ARTICLE 1. ENACTMENT, TITLE, AND PURPOSE

SECTION 1.1. ENACTMENT

The Town Board of the Town of Worcester in the County of Otsego, on this 8th day of March, 1976, under the authority of Section 261 of Article 16 of Chapter 62 of the Consolidated Laws of the State of New York, hereby adopts and enacts the following regulations.

SECTION 1.2. TITLE

This local law shall be known as the Town of Worcester Local Law #1.

SECTION 1.3. PURPOSES IN VIEW

This law is designed to lessen congestion in the streets; to secure safety from fire, flood, and other dangers; to promote health and general welfare; to prevent overcrowding of land; to avoid undue concentration of population; and to facilitate adequate provision of transportation, water, sewage, schools, parks and other public requirements. This law is made with reasonable consideration of the character of the various districts, and their peculiar suitability of particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Town, and to preserve and protect those buildings of Historic Value.

SECTION 1.4. APPLICATION OF REGULATIONS

Except as herein after provided no building structure or land shall hereafter be used or occupied and no building or structure or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified.

ARTICLE 2. DEFINITIONS

SECTION 2.1. MEANING OF WORDS

Except where specifically defined by this article, all words used in this law shall carry their customary meanings. Words used in present tense include the future, and the plural includes the singular; the word "person" includes a corporation as well as an individual; the word "lot" includes the words "plot" or "parcel;" "the term "shall" is always mandatory; and the word "used" or "occupied" as applied to any land or building shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied."
SECTION 2.2 DEFINITIONS

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

B. Building: Any structure having a roof supported by columns or by walls and intended for shelter, housing or enclosure of persons, animals or chattel.

C. Center Line of Road: A line midway between and parallel to two property lines along any public highway right-of-way. Whenever such property lines cannot be determined, such lines shall be considered as being midway between an parallel to the paved or improved surface of the road.

D. Dwelling: A building designed or used exclusively as the living quarters of one or more families.

E. Lot: A parcel of land separately recorded in the Otsego County Clerk's Office, or separately depicted on the Town Real Property Assessment Maps. Whenever two or more principal buildings are located on a single lot, the area devoted to each principal building together with its accessory buildings and uses, yards and open space, shall be considered as a separate lot for the purpose of this LAW.

F. Mobile Home: A self contained movable living unit capable of transportation on its own wheels on a public highway, and complying with the State building codes for mobile homes. The removal of wheels or anchoring of a mobile home to a permanent foundation shall not remove it from this definition.

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

H. Travel Trailer: A movable living unit intended for temporary travel or vacation use with or without kitchen or sanitary facilities. Self propelled recreational motor homes are included in the definition of trailer.

I. Yard, Front: The area lying between a road or street and the closest point of a principal building and extending from one side lot line to the other. The minimum front yard required by this Law shall be defined by a line parallel to a street or road at the specified distance established by the District Regulations from the centerline of the road.

J. Yard, Rear: The area lying between a rear lot line and the closest point of a principal building and extending from one side lot line to the other. The minimum rear yard required by this Law shall be defined by a line parallel to a rear lot line at the specified distance therefrom, established by the district regulations.
K. Yard, Side: The area lying between a side lot line and the closest point of a principal building and extending the full depth of the lot. The minimum side yard required by this law shall be defined by a line parallel to each side lot line at the specified distance established by the District Regulations.

ARTICLE 3 DISTRICTS

SECTION 3.1 ESTABLISHMENT OF DISTRICTS AND MAP

A. For the purpose described in section 1.3 of this law the Town of Worcester is hereby divided into the following districts:
   - R-80 One Acre Residence-Agricultural District
   - R-HD Residential Hamlet Districts one and two
   - FPD Flood Protection District
   - HD Historical District

B. The boundaries of the districts are shown on the official Town Map, a copy of which is attached and hereby made a part of this Law. The map may from time be amended in the same manner as any amendment to this Law.

SECTION 3.2 INTERPRETATION OF DISTRICT BOUNDARIES

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

A. Where district boundaries are indated as approximately following the centerlines of roads or highways; railroads; public utility easements; water course; Town boundaries; property lines; or lot lines, said boundaries shall be construed to be coincident with such lines or projections thereof.

B. Where district boundaries are indicated as being approximately parallel to any of the features described in section 3.2a, said boundaries shall be constructed as being parallel thereto and at such distances as are indicated on the Official Town Map or as shall be determined by the use of the scale.

C. Wherever any feature described in section 3.2a is depicted on the Official Town Map but such depiction varies from the actual location observed in the field and indicated by a physical feature, monument or mark, such physical feature, monument or mark shall be considered as being the reference point in determining a district boundary.

ARTICLE 4 DISTRICT REGULATIONS

SECTION 4.1 R-80 ONE ACRE RESIDENCE-AGRICULTURE DISTRICT

The following regulations shall apply in all R-80 districts:
   - One acre minimum lot size
   - N.Y.S. Health Department Standards are met.
b. Permitted Uses:
1. One family dwellings
2. Two family dwellings
3. Mobile homes and Mobile Home Parks
4. Farms and agricultural uses, including temporary stands for the sale of agricultural products grown on the premises.
5. Public and quasi-public uses, places of worship, schools, parks and playgrounds, government facilities and public utilities facilities.
6. Forest Management Areas
7. Accessory uses to any permitted use
8. Home occupations

c. Uses permitted upon issuance of a Special Permit:
1. Places of outdoor public assembly or amusement
2. Camps, campgrounds, including Travel Trailer parks
3. Apartment, dwellings for the exclusive occupancy of persons employed by a permitted agricultural use on the same lot, or on adjoining lots in the same ownership as the in active agricultural use. The number of such apartment dwelling units permitted shall not exceed one for every two acres of land in active agricultural use.


Added 4-5-6.

d. Lot Area, Yard and Height Regulations
1. Minimum lot areas- 1 acre (43,560) sq. ft.
3. Minimum front yard setback 50 feet
4. Minimum side yard width - 25 feet
5. Minimum rear yard depth - 25 feet
6. Maximum building height - 35 feet

e. Special Regulations:
1. Building permits shall be required for all new construction not including alterations.

SECTION 4.2 R-HD RESIDENTIAL HAMLET DISTRICT

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

a. Permitted Uses:
1. One family dwellings
2. Two family dwellings
3. Mobile Homes
4. Accessory uses
5. Retail sale of merchandise wholly within a building
6. Barber shops, beauty parlors, laundromat, shoe repair shop
7. Business and Professional offices
8. Banks, insurance, real estate, savings and loan offices
9. Public offices, public service and public utility facilities
10. Public or private schools
11. Mixed occupancy structures containing dwelling units and commercial use
12. Churches and places of worship
B. Uses permitted upon issuance of a Special permit:
   1. Small appliance repair shops
   2. Retail sale involving outdoor storage or display of items to be sold
   3. Retail sale of gasoline for automotive use
   4. Automobile, truck and farm machinery sales and service facilities
   5. Funeral homes

C. Lot Area, Yard and Height Regulations:
   1. Minimum Lot Area - 5,000 square feet, or 3,000 square feet per dwelling unit plus 3 square feet for every square foot of floor area of non-residential uses, other than accessory uses whichever is greater
   2. Minimum frontage on a public street - 80 feet
   3. Minimum front yard setback - 25 feet
   4. Minimum side yard width - 25 feet
   5. Minimum rear yard depth - 25 feet
   6. Minimum building height - 25 feet

D. Special Regulations:
   1. Building Permits shall be required for all new construction not including alterations

SECTION 4.3 PDD-PLANNED DEVELOPMENT DISTRICT

The following regulations shall apply to all PDD Districts: in addition to the regulations of the underlying zoning district.

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

B. Lot Area, Yard and Height Regulation:
   1. Minimum District Area - 10 acres
   2. Minimum frontage on a public street - 100 feet
   3. Minimum front yard setback - 50 feet
   4. Minimum setback from lot lines other than front lot line - 25 feet
   5. Maximum building height - 35 feet

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

4. Upon a finding that the proposed development will benefit the community as a whole, and is consistent with community plans, the development plan may be approved. Development within the PDD District shall be limited to the type, size and location shown on the development plan. Uses and structures not shown on the approved development plan shall be considered as being prohibited.

5. The approval of a use in one PDD District does not imply approval of such use in another PDD District, nor does approval of a use or uses in one PDD District in any way limit the types of uses that may be permitted in future PDD Districts.

6. Building permits shall be required for all new construction not including alterations.

7. All land uses and structures shall be subject to all applicable general regulations of this Law.

SECTION 4.4 FPD-FLOOD PROTECTION DISTRICT

The following regulations shall apply in all FPD Districts in addition to the regulations of the underlying district:

A. All buildings and structures shall be designed and anchored to prevent flotation, collapse, or lateral movement; shall use construction materials and utility equipment that are resistant to flood damage; and shall use construction methods and practices that will minimize flood damage.

B. All public utility systems and facilities serving any building or structure shall be located, elevated, or constructed to minimize or eliminate flood damage; and adequate on-site drainage shall be provided to reduce exposure to flood hazard.
C. No floor level, including a basement floor, in residential structure shall be constructed below the water surface elevation level of a 100-year flood.

D. In a non-residential structure, no floor level, including a basement floor, shall be constructed below the water surface elevation level of a 100-year flood; except that floor area, together with attendant utility and sanitary facilities may be constructed below this level if flood-proofed as specified herein.

E. Within a floodway designated by the Federal Insurance Administrator, no use, including landfill, or structure shall be permitted within any flood plain having special flood hazard, unless or until the person owning or developing such use or structure shall demonstrate that the proposed use or structure, when combined with all other existing uses or proposed uses approved by the Town Planning Board under this section, will not increase the water surface elevation of a 100-year flood more than one (1) foot at any one point.

F. With in a designated floodway, fill or encroachment that would impair its ability to carry and discharge the waters resulting from 100-year flood is prohibited, except where the effect on flood heights is fully offset by stream improvements.

G. No building or structure shall be erected or altered in any designated Flood Protection District unless and until a site plan showing such proposed development is approved by the Town Planning Board and a building permit therefore, issued.

H. Flood proofing measures as required in this section may include the following where appropriate:

1. Anchorage to resist flotation and lateral movement
2. Reinforcement of walls to resist water pressures
3. Installation of watertight doors, bulwarks and shutters
4. Use of paints, membranes or mortars to reduce seepage of water through walls
5. Addition of mass or weight to resist flotation
6. Installation of pumps to lower water levels in structures
7. Construction of water supply and waste treatment systems so as to prevent the entrance of flood waters
8. Pumping facilities to relieve hydrostatic water pressure on external walls and basement floors
9. Elimination of gravity flow drains
10. Construction to resist rupture or collapse caused by water pressure of floating debris
11. Elevation of structures to or above the necessary flood protection elevation
ARTICLE 4.5 HISTORICAL DISTRICT

A local law relating to the establishment of a Historical District in the Town of Worcester.

A. BOUNDARIES OF HISTORIC DISTRICT

The Historic District shall be the area shown and bounded as such as on the map entitled Map of the Town of Worcester, Otsego County, New York, dated September 1975, and made a part of this Local Law and generally described as follows:

This district should include all structures located on both sides of Route 7 between Decatur Street and Cook Street in the Town of Worcester.

B. REGULATED CONDUCT

1. APPLICATION
   This Local Law shall apply to external features within the Historic District which require a building permit. Change in any external feature, including but not limited to construction, reconstruction, alteration, restoration, removal or demolition shall not be made except as herein after provided.

2. EXCEPTION
   Nothing in this Local Law shall be construed to prevent the ordinary maintenance and repair of any existing external feature in the Historic District. Nothing in this Local Law shall be construed to prevent repair and reconstruction of any external feature required by public safety because of dangerous or unsafe conditions.

C. REGULATION OF SIGNS, OUTDOOR LIGHTING, AND PUBLIC WAYS

1. Signs erected in the Historic District shall conform to the requirements as established by the Town of Worcester Local Law.

D. LIMITING THE USE, ARRANGEMENT AND ARCHITECTURAL STYLE OF BUILDINGS IN THE HISTORIC DISTRICT

1. In reviewing any plans, the Planning Commission shall give consideration to:
   (a) The historic and architectural significance of the structure and its relationship to the historic character of the surrounding area;
   (b) The general appropriateness of exterior design and arrangement proposed to be used; and
   (c) Any other factors, including anesthetic, which are deemed pertinent.
2. In addition to the foregoing general standards, the following specific standards shall apply in appropriate cases:

A. ALTERATION AND ADDITIONS
Alterations and additions to existing buildings should either be made consistent with their architectural style or should alter the structure to an appropriate appearance consistent with the architectural styles existing in the Historic District.

B. NEW CONSTRUCTION
New construction shall be approved by an enforcement officer who is authorized to take into consideration architectural standards adopted by the Commission which reflect styles of Historic character existing within the Historic District.

C. DEMOLITION
Demolition should be prohibited in the case of a structure of historic value unless the Enforcement officer is satisfied that the retention of such structure constitutes a hazard to the public safety which hazard cannot be eliminated by economic means available to the owner. Such prohibition shall in this case be effective for no more than one year from the date of application for a permit to demolish. During this year the Commission shall endeavor to work out with the owner a feasible plan for the preservation of such structure. Moving of a dwelling of historic or architectural value may be allowed as an alternative to demolition.

ARTICLE 5 GENERAL REGULATIONS APPLYING TO ALL DISTRICTS

SECTION 5.1 PROHIBITED USES

Uses not specifically permitted under Article 4 of this law are prohibited, except that the Planning Board may find that use is sufficiently similar to a permitted use as to be included within the definition of that use.

SECTION 5.2 PRINCIPAL BUILDINGS PER LOT

There shall be only one principal building per lot, except that where a sufficiently large parcel exists, several principal buildings may be established, provided each structure has an identifiable land area which satisfies the lot area and yard requirements of the area which satisfies the lot area and yard requirements of the district regulations applying to the district in which it is located.

SECTION 5.3 EXCEPTIONS TO LOT AREA, HEIGHTS, AND YARD REGULATIONS

A. Substandard Lots: Any lot recorded before the effective date of this law, whose area, or frontage on a public street is less than that specified in this law, may be considered as complying with such requirements and no variance shall be required, provided that.
1. Such lot does not adjoin another undersized lot in common ownership.
2. Such lot has a minimum area sufficient to provide for proper operation of a well and septic tank system if such are required, and
3. Minimum required side yard widths, or rear yard depths required for such lots shall be reduced to not less than one half those required in the district.

B. Height Exceptions: The height regulations within the district regulations shall not apply to the following types of structures:

1. Church spires, domes, belfries, towers or cupolos not used for human habitation.
2. Chimneys, skylights, bulkheads and fire walls, stairwells, mechanical and elevator penthouses,
3. Water tanks, grain storage, barns, silos,
4. Ornamental or decorative parapet walls, cornices, weather vanes or other decorative roof structures, other than signs,
5. Antennae towers, siren towers, utility poles or towers.

C. Required Front Yard Setback: Whenever a lot lies within a developed area where structures are located closer to a public highway than permitted under the applicable district regulations, the required front yard setback may be considered as being the average front yard setback of such structures, subject to the following conditions:

1. There must be a minimum of four existing structures located along the same side of the highway and within 300 feet of the lot being considered for exemption from part of the front yard setback requirement;
2. It shall be demonstrated that a reduction of the required front yard setback will not adversely affect access to adjacent properties, increase hazards to public safety, or be incompatible with the existing pattern of development;
3. It shall be demonstrated that compliance with the required front yard setback will cause an unreasonable restriction upon development of said lot.

SECTION 5.4 YARDS ON CORNER LOTS

On a corner lot, yard abutting a street shall be considered a front yard setback, and the minimum front yard setback required by the district regulations shall be provided. The owner of such a corner lot shall decide which of the remaining yards shall be the rear and side yards.
SECTION 5.5 CLUSTER DEVELOPMENT
The Town Planning Board may modify applicable provisions of this Local law simultaneously with the approval of a subdivision plat or plats, however, such authorization shall be subject to the following conditions:

A. The owner of the land being subdivided desiring this modification, shall notify the planning board of his intent when applying for subdivision approval.

B. The Planning Board, before modifying requirements, shall find that such modification would be consistent with the intent of this authorization and in the Board's judgement, beneficial of the interests of the Town and the neighborhood in which the subdivision is located.

C. The application of this procedure shall result in a permitted number of lots or dwellings, units which shall not exceed the number which in the Board's judgement could be permitted if the land were subdivided in conformance with the requirements applicable to the to the district in which the subdivision is to be located.

D. If as a result of this procedure lands are made available for common open space or public use, such lands shall be clearly indicated on the subdivision plat and subject to the requirements for maintenance, ownership or dedication set forth in the Town Subdivision Regulations.

SECTION 5.6 SIGNS

A. In all districts the following types of signs are specifically prohibited:

(1) Signs so located as to restrict vision and impair safety of employees, customers, pedestrians or motorists.

(2) Lighting devices or internally lit signs so placed or directed as to cause the illumination therefrom to produce a glare or reflection onto a public street or sidewalk, that constitutes a hazard or nuisance.

(3) Signs illuminated by or containing flashing intermittent, rotating or moving lights or devices.

(4) Signs or sign structures exceeding 25 feet in height.

(5) Signs offering products or services not available on the premises upon which the sign is located.

B. All signs shall be erected or supported to withstand a wind of 70 miles per hour.

C. Signs which constitute a hazard to public safety by reason of their location or physical condition may be removed by order of the Town Board. If the hazard permits the person to whom the permit for such sign was issued shall be notified prior to such removal.
ARTICLE 6  GENERAL REGULATIONS APPLYING TO SPECIFIC USES

SECTION 6.1 STORAGE OF FLAMABLE LIQUIDS

Wherever any flammable liquid is stored above ground in tanks or other containers with a total capacity of greater than five hundred and fifty (550) gallons, such tanks or containers shall be located within earthen dikes having a capacity not less than twice the capacity of the tanks or containers surrounded. The edge of such dikes shall be located at least 100 feet from any property line.

SECTION 6.2 JUNK YARDS

All junk yards, dumps, wrecking yards or places for the collection of waste materials or inoperable equipment shall conform to the following requirements:

(1) All such yards, enclosures, or areas used for such collection or storage shall be enclosed by a screen fence at least eight feet in height entirely surrounding such yard or area.

(2) Materials stored and collected shall not be stacked or piled to a height greater than the closest screen fence.

(3) Material shall not be collected or stored on a hillside of greater than 10 percent, a flood plain, or adjacent to any stream bed.

SECTION 6.3 MOBILE HOMES AND MOBILE HOME PARKS

A. All mobile homes shall be anchored and located on foundations as follows:

(1) Mobile homes containing less than 500 square feet of floor area shall be anchored by means of at least four (4) frame ties and at least two (2) over-the-top ties, each tie to be securely anchored to the ground sufficient to withstand a 4,800 pound force without failure.

(2) Mobile homes containing 500 square feet of floor area, or more, shall be anchored by means of at least five (5) frame ties and at least three (3) over-the-top ties, each tie to be securely anchored to the ground to withstand a 4,800 pound force without failure.

(3) Ties shall consist of at least 1 3/4 inch by .035" galvanized steel strapping or 7/32 inch by 7x7 or 1/4 inch 7x19 galvanized steel cable. Frame ties shall connect the steel beam supporting the structure to the anchors. Over-the-top ties shall be anchored on both sides of the unit.
4. Whenever a mobile home has been constructed with concealed tie down straps for frame connections, such straps or connections may be used, however, they must be of the same number and strength as otherwise required by this section.

B. No travel trailer will be occupied within the Town of Worcester unless parked in a duly authorized travel trailer park.

C. No mobile home will be occupied in the Town of Worcester unless parked in an authorized Mobile-Home-Park or on a lot meeting District and Health Department Regulations.

SECTION 6.4 AGRICULTURAL DISTRICT
Any agricultural District established within the boundaries of the Town of Worcester shall comply with the rules and regulations of the State of New York on such Agricultural District.

SECTION 6.5 NON-CONFORMING STRUCTURES AND USES
A. Subject to the following conditions, any lawfully erected building or structure, existing at the time of enactment of this law may be continued although such building or structure does not conform to the provisions of this law.

1. A non-conforming building may not be enlarged, extended or altered except in conformance with this law, except that repairs not exceeding 100 percent of true value of the building or structure shall be permitted where such repairs are necessitated by fire, wind, flood, or other causes.
2. Any building or structure under construction at the time of enactment of this law may be completed.
3. Any permitted use may occupy a non-conforming building or portion thereof. Where the design or construction of a non-conforming building is such that it is unsuitable for any conforming use, the Board of Appeals may issue a special permit to allow the establishment or reestablishment of a non-forming use in such structure provided such use is contained wholly within an enclosed structure and meets the performance standards of this Local Law.

B. Subject to the following conditions, any lawfully established use of any land, building or structure, existing at the time of enactment of the law, may be continued although such use does not conform to the provisions of this law.

1. A non-conforming use shall not be enlarged or extended into adjoining land, building or structural areas.
2. Whenever a non-conforming use has been discontinued for a period of one year, such use shall be reestablished except in conformance with this law.
3. Once changed to a conforming use no building or land shall revert to a non-conforming use.

C. When a use, building or structure becomes non-conforming as a result of amendment to this law or of the district map made a part thereof, such shall be subject to the regulations and restrictions applicable to a non-conforming use.
ARTICLE 7  ADMINISTRATION AND ENFORCEMENT

SECTION 7.1 ADMINISTRATIVE AND ENFORCEMENT OFFICER

A. This law shall be enforced by the Enforcement Officer, who shall be appointed by the Town Board. The Town Board shall fix the salary or compensation of such officer, and provide for the payment thereof.

B. The Town Clerk is hereby given the following duties and authority:

1. To accept all applications required by this law and to transmit such applications to the secretaries of the Planning Board or Board of Appeals.
2. Where specifically authorized by this law, to issue permits.
3. To serve as deputy enforcement officer, to have the same duties and authority as that official in his absence.
4. To provide, upon request, copies of the Town Law and Map, and any forms, rules, and regulations used in administering this law.

C. The Enforcement Officer is hereby given the following duties and authority:

1. To enter upon, examine or inspect any land, building or structure for the purpose of administering or enforcing this law, upon proper notice.
2. To receive complaints of violations of this law, or to make complaints based upon his own examination, inspection or knowledge.
3. To act upon any and all complaints and to serve a written notice of violation upon the owner or occupant of the premises where there appears to exist a violation of any provision of this law.
4. To perform any other administrative or enforcement duties specified in this law, including but not limited to the issuance of permits, licenses or certificates, accepting or reviewing applications, plans or plats, and carrying out any lawful order of the Town Planning Board or Board of Appeals.

SECTION 7.2 PERMITS, CERTIFICATES AND LICENSES

A. No new building or structure shall be constructed or erected, unless a building permit is issued therefore by the Enforcement Officer, subject to the following conditions:

1. Every building permit application shall include the following:
   A. The location, size, dimensions and type of district of the lot or lots on which the work is to be performed.
   B. A sketch or drawing showing the location of the proposed building or structure, including dimensions to all property lines, and to the nearest building within one hundred feet of the proposed building or structure.