any complaint.
12. An application shall include information relating to the construction/installation of the wind energy conversion facility as follows:
- A construction schedule describing commencement and completion dates.
 - A description of the routes to be used by construction and delivery vehicles, the gross weights, widths and heights of those loaded vehicles.
13. Completed Part 1 of the Full EAF.
14. Applications for Special Use Permits for Wind Measurement Towers subject to this Article may be jointly submitted with the WECS application.
15. For each proposed WECS, include make, model, picture and manufacturer's specifications, including noise decibels data. Include Manufacturers' Material Safety Data Sheet documentation for the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.
16. The town board shall serve as SEQRA Lead Agency for any proposed submission.
17. If a positive declaration of environmental significance is determined by the WEQRA lead agency, the following information shall be included in the Draft

TOWN OF SHERIDAN ZONING ORDINANCE

Environmental Impact Statement (“DEIS”) prepared for a Wind Energy Facility. Otherwise, the following studies shall be submitted with the application:

- i. Shadow Flicker: The applicant shall conduct a study on potential shadow flicker. The study shall identify locations where shadow flicker may be caused by the WECSs and the expected durations of the flicker at those locations. The study shall identify areas where shadow flicker may interfere with residences and describe measures that shall be taken to eliminate or mitigate the problems.
 - ii. Visual Impact: Applications shall include a visual impact study of the proposed WECS as installed, which may include a computerized photographic simulation, demonstrating any visual impacts from strategic vantage points. Color photographs of the proposed Site from at least two locations accurately depicting the existing conditions shall be included. The visual analysis shall also indicate the color treatment of the system’s components and any visual screening incorporated into the project that is intended to lessen the system’s visual prominence.
 - iii. A fire protection and emergency response plan, created in consultation with the fire department(s) having jurisdiction over the proposed Wind Overlay Zone.
 - iv. Noise Analysis: a noise analysis by a competent acoustical consultant documenting the noise levels associated with the proposed WECS. The study shall document noise levels at property lines on site and at the nearest property lines bordering the site. The noise analysis shall provide pre-existing ambient noise levels and include low frequency noise.
 - v. Property value analysis prepared by a licensed appraiser in accordance with industry standards, regarding the potential impact of values of properties adjoining WECS sites, including properties across public roads from the Site.
 - vi. An assessment of potential electromagnetic interference with microwave, radio, television, personal communication systems and other wireless communication.
18. Tower design information sufficient to demonstrate compliance with wind-loading requirements.

TOWN OF SHERIDAN ZONING ORDINANCE

19. Analysis of potential ice-throwing and damage from blade throw impacts.
20. A statement, signed under penalty of perjury, that the information contained in the application is true and accurate.

SECTION NINE --- Application Review Process.

- A. Applicants may request a pre-application meeting with the Town Board, or with any consultants retained by the Town Board for application review. Meetings with the town board will be held in accordance with the Open Meetings Law.
- B. Six copies of the application shall be submitted to the Town Clerk. Payment of all application fees shall be made at the time of application submission. If any variances are requested, variance application fees shall be paid at the time of the receipt of the application.
- C. Town staff or Town-designated consultants shall, within 30 days of receipt, or such longer time if agreed to by the applicant, determine if all information required under this Article is included in the application.
- D. If the application is deemed incomplete, the Town Board or its designated reviewer shall provide the applicant with a written statement listing the missing information. No refund of application fees shall be made, but no additional fees shall be required upon submittal of the additional information unless the number of WECS proposed is increased.
- E. Upon submission of a complete application, the Town Clerk shall transmit the application to the Town Board. The application shall be referred to the Planning Board in accordance with this Local Law.
- F. The Town Board shall hold at least one public hearing on the application. Notice shall be given by first class mail to property owners within 500 feet of the boundaries of the proposed Wind Overlay District and published in the Town's official newspaper, no less than ten nor more than twenty days before any hearing, but, where any hearing is adjourned by the Town Board to hear additional comments, no further publication or mailing shall be required. The applicant shall prepare and mail the Notice of Public Hearing prepared by the Town and shall submit an affidavit of service. The assessment roll of the Town shall be used to determine mailing addresses.
- G. The public hearing may be combined with public hearings on any Environmental Impact Statement or requested variances.
- H. Notice of the project shall also be given, when applicable, to (1) the Chautauqua County Planning Board, if required by General Municipal Law Sec 239-1 and 239-m and (2) adjoining Towns under Town Law Sec. 264.

TOWN OF SHERIDAN ZONING ORDINANCE

- I. SEQRA Review. Applications for WECS are deemed Type 1 projects under SEQRA. The Town shall conduct its SEQRA review in conjunction with other agencies and the record of review by said agencies shall be part of the record of the Town's proceedings. The Town may require an escrow agreement for the engineering and legal review of the applications and any environmental impact statements before commencing its review. At the completion of the SEQRA review Process, if a positive declaration of environmental significance has been issued and an environmental impact statement prepared, the Town shall issue a Statement of Findings, which Statement may also serve as the Town's decision on the applications.
- J. Upon receipt of the report of the recommendation of the County Planning Board (where applicable), and the report of the recommendation of the Town Planning Board (where applicable, the holding of the public hearing and the completion of the SEQRA process, the Town Board may approve, approve with conditions, or deny the applications, in accordance with the standards in this Article.

SECTION TEN --- Standards for WECS-

- 10.1** The following standards shall apply to all WECS and related infrastructure, unless specifically waived by the Town Board as part of a permit.
1. All power transmission lines from the tower to any building or other structure shall be located underground to the maximum extent possible as determined feasible during the review process by a competent engineer as accepted by the town board..
 2. No television, radio or other communication antennas may be affixed or otherwise made part of any WECS.
 3. No advertising signs are allowed on any part of the Wind Energy Facility, including fencing and support structures.
 4. Lighting of tower. No tower shall be lit except to comply with FAA requirements. Minimum security lighting for ground level facilities shall be allowed as approved on the Site plan. Security lighting shall be designed to minimize light pollution, including the use of light hoods, low glare fixtures and directing lights at the ground.
 5. All applicants shall use measures to reduce the visual impact of WECS to the extent possible. WECS shall use tubular towers. All structures in a project shall be finished in a single, not-reflective matte finished color or a camouflage scheme. Individual WERS within a Wind Overlay Zone shall be constructed using wind turbines whose appearance, with respect to one another, is similar within and throughout the Zone, to provide reasonable uniformity in overall size, geometry and rotational speeds. No lettering, company insignia, advertising or graphics shall be on any part of the tower, hub or blades.

TOWN OF SHERIDAN ZONING ORDINANCE

6. No WECS shall be installed in any location where its proximity with existing fixed broadcast, retransmission or reception antenna for radio, television or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception. No WECS shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation. If it is determined that a WECS is causing electromagnetic interference, the operator shall take the necessary corrective action to eliminate this interference, including relocation or removal of the facilities, or resolution of the issue with the impacted parties. Failure to remedy electromagnetic interference is grounds for revocation of the Special Use Permit for the specific WECS or WECS causing the interference.
7. All solid waste and hazardous waste and construction debris shall be removed from the Site and managed in a manner consistent with all appropriate rules and regulations.
8. WECS shall be designed to minimize the impacts of land clearing and the loss of open space areas. Land protected by conservation easements shall be avoided when feasible. The use of previously developed areas will be given priority whenever possible.
9. WECS shall be located in a manner that minimizes significant negative impacts on rare, endangered and threatened animal species in the vicinity, particularly bird and bat species.
10. WECS and related infrastructure shall be located in a manner consistent with all applicable state and Federal wetlands laws and regulations.
11. Storm-water run-off and erosion control shall be managed in a manner consistent with all applicable state and Federal laws and regulations.
12. The maximum Total Height of and WECS shall be 420 feet.
13. Storm water runoff and erosion control shall be managed in a manner consistent with all applicable state and federal laws and regulations.
14. Substations required to serve WECS are an Essential Public Service under this Zoning Code. Substations shall be screened from public view to the extent possible to retain aesthetic nature of the surrounding area.
15. The Town of Sheridan shall be named as an additional insured under the general liability policy of the applicant, the amount of which insurance shall be no less than an amount to be determined by the Town Board given the nature and scope of the project proposed by the applicant.

TOWN OF SHERIDAN ZONING ORDINANCE

16. Any construction or ground disturbance involving agricultural land shall be done in according to the NYS Department of Agriculture and Markets' publication titled Guidelines for Agricultural Mitigation for Wind Power Projects.

SECTION ELEVEN --- Required Safety Measures.

- A. Each WECS shall be equipped with both manual and automatic controls to limit the rotational speed of the rotor blade so it does not exceed the design limits of the rotor.
- B. If the property owner submits a written request that fencing be required, a six-foot-high fence with a locking portal shall be required to enclose each tower or group of towers. The color and type of fencing for each WECS installation shall be determined on the basis of individual applications as safety needs dictate.
- C. Appropriate warning signs shall be posted. At least one sign shall be posted at the base of the tower warning of electrical shock or high voltage. A sign shall be posted on the entry area of the fence around each tower or group of towers and any building, containing emergency contact information, including a local telephone number with 24 hour, 7 days a week coverage. The Town Board may require additional signs based on safety needs.
- D. No climbing pegs or tower ladders shall be located closer than twelve (12) feet to the ground level at the base of the structure for freestanding single pole.
- E. The minimum distance between the ground and any part of the rotor blade system shall be thirty (30) feet.
- F. WECS shall be designed to prevent unauthorized external access to electrical and mechanical components and shall have access doors that are kept securely locked.
- G. Accurate maps of the underground facilities shall be filed with the town and with "Dig Safely New York (1-800-962-7962)" or its successor.

SECTION TWELVE --- Traffic Routes.

- A. Construction of WECS poses potential risks because of the large size construction vehicles and their impact on traffic safety and their physical impact on local roads. Construction and delivery vehicles for WECS and/or associated facilities shall use traffic routes established as part of the application review process. Factors in establishing such corridors shall include (1) minimizing traffic impacts from construction and delivery vehicles; (2) minimizing WECS related traffic during times of school bus activity and morning and afternoon work related traffic increases (3) minimizing wear and tear on local roads; (4) minimizing impacts on local business operations. Permit conditions may require remediation during construction, limit WECS-related traffic to specified routes and include a plan for disseminating traffic route information to the public, and all

TOWN OF SHERIDAN ZONING ORDINANCE

applicable state, county and municipal highway authorities and superintendents whose roads are included in the WECS traffic routes plan. Notification to all applicable highway authorities and superintendents will include the number and type of vehicles and their size, their maximum gross weight, the number of round trips and the dates and time periods of expected use of designated traffic routes; and (5) in compliance with all local road postings.

- B. The applicant is responsible for remediation of damaged roads upon completion of the installation or maintenance of a WECS. Remediation may be necessary prior to completion of installation at any time that the road becomes unusable or unsafe for use, by the public. Any mid-construction/mid-installation remediation will not necessarily relieve the applicant of post-installation remediation as deemed necessary by the town board. A public improvement bond shall be posted prior to the issuance of any building permit in an amount, determined by the Town Board, sufficient to compensate the Town for any damage to local roads.
- C. If the applicant uses any seasonal use highway in the off-season, it shall be solely responsible for the maintenance of said highway including but not limited to snow plowing. No act of maintenance on seasonal use highway by an applicant shall be considered as Town maintenance of that highway for purposes of determining the seasonal use status of the highway.

SECTION THIRTEEN --- Setbacks for Wind Energy Conversion Systems.

- A. The statistical sound pressure level generated by a WECS shall not exceed L 10-50 dBA measured at bordering property lines existing at the time of completing the SEQRA review of the application. If the ambient sound pressure level exceeds 50 dBA. The standard shall be ambient dBA plus 5 dBA. Independent certification shall be provided before and after construction demonstrating compliance with this requirement.
- B. In the event audible noise due to WECS operations contains a steady pure tone, such as a whine, screech or hum, the standards for audible noise set forth in subparagraph 1) of this subsection shall be reduced by five (5) dBA. A pure tone is defined to exist if the one-third (1/3) octave band sound pressure level in the band, including the tone, exceeds the arithmetic average of the sound pressure levels of the two (2) contiguous one third (1/3) octave bands by five (5) dBA for center frequencies of five hundred (500) Hz and above, by eight (8) dBA for center frequencies between one hundred sixty (160) Hz and four hundred (400) or by fifteen (15) dBA for center frequencies less than or equal to one hundred and twenty-five (125) Hz.
- C. In the event the ambient noise level (exclusive of the development in question) exceeds the applicable standard given above, the applicable standard shall be adjusted so as to equal the ambient noise level. The ambient noise level shall be expressed in terms of the

TOWN OF SHERIDAN ZONING ORDINANCE

highest whole number sound pressure level in dBA, which is exceeded for more than five (5) minutes per hour. Ambient noise levels shall be measured at the exterior of potentially affected existing residences. Ambient noise level measurement techniques shall employ all practical means of reducing the effect of wind generated noise at the microphone. Ambient noise level measurements may be performed when wind velocities at the proposed project Site are sufficient to allow Wind turbine operation, provided that the wind velocity does not exceed thirty (30) mph at the ambient noise measurement location.

- D. Any noise level falling between two whole decibels shall be the lower of the two.
- E. Each WECS shall be setback from Site boundaries, measured from the center of the WECS, a minimum distance of:
 - 1. One and one half times the total maximum height of the WECS from:
 - a) the nearest off-site property line
 - b) public road
 - c) non-WECS structure
 - d) above ground utilities
 - e) natural gas well
 - 2. 1,200 feet from the nearest off-site residence existing at the time of application, measured from the exterior of such residence.

SECTION FOURTEEN- RESERVED

SECTION FIFTEEN-Creation of Wind Overlay Districts and Issuance of Special Use Permits.

- A. Upon completion of the review process, the Town Board shall, upon consideration of the standards in this Article and the record of the SEQRA review, issue a written decision setting forth the reasons for approval, conditions of approval, or disapproval.
- B. If approved, the Town Board will direct the Town Clerk to modify the Official Map to reflect the creation of the Wind Overlay Districts, and authorize Town staff to issue a Special Use Permit for each WECS upon satisfaction of all conditions for said Permit, and direct the building inspector to issue a building permit, upon compliance with the Uniform Fire Prevention and Building Code and other conditions of this Article.
- C. The decision of the Town Board shall be filed within five days in the office of the Town Clerk and a copy mailed to the applicant by first class mail.
- D. If any approved WECS is not substantially commenced within two years of issuance of the permit, the special use permit shall expire.

TOWN OF SHERIDAN ZONING ORDINANCE

SECTION SIXTEEN --- Abatement

- A. If any WECS remains non-functional or inoperative for a continuous period of 1 year, the applicant agrees that, without any further action by the Town Board, it shall remove said system at its own expense. Removal of the system shall include at least the entire above ground structure, including transmission equipment and fencing from the property, and below ground, removal of all structures and debris to a depth of at least three feet, and restore soil and vegetation to the area. This provision shall not apply if the applicant demonstrates to the Town that it has been making good faith efforts to restore the WECS to an operable condition, but nothing in this provision shall limit the Town's ability to order a remedial action plan after public hearing.
- B. Non-function or lack of operation may be proven by reports to the Public Service Commission, NYSEDA, or by lack of income generation. The applicant shall make available (subject to a non-disclosure agreement) to the Town Board all reports to and from the purchaser of energy from individual Wind Energy Conversion Systems, if requested necessary to prove the WECS is functioning, which reports may be redacted as necessary to protect proprietary information.
- C. Decommissioning Bond or Fund. The applicant, or successors, shall continuously maintain a fund or bond payable to the Town for the removal of non-functional towers and appurtenant facilities in an amount to be determined by the Town for the period of the life of the facility. This fund may consist of a letter of credit from a State of New York-licensed financial institution. All Costs of the financial security shall be borne by the applicant.

SECTION SEVENTEEN --- Limitations on Approval: Easements on Town Property

- A. Nothing in this Article shall be deemed to give any applicant the right to cut down surrounding trees and vegetation on any property to reduce turbulence and increase wind flow to the Wind Energy Facility. Nothing in this Article shall be deemed a guarantee against any future construction or Town approvals of future construction that may in any way impact the wind flow to any Wind Energy Facility. It shall be the sole responsibility of the Facility operator or owner to acquire any necessary wind flow or turbulence easements, or rights to remove vegetation.
- B. Pursuant to the powers granted to the Town to manage its own property, the Town may enter into noise, setback or wind flow easements on such terms as the Town Board deems appropriate, as long as said agreements are not otherwise prohibited by state law or this Article.

TOWN OF SHERIDAN ZONING ORDINANCE

SECTION EIGHTEEN --- Permit Revocation.

- A. *Testing Fund.* A Special Use Permit shall contain a requirement that the applicant fund periodic noise testing by a qualified independent third-party acoustical measurement consultant, which may be required as often as every two years, or more frequently upon request of the Town Board in response to complaints by neighbors. The scope of the noise testing shall be to demonstrate compliance with the terms and conditions of the Special Use Permit and this Article and shall also include an evaluation of any complaints received by the Town. The applicant shall have 30 days after written notice from the Town Board, to begin remediation. The applicant shall have 90 days after written notice from the Town Board, to cure any deficiency. An extension may be considered by the Town Board, but total time period from beginning of remediation until completion may not exceed 180 days.
- B. *Operation.* A WECS shall be maintained in operational condition at all times, subject to reasonable maintenance and repair outages. Operational condition includes meeting all noise requirements and other permit conditions. Should a WECS become inoperable, or should any part of the WECS be damaged, or should a WECS violate a permit condition, the owner or operator shall have 30 days to begin remediation after written notice from the Town Board. The applicant shall have 90 days after written notice from the Town Board, to cure any deficiency. An extension may be considered by the Town Board, but total time period from beginning of remediation until completion may not exceed 180 days.
- C. Notwithstanding any other abatement provision under this Article, and consistent with Section 16, if the WECS is not repaired or made operational or brought into permit compliance after said notice, the Town may, after a public meeting at which the operator or owner shall be given opportunity to be heard and present evidence, including a plan to come into compliance, (1) order either remedial action within a particular timeframe, or (2) order revocation of the Special Use Permit for the WECS and require the removal of the WECS within 90 days. If the WECS is not removed, the Town Board shall have the right to use the security posted as part of the Decommission Plan to remove the WECS.
- D. Construction of permitted WECS must begin within 3 years of the issuance of the Special Use Permit. Failure to begin construction within 3 years will require the application to be resubmitted and applicable permit fees to be paid to the Town.
- E. Construction of permitted WECS must be completed within 1 year from the beginning of construction.

TOWN OF SHERIDAN ZONING ORDINANCE

SECTION NINETEEN --- Wind Site Assessment.

- A. The Town Board acknowledges that prior to construction of a WECS, a wind Site assessment is conducted to determine the wind speeds and the feasibility of using particular Sites. Installation of Wind Measurement Towers, also known as anemometer (“Met”) towers, shall be permitted as a Special Use in the District.

SECTION TWENTY --- Applications for Wind Measurement Towers.

An application for a Wind Measurement Tower shall include:

1. Name, address and telephone number of the applicant. If the applicant is represented by an agent, the application shall include the name, address and telephone number of the agent as well as an original signature of the applicant authorizing the representation.
2. Name, address and a telephone number of the property owner. If the property owner is not the applicant, the application shall include a letter of other written permission signed by the property owner (i) confirming that the property owner is familiar with the proposed applications and (ii) authorizing the submission of the application.
3. Address of each proposed tower Site, including Tax Map section, block and lot number.
4. Site plan
5. Decommissioning Plan, based on the criteria in this Article for WECS, including a security bond or cash for removal.
6. Public hearing and SEQRA

SECTION TWENTY-ONE --- Standards for Wind Measurement Towers.

- A. The distance between a Wind Measurement Tower and any off-site property line shall be at least one and one half the total height of the tower. Sites can include more than one piece of property and the requirement shall apply to the combined properties.
- B. Special Use Permits for Wind Measurement Towers may be issued by the Town Board for a period of up to two years. Permits may be renewed if the facility is in compliance with the conditions of the Special Use Permit.

SMALL WIND ENERGY CONVERSION SYSTEMS

SECTION TWENTY-TWO --- Purpose and Intent

- A. The purpose of this Section is to provide standards for small wind energy conversion systems designed for on-site home, farm and small commercial use, and that are primarily used to reduce on-site consumption of utility power. The intent of this Section is to encourage the development of small wind energy systems and to protect the public health, safety and community welfare.

SECTION TWENTY-THREE --- Permitted Areas.

- A. Small Wind Energy systems may be permitted in all Zoning Districts upon issuance of a Special Use Permit.

SECTION TWENTY-FOUR --- Applications.

- A. Applications for Small WECS Special Use Permits shall include:
 - 1. Name, address and telephone number for the applicant. If the applicant will be represented by an agent, the name, address and telephone number of the agent as well as an original signature of the applicant authorizing the agent to represent the applicant.
 - 2. Name and address of the property owner. If the property owner is not the applicant, the application shall include a letter or other written permission signed by the property owner confirming that the property owner is familiar with the proposal and authorizing the submission of the application.
 - 3. Address of each proposed tower site, including tax map section.
 - 4. Evidence that the proposed tower height does not exceed the height recommended by the manufacture or distributor of the system.
 - 5. A line drawing of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the Uniform Fire Prevention and Building Code.
 - 6. Written evidence that the electric utility service provider that serves the proposed site has been informed of the applicant's intent to install an interconnected customer owned electricity generator, unless the applicant does not plan to connect the system to the electricity grid.
 - 7. A visual analysis of the small WECS as installed demonstrating the visual impacts from nearby strategic vantage points. The visual analysis shall also indicate the color treatment of the system's components and any visual screening incorporated into the project that is intended to lessen the system's visual prominence.

TOWN OF SHERIDAN ZONING ORDINANCE

8. Application for Special Use Permit for a small WECS shall be made to the Town Zoning Board.

SECTION TWENTY FIVE --- Development Standards

All small wind energy systems shall comply with the following standards. Additionally, such systems shall also comply with all the requirements established by other sections of this article that are not in conflict with the requirements contained in this section;

1. The system shall be located on a lot a minimum of two acres in size.
2. Tower Heights may be allowed as follows;
 - a) 80 feet or less on parcels between two and five acre
 - b) 120 feet or less on parcels of five or more acres.
 - c) The allowed height shall be reduced if necessary to comply with all applicable Federal Aviation Requirement, including Subpart B commencing with Section 77.11 of Part 77 of Title 14 of the Code of Federal Regulations regarding installations close to airports.
3. The maximum turbine power output is limited to 100KW
4. The system's tower and blades shall be painted a non-reflective, unobtrusive color that blends the system and its components into the surrounding landscape to the greatest extent possible and incorporate non-reflective surfaces to minimize and visual disruption.
5. The system shall be designed and located in such a manner to minimize adverse visual impacts from public viewing areas (e.g. public parks, roads, trails). To the greatest extent feasible a small wind energy system:
 - a) Shall not project above the tip of ridgelines
 - b) If visible from public viewing areas, shall use natural landforms and existing vegetation for screening.
6. Exterior lighting on any structure associated with the system shall not be allowed except that which is specifically required by the FAA.
7. All on-site electrical wires associated with the system shall be installed underground except for tie-ins to a public utility transmission poles, towers and lines. This standard may be modified by the ZBA if the project terrain is determined to be unsuitable for underground installation.
8. The system shall be operated such that no disruptive electromagnetic interference is caused. If it has been demonstrated that a system is causing harmful interference, the system operator shall promptly mitigate the harmful interference or cease operation of the system.

TOWN OF SHERIDAN ZONING ORDINANCE

9. At least one sign shall be posted on the tower at a height of five feet warning of electrical shock or high voltage and harm from revolving machinery. No brand names, logo or advertising shall be placed or painted on the tower, rotor, generator or tail vane where it would be visible from the ground, except that the tower manufacturer's logo.
10. Towers shall be constructed to provide one of the following means of access control, or other appropriate methods of access:
 - a) Tower-climbing apparatus located no closer than 12 feet from the ground
 - b) A locked anti-climb device installed on the tower,
 - c) A locked, protective fence at least six feet in height that encloses the tower.
11. The minimum height of the lowest part of any wind turbine blade in a vertical position shall be at least 30 feet above the ground.
12. A small WECS tower structure shall be designed and constructed to be in compliance with all pertinent provisions of the Uniform Building Code and National Electric Code.
13. All small WECS shall be equipped with a manual and automatic overspeed controls conforming to standards outlined by the manufacturer.

SECTION TWENTY-SIX --- Standards

A. Small Wind Energy System shall comply with the following standards:

1. Set Back Requirements: Each WECS shall be setback from Site boundaries, measured from the center of the WECS, a minimum distance of 500 feet from the nearest off-site residence existing at the time of application, measured from the exterior of such residence and;

One and one half times the total maximum height of the WECS from:

- a. nearest off-site property line
 - b. public road
 - c. non-WECS structure
 - d. above ground utilities
 - e. natural gas well
2. Noise. Except during short-term events including utility outages and severe wind storms, a small WECS shall be designated, installed and operated so that noise generated by the system shall not exceed the 50 decibels (dBA), as measured at the closest neighboring property line.

SECTION TWENTY-SEVEN --- Abandonment of Use

- A. Small WECS which is not used for twelve (12) successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner. Failure to abide by the faithfully comply with this section or with any

TOWN OF SHERIDAN ZONING ORDINANCE

and all conditions that may be attached to the granting of any building permit shall constitute grounds for the revocation of the permit by the Town.

- B. All Small WECS shall be maintained in good condition and in accordance with all requirements of this section.

STRUCTURE/POLE MOUNTED WECS

SECTION TWENTY-EIGHT --- Purpose and Intent

- A. The purpose of this Section is to provide standards for Structure/Pole Mounted WECS designed for on-site home, farm and small commercial use, and that are primarily used to reduce on-site consumption of utility power. The intent of this Section is to encourage the development of wind energy systems and to protect the public health, safety and community welfare.

SECTION TWENTY-NINE ---Permitted Areas

- A. Structure/Pole Mounted WECS may be permitted in all Zoning Districts upon issuance of a Special Use Permit.

SECTION THIRTY --- Applications

Applications for structure/pole mounted WECS special use permits are described in Section Twenty Four of this Ordinance.

SECTION THIRTY ONE --- Development Standards

All structure/pole mounted WECS shall comply with the following standards. Additionally, such systems shall also comply with all the requirements established by other sections of this article that are not in conflict with the requirements contained in this section;

1. The system shall be located on a lot a minimum of two acres in size.
2. Tower Heights may be allowed as follows;
 - 80 feet or less on parcels between two and five acre
 - 120 feet or less on parcels of five or more acres.
 - The allowed height shall be reduced if necessary to comply with all applicable Federal Aviation Requirement, including Subpart B commencing with Section 77.11 of Part 77 of Title 14 of the Code of Federal Regulations regarding installations close to airports.
3. The maximum turbine power output is limited to 100KW

TOWN OF SHERIDAN ZONING ORDINANCE

4. The system's tower and blades shall be painted a non-reflective, unobtrusive color that blends the system and its components into the surrounding landscape to the greatest extent possible and incorporate non-reflective surfaces to minimize and visual disruption.
5. The system shall be designed and located in such a manner to minimize adverse visual impacts from public viewing areas (e.g. public parks, roads, trails). To the greatest extent feasible a small wind energy system:
 - Shall not project above the tip of ridgelines
 - If visible from public viewing areas, shall use natural landforms and existing vegetation for screening.
 - Shall be screened to the maximum extent feasible by natural vegetation or other means to minimize potentially significant adverse visual impacts on neighboring residential areas.
6. Exterior lighting on any structure associated with the system shall not be allowed except that which is specifically required by the FAA.
7. All on-site electrical wires associated with the system shall be installed underground except for tie-ins to a public utility transmission poles, towers and lines. This standard may be modified by the ZBA if the project terrain is determined to be unsuitable for underground installation.
8. The system shall be operated such that no disruptive electromagnetic interference is caused. If it has been demonstrated that a system is causing harmful interference, the system operator shall promptly mitigate the harmful interference or cease operation of the system.
9. All structure/pole mounted WECS shall be designed and constructed to be in compliance with all pertinent provisions of the Uniform Building Code and National Electric Code.
10. All structure/pole mounted WECS shall be installed in accordance with the manufacture's recommendations.

SECTION THIRTY TWO --- Standards

All structure/pole mounted WECS shall comply with the following standards;

1. Set back requirements; each structure/pole mounted WECS shall be setback from site boundaries, measured from the center of the WECS, a minimum distance of on and one half times the total maximum height of the WECS from;
 - Nearest off-site property line
 - Public road
 - Above ground utilities
 - Natural gas well

TOWN OF SHERIDAN ZONING ORDINANCE

2. Noise: structure/pole mounted WECS shall be designed, installed and operated so that noise generated by the system shall not exceed the 50 decibels (dBA), as measured at the closest neighboring property line.

SECTION THIRTY-THREE --- Fees

A. There shall be non-refundable Application fees as follows:

1. Wind Overlay zone rezoning: \$500.00 per zone
2. WECS Special Use Permit: \$ 50.00 per megawatt of rated maximum capacity
3. Wind Measurement Towers \$200.00 per tower
4. Wind Measurement Tower Special Use Permit Renewals: \$ 50.00 per Wind Measurement Tower
5. The cost of all legal notices and mailings shall be assessed to the applicant.
6. Small WECS Special Use Permit \$ 75.00
7. Small WECS Building Permit \$100.00
8. Structure/Pole Mounted WECS Special Use Permit: \$25.00
9. Structure/Pole Mounted WECS Building Permit \$25.00

B. Building Permits

1. The Town believes the review of building and electrical permits for WECS requires specific expertise for those facilities. Accordingly, the permit fees for such facilities shall be increased by administrative costs plus the amount charged to the Town by the outside consultant hired by the Town to review the plans and inspect the work. In the alternative, the Town and the applicant may enter into an agreement for an inspection and/or certification arrangement and escrow agreement to pay for the costs of the review of the plans or certifications, or to conduct inspections as agreed by the parties.

2. The applicant shall, prior to the receipt of a building permit, demonstrate that the proposed facility meets the system reliability requirements of the New York Independent System Operator, or provide proof that it has executed an Interconnection Agreement with the New York Independent System Operator and/or applicable Transmission Owner.

C. Nothing in this Article shall be read as limiting the ability of the Town to enter into Host Community Agreements with any applicant to compensate the Town for expenses or impacts on the community. The Town shall require any applicant to enter into an escrow agreement to pay the engineering and legal costs of any application review, including the review required by SEQRA.

D. The Town Board may amend these fees, by resolution

SECTION THIRTY-FOUR --- Tax Exemption

- A. The Town hereby exercises its right to opt out of the Tax Exemption provisions of Real Property Tax Law SS487, pursuant to the authority granted by paragraph 8 of that law.

TOWN OF SHERIDAN ZONING ORDINANCE

SECTION THIRTY-FIVE --- Enforcement; Penalties and remedies for violations

- A. In addition to the Code Enforcement Officer, the Town Board may appoint such Town staff or outside consultants as it sees fit to enforce this article.
- B. In case of any violation or threatened violation of any of the provisions of this Article, including the terms and conditions imposed by any permit issued pursuant to this Article, in addition to other remedies and penalties herein provided, the Town may institute any appropriate action or proceeding to prevent such unlawful erection, structural alteration, reconstruction, moving, and/or use, and to restrain, correct or abate such violation to prevent the illegal act.

SECTION THIRTY-SIX --- Severability.

- A. Should any provision of this Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

SECTION-THIRTY-SEVEN --- Effective Date

- A. This Local Law shall be effective upon its filing with the Secretary of State in accordance with the Municipal Home Rule Law. March 16th, 2010.

TOWN OF SHERIDAN ZONING ORDINANCE

LOCAL LAW #1 of the year 2012

A LOCAL LAW AMENDING LOCAL LAW #1 OF THE YEAR 2010

SECTION ONE --- Purpose

The Town Board of the Town of Sheridan, upon review and recommendation of the Planning Board, does desire to amend certain provisions of Local Law No 1 of the Year 2010 entitled “Local Law Governing Wind Energy Facilities in the Town of Sheridan” as it relates to small wind energy conversion systems (WECS).

SECTION TWO --- Definition

Section Twenty-Five of Local Law No 1 of the year 2010 is hereby amended to read as follows:

All small wind energy systems shall comply with the following standards. Additionally, such systems shall also comply with all the requirements established by other sections of this Article that are not in conflict with the requirements contained in this section.

1. A small wind energy conversion system shall be located on a lot a minimum of two acres in size.
2. Maximum heights permitted for small wind energy conversion systems are allowed as follows:
 - a) 80 feet or less on sites by the applicant comprising lots between two and five acres in total area.
 - b) 150 feet or less on sites by the applicant comprising lots of five acres or more in total area.
 - c) the allowed height shall be reduced if necessary to comply with all applicable Federal Aviation Requirements, including Subpart B (commencing with Section 77.11) of Part 77 of Title 14 of the Code of Federal Regulations regarding installations close to airports.

SECTION THREE –New Section Twenty Six B...Variance Provisions

For good cause shown to the satisfaction of the Zoning Board of Appeals, the standards set forth in Section Twenty –Six A may be adjusted by the Zoning Board of Appeals to a variance of not greater than 10 % of the requirement, if in the determination of the Zoning Board of Appeals such a variance is consistent with the protection of the public health, safety and welfare, and in furtherance of the aims and goals of this Local Law permitting small wind energy conversion systems in the Town of Sheridan

SECTION FOUR --- Repealed

That the enactment of this Local Law shall repeal the maximum height provisions set forth in Section Twenty-Five of Local Law #1 of 2010.

SECTION FIVE --- Effective Date: This Local Law shall be in effect upon filing with the Secretary of State as of March 26, 2012

TOWN OF SHERIDAN ZONING ORDINANCE

LOCAL LAW No #2 of the year 2014

SECTION ONE --- PURPOSE:

The Town Board of the Town of Sheridan exercising its authority under the Town Law of the State of New York, the General Municipal Law of the State of New York, and the Municipal Home Rule Law of the State of New York, does hereby desire to amend signage regulations for the Industrial District as set forth in the Town of Sheridan Zoning Ordinance.

Industrial District in the Town of Sheridan is a dedicated Zoning District for relatively large scale commercial operations. Such operations and uses generally involve truck traffic to and within the zone in which may be located various and different entities. Additional traffic type signage may be required for safe passage within the zone. In addition, multiple entities may be occupying dedicated industrial space within the zone and have identification requirements which exceed permissible signage under the current zoning ordinance.

SECTION TWO --- NEW SECTION 306(s) Industrial Zone Sign Regulations:

Any application for a permit for uses in the Industrial District pursuant to Section 306 shall include as part of said application a request for all signage for said usage within the permit application. If an industrial district permit and usage already exists, then such an application for a sign permit shall be treated as a separate Industrial District permit under Section 306. The requirements are as follows;

1. All such sign permit applications shall include the location of the proposed sign or signs,
2. The gross square foot area of the sign with height, width and depth dimensions,
3. The type of construction of said sign and the materials with which it will be constructed (e.g. wood, metal, fiberglass),
4. A drawing to scale showing the location, square footage, and size of proposed sign or signs,
5. The type and nature of sign support, if free standing,
6. The exact location of a building or structure if said sign is to be attached to said building or structure.

No sign in the Industrial District shall be permitted to display or advertise an off-premise business. All signs in the Zoning District shall be for the sole purpose of identifying, advertising, or representing Industrial Zone occupants, with the exception of such signs as are necessary or require to direct traffic to occupants of the Industrial Zone District.

An applicant shall be permitted to request multiple signs on a single application, provided that each individual sign clearly identifies and complies with criteria set forth above.

TOWN OF SHERIDAN ZONING ORDINANCE

Any sign or signage within the Industrial Zone District in the Town of Sheridan which has not received a permit from the ZBA under this section shall be deemed illegal and shall be removed forthwith.

All such applications for a sign in the Industrial District shall be treated as an application for an Industrial District permit under Section 306 of the Town of Sheridan Zoning Ordinance, and shall be heard and determined before the ZBA of the Town Sheridan.

SECTION THREE --- Conflict:

In the event of any conflict between this local law and existing Section 306 and Section 410 of the Town of Sheridan Zoning Ordinance, this local law and its provisions shall prevail.

SECTION FOUR --- Effective Date:

This local law shall become effective immediately upon filing with the Secretary of the State, of the State of New York.

TOWN OF SHERIDAN ZONING ORDINANCE

Solar Energy Regulations

LOCAL LAW #2 OF THE YEAR 2017

Section One - Purpose: The Town Board of the Town of Sheridan, exercising the authority granted to it under the Town Law of the State of New York to protect the health, safety, and welfare of the residents and property owners of the Town of Sheridan, does hereby desire to enact this Local Law to regulate the construction, maintenance, and placement of solar energy systems and equipment in the Town of Sheridan. The purpose of this legislation is to balance the potential impact on neighbors when solar collectors may be installed near their property, while preserving the rights of the property owners to install solar collection systems without excess regulation. The Town of Sheridan recognizes the importance of solar systems in generating electricity for on-premises and off premises use, the reduction of greenhouse gas emissions, and support for emerging solar system economic development.

Section Two - Definitions:

BUILDING-INTEGRATED PHOTOVOLTAIC (BIPV): A solar energy system that consists of integrating photovoltaic modules into the building structure. Technologies include PV shingles or tiles, PV laminates, and PV glass. Examples of placement include facades, semi-transparent skylights, awnings, fixed awnings, and roofs.

COLLECTIVE SOLAR: Solar installations owned collectively through subdivision homeowner associations, college student groups, "adopt-a-solar panel" programs, similar arrangements or commercial entities. Collective solar systems and installations shall be subject to rules and regulations herein based upon generation capacity

GROUND-MOUNTED SYSTEM: A solar energy system that is anchored to the ground and attached to a pole or similar mounting system, detached from and other structure.

LARGE-SCALE SYSTEM: Solar energy systems located on land in the Town of Sheridan used primarily to convert solar energy into electricity for off-site consumption or sale, and/or systems that have the capacity to produce 25KW per hour, or more, of energy.

NET-METERING: A billing arrangement that allows solar customers to get credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage.

ROOF-MOUNTED SYSTEM: A solar power system in which solar panels are mounted on top of the structure of a roof, either as a flush-mounted system or as modules fixed to frames, which can be tilted toward the sun at an optimal angle. Roof-mounted systems shall be located on a roof of a permitted principal use or accessory structure.

TOWN OF SHERIDAN ZONING ORDINANCE

SMALL-SCALE SOLAR: Small-scale solar means a solar energy system installed and placed for the production of energy for consumption only on-site, and that has capacity to produce less than 25KW per hour of energy.

SOLAR EASEMENT: An easement recorded pursuant to New York Real Property Law 335-b, the purpose of which is to secure the right to receive sunlight across real property of another for continued access to sunlight necessary to operate a solar collector.

SOLAR ENERGY EQUIPMENT: Energy storage devices, materials, hardware, or electrical equipment an conduit associated with the production of electrical energy.

SOLAR ENERGY PRODUCTION FACILITY: Energy generation facility or area of land principally used to convert solar energy to electricity, whether by photovoltaics ,concentrating solar thermal devices or various experimental solar technologies, with the primary purpose of wholesale or retail sales of electricity.

SOLAR ENERGY SYSTEM: Includes a combination of both solar panels and solar energy equipment

SOLAR PANEL: A Device capable of collecting and converting solar energy into electrical energy.

SOLAR STORAGE BATTERY: A device that stores energy from the sun and makes it available in an electrical form.

SOLAR THERMAL SYSTEMS: Solar thermal systems directly heat water or other liquid using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water, and heating pool water.

Section Three - Applicability:

A. The requirements of this section shall apply to all solar energy systems installed or modified after the effective date of this local law, excluding general maintenance and repair.

B. All solar energy systems shall be designed, erected, and installed in accordance with all applicable codes, regulations, and industry standards as referenced in the New York State Building Code and the Town Code as well as National Electrical Code (NEC) and local regulations.

C. Under state SEQRA regulations, actions are grouped as Type I , Type II or Unlisted Actions. Type II actions are exempt from review and include actions such as construction expansion, or placement of minor accessory structures. The Town of Sheridan considers building-integrated solar components and small-scale systems to be Type II actions and therefore exempt them from all SEQRA requirements, including the submission of an EAF (Environmental Assessment Form). Large scale and solar production facilities that meet the thresholds contained in the SEQRA regulations and are considered more likely than others to have a significant adverse environmental impact and shall be considered Type I Actions.

TOWN OF SHERIDAN ZONING ORDINANCE

However, the need for a complete Environmental Impact Statement (EIS) shall be determined by the Permitting Board in accordance with the significance of the potential adverse environmental impact.

SECTION FOUR-Solar as an Accessory Use:

A. ROOF-MOUNTED SYSTEMS: Residential, small-scale roof mounted solar systems are permitted as an accessory use in all zoning districts when attached to lawfully permitted principal structures and accessory structures, subject to the requirements set forth in this section.

I. HEIGHT: Solar energy systems shall not exceed maximum height restrictions within any zoning district, and are provided the same height exemptions granted to building mounted mechanical devices or equipment.

II. SETBACK: Solar energy systems are subject to the setback requirements of the underlying zoning district.

III. AESTHETICS: Solar installations shall incorporate the following design requirements:

a. Solar energy equipment shall be installed inside walls and attic spaces when possible to reduce their visual impact. If solar energy equipment is visible from a public right of way, it should match the color scheme of the underlying structure.

b. Roof-mounted panels facing the front yard must be mounted at the same angle as the roofs surface with a maximum distance of 18 inches between the roof-and highest edge of the system.

B. GROUND-MOUNTED SYSTEMS Residential, small-sale ground-mounted solar energy systems are permitted as an accessory structure in all zoning districts, subject to the requirements set forth in this section.

I. All ground-mounted solar panels in residential districts shall be installed in the rear yard. If a side yard installation is applied for, it shall be subject to all setback requirements of the underlying zoning district, and such an application for side yard installation shall require site plan review by the Town of Sheridan Planning Board.

II. SETBACK: Ground-mounted solar panels are subject to setback requirements of the underlying zoning district. The required setback distance must be at least one and one half times the height of the ground-mounted solar panel.

III. LOT COVERAGE: The surface area of ground-mounted solar panels shall be included in lot coverage and impervious surface calculations and shall not exceed 30% of the lot size.

TOWN OF SHERIDAN ZONING ORDINANCE

C. SMALL-SCALE SOLAR ENERGY SYSTEM

I. Any application for installation and placement of a small-scale solar energy system under this section in a side yard location shall require an application containing a site plan showing the location of all solar energy system components, their location on the premises, their location on the premises in relation to the property line and any and all structures on the premises, and the nearest structure located on the premises adjacent thereto.

II. The site plan for such installation shall be reviewed by the Planning Board of the Town of Sheridan, and approval of the site plan for the placement in a side yard by affirmative vote of a majority vote of the Planning Board of the Town of Sheridan is required.

Section Five - Solar as Principal Use:

LARGE-SCALE- Large-scale systems are permitted by the issuance of a special-use permit only within the following Zoning Districts: south of the CSX Railroad tracks in Agriculture/Residential #2, the Industrial Zone, and the Business Zone.

In addition to the requirements set forth in those sections, the following applies:

I. HEIGHT AND SETBACK: Large-scale solar energy systems shall adhere to the height and setback requirements of the under-lying zoning district. Additional restrictions may be imposed during the special-use permit process.

II. Large-scale systems shall be located on lots with a minimum lot size that is large enough to accommodate the proposed system and still meet the required setback requirements for the zoning district. No large-scale system will be permitted to be located on multiple parcels. In this case, the system would only be permitted if the parcels were combined and retired by deed.

III. All large-scale solar energy systems shall be enclosed by fencing to prevent unauthorized access. Warning signs with the owner's contact information shall be placed on the entrance and perimeter of the fencing. The height and type of fencing shall be determined by the special use permit process.

IV. On-site electrical interconnection lines and distribution lines shall be placed underground unless otherwise required by the utility.

V. The removal of existing vegetation is limited to the extent necessary for the construction and maintenance of the solar installation.

TOWN OF SHERIDAN ZONING ORDINANCE

B. SPECIAL-USE PERMIT REQUIREMENTS; Every application for a Special-Use Permit under this section shall contain the following material:

I. Verification of utility notification. Foreseeable infrastructure upgrades shall be documented and submitted. Off-grid systems are exempt from this requirement.

II. Name, address, and contact information of the applicant, property owners, and agent submitting the proposed project.

III. If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land.

IV. SITE PLAN: Every applicant shall first submit the site plan to the local office of the Federal Aviation Administration (FAA) for their review. If no objections are found by the FAA, proof given in written form, the site plan shall then go before the Town Board of the Town of Sheridan for approval and issuance of the permit. Every application for a Large-Scale solar energy system within the Town of Sheridan shall be made to the Town Board of the Town of Sheridan, and shall be approved by majority vote of the Town Board. Prior to the Town Board review of the application, the Town Board of the Town of Sheridan may refer said application to the Planning Board of the Town of Sheridan for the site plan review, report, and recommendation for approval or disapproval by the Planning Board to the Town Board. A Public Hearing, upon ten days' notice duly posted and published in the official newspaper of the Town and on the Town bulletin board, shall be held by the Town Board of the Town of Sheridan before the granting of any such special use permit described hereunder. The Town Board of the Town of Sheridan hereby reserves the right to delegate, to the Planning Board of the Town of Sheridan, the Public Hearing requirement, and if so, such Public Hearing shall be held by and before the Planning Board of the Town of Sheridan.

V. Blueprints signed by a New York State licensed Engineer or Registered Architect of the Solar installation showing the layout of the system.

VI. The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and invertors that are to be installed.

VII. Property Operation and Maintenance Plan: A property operation and maintenance plan is required, describing continuing photovoltaic maintenance and property upkeep, such as mowing, trimming, and etc.

C. Decommissioning Plan

I. To ensure the proper removal of large-scale systems, a decommissioning plan, provided by the applicant, shall be required. The plan shall include the removal of all infrastructures and the remediation of soil and vegetation back to its original state prior to construction, unless other-wise

TOWN OF SHERIDAN ZONING ORDINANCE

permitted. A cost estimate detailing the projected cost of executing the decommissioning plan shall be prepared by a Professional Engineer or contractor. Cost estimations shall take into account inflation.

II. Financial Surety: A form of surety, through escrow bond or the equivalency of, shall be established prior to the granting of the permit, to cover the cost of decommissioning the site. The amount of surety required by the municipality may not exceed 125 percent of the estimated cost to decommission. The surety shall be held by the Town Clerk in a separate account.

D. Variance Provision

I. The Town Board of the Town of Sheridan reserves to itself the right to consider and grant variances from the requirements under Section Five - Solar as Principal Use, all for good cause shown, as determined by the Town Board of the Town of Sheridan after a Public Hearing.

Section Six - Solar Storage Batteries:

I. If solar storage batteries are included as part of the Solar Energy Collection System, they must be placed in a secure container or enclosure meeting the requirements of the New York State Building Code. All solar storage batteries, their maintenance, placement, and location shall also comply with all applicable rules and regulations as promulgated by the New York State Building Code, and the National Electric Code.

II. When batteries are no longer in use, they shall be properly disposed of in accordance with the laws of the State of New York, and any applicable Federal or Local disposal rules or regulations.

Section Seven - Violations:

I. Any violation of any provision of this Local Law shall be punishable by penalty or a term of imprisonment as prescribed in Section 268 of the Town Law of the State of New York State Law.

II. Notwithstanding the above, the Town Board of the Town of Sheridan hereby reserves the right to proceed to enforce the provisions of this Local Law by civil action, injunction, and any other remedy afforded to it under the laws of the State of New York or the United States.

Section Eight- Validity:

I. If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgement shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgement shall have been rendered and shall not effect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances,

TOWN OF SHERIDAN ZONING ORDINANCE

Section Nine - Fee Schedule

The Town Board of the Town of Sheridan is authorized to adopt a fee schedule for application and permit fees for solar installations under this Local Law. The fee schedule to be adopted by the Town Board of the Town of Sheridan, which fee schedule may be amended by the Town Board of the Town of Sheridan from time to time, shall be by resolution.

Section Ten - Effective Date:

This Local Law shall take effect immediately upon the filing with the Secretary of State of the State of New York.

I, Julie Szumigala, hereby certify that the Local Law annexed hereto, designated as Local Law #2 of 2017 of the Town of Sheridan was duly passed by the Town Board of the Town of Sheridan on June 15, 2017, in accordance with the applicable provisions of law.

(SEAL)

Julie Szumigala, Clerk of the Town of Sheridan

Date: June____2017

Local Law #2-2020

A local law amending Local Law #2-2017 regarding the regulation, installation, and placement of Solar Energy Equipment and Systems in the Town of Sheridan.

Section One- Purpose

The Town Board of the Town of Sheridan, exercising the authority granted to it under the Town Law of the State of New York to protect the health, safety, and welfare of the residents and of the property owners of the Town of Sheridan, does hereby desire to enact this Local Law to regulate the construction, maintenance, and placement of solar energy systems and equipment in the Town of Sheridan. The purpose of this legislation is to balance the potential impact on neighbors when solar collectors may be installed near their property, while preserving the rights of the property owners to install solar collection systems without excess regulation.

The Town of Sheridan recognizes the importance of solar systems in generating electricity for on-premises and off-premises use, the reduction of greenhouse gas emissions, and support for emerging solar system economic development. The of Sheridan having enacted Local Law No. 2 of the year 2017 regarding Solar Energy Equipment and Systems in the Town now desires to amend said Local Law with respect to certain provisions relating to the installation, placement and regulations for Solar Energy Equipment and Systems, particularly large scale Solar as defined in said Local Law where energy is produced entirely or primarily for off-site sale and consumption.

Section Two - Authority

The Town Board is exercising its authority under the Town Law of the State of New York, the General Municipal Law of the State of New York, and the Municipal Home Rule Law of the State of New York for the purposes of protecting the health, safety and welfare of the residents and property owners of the Town of Sheridan.

Section Three- Amendment to Section Five A Local Law #2-2017 Height and Setback-

Large Scale Solar Energy Systems shall comply with all bulk area requirements including height and set back of the underlying zoning district, together with the following bulk area requirements and setback, whichever is more restrictive. In addition, such other restriction on placement, height, location, and setback and/or buffers may be imposed during this special permit process.

Each part of the large-scale solar energy system shall be setback two hundred, fifty (250) feet from the centerline of the public right-of-way, whether Town, County, of State, (New York thruway excepted), except that such setback shall be four hundred (400) feet from the centerline of New York State Route 20.

TOWN OF SHERIDAN ZONING ORDINANCE

Side Yard setbacks shall be at least one hundred-fifty (150) feet from the nearest property line on all sides in the case of an adjoining property with any structure thereon. If such adjoining property be vacant, with no structure thereon at the time of application, then such setbacks shall be at least fifty (50) feet.

Rear yard setback shall be at least one hundred-fifty (150) feet from the nearest property line.

If the required ROW set back is greater than side or rear yard setback recited herein, then the greater ROW setback shall be applicable.

Lot Coverage- the surface area of the Solar Energy System including, but not limited to, solar panel, utility or electric sheds, and any other part of the system, shall be included in Lot Coverage together with any impervious service calculations, all as measured around the perimeter of the entire system, all of which shall not exceed fifty percent (50%) of the lot size of the premises on which is the subject of the application. In making such calculation of lot size, the required setbacks recited herein, shall be disregarded.

No part of the Solar Energy System and its components shall exceed sixteen (16) feet in height.

Section Four- Amending Section Five (b) VII of Local Law 32-2017

The required site plan shall show all natural or man-made buffers to be place to reduce visibility of the site from adjoining properties or roads. The Board may require such buffers as part of the permit. Further, said plan shall show the proposed use of all Town highways during construction and maintenance of the project. The Town Board may require a Highway Use Agreement to protect the integrity of the highways as part of the permit.

Section Five- Amendment to Section Five (C) II Financial Surety-

A form of Surety, Surety Bond, Fidelity Bond, escrow, or the equivalent thereof, shall be established by the Town Board as part of the permitting process and funded prior to the granting of a permit, to cover the cost of decommissioning the site in accordance with the decommissioning plan which shall have been approved by the Town Board prior to the granting of a Special Use Permit for solar installation. The amount of the Surety Bond, Performance Bond, or escrow required by the municipality may not exceed one hundred and twenty-five percent (125%) of the estimated cost to decommission as recited in said plan, taking into account the estimated life of the Solar Energy System Project being presented for approval and inflation. Any escrow provided shall be held by the Town Clerk in a separate account.

The surety provided, whether by escrow, surety or fidelity bond shall remain in full force and effect for the duration of the Solar Project permitted, and the existence of said systems on the ground until removed. Any surety bond shall have a provision for 90-day notice of non-renewal, and that such must be communicated to the Town in writing. Failure to maintain the surety required as part of the issuance of the permit shall be grounds for revoking the permit for the Solar Energy System.

TOWN OF SHERIDAN ZONING ORDINANCE

Section Six- New Section Five (E)-

It shall be a condition of any permit issued under this Law, that the project owner shall, at all times, file with the Town Clerk, a statement of ownership of the permitted project, including contact name, address, phone number, and email address. Further, any transfer or assignment of a controlling interest in any permitted Solar Project under this Law shall not be effective unless advance notice in writing is given to the Town Board, Town of Sheridan, and consent to such transfer or assignment be obtained from the Town. The failure to abide by either of these provisions shall be cause for revocation of the permit.

Section Seven- Applicability

The amendments to the Town of Sheridan Solar Law enacted herein shall also apply prospectively to all existing Solar Projects in the Town.

Section Eight-Amendment to Section Six III of Local Law #2-2017

The application for solar Energy System shall specifically recite the use of nonuse of Solar Storage Batteries, their placement, capacity, and compliance with the existing national and state code requirements.

The decommissioning plan must specifically address the useful life span of the solar storage batteries proposed, the current State and Federal rules and regulations regarding placement thereof and disposal thereof at the end of their useful life span, together with replacement if anticipated. The financial surety required by the Town shall take into account maintenance, replacement, and disposal of solar storage batteries if part of the application for a Solar Energy Collection System permit.

Section Nine-Validity-

If any part or provision of the Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provisions or application directly involved in the controversy in which such judgement shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances.

Section Ten-Effective Date-

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

I hereby certify that the Local Law annexed hereto, designated as Local Law No 2 of 2020 of the Town of Sheridan was duly passed by the Town Board of the Town of Sheridan on October 28, 2020, in accordance with the applicable provisions of the law.

Rebecca Shafer, Sheridan Town Clerk

_____ Date _____

Local Law # 1-2022

PLEASE TAKE NOTICE that a public hearing was held by the Town Board of the Town of Sheridan on May 11th, 2022 at 7:00 p.m. at the Town Hall, Community Center, 2777 Route 20, Sheridan, New York, regarding the adoption of a local law of the Town of Sheridan for the year 2022.

The text of the local law is as follows:

Section One – Purpose: Exercising the authority granted to it, the Town Board, does hereby desire to enact this Local Law to further amend existing laws regulating the construction, maintenance, and placement of solar energy systems and equipment in the Town of Sheridan, specifically providing regulations for decommissioning of Solar Projects.

Section Two – Authority: The Town Board is exercising its authority under the Constitution of the State of New York, the Town Law of the State of New York, the General Municipal Law and Municipal Home Rule Law of the State of New York, for the purposes of protecting the health, safety and welfare of residents and property in the Town of Sheridan.

Section Three – Decommissioning of Large Scale Solar Energy Systems:

1. Large Scale Solar Energy Systems which have been abandoned, have reached the end of their life span, or are no longer producing electricity for a period of twelve (12) months, as determined by the Code Enforcement Officer of the Town, or the owner operator of the solar system, shall be removed at the owner or subsequent owner's expense as recited herein.

2. Projects being repowered, or demonstrating a force majeure event which may result in longer repairs, may be remedied and repaired by the owner with a determination of adequate proof that the facility is still viable and operational, the expense for which shall be paid for and borne by the owner operator of the solar system.

Repairs/modifications to make the solar system operational, or removal of the solar facility shall occur no later than sixty (60) days after such initial determination.

3. If the owner/operator commences, but does not complete, construction of the project within eighteen (18) months after receiving a building permit from the Town, this shall be deemed abandonment of the project, and implementation of the decommissioning plan shall commence forthwith.

TOWN OF SHERIDAN ZONING ORDINANCE

4. Prior to issuing a building permit, a decommissioning and site restoration plan shall be submitted to the Town Board. The plan shall be prepared and signed by an Engineer licensed in the State of New York and shall address each of the following items:

Contact Information: Current contact information for the Owner/Operator.

Project Information: Project information including, but not limited to; address, tax ID, project size, property owner, and site agreement.

Project Lifespan: The anticipated viable lifespan of the utility-scale solar facility in accordance with industry standards.

Current Conditions: Photo documentation and archival color images of the site in its pre-construction condition for the purpose of future reference during site remediation.

Equipment Dismantling and Removal: Indicate the safety and removal of all above-ground and below-ground equipment, structures, and foundations including but not limited to; solar electric systems, buildings, cabling electrical components, security barriers, roads, foundations, pilings, and any other associated facilities, so that any agricultural ground upon which the facility or system was located is again tillable and suitable for agricultural uses.

Environmental Effects: Decommissioning activities could result in environmental impacts similar to those that occur during the construction phase. As such, mitigation measures, management practices, and permitting requirements applied during construction shall be applied during decommissioning, including construction requirements outlined in the New York State Department of Agriculture and Markets (NYSDAM) Guidelines for Solar Projects.

Management of Materials and Waste: The Owner/Operator shall adhere to all state laws and regulations in effect at the time of decommissioning regarding the disposal and recycling of components. The Owner/Operator or future Owner/Operator shall be responsible for the logistics of collecting and recycling all solar equipment, as well as disposition documentation.

Site Restoration: The project site shall be regraded and reseeded as to natural condition as possible within a reasonable timeframe after equipment is removed, excluding any invasive species. The plan shall also determine whether soils have been contaminated during the operation of the solar system or in the decommissioning thereof, and remediation of same shall be set forth as required.

Timeframe: The Plan shall include a timeframe for the completion of site restoration work, including repair of any damage caused to the property by the installation and removal of the utility-scale solar facility.

TOWN OF SHERIDAN ZONING ORDINANCE

Agreements: Description of any agreement (e.g., lease) with landowner regarding decommissioning shall be included with the plan.

Approvals: The decommissioning of the large-scale solar facility shall follow all regulatory standards. The Owner/Operator or future Owner/Operator shall ensure that any required permits are obtained prior to decommissioning. Before final electrical Inspection, the Owner/Operator shall provide evidence that the decommissioning plan was recorded with the Register of Deeds. Any revisions to the decommissioning plan shall require review and approval from the governing body.

Such Engineering Report for decommissioning shall set forth the costs associated with all decommissioning activities, a commercially reasonable escalator for inflation over the time period anticipated working life span of the system at issue. No credit shall be afforded for salvage value in the decommissioning plan.

Further, the decommissioning plan shall incorporate all then prevailing and existing rules and regulations promulgated by New York State DEC, New York State, Federal Regulations, the County of Chautauqua including recommendations issued by the County Planning Department, on decommissioning of solar, together with the requirements of this Local Law.

5. The decommissioning cost shall be guaranteed by cash escrow at a federally insured financial institution approved by the municipality before any building permits are issued. The governing body may approve alternative methods of surety or security deposit, such as cash, performance bond, irrevocable letter of credit (LOC), or other financial assurance approved by the governing body and shall be established by the Owner/Operator to be held by the governing body hosting facility components.

The Owner/Operator shall provide a reliable and detailed cost estimate for decommissioning of the facility prepared by a third party, professional decommissioning New York licensed engineer which shall be approved by the Town Board, and the Town Board shall select and/or approve the third party, professional decommissioning engineer/contractor who has expertise in the removal of solar facilities.

The decommissioning cost estimate shall explicitly detail the cost and shall include 125% of the cost of removal of the large-scale solar facility and restoration of the property with an escalator of 2.5% annually for the viable life to the utility-scale solar facility. This shall include a 15% contingency cost.

Security shall cover the full decommissioning costs without recoverable costs from salvage value; owner/operator to include anticipated salvage value, but this shall not be factored into the decommissioning costs. This cost estimate shall be recalculated every four (4) years and the surety shall be updated in kind. The decommissioning plan shall be updated to reflect these recalculations every four (4) years.

TOWN OF SHERIDAN ZONING ORDINANCE

6. If the Owner/Operator, or future Owner/Operator cannot execute the decommissioning within a 180-day time period or in the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the cash deposit, bond, or security shall be forfeited to the governing body. The governing body may commence the decommissioning through the financial surety established to cover the expenses. The cash deposit, bond, or security shall remain in full force and effect until restoration of the property as set forth in the decommissioning plan is completed. In the event of default or abandonment of the utility-scale solar facility, the system shall be decommissioned as set forth herein.

7. **Ownership changes:** If the Owner/Operator of the large-scale solar facility changes or the owner of the property changes as assignment of ownership, on notice to the Town Board and to the Town Clerk pursuant to the Solar Facilities Law, the new Owner/Operator shall notify the Zoning Officer of such change in ownership or operator within 30 days of the ownership change. The successor Owner or Operator shall assume in writing all of the obligations within the decommissioning plan.

8. This Law amending solar regulations in the Town shall apply to all Large-Scale Solar Energy Systems in the Town of Sheridan.

By Order of the Town Board
of the Town of Sheridan,

Rebecca Shafer, Town Clerk

TOWN OF SHERIDAN ZONING ORDINANCE

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001

LOCAL LAW FILING

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underling to indicate new matter.

~~County~~

~~City~~

of SHERIDAN

~~Town~~

~~Village~~

Local Law No. 1 of the year 2022.

A local law Adopting a Nine-Month Moratorium on the Establishment or Use of a Residential Dwelling as a Short-Term Rental in the Town of Sheridan.

Be it enacted by the Town Board of the Town of Sheridan

~~County~~

~~City~~

of

SHERIDAN

~~Town~~

~~Village~~

Section One – Purpose:

The Town Board of the Town of Sheridan, exercising the authority granted to it under the Constitution of the State of New York, the Town Law, General Municipal Law, and Municipal Home Rule Law of the State of New York, to protect the health, safety, and welfare of residents and property owners of the Town of Sheridan, does hereby desire to enact a moratorium on the Establishment or Use of a Residential Dwelling in the Town of Sheridan as a Short-Term Rental, for a period of Nine (9) Months to enable the Town Board to study the issues involved and potentially enact amendments to the Town Zoning Law.

Section Two – Moratorium:

A. During the effective period of this Local Law, neither the Town Board, the Planning Board, the Zoning Board of Appeals, nor the Code Enforcement Officer/Zoning Enforcement Officer, shall grant any approval or issue any permit that would result in the establishment, placement, or

TOWN OF SHERIDAN ZONING ORDINANCE

use of any residential dwelling in the Town of Sheridan for use as a short-term rental as defined herein.

B. The Town Board of the Town of Sheridan reserves the right to direct the Town Code Enforcement Officer, Zoning Officer, to revoke or rescind any permit or certificate issued in violation of this Local Law.

C. No application for construction, establishment, placement or use, or for approval of any plan or permit, shall be considered by any Board or Officer or Agency of the Town of Sheridan while the Moratorium imposed by this Local Law is in effect.

D. No owner of property within the Town of Sheridan shall establish, maintain, or use any residential dwelling as a short-term rental while the Moratorium imposed by Local Law is in effect.

Section Three – Term:

This Local Law shall be in effect for a period of Nine (9) Months from the effective date of this Local Law.

Section Four – Definition:

Short-term rental, as used in this Local Law, shall mean the establishment, maintenance, use, or occupancy of a residential dwelling in the Town of Sheridan for use and/or occupancy for a term of less than Thirty (30) Days. The definition does not include hotel, motel, or existing mobile home park establishments. Establishment, maintenance, and/or use shall include but not be limited to the transient use of a dwelling for residential purposes, wherein it is rented, leased, or assigned by the owner, for consideration, for a term of less than Thirty (30) Days duration.

Section Five – Penalties:

Any person, firm, or corporation that shall be found to be in violation of this Local Law shall be subject to such penalties as may otherwise be provided for by the Zoning Code or Law of the Town of Sheridan for violations thereunder, and as prescribed in the Town Law of New York. The Town Board of the Town of Sheridan further reserves the right to apply for injunctive relief in favor of the Town to enforce this Local Law as may be necessary or required in a court of competent jurisdiction.

Section Six – Validity:

The invalidity of any specific provision of this Local Law shall not effect the validity of any other provisions of this Local Law that can be given effect without such invalid provision.

TOWN OF SHERIDAN ZONING ORDINANCE

Section Seven – Effective Date: This Local Law shall take effect immediately upon the filing with the Secretary of State of the State of New York.

1. I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2022 of the Town of Sheridan was duly passed by the Town Board of the Town of Sheridan on June 8, 2022, in accordance with the applicable provisions of law.

(Seal)

Rebecca Schafer
Town Clerk, Town of Sheridan

Date: _____

TOWN OF SHERIDAN ZONING ORDINANCE

Local Law #3 -2022

SECTION 1. PURPOSE AND INTENT

This local law provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in this Town. This local law is adopted pursuant to section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, the Energy Code other state law, or other section of this local law, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions this local law.

SECTION 2. DEFINITIONS

In this local law, the following terms shall have the meanings shown in this section:

“Assembly Area” shall mean an area in any building, or in any portion of a building, that is primarily used or intended to be used for gathering fifty or more persons for uses including, but not limited to, amusement, athletic, entertainment, social, or other recreational functions; patriotic, political, civic, educational, or religious functions; food or drink consumption; awaiting transportation; or similar purposes.

“Building Permit” shall mean a building permit, construction permit, demolition permit, or other permit that authorizes the performance of work. The term “Building Permit” shall also include a Building Permit which is renewed, amended, or extended pursuant to any provision of this local law.

“Certificate of Compliance” shall mean a document issued by the Town stating that work was done in compliance with approved construction documents and the Codes.

“Certificate of Occupancy” shall mean a document issued by the Town certifying that the building or structure, or portion thereof, complies with the approved construction documents that have been submitted to, and approved by the Town, and indicating that the building or structure, or portion thereof, is in a condition suitable for occupancy.

“Code Enforcement Officer” shall mean the Code Enforcement Officer appointed pursuant to subdivision (b) of section 3 of this local law.

“Code Enforcement Personnel” shall include the Code Enforcement Officer and all Inspectors.

“Codes” shall mean the Uniform Code and Energy Code.

“Energy Code” shall mean the New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law.

“FCNYS” shall mean the 2020 Fire Code of New York State as currently incorporated by reference in 19 NYCRR Part 1225.

“Fire Safety and Property Maintenance Inspection” shall mean an inspection performed to determine compliance with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference.

“Hazardous Production Materials” shall mean a solid, liquid, or gas associated with semiconductor manufacturing that has a degree-of-hazard rating in health, flammability, or instability of Class 3 or 4, as ranked by NFPA 704 (Standard Systems for Identification of the Hazards of Materials for Emergency Response), and which is used directly in research,

TOWN OF SHERIDAN ZONING ORDINANCE

laboratory, or production processes which have, as their end product, materials that are not hazardous.

“Inspector” shall mean an inspector appointed pursuant to subdivision (d) of section 3 of this local law.

“Mobile Food Preparation Vehicles” shall mean vehicles that contain cooking equipment that produces smoke or grease-laden vapors for the purpose of preparing and serving food to the public. Vehicles intended for private recreation shall not be considered mobile food preparation vehicles.

“Operating Permit” shall mean a permit issued pursuant to section 10 of this local law. The term “Operating Permit” shall also include an Operating Permit which is renewed, amended, or extended pursuant to any provision of this local law.

“Order to Remedy” shall mean an order issued by the Code Enforcement Officer pursuant to subdivision (a) of section 17 of this local law.

“Permit Holder” shall mean the Person to whom a Building Permit has been issued.

“Person” shall include an individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

“PMCNYS” shall mean the 2020 Property Maintenance Code of New York State as currently incorporated by reference in 19 NYCRR Part 1226.

“RCNYS” shall mean the 2020 Residential Code of New York State as currently incorporated by reference in 19 NYCRR Part 1220.

“Repair” shall mean the reconstruction, replacement, or renewal of any part of an existing building for the purpose of its maintenance or to correct damage.

“Stop Work Order” shall mean an order issued pursuant to section 6 of this local law.

“Sugarhouse” shall mean a building used, in whole or in part, for the collection, storage, or processing of maple sap into maple syrup and/or maple sugar.

“Temporary Certificate of Occupancy” shall mean a certificate issued pursuant to subdivision (d) of section 7 of this local law.

“Town” shall mean the Town of Sheridan.

“Uniform Code” shall mean the New York State Uniform Fire Prevention and Building Code, Subchapter A of Chapter XXXIII of Title 19 of the NYCRR, adopted pursuant to Article 18 of the Executive Law.

TOWN OF SHERIDAN ZONING ORDINANCE

SECTION 3. CODE ENFORCEMENT OFFICER AND INSPECTORS

(a) The Office of Code Enforcement Officer is hereby created. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code, and this local law. The Code Enforcement Officer shall have the following powers and duties:

- (1) to receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits, and the plans, specifications, and construction documents submitted with such applications;
- (2) upon approval of such applications, to issue Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits, and to include in terms and conditions as the Code Enforcement Officer may determine to be appropriate Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits;
- (3) to conduct construction inspections; inspections to be made prior to the issuance of Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits; fire safety and property maintenance inspections; inspections incidental to the investigation of complaints; and all other inspections required or permitted under any provision of this local law;
- (4) to issue Stop Work Orders;
- (5) to review and investigate complaints;
- (6) to issue orders pursuant to subdivision (a) of section 17 (Violations) of this local law;
- (7) to maintain records;
- (8) to collect fees as set by the Town Board of this Town;
- (9) to pursue administrative enforcement actions and proceedings;
- (10) in consultation with this Town's attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code, and this local law, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code, or this local law; and
- (11) to exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this local law.

(b) The Code Enforcement Officer shall be appointed by **the Town Board**. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.

(c) In the event that the Code Enforcement Officer is unable to serve as such for any reason, another individual shall be appointed by the Town Board to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of their appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this local law.

(d) One or more Inspectors may be appointed to act under the supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise of the

TOWN OF SHERIDAN ZONING ORDINANCE

powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this local law. Each Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for code enforcement personnel, and each Inspector shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder. (e) The compensation for the Code Enforcement Officer and Inspectors shall be fixed from time to time by the **Town Board** of this **Town**.

SECTION 4. BUILDING PERMITS.

(a) Building Permits Required. Except as otherwise provided in subdivision

(b) of this section, a Building Permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation, or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney, or flue in any dwelling unit. No Person shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the **Town**.

(b) Exemptions. No Building Permit shall be required for work in any of the following categories:

(1) construction or installation of one-story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses), which are used for tool and storage sheds, playhouses, or similar uses, provided the gross floor area does not exceed 99 square feet;

(2) construction of temporary sets and scenery associated with motion picture, television, and theater uses;

(3) installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);

(4) installation of partitions or movable cases less than 5'-9" in height;

(5) painting, wallpapering, tiling, carpeting, or other similar finish work;

(6) installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;

(7) replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or

(8) repairs, provided that the work does not have an impact on fire and life safety, such as (i) any part of the structural system; (ii) the required means of egress; or (iii) the fire protection system or the removal from service of any part of the fire protection system for any period of time.

(c) Exemption not deemed authorization to perform non-compliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in subdivision (b) of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.

(d) Applications for Building Permits. Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Code

TOWN OF SHERIDAN ZONING ORDINANCE

Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:

- (1) a description of the location, nature, extent, and scope of the proposed work;
 - (2) the tax map number and the street address of any affected building or structure;
 - (3) the occupancy classification of any affected building or structure;
 - (4) where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and
 - (5) at least 2 sets of construction documents (drawings and/or specifications) which (i) describe the location, nature, extent, and scope of the proposed work; (ii) show that the proposed work will conform to the applicable provisions of the Codes; (iii) show the location, construction, size, and character of all portions of the means of egress; (iv) show a representation of the building thermal envelope; (v) show structural information including but not limited to braced wall designs, the size, section, and relative locations of structural members, design loads, and other pertinent structural information; (vi) show the proposed structural, electrical, plumbing, mechanical, fire-protection, and other service systems of the building; (vii) include a written statement indicating compliance with the Energy Code; (viii) include a site plan, drawn to scale and drawn in accordance with an accurate boundary survey, showing the size and location of new construction and existing structures and appurtenances on the site, distances from lot lines, the established street grades and the proposed finished grades, and, as applicable, flood hazard areas, floodways, and design flood elevations; and (ix) evidence that the documents were prepared by a licensed and registered architect in accordance with Article 147 of the New York State Education Law or a licensed and registered professional engineer in accordance with Article 145 of the New York State Education Law and practice guidelines, including but not limited to the design professional's seal which clearly and legibly shows both the design professional's name and license number and is signed by the design professional whose name appears on the seal in such a manner that neither the name nor the number is obscured in any way, the design professional's registration expiration date, the design professional's firm name (if not a sole practitioner), and, if the documents are submitted by a professional engineering firm and not a sole practitioner professional engineer, the firm's Certificate of Authorization number.
- (e) Construction documents. Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in paragraph (5) of subdivision (d) of this section. Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp, or in the case of electronic media, an electronic marking. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.
- (f) Issuance of Building Permits. An application for a Building Permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the

TOWN OF SHERIDAN ZONING ORDINANCE

Uniform Code and Energy Code. The Code Enforcement Officer shall issue a Building Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code.

(g) Building Permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.

(h) Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.

(i) Time limits. Building Permits shall become invalid unless the authorized work is commenced within Twelve (12) months following the date of issuance. Building Permits shall expire 12 months after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.

(j) Revocation or suspension of Building Permits. If the Code Enforcement Officer determines that a Building Permit was issued in error because of incorrect, inaccurate, or incomplete information, or that the work for which a Building Permit was issued violates the Uniform Code or the Energy Code, the Code Enforcement Officer shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.

(k) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid at the time of submission of an application for a Building Permit, for an amended Building Permit, or for renewal of a Building Permit.

TOWN OF SHERIDAN ZONING ORDINANCE

SECTION 5. CONSTRUCTION INSPECTIONS.

(a) Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an Inspector authorized by the Code Enforcement Officer. The Permit Holder shall notify the Code Enforcement Officer when any element of work described in subdivision(b) of this section is ready for inspection.

(b) Elements of work to be inspected. The following elements of the construction process shall be inspected, where applicable:

- (1) work site prior to the issuance of a Building Permit;
- (2) footing and foundation;
- (3) preparation for concrete slab;
- (4) framing;
- (5) structural, electrical, plumbing, mechanical, fire-protection, and other similar service systems of the building;
- (6) fire resistant construction;
- (7) fire resistant penetrations;
- (8) solid fuel burning heating appliances, chimneys, flues, or gas vents;
- (9) inspections required to demonstrate Energy Code compliance, including but not limited to insulation, fenestration, air leakage, system controls, mechanical equipment size, and, where required, minimum fan efficiencies, programmable thermostats, energy recovery, whole-house ventilation, plumbing heat traps, and high-performance lighting and controls;
- (10) installation, connection, and assembly of factory manufactured buildings and manufactured homes; and
- (11) a final inspection after all work authorized by the Building Permit has been completed.

(c) Remote inspections. At the discretion of the Code Enforcement Officer or Inspector authorized to perform construction inspections, a remote inspection may be performed in lieu of an in-person inspection when, in the opinion of the Code Enforcement Officer or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or by such authorized Inspector that the elements of the construction process conform with the applicable requirements of the Uniform Code and Energy Code. Should a remote inspection not afford the Code Enforcement Officer or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.

(d) Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to the manner in which the work fails to comply with the Uniform Code or Energy Code, including a citation to the specific code provision or provisions that have not been met. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.

(e) Fee. The fee specified in or determined in accordance with the provisions set forth in **section 18 (Fees)** of this local law must be paid prior to or at the time of each inspection performed pursuant to this section.

SECTION 6. STOP WORK ORDERS.

(a) Authority to issue. The Code Enforcement Officer is authorized to issue Stop Work Orders pursuant to this section. The Code Enforcement Officer shall issue a Stop Work Order to halt:

(1) any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or

(2) any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or

(3) any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.

(b) Content of Stop Work Orders. Stop Work Orders shall (1) be in writing, (2) be dated and signed by the Code Enforcement Officer, (3) state the reason or reasons for issuance, and (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.

(c) Service of Stop Work Orders. The Code Enforcement Officer shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by certified mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.

(d) Effect of Stop Work Order. Upon the issuance of a Stop Work Order, the owner of the affected property, the Permit Holder, and any other Person performing, taking part in, or assisting in the work shall immediately cease all work which is the subject of the Stop Work Order, other than work expressly authorized by the Code Enforcement Officer to correct the reason for issuing the Stop Work Order.

(e) Remedy not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in subdivision (a) of this section, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under section 17 (Violations) of this local law or under any other applicable local law or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

SECTION 7. CERTIFICATES OF OCCUPANCY AND CERTIFICATES OF COMPLIANCE

(a) Certificates of Occupancy and Certificates of Compliance required. A Certificate of Occupancy or Certificate of Compliance shall be required for any work which is the subject of a Building Permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a Building Permit was previously issued shall be granted only by issuance of a Certificate of Occupancy or Certificate of Compliance.

(b) Issuance of Certificates of Occupancy and Certificates of Compliance. The Code Enforcement Officer shall issue a Certificate of Occupancy or Certificate of Compliance if the work which was the subject of the Building Permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the building, structure, or work prior to the issuance of a Certificate of Occupancy or Certificate of Compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the Certificate of Occupancy or Certificate of Compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy or Certificate of Compliance:

- (1) a written statement of structural observations and/or a final report of special inspections,
- (2) flood hazard certifications,
- (3) a written statement of the results of tests performed to show compliance with the Energy Code, and
- (4) where applicable, the affixation of the appropriate seals, insignias, and manufacturer's data plates as required for factory manufactured buildings and/or manufactured homes.

(c) Contents of Certificates of Occupancy and Certificates of Compliance. A Certificate of Occupancy or Certificate of Compliance shall contain the following information:

- (1) the Building Permit number, if any;
- (2) the date of issuance of the Building Permit, if any;
- (3) the name (if any), address and tax map number of the property;
- (4) if the Certificate of Occupancy or Certificate of Compliance is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy or Certificate of Compliance is issued;
- (5) the use and occupancy classification of the structure;
- (6) the type of construction of the structure;
- (7) the occupant load of the assembly areas in the structure, if any;
- (8) any special conditions imposed in connection with the issuance of the Building Permit; and
- (9) the signature of the Code Enforcement Officer issuing the Certificate of Occupancy or Certificate of Compliance and the date of issuance.

TOWN OF SHERIDAN ZONING ORDINANCE

(d) Temporary Certificate of Occupancy. The Code Enforcement Officer shall be permitted to issue a Temporary Certificate of Occupancy allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a Building Permit. However, in no event shall the Code Enforcement Officer issue a Temporary Certificate of Occupancy unless the Code Enforcement Officer determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate of Occupancy, may be occupied safely, (2) that any required fire and life safety components, such as fire protection equipment and fire, smoke, carbon monoxide, and heat detectors and alarms are installed and operational, and (3) that all required means of egress from the structure have been provided. The Code Enforcement Officer may include in a Temporary Certificate of Occupancy such terms and conditions as he or she deems necessary or appropriate to ensure the health and safety of the persons occupying and using the building or structure and/or performing further construction work in the building or structure. A Temporary Certificate of Occupancy shall be effective for a period of time, not to exceed Six (6) months, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate of Occupancy. During the specified period of effectiveness of the Temporary Certificate of Occupancy, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

(e) Revocation or suspension of certificates. If the Code Enforcement Officer determines that a Certificate of Occupancy, Certification of Compliance, or a Temporary Certificate of Occupancy was issued in error or on the basis of incorrect information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.

(f) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid at the time of submission of an application for a Certificate of Occupancy, Certificate of Compliance, or for Temporary Certificate of Occupancy.

SECTION 8. NOTIFICATION REGARDING FIRE OR EXPLOSION.

The chief of any fire department providing firefighting services for a property within this Town shall promptly notify the Code Enforcement Officer of any fire or explosion involving any structural damage, fuel burning appliance, chimney, or gas vent.

SECTION 9. UNSAFE BUILDINGS, STRUCTURES, AND EQUIPMENT AND CONDITIONS OF IMMINENT DANGER

Unsafe buildings, structures, and equipment and conditions of imminent danger in this Town shall be identified and addressed in accordance with procedures established by the Unsafe Building section of the zoning law/ordinance, as amended from time to time.

SECTION 10. OPERATING PERMITS.

(a) Operation Permits required. Operating Permits shall be required for conducting any process or activity or for operating any type of building, structure, or facility listed below:

(1) manufacturing, storing, or handling hazardous materials in quantities exceeding those listed in the applicable Maximum Allowable Quantity tables found in Chapter 50 of the FCNYS;

(2) buildings, structures, facilities, processes, and/or activities that are within the scope and/or permit requirements of the chapter or section title of the FCNYS as follows:

(i) Chapter 22, “Combustible Dust-Producing Operations.” Facilities where the operation produces combustible dust;

(ii) Chapter 24, “Flammable Finishes.” Operations utilizing flammable or combustible liquids, or the application of combustible powders regulated by Chapter 24 of the FCNYS;

(iii) Chapter 25, “Fruit and Crop Ripening.” Operating a fruit- or crop-ripening facility or conducting a fruit-ripening process using ethylene gas;

(iv) Chapter 26, “Fumigation and Insecticidal Fogging.” Conducting fumigation or insecticidal fogging operations in buildings, structures, and spaces, except for fumigation or insecticidal fogging performed by the occupant of a detached one-family dwelling;

(v) Chapter 31, “Tents, Temporary Special Event Structures, and Other Membrane Structures.” Operating an air-supported temporary membrane structure, a temporary special event structure, or a tent where approval is required pursuant to Chapter 31 of the FCNYS;

(vi) Chapter 32, “High-Piled Combustible Storage.” High-piled combustible storage facilities with more than 500 square feet (including aisles) of high-piled storage;

(vii) Chapter 34, “Tire Rebuilding and Tire Storage.” Operating a facility that stores in excess of 2,500 cubic feet of scrap tires or tire byproducts or operating a tire rebuilding plant;

(viii) Chapter 35, “Welding and Other Hot Work.” Performing public exhibitions and demonstrations where hot work is conducted, use of hot work, welding, or cutting equipment, inside or on a structure, except an operating permit is not required where work is conducted under the authorization of a building permit or where performed by the occupant of a detached one- or two-family dwelling;

(ix) Chapter 40, “Sugarhouse Alternative Activity Provisions.” Conducting an alternative activity at a sugarhouse;

(x) Chapter 56, “Explosives and Fireworks.” Possessing, manufacturing, storing, handling, selling, or using, explosives, fireworks, or other pyrotechnic special effects materials except the outdoor use of sparkling devices as defined by Penal Law section 270;

(xi) Section 307, “Open Burning, Recreational Fires and Portable Outdoor Fireplaces.” Conducting open burning, not including recreational fires and portable outdoor fireplaces;

(xii) Section 308, “Open Flames.” Removing paint with a torch, or using open flames, fire, and burning in connection with assembly areas or educational occupancies; and

TOWN OF SHERIDAN ZONING ORDINANCE

(xiii) Section 319, “Mobile Food Preparation Vehicles.” Operating a mobile food preparation vehicle in accordance with the permitting requirements established by local law in this Town as now in effect or as hereafter amended from time to time.

(3) energy storage systems, where the system exceeds the values shown in Table 1206.1 of the FCNYS or exceeds the permitted aggregate ratings in section R327.5 of the RCNYS.

(4) buildings containing one or more assembly areas;

(5) outdoor events where the planned attendance exceeds 1,000 persons;

(6) facilities that store, handle or use hazardous production materials;

(7) parking garages as defined in subdivision (a) of section 13 of this local law;

(8) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Town Board of this Town; and

(9) other processes or activities or for operating any type of building, structure, or facility as determined by resolution adopted by the Town Board of this Town. Any person who proposes to undertake any activity or to operate any type of building listed in this subdivision (a) shall be required to obtain an Operating Permit prior to commencing such activity or operation.

(b) Applications for Operating Permits. An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.

(c) intentionally omitted

(d) Inspections. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an Operating Permit. Such inspections shall be performed either in-person or remotely. Remote inspections in lieu of in-person inspections may be performed when, at the discretion of the Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or Inspector authorized by the Code Enforcement Officer that the premises conform with the applicable requirements of the Uniform Code and the code enforcement program. Should a remote inspection not afford the **Town** sufficient information to make a determination, an in-person inspection shall be performed. After inspection, the premises shall be noted as satisfactory and the operating permit shall be issued, or the operating permit holder shall be notified as to the manner in which the premises fail to comply with either or both of the Uniform Code and the code enforcement program, including a citation to the specific provision or provisions that have not been met.

(e) Multiple Activities. In any circumstance in which more than one activity listed in subdivision (a) of this section is to be conducted at a location, the Code Enforcement Officer may require a separate Operating Permit for each such activity, or the Code Enforcement Officer may, in their discretion, issue a single Operating Permit to apply to all such activities.

TOWN OF SHERIDAN ZONING ORDINANCE

(f) Duration of Operating Permits. Operating permits shall be issued for a specified period of time consistent with local conditions, but in no event to exceed as follows:

- (1) Interval not to exceed Forty-Five (45) days for tents, special event structures, and other membrane structures;
- (2) Interval not to exceed Sixty (60) days for alternative activities at a sugarhouse;
- (3) Interval not to exceed one (1) year for the activities, structures, and operations determined per paragraph (9) of subdivision (a) of this section, and
- (4) Interval not to exceed one (1) year for all other activities, structures, and operations identified in subdivision (a) of this section.

The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.

(g) Revocation or suspension of Operating Permits. If the Code Enforcement Officer determines that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code, such Operating Permit shall be revoked or suspended.

(h) Fee. The fee specified in or determined in accordance with the provisions set forth in **section 18 (Fees)** of this local law must be paid at the time submission of an application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating Permit.

SECTION 11. FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS

(a) Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at the following intervals:

- (1) at least once every interval not to exceed twelve (12) months for buildings which contain an assembly area;
- (2) at least once every interval not to exceed twenty-four (24) months for public and private schools and colleges, including any buildings of such schools or colleges containing classrooms, dormitories, fraternities, sororities, laboratories, physical education, dining, or recreational facilities; and
- (3) at least once every interval not to exceed twenty-four (24) months for multiple dwellings and all nonresidential occupancies.

(b) Remote inspections. At the discretion of the Code Enforcement Officer or Inspector authorized to perform fire safety and property maintenance inspections, a remote inspection may be performed in lieu of in-person inspections when, in the opinion of the Code Enforcement Officer or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or such authorized Inspector that the premises conform with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference. Should a remote inspection not afford the Code Enforcement Officer or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.

(c) Inspections permitted. In addition to the inspections required by subdivision (a) of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or

TOWN OF SHERIDAN ZONING ORDINANCE

an Inspector authorized to perform fire safety and property maintenance inspections at any time upon:

- (1) the request of the owner of the property to be inspected or an authorized agent of such owner;
- (2) receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or
- (3) receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist;

provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

(d) OFPC Inspections. Nothing in this section or in any other provision of this local law shall supersede, limit, or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control ("OFPC") and the New York State Fire Administrator or other authorized entity under Executive Law section 156-e and Education Law section 807-b.

Notwithstanding any other provision of this section to the contrary, the Code Enforcement Officer may accept an inspection performed by the Office of Fire Prevention and Control or other authorized entity pursuant to sections 807-a and 807-b of the Education Law and/or section 156-e of the Executive Law, in lieu of a fire safety and property maintenance inspection performed by the Code Enforcement Officer or by an Inspector, provided that:

- (1) the Code Enforcement Officer is satisfied that the individual performing such inspection satisfies the requirements set forth in 19 NYCRR section 1203.2(e);**
- (2) the Code Enforcement Officer is satisfied that such inspection covers all elements required to be covered by a fire safety and property maintenance inspection;**
- (3) such inspections are performed no less frequently than once a year;**
- (4) a true and complete copy of the report of each such inspection is provided to the Code Enforcement Officer; and**
- (5) upon receipt of each such report, the Code Enforcement Officer takes the appropriate action prescribed by section 17 (Violations) of this local law.]**

(e) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid prior to or at the time each inspection performed pursuant to this section. This subdivision shall not apply to inspections performed by OFPC.

SECTION 12. COMPLAINTS

The Code Enforcement Officer shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this local law, or any other local law, ordinance or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code. The process for responding to a complaint shall include such of the following steps as the Code Enforcement Officer may deem to be appropriate:

- (a) performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;
- (b) if a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to

TOWN OF SHERIDAN ZONING ORDINANCE

abate, correct or cure the violation, or otherwise proceeding in the manner described in section 17 (Violations) of this local law;

(c) if appropriate, issuing a Stop Work Order;

(d) if a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

SECTION 13. CONDITION ASSESSMENTS OF PARKING GARAGES.

(a) Definitions. For the purposes of this section:

(1) the term “condition assessment” means an on-site inspection and evaluation of a parking garage for evidence of deterioration of any structural element or building component of such parking garage, evidence of the existence of any unsafe condition in such parking garage, and evidence indicating that such parking garage is an unsafe structure;

(2) the term “deterioration” means the weakening, disintegration, corrosion, rust, or decay of any structural element or building component, or any other loss of effectiveness of a structural element or building component;

(3) the term “parking garage” means any building or structure, or part thereof, in which all or any part of any structural level or levels is used for parking or storage of motor vehicles, excluding:

(i) buildings in which the only level used for parking or storage of motor vehicles is on grade;

(ii) an attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and

(iii) a townhouse unit with attached parking exclusively for such unit;

(4) the term “professional engineer” means an individual who is licensed or otherwise authorized under Article 145 of the Education Law to practice the profession of engineering in the State of New York and who has at least three years of experience performing structural evaluations;

(5) the term “responsible professional engineer” means the professional engineer who performs a condition assessment, or under whose supervision a condition assessment is performed, and who seals and signs the condition assessment report. The use of the term “responsible professional engineer” shall not be construed as limiting the professional responsibility or liability of any professional engineer, or of any other licensed professional, who participates in the preparation of a condition assessment without being the responsible professional engineer for such condition assessment.

(6) the term “unsafe condition” includes the conditions identified as “unsafe” in section 304.1.1, section 305.1.1, and section 306.1.1 of the PMCNYS; and

(7) the term “unsafe structure” means a structure that is so damaged, decayed, dilapidated, or structurally unsafe, or is of such faulty construction or unstable foundation, that partial or complete collapse is possible.

(b) Condition Assessments – general requirements. The owner operator of each parking garage shall cause such parking garage to undergo an initial condition assessment as described in subdivision (c) of this section, periodic condition assessments as described in subdivision

TOWN OF SHERIDAN ZONING ORDINANCE

(d) of this section, and such additional condition assessments as may be required under subdivision (e) of this section. Each condition assessment shall be conducted by or under the direct supervision of a professional engineer. A written report of each condition assessment shall be prepared, and provided to the Town, in accordance with the requirements of subdivision (f) of this section. Before performing a condition assessment (other than the initial condition assessment) of a parking garage, the responsible professional engineer for such condition assessment shall review all available previous condition assessment reports for such parking garage.

(c) Initial Condition Assessment. Each parking garage shall undergo an initial condition assessment as follows:

(1) Parking garages constructed on or after August 29, 2018, shall undergo an initial condition assessment following construction and prior to a certificate of occupancy or certificate of compliance being issued for the structure.

(2) Parking garages constructed prior to August 29, 2018, shall undergo an initial condition assessment as follows:

(i) if originally constructed prior to January 1, 1984, then prior to October 1, 2019;

(ii) if originally constructed between January 1, 1984 and December 31, 2002, then prior to October 1, 2020; and

(iii) if originally constructed between January 1, 2003 and August 28, 2018, then prior to October 1, 2021.

(3) Any parking garage constructed prior to the effective date of the local law enacting this provision that has not undergone an initial condition assessment prior to that effective date shall undergo an initial condition assessment prior to six (6) months after the effective date of this local law.

(d) Periodic Condition Assessments. Following the initial condition assessment of a parking garage, such parking garage shall undergo periodic condition assessments at intervals not to exceed three (3) years.

(e) Additional Condition Assessments.

(1) If the latest condition assessment report for a parking garage includes a recommendation by the responsible professional engineer that an additional condition assessment of such parking garage, or any portion of such parking garage, be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of this section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of such parking garage identified by the responsible professional engineer) to undergo an additional condition assessment no later than the date recommended in such condition assessment report.

(2) If the **Town** becomes aware of any new or increased deterioration which, in the judgment of the **Town**, indicates that an additional condition assessment of the entire parking garage, or of the portion of the parking garage affected by such new or increased deterioration, should be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of this section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of the parking garage affected by such new or increased deterioration) to undergo an additional condition assessment no later than the date determined by the **Town** to be appropriate.

TOWN OF SHERIDAN ZONING ORDINANCE

(f) Condition Assessment Reports. The responsible professional engineer shall prepare, or directly supervise the preparation of, a written report of each condition assessment, and shall submit such condition assessment report to the **Town** within **30 days**. Such condition assessment report shall be sealed and signed by the responsible professional engineer, and shall include:

- (1) an evaluation and description of the extent of deterioration and conditions that cause deterioration that could result in an unsafe condition or unsafe structure;
- (2) an evaluation and description of the extent of deterioration and conditions that cause deterioration that, in the opinion of the responsible professional engineer, should be remedied immediately to prevent an unsafe condition or unsafe structure;
- (3) an evaluation and description of the unsafe conditions;
- (4) an evaluation and description of the problems associated with the deterioration, conditions that cause deterioration, and unsafe conditions;
- (5) an evaluation and description of the corrective options available, including the recommended timeframe for remedying the deterioration, conditions that cause deterioration, and unsafe conditions;
- (6) an evaluation and description of the risks associated with not addressing the deterioration, conditions that cause deterioration, and unsafe conditions;
- (7) the responsible professional engineer's recommendation regarding preventative maintenance;
- (8) except in the case of the report of the initial condition assessment, the responsible professional engineer's attestation that he or she reviewed all previously prepared condition assessment reports available for such parking garage, and considered the information in the previously prepared reports while performing the current condition assessment and while preparing the current report; and
- (9) the responsible professional engineer's recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed. In making the recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed, the responsible professional engineer shall consider the parking garage's age, maintenance history, structural condition, construction materials, frequency and intensity of use, location, exposure to the elements, and any other factors deemed relevant by the responsible professional engineer in their professional judgment.

(g) Review Condition Assessment Reports. The Town shall take such enforcement action or actions in response to the information in such condition assessment report as may be necessary or appropriate to protect the public from the hazards that may result from the conditions described in such report. In particular, but not by way of limitation, the Town shall, by Order to Remedy or such other means of enforcement as the Town may deem appropriate, require the owner or operator of the parking garage to repair or otherwise remedy all deterioration, all conditions that cause deterioration, and all unsafe conditions identified in such condition assessment report pursuant to paragraphs (2) and (3) of subdivision (f). All repairs and remedies shall comply with the applicable provisions of the Uniform Code. This section shall not limit or impair the right of the Town to take any other enforcement action, including but not limited to suspension or revocation of a parking garage's operating permit, as may be necessary or appropriate in response to the information in a condition assessment report.

(h) The Town shall retain all condition assessment reports for the life of the parking garage. Upon request by a professional engineer who has been engaged to perform a condition

TOWN OF SHERIDAN ZONING ORDINANCE

assessment of a parking garage, and who provides the Town with a written statement attesting to the fact that he or she has been so engaged, the Town shall make the previously prepared condition assessment reports for such parking garage (or copies of such reports) available to such professional engineer. The Town shall be permitted to require the owner or operator of the subject parking garage to pay all costs and expenses associated with making such previously prepared condition assessment reports (or copies thereof) available to the professional engineer.

(i) This section shall not limit or impair the right or the obligation of the Town:

(1) to perform such construction inspections as are required by section 5 (Construction Inspections) of this local law;

(2) to perform such periodic fire safety and property maintenance inspections as are required by section 11 (Fire Safety and Property Maintenance Inspections) of this local law; and/or

(3) to take such enforcement action or actions as may be necessary or appropriate to respond to any condition that comes to the attention of the Town by means of its own inspections or observations, by means of a complaint, or by any other means other than a condition assessment or a report of a condition assessment.

SECTION 14. CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA.

(a) The Code Enforcement Officer shall determine the climatic and geographic design criteria for buildings and structures constructed within this Town as required by the Uniform Code. Such determinations shall be made in the manner specified in the Uniform Code using, where applicable, the maps, charts, and other information provided in the Uniform Code. The criteria to be so determined shall include but shall not necessarily be limited to, the following:

(1) design criteria to include ground snow load; wind design loads; seismic category; potential damage from weathering, frost, and termite; winter design temperature; whether ice barrier underlayment is required; the air freezing index; and the mean annual temperature;

(2) heating and cooling equipment design criteria for structures within the scope of the RCNYS. The design criteria shall include the data identified in the Design Criteria Table found in Chapter 3 of the RCNYS; and

(3) flood hazard areas, flood hazard maps, and supporting data. The flood hazard map shall include, at a minimum, special flood hazard areas as identified by the Federal Emergency Management Agency in the Flood Insurance Study for the community, as amended or revised with:

(i) the accompanying Flood Insurance Rate Map (FIRM);

(ii) Flood Boundary and Floodway Map (FBFM); and

(iii) related supporting data along with any revisions thereto.

(b) The Code Enforcement Officer shall prepare a written record of the climatic and geographic design criteria determined pursuant to subdivision (a) of this section, shall maintain such record within the office of the Code Enforcement Officer, and shall make such record readily available to the public.

TOWN OF SHERIDAN ZONING ORDINANCE

SECTION 15. RECORD KEEPING.

(a) The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:

- (1) all applications received, reviewed and approved or denied;
- (2) all plans, specifications and construction documents approved;
- (3) all Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Stop Work Orders, and Operating Permits issued;
- (4) all inspections and tests performed;
- (5) all statements and reports issued;
- (6) all complaints received;
- (7) all investigations conducted;
- (8) all condition assessment reports received;
- (9) all fees charged and collected; and
- (10) all other features and activities specified in or contemplated by sections 4 through 14, inclusive, of this local law.

(b) All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by State law and regulation.

SECTION 16. PROGRAM REVIEW AND REPORTING

(a) The Code Enforcement Officer shall annually submit to the Town Board of this Town a written report and summary of all business conducted by the Code Enforcement Officer and the Inspectors, including a report and summary of all transactions and activities described in section 14 (Record Keeping) of this local law and a report and summary of all appeals or litigation pending or concluded.

(b) The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of this Town, on a form prescribed by the Secretary of State, a report of the activities of this Town relative to administration and enforcement of the Uniform Code.

(c) The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, true and complete copies of the records and related materials this Town is required to maintain; true and complete copies of such portion of such records and related materials as may be requested by the Department of State; and/or such excerpts, summaries, tabulations, statistics, and other information and accounts of its activities in connection with administration and enforcement of the Uniform Code and/or Energy Code as may be requested by the Department of State.

SECTION 17: VIOLATIONS

(a) Orders to Remedy. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this local law. An Order to Remedy shall be in writing; shall be dated and signed by the Code Enforcement Officer; shall specify the condition or activity that violates the Uniform Code, the Energy Code, or this local law; shall specify the provision or provisions of the Uniform Code, the Energy Code, or this local law which is/are violated by the specified condition or activity; and shall include a statement substantially similar to the following:

“The person or entity served with this Order to Remedy must completely remedy each violation described in this Order to Remedy by _____ [specify date], which is thirty (30) days after the date of this Order to Remedy.”

The Order to Remedy may include provisions ordering the person or entity served with such Order to Remedy (1) to begin to remedy the violations described in the Order to Remedy immediately, or within some other specified period of time which may be less than thirty (30) days; to continue diligently to remedy such violations until each such violation is fully remedied; and, in any event, to complete the remedying of all such violations within thirty (30) days of the date of such Order to Remedy; and/or (2) to take such other protective actions (such as vacating the building or barricading the area where the violations exist) which are authorized by this local law or by any other applicable statute, regulation, rule, local law or ordinance, and which the Code Enforcement Officer may deem appropriate, during the period while such violations are being remedied. The Code Enforcement Officer shall cause the Order to Remedy, or a copy thereof, to be served on the owner of the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy. The Code Enforcement Officer shall be permitted, but not required, to cause the Order to Remedy, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

(b) Appearance Tickets. The Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code.

(c) Penalties. In addition to such other penalties as may be prescribed by State law,

(1) any Person who violates any provision of this local law or any term, condition, or provision of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be punishable by a fine of not more than \$250. per day of violation, or imprisonment not exceeding 10 days, or both; and

(2) any Person who violates any provision of the Uniform Code, the Energy Code or this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be liable to pay a civil penalty of not more than \$250.00 for each

TOWN OF SHERIDAN ZONING ORDINANCE

day or part thereof during which such violation continues. The civil penalties provided by this paragraph shall be recoverable in an action instituted in the name of this Town.

(d) Injunctive Relief. An action or proceeding may be instituted in the name of this Town, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit, Order to Remedy, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this local law, or any Stop Work Order, Order to Remedy or other order obtained under the Uniform Code, the Energy Code or this local law, an action or proceeding may be commenced in the name of this Town, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Town Board of this Town.

(e) Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in subdivision (2) of section 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in subdivision (2) of section 382 of the Executive Law.

SECTION 18: FEES

A fee schedule shall be established by resolution of the Town Board of this Town. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of Building Permits, amended Building Permits, renewed Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Operating Permits, fire safety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this local law.

SECTION 19. INTERMUNICIPAL AGREEMENTS

The Town Board of this Town may, by resolution, authorize the Supervisor of this Town to enter into an agreement, in the name of this Town, with other governments to carry out the terms of this local law, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

TOWN OF SHERIDAN ZONING ORDINANCE

SECTION 20. PARTIAL INVALIDITY

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

SECTION 21. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

I hereby certify that the local law annexed hereto, designated as local law No. of 2022 of the Town of Sheridan was duly passed by the Town Board of the Town of Sheridan on , 2022, in accordance with the applicable provisions of law.
(Seal)

Rebecca Schafer
Clerk of the Town of Sheridan

Date: _____

Town of Sheridan Local Law No.# 1-2023

Section 1 Title

- 1.1 This local Law shall be known as and shall be cited as Local Law No. 1 -2023 requiring property owners to obtain a Short-Term Rental Permit from the Town of Sheridan in order to continue or commence operation of a Short-Term Rental property.

Section 2 Authorization

- 2.1 The adoption of this local Law is in accordance with §264 of New York's Town Law and §10 of the New York Municipal Home Rule Law.

Section 3 Legislative Intent and Purpose

- 3.1 The Town recognizes that it would be beneficial for the Town to control and regulate the use of Short-Term Rentals with the Town of Sheridan. The provisions of this section are intended to preserve and protect the health, character, safety, and general welfare of the residential neighborhoods and rural areas where Short-Term Rentals are operated, and to mitigate the adverse effects of Short-Term Rentals.

Section 4 Definitions

- 4.1 As used in this chapter, the following term shall have the meaning indicated herein;
- 4.2 Short-Term Rental- Any portion of real property rented for compensation in exchange for lodging for a period of not more than thirty-one (31) consecutive days. This shall include Airbnb, Home Away, vacation rental by owner (VRBO), private campgrounds, campers, tent sites or tent platforms, and other temporary structures on any parcel in the Town of Sheridan.
- 4.3 For the purpose of this Local Law the term "Short-Term Rental" shall not include a bed-and-breakfast, boarding/lodging house, hotel, motel, or ongoing month-to-month rental units.

Section 5 Districts that allow Short Term Rental Units

- 5.1 Short-Term Rental Units are permitted in the following Districts pursuant to the Town of Sheridan Zoning Ordinance.
- Agricultural-Residential District I (AR-I)
 - Agricultural-Residential District II (AR-II)
 - Recreational District
- 5.2 Short-Term Rental Units are not permitted in the Industrial Districts and not permitted in the Business Districts.

TOWN OF SHERIDAN ZONING ORDINANCE

Section 6 Presumption of Dwelling unit as Short-Term Rental Property

- 6.1 The presence of the following shall create a presumption that all or a part of the property is being used as a Short-Term Rental
- a) All or a part of the property is offered for lease on a short-term rental website or through any form of advertising, word of mouth, or social media for a short-term rental as defined in Section 4 of this Law.
- 6.2 The foregoing presumptions may be rebutted by evidence presented to the Code Enforcement Officer (CEO) that the premises is not operated as a Short-Term Rental.

Section 7 Required Permit

- 7.1 Property owners shall not use their property as a Short-Term Rental without obtaining a revocable Short-Term Rental permit.
- 7.2 A Short-Term Rental Permit shall be valid for two (2) years and must be renewed thirty (30) days prior to expiration of current permit if the premises is to continue to operate as a Short-Term Rental.
- 7.3 The Short-Term Rental permit is not transferable to a new owner. The new owner of the premise subject to a Short-Term Rental permit must file a new permit application.
- 7.4 Notwithstanding the foregoing, those properties with Short-Term Rental commitments existing on the date this Local Law takes effect shall be permitted to honor such existing commitments and continue to make commitments for Short-Term Rentals, but must apply for a permit within 180 days of the Local Law's effective date for all future commitments. In the event such application is denied, all commitments shall be void and cancelled.

Section 8 Short-Term Rental Permit Application Requirements

- 8.1 Applications for a Short-Term rental Permit may be obtained at the Sheridan Municipal Building from the Code Enforcement Officer hereafter known as CEO. Completed forms shall be submitted to the CEO with the payment of a nonrefundable permit fee which is determined periodically by resolution of the Town Board. The application shall include the following;
- A. The application shall be signed by all the owners or their agents.
 - B. A statement authorizing the CEO to inspect the property for compliance with all requirement and standards contained in this local law.

TOWN OF SHERIDAN ZONING ORDINANCE

- C. An acknowledgment of present and ongoing compliance with the Short-Term Rental Standards as stated in the local law, including, but not limited to, the demonstration of adequate off-road parking spaces for the proposed Short-Term Rental premise.
- D. A list of each property owner and the name of any manager or management agency that has control over the property, including names, addresses, telephone numbers, cell phone numbers, and email addresses.
- E. The name, address, telephone number and email address of a contact person who shall be responsible and authorized to act on the owners' behalf to promptly remedy any violation of the standards outlined in this law. The contact person may be an owner, or an agent designated by the owner (s) to serve as a contact person, and shall respond to any correspondence or concerns from the CEO within 24 hours.
- F. An accurate floor plan for each level of the dwelling measuring at least 8.5 x 11 inch, on graph paper, drawn to scale and certified by the applicant. The floor plan does not need to be prepared by a professional, but shall include the following;

Site Plan with location of all structures and required parking spaces

Basement/Utility rooms- location of house utilities such as heating/cooling units, domestic hot water, laundry rooms, etc. and any other spaces in this level to include windows, smoke and carbon monoxide detectors, stairs, and exits.

All other levels of the premise on a separate sheet of graph paper showing all rooms and spaces including but not limited to kitchens, living rooms, studies, bathrooms, including windows, stairs, exits, fire extinguishers, and smoke/carbon monoxide detectors.

- G. A statement that none of the owners of the subject property have had a Short-Term Rental permit revoked with the previous year for any rental properties owned individually or together with others.
- 8.2 All completed applications are subject to a floor plan review and approval by the CEO
- 8.3 Property owners wishing to apply for a variance relating to sleeping capacity, parking capacity, or other standards in this law must petition the Zoning Board of Appeals hereafter known as the ZBA.

Section 9 Short-Term Rental Standards and Property Requirements

- 9.1 The property must be in compliance with the current NYS Uniform Fire Prevention and Building Code hereafter known as the NYS Uniform Code.
- 9.2 Pursuant to the NYS Fire Code there shall be one working smoke detector in each sleeping room and one additional smoke detector on each level of the dwelling unit. Carbon monoxide detectors shall be installed as required by the NYS Uniform Code.
- 9.3 Evacuation procedures showing exit routes must be posted in each sleeping room and shall be followed in the event of a fire or smoke condition or upon activation of a fire or smoke detecting or other alarm device.
- 9.4 There shall be an ABC fire extinguisher on each floor mounted on a wall near the main exit/entrance door or stairway. Fire extinguishers shall be inspected prior to a renter occupying the property and no less than monthly by the permit holder (s) to ensure each contains a full charge. A record of the date inspected shall be maintained and made available to the CEO upon request.
- 9.5 The house address shall be located at the road using the approved reflective signage and, on the dwelling, clearly visible from the driveway.
- 9.6 Exterior doors shall be operational and all passageways to exterior doors shall be clear and unobstructed.
- 9.7 Electrical systems shall be in good operating condition, panels shall be labeled, and unobstructed. Any defects found shall be corrected prior to permit issuance.
- 9.8 All fireplaces and solid fuel burning devices shall be in compliance with the NYS Uniform Code.
- 9.9 The property must have a minimum of one (1) off-road parking space for every bedroom shown on the floor plan application.
- 9.10 Maximum occupancy for each Short-Term Rental Unit shall not exceed two (2) people per bedroom as shown on the floor plan and two (2) people per minimum full size convertible sleeping accommodation furniture (i.e., futon, hide-a-bed, air mattress, etc.). The maximum occupancy of a Short-Term Rental Unit shall not exceed twelve (12) people, including permanent residents and other renters.
- 9.11 In the event the property has a septic system, the maximum occupancy shall be defined by the capabilities of the septic system, but in no event shall overnight occupancy exceed twelve (12) people total.
- 9.12 A septic system must be in compliance with the Chautauqua County Sanitary Code.

TOWN OF SHERIDAN ZONING ORDINANCE

- 9.13 The septic system must have been pumped within the past four years and proof of such shall be available to the CEO. Upon approval for a Short-Term Rental Unit the septic system must be pumped at least once every four years.
- 9.14 The water supply system must meet all NY State and County Health Department Standards.
- 9.15 One sign identifying the Short-Term Rental shall be allowed measuring not more than thirty-two square feet. The sign may be double-sided but not internally lighted. The location, design, and dimensions of the sign shall be reviewed and approved by the CEO prior to issuance of the permit. If signage is desired after a permit has been issued, the Short-Term Rental permit holder must submit a request for review and approval to the CEO prior to installation. If the property has vehicular access on more than one road, there may one sign fronting on each road.

Section 10 Insurance Standards

- 10.1 All applicants and permit holders must provide “Proof of Property Insurance” and a “Certificate of Liability Insurance” showing the premises is rated as a Short-Term Rental and maintain such insurance throughout the term of the permit.

Section 11 Garbage Removal

- 11.1 Provisions shall be made for weekly garbage removal during rental periods. Garbage containers shall be secured with tight-fitting covers at all times to prevent leakage, spilling or odors, and placed where they are not clearly visible from the road except at approximate pickup time.

Section 12 Domestic Pets

- 12.1 Owners/operators shall be liable for any dogs, cats, or other pets or animals that are on the premise as a result of the short-term rental operation. This standard shall include providing for the safety of all persons, the prevention of trespass to neighboring properties, and the maintenance of proper pet sanitation.

Section 13 Rental Contract

- 13.1 All applicants and permit holders must have a rental contract, which includes the following;
 - A. Maximum property occupancy
 - B. Maximum on-site parking provided, and
 - C. Good Neighbor Statement that requires renters to comply with the following standards during their stay;

TOWN OF SHERIDAN ZONING ORDINANCE

1. The Short-Term Rental property is in a residential area and renters must be considerate of the residents in neighboring homes.
2. Guests are requested to observe quiet hours from 11:00 PM to 7:00 AM
3. All renters will be subject to New York Penal Law §240.20 PL statute regarding disorderly conduct.
4. Littering is illegal, and
5. Recreational campfires must be attended at all times and extinguished after use.

Section 14 Procedure upon Filing Application

- 14.1 Short-Term Rental permit applications shall be filed with the CEO with all supporting documentation and the nonrefundable permit fee. The CEO may decline to accept an application for consideration for any of the following reasons:
- A The application is not complete and or the fee is not paid in full;
- B A previously issued Short-Term Rental permit was revoked within the past year and the violations, deficiencies, or defects had not been corrected or inspected by the CEO.
- 14.2 Upon receipt of a completed Short-Term Rental permit application, adjacent property owners shall be notified of the pending application.
- 14.3 The CEO shall have 30 days to conduct a property inspection and determine if the property is in compliance with the Short-Term Rental standards as adopted in this local law.
- 14.4 Short-Term Rental permits shall contain the following information;
- a) The names, addresses, and phone numbers of each person or entity that has an ownership interest in the property.
 - b) The name, address, and phone number of a primary contact person who is responsible for the management of the rental property.
 - c) The maximum occupancy and number of vehicles permitted on site;
 - d) Any conditions imposed by the ZBA and or the CEO

Section 15 Conformity and Display of Permit

- 15.01 Short-term Rental permits are subject to continued compliance with the requirements of these regulations;
- a) If the CEO has probable cause to believe the property is in violation of the Short-Term Rental Standards/Regulations or a complaint is filed from a renter, neighbor, or citizen the CEO may request permission from an owner to enter the premises/property to conduct an inspection for the purposes of ensuring compliance with the standard of the

TOWN OF SHERIDAN ZONING ORDINANCE

local law. The findings of this inspection shall be used to determine if the permit needs to be revoked.

- b) The contact information, parking spaces provided, and maximum occupancy shall be posted inside near the main entrance and shall be kept current.

Section 16 Application for permit renewals

16.1 Permit renewal may be granted for a 2-year term if the following conditions are met:

- a) Application for renewal of the Short-Term Rental permit shall be made thirty (30) days prior to the expiration of current permit and requires payment of renewal fee.
- b) The owner or designated agent must present the renewal application
- c) The property must have undergone an inspection performed by the CEO and any violations must be remedied prior to renewal of the permit.

Section 17 Compliance and Remedies

17.1 Short-Term Rental permits issued pursuant to this Local Law shall be subject to enforcement and penalties prescribed herein.

17.2 Upon the receipt of a written complaint of an alleged violation of this Local Law the CEO shall investigate the complaint as soon as practical and generate a report on the findings of the investigation. The CEO shall notify the owners of record of the rental property describing the complaint and the findings of the investigation. The CEO may take any or all of the following actions:

A. Suspend the Short-Term Rental Permit for the following reasons;

Applicant has falsified or failed to provide information in the application for a permit or permit renewal.

Applicant has failed to meet or comply with any of the requirements of this Local Law.

Owner is in violation of any provisions of the Zoning Ordinance of the Town of Sheridan.

Any conduct on the premises, which disturbs the health, safety, peace, or comfort of the neighborhood or which otherwise creates a public nuisance.

The premise is in violation of the New York Uniform Code.

Any notice of suspension shall be provided to the property owner and a copy filed with the Town Clerk

TOWN OF SHERIDAN ZONING ORDINANCE

- B. Require corrective action that remedies the violation (s). The corrective action must be completed in the time frame cited in the violations.
- C. Issue a court appearance ticket for violation of Town Law.
- D. Revoke the Short-Term Rental Permit. Should a permit be revoked, all owners of the property are prohibited from obtaining another permit on the property for one (1) year after the date of revocation. The CEO shall send notice of revocation to the property owners and shall file a copy with the Town Clerk.

Section 18 Violations and Penalties

- 18.1 Any violation of any provision of this Local Law shall be punishable by penalty or a term of imprisonment as prescribed in Section 268 of the Town Law of the State of New York State Law.
- 18.2 Notwithstanding the above the Town Board of the Town of Sheridan hereby reserves the right to proceed to enforce the provisions of this Local Law by civil action, injunction, and any other remedy afforded to it under the laws of the State of New York.

Section 19 Appearance Tickets

- 19.1 The CEO shall have the authority to issue appearance tickets for violations of this Local Law or any violation of the Uniform Code pursuant to due process.

Section 20 Variance Provision

- 20.1 The Zoning Board of the Town of Sheridan shall have the authority to consider and grant a variance from the requirements under this Local Law as determined for good cause shown at a public hearing held at the convenience of the ZBA.
- 20.2 The fee for a variance request shall be consistent with the fee schedule of the Town of Sheridan Zoning Ordinance.
- 20.3 The property owner is entitled to appeal the CEO's determination regarding the denial or revocation of the Short-Term Rental application to the Zoning Board of Appeals showing good cause for the objection at a public hearing at the convenience of the ZBA.
- 20.4 The fee for such an appeal shall be consistent with the fee schedule of the Town of Sheridan Zoning Ordinance.
- 20.5 A notice of appeal may be filed with the CEO within 60 days of the denial or revocation and a hearing shall be scheduled not more that 45 days after the filing of the appeal.

TOWN OF SHERIDAN ZONING ORDINANCE

Section 21 Fee Schedules

- 21.1 A fee schedule shall be established by resolution of the Town Board of this Town and may thereafter be amended from time to time by resolution. The fees shall include the fee to establish a short-term rental unit, to renew existing short-term rental units, variance requests to the ZBA, and other fees as deemed appropriate by the Town Board.

Section 22 Validity and Severability

- 22.1 Should any word, section, clause, paragraph, sentence, or provision of this local law be declared invalid by a Court of competent jurisdiction, such determination shall not affect the validity of any other part hereof.

Section 23 Repeal, Amendment, and Suppression of other Laws.

- 23.1 All other ordinance and local laws of the Town of Sheridan which are in conflict with the provisions of this local law are hereby superseded or repealed to the extent necessary to give this local law force and effect during its effective period.

Section 24 Effective Date

- 24.1 This Local Law shall take effect upon filing in the office of the New York State Secretary of State.