

# A COMPREHENSIVE ACTION PLAN FOR THE TOWN OF CARROLL, NY



TOWN OF CARROLL  
5 MAIN STREET  
FREWSBURG, NY 14738

January 1, 2019  
Adopted March 13, 2019

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## Town of Carroll Comprehensive Plan Committee Members

Ken Dahlgren, Town Board, committee chairman  
 Trudy Bloomquist, Zoning Board  
 Todd Ekstrom, Town Board  
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 Al Gustafson, Zoning and Code Enforcement Officer  
 Nathen Conrad, Planning Board



## INTRODUCTION

A comprehensive plan is a written document that identifies the goals, objectives, principles, guidelines, policies, standards, and strategies for the growth and development of the community. It is not a law but New York statutes require that all land use laws in a municipality be consistent with a comprehensive plan. The Town of Carroll is authorized to develop and adopt a comprehensive plan by New York State Town Law



Carroll Veterans' Memorial Park

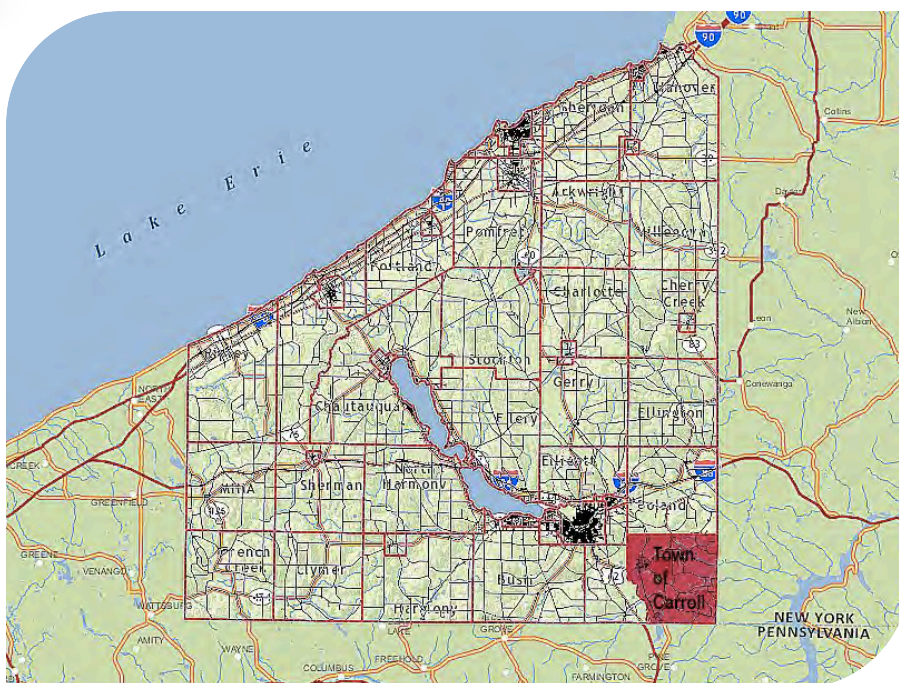
Section 272-a. New York State considers adoption of a comprehensive plan to be a critical tool to promote the health, safety and general welfare of the people of the town and to consider the needs of the residents. A comprehensive plan is the policy foundation upon which communities are built. It is a roadmap for future decision making. Once a comprehensive plan is adopted, there are several implications: All government agencies involved in planning capital projects in the Town of Carroll must consider this plan before they start any capital project. That means the town now has a much larger stake in what other governmental agencies want to do when they are proposing a project in the Town of Carroll. Community consensus and support can be built on the shared vision, goals, and strategies presented in the plan. Programs and regulations may be adopted to implement the plan to protect the town's resources and to manage desired development and growth. Comprehensive plans can assist in obtaining grants. This plan is the basis for regulatory programs. All land use laws are required to be consistent and in accordance with this plan. This Comprehensive Plan is an update and revision of previous planning efforts in The Town of Carroll: the most recent being a plan presented to the town board in 1970, which was prepared by Kendree and Shepherd as part of a larger county planning process. This Comprehensive Plan incorporates some information from that plan and updates it with new information, public input, and planning strategies. The issues, goals and recommended strategies detailed in this comprehensive plan are based upon studies of information and data gathered about the town, as well as from the input of many town residents. Beginning in 2012, and continuing through the publication of this plan, the Town of Carroll implemented a comprehensive effort to involve the public in plan development. A Comprehensive Plan Steering Committee was appointed by the town board to oversee this effort. This committee used a 2012 resident survey along with visioning meetings from 2012-2015 to understand public sentiments and desires for Carroll's future. Follow up meetings were held with various groups and individuals during 2016 and 2018 to obtain more information. The public outreach assisted the committee and the town board in identifying key issues to be addressed.



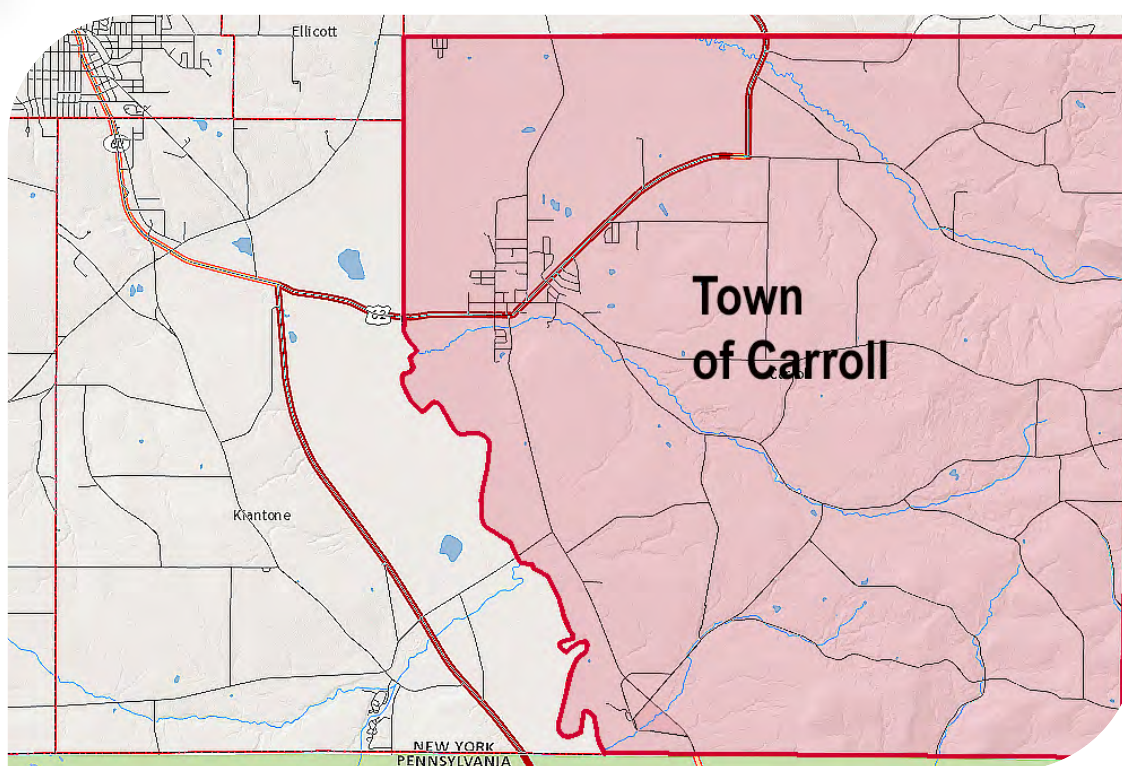
## COMMUNITY PROFILE

### Location

The Town of Carroll contains a total of 21,510 acres or approximately 33.4 square miles of land. The town is in the southeastern corner of the Chautauqua Lake Region. The Chautauqua Lake Region itself encompasses an area of 359.7 square miles (including the 21 square miles of the lake). The region is in

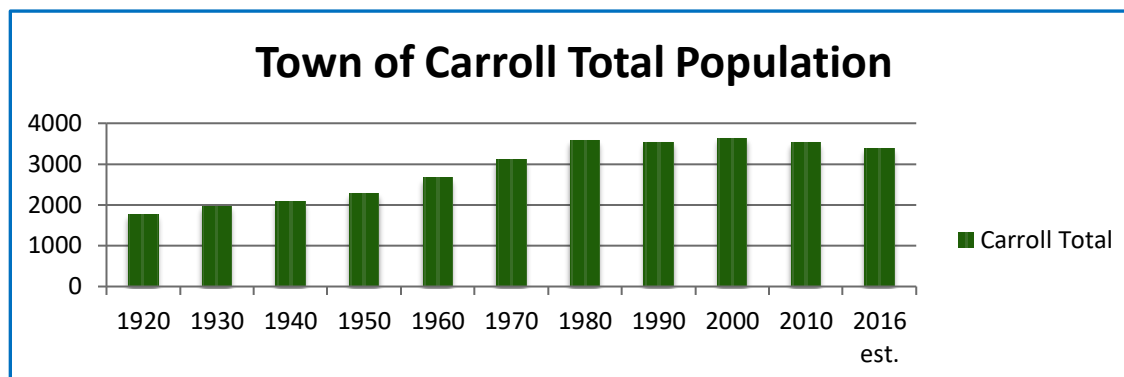


the southeastern part of Chautauqua County in the southwestern corner of New York State. It is also in the approximate center of a triangle formed by the cities of Buffalo, Cleveland and Pittsburgh and is within a two to three hour drive of each of these cities.



## **Population**

The accompanying charts illustrate the fluctuation of the community's population between 1920 and 2016 and compares the percentage of change this with that of Chautauqua County and New York State.



**1920-1940** - By 1920, the Jamestown-Chautauqua Lake area was established as a prosperous furniture manufacturing center, a relatively stable agricultural area and a budding resort area. The emergence of the automobile and the continuation of industrial expansion in the Jamestown Core increased mobility of the population and expanded employment opportunities. The region grew 21.3% or 12,026 persons from 1920-30. The Town of Carroll's percent of increase was 12.0% or 211 additional persons during this ten-year period.

The "1930's" were marked by the Great Depression. During this decade, the nation and the state continued to grow but at a much slower rate than the previous decade. Chautauqua County and the region lost population. The Town of Carroll grew by 114 persons in the depression years. It is significant to note that the growth rate in the town exceeded the county rates but was slightly lower than the state and national growth rates. This would indicate that the relatively stable nature of the rural area helped buffer the effects of the depression.

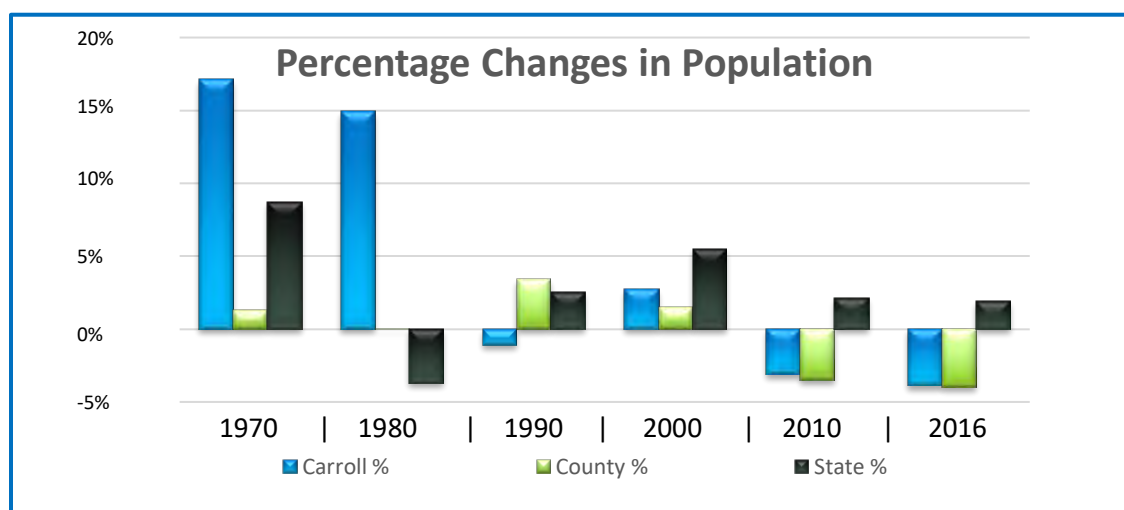
**1940-1960** - World War II and the years immediately following created dramatic changes in the population structure. The nation, state, and county experienced a resurgence in population growth. The farm population continued to decline during this decade. The growth rate of the Town of Carroll (9.6%) from 1940-50 had increased over the preceding decade; however, it was at a lower rate than the nation, state and county.

The county fell behind the state and national growth rates between 1950 and 1960. Jamestown suffered a loss of population. The growth of the communities surrounding the Jamestown core did not increase sufficiently to offset this loss. The Town of Carroll grew by 16.4% during this period indicating a strengthening of the trend to leave the urban core and settle in new suburban areas.

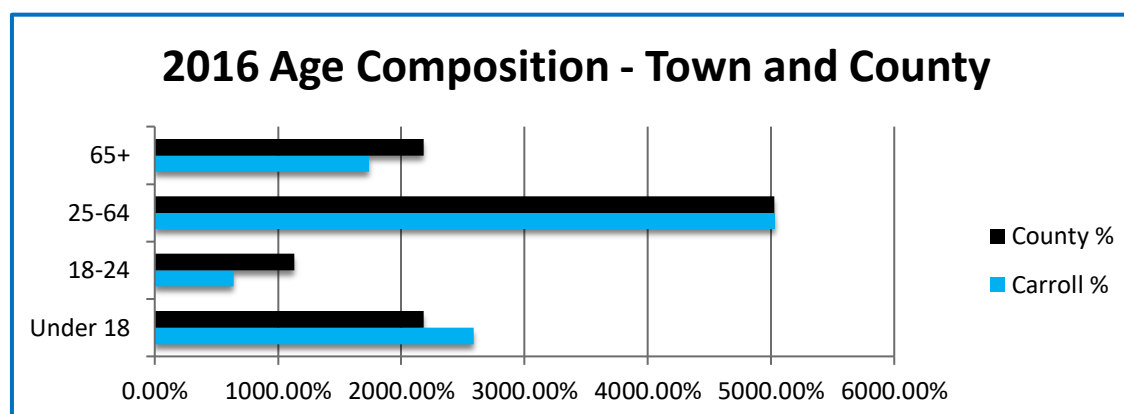
**1960 - 1980** - During this period the population of the Town of Carroll continued to grow at a much higher rate than the county as a whole. The trend of the past two decades towards moving into new suburban areas continued. Carroll grew at a rate of 17.1% in the 1970's and 14.9% in the 1980's.

**1980 - 2000** – During the 1980's and 1990's loss of manufacturing jobs and economic hardships lead to the first significant period of decline in Carroll's population in its entire history. By 1990, the town had witnessed a population drop of 1.1% and by 2000 a slight increase of 2.7%. It was during this time that the town's population reached its all-time peak of 3,635 individuals.

**2000 - 2016** - During this period the population drop began and continued in earnest, thus invalidating all of the predictions of continued growth made by the previous town planners in the 1960's. By 2010 the population had dropped by 3.1% to 3,524 and another estimated drop of 3.9% by 2016. The estimated population in 2016 is 3,388, down from the all-time high in 2000 by 147 people. These population declines have mirrored almost exactly the percentage drops for Chautauqua County as a whole. In the first 16 years of the new millennium the town has registered an estimated net population loss of 147 which results in a cumulative loss of 4% of the population.



**Age Composition** – According to the United States 2010 census, the median age of residents within the Town of Carroll in 2010 was 45.3 years. This median age is an increase from the 2000 census of 39.8. That portion of the population that determines the needs of educational facilities (i.e. persons under 18 years of age) is 25.9% is higher than the county average of 21.83%. the young adult age group (18-24) is 6.4% in the Town of Carroll, which is significantly lower than the county average of 11.32%. Those who are between the ages of 25-64 in the Town of Carroll make up almost exactly half of the population at 50.3%. The county average for the 25-64 age group is almost exactly the same at 50.27%. The percentage of persons 65 years and older in the Town of Carroll is was 17.4% in 2000 and increased to 19.8% in 2010.



**Gender Composition** – The composition of the community by gender has remained steady over the last fifty years at 51% female to 49% male

**Racial and Ethnic Composition** - According to the 2010 Census of Population 97.3% of the Town of Carroll population identify as white, 1.3% as Latino, 0.4% as Black or African American, 0.6% as Native American, 0.1% as Asian, 0.4 % as some other race and 1.2 % as two or more races

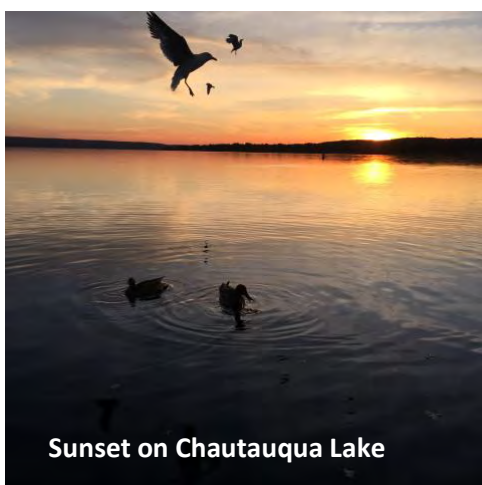
**Households** - In the Town of Carroll, a total of 3,560 persons (all but 75 persons in the town) were classified as living in 1,461 households, at a ratio of 2.61 persons per household.

**Educational Attainment** - The percentage of those with a high school diploma or higher in the Town of Carroll according to 2015 survey results is 90.2%. The percentage of persons attending or completing college stands at 42.4%.

**Family Income** -The median household income for the Town of Carroll \$45,625 per family according to 2015 estimates. This breaks down further to \$48,036 as a median income within the Hamlet of Frewsburg and \$41,250 for those in Carroll outside of the Hamlet of Frewsburg.

**Employment** – According to the 2010 U.S. Census, 63% of the town is employed out of a total workforce of 67.7%. This 4.7% unemployment rate was significantly less than the State rate of 7.8% and the County rate of 8%. The majority of the wage earners are employed in educational or health care services, followed by manufacturing, other services, retail trade, and self-employed.

**Natural Resources** - No significant mineral resources exist in the Town that are marketable as a base for primary industry. One critical resource the town does possess, however, is gravel, which is essential for new construction. The bulk of this resource is centered under the Hamlet of Frewsburg. There are additional strips of gravel extending southeast from Frewsburg along Frew Run Road and northeast along the Conewango Creek. A small oil field exists near Austin and McCoy Roads; however, it is not of commercial significance. Timber was an important resource in early days, but natural replanting has not been able to replace the over-harvested forests of long ago. No sawmills now remain operating in the area where there were originally more than fifteen.



Water supplies are adequate for general purpose; however, it is unlikely that industries consuming large volumes of fresh water for processing or cooling would, or should, be attracted by this resource. Land is the most abundant resource the town possesses. The northwestern portion appears to be well suited for industrial development. If utilities and services can be provided, the Town of Carroll has a distinct economic advantage for attracting industrial growth.

Recreation resources, particularly Lake Chautauqua, are perhaps the strongest resource assets the region as





Tubing on the Conewango

a whole possesses. The Town of Carroll benefits from its proximity to both Lake Chautauqua and the Allegheny Reservoir, as well as the presence of the Conewango Creek winding through the town. Tourism is the most obvious and direct beneficiary of these resources. However, the alternative of the summer and winter recreation opportunities will, or should, have a value far beyond the tourist industry. Exceptional recreational opportunities and potentials exist within the Chautauqua Lake Region, including the Town of Carroll.

to physical resources, primary industries often require such things as: Availability of component part suppliers and/or consumers, availability of cooperation in “packaging”, the right combination of sites, facilities, utilities and finances and the availability of housing



Allegheny Reservoir

and other basic community facilities and services for employees. Within the region there are numerous tool and die and hardware manufacturers which support, at least in part, the larger metal and wood processing industries. The wide range of other parts and skilled craft products as measured by employment suggests that this condition is an important resource to expanding economic activity.

The same concept applies to the recreation industry within the Region. As many resort communities have found, tourists attract tourists. The existing “package” of cultural and recreation attractions, as well as tourist service facilities, will undoubtedly tend to encourage further development of this type.

## PHYSICAL CHARACTERISTICS

### Topographic Conditions

#### 0 - 8% Slopes

Approximately 62.4% of the land in the town is in this classification. With the exclusion of the flat wetlands (1.1% of the total), this classification represents the most readily developable and useable land. All other considerations being equal, there is the greatest flexibility in site design and minimum of site improvements and maintenance required. The majority of the 0-8% slope land is located in the northwest corner of the Town and follows the major valleys. The upland portion of this slope classification is found in the central section of the town. At the present time, the majority of the developed areas are located on the 0 - 8% slopes.

#### 8 - 16% Slopes





About 29.6% (6,371 acres) of the town's land area is in the 8-16% slope category. This classification is considered moderately restrictive to general development. A 16% slope is considered the practical limit for the use of modern farm machinery, normal road construction and driving safety. All of the land within this classification is located in the uplands with the majority being found in the eastern or southwestern sections of the Town. It must be noted that over 90% of the land area in the Town of Carroll falls within the "prime" (0-8%) and "moderate" (8-16%) slope classifications. Therefore, the majority of the community can be considered developable unless other physical limitations such as poor soil or inadequate drainage indicate otherwise.

### **16 - 25% Slopes**

The 16-25% slope lands are considered the practical limits for normal housing development. Lands within this classification usually are the last developed except for specialized uses and scenic view. In general, the problems that become most critical in this slope classification are the installation of roads, utilities, driveways and the efficient use of yard areas. Terracing and retaining walls are almost essential in these areas. Approximately 37% (793 acres) of the town are categorized in the 16-25% slope classification. The majority of these areas are located in the uplands in the southern and eastern portions of the town.

### **Slopes over 25%**

For planning purposes, slopes over 25% are considered economically impractical for either public or private construction. This does not mean that these lands are useless. In addition to desirable active and passive recreation and wildlife-timber conservation, these lands provide essential open space which breaks the monotony of continuous development and can be used to buffer inharmonious land uses. These severely-sloped land areas should be viewed as a starting point for developing the Regional and community open space plans. Approximately 4.3% of the Town is classified in this category. The location of the majority of this land is on the valley walls which parallel County Road 36 in the eastern portion of the Town. Other scattered examples of this classification are found along Frew Run Road, County Road 34 and in the extreme southern end of the Town. Only two areas of the Town can be considered as hampered by topographic barriers. These include the area between County Road 36 and Oak Hill Road in the eastern portion of the community and properties on the southeastern side of Dodge and Sandberg Road.

### **Geology**

The region is located on a portion of the glaciated Appalachian Plateau. Before the glaciers modified the area, a maturely dissected upland had developed. Within this upland, three major valleys were formed: Chautauqua, Cassadaga and Conewango. The area was then glaciated several times during the Pleistocene Epoch causing scouring of the upland, widening of the valleys and deposition of glacial till.

**Major Valleys** - The outstanding physical features of the area are broad, flat-bottomed valleys separated by extensive uplands. The Conewango Valley is a pre-glacial valley having a bedrock floor covered by a thick silty deposit of a now-extinct glacial lake. The valley is remarkably flat-bottomed with a low gradient stream much too small to have cut the valley. The marshy areas near the Conewango are underlain by silty lake deposits and have not yet been developed. The majority of the developed area of the Town is underlain by gravel deposits. These deposits are

found in and around Frewsburg, along Frew Run Road and in the valley along Harrington Road and County Road 36.

**Uplands** - The uplands are a series of rolling hills created by water erosion of a plateau modified by glacial scouring. A developing dendritic drainage pattern has further eroded the uplands forming numerous narrow stream valleys. Bedrock in the upland areas is found at depths of approximately 3 to 5 feet. A layer of hard-pan or consolidated glacial material normally lies 1.5 to 3 feet below the surface of the ground. Because of this hard-pan layer, the use of septic systems and the effectiveness of ground water drainage are greatly reduced. Three major areas of uplands are located in the Town of Carroll. These include: The northeastern corner, a major series of ridges along Oak Hill Road and the northwest-southeasterly ridge located between Route 60 and Frew Run Road.

**Unglaciaded Area** - A small section of the southeastern portion of the town had not glaciaded during the last Pleistocene glaciation. Within this area is located some of the highest and most rugged topography within the Region. It is characterized by less smoothly-rounded ridges and deeply incised "V"-shaped valleys created by the vigorous down-cutting of streams. The lower slopes of the hills are covered by a colluvium mantle while the upper slopes have typically thin and stony overburden.

### **Soils**

Soils are the result of five elements: Parent material, topography, climate, time and biologic action. For purposes of analyzing development capabilities, soil characteristics which are considered most important here are bearing capacity, permeability and depth of bedrock.

**Soil Suitability for Septic Systems** - The basis for determining soil suitability for septic systems is permeability and depth of bedrock. The soils in the Town of Carroll have been categorized into three generalized classifications: Good, fair and poor soils. Most of the soils that are considered "good" for septic systems are located in a discontinuous band along the Conewango south of Frewsburg, and in the lowlands incorporating Frewsburg and continuing north and east along U.S. Route 62 and County Road 36. Two major groupings of the "good" soils in the upland section of the Town are found in the east-central portion and in the northeastern corner of Carroll. Soils in these areas contain a high percentage of gravel and sand which provide adequate permeability for leaching fields. Two small strips of "fair" soils for septic systems are found along Frew Run Road and the stream that parallels Harrington Road. The remainder of the town has soils that are classified as "poor" for the installation and operation of septic systems. Most of the "poor" soils in the uplands are derived from mixed glacial till. These soils contain a compact yet unconsolidated deposit of heterogeneous clay, silt, sand and gravel which has turned to hard-pan. As a result, ground water permeability is greatly hampered, limiting the effective use of leaching fields for septic systems. In the lowlands where "poor" soils are found, silt and clay deposits and seasonably high-water tables limit the use of septic systems. At the present time, development is so sparse in the areas that have "poor" soils that the need for community sewer systems is not critical.

## **Climate**

Climate definitely affects the type, design and cost of development, but only in extreme cases does climate prevent development from occurring. Aspects of climate that are important to planning are precipitation and temperature. With the exception of snowfall, climatic conditions vary only slightly within the Region. It is, therefore, assumed that precipitation and temperature data collected at the Jamestown Weather Station is applicable for the majority of the Region.

**Precipitation** - The high month of July and the low month of February vary only about .75 inches from the annual monthly average of 3.65 inches of precipitation. The effect of precipitation on agriculture is generally favorable with approximately 19.3 inches of precipitation being received during the average growing season.

**Temperature** - The mean annual temperature in the area is 50 degrees. The mean monthly temperatures vary from a high of 72 degrees in July to a low of 28 degrees in January and February.

## **Natural Resources**

The basic natural resources include extractive resources such as timber, oil, gravel and water, and non-extractive resources including agriculture and recreation.

**Extractive Resources** - The earliest development of the Chautauqua Lake Region was based upon extractive resources, particularly timber. Heavy timbering and the conversion of forest lands to crop lands reduced the timber resources in the Region; however, “new” hardwood forests are emerging as abandoned farm lands revert gradually to their natural state. The existing stands are recognized as high-quality hardwoods (beech, birch, maple, ash, cherry and oak).

The status of the timber resources in the region is significantly influenced by the markets of major sawmills located adjacent to the region. Most logging operations are based on contracts between individual land owner and these mills. The problems associated with the industry are primarily related to man’s misuse of timber resources. Over-cutting of wood lots, lack of initiative in developing new timber resources and failure to recognize significant new trends in the diversification of specialty forest products has stifled the potential industry.

The future of timber resources in the region depends on many factors. The three most important are: Improved management practices of existing woodlands, selective reforestation of species of marketable value and the development of markets and diversification of specialty forest products.

**Oil** - Within the area, the Upper Devonian-Glade sands are the only commercially productive oil sands. Oil deposits have been exploited within the Town and at one time were thought to be of importance. One such oil field was located near Austin Road and Warren Road. Local sources familiar with the area, however, have indicated that these resources do not have significant economic potential.

**Sand and Gravel** - Deposits are found principally in the major valleys throughout the Town. To date, the sand deposits have not been exploited commercially because of the large amount of silt that accompanies it. The extraction of gravel, however, has been important in the area and is considered extremely important as a resource for general development. It is recommended that areas containing significant gravel deposits be protected for future excavation.

**Water** - Sources of sufficient ground water supply are found predominantly in the valley gravel and sand deposits. Wells in these areas yielded up to 1,000 gallons per minute. However, in the uplands, shale and sandstone covered by a thin mantle of glacial till only yielded small quantities of water (a few gallons per minute). Water in these areas is often highly mineralized requiring expensive treatment. Deeper wells where fresh water can be obtained often are prohibitively expensive to the average homeowner. It is, therefore, recommended that on-site water availability be carefully considered.

### **Non-Extractive Resources**

Non-extractive resources considered here are agriculture and recreation.



**Agriculture** - The recent history of agriculture in the Town has been one of land abandonment rather than expansion. Much of the upland is no longer considered suitable for field crops since shallow surface soils are often poorly drained. As a result, many once-active farms are now considered marginal or obsolete and have become overgrown by scrub brush or converted to pasture land. The remaining active and productive farm lands within the Town are also threatened by a combination of factors. Other more productive farm regions where physical features and market orientation are more advantageous present problems

to local farmers. In addition, the scattering of non-farm development into rural areas has significantly reduced the total farm acreage. More importantly, this new, non-farm development tends to create municipal and school costs which are disproportionate to the revenues produced and are thus normally absorbed by the farm lands.

Traditionally, we have viewed land as a supplier of food or forest products and have not given thought to opportunities to use obsolete farm lands to satisfy other needs of society. Only the surface has been scratched in exploring alternative uses for obsolete farm land. Fortunately, such land can be put to alternate uses which are compatible with farming such as: Timber production, wildlife-conservation areas, summer homes, water impoundments and recreation.

**Outdoor Recreation Resources** - The availability of large, undeveloped tracts of land containing steeper slopes, the winter climate conditions within the area and a large tourist market from populated metropolitan areas combined to suggest strong skiing recreation potential within the area. In addition to the established local or nearby recreational facilities, the widest range of recreation activities from highly improved golf courses to low density hunting and fishing appear feasible.



## LAND USE

Knowledge of how the land is presently being used is a must when formulating plans for future physical development. Only through such knowledge can the dimensions and directions of future growth be anticipated and guided. Land use numbers were obtained from 2017 town assessment records.

### **Land Use Patterns**

The Town of Carroll contains a total of 21,510 acres or approximately 33.6 square miles of land. Of this total, 18,649.14 acres were classified under various forms of development. The remainder, or 8,860.86 acres, were classified as vacant or forestland according to 2017 assessment records. From these figures, the town could be categorized as rural with the greatest concentration of development in and around the Hamlet of Frewsburg

**Single-family Residential** - Single-family residential uses are defined as sites on which one-family dwelling units (including mobile homes) are located. Approximately 6,923.08 of the total land area of the town is assessed in the single-family classification. This represents a 900% in single family housing development over the last 50 years. As with development in general, residential development is occurring throughout the Town on existing roads.

From a planning point of view, several residential land use problems have developed in the town. The scattered residential uses along outlying roads are difficult to serve with public facilities. In addition, it will be difficult to establish heavier uses along these roads without creating inharmonious land use conflicts. The continuation of this trend will reduce the development options of the town and, if not carefully controlled, the strips of residential development along existing rural roads could land-lock interior areas and force illogical subdivisions.

**Multi-family Residential** - Multi-family land use is defined as sites on which two or more dwelling units is located. A total 353.31 acres of land are assessed as multi-family residential use in the Town of Carroll. This land use is located exclusively in or adjacent to Frewsburg and, with few exceptions, multi-family residences are concentrated around the central business district near the intersection of Main Street and County Road 53 (Warren Road). Although the amount of multi-family residential acreage is relatively small and the location of these uses present no major problem today, the land devoted to multi-family use 50 years ago was only 11 acres. This speaks to the growing national trend toward more apartment or multi-family development, particularly in suburban-rural areas. The Town of Carroll should anticipate more development of this type by considering specific areas for high-density residential development and by incorporating more density controls in the Town's Zoning Ordinance. This method provides the greatest flexibility of development while still permitting the Town to plan public facilities, based on projectable populations within a given area.

**Retail-Wholesale Commercial** - Retail-wholesale commercial represents sites on which general wholesale and retail businesses are conducted, including light repair shops. Currently, on 24.94 acres of land are occupied by retail-wholesale uses. The majority of the retail-wholesale uses are located in the center of Frewsburg or along County Road 53 (Warren Road) to the south, and County Road 36 to the northeast of Frewsburg. With the exception of Frewsburg, no major

problems related to this use presently exist. In Frewsburg, retail-wholesale uses are illogically located in residential neighborhoods. The central business district suffers from a lack of homogeneity created by a high concentration of mixed uses and a lack of safe and adequate parking. More study and specific planning needs to be done to address the central business district.

**Service Commercial** - Service commercial uses are defined as sites for the provision of personal services or business facilities for housing and serving transient and semi-permanent guests. Service commercial uses occupy 129.53 acres of land in the Town. Almost all service commercial facilities are located in Frewsburg. In the future, service commercial development should be encouraged to locate in shopping plazas in the central business district of Frewsburg or in small neighborhood centers. Tourist-related uses should be located at strategic points near transportation and recreation facilities such as the Conewango Creek.

**Industrial** - The industrial classification is defined as sites for manufacturing, assembling, storing, packaging or processing light industrial goods or products and sites for primary or heavy industrial manufacturing operations. About 292.83 acres of the total area of the Town are assessed for industrial uses. Currently, large portions of the industrial properties are not being utilized.

#### **Transportation, Communication and Utilities**

Transportation, communication and utilities are defined as sites or rights-of-way on which transportation facilities such as roads, railroads, airports, bus terminals and parking lots, or communication and utility stations or sub-stations, or area are devoted to these land uses. Most of this land area consists of road rights-of-way.

**Public and Cultural Recreational** - The public land use classification consists of lands and buildings which are owned, operated or maintained by a governmental agency for the general use of the public. Included in this classification are public administrative offices, public schools and other public facilities. This classification also includes lands and buildings which provide recreation or cultural opportunities to the general public regardless of ownership or admission charge. Included are libraries, parks, playgrounds, picnic areas, campgrounds and commercial amusements. Within the Town of Carroll, 545.08 acres of the total land area fall within the public land use or cultural-recreational assessments.

**Semi-Public** - Semi-public land uses consist of land and buildings which are available to certain segments of the general public based upon some form of membership, association or affiliation. Examples of semi-public uses include churches, fraternal and youth organization building, camps and cemeteries. Only 32.22 acres are devoted to this use within the town. The majority of this land consists of cemeteries, churches and property used by fraternal organizations.



**Agricultural** - Included in this classification are lands and structures which are used for, or in support of, agricultural field crops and pasture lands, whether under continuous use or on a rotating basis. Traditionally land fell within the agricultural classification than any other land use category. That is no longer the case. In 1968, Approximately 10,268 acres or 47.9% of the total land area was devoted to agricultural use. In the 2017 assessment rolls, only 3,788.92 acres are still assessed as agricultural land. Much of the remainder of that land has been developed for



single family housing or other uses. Most of the soils in the town are either “good” or “fair” for agricultural purposes; however, topography presents a serious problem to the expansion of this use. Some agriculture areas are unusually productive and should be protected from urban infringement and the conflicts created thereby.

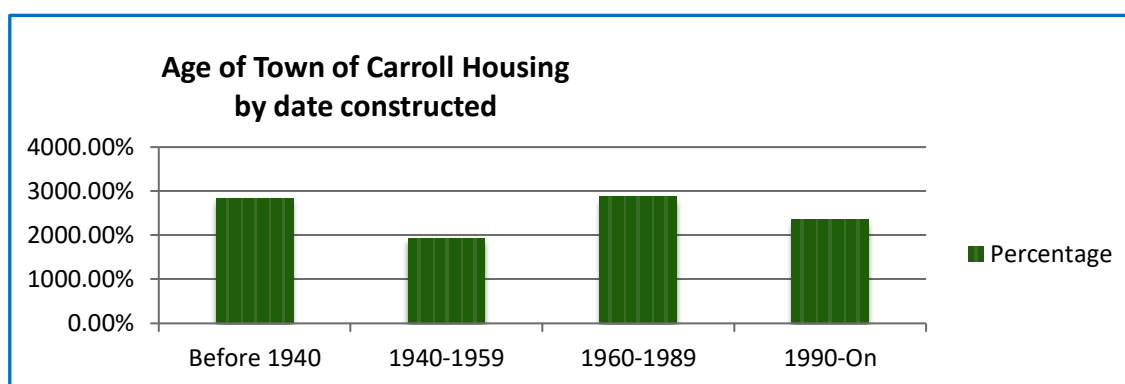
**Vacant or Open** - Vacant or open lands are those which are in an undeveloped state including the scrub lands, woodlands, wetlands and water areas. This classification occupies 8,860.86 acres, or approximately 600 acres less than 50 years ago. Normally, lands in this classification are the least desirable in terms of slope and soil; however, with careful design, the major portion of this land is developable.

**Landfill** - The Town of Carroll has historically been served by a number of public water wells supplying potable water to the community. In 2007, the Town of Carroll adopted a waste disposal law to restrict waste disposal in the Town of Carroll so as to protect the town’s public water supply. Prior to the enactment of the 2007 waste disposal law, the Town of Carroll had to suspend the use of three of its five public water wells due to ground water contamination that was attributed to landfills in the town. With the help of the DEC, remediation and cleanup work was done to restore some of these wells. As a result of the town’s public water wells being contaminated, the town felt it was necessary to restrict by law any further operations of landfills in the Town of Carroll to protect the town’s water supply and health and safety of its residents. Prior to the adoption of the 2007 law, a public hearing was held in which hundreds of residents voiced their support for the law.

## HOUSING AND INFRASTRUCTURE

**Type of Housing** - The type of housing for the community was broken down into four sub-classifications. These include single-family units (which do not include mobile homes), mobile homes, two-family units and multi-family units. The percentages of the various types of housing in the Town of Carroll changed from 1968 to 2017. During the 1968 land use survey, 88.0% of the existing dwelling units were classified as single family units. Mobile homes had increased to 3.9% of the existing housing stock. The remaining 81% was classified as either two-family (3.2%) or multi-family (4.9%). Based on the comparison of 1968 and 2017 housing data, it is apparent that an increased percentage of new development in Carroll is comprised of multi-family and mobile home development.

**Age of the Housing Stock** – In 1969 over 64% of the housing stock was constructed prior to 1940. By 2016 the percentage of existing houses built before 1940 dropped to 28.4%. From 1940 to 1959, 19.3% of our existing housing was built. 28.7% of our housing was built between 1960 to 1989, with the remaining 23.6% built from 1990 onward.



**Cost of Housing** - The cost of housing within the community has been broken down into two types of housing (owner-occupied and renter-occupied). A determination of a family's ability to pay for housing was based on percentage of monthly income to pay for selected monthly owner costs (SMOC). For owner occupied housing in the Town of Carroll, SMOC was less than 20% of household income in 53.3% of the households. SMOC was 20 to 24.9% of household income in 8.6% of the households. 25.1% of the households were paying 25-29.9% of household income, and 13% were paying more than 30% in 2016.

Among renters we looked at a measure of gross rent as a percentage of household income. Rent costs of less than 15% were paid by 40.1% of renters. Other categories are as follows; 6.6% paid 15-19.9% of gross household income, 12% paid 20-24.9%, 12.8% paid 25-29.9% of gross household income for rent, and 28.5% paid more than 30% of their income for rent. For reference, the rent costs were less than \$500.00 per month for 47.8% of renters and 52.2% of renters paid \$500.00-\$999.00.



## **Structural Conditions**

**Sound** - Structures which show no (or few) major defects of a structural or environmental nature are classified as being sound. Slight defects which are connected with normal regular maintenance (such as minor painting) are overlooked as detrimental factors in the classification of the structure.

**Deteriorating** - Structures which are classified as deteriorating need more repair than would otherwise be provided in the course of normal regular maintenance. One or more defects of an intermediate nature are necessary for a structure to be classified as deteriorating. Intermediate defects connected with deteriorating buildings include: A new roof, painting, structural repairs, repair of rain water goods, etc.

**Dilapidated** - Structures which do not provide adequate shelter and endanger health, safety and welfare of the occupants are classified as dilapidated. Structural defects are usually extensive to the point where corrective maintenance is not economically feasible. In addition to the structural defects, environmental factors (such as lack of useable yard space, poor site access, poor site drainage, close spacing between buildings and other similar factors) are weighted with the degree of structural deterioration.

## **Residential Structures**

In 2010, the Census indicated that of the 1,561 housing units (1,461 occupied) located in the Town of Carroll, 86.8% were considered sound, 10.8% were deteriorating, and 2.4% were considered dilapidated. The percentages of deteriorating and dilapidated dwelling units in the Town of Carroll are slightly lower than the Regional deteriorating (14.2%) and dilapidated (3.8%) percentages. In 1968, a total of 930 units were identified. Of this total, 79.0% were sound, 17.7% were deteriorating and 2.3% were dilapidated.

## **Highways and Roads**

The Town of Carroll possesses 48.26 miles of town owned highways and roads within its borders, as well as 15.99 miles of highways and roads under the jurisdiction of Chautauqua County. Less than two miles of town Roads are currently unpaved. New York State Highway 62 travels through the town of Carroll for 4.6 miles as well. The Town Highway Department works out of a state of the art facility on Wahlgren Road that was built in 2001 to house both the highway and water departments. The Highway Department is led by an elected Highway Supervisor who works with a current staff of five full time employees. While the highway department does an amazing job keeping our roads repaired, maintained, plowed, and cleaned there is the awareness that the Town budget allotted for highway expenses has not been enough the last several years to keep up with an optimal road repair and paving plan for the long term. There is a need to look for solutions to keep our roads from deteriorating due to funding shortages.

## **Municipal Buildings and Garages**

The conduct of government and the furnishing of essential public services require public buildings of several different types. The Town of Carroll has a Town Hall which, although small and compact, is centrally located and easily available to the general public. Although it originally served as a fire house and office combined, the fire station has been removed. The former public

works garage and storage area are adjacent to the Town Hall and currently serve as extra storage, garage for police vehicles, and as a home for the Carroll Historical Society. The town constructed a new highway and water department complex on Wahlgren Road near the site of the former town dump in 2001. Other public buildings and services include the two previously mentioned schools, the town park pavilions, the library, the 5 pump stations and two elevated water tanks.

### **Town of Carroll Water Department**

Wells numbered 1 and 2 were drilled in 1940 and the water department was started. After World War II the pipes were laid and wells number 1 and 2 were used beginning in 1948. In the 1960's well number 3 was added and number 4 in the 1970's. Well 2A also was drilled in the 1970's to replace well number 2. Well number 5 was drilled in 1995 and number 6 in 2012. Two water towers were constructed for the system. One built in 1948 and located at Warren Road. The other was constructed in 1973 and is located at Wigren Rd.

Triclor contamination was discovered in well number 2A in 1992 from industrial dumping. This was remediated by an airstripper system. Contamination from the old Carroll landfill was discovered in the early 2000's and the well was temporarily shut down. This was remediated through a partnership with New York State DEC with resources from superfund money. A state of the art air scrubber and filtration system was installed in 2012-13.

In 2005 the water district was expanded with 9,000 feet of pipe being laid. Most of this expansion went out Old Warren Road toward Fentonville.

A recent (2017) engineering report has identified five work tasks to be completed over time to upgrade and maintain our water supply system.

- 1.- Two and 1/2 mile expansion of the water district out Ivory Road to link well number 6 to the system. Not only would this add a very desirable high volume well to the system, it would also expand service to approximately 65 new households.
- 2.- An additional 1.7 mile extension out Warren Road into Fentonville to reach that area with limited well resources. This would add another 36 residential households to the system.
- 3.- Develop a 20 year schedule to replace the original 1948 pipe in the hamlet which is aging.
4. – Replacement of our two existing water tanks with two new 400,000 gallon tanks.
- 5.- Better flow through the system by creating loops with crossovers in the pipes where there are currently dead ends.

Of the 1,969 households in the Town of Carroll, currently 800 households are hooked up to the town water system. Current consumption averages around 200,000 gallons of water per day.

### **Other Utilities and Services**

Telephone service, natural gas service, internet, cable service and electric power are generally available throughout the town by private industry, but some of these services are limited in the more rural areas of the town.

## COMMUNITY FACILITIES

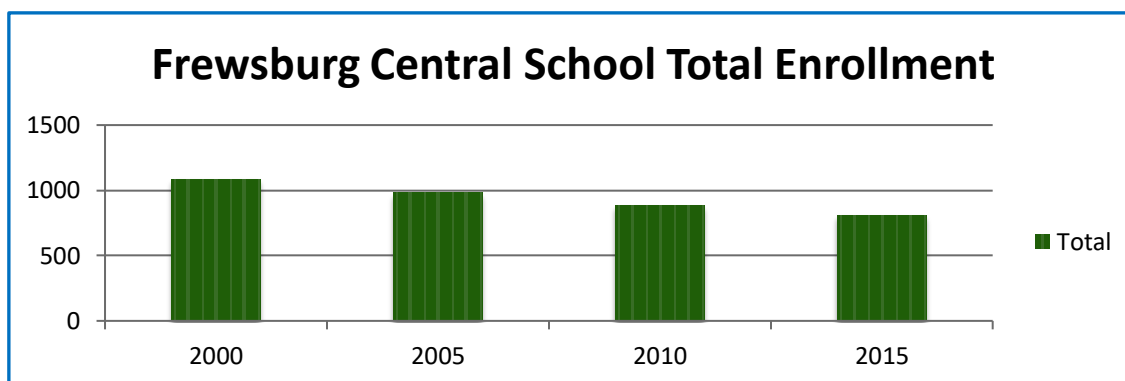
Community facilities are those educational, cultural and recreational facilities that enrich the community and improve its environment. The term also includes those public buildings and services that are essential to protect the public health and safety of residents within the area. This section presents existing conditions of these facilities and services, their adequacy to meet the present and anticipated needs and an analysis and demonstration of any deficiencies in location, level of service, size or condition that might require a change within the time period of the plan.

### Schools -

The Town of Carroll is served by three school districts. These include Frewsburg and a small portion of Falconer and Jamestown. Since almost all of the school-age population in the Town of Carroll are served by the Frewsburg School District, the discussion has been limited to the Frewsburg School District.

### Enrollment

In the 1970 Comprehensive Plan the following prediction was made. "Based on population projections for the Towns of Poland, Kiantone, Busti and Carroll (with most of the emphasis on the Town of Carroll), the enrollment for the Frewsburg School District should increase from the 1,194 students recorded in 1968 to approximately 1,840 in 1995." This optimistic prediction is far from the reality that occurred. By the year 1995 the school district had less than 1,200 students. The most recent enrollment in 2016 stood at 776 total students which is a drop of 30% since the year 2000 when enrollment stood at 1,086 students.



### Condition and Location

The Current Frewsburg Central Junior-Senior High School was constructed in 1955 with several additions and renovations taking place over the last 50 years. The 1922 building was destroyed by fire and demolished in 1975 and a new section of the building was constructed at that time. It contains the full complement of gym, cafeteria, auditorium and library on a site of 16 acres. Since the complex is surrounded by development, no major available tracts of land are adjacent to the existing Junior-Senior High site. From a service radius point of view, the complex is well-located near the center of the population concentration for the school district.

The Frewsburg Central Elementary School was constructed in 1957 on Pearl Street, several additions and renovations were completed over the next 60 years. It also has the full complement of gym, sports fields, pool, track, cafeteria, auditorium and library and currently contains twenty five instructional classrooms. The elementary school site also includes land that is used for ballfields and recreation purposes, as well as undeveloped property.

### Libraries

The Chautauqua Lake Region is served by a Regional library system made up of autonomous local libraries cooperating to provide improved service for the residents of the area. The Chautauqua-Cattaraugus system is such a combination consisting of two central libraries in Jamestown and Olean and a headquarters and staff at Jamestown.

These two central libraries are designed to enlarge their collection on special subjects and provide intra-library loans to member-libraries which cannot individually afford to acquire such materials. The member libraries within the system are either public libraries established by the authority of the local governing body to serve its jurisdiction or free association libraries formed by a group of citizens and chartered by the State Board of Regents

Standards to determine the adequacies of library service have been established and recommended by the American Library Association. The American Library Association, while recognizing that size of population, area served and the service program of the library all offset the number and skills of staff required, suggest that a minimum of one staff person be provided for every 2,500 persons in the service area. They further suggest that for areas of populations greater than 5,000, a professional librarian with a degree from an accredited library school is required. Sufficient staff should be provided to offer fifteen hours per week service as a minimum for any library. For a population the size of Carroll 15-30 hours per week are the standard.

The American Library Association also suggests that regardless of the size of the community, libraries should provide access to enough books to cover the interests of the whole population. Therefore, they recommend that communities with less than 5,000 population need access to a minimum of 10,000 volumes or 3 books per capita.

The Town of Carroll is served by the Myers Memorial Library which is chartered to serve the Town's 3,388 (2016 census estimate) residents. The library is open 33 hours a week and staffed by one full-time, professional librarian and two part-time helpers. The library holds a collection of 18,812 volumes. In reviewing the library from the recommended standards, it surpasses both the hours of operation and number of volumes that are suggested.

The library currently offers a series of regular programs such as; story hour, coffee group, blood screening, book club, genealogy classes, summer reading program, and a thank you reception. In 2017, it saw a total attendance of 10,589 people with 1,163 active patrons. The library also serves as a community meeting space providing space for such activities as; tutoring, violin classes, Historical Society Meetings, and a place to proctor exams.



## **Recreation**

The Town of Carroll sponsors a learn to swim program and community open swim program in conjunction with the Frewsburg Central School. A town paid aquatics director oversees those programs. The Town of Carroll also sponsors a youth summer recreation program at the Town Park which was a program initially begun by the Frewsburg Parent Student teacher Association. The Town manages a 68 plus acre site that is designated as a Town Park which is accessible from Frew Run Road near the center of the hamlet of Frewsburg. A town park committee was formed in 1979 to begin development of this property for recreational use. Through partnerships with Frewsburg Little League, grant funds, community fundraisers, donations from Frewsburg School and the Parent Student Teacher Association this property was developed to include; little league, softball and t-balls fields, paved basketball courts, playground area, and two pavilions which include rest room facilities. Park improvements are partially paid for from a dedicated fund from gas well revenues.

## **PUBLIC SAFETY**

### **Town of Carroll Police Dept.**

The Town of Carroll maintains a part-time police department which currently consists of three part-time sworn officers consisting of an acting chief, and investigator and a patrolman. Two marked vehicles are utilized for patrolling. In 2017, 601 calls for service were received, 35 traffic tickets were written, thirteen motor vehicles accidents were reported and six domestic incidents were reported and investigated. These statistics are for Town of Carroll Police Department only and do not include calls handled by the state or county departments.

### **Frewsburg Volunteer Fire Dept.**

The Frewsburg Volunteer Fire Company was started in 1924 by a group of concerned Carroll citizens. There were 42 charter members and a fire hall was located on the current site of the Qwik Fill/ Red Apple on Main Street. In 1930 property was purchased next to the current Town Hall and in 1932 an addition on the Town Hall became the new fire hall. After World War II, the property next to the town hall now known as the carnival grounds was purchased and in 1952 the current fire hall location at 88 West Main Street was purchased and a fire hall constructed. In 1968 additional space was added to that facility and another addition in 2001.

In 2016, the Frewsburg Volunteer Fire Company responded to 367 calls for aid, averaging 30 calls per month, 267 of those calls required EMS services. Of those calls, 298 were in the Frewsburg Fire District and 35 were mutual aid to other areas, the majority of which were to Kiantone, Falconer, and Kennedy.



## SUMMARY OF COMMUNITY INPUT

### WHO WE THINK WE ARE – AS A COMMUNITY

In a series of several community meetings conducted throughout late 2012 – through 2015 we discussed our perceptions of the Town of Carroll's strengths, weaknesses, opportunities ahead and threats we may be facing. We also provided written surveys for community members. The results are summarized below and listed in order of importance on the bulleted list.

#### STRENGTHS

The perception that we have a great school system and strong community involvement were the most frequently mentioned strengths. Our community is also perceived to be safe overall, we have a good community oriented library, well maintained roads, good emergency and fire services, and recreational opportunities. We are also considered by some to be small enough to make changes as we need to.

#### WEAKNESSES

Our overwhelmingly top stated weakness was that we are highly resistant to change. While community involvement was stated as a strength, many people stated that currently, desire to get involved in the community is eroding rapidly. Other weaknesses emphasized were; lack of senior citizen oriented activities and services, no clear town center or town square area, lack of wellness opportunities, a need to update the cosmetic look of the town, and lack of proper town planning.

#### OPPORTUNITIES

Looking to the future our town residents felt that our number one opportunity would be to recruit and retain businesses that would promote long-term growth to the town and help stabilize our tax base over time. Along with that there was an expressed desire to plan and implement improvements in the downtown area of the hamlet of Frewsburg to create a more unified, vibrant and welcoming corridor. Residents also felt that a regular planning process with a focus on plan implementation and community development are important opportunities to pursue. The idea of the town obtaining some kind of professional business development help was also considered an opportunity worth exploring. Residents also encouraged us to look at how we might utilize our recreational assets, including the waterways to contribute to the development of our town. The marketing of vacant commercial property was also seen as an opportunity for growth.

#### THREATS

The number one perceived threat was environmental. A great deal of concern was expressed over possible development in the town that could have an adverse effect on our environment. There was a concern that we as a town might not be prepared to move quickly enough on future environmental threats. Economic depression and the perception of a shrinking tax base concern many. Home foreclosures have led to property maintenance issues and abandoned properties in recent years. There is a fear that this will be continued or even worsen if steps are not taken to solve this problem. Increased quality of life and crime issues are also a concern with increasing drug abuse trends.



## WHAT ARE OUR STRENGTHS ?

### **Attitude - Community Pride/Acceptance**

- Community unity - community sense of pride
- A community that truly cares about one another - a feeling of being home
- Very friendly community - great neighbors
- Good people - we look out for one another
- Great place to raise a family
- Small-town atmosphere
- Community garden
- Flower boxes and flags
- People know and like each other - great small-town feel
- Common-sense people who care about the community and each other

### **Clubs and Organizations**

- Great library with community internet resources
- Many involved community organizations that invest in and help the community
- Great Historical Society
- Relief Zone a great asset for our kids
- Martz-Kohl Observatory
- Several churches representing many denominations
- Lions Club, Rod and Gun Club, American Legion

### **Businesses**

- Big enough to have some stores but small enough to be friendly and safe
- Great array and selection of small businesses - we have everything we need here

### **Government and Services**

- Great Highway and Water Departments
- Sidewalks and streets are clean and well-maintained
- Zoning is not a problem
- The town is well taken care of -- well-plowed in winter
- Very pleased with police and fire departments

### **Crime/Public Safety**

- Very Safe
- Safe place for our kids
- Great and dedicated Volunteer Fire Department
- Improved police patrolling - great local police force
- Minimal crime

### **Environmental**

- Safe environment - great unspoiled natural environment
- The Conewango Creek and access to fishing and canoeing

### **Recreation**

- Great town park and related recreational programs
- Erlandson Park and Audubon nearby
- Variety of youth sports programs

### **Property and Code Enforcement**

- Frewsburg properties (including uptown) are well-kept trash-free streets
- New beautiful homes being built
- Homes in good condition overall

### **Education**

- Great school district
- Strong family presence in school



## WHAT ARE OUR WEAKNESSES ?

### Attitude - Community Pride/Acceptance

- Community spirit/pride is diminishing
- Residents don't want to think about community future planning
- Intolerance of diversity, some racism
- Cliquish, narrow-minded people - not very accepting of "poorer" residents
- Not investing in longer-lasting road solutions - just short term fixes
- Slow acceptance toward newcomers - need at least 10 years to break the ice
- We are growing too much - too many people moving in
- Some just think of this community as just a place to sleep at night

### Housing

- Expensive to live here
- Not enough rental housing
- Rental property in middle of town not very attractive and looks unsafe

### Businesses

- Need more parking in downtown area
- Need better handicapped access
- Downtown businesses need a face lift
- Too many bars - limited dining options
- Not enough variety of stores
- Lack of industry or commercial business base
- Not enough part-time jobs in the community - few good jobs for our college graduates

### Government and Services

- Too much high mineral content in the town water
- Tax rates too high - driving new development to neighboring towns
- The "Five Corners" needs to be restructured or a light - not safe as is
- Curve through town needs to be corrected
- Crosswalk needed at the elementary school
- Better response to dog complaints
- Sidewalks too big in places - could have more parking instead
- Poor phone and internet service
- New regulations are too intrusive - local government getting too big
- "Good old boy" attitude and style of government

### Crime/Public Safety

- Police need to enforce teen curfew
- Police enforcement (some say too much, some say too little)
- Hard to find contact information for the local police department

### Environmental

- The Conewango Creek and access to fishing and canoeing
- Was not able to stop the Dodge Road Landfill

### Recreation

- Variety of youth sports programs - not enough for teens to do
- Not enough unposted land for hunting and other recreation

### Property and Code Enforcement

- Code enforcement officer needs to spend more time checking property violations
- Building code system and enforcement - people ignoring need for building permits

### Education

- School taxes too high





## WHAT COULD CONTRIBUTE TO POSITIVE CHANGES IN OUR TOWN (opportunities) ?

### **Attitude - Community Pride/Acceptance**

- Create a welcome program/events for new residents
- Expand programs that promote community pride like garden contests, decorating contests, etc.
- An online community newspaper to promote our community and communication
- More communication about events - maybe an announcement sign

### **Businesses**

- Recruit some new manufacturing businesses
- Build support for our existing small businesses and to bring more into town
- Redevelopment and face lift of the downtown could draw in new people and businesses
- Promotion of local farm products and Amish products
- Tourism built around the Conewango, streams, hiking, Amish community
- Develop more commercial recreational opportunities in town like putt-putt
- Development of former Ethan Allen and Keywell sites

### **Government and Services**

- Develop a new look and plan for small business tourism/recreation promotion for the town
- Develop a plan for downtown improvements
- Improvements to town water (mineral content)
- More trees and shrubs at town entrances (welcoming)
- Develop a few "pocket parks" for community events - more planned green space
- Improvements to traffic flow and parking in downtown
- Municipal garbage pickup
- Limit intrusive laws and regulations
- More public recreation in downtown area like tennis or basketball
- Lower taxes
- Explore consolidations to save money
- Better communication with the town residents

### **Environmental**

- Make sure the landfill project is defeated and protect residents from similar environmental threats
- Preserve our rural environment while still making way for progress

### **Recreation**

- Build biking/hiking trails
- Increased access to the Conewango for canoeing and other recreational activities
- More improvements/additions to the town park

### **Property and Code Enforcement**

- Develop stronger zoning regulations and better enforcement

### **Education**

- Explore consolidation of services to save money



## WHAT COULD PREVENT POSITIVE CHANGE IN THE TOWN OF CARROLL (threats) ?

### **Attitude - Community Pride/Acceptance**

- The overwhelming skepticism residents feel about most anything new
- “Not in my backyard” attitude
- Failure to change with the times and to recognize what changes have occurred
- Some feelings of “elitism”
- Some people do not want change
- Many residents are content with small-town life and may resist a growing, thriving town
- Townspeople not getting to know one another or not getting involved
- Isolationism
- We can come off like a clique community

### **Businesses**

- Failure to encourage LOCAL, well-run responsible businesses
- Lack of parking in town center
- Failure to recruit new local industry

### **Government and Services**

- State mandates and interference
- Lack of needed laws and regulations
- Higher taxes than neighboring communities
- Unnecessary laws
- Uncooperative political officials
- No input from the citizens or board - not listening to what they are saying
- No effort to obtain businesses or PARKING
- Having to raise taxes to obtain change
- Town government not encouraging more citizen input - not being informed about what is happening

### **Crime/Public Safety**

- Unsupervised children/adolescents
- Insufficient patrolling by the police/law officers
- Drug activities will be a major threat
- Teenagers running the streets at all hours - no curfew enforcement
- Need to keep law in check - too much tolerance of unlawful behavior
- Drugs and alcohol and under-age drinking

### **Environmental**

- Dodge Road Construction and Demolition Landfill
- Fracking and waste-water from fracking

### **Property and Code Enforcement**

- Allowing low-income housing - the type that is killing Jamestown neighborhoods
- Run-down properties
- Over-development - development needs to be carefully done to preserve what we have
- Lack of personal interest in the community for property improvement
- Need more housing code enforcement - property safety issues

### **Education**

- Possible merging of school districts



## VISION, GOALS AND RECOMMENDED STRATEGIES

### OUR VISION STATEMENTS

- ✓ Residents of the Town of Carroll envision an attractive, sustainable community that attracts visitors, residents, jobs, and business.
- ✓ The town will support commercial development that harmonizes with its scenic beauty and rural character and preserves its agricultural heritage and natural resources.
- ✓ An open, responsive and efficient town government will work closely with community members and adjoining communities to address economic development and regional planning needs and to improve quality of services.
- ✓ Residents will enjoy a diverse mix of recreational opportunities, including multi-purpose athletic facilities, passive and active parks, waterways and trails/greenways.
- ✓ Town residents and town government will work together to support and increase the role of volunteerism and community involvement among its residents, its many clubs, community organizations and religious institutions to provide a vibrant, welcoming and supportive community for all residents.

### COMMUNITY VISION AND GOALS

#### VISION

- ✓ *Town residents and town government will work together to support and increase the role of volunteerism and community involvement among its residents, its many clubs, community organizations and religious institutions to provide a vibrant, welcoming and supportive community for all residents.*
- ✓ *Residents will enjoy a diverse mix of recreational opportunities, including multi-purpose athletic facilities, passive and active parks, waterways and trails/greenways.*

#### GOALS

- C1.** To have a community that is welcoming to all residents. Open communication and partnership opportunities will benefit all residents.
- C2.** To support and enhance social and recreational opportunities for all age groups of our population.
- C3.** The community provides meaningful opportunities for volunteer work and celebrates the contributions of our volunteers, community organizations, clubs and religious institutions.

### GOVERNMENT VISION AND GOALS

#### VISION

- ✓ *An open, responsive and efficient town government will work closely with community members and adjoining communities to address economic development and regional planning needs and to improve quality of services.*

#### GOALS

- G1.** Town government is responsive and operates in an open manner, to provide efficient and effective local public services.



- G2.** Planning and zoning boards receive ongoing training in pertinent topics and problem solving techniques.
- G3.** Planning for the town is ongoing and updated at regular intervals.
- G4.** Roads are safe, free of traffic congestion, and remain an important part of the rural character of the Town of Carroll.
- G5.** Zoning, code enforcement and the permit process operate in a responsive, fair, timely and efficient manner.
- G6.** Service consolidations with neighboring municipalities and other appropriate partners are expanded and ongoing.

## RESOURCES VISION AND GOALS

### VISION

- ✓ *The town will support commercial development that harmonizes with its scenic beauty and rural character and preserves its agricultural heritage and natural resources.*

### GOALS

- R1.** Agricultural activities and farmlands are maintained and encouraged.
- R2.** Our rural and small town character is maintained.
- R3.** We value and conserve our streams, forests, and other natural resources. These resources are protected through policy as needed.

## ECONOMIC VISION AND GOALS

### VISION

- ✓ *Residents of the Town of Carroll envision an attractive, sustainable community that attracts visitors, residents, jobs, and business.*

### GOALS

- E1.** Business development and business corridor issues are addressed and facilitated through an additional planning process and report.
- E2.** New and expanded tourism and recreational opportunities are available, including waterfront areas, and connection to central business area.
- E3.** Professional development/grant writing resources are available to the town.
- E4.** High quality telecommunication services are available for personal and business use.
- E5.** The Town of Carroll partners with other local organizations to create a branded destination for our community.



## ACTION STEPS IN IMPLEMENTING THE STRATEGIES

This section outlines information needed to help the town board of The Town of Carroll implement this Comprehensive Plan. Once adopted, the plan's implementation is overseen by the town board. Ongoing leadership will be necessary to follow through and implement these action steps over the next ten years. Some action items are ongoing – meaning that they are regular actions to take place on an annual basis. Others are high priority action items that should be implemented soon after plan adoption. Still others are medium or long-range actions that can be implemented at a later date.

In order to better track the implementation process, a time frame has been designated that projects when the action should be accomplished. It is likely that priorities may change with the availability of funding sources for particular projects. The time frame covers ten years and is indicated by the following codes:

- S** Short Term: 0 to 2 years
- I** Intermediate: 3 to 5 years
- L** Long Term: 6 to 15 years
- O** Ongoing, to be carried out each year

The information contained in the following tables should be used by the town board as a checklist and guide to help them determine what tasks need to be worked on, when, and who can help.

The table is filled out with the following information for each goal with specific action step:

ACTION STEPS	TYPE	LEAD	TIME
A specific Action Step is listed here	Is this; committee work, local law, board resolution, grant funded activity, etc	What organization or entity should take the lead on this	S I L O



### COMMUNITY GOALS

**C1.** To have a community that is welcoming to all residents. Open communication and partnership opportunities will benefit all residents.

<b>ACTION STEPS</b>	<b>TYPE</b>	<b>LEAD</b>	<b>TIME</b>
A – The town board will establish an appointed town “Community Engagement Committee” to provide leadership and guidance on community communication, development and partnership goals in the Town of Carroll	board resolution	town board	<b>S</b> <b>O</b>
A- Explore interest and form a welcoming committee for new residents to our community.	town and Community Committee work	New town Community Engagement Committee	<b>S</b> <b>O</b>
B.- Create a new brochure to highlight local businesses, social, recreational and other opportunities in The town on Carroll. Update yearly.	town and Community Committee Work	New town Community Engagement Committee	<b>S</b> <b>O</b>
C.- Publish a town newsletter at least semi-annually	town and Community Committee Work	New town Community Engagement Committee	<b>S</b> <b>O</b>
D.- Convene a yearly forum or meeting to include local organizations, service clubs, religious institutions, town government, school and other interested partner to discuss partnership opportunities for community events and community development..	town and Community Committee Work	New town Community Engagement Committee	<b>S</b> <b>O</b>
F. Develop and implement a plan for social media marketing and communication, including the town of Carroll Website, with a goal of using it as a communication tool and hub for town Government and community information.	town and Community Committee Work	New town Community Engagement Committee	<b>S</b> <b>O</b>

**C2.** To support and enhance social and recreational opportunities for all age groups of our population.

<b>ACTION STEPS</b>	<b>TYPE</b>	<b>LEAD</b>	<b>TIME</b>
A.- Maintain town Recreation Committee	town board appointed	town board	<b>O</b>
B.- Maintain town Parks Committee, evaluate income and expenses for parks maintenance and expansion. Pursue new revenue sources to fund service expansions for all ages.	town board appointed	town board	<b>O</b>
C. – Maintain town Summer Recreation Program and look for partners to expand services.	committee	Recreation committee	<b>O</b>
D.- Maintain town Swimming Lesson and Open-Swim Program, evaluate revenue and expenses, and expand the scope of the program when economically feasible.	town board appointed	town board	<b>S</b> <b>O</b>
E.- Evaluate and compile a list of local social and recreational opportunities for town residents. Publish and update results on town website	town and Community Committee Work	New town Community Engagement Committee	<b>S</b> <b>O</b>

**C3.** The community provides meaningful opportunities for volunteer work and celebrates the contributions of our volunteers, community organizations, clubs and religious institutions.

<b>ACTION STEPS</b>	<b>TYPE</b>	<b>LEAD</b>	<b>TIME</b>
A- Once formed, the town Community Engagement Committee will establish subcommittees to work on goals. One of these subcommittees will focus on volunteerism and organizing volunteer opportunities.	Community Committee work	Community Engagement Committee	<b>S</b> <b>O</b>
B – The Carroll town board will institute a regular practice of recognizing the contributions of our volunteers, community organizations, clubs and religious institutions at regular town board Meetings.	town board action	town board	<b>S</b> <b>O</b>
C- Additional charitable events and the establishment of a Carroll Community Charity will be explored and established as needed to provide for needs in the community.	Community Committee	To Be determined	<b>I</b>

### **GOVERNMENT GOALS**

**G1.** town government is responsive and operates in an open manner, to provide efficient and effective local public services.

<b>ACTION STEPS</b>	<b>TYPE</b>	<b>LEAD</b>	<b>TIME</b>
A. - Minutes from all town board Meetings and special meetings will be published within 60 days of each meeting on the town website, and will be available in paper copy from the town Clerk upon request.	clerk action	town clerk	<b>S</b> <b>O</b>
B. – The town board will meet with all department heads and elected officials and town Committee Chairs on an annual basis to provide an opportunity for dialogue and problem solving.	town board action	town board	<b>S</b> <b>O</b>
C.- Notice of town board meetings will be published and promoted widely, with a renewed emphasis on obtaining increasing public comment and feedback on town of Carroll issues and concerns.	clerk Action	town Clerk	<b>S</b> <b>O</b>

**G2.** Planning and zoning boards receive ongoing training in pertinent topics and problem solving techniques.

<b>ACTION STEPS</b>	<b>TYPE</b>	<b>LEAD</b>	<b>TIME</b>
A.- Training will be made available to Planning and Zoning Committee members to fulfill their annual training requirements through the New York Planning Federation training course. Training logs will be maintained in town records for examination.	town board action	town board	<b>S</b> <b>O</b>
B.- Zoning and Planning Board members will participate in other trainings or seminars as needed to maintain their annual training requirements.	committee action	zoning and planning board chairs	<b>S</b> <b>O</b>

<b>G3. Planning for the town is ongoing and updated at regular intervals.</b>			
<b>ACTION STEPS</b>	<b>TYPE</b>	<b>LEAD</b>	<b>TIME</b>
A.- The Town of Carroll Comprehensive action plan will be reviewed annually in January of every year to evaluate the status of the action steps during the previous year. An updated action report will be prepared adopted by the town board and filed as an addendum to the plan annually by March 30. Every five years the current plan with any annual amendments will be filed with Chautauqua County.	town board action	town board	S I L O
B.- A newly updated Comprehensive plan will be commissioned by the Town of Carroll town board within 6 months of published data from each 10 year census becoming available.	town board action	town board	L
<b>G4. Roads are safe, free of traffic congestion, and remain an important part of the rural character of the town of Carroll.</b>			
<b>ACTION STEPS</b>	<b>TYPE</b>	<b>LEAD</b>	<b>TIME</b>
A. – The Highway Committee of the town board will work with the Highway Superintendent to develop an 5 year plan for the town Highway maintenance and expansion. First plan to be submitted to Cover 2020-2025 to be used as guidance for planning and budgeting purposes. A new 5 year plan to be submitted for every subsequent 5 year period.	Highway Committee	Highway Committee Chair	I L O
<b>G5. Zoning, code enforcement and the permit process operate in a responsive, fair, timely and efficient manner.</b>			
<b>ACTION STEPS</b>	<b>TYPE</b>	<b>LEAD</b>	<b>TIME</b>
A- Zoning and Code enforcement information, forms and fact sheets will be made available through the Website and will be updated as needed. We will transition toward making online permit applications available to the highest degree possible.	contractual	town clerk	S I O
B – An immediate update of the Town of Carroll zoning code will be initiated. The code will be reviewed yearly to discuss any possible needs for amendments and a priority assigned for these amendments.	town board action	town board and zoning board	S I O
C- An assessment will be made of the work load, budget, office hours and time requirements needed for code enforcement. Recommendations will be made to the town board for any needed changes. An evaluation will be made annually thereafter as part of the budget process to make sure sufficient resources are in place.	town board action	town board	S I O
<b>G6. Service consolidations with neighboring municipalities and other appropriate partners are expanded and ongoing.</b>			
<b>ACTION STEPS</b>	<b>TYPE</b>	<b>LEAD</b>	<b>TIME</b>
A- The Town of Carroll will take a lead role in establishing an annual face-to-face meeting with neighboring towns and communities to explore additional opportunities and to overcome barriers to additional service consolidations.	town board	Town Supervisor	S I O
B- Existing service consolidation and shared service agreements will be evaluated on a yearly basis to determine if appropriate cost and service efficiencies are being achieved.	town board	Town Supervisor	O

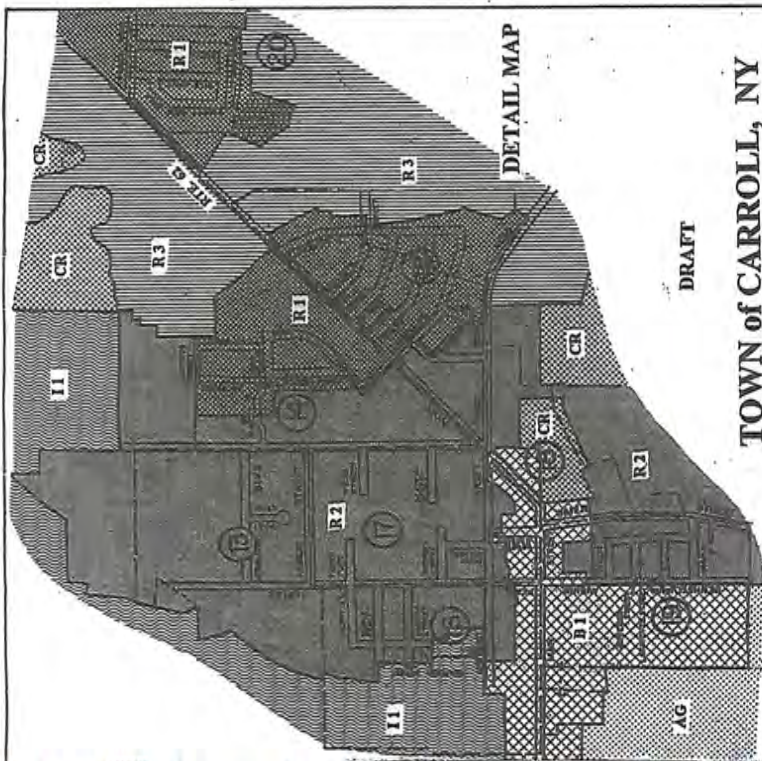
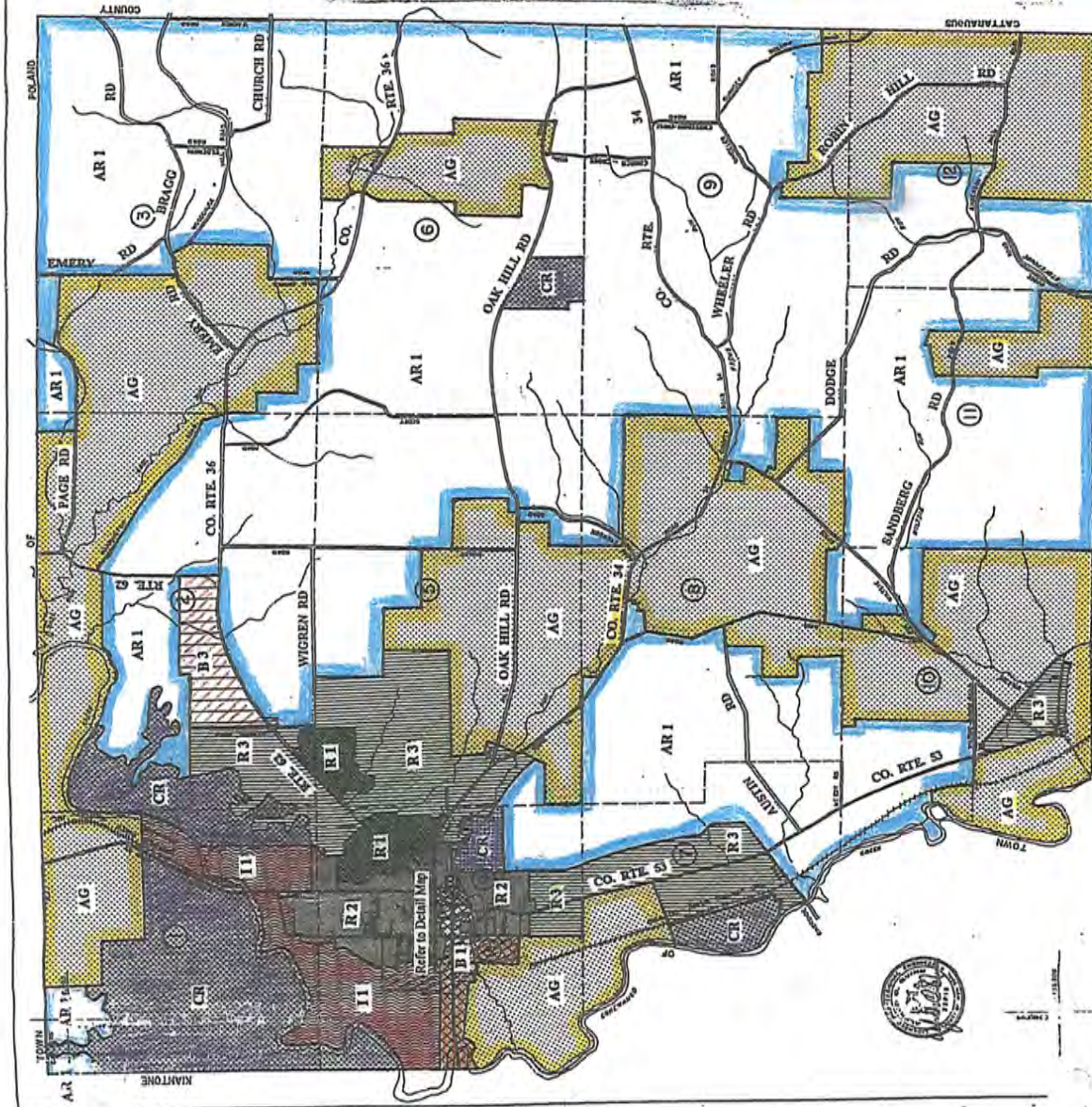
<b>RESOURCE GOALS</b>			
<b>R1. Agricultural activities and farmlands are maintained and encouraged.</b>			
<b>ACTION STEPS</b>	<b>TYPE</b>	<b>LEAD</b>	<b>TIME</b>
A. – The town board will establish an annual community forum and celebration of agriculture in our community to bring the role of agriculture in our community to a focus. Details of this event or events will be established by agricultural awareness working committee to be established by the town board.	town board action	town board	S O
B. – Beginning with the year 2020 a report on the state of agriculture in our community will be published every 5 years under the supervision of the agricultural awareness committee.	committee action	Agricultural Awareness Committee	I L O
C. – Agricultural districts in the Town of Carroll will be maintained.	town board action	town board	O
<b>R2. Our rural and small town character is maintained.</b>			
<b>ACTION STEPS</b>	<b>TYPE</b>	<b>LEAD</b>	<b>TIME</b>
A- Community, economic, zoning and other development issues will be framed with the expressed community desire to maintain our rural and small town character. This value will be a part of any ongoing decision making.	Memo to all agencies from town board	town board	O
<b>R3. We value and conserve our streams, forests, and other natural resources. These resources are protected through policy as needed.</b>			
<b>ACTION STEPS</b>	<b>TYPE</b>	<b>LEAD</b>	<b>TIME</b>
1. - Within 6 months of the adoption of this plan, the planning board will hold a community meeting to discuss with community members and solicit community input for ideas for protections that could be implemented around preservation and sustainable use of our natural resources. Results will be used to create a list of priority policies to be developed and presented to the town board.	committee action	planning board	S I
2. – Partnership opportunities with local and regional groups concerned with conservation and sustainable development of our natural resources will be pursued, especially around the use of our fresh water resources.	Committee action	planning board	S I
3. – The Town will develop and maintain an updated forest management plan for all Town Owned property.	town board action	Town Supervisor	L O
4- Informational material will be prepared and used to highlight our natural resources and opportunities for town residents and visitors to responsibly enjoy our many recreational opportunities.	committee or volunteer action	town board	

<b>ECONOMIC GOALS</b>			
<b>E1. Business development and business corridor issues are addressed and facilitated through an additional planning process and report.</b>			
<b>ACTION STEPS</b>	<b>TYPE</b>	<b>LEAD</b>	<b>TIME</b>
1.- Within 3 months of the adoption of this report, the Town of Carroll Comprehensive Plan committee, jointly with the Planning Board, will identify a Chair and members of a Business District Planning Committee to develop an action plan for the Town of Carroll downtown business district. Recommendations and a timeline for the process will be presented to the town board for approval and necessary financing.	Committee action	Planning board	S I
2. – The businesses district action plan will be developed and presented to the town board for approval and action.	Committee action	Planning board	I
<b>E2. New and expanded tourism and recreational opportunities are available, including waterfront areas, and connection to central business area.</b>			
<b>ACTION STEPS</b>	<b>TYPE</b>	<b>LEAD</b>	<b>TIME</b>
1. – A Tourism and Recreation Committee will be formed by the town board by late 2018 to work in conjunction with the town board and Planning Board to explore tourism and recreational opportunities and partnerships for the Town of Carroll. A report will be prepared to present to the planning board with recommendations for action.	town board Establish Committee	Planning Board	S I
<b>E3. Professional business development and grant writing services are available to the Town.</b>			
<b>ACTION STEPS</b>	<b>TYPE</b>	<b>LEAD</b>	<b>TIME</b>
A- The town Grants Committee meet at least quarterly to discuss any upcoming grant opportunities. When appropriate grant opportunities are identified, recommendations will be made to the Town of Carroll town board.	committee action	Grants Committee	S I
B – When major grant opportunities are pursued, the town will avail itself of any necessary resources that may improve the chances of grant success, including professional grant writing services as necessary.	committee action	Grants Committee	S I
C – The town grants committee will research and prepare a report for the town board that lists specific grant writing services that are currently available. This list will serve as a resource when deciding to apply for future grants.	committee action	Grants Committee	S I
<b>E4. The Town of Carroll partners with other local organizations to create a branded destination for our community.</b>			
<b>ACTION STEPS</b>	<b>TYPE</b>	<b>LEAD</b>	<b>TIME</b>
A. – The Tourism and Recreation Committee will explore partnerships and collaborations with local tourism organizations. After consulting with area authorities the committee will seek volunteer professional help to work on branding.	committee action	Tourism and Recreation Committee	S I



**E5. High quality telecommunication services are available for personal and business use.**

<b>ACTION STEPS</b>	<b>TYPE</b>	<b>LEAD</b>	<b>TIME</b>
A- The town board and Supervisor will evaluate telecommunication franchise agreements and see new proposals for telecommunication services to best serve the personal and business needs of the Town of Carroll	town board	Town Supervisor	O
B – Town webbased telecom survey to be conducted	committee action	Intern or volunteer	S I



DRAFT

# TOWN OF CARROLL, NY ZONING DISTRICT MAP

December 03, 2001

	Parks & Wetlands
	Conservation Recreation
	Single Family
	R-1
	R-2
	R-3
	Rural Residence
	AG
	Agriculture
	AR-1
	Agricultural Residential 1
	AR-2
	Agricultural Residential 2
	B-1
	Central Business
	B-2
	Highway Business
	B-3
	Industrial
	Light Mfg. / Commercial
	Floating
	Established Neighborhood
	Growth Area
	Prime Farmland
	Rural Areas
	Floating District
	Retail / Services
	Growth Potential

TOWN OF CARROLL  
City, Town, Village  
School No. INDEX MAP

NEW YORK  
Date of Map: 12-03-01  
Scale: 1" = 1000' (approx.)  
North Arrow: (indicated by a line pointing up)

CHAUTAUQUE COUNTY  
Date of Plan: (blank)  
Scale: (blank)

NOTE: The zoning district boundaries shown on this map are approximate.  
For detailed information, refer to the official zoning section maps (reduced size tax maps).  
The CR (Conservation) district boundaries shown on this map are based on NYS Freshwater Wetlands Map areas.

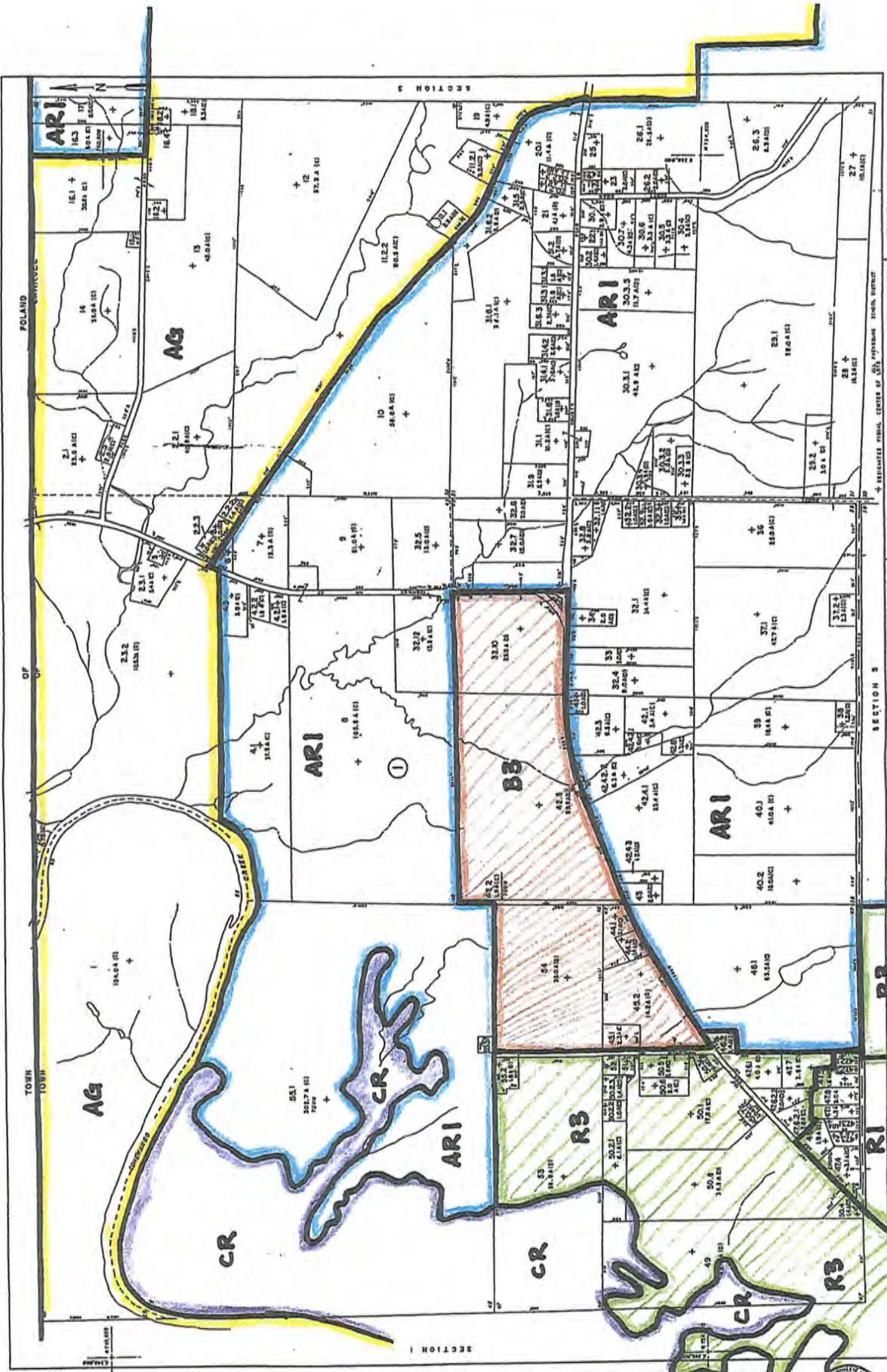
Approved by:  
A.E. SERVICE  
OFF. OF PLANNING  
AND ECONOMIC DEVELOPMENT









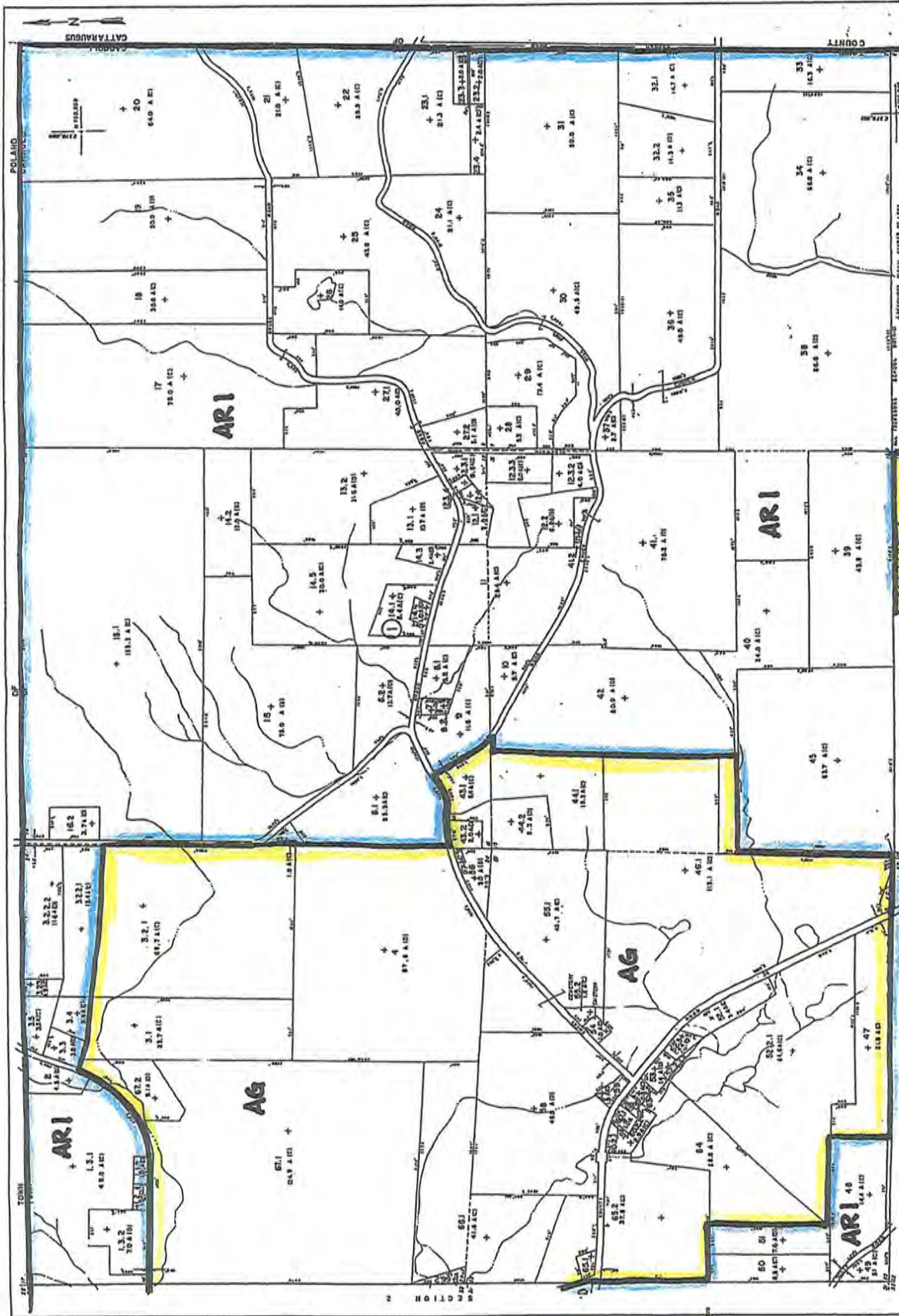


TOWN OF CARROLL  
 CHAUTAQUA COUNTY  
 NEW YORK  
 City of New York  
 Date of Map: 11-2-15  
 Scale: 1"=100'  
 Section No. 2

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AERO SERVICE  
 CORPORATION  
 1111 1st Avenue  
 New York, NY 10017



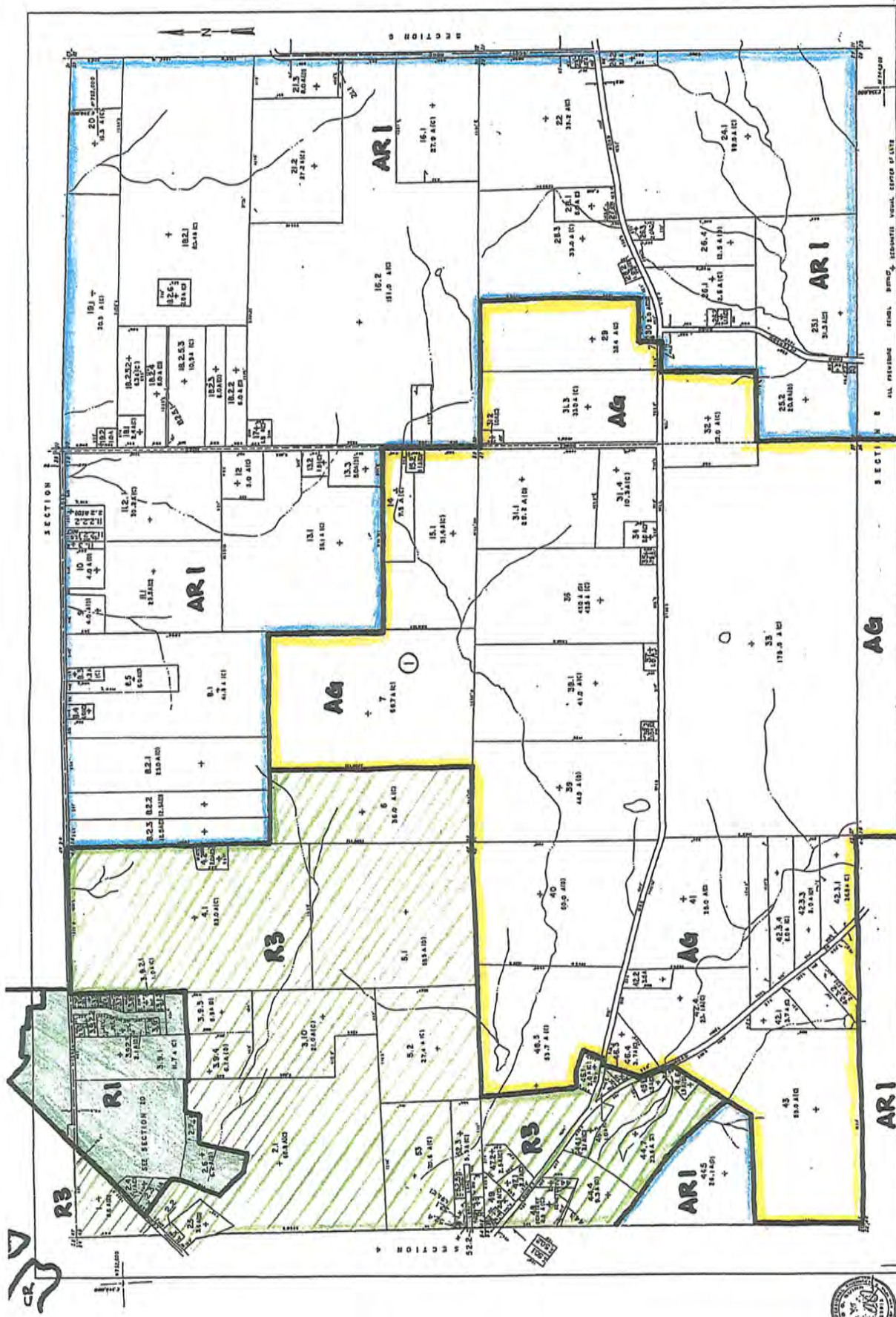


CHAUTAUGUE COUNTY  
 TOWN OF CARROLL  
 SECTION 1  
 Date of Map: 11-15-83  
 Date of Plan: 11-15-83  
 Scale: 1" = 400'  
 Prepared by: ARNO COMPANY  
 and their Associates, Inc., Buffalo, N.Y.







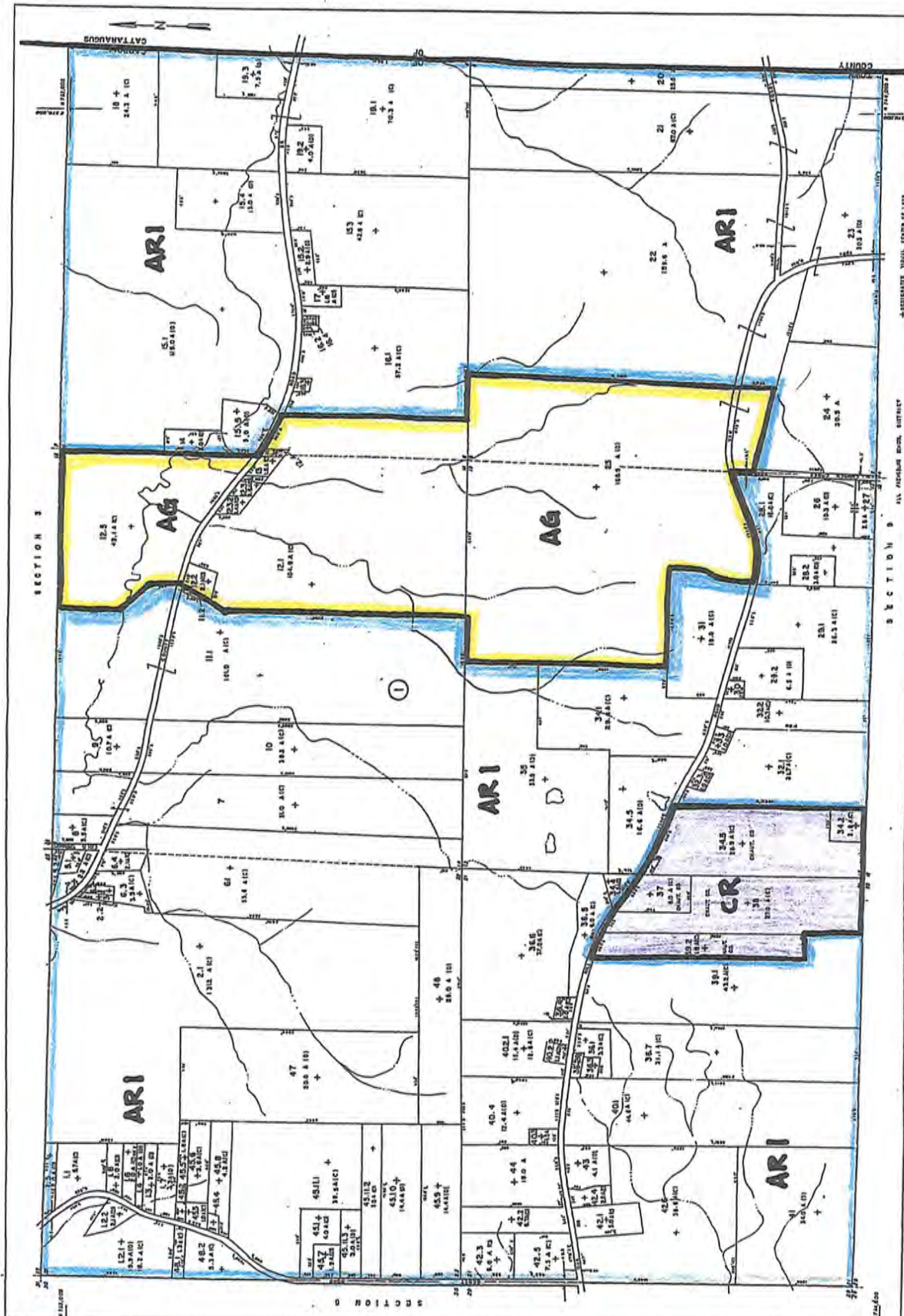


SECTION 8  
 TOWN OF CARROLL  
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 CHAUTAQUA COUNTY  
 Date of Map: 12-1-1965  
 Date of Flight: 12-1-1965  
 Scale: 1" = 100'

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SECTION 3

SECTION 3

CHAUTAUQUA COUNTY  
 NEW YORK  
 TOWN OF CARROLL  
 Date of Map: 10/18/2005  
 Date of Plan: 10/18/2005  
 Scale: 1" = 100'

CHAUTAUQUA COUNTY  
 NEW YORK  
 TOWN OF CARROLL  
 Date of Map: 10/18/2005  
 Date of Plan: 10/18/2005  
 Scale: 1" = 100'

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CHAUTAUQUA COUNTY  
 NEW YORK  
 TOWN OF CARROLL  
 Date of Map: 10/18/2005  
 Date of Plan: 10/18/2005  
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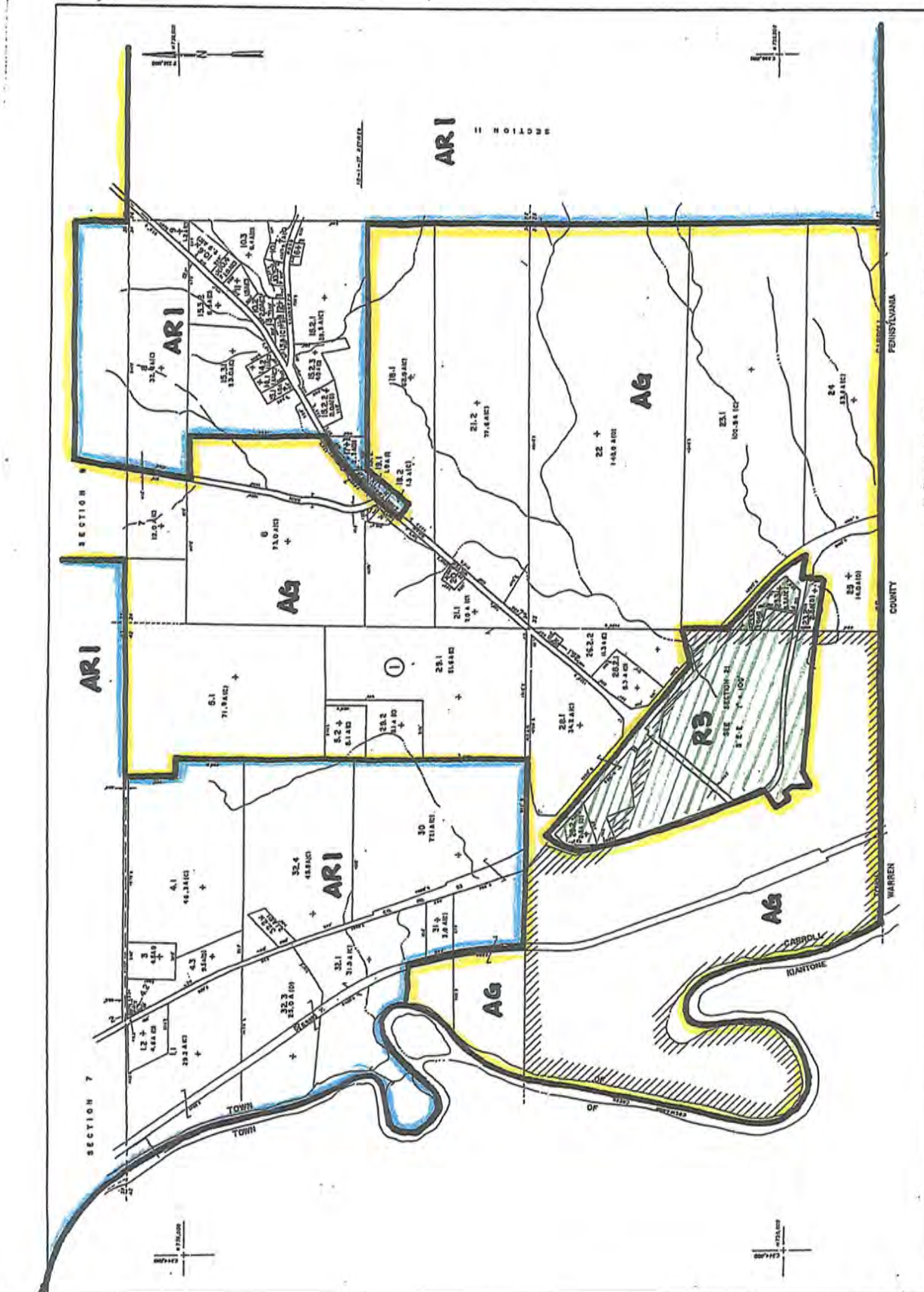












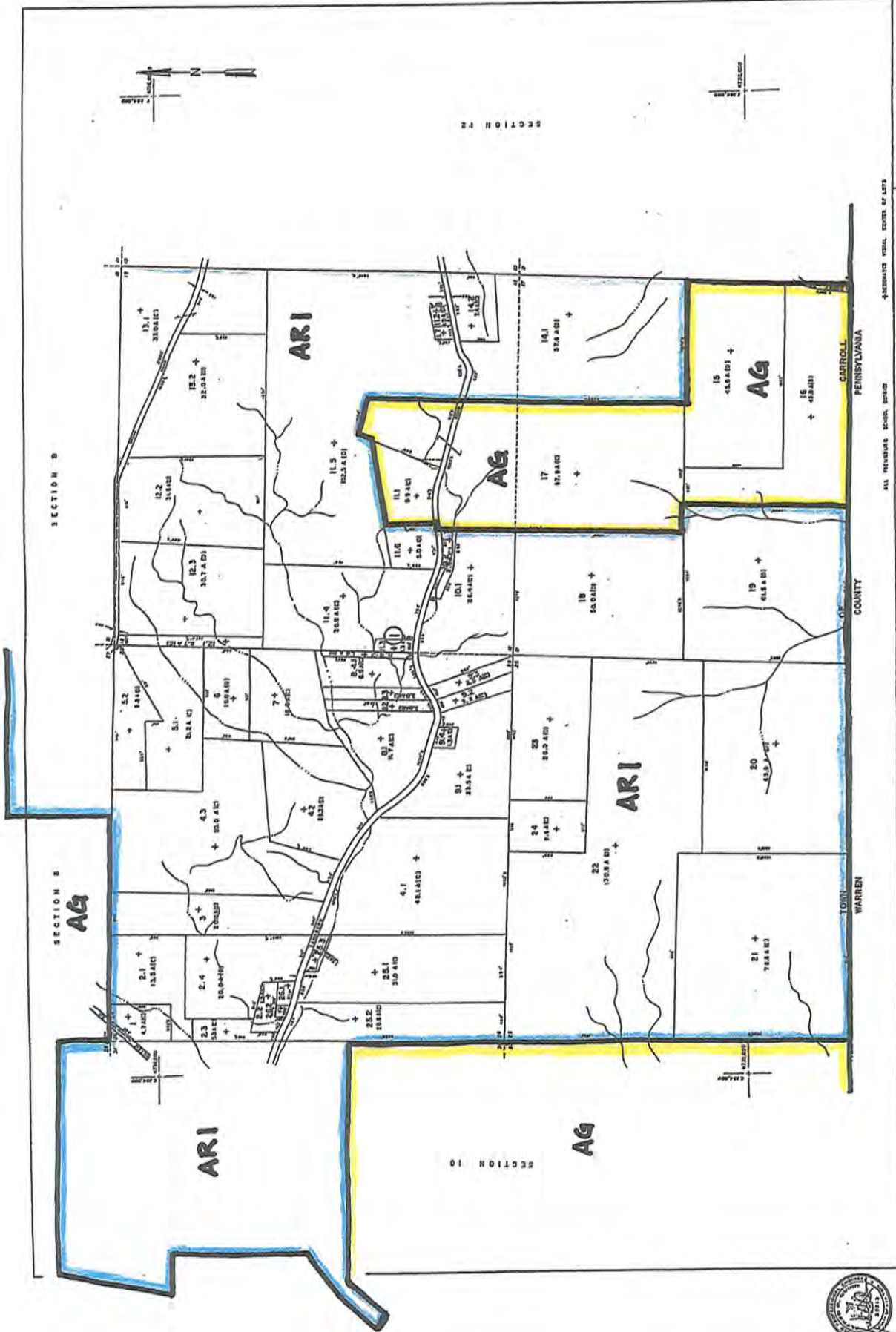
Prepared by  
**AERO SERVICE CORPORATION**  
 1000 West 10th Street  
 Fairbanks, Alaska 99701

ALL REVISIONS MUST BE NOTED  
 CHAUTAUQUE COUNTY  
 Date of Map: 11-11-83  
 Date of Field Work: 11-11-83  
 Scale: 1" = 400'

TOWN OF CARROLL  
 City: Town of Carroll  
 Series No.: 10

Revision	Date	Description
1	11-11-83	Initial Map
2	11-11-83	Revised Map
3	11-11-83	Revised Map
4	11-11-83	Revised Map
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8	11-11-83	Revised Map
9	11-11-83	Revised Map
10	11-11-83	Revised Map





Prepared by: **AERO SERVICE CORPORATION**  
 10000 Airport Blvd., Suite 100, Carroll, NY 13619  
 Phone: (315) 353-1000  
 Date of Map: 11/1/2011  
 Date of Plan: 11/1/2011  
 Scale: 1" = 100'

ALL MEASUREMENTS SHALL BE IN ACCORDANCE WITH THE SURVEYING ACT OF 1968, AS AMENDED.

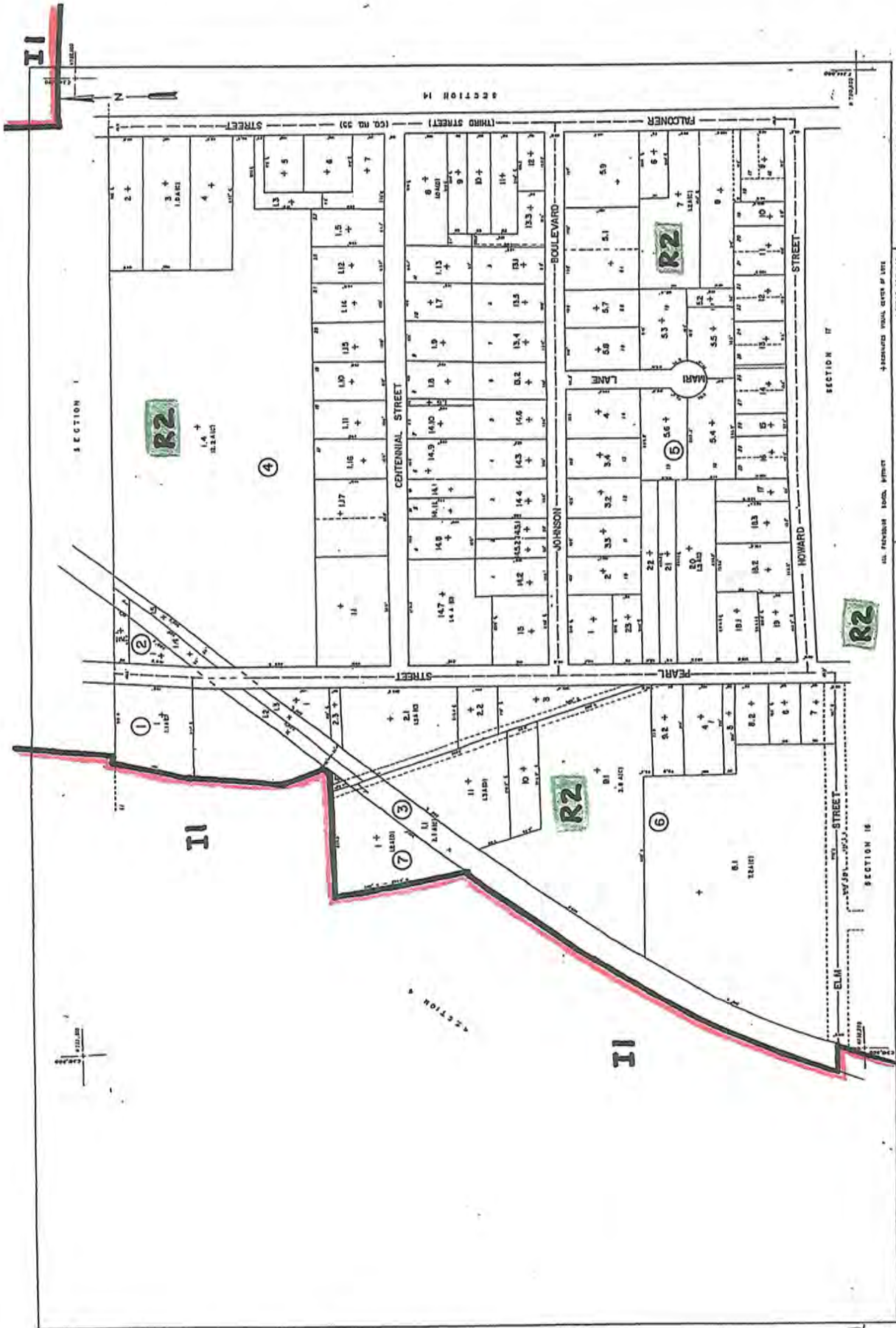
CHAUTAUQUA COUNTY  
 TOWN OF CARROLL  
 SECTION 10

Date of Map: 11/1/2011  
 Date of Plan: 11/1/2011  
 Scale: 1" = 100'









TOWN OF CARROLL  
 CHAUTAQUA COUNTY  
 NEW YORK  
 Date of Map: 10/1/1911  
 Date of Plat: 10/1/1911  
 Section No. 16



Prepared by  
 ARBO COMPANY  
 CORPORATION  
 100 Broadway, New York, N.Y.



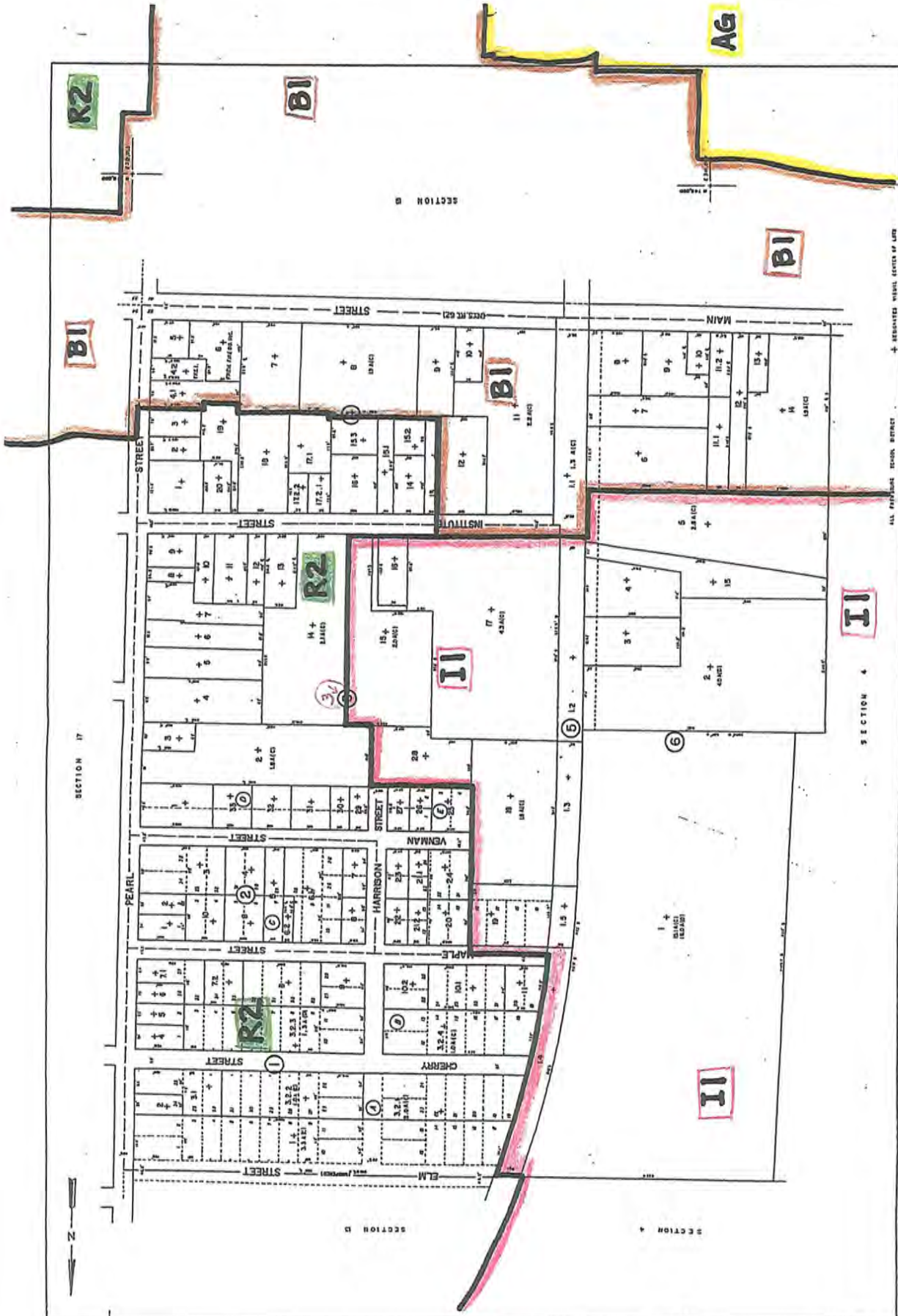






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TOWN OF CARROLL  
 NEW YORK  
 CHAUTAUQUA COUNTY  
 Date of Map: 11-11-83  
 Scale: 1" = 100'

ALL PREVIOUS EDITIONS OBSOLETE  
 + DENOTES VERTICAL CENTER OF LANE

Revisions	Date	By
1	11/11/83	AS
2	11/11/83	AS
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Prepared by  
**AERO SERVICE CORPORATION**  
 100 WEST 10TH AVENUE  
 SUITE 100  
 DENVER, CO 80202



TOWN OF CARROLL  
 City of New York  
 Section No. 17

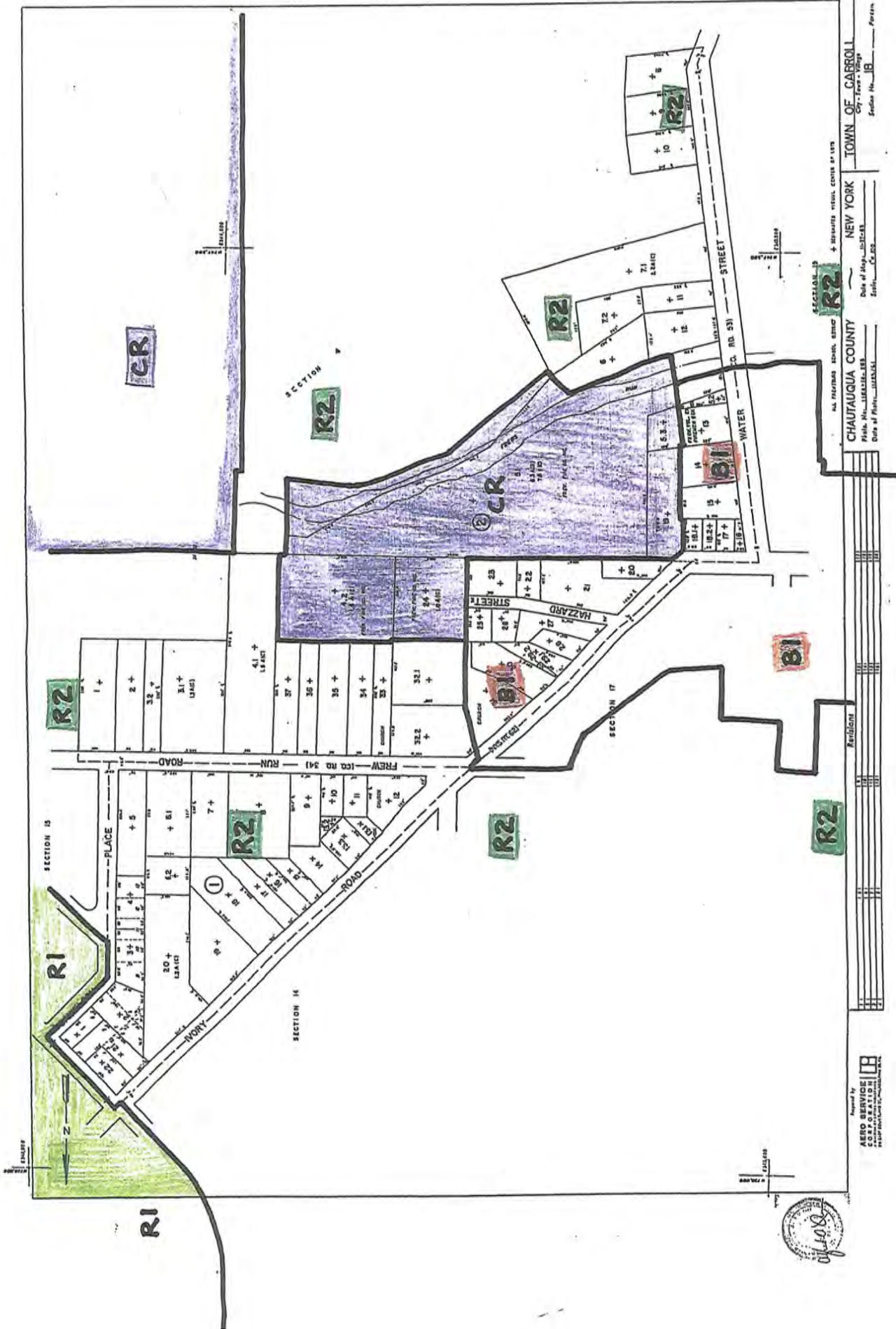
CHAUTAQUA COUNTY  
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Prepared by  
 AERO SERVICE  
 CORPORATION  
 100 N. 10th St.  
 New York, N.Y. 10017







CHAUTAUQUE COUNTY  
 PLATS, MAPS, RECORDS, ETC.  
 Date of Map: 1/20/08  
 Date of Plat: 1/20/08

TOWN OF CAROLL  
 City of Caroll  
 Section No. 13

Approved by  
 AERO SERVICE  
 1/20/08









ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 08-14-2010 BY 60322 UCBAW

CHAUTAQUA COUNTY  
 Book, No. 1188-18-282  
 Date of Filing 1/22/61

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**AERO SERVICE CORPORATION**  
A SERVICE PROVIDER OF GENERAL  
AND SPECIALTY AIRCRAFT



I. Environment - Comprehensive Plans protect and enhance the environment in various ways:

1. insures that appropriate amounts of light, air, and open space are available for all residents;
2. promotes proper use of unique or sensitive environmental areas and natural resources;
3. encourages the use of vegetative buffers to moderate development affects;
4. promote energy conservation by insuring that alternate fuel systems are encouraged and innovative construction techniques are allowed;
5. tree maintenance, plantings and other forest management practices should be promoted during the review process that preferably includes Site Plan Review;
6. vegetation should be encouraged to moderate the influence of wind, sun, precipitation, and noise;
7. promote best management practices within each watershed such that erosion is minimized during and after construction. Site restoration is essential;
8. insure that noise pollution is considered in the review of industrial and other appropriate projects;
9. development should take groundwater protection into consideration;
10. wetlands should be considered when reviewing development projects;
11. light pollution should be a consideration in reviewing large development;
12. steep slope development should receive special attention during the review of a project.

J. Housing - Comprehensive Plans encourage quality housing and more specifically should:

1. insure that a wide range of affordable housing opportunities exist to meet various income needs, e.g., multiple family units;
2. allow for special housing needs for various groups such as handicapped, single parents, elderly, mentally disabled, etc.;
3. encourage "infill" development to promote better utilization of existing neighborhoods;
4. deal with the problem of dilapidated housing and encourage the rehabilitation of housing;
5. promote reasonably located seasonal housing;
6. encourage "clustering" of housing units based on benefits to the developer, owner, and environment.

K. Transportation - Comprehensive Plans encourage the creation and maintenance of adequate transportation systems.

1. support road design that protects visual resources of community;
2. promote transportation that strengthens existing community centers and fosters an orderly pattern of growth;
3. encourage the full utilization of existing highways and bridges and discourage the need for new highways and bridges unless they are absolutely essential;
4. promote highway safety utilizing setbacks and other visibility tools;
5. promote adequate commercial loading and unloading so as to avoid unsafe conditions;
6. require adequate off-street and street parking to meet needs of various uses;
7. encourage the use of air, rail, and bus service at a countywide level;
8. insure that snow removal can be accomplished adequately;

Appendix B - Town of Carroll Current Zoning Law

9. encourage development in a manner that encourages the use of major transportation;
  10. promote alternate transportation means such as bike routes and walking paths;
  11. insure that uses involving large numbers of vehicles (e.g., drive-ins, concerts, etc.) provide for parking and safety.
- L. Utilities and Infrastructure - Comprehensive Plans encourage reasonable land use such that existing infrastructure is fully utilized and the need for new infrastructure is minimized.
1. large lot development is promoted in areas where soils are not conducive to septic operation;
  2. more intense development is encouraged through various means (e.g., smaller lots) in areas where municipal or community utility systems exist;
  3. optimize the use of existing infrastructure.
- M. Regional Needs - Comprehensive Plans should look beyond municipal boundaries.
1. consolidation of services should always be an option that is considered. Sharing equipment, services, facilities, etc., must be reviewed periodically in order to promote efficiency and avoid duplication;
  2. zoning laws should be consistent or compatible with state, region, county and other municipal plans;
  3. landfills, hospitals, and other uses not required in each municipality should be addressed regionally.
- N. Implementation - Comprehensive Plans can be implemented in a multitude of ways and should be relatively consistent with the plan:
1. a comprehensive capital budgeting program should be encouraged as a primary means of implementing goals and objectives;
  2. progress in implementing a comprehensive plan should be monitored;
  3. zoning and subdivision laws should be adopted as the major implementation tools for a comprehensive plan;
  4. other related rules and regulations (e.g., flood plains, sewer and water, etc.) should be coordinated with implementation tools;
  5. the training of all individuals associated with implemented land use laws should be encouraged.
  6. insure that laws are understandable and usable by officials, developers, and the general public;
  7. protect preexisting uses from laws that were written for new development only;
  8. promote flexible laws that provide latitude for developers to be in compliance.

## **SECTION 104 APPLICATION OF REGULATIONS**

- A. Compliance Responsibility - It shall be the responsibility of all property owners, developers, lessors, or others involved with the temporary or permanent use of land or structures to comply with the regulations of this zoning law. No building or buildings shall be erected or altered which will substantially limit the usefulness or depreciate the value of the surrounding property.
- B. Regulation Responsibility - The regulations of this law shall apply and shall require a zoning permit (except as specifically exempted) for the following situations:
1. to occupy a structure or land;
  2. to erect, alter, enlarge, move, or demolish a structure; and
  3. to change one use to another use to include the increasing of families utilizing land or structures.
- C. Other Related Regulations - The following regulations shall, as applicable, be complied with prior to occupancy or where specifically stated prior to issuance of a zoning permit:
1. Subdivision Laws - State and existing local subdivision laws must be complied with in addition to this Zoning Law.
  2. National Flood Insurance Program - It shall be the responsibility of the applicant for a zoning/building permit to insure that the National Flood Insurance regulations in addition to zoning regulations shall be complied with for those parcels located within the flood plain as shown on official Flood Insurance Administration maps.
  3. State Environmental Quality Review Act - Any development requiring a "discretionary" permit as well as amendments to this Law shall be subject to an Environmental Assessment in accordance with state law.
  4. Health Department Rules - In areas not served by municipal sewer or water systems, the regulations of the State and County and Local facilities will apply. The applicant for a building or zoning permit must obtain a copy of the required health department permits for attachment to his application, before the issuance of local approval.
  5. Fire & Building Code - No structure shall be erected, altered, or used unless it complies, where applicable, with the New York State Uniform Fire & Building Code. The Code Enforcement Officer shall be sent copies of all zoning permits.

## **ARTICLE II DEFINITIONS**

### **SECTION 201 LANGUAGE AND INTERPRETATIONS**

For the purpose of this Local Law, certain terms or words herein shall be interpreted or defined as follows: Words used in the present tense include the future tense. The singular includes the plural. The word "person" includes a corporation as well as an individual. The word "lot" includes "plot" or "parcel". The term "shall" is always mandatory. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

### **SECTION 202 DEFINITIONS**

Certain words and terms used in this Local Law are defined as follows:

**ACCESSORY BUILDING OR USE** - An accessory building or use is one which is subordinate to and serves a principal building or principal use; is subordinate in area, extent, or purpose to the principal building or principal use served; contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served; and is located on the same lot as the principal building or principal use served but is not allowed to be located in a front yard.

**ACCESSORY APARTMENT** - A secondary apartment developed in an existing single family dwelling.

**ACCESSORY DWELLING UNIT** - Dwellings intended for temporary occupancy and including but not limited to a travel trailer/motor home, truck camper or tent occupied by persons other than those generally residing in the primary dwelling unit and located on the same parcel as the primary unit.

**ADULT ENTERTAINMENT USE** – An establishment used totally or partially to sell or rent items and/or activities for observation or viewing which are characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas. Examples include adult book stores, adult motion picture theatre, adult cabaret.

**ADULT ENTERTAINMENT** – An establishment consisting of, including, or having the characteristics of any or all of the following:

- A. **ADULT BOOKSTORE** – An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, publications, tapes, or films that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.
- B. **ADULT CABARET** – (1) An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas; (2) A cabaret that features topless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons.

C. ADULT MINI MOTION PICTURE THEATER – An enclosed building with a capacity for less than fifty persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.

D. ADULT MOTION PICTURE THEATER – An enclosed building with a capacity for fifty or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.

AGRICULTURAL BUILDING - Any structure used primarily and directly for agricultural activities and including but not limited to barns, silos, storage sheds, corn cribs, milk houses, and similar structures.

AGRICULTURAL LAND USE - The production, keeping or maintenance of plants and/or Farm Animals for profit.

AGRICULTURE, LIMITED - The production of crops, plants, vines, and trees, provided no substantial odor or dust is produced within 100 feet of any building on adjacent property.

AIRPORT - Any land or water space frequently used for the landing and takeoff of any aircraft including helicopters. All airports must comply with federal and state regulations and be approved by the commissioner of transportation for New York State.

ALTERATION - As applied to a building or structure, a change or rearrangement in the structural parts, or in the exit facilities, or an enlargement, whether by extending on a side or increasing in height, or moving from one location or position to another, the term "alter" in its various modes and tenses and in its particular form, refers to the making of an alteration.

ANIMAL FARM - A commercial operation involving the raising for profit of wild animals such as minks, etc.

APARTMENT HOUSE - A building arrangement, intended or designed to be occupied by 4 or more families living independently of each other. Condominiums and town houses shall be considered to be apartments.

ARTISAN SHOP - A building or portion thereof used for the creation of original handmade works of art or craft items by more than three but less than six artists or artisans, as either a principal or accessory use.

BOARDING HOUSE - Any single-family dwelling unit lived in by a family where, for compensation, guest room lodging is provided with or without meals for up to 2 individuals. The term Boarding House shall include Rooming House, Lodging House, and other similar terms.



Appendix B - Town of Carroll Current Zoning Law

**BREW PUB** - An establishment which contains a full-service standard restaurant and alcoholic beverages. This establishment also contains a minibrewery as an accessory use provided that sales of the minibrewery products are less than 50 percent of total sales. This minibrewery shall be for the brewing of handcrafted, natural beer intended for retail consumption on the premises and on any premises that has a license as a standard full-service restaurant owned and operated in its entirety by the same corporate ownership and management as the brew pub.

**BREWERY, MICRO** - A facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail or wholesale, on or off premises, with a capacity of not more than 15,000 barrels per year. The development may include other uses such as a standard restaurant, bar, or live entertainment as otherwise permitted in the zoning district.

**BUFFER** - A strip of land, fence or border of trees, etc., between 1 use and another, which may or may not have trees and shrubs planted for screening purposes, designed to set apart one use area from another. An appropriate buffer may vary depending on uses, districts, size, etc., and shall be determined by the Permitting Board.

**BUILDING** - Any structure having a roof supported by columns or by 4 independent, nonparty walls, and intended for the shelter, housing, or enclosure of persons, animals, or chattel.

**BUILDING AREA** - The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces, and steps. All dimensions shall be measured between the exterior faces of walls.

**BUILDING LINE** - A line formed by the intersection of a horizontal plane of average grade level and a vertical plane that coincides with the exterior surface of the building on any side. In case of a cantilevered section of a building or projected roof or porch, the vertical plane will coincide with the most projected surface. All yard requirements are measured to the building line.

**BUILDING PERMIT** - See Zoning Permit.

**BUILDING SETBACK LINE** - An established line within a property defining the minimum required distance between the face of any structure to be erected and the edge of the road of an adjacent highway.

**BUSINESS/INDUSTRY, LIMITED** - A commercial venture which is the primary or major occupant of a structure and possesses the following characteristics: utilizes a maximum of 2,000 square feet of floor space, employs less than 5 employees, does not generate over 100 vehicles of business per 24-hour period, does not have a substantial effect on the character of the neighborhood, and generates no nuisances (smoke, odor, noise, etc.).

**BY RIGHT** - Refers to uses requiring a permit but with no public hearing required.

**CAMP** - Any area of land and/or water on which is located a cabin, tent, travel trailer, motor home, or other type of shelter suitable and intended for use in a temporary seasonal

manner. For the purposes of this law, no minimum floor space shall be required for a camp structure.

CEMETERY, PET - A parcel of land, buildings, and/or structures used for the interring of animal remains.

CHURCH, STOREFRONT - (refers to a store or similar structure not typically used for religious activities that is now used as a meeting place for a congregation. Structures adapted for congregations include barns, stores, warehouses, old public buildings, and single-family houses.

CLUB - An organization catering exclusively to members and guests including premises and buildings for recreational or athletic purposes which are not conducted primarily for gain, providing there are not conducted any vending stands, merchandising, or commercial activities except as required generally for the convenience of the membership and purposes of such club.

CLUSTER DEVELOPMENT - A development of five acres or more where a developer may elect, after board approval, to cluster or group his development in return for the permanent creation of common areas. Overall, the density of development remains approximately the same as required by the district area requirements.

COFFEE KIOSK - A retail food business in a free-standing building that sells coffee, or other beverages, and remade bakery goods from a drive-through window to customers seated in their automobiles for consumption off the premises and that provides no indoor or outdoor seating.

COMMERCIAL USE - Activity involving the sale of goods or services carried out for a profit.

CONVENTIONAL DWELLING UNIT - See Dwelling Unit.

COPY SHOP - A retail establishment that provides duplicating services using photocopying, blueprint, and offset printing equipment, and may include the collating and binding of booklets and reports.

DAY CARE CENTER - A structure, together with its lot, operated on a regular basis for the purpose of providing daytime care for over 5 children or adults. Similar uses going under names such as Day Nurseries shall for the purpose of this law be considered to be Day Care Centers.

- A. Small Day Care Home – A family home which is a personal residence and occupied as a family residence which provides child day care on a regular basis for 1 or 2 children for compensation. NYS Child and Family Services does not regulate such a use and there are no applicable state licenses or registration requirements.
- B. Family Day Care Home – A family home which is a personal residence and occupied as a family residence which provides child day care on a regular basis for more than three hours per day per child for three to six children for compensation or otherwise, except as provided in Part 417. The name, description or form of the entity which operates a family day care home does not affect its status as a family day care home. See Part 417 of Social Security Law.

- C. Group Family Day Care Home – A family home which is a personal residence and occupied as a family residence which provides child day care on a regular basis for more than three hours per day per child for seven to twelve children for compensation or otherwise, except as provided in Part 416. Such home must be operated by a provider and have at least one assistant present during the hours that care is provided. The name, description or form of the entity which operates a group family day care home does not affect its status as a group family day care home. See Part 416 of Social Security Law.
- D. Small Day Care Home – A program or facility which is not a personal residence and in which child day care is provided to three through six children for more than three hours per day per child for compensation or otherwise, except those programs operating as a group family day care home, a family day care home, or a school-age child care program. The name, description or form of the entity which operates a small day care center does not affect its status as a small day care center. See Part 418 of Social Security Law.
- E. Child Day Care Center – A program or facility in which child day care is provided on a regular basis to more than six children for more than three hours per day per child for compensation or otherwise, except those programs operating as a group facility day care home, a family day care home, or a school-age child care program. The name, description or form of the entity which operates a child day care center does not affect its status as a child day care center. See Part 418 of Social Security Law.
- F. School-Age Child Care Facility – A program or facility that provides care on a regular basis to seven or more school-age children under 13 years of age or who are incapable of caring for themselves where such children attend school or kindergarten at a public or private school whether such care is provided for compensation or otherwise. School-age child care program provides care during the school year to an enrolled group of children before and/or after the period children enrolled in such program are ordinarily in school or during lunch periods and may also include such care during school lunch periods and may also include such care during school holidays and those periods of the year in which school is not in session, including summer vacation. Such programs must operate consistent with the local school calendar. The name, description or form of the entity which operates a school-age child care program does not affect its status as a school-age child care program. See Part 414 of Social Security Law.

DECK - An unroofed open structure projecting from an outside wall of a structure without any form of enclosure.

DESIGN/ARCHITECTURAL STANDARDS - Standards approved by the Municipal Board for use in guiding the design of new signs. A design review board, appointed by the Municipal Board, shall be responsible for the administration of the design/architectural standards.

DEVELOPMENT - Means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation, or drilling operations.

Appendix B - Town of Carroll Current Zoning Law

**DOMESTIC ANIMAL** - For the purposes of this law a domestic animal shall include dogs and cats only.



**DRIVE-IN** - Businesses designed to either wholly or partially provide services or products to customers while in automobiles parked on the premises. Examples include but are not limited to: film shops, drive-in theaters, and fast-food restaurants.

**DRY HYDRANT** - A pipeline capable of transporting water on a year-round basis from a pond, lake, or other water source to a hydrant. The water is not under pressure and thus to be utilized for fire fighting purposes must be properly engineered such that a pumper truck can successfully draw sufficient water volume from the hydrant.

**DUPLEX** - A dwelling structure arranged, intended, or designed to be occupied by 2 families living independently of each other.

**DWELLING UNIT** - One or more rooms providing living facilities, including equipment and provisions for cooking for a single household including one or more persons living as a family. Dwelling units shall be categorized by 4 construction types:

- A. **Conventional** - A permanent single or multiple-family dwelling unit which is built on-site using conventional "stick" construction techniques among others. Included in this category are precut homes which refer to a conventional dwelling unit built on-site utilizing wood framing members that are precut in a factory to the correct lengths but delivered to the building site unassembled. For the purpose of this law, a precut dwelling unit shall be considered to be the same as a conventional dwelling unit and shall not be considered to be a manufactured home.
- B. **Modular** - A permanent single or multiple-family dwelling unit built in accordance with plans which have obtained an architectural stamp and seal under the NYS Building Code which is brought to the building site as 2 or more units on a transport trailer. Modular dwelling units have no support frames as found on mobile homes but instead are placed on a separate foundation. Modular dwelling units contain the same utility systems as conventional dwelling units. Modular dwelling units are not designed to be moved after they have been lifted onto a foundation. They are generally a minimum of 24 feet wide.
- C. **Prefabricated** - A permanent single or multiple-family dwelling unit which is brought to the building site in large sections or panels usually 8 feet high and up to 40 feet long. Often the doors and windows are factory insulated in the panels with the wall panels designed to be erected immediately after delivery. Prefabricated dwelling units are sometimes referred to as panelized units.
- D. **Mobile Home** - A transportable, fully assembled single-family dwelling unit suitable for year-round occupancy built in accordance with HUD code for manufactured housing and having a HUD seal. Mobile homes contain the same utility systems (water, waste, electricity) as found in conventional dwelling units. Mobile homes are supported by a chassis which is an integral part of the unit. Mobile homes are not designed to be lived in except when set up on a lot with proper utilities. This includes double wide mobile homes, but does not include travel trailers which are self-contained. For the purpose of this law, mobile homes are listed separately as allowed uses as are conventional (stick built/precut) modular, and prefabricated (panelized) dwelling units. For the purpose of this law

Appendix B - Town of Carroll Current Zoning Law

double-wide mobile homes shall be considered to be and shall be treated as a mobile home.

**EATING AND DRINKING ESTABLISHMENTS** - Places where food and/or beverages are prepared and/or sold for consumption on the premises or for take-out, including restaurants, tea rooms, cafeterias, bars, taverns, and lunchrooms.

**ENFORCEMENT OFFICER** - Shall mean the enforcement officer of the municipality.

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

**FAMILY** - One or more persons, related by birth, marriage, or other domestic bond, occupying a dwelling unit and living as a single, nonprofit housekeeping unit.

**FARM ANIMAL** - Any animal customarily raised for profit on a farm. Farm animals have the potential of causing a nuisance if not properly maintained.

**FARM** - Any parcel of land containing at least 10 acres which is used to raise/grow agricultural products, livestock, poultry, and/or dairy products with the intent of financial gain. It includes necessary farm structures and the storage of equipment used.

**FENCE** - Any artificially constructed barrier or vegetation barrier such as a hedge, with the purpose or intent of preventing passage of view, thus providing privacy.

**FENCE, BARRIER** - Any fence which is located near the perimeter of the property of which it is intended to provide privacy.

**FENCE, FARM** - Any fence whether located on a farm or not which has as its primary purpose the control of non-domestic animals.

**FENCE, NONBARRIER** - Any fence located a distance from the property line which provides privacy to a portion of land such as a patio or swimming pool.

**FIRE RESISTANT** - Any materials which possess the properties, construction or assembly qualities which under fire conditions prevents or retards the passage of excessive heat, gases or flames; and thus, is not easily ignited.

**FLAMMABLE** - Capable of igniting within 5 seconds when exposed to flame and continuing to burn.

**FLOATING DISTRICT** - Any zoning district for which district regulations are included in this Law and yet for which no land has initially been designated on the zoning map to be included in said district. Such a district may become a reality through the amendment of the zoning map of the municipality in accordance with the amendment procedures of this Law. The initiation of the creation of such a district may come from residents, the Planning Board, a developer or the Municipal Board, itself, while the decision whether to activate such a district shall be made based upon the need for such a district.

**FLOOR SPACE** - The sum of the gross horizontal areas of the floor or floors of a building which are enclosed and usable for human occupancy or the conduct of business. Said areas shall be measured between the outside face of exterior walls, or from the center line of walls separating 2 uses. Said areas shall not include areas below the average level of the adjoining ground, garage space, or accessory building space.



**GARAGES, PRIVATE** - A secondary building used in conjunction with a primary building which primarily provides for the storage of motor vehicles and in which no occupation, business, or services for profit are carried on.

**GARAGES, PUBLIC** - Any garage other than a private garage, operated for gain, available on a rental basis for the storage of motor vehicles, including the supply of gasoline and oil.

**GAS COMPRESSOR** - Any mechanical equipment utilized to cause the movement of natural gas through a transmission line system.

**GAS STATION** - The retail sale of fuel and related oil products as well as minor service repairs and routine maintenance to include oil and tire changes.

**GENERAL RETAIL BUSINESS** - See Retail Business.

**GENERAL SERVICE BUSINESS** - See Service Business.

**GENERAL WHOLESALE BUSINESS** - See Wholesale Business.

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

**GROUP HOME** – A not-for-profit or for-profit boarding home for the sheltered care of persons with special needs, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation. In addition to group home they are also referred to as assisted living facility, boarding house, community residences for the developmentally disabled, community shelters for victims of domestic violence. The sheltered care facility serves as a substitute for the residents' own homes, furnishing facilities and comforts normally found in a home but providing in addition such service, equipment, and safety features as are required for safe and adequate care of residents at all times. Such services may include: (1) supervision and assistance in dressing, bathing, and in the maintenance of good personal hygiene; (2) care in emergencies or during temporary illness; (3) supervision in the taking of medications; and (4) other services conducive to the residents' welfare.

**GRAVEL PIT, SMALL** - Any gravel pit involving the extraction of less than 1,000 tons annually or approximately 2.6 average trucks weekly.

**HEAVY VEHICLES** - Automobile wreckers, commercial trailers, semi-trailers, or any non recreational vehicle or truck with 4 or more wheels mounted on the rear axles.

**HEIGHT** - The vertical distance from the highest point on a structure (excepting chimneys and other items listed in Article V, Section on "Height") to the average ground level of the grade where the wall or other structural elements intersect the ground.

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**HOME FOR AGED** - A structure principally used to house senior citizens in which a separate household is established for each family. Nursing homes are not considered to be a home for aged.

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**HOME OCCUPATION** - A use conducted within a dwelling and carried on by the inhabitants thereof, which is clearly secondary to the use of the dwelling for dwelling purposes and does not substantially change the character of the residence or neighborhood. Home occupations shall meet all conditions specified in the section on Home Occupations. In some instances, accessory buildings may be utilized for Home Occupations.

**HOME IMPROVEMENT CENTER** - A facility of more than 30,000 square feet of gross floor area, engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, paint and glass, housewares and household appliances, garden supplies, and cutlery.

**HORTICULTURE, PRIVATE** - The growing of fruits, vegetables, flowers, or ornamental plants for ones own pleasure and use. Also referred to as a private garden.

**HOUSEHOLD SALE** - Household sale for the purpose of this Law shall include lawn sales, patio sales, garage sales, basement sales, flea markets, bazaar, or other similar types of sales. A household sale shall be distinguished from a business in that it involves the infrequent sale of used merchandise which, for private sales, was NOT obtained from outside the household. Nonprofit or fraternal organizations on the other hand may obtain their sale items from donations received from members or other sources.

**HOUSING, ELDERLY** - Apartments containing eating, sleeping, and living space and designed with elderly fully independent residents in mind. Generally, these apartments contain smaller than normal floor space, require less parking and less active recreational area. Additionally, common eating areas are sometimes provided.

**HUNTING CAMP** - See Camp.

**INDUSTRY, GENERAL** - The manufacture, preparation, processing, milling, or repair of any article, substance or commodity, and which involves no dangerous or toxic product or emissions. Additionally, noise, odors, or other nuisances incidental to productions and processing shall be limited to a level which does not effect the use or enjoyment of property outside of the Industrial District.

**INFILL SITE** - Any vacant lot or parcel within developed areas of the city, where at least 80 percent of the land within a 300-foot radius of the site has been developed, and where water, sewer, streets, schools, and fire protection have already been developed and are provided. Annexed areas located on the periphery of the city limits shall not be considered as infill sites.

**JUNK VEHICLE** - A motor vehicle (excluding farm vehicle) which is not intended for or in condition for legal use on public highways or which is in the process of being dismantled. See supplemental section on junk vehicles for full definition.

**JUNK YARD** - See Definitions of Scrap Yards and Vehicle Dismantling Yards.

**KENNEL** - Any premises on which 5 or more dogs or cats over 6 months old are housed, groomed, boarded, trained, or sold for monetary gain.

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**LARGE BOX RETAIL** - A singular retail or wholesale user who occupies no less than 75,000 square feet of gross floor area, typically requires high parking to building area ratios and has a regional sales market. Regional retail/wholesale clubs that emphasize bulk sales, discount stores, and department stores.

**LARGE GROUP** - Any gathering of 500 or more people, occurring on a non-regular basis and involving either the charging of a fee, request for a donation or sale of products or services.

**LOADING SPACE** - Space logically and conveniently located exclusively for bulk pickups and deliveries at commercial structures.

**LOT** - A parcel of land occupied, or designed to be occupied by 1 building and the accessory buildings or uses customarily incidental to it, including such open space as are required by this Zoning Law.

**LOT, COVERAGE** - That percentage of the lot which is devoted to building area. District regulations refer to the maximum percentage of the lot area devoted to building area.

**LOT, SIZE** - An area of land which is determined by the limits of the lot lines bounding that area and expressed in terms of square feet or acres.

**LOT LINE** - Any line dividing 1 lot from another.

**LOT WIDTH** - The horizontal distance between the side lot lines measured at right angles to its depth at the building line.

**MANUFACTURED HOME** - A general category of housing construction denoting single-family detached or attached multiple-family dwelling units which are partially or totally constructed away from the site where they are to be placed for occupancy. Included in this category are mobile homes, modular housing, and panelized (prefabricated) housing.

**MICRO BREWERY** – An establishment used primarily for the sale or dispensing of liquor by the drink for on-site consumption and where food may be available for consumption on the premises as accessory to the principle use. Micro breweries specialize in one or more varieties of beer that is brewed on premise.

**MASSAGE ESTABLISHMENT** - Any building, room, place, or establishment other than a regularly licensed and established hospital or dispensary where nonmedical or nonsurgical manipulative exercises or devices are practiced upon the human body manually or otherwise by any person other than a licensed physician, surgeon, dentist, occupational and physical therapist, chiropractor, or osteopath with or without the use of therapeutic, electrical, mechanical, or bathing devices. Shall also include any bathing establishment.

**MEGA FARM** - A farm operation that involves a "concentrated animal feeding operation" (CAFO) as defined by the 1972 Clean Water Act as of the passage of this law.



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**MIXED USE** - A single building containing more than one type of land use or a single development of more than one building and use, where the different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.

**MOBILE DWELLING UNIT** - See Dwelling Unit (same as Mobile Home).

**MOBILE HOME** - See Dwelling Unit.

**MOBILE HOME PARK** - A parcel of land upon which 2 or more mobile homes are set up for living purposes.

**MODULAR DWELLING UNIT** - See Dwelling Unit.

**MOTOR HOMES** - A self-propelled, relatively small temporary living quarter generally used as mobile vacation homes. Motor homes generally have self-contained, independent utility systems.

**MOTOR VEHICLE SERVICE STATION** - Any area of land, including structures therein, that is used for the sale of gasoline or any other motor vehicle fuel and oil, and other lubricating substances; including any sale of motor vehicle accessories; and which may or may not include facilities for lubricating, washing, or otherwise servicing motor vehicles, but not including the painting thereof by any means, body and fender work, or the dismantling or replacing of engines.

**MULTIPLE DWELLING** - Three or more dwelling units per building.

**MULTIPLE USE BUSINESS** - A building or buildings in 1 contiguous location under single ownership which has more than 1 distinct business (e.g., restaurant and a gift shop) as defined in the allowed uses.

**MUNICIPALITY** - Shall mean the Village or Town for which this Law applies.

**NONCONFORMING USE** - That use of a building, structure or land legally existing at the time of enactment of this Zoning Law or amendment thereto, and which is not one of those permitted in the district in which it is situated.

**NUISANCE** - A violation of this Law caused by an offensive annoying, unpleasant, or obnoxious use of characteristics of said use which produces effects of such a nature or degree that they are detrimental to the health safety, general welfare, property values, etc., thus resulting in harm or injury to adjacent or nearby properties. Common examples include excessive odors, noise, smoke, vibration, light, runoff, traffic, development density, electronic interference, etc.

**NURSING HOME** - Also referred to as a convalescent home, it includes buildings where, for a fee, nonambulatory residents are provided full-time convalescent or chronic care by skilled nurses in addition to room and board. No care for the acutely ill is provided; and thus, clearly, hospitals and mental health centers are not to be considered as a nursing home.

**NURSERY (for Children)** - See Day Care Center.

**OFFICE** - A place which is used to conduct a business or profession and is occupied by a physician, surgeon, dentist, lawyer, or person providing similar services or in whose office the functions of consulting, record keeping, and clerical work are performed.

**OPEN SPACE** - Common, public, or private greens, parks, or recreation areas, including playgrounds, woodland conservation areas, walkways, trails, stream crossings and drainage control areas, golf courses, swimming pools, tennis courts, ice skating rinks, and other similar recreational uses, but which may not include any such uses or activities which produce noise, glare, odor, air pollution, fire hazards, or other safety hazards, smoke fumes, or any use or activity which is operated for a profit, or other things detrimental to existing or prospective adjacent structures or to existing or prospective development of the neighborhood.

**OUTLET MALL** - Usually located in a rural or occasionally tourist locations, outlet centers consist mostly of manufacturers' outlet stores selling their own brands at a discount. These centers are typically not anchored. A strip configuration is most common, although some are enclosed malls, and others can be arranged in a "village cluster."

**PANELIZED** - See Dwelling Unit, Prefabricated.

**PARKING SPACE** - A required off-street parking space. (See Supplemental Section.)

**PLANNING BOARD** - Refers to the Municipal Planning Board unless otherwise indicated.

**POND** - A man-made body of water utilizing natural materials which is used for recreational purposes as well as for fire protection.

**PORCH** - A roofed open structure projecting from an outside wall of a structure without any form of enclosure. Screens used as insect barriers are permissible and shall not cause the porch to be considered to be an enclosure.

**PRECUT** - See Dwelling Unit, Conventional.

**PREFABRICATED DWELLING UNIT** - See Dwelling Unit.

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

**PREEXISTING USE** - Any use, either conforming or nonconforming with this Law, that is legally existing at the enactment date of this Law.

**PREFABRICATED DWELLING UNIT** - See Dwelling Unit.

**PRIVATE CAMP** - A parcel of land on which a travel trailer, tent, cabin, or other structure is present for use on a seasonal basis for leisure or recreation purposes. (See Supplemental Section.)

**PROFESSIONAL** - Any person with an advanced college degree who possesses a license to practice. This includes but is not limited to doctors, lawyers, CPA's, engineers, etc.

**PUBLIC** - Owned, operated, or controlled by a governmental agency (Federal, State, or Local) including a corporation created by law for the performance of certain specialized governmental functions, a public school district, or service district.

**PUBLIC, QUASI** - An organization which serves a governmental function but is not a governmental unit per se. A volunteer fire department is an example. Additionally, any use owned or operated by a nonprofit or religious organization providing educational, cultural, recreational, religious or similar types of programs.

**RECREATION, COMMERCIAL** - Recreational facilities operated as a business and open to the general public for a fee. Recreational facilities shall include, but not be limited to, golf courses, ice skating rinks, and swimming pools.

**RECREATIONAL VEHICLE** - A vehicle primarily designed as temporary living quarters for recreational, travel, or camping use, which either has its own mode of power, or is drawn by another vehicle.

**RECYCLING PLANT** - A lot or parcel of land, with or without buildings, upon which plastics, glass, paper or metal cans are stored, separated and processed for shipment for eventual use in new products.

**RESIDENCE FOR DEVELOPMENTALLY DISABLED** - A residential facility, licensed by the state, providing food, shelter, and personal guidance, with supervision, to developmentally disabled or mentally ill persons who require assistance, temporarily or permanently, in order to live in the community and shall include group homes, halfway houses, intermediate care facilities, supervised apartment living arrangements, and hostels.

**RESIDENCE, SINGLE-FAMILY DETACHED** - A detached building designed to contain 1 dwelling unit.

**RESIDENCE, TWO-FAMILY** - Either of the following: ( A.) a building having 2 side yards and accommodating but 2 dwelling units; or ( B.) a detached building containing 2 dwelling units separated by a party wall, each having 1 side yard.

**RESIDENCE, MULTI-FAMILY** - A building used or designed for 3 or more dwelling units including apartment houses, town houses, and condominiums.

**RESIDENTIAL CONVERSIONS** - The creation of 1 or more additional dwelling units within existing residential structure in accordance with conditions set forth in this Law.

**REST HOME** - Commonly referred to as homes for the aged. These facilities provide private sleeping rooms for ambulatory (able to walk) residents. Generally, rest homes have common eating areas and provide minimal medical aid to residents. Only incidental convalescent care is provided which does not involve either trained nurses, physical therapy or other activities provided in a hospital or nursing home.

**RETAIL BUSINESS, GENERAL** - For the purposes of this Law, whenever a general retail business is listed as an allowed use, it shall signify that any retail business which has a minimal negative impact and can meet the conditions specified in this Law shall be allowed in addition to the specific retail uses as being allowed.

**RIDING ACADEMY** - Any establishment where horses are kept for riding for compensation. Riding academies shall be situated on a minimum of 10 acres of land and only in districts where allowed. Additionally, horses can be boarded and groomed and instructions in riding, jumping and showing can be offered.

**ROADSIDE STAND** - A structure (either enclosed or open), a booth or a transportable vehicle, the purpose of which is the sale of produce and other farm products to the general public. Roadside stands are located along a roadway in such a manner as to provide safe and convenient offstreet parking even though front yard setbacks are not required to be met. All conditions specified in this Law must be met, otherwise a full business use permit must be applied for.

**SAWMILL** - Commercial facility containing sawing and planing equipment utilized for the preparation of dimensional lumber used for construction. No on-premise sales to the general public take place.

**SCRAP YARD** - Any place of storage or deposit of more than 100 square feet, usually of a commercial nature, where metals, glass, rags, etc., are held, whether for the purpose of disposal, reclamation, recycling or resale of such, including establishments having facilities for processing iron, steel, and nonferrous scrap for melting purposes.

**SECTION** - Unless otherwise noted, section and section numbers shall refer to this Law.

**SEMI-PUBLIC** - Places of worship, institutions for the aged and children, nurseries, nonprofit colleges, hospitals, libraries, cemeteries, and institutions of the philanthropic nature; also, open space.

**SETBACK** - Distance measured from the street edge to a structure, sign, etc. For private roads, the front yard setback shall also be the distance from the edge of the traveled portion of the road to the closest point on the structure.

**SERVICE BUSINESS, GENERAL** - For the purpose of this Law, whenever general service business is listed as an allowed use, it shall signify that any service business which has a minimal negative impact and can meet the conditions specified in this Law shall be allowed, in addition to the specific service uses listed as being allowed.

**SERVICE STATION/MINIMART** - A place where gasoline, motor oil, lubricants, or other minor accessories are retailed directly to the public on the premises in combination with the retailing of items typically found in a convenience market or supermarket.

**SHOOTING RANGE** - The parcel(s) of land used for discharging of firearms with the intent to hit any object (moving or stationary) other than live game, by any person who pays a fee (e.g.; membership fees, shooting fee, etc.) to use said facilities. Commercial shooting ranges include but are not limited to nonprofit clubs (skeet club, etc.); and profit motivated business. For the purpose of this Law a shooting range shall be considered to be a trap/skeet or other type of range utilizing shot guns as well as an indoor (fully enclosed) range utilizing rifles or pistols not classified as shotguns.

**SHOPPING CENTER** - A group of commercial establishments occupying adjoining structures all of which may be deemed as 1 building and normally owned/managed as 1



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unit. Offstreet parking as well as loading/unloading facilities are provided as an integral part of the unit.

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**SIGN** - Any structure or part thereof, attached thereto, or painted, or represented thereon, which shall display or include any letter, work, model, banner, flag, pennant, insignia, device of representation used for the purpose of bringing the subject thereof to the attention of the public. The word sign does not include the flag, pennant or insignia of any nation, state, city, or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious, or like organization, or the property thereof.

**SIGN, AREA** - The area defined by the frame or edge of a sign. Where there is no geometric frame or edge of the sign, the area shall be defined by a projected, enclosed, 4-sided (straight sides) geometric shape which most closely outlines the said sign. Only 1 side of the sign shall be used in measuring the area.

**SIGN, ADVERTISING** - A sign which offers services or goods produced or available somewhere other than on which the sign is located. The words "advertising sign" include the word "billboard." Neither directional warning nor other signs posted by public officials in the course of their public duty shall be construed as advertising signs.

**SIGN, BILLBOARD** - Any sign with a total area larger than that permitted by sign regulations of this Law for the district in which the billboard either exists or is proposed to be located in.

**SIGN, BUSINESS** - A sign for permitted use conducted on the premises on which shall identify the written name and/or the type of business and/or any trademark of an article for sale or rent on the premises or otherwise call attention to a use conducted on the premises.

**SIGN, DIRECTIONAL** - A sign which identifies an attraction or activity and provides directional information useful to the traveler in locating the attraction, such as mileage, route numbers, etc.

**SIGN, IDENTIFICATION** - A sign for a permitted use conducted on the premises for articles sold, or distributed by that use, or displaying the name of the premises.

**SIGN, INSTRUCTIONAL** - A sign conveying instructions with respect to the use of the premises, or a portion of the premises on which it is maintained, or a use or practice being conducted on the premises.

**SIGN, NAMEPLATE** - Any sign attached directly to the wall of a building occupied by the person to whom such a sign indicated the name, occupation and/or address of the occupant. A nameplate shall be not over 2 square feet in size.

**SIGN, PUBLIC** - Those signs erected to direct flow, speed and direction of traffic, effect general public safety or name streets and buildings.

**SIGN, TEMPORARY** - A sign which offers premises for sale, rent, or development; or announces special events or calls attention to new construction or alteration; or offers a sale of seasonal garden produce, garage, household, porch items or signs of similar nature; or political signs. Temporary status of signs will expire after 6 months.

**SLUDGE** - Solids removed from sewage during wastewater treatment and then disposed of by incineration, dumping, burial or land application.

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**SOLAR SYSTEM** - Any structure containing either a passive or active heat storage device which is dependent on direct contact with the sun in order to operate. Said heat storage devices are commonly used to heat totally or partially water, rooms, etc. Note that a solar heater for a swimming pool shall not be considered to be a solar structure and shall not be subject to the supplemental setup entitled "solar system".

**SPECIAL USE PERMIT** - A special use permit deals with special permission, granted only by the Permitting Board after public hearing to occupy land for specific purposes when such use is not permitted By Right, but is listed as permitted by Special Use Permit.

**STORAGE STRUCTURE** - Any constructed combination of materials located or attached to the ground utilized for noninhabited storage purposes. Used trucks and similar motor vehicles shall not be utilized as storage structures. For the purposes of this Law, storage structures shall be less than 150 square feet with larger structures considered to be customary accessory uses.

**STOREFRONT AREA** - That area of the front of a building associated with the first floor only. For businesses located above a first floor, the storefront area shall be calculated based on the ground floor entrance only.

**STORY** - That portion of a building excluding attics and cellars included between the surface of any floor and the floor next above it; or if there be no floor above it, then the space between any floor and the ceiling next above it.

**STORY, HALF** - A story under a gable, hip, or gambrel roof, the wall plates of which, on at least 2 opposite exterior walls, are not more than 2 feet above the floor of such story.

**STREET EDGE** - A curb or in the absence of a curb, the furthest outside point of a street or roadway which is designed and constructed to carry vehicles on a regular basis. A paved or unpaved shoulder of a road shall not be considered in determining the street edge.

**STRUCTURE** - A building constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Mobile homes are not considered to be structures for the purpose of this Law. (A Mobile Home is considered to be a structure under the Flood Insurance Program.)

**SWIMMING POOL** - Any man-made receptacle for water (excepting farm ponds) located above or below ground, over 3 feet in depth at any point and intended to be used for swimming. For the purpose of this law inflatable units shall not be considered to be a swimming pool.

**TEMPORARY DWELLING UNIT (MOBILE)** - Dwellings intended for temporary occupancy and including but not limited to: travel trailers, motor homes, truck campers, and tents. Persons residing in temporary dwelling units generally do not include those residing in the primary dwelling unit located on the parcel.

**TEMPORARY USE** - An activity conducted within a structure or on a tract of land for a specific limited period of time which may not otherwise be permitted by the provision of this Law. For example, a building used in conjunction with new construction which would be removed upon completion of the work.

**THEATER, MULTIPLEX** - A multiplex, also known as a cineplex, is a complex structure with multiple movie theaters in which each theater is capable of showing movies independent of the others in the complex. Structurally, theaters in a multiplex are grouped in a manner that allows them to share box or ticket offices, parking facilities, lobby area, restrooms, concession stands, signs and marquee displays, and other service and maintenance facilities. These structures first started appearing in shopping centers and malls, sometimes integrated with the layout of the mall. They typically have eight to twelve movie screens and about 2,500 seats spread among them with capacities ranging from 200 to 800 seats per theater.

**TOWER** - A structure generally fixed on the ground of a noncommercial or commercial nature, the purpose of which is to better enable the transmission or receiving of signals by achieving more height. For the purposes of this Law, a tower shall generally be capable of being climbed without utilizing special equipment and shall be categorized as: A. commercial; B. noncommercial more than 50 feet high as measured from the ground; and C. noncommercial 50 feet or less in height. Standard TV-type antennas are not to be considered to be a tower.

**TOWN HOUSE** - A dwelling unit designed to be occupied as a residence for 1 family and 1 of a group of 3 or more attached dwellings, placed side by side, separated by party walls, each containing 1 or 2 stories, and each having separate front and rear, or side and rear, or front and side entrances from the outside.

**TRACT** - A large piece of land under single ownership.

**TRASH** – Old or discarded glass, scrap metals, salvaged metals, rags, rope, batteries, paper, rubber, refuse, garbage, wastepaper, salvaged machines, equipment, appliances, or similar materials, etc. Generally, trash can be described as any items that are so worn, deteriorated or obsolete as to make them unusable in their existing condition. However, trash shall not mean machinery or equipment retired from use by its owner which is retained by that owner for spare parts for similar machinery or equipment in use by that owner.

**TRAVEL TRAILER/CAMPER** - A relatively small temporary living quarter designed to be hauled behind a vehicle. Travel trailers are not designed as permanent living quarters and generally are used on a seasonal basis. They are supported at all times primarily by their own wheels. Travel trailers generally have self-contained independent utility systems. See definition of Accessory Dwelling Unit.

**TRAVEL TRAILER CAMP/COMMERCIAL CAMPGROUND** - A parcel of land used or intended to be used, let, or rented on a seasonal basis for occupancy by campers or for occupancy by or of travel trailers, motor homes, tents, or movable or temporary dwellings, rooms, or sleeping quarters of any kind.

**TRIPLEX** - A dwelling arranged, intended and designed to be occupied by 3 families living independently of each other.

**USE** - Any purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.



**VARIANCE** - Permissive waivers from the terms of the Law, as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the Law will result in unnecessary hardship or practical difficulty or that the spirit of the Law shall be observed and substantial justice done and granted by the Zoning Board of Appeals.

**VEHICLE DISMANTLING YARD** - Any place or storage of deposit where 2 or more unregistered, old, or secondhand vehicles, no longer intended for or in condition for legal use on public highways are held, whether for resale of parts or materials, or used parts and waste materials, which, when taken together equal in bulk 2 or more vehicles, shall constitute a vehicle dismantling yard. This excludes farm vehicles.

**VEHICLE REPAIR SHOP** - A commercial business operated for profit which repairs or services motor vehicles.

**VIDEO RENTAL STORE** - Establishment primarily engaged in the retail rental or lease of video tapes, films, CD-ROM's, laser discs, electronic games, cassettes, or other electronic media. Sales of film, video tapes, laser discs, CD-ROMs, and electronic merchandise associated with VCRs, video cameras, and electronic games are permitted accessory uses.

**WILDLIFE HABITAT** - Land set aside for animal habitat.

**WHOLESALE** - A business establishment engaged in selling to retailers or jobbers rather than consumers in wholesale lots.

**WHOLESALE BUSINESS, GENERAL** - For the purpose of this Law, whenever a general wholesale business is listed as an allowed use, it shall signify that any wholesale business which has a minimal negative impact and can meet the conditions specified in this Law shall be allowed in addition to the specific wholesale uses listed as being allowed.

**WHOLESALE, LIMITED** - A wholesale business with a maximum of 3 employees, no more than 4,000 square feet of floor space and no outside storage.

**YARD, FRONT** - The area extending across the entire width of the lot between the building line, and the front edge of the road into which space there shall be no extension of building partitions or accessory structures. For parcels adjacent to a lake, the front yard shall consist of the land area between the primary structure and the public or private roadway serving the property.

**YARD, REAR** - The area extending across the entire width of the lot between the rear wall of the principal building and rear line of the lot, and unoccupied except for parking, loading and unloading space, and garages and carports.

**YARD, SIDE** - That open area of a lot situated between the side lines of the building and the adjacent side lines of the lot.

**ZONING BOARD OF APPEALS** - Shall mean the Zoning Board of Appeals of the municipality.

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**ZONING PERMIT** - Written permission issued by the appropriate Municipal Board/Officer authorizing the use of lots or structures. Zoning Permits are issued for uses which are permitted by the Zoning Law where all conditions required by the Law can be met for the district where the lot/structure is located. The relocation, enlargement, alteration, or other change of use shall require the issuing of a Zoning Permit. The two types of permits include By Right Permit and Special Use Permit.

**ARTICLE III**  
**ESTABLISHMENT OF DISTRICTS**

**SECTION 301 CREATION AND ENUMERATION OF DISTRICTS**

For the purpose and provisions of this Local Law, the municipality is hereby divided into the following types of districts.

- 401 Conservation/Recreation District (CR)
- 402 Residential District 1 (R-1)
- 403 Residential District 2 (R-2)
- 404 Rural Residential 3 (R-3)
- 405 Agricultural District (AG)
- 406 Agricultural Residential District 1 (AR-1)
- 407 Agricultural Residential District 2 (AR-2) Floating
- 408 Business District (B-1)
- 409 Highway Business District 3 (B-3)
- 410 Industrial District (I-1)

**SECTION 302 ZONING MAP**

The boundaries of the zoning districts, as listed above, are hereby established and shown on the map entitled, "Town of Carroll, NY Zoning District Map, dated December 03, 2001." The map accompanies and is made a part of this Local Law and shall have the same force and effect as if the zoning map, together with all notations, references, and other information shown thereon, were fully set forth and described herein.

**SECTION 303 INTERPRETATION OF DISTRICT BOUNDARIES**

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

- A. Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines, or highway right-of-way lines, shall be construed to be such boundaries.
- B. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- C. Where district boundaries are so indicated that they are approximately parallel to the center lines, or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance is given, such dimension shall be determined by the use of the scale shown on said zoning map.
- D. Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be deemed to be at the limit of jurisdiction of the municipality unless otherwise indicated.
- E. Any flood boundary shown on the zoning map indicates general location only. The precise location of flood plain boundaries shall be established by the Enforcement Officer after consulting with the Chautauqua County Planning Department.
- F. Any party aggrieved by an interpretation may appeal to the Zoning Board of Appeals, whose decision will be final. However, all decisions of the Zoning Board of Appeals

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are subject to court reviews in accordance with applicable laws of the State of New York. The burden of proof shall be on the appellant.



**ARTICLE IV**  
**DISTRICT REGULATIONS**

**SECTION 401 CONSERVATION/RECREATION DISTRICT (CR)**

- A. Purpose - CR Districts are established to provide protection for the preservation of natural features of a municipality such as wetlands, open space, recreation areas, etc. Recreational uses are allowed along with some agricultural. Note: Uses marked with an asterisk (\*) are allowed by two or more types of permits (by right, special use or no permit) and the supplemental section referred to should be consulted in each case to fully understand which permit applies.
- B. Uses by Right (Permit Required)
- Agricultural land use
  - Agricultural building
  - \* Roadside stand - transient (in accordance with Section 606)
  - Home occupation (in accordance with Section 604)
  - Pool / Courts (access to residence) (in accordance with Section 637)
  - Garage - accessory
  - Parking - private (in accordance with Section 609)
  - \* Signs (in accordance with Section 611)
  - Open porch / deck
  - \* Fences / walls (in accordance with Section 612)
  - Demolition
- C. Uses by Special Use Permit (Hearing Required)
- \* Roadside stand - general (in accordance with Section 606)
  - Utilities (public) (e.g., water)
  - Municipal office
  - Large group gathering (in accordance with Section 619)
  - Public park - passive
  - Public park - active
  - Playground
  - Public tennis clubs / courts
  - Boathouse / dock / pier - public
  - Marinas / tackle shop
  - Carnival / circus - temporary
  - Stadium / ice rink / skateboard park
  - Forestry / lumbering / reforestation / logging
  - \* Solar energy system (in accordance with Section 614)
  - \* Pond (in accordance with Section 608)
  - Conservation club
  - Storage structure (over 160 sq. ft.) (in accordance with Section 629)
  - \* Travel trailer inhabitation (in accordance with Section 622)
  - \* Signs (in accordance with Section 611)
  - \* Fences / walls (in accordance with Section 612)
  - Multiple / mixed uses (in accordance with Section 613)

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D. Uses Requiring No Permit (Requires Compliance with Law)

- Horticulture - private
- \* Roadside stand - limited (in accordance with Section 606)
- \* Home occupation (in accordance with Section 604)
- Wildlife habitat
- Game farm / fish hatchery / preserve
- \* Solar energy system (in accordance with Section 614)
- \* Pond (in accordance with Section 608)
- Topsoil removal / excavation (in accordance with Section 626)
- Customary accessory use to residence
- Storage structure (160 sq. ft. or less) (in accordance with Section 629)
- \* Travel trailer inhabitation (in accordance with Section 622)
- \* Signs (in accordance with Section 611)
- Junk cars - private property (in accordance with Section 639)
- Trash - private property (in accordance with Section 631)
- \* Fences / walls (in accordance with Section 612)
- \* Unsafe structures (in accordance with Section 640)

E. Area Standards -

<u>SINGLE FAMILY UNITS</u>	<u>Primary Use</u>	<u>Accessory</u>
<u>Use</u>		
Minimum Lot Size (Sq. Ft./Acres)	2 acres	-----
Minimum Lot Width (feet)	250	-----
Maximum Lot Coverage (% of Lot Area)	10%	-----
Minimum Front Yard (feet from street edge)	75	85
Minimum Side Yard (feet)	50	20
Minimum Rear Yard (feet)	75	20
Maximum Structure Height (feet/stories)	2.5	20
Minimum Floor Space (sq. ft. of living space)	1000	
<u>OTHER USES (Business, Schools, etc.)</u>		
Maximum Lot Coverage (% of Lot Area)	10%	-----
Minimum Front Yard (feet from street edge)	75	85
Minimum Side Yard (feet)	75	75
Maximum Structure Height (feet/stories)	2.5	20

**SECTION 402 SINGLE FAMILY DISTRICT (R-1)**

- A. Purpose - R-1 Districts are established to primarily provide for new “subdivision” single-family development on relatively large lots or to protect existing neighborhoods, when requested, from encroachment of other noncompatible uses. Very few other uses are allowed in this district. Note: Uses marked with an asterisk (\*) are allowed by two or more types of permits (be right, special use or no permit) and the supplemental section referred to should be consulted in each case to fully understand which permit applies.
- B. Uses by Right (Permit Required)
- Single Family Dwelling - detached (Conv., prefab., mod.)
  - Garage - accessory
  - Parking - private (in accordance with Section 609)
  - \* Signs (in accordance with Section 611)
  - Open porch / deck
  - \* Fences / walls (in accordance with Section 612)
  - Demolition
- C. Uses by Special Use Permit (Hearing Required)
- Multiple Dwellings - attached 3+ units (in accordance with Section 603)
  - Cluster Residential Development (in accordance with Section 602)
  - \* Household sale / garage sale (in accordance with Section 605)
  - Utilities (public) (e.g., water)
  - School / college - public / private
  - Library / museum / gallery
  - Church / rectory
  - Public park - passive
  - Public park - active
  - Playground
  - Pool / courts (access to residence) (in accordance with Section 637)
  - \* Solar energy system (in accordance with Section 614)
  - Storage structure (over 160 sq. ft.) (in accordance with Section 629)
  - \* Travel trailer inhabitation (in accordance with Section 622)
  - \* Signs (in accordance with Section 611)
  - Farm animals (non-commercial) (in accordance with Section 641)
  - \* Fences / walls (in accordance with Section 612)
  - Multiple / mixed uses (in accordance with Section 613)

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D. Uses Requiring No Permit (Requires Compliance with Law)

- Horticulture - private
- \* Roadside stand - limited (in accordance with Section 606)
- \* Household sale / garage sale (in accordance with Section 605)
- \* Home occupation (in accordance with Section 604)
- \* Solar energy system (in accordance with Section 614)
- Topsoil removal (in accordance with Section 626)
- Outdoor storage – recreational vehicle
- Customary accessory use to residence
- Storage structure (160 sq. ft. or less) (in accordance with Section 629)
- \* Travel trailer inhabitation (in accordance with Section 622)
- \* Signs (in accordance with Section 611)
- Junk cars - private property (in accordance with Section 639)
- Trash - private property (in accordance with Section 631)
- \* Fences / walls (in accordance with Section 612)
- Unsafe structures (in accordance with Section 640)

E. Area Standards -

<u>SINGLE FAMILY UNITS</u>	<u>Primary Use</u>	<u>Accessory Use</u>
Minimum Lot Size (Sq. Ft./Acres)	25,000	----
Minimum Lot Width (feet)	125	----
Maximum Lot Coverage (% of Lot Area)	20	----
Minimum Front Yard (feet from street edge)	50	60
Minimum Side Yard (feet)	20	5
Minimum Rear Yard (feet)	50	10
Maximum Structure Height (feet/stories)	2.5	20
Minimum Floor Space (Sq. Ft. of Living Space)	1200	
<u>MULTIPLE FAMILY UNITS (Standard)</u>		
Minimum Lot Size (Sq. Ft. per Unit)	25,000 + 10,000	----
Minimum Lot Width (feet per unit)	125 + 10	----
Maximum Lot Coverage (% of Lot Area)	20%	----
Minimum Front Yard (Feet from Street Edge)	50	60
Minimum Side Yard (feet)	20 + 2	5 + 1
Minimum Rear Yard (feet)	50 + 2	10 + 1
Maximum Structure Height (feet/stories)	2.5	20
Minimum Floor Space (Sq. Ft. of Living Space)	800	
<u>OTHER USES (Schools, Business)</u>		
Maximum Lot Coverage (% of Lot Area)	20%	----
Minimum Front Yard (Feet from Street Edge)	50	60
Minimum Side Yard (Feet)	50	25
Minimum Rear Yard (feet)	50	25
Maximum Structure Height (feet/stories)	2.5	30



**SECTION 403 RESIDENTIAL DISTRICT 2 (R-2)**

- A. Purpose - R-2 Districts are established to primarily protect existing neighborhoods from encroachment of other non-compatible uses. Most types of residential development are allowed on medium sized lots. Note: Uses marked with an asterisk (\*) are allowed by two or more types of permits (by right, special use or no permit) and the supplemental section referred to should be consulted in each case to fully understand which permit applies.
- B. Uses by Right (Permit Required)
- Single Family Dwelling - Detached (Conv., prefab., mod.)
  - Multiple Dwellings - Attached 3+ units (in accordance with Section 603)
  - Garage - accessory
  - Parking - private
  - \* Signs (in accordance with Section 611)
  - Open porch / deck
  - \* Fences / walls (in accordance with Section 612)
  - Demolition
- C. Uses by Special Use Permit (Hearing Required)
- Duplex Dwelling (2 units) - Attached
  - Bed & Breakfast / Boarding Home
  - Cluster Residential Development (in accordance with Section 602)
  - \* Household sale / garage sale (in accordance with Section 605)
  - \* Home occupation (in accordance with Section 604)
  - Utilities (public) (e.g., water)
  - School / college - public / private
  - Daycare center - adults / children (in accordance with Section 627)
  - Library / museum / gallery
  - Church / rectory
  - Public park - passive
  - Public park - active
  - Playground
  - Arts / civic / community / convention center
  - Pool / courts (access to residence) (in accordance with Section 637)
  - \* Solar energy system (in accordance with Section 614)
  - Storage structure (over 160 sq. ft.) (in accordance with Section 629)
  - \* Travel trailer inhabitation (in accordance with Section 622)
  - \* Signs (in accordance with Section 611)
  - Farm animals (non-commercial) (in accordance with Section 641)
  - \* Fences / walls (in accordance with Section 612)
  - Multiple / mixed uses (in accordance with Section 613)

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D. Uses Requiring No Permit (Requires Compliance with Law)

- Limited agriculture
- Horticulture - private
- \* Roadside stand - limited
- \* Household sale / garage sale (in accordance with Section 605)
- \* Home occupation (in accordance with Section 604)
- \* Solar energy system (in accordance with Section 614)
- Topsoil removal (in accordance with Section 626)
- Outdoor storage - recreational vehicle (in accordance with Section 628)
- Customary accessory use to residence
- Storage structure (160 sq. ft. or less) (in accordance with Section 629)
- \* Travel trailer inhabitation (in accordance with Section 622)
- \* Signs (in accordance with Section 611)
- Junk cars - private property (in accordance with Section 639)
- Trash - private property (in accordance with Section 631)
- \* Fences / walls (in accordance with Section 612)
- Unsafe structures (in accordance with Section 640)

E. Area Standards -

<u>SINGLE FAMILY UNITS</u>	<u>Primary Use</u>	<u>Accessory</u>
<u>Use</u>		
Minimum Lot Size (Sq. Ft./Acres)	15,000	----
Minimum Lot Width (feet)	75	----
Maximum Lot Coverage (% of Lot Area)	30	----
Minimum Front Yard (feet from street edge)	40	50
Minimum Side Yard (feet)	15	5
Minimum Rear Yard (feet)	40	10
Maximum Structure Height (feet/stories)	2.5	20
Minimum Floor Space (Sq. Ft. of Living Space)	1000	----
<u>MULTIPLE FAMILY UNITS (Standard)</u>		
Minimum Lot Size (Sq. Ft. per Unit)	15,000 + 5,000	----
Minimum Lot Width (feet per unit)	75 + 10	----
Maximum Lot Coverage (% of Lot Area)	30%	----
Minimum Front Yard (feet from street edge)	50	60
Minimum Side Yard (feet)	15 + 2	5 + 1
Minimum Rear Yard (feet)	50 + 2	10 + 1
Maximum Structure Height (feet/stories)	2.5	20
Minimum Floor Space (Sq. Ft. of Living Space)	800	
<u>OTHER USES (Schools, Business)</u>		
Maximum Lot Coverage (% of Lot Area)	30	----
Minimum Front Yard (feet from street edge)	40	50
Minimum Side Yard (feet)	40	25
Minimum Rear Yard (feet)	40	25
Maximum Structure Height (feet/stories)	2.5	30

**SECTION 404 RURAL RESIDENTIAL DISTRICT 3 (R-3)**

- A. Purpose - R-3 Districts are established to provide for a compatible mix of agricultural and residential uses. Clearly, the intent is to protect and provide agricultural uses and preserve the rural character of the neighborhood as well as providing for natural buffers. This district has an abundant supply of vacant land some of which possesses panoramic views and as such is subject to residential development pressures. Home occupations and recreational uses and select commercial uses are generally permissible.
- B. Uses by Right (Permit Required)
- Single Family Dwelling – Detached (Conv., prefab., mod.)
  - Multiple Dwellings - Attached 3+ units (in accordance with Section 603)
  - Bed & Breakfast (Boarding Home)
  - Agricultural Building
  - Nursery / greenhouse - commercial
  - \* Roadside stand - transient (in accordance with Section 606)
  - Garage - accessory
  - Parking - private (in accordance with Section 609)
  - \* Signs (in accordance with Section 611)
  - Open porch / deck
  - \* Fences / walls (in accordance with Section 612)
  - Demolition
- C. Uses by Special Use Permit (Hearing Required)
- Duplex Dwelling (2 units) - Attached
  - Nursing Home / Rest Home / Health Center
  - Cluster Residential Development (in accordance with Section 602)
  - \* Roadside stand - general (in accordance with Section 606)
  - Farmers market
  - Mega Farm
  - \* Household sale / garage sale
  - Temporary business
  - Antique shop
  - Gift shop
  - Monument sales
  - \* Home occupation (in accordance with Section 604)
  - Utilities (public) (e.g., water)
  - Utilities (quasi-public) (e.g., phone)
  - Water tower
  - Municipal office
  - School / college - public / private
  - Daycare center - adults / children (in accordance with Section 627)
  - Library / museum / gallery
  - Church / rectory
  - Fraternal facility / Club
  - Cemetery
  - Hospital / Clinic / Health Care Facility
  - Ambulance service
  - Radio / TV broadcasting station

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- Firehall / firestation
- Public park - passive
- Public park - active
- Playground
- Private tennis club
- Public tennis clubs / courts
- Commercial recreation
- Private swimming club
- Public swimming pool
- Arts / civic / community / convention center
- Pool / courts (access to residence) (in accordance with Section 637)
- Forestry / lumbering / reforestation / logging
- Windmills - private (in accordance with Section 638)
- \* Solar energy system (in accordance with Section 614)
- \* Pond (in accordance with Section 608)
- Parking - commercial lot (in accordance with Section 609)
- Storage structure (over 160 sq. ft.) (in accordance with Section 629)
- \* Travel trailer inhabitation (in accordance with Section 622)
- \* Signs (in accordance with Section 611)
- Loading / unloading facility (in accordance with Section 610)
- \* Fences / walls (in accordance with Section 612)
- Temporary mobile home (in accordance with Section 623)
- Communications tower - commercial (in accordance with Section 638)
- Multiple / mixed uses (in accordance with Section 613)

D. Uses Requiring No Permit (Requires Compliance with Law)

- Agricultural land use
- Horticultural - private
- \* Roadside stand - limited (in accordance with Section 606)
- \* Household sale / garage sale (in accordance with Section 605)
- \* Home occupation (in accordance with Section 604)
- \* Solar energy system (in accordance with Section 614)
- \* Pond (in accordance with Section 608)
- Topsoil removal / excavation (in accordance with Section 626)
- Customary accessory use to residences
- Storage structure (160 sq. ft. or less) (in accordance with Section 629)
- \* Travel trailer inhabitation (in accordance with Section 622)
- \* Signs (in accordance with Section 611)
- Junk cars - private property (in accordance with Section 639)
- Trash - private property (in accordance with Section 631)
- \* Fences / walls (in accordance with Section 612)
- Unsafe structures (in accordance with Section 640)



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E. Area Standards -

<u>SINGLE FAMILY UNITS</u>	<u>Primary Use</u>	<u>Accessory</u>
<u>Use</u>		
Minimum Lot Size (Sq. Ft./Acres)	1 acre	----
Minimum Lot Width (feet)	75	----
Maximum Lot Coverage (% of Lot Area)	20%	----
Minimum Front Yard (Feet from street edge)	50	60
Minimum Side Yard (feet)	25	5
Minimum Rear Yard (feet)	50	10
Maximum Structure Height (feet/stories)	2.5	20
Minimum Floor Space (Sq. Ft. of Living Space)	800	----
 <u>MULTIPLE FAMILY UNITS (Standard)</u>		
Minimum Lot Size (Sq. Ft. per Unit)	35,000 + 10,000	----
Minimum Lot Width (Feet per Unit)	150 + 20	----
Maximum Lot Coverage (% of Lot Area)	25%	----
Maximum Structure Height (feet/stories)	2.5	20
Minimum Floor Space (Sq. Ft. of Living Space)	800	----
 <u>OTHER USES (Schools, Business)</u>		
Maximum Lot Coverage (% of Lot Area)	20%	----
Minimum Front Yard (Feet from street edge)	50	60
Minimum Side Yard (feet)	50	50
Minimum Rear Yard (feet)	50	50
Maximum Structure Height (feet/stories)	2.5	30

**SECTION 405 AGRICULTURE DISTRICT (AG)**

- A. Purpose - AG Districts are primarily agricultural lands where farming and agri-business is encouraged and protected along with scattered large lot residential units. Certain uses requiring large acreage such as airstrips, mining, tourism and recreation uses are allowed as long as they are located such that they do not create high levels of incompatibility with existing uses to include active farms. Note: Uses marked with an asterisk (\*) are allowed by two or more types of permits (by right, special use or no permit) and the supplemental section referred to should be consulted in each case to fully understand which permit applies.
- B. Uses by Right (Permit Required)
- Single Family Dwelling - Detached (Conv., prefab., mod.)
  - Mobile Home Dwelling - Detached (Double-wide) (in accordance with Section 620)
  - Mobile Home Dwelling - Detached (Single-wide) (in accordance with Section 620)
  - Multiple Dwellings - Attached 3+ units (in accordance with Section 603)
  - Apartment - accessory to commercial store
  - Bed and Breakfast / Boarding Home
  - Agricultural Building
  - Nursery / greenhouse - commercial
  - \* Roadside stand - transient (in accordance with Section 606)
    - Blacksmith shop
    - Boat storage business
    - Pool / courts (access to residence) (in accordance with Section 637)
    - Garage - accessory
    - Parking - private (in accordance with Section 609)
    - Storage structure (over 160 sq. ft.) (in accordance with Section 629)
  - \* Signs (in accordance with Section 611)
    - Open porch / deck
  - \* Fences / walls (in accordance with Section 612)
  - Demolition
- C. Uses by Special Use Permit (Hearing Required)
- Duplex Dwelling (2 units) - Attached
  - Nursing Home / Rest Home / Health Center
  - Cluster Residential Development (in accordance with Section 602)
  - General agricultural business
  - Animal farm (mink, etc.)
  - Sawmill - commercial
  - \* Roadside stand - general (in accordance with Section 606)
    - Farmers market
    - Mega Farm
  - \* Household sale / garage sale (in accordance with Section 605)
    - Temporary business
    - Antique shop
    - Gift shop
    - Monument sales
    - Farm machinery / implements store
    - Feed & seed shop
    - Auction business / flea market
    - Kennel business
    - Animal shelter

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- Animal hospital / veterinary
- Self service storage
- \* Home occupation (in accordance with Section 604)
- Wood products (in accordance with Section 632)
- Quarry operation (in accordance with Section 615)
- Gas compressor
- Topsoil removal (commercial)
- Utilities (public) (e.g., water)
- Utilities (quasi-public) (e.g., phone)
- Water tower
- Municipal office
- School / college - public / private
- Airport / airstrip / heliport
- Daycare center - adults / children (in accordance with Section 627)
- Library / museum / gallery
- Church / rectory
- Fraternal facility / Club
- Large group gathering
- Cemetery
- Hospital / Clinic / Health Care Facility
- Ambulance service
- Radio / TV broadcasting station
- Firehall / firestation
- Pet cemetery
- Public park - passive
- Public park - active
- Playground
- Golf course - public / private
- Tennis club - private
- Tennis clubs / courts - public
- Commercial recreation
- Amusement park / Theme park / Zoo
- Boathouse / dock / pier - public
- Swimming club - private
- Swimming pool - public
- Marinas / tackle shop
- Riding academy
- Cabins / cottages - commercial
- Ski area - commercial
- Recreation camp - private (in accordance with Section 630)
- Recreation camp - public/quasi-public
- Rifle range / skeet / gun club
- Arts / civic / community / convention center
- Stadium / ice rink / skateboard park
- Game farm/fish hatchery/preserve
- Windmills - private (in accordance with Section 638)
- \* Solar energy system (in accordance with Section 614)
- \* Pond (in accordance with Section 608)
- Conservation club
- Parking - commercial lot (in accordance with Section 609)

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- \* Travel trailer inhabitation (in accordance with Section 622)

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- \* Signs (in accordance with Section 611)
  - Loading / unloading facility (in accordance with Section 610)
- \* Fences / walls (in accordance with Section 612)
  - Temporary mobile home (in accordance with Section 623)
  - Communications tower - commercial (in accordance with Section 638)
  - Multiple / mixed uses (in accordance with Section 613)

D. Uses Requiring No Permit (Requires Compliance with Law)

- Agricultural land use
- Horticulture - private
- \* Roadside stand - limited (in accordance with Section 606)
- \* Household sale / garage sale (in accordance with Section 605)
- \* Home occupation (in accordance with Section 604)
  - Wildlife habitat
  - Forestry / lumbering / reforestation / logging
- \* Solar energy system (in accordance with Section 614)
- \* Pond (in accordance with Section 608)
  - Topsoil removal (in accordance with Section 626)
  - Customary accessory use to residence
  - Storage structure (160 sq. ft. or less) (in accordance with Section 629)
- \* Travel trailer inhabitation (in accordance with Section 622)
- \* Signs (in accordance with Section 611)
  - Junk cars - private property (in accordance with Section 639)
  - Trash - private property (in accordance with Section 631)
- \* Fences / walls (in accordance with Section 612)
  - Heavy vehicle parking (in accordance with Section 618)
  - Unsafe structures (in accordance with Section 640)

E. Area Standards -

<u>SINGLE FAMILY UNITS</u>	<u>Primary Use</u>	<u>Accessory Use</u>
Minimum Lot Size (Sq. Ft./Acres)	1 acre	----
Minimum Lot Width (feet)	150	----
Maximum Lot Coverage (% of Lot Area)	15%	----
Minimum Front Yard (Feet from street edge)	60	70
Minimum Side Yard (feet)	30	10
Minimum Rear Yard (feet)	60	20
Maximum Structure Height (feet/stories)	2.5	20
Minimum Floor Space (Sq. Ft. of Living Space)	900	
<u>MULTIPLE FAMILY UNITS (Standard)</u>		
Minimum Lot Size (Sq. Ft. per Unit)	40,000 + 10,000	----
Minimum Lot Width (Feet per Unit)	150 + 25	----
Maximum Lot Coverage (% of Lot Area)	20%	----
Minimum Front Yard (Feet from Street Edge)	60	70
Minimum Side Yard (feet)	30 + 3	10 + 1
Minimum Rear Yard (feet)	60 + 2	20 + 1
Maximum Structure Height (feet/stories)	2.5	20
Minimum Floor Space (Sq. Ft. of Living Space)	800	
<u>OTHER USES (Schools, Business)</u>		
Maximum Lot Coverage (% of Lot Area)	20%	----
Minimum Front Yard (Feet from Street Edge)	60	70
Minimum Side Yard (feet)	60	25
Minimum Rear Yard (feet)	60	25



## **SECTION 406 AGRICULTURAL / RESIDENTIAL DISTRICT 1 (AR-1)**

- A. Purpose - The AR-1 District is established to primarily provide for a compatible mix of agricultural and residential uses. Clearly, the intent is to protect and provide agricultural uses and preserve the rural character of the neighborhood. This district has an abundant supply of vacant land some of which possesses panoramic views and as such is subject to residential development pressures. Home occupation, recreational uses, agri-business, and mobile home parks are permissible. Note: Uses marked with an asterisk (\*) are allowed by two or more types of permits (by right, special use or no permit) and the supplemental section referred to should be consulted in each case to fully understand which permit applies.
- B. Uses by Right (Permit Required)
- Single Family Dwelling - Detached (Conv., prefab., mod.)
  - Multiple Dwellings - Attached 3+ units (in accordance with Section 603)
  - Apartment - accessory to commercial store
  - Bed and Breakfast - Boarding Home
  - Agricultural Building
  - Nursery / greenhouse - commercial
  - \* Roadside stand - transient (in accordance with Section 606)
  - Blacksmith Shop
  - Boat storage business
  - Pool / courts (access to residence) (in accordance with Section 637)
  - Garage - accessory
  - Parking - private (in accordance with Section 609)
  - Storage structure (over 160 sq. ft.) (in accordance with Section 629)
  - \* Signs (in accordance with Section 611)
  - Open porch / deck
  - \* Fences / walls (in accordance with Section 612)
  - Demolition
- C. Uses by Special Use Permit (Hearing Required)
- Duplex Dwelling (2 units) - Attached
  - Mobile Home Park (in accordance with Section 621)
  - Nursing Home / Rest Home / Health Center
  - Cluster Residential Development
  - General agricultural business
  - Animal farm (mink, etc.)
  - Sawmill - commercial
  - \* Roadside stand - general (in accordance with Section 606)
  - Farmers market
  - Mega Farm
  - \* Household sale / garage sale (in accordance with Section 605)
  - Temporary business
  - Antique shop
  - Gift shop
  - Monument sales
  - Farm machinery/implements store
  - Feed & seed shop

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- Auction business / Flea market
- Kennel business
- Animal shelter
- Animal hospital / Veterinary
- \* Home occupation (in accordance with Section 604)
- Topsoil removal (commercial)
- Quarry operation (in accordance with Section 615)
- Gas compressor (in accordance with Section 616)
- Utilities (public) (e.g., water)
- Utilities (quasi-public) (e.g., phone)
- Water tower
- Municipal office
- School/college - public/private
- Sanitary landfill / Demolition landfill
- Airport / airstrip / heliport
- Daycare center - adults / children (in accordance with Section 627)
- Library / museum / gallery
- Church / rectory
- Fraternal facility/Club
- Large group gathering (in accordance with Section 619)
- Cemetery
- Hospital / Clinic / Health Care Facility
- Ambulance service
- Radio / TV broadcasting station
- Firehall / firestation
- Public park - passive
- Public park - active
- Playground
- Golf course - public/private
- Tennis Club - private
- Tennis Clubs / Courts - public
- Commercial recreation
- Amusement park / Theme Park / Zoo
- Swimming Club - private
- Swimming pool - public
- Riding academy
- Cabins / cottages - commercial
- Ski area - commercial
- Recreation camp - private (in accordance with Section 630)
- Recreation camp - public/quasi-public
- Travel trailer / RV park / campground - commercial (in accordance with Section 624)
- Carnival / circus - temporary
- Rifle range / skeet / gun club (in accordance with Section 634)
- Arts / civic / community / convention
- Stadium / ice rink / skateboard park
- Game farm / fish hatchery / preserve
- Windmills - private (in accordance with Section 638)
- \* Solar energy system (in accordance with Section 614)
- \* Pond (in accordance with Section 608)
- Conservation Club

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- Parking - commercial lot (in accordance with Section 609)
- \* Travel trailer inhabitation (in accordance with Section 622)
- \* Signs (in accordance with Section 611)
- Loading / unloading facility (in accordance with Section 610)
- \* Fences / walls (in accordance with Section 612)
- Temporary mobile home (in accordance with Section 623)
- Communications tower - commercial (in accordance with Section 638)
- Multiple / mixed uses (in accordance with Section 613)

D. Uses Requiring No Permit (Requires Compliance with Law)

- Agricultural land use
- Horticulture - private
- \* Roadside stand – limited (in accordance with Section 606)
- \* Household sale / garage sale (in accordance with Section 605)
- \* Home occupation (in accordance with Section 604)
- Wildlife habitat
- Forestry / lumbering / reforestation / logging
- \* Solar energy system (in accordance with Section 614)
- \* Pond (in accordance with Section 608)
- Topsoil removal / excavation (in accordance with Section 626)
- Customary accessory use to residence
- Storage structure (160 sq. ft. or less) (in accordance with Section 629)
- \* Travel trailer inhabitation (in accordance with Section 622)
- \* Signs (in accordance with Section 611)
- Junk cars - private property (in accordance with Section 639)
- Trash - private property (in accordance with Section 631)
- \* Fences / walls (in accordance with Section 612)
- Heavy vehicle parking (in accordance with Section 618)
- Unsafe structures (in accordance with Section 640)

E. Area Standards –

<u>SINGLE FAMILY UNITS</u>	<u>Primary Use</u>	<u>Accessory Use</u>
Minimum Lot Size (Sq. Ft./Acres)	1 acre	----
Minimum Lot Width (feet)	150	----
Maximum Lot Coverage (% of Lot Area)	15%	----
Minimum Front Yard (Feet from Street Edge)	60	70
Minimum Side Yard (feet)	30	10
Minimum Rear Yard (feet)	60	20
Maximum Structure Height (feet/stories)	2.5	20
Minimum Floor Space (Sq. Ft. of Living Space)	900	
<u>MULTIPLE FAMILY UNITS (Standard)</u>		
Minimum Lot Size (Sq. Ft. per Unit)	40,000 + 10,000	----
Minimum Lot Width (feet per unit)	150 + 25	----
Maximum Lot Coverage (% of Lot Area)	20%	----
Minimum Front Yard (Feet from Street Edge)	60	70
Minimum Side Yard (feet)	30 + 3	10 + 1
Minimum Rear Yard (feet)	60 + 2	20 + 1
Maximum Structure Height (feet/stories)	2.5	20
Minimum Floor Space (Sq. Ft. of Living Space)	800	----
<u>OTHER USES (Schools, Business)</u>		

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Maximum Lot Coverage (% of Lot Area)	20%	----
Minimum Front Yard (Feet from Street Edge)	60	70
Minimum Side Yard (feet)	60	25
Minimum Rear Yard (feet)	60	25
Maximum Structure Height (feet/stories)	2.5	30

**SECTION 407 AGRICULTURAL / RESIDENTIAL DISTRICT 2 (AR-2)  
(FLOATING)**

- A. Purpose - AR-2 Districts are established to provide for a compatible mix of agricultural and residential uses. Clearly, the intent is to protect and provide agricultural uses and preserve the rural character of neighborhoods. This district is very similar to the AR-1 District with the primary difference being that some mobile homes on individual lots are allowable. Landowners desiring to be in this “floating” district may request to be included with an amendment of the map needed. Note: Uses marked with an asterisk (\*) are allowed by two or more types of permits (by right, special use or no permit) and the supplemental section referred to should be consulted in each case to fully understand which permit applies.
- B. Uses by Right (Permit Required)
- Single Family Dwelling - Detached (Conv., prefab., mod.)
  - Mobile Home Dwelling - Detached (Double-wide) (in accordance with Section 620)
  - Mobile Home Dwelling - Detached (Single-wide) (in accordance with Section 620)
  - Multiple Dwellings - Attached 3+ units (in accordance with Section 603)
  - Apartment-accessory to commercial store
  - Bed and Breakfast / Boarding Home
  - Agricultural building
  - Nursery / greenhouse - commercial
  - \* Roadside stand - transient (in accordance with Section 606)
  - Blacksmith shop
  - Boat storage business
  - Pool / courts (access to residence) (in accordance with Section 637)
  - Garage-accessory
  - Parking - private (in accordance with Section 609)
  - Storage structure (over 160 sq. ft.) (in accordance with Section 629)
  - \* Signs (in accordance with Section 611)
  - Open porch / deck
  - \* Fences / walls (in accordance with Section 612)
  - Demolition
- C. Uses by Special Use Permit (Hearing Required)
- Duplex Dwelling (2 units) - Attached
  - Nursing Home / Rest Home / Health Center
  - Cluster Residential Development (in accordance with Section 602)
  - General agricultural business
  - Animal farm (mink, etc.)
  - \* Roadside stand - general (in accordance with Section 606)
  - Farmers market
  - \* Household sale / garage sale (in accordance with Section 605)
  - Temporary business
  - Antique shop
  - Gift shop
  - Monument sales
  - Farm machinery / implements store
  - Feed & seed shop
  - Auction business / Flea market



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- \* Home occupation (in accordance with Section 604)
  - Topsoil removal (commercial)
  - Utilities (public) (e.g., water)
  - Utilities (quasi-public) (e.g., phone)
  - Water tower
  - Municipal office
  - School / college - public / private
  - Daycare center - adults / children (in accordance with Section 627)
  - Library / museum / gallery
  - Church / rectory
  - Fraternal facility / Club
  - Large group gathering (in accordance with Section 619)
  - Cemetery
  - Hospital / Clinic / Health Care Facility
  - Ambulance service
  - Radio / TV broadcasting station
  - Firehall / firestation
  - Public park - passive
  - Public park - active
  - Playground
  - Golf course - public / private
  - Tennis club - private
  - Tennis clubs/courts - public
  - Commercial recreation
  - Amusement park / theme park / zoo
  - Swimming club - private
  - Swimming pool - public
  - Riding academy
  - Cabins / cottages - commercial
  - Ski areas - commercial
  - Recreation camp - private (in accordance with Section 630)
  - Recreation camp - public / quasi-public
  - Travel trailer / RV park / campground - commercial (in accordance with Section 624)
  - Rifle range / skeet / gun club (in accordance with Section 634)
  - Arts / civic / community / convention center
  - Stadium / ice rink / skateboard park
  - Game farm / fish hatchery / preserve
  - Windmills - private (in accordance with Section 638)
- \* Solar energy system (in accordance with Section 614)
- \* Pond (in accordance with Section 608)
  - Conservation Club
  - Parking - commercial lot (in accordance with Section 609)
- \* Travel trailer inhabitation (in accordance with Section 622)
- \* Signs (in accordance with Section 611)
  - Loading / unloading facility (in accordance with Section 610)
- \* Fences / walls (in accordance with Section 612)
  - Temporary mobile home (in accordance with Section 623)
  - Communications tower - commercial (in accordance with Section 638)
  - Multiple / mixed uses (in accordance with Section 613)

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D. Uses Requiring No Permit (Requires Compliance with Law)

- Agricultural land use
- Horticulture - private
- \* Roadside stand - limited (in accordance with Section 606)
- \* Household sale / garage sale (in accordance with Section 605)
- \* Home occupation (in accordance with Section 604)
- Wildlife habitat
- Forestry / lumbering / reforestation / logging
- \* Solar energy system (in accordance with Section 614)
- \* Pond (in accordance with Section 628)
- Topsoil removal / excavation (in accordance with Section 626)
- Customer accessory use to residence
- Storage structure (160 sq. ft or less) (in accordance with Section 629)
- \* Travel trailer inhabitation (in accordance with Section 622)
- \* Signs (in accordance with Section 611)
- Junk cars - private property (in accordance with Section 639)
- Trash - private property (in accordance with Section 631)
- \* Fences / walls (in accordance with Section 612)
- Heavy vehicle parking (in accordance with Section 618)
- Unsafe structures (in accordance with Section 640)

E. Area Standards –

<u>SINGLE FAMILY UNITS</u>	<u>Primary Use</u>	<u>Accessory</u>
<u>Use</u>		
Minimum Lot Size (Sq. Ft./Acres)	1 acre	----
Minimum Lot Width (feet)	150	----
Maximum Lot Coverage (% of Lot Area)	15%	----
Minimum Front Yard (Feet from Street Edge)	60	70
Minimum Side Yard (feet)	30	10
Minimum Rear Yard (feet)	60	20
Maximum Structure Height (feet/stories)	2.5	20
Minimum Floor Space (Sq. Ft. of Living Space)	900	
<u>MULTIPLE FAMILY UNITS (Standard)</u>		
Minimum Lot Size (Sq. Ft. per Unit)	40,000 + 10,000	----
Minimum Lot Coverage (% of Lot Area)	150 + 25	----
Maximum Front Yard (Feet from Street Edge)	20%	----
Minimum Front Yard (Feet from Street Edge)	60	70
Minimum Side Yard (Feet)	30 + 3	10 + 1
Minimum Rear Yard (feet)	60 + 2	20 + 1
Maximum Structure Height	2.5	20
Minimum Floor Space (Sq. Ft. of Living Space)	800	----
<u>OTHER USES (Schools, Business)</u>		
Maximum Lot Coverage (% of Lot Area)	20%	----
Minimum Front Yard (Feet from Street Edge)	60	70
Minimum Side Yard	60	25
Minimum Rear Yard (feet)	60	25
Maximum Structure Height (feet/stories)	2.5	30

**SECTION 408 BUSINESS DISTRICT 1 (B-1)**

- A. Purpose - The purpose of the B-1 District is to promote retail and service in a central business district and to encourage pedestrian movement of residents and visitors. At the same time, a major goal is to protect and enhance the community by encouraging aesthetically appealing business with safe ingress and egress and limiting strip development. Generally the uses will be relatively small in size and will involve existing buildings. Note: Uses marked with an asterisk (\*) are allowed by two or more types of permits (by right, special use, or no permit) and the supplemental section referred to should be consulted in each case to fully understand which permit applies.
- B. Uses by Right (Permit Required)
- Single Family Dwelling - Detached (Conv., prefab., mod.)
  - Multiple Dwellings - Attached 3+ units (in accordance with Section 603)
  - Apartment - accessory to commercial store
  - Bed and Breakfast / Boarding Home
  - \* Roadside stand - transient (in accordance with Section 606)
  - Library / museum / gallery
  - Garage - accessory
  - Parking - private (in accordance with Section 609)
  - Storage structure (over 160 sq. ft.) (in accordance with Section 629)
  - \* Signs (in accordance with Section 611)
  - Open porch / deck
  - \* Fences / walls (in accordance with Section 612)
  - Demolition
- C. Uses by Special Use Permit (Hearing Required)
- Duplex Dwelling (2 units) - Attached
  - Nursing Home / Rest Home / Health Center
  - General agricultural business
  - Roadside stand - general
  - Farmers market
  - \* Household sale / garage sale (in accordance with Section 605)
  - Temporary business
  - Antique shop
  - Bakery shop
  - Catalog store
  - Drug store
  - Shopping center / mall / outlet mall
  - Florist shop
  - Food supermarket
  - Corner grocery store / conven. store / minimart
  - Health / personal care
  - Gift shop
  - Monument sales
  - Newsstand
  - Liquor store
  - Bldg. materials store / home imprv. center
  - Mobile home / trailer sales
  - Vehicle service station / gas station (in accordance with Section 636)

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Auto sales / used car lot (in accordance with Section 633)  
Motor vehicle parts store  
Farm machinery / implements store  
Department / variety store  
Feed & seed shop  
Furniture / home furnishings  
Appliance store  
Hardware / glass / paint store  
Pet store  
Plumbing / heating store  
Clothing / accessories store  
Sporting goods store  
Book / music store  
Auction business / Flea market  
Artisan shop  
Coffee kiosk  
Large box retail  
Temporary sale (e.g., Christmas trees)  
Professional office / Office building  
Insurance office  
Bank / credit union  
Photography / music studio  
Dance studio  
Financial institution  
Funeral home  
Realty office  
Rental store  
Laundromat / dry cleaning shop  
Barber / beauty shop / tanning salon  
Restaurant / Fast food restaurant  
Bar (Live entertainment / No live entertainment)  
Drive-in business (in accordance with Section 607)  
Hotel / motel  
Locksmith shop  
Autobody repair shop / towing service (in accordance with Section 635)  
Vehicle repair shop / towing service (in accordance with Section 635)  
Limited building contractor business  
Custom workshop  
Appliance repair shop  
Animal hospital / Veterinary  
Car wash  
Boat storage business  
Scientific services  
Educational services  
Brew pub / micro brewery  
Copy shop  
Massage establishment - therapeutic  
Video rental store  
Health club  
Medical building

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- Self service storage
- \* Home occupation (in accordance with Section 604)
  - Utilities (public) (e.g., water)
  - Utilities (quasi-public) (e.g., phone)
  - Water tower
  - Municipal office
  - School / college - public / private
  - Daycare center - adults / children (in accordance with Section 627)
  - Church / rectory
  - Fraternal facility / Club
  - Large group gathering (in accordance with Section 619)
  - Post office
  - Hospital / Clinic / Health Care Facility
  - Ambulance service
  - Radio / TV broadcasting station
  - Firehall / firestation
  - Mortuary
  - Public park - passive
  - Public park - active
  - Playground
  - Tennis club - private
  - Tennis clubs / courts - public
  - Commercial recreation
  - Boathouse / dock / pier - public
  - Swimming club - private
  - Swimming pool - public
  - Marinas / tackle shop
  - Theatre (single & multiplex)
  - Carnival / circus - temporary
  - Electronic game room
  - Arts / civic / community / convention center
  - Billards / Pool hall
  - Pool / courts (access to residence) (in accordance with Section 637)
- \* Solar energy system (in accordance with Section 614)
  - Conservation club
  - Parking - commercial lot (in accordance with Section 609)
- \* Travel trailer inhabitation (in accordance with Section 622)
- \* Signs (in accordance with Section 611)
  - Farm animals (noncommercial) (in accordance with Section 641)
  - Loading / unloading facility (in accordance with Section 610)
  - Fences / walls (in accordance with Section 612)
  - Temporary mobile home (in accordance with Section 623)
  - Communications tower - commercial (in accordance with Section 638)
  - Multiple / mixed uses (in accordance with Section 613)



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D. Uses Requiring No Permit (Requires Compliance with Law)

- Horticulture - private
- \* Roadside stand - limited (in accordance with Section 606)
- \* Household sale / garage sale (in accordance with Section 605)
- \* Home occupation (in accordance with Section 604)
- \* Solar energy system (in accordance with Section 614)
- Topsoil removal / excavation (in accordance with Section 626)
- Outdoor storage - recreational vehicle (in accordance with Section 628)
- Customary accessory use to residence
- Storage structure (160 sq. ft. or less) (in accordance with Section 629)
- \* Travel trailer inhabitation (in accordance with Section 622)
- \* Signs (in accordance with Section 611)
- Junk cars - private property (in accordance with Section 639)
- Trash - private property (in accordance with Section 631)
- \* Fences / walls (in accordance with Section 612)
- Heavy vehicle parking (in accordance with Section 618)
- Unsafe structures (in accordance with Section 640)

E. Area Standards

<u>SINGLE FAMILY UNITS</u>	<u>Primary Use</u>	<u>Accessory</u>
<u>Use</u>		
Minimum Lot Size (Sq. Ft./Acres)	15,000	----
Minimum Lot Width (feet)	75	----
Maximum Lot Coverage (% of Lot Area)	40%	----
Minimum Front Yard (Feet from Street Edge)	50	60
Minimum Side Yard (feet)	15	5
Minimum Rear Yard (feet)	30	10
Maximum Structure Height (feet/stories)	3	20
Minimum Floor Space (Sq. Ft. of Living Space)	800	----
<u>MULTIPLE FAMILY UNITS (Standard)</u>		
Minimum Lot Size (Sq. Ft. per Unit)	15,000 + 10,000	----
Minimum Lot Width (feet per unit)	75 + 5	----
Maximum Lot Coverage (% of lot area)	60%	----
Minimum Front Yard (feet from street edge)	50	60
Minimum Side Yard (feet)	15 + 2	5 + 1
Minimum Rear Yard (feet)	30 + 2	10 + 1
Maximum Structure Height (feet/stories)	2.5	20
Minimum Floor Space (Sq. Ft. of Living Space)	800	----
<u>OTHER USES (Schools, Business)</u>		
Maximum Lot Coverage (% of Lot Area)	50%	----
Minimum Front Yard (Feet from Street Edge)	50	60
Minimum Side Yard (feet)	15	5
Minimum Rear Yard (feet)	15	5
Maximum Structure Height (feet/stories)	2.5	30

**SECTION 409 HIGHWAY BUSINESS DISTRICT 3 (B-3)**

- A. Purpose - The purpose of the B-3 District is to provide a location for larger retail and service uses which generally are vehicle oriented and require large amounts of parking. A major goal is to protect and enhance the community by encouraging aesthetically appealing businesses with safe ingress and egress and prohibiting chaotic strip development. Note: Uses marked with an asterisk (\*) are allowed by two or more types of permits (by right, special use or no permit) and the supplemental section referred to should be consulted in each case to fully understand which permit applies.
- B. Uses by Right (Permit Required)
- Single Family Dwelling - Detached (Conv., prefab., mod.)
  - Multiple Dwellings - Attached 3+ units (in accordance with Section 603)
  - Bed and Breakfast / Boarding Home
  - Agricultural Building
  - Nursery / greenhouse - commercial
  - \* Roadside stand - transient (in accordance with Section 603)
  - Library / museum / gallery
  - Pool / Courts (access to residence) (in accordance with Section 637)
  - Garage - accessory
  - Parking - private (in accordance with Section 609)
  - Storage structure (over 160 sq. ft.) (in accordance with Section 629)
  - \* Signs (in accordance with Section 611)
  - Open porch / deck
  - \* Fences / walls (in accordance with Section 612)
  - Demolition
- C. Uses by Special Use Permit (Hearing Required)
- Duplex Dwelling (2 units) - Attached
  - Apartment - accessory to commercial store
  - Nursing Home / Rest Home / Health Center
  - Cluster Residential Development (in accordance with Section 602)
  - General agricultural business
  - \* Roadside stand - general (in accordance with Section 606)
  - Blacksmith shop
  - Farmers market
  - \* Household sale / garage sale (in accordance with Section 605)
  - Temporary business
  - Antique shop
  - Drug store
  - Shopping center / mall / outlet mall
  - Food supermarket
  - Corner grocery store / conven. store / minimart
  - Gift shop
  - Monument sales
  - Bldg. materials store / home imprv. center
  - Mobile home / trailer sales
  - Vehicle service station / gas station (in accordance with Section 636)
  - Auto sales / used car lot (in accordance with Section 633)

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- Motor vehicle parts store
- Farm machinery / implements store
- Department / variety store
- Feed & seed shop
- Furniture / home furnishings
- Appliance store
- Hardware / glass / paint store
- Pet store
- Plumbing / heating store
- Clothing / accessories store
- Sporting goods store
- Book / music store
- Auction business / Flea market
- Artisan shop
- Coffee kiosk
- Large box retail
- Temporary sale (e.g., Christmas trees)
- \* Home occupation (in accordance with Section 604)
- Utilities (public) (e.g., water)
- Utilities (quasi-public) (e.g., phone)
- Water tower
- Municipal office
- School / college - public / private
- Daycare center - adults / children (in accordance with Section 627)
- Church / rectory
- Fraternal facility / Club
- Large group gathering (in accordance with Section 619)
- Hospital / Clinic / Health Care Facility
- Ambulance service
- Radio / TV broadcasting station
- Firehall / firestation
- Public park - passive
- Public park - active
- Playground
- Tennis club - private
- Tennis clubs / courts - public
- Commercial recreation
- Swimming club - private
- Swimming pool - public
- \* Solar energy system (in accordance with Section 614)
- Conservation club
- Parking - commercial lot (in accordance with Section 609)
- \* Travel trailer inhabitation (in accordance with Section 622)
- \* Signs (in accordance with Section 611)
- Loading / unloading facility (in accordance with Section 610)
- \* Fences / walls (in accordance with Section 612)
- Temporary mobile home (in accordance with Section 623)
- Communications tower - commercial (in accordance with Section 638)
- Multiple / mixed uses (in accordance with Section 613)

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D. Uses Requiring No Permit (Requires Compliance with Law)

- Agricultural land use
- Horticulture - private
- \* Roadside stand - limited (in accordance with Section 606)
- \* Household sale / garage sale (in accordance with Section 605)
- \* Home occupation (in accordance with Section 604)
- \* Solar energy system (in accordance with Section 614)
- Topsoil removal / excavation (in accordance with Section 626)
- Customary accessory use to residence
- Storage structure (160 sq. ft. or less) (in accordance with Section 629)
- \* Travel trailer inhabitation (in accordance with Section 622)
- \* Signs (in accordance with Section 611)
- Junk cars - private property (in accordance with Section 639)
- Trash - private property (in accordance with Section 631)
- \* Fences / walls (in accordance with Section 612)
- \* Heavy vehicle parking (in accordance with Section 618)
- Unsafe structures (in accordance with Section 640)

E. Area Standards –

<u>SINGLE FAMILY UNITS</u>	<u>Primary Use</u>	<u>Accessory Use</u>
Minimum Lot Size (Sq. Ft./Acres)	1 Acre	----
Minimum Lot Width (feet)	150	----
Maximum Lot Coverage (% of Lot Area)	35%	----
Minimum Front Yard (Feet from Street Edge)	60	70
Minimum Side Yard (feet)	30	10
Minimum Rear Yard (feet)	60	20
Maximum Structure Height (feet/stories)	3	20
Minimum Floor Space (Sq. Ft. of Living Space)	800	----
<u>MULTIPLE FAMILY UNITS (Standard)</u>		
Minimum Lot Size (Sq. Ft. per Unit)	40,000 + 4,000	----
Minimum Lot Width (feet per unit)	150 + 20	----
Maximum Lot Coverage (% of Lot Area)	50%	----
Minimum Front Yard (Feet from Street Edge)	60	70
Minimum Side Yard (feet)	30 + 2	10 + 1
Minimum Rear Yard (feet)	60 + 2	20 + 1
Maximum Structure Height (feet/stories)	2.5	20
Minimum Floor Space (Sq. Ft. of Living Space)	800	
<u>OTHER USES (Schools, Business)</u>		
Maximum Lot Coverage (% of Lot Area)	40%	----
Minimum Front Yard (Feet from Street Edge)	60	70
Minimum Side Yard (feet)	50	25
Minimum Rear Yard (feet)	50	25
Maximum Structure Height (feet/stories)	2.5	30

**SECTION 410 INDUSTRIAL DISTRICT 1 (I-1)**

- A. Purpose - I-1 District have a primary goal of promoting industrial, select commercial uses and discouraging residential uses. Agricultural land uses are also allowed in order to provide alternative uses during the interim development stages. Note: Uses marked with an asterisk (\*) are allowed by two or more types of permits (by right, special use or no permit) and the supplemental section referred to should be consulted in each case to fully understand which permit applies.
- B. Uses by Right (Permit Required)
- Multiple Dwellings - Attached 3+ units (in accordance with Section 603)
  - Bed and Breakfast / Boarding Home
  - Agricultural Building
  - Nursery / greenhouse - commercial
  - \* Roadside stand - transient (in accordance with Section 606)
    - Boat storage business
    - Garage - accessory
    - Parking - private (in accordance with Section 609)
    - Storage structure (over 160 sq. ft.) (in accordance with Section 629)
  - \* Signs (in accordance with Section 611)
    - Open porch / deck
  - \* Fences / walls (in accordance with Section 612)
  - Demolition
- C. Uses by Special Use Permit (Hearing Required)
- Single Family Dwelling - Detached (Conv., prefab., mod.)
  - Duplex Dwelling (2 units) - Attached
  - Apartment - Accessory to commercial store
  - Nursing Home / Rest Home / Health Center
  - Cluster Residential Development (in accordance with Section 602)
  - Agricultural land use
  - General agricultural business
  - Animal farm (mink, etc.)
  - \* Roadside stand - general (in accordance with Section 606)
    - Blacksmith shop
    - Farmers market
  - \* Household sale / garage sale (in accordance with Section 605)
    - Temporary business
    - Antique shop
    - Shopping center / mall / outlet mall
    - Food supermarket
    - Gift shop
    - Monument sales
    - Bldg. materials store / home imprv. center
    - Mobile home / trailer sales
    - Auto sales / used car lot (in accordance with Section 633)
    - Farm machinery / implements store
    - Feed & seed shop
    - Plumbing / heating store
    - Auction business / Flea market



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- Large box retail
- Autobody repair shop / towing service (in accordance with Section 635)
- Vehicle repair shop / towing service (in accordance with Section 635)
- Building contractor business
- Waste management services
- Self service storage
- Durable goods - wholesale
- Nondurable goods - wholesale
- Transportation warehousing
- Distribution center
- \* Home occupation (in accordance with Section 604)
- Food & beverage mfg. (in accordance with Section 632)
- Apparel mfg. (in accordance with Section 632)
- Wood products (in accordance with Section 632)
- Printing & related (in accordance with Section 632)
- Plastic & rubber molding & thermo forming (in accordance with Section 632)
- Nonmetallic mineral products (in accordance with Section 632)
- Primary metal (in accordance with Section 632)
- Fabricated metal (in accordance with Section 632)
- Machinery mfg. (in accordance with Section 632)
- Computer & electronic products (in accordance with Section 632)
- Electric equip., appliances, components (in accordance with Section 632)
- Transportation equip. mfg. (in accordance with Section 632)
- Furniture & related products (in accordance with Section 632)
- Research lab. (in accordance with Section 632)
- Utilities (public) (e.g., water)
- Utilities (quasi-public) (e.g., phone)
- Water tower
- Municipal office
- School / college - public / private
- Daycare center - adults / children (in accordance with Section 627)
- Library / museum / gallery
- Church / rectory
- Fraternal facility / club
- Large group gathering (in accordance with Section 619)
- Hospital / Clinic / Health Care Facility
- Ambulance service
- Radio / TV broadcasting station
- Firehall / firestation
- Public park - passive
- Public park - active
- Playground
- Tennis club - private
- Tennis clubs / Courts - public
- Commercial recreation
- Boathouse / dock / pier - public
- Swimming club - private
- Swimming pool - public
- Marinas / tackle shop
- Electronic game room

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- Pool / courts (access to residence) (in accordance with Section 637)
- Windmills - private
- \* Solar energy system (in accordance with Section 614)
- \* Pond (in accordance with Section 608)
- Recycling plant
- Conservation club
- Parking - commercial lot (in accordance with Section 609)
- \* Travel trailer inhabitation (in accordance with Section 622)
- \* Signs (in accordance with Section 611)
- Loading / unloading facility (in accordance with Section 610)
- \* Fences / walls (in accordance with Section 612)
- Temporary mobile home (in accordance with Section 623)
- Communications tower - commercial (in accordance with Section 638)
- Multiple / mixed uses (in accordance with Section 613)

D. Uses Requiring No Permit (Requires Compliance with Law)

- Limited agriculture
- Horticulture - private
- \* Roadside stand - limited (in accordance with Section 606)
- \* Household sale / garage sale (in accordance with Section 605)
- \* Home occupation (in accordance with Section 604)
- \* Solar energy system (in accordance with Section 614)
- \* Pond (in accordance with Section 608)
- Topsoil removal / excavation (in accordance with Section 626)
- Customary accessory use to residence
- Storage structure (160 sq. ft. or less) (in accordance with Section 629)
- \* Travel trailer inhabitation (in accordance with Section 622)
- \* Signs (in accordance with Section 611)
- Junk cars - private property (in accordance with Section 639)
- Trash - private property (in accordance with Section 631)
- \* Fences / walls (in accordance with Section 612)
- Heavy vehicle parking (in accordance with Section 618)
- Unsafe structures (in accordance with Section 640)

## E. Area Standards -

<u>SINGLE FAMILY UNITS</u>	<u>Primary Use</u>	<u>Accessory</u>
<u>Use</u>		
Minimum Lot Size (Sq. Ft./Acres)	25,000	----
Minimum Lot Width (feet)	125	----
Maximum Lot Coverage (% of Lot Area)	40%	----
Minimum Front Yard (Feet from Street Edge)	60	70
Minimum Side Yard (feet)	20	5
Minimum Rear Yard (feet)	50	10
Maximum Structure Height (feet/stories)	3	20
Minimum Floor Space (Sq. Ft. of Living Space)	800	
 <u>MULTIPLE FAMILY UNITS (Standard)</u>		
Minimum Lot Size (Sq. Ft. per Unit)	25,000 + 3,000	----
Minimum Lot Width (feet per unit)	125 + 10	----
Maximum Lot Coverage (% of Lot Area)	60%	----
Minimum Front Yard (Feet from Street Edge)	50	60
Minimum Side Yard (feet)	20 + 2	5 + 1
Minimum Rear Yard (feet)	50 + 2	10 + 1
Maximum Structure Height (feet/stories)	2.5	20
Minimum Floor Space (Sq. Ft. of Living Space)	800	----
 <u>OTHER USES (Business, Schools, etc.)</u>		
Maximum Lot Coverage (% of Lot Area)	50%	----
Minimum Front Yard (Feet from Street Edge)	50	60
Minimum Side Yard (feet)	20	5
Minimum Rear Yard (feet)	50	10
Maximum Structure Height (feet/stories)	3	20

**ARTICLE V**  
**GENERAL PROVISIONS**

**SECTION 501 ACCESS TO PUBLIC STREET**

Except as otherwise provided for in this Local Law, every building shall be constructed or erected upon a lot, or parcel of land which abuts upon a public street unless a permanent public easement of access to a public street was of record prior to the adoption of this Law. However, this shall not preclude the creation of a private road on a 50 foot right-of-way which connects to a public road and serves 5 or more subdivided lots. Upon request from a developer, landowner(s), etc., the Municipal Board shall consider the takeover of a private roadway, but only after assurances are received by all involved parties that the roadway will be constructed to standards specified by the municipality. The municipality is in no way obligated to take over any road even if it meets specified road construction standards. Where less than 5 lots are involved, a legal right-of-way of any width shall be required to connect all lots to a public road when said lots do not abut a public road.

**SECTION 502 CONTIGUOUS PARCELS**

- A. New Construction - When 2 or more parcels of land, each of which lacks adequate area and dimension to qualify for a permitted use under the requirements of the use district in which they are located, are contiguous and are held in one ownership, they shall be used as one lot for new construction.

**SECTION 503 CORNER LOTS**

Both street sides of a corner lot shall be treated as front yards in the application of bulk and area requirements.

**SECTION 504 HEIGHT**

- A. The height limitation of this Law shall not apply to church spires, belfries, cupolas, silos, penthouses (equipment building on flat roof), and domes, not used for human occupancy; nor to chimneys, ventilators, skylights, windmills, water tanks, bulkheads, similar features, and necessary mechanical appurtenances usually carried above the roof level. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve and shall not exceed in cross-sectional area 20% of the ground floor area of the building.

## **SECTION 505 EXISTING SUBSTANDARD SIZED LOTS**

The minimum area requirements specified for each type of allowed use shall not prevent the construction of an allowable use on a substandard sized lot which existed and was officially recorded at the time of enactment of this Zoning Law if the following conditions are met:

- A. At the time of enactment of this Law, the substandard lot was not contiguous with another lot in the same ownership (see section on contiguous parcels found in Article V).
- B. The substandard lot is not less than 80% of all of the applicable standards and,
- C. The County Health Department approves the lot where there are no municipal utilities.
- D. If B cannot be met but C has been accomplished, then the applicant can request an Area Variance from the Zoning Board of Appeals (see Variance Section).

## **SECTION 506 VISIBILITY AT INTERSECTIONS**

For the purpose of maintaining sight lines and promoting traffic safety, on a corner lot in any district, no fence, wall, hedge, or other structure or planting more than 3 feet in height shall be erected or placed within the triangular areas formed by the intersecting street edge lines and the imaginary straight line down between the points 50 feet from the intersecting street edge lines along the street edge lines.

## **SECTION 507 INTERPRETATION OF PERMITTED USES**

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

The Planning Board may be asked to give a recommendation on this matter.

## **SECTION 508 PRESERVING YARDS, COURTS AND OPEN SPACE**

- A. Preservation of Yards, Courts and Open Space - Rear yards, courts and other open space shall be kept undeveloped in order to meet setback and coverage requirements of this Law except as specified in B below.
- B. Permitted Obstructions - The following shall not be considered to be obstructions when located in the preserved yards, courts, and open space:
  - 1. open terraces, patios, awnings and canopies, chimneys, trellises, flag poles, open fire escapes, decks, balconies, and other similar uses which do not extend more than 40% of the required setback nor come closer to a lot boundary line by more than 40% of the required setback; and
  - 2. bay windows, steps, chimneys, overhanging eaves and gutters and other similar uses shall not extend more than 3 feet from the principal structure nor come within 2 feet of any property lines.
- C. Location - All yards, courts and open space shall be located on the same undivided lot as the structure for which the setback and area requirements are required. Refer to



Appendix B - Town of Carroll Current Zoning Law

General Provision on "Contiguous Parcels" and "Number of Residential Dwellings on a Lot."

## **SECTION 509 ESTABLISHED FRONT YARDS**

In an existing neighborhood where structures are not set back from the edge of the road and the distance specified by this Law, it shall be determined by the Enforcement Officer what appropriate setback will be permitted by new construction or by alterations to existing structures in order to aesthetically blend with existing adjacent structures. The varied setback will be based on the average of the setbacks of the 2 adjacent structures plus an additional 5 feet back from the boundary. Any variation requested which is in greater variation than that permitted by this rule will require an Area Variance.

## **SECTION 510 NUMBER OF RESIDENTIAL DWELLINGS ON LOT / LOT DIVISION**

- A. Number of residential dwellings on a lot - No more than 1 principal detached residential dwelling shall be constructed on a lot.
- B. Division of Lots - No lot improved with a building or buildings shall hereafter be divided into 2 or more zoning lots and no portion of any zoning lot which is improved with a building or buildings shall be sold, unless all zoning lots resulting from each such division or sale and improved with a building or buildings shall not be less conforming to all the bulk regulations of the zoning district in which the property is located. However, any portion of a parcel may be removed if it is to be used with an adjacent parcel and the original parcel continues to conform to the bulk regulations.

## **SECTION 511 DRIVEWAYS WITHIN RIGHT-OF-WAYS**

When property to be developed fronts on a highway and access to the highway is desired, an approved permit from the applicable agency for the development of such highway access shall be presented. The Highway/Street Superintendent may require the installation of an appropriately sized sluice pipe where it is likely that drainage problems exist or may be created by the presence of a driveway on a public right-of-way.

## **SECTION 512 AGRICULTURE**

- A. Agricultural Preservation - In order to promote, preserve and protect agricultural businesses, any portion of this Law that would reduce operational capability of an agricultural business shall be waived in that 1 instance. However, where a documented health or safety problem exists or would be created if sections of this Law were not adhered to, then, these sections will be enforced, but even then only to the minimum necessary. Determination or interpretations shall be made by the Zoning Board of Appeals.

### **SECTION 513 TRANSITION BETWEEN DISTRICTS**

- A. Purpose - The purpose of this section is to promote harmonious use of land located at district boundaries.
- B. Conditions - Where the Permitting Board determined there is a need to protect a residential neighborhood located in a Residential District from a permitted use in an adjacent Business or Industrial district, the Board may:
  - 1. require an artificial or natural buffer such as a hedge, fence, wall, etc., which shields the residential units from the business use;
  - 2. require a doubling of the yard setback requirements to protect the neighborhood;
  - 3. control the positioning of signs, lights, parking, mechanical equipment, and any other features so as to reduce the potential nuisance; or
  - 4. impose other appropriate requirements.
- C. Preexisting Uses - This section shall only apply to new construction to include additions and enlargements.

### **SECTION 514 DISPUTED LOT LINES**

- A. Purpose-It is the intent of this section to clarify the procedures to be followed in verifying where lot lines are in order to insure that area requirements(side yards, etc.)are met.
- B. Procedures-When the Enforcement Officer is in doubt as to the location of lot lines and it is apparent that new development may not be in accordance with area requirements, the Enforcement Officer shall withhold the granting of the Zoning Permit until 1 of the following occurs:
  - 1. Applicant provides proof such as a survey accomplished by a licensed surveyor.
  - 2. Refer the matter to the Zoning Board of Appeals for an interpretation of documentation provided by the applicant.
  - 3. Grant Zoning Permit after the applicant receives an Area Variance from the Zoning Board of Appeals.

### **SECTION 515 LOTS IN TWO DISTRICTS**

- A. Purpose - The intent of this section is to clarify how lots divided by boundary lines are to treated.
- B. Conditions -Where a district boundary divides a parcel at the time of enactment of this Law, the regulations for the district for each portion of the lot shall apply to that part of the lot only. A Use Variance may be requested to extend the regulations of one district onto the other portion of the parcel.

## **SECTION 516 BUFFER ZONES**

- A. Purpose-Buffers are needed to physically separate or screen different types or uses from each other so as to visually shield or block noise, light or other nuisances.
- B. General Requirements - The Zoning Board of Appeals and Planning Board shall include in their analysis of application (Variances, Special-Use Permits, etc.) a consideration for the need of an appropriate buffer zone. If such a barrier is deemed necessary, then this condition will be included in the written decision and the Zoning Officer shall insure that appropriate vegetation is planted or other man-made structure is installed within a reasonable time after completion of the construction.

## **SECTION 517 DEMOLITION**

- A. Purpose - The primary purpose of this section is to insure that environmental and nuisance issues are considered prior to the demolition of structures.
- B. Conditions - The following conditions shall be considered:
  - 1. Time - The time frame over which the demolition will take place shall be defined. The hours of demolition will also be identified such that the residents of the neighborhood are not disturbed significantly.
  - 2. Safety - Depending on the character of the neighborhood, signage and fences shall be considered in order to insure that unsafe conditions are avoided. Possible safety problems (e.g., water in basement) shall be identified with mitigation insured.
  - 3. Environment - Assurances shall be received that any hazardous materials (e.g., asbestos, etc.) will be dealt with properly.
  - 4. Dump Site - Assurances shall be received that all disposed materials removed from the site will be taken to a proper disposal site.
  - 5. Nuisances - Dust, noise and other potential nuisances shall be defined with a plan for how they will be treated.
  - 6. Restoration - The demolition site shall be restored to a safe, environmentally sound and aesthetically pleasing state within 30 days from when demolition is completed.
  - 7. Other Regulations - All federal, state and local regulations that apply shall be identified prior to a permit being granted.

**ARTICLE VI**  
**SUPPLEMENTAL REGULATIONS**

**SECTION 601 GENERAL DEVELOPMENT CONDITIONS**

- A. Purposes - Development conditions shall be attached to permits or variances when necessary or advisable to reduce or eliminate conflicts between uses or to protect the health, safety, and general welfare.
- B. Areas of Concern - The following checklist shall be considered by the appropriate Boards and administrators in their reviews of request for Building Permits, Special Use Permits and Variances. The checklist is not intended to be all inclusive and does not limit the areas of concern over which conditions may be imposed.
  - 1. Traffic - safety of ingress/egress from roadway, intersection visibility, level of anticipated new traffic generation in relation to existing road capacity and traffic, adequacy of off-street parking and loading, pedestrian safety, and/or location of structures in relation to all of the above.
  - 2. Safety - trash disposal, steep slopes, open pits, toxic and/or flammable fluids.
  - 3. Health - sewers/water, sunlight, air movement, junk vehicles and/or trash storage.
  - 4. Character of Neighborhood - development density, traffic volume, lot sizes, compatible uses, and/or buffers.
  - 5. Public Costs - road damage, need for new roads, and/or need for new utilities.
  - 6. Environmental Protection - flood plain, wetlands, and/or natural features.
  - 7. Nuisances - noise, odor, dust, lights, hours of operation, lot size, buffers, and/or nuisance location.
  - 8. Land Use Preservation - agriculture, and/or open space.
  - 9. Aesthetics - restoration, appearance, scenic views, and/or buffers.
- C. Failure to Comply - Applicants who have received Variances or Special Use Permits with conditions attached shall be responsible for continual compliance with the specified conditions. Noncompliance with any condition shall result in revocation of the Variance/Special Use Permit and continuance of the use shall only be allowed after reapplication for the Variance/Special Use Permit.

**SECTION 602 CLUSTER RESIDENTIAL DEVELOPMENT**

- A. Purpose - Cluster residential provisions for single-family subdivisions and attached multiple-family projects are intended to allow flexibility where desirable to permit and encourage superior development of relatively large undeveloped sites; development aims may include the preservation of views or natural features, provision of amenities for common use, including recreational facilities not feasible on individual lots, and innovative groups of dwellings which will provide desirable variety in the municipal housing stock. To carry out this purpose, standards for individual lot area and dimensions may be reduced from the standards of the district in which the cluster is located, if compensating permanent common area ancillary to the dwelling units is provided.
- B. Standards for Development of Single-Family Clustered Subdivision -
  - 1. A cluster single-family residential development shall not be less than 10 acres of contiguous undeveloped area under single ownership.
  - 2. Uses permitted shall be limited to the residential uses permitted in the district in which the cluster development is located.

3. Maximum permitted reductions in individual lot standards - Any lot in a cluster development may be reduced from the standards of the district in which it is located by the following or lesser amounts:
    - a) Minimum lot area may be reduced by up to 25% of the required area.
    - b) Minimum lot width may be reduced by up to 25%.
    - c) Minimum yard requirements (front, side, and rear) may be reduced up to 25% where the lots are not adjacent to an existing public roadway.
  4. Compensating permanent common area ancillary to the dwelling units shall consist of all land and recreational areas held in common by the owners of the dwelling units in the development. This shall include but not be limited to private streets, parking areas, utility systems, parks, buffer areas, recreational areas to include tennis courts, pools, golf courses, storage areas, and wetlands. Permanent common areas shall be legally set aside and developed for the common use and enjoyment of all residents of the cluster development and appropriate convenient access shall be provided.
  5. Compensating permanent common area shall equal 75% or more of the total of individual lot area reductions, thus there maybe an overall increase in density of up to 20%.
  6. Applicable general provisions and supplemental regulations of this Law shall apply to all cluster residential development.
  7. Clustering regulations may be mandated by the Permitting Board if they decide that clustering will be beneficial to the municipality and developer.
- C. Standards for Development of Clustered Multiple Attached Dwellings (Apartments, Condominiums, Town houses) -
1. A cluster multiple-family residential development shall not be less than 5 acres of contiguous undeveloped area under single ownership.
  2. Multiple dwellings (attached) shall be listed as an allowable use in the district in which the project is proposed.
  3. Maximum permitted reductions in individual lot standards-Any lot in a cluster development may be reduced from the standards of the district in which it is located by the following or lesser amounts:
    - a) Minimum lot area may be reduced by up to 10% of the required area.
    - b) Minimum lot width may be reduced by up to 10%.
    - c) Minimum yard requirements (front, side, and rear) may be reduced up to 10% where the lots are not adjacent to an existing public roadway.
  4. The per acre density (dwelling units per acre) may be increased up to 10% over that specified in the area requirements for the district as long as the overall density of the project is maintained at or below the maximum allowed. This is accomplished by setting aside more common areas as defined below.
  5. Compensating permanent common area ancillary to the dwelling units shall consist of all land and recreational areas held in common by the owners of the dwelling units in the development. This shall include but not be limited to private streets, parking areas, utility systems, parks, buffer areas, recreational areas to include tennis courts, pools, golf courses, storage areas, and wetlands. Permanent common areas shall be legally set aside and developed for the common use and enjoyment of all residents of the cluster development and appropriate convenient access shall be provided.
  6. Applicable "general provisions" and "supplemental" sections of this Law shall apply to all cluster residential development.



D. Application and Procedures for Establishing a Cluster Residential Development-

1. Application for establishing a cluster residential development shall be made to the Zoning Enforcement Officer who shall refer the application to the Municipal Board and Planning Board.
2. The application shall include:
  - a) names and addresses of owner and developer;
  - b) written statements concerning need for development and suitability of site, potential impact on abutting properties and the neighborhood, development schedule for private and common areas, method of disposition of common areas including pertinent documents regarding owner's association or other organization and long-term maintenance, estimates of annual maintenance costs, other pertinent information;
  - c) location map drawn to scale of not less than 1 inch equals 1,000 feet showing subject parcel, existing and proposed access streets and nature of abutting development;
  - d) overall development plan drawn to scale of 1 inch equals 10 feet with contour interval of 2 feet, showing exact size and shape of the subject parcel, natural features to be preserved, proposed residential lots and their dimensions, internal and surrounding streets and all other provisions for pedestrian and vehicular access and circulation, offstreet parking and loading areas, utility rights-of-ways or installations on or near the property, location, dimensions and area of proposed open space or other commonly held facilities which are part of the compensating permanent common area, comparison of total area of residential lot reduction with total area of common area, nature and location of public or private utilities which would serve the residential cluster;
  - e) preliminary landscaping and drainage plans at a scale of 1 inch equals 10 feet with 2 foot contour intervals and/or;
  - f) preliminary architectural and engineering drawings to show the nature of residential and open space or recreational facilities proposed.

E. Action by Municipal (Permitting) Board and Planning Board -

1. The Permitting Board will review and rule on the application for a cluster residential development expeditiously as practical and in no case later than 90 days after all information required for the application is received. The Planning Board shall make a recommendation to the Permitting Board in accordance with the article on Planning Boards.
2. The Boards will consider -
  - a) need for development and suitability of site;
  - b) impact on the neighborhood, circulation system, and municipality as a whole;
  - c) feasibility and practicality of providing and maintaining common areas, including costs to prospective homeowners;
  - d) need for complete disclosure to prospective buyers of future costs and responsibilities in connection with common areas;
  - e) need to require performance bond if nature of development warrants; and
  - f) other factors which affect the viability of the proposal and the general welfare of the municipality.
3. The Permitting Board may request preliminary meetings with the applicant to provide additional information or explain the proposal.
4. The Permitting Board may hold an informational meeting in addition to a required public hearing to receive local opinion and reaction and shall make information concerning the proposal available to the public before such meeting.

Appendix B - Town of Carroll Current Zoning Law  
**SECTION 603 MULTIPLE DWELLINGS**

- A. Purpose - Attached multiple dwellings, in districts where allowed shall be subject to Special Use Permits and where 3 or more units are proposed, site plan review requirements shall also apply. Each development proposal shall be evaluated on its own merits with reasonable conditions attached.
- B. Conditions - The following shall be considered where appropriate for inclusion.
  - 1. Special Use Permit Conditions -
    - a) Safe ingress and egress.
    - b) Roadway ownership and design. Insure roadways and fire lanes are adequate for year-round fire equipment movement.
    - c) Parking in accordance with the supplemental section and additionally, auxiliary parking.
    - d) Storage facilities such that adequate indoor storage is available. See supplemental sections.
    - e) Utilities to include sewer, water, telephone, electric, cable TV, refuse collection, etc.
    - f) Common property ownership and the creation of an owner's association.
    - g) Sign size, location, lighting, etc. See supplemental section on signs.
    - h) Recreational uses, active and passive.
    - i) Buffers, natural and man-made as necessary.
    - j) Density of development as specified in the area requirements. For Multiple Dwellings exclusively dedicated to elderly use, the Permitting Board may allow up to a 10% reduction of any setbacks and other area standards. See Clustering Section.
    - k) Sidewalks
    - l) Other reasonable and appropriate conditions as deemed necessary by the Permitting Board. See supplemental section on development conditions.
  - 2. Site Plan Review Conditions - See site plan review section.

**SECTION 604 HOME OCCUPATIONS**

A. Purpose - To preserve the residential character of neighborhoods, Home Occupations shall be controlled to various degrees dependent upon the density of development of a neighborhood and the planned use of the area as designated by the Zoning District.

B. Applicability -

District Limiting Name	Distance in Feet From Home Occ. To Adjacent Owners	Category of Home Occupation			
		Most Limiting	Limited	Moderately Limited	Least
	<u>Parcel</u>	<u>Use</u>	<u>Use</u>	<u>Use</u>	<u>Use</u>
R-1 CR	0 +	X			
<hr/>					
R-2	Less than 50	X			
R-3	50 - 149	X	X		
	150 +	X	X	X	
<hr/>					
AR-1	Less than 50	X	X		
AR-2	50 - 149	X	X	X	
AG	150 +	X	X	X	X
B-2					
<hr/>					
B-1	Less than 20	X	X		
	20 - 49	X	X	X	
	50 +	X	X	X	X
<hr/>					
I-1	Less than 50	X	X	X	
	50 +	X	X	X	X
<hr/>					

## C. Conditions

## Category of Home Occupation

<u>Condition</u>	<u>Most Limiting Uses</u>	<u>Limited Uses</u>	<u>Moderately Limited Uses</u>	<u>Least Limiting Uses</u>
Floor Area-Maximum (% of Living Space)	10%	15%	20%	25%
Use of Accessory Bldg.				
Existing Access. Bldg. Only	No	No	Yes	Yes
New Accessory Bldg.	No	No	No	Yes
Use of Land Outside of Structure (% lot)	0%	0%	0%	1%
Use of Nonhousehold Equipment	No	No	Yes	Yes
On Premise Sale of Goods to Client	No	Yes	Yes	Yes
On Premise Service to Client	No	Yes	Yes	Yes
Max. Number of Clients at One Time	0	1	3	No limit
Number of Employee "Equivalents" (Non-family) working on premise	0	1	2	3
Outside Display of Goods	No	No	Yes	Yes
Signs Allowed:	No	Yes	Yes	Yes
Location		On Dwelling	Any- where	Any- where
Size (Sq. Ft.)		5	15	25
Number		1	1	2
Hours of Operation may be Specified	Yes	Yes	Yes	Yes
Parking Required				
Sufficient for Peak Demand	None	Yes	Yes	Yes
Minimum Spaces Required	0	1	2	3
Effects on Character of Neighborhood (Nuisances, etc.)	None	Minimal	Minimal	Some
Permit Required	None	Special Use	Special Use	Special Use

Notes:

1. To determine the distance from the Home Occupation to the property line, measure from the outer wall of the structure in which the Home Occupation is located to the closest property line. When the distance is close to the limit specified in this section – e.g., 50 feet, assume that the distance falls into the “higher” category – e.g., 50-149 feet.
2. The above conditions are guidelines only. The Permitting board is authorized to vary the conditions in a reasonable manner based on the circumstances in each case when the effects on the character of the neighborhood will still be minimal.

D. Preexisting Home Occupations - Home occupations legally existing at the time of enactment of this Law shall not generally be required to comply with the above conditions. However, where there is clear evidence that a nuisance is present due to an increased level of activity or a substantial change in the nature of the home occupation, then the use shall be subject to a Special Use Permit proceedings and any of the above conditions may be imposed on the use where reasonably possible. Compliance shall take place within the period specified by the Permitting Board but shall be no less than 6 months from the date of notification.

## **SECTION 605 HOUSEHOLD SALES**

A. Purpose - In order to preserve the character of neighborhoods, garage and other similar type of noncommercial sales (lawn sales, household sales, flea market, etc.) shall be subject to the following conditions.

B. Conditions -

1. Frequency - Sales shall be limited to 3 periods of 3 days each per year per property owner. A Special Use Permit must be requested if more than 3 sales per year are desired.
2. Signs - Refer to supplemental sign section.
3. Fees - No fees shall be charged for household sales and permits are not required.

**SECTION 606 FARM ROADSIDE STAND (SEASONAL)**

A. Purpose - In order to minimize traffic safety problems associated with retail sales at roadside stands, the following regulations shall apply.

B. Description - The three types of roadside stands are described as follows:

	LIMITED STANDS	GENERAL STANDS	TRANSIENT STANDS
STANDS			
-----			
1. Where Produce Grown			
-on site only	X		
-off site only			X
-on or off site		X	
-----			
2. Where Secondary Products Produced			
-on site only	X		
-off site only			
-on or off site only		X	
-not allowed			X
-----			
3. Where Produce Sold			
-on site only	X		
-off site only			X
-on or off site		X	
-----			
4. Where Secondary Products Sold			
-on site only	X		
-off site only			
-on or off site		X	
-not allowed			X
-----			

NOTE: "On Site" refers to property owned by a farmer where produce (e.g., corn) is grown or secondary products (e.g., bread) are produced.



C. Minimum Conditions -

	Limited Stand	General Stand	Transient Stand
1. Type standard construction	Removable	Permanent	Mobile
2. Year round operation possible	No	Yes	No
3. Some produce from off premise	No	Yes	Not applicable
4. Employees other than owner and relatives	No	Yes	Yes
5. Type permit	None	Special Use	Special Use
6. Requires safe entry and exit with good "line of sight"	Yes	Yes	Yes
7. Sufficient off-street parking to cover peak periods	Yes	Yes	Yes
8. Signs allowed in accordance with sign section	Yes	Yes	Yes
9. Maximum sign size	16 sq. ft.	100 sq. ft.	16 sq. Ft.
10. Hour operation specified	No	Yes	Yes
11. Section 601 Conditions can be imposed	No	Yes	Yes

D. Preexisting Roadside Stands - All stands utilized in the 24-month period prior to the effective date of this Law shall be exempt from all regulations found in this section. However, any expansion or alterations shall be subject to regulations of this section.

**SECTION 607 DRIVE-IN BUSINESS**

- A. Purpose - Traffic safety shall be the primary purpose in designing drive-in businesses.
- B. Definition - Drive-in establishments shall include those businesses designed to either wholly or partially provide services to customers while in their automobiles parked on the premises.
- C. Conditions - Drive-in establishments shall be allowed in districts where they are listed and the following conditions shall be considered prior to granting the permit:
  - 1. Supplemental section on General Conditions; and/or
  - 2. Traffic safety;
    - a) Provisions for traffic to "back up" off of public streets shall be provided.
    - b) Safety entry and exit shall be provided with only 1 entry and exit point.
    - c) Proper parking, which allows convenience and safety shall be provided
    - d) Pedestrian safety shall be considered when constructing the facility and parking spaces.
  - 3. Locational considerations will be analyzed to insure that the character of the neighborhood will not be significantly diminished.
  - 4. Hours of operation.
  - 5. The need for buffers, especially when situated near residential structures.

**SECTION 608 PONDS**

- A. Purpose - In order to minimize traffic safety problems associated with ponds inappropriately located near roadway and to reduce the probability of creating an attractive nuisance in densely populated areas, the following conditions shall apply.
- B. Permits – For any pond less than 250 sq. ft. in size or if said pond is located more than 50 feet from all street right-of-ways, no permit shall be required. Ponds not meeting either of these criteria shall be subject to a Special Use Permit.
- C. Conditions -
  - 1. Traffic Safety -
    - a) Setback - All ponds constructed shall be set back a minimum of 50 feet from the right-of-way of any roadway.
    - b) Location - New ponds shall be located in such a manner so as to minimize the likelihood of accidental vehicular access (e.g., avoid locating at the end of a dead end or "T" roadway).
    - c) Area Requirements - All area requirements (except front yard) for the district in which the pond is proposed shall be met in locating the pond.
  - 2. Fire Safety - Where feasible, it is recommended that ready access to ponds be available for fire equipment and that local fire departments be notified of the location and availability of said ponds for fire fighting use.

**SECTION 609 PARKING**

- A. Purpose - Off-street parking space(s) with a proper and safe access shall be provided within a structure or in the open to serve adequately the uses on each lot within the district. Any application for a building permit for a new or enlarged building structure or change in use shall include with it a plot plan drawn to scale and fully dimensioned, showing any parking in compliance with the regulations of this Law. However, in existing Commercial Districts, parking shall only be required to be provided for new development where it is reasonably possible. All parking spaces shall be allowed "By Right" which requires a zoning permit except that no permit is required for new single-family or duplex parking spaces.
- B. Size Requirements - A required offstreet parking space shall be an area of not less than 162 square feet, not less than 9 feet wide by 19 feet long, exclusive of access drives or aisles, ramps, columns, or office and work areas. Aisles between vehicular parking rows shall not be less than 12 feet in width when serving automobiles parked at a 45 degree angle in 1 direction not less than 20 feet in width when serving automobiles parked perpendicular to the aisles and accommodating 2-way traffic.
- C. Street Access - Parking facilities shall be designed with appropriate means of vehicular access to a street or alley in such a manner as will least interfere with the movement of traffic.
- D. Location - For nonresidential offstreet parking, the Permitting Board may, upon request by the applicant, allow certain parking spaces off the applicant's property but within 500 feet of said property to be included as part of the required spaces.
- E. Material Composition - All open offstreet parking space and access areas, except those accessory to single-family dwellings and duplexes shall be surfaced with some all-weather low dust materials such as stone, gravel, or macadam.

F. Number of Spaces - The following parking spaces shall be provided and satisfactorily maintained by the owner of the property, for each use which, after the date when this Law becomes effective, is erected, enlarged, or altered for use for any of the following reasons:

USES	Minimum of 1 Space Per
One-Family Residence & Mobile Home	1/2 Dwelling Unit
Two Family Residence	1/2 Dwelling Unit
Multi-Family Residence	1/2 Dwelling Unit
Church	5 Fixed Seats
Home for Aged	3 Residents
Elementary School	20 Students
High School & College	12 Students
Library	200 Sq. Ft.
Places of Assembly, inc., Convention Hall & Dance Hall	200 Sq. Ft.
Club, Lodge (Without Sleeping Accommodations)	Each 5 capacity of hall
Places Providing Sleeping Accommodations, inc., Hotels, Motels, & Tourist Homes	Sleeping Unit
Mortuaries or Funeral Parlors	1/8 Viewing Room., plus 1 for Every Employee
Offices, Banks	100 Sq. Ft. Floor Area
Food Market	200 Sq. Ft. Floor Area
Eating & Drinking Establishments	4 Seats or 1 for each 200 sq. ft. floor area whichever is more
Bowling Alley	Alley
Other Commercial	300 Sq. Ft. Sales Area
Industrial	Employee (Max. Work Shift)
Other Uses not Listed Above	500 Sq. Ft. Floor Area

**SECTION 610 LOADING AND UNLOADING**

- A. Purpose - Off-street loading and/or unloading spaces for non-farm commercial vehicles while loading and/or unloading shall be provided for new uses where it is deemed that such facilities are necessary to serve the use or uses on the lot. At least 1 offstreet loading and/or unloading space shall be provided for all commercial establishments in excess of 7,500 square feet of floor area.
- B. Conditions:
1. Size - Each loading and/or unloading space shall be at least 14 feet wide, 60 feet long and shall have at least a 15 foot vertical clearance; shall have an adequate maneuvering area. Refer to Variance Section where this requirement cannot be met.
  2. Use of Parking Spaces - Generally parking space shall not be used for loading and/or unloading purposes except during hours when business operations are suspended or if pedestrian and vehicle traffic will not be obstructed. However, the Permitting Board may allow the use of parking spaces when it is determined that the effects will be minimal.
  3. Design - Loading and/or unloading facilities shall be designed so that trucks need not back in or out, or park in any public right-of-way. No truck shall be allowed to stand in a traveled roadway or pedestrian walkway or in any way block the effective flow of persons or vehicles. The loading and/or unloading area shall have an all-weather surface to provide safe and convenient access during all seasons.
- C. Preexisting Uses - Any commercial use existing as of the effective date of this Law shall not be subject to this section. However, any existing use which is changed to another more intensive commercial use shall be evaluated at a public hearing to determine if portions of this section shall apply.

## **SECTION 611 SIGNS**

- A. Purpose - The intent of this section is to preserve and enhance the Commercial and Industrial Districts by encouraging signs in character and scale with individual buildings and with the municipality to avoid a chaotic, unsafe, or unattractive clutter of signs by prohibiting signs or advertising devices which are inappropriate, in size or type, to municipal character; and to protect the character of the Residential Districts by strictly limiting signs within them.
- B. Administration -
1. Permits Required - Except as listed in paragraphs B2 and B3, a Zoning Permit shall be required before an outdoor sign is created, altered, relocated, or enlarged. A permit shall not be issued until all applicable sign regulations are met. All requests for permits must be accompanied by a plan drawn to scale showing the exact size, shape, location, and type of sign.
  2. Exempt Signs - The following signs shall be exempt from all regulations of this Section: Public signs such as directional, street, traffic, and personal identification signs not more than 2 square feet in size.
  3. Signs Requiring No Permit - The following signs shall be subject to all regulations of this section but shall be exempt from obtaining a permit as required above:
    - a) Temporary Signs to include contractor signs, political signs and fruit stand signs (see C3e below);
    - b) non-illuminated, indoor signs;
    - c) realty signs; and
    - d) household sale signs. (See C3d below.)
- C. Specific Regulations by Sign Type - Specific regulations shall take precedence over the more general sign regulations.
1. Signs Attached to Buildings -
    - a) No sign shall project more than 18 inches from the building wall on which it is attached.
    - b) No sign shall project higher than the roof line.
    - c) No sign shall be permitted to be mounted on the roof of a building above the roof line.
    - d) No sign shall extend higher than 18 feet in height as measured from the ground.
    - e) No sign shall be so located as to overhang above a walkway or a right-of-way.
  2. Freestanding Signs - Freestanding signs where allowed shall be in accordance with the following:
    - a) Height - A maximum height of 40 feet from the ground to the top of the sign shall be allowed.
    - b) Setback - Freestanding signs shall be set back a minimum of 25 feet from the road edge.
  3. Temporary Sign Regulations - The following specific regulations shall apply to temporary signs:
    - a) Contractor signs shall be allowed during periods from when the job commences and is completed. The sign must be removed if substantial progress on the job is not taking place. The maximum cumulative signage for



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all contractors and subcontractors per project shall be 32 sq. ft. for all districts except 16 sq. ft. for Residential Districts.

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- b) Political signs up to 32 square feet in size shall be allowed before and up to 1 week after the election and it shall be the responsibility of the candidate to comply with this regulation. Permission from the property owner must be received prior to sign placement. Property owners may remove signs from their properties when no permission was given.
  - c) Household Sale signs shall be permitted in accordance with the following regulations:
    - (1) Maximum Size - no more than 4 feet high by 4 feet wide.
    - (2) Maximum Number - no more than 6 signs shall be used and permission must be received from property owners where off premise signs are located.
    - (3) Location - Signs shall not be placed on utility poles.
    - (4) Illumination - Signs shall not be illuminated.
    - (5) Time - Household signs may be erected two days before the sale starts and must be removed within 24 hours of the last day of the sale.
  - d) Seasonal On-Premise Roadside Stand Signs shall be allowed in accordance with the following conditions:
    - (1) (I) Maximum Size - 16 sq. ft. (Limited Stand) and 100 sq. ft. (General Stand).
    - (2) Maximum Number - No more than 2 signs shall be used per property with more signs requiring a Special Use Permit. Additionally, up to 2 off premise signs shall be allowed. Written permission shall be received from the landowner to place the sign(s) on a property.
    - (3) Location - Signs shall not be placed on any utility poles or on any off premise trees.
    - (4) Illumination - Signs shall not be illuminated.
    - (5) Time - Roadside stand signs shall only be permitted during the season in which the agricultural product being sold is available.
    - (6) Permits - No permit shall be required for seasonal on premise roadside stand signs.
  - e) Real estate signs up to 32 square feet in size shall be allowed for Commercial or Industrial use while Residential uses shall be limited to 12 Sq. Ft. All real estate signs shall be removed from the premises at closing.
  - f) Signs for quasi-public uses to include churches, schools, libraries, hospitals, and nursing homes shall require a Special Use Permit with the size determined by the Permitting Board. If the sign is to be freestanding, it shall be setback 25 feet from the street edge.
  - g) Rented Portable Signs - Temporary portable rented signs may be utilized with no permit for a maximum of 4 weeks per calendar year. No flashing lights shall be used. Illumination of the sign shall be allowed 6 AM to 11 PM.
- 4. Interior Illuminated Window Signs - Inside illuminated signs shall be a maximum of 3 square feet each and no more than 20% of the front window area can contain such signs. No permit is required. More than these maximum limits would require a Special Use Permit.
  - 5. Residential Development Signs - Any sign allowed for a subdivision or multiple-family development shall be allowed by Special Use Permit. A maximum size of 50 square feet shall be permitted and said signs may not be illuminated.
  - 6. Home Occupation Signs - See Supplemental Section on Home Occupations.

D. General Regulations for Business Signs - The following general regulations shall only apply to signs for which regulations covered herein are not covered in other more specific subsections.

DISTRICTS <u>Billboards</u>		Permit Type For		Sizes of Signs- Max . Sq. Ft.		
		<u>Business Signs</u>		<u>Business Signs (1)</u>		
		On	Off	On	Off	
		<u>Prem.</u>	<u>Prem.</u>	<u>Prem.</u>	<u>Prem.</u>	
R-1	Residential - 1	R	NA	50	NA	NA
R-2	Residential - 2	R	NA	50	NA	NA
R-3	Residential - 3	R	NA	50	NA	NA
CR	Conservation/Recreation	R	NA	50	NA	NA
AG	Agricultural	R(3)	NA	75	NA	NA
AR-1	Ag. Residential - 1	R(3)	NA	75	NA	NA
AR-2	Ag. Res. - 2 (Floating)	R(3)	NA	50	NA	NA
B-1	Business - 1	R(3)	S	100 (2)	200	NA
B-3	Business - 3	R(3)	S	150 (2)	200	NA
I-1	Industrial - 1	R(3)	S	200 (2)	200	NA

LEGEND: S – Special Use Permit

R - By Right Permit

NP – No Permit

NA - Not Allowed

Notes:

(1) The sign size provided represents the maximum square feet allowed per Business.

(2) Or 20% of the building front, whichever is greater.

(3) Sign proposed to be located 100 feet or less from a Residential District shall require a Special Use Permit.

District	Maximum Number Signs	
	Primary	Secondary
R-1, R-2, R-3, CR	1	0
AG, AR-1, AR-2 (Floating)	2	1
B-1, B-3, I-1	2	2

NOTE: More than the maximum number of signs shall be allowed by Special Use Permit with conditions attached if it can be accomplished in good character with the neighborhood and does not exceed size requirements.

E. General Regulations -

1. Condition -

- a) Every permitted sign must be constructed of durable materials and kept in good condition and repair.
- b) Any sign which is allowed to become dilapidated may be removed by the municipality at the expense of the owner or lessee of the property on which it is located after required notices are served and hearings are held.
- c) Off premise signs must have the name, address and telephone number of the person(s) responsible for the sign.

2. Location -

a) Traffic -

- (1) No sign shall be so located that the sign might interfere with traffic, be confused with or obstruct the view or effectiveness of any official traffic sign, signal or marking.
- (2) No sign shall be stapled, pasted or otherwise attached to utility poles or trees within a road or street right-of-way.

b) Ingress and /or Egress -

- (1) No sign shall be located which shall prevent free ingress or egress from any window, door, or fire escape.
- (2) No sign shall be so placed that it will obscure light and/or air movement from a building.

3. Illumination -

- a) Primary neon signs are permitted in Business Districts and secondary window neon signs are also allowed. See C-4 Illumination.
- b) Illuminating arrangements for signs shall be such that the light is concentrated on the sign with a minimal spillover cast on the street, sidewalk or adjacent properties.
- c) Signs using flashing, intermittent or moving lights are prohibited.

F. Cessation -

1. If a use ceases for a period of 1 year, all detached signs must be removed.
2. Such signs may be removed by the municipality at the expense of the owner or lessee of the property on which the sign is located if the sign has not been removed after 30 days written notice. All state laws will be complied with in causing removal of any sign.

G. NYS Regulations -

1. New York State Highway regulations related to outdoor advertising shall also apply where applicable.

H. Preexisting Signs -

1. General Regulations Covered - Legally existing nonconforming signs shall be required to comply with the following general paragraphs:
  - a) Part E1b, Dilapidation; and
  - b) Part F, Cessation;
  - c) Part E2, Location
  - d) E-1, Condition
  - e) E-2(a), Traffic
2. Compliance - Sign owners notified of a violation shall respond within 30 days of receipt on how they intend to comply. Compliance shall take place within 3 months of notification.

**SECTION 612 FENCES/WALLS**

- A. Purpose - For the purpose of protecting properties adjacent to fences and walls from indiscriminate placement, unsightliness, related health and safety problems, etc., the following rules and standards shall apply:
- B. Definition - Fences shall, for the purpose of this law, include hedges and walls and is further defined in the definitions section.
- C. Regulations - Fences and walls shall be allowed by permit in any district and shall conform to the regulations which follow:
  - 1. Exempt Fencing - Fencing used for agricultural purposes on farms (see definition) shall be exempt from all regulations except for maintenance requirements detailed below. Additionally, nonboundary fencing located more than 25 feet from any property line shall be exempt.
  - 2. Permits - Fences shall be allowed up to 4 feet in height by "No Permit". Fences above 4 feet in height shall require a Special Use Permit and consideration will be given to visibility from adjacent properties, light and air movement, etc.
  - 3. Setback from Road - Fences shall not be located within legal highway rights-of-way and shall be a minimum of 10 feet from the edge of the road.
  - 4. Proximity to Neighboring Properties - All fences, walls, and/or hedges shall be located no closer than 2 feet from adjacent property lines. This rule can be waived if agreed to in writing by adjacent property owners.
  - 5. Fire Hazard - Any fence considered to be flammable shall be prohibited. Also, any fence in a potentially hazardous location shall be not allowed.
  - 6. Finished Sides - The finished sides of all fences must face adjacent properties. This rule can be waived if agreed to in writing by adjacent property owners.
  - 7. Materials - Only durable materials generally used and accepted by the industry shall be used for fences.
  - 8. Maintenance - All fences shall be maintained structurally and visually.
  - 9. Corner setbacks - Fences, walls, and/or hedges shall not be located so as to cut off or reduce visibility at intersections. See Section on Visibility in Article V.
- D. Preexisting Fences - Fences in existence at the time of the enactment of this Law shall only be subject to regulation number 1 - Exempt Fencing and regulation number 8 - Maintenance; as listed above.

**SECTION 613 MIXED RESIDENTIAL/COMMERCIAL USES  
IN BUSINESS DISTRICT**

- A. Purpose - Commercial structures (preexisting and new) located within a retail section of a Business District may, by Special Use Permit, be partially used for dwelling purposes.
- B. Conditions - The following conditions shall be met:
  - 1. Location in Structure – All such dwellings shall be located on the second or third floor.
  - 2. Location – The location is appropriate for housing units with respect to health, safety and general welfare of the occupants.
  - 3. Parking – Sufficient offstreet parking is available, preferably on the parcel where the structure is located or in close proximity to the structure.
  - 4. Transition Period – Where the Permitting Board determines that little or no effect has been expended to utilize a street level storefront for commercial purposes, the Board may require the owner to make reasonable efforts for up to 6 months to fill the space with an allowed commercial use.
  - 5. Other Conditions – Other reasonable conditions as deemed necessary.

**SECTION 614 SOLAR SYSTEMS**

- A. Purpose - In order to promote and protect the use of solar systems (active and passive), this section may be utilized at the option of the landowner.
- B. Solar Permit and Placement - The placement of structures or modification of existing structures which are to contain solar systems shall be by Special Use Permit IF protection is to be sought under part B of this section. If no protection is sought for a solar system, then no permit shall be required for the installation unless the floor space is increased. Consideration will be given to locating the solar structure the furthest distance from adjoining properties, on the southern exposure, which is reasonably possible. This distance shall be a minimum of 100 feet and may be required to be more if the slope so dictates.
- C. Adjacent Property Control - The placement of structures, trees, towers, etc., which have the potential of blocking the sun from adjacent solar collectors established by Special Use Permit under part A of this section shall also only be allowed by Special Use Permit. The placement of said potential obstruction shall be such that it least interferes with the adjacent solar collectors while still allowing reasonable use of the land.
- D. Notification - If protection is sought, owners of all properties within 200 feet of the property on which the solar collector is to be placed will be notified in writing of the intent to place a solar system in the neighborhood and the possible effects that this could have on future development. The date, time, and location of the public hearing shall be included in the notification.



## **SECTION 615 QUARRY OPERATION**

- A. Purpose - All quarry operations shall be regulated by this section, the purpose being to limit the nuisances associated with these operations and insure that impacted residential neighborhoods are future development areas are adequately protected. See the Definitions section.
- B. Project Description – The applicant for a quarry permit should provide to the permitting board sufficient information on the following categories as a minimum in order to allow the processing of the application. The information should cover both the applicant’s site and sufficient area around the site that could be impacted directly or indirectly by the proposed quarry. A Site Plan shall be prepared by the applicant.
1. Zoning districts (e.g., Ag Residential, etc.) – Uses allowed and area standards for each district.
  2. Uses of surrounding land – Type (e.g., housing, commercial, farmland, etc.) and density.
  3. Intensity of operation – Annual and monthly amount of materials to be removed.
  4. Unique features (e.g., waterbodies, cliffs, etc.)
  5. Prevailing winds – General directions with expected impacts on downwind uses.
  6. Wetlands, flood plains or streams on the site.
  7. Natural and artificial buffers in existence on the site and contiguous to the site.
  8. Existing public roads – Type (County or town), surface material, traffic capacity, road curvature, and line of sight.
  9. Visual – View of proposed quarry from various locations.
  10. Other – The application should also address all the topics covered under C. Conditions below (C1 through C17).
  11. DEC Application – As applicable, a copy of the DEC application and response shall be attached.
- C. Conditions - The Permitting Board shall be authorized to reasonably regulate the following conditions. If a DEC mining permit is required then conditions with an asterisk (\*) must be coordinated with DEC and may be the sole responsibility of DEC. Where conditions impose locally vary with DEC requirements, the stricter shall apply.
1. Signage – Lighting, placement and maximum size (32 sq. ft.) and maximum height (6 ft.). See Sign Section.
  2. Safety – Slopes to be created, fencing around slopes, warning signs, keeping roads clear of mud and dirt, etc., shall be addressed.
  3. Machinery and Equipment – Type, location, height, noise potential, hours, frequency of use. (Refer to B1 – Zoning Districts; B2 – Uses of surrounding land; B3 – Intensity of operations; B5 – Prevailing winds; B7 – Natural and artificial buffers in existence on the site and contiguous to the site; C5 – Setbacks; C6 – Buffers to be added; C8 – Hours.)
  4. Blasting – No blasting shall be allowed.
  5. Setbacks – Setbacks for excavation, stockpiling equipment shall be specified. Unless otherwise determined 100 feet from all property lines shall be the setback for all alterations and actions (except for access roads). (Refer to B2 Uses of surrounding land; B3 – Intensity of operation; B7 Natural and artificial buffers in existence on the site and contiguous to the site; B9 – Visual; C3 – Machinery and Equipment; C4 – Blasting; C6 Buffers to be added; C8 – Hours.)

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6. Buffers to be added – Natural buffers and/or artificial buffers shall be required as necessary. (Refer to B2 – Uses of surrounding land; B3 – Intensity of operation; B5 – Prevailing winds; B7 – Natural and artificial buffers in existence on the site and contiguous to the site; B9 – Visual; C3 – Machinery and Equipment; C4 – Blasting; C5 – Setbacks; C8 – Hours.)
7. Access Road – Surface type, dust control, safe entry and exit shall be specified. The Highway Department with jurisdiction shall review the access road proposal and grant appropriate permits as required.
8. Hours – Days and hours that quarry may operate shall be specified. (Refer to B1 – Zoning Districts; B2 – Uses of surrounding land; B3 – Intensity of operation; B7 – Natural and artificial buffers in existence on the site and contiguous to the site; C3 – Machinery and Equipment; C4 – Blasting; C6 – Buffers to be added.)
9. Locational Considerations – Generally the intensity of the proposed operation and its proximity to residential uses will be used to evaluate the appropriateness of the site. (Refer to B1 thru B10, C3 – Machinery and Equipment; C4 – Blasting; C5 – Setbacks; C6 – Buffers to be added; C8 – Hours.)
10. Parking – Adequate off-street parking shall be provided.
11. Minimum Lot Size – 5 acres shall be the minimum lot size for any quarry operation.
- \* 12. Depth of Excavation – Maximum depth of excavation shall not be below existing groundwater, except in such cases where the reclamation plan indicates that a lake or lakes will be part of the final use of the land or where such plan indicates that adequate fill from overburden is to be used to refill such excavations for conformance to the approved reclamation plan.
- \* 13. Drainage / Hydrologic Effects – The operation shall comply with federal, state, and local laws regulating water appropriated and/or discharged from the site, stormwater management, and erosion and sedimentation control. In addition the initial application must consider the possible hydrological effects upon any existing bodies of water and groundwater including wells.
- \* 14. Restoration Plan – Quarries shall be restored to a safe and aesthetically pleasing state within 12 months after termination of the operation. All structures and equipment shall be removed within 6 months. Slopes created shall be not less than 2 foot horizontal to 1 foot vertical. The finished grade shall not adversely affect the surrounding land or future development of the site.
- \* 15. Bond Requirements – An appropriate bond may be required.
16. Reactivation of old quarry - Terminated or abandoned quarries shall require a Special Use Permit. The entire quarry section shall apply.
- \* 17. State Environmental Quality Review (SEQR) – Prior to officially making a decision on the request, all required SEQR actions shall be taken.

- D. Preexisting Quarry – Quarries in existence before the enactment of this law shall be subject to a Special Use Review of the following conditions six months after being notified in writing: C2 Safety, C4 Blasting, C6 Buffers, C7 Access Road, C8 Hours of operation. In addition, any expansion or enlargement (purchase of additional property or use of property beyond the scope of the original permit) of such gravel and sand operations shall be subject to all regulations in this Law within reason as determined by the Permitting Board.

Definition: Quarry/Gravel Pit/Sand Pit – A lot or land or part thereof used for the purpose of extracting stone, sand, gravel or topsoil and exclusive of the process of grading a lot preparatory to the construction of a building for which application for building permit has been made. Quarry operations involving the extraction of less than 1,000 tons annually (approximately 2.6 average trucks per week) are not subject to review and permit by the NYS DEC and shall be referred to as “small” operations. “Large quarry operations” require a DEC permit.

## **SECTION 616 GAS COMPRESSORS**

- A. Purpose - Gas transmission compressors are capable of producing unacceptable environmental intrusion, especially where residential uses are prevalent. In order to avoid unreasonable use of property resulting in substantially reduced use-value of adjacent inhabited or noninhabited properties, this section shall regulate the location and installation of all gas compressors and specifically all listed conditions unless specific conditions herein are under the jurisdiction of the NYS Public Service Commission (fire safety and gas leak detention standards). Generally, the section is intended to preserve and protect the general welfare, health, and safety of the public while still promoting the transmission of natural gas in a reasonable environmentally acceptable manner.
- B. Administration -
1. Permit Requirements - In districts where gas compressors are permitted, a Special Use Permit shall be required for the placement of a new gas compressor.
  2. Preexisting Gas Compressors - All gas compressors existing or being constructed at the time of enactment shall be subject to the following conditions as listed below: C2c, Maintenance; C2d, Barriers; and C3, Identification Signs. These conditions shall be considered at a public hearing held a minimum of 30 days after the owner of the compressor station is notified in writing. All owners of parcels as well as renters within 2,000 feet of the proposed/existing gas compressor shall be notified in writing of the public hearing. Compliance shall take place within 2 months of receipt of a written decision by the Permitting Board. A longer compliance period may be granted by the Permitting Board if the cost of the alterations are significantly high.
- C. Conditions - All gas compressors shall be located and designed such that the nuisances associated with the use shall be minimized. It shall be unlawful for any person or firm to make, continue, or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures, or endangers comfort, repose, health, peace or safety to others. The following specific conditions shall be met:

1. Location - The site shall be appropriately located with consideration given to predominant wind direction, topography, location of dwelling units, and any other reasonable conditions as deemed necessary by the Permitting Board.
  2. Noise Levels -
    - a) Easement - All new gas compressors covered by this section must be located such that lands subject to a 40 decibels or higher noise level produced by a new compressor shall be covered by a noise easement clearly delineating the maximum noise level allowed at any inhabited dwelling unit or proposed site of a dwelling unit. Preexisting leases shall not negate the requirement for a noise easement as described above.
    - b) Certification of Noise Level - Prior to being granted a permit for the placement of a gas compressor, the owner of the proposed compressor shall be responsible for verifying the compressor and quieting devices (silencer, low speed fan, barriers such as walls or beams, etc.) as proposed will meet the specified decibel level requirements. A certified noise consultant must certify in writing that the requirements will be met. Additionally, after placement of the compressor is completed along with the specified quieting devices the same certified noise consultant must verify that the 40decibels requirements are not exceeded. This certification must be accomplished within 30 days or the compressor shall be only operational during daylight hours until it is brought into compliance.
    - c) Maintenance - The compressor and quieting devices must be properly operated and maintained such that the noise level will not rise above the specified permissible levels. If it becomes apparent to the Permitting Board that the noise levels are not in compliance, the Board may require the owner of the compressor to do corrective maintenance and again, at the owner's expense, have the compressor noise level verified by a certified noise consultant. This certification must be accomplished within 30 days or the compressor shall be only operational during daylight hours until it is brought into compliance.
    - d) Barriers - Where it is deemed necessary, either a natural or man-made acoustical barrier may be required for the purpose of minimizing the nuisances associated with a gas compressor. In extreme cases, where no alternative is available, a fully enclosed acoustically designed structure may be required.
  3. Identification Sign - Each gas compressor shall be identified with a conspicuously placed sign identifying the compressor, its location and the name of the person/company responsible for the unit in case of emergency. Additionally, a 24-hour emergency telephone number should be included.
  4. Other - Any other reasonable conditions as deemed necessary by the Permitting Board.
- D. State Environmental Quality Review Law - All permit requests for gas compressors shall be subject to an environmental review, in accordance with state law. No zoning permit shall be granted until this environmental review has been accomplished by the municipality.

**SECTION 617 VEHICLE DISMANTLING, SCRAP AND JUNK YARDS**

- A. Purpose - This Section exists in order to insure that dismantling and junk yards are designed safely with least amount of impact on the surrounding neighborhood. Controlling these yards is essential to the maintenance and continued development of the Economy. Unrestricted accumulation of scrap and junk can negatively affect the health, safety and welfare of residents. Promoting yards as a useful and necessary business should be encouraged.
- B. Conditions - Prior to the granting of a Special Use Permit, the Permitting Board shall be satisfied that the following conditions, will be met:
1. Fences -
    - a) Yards shall be completely surrounded with a fence for screening and security purposes of at least 10 feet in height for any boundary where the Board feels the impact on neighboring parcels is significant. However, where the Permitting Board determines that the character of the neighborhood does not require aesthetic screening or security fencing, this 10 foot fence requirement can be waived to any degree for the side and rear yards.
    - b) There shall be located a gate in the fence which shall be kept locked at all times except when the vehicle dismantling or scrap yard is in operation.
    - c) The fence shall be located a minimum of 50 feet from adjacent public highways.
    - d) All storage, dismantling, and work on the vehicles or scrap shall take place within the fenced area.
    - e) The type of materials used shall be generally accepted by the industry and commonly used as fencing material. Fences shall be permanent and substantial.
    - f) Fences shall occlude and shall totally block the contents of the yard.
    - g) Fences shall be well-maintained and aesthetically pleasing.
  2. Location Considerations -
    - a) Yards shall only be allowed in the Industrial District.
    - b) Yards shall be allowed where there will be a minimum negative effect on the character of existing neighborhoods.
    - c) No yard shall be permitted within 500 feet of a church, school, public building, or other place of public assembly.
    - d) Yards shall not be permitted to be located upon areas where a 10 foot fence will not reasonably screen the contents from adjacent highways or properties.
  3. Offstreet Parking -
    - a) Sufficient offstreet parking shall be provided for customers.
  4. Fire Safety -
    - a) The fire department shall be notified prior to the granting of a Special Use Permit for a yard and be given 30 days within which to make recommendations.
    - b) Fire lanes shall be established by the Permitting Board with recommendations by the fire chief.
    - c) There shall be maintained at least 1 fire extinguisher of approved design and capacity for each 40,000 square feet of area. Each fire extinguisher shall be hung or mounted in a conspicuous place, clearly marked and visible.

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- d) All vehicles and scrap and junk shall be disassembled by means other than burning. It shall be arranged in neat rows so as to permit easy, clear passage through the area.



5. Visual Considerations -
  - a) There shall be no stacking of vehicles, scrap or junk above 8 feet in height from the ground. However, vehicles and scrap which have been crushed may be loaded on to the bed of a truck where they will be removed from the premises within a reasonable time period. Vehicles or scrap shall not be visible from outside of the yard.
  - b) An appropriate buffer shall be established between adjacent properties. This buffer may be comprised of trees, plants or fences as deemed appropriate by the Permitting Board.
6. Minimum Lot Size -
  - a) Adequate acreage shall be available to handle present and future needs of proposed yards.
7. Other Considerations -
  - a) Suitable sanitary facilities shall be provided in accordance with State Health Laws.
  - b) Inspection of yards shall be allowed at any reasonable time to insure compliance with this and other laws.
  - c) Reasonable hours of operation may be specified.
  - d) Other reasonable conditions may be imposed as is deemed necessary.
- C. Preexisting Yards - Yards in existence before the enactment of this Law shall be subject to the following: B1a through G Fences, B2a through d Location, B4a and b Fire Safety, B6 Lot Size, B7 b through d Other Considerations. Compliance shall take place within a 2 year period of time. In addition, any expansion or enlargement of any preexisting yards shall be subject to all of the regulations of this Law when they can be reasonably enforced as determined by the Permitting Board.

## **SECTION 618 HEAVY VEHICLES**

- A. Purpose - This section has as its main purpose the preservation of residential neighborhoods and particularly the elimination of noise from diesel engines and air conditioning units caused by large commercial truck parking. Visual intrusion into residential neighborhoods is also a primary concern.
- B. Regulations in districts where permitted - Heavy vehicles shall comply with the following regulations:
  - 1. Location - Heavy vehicles shall be allowed to park in all but the Industrial District under the following conditions:
    - a) The vehicle is not parked on a road or in a public road right-of-way and shall be a minimum of 25 feet from the road edge.
    - b) The vehicle is located a minimum of 150 feet to the closest dwelling unit on adjacent parcels.
  - 2. Location Waivers - In an emergency (e.g., truck breakdown) or for normal deliveries, the locational requirements in B1, above, shall be waived for a maximum of 48 hours.
  - 3. Night Operations - Compressors shall only be allowed to operate after dark if a nuisance is not created with nearby residences due to the noise.
  - 4. Diesel Operation – Diesels may be started and operated for a maximum of 15 minutes one time per day just prior to departure and for up to 15 minutes at arrival.
  - 5. Industrial District - Heavy trucks shall be permitted 24 hours per day in Industrial Districts with no conditions to be met.
- C. Preexisting Heavy Vehicles - This section shall apply to all heavy vehicles immediately, including those that have in the past parked in such a manner so as not to be in compliance with this section.

## **SECTION 619 LARGE GROUP GATHERINGS**

- A. Purpose - In order to promote safe and healthy gatherings of large groups of people, as defined in the definition section, certain conditions shall be complied with as defined below.
- B. Conditions - Prior to the granting of a Special Use Permit, the following will be taken into consideration:
  - 1. traffic safety, parking, access;
  - 2. noise;
  - 3. health and sanitation;
  - 4. character of neighborhood development density;
  - 5. beverages to be served;
  - 6. security and traffic control;
  - 7. cleanup and restoration of land; and
  - 8. other appropriate considerations.
- C. Sponsor Responsibility - The sponsor of any large group gathering shall be responsible for compliance with any conditions which are specifically imposed as well as the overall conduct of the gathering.
- D. Exempt Gatherings - Nonprofit and local civic group sponsored gatherings shall be exempt from permit requirements.

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- E. Preexisting Uses - All "large group" gatherings held after the effective date of this Law shall be subject to this section.

## **SECTION 620 MOBILE HOME STANDARDS**

- A. Purpose - This section has as its main purpose the presentation of neighborhoods by insuring that mobile homes are placed properly with minimal aesthetic and safety standards implemented.
- B. Conditions - In districts where mobile homes are allowed all of the conditions listed below shall be considered prior to the granting of the zoning permit.
  - 1. Minimum Floor Space - The original "advertised" floor space for a mobile home, excluding add-ons shall be in accordance with the area requirements of the appropriate Zoning District.
  - 2. Parking - Off-street parking spaces in accordance with the supplemental section on parking.
  - 3. Skirting - Attractive, fire-resistant skirting shall be installed within 3 months of when the mobile home is placed on the lot unless prohibited by extenuating circumstances. Said skirting shall be commercially manufactured and sold as Mobile Home Skirting or shall be so similar that it shall be indistinguishable from the manufactured skirting. As an alternative to skirting a concrete block or poured concrete foundation may be utilized.
  - 4. Landscaping - Landscaping appropriate to the neighborhood shall be considered.
  - 5. Additions - All additions shall be in accordance with the New York State Uniform Code and shall be compatible with the construction of the mobile home.
  - 6. Storage - Miscellaneous garage and recreational items traditionally stored undercover shall not be stored outdoors. Appropriate storage shall be supplied.
  - 7. HUD Requirements - All mobile homes (new and used) shall comply with HUD construction requirements prior to being allowed to be placed on a lot.
  - 8. Storage – Miscellaneous garage and recreational items traditionally stored undercover shall not be stored outdoors. Appropriate storage shall be supplied.
  - 9. Occupancy – A mobile home shall be occupied by an agricultural worker while employed by the owner of a farm with the mobile home located on said farm. Additionally, the mobile home shall be adjacent to the primary dwelling unit as determined by the Enforcement Officer.
  - 10. Vacancy – Mobile homes shall be removed within 6 months from the date the permitted occupant(s) vacates the premises. The lot and the site shall be restored to the condition it was in prior to the time when the mobile home was moved onto the lot.
  - 11. Districts – Mobile homes shall only be allowed in districts where mobile homes are specified as being allowed.
  - 12. Other Considerations – Any other reasonable conditions as deemed necessary by the permitting board shall be considered for inclusion. See supplemental section on general conditions for a list of possible conditions to include.
- C. Preexisting Uses - Preexisting mobile homes shall comply with conditions A3, Skirting and A2, Parking, where it is reasonable. These conditions shall be met within 6 months from the date of written notification. See, also, the article on nonconforming uses, section entitled, "Use Changes" for rules on replacing mobile homes..

**SECTION 621 MOBILE HOME PARKS**

- A. Purpose - This section provides various conditions which will insure that a quality park will be designed which provides a safe, healthy and appealing environment for mobile homes.
- B. Conditions – Mobile home parks shall comply with the following standards:
1. Area and Setback Requirements –
    - a. Size – Parks shall consist of a minimum of 8 acres and shall be designed for a maximum of 5 units per acre overall and a minimum of 30 lots.
    - b. Buffer – An appropriate vegetation or open space buffer shall be located around the perimeter of the park. Type and size of the buffer shall be determined by the density and type of adjacent uses and the need for separating the uses. As a minimum, a 25-foot buffer (open space or vegetation) shall be required with the Permitting Board determining the need for a greater buffer.
    - c. Setback – All mobile homes and other development shall be located a minimum of 100 feet from the edge of any public road. Mobile homes shall be setback a minimum of 20 feet from the edge of the park's private road.
    - d. Lot – Each mobile home shall be located on a lot which is a minimum of 5,000 square feet, and a minimum of 50 feet in width. The width requirement can be waived for corner lots.
    - e. Side Yard – Mobile homes to include enclosed additions shall be spaced a minimum of 25 feet from each other.
    - f. Floor Space – The minimum floor space allowed for a mobile home placed in a park shall be in accordance with area requirements for the district in which the park is located. Add-ons shall not be used in calculating the size.
  2. Streets and Walkways –
    - a. Entrance and exists to the park shall be safety designed.
    - b. Private roads shall be a minimum of 16 feet wide and shall as a minimum be carpet coated, graveled, or paved, and be approved by the fire chief for use by emergency vehicles.
    - c. Private roadways shall be maintained in such a manner so as to permit safe travel year-round (e.g., free of snow and ruts.)
    - d. Walkways from the street to door shall be required in addition to a patio for each mobile home.
  3. Parking –
    - a. Offstreet parking shall be provided with a minimum of 400 square feet for each mobile home with gravel, carpet coating, or paving being used.
    - b. Sufficient auxiliary parking shall be provided for trucks, boats, travel trailers, etc.
  4. Recreation –
    - a. Open space and recreational areas shall be set aside and improved at central locations at a rate of 700 square feet per mobile home. They shall be maintained in a manner conducive to recreational use.
  5. Skirting –
    - a. Mobile homes shall be skirted with an attractive fire-resistant material within 3 months from the time of setup.

6. Outdoor Storage – Due to the limited lot sizes and close proximity of mobile homes no outdoor storage of tools, materials, equipment, junk, or any other items, other than registered vehicles, or patio-related items shall be allowed. Where storage sheds are necessary to comply with this requirement, they shall be located in rear yards and out-of-sight to the greatest degree possible, substantially anchored, and well-maintained.
  7. Drainage – The park shall be located on a well drained site properly graded to insure rapid drainage and freedom from stagnant pools of water.
  8. Location – Mobile home parks shall not be located in developed residential areas where their presence will result in a detrimental effect on the character of the neighborhood due to significant traffic increases for the existing residential streets.
  9. Park Design – It is recommended that the design of the park not be barracks-like in nature and not be designed on the gridiron pattern with identical rectangular spaces. The angling of spaces and the clustering of mobile homes around cul-de-sacs could be considered. Should this latter type of design be hampered by the minimum area requirement, the Permitting Board shall have the authority to alter those requirements by up to 10%.
  10. Lighting and Utilities – All driveways and walkways within the park shall be lighted at night with electric lamps of such candle power and so situated as may be directed by the Permitting Board. It is recommended that consideration in each instance be given to the construction of all utilities underground. It shall be required that all lines between the meter and lot be underground.
  11. Accessory Retail or Service Uses – Accessory uses such as recreational facilities, convenience stores, laundromats, and mobile home sales/service, customarily associated with mobile home parks shall be permitted. However, the land utilized in this manner should not account for more than 5% of the total area of the park. Finally, no commercial character shall be visible from outside the park and such services shall only be allowed when the number of sites is sufficient to support these services.
  12. Mobile Home Standards – The standards of this supplemental section shall be complied with.
- C. Bond – At the discretion of the Permitting Board, the developer may be required to obtain an appropriate bond to insure compliance with conditions attached to the Special Use Permit/Site Plan Review.
- D. Preexisting Parks – Mobile home parks in existence before the enactment of this Law shall be subject to the following regulations:
1. Mobile homes shall be skirted with an attractive fire-resistant material within 1 year.
  2. Enlargements or expansions of all mobile home parks in existence before the enactment of this Law shall comply with all regulations in this Law to the extent determined by the Permitting Board.

**SECTION 622 TRAVEL TRAILER INHABITATION (ACCESSORY USE)**

- A. Purpose - The primary purpose of this section is to limit the use of travel trailers and motor homes to uses for which they are intended, namely, seasonal/recreational use. Ultimately, the protection of neighborhoods is promoted with respect to health and general quality. Commercial travel trailer parks are not subject to regulation under this section.
- B. Inhabitation Time - Travel trailers, motor homes, and other similar uses may be inhabited by non-renters on a temporary basis in accordance with the following chart. No permit or fee is required unless the number of inhabitation days desired is greater than that specified, in which case a Special Use Permit must be requested.

<u>District</u>	<u>Maximum Number of Months Inhabited Per Year</u>
R-1	1 Month
B-1, I-1, R-2, R-3	2 Months
CR, AR-1, AR-2, AG	4 Months

- C. Conditions -
1. Inhabitation - To be inhabited in an I-1, B-1, CR or AR-1 District, the travel trailer/motor homes need not be located on a lot which contains an inhabited dwelling. For all other districts, the lot must have an inhabited dwelling. It is intended that travel trailers/motor homes be generally inhabited by visitors/guests and not by residents of the principal dwelling unit.
  2. Storage - A travel trailer/motor home may be stored (uninhabited) on any lot for up to 12 months.
  3. Setbacks - Front, side, and rear yard setbacks as specified for the district in which they are located shall be met in the placement of the travel trailer/motor homes.
  4. Utilities - Permanent utility systems, used exclusively for travel trailers/motor homes in residential or commercial districts, shall not be constructed.
  5. Nuisances - Travel trailers/motor homes may not be utilized in such a manner so as to cause a nuisance.
  6. Field Offices - Contractors may use temporary dwellings for "field offices" after obtaining a permit. Additionally, temporary dwelling units may be utilized by owner/builders during the construction of a structure.
  7. Maintenance - All travel trailers/mobile homes shall be maintained in a condition suitable for highway use and capable of passing a state inspection.
- D. Preexisting Uses - Storage and occupancy of travel trailers, already in existence as of the effective date of this Law, shall within 1 year from the time of written notification be in compliance with this section to the greatest degree possible.



**SECTION 623 TEMPORARY MOBILE HOMES**

A. Purpose - The purpose of this section is for controlling the use of mobile homes for temporary occupancy in conjunction with the construction of a dwelling unit.

B. In Conjunction With Construction of Residence -

1. Administration - A temporary special use permit for inhabiting a mobile home during the construction of a single-family home must be applied for from the Permitting Board.
2. Conditions - The following conditions may be attached to the permit.
  - a. Time - A time schedule for commencement and completion of the dwelling unit shall be determined. As a minimum, construction on the dwelling unit shall begin within one (1) year from the date when the mobile home is placed temporarily on the lot.

Additionally, the mobile home shall be removed within two years from the date that it was first placed on the lot, at which time the dwelling unit shall be livable. Upon application by the landowner, the Permitting Board may grant extension of time up to a maximum of one (1) more year for completion of the dwelling provided the landowner (applicant) can show a good faith effort in completing construction of the dwelling unit. Once a Certificate of Occupancy has been issued for the new structure, the landowner shall have ninety (90) days to remove the mobile home from the property.

- b. Other Laws - Installation must conform to all county, state, federal codes that apply. (eg. sewerage and water)
    - c. Skirting - Temporary mobile homes must be skirted.
    - d. Concrete Pad - Due to the temporary nature of the permit, the mobile home does not have to be placed on a concrete pad.
    - e. Location - The placement of the mobile home on the lot shall be in accordance with area standards unless the permitting board determines that such standards would not be practical, in which case the conditions will be specified.

C. Not Inhabited -

1. Administration - A mobile home may be stored uninhabited within a district which allows mobile homes by right or by Special Use Permit only after a temporary Special Use Permit has been granted, with reasonable conditions imposed.
2. Conditions to be considered include: time limitations and placement location.

**SECTION 624 TRAVEL TRAILER PARKS (COMMERCIAL CAMPGROUND)**

- A. Purpose - The purpose of this section is to protect existing neighborhoods from intense development associated with travel trailer parks. Consideration will be given to aesthetics, buffers, safe access, and other reasonable conditions.
- B. Conditions - Travel trailer parks shall comply with the following standards:
1. Area & Setbacks -
    - a) All lots (pads) shall be a minimum of 75 feet from any public highway and a minimum of 10 feet from private roads in the park.
    - b) A 100 foot wide buffer zone of appropriate vegetation shall be provided around the circumference of the park where adjacent property use is of such a nature that there could be conflicts. No travel trailers or other structures shall be located in the buffer area.
    - c) Minimum lot sizes shall be 2,500 square feet for a vacation camp and 1,500 square feet for overnight camps.
    - d) The parcel(s) on which the park is proposed to be located shall be a minimum of 10 acres.
  2. Streets & Walkways -
    - a) Access to the park must be designed to assure safe and convenient movement of traffic into and out of the park with a minimum disruption of traffic on adjacent public roads. This shall include a minimum clear view of 150 feet while pulling out onto the adjacent public roadways.
    - b) Walkways shall be provided to service buildings.
    - c) All park roadways shall be a minimum of 50 feet from any property line except for the entry and exit roads.
    - d) Park roads shall be constructed or treated in such a manner so as to minimize the creation of dust or mud.
  3. Parking - Off-street parking, loading, and maneuvering space shall be provided.
  4. Occupancy - The maximum length of occupancy per year shall be 8 months. Trailers shall not be utilized as a permanent residence.
  5. Accessory Uses - Accessory uses such as snack bars, recreational facilities, showers, laundromats, etc., customarily associated with travel trailer parks shall be permitted. However, the land utilized in this manner should not account for more than 10% of the total area of the park and the services shall be directed towards the occupants of the park. Finally, no commercial character shall be visible from outside the park and such services shall only be allowed when the number of sites is sufficient to support these services.
  6. Location - Parks shall not be located so as to cause heavy traffic to be directed through residential areas not accustomed to heavy traffic.
  7. Supervision - The park owner shall be responsible for having supervisory personnel on premises as necessary during the camping season for the purpose of policing the premises within the limits prescribed to him by law.
  8. Nuisances - The park owner shall prevent any undue proliferation of smoke, dust, or any pollution of the air or water by the campers or campsites. Quiet hours shall be established by the owner as necessary.
- C. Preexisting Uses - All travel trailer parks in existence before the enactment of this law shall be, as necessary, subject to the following: B4 Occupancy, B7 Supervision, B8 Nuisances. These conditions shall be met 3 months after a written decision,

established at a public hearing, is received by the park owner. Expansions of existing parks shall be subject to all conditions of this section except B6 location.

## **SECTION 625 AIRCRAFT LANDING STRIP**

- A. Purpose - In order to protect residents from the creation of unsafe conditions or nuisances, the following conditions shall be considered prior to the granting of any permit for an aircraft landing strip.
- B. Conditions -
  - 1. Location - Potential airstrips should be located such that they are a minimum of 300 feet from any dwelling and also not more than 10 dwellings are within 500 feet of any portion of the actual runway.
  - 2. Posted Signs - Airstrips shall be posted with signs of sufficient quantity to alert any person entering the area that aircraft may be present.
  - 3. No dwellings shall be in the immediate clear area of the ends of the airstrip.
  - 4. All commercial development proposed to be located on the airstrip property must be allowed in that district.
  - 5. Referral to State - Prior to acting on any aircraft landing strip permit request, the Municipal Board shall, by resolution, request the NYSDOT Commissioner to review the proposed airstrip and make a recommendation in accordance with Section 249 of General Business Law.
- C. Permit Requirements - All requests for permits shall include a description of the type and quantity of aircraft using the facilities, frequency of flights, a map drawn to scale showing the airstrip and prevailing winds as well as dwellings in the neighborhood and proposed commercial development.

## **SECTION 626 TOPSOIL/EXCAVATION**

- A. Purpose - During the construction of a foundation, general landscaping, or any other extensive excavating project, a person, firm, corporation, etc., shall not strip, excavate, or otherwise remove soil/gravel unless the following conditions are met:
- B. Conditions -
  - 1. Topsoil - Topsoil is replenished or left with sufficient amounts to support future development needs.
  - 2. Steep Slopes - The creation of steep slopes shall be limited to the greatest extent possible.
  - 3. Groundwater Runoff - Runoff will not be caused to flow into neighboring properties, to pool, or cause erosion. A stormwater drainage plan for both the construction period and the long term should be considered when slope and soil types dictate. A minimum amount of siltation should be allowed to leave the site.
  - 4. Time Requirement - All of the above conditions shall be met within 6 months from the project started. However, the Municipal Board shall have the power to grant extensions or shorten the time frame for just cause after receiving a written request which includes the reasons for the request.

**SECTION 627 DAY CARE CENTER**

- A. Purpose - The purpose of this section is to provide local guidelines for Day Care Centers that are not regulated by the Department of Social Services in order to insure the safety and welfare of those being cared for while at the same time providing protection to existing neighborhoods.
- B. Conditions - The following conditions shall be considered by the Permitting Board for all Day Care Centers under local jurisdiction requiring a Special Use Permit (see Definitions of Day Care):
  - 1. Lot size
  - 2. Physical plant
  - 3. Load and unload areas/parking
  - 4. Outside recreation
  - 5. Signs
  - 6. Fire safety
  - 7. Educational services to be provided
  - 8. Meals
  - 9. Adjacent uses
  - 10. Buffers
  - 11. Social Services - proof that the applicant has contacted the Dept. of Social Services for any registrations or permits that may be required.
  - 12. Other conditions
- C. Preexisting Conditions - Day Care Centers under local jurisdiction existing at the time of passage of this section shall only be subject to review by hearing under this section if the board responsible for administering this section becomes aware of obvious non-compliance with conditions of this section which are reportedly causing problems for either clients of the Day Care Facility or residents of the neighborhood.

**SECTION 628 - RECREATIONAL VEHICLE/TRAILER STORAGE**

- A. Purpose - To encourage aesthetically pleasing residential neighborhoods, this section allows for the reasonable storage of recreational vehicles.
- B. Conditions - The following conditions shall be met:
  - 1. Number – For the R1, R2 and B1 Districts a maximum of 3 recreational vehicles, trailers or other similar vehicles may be stored outside on each parcel or series of contiguous parcels under single ownership. The number of recreational vehicles stored in all other zoning districts shall not be regulated.
  - 2. Location - All recreational vehicles/trailers, etc., shall be stored in rear yards whenever it is possible and shall not be stored in a front yard. Nor shall they be allowed to become a nuisance. All area requirements of the district in which the vehicle is stored shall be met. Area Variances shall be requested where these rules cannot be met.
- C. Preexisting Vehicles - All recreational vehicles existing at the time of enactment of this law shall be subject to the regulations of this section 6 months from the date of notification in writing.



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**SECTION 629 STORAGE STRUCTURES**

- A. Purpose - Storage structures are regulated to insure that they are properly located so as to protect the rights associated with neighboring properties with respect to visibility, light and air movement, fire safety, and aesthetics.
- B. Administration - Multiple storage sheds shall be aggregately considered to determine if the 160 square foot requirement is surpassed, in determining the type or permit that is required. A cumulative square footage of over 160 square feet shall require a Special Use Permit.
- C. Conditions -
  - 1. Area Requirements - The accessory area requirements for each district shall be met.
  - 2. Vacant Lots
    - a. In R1, R2, or R3 districts a storage structure may be placed on a separate lot with a "By Right" permit if the storage structures will be within 200 feet of the parcel boundary that has the primary dwelling located on it. If the structure will not be within 200 feet of the primary dwelling parcel boundary, then a Special Use Permit shall be required.
    - b. In all other districts (excluding R1, R2 and R3) a storage structure may be placed on a vacant lot with a "By Right" permit.
  - 3. Trucks Used for Storage
    - a. Trucks, semi-trailer or similar units may not be utilized for storage in the R1, R2 or R3 districts.
    - b. In all other districts a Special Use Permit shall be required and the primary consideration will be the visual impact the storage unit has on the neighborhood.
  - 4. Aesthetics – The type of material used for storage buildings shall be compatible with the neighborhood in which they are to be located.
  - 5. Other Conditions – When a Special Use Permit is required, other reasonable conditions may be considered for inclusion.

**SECTION 630 SEASONAL RECREATION CAMPS**

- A. Purpose - This section is created for the purpose of preserving rural character and providing protection for existing uses.
- B. Conditions - The following conditions shall apply:
  - 1. Lot Size - A minimum lot size of 5 acres shall be required.
  - 2. Structure Location - A minimum setback of 200 feet shall be required.
  - 3. Construction - The type, size and method of construction shall be considered. If a mobile home is to be used, it must meet 50% of the floor space requirement of the district and additionally it must comply with HUD construction requirements. Truck and bus bodies shall not be used for a dwelling unit.

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4. Buffer Zones - Existing natural buffers should be retained to the greatest degree possible and new buffers should be considered where it is apparent that they are necessary.
  5. Year-round Conversion - The conversion of seasonal camps to year-round housing or any other allowed uses shall be allowed only by Special Use Permit.
  6. Access to Public Roads - Seasonal camps must have access to public or a 50 foot public right-of-way shall be required.
  7. Other requirements - Other reasonable conditions may be required as deemed necessary.
- C. Preexisting Parcels - This section shall only apply to parcels of land which are purchased after the effective date of this Law.

**SECTION 631 TRASH STORAGE**

- A. Purpose - It is the intent of this section to minimize safety, health, and aesthetically related problems by controlling the storage of trash in accordance with the needs of each district.

B. Conditions for Temporary Storage

1. Quantity - Trash may be temporarily stored or collected if it does not exceed the following limits. More than the maximum shall require a Special Use Permit.

<u>Districts</u>	<u>Maximum Cubic Feet</u>
R-3, B-1, B-3, AR-1, AR-2	500
I-1, AG	1000
R-1, CR, R-2	0

2. Only trash originating from the parcel on which it is placed shall be allowed.
  3. Location - Trash must be stored in 1 contiguous location. All new accumulations of trash created after the enactment of this Law shall be out of sight of highways and adjacent properties to the greatest degree possible. Additionally, new accumulations of trash shall be placed a minimum of 200 feet from any parcel boundary or public roadways if the parcel size permits.
  4. Buffer - Trash shall be located so as to be not visible from adjacent properties and roadways or artificial barriers (e.g., fences, shrubs, etc.) shall be used to screen the trash.
  5. Disposal - Trash shall be stored only as long as necessary and shall be disposed of in a timely manner, not to exceed 30 days.
  6. Preexisting - These conditions shall apply to all trash existing at the time of enactment of this Law.
- C. Metal Dumpsters – In the R-1 and R-2 Districts all dumpsters, excluding construction size dumpsters, located on a site for 30 days or more shall comply with the following regulations:
1. Location - Dumpsters shall be located on private property at a location approved by the Zoning Officer.
  2. Buffer - A suitable buffer may be required.
  3. Covers - All dumpsters shall have tops which shall be utilized.



4. Preexisting - Dumpsters existing at the time of enactment of this Law shall comply with dumpster regulations specified by the Permitting Board within 6 months from notification. Compliance requests may be appealed.

## **SECTION 632 INDUSTRIAL PERFORMANCE STANDARDS**

- A. Purpose - It is the intent of this section to maintain a quality environment that will lead to the development and maintenance of a well-planned industrial area which will be attractive to sophisticated industrial establishments and will enhance the general welfare of the residents and assure both users and employees of a safe and stable working area.
- B. Administration – Regarding the administration of Performance Standards, the intent is to cause minimal cost and time for developers while adequately protecting surrounding neighborhoods. During the permitting and SEQR process, the applicant should address the various applicable Performance Standard categories covered in this section. The Permitting Board, utilizing all sources of information to include the developer, shall determine which, if any, of the categories should be actually measured for compliance at the onset of the project. If at any time after the facility is operational it is brought to the Permitting Board's attention that allegedly a certain standard is not being met, the Permitting Board may after a hearing ask that those standards be verified, if warranted. The cost of this verification shall be born by the application unless it is shown that the applicant was and always has been in compliance with the standard. In this case the municipality shall be responsible for the verification costs. Additionally, during the application process the developer shall agree in writing to comply with applicable performance standards at all times.
- C. The Standards of Performance are:
  1. Noise - It shall be unlawful for any person to permit the emission of measurable noise, as measured at the edge of the manufacturing district to exceed seventy decibels during the periods between 6:00 A.M. and 10:00 P.M. or sixty decibels during the periods between 10:00 P.M. and 6:00 A.M. The sound level may exceed these established sound levels for a period not to exceed six minutes during any sixty minutes by not more than seven decibels. Noises shall be muffled so as not to become unreasonably offensive due to intermittence, beat frequency, high frequency or other means.
  2. Odor - It shall be unlawful for any person to permit the emission of any odor that is unreasonably offensive.
  3. Dust and Dirt - It shall be unlawful for any person to permit or cause the escape of such quantities of soot, cinders or fly ash as to exceed 0.3 grains per cubic foot of the flue gases when measured at the top of the stack. Other kinds of dust, dirt and other particulate matter shall not be in excess of 3.0 grains per cubic foot of air as measured at the top of the stack and corrected to standard conditions.
  4. Parking and Driveways - There shall be no off-site parking of motor vehicles. Each land user subject to this Article VI must provide sufficient, suitable, on-site parking space to prevent any necessity for off-site parking. Drive and traffic access systems are allowed in all yard areas. However, when any yard sides on land that allows residential development, the drives or traffic access facilities must be placed as far from the exterior line as practical. No parking shall take place in any required yard area.

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5. Vibration - It shall be unlawful for any person to permit or cause, as a result of normal operations, a vibration which creates a displacement of plus or minus 0.003 of one inch as measured at the edge of the manufacturing district.

6. Noxious gases - It shall be unlawful for any person to permit the escape of such quantities of noxious acids, fumes or gases in such manner and concentration as to endanger the health, comfort or safety of any person or to cause injury or damage to property, business or vegetation, or which causes any excessive soiling at any point beyond the property line.
7. Glare - It shall be unlawful for any person to carry on a process such that a direct or sky-reflected glare, whether from floodlights or from high temperature process such as combustion or welding or other such process, is unreasonably offensive when visible outside the manufacturing district. No lighting of signs or buildings shall be allowed unless it is of such low intensity or brilliance that it does not cause glare or impair the vision of the driver of any motor vehicle.
8. Fire and safety hazards - All buildings, operations, storage, waste disposal, etc., shall be in accordance with applicable provisions of the latest edition of the New York State Uniform Fire Prevention and Building Codes. All activities and all storage of flammable and explosive material at any point shall be provided with adequate safety devices against the hazards of fire and explosion and adequate fire-fighting and fire-suppression equipment and devices.
9. Open Storage - It shall be unlawful for any person to permit the open storage of more than incidental quantities of any materials derived from the given industrial operation without screening, such as a fence, hedge or other barrier, at least (7) feet high, that obscures storage to persons passing in a normal manner from a public way or from any property line facing a public right of way. The following is the list of materials requiring screening:
  - a) New materials
  - b) Component parts
  - c) Work in progress
  - d) Finished products
  - e) Scrap or waste materialThe location of said screening shall be subject to the front, side and rear yard restrictions provided, however, natural barrier screening, decorative planting, etc., shall not be subject to these restrictions.
10. Landscaping - A planted visual barrier may be required to be maintained in yard areas that abut land upon which residential structures exist or are permitted at the time of the special use permit application except when natural or physical man-made barriers exist. This planting barrier or visual screen shall have a width of no less than three feet. It shall be of such plant materials that within a reasonable period of time (five years) the vegetation barrier will provide a high degree of separation and privacy on a year round basis.
11. District Lighting - All lighting shall be completely shielded from traffic on any public right-of-way and from occupied structures located outside the manufacturing district, if within a distance of 1500 feet.

## **SECTION 633 VEHICLE SALES**

- A. Purpose - For the purpose of promoting safe and aesthetically pleasing motor vehicle sales lots, the following conditions are proposed:
- B. Conditions -
1. Lot Size - Land area must be sufficient to handle vehicles, ingress and egress, and off-street parking.
  2. Location - All vehicles being offered for sale shall be set back a minimum of 25 feet from the street edge and neatly arranged in an organized manner. Vehicles not offered for sale shall be located behind the main building setback line and, if necessary, it may be required that they be fenced in so as not to be visible.
  3. Signs - All signs and advertising devices must comply with the supplemental sign section.
  4. Traffic Safety - Ingress and egress must be safely located.

## **SECTION 634 SHOOTING RANGES (COMMERCIAL)**

- A. Purpose - In order to promote safety and the general welfare of the public and to maintain the quality of neighborhoods, the following regulations are to be enforced for all commercial ranges. New ranges shall be allowed only in accordance with the following conditions.
- B. Conditions - The operation of a commercial range, such as a shooting club, shall be subject to the following conditions:
1. Safety Considerations - All ranges shall be so located and directed so as to present the safest situation possible with respect to the existing neighborhood. Appropriate signage shall be posted to warn people of the existence of a shooting range.
  2. Time of Day - Ranges shall only be utilized for target practice for the period specified as determined below:
  3. Character of Neighborhood - The density, types of structures, etc., shall be considered.
  4. Other Conditions - Unlisted conditions deemed necessary.

<u>Distance to closest Inhabited Structure From Shooting Location</u>	<u>Maximum Daily Hours of Shooting Allowed Per Range</u>	<u>Time After Which No Shooting is Permitted</u>
0 - 500 ft.	None	NA
501 - 1,000 ft.	8	8 P.M.
1,001 - 2,000 ft.	10	9 P.M.
Over 2,000 ft.	12	9 P.M.

## **SECTION 635 AUTO BODY REPAIR SHOP**

- A. Purpose - In order to preserve the character of neighborhoods and promote safe and aesthetically pleasing auto body repair shops, all such shops shall be reviewed in accordance with the following conditions:
- B. Conditions - The following conditions shall be met:
1. Fence – Any vehicle stored outside shall be enclosed within an appropriate fence which shall make it possible to view the vehicle.
  2. Hours of Operation - The hours of operation shall be derived so as to limit the noise during non-business hours.
  3. Area Requirements - The lot on which the shop is to be located shall be a minimum of 3 acres. The shop shall be allowed only if it is to be located at least 400 feet from existing residential structures located on adjacent parcels.
  4. Buffers - Where deemed necessary, appropriate buffers shall be required.
- C. Preexisting Uses - Any auto body repair shops in existence before the enactment of this law shall be subject to the above conditions of fences (B1) and hours of operation (B2), where a formal written complaint is received by an aggrieved person and it is determined by the Zoning Board of Appeals that said complaint is warranted. Compliance shall take place within one (1) year. In addition, any expansion or enlargement of an auto body repair shop shall be subject to all regulations in this law within reason as determined by the Permitting Board.

## **SECTION 636 MOTOR VEHICLE SERVICE STATIONS**

- A. Purpose – Motor vehicle service stations as defined in the definition section, are regulated in this section to promote safe and properly located stations which are visually attractive.
- B. Conditions - The following conditions shall be considered:
1. Entrance/Exit - No public garage, or motor vehicle service station, or private garage for more than 5 vehicles shall have a vehicular entrance closer than 200 feet to an entrance to a church, school, theater, hospital, public park, playground, or fire station. Such measurement shall be taken at the shortest distance between such entrances across the street, and along the street frontage if both entrances are on the same side of the street or within the same square block.
  2. Location - All motor vehicle service stations shall be so arranged and all gasoline pumps shall be so placed as to require all servicing on the premises and outside the public way; and no gasoline pump shall be placed closer to any side property line than 50 feet.
  3. Storage of Vehicles Awaiting Repairs -
    - a) 1 to 7 licensed vehicles stored outside awaiting repairs shall be kept in one contiguous location and neatly arranged.
    - b) Where over 7 licensed vehicles are temporarily stored outdoors, they shall be screened by an appropriate fence which makes it impossible to view the vehicles from adjacent roads or properties.
    - c) All parts shall be enclosed within a screened/fence area or stored inside of a building.

4. Abandoned Tanks and Pumps - All abandoned tanks and pumps shall be secured in accordance with the NYS Uniform Fire and Building Code.
- C. Inoperative Vehicles - No inoperative motor vehicle shall be kept on the premises of motor vehicle service stations for longer than two (2) weeks.
- D. Waste Materials – All waste material, motor, and motor parts, will be stored within the structure or enclosed within fencing so as not to be visible from off the property.
- E. Preexisting Stations – Motor vehicle service stations in existence before the enactment of this Law shall be subject to C and D above. Compliance shall take place within six (6) months of written notification. In addition, any expansion or enlargement of motor vehicle service stations shall be subject to all regulations in this Law within reason as determined by the permitting board.

### **SECTION 637 SWIMMING POOLS (PRIVATE)**

- A. Purpose - The primary purpose of this section is to promote the safe installation and maintenance of private swimming pools.
- B. Conditions - Private swimming pools shall be required to meet the following conditions:
  1. Fence - Any such pool which is installed in ground shall be completely enclosed by a security fence not less than four (4) feet in height, and for all pools there shall be gates or doors equipped with self-closing and self-latching devices designed to keep and capable of keeping such gates or doors securely closed at all times when not in actual use. For above-ground pools a removable access system may be substituted for the gates or doors.
  2. Filtration System Noise - Pools which are equipped with an integral filtration system and filter pumps or other mechanical devices shall be so located and constructed as not to interfere with the peace, comfort and repose of the occupant of any adjoining property.
  3. Maintenance - Both in-ground and above-ground pools, accessory buildings, fences, etc., shall be properly maintained.
  4. Drainage - The Zoning Officer shall determine whether provisions for the drainage of such pools are adequate and will not interfere with the public water supply system, existing sanitary facility, neighboring properties, etc.
  5. Area Requirements - Pool shall be installed in accordance with the area requirements of the appropriate district.
- C. Preexisting Uses - Pools in existence prior to the enactment of this Law shall, within six months from the date of written notification, comply with the following conditions in the previous paragraphs: B1 - Fences; B3 - Maintenance; and B4 - Drainage.

## **SECTION 638 TOWERS**

- A. Purpose - All commercial towers shall be regulated for the purpose of assuring safe installations which are properly located and which have the least impact on the neighborhood and community.
- B. Conditions - The following conditions shall be considered for inclusion in the permit:
1. Location - Towers shall be removed from surrounding residential structures and residential districts sufficiently so as to not cause a nuisance due to appearance or other factors. As a minimum the base of a tower shall be at least 100 feet or 30% of the tower height, whichever is greater, from all property lines.
  2. Buffer - The placement or retention of buffers shall be required where they would improve the compatibility of the use with surrounding areas.
  3. Safety - The base of a tower shall be sufficiently protected from entry either by tower design or by protective fences, etc.. Where guy wires are utilized, the anchor points shall be sufficiently protected to minimize the possibility of hitting the guy wires with recreational vehicles. Additionally, a sign shall be conspicuously placed near the base of a communications tower and it shall generally state that danger exists and that no access is permitted.
  4. Lighting - The minimal amount of lighting necessary to meet State and Federal regulations shall be considered for all towers. The FAA has various lighting options and they should all be considered. Light pollution or light spillover shall be minimized to the greatest degree possible. The applicant shall full disclose methods and plans for protecting nearby and distance properties from light spillover.
  5. Aesthetic Impact - The base of the tower and any accessory buildings shall be appropriately screened. Consideration will be given to the type and design of uses found in the area of the tower. Landscaping and materials used for accessory buildings shall be specified. The entire facility must be reasonably compatible with the surrounding environment.
  6. Co-location - In order to minimize tower proliferations, applicants must show proof that they have exhausted all reasonable alternatives for sharing space on existing towers.
  7. Inspections - Periodic inspections of towers may be required to ensure structural integrity. The frequency of inspections shall be specified with 5 year intervals recommended. Inspections shall be conducted by a licensed engineer. Based on the results of an inspection repair or removal may be required.
  8. Abandonment - Tower owners shall remove all towers that have not been used for a twelve month period. Removal shall be within six months of written notification. Owners may request a Special Use Permit hearing to ask for an extension for just cause.
  9. State Environmental Quality Review Act - In complying with SEQR the "visual addendum" should be utilized to assist in the review of the tower proposals.
  10. Other Regulations - State and Federal regulations governing towers must be complied with.
- C. Preexisting Towers - All towers which exist at the time of enactment of this Law may be required as necessary to comply with the above conditions B2, B3, B4, B5, B7, B8 and B9 of this section. At a Special Use Permit hearing the conditions to be met will be specified with a reasonable time period for implementation.



- D. Windmills - This section shall also be selectively utilized in the review of commercial or private windmills. Compliance with the above conditions B1, B2, B3, B7 and B8 shall be required. At a Special Use Permit hearing these conditions shall be integrated into the permit.

## SECTION 639 JUNK VEHICLES

- A. Purpose - It is the intent of this section to minimize safety, health and aesthetic related problems by limiting, according to district and lot size, the storage outdoors of junk vehicles.
- B. Definition - Any motorized vehicle except farm vehicles to include those intended for operation both on or off of public roadways that additionally meet certain criteria. For the purpose of this definition, only motorized vehicles located outdoors shall be considered as to whether it is a junk vehicle. Additionally, a minimum of 4 of the following characteristics as determined by the Zoning Enforcement Officer shall be met in order to be considered to be a junk vehicle.
1. Any motor vehicle abandoned due to its limited value such that the owner does not intend to recover possession of the vehicle and has stated such directly or indirectly by their actions.
  2. Any motor vehicle in such condition as to cost more to repair and place in operating condition than its reasonable market value at the time of such repairs.
  3. Any motor vehicle being dismantled or cannibalized for parts.
  4. Any motor vehicle which is missing bumpers, fenders, doors, trunk lids, windows, or other major body parts for 6 months or greater.
  5. Any motor vehicle no longer intended nor in a condition for legal use on public highways as determined by its lack of mobility for 1 year or more.
  6. Any motor vehicle intended for use on public highways which is not capable of passing a NYS safety inspection due to major visible safety problems.
  7. Any motor vehicle which negatively affects the character of a residential neighborhood from an aesthetic point of view due to its proximity to adjacent structures and results in a devaluing of adjacent improved or unimproved properties.
  8. Any motor vehicle stored in such a condition or manner such that it causes potential health or safety problems due to the presence of animal life, its use by children, etc.

*Note: Any motorized vehicle in the process of being restored in accordance with this Section shall not be deemed to be a junk vehicle as is also the case for vehicles removed from operation temporarily due to the season of the year.*

- C. Number of Vehicles - The maximum number of junk vehicles that may be stored outdoors shall be as follows:

<u>Districts</u>	<u>Maximum Number</u>
CR, R-1, R-2, B-1	0
R-3, AG, AR-1, AR-2, B-3, I-1	1

- D. Location of Vehicles - Junk vehicles shall be stored out-of-sight as viewed from adjacent properties and roadways to the greatest degree possible. Additionally, junk vehicles shall be placed a minimum of 50 feet from property lines of adjacent land owners and roadways.

- E. Restoration of Vehicle Outdoors - Sustained progress in restoring or repairing a vehicle to operational condition shall be allowed under the following conditions and said vehicle shall not constitute a junk vehicle:
  - 1. A maximum of 1 vehicle per 2 acres of land shall be allowed for restoration with a maximum of 3 allowed.
  - 2. The entire restoration shall take one year from date of notification accomplish.
  - 3. Such vehicles shall be located so as to create the least nuisance possible.
  - 4. Noise associated with the restoration shall be limited to reasonable hours.
  - 5. Restoration shall be for personal use and not for profit.
- F. Preexisting Junk Vehicles - Where more than the maximum number of junk vehicles are present at the time of enactment of this Law, a maximum of 6 months from date of written notification shall be allowed for the owner to come into compliance with this section. However, when a property owner asks for an extension, the request shall be reviewed and acted on at a variance hearing. If justified, the Zoning Board of Appeals shall determine a revised schedule of compliance with specific dates and milestones noted.

## **SECTION 640 UNSAFE STRUCTURES**

- A. Purpose and Definition - The purpose of this section is to identify obvious unsafe structures and through a series of district signs eliminate the safety problem in an equitable manner. An unsafe structure shall be defined as any structure which, due to inadequate maintenance, dilapidation, obsolescence, fire/wind or other similar types of damage becomes structurally unsafe, unsanitary, or in any other way is dangerous to human life. Such unsafe structures shall, for the purpose of this Law, be declared to be illegal.
- B. Initial Identification - When a potentially unsafe structure is brought to the attention of the Zoning Officer and Fire Inspector they shall, within a 5-day period, externally inspect the structure and report back with a written record to the Municipal Board and other appropriate agencies as to whether it warrants further examination.
- C. Examination - After consultation with the Municipal Board, the Zoning Officer and Fire Inspector shall, if warranted, be authorized to thoroughly inspect the structure in question. The Municipal Board may also authorize a Building Inspector with appropriate credentials to be retained to assist in the inspection. A written report of the findings shall be submitted to the Municipal Board and if applicable, the County Health Department shall receive a report also. The Municipal Board shall evaluate the report and decide what action is necessary to alleviate the problem. Possible actions to be taken shall include repair of the structure or in extreme conditions, demolition.
- D. Notification of Owners - If the report indicates that remedial actions are necessary, the owner(s) of the property shall be notified in writing with the defects listed, the corrective actions necessary and a time schedule for completing the work. The time allowed shall be reasonably set in accordance with the amount of work involved in correcting the problem. The owner may appeal to the Zoning Board of Appeals if he believes the work to be accomplished or the time frame is not appropriate. A public

hearing shall be scheduled to hear the variance/interpretation request, with a written decision resulting.

- E. Prohibition of Occupancy - If at any time the Municipal Board, upon reviewing all reports, determines that there is actual and immediate danger of failure of collapse, health or other serious safety problems which endanger life, they may order the property vacated forthwith and not reoccupied until the specified repairs and improvements are completed, inspected and approved by the Zoning Officer. The Zoning Officer shall post a notice at each entrance stating: THIS BUILDING UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE ZONING OFFICER. Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm or corporation, or their agents, or other servants to remove such notice without written permission of the Zoning Officer, or for any person to enter the building except for the purpose of making the required repairs or of demolition of the same.
- F. Noncompliance - In case the owner, agents or person in control cannot be found within a reasonable period of time, or if such owner, agent, or person in control shall fail, neglect or refuse to comply with notice to repair, rehabilitate, or demolish such building or structure or portion thereof, the Municipal Board shall be advised of all the facts in the case and shall institute an appropriate action in the courts to compel compliance.

#### **SECTION 641 FARM ANIMALS IN RESIDENTIAL DISTRICTS**

- A. Purpose - This section has as its main purpose the protection of residential neighborhoods in districts where agricultural land uses are not listed as allowable, from certain nuisances such as noise and odor associated with the keeping of farm animals.
- B. Conditions - Farm animals, poultry, and other animals shall be regulated under the following condition:
  - 1. Permits – Farm animals regulated by this section shall require a Special Use Permit.
  - 2. Nuisances - Farm animals which create a nuisance due to odor, noise, etc., shall be prohibited.
  - 3. Fences - Farm type animals shall be fenced so as not to be able to come within 50 feet of adjacent residential structures nor within 10 feet of any boundary line.
  - 4. Horses & Cows - Horses and or cows shall be allowed for noncommercial use where over 3 contiguous acres of pasture are present. The maximum number of horses or cows allowed shall be based on the acres of pasture available with 1 acre being required per horse or cow.
  - 5. Runoff - Provisions must be made to insure that pastures and in particular manure storage areas do not runoff onto adjacent parcels. Particular concern must be shown for protecting water wells and streams.
  - 6. Youth Programs - All 4H and other recognized youth programs associated with the raising of farm animals shall be exempt from this section.
  - 7. Preexisting Animals – Any animal covered by this section and existing at the time of enactment of this law may continue to be allowed. However, the replacement

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of preexisting farm animals shall be allowed by Special Use Permit. All active farms shall be exempt from this section.

## **SECTION 642 BED & BREAKFAST**

- A. Purpose - Bed and breakfast uses shall be regulated in accordance with this section for districts where they are specifically listed as being allowed uses. The purpose of this section is to provide guidelines which will insure that bed and breakfasts will not result in a significant adverse change in a residential neighborhood.
- B. Conditions - The following conditions shall be considered by the Permitting Board for attachment to the permit.
1. Lot Size - For each bedroom proposed to be utilized by a traveler, there shall be an additional lot area of 1,000 sq. ft. over the minimum lot size required by the district.
  2. Number of Bedrooms - A maximum of one bed and breakfast bedroom shall be allowed for 700 square feet of livable floor space with a maximum of 5 bedrooms allowed.
  3. Parking - Convenient off-street parking shall be available at a rate of 1 space per proposed bed and breakfast bedroom. These spaces shall be located beyond the minimum front yard setback line. Natural or artificial buffers may be required as necessary by the Permitting Board.
  4. Modifications - All modifications shall be accomplished in accordance with the NYS Uniform Building Code.
  5. Existing Structures - Garages or accessory buildings shall not be utilized for bed and breakfast living area.
  6. Signs - In addition to all requirements of the supplemental sign section, signs shall be constructed of natural materials and shall not be illuminated. Other reasonable conditions may be imposed in order for the sign to blend into the neighborhood.
  7. Nuisances - Outside activities shall not be permitted by guests where it will create a nuisance or in any way alter the character of the neighborhood.
  8. Other Conditions - Any other reasonable condition as deemed necessary by the Permitting Board shall be permissible.

## **SECTION 643 LAWN MAINTENANCE**

- A. Private Property Maintenance – The owners of all private property are hereby required to cut, trim or remove brush, high grass, rubbish, weeds and junk from their premises and keep such premises in a reasonably clean and sanitary condition to prevent the breeding of insects or vermin and to prevent the spread of noxious weeds to adjoining premises. Premises situated at street intersections or on curved streets shall be kept in such condition as to give clear and unobstructed view of the intersection or curve.

No person, either as owner, lessee, agent, tenant or otherwise, of any lot, land, premises or improved property in the Town, shall throw, cast, deposit or allow to accumulate thereon, any decomposable organic matter which might create a nuisance or act as a breeding place for flies or bugs or as food for rats or vermin; or any trash or discarded material or thing, capable of holding water; which might serve as a breeding place for mosquitoes; or any combustible matter or material which might increase the fire hazard in his or neighboring property; or any weeds, high grass, trash, rubbish, junk or any discarded

material or thing which tends to produce an unsightly disagreeable appearance objectionable to the neighborhood.

Notwithstanding the provisions of this section, nothing herein contained shall be construed to prohibit the proper and temporary accumulation in suitable containers, or garbage, ashes, refuse, etc., for regular collection; or the depositing of manure for the immediate cultivation of land.

This section shall not be construed to prevent the raising of garden or cultivated crops or unreasonable require the cutting of grass and brush on undeveloped areas except in the immediate vicinity of other properties.

- B. Administration (Private Property) – The Zoning Enforcement Officer, in the name of the Town, upon complaint being made to him, or upon his own motion, shall address to any owner permitting a violation of this Section to exist upon his property, a notice in writing, served personally or by mail to the address appearing on the Town tax roll, requiring such person within ten (10) days from the receipt of such notice, to correct the violation. Upon the failure of such owner to comply with such notice within the time specified therein, the Enforcement Officer shall notify the Town Board and the Town Board may cause such premises to be put in such condition as will comply and charge the costs thereof to the owner of said premises.

Bills rendered for mowing grass, cleaning sidewalks, removing trees and similar services shall be due thirty (30) days from the date of such bills. The owner of the premises shall be held responsible and liable for all charges for such services. Failure to pay within the aforementioned designated time shall be deemed a violation of this Local law and punishable therefore.

- C. Public Place Maintenance – No person shall throw or place any papers, trash, garbage or junk in any street or street right-of-way, park, creek or creek bank, or any other public lands, except at the time and manner provided for the collection of garbage.

**ARTICLE VII**  
**ADMINISTRATION BY ENFORCEMENT OFFICER**

**SECTION 701 ENFORCEMENT**

This Law shall be enforced by the Enforcement Officer who shall be appointed for a period of one (1) year by the municipality. No building permit shall be issued by him except where there is to be compliance with all provisions of this Law.

**SECTION 702 DUTIES**

It shall be the duty of the Enforcement Officer in connection with this Law to do the following:

- A. Permits - Issue building/zoning permits or refuse to issue the same and give the reasons for such refusal to the applicant in writing.
- B. Records - Keep a record of all applications for permits and record of all permits issued with a notation of all special conditions involved.
- C. Fees - Receive all required fees and deposit them with the Municipal Clerk at least monthly.
- D. Coordination - Keep the Municipal Board, the Zoning Board of Appeals, and Planning Board informed and advised of all matters, other than routine matters in connection with this Law.
- E. Reports - Submit such reports as may be deemed necessary by the Municipal Board.
- F. Assist Applicants - Whenever possible advise and assist persons applying for building permits with the preparation of their applications.
- G. Violations - Apply for and secure search warrants for alleged violations when necessary and assist in prosecuting violators or the provisions of this law.
- H. Notices - Serve or cause to be served all notices that may be required to be serve in connection with this Law.
- I. Fire Inspection - Notify Fire Code Inspector of all permits issued.
- J. Building Code Inspector - Notify Building Code Inspector of all permits issued.
- K. Amendment Recommendations - Make recommendations for keeping the Zoning Law and accompanying map up-to-date.
- L. Inspections - Inspect new construction or changes of use during and/or after constructions or change in use to insure conformity with the provisions of this Law and other applicable laws.

**SECTION 703 ZONING PERMITS**

- A. Permit Required - No building, structure, accessory uses, or lot shall be erected, added to, structurally enlarged, or changed to another use until a zoning permit has been issued by the Enforcement Officer. Excluded, however, from these permit requirements are:
  - 1. interior modifications unless additional dwelling units or different types of uses are created, and
  - 2. home repairs or improvements not involving additions or enlargements of floor space.
  - 3. refer to Article IV, District Regulations, for other exclusions.



- B. Permit Contents - The application for a permit shall be made on a form obtained from the Enforcement Officer. The form shall, as a minimum, contain the following:
1. applicant information - name, address, etc.;
  2. property identification - street address and Section/Block/Lot;
  3. project description including purpose - proposed use;
  4. construction type - height, family units, lot dimensions, setbacks, accessory buildings, etc.;
  5. other information - copy of Health Department Permit, offstreet parking, location of wetlands, floodplains, need for curb cut;
  6. signature of applicant; and
  7. plot plan drawn to approximate scale showing the lot size, setback, highways existing and proposed structures, and any other pertinent features as determined by the Enforcement Officer.
- C. Commercial Permit Requirements - All applications for permits for commercial buildings must contain information detailing drainage and landscaping plans, off-street parking, offstreet loading, and any other data the Permitting Board deems necessary.
- D. Flood Permits - A development permit shall be obtained before construction or development begins within any area of special flood hazard. Application for a development permit shall be made on forms furnished by the Zoning Officer and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing.
- E. Validity - Zoning permits shall be valid for a 1-year period only. Within 1 year from the date that the zoning permit is granted, the exterior of the structure shall be completed, backfilling and rough grading will be accomplished, and no new building materials will be stored outside. Structures not completed within the time period specified by the zoning permit shall be in violation of this zoning law and shall be subject to Section 1201 Violations and Section 1202 Penalties. Upon expiration of the 1-year zoning permit period, a 1-year extension may be requested. Only one zoning permit extension of 1-year shall be allowed and this limitation shall apply to all projects for which previous permits and extension(s) were granted and have since expired. After the expiration of the 1-year extension, an applicant may apply for future extensions. However, the basis for granting or denying this zoning permit extension shall be the actual sustained construction progress that previously occurred and/or evidence of good faith intent to complete the structure - e.g., a dated/signed contract between the property owner and an insured contractor dealing with the completion of the exterior of the structure with a completion date indicated. The Zoning Officer shall determine if extensions are to be granted. If an extension is denied, the applicant may apply for a Variance from the Zoning Board of Appeals.

F. Notification of Property Owners -

1. Determination – The Chairman of the Permitting Board and the Zoning Enforcement Officer shall concur on which landowners will be provided with hearing notices. The primary consideration will be the potential impact that the proposed project could have on the neighborhood. As a minimum, contiguous property owners shall be notified. If concurrence cannot be reached then the largest distribution recommended shall be followed.
2. Type of Notification – The notification shall be a copy of the Public Notice advertising the hearing. The Notice shall be in clear language and shall include sufficient information such that it is easily understood what the request is for.
3. Record – A record shall be kept of which landowners are notified and where notification is unsuccessful the reason why it is unsuccessful.
4. Failure to Notify – Failure to notify selected property owners shall not be the basis for invalidating a requested permit/variance or hearing procedure nor of contesting the actions of the Zoning Enforcement Officer or Permitting Board.

G. Decisions -

1. All decisions by the Zoning Officer to grant or deny a zoning permit shall be made in writing within 20 days from the time that the completed zoning permit form is submitted along with full payment of the required fee.
2. The decision form shall, as a minimum, include a project description, location information, reference to section of the Zoning Law which would not be complied with and a description of alternatives open to applicants who are turned down.

**SECTION 704 SCHEDULE OF FEES**

As Amended October 9, 2002

Building Permits Required for the erection, construction, enlargement, alteration, improvement, conversion, or change in the nature of occupancy of any building or structure.

Schedule of Fees

Residential

New Construction

Up To 1250 sq. ft.	\$100
Over 1250 sq. ft.	Basic + .06/sq. ft.

Alteration & Additions

Up to 1250 sq. ft.	\$50
Over 1250 sq. ft.	Basic + .06/sq. ft.

Minor Alterations \$20

Commercial/Industrial

New Construction/Additions

Up to 2500 sq. ft.	\$200
Over 2500 sq. ft.	Basic + .08/sq. ft.

Fences \$20

Decks & Porches

Up to 200 sq. ft.	\$20
Over 200 sq. ft.	Basic + .06/sq. ft.

Swimming Pools

In Ground	\$50
Above Ground	\$20

Residential Handicapped Accessibility \$0

Commercial Handicapped Accessibility \$0

Barns & Garages

Up to 425 sq. ft.	\$25
Over 425 sq. ft.	Basic + .06/sq. ft.

Sheds & Storage Bldg. & Accessory Structures

Under 120 sq. ft.	\$0
120 to 400 sq. ft.	\$20
Over 400 sq. ft.	Basic + .06/sq. ft.

Renewals 50% of Original Cost

Residential Demolition \$10

Commercial Demolition

Under \$2000 Project Cost	\$20
Over \$2000 Project Cost	\$50

Solid Fuel (Wood) Stoves & Chimneys \$20

Agricultural Buildings (Exempt from Bldg. Code)

Appendix B - Town of Carroll Current Zoning Law

Building Permit Required     \$25

The following schedule of fees shall be charged for administering this zoning law.

A. Planning Board Functions

Preliminary Review Requested by Applicant	\$125
Site Plan Review	\$500

B. Zoning Board of Appeals Function

Special Use Permits	
Fences, Signs & Accessory Structures	\$30
Limited Use	\$40
All Others	\$40
Use Variance (Hardship)	\$75
Area Variance (Practical Difficulties)	\$75

C. Fire Inspections

Residential	
3 to 10 Units	\$25
11 to 25 Units	\$50
25 +	\$100
Commercial	
0 to 10,000 sq. ft.	\$50
10,000 to 50,000 sq. ft.	\$100
50,000 + sq. ft.	\$250

D. Flood Permits

**ARTICLE VIII  
NONCONFORMING USES**

**SECTION 801 CONTINUATION**

The lawful use of any building or land existing at the time of the enactment of this Law may be continued although such use does not conform with the provisions of this Law. However, all legally preexisting uses which do not conform with specific provisions of this Law shall not be required to comply with these provisions unless it is specifically stated within this Law that they must comply within a certain reasonable time period.

**SECTION 802 ALTERATION OF STRUCTURES**

- A. Unsafe Structures - Nonconforming buildings damaged by fire, wind, and other catastrophic causes as well as structures declared to be unsafe due to general dilapidation may be restored or rebuilt for the nonconforming use it was used for last. Unsafe structures cannot be restored or rebuilt if it would result in a use which is more nonconforming than the structure was prior to becoming unsafe. When the unsafe condition was caused by fire, wind, or any catastrophic causes, the permit must be applied for within 6 months from the date of the fire, etc. Otherwise, the building permit need not be granted, as decided by the Municipal Board.
- B. Alterations of Structures - A nonconforming structure may be added to or altered during its life to an extent of up to 50% of the market value of the building, as long as the alterations do not cause the structure to be more nonconforming. If the alterations are made to bring the building into conformity with all provisions of this Law, then the 50% rules does not apply. Alterations above 50% shall be allowed if all conditions of this Law are met.

**SECTION 803 PRIOR APPROVED CONSTRUCTION**

Nothing herein contained shall require any change in plan, construction, or designated use of a building for which a building permit has been heretofore issued and the construction of which shall have been diligently carried on within 3 months of the date of such permit.

**SECTION 804 CESSATION**

Whenever a nonconforming use has been discontinued for a period of 1 year, such use shall not thereafter be reestablished, and any future use shall be in conformity with the provisions of this Law.

**SECTION 805 DISPLACEMENT**

No nonconforming use shall be extended or enlarged to displace a conforming use on the property or adjacent property.

## **SECTION 806 DISTRICT CHANGES**

Whenever the boundaries of a district or zone shall be changed so as to transfer an area from one district or zone to another district or zone of a different classification, the provisions of this article shall also apply to any uses made nonconforming as a result of the change.

## **SECTION 807 NONCONFORMING YARD CHANGES**

A permitted use which is not in conformance with yard requirements (e.g.; setbacks, etc.) may be removed and replaced with another structure (same use) which is the same or more in compliance with the yard requirements without going through area variance procedures. The Enforcement Officer shall determine the applicability of this section to specific cases. Additionally, where an existing structure does not comply with setback requirements, additions to the structure may be made where the setbacks will not be further violated. Generally, this shall apply to the filling in of irregularly shaped structures.

## **SECTION 808 USE CHANGES**

- A. Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use.
- B. A legal nonconforming use may be changed to another nonconforming use which is of such a character so as to be equal or less of a nuisance and more in conformance with the zoning law requirements. The Zoning Board of Appeals shall make all determinations as to what new nonconforming uses would be allowable through the normal use variance procedures (see section on variances).

**ARTICLE IX**  
**ZONING BOARD OF APPEALS**

**SECTION 901 CREATION**

A Zoning Board of Appeals is hereby created. Said Board shall be appointed and function in accordance with the enabling Law. Said Board shall consist of five (5) members. The Board may prescribe for its affairs. Should any Board member have four (4) consecutive unexcused absences, this shall constitute grounds for removal pursuant to Section 267 (9) of Town Law.

**SECTION 902 GENERAL PROCEDURES (DUTIES)**

- A. Duties - The Zoning Board of Appeals shall act in strict accordance with procedures specified by Law and by this Zoning Law. The major duties of the Board shall be to hear and decide on variance requests as well as to interpret the meaning of the Zoning Law as requested. Additionally, they shall hear requests for selected Special Use Permits when a Variance (Use or Area) is also required.
- B. Format for Requests - All requests shall be in writing on forms prescribed by the Zoning Board of Appeals. Specific provisions of the Zoning Law shall be referred to and as a minimum, the following information shall be provided by the person requesting the variance/interpretation:
  - 1. property identification;
  - 2. project description;
  - 3. drawing of sufficient detail to provide needed information sufficient to decide on the request;
  - 4. reasons for permit denial;
  - 5. proof of unnecessary hardship or practical difficulties; and
  - 6. hearing information.
- C. Referral to Planning Board - On an optional basis, the Zoning Board of Appeals may request in writing a recommendation by the Planning Board. The failure of the Planning Board to submit said report shall be deemed to be an approval of the appeal or interpretation in favor of the applicant.
- D. Hearings - All hearing procedures shall be in accordance with appropriate laws with respect to notices, timeliness, etc.
- E. Decisions - Every decision of the Zoning Board of Appeals shall be by resolution, each of which shall contain a full record of the findings. Decisions shall be made in a timely manner in accordance with state law. As per state law, a majority of the membership are needed to pass or reject any request.
- F. Time Requirements - All appeals to the Zoning Board of Appeals for interpretations or variances shall be submitted to the Zoning Board of Appeals within 30 days of the date of denial of the application.



## **SECTION 903 INTERPRETATION**

The Zoning Board of Appeals shall have the power to interpret the meaning of this Zoning whenever called upon by the Municipal Board, Zoning Officer, or an aggrieved party. This shall include the power to reverse any order, requirement, decision, or determination of an administrative official or Board. This interpretive power shall include the determination of district boundary lines.

## **SECTION 904 USE AND AREA VARIANCES**

- A. Reasons for Variances - The Zoning Board of Appeals has the authority to vary or modify the strict letter of the Zoning Law where a literal interpretation would cause practical difficulties (Area Variances) or unnecessary hardships (Use Variance).
- B. Applicability & Limitations -
  - 1. The Zoning Board of Appeals can decide appeals from a person who feels aggrieved by a decision of the Enforcement Officer.
  - 2. The Zoning Board of Appeals has absolutely no power to amend the Zoning Law and must exercise great care to insure that its rulings do not, in effect, amend the Zoning Law.
- C. Basis for Granting Area Variances -
  - 1. 1. Area Variances provide relief of a dimensional nature, (e.g., lot shape or grade) and must be based on practical difficulty. The burden of proof is on the applicant and if relief is warranted, it should be the minimum necessary.
  - 2. In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Board shall also consider :
    - a) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties would be created by the granting of the area variance;
    - b) whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue other than an area variance;
    - c) whether the requested area variance is substantial;
    - d) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;
    - e) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance.

**D. Basis for Granting Use Variances -**

1. Use Variances provide relief to an applicant who is denied through application of the Zoning Law by the Permitting Board the right to use land or structures in a certain manner since the use is not listed as an allowable use in the Zoning Law. In order to be granted the Use Variance the applicant must prove that "Unnecessary Hardship" exists and this is accomplished by showing all of the following:
  - a) The applicant cannot realize a reasonable return for a permitted use under the zoning regulations, provided that lack of a return is substantial as demonstrated by competent financial evidence.
  - b) 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.
  - c) That the requested use variance if granted will not alter the essential character of the neighborhood.
  - d) That the alleged hardship has not been self-created.
- E. In granting any variance, be it a use variance or area variance the Zoning Board of Appeals shall prescribe any conditions that it deems to be necessary or desirable and are in compliance with the intent of the Zoning Law. The decisions must be written in the form of a resolution and must state in detail the reasons for granting or denying the variance and the conditions imposed.
- F. Temporary Variances - The Zoning Board of Appeals may issue, for uses that are of a temporary nature, a Variance. Said Variance shall clearly state the conditions of the Variance to include when it shall terminate, the possibility of renewal, and other conditions deemed necessary.

**SECTION 905 SPECIAL USE PERMITS / SITE PLAN REVIEWS**

- A. Applicability - Whenever a Variance (Use or Area) is required before a Special Use Permit can be reviewed, the Zoning Board of Appeals shall be the authorized Board for dealing with both the Variance and the Special Use Permit. This Special Use Permit review is only authorized by the Zoning Board of Appeals for commercial projects involving 5,000 or less square feet of floor space or residential projects involving 5 or less residential units.
- B. Basis for Granting Special Use/Site Plan Permits - See article on Planning Board, section on Special Use Permit.
- C. Referral to Planning Board -
  1. Prior to action on Special Use Permits, the Zoning Board of Appeals shall advise the Municipal Board and Planning Board of the proposed actions.
  2. The Municipal Board and Planning Board shall have 15 days in which to review the proposed action and return their recommendation to the Zoning Board of Appeals. After the 15 days has expired, the Zoning Board of Appeals may act without receipt of a response.

**SECTION 906 MANDATORY REFERRAL (GENERAL MUNICIPAL LAW 239 l & m)**

- A. Applicability - In accordance with General Municipal Law 239 l & m, before issuing a Special Use Permit or granting a variance affecting any real property lying within a distance of 500 feet of the boundary of this Municipality 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 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 matter shall be referred to the Chautauqua County Planning Board.
- B. Response Time - Within 30 days after receipt of a full statement of such referred matter, the Chautauqua County Planning Board to which referral is made, or an authorized agent of said agency shall report its recommendations thereon to the Board of Appeals, accompanied by a full statement of the reasons for such recommendations. If the Chautauqua County Planning Board fails to report within such period of 30 days, the Board of Appeals may act without such report. If the Chautauqua County Planning Board disapproved the proposal, or recommends modification thereof, the Board of Appeals shall not act contrary to such disapproval or recommendation except by a vote of a majority plus 1 of all the members thereof and after the adoption of a resolution fully setting forth the reasons for such contrary action.
- C. Report of Action - Within 7 days after final action by the Board of Appeals, modifications or disapproval of a referred matter, the Board of Appeals shall file a report of the final action it has taken with the Chautauqua County Planning Board which had made the recommendations, modifications, or disapproval.

**ARTICLE X**  
**MUNICIPAL PLANNING BOARD**

**SECTION 1001 CREATION**

The Municipal Board shall appoint a Planning Board consisting of five (5) members as prescribed by Law. The Board may prescribe for its affairs. Any Board member having four (4) consecutive unexcused absences, this shall constitute grounds for removal pursuant to Section 271 (9) of Town Law.

**SECTION 1002 DUTIES: SPECIAL USE PERMIT AND RECOMMENDATIONS**

The Planning Board shall have the following duties with respect to the Zoning Law:

**A. Special Use Permit**

1. Applicability - The Planning Board shall hear all requests for Special Use Permits for commercial projects involving 5,000 or less square feet of floor space and for residential projects involving 5 or less residential units. However, the aforementioned projects, which also require an Area or Use Variance shall not be handled by the Planning Board (see Article in Zoning Board of Appeals).
2. General Provisions - The special uses listed in this Zoning Law for which conformance to additional standards are required shall be deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards set forth herein, in addition to all other requirements of this Zoning Law. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.
3. Standards: The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to it, and the location of the site with respect to the existing or future streets giving access to it, shall be such that it will be in harmony with the orderly development of the district and the location, nature and height of buildings, walls, and fences will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof. Operations in connection with any special use shall not be more objectionable to nearby properties by reason of noise, fumes, vibrations, or lights, than would be the operations of any permitted use.
4. Conditions -
  - a) In the granting of special use permits, the Permitting Board shall attach such conditions and safeguards as it deems appropriate under this law.
  - b) The supplemental section of this Law entitled, General Development Conditions, will be referred to and used as a checklist of possible conditions to be attached to the Special Use Permit being requested and this section is not all-inclusive.
  - c) A plan for the proposed development of a site for designated special use shall be submitted with an application for a Special Use Permit and plan shall show the location of all buildings, lots, parking areas, traffic access, and circulation drives, open spaces, landscaping, and other pertinent information that the Permitting Board deems necessary.

5. Administrator -

- a) Procedures - the Permitting Board shall act in strict accordance with procedure specified by law and by the Zoning Law with regard to public hearings, notices, publications, etc..
- b) Expiration - A Special Use Permit shall be deemed to authorize only one (1) particular use and shall expire if the special use shall cease for more than 1 year for any reason.
- c) Existing Violations - No Special Use Permit shall be issued for a property where there is an existing violation of this Law.

B. Recommendations

- 1. Optional Reports - The Planning Board shall submit reports within 30 days after referral on any matters referred to it.
- 2. Mandatory Recommendations - The Planning Board shall submit recommendations to the appropriate Board on all applications for:
  - a) cluster residential development;
  - b) mobile home park;
  - c) zoning amendments; and
  - d) all other uses for which a referral to the Planning Board is mandatory.
- 3. Failure to Report - When the Planning Board fails to make a recommendation/report within 15 days from receipt of the request, it shall be deemed that the Planning Board has no objection to the request or proposal. The 15-day requirement may be extended with permission of the Board making the referral.

- C. Review of Zoning Law - To review the Zoning Law at least every 5 years and make written recommendations for amendments, should they be necessary.

**SECTION 1003 MANDATORY REFERRAL**

Under General Municipal Law 239 l & m, certain Special Use Permits, variances and amendments must be referred to the County Planning Board prior to local decisions being made. See Article IX, Zoning Board of Appeals, for procedures to be followed. (section on mandatory referrals).

**ARTICLE XI  
MUNICIPAL BOARD**

**SECTION 1101 DUTIES: AMENDMENTS AND SPECIAL USE / SITE PLAN**

The Municipal Board shall have the following duties with respect to this Zoning Law.

**A. Amendments -**

1. The Municipal Board may from time to time on its own motion, or on petition, or on recommendation of the Planning Board, amend, supplement or repeal the regulations and provisions of this Law after public notice and hearing.
2. The Municipal Board by resolution adopted at a scheduled meeting shall fix the time and place of a public hearing on the proposed amendment and cause notice to be given in accordance with applicable Law.

**B. Special Use Permit / Site Plan Review -**

1. **Applicability** - The Municipal Board shall hear all requests for Special Use Permits / Site Plan Reviews for all commercial / industrial projects involving over 5,000 sq. ft. of floor space and for residential projects involving more than 5 residential units.
2. **Special Use Permit Provisions** -
  - a) **General Provisions** - The special uses listed in this Zoning Law for which conformance to additional standards are required shall be deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards set forth herein, in addition to all other requirements of this Zoning Law. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.
  - b) **Standards** - The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to it, and the location of the site with respect to the existing or future streets giving access to it, shall be such that it will be in harmony with the orderly development of the district and the location, nature and height of buildings, walls, and fences will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof. Operations in connection with any special use shall not be more objectionable to nearby properties by reason of noise, fumes, vibrations, or lights, than would be the operations of any permitted use.
  - c) **Conditions** -
    - (1) In the granting of Special Use Permits, the Permitting Board shall attach such conditions and safeguards as it deems appropriate under this Law.
    - (2) The supplemental section of this Law entitled, General Conditions, will be referred to and used as a checklist of possible conditions to be attached to the Special Use Permit being requested. It should not be assumed that this section is all-inclusive.
    - (3) A plan for the proposed development of a site for designated special use shall be submitted with an application for a Special Use Permit, and plan shall show the location of all buildings, lots, parking areas, traffic access, and circulation drives, and any other pertinent information that the Permitting Board deems necessary.

Appendix B - Town of Carroll Current Zoning Law

- d) Procedures - The Permitting Board shall act in strict accordance with procedure specified by Law and by the Zoning Law with regard to public hearings, notices, publications, etc.
  - e) Expiration - A Special Use Permit shall be deemed to authorize only one (1) particular use and shall expire if the special use shall cease for more than 1 year.
  - f) Existing Violations - No Special Use Permit shall be issued for a property where there is an existing violation of this Law.
3. Site Plan Review Requirements -
- a) Purpose - Site plan review has the purpose of specifying for all involved parties what the intended design, arrangement, and uses of the land shall consist of so as to optimize the physical, social, environmental, aesthetic, and economic effects on the community for specified types of development.
  - b) Administration -
    - (1) Permits - The Permitting Board shall be responsible for a site plan review of all commercial development with over 5,000 square feet of floor space or residential development involving more than 5 dwelling units. In these instances the Permitting Board shall also be responsible for administering the Special Use Permit requirements, with both processes taking place simultaneously.
    - (2) Expiration - A Site Plan Review shall be deemed to authorize only one (1) particular use and shall expire if the use shall cease for more than 1 year.
    - (3) Hearings - An attempt shall be made to integrate, where appropriate, the Site Plan Review requirements into the required Special Use Permit Hearing, thus eliminating the need for two (2) hearings.
    - (4) Referral - The Permitting Board shall, within 7 days of receipt of the complete application, submit to the Planning Board a request for an opinion on any proposed project. The Permitting Board shall wait 14 days for a response prior to acting on the matter.
    - (5) Decision Requirements - Within 45 days of receipt of the complete application, the Permitting Board shall render a decision to the Zoning Officer. If no decision is made within the 45-day period, the site plan shall be considered approved. The applicant shall be notified in writing of its decision with the reasons for the decision specified.
  - c) Information Required - Sketches drawn to approximate scale will be prepared by the applicant, where feasible, to display the following information:
    - (1) Administration, Legal and Other Miscellaneous Information -
      - (a) project title and date;
      - (b) name, address and telephone number of applicant, owner (if different), contractor, architect, and other major involved parties;
      - (c) construction schedule to include phasing and the completion date;
      - (d) performance bond to include amount, public improvements covered and bond approval;
      - (e) location width and purpose of all easements, public land holdings, leases, covenants, deed restrictions or any other unique land restriction; and
      - (f) record of all applications for permits from the Federal, State, or County governments to include approval status.

- (2) Existing Man-made Features to be Shown -
  - (a) boundary lines of project site as well as adjacent properties; and
  - (b) ownership pattern of all adjacent parcels.
  - (c) Existing structures on project site and adjacent property to include location, dimensions, height, and use. Decks and accessory structures should also be shown as well as historic structures.
  - (d) Roadways to include public roads, private roads, or driveways on the site, on and off- Street parking, load/unload zones, access and egress, pedestrian pathways, or sidewalks. Width and elevations should be included.
  - (e) Utilities shall be identified to include location and size of water, sewer, drainage pipes, telephone, electric, gas, and TV cable. Additionally, any solar systems should be identified.
  - (f) Miscellaneous features to include: fences, signs, outside lighting, public address systems, storage areas, and retaining walls shall be shown.
  - (g) Fire lanes and fire hydrants, if any exist, should be displayed.
  - (h) Recreational areas both on the site and adjacent should be displayed to include public and private facilities. Decks, pools, tennis courts, etc., should be included.
  - (i) Trash or garbage collection areas shall be identified.
  - (j) Services such as banks, schools, retail, or service districts should be identified.
  - (k) Zoning district boundaries shall be identified.
  - (l) Other information deemed necessary by Permitting Board.
- (3) Existing Natural Features to be Shown -
  - (a) Topographic features with a minimum contour interval of 10 feet but preferably 2 feet. Areas of steep slope should be delineated.
  - (b) Geographic features such as depth to bedrock and load bearing capacity for large development proposals.
  - (c) Hydrogeological features including drainage and runoff patterns, flood hazard areas, wetlands, depth to ground water and drainage capacity of soil.
  - (d) Landscaping and vegetative cover including wooded areas, significant isolated trees, ground cover, shrubs, and other similar features. Buffers should be identified.
  - (e) Watercourses to include lakes, streams, or ponds.
  - (f) Archaeologically significant areas.
  - (g) Significant views of landscapes should be identified.
  - (h) Other information deemed necessary by Permitting Board.



(4) New Proposal Features -

- (a) Referring to the EXISTING man-made and natural features listed above, provide a description / sketch of any changes that are being proposed.
- (b) Include construction materials proposed for use.
- (c) Design features - In reviewing the Site Plan the following topics shall be considered with appropriate and reasonable design features required:
  - 1) Architectural Design
  - 2) Lighting
  - 3) Signage design
  - 4) Landscaping
  - 5) View presentation
- (d) List the positive and negative effects for each existing feature listed above (e.g., traffic to be generated and the effects it will have on specific roadways).
- (e) Environmental considerations - Utilizing the NYS SEQR process, identify requirements that can be incorporated into the Site Plan Permit that will maintain or enhance the site, surrounding area, and watershed by requiring and/or encouraging the use of Best Management Practices. The following shall be considered:
  - 1) Clustering development
  - 2) Buffers and screening
  - 3) Hillside development
  - 4) Site preparation staging
  - 5) Erosion and sediment controls
  - 6) Stream corridor protection
  - 7) Wetland protection
  - 8) Open space protection
  - 9) Limiting fertilizer usage
  - 10) Driveway and parking lot design
  - 11) Tree preservation

**SECTION 1102 REFERRAL TO MUNICIPAL PLANNING BOARD**

- A. Prior to action on Zoning amendments, Special Use Permits / Site Plan Review Permits, the Municipal Board shall advise the Planning Board of the proposed action.
- B. The Planning Board shall have 30 days in which to review the proposed action and return their recommendation to the Municipal Board. After the 30 days has expired, the Municipal Board may act without receipt of a recommendation from the Planning Board.

**SECTION 1103 MANDATORY REFERRAL**

Under General Municipal Law 239 l & m, certain Special Use Permits, variances and amendments must be referred to the County Planning Board prior to local decisions being made. See Article IX, Zoning Board of Appeals, for procedures to be followed. (section on mandatory referrals).

**ARTICLE XII  
VIOLATIONS & PENALTIES**

**SECTION 1201 VIOLATIONS**

Whenever a violation of this Law occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Zoning Officer, who shall properly record such complaint and immediately investigate. However, the Municipal Board shall be responsible for insuring compliance with this Law when it is brought to their attention that a violation may exist, even though no formal complaint is filed.

**SECTION 1202 PENALTIES**

Any violation of any provision of this Law by any person, corporation, or entity, shall be punishable by fine or imprisonment as set forth in Section 268 of the Town Law as from time to time amended. Each week's continued violation shall constitute a separate additional violation. Shall be punishable – BY A FINE OF \$100 MINIMUM AND \$250 MAXIMUM AND UP TO 6 MONTHS IN JAIL. Each week's continued violation shall constitute a separate additional violation.

As amended October 9, 2002.

**ARTICLE XIII  
LEGALITY**

**SECTION 1301 CONFLICTS**

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

**SECTION 1302 SEPARABILITY**

The invalidity of any provisions of this Law shall not invalidate any other part thereof.

**SECTION 1303 REPEALER**

Any previously adopted Zoning Law or regulations of the municipality, together with all changes and amendments thereto, are hereby repealed and declared to be of no effect.

**SECTION 1304 EFFECTIVE DATE**

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

# Appendix C - 2010 Census Data for Town of Carroll

Subject	Number	Percent
<b>SEX AND AGE</b>		
Total population	3,524	100.0
Under 5 years	173	4.9
5 to 9 years	226	6.4
10 to 14 years	238	6.8
15 to 19 years	253	7.2
20 to 24 years	147	4.2
25 to 29 years	170	4.8
30 to 34 years	144	4.1
35 to 39 years	190	5.4
40 to 44 years	207	5.9
45 to 49 years	309	8.8
50 to 54 years	304	8.6
55 to 59 years	269	7.6
60 to 64 years	197	5.6
65 to 69 years	178	5.1
70 to 74 years	171	4.9
75 to 79 years	146	4.1
80 to 84 years	107	3.0
85 years and over	95	2.7
Median age (years)	45.3	( X )
16 years and over	2,826	80.2
18 years and over	2,714	77.0
21 years and over	2,604	73.9
62 years and over	820	23.3
65 years and over	697	19.8
Male population	1,721	48.8
Under 5 years	90	2.6
5 to 9 years	118	3.3
10 to 14 years	120	3.4
15 to 19 years	136	3.9
20 to 24 years	81	2.3
25 to 29 years	84	2.4
30 to 34 years	72	2.0
35 to 39 years	91	2.6
40 to 44 years	105	3.0
45 to 49 years	140	4.0
50 to 54 years	166	4.7
55 to 59 years	137	3.9
60 to 64 years	104	3.0
65 to 69 years	84	2.4
70 to 74 years	72	2.0
75 to 79 years	62	1.8
80 to 84 years	36	1.0
85 years and over	23	0.7
Median age (years)	43.1	( X )
16 years and over	1,368	38.8
18 years and over	1,304	37.0
21 years and over	1,240	35.2
62 years and over	345	9.8
65 years and over	277	7.9
Female population	1,803	51.2

# Appendix C - 2010 Census Data for Town of Carroll

Subject	Number	Percent
Under 5 years	83	2.4
5 to 9 years	108	3.1
10 to 14 years	118	3.3
15 to 19 years	117	3.3
20 to 24 years	66	1.9
25 to 29 years	86	2.4
30 to 34 years	72	2.0
35 to 39 years	99	2.8
40 to 44 years	102	2.9
45 to 49 years	169	4.8
50 to 54 years	138	3.9
55 to 59 years	132	3.7
60 to 64 years	93	2.6
65 to 69 years	94	2.7
70 to 74 years	99	2.8
75 to 79 years	84	2.4
80 to 84 years	71	2.0
85 years and over	72	2.0
Median age (years)	46.6	( X )
16 years and over	1,458	41.4
18 years and over	1,410	40.0
21 years and over	1,364	38.7
62 years and over	475	13.5
65 years and over	420	11.9
<b>RACE</b>		
Total population	3,524	100.0
One Race	3,480	98.8
White	3,428	97.3
Black or African American	13	0.4
American Indian and Alaska Native	20	0.6
Asian	5	0.1
Asian Indian	0	0.0
Chinese	2	0.1
Filipino	3	0.1
Japanese	0	0.0
Korean	0	0.0
Vietnamese	0	0.0
Other Asian [1]	0	0.0
Native Hawaiian and Other Pacific Islander	1	0.0
Native Hawaiian	0	0.0
Guamanian or Chamorro	1	0.0
Samoan	0	0.0
Other Pacific Islander [2]	0	0.0
Some Other Race	13	0.4
Two or More Races	44	1.2
White; American Indian and Alaska Native [3]	23	0.7
White; Asian [3]	1	0.0
White; Black or African American [3]	17	0.5
White; Some Other Race [3]	3	0.1
Race alone or in combination with one or more other races: [4]		
White	3,472	98.5
Black or African American	30	0.9

# Appendix C - 2010 Census Data for Town of Carroll

Subject	Number	Percent
American Indian and Alaska Native	43	1.2
Asian	6	0.2
Native Hawaiian and Other Pacific Islander	1	0.0
Some Other Race	16	0.5
<b>HISPANIC OR LATINO</b>		
Total population	3,524	100.0
Hispanic or Latino (of any race)	46	1.3
Mexican	0	0.0
Puerto Rican	37	1.0
Cuban	0	0.0
Other Hispanic or Latino [5]	9	0.3
Not Hispanic or Latino	3,478	98.7
<b>HISPANIC OR LATINO AND RACE</b>		
Total population	3,524	100.0
Hispanic or Latino	46	1.3
White alone	26	0.7
Black or African American alone	0	0.0
American Indian and Alaska Native alone	4	0.1
Asian alone	0	0.0
Native Hawaiian and Other Pacific Islander alone	1	0.0
Some Other Race alone	12	0.3
Two or More Races	3	0.1
Not Hispanic or Latino	3,478	98.7
White alone	3,402	96.5
Black or African American alone	13	0.4
American Indian and Alaska Native alone	16	0.5
Asian alone	5	0.1
Native Hawaiian and Other Pacific Islander alone	0	0.0
Some Other Race alone	1	0.0
Two or More Races	41	1.2
<b>RELATIONSHIP</b>		
Total population	3,524	100.0
In households	3,521	99.9
Householder	1,461	41.5
Spouse [6]	793	22.5
Child	991	28.1
Own child under 18 years	723	20.5
Other relatives	133	3.8
Under 18 years	74	2.1
65 years and over	26	0.7
Nonrelatives	143	4.1
Under 18 years	13	0.4
65 years and over	21	0.6
Unmarried partner	85	2.4
In group quarters	3	0.1
Institutionalized population	0	0.0
Male	0	0.0
Female	0	0.0
Noninstitutionalized population	3	0.1
Male	0	0.0
Female	3	0.1

# Appendix C - 2010 Census Data for Town of Carroll

Subject	Number	Percent
<b>HOUSEHOLDS BY TYPE</b>		
Total households	1,461	100.0
Family households (families) [7]	991	67.8
With own children under 18 years	385	26.4
Husband-wife family	793	54.3
With own children under 18 years	275	18.8
Male householder, no wife present	63	4.3
With own children under 18 years	34	2.3
Female householder, no husband present	135	9.2
With own children under 18 years	76	5.2
Nonfamily households [7]	470	32.2
Householder living alone	405	27.7
Male	158	10.8
65 years and over	55	3.8
Female	247	16.9
65 years and over	177	12.1
Households with individuals under 18 years	433	29.6
Households with individuals 65 years and over	511	35.0
Average household size	2.41	( X )
Average family size [7]	2.93	( X )
<b>HOUSING OCCUPANCY</b>		
Total housing units	1,561	100.0
Occupied housing units	1,461	93.6
Vacant housing units	100	6.4
For rent	18	1.2
Rented, not occupied	2	0.1
For sale only	12	0.8
Sold, not occupied	3	0.2
For seasonal, recreational, or occasional use	34	2.2
All other vacants	31	2.0
Homeowner vacancy rate (percent) [8]	1.0	( X )
Rental vacancy rate (percent) [9]	5.1	( X )
<b>HOUSING TENURE</b>		
Occupied housing units	1,461	100.0
Owner-occupied housing units	1,131	77.4
Population in owner-occupied housing units	2,884	( X )
Average household size of owner-occupied units	2.55	( X )
Renter-occupied housing units	330	22.6
Population in renter-occupied housing units	637	( X )
Average household size of renter-occupied units	1.93	( X )

Appendix D - Carroll 2010 Household Data from US Census

Subject	Number	Percent
<b>HOUSEHOLD TYPE</b>		
Total households	1,461	100.0
Family households [1]	991	67.8
Male householder	754	51.6
Female householder	237	16.2
Nonfamily households [2]	470	32.2
Male householder	196	13.4
Living alone	158	10.8
Female householder	274	18.8
Living alone	247	16.9
<b>HOUSEHOLD SIZE</b>		
Total households	1,461	100.0
1-person household	405	27.7
2-person household	534	36.6
3-person household	224	15.3
4-person household	176	12.0
5-person household	80	5.5
6-person household	30	2.1
7-or-more-person household	12	0.8
Average household size	2.41	( X )
Average family size	2.93	( X )
<b>FAMILY TYPE AND PRESENCE OF RELATED AND OWN CHILDREN</b>		
Families [3]	991	100.0
With related children under 18 years	425	42.9
With own children under 18 years	385	38.8
Under 6 years only	60	6.1
Under 6 and 6 to 17 years	68	6.9
6 to 17 years only	257	25.9
Husband-wife families	793	100.0
With related children under 18 years	307	38.7
With own children under 18 years	275	34.7
Under 6 years only	41	5.2
Under 6 and 6 to 17 years	52	6.6
6 to 17 years only	182	23.0
Female householder, no husband present families	135	100.0
With related children under 18 years	81	60.0
With own children under 18 years	76	56.3
Under 6 years only	14	10.4
Under 6 and 6 to 17 years	12	8.9
6 to 17 years only	50	37.0

# Appendix E - 2015 Carroll Estimated Housing Data (From US Census)

Subject	Carroll town, Chautauqua County, New York			
	Estimate	Margin of Error	Percent	Percent Margin of Error
<b>HOUSING OCCUPANCY</b>				
Total housing units	1,719	+/-145	1,719	(X)
Occupied housing units	1,483	+/-120	86.3%	+/-6.1
Vacant housing units	236	+/-113	13.7%	+/-6.1
Homeowner vacancy rate	4.3	+/-6.2	(X)	(X)
Rental vacancy rate	0.0	+/-8.4	(X)	(X)
<b>UNITS IN STRUCTURE</b>				
Total housing units	1,719	+/-145	1,719	(X)
1-unit, detached	1,257	+/-201	73.1%	+/-8.6
1-unit, attached	20	+/-30	1.2%	+/-1.8
2 units	129	+/-91	7.5%	+/-5.5
3 or 4 units	0	+/-11	0.0%	+/-1.7
5 to 9 units	0	+/-11	0.0%	+/-1.7
10 to 19 units	0	+/-11	0.0%	+/-1.7
20 or more units	147	+/-94	8.6%	+/-5.1
Mobile home	166	+/-108	9.7%	+/-6.5
Boat, RV, van, etc.	0	+/-11	0.0%	+/-1.7
<b>YEAR STRUCTURE BUILT</b>				
Total housing units	1,719	+/-145	1,719	(X)
Built 2014 or later	0	+/-11	0.0%	+/-1.7
Built 2010 to 2013	0	+/-11	0.0%	+/-1.7
Built 2000 to 2009	169	+/-117	9.8%	+/-6.6
Built 1990 to 1999	241	+/-132	14.0%	+/-7.5
Built 1980 to 1989	86	+/-61	5.0%	+/-3.5
Built 1970 to 1979	186	+/-81	10.8%	+/-4.4
Built 1960 to 1969	221	+/-99	12.9%	+/-5.6
Built 1950 to 1959	178	+/-71	10.4%	+/-4.4
Built 1940 to 1949	150	+/-103	8.7%	+/-5.8
Built 1939 or earlier	488	+/-133	28.4%	+/-8.1
<b>ROOMS</b>				
Total housing units	1,719	+/-145	1,719	(X)
1 room	61	+/-87	3.5%	+/-5.0
2 rooms	0	+/-11	0.0%	+/-1.7
3 rooms	104	+/-69	6.1%	+/-3.9
4 rooms	79	+/-51	4.6%	+/-2.9
5 rooms	559	+/-184	32.5%	+/-10.2
6 rooms	305	+/-100	17.7%	+/-5.7
7 rooms	208	+/-90	12.1%	+/-5.2
8 rooms	168	+/-120	9.8%	+/-7.1
9 rooms or more	235	+/-99	13.7%	+/-5.6
Median rooms	5.7	+/-0.5	(X)	(X)
<b>BEDROOMS</b>				
Total housing units	1,719	+/-145	1,719	(X)
No bedroom	61	+/-87	3.5%	+/-5.0
1 bedroom	123	+/-67	7.2%	+/-3.8
2 bedrooms	515	+/-164	30.0%	+/-10.2
3 bedrooms	812	+/-183	47.2%	+/-8.9
4 bedrooms	157	+/-71	9.1%	+/-4.2



# Appendix E - 2015 Carroll Estimated Housing Data (From US Census)

Subject	Carroll town, Chautauqua County, New York			
	Estimate	Margin of Error	Percent	Percent Margin of Error
5 or more bedrooms	51	+/-47	3.0%	+/-2.7
<b>HOUSING TENURE</b>				
Occupied housing units	1,483	+/-120	1,483	(X)
Owner-occupied	1,194	+/-124	80.5%	+/-7.0
Renter-occupied	289	+/-112	19.5%	+/-7.0
Average household size of owner-occupied unit	2.49	+/-0.20	(X)	(X)
Average household size of renter-occupied unit	1.68	+/-0.53	(X)	(X)
<b>YEAR HOUSEHOLDER MOVED INTO UNIT</b>				
Occupied housing units	1,483	+/-120	1,483	(X)
Moved in 2015 or later	19	+/-29	1.3%	+/-2.0
Moved in 2010 to 2014	81	+/-64	5.5%	+/-4.2
Moved in 2000 to 2009	582	+/-150	39.2%	+/-9.2
Moved in 1990 to 1999	397	+/-150	26.8%	+/-10.2
Moved in 1980 to 1989	178	+/-79	12.0%	+/-5.3
Moved in 1979 and earlier	226	+/-83	15.2%	+/-5.3
<b>VEHICLES AVAILABLE</b>				
Occupied housing units	1,483	+/-120	1,483	(X)
No vehicles available	100	+/-92	6.7%	+/-6.0
1 vehicle available	566	+/-174	38.2%	+/-10.4
2 vehicles available	537	+/-132	36.2%	+/-9.1
3 or more vehicles available	280	+/-126	18.9%	+/-8.9
<b>HOUSE HEATING FUEL</b>				
Occupied housing units	1,483	+/-120	1,483	(X)
Utility gas	982	+/-163	66.2%	+/-8.9
Bottled, tank, or LP gas	271	+/-124	18.3%	+/-8.4
Electricity	35	+/-38	2.4%	+/-2.5
Fuel oil, kerosene, etc.	61	+/-47	4.1%	+/-3.0
Coal or coke	0	+/-11	0.0%	+/-2.0
Wood	123	+/-74	8.3%	+/-5.1
Solar energy	0	+/-11	0.0%	+/-2.0
Other fuel	11	+/-19	0.7%	+/-1.3
No fuel used	0	+/-11	0.0%	+/-2.0
<b>SELECTED CHARACTERISTICS</b>				
Occupied housing units	1,483	+/-120	1,483	(X)
Lacking complete plumbing facilities	0	+/-11	0.0%	+/-2.0
Lacking complete kitchen facilities	61	+/-87	4.1%	+/-5.7
No telephone service available	0	+/-11	0.0%	+/-2.0
<b>OCCUPANTS PER ROOM</b>				
Occupied housing units	1,483	+/-120	1,483	(X)
1.00 or less	1,483	+/-120	100.0%	+/-2.0
1.01 to 1.50	0	+/-11	0.0%	+/-2.0
1.51 or more	0	+/-11	0.0%	+/-2.0
<b>VALUE</b>				
Owner-occupied units	1,194	+/-124	1,194	(X)
Less than \$50,000	190	+/-84	15.9%	+/-6.7

## Appendix E - 2015 Carroll Estimated Housing Data (From US Census)

Subject	Carroll town, Chautauqua County, New York			
	Estimate	Margin of Error	Percent	Percent Margin of Error
\$50,000 to \$99,999	480	+/-135	40.2%	+/-10.4
\$100,000 to \$149,999	317	+/-118	26.5%	+/-9.1
\$150,000 to \$199,999	122	+/-64	10.2%	+/-5.6
\$200,000 to \$299,999	85	+/-52	7.1%	+/-4.3
\$300,000 to \$499,999	0	+/-11	0.0%	+/-2.5
\$500,000 to \$999,999	0	+/-11	0.0%	+/-2.5
\$1,000,000 or more	0	+/-11	0.0%	+/-2.5
Median (dollars)	79,700	+/-17,943	(X)	(X)
<b>MORTGAGE STATUS</b>				
Owner-occupied units	1,194	+/-124	1,194	(X)
Housing units with a mortgage	499	+/-132	41.8%	+/-9.7
Housing units without a mortgage	695	+/-131	58.2%	+/-9.7
<b>SELECTED MONTHLY OWNER COSTS (SMOC)</b>				
Housing units with a mortgage	499	+/-132	499	(X)
Less than \$500	0	+/-11	0.0%	+/-5.8
\$500 to \$999	229	+/-94	45.9%	+/-13.9
\$1,000 to \$1,499	258	+/-96	51.7%	+/-14.4
\$1,500 to \$1,999	0	+/-11	0.0%	+/-5.8
\$2,000 to \$2,499	12	+/-18	2.4%	+/-3.7
\$2,500 to \$2,999	0	+/-11	0.0%	+/-5.8
\$3,000 or more	0	+/-11	0.0%	+/-5.8
Median (dollars)	1,045	+/-151	(X)	(X)
Housing units without a mortgage	695	+/-131	695	(X)
Less than \$250	0	+/-11	0.0%	+/-4.2
\$250 to \$399	146	+/-76	21.0%	+/-10.3
\$400 to \$599	286	+/-105	41.2%	+/-13.7
\$600 to \$799	153	+/-74	22.0%	+/-10.6
\$800 to \$999	30	+/-33	4.3%	+/-4.8
\$1,000 or more	80	+/-101	11.5%	+/-13.9
Median (dollars)	538	+/-65	(X)	(X)
<b>SELECTED MONTHLY OWNER COSTS AS A PERCENTAGE OF HOUSEHOLD INCOME (SMOCAPI)</b>				
Housing units with a mortgage (excluding units where SMOCAPI cannot be computed)	499	+/-132	499	(X)
Less than 20.0 percent	266	+/-88	53.3%	+/-15.4
20.0 to 24.9 percent	43	+/-40	8.6%	+/-7.8
25.0 to 29.9 percent	125	+/-98	25.1%	+/-16.0
30.0 to 34.9 percent	34	+/-37	6.8%	+/-7.4
35.0 percent or more	31	+/-33	6.2%	+/-6.6
Not computed	0	+/-11	(X)	(X)
Housing unit without a mortgage (excluding units where SMOCAPI cannot be computed)	695	+/-131	695	(X)
Less than 10.0 percent	222	+/-88	31.9%	+/-12.1
10.0 to 14.9 percent	119	+/-62	17.1%	+/-9.1
15.0 to 19.9 percent	31	+/-34	4.5%	+/-4.9
20.0 to 24.9 percent	97	+/-63	14.0%	+/-8.4
25.0 to 29.9 percent	101	+/-104	14.5%	+/-14.1
30.0 to 34.9 percent	22	+/-35	3.2%	+/-4.8

Appendix E - 2015 Carroll Estimated Housing Data (From US Census)

Subject	Carroll town, Chautauqua County, New York			
	Estimate	Margin of Error	Percent	Percent Margin of Error
35.0 percent or more	103	+/-61	14.8%	+/-9.0
Not computed	0	+/-11	(X)	(X)
<b>GROSS RENT</b>				
Occupied units paying rent	274	+/-113	274	(X)
Less than \$500	131	+/-94	47.8%	+/-28.9
\$500 to \$999	143	+/-97	52.2%	+/-28.9
\$1,000 to \$1,499	0	+/-11	0.0%	+/-10.4
\$1,500 to \$1,999	0	+/-11	0.0%	+/-10.4
\$2,000 to \$2,499	0	+/-11	0.0%	+/-10.4
\$2,500 to \$2,999	0	+/-11	0.0%	+/-10.4
\$3,000 or more	0	+/-11	0.0%	+/-10.4
Median (dollars)	508	+/-120	(X)	(X)
No rent paid	15	+/-24	(X)	(X)
<b>GROSS RENT AS A PERCENTAGE OF HOUSEHOLD INCOME (GRAPI)</b>				
Occupied units paying rent (excluding units where GRAPI cannot be computed)	274	+/-113	274	(X)
Less than 15.0 percent	110	+/-91	40.1%	+/-29.8
15.0 to 19.9 percent	18	+/-30	6.6%	+/-10.8
20.0 to 24.9 percent	33	+/-28	12.0%	+/-12.6
25.0 to 29.9 percent	35	+/-38	12.8%	+/-13.4
30.0 to 34.9 percent	0	+/-11	0.0%	+/-10.4
35.0 percent or more	78	+/-91	28.5%	+/-29.1
Not computed	15	+/-24	(X)	(