

**TOWN OF ELBRIDGE**

**REVISED ZONING**

Dated: October 27, 2011

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CHAPTER 30  
ZONING

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 structure shall be considered 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 non resident associates are allowed.
3. "Accessory Use, Other Than Residential." A use, not otherwise contrary to law, customarily incidental and subordinate to the principal use.
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." A farm operation as defined in Article 25AA of the New York State Agriculture and Market 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, excluding 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 families." A dwelling occupied by two families living independently of each other and having separate kitchen and bathroom facilities for each family.

15. "Dwelling, multiple families." A dwelling occupied by three 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 a common kitchen and bathroom facilities and all other areas of the dwelling, except bedrooms.
17. "Fuel Distribution." The storage and delivery in bulk of any fuel.
18. "Fuel Station and Car Washes." 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 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. Home work in conjunction with ones 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 percent 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 extends significantly later than most other commercial uses. Such uses include theaters, health or fitness centers, all forms of studios (dance, art, martial art, etc.), bowling alleys, arcades, roller rinks and pool halls. Restaurants and taverns are excluded.
24. "Indoor Industrial." Includes libraries, museums, educational institutions, adult and child day care centers, and 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 any 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 set back.
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 Services." Motor vehicle maintenance and services 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 allowed.
33. "Motor Vehicle Sales." Includes the sales of new and or used motor vehicles.

34. "Outdoor Recreation." These uses include all golf courses, regardless of the number of holes or par strokes, fishing ponds, tennis courts, basketball courts, baseball diamonds, football fields, and soccer fields and also includes facilities for overnight or short term parking of 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 ten feet of width and twenty feet of length.
37. "Personal and Professional Services." This 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 Services 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 communication antennas. Also included are public safety services such as ambulance, fire departments and police agencies
39. "Restaurants and Taverns." This 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 ten 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 material yards, mini-storage facilities, shipping material yards, warehouse facilities, indoor storage facilities and freight terminals. Such uses do not include the storage of inoperable vehicles or equipment, or other material 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 set back shall be measured from the inside edge of such right of way. A corner lot must comply with the front yard requirements 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 closest 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 closest point of such building.

## ARTICLE II ESTABLISHMENT OF DISTRICTS

### § 30.21 Establishments 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  
Rural Residential District  
Residential "R-1" District  
Residential "R-2" 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 Districts may be established upon application of a proposal for a specific project:

Planned Unit Development District  
Planned Commercial District  
Planned Industrial District

#### § 30.22 Zoning Map

The boundaries of the district 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:

---

Town Clerk

#### § 30.23 Interpretation of District Boundaries

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

- A. Boundaries shown as approximately following the center lines 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. Users 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 identify uses which are not defined herein and which should be interpreted based upon general usage of such terms. Certain

uses are prohibited in § 30.26 as a matter of Town public policy. However, there may be uses which have been neither referred to as neither 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 § 30.45, 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 comply a greater percentage of lot area, to have narrower or smaller rear yards, specified for the District in which such a 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 principal 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. An accessory building, use or a structure on a lot without a principal use building;
3. A single family dwelling with less than 1500 sq. ft. of habitable space in any District.
4. A two family dwelling less than twice the size of a single family dwelling as specified in paragraph three 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:

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.

### 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 twenty five 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 three acre minimum lot size for the first two horses and there shall be one acre for each horse in excess of two.
  4. Commercial Animal Boarding.
  5. Special permit uses as provided for in § 30.123(D).
- C. Special District Regulations

Uses shall be subject to the following requirements:

1. Minimum lot size – lot shall not be less than three acres and the minimum lot width shall be 300 feet.
2. Lot coverage – no limitation.
3. Front yards – each lot shall have a front yard with a minimum depth of seventy five feet. However, a pre-existing agricultural use building set back at least fifty feet 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, seventy five foot side yards.
5. Rear yard – each lot shall have a rear yard not less than seventy five feet in depth.
6. Except for farm operation buildings and structures and WECS, no building or structure shall exceed forty 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 any where up to within twenty five feet off 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 § 30.123(E).

##### C. Specific District Regulations.

Uses shall be subject to the following requirements:

1. Minimum lot size – the minimum lot area shall be two acres and the minimum lot width shall be 250 feet.
2. Lot coverage – shall be limited to twenty percent of the lot.
3. Front yard – each lot shall have a front yard with a minimum depth of seventy five feet.
4. Side yards – each lot shall have two side yards, each one must be twenty feet in width.

5. Rear yard- each lot shall have a rear yard not less than forty feet in depth.
6. Height – shall not exceed forty 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 any where up to within fifteen feet of a side or rear property line, except that for each foot the height of such building exceeds fifteen 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 dwellings.
2. Special use permit as provided for in § 30.123(F).

C. Specific District Regulations.

Uses shall be subject to the following requirements:

1. Minimum lot size – lots shall not be less than two acres 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.

2. Lot coverage - twenty five percent of the area of the lot, if the lot is one acre; if the lot is less than one acre it shall be limited to twenty percent of the lot.
3. Front yard – A one acre lot shall have a front yard with a minimum depth of seventy five feet; if less than one acre it shall be fifty feet.
4. Side yards – each lot shall have a total of forty feet of side yards, neither one of which may be less than fifteen feet.
5. Rear yard – each lot shall have a rear yard not less than forty feet in depth. If lot is less than one acre, it may have a minimum depth of twenty five feet.
6. Height – shall not exceed forty 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 any where up to within five feet of a side or rear property line, except for that for each foot in height of such building exceeds fifteen feet, the offset from the side or rear line shall be increased by one foot.

#### § 30.33 Residential “R-2” District

##### A. Statement of Intent.

These Districts are intended for small lot developments where utilities are available.

##### B. Permitted Buildings and Uses.

The following buildings and uses shall be permitted:

1. Detached single family dwellings.
2. Attached single family dwellings.

3. Adult housing facility.
- C. Specific District Regulations.
1. Minimum lot size – none.
  2. Lot coverage – none.
  3. Front yard – as Planning Board may require.
  4. Side yard – as Planning Board may require.
  5. Rear yard – as Planning Board may require.
  6. Height – shall not exceed forty 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 any where up to within five feet of a side or rear property line, except that for each foot the height of such building exceeds fifteen 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 dwellings.
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 § 30.123(G).

C. Specific District Regulations.

Uses shall be subjected 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 fifty 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 forty feet.
4. Side yards – each lot shall have a total of forty feet of side yards, neither one of which shall be less than fifteen feet.
5. Rear yard – each lot shall have a rear yard not less than twenty five feet.
6. Height – shall not exceed forty 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 any where up to within five feet of a

side or rear property line, except that for each foot the height of such building exceeds fifteen 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

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 § 30.123(H).

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 seventy five percent of the area of the lot.

3. Front yard – each lot shall have a front yard with a minimum depth of seventy five feet, twenty five feet of which shall not contain any structure other than an approved sign and no parking may be allowed there in.
4. Rear yard – each lot shall have a rear yard not less than fifty 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. Outdoor Sales.
2. Motor Vehicle Maintenance and Service.
3. Fuel Stations and Car Washes.

C. Specific District Regulations.

Uses shall be subjected to the following requirements:

1. Minimum lot size – one half acre.

2. Lot coverage – shall be limited to seventy five percent of the area of the lot.
3. Front yard – each lot shall have a front yard with a minimum depth of seventy five feet, twenty five feet of which shall not contain any structure other than an approved sign and no parking may be allowed.
4. Rear yard – each lot shall have a rear yard not less than fifty 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:

1. Minimum lot size – three acres.

2. Lot coverage – shall be limited to seventy five percent of the area of the lot.
3. Front yard – each lot shall have a front yard with a minimum depth of seventy five feet, twenty five 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 fifty 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.

§ 30.88 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 Stations and Car Washes.
9. Outdoor Recreation.
10. Public Service and Utilities.
11. Trucking.
12. Special use permit as provided in § 30.123(I).

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 seventy five percent of the area of the lot.
3. Front yard – each lot shall have a front yard with a minimum depth of seventy five feet.
4. Side yard – each lot shall have two side yards, each one must be twenty feet in width.
5. Rear yard – each lot shall have a rear yard not less than forty feet in depth.

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

§ 30.39 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 landscaping 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 Sections;
5. Allowing 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 as specified by the Planning Board upon Site Plan Approval.
4. Signage for the district shall be as determined and specified by the Planning Board as shall generally conform to the provisions of Article VI. 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 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 plan;
- a. A complete Long Environmental Assessment Form (EAF);
  - b. Evidence of the existing and future community demanded 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 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 P-C District is a change to the Zoning Map and shall be undertaken in accordance with the provisions of Article XIII.

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

§ 30.40 Planned Industrial District:

- A. Purpose – In order to carry out the purpose of the 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 be 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 changed 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 plan:
- a. A complete Long Environmental Assessment Form (EAF);
  - b. Evidence of the existing and future community demand for purposed use;

- 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 the 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 systems, 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 XIII.

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

§ 30.41 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 for medium density, seasonal residential use.
- B. Permitted Buildings and Uses.
  1. Seasonal single family, single story dwelling.
  2. Special permit uses as provided for in § 30.123(J).
- C. Specific District Regulations.
  1. Front yard set back – none.
  2. Side yards – two side yards each one must be five feet in width. All residents shall have a minimum distance of five feet from the side line. However, a deck or an accessory building or structure does not require any set back.
  3. Rear yard set back – none.
  4. Height of buildings and structures.
    - a. Wapoos and Weetomp Path parcels, shall not exceed sixteen feet in height as measured from the respective roadways along side of the building or structure.
    - b. Eno Road parcels shall not exceed eighteen feet in height measured from the roadway along side of the building or structure.

5. None of the foregoing set backs 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 by 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.

§ 30.42 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 government 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.

§ 30.43 Planned Unit Development (PUD District)

- A. Purpose – It is the purpose of this 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 non residential 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 rezoning 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 se 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.
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 percent 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 predominately 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 as specified by the Planning Board upon Site Plan Approval.
7. Signage for the District shall be determined and specified by the Planning Board and shall conform to the provisions of Article VIII. The applicant may request a change of 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 or 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 exiting 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 or ponding, a topographic map with contours at intervals of no 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;
  - 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 purpose 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 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 XIII.
7. Project Plan Approval – Upon Town Board approval as provided for in paragraph six above, the Planning Board shall undertake final project site plan review which shall be in accordance with Article X.

ARTICLE IV  
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 landscape 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 towards another lot or towards the street.

§ 30.52 Required Buffer Strips.

- A. A buffer strip twenty five feet in width shall be provide 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 non residential 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 side 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 landscape area, preservation may substitute for the required trees and/or shrubs. If woodlands are located in only part of the required landscape 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 X.

ARTICLE V  
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 may 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 twenty 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 in the site to construct all of the parking spaces and driving aisles that said most intense use would require.
- B. Driveways serving corner lots should connect only with the secondary road fronting the lot. The Planning Board may approve a driveway connection with the primary road, based upon special findings.
- C. No driveway shall be allowed without a curb cut permit as required either by Chapter Forty Four of the Elbridge Municipal Code for local roads, Onondaga County Department of Transportation or the New York State Department of Transportation.
- D. Residential driveways constructed within a required front yard, may not cover more than thirty percent of said required front yard. This coverage limitation is inclusive of parking spaces.

§ 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.

#### § 30.65 Nonconforming Uses.

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 VI SIGNS

#### § 30.71 Intent and Scope.

The intent of this Article is to regulate the size, location and physical characteristics of a sign(s). It is intended to create a more attractive physical appearance of the Town and to promote the public welfare and safety in 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. The 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 \$25.00 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 the Article.
- D. Any variance from the size, height or set back 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 three feet by ten 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 – The lineal measurement of a wall of a building which faces a public street. A building on a corner has a two building street frontage.

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 entryway.

Construction Sign – A temporary sign erected on a premises on which construction is taking place during the period of such construction, including 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.

Freestanding Sign – A sign which may be supported by one or more posts and does not exceed six feet above the finished grade upon which it is erected or does not exceed eight 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 freestanding 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 twenty 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 four feet in height with a face no greater than two feet by three 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 wording, 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 with in 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 twelve 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 signage.

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 twelve 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 or 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 fire fighting 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 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 Signs.

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 design of 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 fifteen feet from a highway right of way.

C. Monument sign.

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

D. Pole sign.

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

E. Window sign.

The area of a window sign shall not exceed twenty five percent of the window surface or four square feet, which ever 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 four square feet in an Agricultural, Residential District or Service District, sixteen square feet in a Business District or thirty two square feet in an Industrial District and may not be maintained for more than three days following the conclusion of the construction project.
- B. Directional sign not exceeding one square foot and shall not be more than three 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 thirty two square feet. Political signs shall be erected no more than four weeks prior to an election and must be removed within one week following such election.
- F. Private sale sign shall not exceed four 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 forty eight 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 four square feet in area per

residential lot, sixteen square feet in area per commercial lot, or thirty two feet square feet in area per industrial lot. Such a sign shall be removed within three days following the sale or rental of the property.

- H. One sandwich board sign which may be placed no less than fifteen 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 sign or banner announcing a special commercial event promotion is allowed to be erected three times during a calendar year and may not be displayed for more than thirty days on each occasion.
- J. Community Event Sign: Temporary, non-illuminated signs advertising coming events, special sales, contests, promotional activities, sponsored by a not for profit organization, and which shall not exceed thirty two 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 three days after the event.
- K. Government mandated signs.

§ 30.79 Business Signs allowed with a permit.

- A. All business which sells goods within a building less than 10,000 square feet may erect a freestanding sign not to exceed thirty two square feet. Such an enterprise may also erect a wall sign the total square footage of which shall be determined by a one square foot signage per lineal foot of street frontage not exceed seventy five 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 thirty two square feet identifying the brand of

fuel and it's 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 nine square feet.

- C. Signage for all Industrial Districts uses shall be determined by the Planning Board.
- D. Manufactured Home Parks may erect only a monument sign which shall not exceed twenty four 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 freestanding sign not to exceed thirty two square feet and wall signage not to exceed seventy five 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 thirty two feet.

## ARTICLE VII FENCES

### § 30.80 Permit Required.

No fence shall be constructed, erected, enlarged or altered unless a permit is first obtained form the Code Enforcement Officer upon a payment of a fee of \$25.00. 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 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 four 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 Uses Fences.

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

§ 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 ten feet off any property line or ten feet off of a public or private right of way and such fence height does not exceed six feet above the ground.

ARTICLE VIII  
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, freestanding 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 road 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 ten 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 a freestanding lattice tower onto which a telecommunications device is affixed.
- I. "Guyed tower" is a 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 issuance of a special permit as provided in Article XI.
- 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 complete Visual Environmental Assessment Form (“Visual EAF”), including a simulated photographic visualization of the site, with particular attention to visibility from key view points 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 a 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 Governmental-Owned Property.
  - iii. Industrial District.
  - iv. Business District.
  - v. Service District.
  - vi. Agriculture District.
  - vii. Rural Residential and R-1 District.

2. Height.

- a. The Board of Appeals shall approve, subject 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 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 structures as an alternate to 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 usages of the proposed facility is not feasible and an unnecessary burden, based upon:
  - i. The number of FCC licenses foresee ably 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 two hundred feet from any property line or an amount equal 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 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 and 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 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 previous roadways (crushed tone, 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 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 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 operate 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 with in 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 therefore.
- B. As security for the performance of the requirements set forth move, 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 rate surety corporation. Such bond or undertaking shall be conditioned upon the faithful performance of the provisions of paragraph one above and in the event pf default the bond or undertaking shall be fortified to the Town of Elbridge which shall be entitled to maintain 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 with in the Town together with the applicant's intentions for additional facilities with in the Town for the ensuing twenty four months and shall also certify whether any and all existing facilities of the applicant are in active use and are necessary for its telecommunications operation.

- B. The aforesaid build-out plan shall include a statement as to who 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 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 of 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 governmental radar antennae and associated communication towers for navigational purposes as regulated by 47 CRF §18;
- 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 meter or less in diameter and building mounted in non residential districts and ground mounted in residential districts; and
- H. Satellite antennae measuring one to two meters in diameter and located in the following Districts:
  - 1. Industrial Districts.
  - 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 public health, safety and welfare and that such waiver is in keeping with the purpose 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 days of the application for the special permit.

ARTICLE IX  
NONCONFORMING LOTS, BUILDINGS, STRUCTURES AND USES

§ 30.100 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 the Chapter, shall be a “nonconformity”.

§ 30.101 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.

§ 30.102 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 which conformed to Zoning Code in effect prior to the adoption of the Zoning Code, a front porch or deck may be added to the extent that it would have been allowed under the prior Zoning Code provided that it is constructed within five years of the adoption of this Zoning Code.
- 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 six 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.

§ 30.103 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.

§ 30.104 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.

§ 30.105 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 days.

§ 30.106 Destruction of a Building.

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

§ 30.107 Abandonment of Building.

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

ARTICLE X  
PLANNING BOARD

§ 30.110 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 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.

§ 30.111 Qualifications of Board Members.

The qualifications of the present Board members are 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.

§30.112 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.

§ 30.113 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.

§ 30.114 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 Storm Water Pollution Prevention Plan. The following data shall be presented on the site plan:
  - 1. Title 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 watercourse;
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;
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;
  19. General landscaping plan and planting schedules;
  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 feet of property;
  25. Current survey.
- C. Site plan review shall be required in the following instances:
1. Change of use;
  2. When a building or structure is to be erected; or
  3. When a building or structure is to be altered such that its footprint or its façade is altered; or
  4. When vehicular movement, vehicular parking or a pedestrian walkway is altered; or
  5. When surface water drainage is altered; or
  6. When exterior lighting is installed or altered; or
  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 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.
    - b. Whether the proposed use will have an adverse impact upon the character or integrity of any land use within the immediate neighborhood having a 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 the will not to 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 V 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.

§ 30.115 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, elevation 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 XI  
ZONING BOARD OF APPEALS

§ 30.120 Membership and Term of Office

- A. The Zoning Board of Appeals shall consist of five members. Each member's term of office will be five 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 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.

§ 30.121 Qualifications of Board Members.

The qualifications of the present Board members are hereby acknowledged; however, any new members 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.

§ 30.122 Appellate Power.

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

§ 30.123 Special Use Permit.

- 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.
- C. 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 three 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 preexisting 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

of special circumstances;

- e. No exterior advertisement, sign or display shall be allowed on the premises except a two foot square business identification sign attached to the front elevation of a building or freestanding fifteen feet off 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 twenty five 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's 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 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 occupations which shall comply with the subdivision C(3) supra.
- 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 three or more acres.
  8. A noncommercial Wind Energy Conversion System which shall comply with subdivision C (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 five or more acres.
  6. Bed and Breakfast on two or more acres.
  7. Home Occupation limited to only service business and which shall comply with subdivision (c)(3) paragraphs, c, e, f, j and k. No goods may be stored or delivered on the premises.
- G. In a Service District, Special Use permits may be granted for the following uses:
1. Public Services and Utilities.
  2. Fuel Stations and Car Washes

3. Restaurants and Taverns not to exceed 3,000 square feet.
  4. Indoor Sales not to exceed 3,000 square feet.
- H. In a Business “B-1” District, Special Use permits may be granted for the following uses;
1. Outdoor Sales.
  2. Public Service and Utilities.
- I. In an Industrial District, Special Use Permits may be granted for the following uses:
- Outdoor wood boiler located 20 feet from all property lines.
- J. 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 use granted the application shall be referred to the Eno Point Campers Association for comment.

§ 30.124 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 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 its members acts to reject any such site plan recommendation and sets forth the reason for such contrary action in its resolution.

§ 30.125 Time Limitation.

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

ARTICLE XII  
ADMINISTRATION

§ 30.130 Enforcement Officer.

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

§ 30.131 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 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.

§ 30.132 Certificates of Occupancy.

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

ARTICLE XIII  
AMENDMENTS

§ 30.140 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 XIV PENALTIES

##### § 30.150 Violations and Penalties.

A violation of this Chapter shall be an offense punishable by a fine not to exceed two hundred and 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.

## Table of Parking Requirements

USES	PARKING REQUIREMENTS
Auto Dealer	Planning Board
All Residential Units	2 for each dwelling unit
Beauty Parlor	1 for 100 square feet
Churches or similar	1 for 2.5 seats
Other Commercial Enterprises & Retail	1 for each 200 square feet
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 + 1 per employee on site + 1 for every 2.5 meeting room occupancy
Indoor Industrial & Fraternal Industrial	1 for 2.5 seats, 1 for each employee and 1 for each Commercial vehicle
Mixed Use	Calculated on actual use – Planning Board
Office & Banks	1 for each 250 square feet
Personal & Professional – other Than H.S.P	1 for each 250 square feet
Health Service Provider	1 for each employee – 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 each 150 square feet of lease able space
Restaurant & 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 of Elbridge

24 feet Driving lane  
 10 x20 feet Parking space  
 ½ acre Lot Max. 30% front yard coverage in blacktop





