

# TOWN OF AUGUSTA ZONING ORDINANCE AS AMENDED

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## ARTICLE 1

### Short Title and Purposes

#### 1. PURPOSE

The purpose of this local law is to amend the Town of Augusta Zoning Ordinance.

#### 1.10 SHORT TITLE

This ordinance shall be known and cited as the "Town of Augusta Zoning Ordinance."

#### 1.20 GENERAL INTENT

The intent of this ordinance is to establish comprehensive controls for the development of land in the town based on the general plan for the town and enacted to promote and protect health, safety, convenience and general welfare of the people.

#### 1.30 PURPOSES

Such regulations shall be made in accordance with the general plan and designed to lessen congestion in the streets, to secure safety from fires, flood, panic and other dangers; to promote the health and general welfare; to provide adequate light and air; to prevent overcrowding of land; to facilitate the provision of transportation, water, sewage, schools, parks and other public requirements. Such regulations shall be made with reasonable consideration, among other things as to the characteristics of the district and its peculiarities for particular uses and with view to conserving the value of buildings and encouraging the most appropriate use of the land throughout the Town of Augusta.

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## **ARTICLE 2**

### **Definitions**

#### **2.10 INTERPRETATIONS**

Unless the context otherwise requires the following definitions shall be used in the interpretations and construction of the ordinance. Words used in the present tense include the future, the singular number shall include plural, and the plural the singular the word "structure" shall include the word "building", the word "used" shall include, "arranged", "designed", "constructed", "altered", "converted", "rented", "leased", or "intended to be used", and the word "shall", is mandatory and not optional.

#### **2.20 DEFINITIONS**

##### **ACCESSORY USE OR STRUCTURE.**

A use or structure subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building.

##### **AUTOMOBILE SERVICE STATION.**

A building or place of business where gasoline, oil, grease, batteries, tires and automobile accessories are supplied and dispensed directly to the motor vehicle trade, at retail and where minor repair service is rendered.

##### **BUILDING.**

Any structure having a roof supported by columns or walls, used for shelter, housing or enclosure of person, animals or property.

##### **BUILDING CODE.**

The New York State Uniform Fire Prevention and Building Code Act, set forth in Article 18 of the New York State Executive Law, and any regulations enacted thereunder.

##### **BUILDING COVERAGE.**

That percentage of the plot of land covered by the principal and accessory buildings (including covered porches, carports and breeze ways, but excluding open patios).

##### **BUILDING SITE.**

Building site is a lot or parcel of land intended for the construction of a building that meets the requirements of the Town of Augusta Zoning Ordinance in regard to location, street access, use and the building code.

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### **BUILDING HEIGHT.**

The vertical distance measured from the main level of the ground surrounding the building to a point midway between the highest and lowest point of the roof, but not including chimneys, spires, towers, tanks and similar projection.

### **DWELLINGS.**

Any building or portion thereof designed or used exclusively for a residence of one or more persons. The term dwelling shall not be deemed to include automobile court, rooming house, tourist home, hotel, hospital, nursing home, dormitory or other student residence as defined herein.

**Single Family** - A detached building designed for or occupied exclusively by one family.

**Two Family** - A detached or semi-detached building where not more than two individual families or dwelling units are entirely separated by vertical walls of horizontal floors, unpierced except for access to the outside or common cellar.

**Multi Family** - A building designed for occupancy by three or more families living independently of each other and containing three or more units.

### **FACTORY MANUFACTURED HOMES.**

A structure designed primarily for residential occupancy constructed by a method or system of construction whereby the structure or its components are all or substantial part manufactured in manufacturing facilities, intended or designed for permanent installation, or assembly and permanent installation on a building site.

### **FAMILY.**

One or more persons related by blood, marriage or two to four unrelated persons occupying a dwelling unit and living as a single non-profit housekeeping unit.

### **FARM.**

Any tract of land containing at least ten acres that is used for dairying or for the raising of agricultural products such as forest products, livestock or poultry and including facilities for the sale of such products from the premises where produced.

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### **HOME OCCUPATION.**

Any use as permitted in Section 7.41 which is conducted entirely within the principal structure and carried out by the inhabitants thereof, which is clearly incidental and secondary to the use of the principal structure and does not change the character thereof.

### **JUNK YARD BUSINESS.**

A business operated on an area of land with or without buildings, and is primarily used for the storage outside a completely enclosed building of used and discarded materials but not limited to waste such as, paper, rags, metal, building materials, house furnishings, machinery, vehicles or parts thereof. With or without dismantling, processing, salvage, sale or other use or disposition of the same. The deposit or storage of two or more wrecked or broken motor vehicles for two months or longer, or the major parts of two or more such vehicles shall be deemed a junk yard.

### **LOT.**

A tract or parcel of land intended for transfer of ownership, use or improvement.

a. **LOT CORNER**

A lot abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than one hundred thirty-five degrees. The point of intersection of the street lot lines is the corner.

b. **LOT DEPTH**

The mean horizontal distance between the front and rear lot lines.

c. **LOT LINES**

The property lines bounding the lot.

1. **LOT LINES FRONT**

The lines separating the lot from the street or highway right-of-way line.

2. **LOT LINES REAR**

The lot line opposite and most distant from the front line.

3. **LOT LINE SIDE**

Any lot line other than front or rear lot line.

d. **LOT WIDTH**

The distance between the two side lot lines measured at a required setback line.

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### LOT NON CONFORMING.

Any lot where the owner of lot does not own any adjoining property, the development of which would create one or more conforming lots. Which does not conform with the minimum width, depth and area dimensions specified for the district in which said lot is located.

### MOBILE HOME.

A transportable single family dwelling that may be towed on its own running gear, and which may temporarily or permanently be affixed to real estate, used for non transient residential purposes and which conforms with the Mobile Home Manufacturers Association, "Mobile Home Standards for plumbing, heating and electrical systems." When these structures are fixed to the real estate they then come under the regulations of the New York State Construction and Building Codes and any other amendments that may be adopted thereto.

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### MOBILE HOME PARK.

A plot of land used to develop a Planned Residential Community of one family buildings, structures or residences using previously designed mobile homes as the basic structure, converted and placed according to the Building Codes. Two or more mobile homes placed on a single parcel of land shall be deemed a Mobile Home Park.

### NON CONFORMING USE.

A building, structure or premise legally existing and or used at the time adoption of this ordinance or any amendment thereto, which does not conform with the use regulation of the zone in which such building or premise is located.

### PARKING SPACE.

An off street space available for the parking of one or more motor vehicles, and having an area of not less than two hundred square feet and a width of not less than nine feet, exclusive of passageways and driveways appurtenant thereto and giving access thereto and having direct access to streets and alleyways.

### PLANNED UNIT DEVELOPMENT.

A project comprising two or more buildings designed to be maintained and or operated as a single unit in single ownership or control by an individual, partnership, cooperation or cooperation group that has certain facilities in common, such as yards, open spaces, recreation area, also garage and parking areas. \*\*\*\*AS AMENDED BY LOCAL LAW #2 8/22/89

### SPECIAL USE.

A special use is a use which because of its unique characteristics requires individual consideration in each case by the Zoning Board of Appeals and the



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Planning Board, before it may be permitted in the district enumerated in this ordinance.

### **VARIANCE.**

The Zoning Board of Appeals authorized departure to a minor degree from the text of this ordinance indirect regard to a hearing peculiar to an individual lot in accordance with the procedure set forth in the ordinance.

### **STRUCTURE.**

Any man made object having an ascertainable stationary location on land or water whether or not it is affixed to the land.

### **TRAVEL TRAILER.**

Any vehicle used or designed for use or capable of being used as a sleeping and living quarters, whether propelled by its own power or by the power of another to which it may be attached to.

### **YARD.**

An open space that lies between the principal building or group of buildings, and nearest lot line, and is unoccupied or unobstructed from the ground upward except as herein permitted.

a. **YARD FRONT.**

An open space that lies between the principal building or group of buildings and the front lot lines are unoccupied and unobstructed from the ground upward exclusive of landscaping or fences.

b. **YARD, REAR.**

An open space extending from the front yard to the rear yard between a principal building, and the nearest side lot line, unoccupied and unobstructed from the ground upward exclusive of landscaping or fences.

c. **YARD SIDE.**

An open space, extending from the front yard to the rear yard between the required side set back line and the nearest side lot line, unoccupied and unobstructed from the ground upward, exclusive of landscaping or fences.

### **ZONING OFFICER.**

The administrative officer charged with the duty of enforcing the provisions of this Ordinance.

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## ARTICLE 3

### ESTABLISHMENT AND DESIGNATION OF DISTRICTS

#### **3.10 ESTABLISHMENT OF DISTRICTS**

For the purpose of promoting the public health, safety, morals and general welfare of the Town, the Town is hereby divided into the following types of districts:

- A-1 Agricultural District
- R-1 Residential District
- R-2 Residential District
- C-1 Commercial District
- I-1 Industrial District
- I-2 Industrial District

#### **3.20 ZONING MAP**

Said districts are bounded as shown on the map entitled "Town of Augusta Zoning Map", adopted May 5, 1973, as amended, thereon, is hereby made a part of this ordinance.

#### **3.30 INTERPRETATION OF BOUNDARIES**

##### **3.31 DESIGNATION OF DISTRICT BOUNDARIES.**

The district boundary lines are intended generally to follow the centerlines of streets, the centerlines of railroad rights-of-way, existing lot lines, the mean water level of streams, and other waterways, or Town Boundary lines, all as shown on the Zoning Map; but where a district boundary line does not follow such a line, its position is shown on said Zoning Map by a specific dimension expressing its distance in feet from a street center line or other boundary line as indicated.

##### **3.32 DETERMINATION OF LOCATIONS OF BOUNDARIES.**

In case of uncertainty as to the true location of a district boundary line, the Zoning Officer shall request the Zoning Board of Appeals to render its determination with respect thereto, provided no boundary shall be changed by the Zoning Board of Appeals.

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## ARTICLE 4

### District Regulations

#### 4.10 SCHEDULES OF REGULATIONS

The restrictions and controls intended to regulate development in each district are set forth in the attached Schedules that are supplemented by other sections of this ordinance.

#### 4.20 APPLICATION OF REGULATIONS

Except as hereinafter otherwise provided.

- a. No building shall be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land or building be designed, use or intended to be used for any purpose or in any manner other than as permitted in the district in which such building or land is located.
- b. No building shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the district in which building is located.
- c. No building shall be erected, no existing buildings shall be altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity to the yard, lot area, and building location regulations hereinafter designated for the district in which such building or open space is located.
- d. No yard or other open space provided around any building for the purpose of complying with the provisions of this ordinance shall be considered as providing a yard or open space for any other building, and no yard or other open space on one lot shall be considered as providing a yard or open space for a building or any other lot.
- e. No special use permit shall be required for the extraction of stone, sand and gravel in any district delineated as "I-2", Industrial Special Use permit shall continue to be required as set forth at Article 4, Schedule I of said ordinance, in any district delineated as "A-1" Agricultural, as provided therein, for the extraction of stone, sand gravel.



**ARTICLE 5**

**Supplementary Lot Regulations**

**5.10 REGULATIONS**

**5.11 Corner Lots**

At all street intersections no obstruction to vision (other than an existing building, post, column or tree) exceeding 30 inches in height above the established grade of the street at the property line shall be erected or maintained on any lot within the triangle formed by the street lot lines of such lot and a lot drawn between the points along such street lot lines 50 feet distant from point of intersection.

**5.20 HEIGHT REGULATIONS**

**5.21 General Application**

No building or structure shall have a greater number of stories, nor have an aggregate height of a greater number of feet than is permitted in the district in which building or structure is located, except as noted elsewhere in this ordinance.

**5.22 Permitted Exceptions to Height Regulations**

Chimneys, cooling towers, elevators, bulkheads, fire towers, gas tanks, grain elevators, steeples, barns or silos, water towers, ornamental towers or spires, communications, radio or television towers or necessary mechanical appurtenances, may be erected as to their height in accordance with existing or hereafter adopted ordinances of the Town, provided, no tower other than a church spire or tower of a public building shall exceed the height regulations by more than forty (40) percent. No towers shall be used as a place of habitation or for tenant purposes. No sign, nameplate, display or advertising device of any kind whatsoever shall be inscribed upon or attached to any chimney, tower, tank or other structure that extends above the height limitations.

**5.30 Yard Regulations.**

Every part of a required yard must be uncovered by structures and unobstructed except for accessory buildings in a rear or side yard, and except for the ordinary projection of open porches, balconies, steps, sills, belt courses, cornices and for ornamental features projecting not to exceed two feet.

**5.40 MAXIMUM COVERAGE**

Land coverage by principal and accessory buildings or structures on each zone lot shall not be greater than is permitted in the district where such principal and accessory buildings are located.

**5.50 ACCESSORY STRUCTURES**

**5.51 Minimum Yard Regulations**

a. Unattached Accessory Structures in A and R District

Accessory structures, which are not attached to a principal structure, may be erected in accordance with the following requirements:

1. An accessory non-farm building may not exceed twenty (20) feet in height and may occupy not more than thirty (30) percent of a required rear yard.
2. No accessory non-farm structure shall be located within five (5) feet of side or rear lot lines.
3. No accessory non-farm structure shall be located closer to the street than the front yard setback required for a principal structure in the district in which such accessory structure may be located.
4. For corner lots the setback from the side street shall be the same for accessory buildings as for principal buildings.

b. Attached Accessory Structures in A and R Districts.

When an accessory structure is attached to the principal building, it shall comply in all respects with the yard requirements of this ordinance applicable to the principal building.

c. Accessory Structures in Other than A and R Districts.

Accessory structures shall comply with front and side yard requirements for the principal structure to which they are accessory and shall not be closer to any rear property lines than ten (10) feet.

**5.60 GENERAL LANDSCAPING REGULATIONS**

**5.61 Enclosed Uses.**

Any enclosed use as may be required by this ordinance to be landscaped accordance with this subsection shall provide a fence, screen, or landscaping sufficient to obscure such uses from view from abutting properties lying in A and R Districts or from public right-of-way.

**5.62 Unenclosed Uses.**

Any use which is not conducted within a completely enclosed building including and similar to, but not limited to automobile salvage and wrecking operations, outdoor storage and junk yards, lumber and building materials yards, shall be enclosed by a substantial and solid fence or suitable natural hedge with opening only for access and egress, shall be at least eight (8) feet in height; kept in good order and repair; shall not be located nearer than two hundred (200) feet to any residential-commercial district; shall have no storage outside of the solid fence; and shall be no nearer than fifty (50) feet from any public highway right-of-way line. This section shall not apply to nurseries and display for sale purposes of new and used cars, trucks, trailers, bicycles, motorcycles, farm equipment, or mobile homes,

**5.63 Approval by the Planning Board.**

Plans and site design for the installation of required fences or landscaping shall be reviewed by the Planning Board as provided in Article 7, nor to issuance of a building permit for such uses as are required by this ordinance to be provided with such fences or landscaping.

**5.64 Maintenance.**

Any fencing or landscaping installed in accordance with this section shall be maintained in good order to achieve the objectives of this section. Failure to maintain fencing or to replace dead or diseased landscaping shall be considered a violation of this ordinance.

**5.65 Proper Lawn Care and Exterior Housekeeping.**

Affirmative steps must be taken to eliminate all weeds and brush from buildings sites, which must be seeded down with conventional lawn grass seed and kept trimmed at all times.

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## ARTICLE 6

### SPECIAL USES

#### **6.10 GENERAL**

The Board of Appeals shall decide on all applications for a building permit or Special Use after review by the Planning Board. Such building permits for a special Use shall be required for all used of land and/or buildings that are designated as Special Uses in Schedule I of this ordinance.

#### **6.11 Application**

The applicant shall file an application for a building permit for a Special Use in accordance with Article 9.11 of this ordinance.

#### **6.12 Referrals**

The Board of Appeals shall refer all such applications to the Town Planning board in accordance with Article 9.60 of this ordinance.

#### **6.13 Notice, Hearing and Decision**

The Board of Appeals shall give its decision on all applications, after proper notification and hearing, in accordance with Article 9.90 of this ordinance.

#### **6.14 Term**

Any building permit for a Special Use shall expire unless construction has begun in accordance with Article 9.42.

#### **6.20 REQUIRED SITE PLAN**

An application for a building permit for a Special Use shall be accompanied by a site plan. Such plan shall comply with the following provisions:

#### **6.21 MAP**

A map shall be prepared by a licensed civil engineer, surveyor architect that is drawn to scale and accurately dimensioned. Where the application is made for the purpose of installing an individual mobile home, factory manufactured home, single family or two family dwelling; the applicant may substitute a plot plan showing the actual dimension of the lot to be built upon, the exact size and location on the lot of the mobile home or factory manufactured home to be affixed to the realty, and such other information as may be necessary to provide for the enforcement of this Ordinance. The Zoning Officer will provide plot plan forms for this purpose. This section is not applicable to individual residential extensions.

#### **6.22 Proposed Development**

The following shall be shown; the location and use of all land and buildings; parking and loading areas, vehicular and pedestrian access and circulation; location of utility lines, and proposed grading, screening and landscaping.

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### 6.23 Other

Any other information deemed necessary by the Planning Board or the Board of Appeals in its review of the site plan.

### 6.30 **STANDARDS APPLICABLE TO ALL SPECIAL USES**

Prior to the approval or disapproval of an application for Special Use Permit, the Board of Appeals shall consider the public health, safety and welfare, the comfort and convenience of the Town in general and of the residents of the immediate neighborhood in particular, and may prescribe appropriate conditions and safeguards as may be required in order that the result of its action may, to the maximum extent possible, further the intent of this ordinance and accomplish the following general standards:

- 6.31 The proposed Special Use shall have adequate access for fire and police protection.
- 6.32 The proposed Special Use shall be of such location, size and character that it will be in harmony with the orderly development of the district in which it is to be situated, and such use will not be detrimental to the orderly development of adjacent properties.
- 6.33 The proposed use shall provide safe, convenient and adequate vehicular and pedestrian access to and from the use through the provision of adequate, but not excessive points of ingress and egress that are of efficient width, properly graded and aligned, provide clear visibility, and are not located too near street corners or places of public assembly.
- 6.34 The proposed Special Use shall provide adequate off-street parking and loading areas that are properly located on the lot to provide safe and convenient circulation.
- 6.35 The proposed use, location and height of buildings shall be such that this special use will not hinder or discourage the appropriate development and use of adjacent land and buildings.
- 6.36 The proposed use shall provide adequate landscaping and screening of all playground, parking, loading and service areas so that such areas are screened at all seasons of the year from the view of adjacent lots and streets.



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### 6.23 Other

Any other information deemed necessary by the Planning Board or the Board of Appeals in its review of the site plan.

### 6.30 **STANDARDS APPLICABLE TO ALL SPECIAL USES**

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- 6.31 The proposed Special Use shall have adequate access for fire and police protection.
- 6.32 No special use permit shall be granted unless it is determined by the Planning Board that the proposed use meets all of the following criteria:
  - 1) The location, size and use of structure, nature and intensity of operations involved, size of site in relation to the proposed structure(s), and the location of the site with respect to roads giving access to it are such that the proposed use will be in harmony with orderly development of the district.
  - 2) The location, nature and height of buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings, or impair their value.
  - 3) Use of nighttime, and overcast daytime condition, stroboscopic lighting to satisfy tower facility lighting requirements for the Federal Aviation Administration shall be subject to on-site field testing before the Planning Board as a prerequisite to that Board's approval as it applies to existing residential uses within 2000' of each tower for which such strobe lighting is proposed.
  - 4) No individual tower facility shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation.
  - 5) No individual tower facility shall be installed in any location where

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its proximity with existing fixed broadcast, retransmission, or reception antenna ( including residential reception antenna) for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception.

- 6) Individual wind turbine towers shall be located with relation to property lines so that the level of noise produced during wind turbine operation shall not exceed 50 dbA, measured at the boundaries of all of the closest parcels that are owned by non-site owners and that abut either the site parcel(s) or any other parcels adjacent to the site parcel held in common by the owner of the site parcel as those boundaries exist at the time of special use permit application.
- 7) No wind turbines shall be permitted that lack an automatic braking, governing, or feathering system to prevent uncontrolled rotation, overspeeding, and excessive pressure on the tower structure, rotor blades, and turbine components.
- 8) The minimum distance between the ground and any part of the rotor blade system shall be thirty (30) feet.
- 9) All power transmission lines from the wind generation electricity generation facilities to on-site substations shall be underground.
- 10) Procedures acceptable to the Planning Board for emergency shut-down of power generation units shall be established and posted prominently and permanently on at least one location on the road frontage of each individual unit site.
- 11) Prior to issuance of a Building Permit, the applicant shall provide the Town proof, in the form of a duplicate insurance policy or a certificate issued by an insurance company, of liability insurance, of a level to be determined by the Town Board in consultation with the Town's insurer, to cover damage or injury which might result from the failure of a tower or towers or any other part(s) of the generation and transmission facility.
- 12) Upon discontinued use of existing structures, site is to be returned to original condition i.e. : structures , concrete, & underground cables shall be removed.
- 13) The minimum setback distance between each production line

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commercial wind power electricity generation unit (wind turbine tower) and: all surrounding property lines, overhead utility lines, any dwellings, and any other generation units, above-ground transmission facilities, and separate meteorological facilities, shall be equal to no less than 1.5 times the proposed structure height plus the rotor radius. [The property line setback requirement may be reduced by the Planning Board as an incident of special permit review when the Planning Board finds that the following circumstances apply: the property line in questions a) separates two properties that are both in the "C" District, and b) either, 1) both properties on each side of the boundary line in question will have electricity generation or transmission facilities constructed on them as part of the project under review, or 2) the owner of the property for which the reduced setback is sought executes and presents for recording a development easement satisfactory to the Town in which the reduced setback is consented to, and construction within, and use of the easement area is appropriately restricted.]

No experimental, homebuilt, or prototype wind turbines shall be allowed without documentation by the applicant of their maximum probable blade throw distance in the event of failure and determination by the Planning Board of appropriate setback distances on the basis of that documentation.

- 14) Location, size and use of structure, nature and intensity of operations involved, size of site in relation to it, and the location of the site with respect to roads giving access to it are such that it will be in harmony with respect to roads giving access to it are such that it will be in harmony with orderly development of the town.
- 15) Location and nature of buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings, or impair their value.
- 16) The special use shall not conflict with any master plan, or part thereof.
- 17) Operations of any special use shall not be more objectionable to nearby properties than would be the operations of any permitted use with regard to noise, smell and obstruction of view.

**6.40 SPECIFIC DEVELOPMENT STANDARDS**

**6.41 Outdoor Recreation Facilities**

- a. Such uses shall include golf course, ice skating rinks, swimming pools and tennis courts.
- b. In any district where permitted, no building shall be located within Fifty (50) feet of any property line.
- c. In any district where permitted, there may be permitted retail sales which are clearly secondary to the principal use.
- d. Unenclosed recreational facilities shall be located not less than twenty-five (25) feet from any property line except where greater distances are otherwise required herein and shall be effectively screened from adjoining residential uses in accordance with the provisions of Section 5.60.
- e. Illuminated signs and other lights shall be directed away, or shielded From adjoining residential properties in such a way as not to disturb the occupants thereof.
- f. No public address system shall be permitted except where such system is inaudible at any property line.
- g. A four (4) foot fence is required for publicly used pools.

**6.42 Essential Services**

Such uses shall be limited to the erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical steam or water transmission or distribution systems, collection, communications, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police ice call boxes, traffic signs, hydrants, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings, where applicable, the landscaping regulations of Section 5.60 shall apply.



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Such uses when in A and R Districts shall be subject to the following regulations:

- a. Such facility shall not be located on a residential street (unless no other site is available), and shall be so located as to draw a minimum of vehicular traffic to and through such streets.
- b. The location, design and operation of such facility shall not adversely affect the character of the surrounding residential area.
- c. Adequate fences, barriers and other safety devices shall be provided, and shall be landscaped in accordance with the provisions of Section 5.60.

### 6.43 Planned Unit Developments

a. **Purposes**

The purpose of planned unit development regulations is to encourage flexibility in the design, the mix of permitted uses and development of land to promote its most appropriate use, to facilitate the adequate and economical provision of street, utilities, and public spaces; and to preserve the natural and scenic qualities of open areas.

The procedure is intended to permit diversification in the location, type and use of structures, and improve circulation facilities and other site qualities while ensuring adequate standards relating to public health, safety and welfare and convenience both in the use and occupancy of buildings and facilities in planned groups.

b. **Approval**

Planned unit developments shall be subject to the approval of the Town Board based upon a review and recommendation by the Planning Board. The Town Board shall hold a public hearing on the proposal prior to its review.

c. **Regulations Governing Planned Unit Developments**

1. **Minimum Area.**

A planned unit development shall include no less than ten acres of contiguous land.

2. **Open Space.**

A minimum of twenty-five percent of planned unit site shall be developed as public open space. Parking areas and vehicle access facilities shall not be considered in calculating open space.



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3. **Residential Density.**  
Residential planned unit development shall have densities no greater than those permitted in the district.
  4. **Land Use.**  
Proposed land use shall not adversely affect surrounding development and shall be in accordance with the objectives and principles of the General Plan.
  5. **Other Standards.**  
All other standards for the zone as designated in Schedules I and II do not apply.
- d. **Standards for the reviewing Planned Unit Developments**  
The Planning Board shall form its recommendation concerning the planned unit based on the following standards:
1. **General Standards**
    - a. The planned unit development group plan shall be consistent with the Augusta General Plan.
    - b. The planned unit development shall provide for an effective and unified treatment of the development possibilities on the project site making appropriate provision for the preservation of scenic features and amenities of the site and surrounding areas.
    - c. The planned unit development shall be planned and developed to harmonize with any existing or proposed development in the area surrounding the project site.
  2. **Design Standards**
    - a. All buildings in the layout and design shall be an integral part of the development and have convenient access to and from adjacent uses and blocks.
    - b. Individual buildings shall be related to each other in design, masses, materials, placement and connection to provide a visually and physically integrated development.
    - c. Treatment of the sides and rear of all buildings within the planned development group shall be comparable in amenity and appearance to the treatment given to street frontages of these same buildings.

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- d. The design of buildings and the parking facilities shall take advantage of the topography of the project site where appropriate, to provide separate levels of access.
- e. All building walls shall be so oriented as to avoid undue exposure to concentrated loading or parking facilities wherever possible and shall be in oriented as to preserve visual and audible privacy between adjacent buildings.
- f. All buildings shall be arranged as to be accessible to emergency vehicles.

### 3. **Landscape Design Standards**

- a. Landscape treatment for plazas, roads, paths, service and parking areas that are designed as an integral part of a coordinated landscape design for the entire project area.
- b. Primary landscape treatment shall consist of shrub ground cover, and street trees, and shall combine with appropriate walks and street surfaces to provide an attractive development pattern. Landscape materials selected should be appropriate to the growing conditions of the Town's environment.
- c. Whenever appropriate, existing trees shall be conserved and integrated into the landscape design plan.
- d. All streets bordering the project area shall be planted at appropriate intervals with street trees.

### 4. **Circulation System Design Standards**

- a. There shall be an adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading space.
- b. Roads, pedestrian-walks and open space shall be designed as integral parts of an overall site design. They shall be properly related to existing proposed buildings and appropriate landscaped.
- c. Buildings and vehicular circulation open spaces shall be arranged that pedestrians moving between buildings and appropriate landscape.

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- d. Landscaped, paved and comfortable graded pedestrian walks shall be provided along the lines of the most intense use, particularly from building entrances to streets, parking areas and adjacent buildings.
- e. Materials and design of paving, lighting fixtures, retaining walls, fences, curbs, benches, etc., shall be of good appearance, easily maintain indicative of their function.

### 5. **Parking and Loading Design Standards**

- a. Parking facilities shall be landscaped and screened from public view the extent necessary to eliminate unsightliness and monotony of parked cars.
- b. Pedestrian connections between parking areas and buildings shall be special pedestrian walkways and or elevators.
- c. Parking facilities shall be designed with careful regard to orderly arrangement, topography, landscaping, ease of access, and shall be developed an integral part of an overall site design.
- d. Any above-grade loading facility should be screened from public view to the extent necessary to eliminate unsightliness.

### 6. **New Road Construction, Drainage and Maintenance**

- a. Road construction standards. All roadways in planned unit develop must be approved by the Town of Augusta Highway Superintendent concerning construction and drainage before such roadways can be accepted and maintain in the Town. Such acceptance shall I be by Town Board Resolution.
- b. Water and sewer utilities. Planned unit developments shall be served either by public water and sewerage systems of by package plants designed to serve the entire planned unit development.

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### 6.44 Junk and Salvage Yards

- a. License Required. No person shall use any building or premises for buying, selling, gathering, delivery, shipping, storing or salvaging of old iron, bottles, paper, rags, farm machinery, vehicles or other material common included in the term junk without obtaining a license for the operation of junk or salvage yard. Storage of two or more unlicensed vehicles on the same premises shall be prima facie evidence of operation of a junk or salvage yard. This section does not apply to the bona fide sale of antiques.
- b. Application. Application for the license hereunder shall be made in writing to the Zoning Officer stating:
  1. The location and description of the premises to be licensed.
  2. The nature of the business to be conducted on the premises.
  3. The type of construction of any buildings to be used in connection with the business.
  4. The applicants name and address, and, if a firm or corporation, the names and addresses of all officers thereof.
- c. Location. No junk or salvage yard shall be located two hundred (200 feet of any residence other than the owner of the premises or any residential or business district or three hundred (300) feet from a lake, river or stream. No junk or salvage operations shall be carried on within fifty (50) feet of any highway right-of-way. Junk or salvage operations are to be located in "1" districts only.
- d. Screening Requirements. Refer to Section 5.62.

### 6.45 Mobile Home Parks

A building permit shall be issued for mobile home parks that comply with the provisions of this ordinance. Mobile home parks shall have paved street adequate street lighting and central water. Minimum lot size shall be 50' x 100' and corner lots shall be 75' x 100' to accommodate single-wide mobile homes. All mobile homes are to be sited with the towing apparatus facing the street.

Mobile Homes Parks Must comply with all waste water treatment and disposal as well as quality water supplies to be specified by the New York State Department of Health, with the approved specifications and water testing frequencies specified by the Licensed Sanitation Engineer who shall supervise the required test borings of the site, along with any other county or New York State requirements that might be adopted in the future.

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### 6.46 Automobile Service Stations

- a. Location of Exits and Entrances. No gasoline service station or automobile repair shop shall have an entrance or exit for vehicles within two hundred (200) feet, as measured along the public street, in which there exists a school, public playground, church, chapel, convent, hospital, or public library. Such access shall be not closer to any intersection than thirty (30) feet.
- b. Location of Oil Drainage Pits and Hydraulic Lifts. All oil drainage pits and hydraulic lifts shall be located within an enclosed structure and be located no closer than fifty (50) feet to any property line.
- c. Gasoline Pumps. Gasoline service stations shall have their gasoline pumps, and other service facilities, set back at least thirty (30) feet from any street line.
- d. Storage Tanks. Storage tanks not in use that have been deemed hazardous by the Fire Chief shall be removed.

### 6.47 Signs

Non flashing and non animated advertising signs are permitted in accordant with the following:

- a. Attachment. All signs shall be constructed and securely fastened in manner that will prevent their displacement by the elements.
- B. Sign Permit. A special use permit shall be required in any district the erection, or alteration of any advertising sign, except that no permit shall be required in any residential district for any sign of two (2) square feet or less of the type herein permitted; and except that no permit shall be required in any A district for any sign of fifteen (15) square feet or less of the type herein permitted.
- c. Traffic or Visual Obstruction. No sign shall be erected at the intersection of streets that may obstruct free and clear vision. If they are located within the direct line of vision of any traffic control sign or signal, they shall not have red, green or amber illumination.
- d. Maintenance of Signs. All signs permitted under this Ordinance as we as those in existence prior to the adoption of the Ordinance shall be adequate maintained to avoid their deterioration, decay or other conditions that might endanger the public health, welfare or safety.



**6.50 MULTI-FAMILY STRUCTURES**

In reviewing the proposed site plan for one or more multiple family structures, the Planning Board will be guided by the following regulations.

- a. Maximum Length of Rows. The maximum length of any group of attached structures shall not exceed one hundred (100) feet. A building group may not be so arranged as to be inaccessible by emergency vehicles.

The front or rear of any building shall be no closer to the front or rear any other building than forty (40) feet.

The side of any building shall be no closer to the side, front, or rear of any other building than thirty (30) feet.

- b. Distance Between Building and Driveways. With the exception of an attached garage or carport. No driveway or parking lot should be closer than twenty-five (25) feet to the front of any building nor ten (10) feet to the side or rear of any building.
- c. Recreation Space. There shall be provided on the site of such development an area or areas devoted to the joint recreational use of the residents thereof. Such recreation space shall consist of not less than four hundred (400) square feet of space per dwelling unit. Each such recreation space shall be developed with passive and active recreation facilities and maintained by management or owner.
- d. Off-Street Parking Spaces. There shall be provided on the site of such development an area or areas devoted to the storage of automobiles. Three parking spaces shall be provided for each two dwelling units on the site. Parking areas shall contain a minimum of two hundred (200) square feet per space excluding all driveway areas.
- e. Landscaping. Trees and shrubs shall be provided along all walks and street, around recreation areas and along the outer property line of the site. Trees shall be planted at intervals of fifty (50) feet where feasible.
- f. Minimum Size Requirements for Various Units.
  - 1) Studio separate bedroom 500 sq.. ft.
  - 2) 1 bedroom 600 sq. ft.
  - 3) 2 bedrooms 800 sq. ft.
  - 4) 3 bedrooms 950 sq. ft.
  - 5) Each additional bedroom 80 sq. ft.

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### 6.60 INDIVIDUAL MOBILE HOMES

\*\*\*\*A special use permit shall be required for all individual mobile homes within A-1 Districts. An individual mobile home shall be situated only on land owned by one of the occupant of the mobile home.

a. Conform to minimum lot dimensions for the A-1 district.

### 6.70 LAND EXCAVATION; SANITARY LANDFILL

\*\*\*\*A special use permit shall be required for all land excavation or mining activities such as quarrying or gravel extraction or sanitary landfill operations. The application for a special use permit shall contain the following.

- a. A site plan indicating the dimension of the excavation. Topographical data to the five foot contour interval may be required at the discretion of the Zoning Board of Appeals.
- b. A brief written description of the proposed program of excavation projected over a five year period. The description shall include the methods of excavation, the projected quantities to be extracted, the shape and direction of the excavation, possible effects on surrounding property and any safety or buffer provisions that may be required.
- c. A graphically illustrated plan for land reclamation or restoration encompassing the entire site. The plan shall include provisions for regrading, re-top soiling, reforestation, lake impoundment or any other reclamation program designed to restore the landscape. The plan shall include a performance schedule and a budget. The Zoning board of Appeals may, at its discretion, require that a performance bond be posted in an amount necessary to carry out the reclamation work.

The special user permit shall be suspended if, in the opinion of the Zoning Board of Appeals, the excavation activity has deviated from the approved plan or if the land reclamation program is not being carried out according to the agreed performance schedule e.

### 6.80 MOBILE HOME FOR TEMPORARY USE.

A. Mobile home for temporary use during home construction or reconstruction due to complete or partial destruction. A special use permit may be granted for one (1) year for the sole purpose of constructing a residence subject to the following conditions.

1. The foundation or excavation has been started evidencing good faith of the applicant and the location a building permit has been issued for construction and,

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2. The location of the mobile home approved by the zoning officer prior to the placement of the mobile home. The Zoning Board of Appeals is empowered to grant a variance as to sidelines and setbacks for the mobile home if the regular setback and side yard restrictions would interfere with the proper construction of the home, said mobile home must be removed from the premises as soon as the home is completed and prior to issuance of certificate of occupancy by the zoning officer.
  3. A special permit may be granted by the Zoning Board of Appeals only upon the finding that the use is temporary and that there is no other residential unit on the lot.
  4. The water supply and sewage disposal facilities must be certified to meet State Department of Health standards by the zoning officer.
- B. For good cause, the zoning officer may allow a maximum of two (2) extensions for periods not exceeding six (6) months each.