
NORTH SENECA

SOLAR PROJECT

APPENDIX 3-B

Permitted and Prohibited Uses

ORES Permit Application No. 23-00036

Town of Waterloo

Town of Waterloo Chapter 135: Zoning (2011,
Amended October 10, 2023)

135 Attachment 1: Schedule 1: Land Uses or Activities

WATERLOO CODE

135 Attachment 1

Town of Waterloo
Schedule I: Land Uses or Activities

[Amended 09-25-2023 by L.L. No. 1-2023]

KEY:

P = Permitted by right
SUP = Permitted by special use permit
SC = Special conditions apply
NP = Not permitted

Note: Site plan approval is required for all land uses or activities except single-family dwellings. See § 135-5C.

Land Use or Activity	Agricultural	Low-Density	Moderate-Density	Industrial	Multiple-Use
	A	R1	R2	I	MU
1. Single-family dwelling	SC	SC	SC	NP	SC
2. Single-family dwelling with accessory apartment	SUP	SUP	SUP	NP	SUP
3. Two-family dwelling	P	SUP	P	NP	P
4. Multiple dwelling structures, including conversions	SC	NP	SC	NP	SC
5. Dwelling, multifamily, including apartment, condominium and townhouse	SC	NP	SC	NP	SC
6. Dwelling, modular or factory manufactured	SC	SC	SC	NP	NP
7. Dwelling, mobile home	SC	NP	NP	NP	SC
8. Mobile home park	SC	NP	NP	NP	SC
9. Garage and similar use accessory to a dwelling	SC	SC	SC	SUP	SC
10. Community residence (See definitions.)	SUP	NP	SUP	NP	SUP

WATERLOO CODE

Land Use or Activity	Agricultural	Low-Density	Moderate-Density	Industrial	Multiple-Use
	A	R1	R2	I	MU
11. Church, place of public worship and related facility	P	P	P	NP	P
12. Nursery school; day-care facility	P	NP	SUP	NP	SUP
13. Nursing home; health-related clinic	P	NP	SUP	NP	SUP
14. Government building, public/private school	P	NP	SUP	NP	SUP
15. Ambulance/fire service	P	NP	SUP	P	SUP
16. Offices of business, professional or financial organizations, of individuals, civic, social, fraternal and other nonprofit organizations	P	NP	SUP	P	SUP
17. Park, playground	P	P	P	NP	P
18. Farming: crops	P	P	SUP	NP	NP
19. Farming: dairy, livestock (except poultry and hogs)	P	SUP	SUP	SUP	SUP
20. Farming: poultry, hogs	P	SUP	SUP	SUP	SUP
21. Commercial plant nursery/greenhouse	P	SUP	NP	P	SUP
22. Roadside stand (including farm stand)	SUP	SUP	SUP	NP	SUP
23. Bed-and-breakfast facility	SUP	NP	SUP	NP	P
24. Short-term Rental Property	P	P	P	P	P
25. Rooming house; tourist home	SUP	NP	SUP	NP	SUP
26. Home occupation	SC	SC	SC	NP	SC
27. Funeral home	SUP	SUP	SUP	NP	SUP

WATERLOO CODE

Land Use or Activity	Agricultural	Low-Density	Moderate-Density	Industrial	Multiple-Use
	A	R1	R2	I	MU
28. Veterinary office	SUP	NP	NP	NP	SUP
29. Kennel; Residential	SUP	NP	NP	NP	SUP
30. Kennel; Commercial	SUP	NP	NP	SUP	SUP
31. Stable: public	SUP	SUP	NP	NP	NP
32. Stable: private (owner's use only)	P	SUP	SUP	NP	SUP
33. Commercial non-motorized recreation: indoor or outdoor, whether or not for profit	SUP	NP	NP	NP	SUP
34. Recreation track for motorized vehicles	SUP	NP	NP	NP	NP
35. Motel/hotel	SUP	NP	NP	NP	SUP
36. Professional or business office (not in home)	SUP	SUP	NP	P	SUP
37. Bank; financial institution	SUP	SUP	NP	NP	SUP
38. Retail sales: antiques, crafts and similar small independent activity	SUP	NP	NP	NP	P
39. Retail sales, general: food, clothing, furniture, carpets, hardware, lawn and garden supply, pets and similar goods	SUP	NP	NP	NP	SUP
40. Retail sales: paint, lumber and other building materials and supplies	SUP	NP	NP	P	P
41. Retail sales: plumbing, heating, cooling, electrical supplies and equipment	SUP	NP	NP	P	P
42. Retail sales/service: industrial equipment	SUP	NP	NP	P	P
43. Retail sales/service: agricultural equipment	P	NP	NP	NP	P

WATERLOO CODE

Land Use or Activity	Agricultural	Low-Density	Moderate-Density	Industrial	Multiple-Use
	A	R1	R2	I	MU
44. Retail sales, service and storage: marine and water-oriented	SUP	NP	NP	P	SUP
45. Retail sales: mobile home, RV, snowmobile and similar item requiring outdoor display	SUP	NP	NP	P	P
46. Restaurant, tavern	SUP	NP	NP	NP	SUP
47. Barber/Beauty shop, laundromat and similar personal service (not a home occupation)	SUP	SUP	SUP	NP	SUP
48. Convenience (mini) mart	SUP	NP	NP	NP	SUP
49. Mini warehouse for self-storage rentals	SUP	NP	NP	P	P
50. Vehicular fuel and service	SUP	SUP	NP	NP	SUP
51. New and used car sales, service and repair	SUP	NP	NP	NP	P
52. Car wash	SUP	NP	NP	NP	P
53. Printing/publishing (not home occupation)	SUP	NP	NP	P	P
54. Commercial assembly: jewelry, leather, fabric, scientific instruments and similar small items	SUP	NP	NP	P	P
55. General processing, light manufacturing, assembly	SUP	NP	NP	P	P
56. Scientific, agricultural, industrial and similar research, design and production	SUP	NP	NP	P	P
57. Warehouse for storage or wholesaling of goods and materials	SUP	NP	NP	P	SUP
58. Use of accessory farm building for sale of farm commodities, light fabrication or assembly	SUP	SUP	NP	NP	SUP
59. Truck, motor freight or construction equipment terminal, with or without repair facilities	SUP	NP	NP	P	SUP
60. Vehicle wrecking or salvage yard	SUP	NP	NP	SUP	NP
61. Mining and excavation	NP	NP	NP	NP	NP

WATERLOO CODE

Land Use or Activity	Agricultural	Low-Density	Moderate-Density	Industrial	Multiple-Use
	A	R1	R2	I	MU
62. Sign	SC	SC	SC	SC	SC
63. Public utility: local service and distribution	P	P	P	P	P
64. Public utility: substation or transmission line	P	NP	NP	P	NP
65. Tower for the reception or transmission of electronic signals	SUP	SUP	SUP	SUP	SUP
66. Solid waste recycling or transfer operation	SUP	NP	NP	SUP	NP
67. Junkyard	NP	NP	NP	SUP	NP
68. Adult entertainment	NP	NP	NP	SUP	NP
69. Campground	SUP	NP	NP	NP	SUP
70. Cemetery	P	NP	NP	NP	NP
71. Marina with docking facilities	SUP	NP	NP	NP	SUP
72. Golf course, including restaurant and driving range	P	P	P	NP	P
73. Small – Scale Solar Energy System	P	P	P	P	P
74. Large – Scale Solar Energy System	SUP	NP	NP	SUP	NP
75. Wireless telecommunications facility	NP	NP	NP	NP	NP
76. Essential Services. Public Utility, communication	P	P	P	P	P
77. Cannabis (Retail Dispensary)	NP	NP	NP	P	P

City of Geneva

City of Geneva Zoning Code (Revised Draft 2021)

Article III-VII

§ 350-3.3 REVIEWS REQUIRED

No building, structure, or lot shall hereafter be erected, altered, or demolished or use established within a residential district without obtaining the following approvals, as required by this Chapter:

- A. **Development Plan Review.** Review and approval may be required. Refer to Article 13.
- B. **Special Use Permit.** Required as noted in §350-3.4 use table. Refer to Article 14 for review and application procedures.
- C. **Certificate of Appropriateness.** Required where subject property is located in the Historic Overlay (HO) District. Refer to Article 15 for review and application procedures.

§ 350-3.4 USE LISTS

Uses are allowed in residential districts in accordance with the following table.

- A. Uses identified with a "P" are permitted as-of-right, subject to compliance with all other applicable standards of this zoning law.
- B. Uses identified with a "SP" may be allowed with the issuance of a special use permit (see Article 14 for review and application procedures).
- C. Uses identified with a "-" are expressly prohibited.
- D. Uses otherwise not identified in this Section may be permitted by right or with the issuance of a special use permit if the CEO deems such use to be similar in nature, activity, intensity and/or extent to a use that is already listed.

LAND USE	LDR	MDR	LLR	MR	ADDITIONAL REGULATIONS
RESIDENTIAL					
<i>Single- or Two-Family Dwelling</i>	P	P	P	P	-
<i>Multi-Family Dwelling, By Conversion</i>	-	SP	-	SP	§350-7.14
<i>Multi-Family Dwelling, Up to 6 Units</i>	-	P	-	P	§350-7.14
<i>Multi-Family Dwelling, 7 to 12 Units</i>	-	-	-	P	§350-7.14
<i>Multi-Family Dwelling, Over 12 Units</i>	-	-	-	SP	§350-7.14
<i>Fraternity or Sorority House</i>	-	SP	SP	SP	-
<i>Bed and Breakfast or Short-Term Rental</i>	SP	SP	SP	SP	§350-7.7 & 7.18
<i>Home Occupation (including Day Care)</i>	P	P	P	P	§350-7.12
<i>Hospice, Nursing Home, or Assisted Living</i>	-	SP	-	SP	-

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LAND USE	LDR	MDR	LLR	MR	ADDITIONAL REGULATIONS
COMMERCIAL					
Day Care Center, Child or Adult	-	-	-	SP	§350-7.8
Dance, Art, Music, or Photo Studio	SP ¹	SP ¹	-	-	-
Office, Administrative or Professional	-	SP	-	SP	-
OTHER					
Agricultural Operation	-	-	P	-	-
Community or Service Club	-	SP	-	SP	-
Cultural Facility, such as Museum	-	-	P	-	-
Municipal Structure or Use	-	SP	-	SP	-
Place of Worship	P	P	P	P	-
Public Park or Playground	P	P	P	P	-
School, Public or Private	P	P	P	P	-
Telecommunications Facility	-	-	-	-	-
ACCESSORY					
Accessory Use or Structure	P	P	P	P	§350-7.4
Accessory Dwelling Unit	SP	SP	SP	SP	§350-7.3
Keeping of Animals	SP	SP	SP	-	§350-7.13

§ 350-3.5 DIMENSIONAL REQUIREMENTS

	LDR	MDR	LLR ³	MR
MIN LOT SIZE				
Residential	4,000 sf	3,000 sf	20,000 sf	2,500 sf
	-		-	
Nonresidential Use	15,000 sf	12,000 sf	20,000 sf	5,000 sf
MIN LOT WIDTH				
Residential Use	40 ft	40 ft	100 ft	30 ft
Nonresidential Use	40 ft	40 ft	100 ft	30 ft
MIN FRONT SETBACK				
Primary Structure	15 ft ²	10 ft ²	40 ft	5 ft ²
Fronting S Main Street or Lochland Road	-	-	-	100 ft
MIN SIDE SETBACK				
Primary Use or Structure	5 ft	5 ft	20 ft	5 ft
Accessory Use or Structure	5 ft	3 ft	15 ft	3 ft
MIN REAR SETBACK				
Primary Use or Structure	30 ft	30 ft	30 ft	20 ft
Accessory Use or Structure	5 ft	3 ft	15 ft	3 ft

- NOTES:**
- (1) The notation "sf / unit" indicates square feet per dwelling unit.
 - (2) Or the average between developed lots adjacent to the property in question.
 - (3) Additional dimensional requirements may be determined as part of **development Plan** review. This process shall be governed by the goal of creating an environment consistent with existing land use patterns and density, encouraging compatibility with residential properties within the district, and with the general purpose of this district.

§ 350-3.6 BULK REQUIREMENTS

	LDR	MDR	LLR ³	MR
MAX BUILDING HEIGHT				
<i>Primary Structure</i>	35 ft¹ (2.5 stories)	35 ft¹ (2.5 stories)	35 ft¹ (2.5 stories)	45 ft¹ (3 stories)
<i>Accessory Structure</i>	12 ft²	12 ft²	12 ft	12 ft²
MAX LOT COVERAGE				
<i>Gross Impervious Surface</i>	30%	30%	30%	35%

- NOTES:**
- (1) Building height shall be determined in feet; while the visual scale or appearance in height of the structure shall be determined in stories.
 - (2) No accessory structure may exceed the height of the primary structure on the lot.
 - (3) Additional dimensional requirements may be determined as part of **development plan** review. This process shall be governed by the goal of creating an environment consistent with existing land use patterns and density, encouraging compatibility with residential properties within the district, and with the general purpose of this district.

ARTICLE 4. BUSINESS DISTRICTS

§ 350-4.1 DISTRICTS ESTABLISHED

The business districts of the City of Geneva are listed in the following table. When this zoning law refers to business or “B” zoning districts it is referring to one of the following:

DISTRICT NAME	ABBREVIATION & MAP SYMBOL
<i>Gateway Business</i>	GB
<i>Neighborhood Business</i>	NB
<i>Central Business</i>	CB
<i>Central Business – 5 Story</i>	CB-5

§ 350-4.2 PURPOSE STATEMENTS

- A. **Gateway Business (GB).** The purpose of the GB District is to support the goals, objectives, and policies contained in the City’s Comprehensive Plan. More specifically, the GB District is intended to foster the redevelopment of low density, auto-oriented areas into active and dense corridors that serve as more attractive entrances to the City. This may include a wide variety and/or mix of uses including residential, commercial, and light industrial activity that serve the daily needs of local residents and the traveling public. In order to accomplish this, the GB District regulates the location, design and use of structures and land to emphasize and redefine the streetscape in a manner that promotes the traditional character, walkability, and human-scale exemplified elsewhere in the City, while accentuating the corridor’s presence as a gateway to Geneva.
- B. **Neighborhood Business (NB).** The purpose of the NB District is to provide for the development of small-scaled retail and service stores in areas adjacent to or surrounded by established residential neighborhoods, and to support the vision and goals contained in the City’s Comprehensive Plan. Investment permitted in the NB District shall be compatible with the scale and walkability of neighborhoods and shall not negatively impact their residential character. The intent of this District is to accommodate shops and services that meet the needs of residents while enhancing the walkability of the community and preserving the City’s traditional residential development pattern.
- C. **Central Business (CB).** The purpose of the CB District is to identify the traditional, mixed-use core of the City of Geneva and support investment that is consistent with the vision and goals of the City’s Comprehensive Plan. Not only does the CB District encompass much of the historic center of the City, but also includes the surrounding neighborhoods and parcels that contribute to Geneva’s downtown character. The intent of the CB District is to foster higher density, mixed-use developments that provide a variety of shopping, service, and living opportunities consistent with the pedestrian-oriented and historic character of the Main, Castle, and Exchange Street areas. In order to accomplish this, regulations on the location, design and use of structures or land will be employed to foster a desirable concentration of activities and amenities, creating a comfortable environment for visitors arriving by foot, bicycle, or motor vehicle. The CB District will also serve to support the continued

development of downtown as the civic, cultural, and governmental center to the City.

- D. **Central Business – 5 Story (CB-5).** The purpose of the CB-5 District is to designate the areas of the CB District in which a maximum building height of up to five stories is permissible. This is intended to recognize the highest density core of the CB District area, where four and five story structures already exist and may be desirable with future infill or redevelopment opportunities.

§ 350-4.3 REVIEWS REQUIRED

No building, structure, or lot shall hereafter be erected, altered, or demolished or use established within a business district without obtaining the following approvals, as required by this Chapter:

- A. **Development Plan Review.** Review and approval may be required. Refer to [Article 13](#).
- B. **Special Use Permit.** Required as noted in §350-4.4 use table. Refer to [Article 14](#) for review and application procedures.
- C. **Certificate of Appropriateness.** Required where subject property is located in the Historic Overlay (HO) District. Refer to [Article 15](#) for review and application procedures.

§ 350-4.4 USE LISTS

Uses are allowed in business districts in accordance with the following table.

- A. Uses identified with a "P" are permitted as-of-right, subject to compliance with all other applicable standards of this zoning law.
- B. Uses identified with a "SP" may be allowed with the issuance of a special use permit (see [Article 14](#) for review and application procedures).
- C. Uses identified with a "-" are expressly prohibited.
- D. Uses otherwise not identified in this Section may be permitted by right or with the issuance of a special use permit if the CEO deems such use to be similar in nature, activity, intensity and/or extent to a use that is already listed.
- E. In the GB District it may be permissible to locate more than one primary structure or use on a lot, provided the location and arrangement of such uses is approved as part of [development plan](#) review.

LAND USE	GB	NB	CB, CB-5	ADDITIONAL REGULATIONS
RESIDENTIAL				
Single- or Two-Family Dwelling	-	P	-	-
Multi-Family Dwelling, Up to 6 Units	P	P	P	§350-7.14
Multi-Family Dwelling, 7 to 12 Units	P	-	P	§350-7.14
Multi-Family Dwelling, Over 12 Units	SP	-	SP	§350-7.14
Bed and Breakfast or Short-Term Rental	P	SP	P	§350-7.7 & 7.18
Home Occupation	P	P	P	§350-7.12
Upper-Floor Dwelling Units or Lofts	P	P	P	-
COMMERCIAL				
Animal Grooming Shop	P	P ¹	P	§350-7.6
Dance, Art, Music, or Photo Studio	P	P ¹	P	-
Day Care Center, Child or Adult	P	P	P	§350-7.8
Financial Institution	P	P ¹	P	-
Funeral Home or Parlor	SP	SP	-	-
Gasoline Service Station	SP	-	-	§350-7.11
Gym or Fitness Club	P	P ¹	P	-
Hotel or Inn	P	-	P	-
Laundromat or Dry Cleaner	P	P ¹	P	-
Office, Administrative or Professional	P	P	P	-
Office or Clinic, Medical	P	SP	P	-
Personal Service Shop or Spa	P	P ¹	P	-
Recreation or Entertainment Facility, Indoor	P	SP	P	-
Repair or Service of Personal Items	P	P ¹	P	-
Restaurant or Tavern	P	SP	P	§350-7.17
Retail Store	P	SP	P	-
Vehicle Sales, Service, or Repair Shop	SP	-	-	§350-7.23
Veterinary Clinic	P	SP	SP	§350-7.6
Winery, Brewery or Distillery	P	-	P	§350-7.22
OTHER				
Municipal Structure or Use	P	P	P	-
Museum or Library	P	P	P	-
Community or Service Club	P	P	P	-
Place of Worship	P	P	P	-
Public Park or Playground	P	P	P	-
School, Public or Private	SP	SP	SP	-
Telecommunications Equipment	SP	SP	SP	§350-7.20
Mix of Uses in a Single Structure or Lot	Refer to Each Use			
Permitted Uses Over 2,000 Square Feet	N/A	SP	N/A	-
ACCESSORY				
Accessory Use or Structure	P	P	P	§350-7.4
Accessory Dwelling Unit	-	SP	-	§350-7.3
Drive-Through Facility	P	-	SP	§350-7.9
Outdoor Assembly or Seating Area	P	SP	P	§350-7.15
Outdoor Sales, Display, or Storage Area	P	P	P	§350-7.15
Temporary Storage Unit	P	P	P	§350-7.21

NOTE: (1) Provided the use occupies a gross floor area of no more than 2,000 square feet.

§ 350-4.5 DIMENSIONAL REQUIREMENTS

	GB	NB	CB, CB-5
MIN LOT SIZE			
Residential	5,000 sf	5,000 sf	5,000 sf
Nonresidential Use	15,000 sf	8,000 sf	DPR ²
MIN LOT WIDTH			
	50 ft	50 ft	-
FRONT SETBACK			
Minimum	20 ft	10 ft	0 ft
Maximum	50 ft	30 ft	10 ft
MIN SIDE SETBACK			
Primary Use or Structure	10 / 15 ft ³	5 / 10 ft ³	DPR ²
Accessory Use or Structure	5 ft	5 ft	DPR ²
MIN REAR SETBACK			
Primary Use or Structure	25 / 35 ft ³	20 / 30 ft ³	DPR ²
Accessory Use or Structure	5 ft	5 ft	DPR ²

- NOTES:** (1) The notation "sf / unit" indicates square feet per dwelling unit.
 (2) DPR indicates requirement to be determined in development plan review.
 (3) The larger requirement shall apply to nonresidential uses adjacent to a residential use or district.

§ 350-4.6 BULK REQUIREMENTS

	GB	NB	CB	CB-5
MAX BUILDING HEIGHT				
Primary Structure	45 ft ¹ (3 stories)	35 ft ¹ (2.5 stories)	45 ft ¹ (3 stories)	65 ft ¹ (5 stories)
Accessory Structure	20 ft ²	15 ft ²	18 ft ²	20 ft ²
MIN BUILDING HEIGHT				
Primary Structure	30 ft ¹ (2 stories)	-	30 ft ¹ (2 stories)	30 ft ¹ (2 stories)
MAX BUILDING FOOTPRINT				
Per Individual Building Section (For new construction only)	-	5,000 sf ³	8,000 sf ³	8,000 sf ³
MAX LOT COVERAGE				
Gross Impervious Surface	60%	40%	-	-

- NOTES:** (1) Building height shall be determined in feet; while the visual scale or appearance in height of the structure shall be determined in stories.
 (2) No accessory structure may exceed the height of the primary structure on the lot.
 (3) An individual building section shall be considered a structure built to stand alone and/or connect to adjacent structures such as a wing or addition adjoined via a fire wall, breezeway, or other structural element providing for the articulation of the primary structure(s) to appear as a smaller scale.

ARTICLE 5. MIXED USE DISTRICTS

§ 350-5.1 DISTRICTS ESTABLISHED

The mixed use districts of the City of Geneva are listed in the following table. When this zoning law refers to mixed use or “MU” zoning districts it is referring to one of the following:

DISTRICT NAME	ABBREVIATION & MAP SYMBOL
<i>Mixed Use - Hospitality</i>	MU-H
<i>Mixed Use - Campus</i>	MU-C
<i>Mixed Use - Industry</i>	MU-I

§ 350-5.2 PURPOSE & INTENT

- A. **Mixed Use - Hospitality (MU-H).** Due to the location of MU-H District areas at the southern border of the City and along the Seneca Lake waterfront, they serve as a gateway to Geneva and transition to the heart of Finger Lakes Wine Country. The purpose of the MU-H District is to capitalize on its location and provide a variety of hospitality uses, such as hotels, restaurants, and entertainment establishments that support the local tourism industry. It is important that development within the MU-H District respect the Seneca Lake viewsheds and utilize sustainable development practices compatible with the character of the lakefront corridor. Buildings should be set back from the roadway, built into the landscape, and oriented to address the waterfront as well as entrances from the street. The scale, design, and intensity of use should be evaluated for all investment proposals to ensure consistency with the City’s desired land use character and context as identified in its Comprehensive Plan.
- B. **Mixed Use Campus (MU-C).** The purpose of the MU-C District is to support and enhance the City’s major community service centers, including Geneva City Schools, Cornell AgriTech, Geneva General Hospital and Hobart and William Smith Colleges, in accordance with the vision and goals of the City’s Comprehensive Plan. The intent of this District is to permit a mix of residential, commercial, and institutional uses that are supportive not only of the medical or educational facilities located within the District, but also the greater Geneva community and resident quality of life. Development within this District should be campus-style in design and layout, and should facilitate internal pedestrian and bicyclist circulation systems that are linked to the City’s larger multi-modal transportation network.
- C. **Mixed Use - Industry (MU-I).** The purpose of the MU-I District is to foster the transformation of industrial areas into vibrant, viable economic centers. While the presence of industrial operations once served as an important facet of Geneva’s economy, the viability of large-scale, stand-alone industrial operations has declined in response to changing markets and technology. This District is intended to support the vision and recommendations of the City’s Comprehensive Plan by allowing for creative redevelopment and investment efforts that cultivate increased employment opportunities. Development proposals will be evaluated based on the standards of this District and their ability to achieve the following:

1. Foster an innovative, culturally vibrant character within the District;
2. Contribute to the local economy and provide goods, services, jobs, or other resources to Geneva residents and visitors;
3. Capitalize on opportunities to rehabilitate vacant or underutilized spaces within the District; and
4. Continue to support large-scale industry and commerce provided that such uses operate in a manner that protects and maintains the health, safety, welfare, and quality of life of adjacent neighborhoods.

§ 350-5.3 REVIEWS REQUIRED

No building, structure, or lot shall hereafter be erected, altered, or demolished or use established within a mixed use district without obtaining the following approvals, as required by this Chapter:

- A. **Development Plan Review.** Review and approval may be required. Refer to [Article 13](#).
- B. **Special Use Permit.** Required as noted in §350-5.4 use table. Refer to [Article 14](#) for review and application procedures.
- C. **Certificate of Appropriateness.** Required where subject property is located in the Historic Overlay (HO) District. Refer to [Article 15](#) for review and application procedures.

§ 350-5.4 USE LISTS

Uses are allowed in mixed use districts in accordance with the following table.

- A. Uses identified with a "P" are permitted as-of-right, subject to compliance with all other applicable standards of this zoning law.
- B. Uses identified with a "SP" may be allowed with the issuance of a special use permit (see [Article 14](#) for review and application procedures).
- C. Uses identified with a "-" are expressly prohibited.
- D. Uses otherwise not identified in this Section may be permitted by right or with the issuance of a special use permit if the CEO deems such use to be similar in nature, activity, intensity and/or extent to a use that is already listed.
- E. In the mixed use districts it may be permissible to locate more than one primary structure or use on a lot, provided the location and arrangement of such uses is approved as part of [development plan](#) review.

LAND USE	MU-H	MU-C	MU-I	ADDITIONAL REGULATIONS
RESIDENTIAL				
Single- or Two-Family Dwelling	-	P	-	-
Multi-Family Dwelling or Dormitory, Up to 12 Units	P	P	-	§350-7.14
Multi-Family Dwelling or Dormitory, Over 12 Units	-	SP	-	§350-7.14
Fraternity or Sorority House	-	SP	-	-
Live/Work Unit	-	P	P	-
Home Occupation	P	P	-	§350-7.12
Upper-Floor Dwelling Units or Lofts	P	P	P	-
COMMERCIAL				
Adult Use	-	-	SP	§350-7.5
Airport	-	-	SP	-
Dance, Art, Music, or Photo Studio	P	P	P	-
Day Care Center, Child or Adult	P	P	P	§350-7.8
Financial Institution	P	-	-	-
Gym or Fitness Club	-	P	P	-
Hotel or Inn	P	SP	-	-
Marina	P	-	-	-
Office, Administrative or Professional	-	P	P	-
Office or Clinic, Medical	-	P	P	-
Personal Service Shop or Spa	P	-	-	-
Recreation or Entertainment Facility, Indoor	P	P	P	-
Recreation or Entertainment Facility, Outdoor	SP	SP	-	§350-7.16
Repair or Service of Personal Items	P	-	P	-
Restaurant	P	SP	-	§350-7.17
Tavern	P	-	-	§350-7.17
Retail Store	P	-	-	-
Veterinary Clinic	-	P	P	§350-7.6
Winery, Brewery or Distillery	P	-	P	§350-7.22
INDUSTRIAL ¹				
Manufacturing, Processing, or Fabrication Facility	-	-	P	-
Research and Development Facility or Laboratory	-	P	P	-
Packaging or Assembly of Products	-	-	P	-
Printing or Publishing Operations	-	P	P	-
Industrial Equipment Sales, Service, or Repair	-	-	P	-
Warehouse, Storage Facility	-	SP	P	-

- Table Continued on Next Page -

LAND USE	MU-H	MU-C	MU-I	ADDITIONAL REGULATIONS
OTHER				
Community or Service Club	P	P	P	-
Municipal Structure or Use	P	P	P	-
Museum or Library	P	P	-	-
Place of Worship	P	P	-	-
Public Park or Playground	P	P	P	-
School, Public or Private	-	P	P	-
Telecommunications Equipment	SP	SP	SP	§350-7.20
Mix of Uses in a Single Structure or Lot	Refer to Each Use			
ACCESSORY				
Accessory Use or Structure	P	P	P	§350-7.4
Drive-Through Facility	-	SP	SP	§350-7.9
Keeping of Animals	-	-	SP	§350-7.13
Outdoor Assembly or Seating Area	P	P	P	§350-7.15
Outdoor Sales, Display, or Storage Area	P	P	P	§350-7.15
Temporary Storage Unit	P	P	P	§350-7.21

NOTE: (1) No industrial use or purpose that is noxious or offensive by reason of the emission of odor, dust, smoke, toxic or noisome fumes, radiation, gas, noise, vibration or excessive light, or any combination of the above, which is dangerous and prejudicial to the public health, safety and general welfare shall be permitted

§ 350-5.5 DIMENSIONAL REQUIREMENTS

	MU-H	MU-C	MU-I
MIN LOT SIZE			
Single- or Two-Family Dwelling	-	6,000 sf	-
Multi-Family Dwelling	1,000 sf / unit ¹	1,500 sf / unit ¹	-
Nonresidential Use	15,000 sf	20,000 sf	20,000 sf
MIN LOT WIDTH			
Residential Use	40 ft	50 ft	-
Nonresidential Use	60 ft	75 ft	80 ft
MIN FRONT SETBACK			
Primary Structure	DPR ²	DPR ²	DPR ²
Fronting S Main Street or Lochland Road	150 ft	-	-
MIN SIDE SETBACK			
	DPR ²	DPR ²	DPR ²
MIN REAR SETBACK			
	DPR ²	DPR ²	DPR ²

NOTES: (1) The notation "sf / unit" indicates square feet per dwelling unit.
 (2) DPR indicates requirement to be determined in development plan review.

§ 350-5.6 BULK REQUIREMENTS

	MU-H	MU-C	MU-I
MAX BUILDING HEIGHT			
<i>Primary Structure</i>	40 ft¹ (3 stories)	50 ft¹ (4 stories)	40 ft¹ (3 stories)
<i>Accessory Structure</i>	12 ft²	20 ft²	20 ft²
MAX LOT COVERAGE			
<i>Gross Impervious Surface</i>	DPR³	DPR³	DPR³
MIN OPEN SPACE			
<i>Share of Lot Area</i>	30%	-	30%

- NOTES:** (1) Building height shall be determined in feet; while the visual scale or appearance in height of the structure shall be determined in stories.
 (2) No accessory structure may exceed the height of the primary structure on the lot.
 (3) **DPR** indicates requirement to be determined in **development plan** review.

ARTICLE 6. SPECIAL PURPOSE DISTRICTS

§ 350-6.1 DISTRICTS ESTABLISHED

The special purpose districts of the City of Geneva are listed in the following table.

DISTRICT NAME	ABBREVIATION & MAP SYMBOL
<i>Historic Overlay</i>	HO
<i>Open Space</i>	OS
<i>Agricultural Technology</i>	AT

§ 350-6.2 REVIEWS REQUIRED

No building, structure, or lot shall hereafter be erected, altered, or demolished or use established within a special purpose district without obtaining the following approvals, as required by this Chapter:

- A. **Development Plan Review.** Review and approval may be required. Refer to [Article 13](#).
- B. **Special Use Permit.** Required as noted in the applicable district use table. Refer to [Article 14](#) for review and application procedures.
- C. **Certificate of Appropriateness.** Required where subject property is located in the Historic Overlay (HO) District. Refer to [Article 15](#) for review and application procedures.

§ 350-6.3 HISTORIC OVERLAY (HO) DISTRICT

- A. **Purpose.** The purpose of the Historic Overlay (HO) District is to promote the general welfare by providing for the identification, protection, enhancement, perpetuation, and utilization of buildings, structures, signs, features, improvements, sites, and areas within the City that reflect special elements of the City's historical, architectural, cultural, economic or aesthetic heritage. The intent of the HO District is to achieve the following objectives:
 1. To foster public knowledge, understanding, and appreciation of the historical and architectural character of the City and in the accomplishments of its past;
 2. To ensure the harmonious, orderly, and efficient development of the City;

3. To enhance the visual character of the City by encouraging new design and construction that complements the City's buildings;
4. To protect and promote the economic benefits of historic and architectural preservation to the City, its inhabitants and visitors;
5. To protect property values in the City;
6. To promote and encourage continued private ownership and stewardship of historic buildings within the City;
7. To identify as early as possible and resolve conflicts between the preservation of buildings and structures in the City and alternative land uses; and
8. To conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment.

B. Applicability. The regulations of this section shall hereby apply to all buildings, structures, and lots within the HO Districts. The HO Districts established under this zoning code shall consist of the following historic districts and/or properties as listed on the State and National Registers of Historic Places, as recognized by local law or declaration, and as identified on the official City of Geneva Zoning Map.

1. South Main Street – Pulteney Park Historic District;
2. Genesee Park Historic District; and
3. The individual properties listed below.
 - a) Thomas Folger House - 105 Jay Street;
 - b) Ashcroft House - 112 Jay Street;
 - c) Douglas-Blackwell House - William Smith College Campus
 - d) Van Brent-Foote (DeLancey) House - 46 DeLancey Drive
 - e) Greek Revival House - 273 Washington Street
 - f) Greek Revival House - 226 Washington Street
 - g) Greek Revival House - 218 Washington Street
 - h) Victorian Eclectic House - 210 Washington Street
 - i) Federal Three-Bay House - 508 Washington Street
 - j) Greek Revival House - 143 William Street
 - k) Greek Revival House - 96 Pulteney Street
 - l) Greek Revival House - 92 Pulteney Street
 - m) Geneva Women's Club - 336 South Main Street
 - n) Baldrige House - 196 Genesee Street

- o) Simpson House - 34 Elmwood Place
 - p) Former Smith Nursery Office - 580 Castle Street
 - q) Parrott Hall - 643 North Street
 - r) Gothic House - 165 Washington Street
 - s) The Smith Observatory – 618 Castle Street
 - t) The Smith Opera House for the Performing Arts - 82 Seneca Street
- C. Conflict of Provisions.** For the purposes of this Chapter, the HO District shall be considered an overlay district, or district imposing additional regulation and/or review to those of the underlying zoning district(s). Where the regulations of the HO District are in conflict with that of the underlying district, the HO District regulations shall take precedence.
- D. Use, Dimensional, and Bulk Regulations.** The use, dimensional, and bulk regulations of the underlying zoning districts shall apply to all uses, buildings, and lots of the HO District as provided thereto.
- E. Certificate of Appropriateness Required.**
- 1. A certificate of appropriateness shall be required for the construction or exterior alteration of any building, structure, or architectural feature in the HO District that is, in any respect, visible from a public street, park, or any other public or private space that is accessible to the public.
 - 2. The CEO shall not issue a building permit until a certificate of appropriateness has been issued by the Commission where required by this Chapter.

§ 350-6.4 OPEN SPACE (OS) DISTRICT

- A. Purpose.** The purpose of the Open Space (OS) District is to preserve and enhance the City's open spaces, natural areas, and parks by restricting development that would not otherwise be compatible with or respect the natural environment. The intent of this District is to ensure ample passive and active recreational opportunities for residents and visitors and to identify areas of valued green space.
- B. Applicability.** Areas applicable to and designated under the OS District include, but are not limited to, privately or publicly owned parkland and recreational facilities, farmland, woodlots, wetlands, environmentally sensitive areas, and otherwise undeveloped lands.
- C. Use List.** Uses are allowed in the OS District in accordance with the following table.
- 1. Uses identified with a "P" are permitted as-of-right, subject to compliance with all other applicable standards of this zoning law.
 - 2. Uses identified with a "SP" may be allowed with the issuance of a special use permit (see [Article 14](#) for review and application procedures).
 - 3. Uses identified with a "-" are expressly prohibited.

4. Uses otherwise not identified in this Section may be permitted by right or with the issuance of a special use permit if the CEO deems such use to be similar in nature, activity, intensity and/or extent to a use that is already listed.

LAND USE	OS DISTRICT	ADDITIONAL REGULATIONS
RECREATIONAL		
Park or Playground	P	-
Recreation Facility, Outdoor	SP	§350-7.16
Recreation Facility, Indoor	P	-
OTHER		
Band Shell or Outdoor Theater, Excluding Drive-In	SP	-
Botanical Garden, Arboretum, or Conservatory	P	-
Cemetery	P	-
Cultural Facility, such as a Museum or Observatory	SP	-
Educational Institution	SP	-
Natural Wildlife or Open Space Area	P	-
Parking Lot, as Primary Use	SP	-
ACCESSORY		
Accessory Structure or Use	P	§350-7.4
Concessions or Other Retail Operation	SP	-
Telecommunications Equipment	SP	§350-7.20
Temporary Storage Unit	P	§350-7.21

D. Dimensional & Bulk Requirements.

REQUIREMENT	OS DISTRICT
MIN LOT SIZE OR WIDTH	-
MIN FRONT SETBACK	10 ft
MIN SIDE SETBACK	10 ft / 30 ft ¹
MIN REAR SETBACK	20 ft / 40 ft ¹
MAX BUILDING HEIGHT	30 ft
MAX LOT COVERAGE	15%
Gross Impervious Surface	15%

NOTE: (1) The larger requirement shall apply to nonresidential uses adjacent to a residential use or district.

§ 350-6.5 AGRICULTURAL TECHNOLOGY (AT) DISTRICT

- A. Purpose.** This district is created to recognize the economic development opportunities of the proposed Cornell Agriculture and Food Technology Park on the

grounds of Cornell AgriTech. The district is intended to facilitate the reconfiguration of the AgriTech campus, and to promote the orderly, rational, and predictable development of the proposed Cornell Agriculture and Food Technology Path and its lessees while protecting surrounding residential and commercial uses from the impacts of technology park uses and expansion. These objectives are derived from the larger goal of conserving the value of land and buildings in the City of Geneva, and thus protecting the City's tax base. Regardless of any specific mention in the permitted uses below, the permitted and special permit uses are to be intrinsically related to the purpose and mission of the Cornell Agriculture and Food Technology Park Corp., AgriTech, or related activities of its parent institution, Cornell University.

B. Permitted Uses.

1. Agricultural uses, such as greenhouses, but excluding facilities for livestock, and excluding (on-site) outdoor crop cultivation, subject to the nuisance regulations stipulated herein.
2. Facilities intended for production or light assembly and warehousing of agricultural and food products and bio-based products produced by plants and microorganisms, for testing or distribution, excluding prohibited industrial uses listed in §350-5.4, note 1, and subject to the nuisance regulations of this section.
3. Laboratories and related facilities intended for basic and applied research, development of technology-based products and services, or testing of technology-based products and services.
4. Offices.
5. Public, private, and charitable agriculture-related and food technology-related research and educational facilities, and agricultural and food service organizations and consultants, as well as biotechnology research leading to bio-based products produced by plants and microorganisms.
6. Public utility services for the immediate vicinity, including only minor structures not more than 500 square feet in area.
7. Technology-dependent and/or computer-based facilities dedicated to the processing of data or analysis of information, provided that these information services support on-site research or product development.

C. Specially Permitted Uses.

1. Garages or storage buildings or sheds.
2. Services and retail uses incidental to, and in support of, the permitted uses such as limited food-service facilities in support of principal permitted uses, conference centers, day-care facilities and athletic facilities, provided that these uses are in support of a permitted principal use, but in no case larger than 2,000 square feet.
3. Uses similar in purpose and scale to those permitted, but not specifically identified, subject to confirmation by the Planning Board.

D. Accessory Uses and Structures.

1. Off-street parking, subject to the requirements of Articles 8 and 9 of this Chapter.
2. No farm or agriculture-related vehicle or equipment (including tractors, cultivators, sprayers, and similar equipment) may be parked in this district.

E. Prohibited Uses. Uses not explicitly listed herein are prohibited.

F. Dimensional Requirements.

1. Where the AT District abuts an adjacent district (other than Cornell AgriTech) on a side or rear lot line, the minimum setback shall be 150 feet.
2. Where the AT District abuts Cornell AgriTech, on a side or rear lot line, the minimum setback shall be 10 feet.
3. Where the AT District abuts a public right-of-way, excluding the interior roads (both public and private) and driveways of Cornell AgriTech, the minimum setback shall be 75 feet.
4. The minimum setback for interior public roads, excluding roads or driveways at Cornell AgriTech, shall be 40 feet from the right-of-way.
5. Buildings situated along interior public roads, with the exception of the northernmost entry road, shall, to the extent practicable, be situated such that the fronts of the buildings are aligned with the roadway and with other buildings facing that roadway.
6. The maximum height shall be 35 feet including any stacks, airhandling units or other building appurtenances.
7. Additional dimensional requirements may be determined as part of the **development plan** review process. This process shall be governed by the goal of creating a campus environment consistent with existing land use patterns and density and with the purpose of this district.

G. Development Plan Review.

1. **Development plan** review shall be required as provided in **Article 13**.
2. The Cornell Agriculture and Food Technology Park shall submit a campus plan indicating current and proposed uses, including a **development plan** showing intended ingress and egress, internal parking and traffic circulation, and proposed building sites, to City Council and shall file this plan with the City Clerk. Permit applications for uses that are not in keeping with the plan shall require the Cornell Agriculture and Food Technology Park to revise the plan on file.
3. In addition to the applicable design guidelines, buildings must comply with the following regulations. Should any requirements of **this Chapter** conflict with the provisions of this section, those of this section shall apply.

4. Buildings should be compatible and harmonious with those existing, not by mimicking the architectural style or building materials, but by compatibility of styles, materials, shape, height, massing, orientation, and siting.
5. Buildings shall be constructed of substantial and permanent materials. Materials shall be sufficiently durable and low maintenance and have a reasonable life span. The use of masonry materials, such as brick, precast panels, and exterior insulation and finish systems, shall be strongly encouraged.
6. Buildings should be well-designed and visually interesting in terms of both massing and detail.
7. Unfenestrated walls are not permitted and shall be disallowed by the Planning Board during architectural review.
8. Stepped-back buildings and modulated rootlines are encouraged.
9. Flat roofs are not permitted.
10. Building entries shall be clearly visible and readily obvious to the first-time visitor.
11. Prefabricated metal buildings are only permitted if applicant meets other architectural requirements for 350-6.5 H and building design has been reviewed and recommended by Cornell AgriTech.
12. Use of extensive landscaping shall be encouraged in order to screen and buffer the buildings and parking areas, and any lighting in and around same, from adjacent residential areas.

H. Off-Street Parking.

1. The number, arrangement, and buffering for off-street parking spaces shall comply with the applicable parking and loading requirements specified in Article 8 of this Chapter, or in the alternative, a parking plan may be submitted per the requirements of the Urban Land Institute Standards for research and development parks, subject to the approval of the Planning Board.
 2. No contiguous surface parking area shall exceed 10,000 square feet without being subdivided by landscaped islands at intervals of no more than 300 feet.
 3. Parking areas within required setbacks shall be screened from the street and from adjacent properties by a landscaped berm between 36 and 42 inches high and no less than six feet wide. Larger berms are permitted with approval from the Planning Board.
- I. Signs.** Signs shall not be erected without first obtaining a permit in accordance with Article 11 of this Chapter and shall comply with the following requirements:
1. **Coordinated Sign Plan.** A coordinated signage plan for the Cornell Agriculture and Food Technology Park is required, subject to the approval of the Planning

Board. Signage shall be consistent throughout the Cornell Agriculture and Food Technology Park and consistent with said plan.

2. Permitted materials are wood, stone, etched brass, and enameled metal.

J. Fences and Landscaping. Fences, landscaping and buffering shall comply with all applicable requirements specified in this Chapter.

K. Storage Areas. Storage areas shall comply with the following requirements:

1. All storage, including that for waste products (i.e., sanitation dumpsters, recycling collection points), shall be within completely enclosed buildings or effectively screened with visually opaque screening not less than eight feet, nor more than eight feet, in height, and no storage shall exceed the height of such screening.

2. Storage areas and the required enclosure shall be in accordance with all setback requirements.

3. Storage areas may not be located in front of a primary structure.

L. Lighting. Lighting design shall comply with the requirements of §350-10.9, in addition to the following:

1. A coordinated lighting plan for the campus is required, subject to the approval of the Planning Board. Lighting shall be consistent throughout the park and consistent with said plan.

2. Exterior offset illumination of facades and landscape elements is encouraged. However, any building or landscape illumination should be directed so that there is no overspill to adjacent buildings or properties.

3. The placement of freestanding lighting fixtures shall be in accordance with all required setbacks.

M. Performance Standards. All uses shall be conducted in such a manner so as to preclude any nuisance, hazard, or commonly recognized offensive condition, including creation or emission of dust, gas, smoke, noise, fumes, odors, vibrations, particulate matter, chemical compounds, electrical disturbance, humidity, heat, glare, or night illumination, or any other adverse impact on public health. Prior to issuance of a building permit or a certificate of occupancy, the Code Enforcement Officer may require evidence that adequate measures have been provided to protect the public health, comfort, convenience, safety, and general welfare from any such nuisance, hazard, or offensive condition. If required, said evidence shall include specific documentation of compliance with:

1. Chapter 232, Noise, and the maximum permissible sound levels specified therein;

2. Chapter 294, Smoke Abatement, and the maximum permissible smoke emissions specified therein;

3. Chapter 277, Sanitary Sewers, and the applicable Federal Categorical Pretreatment Standards, as well as any additional local discharge limitations

(prior to disposal, all drain-disposable wastes must be treated for disposal consistent with these regulations);

4. The Resource Conservation and Recovery Act [42 U.S.C. 6901 et seq. (1976)], if hazardous waste regulated by the Environmental Protection Agency is used or generated;
5. Applicable requirements for proper deactivation, recycling or disposal, if waste is not regulated by the Environmental Protection Agency, but poses a potential threat to human health and natural environment as generated; and
6. All other local, state and federal regulations as may be applicable.

Town of Fayette

Town of Fayette Land Use Regulations (Adopted 2008, revised 2018)

Sections 400 - 540

ARTICLE V: DISTRICT REGULATIONS

SECTION 500 AGRICULTURAL.RURAL RESIDENTIAL DISTRICT (AR)

A. Purpose

The purpose of the Agricultural/Rural Residential (AR) District is to protect agricultural lands and uses from incompatible uses and development; to maintain and preserve the rural and scenic character of the community by providing low-density development of the type compatible with the rural, agricultural character of the community; and to protect natural resources, natural features and the natural environment.

B. Permitted Principal Uses

1. Agriculture and farms with or without a farm residence
2. Barns, farm buildings including buildings for the storage of crops, equipment, farm supplies
3. Materials and for the habitation of livestock.
4. Commercial horticultural nurseries and greenhouses
5. Single-family residential dwellings
6. Two-family residential dwellings
7. Seasonal dwellings
8. Equestrian stables and riding academies
9. Farm and garden supply sales
10. Farm equipment sales and service
11. Farm markets
12. Tack shops

13. Ski shops

14. Livestock feed grinding and milling / livestock feed sales

15. Veterinarian offices and animal hospitals

16. Farm Breweries, Farm Cideries, Farm Distilleries, and Farm Wineries

a. Requirements:

- i. The applicant shall provide evidence that the operation will conform to the requirements to be considered a Farm Brewery, Farm Cidery, Farm Distillery, or Farm Winery under New York State Alcohol Beverage Control Law.
- ii. Information regarding Site Lighting shall be provided. Such lighting shall not illuminate adjacent to residential sites. Site Lighting shall be restricted to providing adequate security lighting for the property after the public use of the property has been concluded. Lighting shall comply with Section 808 D3 of this code.
- iii. Landscaping buffers and/or berms shall be provided around the perimeter of the parking lot and/or any lot line abutting a residential use to visually screen the adjoining properties from the headlights of motor vehicles using the parking lot.
- iv. Entrances and Exits shall be designed to meet the New York State Department of Transportation: Policy and Standards for the Design of Entrances to State Highways. Variances to these Standards maybe granted by the New York State Department of Transportation Region Office for projects that exit onto State Roads, to the Seneca County Highway Superintendent for projects that exit onto County Roads, or the Town of Fayette Highway Superintendent for projects the exit onto Town Roads.
- v. No parking areas shall be closer than fifty (50) feet from a residential property.
- vi. The entire area of the site traveled by motor vehicles shall have a hard surface and shall be maintained in a dust free condition.
- vii. No public address system shall be permitted, except where such system will not be audible at any property line.

- viii. Off-Site Parking shall be provided as required in Section 800 of this code for the total of areas of Retail & Service, Restaurant, and Warehouse as is appropriate for those portions of the operation.
- ix. Signage shall comply with Section 808 of this code.
- x. Uses shall provide and demonstrate adequate water supply and sewage disposal.
- xi. Normal Hours of Operation for retail and food service activities shall not be before 9AM and shall not be after 7PM.
- xii. Special Event Hours shall not be before 8AM and not be after 11PM.
- xiii. Disputes and neighbor concerns may be heard by the Town of Fayette Agricultural Advisory Committee as laid out in the The Right to Farm in the Town of Fayette; Local Law #1 of 2008.

C. Permitted Accessory Uses

1. Customary farm accessory buildings including but not limited to, barns, agricultural Out-buildings and storage buildings, milking parlors, silos, grain elevators, fences, off-streetloading and parking areas.
2. Customary residential accessory buildings including, but not limited to, garages, carport, picnic shelters, barbecues, pet shelters, swimming pools, storage sheds, non-commercial antennae and satellite television disks, and off-street parking areas.
3. Roadside farm stands are permitted provided they meet the following standards:
 - a. Such stands setback at least fifteen (15) feet from the edge of the pavement and outside the highway right-of-way so that there is sufficient area to permit at least five (5) motor vehicles to park safely on the shoulder of the road entirely off of the roadway pavement.
 - b. The area used by customers for parking is such that the motor vehicles may re- enter traffic in a forward motion without the need to back onto the roadway.
 - c. Provided that the farm stands are not located on sharp curves or bends in the road or near the crest of hills or knolls where such stands would create traffic hazards due to inadequate site distances.
4. Home occupations (only as an accessory use to a single-family dwelling)

5. Farm labor housing
6. Ponds, docks and boathouses
7. Home child day care

D. Conditional Uses Permitted with a Special Use Permit

1. Bed and Breakfast Inns (only as an accessory use to a single-family dwelling)
2. Cluster residential development
3. Home businesses – Class A and B (only as an accessory use to a single-family dwelling)
4. Commercial campgrounds
5. Cemeteries
6. Commercial kennels
7. Commercial and non-commercial golf courses and other types of commercial and Non-outdoor recreational facilities and uses excluding recreational facilities that utilize motorized vehicles, but not excluding golf courses that utilize electric golf carts
8. Telecommunications towers
9. Commercial storage buildings for rent including self-service storage buildings
10. Automotive repair shops, paint shops, and/or detailing shops
11. Ski shops
12. Minor mining and excavation
13. Accessory apartments (only as an accessory use to a single-family dwelling)
14. Equestrian riding stables; liveries and riding academies
15. Daycare centers
16. The following retail and personal services businesses:
 - a. Hardware stores
 - b. Building supply stores with or without outdoor storage
 - c. Restaurants, coffee shops and taverns
 - d. Physicians, chiropractor and dentist offices
 - e. Convenience stores with or without gasoline sales
 - f. Other retail and personal-services businesses that, in the opinion of the Town

Planning Board, are compatible with and complementary to the principal uses permitted in this land use district due to their nature and scale.

17. The following commercial and light industrial businesses:
 - a. Machine shops, welding shops, fabrication shops and tool and die manufacturing shops
 - b. Custom electrical, heating and air conditioning (HVAC), plumbing, woodworking and printing shops
 - c. Other commercial and light-industrial businesses that, in the opinion of the Town Planning Board, are compatible with and complementary to the principal uses Permitted in this land use district due to their nature and scale; such businesses may include those that produce renewable energy.

18. The following public and semi-public uses
 - a. Governmental buildings and uses
 - b. Fire halls and ambulance buildings
 - c. Public and private parks not operated for profit
 - d. Libraries and museums not operated for profit
 - e. Churches and places of worship and related buildings
 - f. Civic and social clubs
 - g. Membership clubs and lodges
 - h. Assembly halls
 - i. Private schools and preschools

19. Public utilities and essential services, excluding telecommunications towers
20. Alternative Energy Generating System
21. Adult entertainment businesses
22. Outdoor Appliances
23. Vacation Rentals

E. No structure shall be constructed on the waterside of the mean low water mark of the Cayuga and Seneca Canal unless such structure is for a water-dependent use or activity.

F. Dimensional Requirements and Specifications

Structures and uses shall comply with the dimensional requirements, specifications and restrictions set forth in the Dimensional Requirements Table attached at the end of this Local Law.

SECTION 510 HAMLET DISTRICT (H)

The purpose of the Hamlet (H) District is to provide for a mix of residential and commercial uses situated on smaller lots and in closer proximity to each other thereby creating a density and environment with characteristics similar to those typically found in small New York State villages. The business uses permitted are typically small and locally owned businesses that will principally serve the residents of the hamlet and adjoining areas for their convenience.

A. Permitted Principal Uses

1. Single-family residential dwellings
2. Two-family residential dwellings

B. Permitted Accessory Uses

1. Customary residential accessory buildings including, but not limited to: garages, carports, picnic shelters, barbecues, pet shelters, swimming pools, storage sheds, fences, non-commercial antennae and/or satellite television disks, and off-street parking areas. Outdoor Appliances are expressly prohibited in this land use district.
2. Home occupations (only as an accessory use to a single-family dwelling)

C. Conditional Uses Permitted with a Special Use Permit

1. The following small-scale retail and personal service businesses such as:
 - a. Restaurants, diners, coffee and snack shops
 - b. Convenience stores without gasoline sales
 - c. Specialty merchandise stores, e.g., tack shops
 - d. Barbershops and beauty salons
 - e. Child day care centers

- f. Other types of small-scale retail and personal services businesses that, in the opinion of the Town Planning Board, are compatible with and complementary to the principal uses permitted in this land use district.
- 2. Public and semi-public uses including:
 - a. Governmental buildings and uses
 - b. Fire halls and ambulance buildings
 - c. Public and private parks not operated for profit
 - d. Libraries and museums not operated for profit
 - e. Churches and places of worship and related buildings
 - f. Civic and social clubs / Membership clubs and lodges
 - g. Private schools and pre-schools
- 3. Home businesses – Class A (only as an accessory use to a single-family dwelling)
- 4. Bed and breakfast inns only as an accessory use to a single-family residential dwelling
- 5. Vacation rentals
- 6. Public utilities and essential services
- 7. Accessory apartment in single-family dwellings only
- 8. Golf courses

SECTION 520 LAKESHORE/CANAL DISTRICT (L)

The purpose of the Lakeshore/Canal (L) District is to limit the development of land along the shores of Seneca and Cayuga Lakes and the Cayuga and Seneca Canal in order to protect the water quality of the lakes and canal and protect the environment, preserve the viewsapes and the scenic beauty of the lakeshore and canal, and to protect the land from overdevelopment.

A. Permitted Principal Uses

1. Agriculture and farms with or without a farm residence
2. Barns, farm buildings including buildings for the storage of crops, equipment, farm supplies and materials and for the habitation of livestock.
3. Commercial horticultural nurseries and greenhouses
4. Single-family residential dwellings
5. Two-family residential dwellings
6. Seasonal dwellings

B. Permitted Accessory Uses

1. Customary farm accessory buildings including, but not limited to, barns, agricultural outbuildings and storage buildings, milking parlors, silos, grain elevators, fences, off-street loading and parking areas. Outdoor Appliances are expressly prohibited in this land use district.
2. Customary residential accessory buildings including, but not limited to: garages, carports, picnic shelters, barbecues, pet shelters, swimming pools, storage sheds, fences, non-commercial antennae and satellite television disks, off-street parking areas, private boat docks, boathouses, boat launching ramps and moorings. Outdoor Appliances are expressly prohibited in this land use district.
3. Private boat docks, boathouses, boat launching ramps and moorings subject to the regulations set forth in Subsection F of this Section
4. Roadside farm stands are permitted provided they meet the following standards:
 - a. Such stands setback at least 15 feet from the edge of the pavement and outside the highway right-of-way so that there is sufficient area to permit at least five (5) motor vehicles to park safely on the shoulder of the road entirely off of the roadway pavement.
 - b. The area used by customers for parking is such that the motor vehicles may re-enter traffic in a forward motion without the need to back onto the roadway.

- c. Provided that the farm stands are not located on sharp curves or bends in the road or near the crest of hills or knolls where that stands would create traffic hazards due to inadequate site distances.

C. Conditional Uses Permitted with a Special Use Permit

1. Bed and breakfast inns (only as an accessory use only to a single-family residential dwelling)
2. Yacht clubs / private and public boat marinas.
3. Retail sale of fishing and boating equipment and supplies.
4. Commercial boat fueling facilities.
5. Commercial campgrounds
6. Boat-rental businesses
7. Golf courses
8. Other small-scale retail and personal service businesses that, in the opinion of the Town Planning Board are compatible with and complementary to the principal uses permitted in this land use district.
9. Vacation rentals

- D. No structure shall be constructed on the waterside of the mean low water mark of Cayuga or Seneca Lake unless such structure is for a water-dependent use or activity.

E. Specifications for Private Boat Docks, Moorings, and Boathouses as an Accessory Use

1. Sitting and Setback Requirements

No docks, boathouses, moorings, or boat stations shall be located closer than fifteen (15) feet from the lots lines and Water Rights Lines of adjoining properties. No boat shall be stored or attached to a dock, boathouse, boat stations, mooring or other structure or facility within two hundred (200) feet of the shore in such a way that the boat may float, drift or otherwise impinge on the Water Rights Lines of the adjoining properties. See Subsection F.2 of this Section for the methodology for determining the location of Water Rights Lines.

2. Methodology for Determining Water Rights Lines

Step 1: Locate the four (4) points where the mean high water mark intersects the property lines of the subject parcel and the property lines of the adjoining parcels.

Step 2: Connect the four (4) intersecting points located in Step 1 with three (3) straight lines. These lines are called Mean High Water Tie Lines

Step 3: Measure the angles on the waterside at the points where two (2) Mean High Water Tie Lines meet.

Step 4: Bisect the waterside angle measurements and project the bisecting lines over the lake. These projected lines represent the Water Rights Lines.

In the event that the two Water Rights Lines for a parcel adjoining a lake intersect each other at a point such that both Water Rights Lines are less than two hundred (200) feet long, the method described above, shall be modified by the Board of Appeals, if possible in order that each parcel's Water Rights Lines are at least two hundred (200) feet long at their point of intersection with each other.

3. Height Restrictions

No boathouse or covered dock may exceed eighteen (18) feet in height measured from the mean high water mark to highest point of the structure.

4. Maintenance and Removal of Structures

Docks, moorings, boathouses and other water-related structures and facilities shall be maintained in good repair at all times. Docks, moorings, boathouses and other water related structures and facilities shall be demolished and removed if abandoned or if they fall into disrepair due to the property owner's negligence to maintain them.

5. No dock shall be constructed in such a way or extend into the lake to such a distance that it interferes with normal navigation or reasonable access to docks on adjoining properties.

SECTION 530 FLOOD PLAIN OVERLAY DISTRICT (FO)

A. Purpose

The intent of the Flood Plain Overlay (FO) District is to protect the health, safety and welfare of the inhabitants of the Town of Fayette from hazards caused by periodic flooding by providing notice to land use permit applicants of the existence of the flood plains and to ensure that persons who develop property in the flood plain take adequate precautions in the design and construction of improvements that make to reduce the risk of property damage and loss of life thereby minimizing governmental expenditures for disaster relief and flood control projects.

B. Location

The boundaries of the Flood Plain Overlay District coincide with the boundaries of area of special flood hazard are depicted in the "Flood Insurance Rate Map" prepared by the Federal Emergency Management Agency (FEMA).

C. The provisions and requirements applicable within the Flood Plain Overlay (FO) District shall be in addition to the provisions and requirements applicable to the underlying land use district over which the Flood Plain Overlay (FO) District is superimposed. Any development within the Flood Plain Overlay District, including buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations, or storage of equipment or materials, shall require a special use permit. No such special use permit shall be granted unless the applicant demonstrates that the proposed development is in compliance with the following conditions:

1. Buildings must be designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure.
2. Construction materials used shall be resistant to flood damage and utility equipment used must be resistant to flood damage and be located and installed in such a way so as to minimize or eliminate flood damage.
3. Construction methods and practices that will minimize flood damage and that will provide adequate drainage to reduce exposure to flood hazards shall be used.
4. New or replacement water supply systems and septic systems shall be designed so as to minimize or eliminate infiltration of flood waters into the well or septic system and discharges from such systems into the flood waters.
5. On-site septic systems shall be located so as avoid impairment or contamination from the systems during flooding.
6. Residential structures shall have the lowest habitable floor elevated at least one (1) foot above the 100 Year Flood level.

7. Any structure erected on pilings shall be constructed with the lowest floor elevated at least one (1) foot above the 100 Year Flood level.

SECTION 540 LAKE WATER DISTRICT (LW)

The Lake Water District contains two parts. On Cayuga Lake it extends from the mean high water mark of Cayuga Lake (384.82 ft. BCD), east to the townline. On Seneca Lake it extends from the mean high water mark of Seneca Lake (446.84 feet BCD), west to the town line. BCD stands for Barge Canal Datum. The Intent of the Lake Water District is to delineate that part of the town under the water of Cayuga and Seneca Lakes. The District is intended to permit navigation and recreation, as well as enhance residential quality of life on the adjacent shore by preserving visual access to the lake. The provisions for this district should conform to any coordinated regulation established for the entire lakes.

Conditional Uses. There are no conditional uses in this District Specification for Private Boat Docks, Moorings, and Boathouses as an Accessory use are set forth in Section 520 E.

ARTICLE VI: ENVIRONMENTAL PROTECTION OVERLAYDISTRICTS (EPOD) [FLOATING DISTRICT]

SECTION 600 PURPOSE AND INTENT

The purpose of the Environmental Protection Overlay Districts (EPOD) established in this Article is to provide special controls over land development located in sensitive environmental areas within the Town of Fayette. The Town's Comprehensive Plan identifies the use of overlay districts as a technique to protect and preserve unique environmental features based upon the following reasons:

- A. Prevention of an irreversible loss of natural resources.
- B. Enhancement of flood protection.
- C. Maintenance and/or improvement of surface water and groundwater quality.
- D. Preservation of wildlife habitats.
- E. Aesthetics.
- F. Maintenance of soils and slope stability.
- G. Maintenance of open space and viewsheds.
- H. Control of adverse impacts on existing development

Town of Galen

Town of Galen Zoning Law (2006)

Sections 402 - 409

each residential building or structure shall be provided with separate and independent water supply and sanitary drainage facilities, located on the same lot therewith.

401.6 Any use not specifically permitted within any district shall be deemed prohibited.

Exception 1: Special, non-continuous events such as auctions, fairs, carnivals, circuses, and traveling exhibitions shall be permitted in any use district subject to the approval of the Code Enforcement Officer.

Exception 2: A Household Sale, as defined in this law.

Exception 3: The Zoning Board of Appeals is authorized to issue Temporary Permits in accordance with Section 805.8.1.4 of this law.

402 Land Conservation (L-C) District Regulations

The following regulations shall apply in the Land Conservation District:

402.1 Permitted Principal Uses:

402.1.1 Customary farm operations, and other agricultural operations, including gardens, nurseries, greenhouses, and usual farm accessory buildings and structures not including dwellings

402.1.2 Public utility structures

402.1.3 Seasonal cottage

402.2 Permitted Accessory Uses:

402.2.1 Off-street parking and loading

402.2.2 Signs

402.2.3 Other accessory uses and structures customarily appurtenant to a permitted use

402.3 Uses Requiring a Special Permit:

402.3.1 Parks, playgrounds, recreational trails, athletic fields, golf courses and driving range, sportsman's clubs, riding academies, game preserves and other similar uses of a recreational nature

402.4 Lots: minimum requirements

402.4.1 Lot area: 1 acre

402.4.2 Lot width: 150 feet

402.5 Yards: minimum requirements

402.5.1 Front yard: 50 feet

402.5.1 Rear yard: 40 feet

402.5.2 Each side yard: 20 feet

402.6 Maximum building height: 2-1/2 stories, not to exceed 35 feet

403 Agricultural (A) District Regulations

The following regulations shall apply in the Agricultural District:

403.1 Permitted Principal Uses:

403.1.1 All permitted principal uses in the L-C district

403.1.2 One- and Two-family dwellings, including modular homes

403.1.3 Mobile homes and house trailers meeting the requirements of this law

- 403.1.4 Churches and similar places of worship, parish house, convent, rectory or parsonage
- 403.1.5 Mortuary, funeral home
- 403.1.6 Roadside Stands
- 403.1.7 Farm-related uses as defined in this law

403.2 Permitted Accessory Uses:

- 403.2.1 Farm worker housing in the form of any of the above principal permitted uses, including mobile homes and / or house trailers, and migrant labor camps, subject to site plan review and approval by the Planning Board.
- 403.2.2 Home occupations
- 403.2.3 Private garages
- 403.2.4 Professional offices of a physician, attorney, dentist, architect, engineer, or surveyor when conducted in a dwelling by the inhabitant thereof
- 403.2.5 Off-street parking and loading
- 403.2.6 Signs
- 403.2.7 Other customary accessory uses and buildings, provided such use is incidental to the principal use and does not include an activity commonly conducted as a business
- 403.2.8 Accessory telecommunications facility
- 403.2.9 Apartment garage
- 403.2.10 Boathouse and dock

403.3 Uses Requiring a Special Permit:

- 403.3.1 Facility of a cultural nature, museum, library, school and other educational institution, park, playground, and day-care facility
 - 403.3.2 Recreational buildings or areas such as country clubs, social halls, membership lodges, golf courses and driving ranges, parks, playgrounds, public swimming pools, recreational trails, tracks, arcades, athletic fields, sportsman's clubs, riding academies, game preserves and similar uses.
 - 403.3.3 Camps (Type I and II)
 - 403.3.4 Kennels and Veterinary Clinics
 - 403.3.5 Riding Academies, Boarding Stables, and Equestrian Centers
 - 403.3.6 Sawmills
- Exception:** No special permit shall be required for outdoor, portable sawmill equipment not used for commercial purposes.
- 403.3.7 Woodworking shops for handcrafted items and the outdoor display of such items, taxidermy shops, and shops for blacksmiths and farriers.
 - 403.3.8 Mobile home parks
 - 403.3.9 Farm markets
 - 403.3.10 Farm service uses, as defined in this law
 - 403.3.11 Airfield, landing strip and related facilities
 - 403.3.12 Cemetery, mausoleum

- 403.3.13 Crematory
- 403.3.14 Extractive industries and commercial logging
- 403.3.15 Multiple dwellings and rooming houses
- 403.3.16 Bed & breakfast establishment
- 403.3.17 Hospital, nursing or convalescent home, adult care facility
- 403.3.18 Telecommunications Towers
- 403.3.19 Commercial self-service storage facility
- 403.3.20 Storage buildings or magazines for the keeping of explosives (classified as a Group "H" occupancy by the Uniform Code).
- 403.3.21 Townhouses and Condominiums
- 403.3.22 Wind Energy Conversion Systems

Exception: No special permit shall be required for mechanically operated windmills used for water pumping only. Such windmills shall require only a building permit, and shall be located so that tip-over will be harmless to other structures.

403.4 Lots: minimum requirements

- 403.4.1 Lot area: 1 acre
- 403.4.2 Lot width: 150 feet

403.5 Yards: minimum requirements

- 403.5.1 Front yard: 50 feet
- 403.5.2 Rear yard: 40 feet

403.5.3 Each side yard: 20 feet

403.6 Maximum building height: 2-1/2 stories, not to exceed 35 feet.

404 Residential (R) District Regulations

The following regulations shall apply in the Residential District:

404.1 Permitted Principal Uses:

404.1.1 All permitted principal uses in the Agricultural (A) District

Exception: House Trailers shall be deemed prohibited.

404.2 Permitted Accessory Uses:

404.2.1 All permitted accessory uses in the Agricultural (A) District, except the use of house trailers for any purpose.

404.3 Uses Requiring a Special Permit:

404.3.1 All special permitted uses in the Agricultural (A) District

Exception: Mobile Home Parks, Camps (Type I & II), Farm Service Uses, Sawmills, Extractive Industries, Commercial Logging, Airfields, Landing Strips and related facilities, Telecommunications Towers, Wind Energy Conversion Systems, and Crematories shall be deemed prohibited.

404.4 Lots: minimum requirements

404.4.1 Lots without public water or public sanitary sewer:

404.4.1.1 Lot area: ½ acre

404.4.1.2 Lot width: 100 feet

404.4.2 Lots served with public water and/or public sanitary sewer:

404.4.2.1 Lot area: ¼ acre

404.4.2.2 Lot width: 70 feet

404.5 Yards: minimum requirements

404.5.1 Front yard: 50 feet

404.5.2 Rear yard: 40 feet

404.5.3 Each side yard: 15 feet

404.6 Maximum building height: 3 stories, not to exceed 40 feet

405 Commercial (C) District Regulations

The following regulations shall apply in the Commercial District:

405.1 Permitted Principal Uses:

405.1.1 Retail stores and shops, banks, business and professional offices, mortuaries and funeral homes

405.1.2 Farm market

405.1.3 Farm service uses, as defined in this law

405.1.4 Public buildings of a governmental or cultural nature, museum, library, school and other educational institution, park, playground, and day-care center

405.1.5 Wholesale stores and supply houses

405.1.6 Warehouses and other storage buildings not classified as Hazardous Group H Occupancy by the Uniform Code.

405.1.7 Lumber and building materials storage

yards

Exception: Sawmills and Cement Plants shall be deemed prohibited.

- 405.1.8 Commercial self-service storage facility
- 405.1.9 Restaurants, theaters, bowling alleys, amusement centers, and other places of public assembly not otherwise specified.
- 405.1.10 Automobile sales and showroom.
- 405.1.11 Outdoor facilities for the sale of boats, recreational vehicles, furniture and other consumer products at retail.
- 405.1.12 Light manufacturing uses such as machine shops, provided such use is classified as a Factory Industrial F-2 Low-Hazard Occupancy by the Uniform Code.
- 405.1.13 Laundromats

Exception: Dry Cleaning Plants shall be deemed prohibited.

- 405.1.14 Public utility structures.

405.2 Permitted Accessory Uses:

- 405.2.1 Accessory buildings classified as Hazardous Group H Occupancy by the Uniform Code, and not exceeding 1,000 square feet in building area.
- 405.2.2 A use, occupancy or tenancy customarily incidental to the principal use or occupancy of the building.

405.3 Uses Requiring a Special Permit:

- 405.3.1 Recreational buildings or areas such as fitness clubs, social halls, membership

lodges, golf courses and driving ranges, parks, playgrounds, public swimming pools, tracks, athletic fields, and sportsman's clubs, except that there shall be no gun or archery ranges permitted except when conducted within a completely enclosed building.

- 405.3.2 Outdoor theaters.
- 405.3.3 Motel or hotel.
- 405.3.4 Motor vehicle service station, motor vehicle repair shop.
- 405.3.5 Manufactured home sales.
- 405.3.6 Marina and boatyard.
- 405.3.7 Transit facilities such as bus or passenger train platforms or stations.
- 405.4 Lots: minimum requirements
 - 405.4.1 There shall be no minimum lot area or width.
- 405.5 Yards: minimum requirements
 - 405.5.1 Front yard: 50 feet
 - 405.5.2 There shall be no minimum rear or side yard requirements, except those imposed by the Uniform Code.
- 405.6 Maximum building height: 4 stories, not to exceed fifty (50) feet.

406 Residential-Commercial (R-C) District Regulations

The following regulations shall apply in the Residential-Commercial District:

- 406.1 Permitted Principal Uses:

- 406.1.1 All permitted principal uses in the Residential (R) and Commercial (C) districts.
- 406.2 Permitted Accessory Uses:
 - 406.2.1 All permitted accessory uses in the Residential (R) and Commercial (C) districts
 - Exception:** Accessory buildings of any size which are classified as Hazardous Group H Occupancy by the Uniform Code.
- 406.3 Uses Requiring a Special Permit:
 - 406.3.1 All special permitted uses in the Commercial (C) District.
- 406.4 Lots: minimum requirements
 - 406.4.1 There shall be no minimum lot area or width requirements.
 - Exception:** Any lot containing a dwelling shall have the area and width required in the Residential (R) District.
- 406.5 Yards: minimum requirements
 - 406.5.1 Front yard: 50 feet
 - 406.5.2 There shall be no minimum rear or side yard requirements, except those imposed by the Uniform Code.
- 406.6 Maximum building height: 3 stories, not to exceed 40 feet

407 Industrial (I) District

The following regulations shall apply in the Industrial (I) District:

- 407.1 Permitted Principal Uses:
- 407.1.1 Sawmills, cement plants and building materials storage yards.
 - 407.1.2 Motor vehicle repair shops, commercial and truck repair garages, and taxicab and bus repair garages.
 - 407.1.3 Commercial schools.
 - 407.1.4 Farm service uses, as defined in this law.
 - 407.1.5 Trade union halls and offices.
 - 407.1.6 Customary farm operations, and other agricultural operations, including gardens, nurseries, greenhouses, and usual farm accessory buildings and structures not including dwellings.
 - 407.1.7 Public utility structures.
 - 407.1.8 All industrial uses not otherwise prohibited by law, including manufacturing, storage, processing or similar uses classified as Factory Industrial Group F and Storage Group S occupancies by the Uniform Code.
- 407.2 Permitted Accessory Uses: A use, occupancy or tenancy customarily incidental to the principal use or occupancy of the building.
- 407.3 Uses Requiring a Special Permit:
- 407.3.1 Any use classified as Hazardous Group H Occupancy by the Uniform Code.
 - 407.3.2 Dry cleaning plant.
 - 407.3.3 Tire storage yards and tire rebuilding facilities.

- 407.3.4 Junk yards.
- 407.3.5 Adult uses, as defined in this law.
- 407.3.6 Telecommunications tower.
- 407.3.7 Freight or truck terminal for the overnight parking of trucks, tractors or trailers.

407.4 Lots: minimum requirements

- 407.4.1 Lot area: 2 acres
- 407.4.1 Lot width: 200 feet

407.5 Yards:

- 407.5.1 There shall be no minimum yard requirements except those imposed by the Uniform Code.

407.6 Maximum building height: There shall be no maximum height limitation except as imposed by the Uniform Code.

408 Planned Development (P-D) District

The following regulations shall apply in the Planned Development (P-D) District:

408.1 Permitted Principal Uses*:

- 408.1.1 Any building, structure, or use of land as may be permitted by right or by special permit in any other district.

Exception: Adult uses, Telecommunications Towers, Travel Trailers, Mobile home parks, Junk yards, Dumps and Landfills shall be deemed prohibited.

408.2 Permitted Accessory Uses: A use, occupancy or tenancy customarily incidental to the principal use or occupancy of the building.

408.3 Uses Requiring a Special Permit:

408.3.1 Any use classified as Hazardous Group H Occupancy by the Uniform Code.

408.4 Lots: minimum requirements

408.4.1 There shall be no minimum lot area or width requirements, except those imposed by the Uniform Code.

Exception: Any lot containing a dwelling shall have the area and width required in the Residential (R) District.

408.5 Yards: minimum requirements

408.5.1 There shall be no minimum yard requirements, except those imposed by the Uniform Code.

408.6 Maximum building height: There shall be no maximum height limitation, except as imposed by the Uniform Code.

409 Aquifer Protection Overlay (APO) Districts (APO-1 and APO-2)

The following regulations shall apply in the Aquifer Protection Overlay (APO) District:

409.1 Permitted Uses: Any use permitted within portions of any zone district overlaid by an APO district shall be permitted except as otherwise regulated by this Section. In any case where a conflict arises between this Section and any other existing requirement, the more restrictive shall apply.

409.2 Lot, yard and height requirements: The minimum requirements for lot size, yards, and height of structures shall be as required for the underlying zone district.

409.3 Restricted Uses (All APO Districts): Each of the following uses shall require a Special Use Permit, issued by the Galen Town Board, and only upon favorable recommendation of the Town Planning Board, and a determination that said use or activity will not adversely affect the public health and safety:

409.3.1 Any development involving the construction or expansion of on-site wastewater treatment systems. Prior to issuance of any Special Permit for said development, the Town Board shall verify that a nutrient loading assessment has been performed with a resultant value not in excess of seven (7) milligrams per liter (mg/l) nitrogen. Said nutrient loading assessment shall be performed by a licensed engineer at the applicant's expense.

409.3.2 Any development involving the construction or expansion of stormwater management systems. Such systems shall be designed to filter and remove contaminants from the collected runoff in accordance with NYSDEC stormwater management guidelines.

409.3.3 The installation, expansion or replacement of any above or below ground petroleum bulk storage facilities, defined as that portion of a property where petroleum products are received by tank vessel, pipelines, tank car or tank vehicle and are stored or blended in bulk for the purpose of distributing such products by tank vessel, pipeline, tank car, tank vehicle, portable tank or container. This definition shall also include the loading or unloading of petroleum products from or between tank vehicles, tank cars, or storage tanks.

- 409.3.4 The bulk storage or disposal of coal or salts. Such substances shall be kept in a watertight structure or covered with an impervious material.
- 409.3.5 The storage or use of any hazardous substance as that term is defined in 6NYCRR Part 597, except for household use in accordance with the manufacturer's recommendations.
- 409.3.6 The storage or use of any hazardous material as that term is defined in the Uniform Code, except for household use in accordance with the manufacturer's recommendation.
- 409.3.7 The expansion of an existing extractive industry.
- 409.4 Prohibited Uses (All APO Districts): The following uses shall be deemed strictly prohibited:
 - 409.4.1 The production, processing, discharge, or disposal of any hazardous material as defined in the Uniform Code; the production, processing, discharge or disposal of any hazardous substance as defined in 6NYCRR Part 597; the storage, handling or disposal of any hazardous waste as defined in 6NYCRR Part 371.
 - 409.4.2 The dumping or disposal of snow or ice collected off site from roadways or parking areas.
 - 409.4.3 The operation of any dump, junkyard or landfill as those terms are defined in this Law.
 - 409.4.4 The drilling of any gas or oil well.
 - 409.4.5 The use of water bodies for boating, motor boating, swimming, fishing,

hunting or trapping.

409.4.6 Any activity that encourages wildlife usage, including the stocking of water bodies with fish or other wildlife.

409.4.7 The handling, storage or disposal of regulated ionizing radiation materials as defined by 12NYCRR Part 38.

409.5 Prohibited Uses in the APO-1 District: The following uses shall be deemed prohibited within the boundaries of the APO-1 District:

409.5.1 The land application, storage and/or composting of animal manures, related bedding, septic waste, sludge, composted sludge or products derived there from, and recognizable food waste and disposal of farm generated waste based on potential public health risk.

409.5.2 The establishment of any new extraction industry, or the expansion of an existing extraction industry.

409.6 Additional Provisions: Applicants of State and Federal permits shall provide the Town of Galen and the Village of Clyde with copies of permit applications, materials and approvals, access to permitted sites and information on the permit activities (e.g. copies of the information submitted to State and Federal agencies to maintain a permit).

409.7 Definition: For purposes of enforcement of this Section, the term "expansion", as it refers to an extractive industry, shall mean a physical enlargement or extension of *affected land or land affected by mining*, as that term is defined in part 420 of New York State Department of Environmental Conservation Rules and Regulations.

Town of Geneva

Town of Geneva Zoning Code (2018)

Article III, Sections 165-8 – 165-20

Zoning Code for the Town of Geneva, NY
Adopted May 8, 2018

Article III: District Regulations

Section 165-8 R-1 Residential Suburban District.

1. Purpose:

The purpose of the R-1 Residential Suburban District is to provide for a wide variety of residential building types at a density in character with the existing suburban neighborhoods in the town, reduce greenhouse gas emissions and promote an energy-independent and secure community, enhance community resilience, and to accommodate the lifestyles and housing needs of a diverse population.

2. Permitted Uses:

- a. Detached 1-family dwelling;
- b. Semi-detached 1-family dwelling;
- c. Townhome dwelling;
- d. 1-family cottage court dwelling;
- e. 2-family dwelling;
- f. Short-term rental in compliance with § 165-39;
- g. Public utility or transportation use.

3. Permitted with Site Plan Approval:

- a. Church or other place of worship;
- b. Private, academic or parochial school;
- c. Child care center;
- d. Cultural facilities (library, art gallery, museum, etc.);
- e. Golf Course;
- f. Hospice;
- g. Membership club or recreation use;
- h. Cemetery, in compliance with § 165-26.

4. Permitted accessory Uses:

- a. Accessory use customarily incidental to any of the uses mentioned herein and on the same lot;
- b. Home occupation, in compliance with § 165-33;
- c. Electric vehicle charging stations;
- d. Family child care;
- e. Home composting, in compliance with § 165-32;
- f. Home professional office;
- g. Keeping of chickens, in compliance with § 165-27;
- h. Solar energy system, non-commercial, subject to provisions of Chapter 130;
- i. Wind energy system, non-commercial, subject to provisions of Chapter 163.

Zoning Code for the Town of Geneva, NY
Adopted May 8, 2018

5. Lot Area and Yard Requirements:

The following dimensions are the minimum standards for any lot in the R-1 Residential Suburban District:

- a. Maximum site density shall not exceed 4 dwellings per acre or 1 dwelling for each 10,000 square feet of site area;
- b. Minimum lot width shall be 90 feet;
- c. Minimum lot depth shall be 110 feet;
- d. Minimum front yard setback shall be 30 feet;
- e. Minimum rear yard setback shall be 25 feet except that a garage or other accessory structure may be located as close as 5 feet from a rear yard line;
- f. Minimum side yard setbacks shall be 12.5 feet, except in the case of semi-detached 1-family dwelling or townhome dwelling, in which case the side yard setback between units may be 0 feet;
- g. Maximum lot coverage by primary and accessory structures, shall not exceed 25%;
- h. Maximum building height for any nonagricultural building or structure shall be 30 feet.

6. Parking Requirements:

See Sections 165-54 to 165-58 of the Code for the parking requirements for specific uses listed above.

7. Mapped Public Infrastructure:

Where there is shown on a map officially adopted by the Town of Geneva a future street, bicycle and pedestrian path or any other public infrastructure, the yard setback area or areas of a lot that would be affected by said future street, bicycle and pedestrian path or any other public infrastructure shall be increased to include the area reserved for any such future infrastructure.

Section 165-9 R-2 Residential Rural District.

1. Purpose:

The purpose of the R-2 Residential Rural District is to provide for a wide variety of residential building types at a density in character with the rural or semi-rural nature of the location, to reduce greenhouse gas emissions and promote an energy-independent and secure community, and to enhance community resilience.

2. Permitted Uses:

- a. Detached 1-family dwelling;
- b. Semi-detached 1-family dwelling;
- c. 2-family dwelling;
- d. Agriculture;
- e. Roadside stand;
- f. Short-term rental in compliance with § 165-39;
- g. Public utility or transportation use.

Zoning Code for the Town of Geneva, NY
Adopted May 8, 2018

3. Permitted with Site Plan Approval:

- a. Church or other place of worship;
- b. Private, academic or parochial school;
- c. Child care center;
- d. Cultural facilities (library, art gallery, museum, etc.);
- e. Golf course or country club;
- f. Hospice;
- g. Manufactured Home Park, subject to the standards set forth in Section 165-35
- h. Membership club or recreation use;
- i. Cemetery in compliance with § 165-26.

4. Permitted accessory Uses:

- a. Accessory use customarily incidental to any of the uses mentioned herein and on the same lot;
- b. Bed and breakfast establishment;
- c. Business directional signs, in compliance with § 165-66;
- d. Electric vehicle charging stations;
- e. Family child care;
- f. Home composting, in compliance with § 165-32;
- g. Home occupation, in compliance with § 165-33;
- h. Home professional office;
- i. Keeping of chickens, in compliance with § 165-27;
- j. Solar energy system, non-commercial, subject to provisions of Chapter 130;
- k. Private stable provided there is no more than 1 horse or pony per acre of lot area;
- l. Wind energy system, non-commercial, subject to provisions of Chapter 163.

5. Lot Area and Yard Requirements:

The following dimensions are the minimum standards for any lot in the R-2 Residential Rural District:

- a. Maximum site density shall not exceed 1 dwelling per acre or 1 dwelling for each 45,000 square feet of site area;
- b. Minimum lot width shall be 200 feet;
- c. Minimum lot depth shall be 225 feet;
- d. Minimum front yard setback shall be 50 feet;
- e. Minimum rear yard setback shall be 50 feet except that a garage or other accessory structure may be located as close as 10 feet from a rear yard line;
- f. Minimum side yard setbacks shall be 30 feet, except in the case of semi-detached 1-family dwelling or townhome dwelling, in which case the side yard setback may be 0 feet;
- g. Maximum lot coverage by primary and accessory structures shall not exceed 15%;
- h. Maximum building height for any nonagricultural building or structure shall be 30 feet.

Zoning Code for the Town of Geneva, NY
Adopted May 8, 2018

6. Parking Requirements:

See Sections 165-54 to 165-58 of the Code for the parking requirements for specific uses listed above.

7. Mapped Public Infrastructure:

Where there is shown on a map officially adopted by the Town of Geneva a future street, bicycle and pedestrian path or any other public infrastructure, the yard setback area or areas of a lot that would be affected by said future street, bicycle and pedestrian path or any other public infrastructure shall be increased to include the area reserved for any such future infrastructure.

Section 165-10 R-3 Residential Lakefront District.

1. Purpose:

The purpose of the R-3 Residential Lakefront District is to provide for a wide variety of residential building types on historically smaller lots and at a density and scale in character with the existing pattern of development, to reduce greenhouse gas emissions and promote an energy-independent and secure community, and to enhance community resilience.

2. Permitted Uses:

- a. 1-family detached dwelling;
- b. 1-family cottage court dwelling;
- c. 2-family dwelling;
- d. Short-term rental in compliance with § 165-39;
- e. Public utility or transportation use.

3. Permitted with Site Plan Approval:

- a. Church or other place of worship;
- b. Child care center;
- c. Membership club or recreation use.

4. Permitted accessory Uses:

- a. Accessory use customarily incidental to any of the uses mentioned herein and on the same lot;
- b. Home occupation, in compliance with § 165-33;
- c. Electric vehicle charging stations;
- d. Family child care;
- e. Home composting, in compliance with § 165-32;
- f. Home professional office;
- g. Keeping of chickens, in compliance with § 165-27;
- h. Solar energy system, non-commercial, subject to provisions of Chapter 130.

5. Lot Area and Yard Requirements:

The following dimensions are the minimum standards for any lot in the R-3 Residential Lakefront District:

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- a. Maximum site density shall not exceed 7 dwellings per acre or 1 dwelling for each 6,000 square feet of site area;
- b. Minimum lot width shall be 50 feet;
- c. Minimum lot depth shall be 100 feet;
- d. Minimum front yard setback shall be 10 feet from the property line abutting a public or private street, or 25 feet from the centerline of a private road where there is no property line;
- e. Minimum rear yard setback shall be 25 feet, and in the case of lots bordering the lake the rear yard setback shall be measured from the deeded rear property line;
- f. Minimum side yard setbacks shall be 12.5 feet;
- g. Maximum lot coverage by primary and accessory structures shall not exceed 30%;
- h. Maximum building height for any nonagricultural building or structure shall be 30 feet.

6. Parking Requirements:

See Sections 165-54 to 165-58 of the Code for the parking requirements for specific uses listed above.

7. Mapped Public Infrastructure:

Where there is shown on a map officially adopted by the Town of Geneva a future street, bicycle and pedestrian path or any other public infrastructure, the yard setback area or areas of a lot that would be affected by said future street, bicycle and pedestrian path or any other public infrastructure shall be increased to include the area reserved for any such future infrastructure.

Section 165-11 R-4 Residential Medium Density District.

1. Purpose:

The purpose of the Residential Medium Density District is to provide for a wide variety of residential building types at a density typically found in an Upstate New York village setting, to accommodate the lifestyles and housing needs of a diverse population and household types, in a compact, walkable neighborhood, to reduce greenhouse gas emissions and promote an energy-independent and secure community, and to enhance community resilience.

2. Permitted Uses:

- a. 1-family detached dwellings;
- b. 1-family semi-detached dwelling;
- c. 1-family cottage court dwelling;
- d. 2-family dwelling;
- e. Townhome dwelling;
- f. Short-term rental in compliance with § 165-39;
- g. Public utility or transportation use.

3. Permitted with Site Plan Approval:

- a. Child care center;
- b. Church or other place of worship;

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- c. Private, academic or parochial school;
- d. Cultural facilities (library, art gallery, museum, etc.);
- e. Hospice;
- f. Membership club or recreation use.

4. Permitted accessory Uses:

- a. Accessory use customarily incidental to any of the uses mentioned herein and on the same lot;
- b. Home occupation, in compliance with § 165-33;
- c. Electric vehicle charging stations;
- d. Family child care;
- e. Home composting, in compliance with § 165-32;
- f. Home professional office;
- g. Keeping of chickens, in compliance with § 165-27;
- h. Solar energy system, non-commercial, subject to provisions of Chapter 130.

5. Lot Area and Yard Requirements:

The following dimensions are the minimum standards for any lot in the Residential Medium Density District:

- a. Maximum site density shall not exceed 7 dwellings per acre or 1 dwelling for each 6,000 square feet of site area;
- b. Maximum lot coverage by primary and accessory structures, parking and vehicular drives shall not exceed 40 percent;
- c. Minimum front yard setback shall be 5 feet, but no front yard setback shall exceed 20 feet;
- d. Minimum side yard setbacks shall be 0 feet, except that no parking space or loading space shall be located within 5 feet of any side or rear property line;
- e. Minimum rear setback shall be 25 feet, except that a garage or other accessory structure may be located as close as 10 feet from a rear yard line;
- f. Maximum building height for any nonagricultural building or structure shall be 30 feet.

6. Parking Requirements:

See Sections 165-54 to 165-58 of the Code for the parking requirements for specific uses listed above.

7. Mapped Public Infrastructure:

- A. Where there is shown on a map officially adopted by the Town of Geneva a future street, bicycle and pedestrian path or any other public infrastructure, the yard setback area or areas of a lot that would be affected by said future street, bicycle and pedestrian path or any other public infrastructure shall be increased to include the area reserved for any such future infrastructure.
- B. Within the R-4 Residential Medium Density District any subdivision or development site plan submitted for approval to the Town shall include sidewalks and walkways designed and built to applicable Town standards.

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Section 165-12 R-5 Residential High Density District.

1. Purpose:

The purpose of the Residential High Density District is to provide for a wide variety of residential building types to accommodate the lifestyles and housing needs of a diverse population and household types, in a compact, walkable neighborhood, to reduce greenhouse gas emissions and promote an energy-independent and secure community, and to enhance community resilience.

2. Permitted Uses:

- a. 1-family detached dwellings;
- b. 1-family semi-detached dwelling;
- c. 1-family cottage court dwelling;
- d. 2-family dwelling;
- e. Townhome dwelling;
- f. Short-term rental in compliance with § 165-39;
- g. Public utility or transportation use.

3. Permitted with Site Plan Approval:

- a. Child care center;
- b. Congregate care facility;
- c. Hospice;
- d. Multifamily dwelling;
- e. Assisted living dwelling.

4. Permitted accessory Uses:

- a. Accessory use customarily incidental to any of the uses mentioned herein and on the same lot;
- b. Home occupation, in compliance with § 165-33;
- c. Electric vehicle charging stations;
- d. Family child care;
- e. Home composting, in compliance with § 165-32;
- f. Home professional office;
- g. Solar energy system, non-commercial, subject to provisions of Chapter 130.

5. Lot Area and Yard Requirements:

The following dimensions are the minimum standards for any lot in the Residential High Density District:

- a. Maximum site density shall not exceed 12 dwellings per acre or 1 dwelling for each 3,600 square feet of site area;
- b. Maximum lot coverage by primary and accessory structures, parking and vehicular drives shall not exceed 70 percent;
- c. Minimum front yard setback shall be 5 feet, but no front yard setback shall exceed 20 feet;

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- d. Minimum side yard setbacks shall be 0 feet, except that no parking space or loading space shall be located within 5 feet of any side or rear property line;
- e. Minimum rear setback shall be 10 feet;
- f. Maximum building height for any nonagricultural building or structure shall be 30 feet.

6. Building Mass and Articulation:

The following standards shall apply to the exteriors of any congregate care facility, multifamily dwelling, or structure containing assisted living units:

- a. Minimum transparent wall area for the ground floor of any façade facing a primary street shall be 10 percent;
- b. Minimum transparent wall area for the ground floor of any façade facing a secondary street shall be 10 percent;
- c. Minimum transparent wall area for any upper story of any façade shall be 10 percent;
- d. Maximum upper-story street-facing wall length without offset shall be 50 feet;
- e. Minimum offset depth for a street-facing wall shall be 2 feet;

7. Parking Requirements:

See Sections 165-54 to 165-58 of the Code for the parking requirements for specific uses listed above.

8. Mapped Public Infrastructure:

- A. Where there is shown on a map officially adopted by the Town of Geneva a future street, bicycle and pedestrian path or any other public infrastructure, the yard setback area or areas of a lot that would be affected by said future street, bicycle and pedestrian path or any other public infrastructure shall be increased to include the area reserved for any such future infrastructure.
- B. Within the R-5 Residential High Density District any subdivision or development site plan submitted for approval to the Town shall include sidewalks and walkways and designed and built to applicable Town standards.

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Section 165-13 TC-1 Town Center Mixed-Use District.

1. Purpose:

The purpose of the Town Center Mixed-Use District is to foster the redevelopment of properties within the district in a manner that will reduce greenhouse gas emissions and promote an energy-independent and secure community, enhance community resilience, and create a high-quality public realm and streetscape, a mix of compatible uses in a variety of building types, and a high quality urban residential environment for those desiring such a lifestyle.

2. Permitted Uses:

- a. Retail sales;
- b. Retail services;
- c. Child care center;
- d. Cultural facilities (library, art gallery, museum, etc.);
- e. Entertainment and sports venue;
- f. Financial services;
- g. Food service establishments;
- h. Funeral home;
- i. General and professional office;
- j. Hotel;
- k. Membership club or recreation use;
- l. Multifamily dwelling, except that no dwelling shall occupy space on the ground floor of any building;
- m. Public utility or transportation use;
- n. School conducted for profit;
- o. Theater or concert hall;

3. Site Plan Approval:

All construction involving more than 120 square feet of floor area, except for construction involving the renovations to or conversion of existing interior space, or as part of routine property maintenance, shall be subject to Site Plan Approval.

4. Permitted accessory Uses:

- a. Accessory use customarily incidental to any of the uses mentioned herein and on the same lot;
- b. Parking and loading docks;
- c. Customary home occupation, in compliance with § 165-33;
- d. Electric vehicle charging stations;
- e. Composting, in compliance with § 165-32;
- f. Home professional office;
- g. Solar energy system, non-commercial, subject to provisions of Chapter 130.
- h. Wind energy system, non-commercial, subject to provisions of Chapter 163.

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5. Lot Area and Yard Requirements:

The following dimensions are the minimum standards for any lot in the Town Center Mixed-Use District:

- a. Maximum residential density shall not exceed 12 dwellings per acre or 1 dwelling for each 3,600 square feet of site area;
- b. Maximum lot coverage by primary and accessory structures, parking and vehicular drives shall not exceed 90 percent;
- c. Minimum front yard setback shall be 0 feet, but no front yard setback shall exceed 5 feet;
- d. Minimum side yard setbacks shall be 0 feet, except that no parking space or loading space be located within 5 feet of any side property line;
- e. Minimum rear yard setback shall be 10 feet;
- f. Maximum building height for any nonagricultural building or structure shall be 3 stories, or 35 feet.

6. Building Mass and Articulation:

The following standards shall apply to the exteriors of all buildings:

- a. Minimum transparent wall area for the ground floor of any façade facing a primary street shall be 20 percent;
- b. Minimum transparent wall area for the ground floor of any façade facing a secondary street shall be 20 percent;
- c. Minimum transparent wall area for any upper story of any façade shall be 20 percent;
- d. Maximum upper-story street-facing wall length without offset shall be 50 feet;
- e. Minimum offset depth for a street-facing wall shall be 2 feet;

7. Parking Requirements:

See Sections 165-54 to 165-58 of the Code for the parking requirements for specific uses listed above.

8. Buffer Requirement:

Where the Town Center Mixed Use District abuts a Residential Medium Density District or a Residential High Density District, there shall be a vegetated buffer area conforming to the standards set forth in Section 165-40 not less than 15 feet in width, planted with trees and shrubs spaced in a manner that will result in a continuous visual screen along the property boundary abutting the residential parcel.

9. Mapped Public Infrastructure:

- A. Where there is shown on a map officially adopted by the Town of Geneva a future street, bicycle and pedestrian path or any other public infrastructure, the yard setback area or areas of a lot that would be affected by said future street, bicycle and pedestrian path or any other public infrastructure shall be increased to include the area reserved for any such future infrastructure.

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- B. Where there is shown on a map officially adopted by the Town of Geneva a future sidewalk or sidewalks, said infrastructure shall be shown on any subdivision or development site plan submitted for approval to the Town and designed and built to applicable Town standards.

Section 165-14 TC-2 Town Center Arterial District.

1. Purpose:

The purpose of the Town Center Arterial District is to foster the redevelopment of commercial properties within the district in a manner that will create a high-quality public realm and streetscape, and a mix of compatible uses in a variety of building types, reduce greenhouse gas emissions, promote an energy-independent and secure community, and enhance community resilience.

2. Permitted Uses:

- a. Retail sales;
- b. Retail services;
- c. Car wash, self-service and full service;
- d. Cultural facilities (library, art gallery, museum, etc.);
- e. Entertainment and sports venue;
- f. Financial services;
- g. Food service establishments;
- h. Funeral home;
- i. General and professional office;
- j. Hotel;
- k. Membership club or recreation use;
- l. Public utility or transportation use;
- m. Retail fuel station, in compliance with § 165-38;
- n. School conducted for profit;
- o. Theater or concert hall.

3. Site Plan Approval:

All construction involving more than 120 square feet of floor area, except for construction involving the renovations to or conversion of existing interior space, or as part of routine property maintenance, shall be subject to Site Plan Approval.

4. Permitted accessory Uses:

- a. Accessory use customarily incidental to any of the uses mentioned herein and on the same lot;
- b. Parking and loading docks;
- c. Electric vehicle charging stations;
- d. Composting, in compliance with § 165-32;
- e. Solar energy system, non-commercial, subject to provisions of Chapter 130.
- f. Wind energy system, non-commercial, subject to provisions of Chapter 163.

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5. Lot Area and Yard Requirements:

The following dimensions are the minimum standards for any lot in the Town Center Arterial District:

- a. Maximum lot coverage by primary and accessory structures, parking and vehicular drives shall not exceed 80 percent;
- b. Minimum front yard setback shall be 10 feet, but no front yard setback shall exceed 20 feet;
- c. No parking shall be permitted within any front yard setback area;
- d. Minimum side yard setbacks shall be 10 feet, except that no parking space or loading space shall be located within 5 feet of any side property line;
- e. Minimum rear yard setback shall be 10 feet;
- f. Maximum building height for any nonagricultural building or structure shall be 3 stories, or 35 feet.

6. Building Mass and Articulation:

The following standards shall apply to the exteriors of all buildings:

- a. Minimum transparent wall area for the ground floor of any façade facing a primary street shall be 20 percent;
- b. Minimum transparent wall area for the ground floor of any façade facing a secondary street shall be 20 percent;
- c. Minimum transparent wall area for any upper story of any façade shall be 20 percent;
- d. Maximum upper-story street-facing wall length without offset shall be 50 feet;
- e. Minimum offset depth for a street-facing wall shall be 2 feet;

7. Parking Requirements:

See Sections 165-54 to 165-58 of the Code for the parking requirements for specific uses listed above.

8. Buffer Requirement:

Where the Town Center Arterial District abuts a Residential Medium Density District or a Residential High Density District there shall be a vegetated buffer area, conforming to the standards set forth in Section 165-40 and not less than 15 feet in width, planted with trees and shrubs spaced in a manner that will result in a continuous visual screen along said boundary.

9. Mapped Public Infrastructure:

- A. Where there is shown on a map officially adopted by the Town of Geneva a future street, bicycle and pedestrian path or any other public infrastructure, the yard setback area or areas of a lot that would be affected by said future street, bicycle and pedestrian path or any other public infrastructure shall be increased to include the area reserved for any such future infrastructure.
- B. Where there is shown on a map officially adopted by the Town of Geneva a future sidewalk or sidewalks, said infrastructure shall be shown on any subdivision or development site plan submitted for approval to the Town and designed and built to applicable Town standards.

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Section 165-15 AG Agricultural District.

1. Purpose:

The purpose of the AG Agricultural District is to protect the agricultural land resources and the character of rural areas of the Town of Geneva, promote the wise stewardship of the soil and water resources of the Town, reduce greenhouse gas emissions, promote an energy-independent and secure community, enhance community resilience, and to promote the long term economic viability of the agricultural sector.

2. Right to Farm

Within the AG Agricultural District the practice of agriculture is determined to be the preeminent land use and any agricultural practice determined to be a sound agricultural practice by the New York State Commissioner of Agriculture and Markets pursuant to Article 25-AA, Section 308, including but not limited to practices necessary for on-farm production, preparation and marketing of agricultural commodities, such as the operation of farm equipment; proper use of agricultural chemicals and other crop protection methods; direct sale to consumers of agricultural commodities or foods containing agricultural commodities produced on-farm; and the construction and use of farm structures, shall not constitute a private nuisance.

3. Permitted Uses:

- a. 1-family detached dwellings;
- b. 1-family semi-detached dwelling;
- c. Agriculture;
- d. Roadside stand;
- e. Short-term rental in compliance with § 165-39;
- f. Farm worker residence as regulated by New York State Uniform Code or other applicable laws.

4. Permitted with Site Plan Approval:

- a. Agricultural commerce;
- b. Agricultural tourism;
- c. Cemetery in compliance with § 165-26;
- d. Church or other place of worship;
- e. Commercial greenhouse, plant nursery and retail sales of plant and gardening products and equipment;
- f. Commercial stable;
- g. Solar energy system, community, subject to provisions of Chapter 130;
- h. Kennel;
- i. Membership club or recreation use;
- j. Public and private parks and preserves;
- k. Private, academic or parochial school, provided said facility shall not exceed more than 3,000 square feet in floor area;
- l. Veterinarian office, animal hospital.

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5. Permitted by Special Use Permit:

- a. Commercial breeding facility, subject to provisions of Section 165-42;
- b. Noncommercial breeding facility or kennel, subject to provisions of Section 165-43;
- b. Wind energy facility, subject to provisions of Chapter 163.

6. Permitted accessory Uses:

- a. Accessory use customarily incidental to any of the uses mentioned herein and on the same lot;
- b. Bed and breakfast establishment;
- c. Business directional signs, in compliance with § 165-66;
- d. Electric vehicle charging stations;
- e. Family child care;
- f. Home composting, in compliance with § 165-32;
- g. Home occupation, in compliance with § 165-33;
- h. Home professional office;
- i. Keeping of chickens, in compliance with § 165-27;
- j. Solar energy system, non-commercial, subject to provisions of Chapter 130;
- k. Parking and loading docks;
- l. Private stable;
- m. Wind energy system, non-commercial, subject to provisions of Chapter 163.

7. Lot Area and Yard Requirements:

The following dimensions are the density and lot standards for any lot in the AG Agricultural District:

- a. Maximum density shall not exceed 1 dwelling lot for each 10 acres of land for tax parcels in excess of 10 acres in area at the time of adoption of this zoning code, or
- b. One dwelling lot for each 1 acre of land for any tax parcel 10 acres in area or less at the time of adoption of this zoning code;
- c. The density limits in (a) and (b) notwithstanding, the minimum size of any new lot created shall be 1 acre;
- d. Maximum lot coverage by primary and accessory structures, parking and vehicular drives shall not exceed 20 percent;
- e. Minimum front yard setback shall be 50 feet;
- f. Minimum side yard setbacks shall be 30 feet;
- g. Minimum rear yard setback shall be 50 feet;
- h. Maximum building height for any nonagricultural building or structure shall be 3 stories, or 35 feet.

8. Parking Requirements:

See Sections 165-54 to 165-58 of the Code for the parking requirements for specific uses listed above.

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Section 165-16 B General Business District.

1. Purpose:

The purpose of the General Business District is to promote new business development in appropriate locations within the Town and to foster the redevelopment of commercial properties within the district in a manner that will create a high-quality public realm and streetscape, a mix of compatible uses in a variety of building types, reduce greenhouse gas emissions, promote an energy-independent and secure community, and enhance community resilience.

2. Permitted Uses:

- a. Retail sales;
- b. Retail services;
- c. Automobile sales, storage or repair;
- d. Car wash, self-service and full service;
- e. Church or other place of worship;
- f. Commercial greenhouse, plant nursery & retail sales
- g. Entertainment and sports venue;
- h. Financial services;
- i. Food service establishments;
- j. Funeral home;
- k. Retail fuel station, in compliance with § 165-38;
- l. General and professional office;
- m. Hotel;
- n. Marina;
- o. Membership club or recreation use;
- p. Public utility or transportation use;
- q. School conducted for profit;
- r. Self-storage facility;
- s. Theater or concert hall;
- t. Veterinary office, animal hospital;
- u. Wholesale business or service.

3. Permitted with Site Plan Approval:

All construction involving more than 120 square feet of floor area, except for construction involving the renovations to or conversion of existing interior space, or as part of routine property maintenance, shall be subject to Site Plan Approval.

4. Permitted accessory Uses:

- a. Accessory use customarily incident to any of the uses mentioned herein and on the same lot;
- b. Parking and loading docks;
- c. Electric vehicle charging stations;
- d. Composting, in compliance with § 165-32;
- e. Solar energy system, non-commercial, subject to provisions of Chapter 130;

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- f. Wind energy system, non-commercial, subject to provisions of Chapter 163.

5. Lot Area and Yard Requirements:

The following dimensions are the minimum standards for any lot in the General Business District

- a. Maximum lot coverage by primary and accessory structures, parking and vehicular drives shall not exceed 60 percent;
- b. Minimum front yard setback shall be 20 feet.
- c. Minimum side yard setbacks shall be 15 feet, within which there shall be no outside storage of any kind permitted;
- d. Minimum rear yard setback shall be 35 feet within which there shall be no parking space or loading space, or outside storage of any kind permitted;
- e. Maximum building height for any nonagricultural building or structure shall be 3 stories, or 35 feet.

6. Parking Requirements:

See Sections 165-54 to 165-58 of the Code for the parking requirements for specific uses listed above.

7. Buffer Requirement:

Where the General Business District abuts any Residential zoning district or the AG-Agricultural District there shall be a vegetated buffer area conforming to the standards set forth in Section 165-40 and not less than 15 feet in width, planted with trees and shrubs spaced in a manner that will result in a continuous visual screen along the property boundary abutting the residential parcel.

8. Mapped Public Infrastructure:

- A. Where there is shown on a map officially adopted by the Town of Geneva a future street, bicycle and pedestrian path or any other public infrastructure, the yard setback area or areas of a lot that would be affected by said future street, bicycle and pedestrian path or any other public infrastructure shall be increased to include the area reserved for any such future infrastructure.
- B. Where there is shown on a map officially adopted by the Town of Geneva a future sidewalk or sidewalks, said infrastructure shall be shown on any subdivision or development site plan submitted for approval to the Town and designed and built to applicable Town standards.

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Section 165-17 I-1 General Industrial District.

1. Purpose:

The purpose of the General Industrial District is to promote a vibrant local economy through the development of manufacturing and food processing industries in appropriate locations within the Town, reduce greenhouse gas emissions, promote an energy-independent and secure community, and enhance community resilience.

2. Prohibited Uses:

In the General Industrial District, no manufacturing use nor any trade, industry, use or purpose that is noxious or offensive by reason of the emission of odor, dust, smoke, toxic or noisome fumes, radiation, gas, noise, vibration or excessive light or any combination of the above which is dangerous and prejudicial to the public health, safety and general welfare shall be permitted.

3. Permitted Uses:

- a. Agriculture;
- b. Automobile salvaging or dismantling;
- c. Brewing or distilling of liquors;
- d. Car wash, self- service and full service
- e. Composting facility;
- f. Equipment rental or sales yard;
- g. Extractive operations and soil mining, in compliance with § 165-30;
- h. Food processing, packaging and shipping;
- i. Food service establishment;
- j. General and professional office;
- k. Grain storage, sales and shipping;
- l. Light industry;
- m. Manufacturing, fabrication and assembly;
- n. Public utility or transportation use;
- o. Recycling and solid waste processing facility;
- p. Research laboratories;
- q. Retail fuel station, in compliance with § 165-38
- r. Retail sales;
- s. Self-storage facility;
- t. Solar energy systems, commercial;
- u. Solar energy system, community, subject to provisions of Chapter 130;
- v. Structural steel fabricating shops, metalworking shops;
- w. Warehousing and other handling of material;
- x. Wholesale business or service;

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4. Site Plan Approval:

All construction, except for construction involving the renovations to or conversion of existing interior space, or as part of routine property maintenance, shall be subject to Site Plan Approval.

5. Permitted by Special Use Permit:

- a. Adult uses, subject to provisions of Chapter 53;
- b. Wind energy system, commercial, subject to provisions of Chapter 163.

6. Permitted accessory Uses:

- a. Accessory use customarily incidental to any of the uses mentioned herein and on the same lot;
- b. Parking and loading docks;
- c. Electric vehicle charging stations;
- d. Composting, in compliance with § 165-32;
- e. Solar energy system, non-commercial, subject to provisions of Chapter 130;
- f. Wind energy system, non-commercial, subject to provisions of Chapter 163.

7. Lot Area and Yard Requirements:

The following dimensions are the minimum standards for any lot in the General Industrial District

- a. Maximum lot coverage by primary and accessory structures, parking and vehicular drives shall not exceed 60 percent;
- b. Minimum front yard setback shall be 20 feet, within which there shall be no outdoor storage or display permitted;
- c. No parking shall be permitted within any front yard setback area;
- d. Minimum side yard setbacks shall be 15 feet, within which there shall be no parking space or loading space, or outside storage of any kind permitted;
- e. Minimum rear yard setback shall be 35 feet within which there shall be no parking space or loading space, or outside storage of any kind permitted;
- f. Maximum building height for any nonagricultural building or structure shall be 3 stories, or 35 feet.

8. Parking Requirements:

See Sections 165-54 to 165-58 of the Code for the parking requirements for specific uses listed above.

9. Buffer Requirement:

Where the General Industrial District abuts any Residential zoning district or the AG-Agricultural District there shall be a vegetated buffer area conforming to the standards set forth in Section 165-40 and not less than 15 feet in width, planted with trees and shrubs spaced in a manner that will result in a continuous visual screen along the property boundary abutting the residential parcel.

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10. Mapped Public Infrastructure:

- A. Where there is shown on a map officially adopted by the Town of Geneva a future street, bicycle and pedestrian path or any other public infrastructure, the yard setback area or areas of a lot that would be affected by said future street, bicycle and pedestrian path or any other public infrastructure shall be increased to include the area reserved for any such future infrastructure.
- B. Where there is shown on a map officially adopted by the Town of Geneva a future sidewalk or sidewalks, said infrastructure shall be shown on any subdivision or development site plan submitted for approval to the Town and designed and built to applicable Town standards.

Section 165-18 I-2 Light Industrial District.

1. Purpose:

The purpose of the Light Industrial District is to promote the development of light industry and food processing industries in appropriate locations within the Town, and to tap the research and technology innovation generated by regional institutions of higher education, reduce greenhouse gas emissions, promote an energy-independent and secure community, and enhance community resilience.

2. Permitted Uses:

- a. Agriculture;
- b. Composting facility;
- c. Food processing, packaging and shipping;
- d. Food service establishment;
- e. General and professional office
- f. Light industry;
- g. Public utility or transportation use;
- h. Recycling and solid waste processing facility;
- i. Research laboratories;
- j. Retail sales;
- k. Retail services;
- l. Solar energy systems, commercial, subject to provisions of Chapter 130;
- m. Solar energy system, community, subject to provisions of Chapter 130;
- n. Warehousing and other handling of material

3. Site Plan Approval:

All construction, except for construction involving the renovations to or conversion of existing interior space, or as part of routine property maintenance, shall be subject to Site Plan Approval.

4. Permitted accessory Uses:

- a. Accessory use customarily incident to any of the uses mentioned herein and on the same lot;
- b. Home composting, in compliance with § 165-32;
- c. Parking and loading docks;
- d. Solar energy system, non-commercial, subject to provisions of Chapter 130;

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- e. Wind energy system, non-commercial, subject to provisions of Chapter 163.

5. Lot Area and Yard Requirements:

The following dimensions are the minimum standards for any lot in the Light Industrial District:

- a. Maximum lot coverage by primary and accessory structures, parking and vehicular drives shall not exceed 60 percent;
- b. Minimum front yard setback shall be 30 feet, within which there shall be no parking, outdoor storage or display permitted;
- c. No parking shall be permitted within any front yard setback area;
- d. Minimum side yard setbacks shall be 25 feet, within which there shall be no parking space or loading space, or outside storage of any kind permitted;
- e. Minimum rear yard setback shall be 35 feet within which there shall be no parking space or loading space, or outside storage of any kind permitted;
- f. Maximum building height for any nonagricultural building or structure shall be 3 stories, or 35 feet.

6. Parking Requirements:

See Sections 165-54 to 165-58 of the Code for the parking requirements for specific uses listed above.

7. Buffer Requirement:

Where the Light Industrial District abuts any Residential zoning district or the AG-Agricultural District there shall be a vegetated buffer area conforming to the standards set forth in Section 165-40 not less than 15 feet in width and planted with trees and shrubs spaced in a manner that will result in a continuous visual screen along the property boundary abutting the residential parcel.

8. Mapped Public Infrastructure:

- A. Where there is shown on a map officially adopted by the Town of Geneva a future street, bicycle and pedestrian path or any other public infrastructure, the yard setback area or areas of a lot that would be affected by said future street, bicycle and pedestrian path or any other public infrastructure shall be increased to include the area reserved for any such future infrastructure.
- B. Where there is shown on a map officially adopted by the Town of Geneva a future sidewalk or sidewalks, said infrastructure shall be shown on any subdivision or development site plan submitted for approval to the Town and designed and built to applicable Town standards.

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Adopted May 8, 2018

Section 165-19 LV Lake View Overlay District.

1. Purpose:

Within the Town of Geneva along the west side of New York State Route 14, south of the City of Geneva and Town of Geneva line, there is a spectacular view of Seneca Lake. The purpose of the Lake View Overlay District special use corridor is to permit business activity within zones that are R-1 Residential Suburban, R-2 Residential Rural and AG Agricultural in a manner that will enhance the use of land along the west side of Route 14 but also will be compatible in an area that is used as residence. The careful integration of limited commercial uses within these areas will ensure the enjoyment of the lake and the land by both residents of the Town as well as visitors to the Town, ensure that the entrance to the Town and the City of Geneva will be enhanced, and protect and maintain the integrity of the existing residential and agricultural uses in the area.

2. Permitted Uses:

In addition to any use permitted within the underlying R-1 Residential Suburban, R-2 Residential Rural District or AG Agricultural zoning districts, the following uses are permitted upon receipt of Site Plan Approval and a Special Use Permit from the Zoning Board of Appeals, subject to the requirements set forth in Section 165-79:

- a. Agricultural-tourism enterprise not operated as part of an ongoing farm operation;
- b. Events facilities operated for the purpose of private events such as banquets, concerts, dances, reunions, corporate or other organization retreats, weddings and other religious celebrations;
- c. Lodging facilities with not more than 14 rooms for sleeping, each room to accommodate no more than four persons, including a bed and breakfast and a country inn;
- d. Restaurant operation, including the sales of alcoholic beverages;
- e. Retail sales of items primarily intended for sale to tourists and visitors to the area, including food and drink intended for purchase and delivery to the customer on premises, to be removed from the premises by the customer or to be shipped to a location designated by the customer;
- f. Retail sales of food and drink for consumption on premises;

3. District Extents:

The Lake View Overlay District shall be located only within a corridor that is bounded by the western boundary of New York State Route 14 on the east; the southern boundary of Snell Road on the north; the boundary line separating the Town of Geneva and the Town of Benton on the south; and on the west a line that is 2,000 feet westerly from the western boundary of New York State Route 14.

4. Prohibited Uses:

- a. The sale of goods primarily sold as wholesale, the sale of goods in retail that involves a department store style of marketing or discount store style of marketing, the sale of large goods such as motor vehicles, motor homes, farm equipment, hardware as a primary business or other heavy equipment, boats, or sale of fuel for vehicles shall be prohibited.
- b. Community solar energy systems and commercial solar energy systems occupying more than 1 acre within 1,000 feet of NYS Route 14, or within any viewshed between a public street or highway and Seneca Lake.

Zoning Code for the Town of Geneva, NY
Adopted May 8, 2018

- c. Non-commercial wind energy systems and commercial wind energy systems.

5. Permitted accessory Uses:

- a. Accessory use customarily incident to any of the uses mentioned herein and on the same lot;
- b. Parking and loading docks;
- c. Electric vehicle charging stations;
- d. Solar energy system, non-commercial, subject to provisions of Chapter 130;
- e. Wind energy system, non-commercial, subject to provisions of Chapter 163.

6. Lot Area and Yard Requirements:

The following dimensions are the minimum standards for any lot in the Lake View Overlay District

- a. Maximum lot coverage by primary and accessory structures, parking and vehicular drives shall be the same as those of the underlying zoning district;
- b. Minimum front yard setback for any uses listed in 165-19(2) shall be 150 feet from the right-of-way of any public highway;
- c. Minimum side yard setbacks shall be the same as those of the underlying zoning district, except any use listed in 165-19(2) shall be no closer than 100 feet from the property line upon which is located an existing residence;
- d. Minimum rear yard setback shall be the same as that of the underlying zoning district;
- e. Maximum building height for any nonagricultural building or structure shall be 3 stories, or 35 feet;
- f. There shall be no parking, outdoor storage or product display permitted within any front, side or rear yard setback areas.

7. Parking Requirements:

See Sections 165-54 to 165-58 of the Code for the parking requirements for specific uses listed above

8. Buffer Requirement:

Where any development listed in Section 165-19(2) above abuts any residential parcel, there shall be a vegetated buffer area conforming to the standards set forth in Section 165-40 not less than 15 feet in width, planted with trees and shrubs spaced in a manner that will result in a continuous visual screen along the property boundary abutting the residential parcel.

9. Additional Design and Operating Standards:

- A. Restaurants that contain drive-through windows or that use trademarked signs or architecture which identifies the company by building design shall be prohibited.
- B. Commercial operations of any kind that are part of a chain or franchised business operation that have more than five such businesses operating in the State of New York shall be prohibited.

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- C. The following limitations on the location of the permitted business shall be required before a special use permit under this section shall be issued:
- (1) In addition to the aforesaid setbacks and in the sole judgment of the Zoning Board of Appeals a sufficient natural barrier shall be erected and maintained on the property of the permitted business to protect the existing residences from intrusion by view or noise from the permitted business.
 - (a) No building shall be sited in a manner that will block the view of Seneca Lake from any existing residential property bordering the development.
 - (b) All mechanical equipment such as air-conditioning units and heating units shall be located within the confines of the building or screened from the view of the public highways or any existing residential property bordering the development.
- D. In keeping with the unique and particularly beautiful scenery and the allowance of business uses within areas that are also used for residential and agricultural use, the appearance of any newly constructed buildings shall be subject to the following appearance requirements:
- (1) The architectural design shall be submitted to the Zoning Board of Appeals for approval based upon the following specific criteria:
 - (a) The exterior of the building shall present a natural appearance of recognized quality building materials that shall appear to be wood, quality brick, glass, field stone or a combination of such materials.
 - (b) The outward appearance of all buildings shall be fitting to and complement the rural area in which the Lake View District is located.
 - (c) The Zoning Board of Appeals shall be authorized to allow substitute materials, provided that the outward appearance meets the above standard and the building code standards.
- E. Operation of the Lake View permitted businesses shall be subject to the following:
- (1) The hours of business operation when the permitted business is open to customers shall be between 7:00 a.m. and 11 p.m. and shall be strictly controlled. The permitted business shall not be open to customers between the hours of 11:00 p.m. and 7:00 a.m., which shall be referred to herein as the "hours of prohibited operation." The permitted business may be open for preparation and cleanup during the hours of prohibited operation.
 - (2) The permitted business shall operate in a manner that maintains a reasonable noise level. Any noise levels exceeding 75 Decibels, including traffic-related noises or electronically amplified live music or electronically reproduced noise, that project beyond the property line are prohibited.
- F. The Zoning Board of Appeals shall be empowered to place additional reasonable restrictions and requirements consistent with the purpose and intent of this section as conditions for granting the special use permit.

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Adopted May 8, 2018

Section 165-20 CO Conservation Overlay District.

1. Purpose:

The purpose of the Conservation Overlay District (C-1) is to protect vulnerable natural resources such as stream corridors, steep ravine and gully slopes and the water quality of Seneca Lake from the adverse impacts of development in such locations

2. Permitted Uses:

Any use permitted within the underlying zoning district, however such uses shall be subject to Site Plan Review.

3. District Extents:

The Conservation Overlay District shall be applied to all lands located within fifty (50) feet of the shoreline of any designated stream, and all lands adjacent to said stream where the slopes exceed 15 percent, as shown on the officially adopted zoning map of the Town of Geneva. Final determination of any Conservation Overlay District boundary shall be verified in the field by the designated Town official.

4. Permitted accessory Uses:

Any accessory use permitted within the underlying zoning district, however such uses shall be subject to Site Plan Review.

5. Lot Area and Yard Requirements:

The following dimensions are the minimum standards for any lot in the Conservation Overlay District

- a. Maximum lot coverage by primary and accessory structures, parking and vehicular drives shall be the same as those of the underlying zoning district;
- b. With the exception of the setbacks outlined in 'c' below, the minimum front yard, side yard and rear yard setbacks shall be the same as that of the underlying zoning district, and there shall be no parking, outdoor storage or display permitted within said yards setbacks;
- c. Minimum setbacks from the shore of any stream or the rim of any ravine or gully to any structure shall be fifty (50) feet.
- f. Maximum building height for any nonagricultural building or structure shall the same as permitted in the underlying zoning district.

6. Parking Requirements:

Parking requirements shall be the same as those of the underlying zoning district.

Town of Lyons

Town of Lyons Zoning Law (2022)
Article IV, Sections 300-2.5 – 300-2.9

ARTICLE IV
District Regulations

§ 300-2.4. Applicability of regulations.

- A. No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall be erected, moved or structurally altered unless in conformity with the regulations herein specified for the district in which it is located.
- B. No building or structure shall hereafter be erected or altered to exceed the height, occupy a greater percentage of lot area, or have narrower or smaller rear yards, front yards, side yards or other open spaces than are specified herein for the district in which it is located.
- C. No part of a yard or other open space or off-street parking or loading space required about or in connection with any structure for the purpose of complying with this chapter shall be included as a part of a yard or other open space or off-street parking or loading space similarly required for another structure.
- D. Every principal building shall be built upon a lot with frontage upon a public street improved to meet the standards of the Town of Lyons.
- E. Every residential building hereafter erected shall be located on a lot as defined herein, and there shall be not more than one residential building on one lot, except as specifically permitted elsewhere in this chapter. If more than one lot is located on a piece of property, each lot must meet the requirements of this chapter.
- F. If any use could be construed to be incorporated within a general use listing, the more restrictive listing, if any, shall control.
- G. Any uses not specifically permitted within any district shall be deemed prohibited.

§ 300-2.5. Residential-Agricultural (R-A) District regulations.

The following regulations shall apply in the Residential-Agricultural District:

- A. Permitted principal uses:
 - (1) Single-family dwelling.
 - (2) Two-family dwelling.
 - (3) Customary farm occupation.
 - (4) Public utility structure.
 - (5) Church or similar place of worship, parish house, convent, rectory or parsonage.
 - (6) Public building of a governmental or cultural nature, school and other educational institution, public park and playground, day-care facility.
 - (7) Hospital, nursing or convalescent home, adult care facility.

- (8) Bed-and-breakfast establishment.
 - (9) Rooming house.
 - (10) Mobile home.
 - (11) Modular home, as a single-family or two-family dwelling.
 - (12) Farm-related use.
 - (13) Barn conversion.
 - (14) Cottage or recreational cabin.
 - (15) House trailer.
- B. Permitted accessory uses:
- (1) Home occupation.
 - (2) Private garage.
 - (3) Other customary accessory use and building, provided such use is incidental to the principal use and does not include an activity commonly conducted as a business.
 - (4) Professional office of a physician, lawyer, dentist, architect or engineer, surveyor or attorney, when conducted in a dwelling by the inhabitant thereof.
 - (5) Roadside stand, in connection with a farm occupation, for the display and sale of agricultural products.
 - (6) Off-street parking and loading.
 - (7) Signs.
 - (8) Accessory farm buildings.
 - (9) Apartment garage.
 - (10) Recreational cabin.
 - (11) Boathouse.
 - (12) Farm labor housing.
- C. Uses requiring a special permit:
- (1) Abattoir.
 - (2) Airfield, landing strip and related facilities.
 - (3) Kennel, animal hospital and veterinary clinic.
 - (4) Camp.
 - (5) Cemetery.

- (6) Community building, golf course, social hall, club, lodge and fraternal organization.
 - (7) Extractive industry and commercial logging operation.*
 - (8) Sawmill.*
 - (9) Hog, pig, poultry or fur-bearing animal farm.*
 - (10) Migrant labor camp.
 - (11) Mobile home park.*
 - (12) Multifamily dwelling.*
 - (13) Riding academy and livery stable.*
 - (14) Large-scale business or industrial development.
 - (15) Planned development group.*
 - (16) Telecommunications facility.*
 - (17) Farm service use.
 - (18) Large-scale cattle or dairy farm.
- D. Lots, minimum requirements:
- (1) Lots not served with public sewer or water:
 - (a) Area: one acre.*
 - (b) Width: 150 feet.
 - (c) Depth: 100 feet.
 - (2) Lots served with either public sewer or public water:
 - (a) Area: 10,000 square feet.*
 - (b) Width: 125 feet.
 - (c) Depth: 200 feet.
- E. Yards, minimum requirements:
- (1) Front: 50 feet.*
 - (2) Rear: 40 feet.*
 - (3) Each side: 20 feet.
- F. Maximum building height: 2 1/2 stories, not to exceed 35 feet.*
- G. Maximum lot coverage: 30%.

* See also: Specific standards for special permits, § 300-2.12.

§ 300-2.6. General Residential (R-1) District regulations.

The following regulations shall apply in the General Residential District:

- A. Permitted principal uses: all permitted principal uses as regulated in R-A Districts, except a mobile home.
- B. Permitted accessory uses: all permitted accessory uses as regulated in R-A Districts, except a roadside stand.
- C. Uses requiring a special permit: multiwide mobile home.
- D. Lots, minimum requirements:
 - (1) Lots not served with public sewer or water:
 - (a) Area: 30,000 square feet.
 - (b) Width: 125 feet.
 - (c) Depth: 200 feet.
 - (2) Lots served with either public sewer or public water:
 - (a) Area: 20,000 square feet.
 - (b) Width: 100 feet.
 - (c) Depth: 150 feet.
- E. Yards, minimum requirements:
 - (1) Front: 50 feet.
 - (2) Rear: 30 feet.
 - (3) Each side: 15 feet.
- F. Maximum building height: 2 1/2 stories, not to exceed 35 feet.
- G. Maximum lot coverage: 30%.

§ 300-2.7. Floodplain (F-P) District regulations.

The following regulations shall apply in the Floodplain District:

- A. Permitted principal uses:
 - (1) Customary farm occupation, but shall not include or permit the spreading, accumulation, feeding or use of garbage in any manner.
 - (2) Park, playground or community recreation area, operated by a governmental agency.
 - (3) None of the above uses shall include the creation of any building or structure for residential purposes.

B. Permitted accessory uses:

- (1) Home occupation and professional office in an existing residential structure.
- (2) Private garage.
- (3) Off-street parking and loading.
- (4) Office incidental and necessary to the conduct of a permitted use.
- (5) Sign.
- (6) Other accessory uses and buildings customarily appurtenant to a permitted use.

C. Uses requiring a special permit:

- (1) Private noncommercial recreation area, use and facility, including sportsman's club and facility.
- (2) Kennel.
- (3) Outdoor theater, golf driving range, and similar commercial recreation facility.
- (4) Private airport or landing strip.
- (5) Dumping of noncombustible materials for landfill purposes.
- (6) Equipment and material storage yard.

D. Lots, minimum requirements:

- (1) Lots not served with public sewer or water:
 - (a) Area: two acres.
 - (b) Width: 250 feet.
 - (c) Depth: 200 feet.
- (2) Lots served with either public sewer or public water:
 - (a) Area: one acre.
 - (b) Width: 150 feet.
 - (c) Depth: 200 feet.

E. Yards, minimum requirements:

- (1) Front: 50 feet.
- (2) Rear: 50 feet.
- (3) Each side: 40 feet.

F. Maximum building height: three stories, not to exceed 40 feet.

G. Maximum lot coverage: 35%.

§ 300-2.8. Commercial (C-1) District regulations.

The following regulations shall apply in the Commercial District:

A. Permitted principal uses:

- (1) Retail business or service establishment.
- (2) Office, bank or other financial institution.
- (3) Social hall, club or lodge.
- (4) Motel or hotel.
- (5) Motor vehicle service station.
- (6) Theater or auditorium.
- (7) Motor vehicle repair shop.
- (8) Public garage.
- (9) Funeral parlor.
- (10) Bowling alley.
- (11) Automobile sales and showroom.
- (12) Highway commercial establishment catering generally to the tourist, such as a gift shop, antique shop, and specialty shop.
- (13) Public utility structure.
- (14) Farm service use.
- (15) Cider mill.
- (16) Winery.
- (17) Portable sawmill.

B. Permitted accessory uses:

- (1) Dwelling.
- (2) Sign.
- (3) Off-street parking and loading.
- (4) Farm labor housing.
- (5) Boathouse.
- (6) Other accessory uses and buildings which are clearly incidental to a permitted use.

C. Uses requiring a special permit:

- (1) Travel trailer sales.
 - (2) Mobile home sales and repair.
 - (3) Mobile home park.
 - (4) Public and semipublic uses of a welfare, educational, recreational or cultural nature.
 - (5) Nursing or convalescent home.
 - (6) Railway or bus passenger station.
 - (7) Commercial self-service storage facility.
 - (8) Marina and boatyard.
- D. Lots, minimum requirements:
- (1) Lots not served with public sewer or water:
 - (a) Area: 20,000 square feet.
 - (b) Width: 125 feet.
 - (c) Depth: 150 feet.
 - (2) Lots served with either public sewer or public water:
 - (a) Area: 20,000 square feet.
 - (b) Width: 125 feet.
 - (c) Depth: 100 feet.
- E. Yards, minimum requirements:
- (1) Front: 50 feet.
 - (2) Rear: 25 feet.
 - (3) Each side: 15 feet.
- F. Maximum building height: three stories, not to exceed 45 feet.
- G. Maximum lot coverage: 80%.

§ 300-2.9. Industrial (M-1) District regulations.

The following regulations shall apply in the Industrial District:

- A. Permitted principal uses:
- (1) Agricultural or nursery uses, including the display and sale of farm products and the raising of stock and poultry, but not including dwellings.
 - (2) Public utility structure.

- (3) Wholesale business, warehousing and distribution plant; storage and sales yard, open or enclosed, used for the storage of fuel, wood and coal, building materials, produce and meat, and machinery; contractor's equipment storage yard.
 - (4) Heavy commercial uses, including machine shops, trade schools, machinery sales, laundries, bakeries, bottling works, dry cleaning and dyeing, custom manufacturing, manufacture of electronic equipment or precision instruments, furniture, optics and watches, research and other laboratories.
 - (5) The manufacture, assembly or storage of products not objectionable or injurious because of smoke, dust, noise, vibration, odors, glare, noxious gas, hazardous materials, waste or particulate matter, traffic hazard or congestion, or fire or explosive hazard. Such materials would include: cloth, metal, plastic, paper, wood, leather, precious or semi-precious metals or stones, electronic or electrical instruments or devices, candy, food products, pharmaceuticals and the like.
 - (6) Commercial self-service storage facility.
 - (7) Farm service use.
 - (8) Cider mill.
 - (9) Winery.
 - (10) Portable sawmill.
- B. Permitted accessory uses:
- (1) Accessory uses and buildings clearly incidental to a permitted use.
 - (2) Sign.
 - (3) Off-street parking and loading.
 - (4) Private garage.
 - (5) Farm labor housing.
 - (6) Boathouse.
- C. Uses requiring a special permit:
- (1) Freight or truck terminal for the overnight parking of trucks, tractors or trailers.
 - (2) Retail business or service establishment.
 - (3) Junkyard, wrecking yard and scrap processing.
 - (4) Dump.
 - (5) Adult use.
- D. Lots, minimum requirements:

- (1) Lots not served with public sewer or water:
 - (a) Area: one acre.
 - (b) Width: 200 feet.
 - (c) Depth: 150 feet.
 - (2) Lots served with either public sewer or public water:
 - (a) Area: 20,000 square feet.
 - (b) Width: 100 feet.
 - (c) Depth: 200 feet.
- E. Yards, minimum requirements:
- (1) Front: 75 feet.
 - (2) Rear: 35 feet.
 - (3) Each side: 25 feet.
- F. Maximum building height: four stories, not to exceed 60 feet.
- G. Maximum lot coverage: 50%.

Town of Phelps

Town of Phelps Zoning Law (2015)

145 Attachment 1: Schedule of Regulations

ARTICLE III
Districts

§ 145-5. Establishment of districts. [Amended 2-2-2004 by L.L. No. 2-2004; 7-9-2012 by L.L. No. 3-2012; 7-13-2015 by L.L. No. 2-2015]

For the purposes of promoting the public health, safety, morals and general welfare of the Town of Phelps, the Town is hereby divided into the following types of districts:

R-AG	Agricultural-Residential District
R-1	Residential District
C-1	Commercial District
C-2	Neighborhood Commercial District
M-1	Industrial District
MOD	Mining Overlay District
MTOD	Major Thoroughfare Overlay District

§ 145-6. Zoning Map.¹ [Amended 7-9-2012 by L.L. No. 3-2012]

Said districts are bounded as shown on the map entitled "Official Zoning Map of the Town of Phelps of 1974, together with all amendments subsequently adopted" which accompanies and which, with all explanatory matter thereon, is hereby made a part of this chapter.

§ 145-7. Interpretation of boundaries.

- A. Designation of district boundaries. The district boundary lines are intended generally to follow the boundary lines of streets, the center lines of railroad rights-of-way, existing lot lines, the mean water level of streams and other waterways or Town boundary lines, all as shown on the Zoning Map; but where a district boundary line does not follow such a line, its position is shown on said Zoning Map by a specific dimension expressing its distance in feet from a street line or other boundary line as indicated.
- B. Determination of locations of boundaries. In case of uncertainty as to the true location of a district boundary line in a particular instance, the Code Enforcement Officer shall request the Board of Appeals to render its determination with respect thereto.
- C. Unsubdivided property. In unsubdivided property or where a district boundary divides a lot, the location of any such boundary, unless the same is indicated by dimensions shown on the Zoning Map, shall be determined by the use of the map scale shown thereon.
- D. District boundary following water body. Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Town of Phelps unless otherwise indicated.

1. Editor's Note: The Zoning Map is included as an attachment to this chapter.

ARTICLE IV
District Regulations

§ 145-8. Schedule of Regulations.

The restrictions and controls intended to regulate development in each district are set forth in the attached schedule² which is supplemented by other sections in this chapter.

§ 145-8.1. Neighborhood Commercial District. [Added 2-2-2004 by L.L. No. 2-2004]

- A. Intent The intent in creating a Neighborhood Commercial District is to provide locations where groups of small establishments may be appropriately located to serve frequent commercial and personal service needs of residents within convenient traveling distance. It is not intended to permit major commercial or service establishments in such districts.
- B. The following shall be permitted principal uses in said district:
- (1) Bakery, confectionery, delicatessen and the like, provided that products prepared or processed on the premises shall be sold only at retail and only on the premises;
 - (2) Drugstore, newsstand and tobacco shop;
 - (3) Barbershops, beauty shops, hair salons and other personal service shops or uses;
 - (4) Restaurants, except fast food, drive-in and those serving liquor;
 - (5) Boutiques and specialty retail shops, including but not limited to, bookstores, florists, card or gift shops, candy stores, secondhand clothing stores, stationery stores and arts and crafts stores;
 - (6) Gasoline and fueling stations;
 - (7) Grocery, meat market, fish market, specialty food stores and convenience-type food stores;
 - (8) Laundry and dry-cleaning establishments, including self-service;
 - (9) Custom dressmaking, millinery, hemstitching, pleating, weaving or mending services, shoe repair and tailor shops;
 - (10) Banks and lending institutions;
 - (11) Similar uses to those listed above may be permitted subject to special use permit approval by the Town Planning Board and finding by the Board that such use is of the same general character as those permitted in this district and that such use, if permitted, will not cause adverse impacts or be detrimental to other uses within the zone or to adjoining land use; and
 - (12) Detached single-family dwellings.
- C. The following shall be permitted accessory uses in said district:
- (1) Off-street parking and loading area, subject to regulations;
 - (2) Signs, subject to Town requirements;
 - (3) Residential uses within a structure in combination with other permitted uses provided that such

2. Editor's Note: The Schedule of Regulations is included as an attachment to this chapter.

§ 145-8.1 residential uses are accessory to the business conducted and are located elsewhere than on the street frontage of the ground floor and have a minimum area required by regulation; and § 145-8.2

(4) Fences, subject to Town requirements.

D. The following uses shall be allowed only upon obtaining a special use permit from the Town Planning Board upon a finding by the Board that such use is of the same general character as those permitted in this district and that such use, if permitted, would not cause adverse impacts or be detrimental to other uses within the zone or to adjoining land uses:

- (1) Public building and grounds;
- (2) Uses for the treatment and care of human beings, including but not limited to medical and dental offices and clinics for physicians, osteopaths, dentists, chiropractors, chiropractors, podiatrists, opticians, optometrists and ophthalmologists, all excluding overnight occupancy or overnight care;
- (3) Essential services and structures, excluding power plants, maintenance yards, storage yards and personal wireless telecommunications facilities;
- (4) Business, professional and executive offices, including but not limited to offices for attorneys, architects, engineers, surveyors and accountants, real estate and insurance agents and salespersons;
- (5) Private nursery school or day-care center or similar uses.

§ 145-8.2. Mining Overlay District. [Added 7-9-2012 by L.L. No. 3-2012]

A. Permitted uses. No person shall do, conduct, perform, or engage in any mining, or operate a mine, within the Town of Phelps except within a Mining Overlay District as hereinafter defined and except in compliance with the provisions of this § 145-8.2 of the Zoning Law. Mining shall be a special use in a Mining Overlay District and shall be allowed only with a special use permit as hereinafter provided in this section.

B. Issuance of special use permits for mining.

- (1) The Town Board hereby authorizes the Zoning Board of Appeals to issue special use permits to engage in mining in accordance with the provisions set forth below and §§ 145-10 and 145-11 of the Zoning Law. No person shall do, conduct, perform, or engage in mining, or operate a mine within the Town, except within a Mining Overlay District and except pursuant to a mining special use permit issued by the Zoning Board of Appeals in accordance with the procedures and criteria set forth in this subsection.
- (2) Applicants for a special use permit to engage in mining shall submit to the Zoning Board of Appeals an original and 11 copies of an application for special use permit for mining (which application shall be developed by the Town Board). The applicant will include with the application for special use permit for mining the items set forth in § 145-8.2B(3) below. To the extent the applicant's application to the DEC for a state mining permit for the mine contains information required herein, the application to the DEC may be substituted therefor. The foregoing, however, shall not relieve the applicant from submitting any information required herein that is not contained in an application to the DEC for a state mining permit. The application for special use permit shall be accompanied by a fee as set forth in Chapter A157 of the Zoning Law. The applicant shall pay to the Town such additional amounts as are necessary

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to reimburse the Town for the expenses paid by the Town to any engineers or other consultants retained in connection with a review of the application.

- (3) The application for special use permit for mining shall include the following:
- (a) The name, address and telephone number of the applicant, together with the name of the person to contact for further information, if the applicant is not an individual.
 - (b) A map, prepared by a licensed engineer or surveyor, showing the boundaries of the proposed mine, as well as a key map showing its approximate location in the Town of Phelps. The scale of the map shall be no less than one inch equals 100 feet, unless the Zoning Board of Appeals, by resolution, allows a smaller scale.
 - (c) A description of the proposed mining operation, including the type of material to be mined, equipment to be used, approximate tonnage for each year of the next five-year period, and the anticipated useful life of the mine. For the purposes of complying with this § 145-8.2B(3)(c), a mining plan prepared pursuant to Title 27, Article 23, of the Environmental Conservation Law and regulations promulgated thereunder shall be sufficient, provided that the Zoning Board of Appeals is satisfied that all relevant requirements thereof have been met; provided, further, that the applicant shall meet all applicable requirements of this section in submitting said mining plan.
 - (d) A reclamation plan, including both a graphic and a narrative description of the proposed objective to be achieved in the final stage of reclamation, the proposed method of reclaiming the affected land, and a schedule for reclaiming the affected land. For purposes of complying with this § 145-8.2B(3)(d), a reclamation plan prepared pursuant to Title 27, Article 23, of the Environmental Conservation Law and regulations promulgated thereunder shall be sufficient, provided that the Zoning Board of Appeals is satisfied that all relevant requirements thereof have been met; provided, further, that the applicant shall meet all applicable requirements of this section in submitting said reclamation plan.
 - (e) All documents submitted by the applicant to the DEC and the applicable state mining permit, if one has been issued, along with all documents referenced in the state mining permit.
 - (f) A completed environmental assessment form as required by the New York State Environmental Quality Review Act so that the Zoning Board of Appeals may perform any obligations required by such act unless all requirements under the New York State Environmental Quality Review Act have previously been satisfied.
- (4) The Zoning Board of Appeals shall consider the application for a special use permit pursuant to the requirements of § 274-b of the New York State Town Law. The Zoning Board of Appeals shall require the applicant to provide notices of the application for special use permit to surrounding property owners within 500 feet of the proposed mine by First Class United States Mail, and any other recipients they deem appropriate. The cost of preparing, publishing and mailing any required notices shall be borne by the applicant. The Zoning Board of Appeals may cancel a public hearing if the applicant fails to submit all of the required information.
- (5) When the applicant has submitted a complete application for a special use permit, the Zoning Board of Appeals may grant and approve a special use permit for a mine which meets the following criteria:
- (a) The provisions of §§ 145-10B and 145-11 (except those provisions relating to screening)

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of the Zoning Law have been satisfied.

- (b) The proposed use will not adversely affect the character of the neighborhood or surrounding area, including taking into account the surrounding land uses and the underlying zoning classification.
- (6) Conditions. Except for proposed mines that are not required to be permitted by the State of New York, conditions placed on a special use permit to engage in mining by the Zoning Board of Appeals may include the following:
- (a) Ingress and egress to public thoroughfares controlled by the Town;
 - (b) Routing of mineral transport vehicles on roads controlled by the Town;
 - (c) Requirements and conditions as specified in the applicable state mining permit concerning setback from property boundaries and public thoroughfare rights-of-way, natural or man-made barriers to restrict access, if required, dust control and hours of operation, when such requirements and conditions are established pursuant to § 23-2711, Subdivision 3, of the Environmental Conservation Law;
 - (d) Enforcement of reclamation requirements contained in the applicable state mining permit.
- (7) Nothing herein shall prohibit the Town, as part of the DEC's permitting process, from making a determination in regard to the following, and notifying the DEC of the determination pursuant to Environmental Conservation Law § 23-2711:
- (a) Appropriate setbacks from property boundaries or public thoroughfare rights-of-way;
 - (b) Man-made or natural barriers designed to restrict access if needed, and, if affirmative, the type, length, height and location thereof;
 - (c) The control of dust;
 - (d) Hours of operation; and
 - (e) Whether mining is prohibited at the proposed location.
- (8) Notwithstanding the provisions of § 145-8.2B(6) above, to the extent allowed by law, special use permits for mines that are not required to be permitted by the State of New York, as defined by Environmental Conservation Law § 23-2711 as may be amended from time to time, may contain one or more of the following conditions or regulations:
- (a) A requirement that the mining is to be designed, located and operated so as to protect the public health, safety and welfare.
 - (b) A requirement that the mining will encourage and promote a suitable and safe environment for the surrounding neighborhood and will not cause substantial injury to the value of other property in the neighborhood.
 - (c) A requirement that the mining will be compatible with existing adjoining development and will not adversely change the established character or appearance of the neighborhood.
 - (d) A requirement that effective landscaping and buffering is provided.
 - (e) A requirement that adequate off-street parking and loading are provided in accordance

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with the Zoning Law, and ingress and egress to parking and loading areas are so designed as to minimize the number of curbcuts and not unduly interfere with traffic or abutting streets.

- (f) A requirement that site development shall be such as to minimize erosion and shall not produce increased surface water runoff onto abutting properties.
- (g) A requirement that existing public streets and utilities servicing the mining are determined to be adequate.
- (h) A requirement that significant existing trees and vegetation shall be preserved to the extent practicable.
- (i) A requirement that adequate lighting of the site and parking areas is provided and that exterior lighting sources are designed and located so as to produce minimal glare on adjacent streets and properties.
- (j) A requirement that the proposed mining be in harmony with the Zoning Law and not adversely affect the neighborhood.
- (k) A requirement that noise from mining activities and related operations shall not be such as to unreasonably interfere with the quiet enjoyment of neighboring properties. Sources of sound emanating from the mining site shall not exceed a sound level limit of 75 dBA for any adjacent property receiving such sound, when measured at or within the property boundary of the adjacent property receiving such sound.
- (l) A requirement that disturbed areas shall be kept to a minimum to reduce sources of dust.
- (m) A requirement that impact vibrations and steady-state vibrations shall be limited or reduced so as to minimize their effect on adjoining properties.
- (n) A requirement that radioactive materials, toxic gases or vapors shall not be emitted on or from the mining site.
- (o) A requirement that no surface water drainage or ground water shall be polluted in any manner that renders it less usable (in quality or quantity for irrigation, swimming, drinking, visual attractiveness or whatever lawful uses are made of water resources to persons downstream) than such water's usefulness as it enters the area of mining operation.
- (p) Installation by applicant of a berm to reduce the noise level to the neighboring residents; specification of the height of the berm; seeding of the berm to prevent erosion and to improve the look of the berm; a fixed completion date for the berm; and the slope of the berm.
- (q) Arrangement of stockpiles to help muffle the sound from crushing and screening operations; height limits for the piles.
- (r) Location or relocation of the exit road to reduce traffic next to the residents across from the mine pit.
- (s) A timetable for completion of restoration phases.
- (t) Installation and maintenance of rubber belting on chutes and similar equipment used in mining operations to help reduce noise levels.

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- (u) Widening, oiling and stoning by the applicant of any Town access roads, in consultation with the Town Highway Superintendent.
- (v) For additional soil and erosion control, requiring applicant to:
 - [1] Prevent runoff from leaving the site.
 - [2] Raise/depress entrance/exit to prevent drainage from going onto road.
 - [3] Maintain the entrance/exit with clean gravel and keep the same washed (dust and mud free) at all times.
- (w) Requiring the applicant to install signage as requested by the Town Highway Superintendent, and consult with the Town Highway Superintendent regarding recommendations for warning/safety devices.
- (x) Requiring the applicant to keep the roads dust and mud free by periodic washing and sweeping, as needed to control dust and flying particles.
- (y) Requiring the applicant to provide a truck staging area within the mine; and requiring that trucks awaiting the daily opening of the mine must be staged off public highways on the applicant's site being used for the mining operation.
- (z) Requiring that the applicant shall confine fugitive dust and flying particles to the area of the mine; and:
 - [1] In the case of any houses within 500 feet of an active mine area, requiring that applicant shall annually reimburse the owners thereof for the costs incurred by such owners for washing the outside of such houses once per year. Such annual reimbursement may be subject to a maximum reimbursement amount and shall not be paid without prior notice to the applicant and proof of payment of the washing costs;
 - [2] In the case of any houses within 500 feet of an active mine area, requiring that the applicant shall purchase for each house a home air purifier (which may be subject to a maximum cost) if requested by the homeowner thereof who furnishes a doctor's statement showing that there is a need therefor and that the need was caused by dust from the applicant's mining operation; and
 - [3] Requiring that the applicant shall periodically spray water on stock piles/hoppers, as needed, to control dust and flying particles.
- (aa) To attenuate noise, requiring that the applicant shall:
 - [1] Lower equipment/raise piles.
 - [2] Annually review efforts to reduce noise levels in July for additional adjustments.
 - [3] Annually review noise effects in July; and
 - [4] Use the applicant's best efforts not to use any crusher or screen before 8:00 a.m. on Saturdays.
- (ab) Requiring that the applicant shall participate in an annual review (with the Zoning Board of Appeals, the applicant and other Town officials) within 30 days after the report required

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by § 145-8.2F(2) hereof has been filed, with special attention to noise, dust and dirt being confined to the mine area.

- (ac) Requiring that the applicant shall, to the extent practicable, not cut certain trees or vegetation on the applicant's property.
- (ad) Requiring that the applicant shall plant trees (a double row of seedlings on eight-foot centers, staggered) along certain roads by a certain date; provided, however, that the trees shall not be less than four feet in height if there are any residences in the immediate area. The applicant shall guarantee that all such seedlings (or trees, as the case may be) shall live for a period of at least one year, and in the event any such seedlings (or trees) shall die prior to the expiration of one year, the applicant (at its expense) shall replace said seedlings (or trees).
- (ae) Requiring that no topsoil shall be removed from the site, that overburden shall not be considered topsoil, and that all restoration shall include a minimum of four inches of topsoil.
- (af) Requiring that the applicant shall protect the fair market value of any residences then located within 500 feet of an active mining area from loss of value caused by mining during the term of the special use permit approval; defining the term "active mining area" as including any area used for mining, hauling, or processing, or any area on the site which is unreclaimed; designating those residences within the designated five-hundred-foot area, providing that any such residence owner claiming loss of property value shall be responsible for demonstrating such loss by a professional appraisal, or any other methods which are mutually agreed upon by the residence owner and the applicant; providing that such protection from loss of value caused by mining shall take the form of reimbursement to be made by the applicant to the affected residence owners in an amount equal to the difference between: a) the fair market value of the residence prior to the date the Zoning Board of Appeals approves and grants the special use permit, and b) the fair market value of the residence as of the date of the professional appraisal thereof; and providing that any dispute regarding a loss of fair market value caused by mining shall be resolved by arbitration, in accordance with the rules of the American Arbitration Association, and that judgment upon the award may be enforced in any court having jurisdiction thereof.
- (ag) Providing that the Town Highway Superintendent, Town Supervisor, or Code Enforcement Officer shall have the authority to issue a written notice of violation where he or she determines that the mining special use permit conditions are being violated; upon such written notice, the applicant shall have a reasonable amount of time, at least two weeks, to cure such violations; if the violations persist and are found to be significant, the Zoning Board of Appeals shall have the authority to revoke the mining special use permit for good cause; the applicant shall have the right to a hearing prior to any such mining special use permit enforcement action.
- (ah) Providing that the applicant shall grant the Highway Superintendent, Town Supervisor, Code Enforcement Officer, an engineer or other consultant designated by the Town, and members of the Zoning Board of Appeals a license to enter upon the site with reasonable prior notice to the applicant to determine that these conditions are being fulfilled and complied with notwithstanding any signs or other notices purporting to limit access to the site.
- (ai) Specifying, in the case of vehicles going to or from the site, the haul routes to be followed.

- (aj) Specifying that the applicant shall refrain from doing any washing of minerals on the site.
- (ak) Requiring if the existing wells of certain neighboring property owners go dry, and if those neighboring property owners can prove by a preponderance of the evidence that such condition was caused by any water usage on the site by the applicant during the term of the mining special use permit approval, the applicant shall reimburse those neighboring property owners for the costs incurred by said neighboring property owners in drilling a new well on their properties; and providing that any dispute regarding the dry condition of the wells shall be resolved by arbitration in accordance with the rules of the American Arbitration Association, and that judgment upon the award may be enforced in any court having jurisdiction thereof.
- (al) Requiring that the applicant shall comply with applicable fuel storage and permit requirements of DEC; the applicant shall provide and maintain on site an on-site secondary container large enough to contain the full volume of the fuel tank on site; and the fuel tank shall at all times be placed within said secondary container; the applicant shall maintain equipment and supplies on site to contain, remediate, and clean up potential spillage, and immediately use same to clean up any actual spillage; vehicle maintenance shall be conducted to minimize and prevent lubricant and fuel spills; all spills of chemicals, gasoline, motor oil, or hydraulic fluid in excess of one gallon at any one time must be reported within one hour to DEC and Town Supervisor.
- (am) Providing that not more than 15 acres (exclusive of the berms and the roadway) on the entire site shall be unreclaimed at any one given time.
- (an) Requiring that operations shall be conducted in such a manner as to prevent excessive dust and noise.
- (ao) Requiring that operations shall generally be restricted to between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and between the hours of 8:00 a.m. and 12:00 noon on Saturday; provided, however, that the Zoning Board of Appeals may, at its discretion, modify these hours depending on prevailing conditions.
- (ap) Requiring that the mine operator shall maintain private and public roads and driveways in a dust-free condition and provide such surfacing or other treatment as may be required by the Zoning Board of Appeals at the time of approval of the mining special use permit.
- (aq) Requiring that open excavations extending below the level of an adjacent highway shall not be closer to the highway right-of-way than 100 feet. Operations shall be carried on no closer than 25 feet from an adjacent property.
- (ar) Requiring that finished slopes in any open mining pit shall not be steeper than allowed by the DEC, and that finished slopes shall be graded and each site shall be fertilized, mulched and seeded to establish a firm cover of grass or other vegetation sufficient to reduce erosion, and that stone walls of a quarry need not be reduced in slope or reseeded.
- (as) Requiring that all surface drainage shall be controlled through the use of dikes, barriers and drainage structures to prevent silt, erosion, debris or other loose materials from being deposited on any public or private highway or on other property; and that all provisions for control of drainage water shall be subject to periodic review by the Zoning Board of Appeals.
- (at) Requiring that fencing shall be provided along property lines for whatever distance the

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Zoning Board of Appeals shall determine to be necessary for protection of adjoining property and the public.

- (au) Requiring that screening may be required to reduce the visual impact of the project on the surrounding properties before mining commences and throughout the duration of the project.
 - (av) Requiring and providing that whenever the Zoning Board of Appeals determines that the excavation of materials is creating a nuisance, or the mining operator has violated the terms of the mining special use permit or of this section, the Zoning Board of Appeals may revoke the mining special use permit therefor upon five days' written notice after a hearing before the Zoning Board of Appeals.
 - (aw) Requiring that no smoke from any source whatever shall be emitted, as measured at the individual property line, of a density greater than, or equal to the density described as No. 2 on the Ringelmann Chart as published by the United States Bureau of Mines; provided, however, that the emission of smoke shall not be permitted if it is unreasonably offensive in terms of odor or noxious gases despite its apparent lack of density when measured by the Ringelmann Chart.
- (9) Site plan review. A special use permit may be issued only after final site plan approval of the mine by the Planning Board.
- C. Term of the mining special use permit. The term of the mining special use permit shall be coincident with the term of any applicable state mining permit. Otherwise, the term shall be two years.
- D. Bond. Each mining special use permit shall include a requirement that the applicant submit a bond (if DEC does not require one), with such surety and in such amounts as the Zoning Board of Appeals shall prescribe, in favor of the Town, conditioned upon the satisfactory reclamation of the mining site upon the completion of mining operations thereon.
- E. Renewals. The applicant shall, upon the expiration of each mining special use permit period, obtain a renewal for a like term by filing an application therefor with the Zoning Board of Appeals on a form prescribed by the Town Board. In entertaining said renewal application, the Zoning Board of Appeals shall require and consider, to the extent appropriate and applicable, the same information and factors considered by the Zoning Board of Appeals for an initial application, together with the performance of the renewal applicant under previous permits. To the extent the applicant's application to the DEC for a renewed state mining permit for the mine contains information required herein, the application to the DEC may be substituted therefor. The foregoing, however, shall not relieve the applicant from submitting any information required herein that is not contained in an application to the DEC for a renewed state mining permit. The application for a renewal of the special use permit shall be accompanied by a fee as set forth in Chapter A157 of the Zoning Law. The applicant shall pay to the Town such additional amounts as are necessary to reimburse the Town for the expenses paid by the Town to any engineers or other consultants retained in connection with a review of the renewal application.
- F. Inspections and reports.
- (1) The Code Enforcement Officer, and any engineer or other consultant retained by the Town, may conduct such periodic inspections, on reasonable notice to the mine operator, as they shall deem necessary to ensure compliance with the terms of the mining special use permit and this section.

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(2) At least 30 days prior to the yearly anniversary of the granting of a mining special use permit, each mining operator shall submit 10 copies of a report, certified by the applicant, showing graphically and by narrative the extent of the operations carried on over the previous year, including any variance from the mined land-use plan. If the Code Enforcement Officer finds the report or applicant's compliance with the mining special use permit to be defective or deficient in any way, the expenses of discovering or remedying any such defect may be considered in establishing the fee upon the next occurring renewal of the mining special use permit.

G. Violations. For a violation of § 145-8.2 of the Zoning Law or a violation of any provision, term or condition of a mining special use permit issued pursuant to § 145-8.2 hereof, the provisions of Article X of the Zoning Law shall be applicable. Nothing herein shall prevent the Town from pursuing and enforcing remedies and sanctions pursuant to any other provision of the Code of the Town of Phelps or other applicable state or federal law.

H. Nonconforming mines.

(1) A mine within the Town of Phelps that exists and is in operation, with a valid state mining permit if required, and in compliance with all applicable laws, ordinances, and regulations of the Town of Phelps, County of Ontario, and State of New York on the date of adoption of this § 145-8.2 may be continued as a legal nonconforming mine, subject to the conditions below and provided that the requirements set forth in § 145-8.2H(4) are satisfied.

(2) After enactment of this § 145-8.2, a nonconforming mine shall not be enlarged or expanded beyond the area, size, or scope as specifically set forth in the applicable state mining permit in effect at the time this § 145-8.2 is enacted, nor shall the use of such mine be changed (a change in the use of the mine shall include, but not be limited to, a change in the type of material extracted, the method of processing of materials, and/or the products produced) after this § 145-8.2 is enacted. A mine that is not required to have a state mining permit shall not be enlarged or expanded, nor shall the use of such mine be changed after this § 145-8.2 is enacted. In no event, however, shall mining operations (regardless of whether required to have a state mining permit) be enlarged or extended beyond the boundaries of the parcel of property on which such mine exists at the time this § 145-8.2 is enacted. Any expansion or enlargement of a mine not specifically allowed under this § 145-8.2H(2) must comply with all applicable provisions of § 145-8.2, including but not limited to § 145-8.2A and B.

(3) If the mining within a nonconforming mine ceases for a period of one year, all future uses of the parcel on which the nonconforming mine existed shall conform to the Zoning Law.

(4) Certificate of nonconforming mine. In order to continue as a legal nonconforming mine, the owner or operator of the nonconforming mine shall within six months after enactment of this § 145-8.2 obtain a certificate of nonconforming mine pursuant to the procedures set forth herein.

(a) The owner of the nonconforming mine shall apply to the Code Enforcement Officer for a certificate of nonconforming mine.

(b) Upon a finding by the Code Enforcement Officer that the mine legally existed, in compliance with all applicable laws, ordinances, and regulations, of the Town of Phelps, County of Ontario, and State of New York, including the DEC, at the time this § 145-8.2 was enacted, the Code Enforcement Officer shall issue to such owner a certificate of nonconforming mine.

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- (c) The certificate of nonconforming mine shall include the following information:
 - [1] The basis for the Code Enforcement Officer's finding that the mine qualifies as a legal nonconforming mine.
 - [2] A description of the type of mining activity being conducted at the nonconforming mine.
 - [3] The specific area where mining activity is being conducted, including, if appropriate, maps or other depictions of the parcel where the nonconforming mine is located.
 - [4] A description of all structures at the nonconforming mine, including a description of the use of such structures, and again including, if appropriate, maps or other depictions of the parcel.
 - [5] A description of the type of material extracted and products produced at the mine.
 - (d) The Code Enforcement Officer may require the owner of the nonconforming mine to provide such documentation as is necessary for the Code Enforcement Officer to issue a certificate of nonconforming mine. Such information may include, but is not limited to, an application in a form approved by the Code Enforcement Officer or the Town Board, copies of the applicable state mining permit, any applications for such state mining permit, and the approved mined land-use plan for the nonconforming mine.
 - (e) At least annually the Code Enforcement Officer shall conduct a review of each previously issued certificates of nonconforming mine to determine whether each mine that has a certificate of nonconforming mine is still in operation and whether such operation is as described in the certificate of nonconforming mine. The Code Enforcement Officer shall record any changes in the mining operation and shall take such other action consistent with this § 145-8.2 as is warranted by such changes.
 - (f) Notwithstanding any other provisions of this § 145-8.2H, a mine that fails to obtain a certificate of nonconforming use within the time frame set forth herein shall not be considered a legal nonconforming mine and shall be subject to all applicable provisions of this § 145-8.2, including but not limited to § 145-8.2A and B.
- (5) The provisions of this § 145-8.2H shall apply notwithstanding the provisions of any other section of the Zoning Law or any other local law or ordinance of the Town of Phelps.

- I. Amendment of Mining Overlay District. It is the intention of this § 145-8.2 of the Zoning Law to potentially allow for the amendment of the Mining Overlay District as deemed appropriate by the Town Board; provided, however, that the Town Board shall consider the factors specified in § 145-8.2J of the Zoning Law in determining whether to amend the boundaries of the Mining Overlay District.
- J. Standards for the amendment of boundaries of the Mining Overlay District. In considering an amendment to the boundaries of the Mining Overlay District, the Town Board shall consider all relevant factors, including the following:
 - (1) The consistency of the proposed amendment of the Mining Overlay District with the Town of Phelps Comprehensive Plan and the Zoning Law.
 - (2) If land is proposed to be added to the Mining Overlay District as part of any amendment, the ability to balance such addition of land with a removal of land from the Mining Overlay District

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as part of the amendment.

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- (3) The character of the neighborhood which would be affected by an amendment of the Mining Overlay District.
- (4) The general zoning classification of the area which would be affected by the amendment of the Mining Overlay District.
- (5) The proximity of the amended Mining Overlay District to existing Mining Overlay District or mining operations.
- (6) The inclusion within the amended Mining Overlay District of other parcels of land which, in the future, might be the subject of mining.
- (7) Impact of the mining on the immediate area and any haulageways.
- (8) Any other factors the Town Board considers relevant.

§ 145-8.3. Major Thoroughfare Overlay District. [Added 7-13-2015 by L.L. No. 2-2015]

A. Intent.

- (1) It is intended by the provisions of these regulations to accomplish the following:
 - (a) To retain the rural character of our Town by taking steps to keep the state roads within our Town as two-lane highways.
 - (b) To restrict or control site access along portions of State Route 14, State Route 96 and State Route 318 in the Town of Phelps in order to prevent the creation of strip commercial development as well as potentially significant traffic congestion problems and vehicular and pedestrian conflict areas within the major thoroughfare corridor. The Major Thoroughfare Overlay District is designed to permit appropriate commercial, residential and business uses along the corridor and to ensure consistency with the Town's Master Plan.
- (2) The regulations contained within this Major Thoroughfare Overlay District are not intended to be substituted for other general zoning district provisions but will be superimposed over such district provisions and shall be considered as additional requirements to be met by the applicant or developer prior to final project approval. This Major Thoroughfare Overlay District is intended to provide the Town of Phelps with an additional level of review and regulation that will control how the land development permitted by the Town's primary zoning districts will take access to and will impact the major transportation routes within the Town.

- B. Delineation of Major Thoroughfare Overlay District (MTOD) boundaries. The MTOD is hereby established as a mapped overlay zone and shall be delineated upon the Official Zoning Map of the Town of Phelps. The mapped MTOD area is based upon the "Official Major Thoroughfare District Overlay Mapping," Town of Phelps, Ontario County, New York, which is further identified as all property and parcels of land within and/or accessing State Route 14 within 500 feet of the center line on State Route 14 from the Town of Geneva/Town of Phelps boundary north to the New York State Thruway; then north of the New York State Thruway to the end of Parcel 37.00-1-28.000 which corresponds to the end of the current C-1 Zone District, to include all property and parcels of land within 500 feet of the center line on State Route 14 on the eastern side of State Route 14; and all property and parcels of land within 500 feet of the center line of State Route 318; and all property

- § 145-8.3 and parcels of land within and/or accessing State Route 96 within 500 feet of the center line of State Route 96 from the Seneca County-Town of Phelps boundary for a distance of 7,899 feet, as measured from the center line of State Route 96 (to the end at the existing C-1 District and the start of the M-1 Zone District). Any property or parcel of land which contains frontage along State Route 14, Route 96 and Route 318 lying within the boundary of the MTOD and/or accessing State Route 14, Route 96 and Route 318 shall be subject to the provisions and restrictions of the underlying zoning district and the provisions set forth in this section of the Town Code. § 145-8.3
- C. Permitted principal uses. Permitted principal uses within the Major Thoroughfare Overlay District shall be those allowed within the underlying or base zoning district within which the property lies and shall be considered subject to the appropriate principal use provisions and restrictions of that district.
 - D. Permitted accessory uses. Permitted accessory uses within the Major Thoroughfare Overlay District shall be those allowed within the underlying or base zoning district within which the property lies and shall be subject to the appropriate accessory use provisions and restrictions of that district.
 - E. Special permit uses. Uses within the Major Thoroughfare Overlay District which are permitted subject to special permit review and approval by the Town Zoning Board of Appeals, after review by the Planning Board, shall be those subject to such permit within the underlying or base zoning district within which the property lies.
 - F. Dimensional requirements. Dimensional requirements for development within the Major Thoroughfare Overlay District shall be those setbacks, lot size and lot coverage provisions of the underlying or base zoning district within which the subject property lies, as outlined elsewhere in this Chapter 145 of the Code of the Town of Phelps (Zoning), unless otherwise provided by this section.
 - G. Setbacks.
 - (1) Buildings located within the Major Thoroughfare Overlay District shall be governed by the following setbacks:
 - (a) Setback from Town road: 100 feet.
 - (b) Setback from State Route 14: 100 feet.
 - (c) Setback from State Route 96: 100 feet.
 - (d) Setback from State Route 318: 100 feet.
 - (2) Measurement of the setback shall be from the existing Town and/or state right-of-way.
 - H. Parking. For all properties adjacent to State Route 14, State Route 96 and State Route 318, other than single- or two-family dwellings, it is the Town's preferred goal that parking be to the side and/or rear of buildings located on the property. The applicant will provide a written statement as part of their application justifying any modification from the preferred goal.
 - I. General access management requirements.
 - (1) Regulations applicable to all zoning districts within the MTOD Overlay District.
 - (a) The location and design of driveways and other site layout, parking and access management conditions shall conform to all state and local requirements, including, and

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not limited to, those established in this section.

- (b) The site layout, location and design of driveways, parking and other access management conditions shall be based on the full development of a lot.
- (c) Driveways shall be limited to one per lot. More than one driveway may be permitted if:
 - [1] The additional driveway(s) do not degrade traffic operations and safety of the public roadway system; and
 - [2] The additional driveway(s) will improve the safe and efficient movement of traffic between the lot and the abutting public road.
- (d) Driveways to properties with frontage on two or more roads shall be provided to the road with the lowest functional classification serving the proposed development.
- (e) Driveways may be required to be located so as to provide shared driveways and/or cross-access driveways with an abutting lot or lots.
 - [1] Shared driveways and/or cross-access driveways shall be of sufficient width (minimum 24 feet) to accommodate two-way travel for automobiles and emergency service and loading vehicles. Wider driveways may be required to serve traffic to major developments or large vehicles.
 - [2] Shared driveways, cross-access driveways, interconnected parking and private roads constructed to provide access to properties internal to a subdivision shall be recorded as an easement and shall constitute a covenant running with the land. Operating and maintenance agreements for these facilities should be recorded with the deed.

J. Driveway standards.

- (1) Spacing standards. Regulations relate to the required separation, location and standards for driveways providing access to and from roads listed in the MTOD Overlay District. Each driveway constructed within the MTOD shall comply with the following:
 - (a) Driveways shall be located so as to meet or exceed the driveway spacing standards shown in Table 1.

Table 1		
Minimum Driveway Spacing Standards		
Type of Development/ Type of Road	Single-Family (feet)	Commercial (feet)
State Route 318	150	500
State Route 14	150	500
State Route 96	150	500

- (b) Driveway spacing standards shall apply to driveways located on the same side of the road.
- (c) Driveway spacing is to be measured along the road from the inside edge of the driveway to the inside edge of the adjacent driveway (see Exhibit A).³

(2) Corner clearance.

- (a) Corner clearance is to be measured along the road from the center line of the driveway to the closest edge of the road determined by the State Department of Transportation, unless otherwise specified elsewhere in this chapter.
- (b) Driveways for corner properties shall meet or exceed the minimum corner clearance requirements as follows: 220 feet as measured from the center of the intersection.

(3) Driveway location.

- (a) Driveway location will be based on a site plan which has been approved by the Town Planning Board in consultation with the New York State Department of Transportation or the Town Engineer/Town Highway Superintendent.
- (b) Driveways shall be located so as to meet or exceed the minimum driveway spacing standards and the minimum corner clearance standards.
- (c) The Town Planning Board may allow the location of driveways at less than the minimum driveway spacing and corner clearance standards if:
 - [1] A dual-driveway system, cross-access driveway system or shared driveway is proposed and this improves the safe and efficient movement of traffic between the lot and the road; or
 - [2] A driveway or driveways could be located so as to meet the minimum driveway spacing standards and corner clearance standards, but the characteristics of the lot or the physical or operational characteristics of the road are such that a change of location will improve the safe and efficient movement of traffic between the lot and the road; or
 - [3] Conformance with the driveway spacing standards or corner clearance standards imposes undue hardship on the lot owner.
- (d) For properties unable to meet the minimum driveway spacing standards or corner clearance standards, a temporary driveway may be granted. The granting of a temporary driveway will be conditioned on obtaining a shared driveway, cross-access driveway or unified parking and circulation with an abutting lot, and closure of the temporary driveway, in the future.
- (e) For properties unable to meet the minimum corner clearance requirements, driveways shall be located as far as practicable from the intersection. In such cases, driveway movements may be restricted and only one driveway will be permitted along the road frontage not meeting the minimum corner clearance requirement.

(4) Driveway design.

- (a) Driveways shall be designed so as to provide for the safe and efficient movement of traffic between the public road and the lot and to eliminate the potential for the queuing of vehicles along the public road due to congestion in or at the driveway.
- (b) Vehicle circulation systems on the lot shall be designed so as to provide for the safe and

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efficient movement of traffic between the driveway and the parking area.

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- (c) Driveway width, radii, flare, throat length, internal circulation systems and other design elements for driveways to developments generating more than 150 peak-hour trips (peak-hour trips will be determined through application of the Institute of Transportation Engineers' trip generation methods and statistics) shall be based upon traffic, engineering and design data provided by a traffic engineer/consultant who is recognized and accepted by the Town Planning Board. In the event that a traffic engineer/consultant is not provided, the Town shall have the right to retain such traffic engineer/consultant at the cost of the applicant.

(5) Driveway movements.

- (a) Driveway movements (cross, left turn in, left turn out, right turn in and right turn out) may be restricted so as to provide for the safe and efficient movement of traffic between the road and the lot.
- (b) Driveways shall be designed and constructed to provide only allowable movements.

(6) Changes in access.

- (a) The Town Planning Board may establish provisions for and require future alteration of the lot layout, the location and design of driveways, parking and other access features based on phased development, additional development or a change in use of the lot, or development of or a change in use at an abutting lot.
- (b) For any change in use of a lot which requires Town permit or approval and may increase traffic, the Town Planning Board may:
- [1] Require closure or relocation or consolidation of driveways so as to meet the minimum driveway spacing standard for the new level of traffic that may be generated.
 - [2] Require shared driveways and cross-access driveways with abutting lots.
 - [3] Require alteration of the lot layout and parking, which allows for the circulation of traffic between abutting properties.

K. Land subdivision criteria. All proposed development of land located within the MTOD, which involves the subdivision of a parcel of land not in effect as of the effective date of the adoption of these regulations, shall be subject to the following criteria in addition to that set forth in Chapter 123, Subdivision of Land, of the Code of the Town of Phelps:

- (1) Planned access shall be provided for lots which are the result of subdivisions occurring after the effective date of this section.
- (2) Planned access shall address the provisions of this section and the following:
 - (a) Lots which are the result of a subdivision do not have the right of individual access to public roads. The number of driveways or connections shall be the minimum number necessary to provide reasonable access to these lots, not the maximum available for frontage.
 - (b) Driveways shall be provided to the road with the lowest functional classification serving

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the proposed land use.

- (c) Access should be internalized. Access to lots within a subdivision should be obtained from an access road or interior road.
- (d) The access system for the proposed subdivision should be coordinated with existing, proposed and planned streets outside the subdivision.

L. Variance standards for development within the MTOD Overlay District.

(1) In addition to the standards and criteria for development set forth elsewhere in the Town of Phelps Code, the Town Board hereby enacts the following additional standards for granting of variances associated with development within the MTOD Overlay District:

- (a) The granting of an area variance shall be in harmony with the purpose and intent of this section and shall not be considered until every reasonable option for meeting the provisions of this section is explored.
- (b) Applicants for an area variance must demonstrate unique or special conditions that make strict application of the provisions of this section impractical. This shall include a showing that:
 - [1] Indirect or restricted access cannot be obtained.
 - [2] No reasonable engineering or construction solutions can be applied to mitigate the condition; and
 - [3] No reasonable alternative is available from a road with a lower functional classification than the primary road.
- (c) Under no circumstances shall an area variance be granted unless not granting the variance would deny all reasonable access, endanger public health, welfare or safety or cause an exceptional and undue hardship on the applicant. No area variance shall be granted where such hardship is self-created.

§ 145-9. Signs.

- A. Business and advertising signs. One or more business or advertising signs in the commercial and industrial districts are permitted, provided that such signs shall not have a combined gross surface area in square feet exceeding two times the frontage of the lot on which they are located, and in no case shall any single sign exceed 200 square feet. In residential districts, existing business or advertising signs shall not be enlarged or altered, but may be maintained.
- B. Residential signs. Nonadvertising signs accessory to nonresidential uses located in residential districts are permitted, provided that they do not exceed 10 square feet in size. The number of signs shall be restricted to one to each property or dwelling unit, entrance, exit or building to which it pertains, except that properties located on corner lots may have one sign facing each street.
- C. Location of signs. All signs may be located in any required yard, shall conform to the height limitations of the district in which they are located and shall not project into or over any public right-of-way.
- D. Illumination of signs. No illuminated or flashing sign shall create excessive glare or brightness which will adversely affect abutting properties or create a nuisance or hazardous condition as determined

ARTICLE V
Special Uses

§ 145-10. General provisions.

- A. Special uses, as enumerated in the Schedule of Regulations⁴, shall be permitted only upon authorization by the Board of Appeals pursuant to the review by the Planning Board, provided that such uses shall be found by the Board of Appeals to comply with the following requirements or other applicable requirements as set forth in this chapter.
- B. A special use shall not cause substantial injury to the value of other property where it is to be located; shall be compatible with adjoining development; shall provide adequate landscaping and screening; shall provide off-street parking and loading so as to minimize interference with traffic on the local streets; and shall not jeopardize the public health, safety, welfare and convenience.
- C. The regulations in this Article shall apply to special uses which are authorized by the Board of Appeals.

§ 145-11. Guiding principles and standards.

- A. The use should be one specifically enumerated as a special use in the district within which such particular site is located.
- B. For every special use, the Board of Appeals shall make a specific finding, supported by evidence produced at a public hearing in a manner provided by law, that such use will not be prejudicial to the character of the area.
- C. For every such special use, the Board of Appeals shall determine that there is appropriate provision for access facilities adequate for the estimated traffic from public streets and pedestrian walkways so as to ensure public safety and to avoid traffic congestion.
- D. For every special use, the Board of Appeals shall determine that there are fully adequate parking areas and off-street loading spaces, in conformity with the proposed parking requirements of this chapter and all other related ordinances.
- E. For every such special use, the Board of Appeals shall require suitable planting or screening.
- F. Such special uses include planned commercial and industrial development groups which would permit two or more principal structures on the same district lot so as to permit diversification in the location of buildings and to improve circulation facilities and other site qualities while maintaining adequate standards for public health, safety, welfare and convenience.

§ 145-12. Violations of special use permits. [Added 5-16-1988 by L.L. No. 2-1988]

In the event that the Board of Appeals finds that there are any violation(s) of the general intent for which the special use permit was issued or any violation(s) of the requirements of this chapter or other applicable provisions of law, the Board of Appeals may, in addition to any other penalty provided by law, revoke the special use permit at any time; provided, however, that the following conditions are met:

- A. The Board of Appeals has provided a written notice to the permit holder of the specific nature of the violation(s) and a specific time limit, of not less than 30 days, during which time the permit holder

4. Editor's Note: The Schedule of Regulations is included at the end of this chapter.

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may cure or remedy the violation(s).

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- B. The Board of Appeals has provided the permit holder with an opportunity to meet with and address the Board of Appeals within 15 days of the date of the above-cited written notice.

§ 145-13. Individual manufactured homes. [Amended 5-16-1988 by L.L. No. 2-1988; 2-2-2004 by L.L. No. 1-2004]

- A. Title. This section shall be known as the "Individual Manufactured Home Regulations of The Town of Phelps."
- B. Purpose. To ensure that individual manufactured homes within the Town of Phelps are occupied in a manner that is consistent with conventional built homes in order to preserve the character, appearance, desirability and value of property in this community.
- C. Permit required. It shall be unlawful for any person to use a manufactured home as habitation or dwelling without first having secured a building permit and certificate of occupancy from the Code Enforcement Office of the Town of Phelps.
- D. Definitions. As used in this section, the following terms shall have the meanings indicated:
EXISTING USES — A use lawfully in existence at the time this section becomes effective, including manufactured homes.
- E. Regulation of individual manufactured homes outside a manufactured home park.
- (1) Application for a permit. Application shall be made to the Code Enforcement Officer, in writing, for a building permit. The application forms will be provided by the Town and shall be submitted with the fee as required by Chapter A157, Fees. Application must be accompanied by a plot plan drawn near to scale showing the proposed location on the lot (with measured setbacks from all lot lines) of the manufactured home; driveway; parking; well and septic system, if required; proposed landscaping and any other proposed structures or facilities. The site plan must be reviewed and approved by the Planning Board.
 - (2) The following regulations shall apply to building permits for individual manufactured homes.
 - (a) Permitted districts: Manufactured homes having a pitched main roof with roofing shingles or tiles and shingled or clapboard siding, attached by anchoring devices to a continuous perimeter masonry or concrete foundation, will be considered the same as a conventional built home and are permitted in all zoning districts. All site work must meet the Town of Phelps codes in the same manner as a conventional built home. Tow bars and hitches shall be removed upon installation. Conformance is to be determined by the Code Enforcement Office of the Town of Phelps.
 - (b) Certification: A manufactured home shall bear a label certifying that it was built in compliance with the Federal Manufactured Housing Construction and Safety Standards and must comply with the New York State Uniform Fire Prevention and Building Codes.
 - (c) Lot requirements: A manufactured home must comply with the minimum lot size, minimum yard dimensions, maximum height of buildings and maximum building coverage of lot, as set forth in the Town of Phelps Schedule of Regulations.⁵

5. Editor's Note: Said schedule is at the end of this chapter.

- (d) Attached enclosures:
- [1] Manufactured homes may have attached enclosures, provided that such enclosures do not exceed 25% of the floor area of the manufactured home. An enclosed attached garage or open carport shall not be counted against the floor area limitation of 25%.
 - [2] Attached structures shall require a building permit and may be submitted as part of the original application or may be submitted as a separate application at a later date.
- (e) Foundations: to be prepared in accordance with the New York State Residential Building Codes.
- (f) Accessory uses: One accessory detached and enclosed building shall be permitted on the same lot with a manufactured home. The accessory building shall not exceed the gross floor area of the manufactured home, except where the total lot area is substantially above the minimum required, in which case the Board of Appeals may approve a larger accessory building. "Substantial," for the purpose of this subsection, shall mean a lot area of 1 1/2 times the minimum lot area.
- (g) Certificate of occupancy: After all requirements of this chapter have been met, a certificate of occupancy must be received prior to occupancy of the manufactured home for use as a residential dwelling.
- (h) Replacement: Should the individual having a manufactured home certificate of occupancy replace the manufactured home for which the original building permit was obtained, he/she shall notify the Code Enforcement Officer or Town Board of such change and obtain a new building permit prior to the actual replacement of the existing manufactured home. A new certificate of occupancy will have to be issued prior to occupying the new home.
- (i) Nonwaiver: The issuance of a building permit and/or a certificate of occupancy pursuant to the provisions of this chapter shall not be deemed to waive compliance by the holder thereof or by the property owner or by the occupant of said manufactured home with any statute of the State of New York and the Municipal Code or health regulations of the Town of Phelps.
- (j) Variances: The Board of Appeals may grant a variance from any of the regulations of this section.
- (k) Time limit for completion: A certificate of occupancy for an individual manufactured home must be obtained from the Code Enforcement Officer within six months from the date of approval for the building permit. Failure by the applicant to obtain the certificate of occupancy will, without any further notice, make the building permit null and void. A new permit must be applied for.

F. Placement of a manufactured home for a family hardship.

- (1) Purpose: To provide a means whereby a single-wide manufactured home can be placed on the same lot as a principal residence due to a family member being unable to live alone without daily oversight.
- (2) Permit required: It shall be unlawful to place a manufactured home per Subsection F(1) above without first securing a special use permit from the Code Enforcement Officer of the Town of Phelps.

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(3) Definitions: As used in this section, the following terms shall have the meanings indicated:

FAMILY HARDSHIP — An immediate family member whose condition does not allow him/her to live alone without daily oversight.

IMMEDIATE FAMILY MEMBER — A grandmother, grandfather, father, mother, brother, sister, son, daughter or spouse of the owner of the principal residence.

SINGLE-WIDE — Not wider than 14 feet and delivered in one piece.

(4) Regulations for family hardship:

(a) Application for special use permit. Application shall be made to the Code Enforcement Officer, in writing, for a permit. The application forms will be provided by the Town and shall be submitted with the fee required by Chapter A157, Fees. Applications must be accompanied by a plot plan drawn near to scale showing the proposed location on the lot of the manufactured home; driveway; parking; well and septic system, if required; proposed landscaping and any other proposed structures or facilities.

(b) The following regulations shall apply to special use permits for family hardships. A special use permit may be issued in all zoning districts of the Town of Phelps for a single-wide manufactured home placed on a lot for a family hardship, provided:

[1] The home and its placement conform to all regulations pertaining to manufactured homes.

[2] The manufactured home must bear a label certifying that it was built in compliance with the Federal Manufactured Housing Construction and Safety Standards and must comply with New York State Uniform Fire Prevention and Building Codes.

[3] A qualified medical doctor's letter is submitted certifying the immediate family member's condition and the expected duration of condition. A new letter must be submitted if the condition lasts longer than expected.

(c) Removal of home: The home must be removed from the lot within 60 days when:

[1] The immediate family member improves to where he/she can resume living without daily intervention.

[2] The immediate family member passes away.

G. Temporary permit for a manufactured home.

(1) A temporary permit for a period of time stated may be issued by the Code Enforcement Officer without a building permit and without compliance with the requirements of § 145-13 for the following cases:

(a) An unoccupied manufactured home, that has been replaced by an upgrade or a conventional built home, may be temporarily parked for a period of three months, enabling the owner to sell or otherwise dispose of same.

(b) A manufactured home may be parked temporarily for use as an office or storage facility to accommodate a construction project for the term of the construction project but not to exceed 12 months.

(c) A manufactured home, if occupied or intended to be occupied pending construction, as

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herein defined, may be parked temporarily on a lot by the occupant of the manufactured home pending the construction of the permanent dwelling for such owner on said lot, provided that the owner has first obtained a building permit for such construction. Such parking shall not continue for a period in excess of 12 months and shall cease when the permanent dwelling under construction is completed. The Code Enforcement Officer may extend time for completion for an additional period not to exceed 12 months.

- (2) Existing nonconforming use. The owner of an existing individual manufactured home located outside of an existing mobile home park, as of the date of enactment of this section may replace that unit, provided that:
 - (a) The replacement unit is equal to or greater in floor area than the unit being replaced and conforms with the requirements of § 145-13.
 - (b) The unit being replaced has not been vacant for the period of the previous 12 months.
 - (c) The unit being replaced is removed from the lot within three months from the date the replacement unit is occupied.
 - (d) The replacement unit will comply with all other requirements of § 145-13 including application for approval of a building permit; provided, however, that the building permit will not be denied for the following reasons:

[1] The right to replace an existing manufactured home, as provided above, will not apply in any case where the existing use has been approved by a temporary or special use permit which is conditional, in that it limits the use to a specified duration or hardship. When the condition(s) specified have ceased to exist, the manufactured home will be removed from the lot, as herein required.

§ 145-14. Manufactured home courts or parks. [Amended 10-3-1994 by L.L. No. 2-1994]

- A. Permit required. It shall be unlawful for any person, firm or corporation to establish or maintain a manufactured home park within the Town of Phelps without first having secured a special use permit as is required under the provisions of this chapter. **[Amended 12-8-1998 by L.L. No. 7-1998]**
- B. Title and purpose. This section shall be known as the "Manufactured Home Park Regulations of the Town of Phelps" and shall be for the purpose of promoting the public health, safety and welfare of the inhabitants of the Town of Phelps. **[Amended 12-8-1998 by L.L. No. 7-1998]**
- C. Definitions. As used in this section, the following terms shall have the meanings indicated:

HOME COURT LICENSE — A certificate authorizing maintenance and operation of a manufactured home park. **[Amended 12-8-1998 by L.L. No. 7-1998]**

PERMIT — A written permit issued by the Board of Appeals permitting the construction, alteration and extension of a manufactured home park under the provisions of this chapter and regulations issued hereunder. **[Amended 12-8-1998 by L.L. No. 7-1998]**
- D. Application procedures for special use permit. Application shall be made for a special use permit for a manufactured home park pursuant to procedures and requirements under this chapter. Supplementary provisions hereinafter set forth shall be considered as minimum requirements by the Board of Appeals on any application. **[Amended 12-8-1998 by L.L. No. 7-1998]**
 - (1) An application for a special use must be obtained from and filed with the Code Enforcement

- § 145-14 Officer of the Town of Phelps. A filing fee based upon the schedule of fees in Chapter A157, Fees, to be nonrefundable, will be retained by the Code Enforcement Officer. § 145-14
- (2) The application must contain a legal description of property on which the proposed park will be located.
 - (3) A sketch map must be enclosed with said application and must contain:
 - (a) General sketch plan of the proposed park, including the number of lots, lot size locations, recreation areas, accessory buildings and service buildings; and also showing on sketch plan.
 - (b) Abutting property owners and present use of this property.
 - (c) Proposed access and egress routes.
 - (d) Present and proposed sewer, water and other utility lines.
 - (e) Any unusual special land features, such as streams, creeks, areas subject to flooding and areas of steep slopes in excess of 15°.
 - (4) Said application, when completed and filed and the fee deposited with Code Enforcement Officer, will be forwarded to the Planning Board for review within 10 days before or at next regularly scheduled Planning Board meeting.
- E. Planning Board action. The Planning Board, having received said application, will study the application and make recommendations thereto to the Board of Appeals in accordance with § 145-54.
- F. Site requirements.
- (1) Minimum site: five acres.
 - (2) Size of lots and yards. Every lot shall meet the following minimum requirements:
 - (a) Lot area per manufactured home: minimum 6,000 square feet. **[Amended 12-8-1998 by L.L. No. 7-1998]**
 - (b) Front yard setback depth from manufactured home development street: 20 feet. **[Amended 12-8-1998 by L.L. No. 7-1998]**
 - (c) Front yard setback depth from manufactured home development right-of-way: five feet. **[Amended 12-8-1998 by L.L. No. 7-1998]**
 - (d) Front yard setback from manufactured home lot line: 15 feet. **[Amended 12-8-1998 by L.L. No. 7-1998]**
 - (e) Side yard setback depth from manufactured home lot line: 10 feet. **[Amended 12-8-1998 by L.L. No. 7-1998]**
 - (f) Rear yard setback depth from manufactured home lot line: 10 feet. **[Amended 12-8-1998 by L.L. No. 7-1998]**
 - (g) Minimum width: 60 feet; minimum length: 100 feet.
 - (3) No manufactured home shall be located closer than 100 feet to any highway line and shall be

- § 145-14 no closer than 50 feet to any adjoining property line. [Amended 12-8-1998 by L.L. No. 7-1998] § 145-14
- (4) Maximum plot coverage by any manufactured home and appurtenant structures shall not exceed 40%. [Amended 12-8-1998 by L.L. No. 7-1998]
- G. Accessory buildings on individual lots or stands. One accessory building not exceeding 100 square feet is permitted. This building must be of a building material that is approved by the New York State Uniform Fire Prevention and Building Code. This building may be of a preconstructed material. [Amended 10-3-1994 by L.L. No. 2-1994]
- H. Minimum size of individual manufactured homes. The minimum size of any individual manufactured home in a park will not be less than 500 square feet. [Amended 12-8-1998 by L.L. No. 7-1998]
- I. Entrance platform. Each manufactured home shall be provided with an entrance platform of concrete asphalt or equivalent at least eight feet by 20 feet and four inches in depth. This platform will be located at the main entrance to the manufactured home and may act as base for railings and steps for manufactured home. This platform may also be part of the patio area. [Amended 12-8-1998 by L.L. No. 7-1998]
- J. Skirts. Each manufactured home owner shall be required to enclose the bottom portion of the manufactured home with either a metal or wood skirt or enclosure within 30 days after arrival in the park. Such skirts shall be uniform in appearance in design and type. [Amended 12-8-1998 by L.L. No. 7-1998]
- K. Parking areas. Each manufactured home lot must have two parking spaces, preferably off-street. Parking facilities may be provided so that each manufactured home lot would have one off-street parking area. A common parking area may be utilized for second vehicle parking area and guest parking and for delivery and service vehicles. Each parking space must have a minimum of 250 square feet. In new developments, no on-street parking shall be permitted. Parking spaces shall be provided for all park service buildings and meeting the provisions of this chapter. No boats, camp haulers, trailers or motor vehicles not designed for passengers shall be parked or stored at any place within the manufactured home park except in designated areas. No unlicensed motor vehicles or trailers or parts thereof or junk of any nature or description shall be parked or stored within the manufactured home park. [Amended 12-8-1998 by L.L. No. 7-1998]
- L. Sidewalks. Sidewalks will only be required from the street to the entrance of a manufactured home. Said sidewalk must be of concrete, macadam or hard surface. [Amended 12-8-1998 by L.L. No. 7-1998]
- M. Screen; fences and walls. Fences and walls shall be provided in lieu of screening shrubbery. These items shall be provided around areas which, because of height or other factors, constitute a hazard to the public or to property.
- N. Landscaping. Proper landscaping, if appropriate, should be by mutual agreement with the Planning Board and the park developer.
- O. Fire protection. Suitable fire apparatus and/or communication with the local Fire Department shall be provided. In rural areas, a pond may be provided for water supply in case of fire.
- P. Roadway; access. The entrance road connecting the manufactured home park streets with a public road shall have a minimum road width of 20 feet or a total of 36 feet, including right-of-way. It is

§ 145-14 recommended that a separate access and egress be provided where appropriate. The road shall be constructed of blacktop or equivalent. [Amended 12-8-1998 by L.L. No. 7-1998] § 145-14

Q. Internal streets.

- (1) The width of all internal streets must be at least 20 feet, with an additional five-foot right-of-way provided for on each side.
- (2) All internal streets shall be constructed of blacktop or the equivalent of the same and shall be designed, graded and leveled as to permit the safe passage of emergency and other vehicles at a speed of 15 miles per hour.
- (3) Each street shall be named and each manufactured home lot therein will be given a permanent number which shall be affixed to the manufactured home and shall be visible from the street. [Amended 12-8-1998 by L.L. No. 7-1998]

R. Lighting. Streets should be illuminated from dusk to dawn with such lighting meeting the recommendations of the utility company.

S. Sanitary and water facilities. All such facilities must meet the requirements of the Department of Environmental Conservation or other agencies having authority thereof. Approval by said agencies is required before any permit will be issued.

- (1) Storm drainage pipes, ditches, etc., may be required with the request of the Planning Board.
- (2) Garbage and refuse.
 - (a) Each manufactured home park shall provide sanitary equipment to prevent littering of the grounds and premises with rubbish, garbage and refuse. Each manufactured home shall have containers with tightly fitting covers. Regular disposal shall be provided for all rubbish, trash and garbage. [Amended 12-8-1998 by L.L. No. 7-1998]
 - (b) Storage areas for garbage, rubbish and trash containers will be adequately screened by either a solid fence or appropriate screening vegetation.
- (3) Burning. No garbage or refuse of any kind shall be burned.

T. Electrical distribution system; individual electrical.

- (1) General requirements. Every park shall contain an electrical wiring system consisting of wiring fixtures, equipment and appurtenances which shall be installed and maintained in accordance with the local electric power company's specifications and regulations. All wiring fixtures and connections must have the approval of any approved underwriters or inspection agency.
- (2) Specific regulations.
 - (a) Each manufactured home shall be supplied with not less than a one-hundred-ampere service. If the manufactured home is to be heated electrically, then a two-hundred-ampere service is recommended for each unit. [Amended 12-8-1998 by L.L. No. 7-1998]
 - (b) All utilities shall be placed below ground.
 - (c) All grounding wiring in the manufactured home must be retained. [Amended 12-8-1998 by L.L. No. 7-1998]

U. Fuel supply and storage.

- (1) General requirements. All fuel oil supply systems provided for manufactured homes, service buildings and other structures shall be installed and maintained in conformity with the rules and regulations of the authority having jurisdiction when provided.
- (2) Specific requirements.
 - (a) All fuel oil tanks shall be placed at the rear of the manufactured home and not located less than five feet from any exit. **[Amended 12-8-1998 by L.L. No. 7-1998]**
 - (b) Supports or standards for fuel storage tanks are to be of a noncombustible material.
- (3) Natural gas supply. Natural gas piping systems installed in manufactured home parks shall be maintained in conformity with accepted engineering practices. **[Amended 12-8-1998 by L.L. No. 7-1998]**
- (4) Liquefied gas.
 - (a) Such system shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.
 - (b) Systems shall have at least one accessible means for shutting off gas. This means shall be located outside of the individual manufactured home. **[Amended 12-8-1998 by L.L. No. 7-1998]**
 - (c) All liquid propane gas piping shall be well supported and protected against mechanical injury.
 - (d) Storage tanks shall not be less than 100 pounds and must be located at the rear of the manufactured home and no closer than five feet from any exit. **[Amended 12-8-1998 by L.L. No. 7-1998]**
 - (e) It is recommended that a central underground gas storage system be furnished.

V. Recreational areas; open spaces.

- (1) Every manufactured home park shall have a minimum of 5,000 square feet of recreation area for the public use of persons living in the park and no less than 200 square feet per manufactured home. **[Amended 12-8-1998 by L.L. No. 7-1998]**
- (2) The Planning Board, as a condition of approval, may establish such conditions on the ownership, use and maintenance of open spaces as it deems necessary to assure the preservation of such open spaces for their intended purposes.
- (3) It is recommended that this recreation area be centrally located, but other areas may be better utilized for this purpose, depending on topography and location of manufactured home park. **[Amended 12-8-1998 by L.L. No. 7-1998]**
- (4) The design of such areas shall be appropriate for the intended use and location.

W. Service buildings.

- (1) Service buildings shall meet all the requirements of this chapter.
- (2) Service buildings may be consolidated so that essential services and management operations

§ 145-14 may be in one building. Single construction is preferable if service buildings would adequately serve all manufactured home lots. [Amended 12-8-1998 by L.L. No. 7-1998] § 145-14

X. Sales. [Amended 12-8-1998 by L.L. No. 7-1998]

- (1) Sale of lots in manufactured home park. No manufactured home lot shall be sold within a manufactured home park.
- (2) Manufactured home sales. No manufactured home shall be offered for sale, displayed for sale or sold within a manufactured home park unless such manufactured home is connected to all operating utilities and is placed on a lot within the manufactured home license or a designated sales area which meets all the conditions of this chapter.

Y. Special use permit; license for operation; maintenance of manufactured home park. After all rules, regulations and provisions of this chapter and the Municipal Code of the Town of Phelps have been met, the Code Enforcement Officer shall issue a special use permit and license for operation and maintenance of a manufactured home park. Said applicant shall file a licensing fee as set forth in Chapter A157, Fees. Said license is for a twelve-month period. [Amended 12-8-1998 by L.L. No. 7-1998]

Z. Renewal fee. Within 40 days of expiration of said license, the applicant must file for renewal of the license. At this time, the Code Enforcement Officer and/or other authorities may make inspections of said manufactured home park to determine if compliance with provisions of this chapter and all other rules, regulations and codes have been met. After proper examination and notification, a renewal license will be issued by the Code Enforcement Officer. The renewal fee will as set forth in Chapter A157, Fees. [Amended 12-8-1998 by L.L. No. 7-1998]

AA. Transfer of license. No person holding a license shall transfer said license until such time as the Code Enforcement Officer or other authority shall have an opportunity to examine such park to determine if compliance to this section and other rules and regulations have been complied with. If approved by the Code Enforcement Officer, a new license shall be issued upon payment of the transfer fee.

BB. Transfer fee. The transfer fee shall be as set forth in Chapter A157, Fees.

CC. Inspection of manufactured home park. Any duly authorized representative of the Town may inspect a manufactured home park at reasonable intervals and at reasonable times to determine compliance with this section. [Amended 12-8-1998 by L.L. No. 7-1998]

DD. Suspension of revocation of license. Conviction of the offense of violation of this chapter and any sanction or part thereof may, in addition to other penalties herein provided, result in suspension of the license in the discretion of the court.

EE. Appeal by licensee. The right of appeal and time and manner for perfecting any judgment or decision of the court made therein shall be as provided by law on conviction of a violation of a Town ordinance.

FF. Management and duties of licensees.

- (1) Every manufactured home park shall be under the direct management of the owner or licensee or his agent or representative. Such person or persons shall: [Amended 12-8-1998 by L.L. No. 7-1998]
 - (a) Operate such park from an office located within the park.

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- (b) Maintain a bound book containing a record of the names of all persons accommodated at the park, and their home address.
 - (c) Maintain an accurate record of the make, model number and year of each manufactured home in park. This record shall be available to any authorized person inspecting the park.
- (2) The person or persons to whom a license has been issued shall operate the park in compliance with this chapter and shall provide adequate supervision to maintain the park and keep its facilities and equipment in good repair and in a clean, sanitary condition.
- (3) The licensee will also:
- (a) Provide for adequate snow removal on all streets.
 - (b) Provide for adequate garbage, rubbish and trash collection.
 - (c) Provide to the Tax Assessor within 14 days following the arrival of any manufactured home the information called for by the Tax Assessor and will also notify the Tax Assessor within 14 days following the departure of any manufactured home from park. **[Amended 12-8-1998 by L.L. No. 7-1998]**

GG. Bond required. The owner of a manufactured home park shall be bonded annually in an amount to be determined by the Town Board for the benefit of the Town and the occupants or lessees of the manufactured home park. **[Amended 12-8-1998 by L.L. No. 7-1998]**

§ 145-15. Residential conversions. [Amended 10-3-1994 by L.L. No. 2-1994]

All residential conversions shall have at least two off-street parking spaces per dwelling unit, and each unit shall have adequate light, air, heating and plumbing facilities and shall have at least 3,000 square feet of lot area and 600 square feet of floor area for each dwelling unit, but no converted building shall have more than a total of four dwelling units.

§ 145-16. Automobile salvage and wrecking operations, outdoor storage and junk yards.

- A. Automobile salvage and wrecking operations, outdoor storage and junkyards shall require a license for such operation. **[Added 10-3-1994 by L.L. No. 2-1994]**
- (1) The license shall be valid for a period of one year.
 - (2) The license must be renewed annually.
 - (3) The license fees shall be as set forth in Chapter A157, Fees.
- B. The area used for the above purposes:
- (1) Shall be enclosed by a substantial fence and suitable natural hedge with openings only for access and egress. The fence shall be:
 - (a) At least six feet in height.
 - (b) Kept in good order and repair.
 - (2) Shall not be located nearer than 200 feet to any residential or commercial district
 - (3) Shall have no storage between the fence and hedge and the public right-of-way.

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(4) Shall be no nearer than 25 feet from any nearest public highway right-of-way line.

- C. Inside and adjacent to and contiguous with such fence a strip of land at least 10 feet in width shall be kept free of all dry grass or other growth or other combustible material so as to provide a fire lane or line around the whole area where the activity or business of the licensee is being conducted.
- D. The autos, parts and materials dealt in by the licensee shall be disassembled or dismantled by means other than by burning. They shall be piled to a reasonable height and arranged in neat rows so as to permit easy, clear passage through the area.
- E. There shall be maintained at each such place of activity or business for which a license is issued at least one fire extinguisher of approved design and capacity for each 40,000 square feet of area. Each such fire extinguisher shall be hung or mounted in a conspicuous place, clearly marked and available.
- F. When the area is not supervised by the licensee or his employees, the fence shall be locked at a secure gate in a secure manner.
- G. Suitable sanitary facilities shall be available, connected to approved public sewer or septic tanks, for the use and convenience of the employees of the licensee as well as the general public visiting the area.
- H. The area of the licensee's activity or business shall not be used as a dump area nor as a place for the burning and disposal of junk or trash.
- I. The minimum lot size for any area used for any of the above purposes shall be 10 acres, with a minimum width of 300 feet and a minimum front, side and rear yards of 100 feet. **[Added 8-5-1991 by L.L. No. 1-1991]**
- J. No highly inflammable or explosive liquids, solids or gases shall be in bulk above ground. Fuel tanks for equipment use as regulated by the New York State Department of Environmental Conservation and tanks or drums of fuel directly connected with heating devices or appliances located on the same premises as the tanks or drums of fuel are excluded from this provision. **[Added 8-5-1991 by L.L. No. 1-1991]**
- K. Materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors and only in closed containers. **[Added 8-5-1991 by L.L. No. 1-1991]**
- L. No materials or wastes shall be deposited on any premises in such form or manner that they may be transferred off such premises by natural causes or forces. **[Added 8-5-1991 by L.L. No. 1-1991]**

§ 145-17. Regulations. [Amended 10-3-1994 by L.L. No. 2-1994]

Retail uses in the Industrial District. Such uses shall be permitted only where the applicant can prove to the Board of Appeals that such use is necessary to serve primarily industrial uses in the vicinity.

§ 145-18. Planned development groups.

- A. Under the standard provisions of this chapter, a separate ground area, referred to in this chapter as a district lot, must be designated, provided and continuously maintained for each structure or use. Pursuant to the procedure hereinafter set forth, two or more such structures may be erected and maintained on the same district lot. Also, several district lots may be combined into one plan

§ 145-18 covering a planned development group. The procedure is intended to permit diversification in the location of structures and to improve circulation facilities and other site qualities while ensuring adequate standards relating to public health, safety, welfare and convenience in the use and occupancy of buildings and facilities in planned groups. § 145-20

- B. Before approving the site plan, the Board of Appeals shall make findings with respect to the following: **[Amended 10-3-1994 by L.L. No. 2-1994]**
- (1) Traffic access. That all proposed site traffic accessways are adequate but not excessive in number, adequate in grade, width, alignment and visibility and not located too near street corners, entrances to schools or places of public assembly and other similar considerations.
 - (2) Circulation and parking. That the interior circulation system is adequate and that all required parking spaces are provided and are easily accessible.
 - (3) Paving and drainage. That there shall be adequate design of grades, paving, gutters, drainage and treatment of turf to handle stormwaters and to prevent erosion and formation of dust.
 - (4) Disposal of usable open space. That in accordance with the spirit and intent of this chapter, wherever possible, usable open space is disposed of in such a way as to ensure the safety and welfare of residents.
 - (5) Arrangement of buildings. That adequate provision has been made for light, air, access and privacy in the arrangement of buildings to each other. Each dwelling unit shall have a minimum of two exterior exposures.
 - (6) Proper landscaping. That the proposed site is properly landscaped, the purpose of which is to further enhance the natural qualities of the land. Where adjacent land use dictates, proper screening and buffer zones may be required. No certificate of occupancy shall be issued for any such building or buildings unless the same conforms in all respects to such site plan and unless all facilities included in the site plan have been in accordance therein.
 - (7) Signs and lighting. That signs and lighting devices shall be properly arranged with respect to traffic control devices and adjacent residential districts.

§ 145-19. (Reserved)⁶

§ 145-20. Kennels. [Added 8-5-1991 by L.L. No. 1-1991]

- A. Site preparation or construction of a kennel shall not commence nor shall any existing structure be occupied as a kennel until the final site plan approval has been granted by the Planning Board and a special use permit has been granted by the Zoning Board of Appeals.
- B. The site plan shall contain provisions for adequate measures to prevent offensive noises and odors and a plan for disposal of all animal wastes.
- C. Refuse shall not be incinerated upon the lot on which the kennel is located.
- D. No kennel shall be closer than 100 feet to any lot line other than the front lot line. This shall include all outdoor areas enclosed by fences for the use of animals. No shelters shall be located in the front yard. Also, no kennel shall be located closer than 300 feet to an existing dwelling.

6. Editor's Note: Former § 145-19, Excavations, as amended, was repealed 7-9-2012 by L.L. No. 3-2012. Former § 30.42I, Requirements for extractive industries permit; topsoil removal, which immediately followed that section, was repealed 10-3-1994 by L.L. No. 2-1994.

ARTICLE VI
General Regulations

§ 145-21. Conformance required.

No building, structure or land shall be used or occupied and no building or part thereof shall be erected, moved, enlarged or structurally altered unless in conformity with the regulations of this chapter, except that any existing building or use may be continued and any building or other improvements may be maintained or repaired.

§ 145-22. Supplementary regulations.

The provisions of this chapter shall be subject to such exceptions, additions or modifications as herein provided by the following supplementary regulations:

- A. Frontage upon a public street. Every principal building shall be built upon a lot with frontage upon a public street improved to meet the standards of the Town of Phelps.
- B. Lot for every residential building. Every residential building hereafter erected shall be located on a lot, as herein defined, and there shall be not more than one residential building on one lot, except as specifically permitted elsewhere in this chapter. If more than one lot is located on a piece of property, each lot must meet the requirements of this chapter.
- C. Parking space. Off-street parking space shall be provided as specified in Table 1⁷ and shall be provided with necessary passageways and driveways. All such space shall be deemed to be required space on the lot on which the same is situated unless otherwise stated and shall not thereafter be encroached upon or reduced in any manner. No permanent parking facilities shall be permitted in any required front yard.
- D. Attached accessory buildings. An accessory building attached to the main building shall comply in all respects with the requirements of this chapter applicable to the main building.
- E. Detached accessory buildings. **[Amended 8-10-2020 by L.L. No. 3-2020]**
 - (1) When the principal structure on a lot is a dwelling, detached accessory buildings shall be located to the rear of the front building line and shall comply with the provisions of the schedule governing their location.
 - (2) When the principal structure on a lot is anything other than a dwelling, detached accessory buildings shall be located to the rear of the rear building line and shall comply with the provisions of the schedule governing their location.
- F. Through lots. Where a single lot under individual ownership extends from a street to a street, the widest street shall be deemed the street upon which the property fronts.
- G. Corner lots. Corner lots shall provide the minimum front yard requirements for the respective district for both intersecting streets.
- H. Provision of yard or other open space. No yard or other open space provided about any building for the purpose of complying with the provisions of this chapter shall be considered as providing a yard or open space for any other building, and no yard or other open space on another lot shall be

7. Editor's Note: See § 145-24B of this chapter.

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considered as providing a yard or open space for a building on any other lot.

§ 145-24

- I. Intersection of two or more streets. At the intersection or interception of two or more streets, no hedge, fence or wall higher than three feet above the grade of the road, nor any obstruction to vision, shall be permitted on any lot nearer than 30 feet from either street or property line nor in the area forming a triangle when these points are connected. **[Amended 10-3-1994 by L.L. No. 2-1994]**
- J. Lot frontage and traffic plan. Where a building lot has frontage upon a street which on the traffic plan or Official Map of the Town of Phelps is contemplated for right-of-way widening, the required front yard area shall be measured from such proposed future right-of-way line.
- K. New structures on existing lots less than the required minimum lot area. A permit may be issued for the erection of a building on a lot or parcel for which a valid conveyance has been recorded or contract of sale has been signed and the conveyance recorded prior to the adoption of this chapter, notwithstanding that the area of such lot or parcel is less than that required for the district in which such parcel or lot lies, provided that all yard setbacks and other requirements which are in effect at the time of the obtaining of the building permit are complied with insofar as such is feasible, and provided that the owner of such a lot or parcel does not own other lots or parcels contiguous thereto. If this be the case, such other lots or parcels, or so much thereof as might be necessary, shall be combined with the original lot or parcel to make a single conforming lot or parcel, whereupon a permit may be issued, but only for such combined lots or parcels even though their total is less in area than required by this chapter for the district in which they lie. In the case of contiguous lots or parcels acquired by a municipal corporation through foreclosure proceedings prior to or subsequent to the adoption of this chapter, these lots or parcels shall be sold in such manner that they may comply with the requirements of this section.

§ 145-23. Regulations.

The restriction and controls intended to regulate in each zoning district are set forth in the attached schedule and supplemented by other schedules of this chapter.⁸

§ 145-24. Off-street parking.

In all districts, in connection with every manufacturing, business, institutional, recreational, residential or any other use, there shall be provided, at the time any building or structure is erected or is enlarged or increased in capacity, off-street parking spaces in accordance with the requirements set forth herein. The number of required off-street parking spaces shall be the number required for the entire building structure.

- A. Size and access.
- (1) Each off-street parking space shall have an area of not less than 200 square feet exclusive of access drives or aisles, and each parking space shall have a minimum width of 10 feet. Except in the case of one- and two-family residences, no parking area provided hereunder shall be established for fewer than three spaces.
 - (2) There shall be adequate provision for ingress and egress to all parking spaces. Access drives or driveways shall not be less than 10 feet wide.
- B. Parking for churches, synagogues and houses of worship. The number of required off-street parking spaces may be eliminated or reduced if there exists within 500 feet of the church, synagogue or house

⁸ Editor's Note: The Schedule of Regulations is included at the end of this chapter.

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of worship public or private parking lots containing a sufficient number of off-street parking spaces to satisfy the requirements of Table 1. The church, synagogue or house of worship must provide the difference if the number of parking spaces in the private or public lots is below the number required by Table 1. Any spaces provided in public or private lots must be shown to be legally available for worshipers on the day or days of greatest use.

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Table 1 Minimum Off-Street Parking Requirements	
Use	Minimum Required Off-Street Parking Spaces
Dwelling [Amended 10-3-1994 by L.L. No. 2-1994]	2 for each dwelling unit
Apartments	1 for each apartment
Churches, synagogues and houses of worship	1 for each 5 seats
Community buildings, country clubs, social halls, lodges, fraternal organizations and similar uses	1 for each 200 square feet of floor area used in connection with the operation
Professional offices or home occupations permitted in a Residential Zone	1 for each dwelling, plus 5 spaces
Motels and rooming houses	1 for each rentable unit
Funeral home or mortuary	10 spaces
Garage or automobile repair shop	10 spaces
Restaurant or other eating place	1 space for each 5 seats
Retail or service business	1 space for each 300 square feet of floor area
Wholesale, storage or other commercial building	1 space for each 1,000 square feet of floor area
Bowling alley	4 spaces for each alley
Nursing home	1 space for each 3 beds
Manufacturing, industrial and general commercial	1 for each 1,000 square feet, plus 1 for each 4 employees in the maximum working shift

NOTE: For structures and land uses that do not fall into the categories listed above, a reasonable and appropriate requirement for off-street parking requirements shall be determined in each case by the Board of Appeals, which shall consider each new use based on the factors involved.

§ 145-25. Off-street loading.

In any district, in connection with every building or building group or part thereof hereafter erected which is to be occupied by manufacturing or commercial uses or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same zone lot with such building, off-street loading berths in accordance with the requirements of Table 2 following.

A. Size and location. Each loading space shall be not less than 10 feet in width and 35 feet in length and

§ 145-25 shall have a minimum clearance of 14 feet and may occupy all or any part of any required yard. § 145-27

- B. Joint facilities for parking or loading. Off-street parking and loading facilities for separate uses may be provided jointly if the total number of spaces so provided is not less than the sum of the separate requirements for each use, and provided that all regulations governing the location of accessory spaces in relation to the use served are adhered to. Further, no accessory space or portion thereof shall serve as a required space for more than one use unless otherwise approved by the Board of Appeals in accordance with the purposes and procedures set forth herein.
- C. For retail and service establishments, commercial, wholesale, manufacturing, storage and miscellaneous uses, the following parking requirements apply:

Table 2 Minimum Off-Street Loading Requirements	
Required Off-Street Loading Floor Area (square feet)	Berths
From 5,000 to 25,000	1
From 25,000 to 40,000	2
From 40,000 to 60,000	3
From 60,000 to 100,000	4
For each additional 50,000	1 additional or fraction thereof

§ 145-26. Minimum living areas. [Amended 5-16-1988 by L.L. No. 2-1988]

In any district, in connection with every building used as a residence or dwelling, there shall be a minimum living area in accordance with the requirements of Table 3 following:

Table 3 Schedule of Minimum Living Areas	
Type	Minimum Living Areas (square feet)
Single-family dwelling	720
Manufactured home	840
Seasonal dwelling	600
2-family dwelling, per unit	600
Multiple-family dwelling, per unit	500
Residential conversions, per unit	600

§ 145-27. Fences. [Added 7-2-1990 by L.L. No. 2-1990]

- A. No fence in an R-1 District shall exceed six feet in height, except that such fences shall not exceed four feet in height in front yards.

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- B. No barbed or electric fence shall be located in an R-1 District.
- C. No fence in a C-1 or M-1 District shall exceed eight feet in height, except that such fences shall not exceed four feet in height in a front yard.
- D. Fences for kennels and for the purpose of enclosing farmland and horses and cattle shall not exceed eight feet in height.
- E. Fencing used to enclose a tennis court on a residential property may be permitted up to 10 feet in height, provided that such fencing is not less than 25 feet from all side and rear lot lines.
- F. Except as hereinabove set forth, all fences must be erected on the property lines, and no fence or portion of fence shall be erected within or so as to encroach upon a public right-of-way. The better side of the fence shall face the neighbor. **[Amended 10-3-1994 by L.L. No. 2-1994]**
- G. All fences shall be maintained in a safe, sound and upright condition.

§ 145-28. Satellite dishes. [Added 7-2-1990 by L.L. No. 2-1990]

No person shall cause, suffer or permit the erection and/or maintenance of any parabolic dish or other antenna or device, the purpose of which is to receive television, radio and/or microwave or other electrical signals from space satellites, except as set forth herein:

- A. Any such antenna shall be located in the side or rear yard. No more than one satellite antenna shall be located on any residential lot. On a corner lot, no antenna shall be located in a front yard of a street or highway on which said lot fronts.
- B. No antenna shall be installed until a building permit has been granted as provided herein.
- C. No antenna shall be located over or upon an easement.
- D. The diameter of such dish shall not exceed 12 feet, and its height shall not exceed 20 feet. If installed on a building, its height shall not exceed six feet above the roofline nor 30 feet above the highest ground level of said building.
- E. No part of a satellite antenna or its installation shall be within five feet of the side or rear lines of the lot on which it is located.
- F. The antenna shall be of such solid color or earth tone to reduce or eliminate as far as possible aesthetic concerns of residents of adjoining properties. The antenna shall be maintained in good repair and condition and in said color or tones. The color of such antenna shall be solid and black, brown, beige or similar in color.
- G. The installation of such antenna shall be performed in a good and workmanlike manner and designed to assure that no safety problem shall be reasonably anticipated from electrical, wind, weather or other condition.
- H. No display or advertising of any kind shall be permitted on any part of the satellite antenna.

§ 145-28.1. Preservation of topsoil. [Added 3-14-2016 by L.L. No. 2-2016]

- A. No topsoil shall be removed from any property located within the R-AG District except in conformance with this section.
- B. For all property within the R-AG District, where lowering of the existing topography is to take place,

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the owner of the property shall protect the existing topsoil on the site by:

- (1) Identifying the depth of the topsoil.
- (2) Segregating the topsoil/A horizon of the natural soil and, if not utilized immediately, stockpiling this material separately from other spoil, and providing needed protection from wind and water erosion or contamination.
- (3) Once the site has been rough-graded and is in the process of being prepared for replacement of topsoil that has been temporarily removed, the site shall first be decompacted, which helps mitigate the impacts of soil compression/soil compaction during construction on a site.
- (4) Topsoil removed shall be redistributed in a manner that:
 - (a) Achieves an approximately uniform and stable thickness and is consistent with the preapproved grading and drainage systems. Soil thickness may also be varied to the extent such variations help meet the revegetation goals.
 - (b) Prevents excess compaction of the topsoil and soil underneath.
 - (c) Protects the topsoil from wind and water erosion before and after seeding and planting.

C. Exemptions. The provisions of this section shall not apply to:

- (1) The removal of topsoil as an incidental part of normal agricultural practices, such as greenhouse operations and nurseries for horticultural products; normal agricultural practices specifically do not include the sale of topsoil as a stand-alone product from any properties located within the R-AG District.
- (2) Where an applicant for site plan approval can demonstrate through a professionally engineered grading and drainage plan(s) that requiring the topsoil to remain on the property would prevent the construction of any buildings, structures, driveways, or any other facilitates/improvements for which the property is currently zoned.
- (3) The removal of topsoil as an incidental part of road building within the limits of the right-of-way of any Town, county or state highway or for the sole purpose of building roads and slopes incidental thereto which lie within the area of a subdivision approved by the Town of Phelps Planning Board.
- (4) The removal of topsoil as an incidental part of buildings and/or structures constructed on any farm (as that term is defined within § 145-4).
- (5) The removal of topsoil in connection with the construction and installation of public/municipal water and/or sewer lines.

D. In addition to any penalty, restitution, abatement or other remedy permitted by this chapter:

- (1) Anyone violating this section shall, at his or her expense, replace all the topsoil taken from a property with topsoil that shall be of equal or greater quality than that removed from such property. Said restoration of the topsoil shall take place within nine months of being found in violation of this section.
- (2) The Code Enforcement Officer shall not issue any building permit or certificate of occupancy for any property that is in violation of this section and which has not been restored pursuant to Subsection D(1) herein.

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E. To the extent that this section is in conflict with any other section of this chapter, the more-restrictive section shall apply.

Town of Seneca

Town of Seneca Zoning Law (Adopted 2008, revised 2018)

Articles IV - IX

ARTICLE IV
District Regulations

§ 300-10. Schedules.

The restrictions and controls intended to regulate development in each district are set forth in the schedules included as an attachment to this chapter, which are supplemented by other sections of this chapter.

§ 300-11. General restrictions.

Except as hereinafter otherwise provided:

- A. No building shall be erected and no existing building shall be moved, altered, repaired, added to or enlarged, nor shall any land or building be designed, used or intended to be used for any purpose or in any manner other than as permitted in the district in which such building or land is located.
- B. No building shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the district in which such building is located.
- C. No building shall be erected, no existing buildings shall be altered, repaired, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity with the yard, lot area and building location regulations hereinafter designated for the district in which such building or open space is located.
- D. No yard or other open space provided around any building for the purpose of complying with the provisions of this chapter shall be considered as providing a yard or open space for any other building, and no yard or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot.
- E. Any land use activity not specifically permitted by the provisions of this chapter is specifically prohibited.

§ 300-12. A-1 Agricultural District.

- A. Permitted uses in the A-1 Agricultural District are as follows:
 - (1) Churches.
 - (2) Essential services. (See §§ 300-46B and 300-48.)
 - (3) One-family dwellings.
 - (4) Primary and secondary schools.
 - (5) Public buildings.
- B. Permitted accessory uses in the A-1 Agricultural District are as follows:
 - (1) Accessory buildings or uses customarily incidental to the principal use.

- (2) Private garages and parking areas.
- C. Special conditions apply to the following uses in the A-1 Agricultural District:
- (1) Customary home occupations. (See § 300-50.)
 - (2) Nurseries, greenhouses, farms and customary farm occupations. (See §§ 300-46B and 300-47.)
 - (3) Off-street parking and loading. (See § 300-56.)
 - (4) Outdoor recreation facilities. (See § 300-51.)
 - (5) Roadside stands. (See § 300-49.)
 - (6) Signs. (See § 300-54.)
- D. Uses which require a special use permit in the A-1 Agricultural District are as follows:
- (1) Airports and related services. (See § 300-46B.)
 - (2) Bed-and-breakfast establishments.
 - (3) Electric power plants and transmission stations. (See § 300-46B.)
 - (4) Extraction of stone, sand and gravel. (See § 300-65.)
 - (5) Golf courses and driving ranges. (See § 300-46B.)
 - (6) Kennels. (See § 300-67.)
 - (7) Pet breeders. (See § 300-68.)
 - (8) Parks, athletic facilities and outdoor recreation facilities. (See § 300-46B.)
 - (9) Post-secondary schools. (See § 300-46B.)
 - (10) Vocational-technical schools. (See § 300-46B.)
 - (11) Mobile home parks. (See § 300-62.)
 - (12) Campgrounds. (See § 300-59.)
 - (13) Recreational vehicle parks. (See § 300-59.)

§ 300-13. A-2 Agricultural District.

- A. Permitted uses in the A-2 Agricultural District are as follows:
- (1) Churches.
 - (2) Essential services. (See §§ 300-46B and 300-48.)
 - (3) One-family dwellings.
 - (4) Primary and secondary schools.

- (5) Public buildings.
- B. Permitted accessory uses in the A-2 Agricultural District are as follows:
 - (1) Accessory buildings or uses customarily incidental to the principal use.
 - (2) Private garages and parking areas.
- C. Special conditions apply to the following uses in the A-2 Agricultural District:
 - (1) Customary home occupations. (See § 300-50.)
 - (2) Nurseries, greenhouses, farms and customary farm occupations. (See §§ 300-46B and 300-47.)
 - (3) Off-street parking and loading. (See § 300-56.)
 - (4) Outdoor recreation facilities. (See § 300-51.)
 - (5) Roadside stands. (See § 300-49.)
 - (6) Signs. (See § 300-54.)
- D. Uses which require a special use permit in the A-2 Agricultural District are as follows:
 - (1) Bed-and-breakfast establishments.
 - (2) Electric power plants and transmission stations. (See § 300-46B.)
 - (3) Extraction of stone, sand and gravel. (See § 300-65.)
 - (4) Golf courses and driving ranges. (See § 300-46B.)
 - (5) Mobile home parks. (See § 300-62.)
 - (6) Parks, athletic facilities and outdoor recreation facilities. (See § 300-46B.)
 - (7) Post-secondary schools. (See § 300-46B.)
 - (8) Vocational-technical schools. (See § 300-46B.)
 - (9) Campgrounds. (See § 300-59.)
 - (10) Recreational vehicle parks. (See § 300-59.)
 - (11) Kennels. (See § 300-67.)
 - (12) Pet breeders. (See § 300-68.)

§ 300-14. R-1 Single-Family Residential District.

- A. Permitted uses in the R-1 Single-Family Residential District are as follows:
 - (1) Churches.
 - (2) One-family dwellings.

- (3) Primary and secondary schools.
 - (4) Public buildings, parks and playgrounds.
 - (5) Libraries and museums.
- B. Permitted accessory uses in the R-1 Single-Family Residential District are as follows:
- (1) Accessory buildings or uses customarily incidental to the principal use.
 - (2) Private garages and parking areas.
- C. Special conditions apply to the following uses in the R-1 Single-Family Residential District:
- (1) Customary home occupations or professional offices. (See § 300-50.)
 - (2) Essential services. (See §§ 300-46B and 300-48.)
 - (3) Off-street parking and loading. (See § 300-56.)
 - (4) Signs. (See § 300-54.)
- D. Uses which require a special use permit in the R-1 Single-Family Residential District are as follows:
- (1) Bed-and-breakfast establishments.
 - (2) Cluster development. (See § 300-73.)
 - (3) Planned unit developments. (See § 300-72.)
 - (4) Post-secondary schools. (See § 300-46B.)

§ 300-15. R-2 Two-Family and Multiple Dwelling Residential District.

- A. Permitted uses in the R-2 Two-Family and Multiple Dwelling Residential District are as follows:
- (1) Churches.
 - (2) One-family dwellings.
 - (3) Primary and secondary schools.
 - (4) Public buildings.
 - (5) Two-family structures.
- B. Permitted accessory uses in the R-2 Two-Family and Multiple Dwelling Residential District are as follows:
- (1) Accessory buildings or uses customarily incidental to the principal use.
 - (2) Private garages and parking areas.

- C. Special conditions apply to the following uses in the R-2 Two-Family and Multiple Dwelling Residential District:
- (1) Customary home occupations. (See § 300-50.)
 - (2) Essential services. (See §§ 300-46B and 300-48.)
 - (3) Off-street parking and loading. (See § 300-56.)
 - (4) Signs. (See § 300-54.)
- D. Uses which require a special use permit in the R-2 Two-Family and Multiple Dwelling Residential District are as follows:
- (1) Bed-and-breakfast establishments.
 - (2) Cluster development. (See § 300-73.)
 - (3) Multiple dwelling structures, including conversions. (See § 300-60.)
 - (4) Planned unit developments. (See § 300-72.)
 - (5) Post-secondary schools. (See § 300-46B.)

§ 300-16. R-3 Three- and Four-Family Residential District.

- A. Permitted uses in the R-3 Three- and Four-Family Residential District are as follows:
- (1) Churches.
 - (2) One-family dwellings.
 - (3) Primary and secondary schools.
 - (4) Public buildings.
 - (5) Three- and four-family dwellings (conversions).
 - (6) Two-family structures.
- B. Permitted accessory uses in the R-3 Three- and Four-Family Residential District are as follows:
- (1) Accessory buildings or uses customarily incidental to the principal use.
- C. Uses which require a special use permit in the R-3 Three- and Four-Family Residential District are as follows:
- (1) Bed-and-breakfast establishments.
 - (2) Cluster development. (See § 300-73.)
 - (3) Multiple dwelling structures, including conversions. (See § 300-60.)
 - (4) Planned unit developments. (See § 300-72.)

- (5) Post-secondary schools. (See § 300-46B.)

§ 300-17. M-R Multiple Dwelling Apartment Building District.

- A. Permitted uses in the M-R Multiple Dwelling Apartment Building District are as follows:
 - (1) Churches.
 - (2) One-family dwellings.
 - (3) Primary and secondary schools.
 - (4) Public buildings.
 - (5) Three- and four-family dwellings (conversions).
 - (6) Two-family structures.
- B. Permitted accessory uses in the M-R Multifamily Apartment Building District are as follows:
 - (1) Accessory buildings or uses customarily incidental to the principal use.
- C. Uses which require a special use permit in the M-R Multiple Dwelling Apartment Building District are as follows:
 - (1) Bed-and-breakfast establishments.
 - (2) Cluster development. (See § 300-73.)
 - (3) Multiple dwelling structures, including conversions. (See § 300-60.)
 - (4) Planned unit developments. (See § 300-72.)
 - (5) Post-secondary schools. (See § 300-46B.)

§ 300-18. C-1 Local Shopping District.

- A. Permitted uses in the C-1 Local Shopping District are as follows:
 - (1) Business and professional offices.
 - (2) Clothing stores.
 - (3) Drugstores.
 - (4) Eating and drinking establishments.
 - (5) Essential services. (See §§ 300-46B and 300-48.)
 - (6) Food stores.
 - (7) Hardware stores.
 - (8) Hotels and motels.

- (9) Local retail businesses.
 - (10) Non-ground-floor dwellings (one residential dwelling per non-ground floor).
 - (11) Offices and banks.
 - (12) Personal services.
 - (13) Public buildings.
- B. Permitted accessory uses in the C-1 Local Shopping District are as follows:
- (1) Accessory buildings or uses customarily incidental to the principal use.
- C. Special conditions apply to the following uses in the C-1 Local Shopping District:
- (1) Off-street parking and loading. (See § 300-56.)
 - (2) Signs. (See § 300-54.)
- D. Uses which require a special use permit in the C-1 Local Shopping District are as follows:
- (1) Automobile service stations. (See § 300-64.)
 - (2) Funeral homes.

§ 300-19. C-2 Highway Commercial District.

- A. Permitted uses in the C-2 Highway Commercial District are as follows:
- (1) Auto repair and service (not including automobile service stations).
 - (2) Auto salesrooms.
 - (3) Eating and drinking establishments.
 - (4) Essential services. (See §§ 300-46B and 300-48.)
 - (5) Farm machinery sales.
 - (6) Highway-related business uses.
 - (7) Local retail businesses.
 - (8) Mobile home sales.
 - (9) Motels.
 - (10) Offices and banks.
 - (11) Personal services.
 - (12) Public buildings.
 - (13) Used car lots.
- B. Permitted accessory uses in the C-2 Highway Commercial District are as follows:

- (1) Accessory buildings or uses customarily incidental to the principal use.
- C. Special conditions apply to the following uses in the C-2 Highway Commercial District:
- (1) Amusement centers, bowling alleys and similar enclosed places of amusement. (See § 300-52.)
 - (2) Drive-in eating and drinking establishments. (See § 300-53.)
 - (3) Off-street parking and loading. (See § 300-56.)
 - (4) Outdoor recreation facilities. (See § 300-51.)
 - (5) Signs. (See § 300-54.)
- D. Uses which require a special use permit in the C-2 Highway Commercial District are as follows:
- (1) Adult uses. (See § 300-66.)
 - (2) Automobile service stations. (See § 300-64.)
 - (3) Commercial amusements, such as drive-in theaters, amusement centers, golf driving ranges and miniature golf. (See § 300-46B.)
 - (4) Large-scale developments.
 - (5) Multiple dwelling structures, including conversions. (See § 300-60.)
 - (6) Small truck terminals, including a dock for one to three trucks and with a building area not over 1,500 square feet; servicing is permitted.

§ 300-20. M-1 Industrial District.

- A. Permitted uses in the M-1 Industrial District are as follows:
- (1) Enclosed warehousing.
 - (2) Essential services. (See §§ 300-46B and 300-48.)
 - (3) Lumber, building supplies and similar storage yards.
 - (4) Ministorage.
 - (5) Nurseries, greenhouses, farms and customary farm occupations. (See §§ 300-46B and 300-47.)
 - (6) Public buildings.
 - (7) Railroad facilities.
 - (8) Wholesale businesses.
- B. Permitted accessory uses in the M-1 Industrial District are as follows:
- (1) Accessory buildings or uses customarily incidental to the principal use.

- C. Special conditions apply to the following uses in the M-1 Industrial District:
- (1) Manufacture, assembly or research. (See § 300-58.)
 - (2) Off-street parking and loading. (See § 300-56.)
 - (3) Signs. (See § 300-54.)
- D. Uses which require a special use permit in the M-1 Industrial District are as follows:
- (1) Adult uses. (See § 300-66.)
 - (2) Coal yards and fuel supply depots. (See § 300-46B.)
 - (3) Electric power plants and transmission stations. (See § 300-46B.)
 - (4) Extraction of stone, sand and gravel. (See § 300-65.)
 - (5) Landfill gas recovery facilities.

§ 300-21. M-2 Refuse Disposal and Reclamation District.

- A. Permitted uses in the M-2 Refuse Disposal and Reclamation District are as follows:
- (1) Enclosed warehousing.
 - (2) Essential services. (See §§ 300-46B and 300-48.)
 - (3) Lumber, building supplies and similar storage yards.
 - (4) Ministorage.
 - (5) Nurseries, greenhouses, farms and customary farm occupations. (See §§ 300-46B and 300-47.)
 - (6) Public buildings.
 - (7) Railroad facilities.
 - (8) Wholesale businesses.
- B. Permitted accessory uses in the M-2 Refuse Disposal and Reclamation District are as follows:
- (1) Accessory buildings or uses customarily incidental to the principal use.
- C. Special conditions apply to the following uses in the M-2 Refuse Disposal and Reclamation District:
- (1) Manufacture, assembly or research. (See § 300-58.)
 - (2) Off-street parking and loading. (See § 300-56.)
 - (3) Signs. (See § 300-54.)
- D. The following uses are permitted in the M-2 Refuse Disposal and Reclamation District upon issuance of a special use permit:

- (1) Coal yards and fuel supply depots. (See § 300-46B.)
 - (2) Electric power plants and transmission stations. (See § 300-46B.)
 - (3) Extraction of stone, sand and gravel. (See § 300-65.)
 - (4) Junkyards. (See § 300-46B.)
 - (5) Solid waste management facilities. (See § 300-46B.)
- E. The existing M-2 Refuse Disposal and Reclamation District applicable to solid waste management facilities as designated by the Town Code will not be expanded beyond the district which is in effect as of June 6, 2000, nor will a new M-2 District be established for solid waste management facilities. Notwithstanding this provision and the Town Board's findings, in the event that a future Town Board determines that it will consider expansion of the existing M-2 District or creation of a new district for solid waste management facilities outside the current district, the Town Board will require preparation of an environmental impact statement pursuant to the State Environmental Quality Review Act, Article 8 of the New York State Environmental Conservation Law.

§ 300-22. M-P Mobile Home Park District.

- A. Permitted uses in the M-P Mobile Home Park District are as follows:
- (1) Mobile home parks.
- B. Permitted accessory uses in the M-P Mobile Home Park District are as follows:
- (1) Accessory buildings or uses customarily incidental to a permitted use.

§ 300-23. L-C Land Conservation District.

- A. There are no permitted uses, accessory uses, or uses subject to special conditions in the L-C District.
- B. Uses which require a special use permit in the L-C Land Conservation District are as follows:
- (1) Essential services. (See §§ 300-46B and 300-48.)
 - (2) Nurseries, greenhouses, farms and customary farm occupations. (See §§ 300-46B and 300-47.)
 - (3) Parks, athletic facilities and outdoor recreation facilities. (See § 300-46B.)

§ 300-24. F-P Floodplain District.

- A. Permitted uses in the F-P Floodplain District are as follows:
- (1) Nurseries, greenhouses, farms and customary farm occupations. (See §§ 300-46B and 300-47.)
- B. No accessory uses are permitted in the F-P Floodplain District.

- C. Special conditions apply to the following uses in the F-P Floodplain District:
- (1) Roadside stands. (See § 300-49.)
- D. Uses which require a special use permit in the F-P Floodplain District are as follows:
- (1) Essential services. (See §§ 300-46B and 300-48.)
 - (2) Extraction of stone, sand and gravel. (See § 300-65.)
 - (3) Parks, athletic facilities and outdoor recreation facilities. (See § 300-46B.)

Town of Seneca Falls

Town of Seneca Falls Code, Chapter 300: Zoning (2013)

Article IV, Sections 300-12 – 300-24

Article IV. AG - Agricultural Zoning District

§ 9.0 Purpose

The AG Agricultural Zoning District is intended to preserve existing agricultural lands in the Town and protect the rural character of the area that reinforces the special quality of life enjoyed by residents in Seneca. Agriculture provides the visual benefits of open space and is an important part of the Seneca economy. The creation of the Agricultural Zoning District illustrates the Town's commitment to farming and agricultural uses as a preferred use in these districts and shall protect existing agricultural areas from suburban and urban development, encourage the continuation of agriculture, reduce land conflicts and preserve open space and natural resources.

§ 10.0 Permitted Uses

A. The following farm uses are permitted in the AG District:

- A. Boarding of animals;
- B. Farms and farm related buildings used for the storage of products or equipment located on the same parcel as the principal use;
- C. Forestry and reforestation;
- D. Game farms, fish hatcheries and fishing reserves;
- E. Farm related Manure Storage Facility, Non-CAFO (Confined animal feeding operation) subject to the requirements of Section 8l. Manure Storage Facility.
- F. Labor housing that could include a single manufactured home. Farm labor housing that includes more than a single manufactured home requires a special use permit;
- G. Nurseries, lawn/landscape services, orchards, greenhouses, vineyards;
- H. Produce stands, including only movable or temporary structures for the sale of agricultural products grown principally by the operator during the harvest season;
- I. Wildlife sanctuaries, woodland preserves, arboretums.
- J. Timber processing including the on-farm processing of timber grown on a farm operation which is included in the Agricultural District as part of Article 25AA of the New York State Agriculture and Markets Law, into woodland products, including but not limited to logs, lumber, posts and firewood, through the use of a readily moveable, nonpermanent saw mill, provided that such farm operation consists of at least seven acres and produces for sale crops, livestock or livestock products of an annual gross sales value of ten thousand dollars or more and that the annual gross sales value of such processed woodland products does not exceed the annual gross sales value of such crops, livestock or livestock products.

B. The following non-farm uses are permitted in the AG District:

- A. Single and two family detached dwellings. There shall be no more than 1 principal dwelling unit on a single parcel, unless elsewhere provided in this law.
- B. Public and semi-public buildings;
- C. One subdivided lot as provided in this section.
 - (1) Effective Date. For the purpose of this section, each lot shall be identified by the Tax Map of the Town of Seneca dated 3-1-05, and single ownership shall be determined by deed filed as of 3-1-05. It is the express intent of this chapter

that no parcel as defined herein may be changed or reconfigured after 3-1-05 for the purpose of applying or avoiding the restrictions of this Article. All density and/or calculation number of allowable units shall be based on the lot as identified by the Tax Map of the Town of Seneca dated 3-1-08.

(a) Maximum Density Allowed.

- (i) A single subdivided lot is allowed on existing lots that are between 5 and 100 acres in total size.
 - (A) The minimum lot size for such new subdivided lot is 1 Acre.
 - (B) Minimum lot frontage is 150 feet.

- (ii) Up to 2 subdivided lots are allowed on existing lots that are more than 100 acres and up to 150 acres in total size.
 - (A) The minimum lot size for such new subdivided lot is 1 Acre.
 - (B) Minimum lot frontage is 150 feet.

- (iii) Up to 3 subdivided lots are allowed on existing lots that are more than 150 acres and up to 200 acres in total size.
 - (A) The minimum lot size for such new subdivided lot is 1 Acre.
 - (B) Minimum lot frontage is 150 feet.

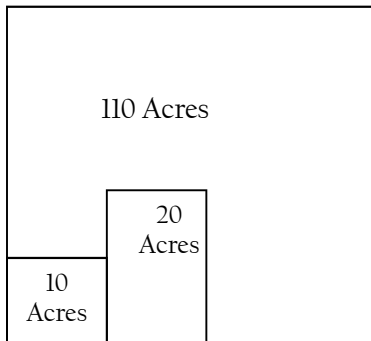
- (iv) Existing lots that are greater than 200 acres in size are allowed 1 subdivided lot per 50 acres
 - (A) The minimum lot size for such new subdivided lot is 1 Acre.
 - (B) Minimum lot frontage is 150 feet.



Where existing lot is more than 5 Acres and Less than 100 Acres in size

Example:
Existing lot = 75 Acres
1 Subdivided Lot is Permitted
Minimum Lot Size = 1 Acre

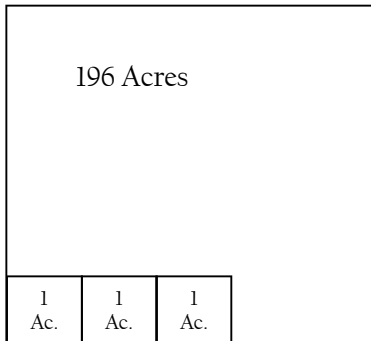
Existing lot = 140 Acres



Where existing lot is more than 100 Acres and Less than 150 Acres in size

Example:
Existing lot = 140 Acres
2 Subdivided Lots are Permitted
Minimum Lot Size = 1 Acre

Existing lot = 199 Acres



Where existing lot is more than 150 Acres and Less than 200 Acres in size

Example:
Existing lot = 199 Acres
3 Subdivided Lots are Permitted
Minimum Lot Size = 1 Acre

§ 11.0 Accessory Uses

The following are the accessory uses, building and structures permitted in the AG District:

- A. Decks located in the side or rear yard;
- B. Detention and retention ponds;
- C. Fences, walls and hedges subject to the provisions of Article XI – Requirements Applying to All Districts;
- D. Home occupations, low intensity;
- E. Horses or livestock, for personal use, provided there is compliance with the following standards and conditions outlined in Article X – Additional Requirements for Specified Uses;
- F. Off-street parking for residents and guests of the principal use;
- G. Not more than one (1) commercial vehicle not associated with a Home Business;
- H. No more than 2 (two) accessory storage buildings are allowed on any residential lot;
- I. Not more than one (1) each of the following when licensed and not fully screened or within an enclosed building: camp trailers, recreational vehicles, utility trailers, motor homes or boat trailers owned by the occupant of the premises for personal use;
- J. Private athletic facility, including, but not limited to swimming pools or tennis courts, not operated for gain and not operated by a not-for-profit organization;
- K. Private family swimming pools are regulated in Article X – Additional Requirements for Specified Uses;
- L. Satellite television receiving antennas subject to the provisions of Article X – Additional Requirements for Specified Uses;
- M. Signs subject to the provisions of Article XI Requirements Applying to All Districts;
- N. Storage buildings, private detached garages, carports, pool houses, gazebos, patio covers;
- O. Terraces and patios;
- P. Other uses and structures that are customarily incidental and clearly subordinate to the principal use.
- Q. Minor solar collection system.

§ 12.0 Permitted Uses Subject To Site Plan Review

The following uses are allowed subject to site plan review as outlined in Article XIII - Procedures:

- A. Adult family daycare homes that have a residential-like appearance ;
- B. Bed & breakfast establishments;
- C. Family and group family daycare homes that have a residential-like appearance ;
- D. Farm labor housing that could include manufactured homes;
- E. Parks;
- F. Permanent farm stands;
- G. Places of worship;
- H. Private airfields, landing strips or related facilities;
- I. Public and semipublic uses and buildings;
- J. Wineries;
- K. Major solar collection system or solar farm.

§ 13.0 Special Permitted Uses

The following are special permitted uses subject to the conditions outlined in Article XIII - Procedures:

- A. Animal hospitals or kennels;
- B. Butcher/meat shops;
- C. Camping grounds;
- D. Essential services;
- E. Excavation Operations;
- F. Home Business which includes:
 - (1) Lawn and/or garden services
 - (2) Metal fabrication
 - (3) Agricultural equipment sales and services
 - (4) Woodworking Shop
 - (5) General Retail Sales
- G. Site Fill that isn't included on an approved site plan for commercial or industrial uses;
- H. Stables or riding academies where animals are rented or leased;
- I. Wind Energy Conversion Systems.
- J. Portable Sawmill; excludes timbering processes as provided in §10. Permitted Uses.
- K. Brewery
- L. Distillery
- M. Winery

§ 14.0 Lot, Area And Yard Requirements

The following lot, area and yard requirements apply to the AG District.

- A. Lot Frontage Requirements
 - (1) All Uses
 - (a) Minimum Lot Frontage – one hundred fifty (150) feet
- B. Lot Area Requirements
 - (1) Farm Uses
 - (a) Minimum Lot Area – seven (7) acres
 - (b) Maximum Building Coverage – ten (10) percent
 - (c) Maximum Lot Coverage – twenty five (25) percent
 - (2) Residential Uses
 - (a) Minimum Lot Area – 1 Acre
 - (b) Maximum Building Coverage – ten (10) percent
 - (c) Maximum Lot Coverage – twenty five (25) percent
- C. Yard Requirements
 - (1) Farm Uses
 - (a) Front Yards
 - (i) Minimum Front Yard Setback – one hundred (100) feet
 - (b) Side Yards
 - (i) Minimum Side Yard Setback – forty (40) feet on each side
 - (c) Rear Yard
 - (i) Minimum Rear Yard Setback – fifteen (15) feet unless adjacent to a residential use when the rear yard setback shall be eighty (80) feet
 - (2) Residential Uses
 - (a) Front Yards
 - (i) Minimum Front Yard Setback – Principal and Detached Accessory– eighty (80) feet
 - (b) Side Yards
 - (i) Minimum Side Yard Setback – Principal - thirty (30) feet on each side
 - (ii) Minimum Side Yard Setback – Detached Accessory – fifteen (15) feet

(c) Rear Yard

(i) Minimum Rear Yard Setback – Principal - thirty (30) feet

(ii) Minimum Rear Yard Setback – Detached Accessory – fifteen (15) feet

D. Corner Lots

Both yards abutting streets shall be considered front yards and shall follow the regulations of this Article; all side and rear yards shall follow the regulations of this Article.

§ 15.0 Bulk Requirements

The following requirements apply to buildings constructed in the AG District.

- A. Building Heights
 - (1) All Uses
 - (a) Maximum Building Height -- Residential – thirty five (35) feet
 - (b) Maximum Building Height – Detached Residential Accessory – twenty five (25) feet
 - (c) Maximum Building Height – Other Farm Structures – one hundred (100) feet
- B. Floor Area
 - (1) All Uses
 - (a) Minimum Floor Area – one thousand (1,000) square feet

§ 16.0 Personal Wireless Telecommunications Facilities (PWTF)

Personal wireless telecommunication facilities in the AG District shall be regulated as outlined in § 83.0 Personal Wireless Telecommunication Facilities.

§ 17.0 Additional Regulations

See Article XI Requirements Applying to All Districts for additional regulations that apply to the AG District.

Article V. R-1 Low Density Residential District

§ 18.0 Purpose

The R-1 District is designed to provide for the development of areas that are occupied primarily by single-family residences. The purpose of the R-1 District is to promote orderly development of the Town and encourage well-designed living environments which protect and stabilize the residential characteristics of the Town. The areas designated R-1 District will result in areas that provide opportunities for larger yards and houses and serve as transitional areas between agricultural areas and more dense areas of development.

Mixed-use development that is compatible with residential community character is encouraged. Such development needs to be designed in scale with surrounding properties, be of appropriate intensity for the property, be architecturally compatible to the neighborhood, and not cause adverse impacts to the neighborhood character.

§ 19.0 Permitted Uses

The following uses are permitted in the R-1 District:

- A. Single-family detached dwellings;
- B. Family and group family day care homes that have a residential-like appearance;
- C. Adult family day care homes that have a residential-like appearance.
- D. All farm uses which are permitted in the Ag zoning district on a parcel within a County Ag district.

§ 20.0 Accessory Uses

The following are permitted accessory uses in the R-1 District:

- A. Decks located in the side or rear yard;
- B. Detention and retention ponds;
- C. Fences, walls and hedges subject to the provisions of Article XI – Requirements Applying to All Districts;
- D. Home occupations, low intensity;
- E. Horses or livestock, for personal use, provided there is compliance with the following standards and conditions outlined in Article X – Additional Requirements for Specified Uses;
- F. Off-street parking for residents and guests of the principal use;
- G. Not more than one (1) commercial vehicle;
- H. Storage buildings, private detached garages, carports, pool houses, gazebos, patio covers;
- I. Private athletic facility, including, but not limited to swimming pools or tennis courts, not operated for gain and not operated by a not-for-profit organization;
- J. Private family swimming pools are regulated in Article X – Additional Requirements for Specified Uses;
- K. No more than 2 (two) accessory storage buildings are allowed on any residential lot;
- L. Not more than one (1) each of the following when licensed and not fully screened or within an enclosed building: camp trailers, recreational vehicles, utility trailers, motor homes or boat trailers owned by the occupant of the premises for personal use;
- M. Satellite television receiving antennas subject to the provisions of Article X – Additional Requirements for Specified Uses;
- N. Signs subject to the provisions of Article XI – Requirements Applying to All Districts;
- O. Terraces and Patios;
- P. Other uses and structures that are customarily incidental and clearly subordinate to permitted uses or uses that require site plan review or special permits.
- Q. Minor solar collection system

§ 21.0 Permitted Uses Subject to Site Plan Review

The following uses are allowed subject to site plan review as outlined in Article XIII Procedures:

- A. Home occupations – high intensity;
- B. Bed and Breakfast Establishments;
- C. Nursery schools and day care centers that have a residential-like appearance;
- D. Funeral homes;
- E. Public and semi-public uses
- F. Places of worship;
- G. Residential Care Facilities;

§ 22.0 Special Permit Uses

The following uses are allowed as Special Permit Uses in the R-1 District:

- A. Essential services;
- B. Site Fill that isn't included on an approved site plan for commercial or industrial uses;;
- C. Mixed-use development in single or multiple buildings that includes only those uses permitted or specially permitted in the R-1 District and which meet the special requirements provided in this law.

§ 23.0 Lot, Area and Yard Requirements

The following lot, area and yard requirements apply to the R-1 District.

- A. Lot Frontage Requirements
 - (1) Residential Uses
 - (a) Minimum Lot Frontage – one hundred fifty (150) feet
 - (2) Non- Residential Uses
 - (a) Minimum Lot Frontage – one hundred fifty (150) feet
- B. Lot Area Requirements
 - (1) Residential Uses
 - (a) Minimum Lot Area – twenty five thousand (25,000) square feet
 - (b) Maximum Building Coverage – twenty (20) percent
 - (c) Maximum Lot Coverage – thirty (30) percent
 - (2) Non-Residential Uses
 - (a) Minimum Lot Area – twenty five thousand (25,000) square feet
 - (b) Maximum Building Coverage – twenty (20) percent
 - (c) Maximum Lot Coverage – thirty (30) percent

C. Yard Requirements

(1) Residential Uses

(a) Front Yards

(i) Minimum Front Yard Setback – fifty (50) feet

(b) Side Yards

(i) Minimum Side Yard Setback – Principal - thirty (30) feet on each side

(ii) Minimum Side Yard Setback – Detached Accessory – fifteen (15) feet

(c) Rear Yard

(i) Minimum Rear Yard Setback – Principal - thirty (30) feet

(ii) Minimum Rear Yard Setback – Detached Accessory – fifteen (15) feet

(2) Non-Residential Uses

(a) Front Yards

(i) Minimum Front Yard Setback – Principal - fifty (50) feet

(ii) Minimum Side Yard Setback – Detached Accessory – twenty (20) feet

(b) Side Yards

(i) Minimum Side Yard Setback – Principal - thirty (30) feet

(ii) Minimum Rear Yard Setback – Detached Accessory – twenty (20) feet

(c) Rear Yard

(i) Minimum Rear Yard Setback - thirty (30) feet

D. Corner Lots

Both yards abutting streets shall be considered front yards and shall follow the regulations of this Article; all side and rear yards shall follow the regulations of this Article.

§ 24.0 Bulk Requirements

The following requirements apply to buildings constructed in the R-1 District.

A. Building Heights

(1) Residential Uses

(a) Maximum Building Height – thirty five (35) feet

(b) Maximum Building Height – Detached Accessory – twenty (20) feet

§ 25.0 Personal Wireless Telecommunications Facilities (PWTF)

Personal wireless telecommunication facilities in the R-1 District shall be regulated as outlined in § 83.0 Personal Wireless Telecommunication Facilities.

§ 26.0 Additional Regulations

See Article XI – Requirements Applying to All Districts for additional regulations that apply to the R-1 District.

Article VI. R-2 Medium Density Residential District

§ 27.0 Purpose

The purpose of the R-2 District is to provide for the development of neighborhoods that include a mixture of single, two and multi family housing and complementary services, encouraging higher densities of new development. Lot sizes are generally smaller than the R-1 zone to accommodate the smaller housing types that are allowed in the R-2 district. R-2 districts are areas currently served by public water or are in locations that could support these services. Limited types of commercial uses are allowed in the zone to ensure the residential character is protected and enhanced. The following regulations shall apply in all R-2 districts:

§ 28.0 Permitted Uses

The following uses are permitted in the R-2 District:

- A. Single-family detached dwellings;
- B. Single-family attached dwelling;
- C. Two-family dwellings;
- D. Multi-family dwellings;
- E. Accessory apartment;
- F. Adult family day care homes that have a residential-like appearance;
- G. Family and group family day care homes that have a residential-like appearance.
- H. All farm uses which are permitted in the Ag zoning district on a parcel within a County Ag district.

§ 29.0 Accessory Uses

The following uses are allowed as Accessory Uses in the R-2 District:

- A. Decks located in the side or rear yard;
- B. Detention and retention ponds;
- C. Fences, walls and hedges subject to the provisions of Article XI – Requirements Applying to All Districts;
- D. Home occupations, low intensity;
- E. Horses or livestock, for personal use, provided there is compliance with the following standards and conditions outlined in Article X – Additional Requirements for Specified Uses;
- F. Off-street parking for residents and guests of the principal use;
- G. Not more than one (1) commercial vehicle;
- H. Storage buildings, private detached garages, carports, pool houses, gazebos, patio covers;
- I. Private athletic facility, including, but not limited to swimming pools or tennis courts, not operated for gain and not operated by a not-for-profit organization;
- J. Private family swimming pools are regulated in Article X – Additional Requirements for Specified Uses;
- K. No more than 2 (two) accessory storage buildings are allowed on any residential lot;
- L. Not more than one (1) each of the following when licensed and not fully screened or within an enclosed building: camp trailers, recreational vehicles, utility trailers, motor homes or boat trailers owned by the occupant of the premises for personal use;
- M. Satellite television receiving antennas subject to the provisions of Article X – Additional Requirements for Specified Uses;
- N. Signs subject to the provisions of Article XI – Requirements Applying to All Districts;
- O. Terraces and patios;
- P. Other uses and structures that are customarily incidental and clearly subordinate to permitted uses or uses that require site plan review or special permits.
- Q. Minor solar collection systems

§ 30.0 Permitted Uses Subject to Site Plan Review

The following uses are allowed subject to site plan review as outlined in Article XIII Procedures:

- A. Bed and breakfast establishments;
- B. Day care centers that have a residential-like appearance;
- C. Home occupations – high intensity;
- D. Nursing or convalescent homes;
- E. Public and semi public uses;
- F. Places of worship;
- G. Residential care facilities that have a residential-like appearance;

§ 31.0 Special Permitted Uses

The following uses are allowed as Special Permit Uses in the R-2 District:

- A. Essential services;
- B. Site Fill that isn't included on an approved site plan for commercial or industrial uses.

§ 32.0 Lot, Area and Yard Requirements

The following lot, area and yard requirements apply to the R-2 District.

- A. Lot Frontage Requirements
 - (1) Residential Uses
 - (a) Minimum Lot Frontage – Single Family Residential – one hundred (100) feet
 - (b) Minimum Lot Frontage – Two Family Residential – one hundred twenty five (125) feet
 - (c) Minimum Lot Frontage – Multi-Family – one hundred fifty (150) feet
 - (2) Non Residential Uses
 - (a) Minimum Lot Frontage – one hundred (100) feet

B. Lot Area Requirements

(1) Residential Uses

(a) Single-Family Detached and Attached

(i) Minimum Lot Area – Detached and Attached – twenty thousand (20,000) square feet

(ii) Maximum Building Coverage – thirty-five (35) percent

(iii) Maximum Lot Coverage – fifty (50) percent

(b) Two-Family

(i) Minimum Lot Area – twenty two thousand (22,000) square feet

(ii) Maximum Building Coverage – thirty-five (35) percent

(iii) Maximum Lot Coverage – fifty (50) percent

(c) Multi-Family

(i) Minimum Lot Area – thirty thousand (30,000) square feet

(ii) Maximum Building Coverage – thirty-five (35) percent

(iii) Maximum Lot Coverage – fifty (50) percent

(2) Non-Residential Uses

(a) Minimum Lot Area – thirty thousand (30,000) square feet

(b) Maximum Building Coverage – thirty-five (35) percent

(c) Maximum Lot Coverage – fifty (50) percent

C. Yard Requirements

(1) Residential Uses

(a) Front Yards

(i) Minimum Front Yard Setback – Single and Two-family - forty (40) feet

(ii) Minimum Front Yard Setback – Multi-family - fifty (50) feet

(b) Side Yards

(i) Minimum Side Yard Setback – Single and Two-family - fifteen (15) feet

(ii) Minimum Side Yard Setback – Multi-family - twenty (20) feet

(iii) Minimum Side Yard Setback – Detached Accessory - fifteen (15) feet

(c) Rear Yard

(i) Minimum Rear Yard Setback – Single and Two-family - thirty (30) feet

(ii) Minimum Rear Yard Setback – Multi-Family - thirty (30) feet

(iii) Minimum Rear Yard Setback – Detached Accessory - fifteen (15) feet

(2) Non-Residential Uses

(a) Front Yards

(i) Minimum Front Yard Setback - (40) feet

(b) Side Yards

(i) Minimum Side Yard Setback - twenty (20) feet each side

(c) Rear Yard

(i) Minimum Rear Yard Setback – thirty (30) feet

D. Corner Lots

Both yards abutting streets shall be considered front yards and shall follow the regulations of this Article; all side and rear yards shall follow the regulations of this Article.

§ 33.0 Bulk Requirements

The following requirements apply to buildings constructed in the R-2 District.

- A. Building Heights
 - (1) Residential Uses
 - (a) Maximum Building Height – Single Family – thirty five (35) feet
 - (b) Maximum Building Height – Two Family – thirty five (35) feet
 - (c) Maximum Building Height – Multi-Family – thirty five (35) feet
 - (d) Maximum Building Height – Detached Accessory – twenty (20) feet
 - (2) Non-Residential Uses
 - (a) Maximum Building Height – thirty five (35) feet
- B. Building Floor Area
 - (1) Residential Uses
 - (a) Minimum Floor Area – One Story Dwelling – eight hundred and fifty (850) square feet
 - (b) Minimum Floor Area – Two Story Dwelling – twelve hundred (1,200) square feet
 - (c) Maximum Floor Area – Detached Accessory – twelve hundred (1,200) square feet
 - (2) Non-Residential Uses
 - (a) Minimum Floor Area – twelve hundred (1,200) square feet

§ 34.0 Personal Wireless Telecommunications Facilities (PWTF)

Personal wireless telecommunication facilities in the R-2 District shall be regulated as outlined in § 83.0 Personal Wireless Telecommunication Facilities.

§ 35.0 Additional Regulations

See Article XI – Requirements Applying to All Districts for additional regulations that apply to the R-2 District.

Article VII. C-1 General Mixed Use District

§ 36.0 Purpose

The intent of the C-1 General Mixed Use District is to provide locations to accommodate general retail, service, finance, insurance and real estate and related structures and uses. General Mixed Use Districts are often adjacent to Residential Districts to ensure the population of the Town is adequately serviced. The impacts of these districts on surrounding residential areas are reduced by permitting residential occupancy and allowing the conversion or partial use of residential structures to business and professional uses. Under usual circumstances, these districts will only be established in areas served by public water.

The intent of the C-1 Districts along the Routes 5 and 20 corridor is to allow appropriately scaled development that enhances community character and highlights important resources, especially agricultural resources and vistas, considered important to the community. Development should be transitional in scale and character between the more rural character of agricultural areas in the Town and the denser larger-scale development located in the C-2 Districts and adjacent Town of Geneva. Consequently, large-scale commercial development is not considered an appropriate use in the C-1 District along this corridor. This is reflected by the reduced square footage allowable for commercial uses in this District and requirement that there shall be no more than one principal building on a lot in the C-1 District, except for home businesses. All commercial development proposed in the hamlet areas of the Town needs to be of appropriate scale, intensity and character to the adjacent properties and neighborhood. Flexibility in design is encouraged, but must not adversely impact the character of the hamlet area.

§ 37.0 Permitted Uses and Structures

The following uses are permitted in the C-1 District:

- A. Single-family detached dwellings;
- B. Two-family dwellings;
- C. Apartment on second floor of existing commercial structures;
- D. All farm uses which are permitted in the Ag zoning district on a parcel within a County Ag district.

§ 38.0 Accessory Uses

The following are the accessory uses, buildings and structures permitted in the C-1 General Mixed Use District:

- A. Decks located in the side or rear yard;
- B. Detention and retention ponds;
- C. Fences, walls and hedges subject to the provisions of Article XI – Requirements Applying to All Districts;
- D. Home occupations, low intensity;
- E. Off-street parking for residents and guests of the principal use;
- F. Private athletic facility, including, but not limited to swimming pools or tennis courts, not operated for gain and not operated by a not-for-profit organization;
- G. Private family swimming pools are regulated in Article X – Additional Requirements for Specified Uses;
- H. Not more than one (1) commercial vehicle;
- I. Not more than one (1) each of the following when licensed and not fully screened or within an enclosed building: camp trailers, recreational vehicles, utility trailers, motor homes or boat trailers owned by the occupant of the premises for personal use;
- J. No more than 2 (two) accessory storage buildings are allowed on any residential lot;
- K. Signs subject to the provisions of Article XI – Requirements Applying to All Districts;
- L. Satellite television receiving antennas subject to the provisions of Article X – Additional Requirements for Specified Uses;
- M. Storage buildings, private detached garages, carports, pool houses, gazebos, patio covers;
- N. Terraces and patios;
- O. Other uses and structures that are customarily incidental and clearly subordinate to permitted uses or uses that require site plan review or special permits.
- P. Minor solar collection systems

§ 39.0 Permitted Uses Subject to Site Plan Review

The following uses are permitted subject to site plan review as outlined in Article XIII - Procedures:

- A. Residential Uses
 - (1) Single-Family Attached;
 - (2) Multi-family Attached.

- B. Non-Residential Uses. Non-residential buildings or structures shall occupy less than 5,000 square feet total aggregate in size on any single lot, except as otherwise outlined in these provisions.
 - (1) Adult Family Day Care Facilities
 - (2) Family and Group Family Day Care Facilities
 - (3) Dance, art, music or photo studios;
 - (4) Day care centers and nursery schools
 - (5) Health club and fitness facilities;
 - (6) Places of worship;
 - (7) Professional offices;
 - (8) Public and semi public facilities;
 - (9) Restaurants and bakeries, excluding drive-thrus;
 - (10) Retail sales and services;
 - (11) Bed and Breakfast Establishments;
 - (12) Major solar collection system or solar farm.

§ 40.0 Special Permit Uses

The following uses are allowed as Special Permit Uses in the C-1 General Mixed Use District. All specially permitted buildings and structures shall be less than 5,000 square feet total aggregate size:

- A. Essential services;
- B. Garden supply and nurseries;
- C. Health club and fitness facilities;
- D. Hotels or motels;
- E. Self storage warehouse under 4,000 total aggregate square feet;
- F. Site Fill that isn't included on an approved site plan for commercial or industrial uses;
- G. Banks;
- H. Nursing or Convalescent Homes;

- I. Mixed-use development in a single building. Any mixed-use development involving an owner-occupied residence shall be considered a Home Business and regulated in Section 7I; Mixed use development shall be allowed in multiple buildings in legal existence prior to the adoption date of this local law.
- J. Home Businesses.
- K. Motor vehicle repair and inspection services, excluding vehicle sales.
- L. Brewery
- M. Distillery
- N. Winery

§ 41.0 Lot, Area and Yard Requirements

The following lot, area and yard requirements apply to the C-1 District.

A. Lot Frontage Requirements

(1) Residential Uses

- (a) Minimum Lot Frontage – Single Family Residential – one hundred (100) feet
- (b) Minimum Lot Frontage – Two Family Residential – one hundred twenty five (125) feet
- (c) Minimum Lot Frontage – Multi-Family – one hundred fifty (150) feet

(2) Non Residential Uses

- (a) Minimum Lot Frontage – one hundred (100) feet

B. Lot Area Requirements

(1) Residential Uses

(a) Single-Family Detached and Attached

- (i) Minimum Lot Area – Detached and Attached – twenty thousand (20,000) square feet
- (ii) Maximum Building Coverage – thirty-five (35) percent
- (iii) Maximum Lot Coverage – fifty (50) percent

(b) Two-Family

- (i) Minimum Lot Area – twenty two thousand (22,000) square feet
- (ii) Maximum Building Coverage – thirty-five (35) percent
- (iii) Maximum Lot Coverage – fifty (50) percent

(c) Multi-Family

- (i) Minimum Lot Area – thirty thousand (30,000) square feet
- (ii) Maximum Building Coverage – thirty-five (35) percent
- (iii) Maximum Lot Coverage – fifty (50) percent

(2) Non-Residential Uses

- (a) Minimum Lot Area – thirty thousand (30,000) square feet
- (b) Maximum Building Coverage – fifty (50) percent
- (c) Maximum Lot Coverage – fifty (50) percent

C. Yard Requirements

(1) Residential Uses

(a) Front Yards

- (i) Minimum Front Yard Setback – Single and Two-family - forty (40) feet
- (ii) Minimum Front Yard Setback – Multi-family - fifty (50) feet

(b) Side Yards

- (i) Minimum Side Yard Setback – Single and Two-family - fifteen (15) feet each side
- (ii) Minimum Side Yard Setback – Multi-family - twenty (20) feet each side
- (iii) Minimum Side Yard Setback – Detached Accessory – fifteen (15) feet

(c) Rear Yard

- (i) Minimum Rear Yard Setback – Single and Two-family - thirty (30) feet
- (ii) Minimum Rear Yard Setback – Multi-Family - thirty (30) feet
- (iii) Minimum Rear Yard Setback – Detached Accessory - fifteen (15) feet

(2) Non-Residential Uses

(a) Front Yards

- (i) Minimum Front Yard Setback - forty (40) feet

(b) Side Yards

- (i) Minimum Side Yard Setback – fifteen (15) feet each side unless adjacent to a Residential District in which case the side yard shall be the same as the required side yard setback in the Residential District

(c) Rear Yard

- (i) Minimum Rear Yard Setback –fifteen (15) unless adjacent to a Residential District in which case the rear yard shall be the same as the required rear yard setback in the Residential District

D. Corner Lots

Corner lot front setbacks shall reflect the front setbacks of the other corner buildings at that intersection, but in no case shall be less than the average front yard depth of building(s) in the commercial district where the property is located.

§ 42.0 Bulk Requirements

The following requirements apply to buildings constructed in the C-1 District.

A. Building Heights

(1) Residential Uses

- (a) Maximum Building Height – Single Family – thirty five (35) feet
- (b) Maximum Building Height – Two Family – thirty five (35) feet
- (c) Maximum Building Height – Multi-family – thirty five (35) feet
- (d) Maximum Building Height – Detached Accessory– twenty (20) feet

(2) Non-Residential Uses

- (a) Maximum Building Height– forty (40) feet

B. Floor Area

(1) Residential Uses

- (a) Minimum Floor Area – One Story Dwelling – eight hundred and fifty (850) square feet
- (b) Minimum Floor Area – Two Story Dwelling – twelve hundred (1,200) square feet
- (c) Maximum Floor Area – Detached Accessory – twelve hundred (1,200) square feet

(2) Non-Residential Uses

- (a) Minimum Floor Area –twelve hundred (1,200) square feet

§ 43.0 Personal Wireless Telecommunications Facilities (PWTF)

Personal wireless telecommunication facilities in the C-1 District shall be regulated as outlined in § 83.0 Personal Wireless Telecommunication Facilities.

§ 44.0 Additional Regulations

See Article XI – Requirements Applying to All Districts for additional regulations that apply to the C-1 District.

Article VIII. C-2 Community Commercial District

§ 45.0 Purpose

The intent of the C-2 Districts along the Route 5 and 20 corridor is to allow appropriately scaled higher density development that preserves and enhances the Town's community character through appropriate design elements, amenities or treatments that create, enhance and reinforce the design relationships between the buildings, sites and streets.

§ 46.0 Permitted Uses and Structures

The following uses are permitted in the C-2 District:

- A. Accessory apartment on second floor of existing commercial structures;
- B. Adult family day care homes.
- C. Family and group family day care homes.
- D. All farm uses which are permitted in the Ag zoning district on a parcel within a County Ag district.

§ 47.0 Accessory Uses

The following are the accessory uses, buildings and structures permitted in the C-2 Community Commercial District:

- A. Decks located in the side or rear yard;
- B. Detention and retention ponds;
- C. Fences, walls and hedges subject to the provisions of Article XI – Requirements Applying to All Districts;
- D. Home occupations, low intensity;
- E. Home occupations, high intensity;
- F. Off-street parking for residents and guests of the principal use;
- G. Private athletic facility, including, but not limited to swimming pools or tennis courts, not operated for gain and not operated by a not-for-profit organization;
- H. Private family swimming pools are regulated in Article X – Additional Requirements for Specified Uses;
- I. Not more than one (1) each of the following when licensed and not fully screened or within an enclosed building: camp trailers, recreational vehicles, utility trailers, motor homes or boat trailers owned by the occupant of the premises for personal use;
- J. No more than 2 (two) accessory storage buildings are allowed on any residential lot;
- K. Signs subject to the provisions of Article XI – Requirements Applying to All Districts;
- L. Satellite television receiving antennas subject to the provisions of Article X – Additional Requirements for Specified Uses;
- M. Storage buildings, private detached garages, carports, pool houses, gazebos, patio covers;
- N. Terraces and patios;
- O. Other uses and structures that are customarily incidental and clearly subordinate to permitted uses or uses that require site plan review or special permits;
- P. Minor solar collection systems.

§ 48.0 Permitted Uses subject to site plan review

The following uses are permitted subject to site plan review as outlined in Article XIII - Procedures:

- A. Banks;
- B. Bed and breakfast establishments;
- C. Dance, art, music or photo studios;
- D. Day care centers and nursery schools;
- E. Health club and fitness facilities;
- F. Nursing or convalescent homes;
- G. Parks;
- H. Places of worship;
- I. Planned business centers;
- J. Professional offices;
- K. Public and semi public facilities;
- L. Restaurants and bakeries;
- M. Retail sales and services;
- N. Multi-family dwellings;
- O. Major solar collection systems or solar farms.

§ 49.0 Special Permit Uses

The following uses are allowed as Special Permit Uses in the C-2 District:

- A. Amusement enterprises not conducted within a completely enclosed building including a carnival or circus;
- B. Automatic and manual car washes;
- C. Automotive related uses, subject to the Article X - Additional Requirements for Specified Uses, including:
 - (1) Vehicle Repair.
 - (2) Vehicle Sales Areas.
 - (3) Vehicle Service Station.
 - (4) Vehicle Storage.
 - (5) Vehicle Wrecking.
- D. Building supply centers;
- E. Drive-thru restaurants, bakeries and banks;
- F. Essential services;
- G. Garden supply and nurseries;
- H. Health club and fitness facilities;
- I. Hotels or motels;
- J. Manufactured home Parks;
- K. Retail sales and services;
- L. Self storage warehouse;
- M. Site Fill that isn't included on an approved site plan for commercial or industrial uses;
- N. Mixed-use development in single or multiple buildings.
- O. Brewery
- P. Distillery
- Q. Winery
- R. Drinking Establishment

§ 50.0 Lot, Area and Yard Requirements

The following lot, area and yard requirements apply to the C-2 District.

- A. Lot Frontage Requirements
 - (1) Residential Uses
 - (a) Minimum Lot Frontage – Multi-Family – one hundred fifty (150) feet
 - (2) Non Residential Uses
 - (a) Minimum Lot Frontage – one hundred (100) feet
- B. Lot Area Requirements
 - (1) Residential Uses
 - (a) Multi-Family
 - (i) Minimum Lot Area – thirty thousand (30,000) square feet
 - (ii) Maximum Building Coverage - thirty-five (35) percent
 - (iii) Maximum Lot Coverage - fifty (50) percent
 - (2) Non-Residential Uses
 - (a) Minimum Lot Area – thirty thousand (30,000) square feet
 - (b) Maximum Building Coverage - fifty (50) percent
 - (c) Maximum Lot Coverage – fifty (50) percent
- C. Yard Requirements
 - (1) Residential Uses
 - (a) Front Yards
 - (i) Minimum Front Yard Setback – Multi-family - twenty (20) feet
 - (b) Side Yards
 - (i) Minimum Side Yard Setback – Multi-family - twenty (20) feet each side
 - (ii) Minimum Side Yard Setback – Detached Accessory – fifteen (15) feet
 - (c) Rear Yard
 - (i) Minimum Rear Yard Setback – Multi-Family - thirty (30) feet
 - (ii) Minimum Rear Yard Setback – Detached Accessory - fifteen (15) feet

(2) Non-Residential Uses

(a) Front Yards

- (i) Minimum Front Yard Setback - Average front yard depth of building(s) within one hundred (100) feet, but in no case more than one (1) foot larger than either of the front yard depths of buildings on the two adjacent lots. In cases where no buildings are within one hundred (100) feet, the minimum front yard setback shall be twenty (20) feet.

(b) Side Yards

- (i) Minimum Side Yard Setback – fifteen (15) feet each side unless adjacent to a Residential District in which case the side yard shall be the same as the required side yard setback in the Residential District

(c) Rear Yard

- (i) Minimum Rear Yard Setback –fifteen (15) unless adjacent to a Residential District in which case the rear yard shall be the same as the required rear yard setback in the Residential District t

D. Corner Lots

Corner lot front setbacks shall reflect the front setbacks of the other corner buildings at that intersection, but in no case shall be less than the average front yard depth of building(s) in the commercial district where the property is located.

§ 51.0 Bulk Requirements

The following requirements apply to buildings constructed in the C-2 District.

- A. Building Heights
 - (1) Residential Uses
 - (a) Maximum Building Height – Multi-family – thirty five (35) feet
 - (b) Maximum Building Height – Detached Accessory – twenty (20) feet
 - (2) Non-Residential Uses
 - (a) Maximum Building Height – forty (40) feet
- B. Floor Area
 - (1) Residential Uses
 - (a) Minimum Floor Area – One Story Dwelling – eight hundred and fifty (850) square feet
 - (b) Minimum Floor Area – Two Story Dwelling – twelve hundred (1,200) square feet
 - (c) Maximum Floor Area – Detached Accessory – twelve hundred (1,200) square feet
 - (2) Non-Residential Uses
 - (a) Minimum Floor Area – twelve hundred (1,200) square feet

§ 52.0 Personal Wireless Telecommunications Facilities (PWTF)

Personal wireless telecommunication facilities in the C-2 District shall be regulated as outlined in § 83.0 Personal Wireless Telecommunication Facilities.

§ 53.0 Additional Regulations

See Article XI – Requirements Applying to All Districts for additional regulations that apply to the C-2 District.

Article IX. M-1 General Industrial District

§ 54.0 Purpose

The purpose of the M-1 General Industrial District is to provide for the establishment of industrial uses and associated administrative offices essential to the development of a balanced economic base and the creation of local job opportunities in an industrial environment. The M-1 General Industrial District is established to regulate such development so that it will not be detrimental or hazardous to the surrounding community and to the general health, safety and well-being of the Town of Seneca. The District is established to encourage the development of non-noxious, non-polluting industry. The following outlines regulations that apply to the M-1 District:

§ 55.0 Permitted Uses and Structures

All farm uses which are permitted in the Ag zoning district on a parcel within a County Ag district. All other uses allowed in the M-1 District are subject to site plan review as specified in this Article.

§ 56.0 Accessory Uses

The following are the accessory uses, buildings and structures permitted in the M-1 District:

- A. Detention and retention ponds;
- B. Fences, walls and hedges subject to the provisions of Article X – Additional Requirements for Specified Uses;
- C. Satellite television receiving antennas subject to the provisions of Article X – Additional Requirements for Specified Uses;
- D. Signs subject to the provisions of Article XI – Requirements Applying to All Districts;
- E. Temporary buildings for uses incidental to construction work, which buildings shall be removed within fourteen (14) days upon completion or abandonment of the construction work;
- F. Utility buildings and facilities incidental to permitted uses and uses requiring site plan review or special permits;
- G. Retail and services such as restaurants (no drive-thru), convenience stores, retail banks, savings and loans and credit unions provided such accessory use constitutes no more than ten (10) percent of the developed floor area of the project and such accessory uses shall be located, arranged and integrated within the development to serve primarily the shopping and service needs of employees and businesses in and near the Industrial District.
- H. Other uses and structures that are customarily incidental and clearly subordinate to permitted uses or uses that require site plan review or special permits;
- I. Minor solar collection systems.

§ 57.0 Permitted Uses Subject To Site Plan Review

The following uses are permitted subject to site plan review as outlined in Article XIII - Procedures:

- A. Automatic and manual car washes;
- B. Automotive related uses, subject to the Article X - Additional Requirements for Specified Uses, including:
 - (1) Vehicle Repair.
 - (2) Vehicle Sales Areas.
 - (3) Vehicle Service Station.
 - (4) Vehicle Storage.
 - (5) Vehicle Wrecking.
- C. Corporate headquarters, regional headquarters and administrative offices. Local service offices such as real estate sales, insurance agencies, doctor's offices, or other offices typically found in commercial districts may only be included in a structure or integrated complex of at least twenty-five-thousand (25,000) square feet of gross floor area.
- D. Manufacturing uses, high-tech or light industrial when conducted within an enclosed building.
- ~~E.~~ Mixed-use facilities developed according to an approved site plan.
- F. Motels and hotels.
- G. Recycling centers.
- H. Research laboratories including testing facilities.
- I. Sexually oriented businesses, subject to the Additional Requirements for Specified Uses in §94.0, including only adult arcade, adult cabaret, adult movie theater, accessory adult retail store, adult retail store and escort agency.
- J. Site Fill that isn't part of a plan or construction activity approved by the Town;
- K. Technical and vocational schools.
- L. Warehouses.
- M. Permanent or Portable Sawmills.
- N. Food and meat processing facilities
- O. Brewery or winery
- P. Drinking Establishment
- Q. Major solar collection systems or solar farms.

§ 58.0 Lot, Area and Yard Requirements

The following lot, area and yard requirements apply to M-1 District.

- A. Lot Frontage Requirements
 - (1) Minimum Lot Frontage – one hundred (100) feet
- B. Lot Area Requirements
 - (1) Minimum Lot Area – fifteen thousand (15,000) square feet
 - (2) Maximum Building Coverage – fifty (50) percent
 - (3) Maximum Lot Coverage – seventy-five (75) percent
- C. Yard Requirements
 - (a) Minimum Front Yard Setback forty (40) feet
 - (b) Side Yard
 - (i) Minimum Side Yard Setback – fifteen (15) feet unless adjacent to a Residential District in which case the side yard shall be the same as the required side yard setback in the Residential District
 - (ii) Minimum Side Yard Setback – Detached Accessory– fifteen (15) feet
 - (c) Rear Yard
 - (i) Minimum Rear Yard Setback - Principal Use or Structure – fifteen (15) feet unless adjacent to a Residential District in which case the rear yard shall be the same as the required rear yard setback in the Residential District
 - (ii) Minimum Rear Yard Setback – Detached Accessory– fifteen (15) feet

§ 59.0 Bulk Requirements

The following requirements apply to buildings constructed in the M-1 District.

- A. Building Heights
 - (1) Maximum Building Height – thirty five (35) feet

§ 60.0 Personal Wireless Telecommunications Facilities (PWTF)

Personal wireless telecommunication facilities in the M-1 District shall be regulated as outlined in Article X, Additional Requirements for Specified Uses.

§ 61.0 Additional Regulations

See Article XI– Requirements Applying to All Districts for additional regulations that apply to the M-1 District.

Town of Tyre

Town of Tyre Zoning Law (Adopted 2018, revised 2021)

Article VI, Sections 100-34 – 100-40

Article VI – Zoning District Regulations

100-34 Agricultural District (AG)

A Intent

Agriculture and agriculturally related uses comprise a major component of the Town of Tyre. In an effort to preserve prime tracts of farmland, ensure the economic stability of the local farms and surrounding land, avoid conflicts between agricultural and non- agricultural uses, direct development away from prime soils, and retain the rural landscape and quality of life related to farming, the Town of Tyre has established a local Agricultural District (AG). The district is separate, but supportive of the County Agricultural District boundaries.

B Permitted Uses

Permitted uses shall be as follows, subject to the requirements specified below and elsewhere in this Law:

- 1) Agricultural or Farming Operations
- 2) Agricultural Services
- 3) Churches and Religious Uses
- 4) Dwelling, Single-Family
- 5) Farm/Farmers Market
- 6) Farmette
- 7) Game Management
- 8) Greenhouse, Agricultural
- 9) Greenhouse, Commercial
- 10) Greenhouse, Personal
- 11) Home Based Business
- 12) Home Occupations
- 13) Horticultural Use
- 14) Public Utilities
- 15) Roadside Stand
- 16) Equine Operation, Private
- 17) Veterinary Service
- 18) Any other use determined by the Zoning Board of Appeals to be of the same general character as the above permitted uses, but not including any permitted use specifically enumerated in a different zoning district.

Government and Essential Services (fire, emergency medical service, police, etc.) are permitted in all Zoning Districts.

C Special Use Permit

The following are uses permitted with a Special Use Permit from the Town Planning Board, subject to the requirements of §100-11 and are subject to the general development standards for specific uses related to Article VII (Regulations Applicable to All Zoning Districts), Article VIII (Supplementary Regulations for Specified Uses), Town of Tyre Site Plan Review Regulations (Local Law No. 2 of 2015, as amended), and to any other standards specified in this Law, or as may be required under Site Plan Review by the Planning Board to assure development and operation of the use without a detrimental impact on adjacent uses.

- 1) Airfield/Landing Strip (Private)
- 2) Bed and Breakfast
- 3) Campground
- 4) Cemetery
- 5) Commercial Distilling of Alcohol
- 6) Craft Brewery, Winery
- 7) Dwelling, Two-Family
- 8) Gasoline Station

- 9) Golf Course, Public/Private
- 10) Kennel
- 11) Marina
- 12) Motor Vehicle Repair Shop/Station
- 13) Outdoor Recreation
- 14) Private Club
- 15) Recreational Area
- 16) Recreational Sports Complex
- 17) Restaurant
- 18) Small Engine Repair
- 19) Woodworking/Metal Shop

D Lot Size

- 1) See the Town of Tyre Bulk and Use Table

E Lot Coverage

- 1) See the Town of Tyre Bulk and Use Table

F Setbacks

- 1) See the Town of Tyre Bulk and Use Table

G Height

- 1) See the Town of Tyre Bulk and Use Table

100-35 High Density Residential (HDR)

A Intent

The purpose of the HDR District is to promote higher density residential development in areas that have access to utilities and are convenient to shopping facilities and other services. Alternative means of transportation including bike paths, sidewalks, trails, and transit lines are encouraged in any future development. Limited, targeted, retail uses may be approved by the Planning Board in conformance with the Town Comprehensive Plan and in conformance with the intent of this zoning district.

B Permitted Uses

The following permitted uses shall be subject to the requirements specified below and elsewhere in this Law:

- 1) Agricultural or Farming Operations
- 2) Churches and Religious Uses
- 3) Dwelling, Attached of Row
- 4) Dwelling, Multi-Family
- 5) Dwelling, Single-Family
- 6) Dwelling, Two-Family
- 7) Farm/Farmers Market
- 8) Greenhouse
- 9) Group Home
- 10) Home Based Business
- 11) Home Occupations
- 12) Roadside Stand
- 13) Schools, Public/Private
- 14) Senior Housing
- 15) Any other Use, determined by the Zoning Board of Appeals to be of the same general character as the above Permitted Uses, but not including any Permitted Use specifically enumerated in a different zoning district.

Government and Essential Services (fire, emergency medical service, police, etc.) are permitted in all Zoning Districts.

C Special Use Permit

The following are Uses permitted with a Special Use Permit from the Town Planning Board, subject to the requirements of §100-11, and are subject to general development standards for specific uses related to: Article VII (Regulations Applicable to All Zoning Districts), Article VIII (Supplementary Regulations for Specified Uses), Town of Tyre Site Plan Review Regulations (Local Law No. 2 of 2015, as amended), and in addition to any other standards or regulations specified or set forth in this Law, or as required under Site Plan Review by the Planning Board to assure development and operation of the Use without a detrimental impact on adjacent uses:

- 1) Bed and Breakfast
- 2) Horticultural Use
- 3) Motor Vehicle Repair Shop/Station
- 4) Recreational Area, Trails
- 5) Retail
- 6) Swimming Pool, Public
- 7) Veterinary Services

D Lot Size

- 1) See the Town of Tyre Bulk and Use Table

E Lot Coverage

- 1) See the Town of Tyre Bulk and Use Table

F Setbacks

- 1) See the Town of Tyre Bulk and Use Table

G Height

- 1) See the Town of Tyre Bulk and Use Table

100-36 Commercial District West (C-1)

A Intent

The Commercial District West is intended to provide opportunities for retail, service and office development in commercial centers and existing commercial strips. Most business activities in this district are intended to be conducted within a completely enclosed building. A limited area may be used for seasonal outdoor business activities, product display or storage. Retail commercial uses should generally be situated along the major roadways of NYS Route 414 and NYS Route 318 in the C-1 District. Interior areas of parcels in the C-1 District should generally be reserved for non-retail uses such as office buildings and/or office parks.

B Permitted Uses

Permitted uses shall be as follows, subject to the requirements specified below and elsewhere in this Law:

- 1) Agricultural or Farming Operations
- 2) Animal Sales and Grooming
- 3) Bank
- 4) Bar or Tavern
- 5) Churches and Religious Uses
- 6) Convenience Store
- 7) Daycare Center
- 8) Drive-in Facility
- 9) Dwelling, Multi-Family

- 10) Farm/Farmers Market
- 11) Gasoline Station
- 12) Horticultural Use
- 13) Hotel
- 14) Inn
- 15) Kennel
- 16) Mini Mall
- 17) Motel
- 18) Motor Vehicle Repair Shop/Station
- 19) Motor Vehicle Wash
- 20) New Automobile Dealership
- 21) Personal Service Establishment
- 22) Professional Office
- 23) Recreation, Indoor Commercial
- 24) Recreational Area
- 25) Restaurant
- 26) Retail
- 27) Roadside Stand
- 28) Senior Housing
- 29) Shopping Center
- 30) Trucking Distribution Facility
- 31) Used Car Dealership
- 32) Veterinary Services
- 33) Any other Use, determined by the Zoning Board of Appeals to be of the same general character as the above Permitted Uses, but not including any Permitted Use specifically enumerated.

Government and Essential Services (fire, emergency medical service, police, etc.) are permitted in all Zoning Districts.

C Special Use Permit

The following are uses permitted with a Special Use Permit from the Town Planning Board, subject to the requirements of §100-11 and are subject to the general development standards for specific uses related to Article VII (Regulations Applicable to All Zoning Districts), Article VIII (Supplementary Regulations for Specified Uses), Town of Tyre Site Plan Review Regulations (Local Law No. 2 of 2015, as amended), in addition to any other standards specified in this Law, or as may be required under Site Plan Review by the Planning Board to assure development and operation of the use without a detrimental impact on adjacent uses:

- 1) None

D Lot Size

- 1) See the Town of Tyre Bulk and Use Table

E Lot Coverage

- 1) See the Town of Tyre Bulk and Use Table

F Setbacks

- 1) See the Town of Tyre Bulk and Use Table

G Height

- 1) See the Town of Tyre Bulk and Use Table

A Intent

The Commercial District East is intended to provide opportunities for Agri-Tourism oriented retail, service and Agriculture-based manufacturing development in appropriately located areas of Town. Most business activities in this district are intended to be conducted within a completely enclosed building. Limited areas may be used for seasonal outdoor business activities, product display or storage.

B Permitted Uses

Permitted uses shall be as follows, subject to the requirements specified below and elsewhere in this Law:

- 1) Agricultural or Farming Operations
- 2) Agri-Tourism Based Retail
- 3) Animal Sales and Grooming
- 4) Churches and Religious Uses
- 5) Commercial Distilling of Alcohol
- 6) Craft Brewery, Winery
- 7) Dwelling, Single-Family
- 8) Dwelling, Two-Family
- 9) Farm/Farmers Market
- 10) Horticultural Use
- 11) Recreational Area
- 12) Roadside Stand
- 13) Any other Use, determined by the Zoning Board of Appeals to be of the same general character as the above Permitted Uses, but not including any Permitted Use specifically enumerated.

Government and Essential Services (fire, emergency medical service, police, etc.) are permitted in all Zoning Districts.

C Special Use Permit

The following are uses permitted with a Special Use Permit from the Town Planning Board, subject to the requirements of §100-11 and are subject to the general development standards for specific uses related to Article VII (Regulations Applicable to All Zoning Districts), Article VIII (Supplementary Regulations for Specified Uses), Town of Tyre Site Plan Review Regulations (Local Law No. 2 of 2015, as amended), in addition to any other standards specified in this Law, or as may be required under Site Plan Review by the Planning Board to assure development and operation of the use without a detrimental impact on adjacent uses:

- 1) Agricultural Services
- 2) Bed and Breakfast
- 3) Convenience Store
- 4) Drive-in Facility
- 5) Gasoline Station
- 6) Inn
- 7) Personal Service Establishment
- 8) Professional Office
- 9) Recreation, Indoor Commercial
- 10) Restaurant
- 11) Retail
- 12) Trucking Distribution Facility
- 13) Used Car Dealership

D Lot Size

- 1) See the Town of Tyre Bulk and Use Table

- E Lot Coverage
 - 1) See the Town of Tyre Bulk and Use Table
- F Setbacks
 - 1) See the Town of Tyre Bulk and Use Table
- G Height
 - 1) See the Town of Tyre Bulk and Use Table

100-38 Industrial District (I-1)

- A Intent

The Industrial District is established to encourage more intensive industrial development along the established industrial areas in proximity of existing truck routes. The district is intended to direct traffic away from residential streets and minimize conflicts between industrial uses and surrounding land uses. Developments in this district are expected to employ access restrictions, including shared driveways and entry roads and buffering requirements to minimize impacts.
- B Permitted Uses

Permitted Uses shall be as follows, subject to the requirements specified below and elsewhere in this Law:

 - 1) Light Industry
 - 2) Light Manufacturing
 - 3) Machine Shop
 - 4) Machinery and Transportation Equipment Sales, Services and Repair
 - 5) Motor Vehicle Repair Shop/Station
 - 6) Small Engine Repair
 - 7) Woodworking/Metal Shop
 - 8) Any other use determined by the Zoning Board of Appeals to be of the same general character as the above permitted uses, but not including any Permitted Use specifically enumerated in a different zoning district.

Government and Essential Services (fire, emergency medical service, police, etc.) are permitted in all Zoning Districts.

- C Special Use Permit

The following are uses permitted with a Special Use Permit from the Town Planning Board, subject to the requirements of §100-11, and are subject to the general development standards for specific uses related to Article VII (Regulations Applicable to All Zoning Districts), Article VIII (Supplementary Regulations for Specified Uses), Town of Tyre Site Plan Review Regulations (Local Law No. 2 of 2015, as amended), and to any other standards specified in this Law, or as may be required under Site Plan Review by the Planning Board to assure development and operation of the use without a detrimental impact on adjacent use:

 - 1) Adult Uses
 - 2) Concrete/Asphalt Plant
 - 3) Recycling Facility
 - 4) Trucking, Distribution Facility
- D Lot Size
 - 1) See the Town of Tyre Bulk and Use Table
- E Lot Coverage
 - 1) See the Town of Tyre Bulk and Use Table
- F Setbacks

- 1) See the Town of Tyre Bulk and Use Table
- G Height
 - 1) See the Town of Tyre Bulk and Use Table

100-39 Mixed-Use District (MU)

A Intent

The Mixed Use District is intended to provide opportunities for a mix of retail, service, office, and residential uses on separate lots, or as mixed use buildings. The district is intended to accommodate a higher density of smaller scale building on smaller lots to accommodate a physical pattern of development. Buildings are typically set closer to the street, provide everyday services to nearby residents, promote walkability, and reflect the rural and agricultural character of the area.

B Permitted Uses

Permitted uses shall be as follows, subject to the requirements specified below and elsewhere in this Law:

- 1) Agricultural or Farming Operations
- 2) Animal Sales and Grooming
- 3) Churches and Religious Uses
- 4) Daycare Center
- 5) Dwelling, Single-Family
- 6) Farm/Farmers Market
- 7) Greenhouse
- 8) Home Based Business
- 9) Home Occupations
- 10) Personal Service Establishment
- 11) Professional Office
- 12) Recreational Area
- 13) Retail
- 14) Roadside Stand
- 15) Any other Use, determined by the Zoning Board of Appeals to be of the same general character as the above Permitted Uses, but not including any Permitted Use specifically enumerated.

Government and Essential Services (fire, emergency medical service, police, etc.) are permitted in all Zoning Districts.

C Special Use Permit

The following are uses permitted with a Special Use Permit from the Town Planning Board, subject to the requirements of §100-11, and are subject to the general development standards for specific uses related to Article VII (Regulations Applicable to All Zoning Districts), Article VIII (Supplementary Regulations for Specified Uses), §100-44, Town of Tyre Site Plan Review Regulations (Local Law No. 2 of 2015), in addition to any other standards specified in this Law, or as may be required under Site Plan Review by the Planning Board to assure development and operation of the use without a detrimental impact on adjacent uses:

- 1) Agricultural Services
- 2) Convenience Store
- 3) Commercial Distilling of Alcohol
- 4) Dwelling, Multi-Family
- 5) Motor Vehicle Repair Shop/Station
- 6) Small Engine Repair
- 7) Used Car Dealership
- 8) Woodworking/Metal Shop

D Lot Size

- 1) See the Town of Tyre Bulk and Use Table

- E Lot Coverage
 - 1) See the Town of Tyre Bulk and Use Table
- F Setbacks
 - 1) See the Town of Tyre Bulk and Use Table
- G Height
 - 1) See the Town of Tyre Bulk and Use Table

100-40 Planned Unit Development District (PUD)

A Statement of Purpose and Authority

The purpose of this Planned Unit Development (PUD) Article is to set forth the procedures and requirements for establishing and mapping PUD districts in the Town, which may be located on land that is zoned at least in part as commercial, after authorization by the Town Board in accordance with this Article. The PUD district is intended to provide land use and design flexibility to facilitate development of mixed-use or single use projects in a unified manner, which projects would not otherwise be possible in the underlying zoning district or under standard zoning regulations. The PUD district is intended to balance the need for flexible land use planning with the need for appropriate land use variety and design, efficient use of public improvements, and protection of community interests. This Article is intended to ensure that PUDs contribute positively to the community by requiring sound land use planning consistent with the goals and intentions of the Town of Tyre Comprehensive Plan and this law.

Areas may be zoned as a PUD district by the Town Board. The Town Board can decide not to entertain any petition or application to rezone, including one to rezone to PUD district.

All development restrictions for any PUD district, such as height limits, building coverage, and lot size, shall be those set forth under this Article and in the legislation rezoning an area as a PUD district following approval of a PUD district application. The Town Board may impose any conditions or limitations that it determines are necessary or desirable to ensure that the development is consistent with the Town Comprehensive Plan and this law, including limiting the permitted uses, location or size of structures, providing for open space, requiring screening, construction sequencing or bonds, or requiring other assurances of completion of any infrastructure to be built as part of the development.

B Definitions

Unless otherwise stated, the definitions set forth in Article I of the Town Zoning Law shall apply to this Article.

C General Requirements for Planned Unit Development Districts General Guidelines.

- 1) A person that seeks to establish a PUD district in the Town of Tyre must submit a PUD District Application to the Town Board in accordance with Section 2A.204 of Local Law #1 of 2014, as amended. Only persons who can demonstrate legal control over the parcel(s) covered by the proposed PUD district, or their authorized representative(s), may file a PUD District Application. A contract-vendee for a parcel or parcels of land may be considered to have sufficient legal control for purposes of submitting a PUD District Application.
- 2) The establishment of a PUD district shall require two steps: (i) approval of the PUD District Application, which contains the conceptual Development Plan for the project, pursuant to Section 2A.204 of Local Law #1 of 2014, as amended; and (ii) enactment of a local law to establish the legal boundaries and authorized parameters of the PUD district and to amend the Town Zoning Map to depict the approved PUD district pursuant to Section 2A.205 of Local Law #1 of 2014, as amended.
- 3) After a PUD district is established, the applicant must obtain approval of the Site Plan for the project in the PUD district pursuant to Section 2A.206 of Local Law #1 of 2014, as amended.
- 4) No permit for the erection of a building or structure may be granted until after all necessary approvals under this Article have been issued.

D Location, Use, and Minimum Dimensional Requirements.

- 1) The minimum area required to qualify for a PUD district shall be seventy-five (75) contiguous acres of land. A PUD district may be located only where a portion of the contiguous acreage for the proposed development is in an area zoned for commercial use.
- 2) In a PUD district, buildings and land may be used for any lawful purpose which the Town Board may authorize.
- 3) No structure in a PUD district shall exceed the lesser of six (6) stories or eighty (80) feet in height. Chimneys and utility infrastructure attached to such structures may extend above the highest point of the building structure.
- 4) Because land is used more efficiently in a PUD district, improved environmental quality can often be produced with greater density or intensity (e.g. amount of floor space per building) than is usually permitted in traditionally-zoned districts. The Town Board has authority to determine in each case the appropriate land use intensity and/or density for individual projects, including but not limited to, the total land area, if any, devoted to open space.

E Application to Create a PUD District and Approval Procedures
General

- 1) The applicant or its authorized agent shall apply to the Town Board for approval to establish a PUD district in the Town in accordance with the following procedures.
- 2) In accordance with the provisions of [enter applicable citation], the applicant for a PUD district shall pay and the Town shall be entitled to receive reimbursement for expenses associated with the review of any application submitted pursuant to this Article.

F Submission of the PUD District Application.

A person seeking to create a PUD district in the Town of Tyre must submit a PUD District Application to the Town Board for approval, together with payment in full for the application fee required by the fee schedule set by the Tyre Town Board. The Town Engineer will advise the Town Board on whether a PUD District Application is complete for purposes of compliance with this Section and further review under this Article. The Town Board thereafter may determine whether to proceed with reviewing the PUD District Application. Each PUD District Application shall be comprised of the following:

- 1) Evidence that the applicant is the owner, or otherwise has legal control, over the parcel(s) covered by the PUD District Application such that the applicant will be capable of implementing the proposed development.
- 2) A conceptual Development Plan, at an appropriate scale, illustrating the type, uses and design of the proposed development, which shall also include the following information:
 - a) Description of the parcels involved by the tax map numbers, legal descriptions, addresses, and ownership;
 - b) An area map prepared by a licensed engineer showing applicant's entire holding, that portion of the applicant's property under consideration for the PUD district, and all properties, streets, and easements within 500 feet of the applicant's property;
 - c) A location map showing existing and proposed uses and proposed lot lines, and ownership and use of abutting lands;
 - d) Topography, soil conditions, utilities, and drainage;
 - e) Land uses, building locations and sizes (including height, footprint, and total square footage), and signage;
 - f) Roads, parking, and walks;
 - g) Open space areas;
 - h) Landscaping, screening and buffering; and
 - i) Principal ties to the community at large with respect to transportation, water supply, and stormwater, sanitary and solid waste disposal.
- 3) Evidence that the proposal is compatible with the goals of the Town Comprehensive Plan.

- 4) An explanation of how the proposed development creates a long-term community benefit for the Town and why a PUD is desirable for the proposed development rather than the existing zoning.
- 5) If the development is to be staged, a general indication of how the staging will proceed, together with evidence that the applicant has the technical and financial competence to carry out the plan.
- 6) A completed Part 1 Full Environmental Assessment Form (FEAF), together with any necessary photographs, maps, reports, or other exhibits for purposes of reviewing the application under the State Environmental Quality Review Act (SEQRA). The completed FEAF shall consider the full scope of the proposed development set forth in the PUD District Application.

G Compliance with SEQRA.

In its review and determination on the PUD District Application, the Town Board will comply with the provisions of SEQRA set forth under Article 8 of the New York State Environmental Conservation Law and its implementing regulations set forth at 6 NYCRR Part 617. During the SEQRA review, the Town Board shall make a determination of significance for each PUD District Application, and if the Town Board issues a positive declaration of significance, then an Environmental Impact Statement shall be prepared for the proposed conceptual Development Plan and the rezoning.

H Local Agency Referrals.

If the Town Board accepts the PUD District Application for review, the Town Board shall refer the PUD District Application, which includes the Development Plan, to the Town Planning Board and the Seneca County Planning Board for their review and recommendation.

- 1) Referral to the Town Planning Board. The Town Board shall refer the PUD District Application to the Planning Board for review. The Planning Board shall review the Application and render its recommendation on the proposed PUD district to the Town Board in writing. The Planning Board may recommend approval or disapproval of the PUD District Application, or make other recommendations. The Planning Board shall review the Application at its next regularly scheduled meeting after receiving the referral, provided the Planning Board receives the referral at least ten (10) calendar days before that meeting, otherwise the Planning Board shall review the Application at its regular meeting scheduled for the following month. The Planning Board shall thereafter promptly report its recommendation(s) on the proposed PUD district to the Town Board. In evaluating the Application and formulating its recommendations to the Town Board, the Planning Board shall consider the following factors:
 - a) Whether the proposal meets the Town zoning and planning goals for the area in question;
 - b) Whether the proposal meets the intent and objectives of this Article;
 - c) Whether the proposal is conceptually sound and conforms to accepted design principles for any proposed functional roadway, wastewater treatment and disposal, pedestrian system, land use and configuration, open space system, and drainage system; and
 - d) Whether there are adequate services and utilities available and/or proposed to be made available for the planned development.
- 2) Referral to the Seneca County Planning Board. The Town Board shall refer a full statement of the PUD District Application to the Seneca County Planning Board in accordance with New York State General Municipal Law § 239-m.

I Public Hearing

- 1) The Town Board shall conduct a public hearing on the PUD District Application after proper notice is given.
- 2) Notice of the public hearing must be published in a newspaper of general circulation at least five (5) calendar days prior to the date of the scheduled public hearing. Such notice shall contain the date, time, and place of the hearing as well as sufficient information necessary to identify the property(s) involved and the nature of the proposed action.
- 3) The public hearing shall not be held until after the Town Board completes the SEQRA review for the PUD District Application, which completion occurs upon the Town Board issuing either a

negative declaration of significance or accepts and concurs with a Final Environmental Impact Statement with SEQRA Findings for the proposed project.

J Determination.

Within sixty-two (62) days of the close of the public hearing held pursuant to Section 2A.204(E) of Local Law #1 of 2014, as amended, provided the Town Board has received the recommendations of the Town Planning Board and the Seneca County Planning Board, the Town Board shall consider those recommendations and render its decision to either approve or disapprove the PUD District Application (which includes the Development Plan). The Town Board must issue its final decision by written resolution. The Town Board must take into consideration the following factors in reaching its determination:

- a) Nature of the proposed uses and the appropriateness of regulating those uses through a PUD district;
- b) Relationship of the various uses to one another and their scale;
- c) Adequacy and arrangement of traffic access and circulation including intersections, road widths, channelization structures, and traffic controls;
- d) Adequacy and arrangement of pedestrian access and circulation including separation of pedestrian from vehicular traffic, walkway structures, control of intersections with vehicular traffic, and pedestrian convenience;
- e) Location, arrangement, appearance and sufficiency of parking;
- f) Location, arrangement, size and design of buildings, lighting and signs;
- g) Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or a noise deterring buffer between adjacent uses and adjoining lands;
- h) Protection of adjacent properties against noise, glare, unsightliness, or other objectionable features;
- i) Location and adequacy of open space;
- j) Adequacy of stormwater and sanitary waste disposal facilities;
- k) Adequacy of structures, roadways and landscaping in areas with moderate to high susceptibility to flooding and ponding and/or erosion;
- l) Compliance with SEQRA;
- m) Whether the proposed project creates a long-term community benefit for the Town; and
- n) Conformance with the Town's goals reflected in the Town Zoning Law and the Town Comprehensive Plan.

K Conditions Relating to Financing.

The Town Board may condition approval of the PUD District Application upon submission by the applicant of a letter of credit, performance bond, and/or other financial documentation demonstrating the adequacy of the applicant's financial resources to complete the proposed development.

L Architectural Requirements.

The Town Board may require the exterior design of all structures be made by, or under the direction of, a registered architect whose seal shall be affixed to the plans. The Town Board may impose architectural style requirements so that the buildings and improvements within the project are internally harmonious and appropriate to the community as a whole.

M Development Plan Modification.

Any modification or amendment to an approved Development Plan must conform to the procedures set forth in this Section, including submission of an application for approval of a Modified Development Plan and subsequent review by the Town Board to reach a determination on the application. If the modification affects the boundaries of the PUD district or any of the authorized uses, the Town Board shall amend the local law establishing the PUD district and/or the Town Zoning Map in accordance with Section 2A.205 of Local Law #1 of 2014, as amended, to reflect the changes.

N Establishment of a PUD District and Zoning Map Amendment

Within ninety (90) days of issuing its resolution approving the PUD District Application, the Town Board shall adopt a local law to establish and define the legal boundaries and authorized uses for the approved PUD district and to amend the Town Zoning Map to depict the district.

The Town Board shall enact the local law in accordance with the procedures set forth under the New York State Municipal Home Rule Law (MHRL).

- 1) Under the MHRL, the Town Board must hold a public hearing on a local law after giving proper notice of the hearing.
- 2) Notice of the public hearing must be published in a newspaper of general circulation at least five (5) calendar days prior to the date of the scheduled public hearing. Such notice shall contain at least the date, time, and place of the hearing as well as sufficient information necessary to identify the property(s) involved and the nature of the proposed action.
- 3) A public hearing held on a local law to establish the PUD district and amend the Town Zoning Map may be held in conjunction with the public hearing on the PUD District Application under Section 2A.204(E) of Local Law #1 of 2014, as amended. However, no public hearing on the local law may be held until after the necessary SEQRA review is complete.

To the extent required under New York State General Municipal Law § 239-m, the Town Board shall refer any proposed local law to establish a PUD district and to amend the Town Zoning Map to the Seneca County Planning Board for review and recommendation. Notwithstanding any provision to the contrary in the Town Zoning Law, the Town Board shall not be required to refer any proposed local law to establish a PUD district to the Town Planning Board or the Town Zoning Board of Appeals for review and recommendation.

A person or entity whose PUD District Application is approved shall have one (1) year, measured from the date the Town Board enacts a local law establishing the PUD district for the project, to apply for Site Plan approval in accordance with Section 2A.206 of Local Law #1 of 2014, as amended. Upon written request, the Town Board may extend the one-year period for submitting a Site Plan application, taking into consideration any reasonable facts and circumstances that led to the request for an extension. A person or entity who fails to either apply for Site Plan approval or request an extension of time within the allotted one-year period is deemed to have abandoned its planned PUD and the Town Board may adopt a resolution revoking the approval of the PUD District Application for the project, after which the Town Board may adopt a new local law to remove the PUD district and revert the property to the zoning designation in effect immediately before the PUD District Application was approved.

O Site Plan Applications and Approval Process

General. An application for Site Plan approval for a PUD shall be submitted to the Town Board after the Town Board has adopted a local law establishing that PUD district. The Site Plan for a PUD district shall be consistent with the Development Plan approved for the PUD district.

Site Plan Contents. The Site Plan shall be accompanied by materials and information set forth in the Town of Tyre Site Plan Review Regulations (Local Law #2 of 2015, as amended) which, at minimum, includes the following information prepared by a licensed engineer, architect, and/or landscape architect:

- 1) A topographic map showing contour intervals of not more than five feet of elevation.
- 2) A Site Plan that contains the following information:
 - a) Title of drawing and the name and address of the applicant;
 - b) North point, scale, and date;
 - c) Boundaries of the property plotted to scale;
 - d) Existing watercourses;
 - e) A depiction of the location of: all buildings along with descriptions of their proposed uses and heights; the location of all parking and truck loading areas, with access and egress drives thereto; location and proposed development of all open spaces including parks,

- playgrounds and open reservations; location of outdoor storage, if any; location of all existing or proposed site improvements, including drains, culverts, retaining walls and fences; description of method of sewage disposal and location of such facilities; location and size of all signs; location and proposed development of buffer areas; location and design of lighting facilities; and the amount of building area proposed for non-residential uses, if any; and
- f) Details of any proposed signage.
- 3) Agency Referral.
- a) The Town Board shall refer the Site Plan application to the Town Planning Board for review and recommendation. The Planning Board shall review the Site Plan and render its recommendation to the Town Board in writing. The Planning Board may recommend approval, disapproval, or conditional approval. The Planning Board shall review the Site Plan at its next regularly scheduled meeting, provided the Planning Board receives the referral at least seven (7) calendar days before that meeting, otherwise the Planning Board shall review the Application at its regular meeting scheduled for the following month. The Planning Board shall thereafter promptly report its recommendation(s) on the Site Plan to the Town Board.
 - b) To the extent required under New York State General Municipal Law § 239-m, the Town Board shall refer the Site Plan application to the Seneca County Planning Board for review and recommendation.
- 4) Compliance with SEQRA. In its review and determination on the Site Plan application, the Town Board will comply with the provisions of SEQRA set forth under Article 8 of the New York State Environmental Conservation Law and its implementing regulations set forth at 6 NYCRR Part 617. If the Site Plan exceeds the thresholds for environmental impacts previously considered by the Town Board for the relevant PUD district during the review of the PUD District Application, then the Town Board shall conduct additional review of the proposal under SEQRA.
- 5) Site Plan Determination. Subject to compliance with the requirements of SEQRA, within sixty-two (62) days of receiving all information necessary to make its determination, the Town Board shall consider the recommendations of the Town Planning Board and the Seneca County Planning Board and render its decision to either approve, approve with conditions, or disapprove the Site Plan. The Town Board must issue its final decision by written resolution. The Town Board must take into consideration the following factors in reaching its determination:
- a) Consistency with the approved Development Plan;
 - b) The existing character of the neighborhood and the relationship, beneficial or adverse, of the proposed development to this neighborhood;
 - c) The location of principal and accessory buildings on the site in relation to one another and to other structures and uses in the vicinity, including bulk and height;
 - d) The provision for pedestrian circulation and open space in the PUD district;
 - e) The traffic circulation features within the site, including the amount of, location of and access to automobile parking and terminal loading areas;
 - f) The amount of traffic generated at peak hours and the provisions for adequately handling such volumes, with particular reference to points of ingress and egress, potential hazards, such as inadequate sight distances and intersection design, and the nature and suitability of the connecting street or highway system to absorb the anticipated changes;
 - g) The provisions for storm, sanitary and solid waste disposal, and other utilities for the property;
 - h) The proposed landscaping and signage; and
 - i) The manner in which the physical design makes adequate provision for service demands (water, sewer, fire, etc.) and adequate traffic control.
- 6) Request for Changes in the Development Plan. If during review of the Site Plan it becomes apparent that certain elements of the Development Plan, as it has been approved by Town Board, are not feasible and need modification, the applicant shall then present its solution to the Town Board as its Site Plan in accordance with this Section. The Town Board shall then determine

whether or not the Site Plan still aligns with the intent of the PUD district. If a negative decision is reached, the Site Plan shall be considered disapproved. The applicant may then, if it chooses, either:

- a) Produce another Site Plan that conforms with the approved Development Plan; or
- b) Apply to the Town Board for a modification of its approved Development Plan, in which case the applicant must submit a modified Development Plan meeting the requirements of Section 2A.204(B) of Local Law #1 of 2014, as amended, and the Town Board shall follow the procedures under Section 2A.204(D)-(F) of Local Law #1 of 2014, as amended, to determine whether to approve, conditionally approve, or disapprove the modified Development Plan. If approved or conditionally approved, the modified Development Plan shall supersede the original Development Plan and the Site Plan must be consistent with the modified Development Plan. If the modified Development Plan is disapproved, the originally approved Development Plan shall remain in force and the Site Plan the applicant submits must be consistent with it.

7) Staging.

If the applicant wishes to stage its development, and it has so indicated in its Site Plan application, then it may submit only those stages it wishes to develop for Site Plan approval in accordance with its staging plan. Any plan which requires more than 24 months to be completed shall be required to be staged and a staging plan must be developed. It is the intent of this Article that individual stages of the PUD district will have an integrity of use in their own right so that, if for any reason, the entire PUD district would not be completed, those portions of the PUD district already constructed will be an asset to the community by themselves. Staging plans must take in account this objective, and applicants proposing individual stages that deviate significantly from the overall character of the PUD district shall present evidence that such a stage is consistent with the Development Plan approved by the Town Board.

8) Zoning Permit and Certificate of Zoning Compliance.

- a) PUD districts are subject to the requirements relating to Zoning Permits and Certificates of Zoning Compliance under the Town Zoning Law.
- b) If a Zoning Permit application to allow construction of the building(s) or structure(s) in accordance with the approved Site Plan has not been filed within one (1) year after the date of the Town Board resolution approving the Site Plan, then the Site Plan approval shall be deemed revoked and vacated effective on the one-year anniversary date of the Site Plan approval resolution. The Town Board may extend the one-year period for seeking a Zoning Permit application, upon written request, taking into consideration reasonable facts and circumstances including the timing of any staging plan approved by the Town Board pursuant to Section 2A.206(G) of Local Law #1 of 2014, as amended.

9) Site Plan Modification.

Any modification or amendment to an approved Site Plan must conform to the procedures set forth in this Section, including submission of an application for approval of a Modified Site Plan and subsequent review by the Town Board to reach a determination on the application.

10) Exclusive Procedures.

Notwithstanding any provisions to the contrary in the Town Zoning Law, the procedures set forth under this Section, together with the procedures and requirement of the Town of Tyre Site Plan Review Regulations (Local Law #2 of 2015, as amended) shall be the exclusive procedures by which a Site Plan for a PUD district is reviewed.

P Sign Regulations General

With the exception of signage for public and private institutional and recreational facilities, including a casino and casino complexes, the approval of any signs shall be governed by the requirements of Article X of the Town Zoning Law.

- 1) Due to the unique signage associated with public and private institutional and recreational facilities, a PUD district approved for such use shall allow for a wide range of unique signage and building lighting not otherwise contemplated in the underlying zoning.

- a) The following types of specialty signage may be authorized, subject to the approval of the Town Board, which shall confer with the Zoning Enforcement Officer (regarding any aspects related to applicable building codes and permits) and the New York State Department of Transportation (regarding any traffic safety hazard impacts):
 - (i) Blade signs and theater marquee signs;
 - (ii) Roof top parapet signs;
 - (iii) Façade projection signs (static or animated);
 - (iv) Animated electronic billboard signs;
 - (v) Pinned-off letter signs;
 - (vi) Internally and externally illuminated signs;
 - (vii) First and second surface signs applied to glazing or facades;
 - (viii) Banners;
 - (ix) Seasonal and special event building and site lighting;
 - (x) Architectural building and site lighting to accent design features;
 - (xi) Animated, lighted fountains; and
 - (xii) Streetscape elements.
- b) All specialty signage must be properly and fully maintained in good working condition at all times so as to not detract from the development's appearance.

Village of Waterloo

Village of Waterloo Zoning (Adopted 1996)

Article II-V

Chapter 245

ZONING

[HISTORY: Adopted by the Board of Trustees of the Village of Waterloo 9-9-1996 by L.L. No. 4-1996 (Ch. 30 of the 1984 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Planning Board — See Ch. 40.

Flood damage prevention — See Ch. 124.

Environmental quality review — See Ch. 112.

Mobile homes — See Ch. 159.

Building construction — See Ch. 119.

ARTICLE II
Zoning Map and Districts

§ 245-3. Adoption of Zoning Map. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

Zoning districts are bounded and defined as shown on a map entitled "Zoning Map, Village of Waterloo, New York," which map, and all amendments thereto, is adopted as part of this chapter and which, with all explanatory matter and dimensions thereon, is hereby made a part of this chapter and included herein.

§ 245-4. Certification and use of map. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

The original of the Zoning Map, Village of Waterloo, New York, shall be certified by the Village Board and Village Clerk-Treasurer, and all changes and amendments to said map shall be promptly made by the Board and Village Clerk-Treasurer as directed by the Village Board. The original of such Zoning Map, and all amendments thereto, shall remain on file in the office of the Village Clerk-Treasurer and shall be made available for public inspection and use during Village office hours.

§ 245-5. Establishment of boundaries.

The following principles are intended to apply to the location of zoning district boundaries:

- A. Boundary lines are intended to follow lot lines or the center lines of streets, highways, alleys, railroads, watercourses or easements, or such lines as they may be extended, or to be parallel or perpendicular thereto, unless such boundary lines are otherwise fixed by dimensions, as shown on the Zoning Map.
- B. Where a boundary is indicated as approximately following the edge of a river, pond or similar public water body, the mean high-water line thereof shall be construed to be such boundary.
- C. Where a boundary is indicated as approximately following a lot line or extension thereof, such lot line or extension shall be construed to be such boundary.
- D. Questions or disagreements concerning the exact location of a district boundary line shall be resolved by the Village of Waterloo Zoning Board of Appeals. **[Amended 7-12-1999 by L.L. No. 3-1999]**

§ 245-6. Annexed land.

Any land added to the incorporation area of the Village of Waterloo by annexation shall be automatically classified in the R1 Residential District for zoning purposes pending application for and adoption of a permanent zoning district designation.

§ 245-7. Types of districts.

The following types of zoning districts are hereby created and established in the Village of Waterloo for the intent and purpose described below:

- A. The districts shall be classified in accordance to their density and intensity uses. The hierarchical classification for uses is as follows:
 - R1 Lowest intensity/density
 - R2
 - R3
 - R4

SD

GB

CB

LI

HI Highest intensity/density

- B. R1 Residential District. The intent of the R1 Residential District is to designate areas where low-density, one-unit dwellings constitute the existing and desired future developmental character and where substantial restrictions on the use of land and the density of development are necessary to preserve present character and protect the economic value of existing and future investment. Development which occurs in the R1 Residential District should be comparable with existing population density and the environmental and architectural character of the surrounding area.
- C. R2 Residential District. The intent of the R2 Residential District is for the provision of a residential district encompassing primarily one-unit dwellings with a small (secondary) portion of two-unit dwelling structures. The R2 District has certain restrictions on the intensity and land use characteristics to ensure the desired future development of the area and to adequately prevent overcrowding and traffic congestion.
- D. R3 Residential District. The intent of the R3 Residential District is to provide a variety of dwelling types, including multiple-unit dwellings and townhouses, and a low to moderate population density. The district's intent is to preserve the existing neighborhood character of one-unit dwellings and to protect the economic value of built-up areas. Restrictions on the conversion of existing homes into multiple-unit dwellings are in the best interest of the district and the community.
- E. R4 Residential District. The intent of the R4 Residential District is to designate areas where a broad range of dwelling unit types is presently available and is desired as the future developmental character. Increased population density will provide for the maximum utilization of the land. The R4 District will allow for a limited mixture of commercial activity.
- F. SD Service District. The SD District provides neighborhood convenient services mixed with or adjacent to residential areas.
- G. GB General Business District. The General Business District is an area of high concentrations or strips of intense commercial activity. The district is found along the major traffic routes within the Village.
- H. CB Central Business District. The Village's core has been identified as the CB District. The district provides for intense service and commercial land uses in a dense area. The CB District also serves as a cultural and historical point for the community. The land use and density of the CB District encourages pedestrian-related activities.
- I. LI Light Industrial District. The intent of the Light Industrial District is to retain and attract industry within the Village that does not consist of intense industrial activity. The LI District encourages clean or soft industries which will not disrupt the adjacent areas within the Village.
- J. HI Heavy Industrial District. The Heavy Industrial District is provided to accommodate intensive manufacturing and industry. The HI District may accommodate additional truck traffic. Performance standards and criteria are required to provide attractive and compatible uses with areas surrounding the district.

ARTICLE III
Residential Districts

§ 245-8. R1 Residential District.

- A. Purpose. The purpose of the R1 Residential District is to enhance and protect stable and developing single-family neighborhoods.
- B. Permitted uses.
- (1) By right:
 - (a) Single-family detached dwelling with two-vehicle garage.
 - (2) Special permit:
 - (a) Churches, places of worship, parish houses, Sunday school buildings and parochial schools.
 - (b) Home occupations.
 - (c) Residential-designed manufactured homes.
 - (d) Public utility structures.
 - (e) Signs.
 - (f) Conversions.
 - (g) Accessory use or structure.
- C. Bulk regulations.
- (1) Density: 5.8 dwelling units per acre.
 - (2) Minimum lot size: 7,500 square feet.
 - (3) Minimum lot width: 75 feet.
 - (4) Minimum yard dimensions:
 - (a) Front: 25 feet.
 - (b) Sides: seven feet.
 - (c) Rear: 25 feet. **[Amended 7-12-1999 by L.L. No. 3-1999]**
 - (5) Maximum floor area ratio (FAR): two-tenths (20%) (7,500 times .2 equals 1,500).
 - (6) Maximum lot coverage: 30%.
 - (7) Maximum building height: 35 feet.
 - (8) Minimum off-street parking: two parking spaces per dwelling unit. Parking in the front setback area is not allowed.

§ 245-9. R2 Residential District.

- A. Purpose. The purpose of the R2 Residential District is to allow for slightly higher density neighborhoods with a mixture of single-family dwellings and two-family houses.

B. Permitted uses.

(1) By right:

- (a) Single-family homes.
- (b) Duplexes.
- (c) Two-family homes.

(2) By special permit:

- (a) Churches, places of worship, parish houses, Sunday school buildings and parochial schools.
- (b) Home occupations.
- (c) Residential-designed manufactured homes.
- (d) Public utility structures.
- (e) Signs.
- (f) Conversions.
- (g) Accessory use or structure.

C. Bulk regulations.

- (1) Density: 7.8 dwelling units per acre.
- (2) Minimum lot size: 6,000 square feet.
- (3) Minimum lot width: 60 feet.
- (4) Yard dimensions:
 - (a) Front: 25 feet.
 - (b) Sides: seven feet.
 - (c) Rear: 25 feet. **[Amended 7-12-1999 by L.L. No. 3-1999]**
- (5) Maximum floor area ratio (FAR): 3/10 (30%).
- (6) Maximum lot coverage: 30%.
- (7) Maximum building height: 35 feet.
- (8) Minimum off-street parking: two parking spaces per dwelling unit. Parking in the front setback area is not allowed.

§ 245-10. R3 Residential District.

A. Purpose. The purpose of the R3 Residential District is to allow for a higher density for buffering and transitional residential areas.

B. Permitted uses.

(1) By right:

- (a) Single-family homes.

- (b) Two-family homes.
- (c) Duplexes.
- (d) Three-family homes.
- (2) By special permit:
 - (a) Churches, places of worship, parish houses, Sunday school buildings and parochial schools.
 - (b) Home occupations.
 - (c) Residential-designed manufactured homes.
 - (d) Public utility structures.
 - (e) Signs.
 - (f) Conversions.
 - (g) Accessory use or structure.
 - (h) Bed-and-breakfast. **[Added 3-12-2001 by L.L. No. 3-2001]**

C. Bulk regulations.

- (1) Density: 8.7 units per acre.
- (2) Minimum lot size: 4,000 square feet.
- (3) Minimum width: 35 feet (50 feet minimum for single family).
- (4) Yard dimensions:
 - (a) Front: 25 feet.
 - (b) Sides: seven feet.
 - (c) Rear: 25 feet. **[Amended 7-12-1999 by L.L. No. 3-1999]**
- (5) Floor area ratio (FAR): 35%.
- (6) Maximum lot coverage: 30%.
- (7) Maximum building height: 35 feet.
- (8) Minimum off-street parking: 1.5 parking spaces per dwelling unit. Parking in the front setback area is not allowed.
- (9) Maximum impervious material: 15%.

§ 245-11. R4 Residential District.

- A. Purpose. The purpose of the R4 Residential District is to provide for apartment-type and higher density structures in a community setting.
- B. Permitted uses.
 - (1) By right:
 - (a) Single-family homes.

- (b) Two-family homes.
- (c) Duplexes.
- (d) Three- and four-family homes.
- (2) By special permit:
 - (a) Churches.
 - (b) Conversions.
 - (c) Housing development projects.
 - (d) Mixed uses with apartments.
 - (e) Nontransient roomer.
 - (f) Public utility structures.
 - (g) Residential-designed manufactured homes.
 - (h) Mobile home parks.
 - (i) Signs.
 - (j) Accessory use or structure.
 - (k) Bed-and-breakfast. **[Added 3-12-2001 by L.L. No. 3-2001]**

C. Bulk regulations.

- (1) Density: 29.1 units per acre.
- (2) Minimum lot size: 8,000 square feet (1,500 square feet for each added lot over five units).
- (3) Minimum lot width: 100 feet.
- (4) Yard dimensions:
 - (a) Front: 20 feet.
 - (b) Sides: seven feet. **[Amended 1-8-2001 by L.L. No. 2-2001]**
 - (c) Rear: 20 feet. **[Amended 7-12-1999 by L.L. No. 3-1999]**
- (5) Floor area ratio: one (100%).
- (6) Maximum lot coverage: 75%.
- (7) Maximum building height: 35 feet.
- (8) Minimum off-street parking: 1.5 parking spaces per dwelling unit. Parking in the front setback area is not allowed.
- (9) Maximum impervious material: 40%.

ARTICLE IV
Business Districts

§ 245-12. SD Service District.

- A. Purpose. The purpose of the SD Service District is to allow uses near or associated with residential structures for convenience and service-type uses.
- B. Permitted uses.
- (1) By right:
- (a) Ambulance service.
 - (b) Artist studio.
 - (c) Bakery shop.
 - (d) Barbershop/beauty shop.
 - (e) Business office.
 - (f) Clubs or lodges.
 - (g) Dressmakers.
 - (h) Dry cleaners (retail).
 - (i) Fire service.
 - (j) Food market.
 - (k) Laundry pickup and/or laundromat.
 - (l) Multi dwelling (three+).
 - (m) Newsstand.
 - (n) Parking lot.
 - (o) School, public. **[Amended 7-12-1999 by L.L. No. 3-1999]**
 - (p) Shoemaker/repair.
 - (q) Tailor.
 - (r) Tobacco store.
 - (s) Upholsterer.
 - (t) Day-care facilities.
 - (u) Florist.
 - (v) Funeral home.
 - (w) Photo studio.
 - (x) Tanning salon.
 - (y) Bank. **[Added 2-11-2002 by L.L. No. 1-2002]**

- (2) By special permit:
 - (a) Churches.
 - (b) Conversions (changing use or occupancy of dwelling).
 - (c) Gasoline station and/or motor vehicle service and repair shop.
 - (d) Mixed use with apartments.
 - (e) Public utility structures.
 - (f) Library.
 - (g) School, private. **[Amended 7-12-1999 by L.L. No. 3-1999]**
 - (h) Garden apartments.
 - (i) Governmental offices and/or police station.
 - (j) Professional offices.
 - (k) Townhouses.
 - (l) Hospital (human).
 - (m) Medical/dental clinics.
 - (n) Nursing home.
 - (o) Proprietary homes.
 - (p) Signs.
 - (q) Recreational facilities and golf courses. **[Amended 7-12-1999 by L.L. No. 3-1999]**

C. Bulk regulations.

- (1) Density: 20 dwelling units per acre.
- (2) Minimum lot size: 5,000 square feet.
- (3) Minimum width: 50 feet.
- (4) Yard dimensions:
 - (a) Front: 20 feet.
 - (b) Sides: five feet.
 - (c) Rear: 20 feet. **[Amended 7-12-1999 by L.L. No. 3-1999]**
- (5) Floor area ratio (FAR): two (200%).
- (6) Maximum lot coverage: 75%.
- (7) Maximum building height: 60 feet.
- (8) Minimum off-street parking: 1.5 parking spaces per dwelling unit.
- (9) Maximum impervious material: 75%.

(10) Buffer zone: 10 feet.

§ 245-13. GB General Business District.

A. Purpose. The purpose of the GB General Business District is to allow for more intense business activities within a community.

B. Permitted uses.

(1) By right:

- (a) Ambulance service.
- (b) Antique dealer.
- (c) Art gallery.
- (d) Artist studio.
- (e) Bakery shop.
- (f) Bank.
- (g) Barbershop/beauty shop/tanning salon.
- (h) Billiard parlor.
- (i) Business, limited.
- (j) Business offices.
- (k) Caterer.
- (l) Clubs or lodges.
- (m) Decorator.
- (n) Dressmaker.
- (o) Drugstore.
- (p) Dry cleaners, retail.
- (q) Fire service.
- (r) Florist.
- (s) Food market.
- (t) Governmental offices.
- (u) Hardware store.
- (v) Home occupations.
- (w) Hospital (human).
- (x) Laundry pickup.
- (y) Liquor store.

- (z) Medical/dental clinics.
 - (aa) Newsstands.
 - (bb) Parking lot.
 - (cc) Photography studio.
 - (dd) Police station.
 - (ee) Printer.
 - (ff) Professional offices.
 - (gg) Recreation center.
 - (hh) Restaurant.
 - (ii) Retail sales.
 - (jj) School, private.
 - (kk) Shoemaker/repair.
 - (ll) Skating rink.
 - (mm) Tailor.
 - (nn) Tavern.
 - (oo) Tobacco store.
- (2) By special permit:
- (a) Shopping center.
 - (b) Adult uses.
 - (c) Theater.
 - (d) Amusement center.
 - (e) New and used motor vehicle sales.
 - (f) Bus station.
 - (g) Video arcade.
 - (h) Dance hall.
 - (i) Video distributor.
 - (j) Motor vehicle gas and service station.
 - (k) Library.
 - (l) Hotel.
 - (m) Mid-rise apartment.
 - (n) Motel.

- (o) Motor vehicle repair shop.
- (p) Greenhouse.
- (q) Parking garage.
- (r) Public utility structures.
- (s) Garden apartments.
- (t) Multi dwelling (three+).
- (u) Townhouses.
- (v) Signs.
- (w) Regulated sexually oriented adult business.

C. Bulk regulations.

- (1) Density: 40 units per acre.
- (2) Minimum lot size: 5,000 square feet.
- (3) Minimum width: 50 feet.
- (4) Yard dimensions:
 - (a) Front: 10 feet.
 - (b) Sides: five feet.
 - (c) Rear: 20 feet. **[Amended 7-12-1999 by L.L. No. 3-1999]**
- (5) Floor area ratio: 2.5 (250%).
- (6) Maximum lot coverage: 90%.
- (7) Maximum building height: 60 feet.
- (8) Minimum off-street parking: one parking space per unit.
- (9) Maximum impervious material: 90%.
- (10) Buffer zone: 10 feet.

§ 245-14. CB Central Business District. [Amended 12-9-2013 by L.L. No. 2-2013]

- A. Purpose. The Central Business District is the heart of the Village. Supporting a thriving and successful business community is regarded as a critically important objective. The purpose of the Central Business District is to better serve the residents of the Waterloo community with zoning and codes that focus on increasing safety, security, and ensuring development of retail, commercial, and residential space that respects the historic and pedestrian-friendly nature of the Village's downtown area.
- B. Permitted uses:
 - (1) Retail stores;
 - (2) Business and professional offices;

- (3) Personal services;
- (4) Restaurants; bars;
- (5) Hotels;
- (6) Residential, only on second, third or fourth floor;
- (7) Parking as an accessory use to a principal building;
- (8) Religious institutions;
- (9) Governmental offices or services.

C. By special permit:

- (1) Apartments, only on second, third or fourth floor;
- (2) Retail mall;
- (3) Outlet mall;
- (4) Signs;
- (5) Other commercial uses upon a finding by the Village Board that such uses are compatible with those permitted and which will not be detrimental to other uses within the district or to adjoining land users.

D. Lot and building rules.

- (1) All lots shall have no front yard, and the principal building thereon shall abut the sidewalk, except existing residential-house-type structures, regardless of their current use, shall have and maintain a front yard setback from the front lot line to the structure's original building front line.
- (2) All lots shall have a minimum total side yard of 20 feet but are encouraged to have no side yard and for the principal building thereon to abut the principal building(s) next to it where feasible.
- (3) All principal buildings shall be a minimum of two aboveground stories and a maximum of four aboveground stories high.
- (4) Drive-throughs are permitted under the following conditions only:
 - (a) Only one drive-through lane per building lot;
 - (b) Drive-throughs shall be located entirely behind the principal building and shall not be visible from the street;
 - (c) Drive-throughs may not exit directly onto a street;
 - (d) Drive-throughs are permitted only on lots where at least 10 motor vehicles can be stacked on the lot and separate from the parking circulation while waiting for service at the drive-through.
- (5) Parking is not a permitted use and may only be constructed as an accessory use. Parking, if any, shall be located entirely behind the principal building on the lot. No parking shall front on any street.
- (6) Commercial uses may be located on any floor of a principal building; however, residential uses shall only be located on the second, third or fourth floors of multi-use buildings.
- (7) Principal buildings shall have no more than 7,500 square feet of total area on any floor, and may not exceed 60 feet in height.

- (8) Principal buildings shall have no less than 350 square feet of overall habitable space in a single-occupant dwelling unit, of which 120 square feet must be available in a designated sleeping room; for a two-occupant dwelling unit, there shall be no less than 600 square feet of overall habitable space, of which no less than 240 square feet must be available in a designated sleeping room; for dwelling units of three or more occupants, there shall be an additional 100 square feet per occupant of overall habitable space, of which no less than 60 square feet per occupant must be provided in a designated sleeping room.
- (9) Principal buildings must have two parking spaces on the premises for each unit.
- (10) Minimum clear glass area: at least 75% of the first floor of the front of the principal building shall be clear glass.
- (11) Principal buildings shall have and maintain the main entrance to the building on the front of the building.
- (12) It is encouraged that all additions and/or improvements to existing structures be of the same architectural style, use the same type of materials, be of the same height and width, and have the same window and door orientation as the original structure.
- (13) Storefront alterations, window alterations, signs and awnings will require a permit issued by the Code Administration Officer. [**Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)**]

ARTICLE V
Industrial Districts

§ 245-15. LI Light Industrial District.

- A. Purpose. The purpose of the LI Light Industrial District is to provide a district in which light manufacturing, warehousing and other land uses are allowed to operate under established performance standards, which have been introduced to ensure compatibility, health, welfare and safety to adjacent neighborhoods and the overall community.
- B. Permitted uses.
- (1) By right:
- (a) Auction house.
 - (b) Animal hospital.
 - (c) Commercial dry cleaning.
 - (d) Fire protection/equipment service.
 - (e) Animal kennels.
 - (f) Parking lot.
 - (g) Police station.
 - (h) Scientific research/testing laboratories.
 - (i) Storage buildings.
 - (j) Storage yards.
- (2) By special permit:
- (a) Transportation terminals.
 - (b) Public utility structures.
 - (c) Publishing operations.
 - (d) Printers.
 - (e) Building material sales yard.
 - (f) Private trade schools.
 - (g) Warehousing.
 - (h) Electronics manufacturing and assembly.
 - (i) Light assembly and packaging.
 - (j) Recycling center.
 - (k) Agricultural equipment and supplies storage, sales and service.
 - (l) Truck and trailer storage, sales and service.

(m) Construction equipment and materials storage, sales and service.

(n) Chemical and pharmaceutical production.

C. Bulk regulations.

(1) Minimum lot size: 15,000 square feet.

(2) Minimum width: 100 feet.

(3) Minimum yards:

(a) Front: 25 feet.

(b) Sides: 20 feet.

(c) Rear: 25 feet. **[Amended 7-12-1999 by L.L. No. 3-1999]**

(4) Floor area ratio (FAR): 3.0.

(5) Maximum lot coverage: 80%.

(6) Maximum building height: 60 feet.

(7) Maximum impervious material: 80%.

(8) Minimum distance between buildings (buffer): 25 feet.

(9) Parking: one space for every 500 square feet of gross floor space.

(10) When adjacent to a residential district, no building or accessory use shall be within 15 feet, plus the height of the building, from the property line facing the residential district. A ten-foot-wide strip along the residential property line shall be landscaped with seasonal bushes, trees and shrubs. The design plan for such a buffer shall be submitted to the Planning Board for approval.

§ 245-16. HI Heavy Industrial District.

A. Purpose. The HI Heavy Industrial District has been established to provide an area within the Village where industrial processing can be permitted.

B. Permitted uses.

(1) By right:

(a) Building contractor office and yard.

(b) Building material yard.

(c) Fire service.

(d) Parking lot.

(e) Railroad yards.

(f) Transportation terminal.

(g) Frozen food locker.

(h) Auto repair (body work and repainting).

- (i) Sheet metal, machine and welding operations.
 - (j) Wholesale distribution center.
 - (k) Truck terminal.
 - (l) Truck repair service.
 - (m) Recycling center - processing.
 - (n) Maintenance buildings.
- (2) By special permit: manufacturing, compounding, assembling, processing, fabrication and treatment of the following products and/or materials:
- (a) Brick, tile or stone.
 - (b) Ceramic, pottery, crockery or china.
 - (c) Concrete paving mixing plants.
 - (d) Glass and shell.
 - (e) Hard goods and appliances.
 - (f) Leathers, furs and feathers.
 - (g) Metal.
 - (h) Notions and sundries.
 - (i) Pharmaceuticals.
 - (j) Straw and similar vegetation.
 - (k) Textiles, dry goods and soft goods.
 - (l) Tools, instruments and implements.
 - (m) Vehicles.
 - (n) Wood and cork.
 - (o) Public utility structures, substations and yards.

C. Bulk regulations.

- (1) Minimum lot size: 30,000 square feet.
- (2) Minimum width: 150 feet.
- (3) Minimum yards:
 - (a) Front: 25 feet.
 - (b) Sides: 30 feet.
 - (c) Rear: 25 feet. **[Amended 7-12-1999 by L.L. No. 3-1999]**
- (4) Floor area ratio (FAR): 3.0.

- (5) Maximum lot coverage: 80%.
- (6) Maximum building height: 60 feet.
- (7) Maximum impervious material: 80%.
- (8) Maximum distance between buildings: 25 feet.

§ 245-17. Studies and preventative measures.

The Planning Board may require such studies and preventative measures as it deems necessary to ascertain the degree of, and to remedy the presence of, noxious factors, such as, but not limited to, noise, odor, air pollutants and glare, which may be present at any point on the boundary of the lot. Such studies and remedies will be required as part of the submittal for a zoning permit, site plan review and/or building permit and will be the financial responsibility of the applicant.

§ 245-18. Performance standards.

This chapter permits specific uses in industrial districts (LI and HI), and these performance standards are designed to limit, restrict and prohibit the effects of those uses outside their premises or district. All structures, lands, air and waters shall hereafter, in addition to their use and site regulations, comply with the following performance standards:

- A. Air pollution. No activity shall emit any fly ash, dust, fumes, vapors, mists or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation or other forms of property. No activity shall emit any liquid or solid particles in concentrations exceeding 0.3 grain per cubic foot of the conveying gas or any color visible smoke equal to or darker than No. 2 on the Ringlemann Smoke Chart.
- B. Fire and explosive hazards. All activities involving the manufacturing, utilization, processing or storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire-fighting and fire-suppression equipment and devices that are standard in the industry and shall comply with the federal, state and Village of Waterloo fire and safety codes.
- C. Glare and heat. No activity shall emit glare or heat that is visible or measurable at the boundaries of the lot on which the principal use is located. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.
- D. Water quality protection. No activity shall locate, store, discharge or permit the discharge of any treated, untreated or inadequately treated liquid, gaseous or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that would be likely to runoff, seep, percolate or wash into surface or subsurface waters so as to contaminate, pollute or harm such waters or cause nuisance, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste or unsightliness, or be harmful to human, animal, plant or aquatic life.
- E. Noise.²
 - (1) No activity in any district shall produce a sound level outside the district boundary that exceeds the following sound level measured by a sound-level meter and associated octave band filter:

2. Editor's Note: See also Ch. 166, Noise.

Octave Band Frequency (cycles per second)	Sound Level (decibels)
0 to 74	72
75 to 149	67
150 to 299	59
300 to 599	52
600 to 1,199	46
1,200 to 2,399	40
2,400 to 4,799	34
4,800 and above	32

- (2) All noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character or shrillness. For impact sounds measured with an impact noise analyzer, the sound-pressure levels set forth above may be increased by six decibels in each octave band.
- (3) Exemptions. The following uses and activities shall be exempt from the noise level regulations:
- (a) Noises not directly under the control of the property user.
 - (b) Noises emanating from construction and maintenance activities between 7:00 a.m. and 9:00 p.m.
 - (c) The noises of safety signals, warning devices and emergency pressure-relief valves.
 - (d) Transient noises of moving sources, such as automobiles, trucks, airplanes and railroads.

- F. Odors. No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious or unhealthful outside its premises.
- G. Radioactivity and electrical disturbances. No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.
- H. Vibration. No activity in any district except the HI District shall emit vibrations which are discernible without instruments outside its premises. No activity in the LI District shall emit vibrations which exceed the following displacement measured with a three-component measuring system:

Frequency (cycles per second)	Displacements	
	Outside the Premises	Outside the District
	(inches)	(inches)
0 to 10	0.0020	0.0004
11 to 20	0.0010	0.0002
21 to 30	0.0006	0.0001
31 to 40	0.0004	0.0001
41 to 50	0.0003	0.0001
51 and over	0.0002	0.0001