

Section 4.02 Use Regulations.

A. Purpose and Objective. This section identifies the allowable and prohibited uses of properties within the Town by Zoning District. The section also notes if and when a site plan review is required.

B.A. Allowed Uses by Right. A use shall be allowed by right in a district if it is listed in the schedules of regulations as an allowed use for that district, or is a forestry use or an essential service, provided all other requirements of this Local Law are met. Any non-commercial use not listed on the following schedules shall be allowed provided all other requirements of this Local Law are met. These uses require a Zoning Permit.

C.B. Uses Allowed with Site Plan Review. A use listed in the following schedules of regulations as subject to site plan review for a given zoning district shall be allowed in that district when approved in accordance with Article 5 hereof, provided all other requirements of this Local Law are met. In addition, any Commercial Use not listed in the following schedules shall be allowed subject to Site Plan Review if it appears on the APA Compatible Use list for the District in which it is located.

D.C. Prohibited Uses. Any use which is not an allowed use by right or by site plan review in a given zoning district or which is not an accessory use shall be a prohibited use in that zoning district. Any applicant wishing to undertake any such prohibited use shall always have the right to seek authorization from the Town Board through appropriate amendment of this Local Law, which the Town Board shall review with consideration for the economic opportunities, health, safety, and general welfare of the residents of the Town of Chester. Any such proposed amendment must be referred to the Adirondack Park Agency.

E.D. Accessory Use or Accessory Use Structure. An accessory use or accessory use structure shall be allowed if the use to which it is accessory is a lawful use pursuant to the terms of this Local Law and for which a permit has been issued if required pursuant to the terms of this Local Law. A new accessory use structure other than a fuel tank, fence or flag pole requires a zoning permit pursuant to this local law. Also excluded from requiring a permit are any moveable structures 50 square feet or less and less than 4 feet in height.

F.E. Elevation and Slope Review. Any New Land Use and Development, including single family dwellings, in any district on lands at an elevation in excess of 1,400 feet above sea level or on slopes in excess of 15% shall be subject to site plan review.

F. Use Chart -- Hamlet (H)

Purpose: To provide compatible commercial services for the hamlets.

Allowed Uses with Zoning Certificate

~~Accessory uses and structures customarily incidental and subordinate to the principal use~~

~~Bed and Breakfast~~

~~Excavation~~

~~Home Occupation~~

~~Single Family Dwelling~~

~~Club~~

~~Fraternal Organizations~~

~~Mail Order Business~~

~~Wayside Stand~~

Subject to Site Plan Review

~~Accessory Apartment **[amended July 2011]**~~

~~Agricultural Use~~

~~Agricultural Use Structure~~

~~Church~~

~~Commercial Use~~

~~Computer Related Facility~~

~~Dwelling, Multiple Family~~

~~Garage, Public~~

~~Greenhouse, Commercial~~

~~Agricultural Service Use~~

~~Automobile Service Station~~

~~Campground~~

~~Commercial Recreation Use~~

~~Community Facility~~

~~Day Care Center~~

~~Dwelling, Townhouse~~

~~Food Store~~

~~Funeral Home~~

~~Government Office or Agency~~

~~Kennel~~

~~Medical Building~~

~~Professional Office~~

~~Restaurant, Fast Food~~

~~Retail Business, General~~

~~School~~

~~Public or Semi-Public Building~~

~~Restaurant, Full Service~~

~~Retail Service, Commercial~~

~~Shopping Center~~

~~Waste Treatment Site (Municipal Only)~~

Tourist Accommodations

Watershed management/Flood control project

~~Any New Land Use or Development, including single family dwellings, in any district on lands at an elevation in excess of 1,400 feet above sea level or on slopes in excess of 15% shall be subject to project review.~~

~~For all commercial uses any change of use or any increase in the size of the structure or in the area of lot coverage shall be subject to project review.~~

~~See Section 4.03 for dimensional regulations – Hamlet.~~

DRAFT

G. Use Chart – Moderate Intensity (MI).

Purpose: To provide large lot and waterfront residential use that maintains the natural shoreline environment and strictly protect the quality of the Town's waters, and to provide a variety of commercial uses guided by siting guidelines of Article 7 where major transportation access is of key importance.

| <i>Allowed Uses with Zoning Certificate</i> | |
|---|-----------------------------------|
| Accessory uses and structures customarily incidental and subordinate to the principal use | |
| Accessory Use Structure | Bed and Breakfast – Accessory Use |
| Club | Dwelling, two family |
| Excavation | Fraternal Organizations |
| Home Occupation | Mobile Home |
| Single Family Dwelling | Wayside Stand |
| <i>Subject to Site Plan Review</i> | |
| Accessory Apartment [amended July 2011] | |
| Agricultural Service Use | Agricultural Use |
| Automobile Service Station | Airport/Heliport |
| Bed and Breakfast – Tourist Accommodation | Campground |
| Commercial Boat Storage | Church |
| Commercial Use on APA Compatible Use List (other than those allowed with Zoning Permit above) | Commercial Recreation Use |
| Day Care Center | Community Facility |
| Dwelling, attached | Computer Related Facility |
| Dwelling, Townhouse | Dwelling, Multiple Family |
| Forestry Use | Food Store |

| | |
|--|--|
| Funeral Home | Garage Public |
| Government Office or Agency | |
| Group Camp | |
| Kennel | Major Public Utility Use |
| Mail Order Business | Marina |
| Medical Building | |
| Professional Office | Public or Semi-Public Building |
| Restaurant, Fast Food | Restaurant, Full Service |
| Retail Business, Commercial | Retail Business, General |
| School | Shopping Center |
| Ski Center | Tourist Accommodation |
| Transient Mobile Home/Travel Trailer Camp | Waste Treatment Site (Municipal Only) |
| Watershed Management/Flood Control Project | |
| Water Bottling Plant | |

~~Any New Land Use and Development, including single family dwellings, in any district on lands at an elevation in excess of 1,400 feet above sea level or on slopes in excess of 15% shall be subject to project review.~~

~~For all commercial uses any change of use or any increase in the size of the structure or in the area of lot coverage shall be subject to project review.~~

~~See Section 4.03 for dimensional regulations – Moderate Intensity~~

H. Use Chart - Low Intensity (L)

Purpose: To create an open, rural residential environment.

Allowed Uses with Zoning Certificate

~~Accessory uses and structures customarily incidental and subordinate to the principal use~~

Accessory Use Structure

~~Bed and Breakfast—Accessory Use~~

~~Forestry Use~~

~~Home Occupation~~

~~Mobile Home~~

~~Single Family Dwelling~~

Excavation

Fraternal Organizations

Hunting and/or fishing cabins under 500 sq. ft.

Wayside Stand

Subject to Site Plan Review

~~Accessory Apartment **[amended July 2011]**~~

~~Agricultural Service Use~~

Agricultural Use

~~Airport/Heliport~~

~~Bed and Breakfast—Tourist Accommodation~~

~~Church~~

Commercial Boat Storage

~~Commercial Recreation Use~~

Commercial Sand and Gravel Extraction

~~Commercial Use on APA Compatible Use List (other than those allowed with Zoning Permit above)~~

Community Facility

~~Dwelling, attached~~

~~Dwelling, Two Family~~

~~Firing Range~~

~~Funeral Homes~~

~~Game Preserve~~

~~Group Camp~~

~~Kennel~~

~~Major Public Utility Use~~

~~Marina~~

~~Marina, Quick Launch~~

~~Water Bottling Plant~~

~~Private Sand, Gravel or Topsoil Extraction~~

~~Public or Semi-Public Building~~

~~Restaurant, Full Service~~

~~Rooming House~~

~~School~~

~~Watershed Management/Flood Control Project~~

~~Waste Treatment Plant, Public~~

~~Any New Land Use or Development, including single family dwellings, in any district on lands at an elevation in excess of 1,400 feet above sea level or on slopes in excess of 15% shall be subject to project review.~~

~~For all commercial uses any increase in the structural size or any addition or change in use shall be subject to project review,~~

~~See Section 4.03 for dimensional regulations – Low Intensity~~

I. Use Chart – Rural Use (RU)

Purpose: To create a residential environment that is compatible with open space and traditional rural uses.

Allowed Uses with Zoning Certificate

Accessory uses and structures customarily incidental and subordinate to the principal use

Accessory Use Structure

Agricultural Uses

Bed and Breakfast – Accessory Use

Forestry Use

Home Occupation

Mobile Home

Single Family Dwelling

Fraternal Organizations

Hunting and/or Fishing Cabins under 500 sq.ft.

Wayside stand

Subject to Site Plan Review

Accessory Apartment **[amended July 2011]**

Agricultural Service Uses

Airport/Heliport

Bed and Breakfast – Tourist Accommodation

—

Campground

Church

Commercial Use on APA Compatible Use List (other than those allowed with Zoning Permit above)

Commercial Sand and Gravel Operations

—

Community Facility

Dwelling, attached

Dwelling, multiple family

Dwelling, townhouse

Dwelling, two family

Firing Range

Forestry Use, Structure

Group Camp

Kennel

| | |
|---|---|
| Private Sand, Gravel or Topsoil Extraction | Water Bottling Plant |
| Restaurant, Full Service | Public or Semi-Public Building |
| Rooming House | Riding Stables |
| Ski Center | School |
| Tourist Accommodation | Timber Harvest of less than 25 acres |
| Watershed Management/Flood Control Project | Waste Treatment, Public |

~~Any New Land Use or Development, including single family dwellings, in any district on lands at an elevation in excess of 1,400 feet above sea level or on slopes in excess of 15% shall be subject to project review.~~

~~For all commercial uses any increase in the structural size or any addition or change in use shall be subject to project review.~~

~~See Section 4.03 for dimensional regulations – Rural Use.~~

J. Use Chart – Resource Management (RM)

Purpose: To provide and maintain naturalvistas in areas where soil and slope conditions are least favorable for development.

Allowed Uses with Zoning Certificate

Accessory uses and structures customarily incidental and subordinate to the principal use

Accessory Use Structure

Agricultural Uses

Bed and Breakfast – Accessory Use

Excavation

Game Preserve

Mobile home

Single family dwellings

Forestry Use

Hunting and/or fishing cabins under 500 sq. ft.

Wayside Stand

Subject to Site Plan Review

Accessory Apartment **[amended July 2011]**

Agricultural Service Use _____

Bed and Breakfast – Tourist Accommodation

Campground _____

Commercial Use

Community Facility

Forestry use structures _____

Group Camp

Hunting and fishing cabins* _____

Church _____

Commercial Sand and Gravel Extraction _____

Dwelling, Multiple Family _____

Firing Range _____

Forestry Use Structure _____

Game Preserve

Home Occupation

Kennel

~~Major Public Utility Use~~

~~Private Sand, Gravel or Topsoil Extraction~~

~~Public or Semi-Public Building~~

~~Restaurant, Full Service~~

~~Ski Center~~

~~Tourist Accommodation~~

~~Watershed Management/Flood Control Project~~

~~*and other private club structures involving 500 sq. ft. or more of floor space.~~

~~Any New Land Use or Development, including single family dwellings, in any district on lands at an elevation in excess of 1 400 feet above sea level or on slopes in excess of 15% shall be subject to project review.~~

~~For all commercial uses any increase in the structural size or any addition or change in use shall be subject to project review.~~

~~See Section 4.03 for dimensional regulations – Resource Management~~

~~K. Use Chart – Industrial Use Areas (I)~~

~~**Purpose:** To create economic opportunities for the community through light, environmentally appropriate industry.~~

| Allowed Uses with Zoning Certificate | Accessory Uses |
|--|--|
| Accessory uses and structures customarily incidental and subordinate to the principal use | |
| <u>Accessory Use Structure</u> | |
| Subject to Site Plan Review | |
| Agricultural service uses | Commercial Sand and Gravel Extraction |
| Commercial Use | Industrial use |
| Junkyards | Major Public Utility Use |
| Mineral Extraction | Mineral Extraction Structures |
| | Public and semi-public buildings |
| Waste Treatment Plant | Wood Product Mills |

~~Any New Land Use or Development, including single family dwellings, in any district on lands at an elevation in excess of 1,400 feet above sea level or on slopes in excess of 15% shall be subject to project review.~~

~~For all commercial uses any increase in the structural size or any addition or change in use shall be subject to project review.~~

~~See Section 4.03 for dimensional regulations – Industrial~~

Purpose and objective: To provide a balance offering compatible commercial services and economic opportunity while protecting the community, environment, and natural aesthetics.

TOWN OF CHESTER USE CHART

KEY:

ZP = ALLOWED USE BY RIGHT WITH ZONING PERMIT

S = SUBJECT TO SITE PLAN REVIEW

— = PROHIBITED (USE VARIANCE REQUIRED)

| USES | HAMLET | MODERATE INTENSITY USE | LOW INTENSITY USE | RURAL USE | RESOURCE MGT. | INDUSTRIAL USE |
|---|--------|------------------------|-------------------|-----------|---------------|----------------|
| Accessory Apartment | S | S | S | S | S | — |
| Accessory Uses and Accessory Structures | ZP | ZP | ZP | ZP | ZP | ZP |
| Agricultural Services Use(s) | S | S | S | S | S | S |
| Agriculture Use(s) | S | S | S | ZP | ZP | — |
| Agricultural Use Structure | S | ZP | — | — | — | — |
| Airport / Heliport | — | S | S | S | — | — |
| Automobile Service Station | S | S | — | — | — | — |
| Bed and Breakfast | ZP | — | — | — | — | — |
| Bed and Breakfast /Tourist Accommodation | — | S | S | S | S | — |
| Bed and Breakfast Accessory Use | — | ZP | ZP | ZP | ZP | — |
| Campground | S | S | — | S | S | — |
| Church | S | S | S | S | S | — |
| Club | ZP | ZP | — | — | — | — |
| Commercial Boat Storage | — | S | S | — | — | — |
| Commercial Recreational Use | S | S | S | — | — | — |
| Commercial Sand and Gravel Extraction | — | — | S | — | S | S |
| Commercial Use | S | — | — | — | S | S |
| Commercial Use on APA Compatible Use List | — | S | S | S | — | — |
| Community Facility | S | S | S | S | S | — |
| Computer Related Facility | S | S | — | — | — | — |
| Day Care Center | S | S | — | — | — | — |
| Dwelling, Attached | — | S | S | S | — | — |
| Dwelling, Multiple Family | S | S | — | S | S | — |

| | HA | MIU | LIU | RU | RM | IU |
|---|----|-----|-----|----|----|----|
| Dwelling, Single Family | ZP | ZP | ZP | ZP | ZP | — |
| Dwelling, Townhouse | S | S | — | S | — | — |
| Dwelling, Two Family | — | ZP | S | S | — | — |
| Excavation | ZP | ZP | ZP | — | ZP | — |
| Firing Range | — | — | S | S | S | — |
| Food Store | S | S | — | — | — | — |
| Forestry Use | ZP | ZP | ZP | ZP | ZP | ZP |
| Forestry Use Structure | — | — | — | S | S | — |
| Fraternal Organization | ZP | ZP | ZP | ZP | — | — |
| Funeral Home | S | S | S | — | — | — |
| Game Preserve | — | — | S | — | ZP | — |
| Garage Public | S | S | — | — | — | — |
| Government Office or Agency | S | S | — | — | — | — |
| Greenhouse Commercial | S | — | — | — | — | — |
| Group Camp | — | S | S | S | S | — |
| Home Occupation | ZP | ZP | ZP | ZP | S | — |
| Hunting and Fishing Cabins / Under 500 Sq. feet | — | — | ZP | ZP | ZP | — |
| Hunting and Fishing Cabins / Over 500 Sq. feet* | — | — | — | — | S | — |
| Industrial Use | — | — | — | — | — | S |
| Junkyard | — | — | — | — | — | S |
| Kennel | S | S | S | S | S | — |
| Mail Order Business | ZP | S | — | — | — | — |
| Major Public Utility Use | — | S | S | — | S | S |
| Marina | — | S | S | — | — | — |
| Marina Quick Launch | — | — | S | — | — | — |
| Medical Building | S | S | — | — | — | — |
| Mineral Extraction/ Mineral Extraction Structures | — | — | — | — | — | S |
| Mobile/Manufactured Home | — | ZP | ZP | ZP | ZP | — |
| Private Sand , Gravel, Topsoil Extraction | — | — | S | S | S | — |
| Professional Office | S | S | — | — | — | — |
| Public or Semi-public Buildings | S | S | S | S | S | S |
| Restaurant / Full Service | S | S | S | S | S | — |
| Restaurant / Fast Food | S | S | — | — | — | — |
| Retail Services, Commercial | S | S | — | — | — | — |
| Retail Business, General | S | S | — | — | — | — |
| Riding Stables | — | — | — | S | — | — |

| | HA | MIU | LIU | RU | RM | IU |
|--|----------------|----------------|-----|----|----|----|
| Rooming House | — | — | S | S | — | — |
| School | S | S | S | S | — | — |
| Shopping Center | S | S | — | — | — | — |
| Ski Center | — | S | — | S | S | — |
| Solar Systems, Flush Mounted | ZP | ZP | ZP | ZP | ZP | ZP |
| Solar Systems, Rooftop or Building Mounted | ZP | ZP | ZP | ZP | ZP | ZP |
| Solar Systems, Building Integrated Photovoltaic | ZP | ZP | ZP | ZP | ZP | ZP |
| Solar Energy Systems, Pole Mounted or Ground Mounted (Accessory Structure) | S ⁴ | S ⁴ | S | S | S | S |
| Solar Energy Systems, Pole Mounted or Ground Mounted (Principal Use) | — | — | S | S | S | S |
| Tourist Accommodation | S | S | — | S | S | — |
| Transient Mobile Home / Travel Trailer Camp | — | S | — | — | — | — |
| Waste Treatment Plant / Public | — | — | S | S | — | S |
| Waste Treatment Site (Municipal Only) | S | S | — | — | — | — |
| Water Bottling Plant | — | S | S | S | — | — |
| Watershed Management / Flood Control Project | S | S | S | S | S | — |
| Wayside Stand | ZP | ZP | ZP | ZP | ZP | — |
| Wood Product Mills | — | — | — | — | — | S |

*and any other private club structures involving 500 square feet or more of floor space.

1. Any New Land Use or Development, including single family dwellings, in any district on lands at an elevation in excess of 1,400 feet above sea level or on slopes in excess of 15% shall be subject to project review.
2. For all commercial uses any change of use or any increase in the size of the structure or in the area of lot coverage shall be subject to project review.
3. See section 4.03 for dimensional regulations.
4. Small-scale solar system only