

shall be located within fifty (50) feet of any street intersection, nor shall any off-street loading berth encroach on any required front yard or required side yard, accessway or off-street parking area, except that in a commercial district off-street parking areas may be used for loading and unloading, provided that such areas shall not be so used or restricted for any more than three (3) hours during the daily period that the establishment is open for business.

- c. Permitted or required loading berths, open or enclosed, may be provided in spaces designed to serve jointly two (2) or more adjacent establishments.

D. Swimming Pools

Any outdoor swimming pool, whirlpool or hot tub, as defined in Section II.B. of this Ordinance, shall be subject to the following requirements:

1. The outdoor swimming pool, whirlpool or hot tub shall be enclosed on all sides by a security fence not less than four (4) feet nor more than six (6) feet in height, or, in the case of whirlpool or hot tub, a securely locked cover may be provided in lieu of a fence;
2. Such security fence, as may be applicable, shall be provided with a locking gate to prevent accidental entry or unauthorized use of the outdoor swimming pool, whirlpool or hot tub;
3. Height restrictions shall not apply to swimming pools;
4. Compliance with all other requirements of the New York State Uniform Fire Prevention and Building Code.

E. Fences and Walls

1. All fences shall be sited in such a manner to allow proper maintenance of same on both sides without entering upon an adjoining property unless an easement is provided by the neighbor to permit this maintenance;
2. Except as otherwise provided in E.3 or E.4 of this Section, in any residential or commercial district, fences and walls shall not exceed eight (8) feet in height when erected in rear or side yards nor four (4) feet in height when erected within the front yard;
3. In the Industrial (I) District, fences and walls shall not exceed eight (8) feet in height;

4. In any district, all fences and walls shall conform to the requirements of Article XI.M. as pertains to corner lots where special sight clearance considerations are necessary to protect traffic safety;
5. The side designed to be viewed shall face outward, away from the area/use being fenced.

F. Automobile Junk Yards

No automobile junk yard shall be hereinafter established in the Town of Northumberland. Existing lawfully established junk yards shall be operated in full compliance with the following standards:

1. No automobile junk yard shall be located within one hundred fifty (150) feet of any residential building (except that belonging to the owner of the junk yard), public park, church, educational center, nursing home, public building or other place of public gathering, or any stream, lake, pond, marsh, swamp or other body of water.
2. The junk yard shall be operated so as to minimize the fire hazard therefrom and to prevent improper trespass thereon by children and others;
3. There must be erected and maintained an eight (8) foot fence adequate to prohibit the entrance of children and others into the area of the activity or business and to contain within such fence the materials dealt with by the operator of the junk yard. All the materials dealt with by the operator of the junk yard shall be kept within such fence at all times. Whenever the junk yard is not open for business, or temporarily not supervised, this fence, and any gate thereto, shall be secured or locked to prevent entry. Where a junk yard is or would be visible from a public highway or from neighboring properties, the fence shall be of wood or other materials sufficient to totally screen the junk yard from view. As an alternative, the Planning Board may permit such screening by adequate planting of evergreen trees or shrubbery. The Board may also waive the requirements of fencing where topography or other natural conditions effectively prohibit the entrance of children and others;
4. Adequate means of fire protection shall be maintained on the premises at all times;
5. The junk yard shall not be used as a dump area by the public and there will be no burning of automobiles or other materials except in connection with the periodic crushing and removal of automobiles or other materials from such yards in compliance with applicable New York State Ordinance regarding outdoor burning.

G. 100 Year Flood Hazard Areas

All proposed uses that occur in federally designated 100-year flood hazard areas shall, in addition to complying with Local Law No. 1 of 1995, meet the following:

1. All structures shall be designed and anchored to prevent floatation, collapse, or lateral movement due to flood water related forces;
2. All construction materials and utility equipment used shall be resistant to flood damage;
3. Construction practices and methods shall be employed which minimize potential food damage;
4. Adequate drainage shall be provided to reduce flood hazard exposure; and
5. All public utilities and facilities shall be located and constructed to minimize or eliminate potential flood damage.

H. Principal Buildings Per Lot

Unless otherwise specified, there shall be only one (1) principal use and building per lot in all districts.

I. Through Lots

For any through lot, fronting on parallel or abutting streets, or a street and shoreline, both frontages shall comply with the front yard requirements of the district in which it is located.

J. Frontage Upon a Street

Every principal building shall be built upon a lot with frontage upon a street improved to meet the standards of the Town of Northumberland.

1. The minimum required frontage for one principal building shall be twenty-five (25) feet; and such frontage shall provide actual physical access to and from the lot to be built upon for such purposes of ingress and egress to the lot by emergency vehicles such as fire trucks and/or ambulances.

K. Special Lot Regulations

1. Existing Substandard Lots. Notwithstanding the limitations imposed by any other provisions of this Ordinance, the erection of a building on any lot separately owned or under contract of sale and containing, at the time of the passage of this Ordinance, an area or a width smaller than that required for a

permitted use shall be allowed without requiring a variance. The minimum side yard requirements are reduced in proportion to the reduction of lot width over the specified minimum lot width for the district. This provision applies only where such lot is not adjacent to other property owned by the applicant.

2. Front yard depth. Notwithstanding the limitations imposed by any other provisions of this Ordinance, each building hereafter erected may have a front yard equal in depth to the average front yard depth of the building within one hundred (100) feet adjacent thereto on either or both sides.
3. Reduction in rear yards. When a lot is less than the minimum area prescribed for the district in which it is located at the time of passage of this Ordinance or subsequent amendments thereto which may affect the area requirement of the particular lot, the rear yard may be reduced in proportion to the reduction in lot depth over the specified minimum lot depth for the district. However, no rear yard shall be less than fifteen (15) feet in depth, except that an accessory building may be placed no closer than ten (10) feet to the rear lot line.
4. Corner lot transition. On every corner lot there shall be provided on the side street a side yard equal in depth to the required front yard depth on said side-street.

L. Unregistered Vehicles

No more than one (1), unregistered motor vehicle may be stored in an unenclosed area in any zoning district, except for unregistered vehicles utilized for active agricultural purposes.

M. Obstructions at Street Intersections

On a corner lot in any district, any fence or wall built within fifty (50) feet of the pavement edge of the intersecting streetline shall be of open construction, such as wire, wood, picket, or iron, and shall not exceed four (4) feet in height, except for such fences as may be installed as a safety precaution surrounding swimming pools. For safety at intersections, corner lots shall not have any structure, plantings, signs, or other objects that obstruct the view of traffic on the intersecting street from motor vehicle operators.

N. Outdoor Storage on Residential Lots

Not more than two (2) commercial vehicles in excess of twenty (20) feet in length nor more than a total of two (2) camping trailers or boats may be stored outdoors on a lot in a residential district. All such outdoor storage shall occur as inconspicuously as practicable on the lot and may not occur within the minimum required front yard whenever a suitable side or rear yard exists. No such vehicle,

boat, or trailer shall be stored within twenty five (25) feet of an adjoining residential lot line, unless a dense natural screen is planted and maintained, in which case the above-stated minimum distance may be reduced to fifteen (15) feet.

O. Garage Sales

Garage sales shall not exceed three (3) days in duration and not occur more than five (5) times in a calendar year.

P. Required Screening

Any enclosed or unenclosed commercial or light industrial use permitted by this Ordinance may be required by the Planning Board to be enclosed by a fence, screen and/or landscaping sufficient to provide a year round buffer to obscure objectionable aspects of such use from view from adjoining properties in residential districts and/or public rights-of-way.

1. Any use which is not conducted within a completely enclosed building, including but not limited to junk yards, storage yards, and parking lots, and which use abuts, is adjacent to, or is located within a residential district or use or fronts a public right-of-way, may be required by the Planning Board to be obscured from view from such residential districts and uses and public rights-of-way in an effective manner;
2. Any required fences, screens and landscaping, installed in accordance with this Ordinance shall be maintained in good order to achieve the objectives stated herein. Failure to maintain fencing or to replace dead or diseased landscaping shall be considered a violation of this Ordinance.

Q. Mobile Homes

1. Mobile homes in the Town of Northumberland shall be installed in accordance with the applicable provisions of the New York State Uniform Fire Prevention and Building Code.
2. Each mobile home lot shall be improved to provide a permanent foundation or a poured concrete slab with a minimum of six (6) tie down positions, per each frame rail, for anchoring said mobile home.
3. Each mobile home shall be placed upon the land so that rain water and surface water shall run off and drain away from the mobile home and not interfere with adjoining properties.
4. Within sixty (60) days of placement on a lot each mobile home shall be equipped with a skirt of metal, fiberglass, masonry, or suitable fire retardant

material. The skirt shall be securely fastened and shall extend from the outside wall of the mobile home to ground level around the entire perimeter of the mobile home.

R. Conservation Design Subdivision

I. Purpose and Intent

- a. To allow for greater flexibility and creativity in the design of residential developments;
- b. To encourage the preservation of open space, agricultural land, forestry land, wildlife habitat, other natural resources and historical resources in a manner that is consistent with the goals and objectives of Town of Northumberland Comprehensive Land Use Plan;
- c. To encourage a more efficient form of development that consumes less open land and conforms to existing topography and natural features better than conventional or grid subdivision;
- d. To minimize the total amount of disturbance on the site;
- e. To preserve and enhance the community's rural character;
- f. To preserve and protect agriculturally significant land;
- g. To protect community waterways and water supplies;
- h. To protect the value of real property;
- i. To provide for a diversified housing stock.
- j. To further the goals and policies of the Town of Northumberland Comprehensive Land Use Plan.

II. Definitions

Conservation Design Subdivision (CDS)

The subdivision of land creating five (5) or more lots or consisting of ten (10) or more acres of property for residential use, the design of which, requires the identification and the preservation of the important natural, cultural, and scenic resources of the site, subject to the requirements of the Town's Conservation Design Subdivision Regulation.

Conservation Area

Those areas identified on the subdivision parcel which because of environmental constraints or important natural, cultural, or scenic attributes are not to be used for developmental purposes

Conservation Area Analysis

An analysis of the various conservation values and features of a proposed subdivision site to be prepared by the applicant and provided to the Planning Board to assist in the proper design of a Conservation Design Subdivision. This analysis shall include the submittal of a Conservation Analysis Checklist for the site and all relevant site information required by this regulation.

Conventional Subdivision Design

A conventional subdivision design consistent with the Town's Subdivision Regulation which shows the number of lots which can be sited on the subdivision plat.

Dedicated Open Space

Lands within or related to a development that are to be preserved as open space, and which are designed and intended for the common use or enjoyment of the residents of the subdivision or the Town. These are lands intentionally set aside for the protection of open space areas such as woodlands, farmland, and scenic viewsheds. These lands may include complementary structures and improvements. Public access may be permitted through easements or other means.

Development Areas

Those areas identified on the subdivision parcel which exclude all identified conservation areas and are suitable for residential construction.

Rural Road

A roadway utilizing two 18' travel lanes with 2' shoulders designed to serve low volumes of rural subdivision traffic while accommodating a variety of residential service vehicles.

III. Design Standards

The following design standards shall guide the design and approval of all Conservation Design Subdivisions in the Town of Northumberland:

- The creation of a Conservation Design Subdivision begins with an analysis of the particular parcel to be subdivided. The applicant and the planning board must understand the unique landscape features of the parcel, and the relationship of the parcel to adjoining lands.