

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

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

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

STATE OF NEW YORK
DEPARTMENT OF STATE
DO NOT USE

FILED

JAN 29 2002

MISCELLANEOUS
& STATE RECORDS

~~County~~

~~City~~

Town

~~Village~~

of Florence

Local Law No. 4 of the year 2001

A local law to provide orderly growth in accordance with a comprehensive plan
(Insert Title)
for the Town of Florence.

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~County~~

~~City~~

Town

~~Village~~

of Florence

as follows:

SEE ATTACHED

(If additional space is needed, attach pages the same size as this sheet, and number each.)

ARTICLE 1. INTRODUCTION

Section 110. Enacting Clause

Pursuant to the authority conferred by Article 16 of the Town Law and Articles 2 and 3 of Municipal Home Rule Law of the State of New York, the Town Board of the Town of Florence hereby adopts and enacts the following law.

Section 120. Title

This law shall be known as "The Town of Florence Zoning Law."

Section 130. Purpose

The purposes of this zoning law are to provide for orderly growth in accordance with a comprehensive plan; to lessen congestion in the streets; to secure safety from fire, flood and other dangers; to provide adequate light and air; to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and to promote the health, safety, and general welfare of the public.

This zoning law has been made with reasonable consideration, among other things, as to the character of each zone and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Town of Florence.

Section 140. Applicability

This law, and any amendment thereto, shall apply on its effective date to all uses which have not been substantially commenced, and structures which have not been substantially constructed, regardless of the status of permits or certificates of occupancy issued pursuant to the New York State Uniform Fire Prevention and Building Code.

Section 150. Rural Development Code

This law shall replace and supersede Part I, III, V, and VI of the Town of Florence Rural Development Code, Local Law No. 1 of 1997 as subsequently amended.

ARTICLE 2. DEFINITIONS

Section 210. General

Except where specifically defined herein, all words used in this law carry their customary meanings. Words in the present tense include the future, words in the singular include the plural and the plural the singular, and the word "shall" is intended to be mandatory.

Section 220. Specific Definitions

Accessory Apartment: An second dwelling unit located on the same lot as a principal single-family dwelling, located either within the principal dwelling or within an accessory building, which is subordinate the principal dwelling in terms of size, location, and appearance. Such a dwelling is an accessory use to the principal dwelling.

Accessory Building: A building which is an accessory structure.

1 Accessory Office: *See Office, Accessory.*

2
3 Accessory Structure: A structure incidental and subordinate to the principal structure and located on the same lot with
4 such principal structure. Where an accessory structure is attached to the principal structure in a substantial manner, as
5 by a wall or roof, such accessory structure shall be considered part of the main structure.

6
7 Accessory Use: A use incidental and subordinate to the principal use and located on the same lot with such principal
8 use.

9
10 Agriculture: The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture,
11 floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or
12 storing the produce; provided, however, that the operation of such accessory uses shall be secondary to that of normal
13 agricultural activities.

14
15 Agricultural Structure: A structure used for agricultural purposes.

16
17 Alteration: The increase in ground coverage or height of a structure.

18
19 Antenna: A system of electrical conductors that transmit or receive radio frequency waves. Such waves shall include
20 but not be limited to radio navigation, radio, television, and microwave communications. The frequency of these waves
21 generally range from 10 hertz to 300,000 megahertz.

22
23 Apartment, Accessory: *See Accessory Apartment.*

24
25 Building: Shelter having a roof supported by columns or walls and intended for the shelter or enclosure of persons,
26 animals, or property.

27
28 Building, Accessory: *See Accessory Building.*

29
30 Campground: Land on which two or more campsites are located, established, or maintained for occupancy by
31 camping units of the general public as temporary living quarters for recreation, education or vacation purposes. A
32 "camping unit" shall be considered any tent, lean-to, cabin or similar structure, or recreational camping vehicle,
33 excluding mobile homes, established or maintained and operated in a campground as temporary living quarters for
34 recreation, education or vacation purposes.

35
36 Certificate of Compliance: A certification by the zoning officer that a lot, structure, or use of land has been developed
37 in conformity with an approved zoning permit and/or complies with the provisions of this law, and may be occupied
38 and used for the purposes specified in such zoning permit and/or certificate of compliance.

39
40 Day Care Home, Family: Any use defined as a *Family Day Care Home* in Section 390 of Social Services Law.

41
42 Day Care Home, Group: Any use defined as a *Group Day Care Home* in Section 390 of Social Services Law.

43
44 Dwelling: A building or portion thereof which is used exclusively for residential purposes, including one-family,
45 two-family, and multi-family dwellings, but not including hotels, motels, boarding houses, and bed and breakfast inns.

46
47 Dwelling, Multi-family: A building or a portion thereof used for occupancy by three or more families living
48 independently of each other and containing three or more dwelling units.

49
50 Dwelling, One-family: A detached building designed to be used as living quarters by one family.

51
52 Dwelling, Two-family: A building containing only two dwelling units, and occupied by only two families.

53

Dwelling Unit: A complete self-contained residential unit, with living, sleeping, cooking and sanitary facilities within the unit, for use by one family.

Essential Facilities: The operation or maintenance by municipal agencies or public utilities of telephone dial equipment centers, electrical or gas transmission facilities and substations; water treatment, storage and transmission facilities; pumping stations; and similar facilities.

Excavation, Major: Any area of land used for the purpose of extracting stone, sand, gravel or soil for sale, as a commercial operation.

Family: One or more persons living, sleeping, cooking or eating on the same premises as a single housekeeping unit.

Floating Zone: A zone which has not been placed on the zoning map, but for which regulations have been prepared and included in this law in anticipation of future need.

Height: The vertical distance of building measured from the mean of the highest and lowest exposed part of the foundation to the highest point of the roof.

Home Business: A nonresidential activity conducted within a dwelling or mobile home.

Lot: A designated parcel or tract of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit.

Lot Area: The total horizontal area included within the lot lines of a lot. No part of the area within a public right-of-way shall be included in the computation of lot area.

Lot Line: A line of record bounding a lot which divides one lot from another lot or from a public or private road.

Lot of Record: A lot for which a valid conveyance has been recorded in the Office of the County Clerk prior to the effective date of the Town of Florence Subdivision Law; or is either part of a subdivision plat approved by the planning board and filed in the county clerk's office, or was exempt from the Town of Florence Subdivision Law at the time of recording with the county clerk.

Lot Width: The distance between side lot lines measured parallel to the front lot line at a distance from the front lot line equal to the front yard specified for the zone in which it is situated.

Metes-and-Bounds: A method of describing the boundaries of land by directions and distances from a known point of reference.

Mobile Home: A structure, transportable in one or more sections, which is at least 8 feet in width and 32 feet in length, which is built on a permanent chassis and designed to be used as a dwelling unit, with or without a permanent foundation when connected to the required utilities. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. This definition shall not be construed to include factory manufactured homes known as "modular homes" bearing an insignia issued by the State Fire Prevention and Building Code Council as required in 9 NYCRR 1212.

Mobile Home Park: Land on which are located, or which is maintained for use by 2 or more mobile homes.

Nonconformity: A lot of record, structure, or use of land which lawfully existed prior to the enactment of this law, or conformed to the regulations of the zone in which it was located prior to the amendment of this law; which does not conform to the regulations of the zone in which it is located following the enactment or amendment of this law.

1 Nonresidential Use: A use which does not contain a dwelling unit.

2
3 Parking Lot: A tract of land used for the temporary parking of motor vehicles when such use is not accessory to any
4 other use.

5
6 Permit, Special Use: See *Special Use Permit*

7
8 Permit, Zoning: See *Zoning Permit*

9
10 Plat: A map of a subdivided tract of land showing the boundaries and location of individual properties and roads.

11
12 Planning Board: The Town of Florence Planning Board.

13
14 Principal Structure: A structure through which the principal use of the lot on which it is located is conducted.

15
16 Principal Use: The primary or predominant use of any lot.

17
18 Recreational Camping Vehicle: Any enclosed motor vehicle or trailer used or designed to be used for recreational
19 travel and temporary living and/or sleeping purposes including motor homes, truck campers, camping trailers, campers,
20 travel trailers, pop-up trailers, tent trailers, and over-night trailers.

21
22 Residential Use: A use containing a dwelling unit.

23
24 Road: A thoroughfare dedicated and accepted by a municipality for public use or legally existing on any map of a
25 subdivision filed in the manner provided by law.

26
27 Road, Private: A private way which affords the principal means of access to abutting property.

28
29 Road Line: The right-of-way line of a road as dedicated by a deed or record. Where the width of the road is not
30 established, the road line shall be considered to be 25 feet from the center line of the road pavement.

31
32 Sanitary Landfill: A site for solid waste disposal.

33
34 Sign: Any device affixed to or painted or represented directly or indirectly upon a building, structure or land and which
35 directs attention to an object, product, place, activity, person, institution, organization or business, but not including any
36 flag, badge or insignia of any government agency, school or religious group, or of any civic, charitable, religious,
37 patriotic, fraternal or similar organization, nor any official traffic control device. Each display surface shall be
38 considered to be a sign.

39
40 Sign, Advertising: A sign which directs attention to a business, commodity, service or entertainment sold or offered
41 elsewhere than upon the premises where such sign is located, or to which it is affixed and only incidentally on the
42 premises if at all.

43
44 Sign, Directional: A sign which directs attention to the location of a commodity, service or other business sold or
45 offered elsewhere than upon the premises where such sign is located.

46
47 Site: Any area of land to be used, developed, or built upon as a unit.

48
49 Special Use Permit: A permit for special uses which must be approved by the planning board, granting permission to
50 the zoning officer to issue a zoning permit.

51
52 Special Use: A use of land as designated in Article 4 of this law, which requires a review and approval of the planning
53 board prior to the issuance of a special use permit by the planning board or a zoning permit by the zoning officer.

1
2 **Structure:** Anything constructed or erected, the use of which requires location on the ground, or attachment to
3 something located on the ground.

4
5 **Structure, Accessory:** See *Accessory Structure*.

6
7 **Structure, Principal:** See *Principal Structure*.

8
9 **Telecommunications Tower:** A structure on which transmitting and/or receiving antenna(e) are located.

10
11 **Use:** The purpose or activity for which land or structures are designed, arranged, or intended, or for which land or
12 structures are occupied or maintained.

13
14 **Use, Accessory:** See *Accessory Use*.

15
16 **Use, Principal:** See *Principal Use*.

17
18 **Use, Special:** See *Special Use*.

19
20 **Variance:** Any departure from the strict letter of this law granted by the zoning board of appeals as it applied to a
21 particular piece of property.

22
23 **Yard:** Any open space located on the same lot with a building, unoccupied and unobstructed from the ground up,
24 except for accessory buildings, or such projections as are expressly permitted in this law. The minimum depth or width
25 of a yard shall consist of the horizontal distance between the lot line and the nearest point of the foundation wall of the
26 main building.

27
28 **Yard, Front:** The space within and extending the full width of the lot from the road center line to that part of the
29 building or structure which is nearest to such road center line. If a lot adjoins two or more roads, it shall be deemed to
30 have a front yard respectively on each.

31
32 **Yard, Rear:** The space within and extending the full width of the lot from the rear lot line to that part of the building
33 or structure which is nearest to such rear lot line.

34
35 **Yard, Side:** The space within and extending the full distance from the front yard to the rear yard and from the side lot
36 line to that part of the building or structure which is nearest to such side lot line.

37
38 **Zoning Board of Appeals:** A board appointed by the town board pursuant to Section 267 of the Town Law to hear
39 and decide appeals of this law.

40
41 **Zoning Permit:** A permit issued by the zoning officer certifying that all plans for the use and development of land
42 comply with the regulations of this law, and granting permission to commence development activities in conformity
43 with the conditions of the approved permit.

44
45 **Zoning Officer:** Any person appointed by the town board to enforce the provisions of this law.
46
47

ARTICLE 3. ESTABLISHMENT OF ZONES

Section 310. Types of Zones

For the purpose of this law, the Town of Florence is hereby divided into the following zones:

H	-	Hamlet
RR	-	Rural Residential
F-1	-	Forest
F-2	-	Forest

Section 320. Zoning Map

Said zones are shown, defined and bounded on the map accompanying this law entitled "Zoning Map," dated _____ and filed in the office of the town clerk, which map and all explanatory matter thereon is by this reference incorporated into this law.

Section 330. Interpretation of Zone Boundaries

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

1. Where the designation on the zoning map indicates a boundary approximately upon a road, the centerline of the road shall be construed to be the boundary.
2. Where the designation on the zoning map indicates a boundary approximately upon a lot line, such lot line shall be construed to be the boundary.
3. Distances shown on the zoning map are perpendicular distances from road centerlines measured to the zone boundary, which boundaries in all cases where distances are given are parallel to the road centerline.
4. In other cases the zone boundary shall be determined by the use of the scale on the zoning map.

Section 340. Metes-and-Bounds Descriptions

In the event that a metes-and-bounds description has been filed for a zone change or a variance as required by this law, such metes-and-bounds description may be used in lieu of other provisions of this section.

Section 350. Divided Lots

Where a zone boundary divides a lot of record at the time such boundary is adopted, the zone requirements of the least restrictive portion of such lot shall extend 50 feet into the more restrictive portion of the lot, provided the least restrictive portion of the lot has frontage on a road.

Section 360. Special Areas

"Special Areas" are designated on the zoning map pursuant to the provisions of the Tug Hill Reserve Act, Chapter 486 of the New York State Laws of 1992. All governmental agencies, boards, commissions, and authorities, prior to final action on a proposed development or review of a proposed development within a designated special area which would directly affect the special area and would change the basic nature of Tug Hill, shall consult with the town board about said development.

ARTICLE 4. ZONE REGULATIONS

Section 410. Allowed Uses

All uses shall comply with the requirements as indicated on the following chart:

- A = zoning permit required
 B = zoning permit and site plan review required
 C = zoning permit, site plan review, and special use permit required
 D = use not allowed in this zone

Use	H	RR	P-1	P-2
accessory apartment	A	A	A	A
dwelling, single-family	A	A	A	A
dwelling, two-family	A	A	A	A
dwelling, multi-family	C	B	B	D
home business	C	B	B	D
nonresidential uses	C	B	B	D
essential facilities	C	C	C	C

Section 420. Prohibited Uses

- The following uses are prohibited in all zones:
 junkyards
 sanitary or hazardous waste landfills
- The following uses are prohibited in Hamlet (H) zones:
 major excavations
 campgrounds
 mobile home parks
 buildings of over 10,000 square feet in floor area

Section 430. Lot and Yard Areas and Dimensions

All lots and yards shall conform to the following standards for the zone in which it is located:

Use	H	RR	P-1 and P-2
Lot area min. (sq. ft.)	40,000	40,000	160,000
Lot width min. (ft.)	200	200	800
Front yard min. (ft.)	[See Section 440]	75	75
Side yard min. (ft.)	10	20	100
Rear yard min. (ft.)	10	20	100

Section 440. Front Yards in Hamlet Zones

Front yards in Hamlet (H) zones shall be the lesser of the front yards previously established on adjacent parcels.

ARTICLE 5. GENERAL REGULATIONS

Section 505. Dwellings per Lot

There shall be no more than one dwelling on a single lot except for the placement of a temporary residence complying with the provisions of Section 915 of this law, or upon approval of a special use permit. Such special use permit may be issued where it can be demonstrated that any future subdivision of the lot which would result in the dwellings being located on separate lots, can be accomplished in such a way that the resulting dwellings will have setbacks in accordance with this law, the resulting lots will have areas and dimensions in accordance with this law, and all sewage disposal and wastewater systems will be in accordance with the NYS Sanitary Code.

Section 515. Line of Sight for Traffic Safety

No accessory structure, fence, wall, or hedge shall be erected in such a manner as to confuse or obstruct the views of any traffic sign, signal, or device, or obstruct the visibility of vehicles entering or exiting highways.

Section 520. Height of Buildings and Structures

1. No structure, other than buildings, shall exceed 40 feet in height. Agricultural structures (e.g. silos), chimneys, communication transmission towers, television and radio masts and antennae, water tanks and spires are all exempt from the above structural height limitation. Although exempted from structural height limitations, these structures should not significantly impair solar access of buildings or solar energy systems equipment and access to sunlight they need.
2. Buildings, other than agricultural buildings, exceeding 40 feet in height shall be allowed only upon approval of a special permit. Such permit shall not be approved until the applicant has demonstrated the following:
 - a. that, in the case of public buildings, there is a demonstrated public need for the proposed use, and that this need cannot be met by any means other than by exceeding the general height limitations of this law;
 - b. that the height of the building is the minimum necessary to accomplish its intended purpose;
 - c. that all practical means have been used to minimize any negative aesthetic impacts identified by the planning board;
 - d. that the building does not significantly impair solar access to buildings or solar energy systems equipment.

Section 525. Signs

1. One sign is permitted per lot, not to exceed 32 square feet per sign face.
2. No signs shall consist of lights which flash or move.
3. No sign shall be higher than the principal building to which it is accessory.
4. No sign shall project into public right-of-way.
5. Signs shall be illuminated only by internal lights or shielded lights directed onto the sign.
6. The following signs are exempt from the provisions of this law: real estate signs, sale ad signs, political signs, window posters, roadside stand signs, public signs, mobile home park or subdivision name signs, multiple dwelling signs, gasoline station signs, flags, plaques, architectural features, parking signs, residential signs, and signs made of vegetative materials.

Section 530. Parking

All uses shall provide off-road parking for all vehicles parked during typical peak use periods. Parking shall be designed to eliminate the need to back out onto the public road. All parking areas shall comply with the following:

1. One parking space per 250 square feet of floor space in a commercial establishment.
2. Two parking space for each dwelling unit.

Section 535. Mobile Homes

1. Mobile homes shall be used only as a dwelling, except upon issuance of a temporary zoning permit as provided for in Section 915 of this law.
2. All mobile homes, other than temporary mobile homes approved pursuant to Section 915 of this law, shall be provided with the following:
 - a. anchoring;
 - b. concrete block or vinyl skirting;
 - c. pad in compliance with the NYS Uniform Fire Protection and Building Code;
 - d. factory manufactured roof pitch of 3/12 (about 14 degrees) or more, with shingle, shingle-like, or metal roof;
 - e. exterior walls of traditional site-built appearance made of clapboards, shingles, and shakes, including synthetic or metal siding manufactured to closely resemble clapboards, shingles, and shakes; masonry; wood board-and-batten; log appearance; or "Texture 1-11" exterior plywood; but not including artificial masonry.

Section 540. Accessory Apartments

1. No more than one accessory apartment shall be allowed for each single-family dwelling unit.
2. Each accessory apartment shall be a maximum of 500 square feet.

Section 545. Accessory Uses and Structures

Accessory uses and structures shall comply with all requirements for principal uses and structures as set forth in Section 430 of this law, regardless of whether or not they require a permit pursuant to this law.

Section 550. Alterations

Alterations shall comply with all requirements of this law, regardless of whether or not they require a permit pursuant to this law.

Section 555. Streams, Wetlands and Water Bodies

1. The regulations of this section shall apply to all land within 100 feet of the following areas:
 - a. wetlands classified pursuant to 6 NYCRR Part 664;
 - b. streams classified as "D" or higher pursuant to 6 NYCRR Chapter X, Subchapter B;
 - c. any bodies of open water.
2. The following activities are prohibited:
 - a. dumping of waste materials, junk, refuse or anything that would alter the quality of the water, or the character of the area;
 - b. construction of any principal or accessory use;
 - c. construction of a public street or public utility line;
 - d. feed lots.

3. The following activities shall require the issuance of a special permit:
- any alteration of the water body such as impoundments, diversions or excavations;
 - alteration to any existing building.

Section 560. Mad River Special Area

The following activities are prohibited within 200 feet of Mad River Special Area:

- construction of any principal or accessory use;
- dumping of junk or waste;
- cutting of more than 50% of the volume of timber, under 10" DBH for hardwood, or 6" DBH softwood, in existence as of the effective date of this law;
- major excavations;
- feed lots;
- landings;
- chemical thinning of vegetation;
- construction of a public street or utility line;
- transmission lines.

Section 565. Mobile Home Parks

All mobile home parks shall comply with the standards of the Town of Florence Mobile Home Park Law, Local Law No. 2 of 19__ as subsequently revised.
2001

Section 570. Telecommunication Towers

- Temporary Special Use Permit Required:** Telecommunications towers shall be sited only upon approval of a temporary special use permit issued for a maximum period of five years. Such permit may be issued or extended upon proof by the owner or operator that 1) the facility is in use as a transmission facility, and 2) that there is a necessity for the tower at the particular location for which application is made. Where such temporary special permit is not renewed, the tower shall be removed from the premises within 60 days.
- Shared Use:** Shared use of existing towers shall be preferred to the construction of new towers. Where such shared use is unavailable, location of antennae on pre-existing structures shall be sought. An applicant shall be required to present an adequate report inventorying existing towers within a reasonable distance of the proposed site and outlining opportunities for shared use of existing facilities and use of other pre-existing structures as an alternative to new construction. An applicant proposing to share use of an existing tower shall be required to document intent from an existing tower owner to share use. In the case of new towers, the applicant shall be required to submit a report demonstrating good faith efforts to secure shared use from existing towers and to secure location of antennae on pre-existing structures, as well as documenting capacity for future shared use of the proposed tower. Written requests and responses for shared use shall be provided.
- Setbacks:** Towers and antennae shall be setback from all lot lines a distance equal to the height of the tower plus 25 feet. Additional setbacks may be required to contain ice-fall or debris from tower failure on-site, and/or to preserve privacy of adjoining residential and public property. The normal setbacks for the district shall apply to all ancillary tower parts, including guy wire anchors and accessory facilities.
- General Aesthetics:** All towers and accessory facilities shall be sited to have the least practical adverse visual effect on the environment. Accessory structures shall maximize use of building materials, colors and textures designed to blend with the natural surroundings.
- Lighting:** Towers shall not be artificially lighted except for 1) a single red aviation warning light on the top, or 2) as required by the Federal Aviation Administration (FAA). Towers shall be a galvanized finish or painted

gray above the surrounding tree line and painted gray, green or black below the surrounding tree line unless other standards are required by the FAA. Towers should be designed and sited so as to avoid, whenever possible, application of FAA lighting and painting requirements.

6. Tower Design: Whenever feasible, tower construction shall be of a "monopole" design. Guyed towers shall be preferable to free-standing structures. All towers shall be fitted with anti-climb devices. Towers shall be designed to provide colocation by at least three providers, or designed so that they can be retrofitted to accommodate at least three providers unless such colocation is not feasible as demonstrated by competent engineering or technical proof.

7. Signs: Signs shall not be permitted on towers except for signs displaying owner contact information and safety instructions. Such signs shall not exceed five square feet in surface area.

8. Vegetation: Existing on-site vegetation shall be preserved to the maximum extent possible, and no cutting of trees exceeding four inches in diameter (measured at a height of four feet off the ground) shall take place. Clearcutting of all trees in a single contiguous area exceeding 20,000 square feet shall be prohibited.

9. Screening: Deciduous or evergreen tree plantings may be required to screen portions of the tower from nearby residential property as well as from public sites known to include important views or vistas. Where the site abuts residential or public property, including roads, the following vegetative screening shall be required. For all towers, at least one row of native evergreen shrubs or trees capable of forming a continuous hedge at least ten feet in height within two years of planting shall be provided to effectively screen the tower base and accessory structures. In the case of poor soil conditions, planting may be required on soil berms to assure plant survival. Plant height in these cases shall include the height of any berm.

10. Fencing: The base of any tower and anchors on guyed towers shall be surrounded by an opaque security fence eight feet in height. Such fence shall enclose the base of the tower as well as any and all accessory equipment and structures.

11. Access and Parking: A road and parking will be provided to assure adequate emergency and service access. Maximum use of existing roads, public or private, shall be made. Road construction shall be consistent with standards for private roads and shall at all times minimize ground disturbance and vegetation cutting to within the toe of fill, the top of cuts, or no more than ten feet beyond the edge of any pavement. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential. Public road standards may be waived in meeting the objectives of this section.

12. Utility and System Connections: All utility connections shall be installed beneath the ground surface. Where technologically feasible, connections between telecommunications towers and the system of which they are a part shall be made by use of land line cable rather than parabolic or dish antennas. When such antenna links are technologically necessary, they shall be located, painted and otherwise situated so as to minimize visual impacts. In no case shall the diameter of such an antenna exceed six feet.

13. Financial Security for Demolition: The owner/operator shall provide a demolition bond or other security acceptable to the town for the purpose of removing the facility in case the applicant fails to do so upon the revocation, expiration or the nonrenewal of the special use permit.

14. Annual Inspection: Towers shall be inspected annually on behalf of the tower owner/operator by a New York State licensed professional engineer for structural integrity and continued compliance with these regulations. A copy of such inspection report, including findings and conclusions, shall be submitted to the enforcement officer no later than December 31 of each calendar year.

15. Annual Radiation Emission Certification: The owner/operator shall submit certification on an annual basis, signed by a New York State licensed professional engineer, verifying that such facility is in compliance with

all applicable federal, state and local radio frequency radiation emission standards. Such annual certification shall be delivered to the enforcement officer during the month of December of each calendar year. This requirement shall be considered an implied condition to any site plan, special use permit and/or use variance granted for the facility.

16. Maintenance: All facilities shall be maintained in good order and repair. Routine maintenance and repair shall be conducted between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, except for emergency repairs which may be undertaken at any time with prior notice to the enforcement officer.

ARTICLE 6. SITE PLAN REVIEWS

Section 605. Authority

The Planning Board of the Town of Florence is hereby authorized pursuant to Town Law Section 274-a to review and approve, approve with modifications, or disapprove site plans within the town as designated in accordance with the standards and procedures set forth in this law.

Section 610. Applicability

All nonresidential uses on any site or lot, and all multi-family dwellings of over two families shall be required to have an approved site plan approved by the planning board prior to the issuance of a zoning permit or a certificate of compliance by the zoning officer.

Section 615. General Review Criteria

The planning board shall require that all site plans comply with the following general review criteria:

1. that the site is designed in the interests of the public health, safety, welfare, and comfort and convenience of the public in general, the residents of the proposed development, and the residents of the immediate surrounding area;
2. that the site is designed so as to be in harmony with the comprehensive plan for the community;
3. that parking areas are adequate for the intended level of use, and arranged and screened so as to minimize negative impacts on adjacent properties;
4. that access to the site is safe and convenient and relates in an appropriate way to both the internal circulation on the site as well as the town road system;
5. that the internal circulation of the site is arranged so as to minimize impacts on the town road system;
6. that the site is suitably landscaped, and appropriately screened from adjacent properties and the road so as to protect the visual character of the area and to minimize negative impacts on adjacent properties and the neighborhood;
7. that any activities on the site which are incompatible with adjacent properties are suitably buffered so as to minimize negative impacts on such adjacent properties;
8. that signs, site lighting, and the locations of all buildings and structures are in keeping with the character of the neighborhood;
9. that any changes to existing drainage patterns, or increased drainage due to development activity has no negative impacts on adjacent property;
10. that proposed water supply and sewage disposal facilities are adequate;
11. that development activity complies with all other standards and requirements of this law.

Section 620. Application

The zoning officer shall refer any application for a zoning permit which requires a site plan review to the planning board. An application for a site plan review shall be filed with the planning board, and the appropriate fee as determined by the fee schedule adopted by town board resolution shall be paid to the town clerk. Six copies of the application and site plans shall be provided which shall include the following:

1. Name and address of applicant and owner, if different, and of the person responsible for preparation of drawings;
2. Date, northpoint, written and graphic scale;
3. Boundaries of the site plotted to scale, including distances, bearings, and areas;
4. Locator map showing the site in relationship to the town;
5. Location and ownership of all adjacent lands as shown on the latest tax records;
6. Location of all zone district boundaries;
7. Location, name, and existing width of adjacent roads;
8. Location, width, and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to public use or adjoining the property;
9. Complete outline of existing or proposed deed restrictions or covenants applying to the property;
10. Existing hydrologic features together with a grading and drainage plan showing existing and proposed contours at a maximum of five foot intervals;
11. Location, proposed use, and height and dimensions of all buildings including the number and distribution by type of all proposed dwelling units, and the designation of the amount of gross floor area and gross leasable area proposed for retail sales and services, office and other commercial or industrial activities;
12. Location and design of all parking and loading areas including access and egress drives and fire lanes and emergency access areas;
13. Provision for pedestrian access, including public and private sidewalks;
14. Location of outdoor storage;
15. Location and design of all existing or proposed site improvements, including drains, culverts, retaining walls, and fences;
16. Description of the method of securing public water supply and disposing of sewage, and the location and design of such facilities;
17. Location and design of all energy distribution facilities, including electrical, gas, and solar energy;
18. Location, size and design of all proposed signs;
19. Location and design of outdoor lighting facilities;
20. General landscaping plan and planting schedule, including the location and proposed development of all buffer areas;
21. Erosion and sediment control plan conforming to the standards and practices contained in the USDA Soil Conservation Service *Engineering Field Manual* (EFM) and *New York Guidelines for Urban Erosion and Sediment Control*, or other erosion and sediment control manual recognized by the planning board;
22. A statement of the nature and extent of the interest of any state employee, or officer of employee of the town in the applicant pursuant to General Municipal Law Section 809.
23. An environmental assessment form (EAF) and, where required, a draft environmental impact statement (EIS);
24. Other elements integral to the proposed development as considered necessary by the planning board.

Section 625. Waiver of Submission Requirements

The planning board may waive any of the submission requirements listed in Section 620 above where it deems that the information is either not applicable or is unnecessary to a particular site plan review.

1 **Section 630. Environmental Impact Review**

2
3 The planning board shall be responsible for the completion of an environmental assessment form (EAF) for each
4 application for site plan review. The planning board shall be responsible for compliance with 6 NYCRR Part 617 (State
5 Environmental Quality Review regulations) in cooperation with other involved agencies in the review of any site plan.

6
7 **Section 635. Review**

8
9 Upon a determination by the planning board that the application for a site plan review is complete, the board shall
10 review the site plan taking into consideration the objectives for site plan review as outlined in Section 615 above, the
11 general standards for all uses as outlined in Article 3 of this law.

12
13 **Section 640. Variance**

14
15 During the course of the review, should the planning board determine that a site plan approval may not be feasible
16 without the granting of a variance as defined by Town Law Section 267, the planning board may at any time refer the
17 application and site plans to the zoning board of appeals for the consideration of such variance.

18
19 **Section 645. Public Hearing**

20
21 The planning board shall conduct a public hearing. Such public hearing shall be conducted within 62 days of the
22 receipt of the completed application for a site plan review and shall be advertised at least five days before the hearing in
23 a newspaper in general circulation in the town. A notice of the hearing shall be mailed to the applicant at least 10 days
24 before the hearing.

25
26 **Section 650. County Planning Board Review**

27
28 At least 10 days before the hearing, the planning board shall refer all site plan review matters that fall within those areas
29 specified under General Municipal Law Section 239-m to the Oneida County Department of Planning prior to final
30 action. This includes any use that falls within 500 feet of the following: the boundary of the town; a state or county
31 park or recreation area; a state or county highway or expressway; a state or county owned drainage channel; the
32 boundary of a farm operation located within an agricultural district, as defined by Article 25-AA of the Agricultural
33 Law; or state or county land where a public building or institution is located. Such referral shall be to the Oneida
34 County Department of Planning for their recommendations thereon. If the Oneida County Department of Planning
35 does not respond within 30 days from the time it received a full statement on the referral matter, then the planning
36 board may act without such report.

37
38 **Section 655. Waiver of Public Hearing**

39
40 The planning board may waive the public hearing. Such waiver shall not be allowed in any one of the following
41 circumstances:

- 42 1. the use requires a special use permit pursuant to this law;
43 2. the use is a Type I SEQR action and the use is determined by the planning board to have environ-
44 mental significance;
45 3. the use is over 1000 square feet of floor or ground area;
46 4. the use is over 20 feet in height;
47 5. the use is within 200 feet of a DEC designated wetland area, within 200 feet of a stream with a DEC
48 classification of C or higher, or in a FEMA designated floodplain area;
49 6. the use is determined by the planning board to be of a publicly controversial nature; or
50 7. the applicant has requested a public hearing.
51

1 **Section 660. Final Action**

- 2
- 3 1. Within 62 days of the public hearing, or within 62 days of the acceptance of a complete application by the
- 4 planning board where such hearing has been waived pursuant to Section 655 above, the planning board shall
- 5 act on the site plans. The time within which the planning board must render its decision may be extended
- 6 upon mutual consent of the applicant and the planning board. The action of the planning board shall be in the
- 7 form of a written statement to the applicant stating whether or not the site plans are approved, approved with
- 8 modifications, or disapproved. The decision of the planning board shall be filed in the office of the town clerk
- 9 within five business days and a copy mailed to the applicant.
- 10
- 11 2. If the site plans are approved, and upon payment by the applicant of all fees and reimbursable costs due the
- 12 town, the planning board shall endorse its approval on a copy of the application and site plans.
- 13
- 14 3. If the site plans are approved with modifications, the planning board shall specify in the statement all
- 15 modifications to be made. Upon payment by the applicant of all fees and reimbursable costs due to town, and
- 16 upon approval of the modified application and site plans, the planning board shall endorse its approval on a
- 17 copy of the application and site plans.
- 18
- 19 4. If the site plans are disapproved, the statement shall contain the reasons for such findings. In such case, the
- 20 planning board may recommend further study of the application and resubmission after it has been revised or
- 21 redesigned.
- 22

23 **Section 665. Report to County Planning Department**

24

25 The planning board shall report to the Oneida County Department of Planning on its final action within 30 days of that

26 event.

27

28

29 **ARTICLE 7. SPECIAL USE PERMITS**

30

31 **Section 710. Authority**

32

33 The planning board of the Town of Florence is hereby authorized pursuant to Town Law Section 274-b to review and

34 approve, approve with modifications, or disapprove special use permits within the town as designated in accordance

35 with the standards and procedures set forth in this law.

36

37 **Section 720. Applicability**

38

39 All uses listed in Article 4 of this law as requiring a special use permit shall be required to have such permit approved

40 by the planning board prior to the issuance of a zoning permit or a certificate of compliance by the zoning officer.

41

42 **Section 730. Considerations**

- 43
- 44 1. In considering and acting on special use permits, the planning board shall consider the public health, safety,
- 45 welfare, and comfort and convenience of the public in general, the residents of proposed developments, and
- 46 the residents of the immediate surrounding area.
- 47
- 48 2. The planning board may prescribe such appropriate conditions and safeguards as may be required in order that
- 49 the results of its action shall, to the maximum extent possible, further the accomplishment of the following
- 50 objectives:
- 51 a. *Compatibility:* That the proposed use is of a character compatible with the surrounding
- 52 neighborhood and in harmony with the comprehensive plan for the community.

- b. *Public Facilities:* That the public facilities to service the proposed use, including water supply, sewage disposal, drainage facilities, and road facilities, and any other utilities and public services are adequate for the intended level of use.
- c. *Other Requirements:* That the proposed use complies with all requirements for site plans in Article 7 of this law and any other special requirements as may be set forth for the use in this law.

Section 740. Application and Review Procedure

All applications for special use permits shall be submitted and reviewed in compliance with the submission requirements and review procedures for site plan reviews in Article 6 of this law.

ARTICLE 8. NONCONFORMITIES

Section 810. Intent

The intent of this article is to recognize lots, structures and uses of land and structures which legally existed prior to the enactment or subsequent amendment of this law which would be prohibited or unreasonably restricted by the requirements herein. All rights of nonconformity shall continue regardless of the transfer of ownership of nonconforming lots, structures or uses.

Section 820. Nonconforming Lots

Any lot held under separate ownership prior to the enactment or amendment of this law, and having a width or area less than the minimum requirements set forth in this law, may be developed for any use allowed in the zone in which it is located, as designated in Article 4 of this law, provided that such lot has sufficient width and area to undertake development which will:

1. maintain the required minimum front yard;
2. maintain at least 2/3 of the required minimum side and rear yards.

Section 830. Nonconforming Structures

No structure which by the enactment or amendment of this law is made nonconforming or placed in a nonconforming situation with regard to yard sizes, lot coverage, height or any requirement of this law, other than the use to which it is put, shall be changed so as to increase its nonconformity. If a structure is nonconforming as to use, see Section 840 below. Any such nonconforming structure may be used for any compatible use listed for the zone in which it is located as designated in Article 4 of this law.

Section 840. Nonconforming Uses of Land or Structures

Any use of land or structures which by the enactment or amendment of this law is made nonconforming may be continued on the premises and to the extent premixing provided that:

1. no nonconforming use shall be increased in size so as to occupy a greater area of land or floor area than was committed to the nonconforming use at the time of such enactment or amendment;
2. no nonconforming use which has for any reason been discontinued for a period of one year or more shall be reestablished; and
3. a special permit shall be required for any alteration or reconstruction which is on the premises of a nonconforming multi-family residential or nonresidential use.

1 **Section 850. Nonconforming Structures Damaged or Destroyed**

2
3 Any structure which is nonconforming as to use, yard sizes, height or any other requirement of this law, which is
4 damaged or destroyed by fire or other hazard, may be repaired, restored or reconstructed provided that such work is
5 undertaken within one year of the date on which the damage or destruction occurred. No such work shall increase the
6 nonconformity of the structure.

7
8 **Section 860. Nonconforming Signs**

9
10 Nonconforming signs shall be allowed to continue in a nonconforming manner until the advertised use is terminated, or
11 the sign is structurally changed or replaced.

12
13
14 **ARTICLE 9. ADMINISTRATION AND ENFORCEMENT**

15
16 **Section 905. Zoning Permits Required**

17
18 No land-use activity as listed below, other than those activities specifically excepted in Section 910 below, shall be
19 carried out until a zoning permit has been issued by the zoning officer stating that the proposed building, structure, use
20 of land, or development activity complies with the requirements of this law:

- 21 1. Erection, re-erection or movement of a building or structure;
- 22 2. Change of the exterior structural dimensions of a building or structure;
- 23 3. Change in use of land, buildings or structures through the establishment of a new use, or through the
24 expansion or enlargement of an existing use;
- 25 4. The resumption of any use which has been discontinued for a period of 12 months or longer;
- 26 5. Establishment or change in dimensions of a parking area for nonresidential or multi-family
27 residential uses;
- 28 6. Change in the contours of land of over 7,500 square feet in area which significantly change water
29 drainage patterns.

30
31 **Section 910. Zoning Permit Exceptions**

32
33 A zoning permit shall not be required for:

- 34 1. Accessory structures with less than 150 square feet of ground coverage, unless over 15 feet in height
35 (see Section 545);
- 36 2. Alterations of less than 150 square feet of ground coverage (see Section 550);
- 37 3. Fences or walls complying with Section 515 of this law;
- 38 4. Interior structural alterations or routine maintenance and improvement that does not expand the
39 exterior dimensions of the structure (e.g., roofing, window replacement, siding replacement, etc.);
- 40 5. Minor accessory structures such as posts, sidewalks, driveways, flagpoles, playground equipment,
41 etc.;
- 42 6. Family day care homes and group family day care homes;
- 43 7. Signs exempted by Section 525 of this law;
- 44 8. Agricultural uses and timber management.

45
46 **Section 915. Temporary Zoning Permits**

47
48 Temporary zoning permits may be issued upon approval of the planning board for a period not to exceed 12 months for
49 temporary uses and structures incidental to a construction project. Such temporary zoning permit shall be conditioned
50 upon agreement by the applicant to remove any nonconforming uses or structures upon expiration of the permit. The
51 planning board may place such appropriate conditions on the use so as to protect the character of the surrounding area.

1 A temporary zoning permit may be extended by the planning board, for such length of time as may be deemed appropriate, where the applicant has shown suitable progress toward the completion of construction.

4 **Section 920. Application Procedure for Zoning Permits**

- 6 1. Applications for zoning permits shall be submitted to the zoning officer and shall include three copies of a layout or plot plan showing the actual dimensions of the lot to be used; the size and location on the lot of existing and proposed structures and accessory structures; the setbacks of structures from all lot lines, road center lines, mean high water lines of streams, ponds and wetlands, and any other features of the lot; and such other information as may be necessary to provide for the enforcement of this law.
- 12 2. When establishing measurements to meet the required setbacks and yard sizes, the measurements shall be taken from the lot line, road center line, or nearest mean high water line to the furthestmost protruding part of the use or structure. This shall include such projecting facilities as porches, carports, attached garages, etc.
- 16 3. The zoning officer shall take action to approve or disapprove the application within 15 days of the receipt of a completed application by the zoning officer and the payment of all fees.
- 19 4. A zoning permit shall expire one year from the date of issue if construction is not substantially started or the use has not commenced. Such permit may be renewed upon payment of all fees.

22 **Section 925. Permit Fees**

24 A fee as determined by town board resolution shall be paid for each application for a zoning permit, site plan approval, or special use permit. No permit shall be issued until full payment has been received by the town clerk.

27 **Section 930. Certificate of Compliance**

29 No use or structure requiring a zoning permit shall be occupied, used, or changed in use until a certificate of compliance has been issued by the zoning officer stating that the use or structure complies with the provisions of this law. All certificates of compliance shall be applied for coincidentally with the application for a zoning permit and shall be issued within five days after the use has been approved as complying with the provisions of this law.

34 **Section 935. Temporary Certificate of Compliance**

36 A temporary certificate of compliance for not more than 60 days for a part of a building or lot may be issued upon approval of the planning board. Such temporary certificate may be renewed upon request for an additional 30 days.

39 **Section 940. Unapproved Lots**

41 No zoning permit or certificate of compliance shall be issued for any use or structure on any unapproved lot. An unapproved lot is a lot which has been filed in the office of the county clerk after the effective date of the Town of Florence Subdivision Control Law and which has not been approved by the planning board and was not exempt from said regulations at the time of filing.

46 **Section 945. Zoning Officer**

48 This law shall be enforced by the zoning officer, who shall be appointed by the town board. The duties of the zoning officer shall be to:

- 50 1. Approve and disapprove zoning permits and certificates of compliance;
- 51 2. Scale and interpret zone boundaries on the zoning map;
- 52 3. Refer appropriate matters to the board of appeals, planning board, or town board;

4. Revoke zoning permits or certificates of compliance where there is false, misleading or insufficient information or where the applicant has varied from the terms of the application;
5. Investigate violations, issue stop work orders and appearance tickets, and refer violations to the town justice and the town board;
6. Report at regular town board meetings the number of zoning permits and certificates of compliance issued.

Section 950. Zoning Board of Appeals

1. The zoning board of appeals shall consist of five members as set forth in Section 267 of the Town Law, or in the alternative the town board may enter into an agreement pursuant to Article 5-G of the General Municipal Law and Section 284 of the Town Law to establish a cooperative zoning board of appeals. In the event of a cooperative zoning board of appeals, membership shall be as per the contractual agreement and may otherwise vary from provisions of Section 267 of the Town Law as may be set forth in that agreement.
2. The powers of the zoning board of appeals shall be to interpret this law and to grant area variances and use variance in accordance with the standards set forth in Section 267-b of the Town Law and as may be otherwise provided by law.
3. The procedure before the zoning board of appeals shall be in accordance with Section 267-a of the Town Law except as may be specifically modified by intermunicipal agreement should the town elect to enter into a cooperative zoning board of appeals, in which event such procedures shall be strictly governed by the intermunicipal agreement.
4. This local law specifically supersedes those provisions of Section 267 of the Town Law requiring that there be three or five members of the board of appeals, that the terms be staggered, that the town board select the chairman, and the voting power of members of the zoning board of appeals in the event that the town should enter into an intermunicipal agreement pursuant to Section 284 of the Town Law and Article 5-G of the General Municipal Law in which event the intermunicipal agreement shall govern those factors.

Section 955. Planning Board

The planning board shall have the following powers and duties with respect to this law:

1. Approval of site plans;
2. Approval of special use permits;
3. Approval of temporary permits.

All applications made shall be made in writing on forms prescribed by the town. Every decision of the planning board shall be made by resolution which shall contain a full record of findings in the case.

Section 960. Filing of Records

1. A copy of all zoning permits, temporary zoning permits, certificates of compliance, notices of violation, and stop work orders shall be immediately filed in the office of the town clerk, upon issuance by the zoning officer.
2. A copy of all decisions of the zoning board of appeals shall be filed in the office of the town clerk within five business days of the decision.
3. A copy of all site plan review decisions of the planning board shall be filed in the office of the town clerk within five business days of the decision.

4. A copy of all special use permit decisions of the planning board shall be filed in the office of the town clerk within five business days of the decision.
5. All such records shall be available for the inspection of the public.

Section 965. Violations and Penalties

1. Whenever a violation of this law occurs any person may file a complaint in regard thereto. All such complaints shall be in writing and shall be filed with the zoning officer who shall properly record and immediately investigate such complaint. If the complaint is found to be valid, the zoning officer shall issue a stop work order requiring all work to cease until the violation is corrected. If the violation is not corrected within the specified time the zoning officer shall take action to compel compliance.
2. Pursuant to Criminal Procedure Law Section 150.20 (3), the zoning officer is hereby authorized to issue an appearance ticket to any person causing a violation of this law, and shall cause such person to appear before the town justice.
3. Pursuant to Municipal Home Rule Law Section 10 and Town Law Section 268, any person, firm, or corporation who commits an offense against, disobeys, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this law shall, upon conviction, be deemed guilty of a violation and subject to fine and/or imprisonment. Any violation of this law is an offense punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than \$750 nor more than \$1000 or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.
4. The town board may maintain an action or proceeding in the name of the town in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of this law.

ARTICLE 10. MISCELLANEOUS PROVISIONS

Section 1010. Amendments

The town board may amend the provisions of this law pursuant to Town Law Section 265 after public notice, public hearing, compliance with the State Environmental Quality Review Act regulations (6 NYCRR Part 617), and following appropriate referral to the county planning board pursuant to General Municipal Law Section 239-m.

Section 1020. Interpretation

Interpretation and application of the provisions of this law shall be held to be minimal requirements, adopted for the promotion of the public health, safety, or the general welfare. Whenever the requirements of this law differ from the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

4 5 6

1 **Section 1030. Separability**

2
3 Should any article, section, subsection, sentence or clause of this law be decided by the courts to be unconstitutional or
4 invalid, such decision shall not affect the validity of the law as a whole or any part thereof other than the part so decided
5 to be unconstitutional or invalid.

6
7 **Section 1040. Effective Date**

8
9 The provisions of this law shall take effect upon filing with the Secretary of State.

4. * (Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 2001 of the (County)(City)(Town)(Village) of Florence was duly passed by the Town Board on 12/08 2001, in accordance with the applicable provisions of law.
(Name of Legislative Body)

~~(Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)~~

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

~~5. (City local law concerning Charter revision proposed by petition.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.~~

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

~~(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)~~

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.

Sharon M. McNamara, Town Clerk
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: *January 28, 2002*

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Oneida

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

[Signature]
Signature

Town Attorney

Title

County
City of Florence
Town
Village

Date: January 21, 2002