
ARTICLE I
GENERAL PROVISIONS

§ 30.1 Title

This Chapter shall be known and may be cited as "The Zoning Law of the Town of Elbridge, New York".

§ 30.2 Definitions

A. Generally.

In the interpretation of this Chapter, the following rules shall apply.

1. Words used in the present tense include future tense.
2. The singular includes the plural.
3. The word "person" includes a corporation as well as an individual.
4. The word "lot" includes the word "plot" or "parcel".
5. The term "used" or "occupied" as applied to any land or structure shall be construed to include the words, "intended", "arranged", or "designed to be occupied".

B. Specific terms.

As used in this Chapter, unless the context or subject matter shall otherwise require, the following terms shall have the following meanings:

1. "Accessory building" A building the use of which is customarily incidental to that of the principal building.
2. "Accessory Use, Residential" A use, not otherwise contrary to law, customarily incidental to the use of a building for dwelling purposes and including, home workshops, hobbies, and avocations which do not constitute a nuisance by reason of smoke, noise, odor, vibration, or electrical disturbance; No nonresident associates are allowed.
3. "Accessory use, other than residential" A use, not otherwise contrary to law, customarily incidental and subordinate to the principal use.

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4. "Adult Housing Facility" Includes adult care facilities, enriched housing programs, adult homes and senior citizen housing projects, which may include some appropriate ancillary uses.
 5. "Agriculture" is a farm operation as defined in Article 25AA of the New York State Agriculture and Markets Law.
 6. "Building" A structure designed to be used as a place of occupancy, storage or shelter and which is enclosed on all sides.
 7. "Building, height" The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof, exclusive any spire, belfry, clock tower, chimney flue, satellite dish, antenna or other similar structures.
 8. "Building, principal" The building on a lot which houses the principal use.
 9. "Commercial Animal Boarding" Commercial animal boarding facility uses include uses which provide boarding for domestic animals.
 10. "Commercial Indoor Lodging" Includes uses which provide overnight housing in individual rooms or suites or rooms. Such uses may provide in -room or in-suite kitchens, and may also provide indoor or outdoor recreational facilities.
 11. "Contractor's Services" Includes the business of construction, remodeling, repairing and/or landscaping of buildings, structures and lots and which stores building supplies and contractor's equipment on site, and also services equipment and performs some fabrication on site.
 12. "Dwelling" A building used as the living quarters for one or more families which is permanently anchored to a continuous weight bearing perimeter foundation wall.
 13. "Dwelling, single family" A dwelling occupied by one family.
 14. "Dwelling, two family" A dwelling occupied by two families living independently of each other and having separate kitchen and bathroom facilities for each family.
 15. "Dwelling, multiple family" A dwelling occupied by three (3) or more families living independently of each other and having separate kitchen and bathroom facilities for each family.
 16. "Family" One or more persons related or unrelated by blood, marriage or adoption, living together as a functional family using in common kitchen and bathroom facilities and all other areas of the dwelling except bedrooms.

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17. "Fuel Distribution" The storage and delivery in bulk of any fuel.
18. "Fuel Stations and Carwashes" Fuel stations and car washes include all sites from which motor fuel is sold and vehicles are washed, even though other services are offered on the site. Fuel sales and car wash activities are deemed to predominate and therefore any other sales and services which are offered on the same site shall be considered a secondary use, such as is the case with a convenience store.
19. "Heavy Industrial" Heavy industrial uses are industrial uses which may be wholly or partially located outside of an enclosed building, and which may have the potential to emit odor, noise, heat, vibration or radiation which is detectable at the property line, or may involve materials which pose a significant public safety hazard.
20. "Highway" An area which by law or conveyance is designated for use for highway purposes by any governmental unit, regardless of who the title owner of the area may be, and also regardless of which portion of it may be improved for use by motor vehicles.
21. "Home Occupation" A business principally conducted from the residential premises of the owner and its conduct is incidental and accessory to the principal residential use of the lot. Homework in conjunction with one business or employment principally conducted elsewhere shall not be construed as conducting a home occupation.
22. "Indoor Sales" Indoor sales uses include uses which conduct sales of goods and/or display merchandise or equipment in an enclosed building. A use in which the outdoor display area exceeds fifteen per cent of the indoor sales area shall be considered an Outdoor Sales Use.
23. "Indoor Commercial Entertainment" Indoor commercial entertainment uses include all uses which provide entertainment services entirely within an enclosed building. Such activities often have operating hours which extend significantly later than most other commercial uses. Such uses include theaters, health or fitness centers, all forms of studios (dance, art, martial arts, etc.) bowling alleys, arcades, roller rinks and pool halls. Restaurants and taverns are excluded.
24. "Indoor Institutional" Includes libraries, museums, educational institutions, adult and child day care centers, religious institutions.
25. "Light Industrial" Light industrial uses are industrial processes which are conducted entirely within an enclosed building, and which do not emit odor,

noise, heat, vibration or radiation which is detectable at the property line and do not pose a significant public safety hazard.

26. "Lot" A designated parcel, tract or area of land created by conveyance, subdivision, or eminent domain.

27. "Lot, area" The total area within the lines of a lot, excluding any public and private right of way.

28. "Lot, corner" A lot fronting on two highways.

29. "Lot depth" The depth of a lot is the mean horizontal distance from its front line to its rear lot line, measured in the general direction of its side lot lines.

30. "Lot width" The width of a lot is its width measured at the front yard setback.

31. "Lot coverage" The percentage of the area of a lot that is covered by buildings, structures and parking areas.

32. "Motor Vehicle Maintenance and Service" Motor Vehicle maintenance and service includes uses which perform maintenance services, including repairs. All operations except loading must be performed entirely within an enclosed building. No outside storage of vehicle parts, dismantled vehicles or similar articles shall be permitted. Motor vehicle sales are not allowed. Sale of motor vehicle parts is also allowed.

33. "Motor Vehicle Sales" Includes the sales of new and or used motor vehicles.

34. "Outdoor Recreation" These uses include only the commercial use of golf courses regardless of the number of holes or par strokes, fishing ponds, tennis courts, basketball courts, baseball diamonds, football fields, soccer fields and also includes facilities for overnight or short term parking for motor homes, trailers or other camp ground activities. Also included are archery and gun clubs.

35. "Outdoor Sales" Outdoor sales uses include uses which sell, rent or display merchandise or equipment predominantly outside of an enclosed building. This use includes farm and contractor equipment sales, but does not include motor vehicle sales.

36. "Parking space" An area for the temporary parking of motor vehicles which has at least 10 feet of width and 20 feet of length.

37. "Personal and Professional Service" Includes uses whose primary function is the provision of services directly to an individual. Such uses include all licensed and unlicensed professional services, non-professional services, banking services, self-service facilities such as coin operated laundromats, as well as acute care

medical facilities that operate during limited hours and do not provide overnight care.

38. "Public Service and Utilities" Includes waste water treatment plants, public and private utility substations, water towers, railroads, airports, and utility and public service related distribution facilities including pipelines, towers, conventional television, radio and communications antennae. Also included are public safety services such as ambulance, fire departments and police agencies.

39. "Restaurants and Taverns" Includes all facilities whose principal business is the sale of prepared food and any type of beverage.

40. "Riding Stable" A riding stable is a business which consists of one or more of the following activities: the boarding of less than 10 horses, riding instruction or the renting of horses for trail riding.

41. "Second Hand Material and Parts Facility" Second hand material facilities include uses which display, store and offer for sale used construction material and mechanical parts. This activity may only be conducted upon a parcel of at least three acres and all materials and parts must be stored and displayed within an enclosed building.

42. "Storage and Warehousing" Storage and warehousing uses are oriented to the receiving, holding, and shipping of packaged or unpackaged materials. Such uses include contractors' storage yards, equipment yards, lumberyards, coal yards, construction materials yards, mini-storage facilities, shipping materials yards, warehouse facilities, indoor storage facilities and freight terminals. Such uses do not include the storage of inoperable vehicles or equipment, or other materials typically associated with a junkyard or salvage yard.

43. "Structure" Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Structures include walls, fences, radio towers, swimming pools, etc.

44. "Trucking" The business of hauling various materials or goods including the pick-up of waste as well as the transportation of motor vehicles and equipment by trailers attached to trucks.

45. "Vehicle Dismantler" The business of acquiring motor vehicles and trailers for the purpose of dismantling the same and selling the major and minor component parts thereof and the reselling of such vehicles as scrap.

46. "WECS" Any mechanism designed for the purpose of converting wind energy into electrical energy.

47. "Yard, front" The space extending the full width of the lot between any building and the front lot line and measured perpendicular to the front lot line, unless the lot is a flag lot, in which case the depth of the required front yard is measured from the point at which the access merges with the regular portion of the lot. In the event that the front lot line lies within a public or private highway right of way, the front yard setback shall be measured from the inside edge of such right of way. A corner lot must comply with the front yard requirement for each yard which fronts a highway.

48. "Yard, rear" Space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular from the rear lot line to the closet point of such building.

49. "Yard, side" The space extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closet point of such building.

ARTICLE II

ESTABLISHMENT OF DISTRICTS

§ 30.21 Establishment of Districts

For the purpose of promoting the health, safety, morals and the general welfare of the community, the Town of Elbridge is hereby divided into the following districts:

Agricultural Zoning District Kester Homestead
Rural Residential District
Residential "R-1" District
Service District
Business "B-1" District
Business "B-2" District
Business "B-3" District
Industrial District
Eno Point Planned District
Municipal District

In addition to the foregoing Districts the following floating districts may be established upon application of a proposer for a specific project:

Planned Unit Development District
Planned Commercial District
Planned Industrial District

§ 30.22 Zoning Map

The boundaries of the districts are established as shown on the map entitled; "The Zoning Map of the Town of Elbridge" dated August 22, 2011 and called the "Zoning Map" in this Chapter. The Zoning Map, including all the explanatory material on it, is made a part of this Chapter.

The Town Clerk shall certify the Zoning Map as part of this Chapter and keep it on file in his or her office.

Any changes in district boundaries or other matter shown on the Zoning Map shall be promptly made on the map, accompanied by a signed statement substantially as follows:

"On [date], by action of the Town Board of Elbridge, the following change was made on the Zoning Map".

[Brief Description of the Change]

Supervisor

Attest:

§ 30.23 Interpretation of District Boundaries

If there is uncertainty as to the exact boundaries of districts as shown on the Zoning Map the following rules shall apply:

A. Boundaries shown as approximately following the center line of highways shall be construed to follow such center lines;

B. Boundaries shown as approximately following lot lines shall be construed to follow such lot lines;

C. Boundaries shown as following shore lines of streams, lakes, and reservoirs shall be construed to follow such shore lines.

§ 30.24 Interpretation of Uses

There is no intention to allow any and all uses in the Town of Elbridge. Uses are generally referred to for the purpose of designating the zoning district within which such land uses are allowed. Uses which are defined in §30.2(B) shall be interpreted to include other similar uses which have similar attributes and impacts and all uses shall be construed to include accessory uses, buildings and structures. The same approach shall be applied to identified uses which are not defined herein and which should be interpreted based upon general usage of such terms. Certain uses are specifically prohibited in Section 30.26 as a matter of town public policy. However, there may be uses which have been neither referred to as allowed nor prohibited. As to

any such uses it should be recognized that such was omitted due to oversight or a lack of knowledge thereof and therefore should be treated as not allowed and brought to the attention of the Town Board for consideration.

§ 30.25 Application of District Regulations

A. Except for nonconforming buildings, structures and uses as provided for in Article XI, no building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, moved, or altered unless in conformity with all the regulations herein specified for the district in which it is located.

B. No building or other structure shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of families, to occupy a greater percentage of lot area, to have narrower or smaller rear yards, front yards, side yards, or other open spaces, than is herein specified for the district in which such building or other structure is located.

C. Corner lots have two front yards, two side yards and no rear yard.

D. Whenever a single lot is located within two or more different zoning districts, each portion of that lot shall be subject to all the regulations applicable to the district in which it is located.

§ 30.26 Prohibited Buildings, Structures and Uses

A. The following buildings and structures are prohibited:

1. More than one principle use building per lot in all districts except in the Planned Commercial District, Planned Industrial District and a farm operation building in the Agriculture and Rural Residential Districts.
2. No building or structure may be erected or placed upon a parcel of land which does not have a farm operation, a residence or a business located thereon, except a cemetery. (LL #1, 2018 1/11/18)
3. A single family dwelling with less than 1200 sq. ft. of habitable space in any District; (LL #6, 2018 9/10/2018)
4. A two family dwelling less than twice the size of a single family dwelling as specified in paragraph 3 supra.

B. The following buildings, structures and uses are prohibited in the Eno Point Planned District:

All use restrictions contained in Article VI of the Eno Point Declaration of Covenants, Conditions and Restrictions dated August 19, 1981, and recorded in the Onondaga County Clerk's Office on August 19, 1981 in Book of Deeds 2890 at page 180.

C. The following uses are prohibited:

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1. Excavation Mining as regulated by DEC pursuant to Article 23 Title 27 ECL
 2. Used car or truck sales as an accessory use in any district other than the B-3 District;
 3. A retail sales store larger than 30,000 square feet;
 4. Junk yards and vehicle dismantlers as regulated by Department of Motor Vehicles;
 5. Heavy Industrial uses;
 6. Stock yards, slaughter houses and rendering plants;
 7. Outdoor wood boilers, except as allowed by Special Permit;
 8. Farm animals as pets in any district other than agricultural or rural residential districts.
 9. The exploration of land for natural gas by hydraulic fracturing.
 10. Storing boats or campers in the front yard in an R-1 zone

30.27 PRE-EXISTING NON-CONFORMING LOT OF RECORD.(LL #8 of 2018)

There exists in the Town of Elbridge a significant number of undeveloped parcels that were created lawfully prior to the adoption of Zoning Regulations in the Town, or at a time when their dimensions complied with the then applicable Zoning Regulations, which parcels do not now comply with the geometric requirements of the Zoning District in which they are located. These parcels are known as pre-existing non-conforming lots of record.

I. NO VARIANCE REQUIRED.

Subject to the limitations set forth in Section 2 and 3 below, no pre-existing nonconforming lot of record will be required to obtain an area variance to address a geometric or numerical deficiency in said lots, size, shape, frontage, depth, width, coverage percentage or similar deficiency in order to obtain the right to be developed with a conforming use in said district.

2. CURRENT COMPLIANCE REQUIRED.

Notwithstanding the elimination of the requirement for variances in order to be able to develop a pre-existing non-conforming lot of record, any proposed building or structure on such a lot shall still be required to comply with all current setback or other geometric or numerical requirements applicable to said proposed buildings or structure's location on said lot

3. SINGLE AND SEPARATE OWNERSHIP REQUIRED.

The exemption created by this section for the need to obtain variances shall only apply to those pre-existing non-conforming lots of record which are and have been held in single and separate ownership since the date that said lot became non-conforming. That is, where a landowner owned or owns land contiguous to one or more pre-existing nonconforming lots of record, said owner shall be required to combine such other land with the pre-existing non-conforming lot or lots of record so as, to the maximum extent possible, end up with only lots that conform to the current zoning requirements. Ownership in this context shall include legal, equitable or otherwise beneficial ownership.

ARTICLE III

DISTRICT REGULATIONS

§ 30.30 Agricultural Zoning District

A. Statement of Intent.

These districts are for the purpose of accommodating agricultural operations and the preservation of agricultural land and to permit low density development.

B. Permitted Buildings and Uses

The following buildings and uses shall be permitted:

1. Single family dwelling
2. Agriculture subject to the following limitations:
 - a. No retail or commercial activity shall take place other than the storage, Processing and sale of farm products grown on the farm operation, or produced locally. Roadside stands for this purpose must have a minimum setback of 25 feet from the highway right of way.
 - b. The storage of manure is prohibited within 100 feet of the front, side and rear lot lines.
 - c. No farm animals shall be kept in a building or structure which is closer than 100 feet from the front, side or rear lot lines.
3. Private boarding of farm livestock, however all animal shelters shall be set back 100 feet from the front, side and rear lot lines. As to horses there shall be a 3 acre minimum lot size for the first two horses and there shall be one additional acre for each horse in excess of two.
4. Commercial Animal Boarding

5. Special permit uses as provided for in §30.133(D).

C. Specific District Regulations

Uses shall be subject to the following requirements:

1. Minimum lot size - lot shall not be less than one acres and the minimum lot width shall be 200 feet. (LL #6, 2018 9/10/2018)
2. Lot coverage - no limitation
3. Front yards - each lot shall have a front yard with a minimum depth of 75 feet. However, a pre-existing agricultural use building set back at least 50' from a highway right of way, may be enlarged without variance provided that the set back of the enlargement is not less than the pre-existing building.
4. Side yards - each lot shall have two 20 foot side yards.
5. Rear yard - each lot shall have a rear yard not less than 40 feet in depth.
6. Except for farm operation buildings and structures and WECS, no building or structure shall exceed 40 feet in height.

7. An Accessory building shall have a front yard setback of 75ft .Such a building may be located anywhere up within 25 feet of a side or rear property line.

§ 30.31 Rural Residential District

A. Statement of Intent.

These districts are intended for low density, single family residential use where utilities will not be available.

B. Permitted Buildings and Uses.

The following buildings and uses shall be permitted:

1. Single family dwelling.
2. Agriculture subject to the limitations set forth in §30.30(B)(2)
3. Special Use Permit as provided for in §30.133(E).

C. Specific District Regulations.

Uses shall be subject to the following requirements:

1. Minimum lot size - the minimum lot area shall be one acre and the minimum lot width shall be 150 feet. (LL#6, 2018,9/10/2018)
2. Lot coverage - shall be limited to 20 percent of the lot.
3. Front yard - each lot shall have a front yard with a minimum depth of 75 feet.
4. Side yards - each lot shall have two side yards, each one must be 20 feet in width.
5. Rear yard - each lot shall have a rear yard not less than 40 feet in depth.
6. Height - shall not exceed 40 feet in height.
7. An Accessory Building shall have a front yard setback of 75ft. Such a building may be located anywhere up to within 15 feet of a side or rear property line, except that for each foot the height of such building exceeds 15 feet, the offset from the side or rear line shall be increased by one foot.

§ 30.32 Residential 'R-1' District

A. Statement of Intent.

These districts are intended for medium density, residential use where utilities may be available.

B. Permitted Buildings and Uses.

The following buildings and uses shall be permitted:

1. Single family dwelling
2. Special use permit as provided for in §30.133(F).

C. Specific District Regulations.

Uses shall be subject to the following requirements:

1. Minimum lot size - lots shall not be less than one acre in area, and the minimum width shall be 150 feet if without public water and sewer. Where either a public water system or a public sewer system is available the lots may be 30,000 square feet in area with a minimum lot width of 100 feet; (LL #6, 2018 9/10/2018)

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2. Lot coverage - 25 percent of the area of the lot, if the lot is one acre; if the lot is less than one acre shall be limited to 20 per cent of the lot.
 3. Front yard -A one acre lot shall have a front yard with a minimum depth of 75 feet; if less than one acre it shall be 50 feet.
 4. Side yards - each lot shall have a total of 40 feet of side yards, neither one of which may be less than 15 feet.
 5. Rear yard - each lot shall have a rear yard not less than 40 feet in depth. If lot is less than one acre, it may have a minimum depth of 25 feet.
 6. Height -shall not exceed 40 feet in height.
 7. An accessory building may not be placed nearer the front property line than the rear of the principal building. Such a building may be located anywhere up to within 5 feet of a side or rear property line, except that for each foot the height of such building exceeds 15 feet, the offset from the side or rear line shall be increased by one foot.

§ 30.34 Service District

A. Statement of Intent

These districts are for areas contiguous to residential districts and should provide a transition and buffer between residential use and commercial uses.

B. Permitted Buildings and Uses

The following buildings and uses are permitted.

1. Single family dwelling
2. Two family dwelling
3. Multiple family dwelling
4. Personal and Professional Service
5. Adult Housing Facility
6. Commercial Indoor Lodging

7. Indoor Institutional

8. Special use permit as provided for in §30.133(H).

C. Specific District Regulations

Uses shall be subject to the following requirements:

1. Minimum lot size- Lots shall not be less than 20,000 square feet in area and the minimum lot width shall be 100 feet.

2. Lot coverage- shall be limited to 50 percent of the lot if the use is Personal and Professional Service, Commercial Indoor Lodging or Indoor Institutional. All other uses coverage shall be determined by the Planning Board.

3. Front yard- each lot shall have a front yard with a minimum depth of 40 feet.

4. Side yards each lot shall have a total of 40 feet of side yards, neither one of which shall be less than 15 feet.

5. Rear yard- each lot shall have a rear yard not less than 25 feet.

6. Height - shall not exceed 40 feet in height.

7. An accessory building may not be placed nearer the front property line than the rear of the principal building. Such a building may be located anywhere up to within 5 feet of a side or rear property line, except that for each foot the height of such building exceeds 15 feet, the offset from the side or rear line shall be increased by one foot.

§ 30.35 Business "B-1" District

A. Statement of Intent

These districts are for those areas where it is appropriate and suitable to locate retail stores, and personal service establishments.

B. Permitted Buildings and Uses

The following buildings and uses shall be permitted:

1. Indoor Sales

2. Indoor Commercial Entertainment

3. Restaurants and Taverns

4. Indoor Institutional

5. Personal and Professional Services

6. Special use permit as provided in §30.133(I).

7. Single Family Dwelling after approval of the Site Plan thereof by the Planning Board pursuant to Section 30.124 of this Law. When considering the Site Plan for a single family dwelling the Planning Board shall satisfy itself that the following conditions exist:

a. The lot which the family dwelling is being proposed contain a minimum of one acre of land: and

b. The total acreage of the particular B-1 District in which the single family dwelling is proposed is not, at the time of application for Site Plan approval, developed with commercial enterprises totaling more than 25% thereof.

C. Specific District Regulations

Uses shall be subject to the following requirements:

1. Minimum lot size - there shall be no minimum lot area.

2. Lot coverage - shall be limited to 75 percent of the area of the lot.

3. Front yard - each lot shall have a front yard with a minimum depth of 75 feet, 25 feet of which shall not contain any structure other than an approved sign and no parking may be allowed therein.

4. Rear yard - Each lot shall have a rear yard not less than 50 feet in depth.

5. Side yard - as required by Planning Board upon Site Plan Approval.

6. Height - there shall be no limit on the height of buildings and structures.

§ 30.36 Business "B-2" District

A. Statement of Intent

These districts are for those areas where it is appropriate and suitable to locate retail stores, personal service establishments and uses oriented to motor vehicle sales, operations, fuel, maintenance and service.

B. Permitted Buildings and Uses

The following buildings and uses shall be permitted:

1. Outdoors Sales
2. Motor Vehicle Maintenance and Service
3. Fuel stations and car washes

C. Specific District Regulations

Uses shall be subject to the following requirements:

1. Minimum lot size - one half acre.
2. Lot coverage - shall be limited to 75% of the area of the lot
3. Front yard - each lot shall have a front yard with a minimum depth of 75 feet, 25 feet of which shall not contain any structure other than an approved sign and no parking may be allowed therein.
4. Rear yard - Each lot shall have a rear yard not less than 50 feet in depth.
5. Side yard - as required by Planning Board upon Site Plan Approval.
6. Height - there shall be no limit on the height of buildings and structures.

§ 30.37 Business "B-3" District

A. Statement of Intent

These districts are for those areas where it is appropriate and suitable to locate a motor vehicle sales with maintenance and service business and outdoor display of motor vehicles for sale.

B. Permitted Buildings and Uses

The following buildings and uses shall be permitted:

1. Motor Vehicle Sales
2. Motor Vehicle Maintenance and Service

C. Specific District Regulations

Uses shall be subject to the following requirements:

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1. Minimum lot size - 3 acres.
 2. Lot coverage - shall be limited to 75% of the area of the lot
 3. Front yard - each lot shall have a front yard with a minimum depth of 75 feet, 25 feet of which shall not contain any structure other than an approved sign and no parking may be allowed therein.
 4. Rear yard -Each lot shall have a rear yard not less than 50 feet in depth.
 5. Side yard - as required by Planning Board upon Site Plan Approval.
 6. Height - there shall be no limit on the height of buildings and structures.

§ 30.38 Industrial District

A. Statement of Intent

These districts are for light industrial uses and certain commercial uses that are not Appropriate for any other non-residential district.

B. Permitted Buildings and Uses

The following buildings and uses shall be permitted:

1. Light Industrial
2. Vehicle Maintenance and Service
3. Contractors Services
4. Second Hand Material and Parts Facility
5. Outdoor Sales
6. Fuel Distribution
7. Storage and Warehousing
8. Fuel Station / Car Washes (not in the RT 31 or Hart lot Industrial Zone LL #2 of 2019)
9. Outdoor Recreation
10. Public Service and Utilities

11. Trucking

12. Special use permit as provided for in §30.133(J).

13. All permitted uses contained in section 30.30B (agricultural District) section 30.35B (B-1 District) and section 30.36 (B-2 District)

C. Specific District Regulations

Uses shall be subject to the following requirements:

1. Minimum lot size - there shall be no minimum lot area.
2. Lot coverage - shall be limited to 75 percent of the area of the lot.
3. Front yard - each lot shall have a front yard with a minimum depth of 75 feet.
4. Side yard - each lot shall have two side yards, each one must be 20 feet in width.
5. Rear yard - each lot shall have a rear yard not less than 40 feet in depth.
6. Height - There shall be no limit on the height of buildings and structures.

§ 30.39 Municipal District

A. These districts comprise areas of the Town presently owned by a public school, public library, emergency service organization, a public benefit land trust and all lands owned by any governmental entity or agency. To qualify for this district, the parcel must be wholly exempt from real property taxation.

B. Permitted Buildings and Uses

Any and all buildings, structures and uses which are consistent with the owners business.

C. Specific District Regulations

There are no specific regulations which apply.

D. All projects involving buildings and structures must be reviewed and approved as a Site Plan Review.

ARTICLE IV

FLOATING DISTRICTS

§ 30.40 Planned Commercial (P-C) District

A. Purpose - In order to carry out the purpose of this Section, Planned Commercial (P-C) Districts shall promote and accomplish the following objectives:

1. Provide better designed, more appropriately located open space areas;
2. Conserve natural resources and outstanding land landscape features;
3. Utilize land more efficiently by creating less extensive networks of utilities and streets;
4. Create more desirable commercial retail or service areas than would be possible without applying the provisions of this Section.
5. Allow the grouping of buildings in such a manner as to constitute a convenient and efficient shopping center or professional office complex.
6. Create a land use and development pattern consistent with the goals, objectives and policies of the Town Comprehensive Plan.

B. General Requirements

1. No area of less than ten contiguous acres may be zoned as a P-C District.
2. The entire area of the P-C District shall be owned or controlled by the same entity.
3. Dimensional regulations for the district shall be as determined and specified by the Planning Board upon site plan approval.
4. Signage for the district shall be as determined and specified by the Planning Board and shall generally conform to the provisions of Article VII. The applicant may request a change to the allowed signage, in which case it shall demonstrate special circumstances and the Planning Board shall make specific findings to approve such changes in the allowed signage.

C. Application and Approval Procedure

1. Application - All applications for a zone change to a P-C District shall be initiated at the discretion of the Town Board.
2. Concept Plan - If the Town Board determines to allow an application to be initiated, such application shall be referred to the Planning Board for its review. The developer shall submit a concept plan of his proposal to the Planning Board. The concept plan shall be approximately to scale, although it need not be to the

precision of a finished engineering drawing and it shall clearly show the following information:

- a. The location of the various buildings and their area in square footage;
- b. The general outlines of the interior roadway system and all existing rights of way and easements, whether public or private;
- c. Any interior open space system;
- d. The overall drainage system;
- e. If grades exceed three per cent or portions of the site have soils which have a moderate-to-high susceptibility to erosion or a moderate to high susceptibility to flooding and ponding, a topographic map with contours at intervals of not more than five feet of elevation shall be provided along with an overlay portraying the above susceptible soil areas;
- f. Uses and ownership of contiguous lands.

3. Additional Documentation - The following documentation shall accompany the concept plan:

- a. A complete Long Environmental Assessment Form (EAF);
- b. Evidence of the existing and future community demand for proposed uses;
- c. Evidence that the proposal is compatible with the Town Comprehensive Plan;
- d. General statement as to how open space is to be maintained;
- e. If the development is to be phased or sectioned, a general indication of how the phasing or sectioning is to proceed. Whether or not the development is to be phased or sectioned, the concept plan shall show the entire project;
- f. Statement regarding the availability of water supply and sewage disposal;
- g. A general description of the public safety services which will be required and whether such services are presently available;
- h. Evidence demonstrating the applicant's competence to carry out the plan.

4. Planning Board Review of the Concept Plan - The Planning Board shall review the concept plan and its accompanying documents and shall make a recommendation to the Town Board within sixty days of receipt of the referral. The Planning Board may call upon any Town department and any other public agencies or private consultants that it feels are necessary to provide a sound review of the proposal. The following matters shall be addressed in the referral report;

- a. The consistency of the plan with the Town Comprehensive Plan;
- b. The consistency of the plan with the purposes and objectives of P -C Districts;
- c. Whether the plan meets all of the applicable general requirements;
- d. Whether the plan is conceptually sound in that it meets local and area-wide needs and conform to accepted design principles in the proposed functional roadway system, land use configuration, open space system, pedestrian system and drainage system;
- e. Whether there are adequate services and utilities available or proposed to be made available for the site;
- f. Whether the proposed phasing or sectioning, if any, is feasible and appropriate to the purposes and circumstances of the project. The Planning Board shall consider whether the phasing or sectioning proposed will have an adverse impact upon the completion of the entire project or negative impact in the event that the entire project isn't completed as contemplated.

5. Town Board Action- Upon receipt of the Planning Board's referral report, the Town Board may then determine in its own discretion whether to proceed further with consideration of the application.

6. Town Board Approval- Establishment of a P-C District is a change to the zoning map and shall be undertaken in accordance with the provisions of Article XV.

7. Project Plan Approval - Upon Town Board approval as provided for in a paragraph 6 above, the Planning Board shall undertake final project Site Plan Review which shall be in accordance with Article XII.

30.40.1 Kester Homestead Planned Commercial District

- A. The District only applies to the 9.2 +- acre parcel designated as tax map # 036.-02-08.0 located at 5606 Kester Road
- B. Permitted Buildings and uses

1. This District is designed to create a unified facility to accommodate special events such as weddings, group gatherings, celebrations and similar short term invitation only public assemblies.

2. Home occupation subject to special permit restrictions set forth in Town code section 30.133(d)(3), except that up to 2 employees re allowed and the entire 3rd floor of the main residence may be used.

3. Other specific event upon approval of the Town Board by resolution after receipt of a request therefore the owner.

4. The arrangement layout and design of the improvements on the property are limited to those depicted on the site plan drawn by RZ engineering, PLLC dated 5/28/19, revised 8/13/19 bearing file number C-1, and lighting plan drawn by NLS lighting dated 7/11/19, all as approved by the Town Board and on file in the Town Clerk's office

5. said plan may be amended from time to time by The Town Board by resolution only after recommendation of the Planning Board

C. Specific Limitations

The specific limitations hereinafter stated may be amended or modified by the Town board after review and consideration of a Special Permit therefore.

1. The specific limitations are as follows
 - a. No new building may be added
 - b. On site activities will conclude no later than 11:00 Pm on Friday and Saturdays, and 10:00Pm on Sunday thru Thursday
 - c. Occupation of the site by quest and employees will be limited to 150
 - d. Live or recorded music will be quite enough so as to be non-offensive to neighboring properties, and will terminate no later than 11:00pm on Friday and Saturday , and no later than 9:00 Pm on Sunday through Thursday
 - e. The owner of the property will have sufficient number of representatives on site at all times to ensure the smooth and non-disruptive use of the premises.
 - f. Sufficient sanitary facilities will be provided on site for all invitees and all trash generated will be removed and disposed of promptly.
 - g. Permanent or temporary use of the site by recreational vehicles other than the once currently located in the southwest corner of the site shall be limited to 3 additional vehicles.
 - h. No fireworks of any kind will be permitted.

D. Phasing

1. Phase 1 (summer of 2019)

A. events will be limited to 150 invitees

B. no use of the main barn will be allowed

2. Phase 2

The use of the barn and associated facilities will be permitted only after the ZEO/CEO of the Town determines that the required infrastructure and improvements have been completed and are in compliance with the required governmental regulations. Maximum occupancy will then be determined by the Zoning Enforcement officer.

§ 30.41: Planned Industrial District

A. Purpose - In order to carry out the purpose of this Section Planned Industrial Districts shall promote and accomplish the following objectives:

1. Provide better designed, more appropriately located open space areas;
2. Conserve natural resources and outstanding landscape features;
3. Utilize land more efficiently by creating less extensive networks of utilities and streets;
4. Create more desirable industrial areas than would possible without applying the provisions of this Section;
5. Create a land use and development pattern consistent with the goals, objectives and policies of the Town Comprehensive Plan;

B. General Requirements

1. No area of less than ten contiguous acres may be zoned for this District.
2. The entire area of the District shall be owned or controlled by the same entity.
3. The uses allowed are industrial processes which are conducted entirely within an enclosed building and which do not emit odor, noise, heat, vibration or radiation which is detectable at the property line and do not pose a significant public safety hazard.
4. Dimensional requirements for the district shall be as determined and specified by the Planning Board upon site plan approval.
5. Signage for the district shall be as determined and specified by the Planning Board.

C. Application and Approval Procedure

1. Application - All applications for a zone change to a Planned Industrial District shall be initiated at the discretion of the Town Board.

2. Concept Plan- If the Town Board determines to allow an application to be initiated, such application shall be referred to the Planning Board for its review. The developer shall submit a concept plan of his proposal to the Planning Board. The concept plan shall be approximately to scale, although it need not be to the precision of a finished engineering drawing, and it shall clearly show the following information:

a. The location of the various buildings and their area in square footage;

b. The general outlines of the interior roadway system and all existing rights of way and easements, whether public or private;

c. Any interior open space system;

d. The overall drainage system;

e. If grades exceed three percent or portions of the site have soils which have a moderate - to-high susceptibility to erosion or a moderate to high susceptibility to flooding and ponding, a topographic map with contours at intervals of not more than five feet of elevation shall be provided along with an overlay portraying the above susceptible soil areas;

f. Uses and ownership of contiguous lands.

3. Additional Documentation -The following documentation shall accompany the concept plans:

a. A completed long Environmental Assessment Form (EAF);

b. Evidence of the existing and future community demand for proposed uses;

c. Evidence that the proposal is compatible with the Town Comprehensive Plan;

d. General statement as to how open space is to be maintained;

e. If the development is to be phased or sectioned, a general indication of how the phasing or sectioning is to proceed. Whether or not the development is to be phased or sectioned, the concept plan shall show the entire project;

f. Statement regarding the availability of water supply and sewage disposal;

g. A general description of the public safety services which will be required and whether such services are presently available;

h. Evidence demonstrating the applicant's competence to carry out the plan;

4. Planning Board Review of the Concept Plan - The Planning Board shall review the concept plan and its accompanying documents and shall make a recommendation to the Town Board within sixty days of receipt of the referral. The Planning Board may call upon any Town department and any other public agencies or private consultants that it feels are necessary to provide a sound review of the proposal. The following matters shall be addressed in the referral report:

a. The consistency of the plan with the Town Comprehensive Plan;

b. The consistency of the plan with the purposes and objectives of District;

c. Whether the plan meets all of the applicable general requirements;

d. Whether the plan is conceptually sound in that it meets local and area wide needs and conforms to accepted design principles in the proposed functional roadway system, land use configuration, open space system, pedestrian system and drainage system;

e. Whether there are adequate services and utilities available or proposed to be made available for the site;

f. Whether the proposed phasing or sectioning, if any, is feasible and appropriate to the purposes and circumstances of the project. The Planning Board shall consider whether the phasing or sectioning proposed will have an adverse impact upon the completion of the entire project or a negative impact in the event that the entire project is not completed as contemplated.

5. Town Board Action - Upon receipt of the Planning Board's referral report, the Town Board may then determine in its own discretion whether to proceed further with consideration of the application.

6. Town Board Approval - Establishment of a Planned Industrial District is a change to the zoning map and shall be undertaken in accordance with the provisions of Article XV.

7. Project Plan Approval - Upon Town Board approval as provided for in paragraph 6 above, the Planning Board shall undertake final, project site plan review which shall be in accordance with Article XII and Subdivision Regulations if subdivision approval is necessary.

§ 30.42 Eno Point Planned District

A. This district applies only to the lands subject to Eno Point Camper Association, Covenants, Conditions and Restrictions dated August 19, 1981 and recorded in the Onondaga County Clerk's Office on August 19, 1981 in Book of Deeds 2890 at page 180 and as was intended therein was for medium density, seasonal residential use.

B. Permitted Building & Uses

1. Seasonal single family, single story dwelling.
2. Special permit uses as provided for in §30.133(K).

C. Specific District Regulations

1. Front yard setback- none
2. Side yard; two side yards each one must be 5 feet in width. All Residences shall have a minimum distance of 5 feet from the side line. However, a deck or an accessory building or structure does not require any set back.
3. Rear yard setback- none
4. Height of Building and Structures
 - a. Wapoos & Weetomp Path parcels, shall not exceed 16 feet in height as measured from the respective roadways alongside of building or structure.
 - b. Eno Rd parcels shall not exceed 18 feet in height measured from the roadway alongside of building or structure.
5. None of the foregoing setbacks shall apply to lands owned by Eno Point Campers Association.

D. Review by Eno Point Campers Association (EPCA)

No building permit shall be issued until the application is reviewed and commented upon by the Board of Directors of EPCA. The EPCA shall also comment on the architectural style of any proposed building or structure as well as compliance with the Declaration of Covenants, Conditions and Restrictions dated August 19, 1981 and the By Laws of the Association.

E. Proof of Sewage Disposal and Water Supply

No building permit shall be issued for an increase in habitable space without certified proof by a competent professional of an adequate sewage disposal system and potable water supply.

§ 30.43 Planned Unit Development (PUD District)

A. Purpose - It is the purpose of the Planned Unit Development District to provide flexible land use and design regulations so that sites or portions thereof may be developed within the Town incorporating a variety of residential types and nonresidential uses and which contains both individual building sites and common property which are planned and developed as a unit. Where planned unit development is deemed appropriate through the re-zoning of land to a Planned Unit Development District by the Town Board, the uses and the dimensional specifications elsewhere in this chapter are herein replaced by an approval process in which an approved plan becomes the basis for continuing land use controls. The district may be established in any area of the Town where the applicant can demonstrate that the characteristics of his holdings will meet the objectives of this district.

In order to carry out the foregoing, Planned Unit Developments shall promote and accomplish the following:

1. Provide a choice of environments, housing types, lot sizes and community facilities available within a planned neighborhood;
2. Provide more usable open space and recreation areas and conserve natural resources and outstanding landscape features;
3. Provide for more conveniently located accessory commercial and service areas;
4. Allow orderly transition from rural to urban uses through creative use of land and related physical development;
5. Utilize land more efficiently by creating less extensive networks of utilities and streets;
6. Create a land use and development pattern consistent with the goals, objectives and policies of the Town Comprehensive Plan;
7. Create more desirable living, shopping and working environments than would be possible without applying the provisions of this Section.

B. General Requirements

1. Planned Unit Development (PUD) shall have a minimum area of twenty contiguous acres.

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2. The allowed uses shall be determined by the Town Board upon creation of the district.
 3. All Planned Unit Developments are required to dedicate at least five per cent of the total district area to a recreational purpose.
 4. The density of allowed uses shall be determined by the Town Board upon creation of the district.
 5. If the District is predominantly residential uses, the Planning Board may, in its discretion, require that some specified percentage of the residential portion of the Planned Unit Development be completed before the nonresidential portion of the development may be developed.
 6. Dimensional requirements for the district shall be as determined and specified by the Planning Board upon site plan approval.
 7. Signage for the district shall be as determined and specified by the Planning Board and shall conform to the provisions of Article VII. The applicant may request a change to the allowed signage, in which case it shall demonstrate special circumstances and the Planning Board shall make specific findings to approve such changes in the allowed signage.
 8. The PUD shall be managed in such a manner that the entire area of it functions as an integrated site. The Town Board shall approve the management plan upon recommendations of the Planning Board.

C. Application and Approval Procedure

1. Application - All applications for a zone change to a PUD District shall be initiated at the discretion of the Town Board.
2. Concept Plan - If the Town Board determines to allow an application to be initiated, such application shall be referred to the Planning Board for its review. The developer shall submit a concept plan of his proposal to the Planning Board. The concept plan shall be approximately to scale, although it need not be to the precision of a finished engineering drawing, and it shall clearly show the following information:
 - a. The location of the various uses and the subdivision of those areas;
 - b. The general outlines of the interior roadway system and all existing rights of way and easements, whether public or private;
 - c. Any interior open space system;

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- d. The overall drainage system;
 - e. If grades exceed three per cent or portions of the site have soils which have a moderate-to-high susceptibility to erosion or a moderate-to-high susceptibility to flooding and ponding, a topographic map with contours at intervals of not more than five feet of elevation shall be provided along with an overlay portraying the above susceptible soil areas;
 - f. Uses and ownership of contiguous lands.

3. Additional Documentation - The following documentation shall accompany the concept plan:

- a. A completed long Environmental Assessment Form (EAF);
- b. Evidence of the existing and future community demand for proposed uses;
- c. Evidence that the proposal is compatible with the Town Comprehensive Plan;
- d. General statement as to how open space is to be maintained;
- e. If the development is to be phased or sectioned, a general indication of how the phasing or sectioning is to proceed. Whether or not the development is to be phased or sectioned, the concept plan shall show the entire project;
- f. Statement regarding the availability of water supply and sewage disposal;
- g. A general description of the public safety services which will be required and whether such services are presently available;
- h. Evidence demonstrating the applicant's competence to carry out the plan.

4. Planning Board Review of the Concept Plan - The Planning Board shall review the concept plan and its accompanying documents and shall make a recommendation to the Town Board within sixty days of receipt of the referral. The Planning Board may call upon any Town Department and any other public agencies or private consultants that it feels are necessary to provide a sound review of the proposal. The following matters shall be addressed in the referral report:

- a. The consistency of the plan with the Town Comprehensive Plan;

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- b. The consistency of the plan with the objectives of PUD Districts;
 - c. The proposed uses and the density of such uses within their intended areas;
 - d. Whether the plan is conceptually sound in that it meets local and area-wide needs and conforms to accepted design principles in the proposed functional roadway system, land use configuration, open space system, pedestrian system and drainage system;
 - e. Whether there are adequate services and utilities available or proposed to be made available for the site;
 - f. Whether the proposed phasing or sectioning, if any, is feasible and appropriate to the purposes and circumstances of the project. The Planning Board shall consider whether the phasing or sectioning proposed will have an adverse impact upon the completion of the entire project or a negative impact in the event that the entire project is not completed as contemplated.

5. Town Board Action - Upon receipt of the Planning Board's referral report, the Town Board may then determine in its own discretion whether to proceed further with consideration of the application.

6. Town Board Approval - Establishment of a PUD District is a change to the zoning map and shall be undertaken in accordance with the provisions of Article XV.

7. Project Plan Approval - Upon Town Board approval as provided for in Paragraph 6, the Planning Board shall undertake final project site plan review which shall be in accordance with Article XII.

ARTICLE V

BUFFER STRIPS AND SCREENING

§ 30.50 Purpose

The provisions of this Article are intended to separate and shield negative impacts of adjacent uses.

§ 30.51 Definitions

A. A buffer strip is a landscaped strip of land contiguous to a lot line and designed to visibly separate the use of one lot from another.

B. Screening is a wall, fence, earthen berm, planting, architectural feature, or combination of such elements designed and used to muffle noise, shield light or otherwise minimize the activity migration from one lot toward another lot or toward the street.

§ 30.52 Required Buffer Strips

A. A buffer strip twenty-five feet in width shall be provided upon all residential lots at the side or rear lot line if the use of said lot is other than agriculture or single family dwelling. This strip shall be in addition to any other required yard as specified in the district regulations.

B. A buffer strip twenty-five feet in width shall be provided upon all fixed zone nonresidential lots which abut a fixed zone residential lot at the side or rear lot line. This buffer strip shall be in addition to any other required yard as specified in the district regulations.

C. The Planning Board shall require an appropriately sized buffer strip at the sides and rear of all floating districts with appropriate screening placed thereon as may be necessary in order to fulfill the intentions of the provisions of this Article.

§ 30.53 Buffer Strip Restrictions

A. No parking area, building, or other structure or paved area except a side walk, wall or fence shall be permitted in any buffer strip.

B. No storage or display of goods shall be permitted in any buffer strip.

§ 30.54 Buffer Strip Landscaping

All buffer strips shall be landscaped as follows:

A. Each buffer strip shall be planted with at least two trees and/or shrubs every ten linear feet. The remainder of each buffer strip shall be landscaped in grass, ground cover, or other vegetation. If woodlands are relocated within the required landscaped area, preservation may substitute for the required trees and/or shrubs. If woodlands are located in only part of the required landscaped area, the number of trees and/or shrubs required may be proportionally reduced.

B. All vegetation shall be planted according to accepted horticultural standards.

C. Landscaping of buffer strips shall not interfere in any manner with either on-site or off-site traffic visibility.

§ 30.55 Buffer Strip Maintenance

The owner and occupant of property upon which a buffer strip is located shall maintain the buffer strip in such a manner as to preserve its intended function and appearance.

§ 30.56 Screening Required

Screening shall be required by the Planning Board as shall be determined by it to be necessary pursuant to Article XII.

ARTICLE VI

PARKING SPACES, DRIVING AISLES AND DRIVEWAYS

§ 30.60 Purpose

The purpose of these provisions is to establish minimum requirements for off street parking and on-site traffic circulation.

§ 30.61 General Regulations

- A. All required off-street parking spaces shall be on the same lot as the proposed use to be served.
- B. Developments in all zoning districts shall provide a sufficient number of parking spaces to accommodate the number of vehicles that ordinarily are likely to be attracted to the development and therefore must comply with the parking requirements set forth in the Table of Parking Requirements.
- C. The Planning Board shall approve the layout of parking spaces and driving aisles and may upon a proper showing allow angular parking.
- D. The Planning Board may upon special findings require more parking than that which is required by the Table of Parking Requirements.
- E. The Planning Board may upon special findings reduce the width of a driving aisle to no less than 20 feet.
- F. In determining the number of parking spaces required for a particular building site in a Business District, if the building is 10,000 square feet or less and if the entity using the site has different types of uses which are separable and are significant in their proportion of the total use and such uses have different parking ratios established by generic usage in the Table of Parking Requirements, the parking ratio for the entire site may be calculated by apportioning the site usages to each particular use.
- G. The Planning Board shall establish the number of parking spaces to be required in a Business District if the site is developed with a building containing more than 10,000 square feet.
- H. If a parking ratio is not provided in the Table of Parking Requirements, the Planning Board upon special findings shall establish the required number of parking spaces.

§ 30.62 Site Plan Review of Parking and Driving Aisles

A. Upon review of a particular site regarding parking and driving aisles, the Planning Board shall consider the most intense use allowed upon the site and shall require that the applicant demonstrate the availability of space on the site to construct all of the parking spaces and driving aisles that said most intense use would require.

B. Upon a proper presentation the Planning Board may waive the build out of that portion of the maximum required parking and driving aisles that in its judgment is not required for adequate service of the present user.

§ 30.63 Driveway

A. All driveways must be approved by the Town of Elbridge Highway Superintendent before construction,

B. 1
Driveway permits are required before a building permit is issued.

§ 30.64 Required Surface Improvement

A. All parking spaces, driveways and driving aisles shall be surfaced with bituminous or concrete paving, except for single family detached dwellings and farm operations.

B. All parking spaces shall be delineated with a painted line. Such line shall be colored white or yellow, and shall be four inches in width. This requirement does not apply to single family detached dwellings and farm operations.

C. The foregoing requirements may be waived or modified by the Planning Board upon making written findings that special circumstances exist which justify a waiver or modification requiring a different surface improvement and or parking space delineation. (LL # 2, 2018, 1/25/18)

§ 30.65 Nonconforming Parking Spaces

Existing parking spaces and driving aisles which do not conform to the regulations provided for herein shall be recognized as legal nonconforming only to the extent that it is physically impossible to build out the required parking spaces and driving aisles required.

ARTICLE VII

SIGNS

§ 30.71 Intent and Scope

The intent of this Article is to regulate the size, location and physical characteristics of all signs. It is intended to create a more attractive physical appearance of the Town and to promote the

public welfare and safety by minimizing the distraction of the traveling public caused by the location, lettering, message or animation of outdoor advertising devices, and at the same time provide the business community a reasonable and practical amount of advertising devices to announce their locations, services and products.

The regulations of this Article shall govern and control the erection, enlargement, expansion, renovation, operation, maintenance relocation and removal of all signs within the Town visible from any street, sidewalk or public or private common open space. Any sign not expressly permitted by these regulations shall be prohibited. These regulations also address the use and termination of non-conforming signs.

§ 30.72 Permit

A. Except as provided in this Article, no sign shall be erected or renovated without a sign permit evidencing the compliance of such work under the provisions of this Article.

B. Routine sign maintenance, changing of parts designed to be changed or changing the content of a sign in any manner which does not change the physical characteristics of the sign shall not require a sign permit.

C. Every application for a sign permit shall be submitted to the Code Enforcement Officer with a fee of \$50 for each sign and shall be accompanied with a copy of plans and specifications showing the method of construction, illumination and support of such signs and a sketch, drawn to scale, showing sign faces, exposed surfaces and the proposed message and design, accurately represented as to size, area, proportion and color, by a calculation of the total amount of sign area presently existing on the property, and by the applicant's attestation that the sum of the areas of the requested sign or signs and the existing signs do not exceed the maximum allowed by the provision of this Article.

D. Any variance from the size, height or setback provisions of this Article shall be subject to the standards for an area variance.

§ 30.73 Sign Definitions

Animated Sign - Any sign which includes movement of light, text or parts.

Awning Sign - A sign which is displayed upon a sheet of canvas or other material used to protect it from sunlight or rain, which is attached to the face of a building.

Banner-A temporary sign, not exceeding 3 feet x10 feet composed of lightweight canvas-like material, which can be attached to a structure or suspended by attachment at each end.

Billboard- See "off-premises sign".

Building Street Frontage- Lineal measurement of the wall of a building which faces a public street. A building on a corner has two building street frontages.

Business Sign- A sign used for identification purposes, to direct attention to a business or profession conducted upon the premises at which the sign is located, and which may also refer to goods or services produced, offered for sale or obtained at such premises. Such a sign may not include pricing, except fuel stations.

Canopy Sign - A sign which is displayed upon a permanent roof-like shelter extending from part of a building face over an entry way.

Construction Sign- A temporary sign erected on premises on which construction is taking place during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors and similar artisans, and the owners, financial supporters, sponsors and similar persons or firms having a role or interest with respect to the structure or project.

Directional Sign- Any sign which is designed and erected solely for the purpose of traffic or pedestrian direction or control. Such a sign contains no advertising copy.

Freestanding Sign- A sign which may be supported by one or more posts and does not exceed 6 feet above the finished grade upon which it is erected or does not exceed 8 feet above the finished grade if it is erected upon a berm.

Memorial Sign- A sign or tablet memorializing a person, event, structure or the like.

Monument Sign- a free standing sign, in which the entire bottom is in contact with the finished grade.

Off-Premises Sign- A third party sign which advertises goods, products, services or facilities or directs people to a different location from where the sign is installed.

Pole Sign- A sign supported by one or more columns, uprights or braces in or upon the finished grade and not attached to or forming part of a building, which does not exceed 20 feet above the finished grade.

Political Sign- Any temporary sign which displays the name and/or picture of any individual seeking election or appointment to a public office, or pertaining to a forthcoming public election or referendum or pertaining to or advocating political views or policies.

Portable Sign- A sign that is not permanently affixed to a building, a structure or the finished grade, including A-frame style, freestanding sandwich board signs.

Private Sale Sign- A temporary sign advertising private sales of personal property at house sales, garage sales, rummage sales and the like.

Real Estate Sign- A sign pertaining to the sale or rental of the property upon which it is located.

Sandwich Board Sign- A freestanding sign not exceeding 4 feet in height with a face no greater than 2 feet x 3 feet, of A-frame design and is not illuminated.

Sign- Any object, device, display or structure, or part thereof, situated outdoors or indoors which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or project images. "Sign" does not include the flag or emblem of any nation, organization of nations, state or city, or any fraternal, religious or civic organizations; merchandise, pictures or models of products or services incorporated in a window display; works of art which in no way identify a product; or scoreboards located on athletic fields; official notices issued by any court or public office or officer in the performance of a public or official duty; and traffic control signs as defined in the Vehicle and Traffic Law. For the purpose of removal, "signs" shall also include all sign structures.

Temporary Sign- A sign which is not permanently affixed and is not otherwise included within the definition of a portable sign.

Wall Sign- A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than 12 inches from such building or structure nor does it extend above the height of the wall to which it is attached. Also included in this definition are awnings, canopy, and roof and window signs for purposes of calculation of total sign age.

Window Sign- A sign which is applied or attached to the exterior or interior of a window or is installed inside of a window within 12 inches of the window through which it can be seen.

§ 30.74 General Standards

A. Sign measurement

1. The area of a sign shall include any frame and all lettering, wording, designs and symbols, together with the background, whether open or enclosed, on which they are displayed. The supporting structure or bracing of a sign shall be omitted in measuring the area of the sign unless such structure or bracing is made part of the message or face of the sign.
2. Where a sign consists of individual letters, words or symbols attached to or painted upon a surface, building, canopy, awning, wall or window, the sign area shall be the area of the smallest rectangle which completely encompasses all such letters, words or symbols and any accompanying background of a color different than the natural color of the building, canopy, awning, wall or window and any frame.
3. A sign may only have two faces, and if it does only the area of one face is considered in calculating the area of the sign.

B. Sign height shall be measured between average finished grade and the highest point of the highest element of the sign.

C. No sign shall be maintained at any location where, by reason of its position, size, shape, content, lighting or color, it may obstruct, impair, obscure, interfere with the view of, or be confused with any traffic control sign, signal or device, or where it may interfere with, mislead or confuse traffic; nor shall a sign obstruct any fire escape, window, door or opening used as a means of egress, ventilation or for firefighting purposes.

D. No sign may extend, project over or be located on any public right of way.

E. The owner of a sign and the owner of the premises upon which the sign is erected shall maintain such sign, including its illumination sources, in neat and orderly condition and good working order at all times and to prevent the development of any corrosion, rotting or other deterioration in the physical appearance or safety of such sign or support structures.

F. All signs must appear to be professionally created.

§ 30.75 Prohibited Signs

The following signs are prohibited:

Off - Premises sign;

Animated sign;

Bare bulb sign;

Temporary sign, except as expressly authorized;

Any outdoor sign which advertises, identifies or pertains to a business no longer conducted or a product no longer sold on the premises where such sign is located;

Any sign on a tree or utility pole or painted on or otherwise directly affixed to any rock, ledge or other natural feature;

Any sign on a single family dwelling or freestanding on its lot which contains a message other than the address and the names of the residents, or the dwelling name;

Portable sign, except a sandwich board sign;

Swinging sign;

Roof Sign;

Projecting Sign;

§ 30.76 General Restrictions and Standards for Specific Sign

A. Wall sign:

A wall sign may be painted directly upon a building wall subject to the following restrictions:

1. The area of the sign shall include all lettering, wording and accompanying designs or symbols, together with any background of a different color.
2. A color depiction of the area to be painted shall be included with the application for a painted wall sign.
3. No sign shall be painted directly upon any unpainted stone wall.

B. Freestanding Sign:

May not be situated less than 15 feet from a highway right-of way.

C. Monument sign:

May not be situated less than 15 feet from a highway right of way.

D. Pole sign:

May not be situated less than 15 feet from a highway right of way.

E. Window sign:

The area of a window sign shall not exceed 25% of the window surface or 4 square feet, whichever is less, and may not be in any window higher than the level at which the principal use takes place. Any window sign installed in a window above the first grade floor shall not be illuminated.

F. Subdivision Identification Sign:

1. Must be a monument type sign and shall be approved by the Planning Board.
2. Shall be located upon lands owned by the Town or a perpetual organization which agrees to be responsible for its maintenance.

§ 30.77 Non-conforming Sign

A sign which was lawful at the time of adoption of this revised zoning code and became non-conforming as the result of its adoption shall be removed or modified to conform to this revised zoning code within three years of its effective date. A non-conforming sign may not be enlarged or replaced by another non-conforming sign.

§ 30.78 Signs Allowed without a Permit

The following signs may be erected and maintained upon a lot without obtaining a sign permit:

A. One construction sign not exceeding 4 square feet in an Agricultural, Residential

District or Service District, 16 square feet in a Business District or 32 square feet in an Industrial District and may not be maintained for more than 3 days following the conclusion of the construction project.

B. Directional sign not exceeding one square foot and shall not be more than 3 feet in height and may be utilized in sufficient number to accomplish adequate public notice.

C. Flags and emblems of a government or of a political, civic philanthropic, education or religious organization.

D. Memorial sign shall be made of durable materials, such as bronze, stone or concrete and is integral with the building.

E. Political sign in all districts shall not exceed 32 square feet. Political signs shall be erected no more than 4 weeks prior to an election and must be removed within 1 week following such election.

F. Private sale sign shall not exceed 4 square feet in area, shall be located entirely on the premises where such a sale is to be conducted, shall not be erected more than 48 hours in advance of such sale and shall be removed on the day following the conclusion of such sale.

G. One real estate sign not exceeding 4 square feet in area per residential lot, 16 square feet in area per commercial lot, or 32 feet in area per industrial lot. Such a sign shall be removed within 3 days following the sale or rental of the property.

H. One sandwich board sign which may be placed no less than 15 feet away from the highway right of way. Such sign may only be displayed during the business hours of operation and may not impede vehicular or pedestrian traffic.

I. Special Commercial promotional Event Sign: A banner announcing a special commercial event promotion is allowed to be erected 3 times during a calendar year and may not be displayed for more than 30 days on each such occasion.

J. Community Event Signs: Temporary, non-illuminated signs advertising coming events, special sales, contests, promotional activities, sponsored by a not for profit organization, and which

shall not exceed 32 square feet in area. The name, address and telephone number of the person responsible for removal of the sign shall be clearly marked on the sign. Such signs may be erected not more than three weeks prior to the beginning of the event and must be removed within 3 days after the event.

K. Government mandated sign

§ 30.79 Business Signs Allowed with a Permit

A. All businesses which sell goods within a building less than 10,000 square feet may erect a freestanding sign not to exceed 32 square feet. Such an enterprise may also erect a wall sign the total square footage of which shall be determined by a 1 square foot of signage per lineal foot of street frontage not to exceed 75 square feet except for corner lots which may not exceed 100 square feet. If there is more than one entity within the building, the total allowable wall signage shall be apportioned among such entities based upon their proportionate share of the building. For all buildings 10,000 square feet and over, the allowed signage shall be as determined by the Planning Board.

B. Any lot from which fuel is dispensed at retail may erect one pole sign not exceeding 32 square feet identifying the brand of fuel and its pricing. A wall sign shall be limited as provided for in paragraph A herein above. Pump price signage and brand identification as prescribed by other laws, are allowed. Upon each face of a canopy erected over the dispensing pump, a brand logo may be displayed which shall not exceed 9 square feet.

C. Signage for all Industrial District uses shall be determined by the Planning Board.

D. Manufactured Home Parks may erect only a monument sign which shall not exceed 24 square feet. Such a sign shall include location identification and the name of the park.

E. Any entity which is entitled to an agricultural exemption under the Real Property Tax Law may have a free-standing sign not to exceed 32 square feet and wall signage not to exceed 75 square feet which signage may be placed upon any buildings which are utilized for the production of agricultural products.

F. Signage for all other uses shall be limited to a freestanding sign which shall not exceed 32 square feet.

ARTICLE VIII

FENCES

§ 30.80 Permit Required

No fence shall be constructed, erected, enlarged or altered unless a permit is first obtained from the Code Enforcement Officer upon payment of a fee of twenty-five (\$50). In the event that a property owner applies for more than one fence permit in a calendar year, there shall be no fee charged for any additional fence permits.

§ 30.81 Application

Application for a permit for a fence, except for an agricultural use, shall be made upon a form to be provided which shall be accompanied by an accurate survey upon which there shall be shown the proposed location of the fence, a scaled drawing of a typical section of the fence including all gates, and material and color details, together with any other information as may be required. An application for an agricultural use fence which fence will be constructed with materials other than those sold as ornamental fencing, may be made upon a sketch plan provided by the applicant which portrays the property lines of the property.

§ 30.82 General Regulations

A. A fence situated in a required front yard shall not exceed four (4) feet in height and shall be so constructed as to allow one to see through it, so as not to block visibility of or by pedestrians or motorists. However, the 4 foot limitation shall not apply to an agricultural use fence which is not an ornamental fence and which otherwise is not subject to Site Plan Review.

B. All fences shall be constructed such that the finished surface is located on the side which is visible from the exterior of the premises. All posts and reinforcement members shall be located on the interior side of the fencing.

C. No fence shall be located within the boundary of any public right of way.

D. Barbed wire fencing and electrified fencing are prohibited, except for an agriculture use.

§ 30.83 Residential and Agricultural Use Fences

Fences for one and two family residences and fences for non-retail sale agricultural uses, shall not exceed 6 feet in height which are situated other than within a required front yard setback.

§ 30.84 Other Fences

Uses subject to Site Plan Review must have any proposed fence approved by the Planning Board prior to issuance of a permit by the Code Enforcement Officer.

§ 30.85 Exempt Fences

The following fences are exempt from the provisions of this Article:

A. An Agricultural grazing fence, a seasonal snow fence and a construction fence.

B. A fence enclosing a swimming pool as required by the New York State Building Code.

C. Any other fence situated 10 feet off of any property line or 10' off of a public or private right of way and such fence height does not exceed 6' above the ground.

ARTICLE IX

TELECOMMUNICATION TOWERS

§ 30.90 Intent

The purpose of this Local Law is to allow for telecommunications installations, while providing for the health, safety and aesthetic character of the Town consistent with applicable Federal and State law, in accordance with the Town's Comprehensive Plan, with particular regard to scenic vista protection. This Local Law is intended to comply with the Federal Telecommunications Act of 1996 and as amended.

§ 30.91 Definitions

A. "Telecommunications Tower" is defined as a structure on which transmitting and/or receiving antenna (e) are located. This includes, but is not limited to, free-standing towers, guyed towers, monopoles, and similar structures. It is a structure intended for transmitting and/or receiving telecommunications but excluding those either for fire, police or other dispatch communications, or exclusively for private radio and television reception and private citizen's bands, amateur radio and other similar communications.

B. "Antenna" is defined as a system of electrical conductors that transmit or receive radio frequency waves. Such waves shall include cellular, paging and personal communication services ("PCS"). The frequency of these waves generally range from 10 hertz to 300,000 megahertz.

C. "Accessory Facility" serves the principal use, is subordinate in area, extent and purpose to the principal use. Examples of such facilities include transmission equipment and storage sheds.

D. "Camouflaging" is defined as the construction of facilities to house or support a telecommunications tower so that the towers blend readily with the landscape, neighborhood, and adjacent architectural features. Examples of Camouflaging are silo and barn, windmill, and simulated tree.

E. "Co-location" is defined as the use of a telecommunications tower by more than one carrier.

F. "Carrier" is defined as a provider of telecommunication service.

G. "Monopole" is defined as a single pole of variable cross-section unto which telecommunications devices are affixed.

H. "Freestanding communication tower" is defined as freestanding lattice tower onto which a telecommunications device is affixed.

I. "Guyed tower" is lattice tower supported by wire anchors, onto which telecommunications device is affixed.

§ 30.92 Approval of Telecommunications Facilities

A. No telecommunications tower shall hereafter be used, erected, moved, reconstructed, changed or altered except after the granting of a special use permit by the Zoning Board of Appeals with advisory site plan review as provided in Local Law No. 3 of 2000 and in conformity with the provisions of this section. No existing structure shall be modified to serve as a telecommunications tower unless in conformity with this section.

B. Telecommunications towers and accessory facilities shall be permitted in any zoning district upon the issuance of a special use permit as provided in Article XIII.

C. In reviewing an application for a special permit for a telecommunications tower, the Zoning Board of Appeals shall, at a minimum, require that the following criteria be met:

1. Site location - A proposed location shall receive approval from the Zoning Board of Appeals following satisfaction of the following requirements:

a. Documentation of the need for the use of the site proposed.

b. A completed Visual Environmental Assessment Form ("Visual EAF"), including a simulated photographic visualization of the site, with particular attention to visibility from key viewpoints identified on the Visual EAF. The Planning Board may require submittal of a more detailed visual analysis based on the result of the Visual EAF.

c. Priority shall be given that the proposed facility be located in a higher use district or on higher intensity use property. Such priority, from most favorable to least favorable, is as follows:

i. Property with an existing structure suitable for co-location

ii. Municipal or Government-Owned Property

iii. Industrial Districts

iv. Business Districts

v. Service Districts

vi. Agriculture Districts

vii. Rural Residential and R-1 Districts

2. Height

a. The Board of Appeals shall approve, subject to the limitations set forth in paragraph (ii) below, the height of each proposed telecommunications tower. In reviewing such issue, the Board of Appeals shall consider the minimum height necessary for the application's needs and may also take into consideration the potential for co-location in approving or requiring additional height above the minimum necessary for the applicant's needs.

b. The maximum height for telecommunications towers permitted under this section, including any antennae, extensions or other devices extending above the tower, measured from the ground surface immediately surrounding the site, shall be determined by the Board of Appeals.

3. Co-Location and Use of Pre-Existing Structures

a. Applicants are encouraged to provide their towers for use by other carriers at a reasonable fair market value. Additionally, where such co-location is unavailable, location of antenna on pre-existing structures shall be considered by the applicant. An applicant shall be required to present an adequate report inventorying existing towers within reasonable distance of the proposed site and outlining opportunities for co-location with existing facilities and the use of other pre-existing structures as an alternative to a new construction.

b. An applicant intending to co-locate with an existing tower shall be required to document intent from an existing tower owner to co-locate.

c. In the case of new towers, the applicant shall be required to submit a report demonstrating good faith efforts to secure co-location with existing towers as well as documenting capacity for future co-location for the proposed tower. Written requests and responses for co-location shall be provided.

d. The applicant must examine the feasibility of designing a proposed telecommunications tower to accommodate future demand for additional facilities. This requirement may be waived, by the Board of Appeals, provided that the applicant demonstrates that future shared usage of the proposed facility is not feasible and an unnecessary burden, based upon:

- i. The number of FCC licenses foreseeably available for the area;
- ii. The number of existing and potential licenses without tower spaces/sites;
- iii. Available spaces on existing and approved towers; and

iv. Potential adverse visual impact by a tower designed for co-location.

4. Setbacks - Telecommunications towers and antennae shall be a minimum of 200 feet from any property line or an amount equals to the height of the tower whichever is greater.

a. Monopoles or guyed towers shall be referred to as freestanding telecommunication towers.

b. Towers shall not be artificially lighted except to assure human safety as required by the Federal Aviation Administration ("FAA"). Towers shall be a galvanized finish or painted gray above the surrounding tree line and painted gray, green or black below the surrounding tree lines unless other standards are required by the FAA. Towers should be designed a sited so as to avoid, whenever possible, application of FAA lighting and painting requirements.

c. Accessory facilities shall maximize use of location, building materials, colors and textures designed to blend with the natural surroundings.

d. No telecommunications tower, antennae or accessory facility shall contain any signs or advertising devices.

5. Existing Vegetation - Existing on-site vegetation shall be preserved to the maximum extent possible. Clear cutting of all trees in a single contiguous area shall be minimized to the maximum extent possible.

6. Screening - Deciduous or evergreen tree planting may be required to screen portions of the tower and accessory facilities from nearby residential property as well as from public sites. Where the site abuts residential or public property, including streets, at least one row of native evergreen shrubs or trees capable of forming a continuous hedge at least ten (10') feet in height within two years of planting shall be provided to effectively screen the tower base and accessory facilities. In the case of poor soil conditions, planting may be required on soil berms to assure plant survival, with the plant height to include the height of the berm.

7. Access

a. Access may be required to assure adequate emergency and service access. Maximum use of existing roads, public or private, shall be made. Road construction shall be sufficient to accommodate the intended use. Construction of pervious roadways (crushed stone, gravel, etc.) is preferred. At all times road construction shall minimize ground

disturbance and vegetation cutting to within the bottom of fill, the top of cut, or no more than ten (10') feet beyond the edge of any pavement. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential. Public road standards may be waived in meeting the objectives of this subsection.

b. All telecommunications towers and accessory facilities and guy anchors, if applicable, shall be enclosed by a fence not less than six (6') feet in height or otherwise sufficiently protected from trespassing and vandalism.

8. Radio Frequency Effects - It is recognized that the Telecommunications Act of 1996, Public Law 104-104, Section 704, prohibits the regulation of cellular and personal communications towers based on the environmental effects of radio frequency emissions where those emissions comply with the FCC standards for those emissions. Communication antennae must be operated only at FCC-designated frequencies and power levels.

9. The owner, operator or carrier located on a telecommunication tower located within the Town of Elbridge shall submit certification on an annual basis, signed by a New York State licensed professional engineer, verify that such facility is in compliance with all applicable federal, state and local radio frequency radiation (rfr) emission standards. Such annual certification shall be delivered to the Town Codes Enforcement Officer during the month of December of each calendar year. This requirement shall be considered an implied condition to any site plan, special permit and/or variance granted for such facility.

§ 30.93 Removal of Facilities and Bond

A. Any applicant installing a telecommunications tower, antennae and/or accessory facility within the Town shall remove any and all such structures immediately upon the discontinuance of use shall reasonably restore the site and shall incur all expenses therefor.

B. As security for the performance of the requirements set forth above, the applicant shall, upon the granting of approval under this section and prior to the installation of any facilities, execute and file with the Town Clerk of the Town of Elbridge a bond or other undertaking which shall be approved as to form, manner of execution and sufficiency for surety by the Town Board and shall be with a rated surety corporation. Such bond or undertaking shall be conditioned upon the faithful performance of the provisions of paragraph (1) above and in the event of default the bond or undertaking shall be forfeited to the Town of Elbridge which shall be entitled to maintain an action thereon. The bond or undertaking shall remain in full force and effect until the removal of the telecommunications tower, antennae and/or accessory facilities and site restoration. The value of the bond shall be equal to the cost of demolition and restoration of the site.

§ 30.94 Applicant Build-Out Plan

A. As part of any application in accordance with this section the applicant shall submit to the Board of Appeals a build-out plan setting forth the applicant's current facilities within the town together with the applicant's intentions for additional facilities within the town for the ensuing twenty-four (24) months and shall also certify whether any and all existing facilities of the applicant are in active use and are necessary for its telecommunications operations.

B. The aforesaid build-out plan shall include a statement as to how the proposed facility will supplement, detract or coordinate with existing telecommunications towers in the town and contiguous jurisdiction; any changes proposed within the following twenty-four (24) month period, including a build-out plan for new locations and the discontinuance or relocation of existing facilities.

C. A similar build-out plan and certification of use of existing facilities shall be thereafter submitted by such applicant on or before January 31 of each year, as well as upon any further application for any additional facilities.

D. The Board of Appeals shall impose the provisions of paragraph "C" above as a condition of the issuance of any special permit granted in accordance with this section.

§ 30.95 Exceptions

The provisions of this section shall not apply to the following:

A. Individual, scientific and medical equipment as regulated by the FCC in 47 CRF§18;

B. Military and government radar antennae and associated communication towers for navigational purposes as regulated by 47 CRF §87;

C. Radio transceivers normally hand-held or installed, in a vehicle, such as an automobile, truck, trailer, or water craft;

D. Radio frequency machine which is designed and marketed as a consumer product, such as a microwave oven and radio control toys;

E. Lawful or approved uses existing prior to the effective date of these regulations, including the repair and maintenance of existing communications towers and antennae;

F. Antennae used solely for residential household television and radio reception;

G. Satellite antennae one (1) meter or less in diameter and building mounted in non-residential districts and ground mounted in residential districts; and

H. Satellite antennae measuring one (1) to two (2) meters in diameter and located in the following districts:

1. Industrial District

2. Business Districts

§ 30.96 Waivers

In approving a Special Use Permit, the Board of Appeals may waive any of the provisions of the above requirements when it finds that doing so will have no detrimental impact on surrounding properties or on the public health, safety and welfare and that such waiver is in keeping with the purposes herein set forth.

§ 30.97 State Environmental Quality Review

The Board of Appeals is hereby declared lead agency in all applications submitted hereunder and the Environmental Impact Statement (EIS), either long or short form at the discretion of the Board of Appeals, shall be prepared and submitted at or within thirty (30) days of the application for the special permit.

ARTICLE X

SOLAR ENERGY SYSTEMS

§ 30.100 Purpose

The use of Solar Energy Systems including Solar Collectors, storage facilities, and distribution components for space heating and cooling, the heating of water, use in industrial, commercial or agricultural processes, and the generation of electricity are recognized as a renewable and nonpolluting energy resource. The purpose of this section is to accommodate Solar Energy Systems as accessory uses while ensuring that such systems are appropriately located and installed.

§ 30.101 Definitions

As used in this Article, the following terms shall have the meanings indicated:

ACCESSORY USE

A Solar Energy System which generates energy solely for onsite use to benefit the principal use of the land.

COLLECTIVE SOLAR

Solar installations owned collectively through a subdivision homeowner associations or other similar arrangements.

FLUSH-MOUNTED SOLAR PANELS

Photovoltaic panels and tiles that are installed flush to the surface of a roof which cannot be angled or raised.

FREESTANDING OR GROUND-MOUNTED SOLAR ENERGY SYSTEM

A Solar Energy System that is directly installed in the ground and is not attached or affixed to an existing structure.

NET METERING

A billing arrangement that allows solar customers to obtain credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage at the end of the month.

PRINCIPAL USE

A solar Energy System where most or all of the energy produced is consumed onsite.

QUALIFIED SOLAR INSTALLER

A person who has skills and knowledge related to the construction and operation of solar electrical equipment and installations and has received safety training on the hazards involved. Persons who are on the list of eligible photovoltaic installers maintained by the New York State Energy Research and Development Authority (NYSERDA), or who are certified as a solar installer by the North American Board of Certified Energy Practitioners (NABCEP), shall be deemed to be qualified solar installers for the purposes of this definition.

ROOFTOP MOUNTED OR BUILDING MOUNTED

A Solar Energy System in which solar panels are mounted on top of the structure of a roof either as a Flush-Mounted system or modules fixed to frames which can be tilted toward the south at an optimal angle.

SOLAR ACCESS

Space open to the sun and clear of overhangs or shade including the orientation of streets and lots to the sun so as to permit the use of active and/or passive Solar Energy Systems on individual properties.

SOLAR COLLECTOR

A solar photovoltaic cell, panel or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

SOLAR ENERGY SYSTEMS/EQUIPMENT

Solar Collectors, controls, energy storage devices, heat pumps, heat exchangers, inverters and other electrical equipment and other materials, hardware or equipment necessary to the process by which solar radiation is collected, converted into another form of energy, and/or stored.

SOLAR THERMAL SYSTEMS

Solar Thermal Systems directly heat water or other liquid using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water, and heating pool water.

§ 30.102 Applicability

A. This section applies to all scales of Solar Energy Systems that are accessory to a principal use modified or installed after the effective date of this Article, unless a building permit was properly issued prior to the effective date of this Article.

B. All Solar Energy Systems shall be designed, erected and installed in accordance with all applicable codes, regulations and standards.

C. Solar energy collectors shall be permitted only to provide power for use by owners, lessees, tenants, residents or other occupants of the premises on which they are erected, but nothing contained in this provision shall be construed to prohibit Collective Solar installations or the sale of excess power through a net billing or net metering arrangement in accordance with New York Public Service Law, §66-j, or similar state or federal statutes.

D. For purposes of this Article, Freestanding or Ground-Mounted Solar Collectors are permitted accessory uses in all districts that shall meet the applicable development standards for accessory uses in this Article.

§ 30.103 Permitting

A. Rooftop Mounted Solar Energy Systems shall be permitted as of right in all zoning districts with the issuance of a building permit.

B. Building Mounted Systems require site plan review of Planning Board and a building permit.

C. Freestanding or Ground-Mounted Solar Collectors may be permitted in the side and rear yards in all zoning districts but shall require site plan review by the Planning Board and the issuance of a building permit, and shall be subject to additional requirements as prescribed by section 30.105.

D. Solar Thermal Systems are permitted as of right in all zoning districts with the issuance of a building permit.

§ 30.104 Standards

Solar Energy Systems and Equipment shall be permitted only if they are determined by the Code Enforcement Officer not to present any unreasonable safety risks, including, but not limited to, the following:

- Weight load;
- Wind resistance; and
- Building or structure ingress and egress in the event of fire or other emergency.

§ 30.105 Additional Requirements for Freestanding and Ground-Mounted Systems

Where Freestanding and Ground-Mounted Solar Energy Systems are to be installed, the following limitations and requirements shall apply:

- A. The location of the Solar Collector shall comply with all applicable setback requirements for accessory structures in the zoning district in which it is located.
- B. Solar energy equipment shall be located in a manner to reasonably minimize view blockage for surrounding properties and shading of property to the north while still providing adequate solar access for collectors.
- C. Freestanding and Ground-Mounted Solar Energy Systems shall be screened when possible and practicable through the use of architectural features, earth berms, landscaping, or other screening which will harmonize the character of the property and the surrounding area.

§ 30.106 Installation and Maintenance

- A. All Solar Collector installations must be performed by a qualified solar installer.
- B. Prior to operation, electrical connections must be inspected by the Code Enforcement Officer and by an appropriate electrical inspection person or agency, as determined by the Town.
- C. Any connection to the public utility grid must be inspected by the appropriate public utility.
- D. Solar Energy Systems shall be maintained in good working order.
- E. Rooftop and Building Mounted Solar Collectors shall meet New York's Uniform Fire Prevention and Building Code Standards.
- F. If solar storage batteries are included as part of the Solar Energy System, they must be placed in a secure container or enclosure meeting the requirements of the New York State Building Code when in use, and when no longer used, shall be disposed of in accordance with the laws and regulations of the Town and other applicable laws and regulations.

§ 30.107 Removal

If a Solar Collector ceases to perform its originally intended function for more than twelve consecutive months, the property owner shall remove the collector, mount and associated equipment by no later than ninety days after the end of the twelve-month period.

ARTICLE XI

NONCONFORMING LOTS, BUILDINGS, STRUCTURES AND USES

§ 30.110 Defined

Every lot, building, structure or use not conforming to the regulations of the district in which it is located at the time of adoption of this Chapter, shall be a "nonconformity".

§ 30.111 Merger of Nonconforming Lots

All nonconforming contiguous lots in common ownership shall be merged to the extent required to create a lot which conforms to the area and width requirements of the district within which such lot is located.

§ 30.112 Continuation

A. All legal buildings, structures and uses existing as of the adoption of this Chapter which become nonconforming by reason of the adoption of this Chapter, may continue, however, shall not be enlarged or altered in a way which increases its nonconformity, and shall not be enlarged or altered to occupy a greater area of land. However, as to a residence upon a lot which conformed to the Zoning Code in effect on October 26, 2011, a front porch, a deck, or an accessory building not to exceed 350 sq. ft. may be constructed to the extent that it would have been allowed under the prior Zoning Code, provided that it is constructed on or before October 26, 2016.

B. All use variances granted prior to the adoption of this Zoning Code may continue to the extent that they conform in use and area to that which was extant when approved by the Zoning Board of Appeals. The owner of any such property shall apply to the Planning Board for site plan review within 6 months of the effective date of this Zoning Code. The purpose of such application shall be to verify conformity with the allowed area and conditions of the use variance imposed by the Zoning Board and compliance with any other requirements of the Elbridge Municipal Code.

§ 30.113 Extension

A nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption of this Chapter. A nonconforming use may not be changed to another nonconforming use.

§ 30.114 Placing in Safe Condition

Nothing in this Article shall be deemed to prevent the strengthening or restoring to a safe condition of any structure declared unsafe by any public official.

§ 30.115 Abandonment of Use

A nonconforming use shall be deemed to have been abandoned upon the occurrence of either of the following events:

- A. It has been changed to a conforming use; or
- B. The nonconforming use has ceased for any reason for a period of more than thirty (30) days.

§ 30.116 Destruction of Building

A nonconforming building which has been destroyed by any means other than an Act of God or a fire to the extent of 50% percent or more of either its value or its bulk, may only be rebuilt as a conforming building.

§ 30.117 Abandonment of Building

A nonconforming building which has not been occupied for a period of 6 consecutive months or for 18 months during any 3 year period may not thereafter be occupied until it is altered to comply with this Chapter.

ARTICLE XII

PLANNING BOARD

§ 30.120 Membership and Term of Office

- A. The Planning Board shall consist of five members.
- B. In addition to the five board members provided for herein above there shall be one alternate Planning Board member whose term of office shall be one year. This alternate Planning Board member shall be appointed annually by the Town Board and shall serve upon the call of the Planning Board Chairman as a substitute for a member who is unable to participate because of a conflict of interest. The provisions of Section 271(15) of the Town Law are hereby superseded and said alternate Planning Board member is hereby also authorized to substitute for a member who is unable to participate for any other reason than conflict of interest, upon the call of the Planning Board Chairman.

§ 30.121 Qualifications of Board Members

The qualifications of the present Board members is hereby acknowledged; however, any new member shall be provisionally appointed subject to completion of a generally accepted basic qualification program to be promulgated by either the State of New York or the New York

Planning Federation. Any such new member shall successfully complete such basic qualification program within six months of appointment. All members, including those who are presently qualified, shall participate annually in a continuing education course to be approved by the Town Board upon the recommendation of the Planning Board. Each Board member shall attend annually at least two meetings of the Onondaga County Planning Federation.

§ 30.122 Referral of Matters to the Planning Board

The Planning Board shall review any matter referred to it by either the Town Board or the Zoning Board of Appeals.

§ 30.123 Investigations and Reports

The Planning Board shall have the authority to make such investigations, maps, reports and recommendations in connection with the planning and development of the Town as it deems necessary.

§ 30.124 Site Plan Review

A. The Planning Board is hereby authorized and shall review and approve site plans for all development proposals other than single family or two family dwellings or a farm operation in an Agriculture, Rural Residential or R-1 District.

B. The site plan shall consist of a drawing prepared to scale and containing necessary details which portrays the arrangement, layout and design of the site and shall include a Storm Water Pollution Prevention Plan. The following data shall be presented on the site plan:

1. Title of drawing including name and address of applicant and person responsible for preparation of such drawing;
2. North arrow, scale and date;
3. Boundaries of the property and all easement plotted to scale;
4. Existing watercourses;
5. Grading and drainage plan, showing existing and proposed contours;
6. Location, design, type of construction and exterior building surfaces, exterior dimensions of all buildings;
7. Exterior elevations;
8. Location, design and type of construction of all parking and truck loading areas, ingress and egress, handicapped spaces, access aisles and snow storage areas;

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9. Location of outdoor storage, if any;
 10. Provision for pedestrian building access;
 11. Location, design and construction materials of all existing or proposed site improvements including storm water facilities, retaining walls and fences;
 12. Description of the method of sewage disposal and location, design, and construction materials of such facilities;
 13. Description of the method of securing public water and location, design and construction materials of such facilities;
 14. Location of fire and other emergency zones, including the location of fire hydrants;
 15. Location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy;
 16. Location, site and design and type of construction of all proposed signs;
 17. Location and proposed development of all buffer areas, including existing vegetative cover;
 18. Location and design of outdoor lighting facilities, which shall conform to the provisions of §30.125;
 19. General landscaping plan and planting schedule;
 20. An estimate project construction schedule;
 21. Identification of any state or county permits required for the projects execution and status of such applications;
 22. Other elements integral to the proposed development as considered necessary by the Planning Board;
 23. SEQR submission;
 24. Names of property owners within 500' of property;
 25. Current survey;

C. Site plan review shall be required in the following instances:

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1. Change of use;
 2. When a building or structure is to be erected;
 3. When a building or structure is to be altered such that its footprint or its facade is altered;
 4. When vehicular movement, vehicular parking or a pedestrian walkway is altered;
 5. When surface water drainage is altered;
 6. When exterior lighting is installed or altered;
 7. When designed landscaping is installed or altered;

D. Application Each applicant shall submit a written application in such form as the Planning Board shall determine.

E. Professional Fees- the Planning Board is authorized to engage any professional it deems necessary to assist it in the review of the application. The applicant shall reimburse the Planning Board for any such fees incurred and shall require the applicant to make a deposit in advance on account of such fees. In the event such a deposit is not paid, the Planning Board shall suspend its review of the application until such deposit is made.

F. Decision

1. Before making its decision regarding a site plan, the Planning Board shall consider the following matters:
 - a. Geometric characteristics of all buildings and related improvements;
 - b. Aesthetic characteristics, including design, texture, materials, colors and illumination;
 - c. Physical attributes of the site, including size, shape, elevation, topography and natural vegetation;
2. Thereupon the Planning Board shall make general findings regarding the matters hereinafter set forth:
 - a. Whether the proposed use is in compliance with all other applicable regulations of this Chapter inclusive of specific district controls applicable to all districts, and all other applicable local, state and federal regulations;

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- b. Whether the proposed use will have an adverse impact upon the character or integrity of any land use within the immediate neighborhood having an unique cultural, historical, geographical, architectural, or other specific characteristic;
 - c. Whether the proposed use is being developed in such a way as to insure maximum amenities available to the site based upon a consideration of the site plan and functional requirements of the proposed use;
 - d. Whether the proposed use is physically and visually compatible with and will not impede the development or redevelopment of the general neighborhood or adversely affect existing land use within close proximity to the subject site;
 - e. Whether the proposed use will be provided with adequate supporting public safety services such as fire and police protection, public and private utilities and all other supporting governmental services necessary and appropriate to the proposed use;
 - f. Whether the design of vehicular and pedestrian movement, including handicapped accessibility, provides for the safety of the general public;
 - g. Whether the parking and loading facilities are adequate and whether the location of same is appropriate. Compliance with the provisions of Article VI shall not constitute a determination that the foregoing requirements have been satisfied;
 - h. Accessibility by emergency vehicles with particular emphasis on access to all buildings and structures, and provision for turning and free movement.
 - I. Provision for snow storage;
 - j. Age and mobility of all persons for whose benefit the use is intended;
 - k. General character and speed limits of streets in close proximity;
3. In approving a site plan, the decision of the Planning Board may be conditioned as follows:
- a. Imposition of provisions for financial security to guarantee performance;
 - b. Time limitation on the duration and/or hours of operations of any activity associated with the use;

§ 30.125 Outdoor Lighting Regulations

A. Purpose: Inappropriate, excessive and poorly designed lighting can adversely affect adjoining properties, driving conditions, residential neighborhoods and enjoyment of the night time sky. The purpose of these regulations is to avoid such negative impacts, reduce unnecessary power consumption and promote effective and enjoyable lighting design.

B. Definitions:

1. Cone of illumination: the conical shaped volume of light emanating from a light fixture and directed toward the ground. The ground level intensity may be measured in concentric circles. For wall mounted fixtures the ground pattern will be a semi-circle.
2. Cut-off Fixture: Pole mounted light fixtures designed to radiate almost no light above a plane 10 degrees below horizontal from the lens of the fixture.
3. Floodlight: A fixture which is designed to concentrate a substantial amount of light in a concentrated area and in a direction other than downward.
4. Foot-candle: The traditional measure of light intensity, based on one lumen distributed over one square foot.
5. Light trespass: Light shining beyond the property line on which the fixture is located.
6. Light curfews: Light intensity reduction to 50 or less of the regular intensity by automatic control within 30 minutes of the close of business.
7. Security lighting: Fixtures that are activated by motion or occupancy sensors and designed to remain activated for less than ½ hour.

C. Submittals: Fixture specifications including mounting height, wattage, lamp type (metal halide, high pressure sodium, LED) etc. and a detailed drawing of the fixture and the mounting pole. Except for small, low level lighting proposals, a photometric layout showing the ground level light intensity in a numerical grid pattern covering the proposed area of illumination.

D. Standards: Light sources shall be enclosed within opaque housings (cut-off fixtures) so as to not be visible from any street ROW or adjacent property. Light sources shall be horizontal. Light sources installed below canopies and roof overhangs are encouraged. Fixture shielding shall be such that the source of illumination is not visible above any point on the same horizontal plane as the lens of the fixture, including wall mounted and ceiling mounted fixtures. Light trespass is prohibited and light intensity at property lines shall not exceed 1/2 FC adjoining residential or 1 FC adjoining non-residential properties except in the vicinity of entrance and exit drives. Light curfews are encouraged at all vehicular parking areas.

E. Special conditions: Floodlighting is prohibited unless specifically approved by the Planning Board and is directed away from the roads, drives or neighboring properties. Ground mounted illumination of buildings or features shall be permitted only when light sources are concealed from view when the building or features are deemed significant for illumination, and with approval of the Planning Board. Flashing, blinking or moving lights are prohibited. Holiday lighting during the months of November through January is exempt from these regulations as long as there is no objectionable glare or trespass, Sports lighting may be permitted, including waiver of some conditions, after approval by the Planning Board and assurance that there will be minimal impact on passing motorists or neighboring properties- Light curfews are required in all parking areas of more than 4 vehicles. Serving commercial or industrial purposes, and may be accomplished either by reducing lamp output, or by turning off selected lamps, but shall not require reductions to less than 0.2 FC measured at ground level. Security Lighting shall comply with standards for intensity trespass and glare, but need not be within opaque housings. Lighting lawfully in place prior to the date of these regulations shall be permitted to continue but significant site modifications shall require conformity.

F. Maximum ground level illumination within cone of illumination shall not exceed the following:

- In Residential and Agricultural Districts: 5 FC
- In Business B 1 and B2 and Service Districts: 10 FC
- In Business B3 and Industrial Districts 15 FC
- Under Gas Station Canopies: 25 FC
- At ATM machines: As required for minimum compliance with banking regulations

G. Maximum Pole Heights as measured from average ground level to the bottom of the light fixture:

- In Residential Districts: 10 feet
- In Agricultural and Rural Residential Districts: 15 feet
- In Business and Industrial Districts: 20 feet
- In Business and Industrial Districts more than 50 feet from residentially zoned property: 35 feet in vehicular areas only, 15 feet in pedestrian areas

§ 30.126 Effect and Duration

Upon approval by the Planning Board of a site plan it shall have the effect only of granting permission for the development of the particular proposal in accordance with the plans, drawings, elevations and specifications so approved. Such approval shall be deemed automatically revoked if, within six months from the date of said approval, substantial progress has not been made in the execution of construction of the project. Six-month extension periods may be granted by the Planning Board.

ARTICLE XIII

ZONING BOARD OF APPEALS

§ 30.130 Membership and Term of Office

A. The Zoning Board of Appeals shall consist of five members. Each member's term of office will be 5 years and all terms shall be staggered in their expiration.

B. In addition to the five board members provided for herein above there shall be one alternate Zoning Board member whose term of office shall be one year. This alternate Zoning Board member shall be appointed annually by the Town Board and shall serve upon the call of the Zoning Board Chairman as a substitute for a member who is unable to participate because of a conflict of interest. The provisions of Section 267(11) of the Town Law are hereby superseded and said alternate Zoning Board member is hereby also authorized to substitute for a member who is unable to participate for any other reason than conflict of interest, upon the call of the Zoning Board of Appeals Chairman.

§ 30.131 Qualifications of Board Members

The qualifications of the present Board members is hereby acknowledged; however, any new member shall be provisionally appointed subject to completion of a generally accepted basic qualification program to be promulgated by either the State of New York or the New York Planning Federation. Any such new member shall successfully complete such basic qualification program within six months of appointment. All members, including those who are presently qualified, shall participate annually in a continuing education course as required by Town Law to be approved by the Town Board upon the recommendation of the Zoning Board of Appeals.

§ 30.132 Appellate Power

The Zoning Board of Appeals shall have such appellate powers as are enumerated in Article XVI of the Town Law.

§ 30.133 Special Use Permits

A. The Zoning Board of Appeals may grant Special Use Permits as hereinafter authorized. A land use activity that requires a Special Use Permit is not automatically approved. An applicant only becomes entitled to a Special Use Permit to conduct the desired use, if the applicant demonstrates to the Zoning Board of Appeals that the proposed use will be conducted in accordance with the following standards, and only after the Zoning Board of Appeals has made findings determining that:

1. The use complies with all special requirements of this Chapter.
2. The use is appropriate for the particular location.

3. All potential adverse impacts upon the neighborhood have been mitigated to the extent that is reasonably practicable.

4. The use would not change the essential character of the neighborhood.

5. The use is not detrimental to the health, safety and general welfare of the neighborhood.

B. Professional fees- Professional Fees- the Zoning Board of Appeals is authorized to engage any professional it deems necessary to assist it in the review of the application. The applicant shall reimburse the Zoning Board of Appeals for any such fees incurred and shall require the applicant to make a deposit in advance on account of such fees. In the event such a deposit is not paid, the Zoning Board of Appeals shall suspend its review of the application until such deposit is made.

C. The Zoning Board of Appeals is also authorized to impose any conditions on the grant of the Special Use Permit that are reasonably necessary to insure that the proposed use will satisfy the standards and criteria set forth in this Chapter or are otherwise reasonably necessary considering the facts and circumstances of the case.

D. In an Agricultural Zoning District, Special Use Permits may be granted for the following uses:

1. Public Service and Utilities;

2. Outdoor Recreation;

3. Home occupation, which shall comply with the following conditions and restrictions:

a. The lot must be 3 or more acres;

b. The occupation shall be conducted entirely within a building at the residence;

c. There shall be no external evidence of the alteration of the residence for business purposes. Any alterations to the residence to accommodate the home occupation shall be architecturally consistent with the pre-existing residence. Any other building on the premises which is used for the home occupation shall appear externally to be residential accessory in its attributes;

d. There shall be no outside storage or display of home occupation goods in front of the residence on site. However, the Zoning Board of Appeals may vary this requirement upon presentation of special circumstances;

e. No exterior advertisement, sign or display shall be allowed on the premises except a 2 foot square business identification sign attached to the front elevation of a building or freestanding 15' off of the highway right of way;

f. Only one nonresident of the household may be employed in the home occupation;

g. All commercial motor vehicles must be parked in the least intrusive area of the premises;

h. All equipment used in the home occupation must be located or stored out of sight from the public highway;

I. No activity which is offensive by reason of odor, noise, dust, smoke, hours of operation, debris, noxious fumes, vibration, excessive lighting or manner of operation shall be allowed;

j. The home occupation shall not occupy an area exceeding 25 percent of the first floor area of the residence;

k. Any additional parking spaces shall be located behind the residence;

4. A noncommercial Wind Energy Conversion System (WECS) which shall comply with the following conditions:

a. A site plan drawn by a licensed professional shall show the following:

i. Location of the tower on the site and the tower height, including blades, rotor diameter and ground clearance;

ii. Utility lines, both above and below ground, within a radius equal to the proposed tower height, including blades;

iii. Property lot lines and the location and dimensions of all existing structures and uses on site within 300 feet of the system;

iv. Surrounding land use and all structures within 500 feet of the WECS location;

v. Dimensional representation of the various structural components of the tower construction, including the base and footing;

vi. Design data indicating the basis of design, including manufacturer's dimensional drawings and installation and operation instructions;

vii. Certification by a registered professional engineer or manufacturer's certification that the tower design is sufficient to withstand wind-load requirements for structures as established by the New York State Uniform Fire Prevention and Building Code;

viii. Evidence from a qualified individual that the site is feasible for a WECS.

5. Bed and Breakfast;

6. Outdoor wood boiler located at least 200 feet from all property lines;

E. In a Rural Residential District, Special Use Permits may be granted for the following uses:

1. Home Occupation which shall comply with the subdivision C(3) supra with the exception that the lot size specified in subparagraph "a" may be 2 or more acres;

2. Bed and Breakfast;

3. Private boarding of farm livestock, subject to the restrictions contained in §30.30(B) (3).

4. Religious Institutions;

5. Public Service and Utilities;

6. Outdoor wood boiler located at least 200 feet from all property lines;

7. Commercial Animal Boarding on 3 or more acres;

8. A noncommercial Wind Energy Conversion System which shall comply with Subdivision D (4) supra;

F. In a R-1 District, Special Use Permits may be granted for the following uses:

1. Two family dwelling;

2. Adult Housing Facilities;

3. Public Service and Utilities;

4. Religious Institutions;

5. Crop Farming on 5 or more acres;

6. Bed and Breakfast on 2 or more acres;

7. Home occupation limited to only service businesses and which shall comply with Subdivision (D) (3) paragraphs, c, e, f, j and k. No goods may be stored or delivered on the premises;

G. In a R-3 District, Special Use Permits may be granted for the following uses:

1. Home Occupation which shall comply with Subdivision D (3) supra with the exception that the lot size specified in subparagraph "a" shall be 2 or more acres;

2. Bed and Breakfast on two or more acres;

3. Religious Institutions;

4. Public Service and Utilities;

5. Outdoor wood boiler located at least 200 feet from all property lines;

H. In a Service District, Special Use Permits may be granted for the following uses:

1. Public Service and Utilities;

2. Fuel Stations and Car Washes;

3. Restaurant and Tavern not to exceed 3,000 square feet;

4. Indoor Sales not to exceed 3,000 square feet;

I. In a Business "B-1" District, Special Use Permits may be granted for the following uses:

1. Outdoor Sales;

2. Public Service and Utilities;

J. In an Industrial District a Special Use Permit may be granted for an outdoor wood boiler located 200 feet from all property lines.

K. In the Eno Point Planned District a Special Use Permit may be granted for all year residential use only if it is proven by competent professional evidence that the sewage disposal system is adequate and that there is a potable water supply each of which is approved by the Onondaga County Department of Health. Before the Special Permit is granted the application shall be referred to the Eno Point Campers Association for comment.

L. Religious Institutions Residence- Wherever a religious institution is an allowed use or it is a pre-existing non-conforming use, a Special Use Permit be granted to allow on site a residential

use unit in an existing building which may be used only for the residence of an employee of the religious institution and his family.

§ 30.134 Referrals to the Planning Board

Prior to making a decision upon a Use Variance or Special Use Permit the Zoning Board of Appeals shall refer the matter to the Planning Board for its recommendation regarding any site plan considerations of the proposed use. The Planning Board shall consider the matter within forty-five days of the receipt of the referral. In the event that the Planning Board shall not act within that period, the Zoning Board of Appeals may proceed without the Planning Board's recommendation. The Zoning Board of Appeals must incorporate in its decision all recommendations of the Planning Board unless the Zoning Board of Appeals by a majority plus one vote of all of its members, acts to reject any such site plan recommendation and sets forth the reason for such contrary action in its resolution.

§ 30.135 Time Limitation

An application for an interpretation or a variance shall be made within 60 days of the written decision of Code Enforcement Officer.

ARTICLE XIV

ADMINISTRATION

§ 30.140 Enforcement Officer

This Chapter shall be enforced by the Town of Elbridge Code Enforcement Officer

§ 30.141 Building Permits

A. Required

No building or structure shall be erected or altered unless a building permit has been issued pursuant to Chapter 26 of the Municipal Code.

B. Zoning Board of Appeals approval

Except upon a written order of the Zoning Board of Appeals, no building permit shall be issued for any structure, alteration or use which would be in violation of any of the provisions of this Chapter.

§ 30.142 Certificates of Occupancy

No building or structure shall be occupied or used until a Certificate of Occupancy therefor has been issued by the Code Enforcement Officer. Upon a change of use, a new Certificate of Occupancy must be obtained.

ARTICLE XV

AMENDMENTS

§ 30.150 Amendments

The Town Board may, from time to time, on its own motion, or on petition, or on recommendation of the Planning Board, amend, supplement, change, modify, or repeal this Chapter in accordance with applicable provisions of law.

ARTICLE XVI

PENALTIES

§ 30.160 Violations and Penalties

A violation of this Chapter shall be an offense punishable by a fine not to exceed Two Hundred Fifty dollars or by imprisonment for a period not to exceed fifteen days or both. Each week's continued violation shall constitute a separate, additional violation. In addition, the Town Board shall have such other remedies as are provided by law to enforce the provisions of this Chapter.

ARTICLE XVII

SPECIAL EXEMPTIONS

§ 30.170 Cobblestone Ridge Subdivision

Cobblestone Ridge Subdivision approved on August 13, 2003 and filed in the Onondaga County Clerk's Office as map number 9998 which consists of lots numbered 1 thru 25, is here by exempt from the provisions of Section 30.32 (c)(1) of the Elbridge Municipal Code which was adopted on October 27, 2011 as to the requirement that said lots must have a minimum lot size of 30,000 square feet in area and said lots are instead to be required to comply with the Zoning regulations for minimum lot size in effect on August 13, 2003.

§ 30.171 Accessory Buildings

All residential lots which were in conformance with the area requirements of the Zoning Code as of October 26, 2011 may be improved with an accessory building notwithstanding the fact that said lot became nonconforming as to the area on October 27, 2011; however, such an accessory building must comply with both set back and area coverage requirements of the October 27, 2011 Code to be entitled to this exemption.

§ 30.172 Golden Field Subdivision

Lots 3 and 5 of the Golden Field Subdivision approved on March 25th, 1992 and filed in the Onondaga County Clerk's Office as Map Number 76-56 are exempt from the provisions of Sections 30.32 (c) (1) of the Elbridge Municipal Code which was adopted on October 27, 2011 as to the requirements that said lots must have a minimum lot size of 2 acres in area and said lots are instead to be required to comply with the Zoning regulations for minimum lot size in effect on March 25th, 1992.

§ 30.173 Country View Acres Subdivision

Lots 11, 12, 13, 14 and 15 of Country View Subdivision approved on January 30, 1998 and filed in the Onondaga County Clerk's Office as map number 6764 are exempt from the provisions of Section 30.32 (c) (1) Elbridge Municipal Code which was adopted on October 27, 2011 as to the requirement that said lots must have a minimum lot size of 2 acres in area and said lots are instead to be required to comply with the Zoning regulations for minimum lot size in effect on January 30, 1988.

§ 30.174 McCormack Tract Subdivision

Lots 15 and 16 of the McCormack Tract Subdivision approved on July 30, 1975 and filed in the Onondaga County Clerk's Offices as map number 5458 are exempt from the provisions of Section 30.32 (c) (1) Elbridge Municipal Code which was adopted on October 27, 2011 as to the requirement that said lots must have a minimum lot size of 2 acres in area and said lots are instead required to comply with the Zoning regulations for minimum lot size in effect on July 30, 1975.

§ 30.175 Validation of tax map parcel #040.-03-22.2

The creation of tax map parcel #040.-03-22.2 is hereby validated as a building lot.

Table of Parking Requirements
USES

PARKING REQUIREMENTS

Auto Dealer	Planning Board
All residential Units	2 for each dwelling unit
Beauty Parlor	1 for 100 sf.
Churches or similar	1 for 2.5 seats
Other Commercial Enterprises & Retail	1 for each 200 sf.
Community center or similar	1 for 2.5 seats
Nursing Home & Assisted Living	1 for each bed 1 for each employee on site
Home Occupation	Calculated on actual use-Planning Board
Lodging	1 per unit + per employee on site + 1 for every 2.5 meeting room occupancy
Indoor institutional & Fraternal	1 for 2.5 seats
Industrial	1 for each employee and one for each commercial vehicle
Mixed use	Calculated on actual use-Planning Board
Office & Banks	1 for 250 sf.
Personal & Professional-other than H.S.P.	1 for each 250 sf.
Health Service Provider	1 for each Employees-4 for every H.S. P. in the office
Repair Garage & Fuel Station & Mini Mart	4 for each service bay 1 for each pump 1 for each employee per shift 1 for 150 sf. Leasable space
Restaurants & other	1 for 2.5 persons based on occupancy +1 for each Employee
Senior Citizen Housing	1 per unit + 1 per employee
Warehouse	Planning Board

Other Parking Requirements for the Town

- 24' Driving lane
- 10'x20' Parking space
- ½ Acre Lot: Maximum coverage of front yard by blacktop is 30%

