

**LAND USE REGULATIONS**  
**FOR THE TOWN OF WESTFORD**  
**OTSEGO COUNTY, NEW YORK**

**April 1994**

*Adopted January, 1995 By Westford Town Board*

Town of Westford

MASTER PLAN

The Town of Westford, in the interest of public health, welfare and safety, seeks to encourage development and growth compatible to its rural character. Maps will be utilized to demarcate two hamlets (Westford and Westville) and a residential/agricultural district, and to identify and protect historical landmarks, special vistas, and natural resources; especially agricultural lands, clean air and clean water.

The Town of Westford's environment is planned to be maintained through orderly and beneficial development, with attention to land use, individual, industrial and business uses, and buildings, residences and farms.

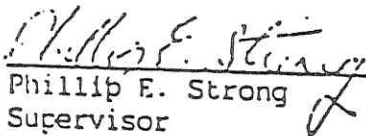
Incompatible uses will be discouraged. The development of property for the enhancement of property values is accordance with the town's best interests will be encouraged.

APPROVED June 20, 1988 (Statement and Overlay and Map #1, Hamlets and  
TOWN OF WESTFORD PLANNING BOARD Agricultural-Residential District)  
PO Box 134 Westford NY 13488



Elmer C. Mathews, Clerk  
of the Board

APPROVED, WESTFORD TOWN BOARD  
May 5, 1989



Phillip E. Strong  
Supervisor

**LAND USE ORDINANCE FOR THE TOWN OF WESTFORD**

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LAND USE ORDINANCE FOR THE TOWN OF WESTFORD

ARTICLE 1 ENACTMENT, TITLE AND PURPOSE

Section 1.1 Enactment

The Town Board of the Town of Westford in the County of Otsego, on this \_\_\_\_\_ day of January, 1995 under the authority of Section 261 of Article 16 of Chapter 62 of the Consolidated Laws of the State of New York, hereby ordains and enacts the following regulations, with appendix and accompanying map.

Section 1.2 Title

This ordinance shall be known as the Town of Westford Land Use Ordinance.

Section 1.3 Purposes in View

This ordinance is designed to lessen congestion on the roads and in the streets; to secure safety from fire, flood, panic and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent overcrowding of the land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water sewerage, schools, parks and other public requirements. This ordinance is made with reasonable consideration of the character of the various districts, and their peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the town.

Section 1.4 Application of Regulations

Except as hereinafter provided, no building structure or land shall hereafter be used or occupied and no building or structure or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified. No part of a yard or other open space, or of any parking or loading area 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, or parking or loading area similarly required for another building.

ARTICLE 2 DISTRICTS

Section 2.1 Establishment of Districts and Map

- a. For the purposes described in Section 1.3 of this ordinance, the Town of Westford is hereby divided into the following districts:

1. To be initially established:

RA Residence-Agriculture District  
R-HD Residential Hamlet District

2. Floating Districts. To be established upon application. See Appendix A, Section 5.0.

G-B General Business District (outside the hamlets)  
MHP Mobile Home Park District (outside the hamlets)  
PDD Planned Development District

- b. The boundaries of the districts are shown on the Official Town Land Use Map, a copy of which is attached and hereby made a part of this ordinance. The land use map may from time to time be amended in the same manner as any amendment to this ordinance. The Town clerk may from time to

time publish copies of the map provided such copies bear the following notice: "This copy of the Official Town Land Use Map contains amendments adopted through the date shown hereon, and the user hereof shall consult the map on file with the Town Clerk for any subsequent amendments."

### Section 2.2 Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of any of the aforementioned districts as shown on the Official Town Map, the following rules of interpretation shall be used:

- a. Where district boundaries are indicated as approximately following the centerlines or rights-of-way lines of roads, highways; railroads; public utility easements; water course; town boundaries; property lines; or lot lines, said boundaries shall be construed to be coincident with such lines or projections thereof.
- b. Where district boundaries are indicated as being approximately parallel to any of the features described in Section 2.2a, said boundaries shall be construed as being parallel thereto and at such distances as are indicated on the Official Town Land Use Map or as shall be determined by the use of the scale.
- c. Wherever any feature described in Section 2.2a is depicted on the Official Town Land Use Map but such depiction varies from the actual location observed in the field and indicated by a physical feature, monument or mark, such physical feature, monument or mark shall be considered as being the reference point in determining a district boundary.

### Section 2.3 Lots in More than One District

Where a district boundary line divides a lot in single or joint ownership at the time such line is adopted, the regulations for the less restricted portion of such may extend to the more restricted portion.

## **ARTICLE 3 DISTRICT REGULATIONS**

### Section 3.1 RA - Residence-Agriculture District

The following regulations shall apply in all RA districts:

- a. Permitted Uses:
  1. One family dwellings
  2. Two family dwellings
  3. Farms and agricultural uses, including temporary stands for the sale of agricultural products grown on the premises
  4. Places of worship, schools, parks and playgrounds
  5. Forest Management Areas
  6. Accessory uses to any permitted use
  7. Apartment buildings
  8. Mobile homes
- b. Uses permitted upon issuance of a Special Permit by the Westford Planning Board:
  1. Places of outdoor public assembly or amusement
  2. Home occupations
  3. Camps, campgrounds, including travel trailer parks

c. Lot Area, Yard and Height Regulations:

1. Minimum lot area - 3 acres.
2. Minimum frontage on a public highway or private road - 200 ft.
3. Minimum front yard setback - 75 ft.
4. Minimum side yard width - 25 ft.
5. Minimum rear yard depth - 50 ft.
6. Maximum building height - 35 ft.

d. Special Regulations:

1. Building Permits shall be required for all new construction from the County Code Enforcement Officer
2. Uses permitted under Sections 3.1b1 and 3.1b3 shall be subject to the site plan requirements of this ordinance
3. No building permit required under \$10,000 (See Appendix A, Section 2.2)

Section 3.2 R-HD - Residential Hamlet District

The following regulations shall apply in all R-HD Districts:

a. Permitted Uses:

1. One family dwellings
2. Two family dwellings
3. Accessory uses

b. Uses permitted upon issuance of a Special Permit from the Planning Board:

1. Retail sale of merchandise wholly within a building
2. Barber shops, beauty parlors, laundromat, shoe repair shop
3. Business and professional offices
4. Banks, insurance, real estate, savings and loan offices
5. Hotels, motels, tourist homes, restaurants
6. Public offices, public service and public utility facilities
7. Apartments
8. Retail sale of fuels

c. Lot Area, Yard and Height Regulations:

1. Minimum Lot Area - 1/2 acre or approximately 20,000 sq. ft. per dwelling unit plus 3 sq. ft. for every sq. ft. of floor area of non-residential use, other than accessory uses, whichever is greater
2. Minimum frontage on a public street - 50 ft.
3. Minimum front yard setback - 35 ft.
4. Minimum side yard width - 10 ft.
5. Minimum rear yard depth - 30 ft.
6. Maximum building height - 30 ft.

d. Special Regulations:

1. Building permits shall be required from the County Code Enforcement Officer for all new construction over \$10,000. Construction over \$500 requires a written contract with the builder. (See Appendix A, Section 2.2)
2. All uses permitted under Sections 3.2b shall be subject to the site plan requirements by the Planning Board of this ordinance

## ARTICLE 4 GENERAL REGULATIONS APPLYING TO ALL DISTRICTS

### Section 4.1 Prohibited Uses

Uses not specifically permitted under Article 3 of this ordinance are prohibited, except that the Planning Board may find that, within the intent of this ordinance or a specific district, a use is sufficiently similar to a permitted use as to be included within the definition of that use.

### Section 4.2 Principal Buildings Per Lot

There shall be only one principal building per lot, except that where a sufficiently large parcel exists in single ownership, several principal buildings or uses may be established provided each structure has an identifiable land area which satisfies the lot area and yard requirements of the district regulations applying to the district in which it is located. Such identifiable land area shall be shown on any required site plan. No part of any yard or area required for one building or use shall be included as part of this yard or area similarly required for any other building or use.

### Section 4.3 Exceptions to Lot area, Height and Yard Regulations

#### a. Substandard Lots:

Any lot held in single ownership, legally created and recorded before the effective date of this ordinance, whose area, or frontage on a public street is less than the specified minimum lot requirements of this ordinance for the district in which it is located, may be considered as complying with such minimum requirements and no variance for construction of a structure shall be required, provided that:

1. Such lot does not adjoin another undersized lot held in single ownership
2. Such lot has a minimum area sufficient to provide for proper operation of a well and septic tank system, if such are required
3. Minimum required yard widths, or depths shall be reduced to not less than one half those required in the district, but no reduction in the required front yard setback shall be allowed

#### b. Uses and Structures Permitted in Required Yards:

1. The following structures and uses are permitted in any required front yard:
  - a) window sills, bay windows, cornices, eaves and other architectural features, provided the same project less than three (3) ft. into the required yard
  - b) awnings or canopies provided the same project less than six (6) ft. into a required yard
  - c) patios, gardens, terraces, private recreational and open space uses, ornamental sculptures, lawn furniture or any temporary use
  - d) walls and fences of not more than four (4) ft. in height
  - e) driveways and sidewalks
2. The following structures and uses are permitted in any required side or rear yard:
  - a) any structure or use permitted in a required front yard under Section 4.3b1, above
  - b) any accessory building or use, including private parking garages or off-street parking and loading areas, provided any such structures shall be located so that its distance from any lot line is at least equal to its height
  - c) walls and fences of not more than eight (8) ft. in height

- d) porches, whether open or enclosed, provided that they meet the distance requirements for accessory structures in Section 4.3b2(b)
3. Whenever a lot lies within a developed area where structures are located closer to a public highway than permitted under the applicable district regulations, the required front yard setback may be considered as being the average front yard setback of such structures, subject to the following conditions:
- a) there must be a minimum of four existing structures located along the same side of the highway and within 300 ft. of the lot being considered for exemption from part of the front yard setback requirement
  - b) at least one of such existing structures shall be located on either side of said lot
  - c) the road along which said lot has frontage shall not be shown on the Town Official Map, or in the Town Capital Program, as being proposed for widening
  - d) it shall be demonstrated that a reduction of the required front yard setback will not adversely affect access to adjacent properties, increase hazards to public safety, or be incompatible with the existing pattern of development
  - e) it shall be demonstrated that compliance with the required front yard setback will cause an unreasonable restriction upon the development of said lot
  - f) all structures used in determining the average front yard setback shall be located within the same district

#### Section 4.4 Obstructions to Vision on Corner Lots

Within a triangle formed by the street lines of two intersecting streets or highways and a line connecting points on such street lines measured fifty (50) ft. from the point, or projected point, of intersection, no fence, wall, or hedge shall be erected or established except as meets the following criteria:

- a. No fence, wall or hedge shall exceed three (3) ft. in height, measured from the level of the existing or planned crown of the adjacent roadway.
- b. When necessary for public safety or private security, fences of open construction, including but not limited to chain link, wire or metal, may be erected within the aforementioned vision triangle, provided that the Town Highway Superintendent finds that such a fence will not materially obstruct vision or constitute a traffic hazard.
- c. When an intersection has traffic right-of-way continuously controlled by a suitable traffic control device, such that a lesser vision triangle is necessary to provide adequate traffic safety, the Town Highway Superintendent may recommend, and the Town Planning Board may grant a waiver of all or part of the requirements of this section.

#### Section 4.5 Yards on Corner Lots

On a corner lot, any lot line or yard abutting a street shall be considered a front lot line or front yard, and the minimum front yard setback required by the district regulations shall be provided. The owner of such corner lot shall decide which of the remaining yards shall be the rear and side yards.

#### Section 4.6 Performance Standards

All uses in all districts shall be subject to the following regulations:

- a. Vibration: No vibration shall be discernible at lot lines.



- b. Smoke: No emission of smoke which is of a shade equal to or darker than No. 2 on a standard Ringleman Chart as issued by the United States Bureau of Mines, except that visible grey smoke of a shade equal to No. 3 on said chart may be emitted for 4 minutes in any 30 minutes.
- c. Radioactivity or Electrical Disturbance: No activities shall be permitted which emit dangerous radioactivity or electrical disturbance adversely affecting the operation of equipment. All applicable Federal regulations must be complied with.
- d. Fire and Explosion Hazards: All activities involving, and all storage of inflammable and explosive materials, shall be provided with adequate safety devices against hazard of fire and explosion and adequate fire fighting and fire suppression equipment and devices standard in this industry.
- e. Glare: No light shall be erected that is directed onto a public street or any adjacent property in such a way as to create a safety hazard or interfere with the normal use of such adjacent property.
- f. Water Service and Sewage Disposal: No activity shall be permitted which would not meet the water quality and liquid waste disposal standards of the New York State Health Department.
- g. Noise: No activity shall be permitted which produces a sound level of seventy (70) decibels or more as measured on the "A" scale of a standard level meter having characteristics defined by American Standards Association specification S 1.4-1961 "General Purpose Sound Level Meter", such measurement being made at any property line. Church bells, sirens and emergency equipment, and temporary sound equipment for which a permit has been issued by the Town Board shall be exempt from this requirement.

#### Section 4.7 Cluster Development

The Town Planning Board is hereby authorized to modify applicable provisions of this land use ordinance simultaneously with the approval of a subdivision plan or plats. Such authorization shall only apply to subdivision plats for land shown on the Official Town Land Use Map as being included in a district in which a one family dwelling is a permitted use. This authorization is intended to enable and encourage flexibility of design and development of land to promote the most appropriate use of land to facilitate the adequate and economical provision of streets and utilities and to preserve the natural and scenic qualities of open lands. Such authorization shall be subject to the following conditions:

- a. If the owner or subdivider of the land being subdivided desires this modification, he shall make application to the Planning Board at the same time as applying for subdivision approval in accordance with the Town Subdivision Regulations.
- b. The Planning Board, before modifying such requirements, shall find that such modification would be consistent with the intent of this authorization, in conformance with the intent of the Master Plan, and in the Board's judgement, beneficial to the interests of the town and the neighborhood in which the subdivision is located.
- c. The application of this procedure shall result in a permitted number of building lots or dwellings units which in no case shall exceed the number which in the Board's judgement could be permitted if the land were subdivided in conformance with the minimum lot area requirements applicable to the district in which the subdivision is to be located.
- d. If as a result of this procedure lands are made available for common open space or public use, such lands shall be clearly indicated on the subdivision plat and subject to the requirements for maintenance, ownership or dedication set forth in the Town Subdivision Regulations.
- e. The Town Board shall hold a public hearing upon the application for modification of land use requirements prior to the approval thereof, and such hearing may be held simultaneously with the Planning Board hearing upon the preliminary subdivision plat.

- f. On the filing of the plat in the office of the Otsego County Clerk, a copy shall be filed with the Town Clerk who shall make appropriate notations and references thereto in the Land Use Map.
- g. The provisions of this section shall not be deemed to authorize the change in the permissible use of land as provided elsewhere in this ordinance.

#### Section 4.8 Temporary Uses - Town Board

- a. Temporary uses, including signs, advertising said uses may be permitted in any district upon an issuance of a permit therefore issued by the Town Board. Said permit shall specify the location and type of use, any signs permitted to advertise such use, the hours of operation, and the dates between which such temporary use shall be permitted. Such temporary use permits shall not be issued to allow a use for over thirty (30) days, and shall only be issued under the following conditions:
  1. An application for a temporary use permit is made by the owner of the property on which such use is to be located
  2. A sketch of the proposed layout of such temporary use including the approximate location of any buildings, structures, trailers, tents, enclosures, parking areas and signs shall be submitted for review with the permit application, and the use of the site shall be restricted to that which is shown on the application and sketch
  3. Adequate water and sewage disposal facilities shall be provided to accommodate the needs of persons involved in the temporary use. Sufficient information on the number of persons and duration of use shall be provided to the Town Board, who may request the advice and assistance of the New York State Department of Health in determining the number and type of such facilities that may be required.
- b. The requirements of this section shall not apply to the following types of temporary uses:
  1. Private home parties, family gatherings, garage sales or auctions conducted in a private residence or the lawns or yards thereof
  2. Temporary use of a building or structure for a use that would be a conforming use if established permanently
  3. Mobile homes or trailers as otherwise regulated by this ordinance
  4. Roadside stands for the sale of agricultural products grown on the premises provided space is provided for customer cars to park off a highway and its shoulder areas
  5. Temporary election signs are permitted
- c. As a condition to granting a permit for a temporary use, the Town Board may required that a bond be provided by the owner or operator of such use, sufficient to clean and restore the site to a condition at least equal in quality to that which existed before the temporary use was established, should the owner or operator thereof fail to do so. Such cleaning and restoration may include removal of litter, garbage or other solid waste; replacement or stabilization of top soil; removal of debris, equipment or other moveable property; and replacement of ground cover vegetation.

#### Section 4.9 Signs

- a. In all districts, the following types of signs are specifically prohibited:
  1. Signs so located as to restrict vision and impair safety of employees, customers, pedestrians or motorists
  2. Lighting devices or internally lit signs so placed or directed as to permit the illumination therefrom to produce a glare or reflection onto a public street or sidewalk, that constitutes a hazard or nuisance

3. Commercial banners, posters, pennants, ribbons, spinners, streamers, or similar moving, fluttering or revolving devices, whether part of a sign, or used for the purpose of advertising or attracting attention when not a part of a sign
  4. Signs illuminated by or containing flashing intermittent, rotating or moving lights or devices
  5. Signs or sign structures less than three (3) ft. from the ground and more than twelve (12) ft. from the top
  6. Signs offering products or services not available on the premises upon which the sign is located
- b. Except for the following types of signs, no sign shall be erected until a sign permit has been issued by the Planning Board therefore in accordance with this ordinance:
1. Signs identifying the address of a premises
  2. Signs identifying the occupant of a residential structure
  3. One sign identifying any permitted home occupation, provided such sign does not exceed six (6) sq. ft. in area
  4. One sign advertising the sale or rent of the land or building on which it is located, provided such sign does not exceed six (6) sq. ft. in area
  5. Signs identifying the name of a farm
  6. Fire numbers
  7. Posted land
- c. All applications for a sign permit from the Planning Board shall be accompanied by a sketch, or other description providing the following:
1. The type of sign
  2. The location of the sign in relation to existing buildings, roadways, driveways, parking areas, sidewalks or pedestrian paths, telephone and electric poles and lines, and other signs
  3. A description of the sign including its size, advertising content, method of illumination, method of structural support and estimated value. All signs shall be erected or supported to withstand a strong wind.
  4. The date of erection of the sign. If the sign was erected prior to the enactment of this ordinance, the year of erection shall be sufficient.
  5. The name of the owner of the sign and the person responsible for its maintenance
- d. Applications for sign permits shall be reviewed by the Planning Board, who shall only issue a sign permit when the sign is found to be in compliance with this section.
- The Planning Board may make their approval subject to any conditions necessary to reduce any adverse impact of said sign upon neighboring residential property. Such conditions may include, but are not limited to, the size, location, lighting, color or suitability of message for public viewing or means of structural support.
- e. All sign permits shall expire within five (5) years of issuance but may be renewed prior to their expiration. Such renewal application shall require submission of items listed under Section 4.9c, if any change has been made to the sign since the original application. Renewal applications may be approved by the Town Clerk, without review by the Planning Board, whenever the applicant certifies that no change has been made to the sign since issuance of the permit then in force.
- f. Signs which constitute a hazard to public safety by reason of their location or physical condition may be removed by order of the Town Supervisor. If the hazard permits, the person to whom the permit for such sign was issued shall be notified prior to such removal.
- g. The Town Clerk may issue temporary sign permits in conjunction with temporary use permits issued under Section 4.8 of this ordinance, either for a co-terminus period or for thirty (30) days, whichever is greater.

## ARTICLE 5 GENERAL REGULATIONS APPLYING TO SPECIFIC USES

### Section 5.1 Storage of Flammable Liquids

The storage of flammable liquids shall be done in conformance with all applicable regulations of the State of New York, including but not limited to the New York State Uniform Fire Prevention and Building Code and the Department of Environmental Conservation's Regulations for the Bulk Storage of Petroleum.

### Section 5.2 Gasoline Filling Stations (Commercial)

- a. No access driveway or street entrance for a gasoline filling station shall be located within two hundred (200) ft. of and on the same side of the street as a school, public library, theater, church or other place of public assembly, park, playground or fire station.
- b. No fuel pump shall be located closer than fifty (50) ft. to any side or rear lot line, nor closer than twenty (20) ft. to any front lot line.
- c. All repair work shall be performed, and all equipment, supplies, and waste stored, within a structure or enclosed storage yard, so as not to be visible from side or rear lot lines.
- d. No more than two unregistered motor vehicles, and not more than one inoperable registered motor vehicle for each service bay, may be stored on the property of a gasoline filling station. Such vehicles shall be stored in a screened area to reduce visibility from any street or property line.

### Section 5.3 Junk Yards

- a. Within two years of the date of adoption of this ordinance all junk yards, dumps, wrecking yards or places for the collection of waste materials or inoperable equipment shall cease operation and all such materials and equipment be removed or buried, with the following exceptions:
  1. Any yard for the collection of such materials and equipment for the purpose of resale of scrap or salvage of parts, shall be allowed to continue provided that the provisions of this section are satisfied
  2. Whenever the owner of any property upon which such materials or equipment is participating in a removal project sponsored by a public or private agency, and the scheduling of removal operations requires an extension of the time period specified in this section, such time period may be extended an additional six (6) months
- b. Any yard permitted to continue operations under the provisions of Section 5.3a(1) shall conform to the following requirements, regardless of whether or not such use conforms to the district regulations contained in this ordinance.
  1. All such yards, enclosures or areas used for such collection or storage shall be enclosed by a uniform fence at least ten (10) ft. in height screening all the yard from public and neighboring lot owners view and such fence to be maintained in a condition satisfactory to the Town Enforcement Officer and Planning Board
  2. Materials stored and collected shall not be stacked or piled to a height greater than the closest screen fence
  3. Material shall not be collected or stored on a hillside of greater than 10 percent, a flood plain, or adjacent to any stream bed
- c. More than three (3) unlicensed or inoperable road vehicles situated on or about the homestead are not permitted unless a special permit has been obtained from the Planning Board. Such permits are for six (6) months and are renewable.

#### Section 5.4 Mobile Homes and Mobile Home Parks

- a. All mobile homes shall be provided with an adequate water supply and method of sewage disposal, as determined by the standards of the New York State Departments of Health and Environmental Conservation, or the town subdivision regulations.
- b. All mobile homes shall be anchored and located on foundations as required by the building code.
- c. All mobile home parks existing at the time of enactment of this ordinance shall be licensed to insure good performance of health and safety, regardless of conformance to the land use district regulations contained herein, but no mobile home park shall be created or enlarged or licensed unless in conformance with this ordinance. Such license shall be issued for a period of three years, and shall be renewable for an unlimited number of additional three year periods. No license shall be issued until the Town Planning Board has approved a site plan therefore in accordance with the provisions of this ordinance, no license shall be renewed unless the provisions and conditions of such approved site plan are continuously satisfied.
- d. In addition to the other requirements of this ordinance, the following requirements shall be met for all mobile home parks:
  1. All mobile home sites shall be accessible from a service roadway not less than twenty (20) ft. in width
  2. All mobile home sites shall be so located so as to provide a minimum distance of at least twenty (20) ft. between a mobile home located thereon and any part of any adjacent mobile home or service roadway
  3. Off-street parking shall be provided adjacent to every mobile home for use of the residents thereof, said parking to be provided in an amount, and subject to the restrictions and exemptions, applicable to one family dwellings
  4. Every mobile home park shall provide a pond, tank or other suitable water storage of a capacity of at least thirty thousand (30,000) gallons plus two thousand (2,000) gallons for every mobile home in excess of twenty (20), said facility to be provided with a dry hydrant of suitable construction approved by the Otsego County Building Code Enforcement Officer. Such hydrant shall be located within ten (10) ft. of and be readily accessible from a service roadway.
  5. Every mobile home site shall be provided with its own sewer, water, and electrical service, and any occupied mobile home located thereon shall be connected to such utilities
  6. All sewer and water facilities shall be approved by the New York State Health Department or Department of Environmental Conservation as required by state law

#### Section 5.5 Non-Conforming Structures and Uses

- a. Subject to the following conditions, any lawfully erected building or structure, existing at the time of enactment of this ordinance, may be continued although such building or structure does not conform to the provisions of this ordinance.
  1. A non-conforming building may not be enlarged, extended or altered except in conformance with this ordinance, except that repairs not exceeding seventy-five (75) percent of assessed value of the building or structure shall be permitted where such repairs are necessitated by fire, wind, flood or other causes
  2. Any building or structure under construction at the time of enactment of this ordinance may be completed provided a copy of the site development and construction plans therefore are provided to the Town Enforcement Officer and the construction is in conformance with such plans. Such plans shall not be required for dwellings containing fewer than three (3) dwelling units.
  3. Any permitted use may occupy a non-conforming building or portion thereof. Where the design or construction of a non-conforming building is such that it is unsuitable for any conforming use, the Planning Board may issue a special permit to allow the establishment or reestablishment of a non-conforming use in such

structure provided such use is contained wholly within an enclosed structure and meets the performance standards of Section 4.6 of this ordinance

- b. Subject to the following conditions, any lawfully established use of any land, building or structure, existing at the time of enactment of this ordinance, may be continued although such use does not conform to the provisions of this ordinance.
  1. A non-conforming use shall not be enlarged or extended into adjoining land, building or structural areas
  2. Whenever a non-conforming use has been discontinued for a period of two (2) years, such use shall not be reestablished except in conformance with this ordinance or as provided in Section 5.5a(3)
  3. Once changed to a conforming use, no building or land shall revert to a non-conforming use
- c. When a use, building or structure becomes non-conforming as a result of amendment to this ordinance or of the district map made a part thereof, such use shall be subject to the regulations and restriction applicable to a non-conforming use.
- d. When a use, building or structure becomes non-conforming by reason of a decrease in area, required yard, parking or loading facilities, as a result of governmental action including condemnation or acquisition, such use, building or structure shall not be considered a non-conforming use and shall not be subject to the regulations and restrictions applicable thereto.

APPENDICES

WESTFORD LAND USE ORDINANCE

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## APPENDIX A

### SECTION 1.0 DEFINITIONS

#### 1.1 Meaning of Words

Except where specifically defined by this article, all words used in this ordinance shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word "person" includes a corporation as well as an individual; the word "lot" includes the words "plot" and "parcel"; the term "shall" is always mandatory; and the word "used" or "occupied" as applied to any land or building shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied".

#### 1.2 Definitions

Accessory Building: A detached building housing an accessory use.

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

Airport: Any portion of land specifically designed and continually used for the landing and taking off of aircraft.

Alterations: As applied to a building or structure, means a change or rearrangement in the structural parts or in the existing facilities, other than repairs or an enlargement, whether by extending on a side or by increasing height, or the moving from one location or position to another.

Animal Hospital: Structure for the care and treatment of animals.

Architectural or Historical Value: A sum total of style, integrity or originality, antiquity and craftsmanship as they related to structures or buildings. Such buildings to be indicated on overlay to the land use map.

Area Regulations: The regulation of building size, setbacks or yards, parking and loading requirements and similar regulations, but excluding performance standards.

Arrangement: The placement of materials into a harmonious order or into a correct or suitable sequence, relationship or adjustment.

Auto Body Shop: The use of a parcel of land or portion of any parcel of land whether inside or outside a building for the replacement, repair or painting of all or a portion of auto body or bodies.

Auto Showroom: A building for the display and sale of new and second-hand motor vehicles as defined in the Vehicle and Traffic Laws of the State of New York.

Auto-Wrecking Yard: The use of any parcel of land or portion of any parcel for the dismantling, cutting, demolition and burning of automobiles and storage of the same prior to and after completion of said processes.

Basement: That floor of a building which has more than half of its height, measured from floor to ceiling, below the average established curb level or finished grade of the ground adjoining the building. Cellars are included in this definition.

Boarding House: A dwelling in which rooms, with or without board, are offered for rent. Rooming houses and adult homes are included in this definition.



Breweries: A building for the enclosed process of making alcoholic beverages, bottling, packaging and delivery, including the storage of plant owned vehicles.

Building (Noun): Any structure which is permanently affixed to the land and is covered by a roof supported by columns or by walls and intended for shelter, housing, or enclosure of persons, animals or chattels.

Building (Verb): Any action upon a building, structure, or portion thereof which involves, and is limited to the following: construct, erect, relocate, extend, remove, demolish or structurally change.

Building Code: The New York State Uniform Fire Prevention and Building Code. The Code outlines the requirements for safety enforceable for new construction on rehabilitation exceeding 50% of replacement value of a building. Permits and information are obtained prior to construction from the Otsego County Code Enforcement Officer.

Building Coverage: That portion of a parcel occupied by a building as measured by the projection of the outermost walls to ground level. Building coverage is customarily expressed as a percentage of total parcel area.

Building, Front Line of: The line of that face of the building nearest the front line of the lot. This face shall include bay windows, covered porches whether closed or unclosed, or any projections thereof, which are over fifty (50) square feet in floor area.

Building, Height of: The vertical distance from the mean finished grade at the front line of a building to the horizontal projection of the highest structural part of a building.

Building, Principal: A building in which the principal use of the lot, on which it is located, is conducted.

Camp: Any parcel or parcels of land or water on which are located two or more cabins, tents, travel trailers, houseboats or other accommodations of a design or character suitable for seasonal or temporary recreational oriented occupancy regardless of whether such accommodations are actually occupied on a seasonal basis or otherwise.

Camp Ground: A parcel of land used or intended to be used, let or rented for campers or for occupancy by or of trailers, tents or movable or temporary dwellings, rooms or sleeping quarters of any kind.

Car Lot: A parcel of land for public selling or offering for sale of two or more vehicles at any one time.

Channel: A natural or artificial watercourse of perceptible extent with a definite bed and banks to confine and conduct continuously or periodically flowing water.

Cemetery: Land set aside for the burial of human or animal remains.

Church: A building devoted to public worship.

Commercial Use: Businesses intended for the sale of retail goods or personal services; department store; restaurant; secondhand shop; tavern; but excludes gas station, garage, carwash, utility and agriculture.

Commercial Laundry: A building or part of building, not otherwise defined, and used for the cleaning of clothing or household goods for profit.

Common Open Space: An area reserved for use by patrons, customers, residents, or the general public, suitably landscaped and exclusive of building coverage, parking areas or driveways.

Community Centers: A public or private building or structure for community use with no commercial activities being conducted therein.

Condominium: See definition of Dwelling, Multiple.

Day Camp: Land and facilities thereon designed to provide for the daytime care and instruction of people on a seasonal basis.

Developer: Shall mean the legal owner or owners of all of the land proposed to be included in a development proposal. The holder of an option or contract to purchase, a lessee having a remaining term of not less than twenty years, or other person having an enforceable proprietary interest in such land, shall be deemed to be a developer for the purposes of the law.

Dog Kennel: A structure or land used for harboring, sheltering or boarding four or more dogs, over six months of age.

Dump: A lot or part thereof used primarily for the storage or disposal by abandonment, dumping, burying or any other means and for whatever purpose of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or part of vehicles.

Dwelling, Multiple: A building or portion thereof containing three or more dwelling units.

Dwelling, One Family: A detached building containing one dwelling unit. This does not include mobile homes.

Dwelling, Two Family: A detached building containing two dwelling units. This does not include mobile homes.

Dwelling Unit: A building or portion thereof providing complete housekeeping facilities for one family.

Electrical Distribution Substation: A place with or without a building where equipment is assembled or placed and designed to receive energy from a high voltage distribution supply system, so as to convert it to a form suitable for local distribution and to distribute the energy to feeders through switching equipment designed to protect the service from the effects of faults.

External Features: The architectural style and general arrangement of such portion of the exterior of a structure as it is visible from a public way.

Family: One or more persons occupying a dwelling unit and living as a single housekeeping unit.

Farm: Any parcel of land which is in excess of ten (10) acres and used principally for the raising of agricultural products or the keeping of poultry, fowl, livestock, or domestic animals, including necessary farm structures and the storage of farm equipment.

Farming, Farm Use or Occupancy: Any activity customarily carried on upon a farm, such as cultivation of land and animal husbandry.

Farm Pond: As distinguished from swimming pool - any standing body of water used for the purposes of watering livestock, fish pond or wild life marsh.

Fire Pond: Water source for fire fighting purposes.

Floor Area: The sum of the gross horizontal area of the several floors in any building including the basement of a building and its accessory buildings on the same lot, and including the area of roofed porches, roofed terraces, elevator shafts and stairwells (at each floor), attics and floor space used for mechanical equipment (where there is structural head room of seven feet six inches or more). All dimensions shall be measured before exterior faces of walls.

Floor Area Ratio: The total aggregate floor area of all buildings on a lot, divided by the area of such lot.

Funeral Parlor: A building used for preparation and ceremonies connected with the burial and/or cremation of the dead.

Garage, Commercial: Any garage operated for gain, and which is used for storage, repair, sale, greasing, washing, servicing, adjusting, or equipping of motor vehicles and/or for the retail sale of fuel for motor vehicles. Gasoline stations are included in this definition.

Garage, Private: An enclosed space for the storage of one or more motor vehicles and within which space no business activity or industry connected directly or indirectly with motor vehicles is conducted.

Garage Sales: The offering for sale of personal goods at the premises of any property. This definition shall also include, but not be limited to, the following: lawn, porch, barn.

Grade-Mean Finished: The mean finished grade is the average grade level of the ground measured at the front wall of the building.

Highway Right-of-Way: That line which measures the right-of-way of any road and which is established by the town, county or state agency having jurisdiction over the road.

Historic Site or Building: Buildings or sites identified under the Master Plan statement for which an effort will be made to contact and explain to the owner the value of the item to the community and to suggest changes which can be made to the property without violating the character of its historic significance.

Home Occupation: An occupation or profession customarily conducted entirely within a dwelling which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. The office of a physician, dentist, lawyer, architect, engineer, realtor, insurance agent or other professional person who offers skilled services to clients and is not professionally engaged in the purchase or sale of economic goods shall be deemed to be home occupations; and the occupations of seamstress, tailor, child care, barber, beautician, tutoring, the giving of music or dance instruction limited to two pupils at one time and similar occupations shall be deemed to be home occupations. Occupations such as cabinet making, furniture repair, animal hospital or kennel, florist, auto repair shop, vehicle sales, restaurant, tavern, store, funeral home, mortuary or other similar uses shall not be deemed home occupations. Furthermore:

1. No more than one-half of the floor area of the principal building shall be so used for said home occupation;
2. In the conduct of said activity, no more than one person outside of the family residing on the premises shall be employed;
3. In the conduct of such activity, there shall not be any exterior storage of materials or equipment;
4. No exterior sign or display shall be permitted except as provided by appropriate law of the Town of Westford.

Home Owners Association: A contract agreed to by two or more owners of homes in any area that provides regulations for the operation and maintenance of commonly owned facilities and/or open space.

Hospital: Any building whose principal purpose is the diagnosis, treatment or care of human ailments or conditions. Primary care facilities, nursing homes, convalescent homes, clinics and like facilities are included in this definition.

Hotel: A building or any portion thereof, which contains living and sleeping accommodations for transient occupancy and has a common exterior entrance or entrances, and which may also include dining rooms, kitchens, serving rooms, ballrooms and other facilities and services intended primarily for the accommodation of the personal needs of its occupants.

Light Industry: A manufacturing operation and plant which provides its own sewerage and water requirements and is essentially nonpolluting and in operation employs no more than 30 persons on site.

Junk: Anything worn-out or fit to be discarded.

Junk Yard: Any parcel of land including buildings thereon, which is used primarily for the collecting, storage or sale of waste paper, rags, scrap metal or discarded material; or for collecting storage, dismantling or salvaging of machinery or vehicles not in running condition and the sale of parts therefrom. The deposit on a lot of two or more wrecked or broken down vehicles or the major parts thereof for three or more months will be deemed to make the lot a "junk yard".

Landscaping: The act of altering or changing the natural features of a plot of ground (usually around a building) as by adding lawns, trees, bushes, etc. This definition does not include within the term altering such things as maintenance or replacement.

Laundromat: A business premises equipped with individual clothes washing machines and dryers for the use of retail customers.

Laundry Collection Station: A building in which clothes and household goods are collected and returned and services are paid for while actual laundering may occur on separate premises.

Living Area: That area comprised of the enclosed occupied living accommodations within a residence, exclusive of basements, garages, and open porches.

Loading Space: An off-street space, area or berth, with an appropriate means of access to a street or way, intended for the temporary parking of a vehicle while loading or unloading merchandise or materials.

Lot: See Parcel of Land.

Lot Line: The established division line between different parcels of property.

Lot, Corner: A double frontage lot where two or more sides are formed by intersecting street lines or their projections, and the interior angle of said lines is one hundred and thirty-five (135) degrees or less.

Lot, Depth: The mean horizontal distance between the front and rear lot lines measured along the median between the two (2) side lot lines.

Lot, Front Line: The lot line abutting a public street or highway right of way. On corner or double frontage lots, this shall be the smaller of the lot lines abutting such rights-of-way, or the line abutting the street upon which a majority of adjacent lots front, whichever is more appropriate.

Lot, Width: The mean horizontal distance measured at right angles to its depth along the front lot line.

Lumber Yard: A place for the sale of lumber and related products.

Map: The Official Town of Westford Land Use Map.

Master Plan: The officially adopted plan of the Town of Westford.

Mining: The removal of top soil or extraction of petroleum products or natural gas and/or underground minerals such as ores, rock, sand, or gravel, whether by drilling, tunnelling or open pit methods.

Mobile Home: A mobile home is any portable vehicle which is designed to be transported on its own wheels or those of another vehicle; which is used, designed to be used and capable of being used as a detached single family residence; and which is intended to be occupied as permanent living quarters containing one or more of following facilities: sleeping accommodations, a flush toilet, a tub or shower, kitchen facilities, plumbing or electrical connections for attachment to outside systems. This definition of mobile homes includes all additions which are purchased and added thereto or additions made subsequent to installation. This definition does not include modular housing placed on a standard foundation or travel trailer.

Mobile Home Park: Any parcel of land, with or without improvements upon which four (4) or more mobile homes, used for dwelling purposes, are placed.

Modular Home: A housing unit constructed off-site consisting of more than one segment and designed to be permanently anchored to a foundation and to become a fixed part of the real estate, and which meets all the standards of the New York State Building Code.

Motel: A building or series of buildings serving the same functions as a hotel, but providing separate outside entrances to individual or small groups of rooms. The term motel includes auto courts, motor courts, motor inns or lodges, and tourist cabins or courts.

Motor Freight Station: An area or building used primarily for the maintenance and/or storage of trucks, tractor-trailer vehicles, and parts for tractor-trailer vehicles and industrial materials.

Non-Conforming Building: A building or structure existing at the time of enactment of this law or as a result of amendments thereto, which does not conform to the regulations of the township in which it is situated.

Non-Conforming Use: A use of land existing at the time of enactment of this law or as a result of amendments thereto, which does not conform to the regulations of the district or township in which it is situated.

Office Building: A building that is divided into offices, either single or suites, for the transaction of business other than for mercantile or manufacturing purposes where merchandise is on display and offered for sale. Offices used for a professional business or for public or semi-public activities in whole or part are included in this definition.

Ordinary Maintenance and Repair: An action involving painting, roof repair and other similar minor repairs, not including structural alterations or architectural details.

Parcel of Land: Any area of land as described by deed or other written indenture capable of being recorded pursuant to the Laws of the State of New York. Should such deed or written indenture combine descriptions of more than one area of land, whether they be adjoining or separate, each such separately defined area of land shall be a Parcel of Land.

Parking Lot: Any space used for the storage of more than three (3) licensed vehicles on a continuing basis, such space either being for hire or accessory to an existing building or use of land.

Parking Space, Off-Street: An off-street area or berth, with an appropriate means of vehicular access to a street, intended for the temporary storage of vehicles.

Plan: The design of a development, including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, private streets, ways and parking facilities. The phrase "provisions of the plan" when used in these regulations shall mean the written and graphic materials referred to in this definition.

Plat: A plan for developing a piece of undeveloped property.

Plot: See Parcel of Land definition.

Private Swimming Pool: A pool constructed on a parcel of land designed to be used by the occupants of the lot excluding public or club use.

Profession: A vocation, occupation or employment involving labor, skill, education, special knowledge and compensation for profit, but the labor and skill involved is predominantly mental or intellectual, rather than physical or manual.

Public Utility Use: A building, structure or lot used for or in connection with the transmission, distribution or regulation of water, sewer, gas, electric, telephone, or other public utility service.

Public & Semi-Public Use: Land use or buildings under the auspices of a governmental unit, public agency or those involving public benefit or advantage; hospitals, schools, parks and recreational facilities, cemeteries, passenger stations, libraries, fire stations, public utility installation, government offices or facilities, philanthropic institutions, places of worship, community centers, day nurseries, and like uses are included in this definition.

Rear-Yard Depth: The distance between the rear lot line and the nearest point of a principal building.

Reconstruction: Reproducing by new construction the exact form and detail of a deteriorated or missing part.

Recreational Areas: Land or structures designed for recreation or any groups.

Residential District: Any district within which a one family dwelling is permitted as a principal use.

Restaurant: A building or portion of a building wherein food or beverages are available for on-site consumption including drive-in food service.

Restoration: Rebuilding to approach as nearly as possible the original form by removing later work or replacing missing original work.

Retail Store: Any building or permanent structure or portion thereof in which one or more services or one or more articles or merchandise are sold at retail, including department stores. Retail outlets in which minor manufacturing or processing are incidental to the sale of goods or services on the same premises are included in this definition.

Road, Arterial: A street, road or highway designated as an arterial road on the Village Official Map, or constructed or proposed for construction, to arterial standards in compliance with the village subdivision regulations.

Road, Collector: A street, road or highway designated as a collector road on the Village Official Map, or constructed or proposed for construction, to collector standards in compliance with the village subdivision regulations.

Road, Local: A street, road or highway designated as a local road on the Village Official Map, or constructed or proposed for construction to local road standards in compliance with the village subdivision regulations.

Sap House: A building or buildings devoted to the production of maple products.

Saw Mill: A building or buildings devoted to the processing of lumber and wood products.

Screening: Fences, bushes, or trees or other natural and/or artificial materials which partially or completely obscures the visual character of any given building or use of land.

Shopping Center: A group of two (2) or more commercial uses, located in the same or separate buildings on a single lot, which also contains all or part of the required off-street parking for such uses, with common points of ingress and egress.

Side Yard Width: The distance between the side line of the lot and the nearest point of a principal building.

Special Permits: Permits issued under land use regulations either by the Town Board, Planning Board or Board of Appeals, as specified in regulations, in order to control renewals or short term permission to operate an activity.

Stable: A building or structure in which domestic livestock are housed.

Street: Any public way dedicated to public vehicular travel or otherwise acquired by a municipality for highway use purposes. Street shall be taken as synonymous with road or highway.

Street, Centerline: The line determined by connecting the mid-points of the surfaced portion of any street, road or highway.

Streetline: Limit of street or highway right-of-way line. For the purpose of this law, streetline shall be the highway right-of-way line.

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

Swimming Pool: Any body of water or receptacle for water having a depth at any point greater than two (2) feet, used or intended to be used for swimming, and constructed, installed or maintained in or above the ground. A swimming pool shall be deemed a structure for all purposes under the provisions of this law.

Texture: The visual or tactile surface characteristic and appearance of materials.

Theater: A place of assembly for the showing of movies and the production of plays and special events.

Theater, Outdoor Drive-In: An open lot or part thereof with its appurtenant facilities, devoted primarily to the showing of movies or theatrical productions to patrons seated in automobiles or outdoor seats.

Town Enforcement Officer: The person appointed by the Town Board to administer and enforce the land use ordinances.

Town House: A two story single-family dwelling unit attached to another similar dwelling unit utilizing common open space and parking.

Travel-Trailer: Any portable vehicle which is designed to be transported on its own wheels; which is designed and intended to be used for temporary living quarters for travel recreation or vacation purposes; and which may or may not include all of the accommodations and facilities included in a mobile home. The term travel-trailer shall include self propelled recreational motor homes.

Variances: The Board of Appeals may approve use or area variances as specified under Town Law effective July 1, 1993.

Warehouse: A building or portion thereof designed or used for the storage of merchandise, supplies, or other commodities.

Wholesale Establishment: A building or buildings used as a wholesale distribution center.

Yard: An open space on the same lot with a building, unoccupied and obstructed from the ground upward except as otherwise provided herein.

Yard, Front: The area lying between the building front line and the street line. The depth of the front yard shall be measured between the front line of the building and the limit of right-of-way or easement, or where there is no statutory easement the measurement shall start from a point twenty-five (25) feet from the street centerline.

Yard, Rear: The area lying between the rear lot line and the rear most part of a principal building. The minimum required rear yard shall be measured perpendicular to the rear lot line, at a point midway between side lot lines, and shall be bounded by the rear lot line, side lot lines, and a line parallel to the rear lot line at the required perpendicularly measured depth.

Yard, Side: The area lying between a side lot line and the nearest part of a principal building. A required minimum side yard shall be measured perpendicular to the side lot line at a point midway between points at which the lines demarking the required minimum front and rear yards intersect the side lot line, and shall be bounded by said lines and a line parallel to the side lot line at the required perpendicularly measured depth.

## **SECTION 2.0 ADMINISTRATION AND ENFORCEMENT**

### **2.1 Administrative and Enforcement Officer**

- a. This ordinance shall be enforced by the Town Enforcement Officer, who shall be appointed by the Town Board. The Town Board shall fix the salary or compensation of such officer, and provide for the payment thereof.
- b. The Town Clerk is hereby given the following duties and authority:
  1. To accept all applications required by this ordinance, and to transmit such applications to the secretaries of the Planning Board or Board of Appeals
  2. Where specifically authorized by this ordinance, to issue permits
  3. To provide, upon request, copies of the Town Land Use Ordinance and Map, and any forms, rules, and regulations used in administering this ordinance
- c. The Town Enforcement Officer is hereby given the following duties and authority:
  1. To develop such forms, rules and regulations as he deems necessary for the proper administration and enforcement of this ordinance, said forms, rules and regulations shall be reviewed and approved by the Town Board, and shall be available for public view at the Town Clerk's Office
  2. By appointment or after five (5) calendar days, written notice by certified, return receipt mail, the Enforcement Officer may enter upon, examine or inspect - or cause the same to be done - any land, building or structure at any time for the purposes of administering or enforcing this ordinance. A written report of each such examination or inspection shall be prepared and kept on file. (Emergency conditions constitute an exception to the above requirements.)
  3. To receive complaints of violations of this ordinance, or to make complaints based upon his own examination, inspection or knowledge
  4. To act upon any and all complaints, and to serve a written notice of violation upon the owner or occupant of the premises where there appears to exist a violation of any provision of this ordinance
  5. To perform any other administrative or enforcement duties specified in this ordinance, including but not limited to the issuance of permits, licenses or



certificates, accepting or reviewing applications, plans or plats, and carrying out any lawful order of the Town Planning Board or Board of Appeals

## 2.2 Permits, Certificates and Licenses

- a. No building or structure shall be constructed, erected, altered, extended, or repaired unless a building permit is issued therefore by the County Code Enforcement Officer.
- b. Whenever a proposed building, structure or land use requires approval by the Planning Board of a site plan, no building permit therefore shall be issued until such site plan is approved in accordance with the provisions of this ordinance.
- c. Before a building permit can be issued by the County Code Enforcement Officer, a certificate must be obtained from the Town Enforcement Officer certifying that all requirements of the Westford Land Use Ordinance have been met.
- d. No building or structure shall be wholly or partially demolished except after issuance of a demolition permit issued therefore by the Town Enforcement Officer, subject to the following conditions:
  1. The owner has checked the list of historic buildings listed with the Town Historian
  2. The application for such permit shall contain the location of the structure, a description of the structure, a description of the method of waste removal, and a description of site restoration measures, including filling of foundations and excavations and erosion retardation
  3. No demolition permit shall be issued for the clearing of a site for new construction unless a building permit by the County Building Code Enforcement Officer for such new construction has been approved
- e. No land, building, or structure shall be occupied except after a certificate of occupancy has been issued therefore by the County Code Enforcement Officer subject to the following conditions:
  1. The use conforms to all applicable provisions of this ordinance
  2. The land or structure to be occupied conforms to that proposed on any approved building permit application or site plan, together with any recorded conditions made in the approval of such permit or plan
  3. The use, or the land, building or structure occupied by the use, does not conform to all the applicable provisions of this ordinance but is a bona fide non-conforming use as defined and regulated under Section 5.5 of this ordinance
- f. No sign or advertising structure shall be erected or established except after issuance of a sign permit by the Town Enforcement Officer in accordance with the provisions of Section 4.9 of this ordinance.
- g. No mobile home park shall be erected, established or occupied except after issuance of a mobile home park license by the Town Enforcement Officer in accordance with the provisions of Section 5.4 of this ordinance.
- h. Whenever a site plan is required by this ordinance, said site plan may be used to satisfy any requirement for drawings to accompany any permit, certificate or license application, provided the information required on such drawings is shown on the site plan.
- i. Whenever several permits are required for the same project, such permits may be applied for simultaneously with one another and only a single fee charged. In such instances, the charged fee shall be the greatest of any of the fees that would be charged if the permits were issued separately.

- j. The Town Enforcement Officer shall issue, issue subject to conditions, or refuse to issue any requested permit, certificate, or license within ten (10) days of his receipt of the application therefore, except that where such application involves review by an official board under the provisions of this ordinance. Where such review is required, the Town Enforcement Officer shall notify the applicant of such fact, and of any necessary applications, statements, plans or other documentation required for such review, within ten (10) days of receipt of the original application. The Town Enforcement Officer shall notify the applicant of meetings at which his application will be acted upon by any reviewing board, and said officer shall take such action as may be directed by such board within ten (10) days of such direction.

### 2.3 Site Plan Review

- a. Upon application for any permit, certificate or license, the Town Enforcement Officer shall determine if site plan approval is required under this ordinance.
- b. Upon submission of a site plan for review, the Town Enforcement Officer shall determine that all information required by this ordinance are depicted thereon or contained in accompanying documents. He shall notify the applicant of any additional information required, or that the site plan is complete with seven (7) days of its submission to him. If the site plan is complete, he shall refer said site plan to the Town Planning Board for review.
- c. Within sixty-two (62) days of receipt of a completed site plan, the Town Planning Board shall review same, and approve, approve with changes, or disapprove the site plan application. Failure of the Planning Board to act within forty-five (45) days shall constitute approval unless the applicant and Planning Board mutually agree to extend this time limit.
- d. Upon approval or approval with changes, the applicant shall submit three (3) copies of the approved site plan to the County Code Enforcement Officer who shall then issue the appropriate building permit. One (1) copy of the approved site plan shall be filed with the Town Clerk.
- e. Upon completion of the work depicted upon the site plan, the Town Enforcement Officer shall make a field inspection, noting on one (1) copy of the approved site plan, compliance between the site plan and actual development, and shall submit the same to the Town Planning Board. No performance bond or other surety shall be released and no certificate of occupancy issued unless or until the Planning Board is satisfied that actual development is in substantial compliance with the approved site plan.
- f. Whenever a site plan is submitted for a planned development for which a use change is required, approval by the Town Planning Board shall be made conditional upon the granting of a change by the Town Board, and all time limits upon review and approval herein specified shall be waived. In such an instance, however, review of a site plan by the Planning Board may be made at the same time as it prepares its advisory report to the Town Board.
- g. Except as may be waived by the Planning Board, all site plans required under this ordinance shall include the following information presented in drawn form or accompanied by a written text:
1. A survey of the property showing boundaries and existing features including topographic contours, buildings, structures, trees of over eighteen (18) inch circumference measured at chest height, streets, utility easement, rights-of-way and land use
  2. The location of all proposed buildings and land use areas, showing floor area and location of vehicular and pedestrian entrances
  3. The proposed traffic circulation, parking and loading areas and pedestrian walks, including dimensions sufficient to assure compliance with this ordinance
  4. The landscaping plans, including site grading and plant materials. Finished grade elevations shall be shown at not greater than two (2) ft. contour intervals.

5. The preliminary architectural drawings for all buildings to be constructed, including floor plans, exterior elevations and sections
  6. The preliminary engineering plans, including street improvements, drainage system, and utility connections showing the method of water, telephone, and electric service, and storm water and sewage disposal
  7. A description of proposed uses, construction sequence and time schedule for completion of each phase of construction
- h. Upon finding that any of the items listed under Appendix A, Section 2.3g is unnecessary for adequate review of any proposal, the Planning Board may waive such requirement. If the Planning Board finds that additional information is necessary to insure adequate review, it shall specify such information to the applicant, and such additional information shall be required as if described in Appendix A, Section 2.3g.

#### 2.4 Penalties for Violation

- a. A violation of this ordinance is hereby declared to be an offense punishable by a fine not exceeding fifty dollars (\$50) or imprisonment not to exceed fifteen (15) days, or both, for the first violation. Each weeks continued violation shall constitute a separate additional violation.
- b. Where any building or structure is erected, constructed, converted, altered, used or maintained or land is used in violation of this ordinance, the Town Enforcement Officer, in addition to other remedies, may institute any appropriate action or proceedings to prevent erection, construction, conversion, alteration, use, maintenance, or occupancy; and upon the failure or refusal of the Town Enforcement Officer to institute any such appropriate action or proceeding for a period of ten (10) days after a written request by a resident taxpayer of the town so to proceed, any three (3) taxpayers of the town residing in the district where such violations exists, who are jointly or severally aggrieved by such violation may institute such appropriate action or proceeding in like manner as the Town Enforcement Officer is authorized to do.
- c. A complaint of violation of this ordinance may be made by any resident, property owner, or town official including the Town Enforcement Officer. Such complaint shall be made on a form prepared by the Town Enforcement Officer which shall include the following information:
  1. The name, address and telephone number of the complainant
  2. The name, address and telephone number of the alleged violator
  3. A description of the nature of the alleged violation including a reference to the provision of this ordinance allegedly being violated
  4. The dates and time of the alleged violation
- d. Upon receipt of a complaint of violation, the Town Enforcement Officer shall investigate to determine the presence of a violation, and upon finding of violation shall serve notice upon the owner or occupant thereof. Said notice shall include the items listed under Appendix A, Section 2.4c together with any observations made by the Town Enforcement Officer on the basis on this investigation. Such notice shall also specify what action is required by the owner or occupant of the property, and the date by which such action shall be taken. The term violation as used in Appendix A, Section 2.4a shall exist only if after the date of required action, specified in the notice to the owner or occupant, passes without such specified action having taken place.
- e. Notices required by this section shall be issued by the Town Enforcement Officer either by personal service to the owner or occupant, or by certified mail to the address of same shown on the tax roles of the town or contained in the statement of complaint.

#### 2.5 Fees

The application for any permit, certificate, license or any review by the Town Planning Board or Board of Appeals shall be accompanied by a fee - an amount specified by resolution of the Town Board.

## SECTION 3.0 BOARD OF APPEALS

### 3.1 Establishment, Membership, Meetings

- a. A Town Board of Appeals is hereby created, said Board of Appeals to consist of five (5) members appointed for terms of five (5) years, except that the members of the board when first appointed shall serve for terms as specified under Section 267(4) of the Town Law. The chairman and members of the Board of Appeals shall be appointed by resolution of the Town Board, which shall also have the power to remove any member for cause after a public hearing.
- b. All meetings of the Town Board of Appeals shall be open to the public, and said Board shall keep minutes of its proceedings, showing the vote of each member upon every question. Every rule, regulation, amendment or repeal thereof, and every order, requirement, decision or determination of the Board shall immediately be filed in the office of the Town Clerk and shall be a public record.

### 3.2 Powers and Duties

- a. Appeals: The Board of Appeals shall hear and decide interpretations from and review any order, requirement, decision or determination made by the Town Enforcement Officer. The concurring vote of a majority of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Town Enforcement Officer. Such appeal may be taken by any person aggrieved, or by any officer, department, board or bureau of the town, by filing with the Town Enforcement Officer and the Board of Appeals a notice of appeal, specifying the grounds thereof. The Town Enforcement Officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the Town Enforcement Officer certifies to the Board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shows. The Board may reverse or affirm wholly or partially, or may modify the order, requirement, decision or determination appealed from and make such order, requirement, decision or determination as in its opinion ought to be made in the premises and to that and shall have all the powers of the Town Enforcement Officer.
- b. Variances: The board shall have the authority to vary the requirements of this ordinance subject to the following conditions:
  1. An application for such variance shall be made to the Town Enforcement Officer for transmittal to the board, said application to contain the following items:
    - a) the name, address and phone number of the applicant;
    - b) the location and district of the property for which the variance is sought;
    - c) the existing use of said property including a description of any existing buildings;
    - d) a citation to the provision of this ordinance for which variance is sought;
    - e) a justification of the request for variance.
  2. Use Variances
    - a) the Board of Appeals, on appeal from the decision or determination of the administrative official charged with the enforcement of such ordinance or local law, shall have the power to grant use variances, as defined herein;

b) no such use variance shall be granted by a Board of Appeals without a showing by the applicant that applicable land use regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Board of Appeals that:

- (i) under applicable land use regulations the applicant is deprived of all economic use or benefit from the property in question, which deprivation must be established by competent financial evidence;
- (ii) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
- (iii) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and
- (iv) that the alleged hardship has not been self-created.

### 3. Area Variances

a) the Board of Appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of such ordinance or local law, to grant area variances, as defined herein;

b) in making its determination, the Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Board shall also consider:

- (i) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
- (ii) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
- (iii) whether the requested area variance is substantial;
- (iv) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- (v) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

### 3.3 Board of Appeals and Witnesses

- a. In the exercise of its power and duties, the Board of Appeals, through its chairman, or in his absence its acting chairman, may compel the attendance of witnesses and may administer oaths prior to taking the testimony of any witness.
- b. In addition to the findings required before the granting of any variance under this section, the Board of Appeals may consider any other evidence necessary to show compliance to the intent and purpose of this ordinance.
- c. The Board in granting any appeal, variance or special permit may attach such conditions to said approval as in its determination are necessary to achieve the intent and purpose of this ordinance.

### 3.4 Procedures and Referrals

- a. All applications for action by the Town Board of Appeals shall be made to the Town Enforcement Officer on such forms as he may prescribe. Such applications may be made at any time except that an application for appeal under Appendix A, Section 3.2a above shall be made within sixty (60) days of the action being appealed.
- b. The Town Enforcement Officer shall transmit a copy of the application, together with any accompanying documents to the Board of Appeals, who shall schedule a hearing thereon. Public notice of said hearing shall be given by publication in the official paper of a notice of such hearing at least five (5) days prior to the date thereof, and the Board shall at least five (5) days before such hearing, mail notices thereof to the parties, and to any Regional State Park Commission having jurisdiction over any state park or parkway within five hundred (500) ft. of said property. Where any variance or special permit application affects any real property lying within five hundred (500) ft. from the boundary of any city, village or town or from the boundary of any existing or proposed county or state park or other recreation area, or from the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway, or from the existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines, or from the existing or proposed boundary of any county or state owned land on which a public building or institution is situated, the Board of Appeals shall notify the Otsego County Planning Board of said application and submit copies of the application and any supporting documents thereto. No action shall be taken upon any matter referred to the Otsego County Planning Board until said Board shall have made a recommendation thereon to the Board of Appeals, or thirty (30) days shall have elapsed since the date of referral.
- c. The hearing of an appeal or application shall take place within ninety (90) days of the filing of the appeal or application.
- d. Upon a motion initiated by any member and adopted by the unanimous vote of the members present, but not less than a majority of all the members, the Board of Appeals shall review at a rehearing, held upon notice given upon an original hearing, any order, decision or determination of the Board not previously reviewed. Upon such rehearing, and provided it shall appear that the rights vested prior thereto in persons acting in good faith in reliance upon the order, decision, or determination reviewed will not be prejudiced thereby, the Board may, upon concurring vote of all the members present, reverse, modify or annul its original order, decision or determination.
- e. The Board of Appeals shall reach a decision on any application or appeal within sixty-two (62) days of the final hearing thereon. Such decisions shall be promptly filed in the office of the Town Clerk and shall be a public record. Within seven (7) days of such decision, notice thereof shall be transmitted to the Otsego County Planning Board whenever such decision related to an application referred to said County Planning Board.

### 3.5 Judicial Review

- a. Any person or person, jointly or severally aggrieved by any decision of the Board of Appeals or any officer, department, board or bureau of the town, may apply to the Supreme Court for review by a proceeding under article seventy-eight of the civil practice law and rules. Such proceeding shall be instituted within thirty (30) days after the filing of a decision in the office of the Town Clerk. The court may take evidence or appoint a referee to take evidence as it may direct and report the same with his findings of fact and conclusions of laws if it shall appear that testimony is necessary for the proper disposition of the matter. The court, at a special term, shall itself dispose of the case on the merits, determining all questions which may be presented for determination.
- b. Costs shall not be allowed against the Board of Appeals unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

- c. All issues in any proceeding under this section shall have preference over all other civil actions and proceedings.
- d. If, upon the hearing at a special term of the Supreme Court, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

#### **SECTION 4.0 MISCELLANEOUS PROVISIONS**

##### **4.1 Amendments**

- a. These regulations or the boundaries shown on the land use district map, from time to time, may be amended, supplemented, changed, modified or repealed by ordinance adopted by the Town Board. In case, however, of a protest against such change signed by the owners of twenty per centum or more, either of the area of land included in such proposed change, or of that immediately adjacent extending one hundred (100) ft. therefrom or of that directly opposite thereto, extending one hundred (100) ft. from the street frontage of such opposite land, such amendment shall not become effective except by vote of at least three-fourths of the members of the Town Board.
- b. No amendment, supplement, change or modification of these regulations or the boundaries shown on the district map shall become effective until after a public hearing in relation hereto, at which parties in interest and citizens shall have an opportunity to be heard.
- c. At least ten (10) days notice of such public hearing shall be published in a paper of general circulation within the town and written notice of any proposed change or amendment affecting property within the protectively zoned area of a housing project authorized under the public housing law, as such area is shown on the official land use map of the town, or within five hundred (500) ft. of the boundaries of any city, village, town, county, state park or parkways, shall be given, in the case of a housing project to the housing authority erecting or owning the project and to the government providing financial aid or assistance thereto, in the case of any state park or parkway, to the Regional State Park Commission, in the case of a city, village or town to the clerk of the legislative board of said county, at least ten (10) days prior to the date of such public hearing. Such city, village, town or county shall have the right to appear and to be heard at such public hearing with respect to any such proposed change or amendment, but shall not have the right to review by a court.
- d. Any land use regulation or amendment thereof, which would change the district classification of or the regulations applying to real property lying within distance of five hundred (500) ft. from the boundary of any city, village, or town, or from the boundary of any existing or proposed county or state park or other recreation area, or from the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway, or from the existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines or from the existing or proposed boundary of any county or state owned land on which a public building or institution is situated, shall, before the Town Board takes final action on such matters, be referred to the Otsego County Planning Board. Within seven (7) days of final action by the Town Board on any recommendations by said County Planning Board, the Town Board shall file a report of the final action it had taken with said County Planning Board. If the County Planning Board disapproves any such proposal, or recommends modification thereof, the Town Board shall not act contrary to such disapproval or recommendation except by a vote of a majority plus one of all the members thereof and after adopting a resolution fully setting forth the reasons for such contrary action.

- e. Every amendment to this land use ordinance, excluding any map incorporated therein, adopted pursuant to this section shall be entered in the minutes of the Town Board; such minutes shall describe and refer to any map adopted in connection with such amendment. A copy thereof, exclusive of any map incorporated therein, shall be published once in a newspaper having general circulation in the town and affidavits of the publication thereof shall be filed with the Town Clerk. Such amendment shall take effect ten (10) days after such publication, except that where a certified copy of such amendment is personally served on any person, the effective date shall be the date of such service, with respect to the serviced person.

#### 4.2 Referrals to Town Planning Board

- a. All proposed amendments to this ordinance shall be referred to the Town Planning Board which shall recommend action thereon to the Town Board based upon its consideration of the Town Comprehensive Plan. The Town Planning Board shall report its recommendations on such referral to the Town Board within thirty (30) days of such referral.
- b. Any application for variance or special permit shall be referred to the Town Planning Board whenever said application relates to any site plan under review by said Board. The Town Planning Board may recommend action thereon to the Board of Appeals based upon its review of such site plan, and may make any approval of such site plan conditional upon approval by the Board of Appeals of all related variances or special permits.

#### 4.3 Interpretation and Conflict With Other Laws

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of public health, morals, safety or general welfare. Whenever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

#### 4.4 Separability

Should any section or provision of this ordinance be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole, or any provision thereof other than the part so decided to be unconstitutional or invalid.

### **SECTION 5.0 FLOATING DISTRICTS TO BE ESTABLISHED UPON APPLICATION**

#### G-B - General Business District (outside the hamlets)

The following regulations shall apply in all G-B Districts:

- a. Permitted Uses:
1. Automobile sales, car wash, automobile gasoline service station
  2. Bowling alley, theater, place of assembly, ice or roller skating rinks, any recreational establishment entirely enclosed within a building
  3. Financial establishments including banks, credit agencies, security and commodity brokers, dealers, and services, insurance offices, business offices
  4. Hotels, motels, motor courts and tourist homes
  5. Ice storage and vending
  6. Retail trade including building materials and hardware, general merchandise, food stores, apparel and accessory stores, furniture, home furnishings and equipment, eating and drinking places including bars and restaurants and miscellaneous retail stores including the making of articles to be sold at retail on the premises provided that any such manufacturing or processing shall be incidental to a retail business and not more than five persons shall be employed in such manufacturing or processing.



7. Sale room or shop of a builder, contractor, or artisan providing no equipment is stored out-of-doors
8. Service establishments including personal services, miscellaneous business services, miscellaneous repair services, medical and other health services, legal services and miscellaneous services
9. Accessory use and buildings customarily incidental to the above permitted uses
10. Light Industry

b. Uses permitted upon issuance of a Special Permit from the Planning Board:

1. Manufacturing or processing of products, involving less than thirty persons and utilizing less than 5,000 sq. ft. for such operations exclusive of storage of raw materials or finished products
2. Warehouses and storage areas

c. Lot Area, Yard and Height Regulations:

1. Minimum Lot Area - 1 acre or 43,560 sq. ft., plus space for parking and loading
2. Minimum frontage on a public street - 100 ft.
3. Minimum front yard setback - 35 ft.
4. Minimum side yard width - 10 ft.
5. Minimum rear yard depth - 20 ft.
6. Maximum building height - 30 ft.

d. Special Regulations:

1. Building Permits shall be required for all new construction from the County Code Enforcement Officer
2. All uses permitted, in this district shall be subject to the site plan requirements of this ordinance.

MHP - Mobile Home Park District

The following regulations shall apply to all MHP Districts:

a. Permitted Uses (permitted outside the hamlets):

1. One family dwellings
2. Mobile homes
3. Accessory uses to any permitted use

b. Uses permitted upon issuance of a Special Permit from the Planning Board:

1. Mobile home parks - minimum of five (5) acres
2. Motel, motor court
3. Laundromat within a mobile home park
4. One general retail store within a mobile home park, for use by the residents thereof, and having not more than 1,000 sq. ft. of floor area for commercial use

c. Lot Area, Yard and Height Regulations:

1. Minimum Lot Area - 1/2 acre or 20,000 sq. ft. where individual sewerage and water must be provided, or 30,000 sq. ft. per mobile home where central water and sewerage are provided
2. Minimum frontage on a public street - 100 ft.
3. Minimum front yard setback - 55 ft.
4. Minimum side yard width - 20 ft.
5. Minimum rear yard depth - 35 ft.
6. Maximum building height - 30 ft.

d. Special Regulations:

1. Building Permits shall be required for all new construction from the County Code Enforcement Officer
2. All uses permitted under Appendix A, Section 4.4.b shall be subject to the site plan requirements of this ordinance
3. All mobile home parks are subject to the licensing and general requirements of this ordinance

PDD - Planned Development District

The following regulations shall apply to all PDD Districts:

a. Permitted Uses:

1. Any use, or combination of uses otherwise permitted by this ordinance. Combination of uses shall be permitted only upon demonstration of compatibility in the form of screening buffer strips, and performance standards specified in this ordinance.

b. Lot Area, Yard and Height Regulations:

1. Minimum District Area - 10 acres
2. Minimum frontage on a public street - 100 ft.
3. Minimum front yard setback - 75 ft.
4. Minimum setback from lot lines other than front lot line - 40 ft.
5. Maximum building height - 30 ft.
6. General conformation to preservation of scenic vistas will be required

c. Special Regulations:

1. All lands within a proposed PDD shall be held in single ownership or other form that assures development of the entire district in accordance with a single approved plan
2. All lands within a proposed PDD shall be shown upon a site plan which meets the requirements of this ordinance and which:
  - a) shows how various types of uses will be screened from one another upon the site
  - b) shows the relationship of proposed development to all adjacent development
3. A community impact statement shall be prepared to accompany any such site plan. This community impact statement shall contain:
  - a) an analysis of the cost of any direct public improvements related to site development
  - b) a statement of anticipated town and special district tax revenue as a result of the project
  - c) a statement of the anticipated impact of the proposed development upon public facilities such as highways, schools, parks, fire protection, water supply and sewage disposal, police services, sanitary landfills, and health care facilities
  - d) an analysis of the anticipated economic impact of the proposed development upon local employment, housing market residential and non-residential property and building values, including the rate of occupancy of existing residences and commercial or industrial structures

4. Upon a finding that the proposed development will benefit the community as a whole, and is consistent with the community comprehensive plan, the site plan may be approved and the Official Land Use Map amended to show a PDD District. The procedure for such site plan approval and land use map amendment shall be as specified in this ordinance.
5. Amendment of the map shall be made for a specific proposal and made conditional to the approved site plan, and development within the PDD District shall be limited to the type, size and location shown on the site plan. Uses and structures not shown on the site plan shall be considered as being prohibited.
6. The approval of a use in one PDD District does not imply approval of such use in any other PDD District, nor does approval of a use or uses in one PDD District in any way limit the types of uses that may be permitted in future PDD Districts
7. Building permits shall be required for all new construction
8. All land uses and structures shall be subject to all applicable general regulations of this ordinance

**SECTION 6.0 ADOPTION AND EFFECTIVE DATE**

This ordinance and accompanying map was adopted by the Westford Town Board on the 15<sup>th</sup> day of January, 1995, as shown in the minutes of that date, and the effective date thereof is January, 1995.

-----  
 ( TOWN )  
 ( SEAL )  
 ( )  
 ( )  
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# TOWN OF WESTFORD DISTRICT MAP



NORTH

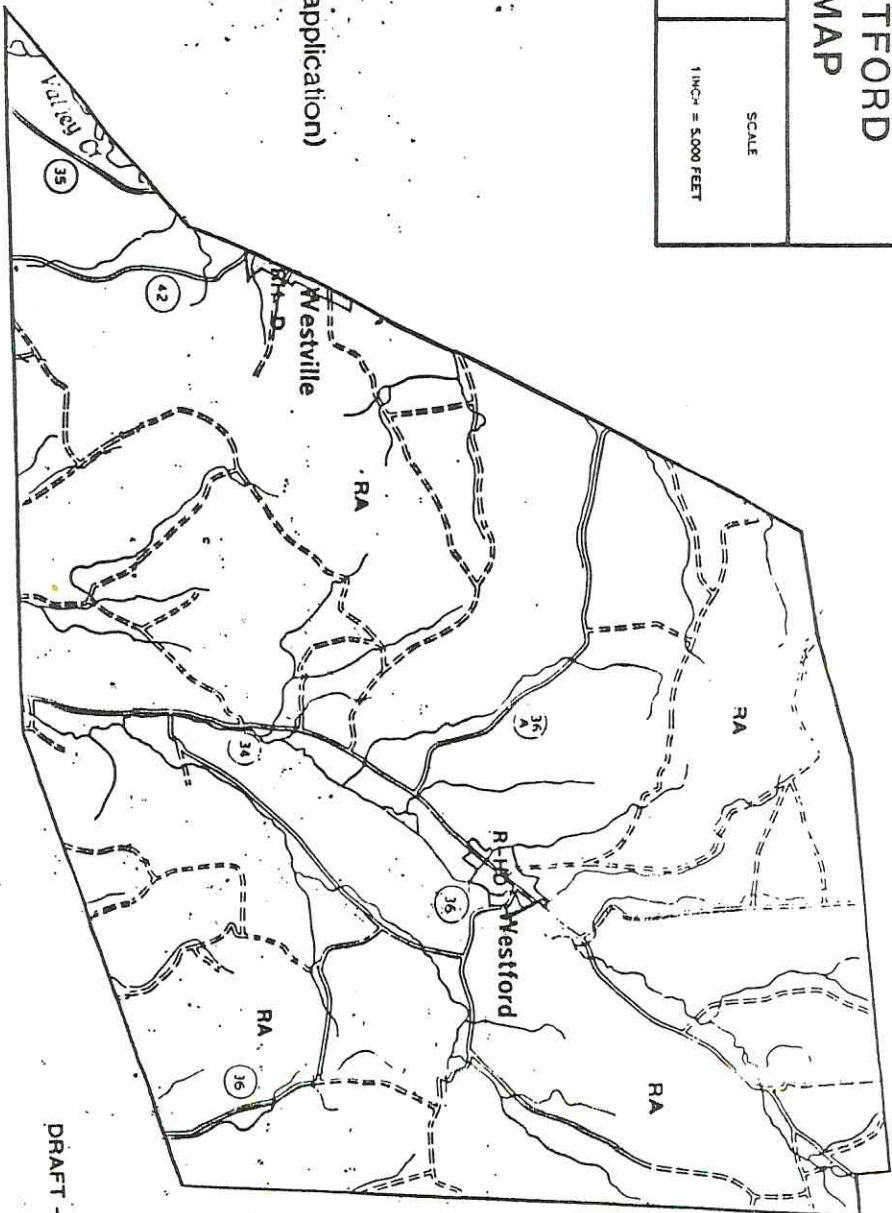
Base map provided and  
published by the  
New York State Depart-  
ment of Transportation.

SCALE

1 INCH = 5,000 FEET

## LAND USE DISTRICTS :

- RA** - Residence-Agriculture District
  - R-HD** - Residential Hamlet District
- Floating Districts (upon application)**
- G-B** - General Business District
  - MHP** - Mobile Home Park District
  - PDD** - Planned Development District



DRAFT - 4/94

Map for information only. Refer to Official Town Land Use Map for precise determination.

MEMBERS OF THE COMMISSION:

John Stroosnyder, Chairman

Edward Matter, Jr., Vice Chairman

Elmer C. Mathews, Secretary

Robert McCann

Robert Meiser

David Gallagher

Cornelius Allen

Janet Ferguson

David Dresser (Town Board)

Lawrence Roseboom (Town Board)